

# TOWNSHIP OF DERRY

## BOARD OF SUPERVISORS MEETING

Tuesday, December 7, 2010  
600 Clearwater Road, Hershey, Pennsylvania 17033

### **CALL TO ORDER**

The December 7, 2010 Township of Derry Board of Supervisors meeting was called to order at 7:05 p.m. by Chairman E. Christopher Abruzzo.

### **ROLL CALL**

E. Christopher Abruzzo, Chairman  
Sandy A. Ballard  
Kelly C. Fedeli, Vice-Chairman  
Marc A. Moyer, Secretary  
Todd Pagliarulo

### ***All present.***

### **Also Present:**

Matt Bonanno – HRG, Township Engineer  
Thomas Clark – Director of Public Works  
Barbara Ellis - Director, Hershey Public Library  
Jill E. Horner – Assistant Township Manager  
Matthew J. Mandia – Director of Parks and Recreation  
James N. Negley - Township Manager/Township Treasurer  
Edward L. Small – Director of Community Development  
William D. Smith – Chief of Police  
Terry M. Weinhold – Manager of Accounts Payable & Accounts Receivable  
Jon A. Yost - Township Solicitor

**Public Present:** Anne Searer, Charleton Zimmerman, Randy Eckels, Cindy Eckels, Linda Garisto, Tiffany O'Connell, Heather Eckels, Elvira Ebling, James Scargill, Kevin Bupp, Dave Weibrecht, Chris Lontz, Cheryl Lontz, Stephen Shiflett, Matt Weir, Rich Gamble

**Press Present:** Nick Malowskey, Patriot News

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

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

### **VISITOR/PUBLIC COMMENT:**

Anne Searer, 866 Sand Hill Road – Ms. Searer said there are 50 homes that have expressed concern about unwanted trash littering in the neighborhoods. The primary

problems are the phone books, the Merchandiser and the Palm Advertiser. She understands that soon there will be a website that will allow the residents to either reduce the number of phonebooks they get or opt out. Most of the complaints were against the Merchandiser. The Merchandiser delivers all through town and the Palm Advertiser delivers only in the Village area. Ms. Searer worked with the Merchandiser who is coordinating the addresses of the people who want to discontinue service and working with the carriers to see that happens. She will work next with the Palm Advertiser. It seems to be a huge problem in town. This will have to be addressed from time to time because people move in and out of the Township so frequently.

Ms. Searer mentioned the importance of public education regarding recycling. York Waste has a program that places a bar code on the recycle bin. When the bin is dumped, the bar code is read by a sensor on the truck and the neighborhood gets credit for how many times the different residents get their bin dumped. There is some financial reward in it.

Ms. Searer contacted Don Isabella at York Waste and he agreed to give a presentation on May 4, 2011. It will be hosted by the Public Library. She asked the Board to co-sponsor the program with them. There would be no obligation on the Township except a request to put a notice of the presentation in the Township's newsletter.

Ms. Searer was appreciative of the additional space in the newsletter for recycling. She encouraged the Township to publish the single sheet reference guide about recycling and put it on the website for the residents.

Chairman Abruzzo asked Ms. Horner if we are working on the single sheet reference guide. Jill indicated she was. Chairman Abruzzo asked Ms. Searer to provide the Board with more information regarding Mr. Isabella's presentation. The Board will discuss if they will co-sponsor the presentation or support their efforts.

#### **APPROVAL OF MINUTES:**

Chairman Abruzzo called for a motion to approve the Minutes of the November 9, 2010, Board of Supervisors Meeting. Supervisor Pagliarulo made a motion to approve the Minutes as written. Supervisor Fedeli seconded. Supervisor Ballard abstained from voting, as she was absent from the meeting. ***The motion carried, 4-0-1.***

Chairman Abruzzo called for a motion to approve the Minutes of the Public Hearing on November 23, 2010. Supervisor Fedeli made a motion to approve the Minutes as written. Supervisor Ballard seconded. Chairman Abruzzo abstained from voting, as he was absent from the meeting. ***The motion carried, 4-0-1.***

Chairman Abruzzo called for a motion to approve the Minutes of the Board of Supervisors Meeting on November 23, 2010. Supervisor Pagliarulo made a motion to approve the Minutes as written. Supervisor Ballard seconded. Chairman Abruzzo abstained from voting, as he was absent from the meeting. ***The motion carried, 4-0-1.***

#### **NEW BUSINESS:**

**A1-9 The Preliminary/Final Land Development Plan for The Goddard School, Plat No. 1202.**

Robert Saidis, Attorney representing the Goddard School – Mr. Saidis introduced Randy and Cindy Eckels, equitable owners of the property, Dave Weihbrecht, Engineer, and James Scargill, Sight Development Director for the Goddard School.

