

TOWNSHIP OF DERRY

BOARD OF SUPERVISORS MEETING

Tuesday, December 1, 2009
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The December 1, 2009 Township of Derry Board of Supervisors meeting was called to order at 7:05 p.m. by Vice-Chairman, E. Christopher Abruzzo.

ROLL CALL

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

Supervisors Absent:

Michael H. W. Pries, Chairman

Also Present:

Matt Bonanno – HRG
Thomas Clark – