

TOWNSHIP OF DERRY

BOARD OF SUPERVISORS MEETING

Tuesday, June 9, 2009
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The June 9, 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

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
Thomas Clark – Director of Public Works
Edward L. Small – Director of Community Development
William D. Smith – Chief of Police
Jon A. Yost - Township Solicitor

Public Present: Elvira Ebling, Karen Green, Matt Weir, Joseph Furjanic, James Hartman, Jim Ingalzo, Tyler Parrey, Holly Parrey, Julia Parrey, Sandy Ballard, Steve Todd.

Press Present: Drew Weidman and Jenna Giffin from The Sun

Executive Session:

Chairman Pries announced that the Board met at 5:00 p.m. with the Township Engineers for an update on the Township's stormwater management plan. The Board also met in executive session to discuss legal, land, and personnel issues.

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

VISITOR/PUBLIC COMMENT:

No one came forward.

APPROVAL OF MINUTES:

Chairman Pries called for a motion to approve the Minutes of the May 26, 2009 Board of Supervisors Meeting. Supervisor Fedeli abstained. Vice-Chairman Abruzzo made a motion to approve the Minutes as written. Supervisor Memmi seconded. ***The motion carried 4-0-1.***

NEW BUSINESS:

A1-10 The Preliminary/Final Subdivision Plan for Byron R. Smalley, for 364-366 East Derry Road, Plat No 1177.

Edward L. Small – Director of Community Development

The property is situated at the Southside of East Derry Road. The plan is to subdivide an existing duplex dwelling along the common wall which would create almost two equally size lots. There will be owner occupancy on each side of the new lot line. In the rear of 364 and 366 is situated an existing framed garage. The new lot line would not interfere with either of those two buildings. There are concrete walkways that lead from the dwellings down to the garages. The applicant appeared before the Zoning Hearing Board in order to seek a number of areas of relief. There is relief necessary for all three types of yards, front, both sides, and in the rear for accessory buildings. In addition, relief was granted for density, lot width, and impervious coverage. The Zoning Hearing Board requested that no additional sheds or outbuildings shall be constructed on either lot and no impervious coverage may be added to either lot. The current level is about 36% on each of the two properties.

Subdivisions of this type have numbered about 5. Each one of them has been granted. Mr. Small said that the attic in the building is framed out, but there is no fire separation between the two. In order to create safety and to adhere to the code, the applicant will put fire separation in the framed wall in the attic.

There were a number of waivers recommended by the Planning Commission and staff for a grant. There are a substantial number of waivers because a number of things that are normally shown don't need to be shown on a plan like this. The Planning Commission met last week and recommended approval to the Board.

Motion: Supervisor Memmi moved and was seconded by Supervisor Fedeli to approve the Preliminary/Final Subdivision Plan for Byron R. Smalley, for 364-366 East Derry Road, Plat #1177 subject to the installation of a fire-rated separation be completed and inspected by Derry Township code officers prior to recording the plan and that the following waivers be granted:

- a. From Section 185-13.E.(4).(a).[19] regarding providing plans and profiles of existing stormwater conveyance systems.
- b. From Section 185-13.E.(4).(a).[20] regarding providing plans and profiles of existing sanitary sewer conveyance systems.
- c. From Section 185-13.E.(4).(a).[21] regarding providing plans and profiles of existing gas and water systems.
- d. From Section 185-13.E.(4).(a).[22] regarding providing an erosion and sedimentation control plan.
- e. From Section 185-22.D. and 185.22.D.(2) and (3) regarding right-of-way width and cartway width for East Derry Road and East Street.
- f. From Section 185-26 regarding providing a stormwater management plan.
- g. From Section 185-12.D.(3).(a).[9] regarding showing features within 200 feet of the land to be developed.

- h. From Section 185-34.A.(1) regarding sidewalks to allow current conditions to remain in effect.
- i. From Section 185-22.E.(5) regarding curbs to allow current conditions to remain in effect.

The motion carried, 5-0.

B1-3 Consideration of the release of the maintenance security supplied for the portion of Deer Run Drive within the Final Subdivision Plan for Deer Run, Phase 5, Plat #1047.

Edward L. Small – Director of Community Development

The maintenance security is for 18 months and deals only with the Deer Run Drive Portion of Phase 5. It was artificially separate from the rest of the streets in the development because things had slowed. Construction is ongoing, but still slow in Deer Run 5. It has been inspected by HRG and the findings indicated that the structural integrity of the public improvements is satisfactory and the money could be released at this time.

Motion: A motion made by Supervisor Fedeli and seconded by Vice-Chairman Abruzzo to release the maintenance security of \$48,076.28 in the form of insurance Bond No. SU 1015264 supplied by Arch Insurance Co. for the portion of Deer Run Drive within the Final Subdivision Plan for Deer Run, Phase 5, Plat #1047 is hereby approved. ***The motion carried, 5-0.***

C1 743 Bridge Replacement and Intersection Relocation

Supervisor Memmi said we need to seek additional funding to complete the 743 Bridge project and a couple of other safety enhancements. The majority of this project is funded on the TIP. There are a couple of elements that still have to be addressed. The most pertinent is the engineering cost for final design.

Motion: A motion made by Supervisor Memmi and seconded by Supervisor Fedeli to authorize HRG to submit the application to the Department of Transportation for a Pennsylvania Infrastructure Bank Loan in the amount of \$2.5 million dollars is hereby approved. ***The motion carried, 5-0.***

D1 Pennsylvania American Water Company Easement

Solicitor Yost said that the Pennsylvania American Water Company has requested an easement across a piece of property that the Township owns in the southwest corner of the Township bounded by Stone Creek Drive, Swatara Creek Road, and Clifton Heights Road. The easement is approximately 200 feet by 30 feet in width. It is to provide water service to an existing business and a potential future business. This would be a non-exclusive easement so that others could use the same area if they would need to locate sewer lines, electric, cable, etc.

In addition to this new easement, there is an existing easement that was deeded to the Township along Swatara Creek Road. They would like to have an easement within that easement for the same project. These are two separate agreements.

Solicitor Yost recommended the Board to execute both of these agreements.

Discussion: Supervisor Porter asked Matt Mandia if he was okay with the easements. Mr. Mandia said that he was.

Motion: A motion made by Supervisor Porter and seconded by Vice-Chairman Abruzzo to execute both the new easement by the Pennsylvania American Water Company and the existing easement as stated above. ***The motion carried, 5-0.***

CORRESPONDENCE

Supervisor Porter referred to a letter from the Pennsylvania State Association of Township Supervisors (PSATS) about subscribing and publishing their Township newsletter. He thought their newsletter seemed more like an editorial than a newsletter and prefers what Ms. Horner is doing with the Township's newsletter. Supervisor Porter stated he would not be interested in PSATS's newsletter. He thanked Ms. Horner for her work on the Township's newsletter and the Pandemic Guide.

BOARD/COMMITTEE INFORMATION

There was nothing to report.

REPORTS

William D. Smith – Chief of Police

Chief Smith referred to a past letter from Kinsley Construction relative to a road closure at Fiddler's Elbow Bridge. This letter was received less than a month prior to the closure of the bridge. Upon the Township's request, Rep. Payne facilitated a meeting with PaDOT, Mgr. Negley, Supervisor Memmi, Lt. Holl and Chief Smith, Hummelstown Police Chief, and Lower Swatara's Manager and Codes Officer. There was a disconnect with PaDOT and we did not get timely notification. Rep. Payne emphasized the necessity for that. The affected municipalities and the emergency services have been notified of the closure. The closing of Fiddler's Elbow Bridge has been moved back to June 15th. The updated news releases will be put on the Township website. Supervisor Memmi requested that Chief Smith make a flyer with detour routes and our preplanned emergency response which will be hand-delivered to all those that live on Fiddler's Elbow Road. The flyer will also be placed on the web.

Thomas Clark – Director of Public Works

Mr. Clark updated the Board on the status of Caracas Road work. Advanced Asphalt has completed past the Community Center and the Fire Department and they are ready to start in the last block (Linden to Ridge). It should be completed tomorrow.

Barbara Ellis - Director of Hershey Public Library

Ms. Ellis thanked everyone who has supported libraries in the last few weeks. The Legislature reported that SB850 was voted down which is good news for libraries at this point.

Ms. Ellis announced that she has been nominated and is running as Pennsylvania State Library Association's President for 2011. Chairman Pries congratulated her and wished her luck.

Matthew J. Mandia – Director of Parks and Recreation

Mr. Mandia reported they are off to a good start at the Recreation Center. They are just waiting for the weather to break.

Jill E. Horner – Assistant Township Manager

Asst. Manager Horner reported to the Board that they are looking into the Safe Routes to School Grant for funding for next year. She announced they are selling advertisement space on the website. There is a section designed for new residents and people looking for information for relocation. She reported that she has two commitments and is waiting for their checks.

Chairman Pries asked if we would apply at the beginning of the year for the Safe Routes to School Grants. Asst. Mgr. Horner explained that they would come up with projects for next year, put it in the budget, and then apply for the funding.

Chairman Pries referred to a sidewalk issue and asked if this is something we would need to partner with the school district or is this something we would do on our own. Asst. Mgr. Horner said the idea behind the grant is to provide a safer route to school and encourage kids to walk or ride bikes. It would be best if the school was involved, but there are other things you can do to enhance safety that wouldn't involve the school. Chairman Pries asked Ms. Horner to contact the school district about partnering with the Township for this funding.

APPROVAL OF ACCOUNTS PAYABLE (\$292,080.74) AND PAYROLL (\$295,807.39).

Supervisor Porter moved to approve accounts payable in the amount of \$292,080.74 and payroll in the amount of \$295,807.39. Supervisor Memmi seconded. ***The motion carried, 5-0.***

VISITOR/PUBLIC COMMENTS

No one came forward.

ADJOURNMENT

Supervisor Porter moved to adjourn the meeting at 7:30 p.m. Vice-Chairman Abruzzo seconded. ***The motion carried, 5-0.***

SUBMITTED BY:

Kelly C. Fedeli
Township Secretary

Brenda Van Deursen
Recording Secretary