Chairman Abruzzo said the Board has reviewed all the materials supplied to them prior to tonight's meeting. There are a number of items along Middletown Road that the Board has been discussing for several months and it will be relevant for this plan. He asked Mr. Saidis before he continues with his presentation the Board would like to know if the Goddard School representatives would be willing to pay for a traffic study along Middletown Road that would be updated to the 2010 standards.

Mr. Saidis recognizes the traffic issues, but the Goddard School is not doing anything to increase the traffic problems. He referred to Mr. Small's recommendations in a memo and both were acceptable. One was a right in and right out and restricting left hand movement in peak hours. Mr. and Mrs. Eckels are willing to do anything they can to help, but would prefer to not secure an updated traffic study. Mr. Saidis mentioned that South Meadows Phase 2 made a bigger impact on this intersection than the Goddard School will ever do.

Mr. Eckels said he is not sure what an additional traffic impact study would provide in terms of data. The type of students, the traffic patterns that are spread through the day with the staffing, and the expectations they have about the parents entering the school from behind Kaylor Road alleviates a lot of the traffic concerns plus their willingness to address the situation at Jo Ann Avenue in terms of a right out and right in recommendation. It doesn't appear a new traffic study will provide any more relevant data than the last two provided. Mr. Eckels mentioned their school will only draw from parents within a three-mile radius of the school and that traffic is already on the road taking their children to a preschool or daycare.

Supervisor Ballard stated that the Board would like to have a traffic study done and we believe the situation merits one. Mr. Saidis stated Mr. Eckels is aware of the problem and he is prepared to contribute financially for offsite improvements. He doesn't want to double up and pay for the traffic study that is required by somebody else's development and have his project delayed.

Chairman Abruzzo said they could make their full presentation or we can agree to table the item for as brief as time as necessary to complete a traffic study.

Dave Weihbrecht, Engineer, asked for clarification on the scope of a traffic study. The previous traffic studies were a lot more comprehensive and included a greater area than just the Goddard School sight. There was further discussion regarding what areas would be included in the traffic study. Matt Bonanno suggested because we have some existing data with the old traffic studies we might want to look at the intersections that were completed previously and do a current study on the same intersections.

Dave Weihbrecht said Goddard School is very small in the big picture of the background traffic. They are not contributing to any of the traffic issues. A current impact study would provide no further information. The cost to do a traffic impact study would serve

much better if it were established and put in a roadway improvement fund for that intersection.

Supervisor Ballard asked if the Goddard School would be willing to contribute a dollar amount equal to a cost that would cost the School to delay the project and to pay for the traffic study. Mr. Weihbrecht said what they would spend on a traffic study would be much better spent as a donation for future improvements at the intersection.

Supervisor Moyer said their comments are valid and reasonable, but there are a lot of information and factors to consider. He suggested tabling this and allowing the Board time to evaluate the information. Mr. Small said they do not need to act on it tonight.

Supervisor Pagliarulo mentioned three possible solutions:

1. Goddard School will make a contribution to a roadway improvement fund for this intersection in lieu of a traffic study.
2. Goddard School will conduct a limited traffic study.
3. Goddard School will conduct a full-blown traffic study.

Supervisor Pagliarulo suggested the Township staff and Goddard School discuss the options and then make a recommendation to the Board for the December 21<sup>st</sup> meeting.

Chairman Abruzzo asked for the projected completion date of the school. Mr. Eckels said it is a 5-month project tentatively to start in March and will be completed in the fall.

Chairman Abruzzo stated the Board's intent is not to hold Goddard up with their planning, but they are concerned with the traffic issues. The two weeks will allow time for all parties to review the information and provide a solid plan to move forward together.

**Motion:** A motion made by Supervisor Ballard and seconded Vice-Chairman Fedeli to table this item for further review and planning and present at the December 21, 2010 Board of Supervisors meeting, is hereby approved. ***The motion carried, 5-0.***

**B1-4 Consideration of the release of a portion of the performance security for the Preliminary/Final Land Development Plan for Lot A-2, William Fisher and Soraya M. Samii, Plat No. 1181.**

Edward L. Small – Director of Community Development

This is a routine release of performance security. HRG has inspected the work and concurred with the requested release.

