

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING

Tuesday, February 10, 2009
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The February 10, 2009 Township of Derry Board of Supervisors meeting was called to order at 7:10 p.m. by Chairman, Michael H. W. Pries.

ROLL CALL

Supervisors Present:

E. Christopher Abruzzo, Vice-Chairman
Kelly C. Fedeli, Township Secretary
August (Skip) T. Memmi, Jr.
George W. Porter
Michael H. W. Pries, Chairman

Also Present:

Barbara Ellis - Director of Hershey Public Library
Jill E. Horner – Assistant Township Manager
Matthew J. Mandia – Director of Parks and Recreation
James N. Negley - Township Manager/Township Treasurer
Tom Clark – Director of Public Works
Edward L. Small – Director of Community Development
William D. Smith – Chief of Police
Scott Stein – President, Hershey Fire Company
Jon A. Yost - Township Solicitor

Public Present: Nathan Crawford, Carol Gisselquist, Parker Mount, Paul Landis, Elvira Ebling, Matt Bonanno, Lynne Laudermilch, George Cvijic, Jim Ingalzo, Matt Weir, Sandy Ballard

Press Present:

Moneca von Dobeneck, Patriot News
Drew Weidman, The Sun

Executive Session:

Chairman Pries announced the Board of Supervisors met in executive session prior to this meeting to discuss legal, land, and personnel issues.

Chairman Pries advised that all public meetings are recorded for providing accurate minutes.

Visitor/Public Comment:

Carol Gisselquist, 29 West Governor Road

After the comments at the stormwater management implementation meeting, Ms. Gisselquist sent the Board an e-mail with specific ideas about Priority #2, System 3 regarding the viability of the west branch of Spring Creek. In that e-mail she mentioned possible grants that might be available from DEP or other organizations. She did a preliminary search and came up with a packet of grants specifically designed for wetlands and habitat preservation and promotion. She mentioned one in particular...a U.S. Small Grants Program under the Fishing & Wildlife Service that is part of the North American Wetlands Conservation Act. The application deadline is October 29, 2009. She gave her packet of grant information to Mgr. Negley for the Board's consideration

Supervisor Porter mentioned that approximately 2 weeks ago, Mrs. Gisselquist said she was going to supply us with proposed language for a resolution in which we would emphasize our intention to consider the environmental impacts of our stormwater management plan. He had planned to have a motion for a resolution tonight, but he has some tailoring of the motion to do to assure that the language of the resolution is appropriate and does not hurt us, but only helps us. He hopes to have it at the next meeting.

NEW BUSINESS:

A1-4 Consideration of the adoption of Ordinance No. 582, amending the Derry Township Zoning Ordinance, filed as Zoning Petition No. 2008-04 by Milestone Capital Corporation.

Edward L. Small – Director of Community Development

This petition to amend the official zoning map includes one parcel of land upon which is located a single family dwelling currently held by Paul T. Landis. The lot has 66 feet of frontage and 132 feet of depth on the shorter side. It abuts the Best Western Hotel, which is owned by the applicant. The application is proposed to change the zoning designation of the parcel from Village Residential to General Commercial zoning to coincide with the existing district next to this property. The precursor to this was the petition brought by BDR Associates in 1998. It led to Ordinance 441 that amended the Zoning Map for three parcels of land in the same orientation as the current parcel. The narrative provided indicates that the additional land would be used for a future hotel expansion, but presently there are no plans. The public hearing for input was held on December 16, 2008. At that time, the Board authorized the advertising for intent to consider. The Derry Township Planning Commission and the Dauphin County Planning Commission recommended that the proposed amendment be implemented.

Motion: Supervisor Porter made a motion to adopt Ordinance No. 582, amending the Derry Township Zoning Ordinance, filed as Zoning Petition No. 2008-04 by Milestone Capital Corporation. Vice-Chairman Abruzzo seconded. **The motion carried, 5-0.**

B1-9 The Preliminary/Final Plan for George Cvijic, Plat No. 1163.

Edward L. Small – Director of Community Development

This parcel of land contains 5.408 acres and is situated at the corner of Bachmanville and the Felty Mill Roads. The parcel has one dwelling unit, two garages, an onsite septic system, and a pond. The plan proposes to use the Agricultural/Conservation lot area exception criteria that allows for a quota based upon the original parent tract size. The proposal is to create a lot for the existing house and two proposed lots. All lots would have on-lot water and sewer systems. The Zoning Hearing Board was approached by the applicant for relief that resulted in the changing of the angle of the side lot line between Lots 1 and 3. The reason for that is the 150 feet would not be achievable keeping 90 degrees and still meeting the 150 minimum for Lot 1. A wetlands evaluation was performed and it revealed a couple areas of existing wetlands. None of the proposed improvements would affect the wetlands.

