

# TOWNSHIP OF DERRY BOARD OF SUPERVISORS MEETING

Tuesday, July 10, 2012  
600 Clearwater Road, Hershey, Pennsylvania 17033

## CALL TO ORDER

The July 10, 2012 Township of Derry Board of Supervisors meeting was called to order at 7:00 p.m. by Vice-Chairman Kelly C. Fedeli.

## ROLL CALL

### **Supervisors Present:**

Sandy A. Ballard  
Kelly C. Fedeli, Vice-Chairman  
John Foley, Jr.  
Marc A. Moyer, Secretary

### **Supervisors Absent:**

E. Christopher Abruzzo, Chairman

### **Also Present:**

Matt Bonanno, HRG Engineer  
Thomas Clark, Director of Public Works  
Barbara S. Ellis, Director of Hershey Public Library  
Chuck Emerick, Director of Community Development  
Jill Horner, Assistant Township Manager  
Zach Jackson, Assistant Director of Parks and Recreation  
Patrick O'Rourke, Chief of Police  
Terry M. Weinhold, Manager of Accounts Payable & Accounts Receivable  
Jon A. Yost, Township Solicitor  
Brenda Van Deursen, Recorder

**Public Present:** Tricia Kline, Elvira Ebling, Charleton Zimmerman, Ed Consolo, Matt Weir

**Vice-Chairman Fedeli advised that all public meetings are recorded for providing accurate minutes.**

## OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one came forward.

## APPROVAL OF MINUTES

Vice-Chairman Fedeli called for a motion to approve the Minutes of the June 12, 2012, Board of Supervisors Meeting. Supervisor Foley abstained, as he was not present at the meeting. **The motion carried, 3-yes 0-no 1-abstention.**

Vice-Chairman Fedeli called for a motion to approve the Minutes of the June 26, 2012, Public Hearing of the Board of Supervisors. Vice-Chairman Fedeli abstained, as she was not present at the meeting. **The motion carried, 3-yes 0-no 1-abstention.**

Vice-Chairman Fedeli called for a motion to approve the Minutes of the June 26, 2012, Board of Supervisors Meeting. Supervisor Ballard made one correction to the Minutes: On page 3, change the word “stated” to “started.” Vice-Chairman Fedeli abstained, as she was not present at the meeting. ***The motion carried, 3-yes 0-no 1-abstention.***

## **NEW BUSINESS**

### **A1-14 The Preliminary/Final Land Development Plan for Derry Township School District Middle School Addition, Plat No. 1215.**

**Chuck Emerick, Director of Community Development** – The prior plan included improvements to the high school by adding a parking area and stormwater associated with that. The school had to bond for the stormwater improvements, but now they don't intend to do that project. In order for us to release the bond, they had to remove those facilities from the plan. Sometime in the near future they will request the release of those funds. The plan has been changed to remove the parking area and to include the addition of 4,559 new floor area to the middle school. This addition is not intended to increase the school population but to increase the administration area and convert the existing administration area into three classrooms. One of the advantages of the new location of the administration area is that it offers a better view of parent drop-off zones and bus zones. The modifications also will provide a more recognizable public entrance.

Mr. Emerick reviewed the ten waivers and indicated the last waiver showing the actual location in the 100-year flood plain is being lifted from the request. It is now shown on the new plan.

**Discussion:** Supervisor Ballard asked what the percentage of impervious coverage there would be with this plan. Mr. Emerick said currently it is 37.28% but will increase to 37.3%; however 60% is permitted in the district.

Vice-Chairman Fedeli asked if the concerns with the Derry Township Municipal Authority were addressed. The representative from the school said they were.

**Motion:** A motion made by Supervisor Ballard and seconded by Supervisor Foley that the Preliminary/Final Land Development Plan for Derry Township School District Middle School Addition, Plat #1215, is approved subject to the following:

- a. That the applicant reimburses the Township for costs incurred in reviewing the plan no later than August 10, 2012.
- b. That performance security is provided to guarantee the completion of required improvements and the accompanying agreement signed no later than January 10, 2013.
- c. That a letter be provided from the Dauphin County Conservation District approving the erosion and sedimentation control plan no later than January 10, 2013.
- d. That a digital copy (DXF format) of the final version of the plans be provided no later than January 10, 2013.
- e. That the Stormwater Best Management Practices Operation and Maintenance agreement be recorded concurrently with the plan.