**Motion:** A motion made by Supervisor Pagliarulo and seconded by Vice-Chairman Fedeli that the Township hereby releases \$15,023.14 from the performance security in the form of Letter of Credit No. 405300L6 supplied by Belco Community Credit Union for the Preliminary/Final Land Development Plan for William Fisher and Soraya M. Samii Plat #1181, leaving a balance of \$8,873.98, is hereby approved. ***The motion carried, 5-0.***

**C1-4 Adoption of Resolution No. 1275, adopting the Township's 2011 Budget, and adoption of Resolution No. 1276, establishing Real Estate Taxes for 2011.**

James N. Negley - Township Manager/Township Treasurer

The Township budget has been on display since October 12, 2010. The General Fund Budget is \$14,901,476, which decreases .25% from the 2010 budget with revenues projected to exceed expenditures by \$101,475. The total revenues in our all funds budget equal \$21,895,929 and total expenditures amount to \$20,346,807. The 2011 Budget requires no increase in Real Estate Taxes. These resolutions will adopt the budget and establish the tax rate at its current level of 1.0966 mills.

**Discussion:** Vice-Chairman Fedeli asked if there were any public comments on the budget. Manager Negley said there were none.

Supervisor Ballard said she encouraged people to comment on the Budget. She received one comment and the staff was able to address it. The Budget was well displayed for the residents.

Chairman Abruzzo stated the Board of Supervisors is appreciative of all the hard work the department heads have done in delivering what is a very fiscally conservative and conscientious budget for the Township.

**Motion:** A motion made by Supervisor Ballard and seconded by Vice-Chairman Fedeli that Resolution No. 1275, a resolution of the Township of Derry, appropriating specific sums estimated to be required for specific purposes of the municipal government as herein set forth in the total amount of \$20,346,807 for the year 2011, is hereby approved and adopted. ***The motion carried, 5-0.***

A motion made by Supervisor Moyer and seconded by Supervisor Pagliarulo that Resolution No. 1276, a resolution of the Township of Derry, Dauphin County, Commonwealth of Pennsylvania, establishing the Real Estate Milage Rate for 2011 at 1.0966 mills, is hereby approved and adopted. ***The motion carried, 5-0.***

**D1-2 Adoption of Resolution No. 1279, supporting the further development of the Hershey Center for Applied Research (HCAR) Technology Suites II project.**

Jill E. Horner – Assistant Township Manager

The Hershey Center for Applied Research (HCAR) is applying for a grant to add on another section of the Center. This is for \$6 million through the Pennsylvania Redevelopment Assistance Capital Program. They are looking for the Board's support to apply for the funds. This will have a positive impact on local economy and will be of no cost to the Township. Eight months ago a similar resolution was brought before the Board.

**Motion:** A motion made by Supervisor Ballard and seconded by Vice-Chairman Fedeli that Resolution No. 1279 supporting the Hershey Center for Applied Research, is hereby approved and adopted. Supervisor Pagliarulo abstained. ***The motion carried, 4-0-1.***

**E1-3 Adoption of Resolution No. 1274, establishing the Board of Supervisors regular meeting dates for the year 2011.**

Jill E. Horner – Assistant Township Manager

The dates for the 2011 Board of Supervisors meeting will need to be adopted by resolution and advertised prior to the reorganization meeting. There were a few changes due to the Halloween Parade and Election Day.

**Motion:** A motion made by Supervisor Pagliarulo and seconded by Vice-Chairman Fedeli that Resolution No. 1274, establishing the Board of Supervisor's meeting dates for the year 2011, is hereby approved. *The motion carried, 5-0.*

**F1-3 Authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210, Article II, Section 210-12, by establishing a 30 mile per hour speed restriction on Hanover Street between Hersheypark Drive North to the Township Line.**

William D. Smith – Chief of Police

This request is from a recommendation made to the Police Department following the traffic study conducted by HRG. It is part of the overall plan to relocate Hanover Street as part of the new bridge project. The project is now complete and the roadway is open; therefore, we need to ordinate this roadway as 30 mph.

**Motion:** A motion made by Supervisor Moyer and seconded by Supervisor Ballard that authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210 (Vehicles and Traffic), Article II (Traffic Regulations), Section 210-12 Maximum speed limits established on certain streets, by establishing a 30 mile per hour speed restriction on Hanover Street between Hersheypark Drive North to the Township Line, is hereby approved. *The motion carried, 5-0.*

**G1 Authorization to utilize the Hershey Special Fire Police, the Lebanon Auxiliary Patrol, Inc., and, on special occasions, other Special Fire Police from surrounding municipal fire companies, for traffic control and direction during various months in 2011.**

William D. Smith – Chief of Police

This is part of Resolution No. 219 adopted by the Board of Supervisors in 1981 which requires the request to use these units be approved by the Board. We use these units for the various events that occur throughout the year within the Township. They are greatly needed due to the manpower issues in covering all the intersections.

