

# **TOWNSHIP OF DERRY**

## **BOARD OF SUPERVISORS MEETING**

**Tuesday, March 25, 2008**  
600 Clearwater Road, Hershey, Pennsylvania 17033

### **CALL TO ORDER**

The March 25, 2008 Township of Derry Board of Supervisors Meeting was called to order at 7:05 p.m. by Chairman, Michael H. W. Pries.

### **PLEDGE OF ALLEGIANCE**

All present stood for the Pledge of Allegiance.

### **ROLL CALL**

#### ***Supervisors Present:***

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

#### ***Also Present:***

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

***Public Present:*** Rich Gamble, Elvira Ebling, Joseph Furjanic, Al Brulo, Dennis Trout, Craig Raynor, John Osmolinski, Steve Todd, Mary Taylor, Alvin Taylor

#### ***Press Present:***

Jeff Werner - Hershey Chronicle  
Drew Weidman – The Sun

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

### **EXECUTIVE SESSION**

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

**VISITOR/PUBLIC COMMENT:**

**Rich Gamble, Hershey** – Mr. Gamble presented photos to support the concerns he brought to the Board a few weeks ago. The photos identified his concerns with the roads, access, parking, and safety in his development. He believes the grants for improving roads are focused on the benefits of Hershey Recreation and Hershey Foods. He pointed out the deep pot holes on Whitman Street that have been there for two years. Chairman Pries asked Mr. Gamble if he notified the Township of the pot holes. He said he had notified the Public Works Department.

Mr. Gamble commented on the “big push” in April to clean up Hershey. He said there is more than just the attraction area; there is the rest of the town to consider. He referred to a home being used as a business for car maintenance repair, but does not believe they have a license. Mr. Gamble had a photo revealing the open cans, garages, gasoline, car parts, tires, cars not repairable, etc. Chairman Pries asked him for the location of that business. Mr. Gamble said it is located on the corner of Swatara and Whitman.

Mr. Gamble mentioned using the old Municipal Building for a new fire station. Chairman Pries said ICDA is currently under contract with a group for that site.

Chairman Pries said he would meet with staff to gather information to answer some of the questions of Mr. Gamble. Chairman Pries apologized for not getting back to him sooner.

Supervisor Abruzzo suggested the Board ask Chief Smith, Tom Clark, and Ed Small to check if people are parking improperly on the street, the road with pot holes, the house that is operating as a car repair shop, and parking on both sides of Plum and Peach Streets as well as any other concerns he brought to the Board. Chairman Pries said they will research all of Mr. Gamble’s concerns and get back to him in writing or by phone. Chairman Pries asked Mr. Gamble to leave his phone number with Mr. Small.

Alvin Taylor, Harrisburg - Mr. Taylor introduced himself to the Board of Supervisors. He wanted to identify himself to the Board that they might know who he was when they saw his signs. He asked the Board to remind all of the residents of Derry Township to please get out and vote. He said that is their right and civic duty. Mr. Taylor shared that last year there were only 21% of the people who voted.

**APPROVAL OF MINUTES:**

Chairman Pries called for a motion to approve the Minutes of the March 11, 2008 Board of Supervisors Meeting. Vice-Chairman Porter made a motion to approve the Minutes as written. Supervisor Fedeli seconded. ***The motion carried 5-0.***

**NEW BUSINESS:**

**A1-12 The Preliminary/Final Land Development Plan for the Milton Hershey School Transitional Living Housing Project, Plat No. 1145**

Mr. Ed Small, Asst. Director of Community Development – Mr. Small showed an exhibit of the property. He pointed out the area of two new buildings (Boys' Home and Girls' Home) north of Rt. 322 that are proposed to be built on the school campus. The two locations are served by private roads and are part of the initially approved 14.6 acre Best Management Practices Agreement the Township has already entered into with the school. It will involve some changes in the coverage and the management of stormwater. He said the biggest change is the removal of the old supply center which will amount to an actual increase of vegetative cover over current impervious by over 3 ½ acres. The boys home will contain 18,000 feet of floor area with associated parking served by private roads. The girls home is served by a new cul de sac with associated parking. He said each home will hold up to 24 students and 2 staff members. Mr. Small explained the purpose of the transitional housing program is to provide an environment where individuals transitioning out of the school into other ventures would have an opportunity to have more independent style living. The plan has a number of waivers requested. The Planning Commission reviewed this plan at which time they recommended approval of the waivers as requested with corrections as listed in the Agenda item. Mr. Small recommends approval of Plat 1145 with the standard contingencies involving the reimbursement for costs and performance security.

Vice-Chairman Porter asked if the 40 concerns of the Planning Commission had been resolved. Mr. Small said they have a letter from Buchart Horn indicating they are satisfied with all the items.

Vice-Chairman Porter asked if the sidewalk agreement would be recorded after it is entered into. Mr. Small said there was a request for the standard sidewalk without an agreement. Mr. Porter referred to one of the waivers listed as "g" on the Agenda where it indicates an agreement for the installation of a sidewalk in the future if deemed necessary. Mr. Small said it would be executed and recorded.

Supervisor Memmi commented on the Best Management Practices and asked Mr. Small if there was any discussion as part of this project for implementation of infiltration type techniques such as rain gardens to capture some of the sheet flow that may be running off the site and actually getting it back into the ground water system.

John Osmolinski, representing the Schools Planning Department – Mr. Osmolinski acknowledged there is some concern with sink hole development in this area. He said with this project they are trying to minimize the sheet flow that originates in this area. He also said for this project they are not doing any state of the art infiltration measures, but as future projects come up, they might incorporate more of the state of the art techniques.

Supervisor Memmi asked if the building was going to be LEED certified. Mr. Osmolinski said the school is not going to formally submit this project for the

LEED certification, but it is being designed to incorporate all the pragmatic elements. He also assured both structures would be sprinklered.

Supervisor Memmi asked Mr. Small if there were any public streets that abut this project. Mr. Small said there wasn't. He explained the street leading in, is Heritage Lane, which runs westward from Meadow and would terminate at the cul de sac in front of the boys home. He said it is all privately maintained and owned by the school. Supervisor Memmi asked if a requirement for sidewalks and curb on private property could actually be recorded. Vice-Chairman Porter commented he thought this was part of a larger plan that did abut public property. Mr. Small said the actual alteration of the waiver request requiring the agreement was referring to Governor Road.

Vice-Chairman Porter made a motion to approve the Preliminary Final Land Development Plan for the Milton Hershey School Transitional Living Housing Project, Plat No. 1145 with the standard contingencies involving the reimbursement for costs and performance security. The motion was seconded by Supervisor Memmi. ***The motion carried 5-0.***

**B1-3 Consideration of the release of a portion of the performance security for the Preliminary/Final Subdivision Plan for Lot 251 of Deer Run, Plat No. 952.**

Mr. Ed Small, Asst. Director of Community Development – Mr. Small said in January of this year, the Board acted to approve renewal of the bond that was supplied by Mr. Gelder for the installation of bike paths in the amount of \$110,550. He stated at the time, the accounting was not present to honor the agreement which was his request to reduce the bond amount by the amount he has already spent on bike path installations. Mr. Small said the accounting is now available and the request is for the reduction of \$12,920 which would leave a balance for future installations of \$97,630. Mr. Small said Mr. Gelder is ready to proceed with those installations at other places that the Board would require.

Vice-Chairman Porter made a motion to approve the release of \$12,920 from the balance of a security in the current amount of \$110,550, resulting in a balance of \$97,630 for the Preliminary/Final Subdivision Plan for Lot 251 of Deer Run, Plat No. 952. The motion was seconded by Supervisor Fedeli. ***The motion carried 5-0.***

**C1 Appointing the position of Director of Community Development and Zoning Officer for the Township of Derry.**

Mr. Jim Negley, Township Manger – Manager Negley noted in November 2007, Jeffery Keiser, Director of Community Development retired from the Township service. The Township advertised his position in local and regional newspapers and the Pennsylvania State Association of Township Supervisors magazine. He reported that as a result of this advertisement, 14 applications were received and

they offered interviews to 4 candidates. The interview team consisted of Al Brulo from HRG, Assistant Township Manager, Jill Horner, and the Township Manager. Mr. Negley said they unanimously agreed that Mr. Edward Small be considered for appointment as Director of Community Development and Zoning Officer for the Township of Derry. Mr. Negley shared that Ed is a US Army Veteran and has been employed by the Township as Assistant Director of Community Development for 16 years. He commented on Mr. Small's qualities: job knowledge, trustworthiness, dependability, and integrity. He also shared that Mr. Small holds a Bachelors of Science Degree and has worked in this field for over 34 years. Mr. Negley recommends Mr. Small be appointed to this position.

Supervisor Memmi made a motion to approve the appointment of Edward L. Small to the position of Director of Community Development and Zoning Officer for the Township of Derry. Vice-Chairman Porter seconded. ***The motion carried, 5-0.***

#### **D1-2 Award of a contract for the construction of the next phase of the Jonathan Eshenour Bicycle and Pedestrian Trail.**

Matthew J. Mandia – Director of Parks and Recreation – Mr. Mandia reported that bid openings were held on March 12<sup>th</sup> for the next phase of the bike path. They received nine bids from contractors. The lowest bid received was from Handwerk Site Contractors from Hummelstown in the amount of \$250,403.47. This project will be completely funded through the Federal Transportation Enhancement Fund. He said the award is contingent on PennDOT's concurrence with their review of the same bids which should happen within the next couple of weeks.

**Discussion:** Supervisor Fedeli asked Mr. Mandia where the next phase was going to be. Mr. Mandia said the next phase will continue from its current terminating point of Courtland Circle and the Indian Run Development off of Middletown Road. It will run parallel with Grove Street and will be terminating in a cul de sac fashion as to discourage crossing Middletown Road at an unsignalized area. He said at that point, it will pick up at Hershey Heights on the opposite side of Middletown Road and through the Deer Run Development following a sewer easement which will come out to Deer Run Drive by Gelder Park. Mr. Mandia said with some of the remaining funds, they are looking at continuing the trail past the pump station into Gelder Park and connecting it with Southpoint Meadows. That will be another approximately 1.6 miles of trail. If the property along Middletown Road would be developed, they would hope to work with that developer to continue the trail parallel with Middletown Road and eventually cross the intersection over to the Hershey Heights Development. That is the long range plan.

Supervisor Memmi believes the \$250,000 is lower than part of the enhancement funds. He asked Mr. Mandia if he had been discussing with the consultant the possibility to build more trail to utilize the funds as part of this project so the process of going to the Planning Commission and to HATS won't have to be done to re-rank this. Mr. Mandia said once they received the bid amounts and he

realized it was substantially under the funds, he contacted District 8 to ask that question. He was informed we would need to go back to our Municipal Planning Organization to request them to authorize those funds to go towards another project outside the scope of the original project. Mr. Mandia said he is also checking with HATS to see what the process would be.

Supervisor Fedeli moved to approve the award of a contract for the construction of the next phase of the Jonathan Eshenour Bicycle and Pedestrian Trail to Handwerk Site Contractors in the amount of \$250,403.47 contingent upon the favorable approval of these bid submissions by PennDOT. The motion was seconded by Supervisor Abruzzo. ***The motion carried, 5-0.***

### **CORRESPONDENCE**

No correspondence for discussion.

### **BOARD/COMMITTEE INFORMATION**

Chairman Pries asked Mr. Mandia for the timeline regarding the basketball courts at the Recreation Center. Mr. Mandia said they will be power washing the courts as soon as the weather permits. The contractor wants to be sure the courts are completely dried out prior to applying the top coat. The goal is to begin construction by the end of April.

### **REPORTS**

Matthew J. Mandia, Director of Parks and Recreation – Mr. Mandia reported that the restoration and painting of the dome at the Recreation Center should happen by the end of April. In addition, they are working with the Public Works Department to get the athletic fields ready for the spring season.

Supervisor Abruzzo commented on the Township Easter Egg Hunt. He commended Mr. Mandia and his staff on their hard work in getting it up and running. He said it is very well run and well attended.

Chairman Pries asked Tom Clark for an update on the Kiss Hershey Back event. This is the first annual Derry Township Clean-up Day. Mr. Clark reported it is April 19<sup>th</sup> 8:00 a.m. to noon.

Vice-Chairman Porter asked Mr. Small about the problem on Lucy Avenue which Bob Welsh brought to the Board at the last meeting. Mr. Small explained that he called Mr. Haas and Mr. Haas came into the office. He brought with him a drawing marked as an easement for Derry Township. He said Mr. Haas had recollection of executing a document, but does not know where it is. Solicitor Yost requested to check for a recorded document at the Courthouse and he asked Mr. Small to check if there is a subdivision plan on that property. Vice-Chairman Porter asked for authorization of a limited title search. He also asked Mr. Small to call Mr. Welsh.

### **APPROVAL OF ACCOUNTS PAYABLE (\$569,640.88) AND PAYROLL (\$257,778.75).**

Vice-Chairman Porter moved to approve accounts payable in the amount of \$569,640.88 and payroll in the amount of \$257,778.75. The motion was seconded by Supervisor Abruzzo. ***The motion carried, 5-0.***

**VISTOR/PUBLIC COMMENT**

No one came forward at this time.

**ADJOURNMENT**

Vice-Chairman Porter moved to adjourn the meeting at 7:50 p.m. Supervisor Abruzzo seconded. ***The motion carried, 5-0.***

**SUBMITTED BY:**

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E. Christopher Abruzzo  
Township Secretary

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Brenda Van Deursen  
Recording Secretary