

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING**  
Tuesday, May 11, 2010  
600 Clearwater Road, Hershey, Pennsylvania 17033

**CALL TO ORDER**

The May 11, 2010 Township of Derry Board of Supervisors meeting was called to order at 7:00 p.m. by Chairman Michael H. W. Pries.

**ROLL CALL**

E. Christopher Abruzzo, Vice-Chairman  
Sandy A. Ballard  
Marc A. Moyer  
Michael H. W. Pries, Chairman

**Supervisors Absent:**

Kelly C. Fedeli, Secretary

**Also Present:**

Matt Bonanno – HRG, Township Engineer  
Robert Piccolo – Assistant Director, Public Works  
Barbara S. Ellis – Director, Hershey Public Library  
Charles Emerick - Assistant Director of Community Development  
Jill E. Horner – Assistant Township Manager  
Cheryl L. Lontz – Manager of Payroll & Employee Benefits  
Matthew J. Mandia – Director of Parks and Recreation  
William D. Smith – Chief of Police Department  
Terry M. Weinhold – Manager of Accounts Payable & Accounts Receivable  
Jon A. Yost - Township Solicitor  
Brenda Van Deursen - Recorder

**Public Present:** Richard Haas, Dale Holte, Elvira Ebling, Charleton Zimmerman, Bruce Hancock, Matt Weir

**Press Present:** Drew Weidman, The Sun

**Executive Session:**

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

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

**VISITOR/PUBLIC COMMENT**

Rich Gamble commented on last Wednesday's ICDA meeting regarding the sale of the old Township Building. Mr. Gamble shared the following questions/concerns from residents that were at the meeting:

1. Apparently the Township owned the property but sold it to the Redevelopment Authority with the understanding that they would pay back the money when it

- was sold. Will the money be returned to the Township to pay down the bill for the new Municipal Authority? Chairman Pries said the money will come back to the Township.
2. There is concern that taxes will be raised because money was used from the Township's reserves to pay off the new building. Chairman Pries said it has been over 20 years since we raised taxes and we are not going to raise them any time soon. Solicitor Yost said we have used the reserves to finance the project until it sells. If and when it sells, the money will go back into the capital reserve funds.
  3. The Fire Company was also interested in this property. The residents feel it is an obligation of the Board to oversee the best interest of the Township, but they also have a responsibility for the safety of the citizens. The residents who live here depend on the Fire Company Emergency First Responders and the hotel is basically for the tourists. Chairman Pries said he volunteered to assist the Fire Company in putting together a committee from The Trust, Medical Center, Hershey Entertainment & Resorts, Derry Township School District, Hershey Partnership, as well as anybody else from the Township who would like to participate. Chairman Pries reached out to them, but has not heard back yet. As far as the Fire Company's current building, the Board will assist them with the site location whether it is the current location or a new location. We have always supported the Fire Company and have approved 100% of their budget requests.

Mr. Gamble learned that the Hershey Company is planning to open another warehouse near Palmyra. He asked if the Hershey Company contributed anything to assist with financing the Lingle Road project. It seems they are the beneficiaries of this improvement. Solicitor Yost said we have been working on this project since 1994-1995. Funding came from a variety of sources. The Hershey interests were actively involved in helping to obtain some of the grants for the project. Not sure how much funding they contributed, but the information can be obtained.

Mr. Gamble said when the warehouses were built in that area, it required an extension of Hersheypark Drive for people to get to the park, but it turned out to be a truck route which was used for their factories. Solicitor Yost said it was not just for them, but also for a couple of other projects in that area as well. Mr. Gamble said if they did not have the warehouses out there, the Township would not be experiencing the traffic congestion we are experiencing today. Solicitor Yost added there are substantial taxes coming from Lebanon County and Dauphin County municipalities.

Charleton Zimmerman – Mr. Zimmerman said the area of congestion is Palmdale. There was an accident on April 19<sup>th</sup> which would not have happened if there wasn't a backup from Lingle Avenue. The traffic light is owned and regulated by Palmyra and they were not notified that South Lingle was closed. Mr. Zimmerman said the Zoning Board approved the warehouses thereby making a truck bypass on East Derry Road. He called PennDOT to see if the Township got permission to do that and PennDOT said they did not.