**Motion:** A motion made by Supervisor Ballard and seconded by Supervisor Pagliarulo that the request to utilize the personnel of the Hershey Special Fire Police, the Lebanon Auxiliary Patrol, Inc., and, other Special Fire Police from surrounding municipal fire companies, to assist Derry Township Police Department with traffic control and direction during 2011, is hereby approved. *The motion carried, 5-0.*

**CORRESPONDENCE**

No correspondence to report.

**BOARD/COMMITTEE INFORMATION**

Chairman Abruzzo reported that the Municipal Authority at the last meeting passed their 2011 Budget without raising rates for the residents.

**REPORTS**

William D. Smith, Chief of Police – Chief Smith reported on December 3<sup>rd</sup> several of his staff assisted with traffic control for The Hershey Company at the Chocolatetown Square for their Annual Tree Lighting Ceremony. They also assisted the Fire Company with safely delivering Santa to this event. On December 4<sup>th</sup>, Lt. O'Rourke coordinated the 5<sup>th</sup> Annual Cops for Cops Fund Raising Event at the Giant Center. This event raises funds for children of police officers killed in the line of duty.

Thomas Clark, Assistant Director of Public Works – Mr. Clark reported they completed the scheduled leaf pick-up. There are a couple of trucks out this week to pick up what is left. They are in the process of turning the fleet over for winter maintenance.

Chairman Abruzzo mentioned the favorable articles in the newspaper about the beet juice. He thanked Mr. Clark for his creative approach.

Chairman Abruzzo asked Mr. Clark for an update on his meeting with Hershey Sidewalk & Tree Ad Hoc Committee. Mr. Clark reported they met last week with a number of individuals involved in the tree care profession and the nursery industry as well as residents. They were provided with the current ordinance from 1963 and an ordinance that was created about 15-20 years ago, but never enacted. We also supplied a selection of various trees and ordinances and tree selection guides from a number of towns around Central Pennsylvania. The Committee is looking over the information in hopes of refining our ordinance and perhaps coming up with a new one to address the needs and desires of the Board, staff, and the community. Chairman Abruzzo said this is important work because we are looking to find that balance with the sidewalks and trees.

Barbara Ellis, Director of Hershey Public Library - Ms. Ellis reported the sidewalks around the library are now level and safe. She also reported that last Thursday they had the Hershey Partnership at the Library. Susquehanna Bank and the Library hosted it, and as a result, Susquehanna Bank gave the Library a donation. They are interested in pursuing future donations. The re-design project is a little behind schedule due to the fact that scheduling with furniture and carpeting suppliers are going to lead into 2011.

Supervisor Ballard inquired about the old furniture. Ms. Ellis said we are looking for either a buyer or places where we can recycle. Supervisor Ballard encouraged selling as much as they can.

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

Chairman Abruzzo asked for a projection for year-end. Ms. Weinhold said we are meeting a week earlier so they haven't even received their bank statements. They are getting started on processing the end of the month reports for November.

Matthew J. Mandia – Director of Parks and Recreation

Mr. Mandia reported they have started their spring and summer programming and scheduling meetings. Based on preliminary input from the Youth Sports Organizations, they are going to have another busy and challenging scheduling season coming up in the spring. Chairman Abruzzo made note of the increase in the Youth Lacrosse program. They are looking to maybe use Brookside Park or one of the existing fields

and make it more usable for them to help alleviate some of the impact of the other fields.

Matt Bonanno, Township Engineer

Mr. Bonanno gave the following update:

- On December 21<sup>st</sup> they will meet with DTMA to discuss the H2O Reimbursement Agreement between the Township and DTMA.
- Last Friday, they met with The Trust to discuss some of their issues with the three easements we still need from them. Preliminary, they are looking to donate the easements. The Attorney General's office needs to review the easements before The Trust can hand them over. Typically, that is a 90-day window, but they think it can be shortened to 30 days. The schedule is still contingent upon getting those easements.
- Remaining easements: 3 from the Trust and 1 from the residential property on Wood Road.

Edward L. Small – Director of Community Development

Mr. Small referred to a plan for the new motel on Hockersville Road that was passed at the first meeting in October. As a result of the driveway location they would be redoing and the combination of PennDOT's resurfacing of the Hockersville Road surface, it left them in a position where that permit for the standard in and out in all directions is in jeopardy because of visibility problems. We are requested by them to ask PennDOT to do a speed study to see if it is warranted to reduce the speed limit from 35mph to 25mph. If that would be the case, the visibility would be met for the sight distance at this driveway location.

Mgr. Negley said this was brought up at the hearing. The Board basically agreed that a speed study is a good idea to undertake. Mr. Small is looking for the Board to direct the Township to contact PennDOT to do that study.

Supervisor Moyer asked if there is a chance the speed will go up. Mgr. Negley said there is always a chance of that. Supervisor Ballard said the Planning Commission also suggested the speed study, but she shares Mr. Moyer's concern.

Chief Smith said the 85<sup>th</sup> percentile means 85% of the cars are doing a certain speed and under and 15% are doing that speed or over. They can go 5 mph either way. He added there are other criteria involved in speed studies other than the 85 percentile, such as intersection conflicts and sight distances.

Supervisor Pagliarulo suggested our Police Department check the speed first before contacting PennDOT. Chairman Abruzzo requested Chief Smith to do a traffic study and communicate back to the Board. Mr. Small can let the developers know that we will get back to them when we get more information.

Jill E. Horner – Assistant Township Manager

Ms. Horner reported she is working on a recycling reference guide to include in the newsletter and that it will also be posted on the Internet. She collected what both of the main trash collection companies in the area have, looked at what other municipalities have and compared to the previous guide we have done and will put



something together based on that. She also spoke to the company that does the Township's Community Map & Guide. This is done every two years and we are scheduled to do that again this year. She spoke to them about making it just a service guide and making the majority of that recycling. That does not cost anything more than the postage to send it out. The only negative to that is she wouldn't include the Board in the publication because it dates it as the Board members change. The Board had no objection to that.

James N. Negley - Township Manager/Township Treasurer

Mgr. Negley reported in May the Board made an agreement with PennDOT to borrow \$1.5 million from the Pennsylvania Infrastructure Bank Loan to cover a shortfall for the 743 Project. He reported all the funding is in place by federal, local and state grants and the \$1.5 million was returned to PennDOT without interest.

Vice-Chairman Fedeli said in the next several weeks, various Boards including this one would be considering a Stormwater Ordinance for Derry Township. This is something that is required of our Township to do. There is a model presented to us by Dauphin County. Over the past several months, a group has worked on tailoring that to the needs of Derry Township. That Ordinance will be considered by the Planning Commission next week, and by this Board, the following week. Vice-Chairman Fedeli wanted to make the public aware of this and invited them to attend the Planning Commission meeting to review it and hear the discussion. It is something that is meant to guide our stormwater management in this municipality and it will have an impact on homeowners. It is not just a government ordinance, but for homeowners as well. We will consider this Ordinance at our final meeting of December and encourage any public feedback.

**APPROVAL OF ACCOUNTS PAYABLE (\$1,643,289.07 AND PAYROLL (\$280,382.56).**

Supervisor Ballard moved to approve accounts payable in the amount of \$1,643,289.07 and payroll in the amount of \$280,382.56. Vice-Chairman Fedeli seconded. ***The motion carried, 5-0.***

Chairman Abruzzo noted the accounts payable amount included the return of the \$1.5 million to PennDOT.

**VISITOR/PUBLIC COMMENTS**

Rich Gamble, Hockersville Road – Mr. Gamble referenced the recommended traffic study on Hockersville Road. He asked the Board to consider limiting the access from the road by the bank and move the fire plug back so that when cars are attempting to make a right hand turn onto Hockersville Road, they don't have to cross into the turning lane into that road.

Charleton Zimmerman, Palmdale – Mr. Zimmerman commented on the traffic and public safety. Since 1974, he provided a street security light at his own expense for illuminating a dangerous intersection and cut down some trees because of the sight distance. He also mentioned Dukes Restaurant who enlarged their parking lot without seeking permission from Community Development.

Chairman Abruzzo recognized a scout in the audience. Christopher Lontz introduced himself. He is from Troop 192 New Cumberland and is pursuing his Eagle Scout.

**ADJOURNMENT**

Supervisor Ballard moved to adjourn the meeting at 8:25 p.m. Vice-Chairman Fedeli seconded. ***The motion carried, 5-0.***

SUBMITTED BY:

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Marc A. Moyer  
Township Secretary

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Brenda Van Deursen  
Recording Secretary