

TOWNSHIP OF DERRY BOARD OF SUPERVISORS MEETING

Tuesday, October 9, 2012
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The October 9, 2012 Township of Derry Board of Supervisors meeting was called to order at 7:05 p.m. by E. Christopher Abruzzo, Chairman

ROLL CALL

Supervisors Present:

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

Also Present:

Matt Bonanno, HRG Engineer
Thomas R. Clark, Director of Public Works
Barbara S. Ellis, Director of Hershey Public Library
Charles W. Emerick, Director of Community Development
Matt J. Mandia, Director of Parks and Recreation
James N. Negley, Township Manager/Township Treasurer
Patrick O'Rourke, Chief of Police
Terry M. Weinhold, Manager of Accounts Payable & Receivable
Jon A. Yost, Township Solicitor
Brenda Van Deursen, Recorder

Public Present: Elvira Ebling, Nuta Blakenship, Tammy McElfresh, Chuck Witmer, Charleton Zimmerman, Chuck E. Witmer, Sr., Bill Fisher, Jim Inglazo, Justin Engle, Rich Gamble

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.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Tammy McElfresh, 518 West Chocolate Avenue – Ms. McElfresh expressed concern about the proper care of Feral cats in the Chocolate Avenue area. She currently takes care of 7 cats outside and is slowly getting them neutered or spade. She referred to the voucher system that is in place with the Harrisburg Humane Society. She asked how many vouchers have been used in the program, how much money is allocated for the program, and how much have we spent so far. Chief O'Rourke responded that they are aware there are issues with the current voucher system. They have been doing some research into some of the abuses of the system that are going on. There are some residents feeding stray cats and then using the Township for the middleman to pay for those cats to be neutered because they get them back. He reported they gave out 24 T&R

vouchers so far this year and one resident alone used 14 of those. We are allotted a certain amount of vouchers per year from the Humane Society. As of June we used every voucher and once the vouchers are done the Township incurs the cost. We are \$7,948.05 in the red. We need to revisit our policy and come up with some policy revisions. Ms. McElfresh and her neighbor offered their assistance and a possible plan. Chief O'Rourke said that Lt. Garth Warner would be taking the lead on this and would be in touch with them.

Rich Gamble, Hockersville Road – Mr. Gamble said quite a few people are upset that the Hershey Company is expanding the park into our community. This concern came from the latest publication of the plans for the west end of town. With the plan and location of the night club and projected development, the residents are getting concerned that our Village is being encompassed by the Hershey Park. They are taking the historical markers away such as the lighthouse, Milton Hershey statue, the Elk in the Park. They talk about building a community town, but it is more of a tourist town.

Supervisor Foley remarked that the proposed project at the car barn is a private enterprise and not Hershey Park as is the same with the Curry Mill. The Hershey Company has vacant property they are selling and we encourage and prefer occupied structures instead of vacant structures.

Charleton Zimmerman, Palmdale, 119 N. Roosevelt Avenue – Mr. Zimmerman commented that he welcomes any type of night club. He said businesses like this might recognize the importance of adequate lighting for public safety.

APPROVAL OF MINUTES

Chairman Abruzzo called for a motion to approve the Minutes of the September 25, 2012 Board of Supervisors Meeting. Supervisor Ballard made a motion to approve the Minutes of the Board of Supervisors Meeting. Vice-Chairman Fedeli seconded. Supervisor Moyer abstained as he was not at the meeting. *The motion carried, 4-yes 0-no 1-abstention*

NEW BUSINESS

A1-13 The Preliminary/Final Land Development Plan for Centric Bank, Plat No. 1214.

Chuck Emerick, Director of Community Development – Mr. Emerick said this development plan is for a Centric Bank at the former location of a dentist office. The site contains .744 acres of land and is located on the west side of Lucy Avenue adjacent to old Bullfrog Valley Road. The Zoning Board granted relief to allow parking to encroach into the required front yard and side yard setbacks. Relief was also granted to allow impervious lot coverage of 63.8% where 60% is permitted by right and to allow a window sign to occupy more than 15% of the area of the window.

The stormwater management facilities proposed for the site include replacing an existing open swale with a 42 inch diameter pipe to carry off-site stormwater from the north and east. The stormwater generated on site will be directed to a subsurface stormwater management facility. A waiver of infiltration (volume control) has been requested due to the Karst terrain and the present existence of sinkhole activity on the site. The applicant is proposing 8 additional trees, 3 additional shrubs, and to plant an open swale with meadow seed mix to help justify the volume control request while meeting the intent of the ordinance.