Richard Haas, President of the Deer Run of Hershey Homeowners Association. Mr. Haas said in late October of 2009 construction began on their roadway which he and the Homeowners Association were unaware. They spoke to Mr. Sheffey, the developer, and he assured them they were going to cut through the intersection to hook up to the

sewer line and the project would be completed by mid-December. There were various stops and starts and the project has not been completed. As of last week, thanks to Mr. Clark and Mr. Emerick with the threat of revoking the permit to tear up the road, the project has begun again. Why did it take so long and why weren't they apprised of what was going to happen? Mr. Haas asked the Board to do what they can to assure Mr. Sheffey completes the project in a timely fashion. He also mentioned the construction involving the removal of a monument, uprooting some plantings and trees, and destroying some sidewalks. They would like to have input in restoring the property.

Chairman Pries asked Mr. Emerick to stay on top of this to assure the project gets done in a timely manner. Mr. Emerick said they have encouraged Mr. Sheffey to complete the project and, hopefully, within 3 weeks it will be done. He also said they are holding escrow money to see that the job gets completed.

Vice-Chairman Abruzzo asked Mr. Haas to provide his contact information to Mr. Emerick so they can relay to Mr. Sheffey that it is the Board's desire to see that the Homeowners Association is consulted when they restore the property and that it is done to their satisfaction.

**APPROVAL OF MINUTES:**

Chairman Pries called for a motion to approve the Minutes of the April 27, 2010 Board of Supervisors Meeting. Supervisor Ballard made a motion to approve the Minutes of the April 27, 2010 Board of Supervisors Meeting as written. Vice-Chairman Abruzzo seconded. ***The motion carried 4-0.***

**NEW BUSINESS:**

**A1-2 Resolution No. 1261, resolving that the Board of Supervisors of the Township of Derry authorize Lt. David Holl, Assistant Chief of Police and EMA Director, to execute for and on behalf of the Township of Derry to obtain financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act for the February 2010 Snow Storm.**

Jill E. Horner – Assistant Township Manager/Township Treasurer

The Township is seeking \$36,000 in federal funding. This will reimburse the Township for the overtime to remove the snow from the storm in February.

**Motion:** A motion made by Supervisor Moyer and seconded by Supervisor Ballard that Resolution No. 1261, resolving that the Board of Supervisors of the Township of Derry authorize Lt. David Holl, Assistant Chief of Police and EMA Director, to execute for and on behalf of the Township of Derry to obtain financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act for the February 2010 Snow Storm is hereby approved. ***The motion carried, 4-0.***

**B1-15 Consideration for the Board of Supervisors to ratify a Memorandum of Understanding between the Township and the Municipal Authority and a Grant Agreement for the Dauphin County Local Share Municipal Grant Program for the State Route 743 Relocation and Improvement Project.**

Jill E. Horner - Township Manager/Township Treasurer

The Township had sought and received \$618,900 in funding for the 743 relocation project. This funding was through the Pennsylvania Race Horse Development and

Gaming Act. \$168,000 of that funding is for relocation of the sewer lines. They need authorization to enter a Memorandum of Understanding with the Derry Township Municipal Authority and also to execute the Grant Agreement with the Dauphin County Local Share Municipal Grant Program.

**Motion:** A motion made by Supervisor Ballard and seconded by Vice-Chairman Abruzzo that the authorization for the Chairman of the Board of Supervisors to execute a Grant Agreement for the Dauphin County Local Share Municipal Grant Program for the State Route 743 Relocation and Improvement Project and a Memorandum of Understanding between the Township and the Derry Township Municipal Authority is ratified and hereby approved. *The motion carried, 4-0.*

**C1 Request to conduct the Hershey Company/Children's Miracle Network 5K run scheduled for Saturday, June 19, 2010 starting at 8:00 a.m. on both State and Township roadways.**

William D. Smith – Chief of Police Department

Anytime we have a special event held on a state roadway we need Board approval to apply for a permit with PennDOT.

**Motion:** A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Ballard that the request to conduct the Hershey Company/Children's Miracle Network 5k Run scheduled for Saturday, June 19, 2010, starting at 8:00 AM on both State and Township roadways, on a route approved by the Derry Township Police Department, is hereby approved. *The motion carried, 4-0.*

**D1 Request to conduct the Derry Township Memorial Day Parade scheduled for Monday, May 31, 2010 starting at 10:00 a.m. on both State and Township roadways.**

William D. Smith – Chief of Police Department

This is a routine request. State roadways are involved and a permit is needed by PennDOT.

**Discussion:** Chairman Pries thanked Mr. Abruzzo for bringing back the Memorial Day Parade. He mentioned Lefty Hancock whose family was involved with this in the past. He also thanked Matt Mandia and Zach Jackson who have also been very instrumental in moving this along. Vice-Chairman Abruzzo added that there are many people to thank for bringing the parade back.

**Motion:** A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Ballard that the request to conduct the Derry Township Memorial Day Parade scheduled for Monday, May 31, 2010 starting at 10:00 AM on both State and Township roadways, is hereby approved. *The motion carried, 4-0.*

**E1-6 Authorization for construction of a portion of the Bicycle and Pedestrian Trail connecting Deer Run, Gelder Park, and Southpoint Meadows.**

Matthew J. Mandia – Director of Parks and Recreation

Over the past couple of years, his department has been working with the developer of Deer Run, the engineering firm of RGS, the Deer Run Homeowners Association, and the

residents of Deer Run to finalize the location of this section of the trail. A copy of a letter from the Homeowners Association expresses their concurrence with the location and the details of the trail construction. On the design plan, it shows the trail crossing Deer Run Drive at the corner of Southpoint Drive, passing the existing DTMA pump station and proceeding around the backside of Gelder Park to its terminus at the Southpoint Meadows I Development. This link is the last section of trail that the Township will need to construct in order to link Stone Creek to the Middletown Road corridor. The developer of Southpoint Meadows II will be responsible to construct a short portion of trail that will also connect the current terminus of trail at Joanne Avenue to Southpoint Meadows I and ultimately Gelder Park where the section being approved tonight will end. If approved this evening, an easement agreement will be executed with the developer for the short section of trail that would not be located on Township property. The project will be funded in total by the developer and will not cost the Township any dollars.

**Discussion:** Vice-Chairman Abruzzo asked if there would be any markings indicating a bike path at the cross roads at Deer Run Drive. Mr. Mandia said there will be signage in both directions and a painted crosswalk.

Supervisor Ballard commended Mr. Mandia and the Parks & Rec Department for the bike trail. It's the envy of many Townships and is a wonderful resource for everyone in the community.

Supervisor Moyer asked if it is one of the largest bike paths in the area. Mr. Mandia said in terms of municipal bike paths it is. With the completion of this section, the trail will be 14 miles. Supervisor Moyer asked when it will be completed. Mr. Mandia said the developer is hoping to get started mid-June and it will take most of the summer.

Supervisor Moyer asked if there were any provisions in place to cross Middletown Road. Mr. Mandia said it terminates at the end of Grove Street because they did not want to encourage crossing Middletown Road at this time. The commercial property that is along the front of Middletown Road is for sale. When it is purchased and developed, the developer should be encouraged to continue the trail as part of that development scheme and provide a safe pedestrian crossing at a traffic signal.

**Motion:** A motion made by Supervisor Moyer and seconded by Supervisor Ballard that the authorization to commence construction on the section of trail connecting Deer Run, Gelder Park, and Southpoint Meadows is hereby approved. ***The motion carried, 4-0.***

**F1 Authorization to enter into a Sublicense Agreement with The Hershey Interests for the use of the Hershey Kiss to be used on designated street elements.**

Solicitor Yost said as part of the design of the relocation of Rt. 743 and the Hershey Square Project, there are a number of elements such as street lights, tree grate casings, etc. that will have the Hershey Kiss design on it. As the result of that design which has been approved by both the state and federal government, a sublicense agreement will need to be executed with the Hershey Interests authorizing us to use the Hershey Kiss. It will be a 10 year agreement and renewed automatically if agreed.

**Motion:** A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Ballard to approve the authorization to enter into a Sublicense Agreement with Hershey Interests for the use of the Hershey Kiss to be used on designated street elements is hereby approved. *The motion carried, 4-0.*

### **CORRESPONDENCE**

Supervisor Ballard received an email from a resident regarding stormwater runoff. The resident asked if there was something more that could be done in addition to all the expensive drains and trappings of our grant system to reduce the problem. If the uphill properties incorporated rain gardens and rain barrels there might be a lot less water to collect at the bottom of the hill. Can we do more to help educate and promote individual homeowners to do what they can to control the rain water at the source?

Matt Bonanno, HRG Engineer – Mr. Bonanno said it is a very good idea regarding the rain gardens and rain barrels. However, they would need to be implemented on such a large scale for it to solve problems. He said it was one of their general recommendations in the initial stormwater study.

Asst. Mgr. Horner said they can promote this periodically in the newsletter and on the website. Every year they also include a brochure provided by the state "When it Rains, it Drains".

Vice-Chairman Abruzzo said a couple of years ago we purchased a large quantity of rain barrels for this purpose. We can make people aware of the problem, but getting people to invest in rain barrels or rain gardens is not easy.

Chairman Pries asked Mr. Piccolo if the Public Works Department checks the grates in the community that are covered by debris. Mr. Piccolo said they went through and found a lot of clean up especially on Sand Hill. They did clean out some of the major drains.

### **BOARD/COMMITTEE INFORMATION**

Supervisor Ballard attended the Regional Growth Management meeting sponsored by the Tri-County Planning Commission on April 28<sup>th</sup>. A couple of ideas included:

- To use the Dauphin County's Comprehensive Plan because they already have done all the statistical studies and numbers. We would not have to pay a consultant to do that. We can spend our time customizing what we want the Township to look like in the future.
- To have a joint meeting or two with the Planning Commission, Zoning Board, and the Board of Supervisors so that we can make sure we are all on the same page in terms of our preferences and policies going forward.
- The most important part of the Comprehensive Plan process is involving the community by using all forms of media including on-line, blogs, resident surveys.
- To encourage developers to meet with the neighbors first before coming to the Board.

Supervisor Ballard also attended the Bike & Pedestrian Meeting for the Tri-County Planning Commission/Harrisburg Area Transportation Study. She was very impressed with what is called "complete streets." Complete streets are designed to be safe and convenient for travel by auto, foot, bike regardless of age or ability. The idea is to

prepare a policy, have Tri-County and Dauphin County pass it, and encourage the municipalities to also pass it.

Chairman Pries reported on the ICDA Board meeting that both he and Vice-Chairman Abruzzo are on. They voted 4-1 to accept a Letter of Intent for an \$8 million hotel at the site of the former Township Building. They received a \$1.2 million dollar proposal which will generate 30 permanent jobs and \$139,000 a year in tax revenue. \$95,000 will go to the Derry Township School District on an annual basis, \$38,000 to the County, and over \$6,000 to the Township.

## **REPORTS**

### **William D. Smith – Chief of Police Department**

Lt. Holl received the 2009 Law Enforcement Officer of the Year Award from the Central Pennsylvania Chapter of American Society for Industrial Security (ASIS). He was nominated by Matt Ryan, Director of Corporate Security for The Hershey Company, and David Sherrod who is the Manager for Allied Burton Security Services.

Beginning on May 24, we will be entering into the second wave of the 2010 Click it or Ticket Seatbelt Enforcement Mobilization. This is part of PennDOT's Safe PA Campaign to address seat belt non-compliance, aggressive driving, and impaired driving.

Supervisor Ballard said a resident was delighted to hear about Crime Reports.com and Nixle.com, but could not find the link on our website. Asst. Mgr. Horner will make sure the link is on the website.

### **Robert Piccolo – Assistant Director, Public Works**

On Saturday, May 15<sup>th</sup>, at 8:00 – 11:00, there will be a shred-it event in front of the Public Works Building. Residents will be able to bring sensitive documents to have shredded. The limit will be 4 bags/vehicle. Vice-Chairman Abruzzo asked if this has been advertised. Ms. Horner said it has been advertised in the last newsletter and on the website.