The following waivers from the Subdivision and Land Development regulations are granted:

- a. From Sections 185-12.D.(3).(a).[9] and [35], and Sections 185-13.E.(4).(a).[9] and [36] regarding existing features and topography within 50' and 200' of the property boundary, for the areas outside of the limits of disturbance.
- b. From Section 185-12.D.(3).(a).[15] regarding soil series boundary.

- c. From Section 185-12.D.(3).(a).[39] regarding providing utility service letters with conditions for easements/rights-of-way.
- d. From Section 185-12.D.(4).(g) regarding fire hydrant flow requirements.
- e. From Sections 185-12.D.(2) and 185-13.E.(3) regarding plan scale to allow the overall site boundary plan to be depicted at a scale of 1" = 150'.
- f. From Sections 185-12.D.(3).(a).[8] and 185-13.E.(4).(a).[8] regarding the survey being tied to the Pennsylvania coordinate system.
- g. From Sections 185-12.D.(3).(a).[10] and 185-13.E.(4).(a).[10] regarding location of sensitive environmental areas
- h. From Sections 185-12.D.(3).(a).[18], [20], [37], [38], [40] and 185-13.E.(4).(a).[16], [18], 38], [42], [43] regarding location, width of existing driveways, streets/easements and rights-of-way, but only for existing features outside of the limit of disturbance.
- i. From Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] regarding providing utility profiles for existing storm sewer, sanitary sewer, water and gas lines, but only for existing features outside of the limit of disturbance.

The following waiver from the Subdivision and Land Development regulations is denied:

- a. From Section 185-13.E.(4).(a).[34] regarding the 100 year floodplain boundary.

***The motion carried, 4-yes 0-no.***

**B1-30 Consideration of adoption of Ordinance No. 624 which would amend Chapter 225 (Zoning) of the Code of the Township of Derry by modifying and adding certain requirements associated with the Floodplain Overlay District.**

**Chuck Emerick, Director of Community Development** – Due to the development of new flood insurance rate mapping (by FEMA) for all of Dauphin County, each municipality is required to amend their floodplain ordinances to meet the minimum National Flood Insurance Program standards. This ordinance will do that. A hearing to receive public comment was held, but no comment was made.

**Discussion:** Vice-Chairman Fedeli asked Mr. Emerick to explain this further. He explained that the intention of the adoption of this ordinance is to maintain an ordinance that is in strict compliance with the National Flood Insurance Program. This allows us to continue to have the opportunity for our residents to purchase flood insurance. Both the adoption and the proper enforcement of this ordinance are required to maintain eligibility in the flood insurance program.

**Motion:** A motion made by Supervisor Ballard and seconded by Supervisor Foley that the adoption of Ordinance No. 624 which would amend Chapter 225 (Zoning) of the Code of the Township of Derry by modifying and adding certain requirements associated with the Floodplain Overlay District is hereby approved. ***The motion carried, 4-yes 0-no.***

**C1-4 Consideration of a reduction of the performance security for the Preliminary/Final Land Development Plan for McDonald's, Plat No. 1190.**

**Chuck Emerick, Director of Community Development** – The developer is requesting release of the entire performance security, but a recent inspection by HRG determined that a few items need to be completed prior to full release. HRG recommended a reduction of the performance security in the amount of \$120,506.82.

**Motion:** A motion made by Supervisor Foley and seconded by Supervisor Ballard that the

Township releases \$120,506.82 from the performance security provided as Liberty Mutual Surety Bond No. 404001853 in the current amount of \$133,896.46 for the Preliminary/Final Land Development Plan for McDonald's, Plat #1190, leaving a new balance of \$13,389.64, is hereby approved. ***The motion carried, 4-yes 0-no.***

**CORRESPONDENCE** – Vice-Chairman Fedeli mentioned a letter received from a resident who complimented our recycling program.

**BOARD/COMMITTEE INFORMATION** – No information to report.

## **REPORTS**

**Patrick O'Rourke, Chief of Police** – Chief O'Rourke thanked Public Works and the Hershey Volunteer Fire Department for their assistance with the June 29 storm damage.

**Thomas Clark, Director of Public Works** - Mr. Clark reported they would finish brush pick-up tomorrow morning.

**Barbara Ellis, Hershey Public Library** – Ms. Ellis reported there are over 1,000 participants for the summer reading program. She also reported to the Board that the Library is having trouble with their air condition in case they would get calls of how cold it is in the library.

**Terry M. Weinhold, Manager of Accounts Payable & Accounts Receivable** – Ms. Weinhold reported that both revenues and expenses are under budget; however the actual revenues are higher than the actual expenses.

**Zach Jackson, Assistant Director of Parks and Recreation** – Mr. Jackson reported that the drive-in movie in Shank Park would be shown on Friday, July 13 and Saturday July 14, free of charge. He also reported the last pool party of the summer is scheduled for Sunday, July 15.

Vice-Chairman Fedeli asked for an update of the Bullfrog Valley Pond. Mr. Jackson said that FEMA approved just under \$78,000.

**Matt Bonanno, HRG Township Engineer** – Mr. Bonanno reported there are three crews working on the storm sewer project. He announced that this weekend is the construction work on 322/743. It will begin on Friday at 8:00a.m. and continue to Sunday at 8:00 a.m. Information has been shared with The Sun and Patriot. It is a big deal because we have several thousand people coming in over the weekend and the GPS takes them right through the construction. Mr. Bonanno added that they have changed their construction methods and will not have to turn the power off.

**Jill Horner, Assistant Township Manager**– Ms. Horner reported that FEMA approved the last projects that were submitted and we are waiting on the permits for the projects. She is in the process of preparing a comparison of what was submitted to FEMA and what they have approved because FEMA does not put everything in the same category that it was submitted in.

## **APPROVAL OF ACCOUNTS PAYABLE (\$160,117.33) AND PAYROLL (\$326,762.44).**

Supervisor Foley moved to approve accounts payable in the amount of \$160,117.33 and payroll in the amount of \$326,762.44. Supervisor Ballard seconded. ***The motion carried, 4-yes 0-no.***

## **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

**Matt Weir, Church Road, Derry Township** – Mr. Weir expressed his concern that the Board approved the agenda item regarding McDonalds. He is disappointed in the way the project looks with the rain gardens...a real missed opportunity to do a nice landscaping job.

Vice-Chairman Fedeli said the agenda item was approved to move a portion of the security not all of it. She asked Mr. Bonanno to explain why the full security was not released. He agreed with Mr. Weir's observation of the sight. However, the overall sight did meet the ordinance, but they probably did not go above and beyond what they needed to do. The B&Ps they installed were installed incorrectly particularly the two rain gardens. We are holding security for the rain gardens to be corrected and the existing pipe going under the old roadway cleaned.

Supervisor Foley said we look at most security releases as a housekeeping item up until the final security release. They have confidence in the expertise that Mr. Emerick and HRG provide in order for the Board to make a decision.

Mr. Weir shared that people are asking when the road at the underpass (West Mansion Road) will be opened. Mr. Clark said the Hershey Company and The Trust Company privately own it. It is well within their right to close it. Solicitor Yost said they tried to close that road 30 years ago and the neighbors demonstrated that it has been used by the public for more than 21 years and had become a public road. Solicitor Yost said he is not convinced that they have the right to close it.

**Charleton Zimmerman, 119 N. Roosevelt Avenue** – Mr. Zimmerman shared an issue he is having with his bill from Waste Management. They were to send him a letter regarding this and they have not done so. He said he is not paying even the minimum of the bill until they get it straightened out. Mr. Clark shared that we are having problems with Waste Management in regard to their third party billing system as well as their customer service. He asked Mr. Zimmerman for his phone number and he will pass it on directly to Mr. Stang. Mr. Stang is handling the issues on an individual basis.

Vice-Chairman Fedeli expressed frustration with Waste Management, and unfortunately the Public Works Dept. is taking the brunt of the complaints.

Supervisor Moyer advised Mr. Zimmerman that he's not sure it is a good idea to refuse to pay the minimum amount of his bill to Waste Management.

## **ADJOURNMENT**

Supervisor Foley moved to adjourn the meeting at 7:40 p.m. Supervisor Moyer seconded. ***The motion carried, 4-yes 0-no.***

SUBMITTED BY:

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Marc A. Moyer  
Township Secretary

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Brenda Van Deursen  
Recording Secretary