

# TOWNSHIP OF DERRY

## BOARD OF SUPERVISORS MEETING

Tuesday, May 12, 2009  
600 Clearwater Road, Hershey, Pennsylvania 17033

### **CALL TO ORDER**

The May 12, 2009 Township of Derry Board of Supervisors meeting was called to order at 7:10 p.m. by Chairman, Michael H. W. Pries.

### **ROLL CALL**

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

### ***Supervisors Absent:***

E. Christopher Abruzzo, Vice-Chairman

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

Barbara Ellis - Director of Hershey Public Library  
Jill E. Horner – Assistant Township Manager  
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  
William D. Smith – Chief of Police  
Terry M. Weinhold – Manager of Accounts Payable & Accounts Receivable  
Jon A. Yost - Township Solicitor

***Public Present:*** Elvira Ebling, Jim Ingalzo, Mike Weir, Lou Mione

***Press Present:*** Drew Weidman, The Sun and Patriot News

### ***Executive Session:***

Chairman Pries announced 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:**

Elvira Ebling shared that she attended the Open House at the Waste Water Facility and commented on the terrific job Ralph Waters is doing. She was on the original Municipal Authority when it started and there was only one little building. Ms. Ebling also mentioned Mr. Waters handed out soil made from the waste water. She also shared that she used the soil for planting.

**APPROVAL OF MINUTES:**

Chairman Pries called for a motion to approve the Minutes of the April 28, 2009 Board of Supervisors Meeting. Supervisor Fedeli made a motion to approve the Minutes as written. Supervisor Porter seconded. ***The motion carried 4-0.***

**NEW BUSINESS:**

**A1-12 The Preliminary/Final Lot Consolidation/Land Development Plan for Ronald McDonald House, Plat No. 1172.**

Edward L. Small – Director of Community Development

This plan is submitted by the Ronald McDonald House Charities of Central Pennsylvania. It will consolidate three separate properties into one description of 1.9 acres. The buildings that are currently present passed to Ronald McDonald House in 1983. In 1989, a smaller parcel was added with a single family dwelling. In 2004, another tract had a single family dwelling, but is now vacant. The plan proposes 15 more guest rooms to the main building and an expanded kitchen. The addition would be served by a fire suppression system and an existing fire department connection to the front west of the main entrance. The plan also shows an auto turn program to allow easy access for the Fire Department. A new fire hydrant is proposed on the other side at the bottom of Governor Road.

The applicant appeared before the Zoning Hearing Board in two cases. The first one was granted on November 15, 2006 and, due to the imminent expiration of the decision and because they were not quite ready, they returned for a renewal of the relief which was granted on January 16, 2008.

Supervisor Porter asked about the areas of relief. Mr. Small said there were 11 areas consisting of setbacks of rear floor area ratio, impervious coverage, percentage of expansion of floor area of a nonconforming building and all the regular things when a use is not permitted in that district.

Supervisor Porter asked if Matt Bonanno was comfortable with their stormwater plan. Mr. Small said he was.

The current deadline that would be satisfying the continuity of the approvals would be to file a permit application by the 15<sup>th</sup> of May. This can be easily done. The plan is also affected by an agreement entered into between the applicant and the Crest of Hershey indicating some responsibility by the Ronald McDonald House for landscaping. The building is tall and would have an effect on the neighbors. The Ronald McDonald House will install and maintain some additional landscape buffer that is acceptable by the Crest of Hershey.

The plan also proposes an addition to the parking all of which is in the front and a walk-way that will parallel Governor. It will connect to the main entrance without having to walk through the parking lot for the entire distance. The walk-way is not on the public right-of-way side of the property line, but is on the private side. The Planning Commission voted not to grant the waiver from the installation of a sidewalk, but they did grant a waiver to have a public accessible walk on the private side line and grant an easement to the public by way of a recordable agreement subject to the approval of the Solicitor.

There are some conventional waivers requested. One was granted for the installation of curbing with the standard agreement for future installation as necessary. There are stormwater easements relaxing the 20 foot standard width to allow them to put it where it would fit. The Planning Commission also met on April 7<sup>th</sup> to address items that needed to be corrected.

Matt Bonanno summarized the three stormwater BMPs on the site. One is the walkways. They are proposing to do pervious pavement blocks instead of impervious which will decrease the runoff. Most of the water will be conveyed down to the storm system. Two other areas are proposed rain gardens to enhance the water quality features. There are inlets along the curb and a trench drain which will eliminate the runoff from entering the roadway. All of the water is being conveyed to the underground detention system which is reducing the post development peak rate of runoff below predevelopment. Mr. Bonanno stated that this is a more than compliant stormwater design.

Supervisor Porter asked how the water was stored under the parking lot. Mr. Bonanno explained that there are a series of underground pipes with stones which gives you the volume to reduce the increase runoff and release it at a slower rate. He mentioned the pipe will be encased in concrete because it will be under a building.

Supervisor Porter asked if the sidewalk would also be pervious coverage. Steve Quiggley, representative for the applicant, said it would be. It was noted this might be the first pervious sidewalk in town.

Supervisor Memmi asked Mr. Small how many properties are there from the western corner of this site to University. Mr. Small said there are two properties. The one from westward to Centerview is about 315 feet and the other one is from Hillview to the edge and is about 290 feet by scale.

Supervisor Memmi asked if we were compliant with all the Pa DOT issues regarding traffic. Mr. Quiggley answered that from the traffic studies they are compliant because they do not create many trips. They are in the process of getting an HOP approval for the entrances because they are closing three non-permitted residential entrances and opening up one permitted entrance.

Supervisor Memmi wondered if the Ronald McDonald Charities would be willing to relocate the sidewalk as part of the agreement to allow the sidewalk to be on the private side. Mr. Quiggley said they would. He added that the need for this project is growing. Last year they had to turn away 900 families.

Chairman Pries asked Mr. Quiggley if the Ronald McDonald House is a non-profit organization. Mr. Quiggley said it is. Chairman Pries asked how much a new sidewalk would cost. Mr. Quiggley estimated \$4,000. Chairman Pries asked Mr. Quiggley if he had money put away to pay for it. Mr. Quiggley said it is in the budget now if they need to use it.

Supervisor Fedeli noted that the original submission of the project included the applicant asking for a waiver from the sidewalk requirement and that Mr. Small's department was in agreement. Mr. Small added that at the time they did recommend the waiver. He explained that the distances that are west and east with no existing sidewalk network to connect to would leave people using the sidewalk with no choice but to return to the street. Since the statutory authority would be there even without the agreement, the agreement would be a reminder for the applicant that they could be asked at any time by the Board to install the appropriate sidewalk.

Supervisor Fedeli recollects a discussion at the Planning Commission meeting of a resident/volunteer who didn't believe it was safe for residents walking from the Med Center to the Ronald McDonald House. Mr. Small said that was correct.

Supervisor Fedeli asked Mr. Quiggley about the volunteer's concern. Mr. Quiggley said it is a resident who sometimes volunteers at the House. He also said it is now a sidewalk to nowhere and they are aware the Township has the authority to ask for the sidewalk to be put in at any time.

Supervisor Fedeli commented on the importance of this project; however, she has serious concerns about the sidewalk. It does not make any sense to put a sidewalk in that doesn't connect to anything. She looked at the intersection of Governor and Centerview and noted there are crosswalks on every corner. She explained that if you are walking from the Med Center to the Ronald McDonald house, cross Governor at the light, and up to the House, you are walking 315 feet on a very wide shoulder to get to the House which seems relatively safe. There is a bike path on the other side of the highway where it is also a safe place for people to walk and recreate.

Supervisor Porter asked if there was a crosswalk across Governor from the Ronald McDonald House over to the bike path. Mr. Quiggley said there was not. He added that if they install a crosswalk, the Township and the Ronald McDonald House would become liable for anything that would happen in that crosswalk because it is not an officially designated location.

Supervisor Memmi asked how long the property is along 322 of the Ronald McDonald House. Mr. Small said approximately 280 feet.