A site lighting plan was included in the submission and a transportation impact study was prepared. The transportation study showed 44 new week day trips and 90 new Saturday mid-day peak hour trips. It did not trigger any need for improvements to the roadway. There was a concern expressed by HRG, the Dauphin County Planning Commission and our own police

department regarding maintaining Old Bullfrog Valley Road as a full-movement intersection. They suggested the applicant restrict movements to right-in and right-out only from Governor Road onto Old Bullfrog Valley Road. The applicants have agreed to restrict their access to that road to only allow vehicles to exit their site. Mr. Emerick reviewed a series of waivers that accompanied the plan.

Supervisor Moyer expressed concern regarding the stormwater management in this area. Mr. Emerick explained they originally proposed that the series of pipes in the stormwater basin underground was perforated in a stone bed and it would have infiltrated a portion of the stormwater. That is now a close system to avoid that infiltration. Their stormwater control in all other aspects meets the terms of our ordinance. Less water is being released from this site now in any one moment and time than prior to this development. Their system is a true stormwater system.

Supervisor Moyer asked about the non-pervious coverage of this project compared to what currently exists. Mr. Emerick said the site was previously compliant in pervious coverage. With this plan they will receive a 3% increase over what would be permitted by right.

Jim Snyder, Snyder-Secary & Associates – The ordinance permits 60% impervious and our plan is 63%. The reason for that increase is that we dedicated a strip of right of way for Lucy Avenue improvements that reduce the size of our property. From a percentage standpoint it is not as significant. We factored the 3% in the stormwater management design.

Supervisor Moyer asked the Board if in the ordinance there could be a no left turn on old Bullfrog Valley Road because of the traffic concerns associated with exiting that area. Mr. Emerick said the applicant is going to restrict their clientele to only exit the site onto Bullfrog Valley Road by placing a Do Not Enter sign from Bullfrog Valley and a one-way sign installed. It is detailed on their plans. They provided the ordinances indicating this so we can adopt and enforce it.

Mr. Snyder said the intersection is a Township and State Road that the applicant has no control over. They agreed to make the driveway narrow and a one way out and also are maintaining another driveway.

Chairman Abruzzo asked about the right in and right out at Old Bullfrog Valley. Chief O'Rourke said he would like to see the ability to turn left coming out restricted. He also said they would have to do a study, forward the results to PennDOT and ultimately post the appropriate signage and make it enforceable.

Supervisor Foley asked if there is an ordinance created as part of this development plan. Mr. Emerick said what the applicant prepared is an ordinance for a Do Not Enter and a One-Way sign for their driveway.

Supervisor Foley said all that would have to happen is to post on Old Bullfrog Valley a No Left Turn sign as you are exiting onto Governor. If this is approved, we need to condition that that ordinance needs to be adopted.

Bill Fisher – Mr. Fisher commented that regardless of the bank, making a left hand turn is difficult to do with or without sign. It will be easy and safe to make right in and right out.

Supervisor Ballard asked in terms of the volume control if there is any capacity to plant more than 8 trees. Mr. Snyder said the 8 trees are additional trees. They already have a lot of trees on their

plans. In addition, they changed the swale to more of a meadow type seed mix. Mr. Snyder said if they can add a few more trees they will.

Supervisor Moyer proposed that the Board table the decision on this item due to the number of questions and variances. Vice-Chairman Fedeli said she would like to continue with the question.

Chairman Abruzzo mentioned the sidewalks. Mr. Emerick said it makes sense where they are proposing not to put in a sidewalk at the corner. They are proposing to put a sidewalk down along Lucy Avenue, creating a diagonal crosswalk at Governor. Mr. Emerick contacted Matt Mandia who contacted the Hershey Medical Center, who is excited about continuing the trail that goes thru their property. Mr. Emerick said the curb waiver was granted, except where it is adjacent to the sidewalk. He noted they are giving up 2,117 square feet of right of way dedication to the Township to increase the width of Lucy Avenue and all the improvements with Lucy Avenue.

Motion: A motion made by Chairman Abruzzo and seconded by Supervisor Foley that the Preliminary/Final Land Development Plan for Centric bank, Plat #1214, is approved subject to the following:

- a. That the applicant reimburse the Township for costs incurred in reviewing the plan no later than November 9, 2012.
- b. That performance security be provided to guarantee the completion of required improvements and the accompanying agreement signed no later than April 9, 2013.
- c. That the executed sewer right-of-way agreement be provided to the Derry Township Municipal Authority no later than April 9, 2013.
- d. That the area of right-of-way dedication (2,117 square feet or 0.0486 acres) be provided on the Exhibit A and on the land development plan no later than April 9, 2013.
- e. That all deeds for right-of-way dedication be recorded concurrently with the plan.
- f. That the Stormwater Best Management Practices Operation and Maintenance agreement be recorded concurrently with the plan.
- g. That any required curbing/sidewalk agreement between the applicant/landowner and the Township be recorded concurrently with the plan.
- h. That all improvements associated with the accessible ramps be installed in compliance with the PennDOT Design Manual, Part 2, Chapter 6, "Pedestrian Facilities."