There were waivers requested from our Subdivision and Land Development regulations. All were recommended for approval. Some of the waivers included road widening of Bachmanville and Felty Mill Roads, curbs and sidewalks, side lot lines perpendicular to street/center line, and open space dedication.

The Derry Township Planning Commission met in October 2008 and recommended approval of the plan.

Motion: Supervisor Memmi moved to approve the Preliminary/Final Subdivision Plan for George Cvijic, Plant #1163, subject to the following occurring no later than the dates indicated and prior to the recording of the plan.

- a. That the applicant reimburses the Township for costs incurred in reviewing the plan no later than March 10, 2009.
- b. That performance security be provided in acceptable form for the required improvements in the amount of \$47,229.53 no later than August 10, 2009 as required by Section 185-13.D. of the Subdivision and Land Development regulations.
- c. That the fee in lieu of dedication of open space be provided no later than August 10, 2009.

It is further moved that the following waivers and conditions as may be attached thereto be granted from the Subdivision and Land Development regulations:

- a. From Section 185-13E.(4).(a).[19] regarding profiles of existing storm sewer system.
- b. From Section 185-22.D.(3).(c) regarding road widening of Bachmanville and Felty Mill Roads with the stipulation that a deed of dedication be provided for the additional right-of-way no later than August 10, 2009.
- c. From Section 185-22.E.(1) regarding curb along Bachmanville and Felty Mill Roads with the stipulation that the applicant enter into an agreement with the Township no later than August 10, 2009 which would allow the Township to require the installation of curbing in the future if deemed necessary.
- d. From Section 185-30.F. regarding side lot lines being perpendicular to the street/center line.
- e. From Section 185-34.A.(1) regarding sidewalk along Bachmanville and Felty Mill Roads with the stipulation that the applicant enter into an agreement with the Township no later than August 10, 2009 which would allow the Township to require the installation of sidewalk in the future if deemed necessary.
- f. From Section 185-44 regarding open space dedication.

Supervisor Porter seconded. ***The motion carried, 5-0.***

C1-6 Consideration of entering into an agreement with Lynne M. Laudermilch regarding stormwater management facilities proposed on lands represented by the Preliminary/Final Subdivision Plan for George Cvijic, Plat No. 1163.

Edward L. Small – Director of Community Development

Mr. Small said this is a standard BMP agreement.

Discussion: Supervisor Porter said in the proposed agreement it referenced an Appendix A, which would have been the stormwater management plan, but the Appendix wasn't appended. He asked Matt Bonanno what kind of stormwater management plan is there for a small subdivision. Mr. Bonanno said they still need to meet the peak rate controls of the ordinance. In this case, the applicant elected to install infiltration trenches.

Motion: Supervisor Porter moved to approve entering into an agreement with Lynne M. Laudermilch regarding stormwater management facilities proposed on lands represented by the Preliminary/Final Subdivision Plan for George Cvijic, Plat No. 1163. Vice-Chairman Abruzzo seconded. ***The motion carried, 5-0.***

D1-3 Consideration of the extension of the term of the performance security for the Preliminary/Final Subdivision Plan for Lot 251 of Deer Run, Plat No. 952.

Edward L. Small – Director of Community Development

This security involves the acceptance of money that will be paid to the Township on a successful bid of the sale of Parcel A to the developer of Deer Run in the final phase. The arrangement was made that in lieu of payment of cash to the Township for the successful bid, a bike path installation would be done in the equivalent amount of the bid. The original amount was \$100,500, which was increased by 10% for the normal contingency of price increases. The Board renewed the security last year and then revisited it on March 25 when there was a reduction. Now the current balance is \$97,630. Since the term of the bond is soon going to be up, we need to renew the extension. The project is going to need more time.

Motion: Vice-Chairman Abruzzo moved to approve the extension of the term of the performance security for the Preliminary/Final Subdivision Plan for Lot 251 of Deer Run, Plat No. 952. Supervisor Fedeli seconded. ***The motion carried, 5-0.***

E1-3 Consideration of a release of the performance security for the Preliminary/Final Land Development Plan for the Pizza Hut Rebuild, Plat No. 978.

Edward L. Small – Director of Community Development

This security is based on a plan that was never finished because the alignment of Walton Avenue and East Main Street was no longer necessary; therefore, the asphalt and curbing proposed in the Pizza Hut Plan didn't need to be installed. The automatic renewal of the Letter of Credit remained with us. We contacted HRG to check if everything minus those items is actually in place. They did so and recommended the security be released.

Motion: Supervisor Porter moved to approve the release of the performance security in the amount of \$5,153.95, the entire remaining balance of Letter of Credit No. P-231018 supplied by JP Morgan Chase Bank for the proposed Pizza Hut Rebuild, Plat No. 978. Supervisor Memmi seconded. ***The motion carried, 5-0.***

F1-2 Improvements to traffic signal operations on Hersheypark Drive.

Tom Clark – Director of Public Works

Mr. Clark shared that with the upgrade that has taken place a couple of years ago in an effort to get it operating at optimum efficiency, they met with Traffic Planning and Design to look at what can be done as far as upgrading those signals. He referred to a survey and project study prepared by Traffic Planning and Design for the Boards review. He is proposing to evaluate the traffic on Hersheypark Drive during peak hours when events come and go from different venues. Based on the information collected from the loops in the street at that time, the controllers on this corridor would be adjusted to what's referenced as implementing dynamic max timing. What that means is it would be operating in somewhat of a traffic responsive manner and would sense the inflow or outflow

of traffic for the venues. The timing would adjust itself accordingly to keep the flow moving in or out of the corridor. The proposal is for six intersections on Hersheypark Drive that may filter over into the square to keep things moving on 743 S. At this time it does not affect anything beyond the Hersheypark Drive other than possibly the square. The amount of this improvement is \$7,500.

Discussion: Supervisor Fedeli said they have been working for quite some time to get our SAMI system up and running. We continue to have meetings with PennDOT and Rep. Payne and others. As we have been having these meetings, Mr. Clark happened to remember a friend and colleague (Ron Jones) who works for the Traffic Planning and Design. Traffic Planning and Design has a good relationship with PennDOT and the Township, making them a good liaison between us and the Department, in trying to get the SAMI system where it should be. Mr. Jones was involved in the infant stages of looking at implementation in the Township. What is being proposed is an essential first step to getting this system going. The Plan in the packet recommends a three-phase project. Tonight we are just discussing Phase 1.

Supervisor Memmi asked if we approve Phase 1 tonight, how long it will be to start the implementation. Mr. Clark said a couple of weeks.

Supervisor Memmi said some of the events used to create and implement the system are not as large as some of the things we will see during the summer. Mr. Clark explained the system and how it works.

Supervisor Memmi said if the system works the way it is intended to work it would probably reduce some of the manpower needs for when events let out so that we don't have to have a CSO operating a control. Chief Smith said that is what is intended to happen.

Supervisor Fedeli stated that the three areas of the Township the SAMI system is located: Hersheypark Drive, Chocolate, and Governor. This particular expenditure is just in one section. Mr. Clark agreed.

Chairman Pries asked how many traffic lights fall under the umbrella of the three target areas of the SAMI system? Mr. Clark responded with 24.

Chairman Pries asked if the software that was originally installed 10-12 years ago is outdated. Mr. Clark responded that several upgrades have been made to the system. He commented it is a pretty intense program when fully built out.

Chairman Pries asked if the SAMI system worked well anywhere else. Mr. Clark said at State College it operates very effectively.

Motion: Supervisor Fedeli moved to approve the expenditures of \$7,500 to Traffic Planning and Design, Inc. for the implementation of improvements to the traffic signals on Hersheypark Drive. Supervisor Memmi seconded. ***The motion carried, 5-0.***

CORRESPONDENCE

Supervisor Memmi referred to a Memo from Tom Clark relevant to overlaying on Java Avenue and East Caracas Avenue where PA American Water has just completed laying new lines and lateral connections. Mr. Clark said the time is appropriate to contract this project and would like to proceed before the middle of summer. He spoke to suppliers a week ago and liquid asphalt prices are still coming down. This project would involve installation of handicap ramps as well as curb and sidewalk. He would like to cold-in-place recycle before the asphalt prices start going up as they typically do when summer comes and also to bid it for an overlay. If the overlay pricing does not come back reasonable, we can always do it ourselves, which will save us a substantial amount of money.

Motion: Supervisor Memmi moved to approve Public Works to move forward with implementing the necessary roadway improvements including sidewalk and curb work that is necessary from Areba Avenue, up Java Avenue through East Caracas Avenue through Ridge Road. Vice-Chairman Abruzzo seconded.

Discussion: Chairman Pries asked when PA American Water tear up a road and re-asphalt it, if they are responsible to meet a certain quality of repaving. Mr. Clark said if we weren't going to be repaving that road, they would come back in the spring, milling it out, putting base in and topping it. That is a temporary repair.

Supervisor Memmi asked Mr. Clark if PA American Water is going to contribute the monies that they would normally spend as part of this project. Mr. Clark explained that when PA American Water repairs a trench line, their contractor gives them a unit cost for the base repair and for the topping of the trench. By doing what we are doing, they put the line in and will bring the base up to the level of the roadway. We recycle it and resurface it. PA American Water no longer has to expend the funds they had allotted for top on the trench line. We have been successful in the past in recouping some costs from them based on their square yardage of the trench lines that they know they have on the street.

The motion carried, 5-0.