Supervisor Ballard mentioned trees being cut down and not replaced. If a resident is concerned about the safety of their trees, is there something the Township can do. Mr. Piccolo said Public Works can't trim the large street trees, but they can recommend an arborist to the resident. They also have a street tree list available to the community when they request a permit.

Chairman Pries thanked the Police Department and Public Works for their response to the post storm damage on Linden Road.

### **Barbara Ellis – Director of Hershey Public Library**

They have been doing research with their redesign project inside the library. There are things they can already do to create more efficient spaces. She is hopeful that within the next month they will decide on a design company.

Ms. Ellis reported seven of her staff are going to attend the Pennsylvania Library Association South Central Chapter for continuing education.

Terry M. Weinhold – Manager of Accounts Payable & Accounts Receivable

Ms. Weinhold reported books are not closed for April yet, but a preliminary report indicates revenues and expenses are slightly under budget.

Matthew J. Mandia – Director of Parks and Recreation

Mr. Mandia reported there were over 250 kids who attended the Fishing Derby on May 1<sup>st</sup>. He also reported the Recreation Center's outdoor pool will open on May 29<sup>th</sup>. He reminded everyone of the Memorial Day Parade on May 31<sup>st</sup> at 10:00 at the Rec Center. Immediately following the parade at 11:30, they will have the Memorial Day ceremony. Vice-Chairman confirmed that children are allowed to be on bicycles and wagons in the parade.

Matt Bonanno, HRG Engineer

Mr. Bonanno reported test pits are now completed. He commended all the residents for providing the access they needed. The residents have been very supportive of the project.

Supervisor Ballard mentioned residents who have expressed some concern of the restoration of the stream bank along Cocoa. Is the actual stream bank restoration part of the grant that we have funded now? Mr. Bonanno said the design has been done for the stream bank restoration and also the wetland mitigation area through that site. There will be a low flow channel with planting through it. Mr. Bonanno said they are stopping just before the access drive to the library.

Ms. Ballard asked about the area in front of the library because it is a concern to many. Mr. Mandia said he met with representatives from the Conservation District. They are looking to enhance and repair an area along the Recreation Center portion of the street in addition to a rain garden system off the Recreation Center. They did apply for a grant and was unsuccessful last year, but re-applied again this year. He did not hear any discussion about the library.

Chairman Pries said the new piping will be on the east side of Cocoa Avenue under 322 straight across. He asked what is going to occur for the individuals who live on the west side of Cocoa who have always had the stream in front of their homes. Mr. Bonanno said there will be a 42 inch pipe installed. The yard will be expanded and you will see inlets.

Charles Emerick - Assistant Director of Community Development

Mr. Emerick reported they are expecting the demolition contractor's proof of insurance and the rest of the application completed so they can demolish the burnt property on Deer Run. The owner has another person interested in the property, but they are still processing the demolition permit.

Chairman Pries said Mr. Marcucci thanks the Township for their assistance in joining them in the litigation. He is hopeful things are going to move forward quickly. The house next door will be rebuilt on the same lot.

**APPROVAL OF ACCOUNTS PAYABLE (\$524,968.47) AND PAYROLL (\$284,742.52).**



Vice-Chairman Abruzzo moved to approve accounts payable in the amount of \$524,968.47 and payroll in the amount of \$284,742.52. Supervisor Moyer seconded. ***The motion carried, 4-0.***

**VISITOR/PUBLIC COMMENTS**

Rich Gamble – Mr. Gamble reported the property on Hockersville Road across from the old Township Building is vacant and in need of clean up and maintenance. He also mentioned another home that is now vacant and is not being kept up. Mr. Emerick said their high weed letters have gone out. He will take a look at Hockersville Road.

**ADJOURNMENT**

Supervisor Ballard moved to adjourn the meeting at 8:10 p.m. Vice-Chairman Abruzzo seconded. ***The motion carried, 4-0.***

SUBMITTED BY:

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Kelly C. Fedeli  
Secretary

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Brenda Van Deursen  
Recorder