

TOWNSHIP OF DERRY

BOARD OF SUPERVISORS MEETING

Tuesday, August 11, 2009
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The August 11, 2009 Township of Derry Board of Supervisors meeting was called to order at 7:05 p.m. by Chairman, Michael H. W. Pries.

ROLL CALL

Supervisors Present:

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

Also Present:

Matthew J. Mandia, Director of Parks and Recreation
James N. Negley, Township Manager/Township Treasurer
Robert Piccolo, Assistant Director of Public Works
Edward L. Small, Director of Community Development
Rita Smith, Hershey Public Library
William D. Smith, Chief of Police
Terry M. Weinhold, Manager of Accounts Payable & Accounts Receivable
Jon A. Yost, Township Solicitor

Public Present: Elvira Ebling, Rich Gamble, D. Buffington, Tom Stang, Jim Strine, Matt Weir, Jim Ingalzo

Press Present: The Sun

Executive Session:

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

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

VISITOR/PUBLIC COMMENT:

Rich Gamble – Mr. Gamble inquired about the status of his complaints regarding property on Hockersville Road. He added that there are large panes of glass leaning on the back of the house and also some wood piles.

Mr. Small shared that he met with the owner at the site. Mr. Small did contact PennDOT regarding the weeds on the bank and there is a great possibility PennDOT will take care of them. He also acknowledged the house was being used as a storage area.

The items stored at the house are not junk but of some value. Mr. Small acknowledged the owner is in violation of some things. He added that the owner is in negotiations regarding a possible sale of the property.

Mr. Gamble stated that there have been previous negotiations regarding selling the property, but nothing happened. He is very concerned with kids playing there and the large pane glass in that area. Mr. Small said he would look into the panes of glass as he did not notice them at the property when he was there.

Mr. Tom Stang – Mr. Stang expressed concern with York Waste regarding yard waste collection. He has noted yard waste has been picked up and put in with the regular trash. He understands that there has been no yard waste taken to the composite site. Mr. Stang said his yard waste was not picked up as scheduled and is still there. He suggested the supervisors put out their yard waste and see when it is picked up. Manager Negley will relay to Mr. Pergolese the concerns of Mr. Stang.

Supervisor Porter thanked Mr. Stang for bringing his concerns to the Board. He acknowledged that if something is not working right, we do need to check into it. He believes Mr. Pergolese has addressed all of the concerns brought to him. Supervisor Porter asked Mr. Piccolo if they are taking yard waste over to the composite center. Mr. Piccolo said they were. He could not comment on if they are throwing yard waste in with regular trash. Supervisor Porter reminded everyone that grass clippings are not considered yard waste due to the chemicals put on grass.

APPROVAL OF MINUTES:

Chairman Pries called for a motion to approve the Minutes of the July 28, 2009 Board of Supervisors Meeting. Supervisor Memmi made a motion to approve the Minutes as written. Supervisor Fedeli seconded. *The motion carried 5-0.*

NEW BUSINESS:

A1-8 The Final Subdivision/Land Development Plan for 515, 555, 565 East Chocolate Avenue, Plat No. 1179.

Edward L. Small, Director of Community Development

Mr. Small said that this plan is a final version of a preliminary plan that was approved March 24, 2009. The primary sight of the project located at 515 E. Chocolate Avenue (makes up 4 parcels) is at the west end which is the sight of the former automobile dealership. The 5th of 6 parcels is located at 555 E. Chocolate Avenue and contains an existing office building. The last parcel is located at 565 East Chocolate Avenue and is currently vacant and will be used for parking to support all the uses on the property. The Zoning Hearing Board granted relief for the change of use from one nonconforming use to another for this proposal and also a floor area ratio relief of .59 where normally .25 is the maximum limit. The entire area is 4.05 acres. The developer has used the services of McMahon Transportation Engineers to produce information on traffic. We found out that recently a supplement by Trans Associates answered a question that the prohibition of left turns approaching Chocolate from the north on Mansion Road would be an acceptable way to deal with the delays in both am and pm peak hours. The am peak hour would remain in the failure condition with the prohibition of the left turns even though it would be about 25 seconds better for those drivers making a right turn.

The pm peak hour would be reduced from a failure to a "C" level of service. HRG has read their methodology and concurred in the findings of their study.

The developer has also offered to the Township a contribution of \$27,540 to be applied to the replacement of the pipe conveying water from the north to the south sides of Rt. 422. Waivers were requested during the preliminary stage of the plan and both waiver requests were granted by the Board of Supervisors regarding profiles of existing and proposed utility systems and the location of proposed sidewalks. No more waivers have been asked in this version of the plan.