Supervisor Memmi informed the Board that the County Commissioners approved our request to the Gaming Advisory Board for \$525,000 to do the utility relocation as part of the 743 Chocolate Avenue/Cocoa Avenue square improvement project. The County Commissioners are spending their gaming dollars in a way that benefits all the citizens of Dauphin County.

Supervisor Porter acknowledged Mr. Pries and Mr. Negley who represented the Township on the request to the Gaming Advisory Board.

Supervisor Porter referred to a letter in the packet from the Dauphin County Board of Commissioners. He explained that the City Authority with the Incinerator had proposed a \$100 per ton tipping fee increase in December. After some litigation, it was proposed that an arbitration hearing would be held to see if their \$100/ton tipping fee proposed increase was reasonable. The arbitration hearing has been held and a decision will be rendered no later than February 18, 2009. The decision will determine the amount of the increase for our Township residents.

Vice-Chairman Abruzzo referenced a letter from Jamie Brubaker from Charter Homes and Neighborhoods. It references some of the fires/arsons that have occurred in the Deer Run area of our Township. We will be having a public hearing on Thursday, February 12th in this building for all residents in that area. He thanked Chief Smith for taking the initiative in arranging this meeting.

Supervisor Fedeli reported that the Township has completed an H2O Grant Program application. This is the grant funding for our stormwater management project. The application was submitted last week well in advance of the February 13th deadline. A letter of support is being prepared from Rep. Payne and Senator Piccolo to accompany the application. Also, the application for PENNVEST Funding is being prepared and will be submitted in the near future.

BOARD/COMMITTEE INFORMATION

Vice-Chairman Abruzzo, in his capacity as the liaison to the Police Department, asked Jill to use the Code Red System to notify, specifically, residents off the Middletown Road corridor, Deer Run, and South Point to attend the meeting on Thursday night.

REPORTS

Tom Clark – Director of Public Works

Mr. Clark mentioned that the rain barrels have been built and on display in front of the Public Works building. These are for any resident who is interested in building one.

Matthew J. Mandia – Director of Parks and Recreation

A temporary closing of the Recreation Center has been scheduled as per the mandated Pool Drain Cover Replacement Program for March 24th – March 27th. We targeted that time since it is a transition period between the heavy spring and summer use.

Mr. Memmi asked why it is mandated. Mr. Mandia said it is legislation that came out about a year ago and more recently has been clarified to all municipalities that all municipal pools need to adhere to. It is a reconfiguration of the pool drain covers to limit the potential for suction and entrapment on pool drains due to the suction of pool pumps. He said they have to drain the pool, which takes approximately 12 hours. The work will take approximately 5-6 hours, then 12-14 hours to refill the pool (195,000 gallon), and 24 hours for the pool to be heated to proper temperature.

Edward L. Small – Director of Community Development

We have been asked by counsel for Stover Community Partners to advertise a preliminary opinion. This is a procedure allowed under the Pennsylvania Municipality's Planning Code such that we make judgement based on an informal submission of a sketch whether or not we believe the proposed development is free from a validity challenge with regard to the zoning ordinance and the map. It is not an approval. The point of it is it notifies the public and eliminates the appeal period somewhat.

Mr. Small mentioned that they finished their annual report from last year. Given the state of the economy, residential is down, but non-residential is up.

Chairman Pries asked about the location of the Stover Community Partners. Mr. Small said it is along Middletown Road situated between Wood Road and Stoverdale Road. It was the subject of a recent amendment to the Zoning Map changing from Agricultural to Neighborhood Commercial. It includes also the Stoverdale United Methodist Church and Cemetery which makes them a permitted use.

Supervisor Porter referred to the phrase "validity challenge." Mr. Small explained it as if they would present something that would not be valid under the ordinance or map. It is not a challenge against the relief they got from their zoning change several months ago.

Supervisor Memmi asked Jon Yost for further explanation. Solicitor Yost said the purpose is so the developer doesn't spend thousands of dollars on his final engineering plans and then finds out it doesn't meet our zoning ordinance. It allows them to do a sketch plan at a much lower cost to the developer and allows us to see the plan earlier. The developer can then feel confident enough to have his engineer prepare the detail plan we require for final approval.

APPROVAL OF ACCOUNTS PAYABLE (\$465,695.75) AND TWO PAYROLLS (\$271,937.17).

Vice-Chairman Abruzzo moved to approve accounts payable in the amount of \$465,695.75 and two payrolls in the amount of \$271,937.17. Vice-Chairman Fedeli seconded. ***The motion carried, 5-0.***

VISITOR/PUBLIC COMMENTS

No one came forward.

ADJOURNMENT

Supervisor Porter moved and Abruzzo seconded to adjourn the meeting at 8:05 p.m. seconded. ***The motion carried, 5-0.***

SUBMITTED BY:

Kelly C. Fedeli
Township Secretary

Brenda Van Deursen
Recording Secretary