Supervisor Memmi expressed a safety concern that if we don't put in a defined walkway for the residents and staff who are traveling back and forth from the Med Center, they are going to cross the parking lot wherever they can. Also, from the driveway access on 322, we are proposing 200+ feet of pathway which is half the distance to get to Centerview. This reduces our risk by almost 50% by having people on the shoulder of 322 and also reduces some of the risks of crossing over to the bike path.

Supervisor Memmi requested that as we vote on this plan, we break out the waiver and vote on it separately from the plan itself. The Solicitor said that we could do that.

Supervisor Porter asked if the two properties to the west had to sign a sidewalk agreement when they were developed. Mr. Small said he doesn't think they did, but the second class code would allow the order anyway.

Supervisor Porter asked if it is a common practice for the people who stay at the Ronald McDonald House to walk to the Med Center. Mr. Quiggley said most of the people drive.

Supervisor Memmi remembered the original Ronald McDonald House sat on one lot and since that time they were able to acquire additional acreage as the other properties were put on the market for sale. He assumes if the single residence becomes available, the Ronald McDonald House would acquire that site to expand. At some point in time we are going to get linkage of these sidewalks all the way out to the Crest of Hershey. He believes this is the start of creating that linkage to move pedestrian mobility not only for our residents, but for the visitors who need to get to the Med Center.

Chairman Pries asked Matt Mandia if he sees a lot of walking traffic on the bike path. Mr. Mandia said he did. Chairman Pries said his concern is from a liability standpoint. When you put a sidewalk somewhere where people have walked without a sidewalk, you are building something that is going to attract people. They will utilize it which commences and ends with no sidewalks. He said the bike path was created for pedestrian traffic. It runs all the way from the Medical Center down to Cherry Drive and enables the people to use those goods and services over there.

Supervisor Memmi restated that if we don't try to get the people closer to Centerview, they are just going to start crossing over 322 from the driveway at the Ronald McDonald House. At least at Centerview there is a red light so people are starting to slow down which is reducing a risk.

Chairman Pries asked if there was any documented observation that people will walk from the new driveway across 322. Supervisor Fedeli added that if you are coming out of the front of the property and you have the choice of crossing a busy highway or walking along a very wide shoulder to a crosswalk, she would think they would walk on the shoulder.

**Motion:** A motion was made by Supervisor Fedeli to waive the sidewalk requirements.

**Discussion:** Solicitor Yost asked if that includes executing the normal agreement that in the future should the Township want the sidewalk installed, the Ronald McDonald House would comply. Supervisor Fedeli agreed. Supervisor Porter suggested the motion be supplemented to reserve the right to insist that the sidewalk go on the inside of the right-of-line for safety reasons. Solicitor Yost said he is concerned if the others are coming out in the public right of way and we are moving into the private right of way. Supervisor Porter said we wouldn't have to insist on it. He asked Mr. Quiggley if he is still going to do the easement agreement. Mr. Quiggley said we will need to indicate that the easement will go into effect should the sidewalk go on private property. Solicitor Yost suggested modifying the standard easement agreement to include the granting of an easement across the Ronald McDonald House property for the sidewalk should the Township so desire.

**Amended Motion:** Supervisor Fedeli amended her motion of waiving the sidewalk requirements to include modifying the standard easement agreement to include granting an easement across the Ronald McDonald House property for the sidewalk should the

Township so desire. Supervisor Porter seconded. Supervisor Fedeli, Supervisor Porter, and Chairman Pries voted in favor of the motion; Supervisor Memmi voted in opposition.  
***The motion carried, 3-1.***

**Motion:** A motion was made by Supervisor Fedeli and seconded by Supervisor Porter to recommend approval of the Preliminary/Final Lot Consolidation/Land Development Plan for Ronald McDonald House, Plat #1172, subject to the following occurring no later than the dates indicated, and prior to the recording of the plan:

- a. That the applicant reimburses the Township for costs incurred in reviewing the plan no later than June 12, 2009.
- b. That performance security be provided in acceptable form for the required improvements no later than November 12, 2009.
- c. That item 1 of the April 24, 2009 Derry Township Municipal Authority letter be addressed no later than November 12, 2009.
- d. That a letter be provided by the Dauphin County Conservation District approving the erosion and sedimentation control plan and that a copy of the NPDES permit be provided, both no later than November 12, 2009.