The following waivers from the Subdivision and Land Development Ordinance and Stormwater Management Ordinance are granted:

- a. From Sections 185-12.D.(3).(a).[9] and 185-12.D.(3).(a).[35] regarding showing existing physical and topographic features within 200' of the property, with the stipulation that the aerial photometric plan exhibit is included in the full set of drawings and all contours are appropriately labeled.
- b. From Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] regarding preparation of profiles for all existing storm sewer, sanitary sewer, water and gas lines within the property, only for the existing facilities that are not being affected by the proposed improvements. In all cases, where extensions, new services, or grading affects the utility they shall be depicted in the plan and profile.
- c. From Section 185-34.A.(1) regarding the installation of a segment of sidewalk along Lucy Avenue, north of the site driveway, with the stipulation that the applicant enter into an agreement with the Township no later than April 9, 2013 which would allow the Township to require this installation of sidewalk in the future if deemed necessary.
- d. From Section 185-22.E.(5) regarding providing curbing along Old Bullfrog Valley Road, except where the sidewalk is proposed directly adjacent to the road, in which case a curb shall be provided. This waiver is granted with the stipulation that the applicant enter into an

agreement with the Township no later than April 9, 2013 which would allow the Township to require this, installation of curbing in the future if deemed necessary.

- e. From Section 185-22.D.(3) regarding additional roadway widening and right-of-way dedication along Old Bullfrog Valley Road and widening along Lucy Avenue, north of the site driveway.
- f. From Section 174-13 regarding volume controls, with the acknowledgement that the applicant has added additional vegetation to the project to off-set the waiver.

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

- a. From Sections 185-13.E.(4).(a).[9] and 185-13.E.(4).(a).[36] regarding showing existing physical and topographic features within 50' of the property.
- b. From Section 185-34.A.(1) regarding sidewalk installation of approximately 33 feet of sidewalk along Old Bullfrog Valley Road.

The motion carried, 5-yes 0-no.

B1-6 Consideration of adoption of Ordinance No. 625, which would amend Chapter 225 (Zoning), Article XXIX (Design Review Board; Chocolate Avenue Preservation Overlay District) and the amendment of Chapter 225 (Zoning), Article XXXIV (General Regulations), Section 225-171 (Fences) of the Code of the Township of Derry.

Chuck Emerick, Director of Community Development – A public hearing was held prior to tonight's meeting and there was no public comment made.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Ballard that adoption of Ordinance No. 625, which would amend Chapter 225 (Zoning), Article XXIX (Design Review Board;

Chocolate Avenue Preservation Overlay District) and the amendment of Chapter 225 (Zoning), Article XXXIV (General Regulations), Section 225-171 (Fences) of the Code of the Township of Derry, is hereby approved. ***The motion carried, 5-yes 0-no.***

CORRESPONDENCE – No correspondence to report.

BOARD/COMMITTEE INFORMATION - Supervisor Foley requested as part of the Comprehensive Plan and Transportation that Chief O'Rourke begin an evaluation of the speed on Chocolate Avenue in the area of Orchard to Cocoa Avenue for the purposes of reducing the speed to 25mph. It is currently 35mph. This is in an effort to make a more walkable and pedestrian friendly downtown.

REPORTS

Patrick O'Rourke, Chief of Police – Chief O'Rourke reported this week is Antique Auto Week and advised everyone to pay attention to the extra traffic.

Thomas Clark, Director of Public Works - Mr. Clark reported leaf picking started this week and will continue through December. They were able to get Boathouse Road paved and a couple other small paving jobs done. The Areba project is moving along. They are down to three areas they are trying to finish up in. The pavers will patch the trench line next week to enable them to plow snow. The paving date is the end of October for top layer and the base can be carried into November because it is temperature related. Mr. Clark said there are some extensions being asked for by the stormwater project contractors. If PennDOT is going to grant them extensions it makes sense for us to do the same. He met with the Water Company Monday relative to paving

on their projects. They are hoping to have their paving contractor here in the next week to get started.

Supervisor Foley asked if all the “disturbed” roads would have a smooth patch. Mr. Clark responded that Mansion, Linden and Areba should have drivable and plowable patches on them. The water line from Hillcrest to Linden could be an issue if they don't get the paving done.

Supervisor Foley asked if we are going to address the crosswalks on Cocoa. Mr. Clark said some of the extensions they asked for with regards to paving is relative to Cocoa, but they will at least paint the crosswalks.