The Planning Commission reviewed the application on June 2nd and recommended approval with certain issues that they would like to be seen corrected and those have been addressed. There are some outstanding issues which are: satisfying the need for an erosion sedimentation plan approval, the NPDES permit, an agreement with the developer to indicate how the conduct and condition of the contribution be applied related to stormwater issues. Further, there was another recommendation as part of the HRG review of the prohibition of left turns. This was one regarding the placement of a concrete median in Rt. 422 to offer a physical disincentive to make that left turn. Mr. Small recommended that signage be prepared, installed, and observed over time to find out if it is working.

Supervisor Porter asked Mr. Bonnano what the difference is between a letter from Dauphin County Conservation Districting approving the erosion and sedimentation control plan and NPDES permit being provided to the Township. Mr. Bonanno said they are similar. They both are granted by the Dauphin County Conservation District. The E&S plan approval looks at best management practices during construction and the NPDES permit looks at best management practices after construction.

Supervisor Porter told Mr. Sheffey that this property is one of our most spectacular sights in the whole Township. He hopes Mr. Sheffey builds something that is beautiful and adds beauty to that area. Mr. Sheffey said they are going to do their best to make it outstanding.

Supervisor Porter asked about their vision for the part of property that is going to be left vacant for awhile. Mr. Sheffey said it is an existing parking lot. They intend to use it for parking; however, they are still working towards trying to get everyone to agree that is the right thing to do.

MOTION: A motion was made by Supervisor Porter and seconded by Vice-Chairman Abruzzo that the Final Subdivision/Land Development Plan for 515, 555, 565 East Chocolate Avenue, Plat #1179, is approved subject to the following:

- a. That the applicant reimburses the Township for costs incurred in reviewing the plan no later than September 11, 2009.
- b. That performance security be provided no later than February 11, 2010 to guarantee the completion of required improvements.
- c. That the Township receives a letter from the Dauphin County Conservation District approving the erosion and sedimentation control plan no later than February 11, 2010.

- d. That the Township is provided a copy of the NPDES permit no later than February 11, 2010.
- e. That the Township receives a letter of approval from Derry Township Municipal Authority no later than February 11, 2010.
- f. That the Township receives a Letter of Credit in the amount of \$27,540.00 for the purpose of drawing funds as needed for the stormwater improvements along and beneath Chocolate Avenue and an executed agreement detailing the understandings associated with the project, subject to review and approval by the Township Solicitor. This is to be addressed no later than February 11, 2010.

The motion carried, 5-0.

B1-3 Consideration of the release of a portion of the performance security for the Preliminary/Final Land Development Plan for Park Avenue Restaurant Court (Dunkin Donuts), Plat No. 1153.

Edward L. Small – Director of Community Development

The use of this property is for a 23-seat Dunkin Donuts restaurant. The Township is holding performance security and the applicant is requesting release of most of the security. HRG has inspected the area and has determined that 65,944.45 can be released and \$6,591.92 should be held as performance security.

MOTION: Vice-Chairman Abruzzo made a motion to approve the release of \$65,944.45 from the performance security, held as cash, for the Preliminary/Final Land Development Plan for Park Avenue Restaurant Court (Dunkin Donuts), Plat #1153, leaving a balance of \$6,591.92. Supervisor Fedeli seconded. ***The motion carried, 5-0.***

C1-7 Authorization to accept and execute all documents relative to the receipt of the Commonwealth Financing Authority’s H2O PA Water & Sewer Grant in the amount of \$4,295,300 for the Township of Derry’s Stormwater and Sanitary Sewer Improvement Project.

James N. Negley, Township Manager/Township Treasurer

The Township received financial aid in the amount of \$4,295,300 to assist with the Township’s Stormwater Improvement Project. Mr. Negley asked the Board for their approval of accepting the financial aid and executing all documents related to this.

Supervisor Memmi commented on the outstanding job HRG and the Township staff did in putting together the grant application. He added that it was very competitive and the Township is very fortunate. The project will begin next year.

MOTION: A motion was made by Chairman Pries and seconded by Vice-Chairman Abruzzo that authorization to accept and execute all documents relative to the receipt of the Commonwealth Financing Authority’s H2O PA Water & Sewer Grant in the amount of \$4,295,300 for the Township of Derry’s Stormwater and Sanitary Sewer Improvement Project is hereby approved. ***The motion carried, 5-0.***

D1-5 Adoption of Resolution No. 1234 authorizing the Chairman of the Board of Supervisors to sign the Highway Occupancy Permit Condition Statement for Derry Township Stormwater modifications Area 3 (Cocoa Avenue), HOP Application No. 270628.

James N. Negley, Township Manager/Township Treasurer

Mgr. Negley asked for the Board's approval to submit the necessary documents related to stormwater modifications Area 3.

MOTION: A motion was made by Supervisor Porter and seconded by Supervisor Fedeli that Resolution No. 1234 authorizing the Chairman of the Board of Supervisors to sign the Highway Occupancy Permit Condition Statement for Derry Township Stormwater modifications Area 3 (Cocoa Avenue), HOP Application No. 270628 is hereby approved. ***The motion carried, 5-0.***

E1-2 Resolution No. 1235, appointing a Delegate and Alternate Delegate to the Dauphin County Tax Committee.

James N. Negley, Township Manager/Township Treasurer

At the last meeting, Supervisor Memmi and Chairman Pries were approved to serve as delegate and alternate delegate to the countywide tax collection committee. Manager Negley asked the Board for their approval of a resolution appointing the delegates.

MOTION: A motion was made by Supervisor Fedeli and seconded by Supervisor Porter that Resolution No. 1235, appointing Member August T. "Skip" Memmi, as Delegate and Chairman Michael H.W. Pries as Alternate Delegate to the Dauphin County Wide Tax Committee is hereby approved. ***The motion carried, 5-0.***

F1-5 Authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553) by establishing a prohibition of left turns for southbound traffic on Mansion Road at the intersection with US 422.

William D. Smith, Chief of Police

MOTION: A motion was made by Supervisor Memmi and seconded by Vice-Chairman Abruzzo 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 210-19, **turning at certain intersections prohibited or restricted**, by establishing a prohibition of left turns for southbound traffic on Mansion Road at the intersection with US 422 is hereby approved. ***The motion carried, 5-0.***

CORRESPONDENCE

There was no correspondence to report.

BOARD/COMMITTEE INFORMATION

Supervisor Fedeli mentioned that the Book Sale at the Library was a big success.

REPORTS

William D. Smith – Chief of Police

Chief Smith cautioned everyone about the amount of traffic in the Township on Wednesday for the upcoming concert.

Robert Piccolo, Assistant Director of Public Works

Mr. Piccolo mentioned they are doing bridge repairs at Brookside Park and base repairs on Homestead Road near the school. He also mentioned the renovation of Founders Park baseball field is completed and 75% of the work was done in-house.

Mr. Piccolo was asked about sink holes. Mr. Piccolo said that any sink holes they were made aware of were fixed. The sink hole at the Blue Barn was mentioned; however it is currently secured. Supervisor Memmi said that PennDOT claims sink holes are not handled by them, but by the municipalities. Mr. Clark is working with PennDOT to resolve this issue.

Chairman Pries asked for an update on SAMI. Mr. Piccolo said they are tweaking lights at the square to get more turn times. They are awaiting feedback.

Supervisor Fedeli referred to a letter from Michael Gillespie to Rep. Payne. The letter acknowledged problems with the controllers and masters that were installed in the SAMI project and the need for them to be replaced. Supervisor Memmi added that we need to come up with a plan with PennDOT regarding who pays for the replacements of the controllers and masters. He also added that PennDOT needs to at least share the expense.

Rita Smith, Hershey Public Library

Ms. Smith announced that the Library Book Sale was another record breaking year.

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

Ms. Weinhold shared that they received a check in the amount of \$5,029.96 for severe winter adjustment.

Matthew J. Mandia – Director of Parks and Recreation

Mr. Mandia said he received a packet of information regarding the 22 Hikes through Pennsylvania Highlands from the New Jersey/Delaware River border to the Pennsylvania/Maryland Border. He was pleased to share that the Jonathan Eshenour Memorial Trail was #16 of the hikes listed. Vice-Chairman Abruzzo thanked Matt for his hard work in keeping the Trail in great condition. Supervisor Memmi asked if this could be included in our website. Mr. Mandia said that he had made contact with Appalachian Trail to do this.

James N. Negley, Township Manager/Township Treasurer

Mgr. Negley shared that on January 14, 2009, the Township entered into a basis swap with RBC in the amount of \$14,135,000. On May 15th, the Township received \$25,000 as a result of the swap. On Wednesday, August 5th, the basis swap was terminated for a net positive value of \$500,000. Within the last 7 months, this basis swap and termination generated the Township \$525,000.

Chairman Pries thanked Mgr. Negley and also Lou Verdelli for his fiscal management and foresight.

APPROVAL OF ACCOUNTS PAYABLE (\$1,514,629.82) AND PAYROLL (\$341,980.85).

Supervisor Porter moved to approve accounts payable in the amount of \$1,514,629.82 and payroll in the amount of \$341,980.85. Vice-Chairman Abruzzo seconded. ***The motion carried, 5-0.***

VISITOR/PUBLIC COMMENTS

No one came forward.

ADJOURNMENT

Supervisor Memmi moved to adjourn the meeting at 7:45 p.m. Vice-Chairman Abruzzo seconded. ***The motion carried, 5-0.***

SUBMITTED BY:

Kelly C. Fedeli
Township Secretary

Brenda Van Deursen
Recording Secretary