It is further moved that the following waivers be granted from the Subdivision and Land Development regulations:

- a. From Section 185-12 to not be required to submit a separate preliminary plan; however, the applicant is still required to depict the information which is to be shown on the preliminary plan.
- b. From Sections 185-12.E.(4).(a).[19].[20], and [21] to not be required to depict plans and profiles of existing storm sewer, sanitary sewer, and water systems, with the exception that the plan view locations of the sanitary and water laterals are to be shown.
- c. From Section 185-22.E.(3) to not be required to construct curb along Governor Road, with the stipulation that the applicant enter into an agreement with the Township no later than November 12, 2009 which would allow the Township to require the installation of curbing in the future if deemed necessary.
- d. From Section 185-23.A.(3) to not be required to construct the underdrain in West governor Road.
- e. From Section 185-34 regarding the position of the sidewalk within the road right-of-way, provided that the applicant execute an easement document, acceptable to the Township Solicitor, which would allow the public to use the sidewalk as depicted on the plan.
- f. From Section 185-27.C. to be allowed to provide an 8' stormwater easement on the north side of the building.

***The Motion carried, 4-0.***

**B1-2 Permission to hold a small fireworks display at 1276 Auburn Avenue on July 4, or a rain date of July 5, 2009.**

James N. Negley - Township Manager/Township Treasurer

Manager Negley received a request from Craig Erwin for permission for a small fireworks display at his residence on July 4<sup>th</sup> with a rain date of July 5<sup>th</sup>. Mr. Erwin supplied the Township a copy of the insurance naming the Township as additional insured of up to a million dollars.

**Motion:** A motion made by Supervisor Fedeli and seconded by Supervisor Memmi that Craig Erwin, 1276 Auburn Avenue, Township of Derry, to display fireworks on July 4, 2009 at approximately 8:00 P.M., or a rain date of July 5, 2009, at approximately 8:00 P.M. is hereby approved. ***The motion carried, 4-0.***

**CORRESPONDENCE**

There was no correspondence to report.

**BOARD/COMMITTEE INFORMATION**

There was nothing to report.

**REPORTS**

Matthew J. Mandia – Director of Parks and Recreation

Mr. Mandia invited everyone to the Annual Memorial Day Ceremony. It will be held on Monday, May 25<sup>th</sup> at 10:00 at the War Memorial at the Recreation Center.

Chairman Pries asked how many people attended the Fishing Derby. Mr. Mandia said there were about 300 people. Chairman Pries commended Parks and Rec, the Police Department and Public Works for handling the whole event.

**APPROVAL OF ACCOUNTS PAYABLE (\$305,245.85) AND PAYROLL (\$291,938.05).**

Supervisor Porter moved to approve accounts payable in the amount of \$305,245.85 and payroll in the amount of \$291,938.05. Supervisor Memmi seconded. ***The motion carried, 4-0.***

**VISITOR/PUBLIC COMMENTS**

Mike Weir – Mr. Weir encouraged the Board of Supervisors to have a vision for the sidewalk system. He commented that our community trail system didn't happen because it was all finished at one time. If we are talking about safety from the Ronald McDonald House, the Board ought to be focusing on making it safe. The Crest of Hershey is a big organization and maybe we should be pushing them to put that sidewalk through.

Chairman Pries agreed that the Board does need to make a decision soon on what direction they want to go with the sidewalks.

**ADJOURNMENT**

Supervisor Porter moved to adjourn the meeting at 8:00 p.m. Supervisor Fedeli seconded. ***The motion carried, 4-0.***

SUBMITTED BY:

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Kelly C. Fedeli  
Township Secretary

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Brenda Van Deursen  
Recording Secretary