Chairman Abruzzo had a conversation with another water company regarding their involvement in projects and how they notify their customers. The level of detail they include to the residents is outstanding. We have tried for a year to prepare the residents to what is occurring, but our water company did not. He is concerned and upset about the unexpected size of the water line project and them not notifying and informing the residents in a timely manner.

Barbara Ellis, Hershey Public Library – Mrs. Ellis reported she and her staff attended the PA Library Association Annual Conference. She served as co-chair for the conference. Mrs. Ellis commended her staff that also served on the conference committee for doing an exceptional job. Fall programming continues. There are a couple of programs and meetings coming up.

Terry M. Weinhold, Manager of Accounts Payable & Receivable – Ms. Weinhold reported revenues and expenses are where they should be at the end of September.

Matt Mandia – Mr. Mandia reminded everyone of the annual Halloween Parade scheduled for Monday, Oct. 29th at 7:00. Severe weather makeup is Tuesday, October 30th at 7:00. They are still taking registrations.

Matt Bonanno, HRG Township Engineer – Mr. Bonanno reported the following:

- The sanitary sewer across 422 is completely installed.
- Last week they brought in a separate crew to start the curbing and concrete repair in the Village area. This needs to take place before they can pave.
- One crew will start up Mill Street and the other crew will go back to the Village area to start landscaping.
- A separate landscaping crew is scheduled to take care of the strip on Cocoa Avenue. They were to be here, but have not arrived. He has expressed his displeasure to them because they missed a good growing season. He alerted them that we are only going to pay them to do it once. If it doesn't take, they will need to redo it. They can't make them do it now because it is not specifically called out as a milestone in the contract.

Supervisor Foley remarked that Cocoa Avenue looks terrible and they need to fix it now. Mr. Clark said this afternoon they found out the landscaping company found out they have to tear out a curb and the message is out that we are not happy and they have to get the work done. They are attempting to get curbing in so they can get the paving done. Mr. Bonanno added that the Vice-President is here and will be here the rest of the week to make sure that the curbing is installed right. We issued three letters today about non-compliant work.

Vice-Chairman Fedeli inquired about Mill Street. Mr. Bonanno said they set the sanitary manhole today where the pipe underneath 422 will connect to, but right as they were setting that they started to hit rock. Mill Street is closed with an undetermined opening date.

Supervisor Foley asked about the timeframe on the stormwater on Mill Street and if it will impact 422. Mr. Bonanno said it will impact 422. After the Village area, their crew will go back and start the storm sewer at Old West Chocolate. It will take at least two to three months.

Supervisor Foley asked if the stormwater project is going to be year round. Mr. Bonanno said both storm and sanitary will be. Supervisor Foley asked if the 743/422 is a year round project. Mr. Bonanno said he is not sure if they are going work winter or not, but he will find out.

Chairman Abruzzo asked about the bike path on the south side of Governor Road along Cocoa. Mr. Bonanno said it is the responsibility of landscaping company to do the fine grading. Chairman Abruzzo asked that Mr. Bonanno and Mr. Clark handle the landscaping concerns and not to hesitate to ask the Board for assistance.

Supervisor Ballard asked about the permit for the bike path. Mr. Mandia said they have the DEP permit but not the federal permit. Supervisor Ballard asked if it would be finished by fall. Mr. Mandia said he was hopeful, but it will still need paved. The Army Core of Engineers have until October 15th to respond. The contractors are ready to go as soon as the permits are in place.

Supervisor Foley asked if there is a penalty if they fail to achieve the timeline. Mr. Bonanno said there is no penalty for the paving. The penalty only occurs at the end of the contract. They are requesting that because ideally what they want to do is bring down all of their paving equipment at one time.

James N. Negley, Township Manager/Township Treasurer – Manager Negley reported that all of the departments submitted their budgets for 2013. They have been reviewed and a budget hearing will be scheduled in the near future.

APPROVAL OF ACCOUNTS PAYABLE (\$1,023,397.89) AND PAYROLL (\$286,256.26).

Supervisor Foley moved to approve accounts payable in the amount of \$1,023,397.89 and payroll in the amount of \$286,256.26. Supervisor Ballard seconded. ***The motion carried, 5-yes 0-no.***

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Charleton Zimmerman – Mr. Zimmerman stated that three weeks ago he called Jill Henry regarding several lights that are out on Hersheypark Drive. He believes Mrs. Henry followed up, but tonight there are more bulbs out. He also mentioned that tonight he noticed portable white lights that the Hershey Company put out. It is glaring and is dangerous when driving. Chief O'Rourke said they put the lights out for the safety of the residents. He will have a shift supervisor inspect it. He also said they would notify PPL to address all the lights that are out.

ADJOURNMENT

Supervisor Foley moved to adjourn the meeting at 8:15 p.m. Supervisor Ballard seconded. ***The motion carried, 5-yes 0-no.***

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary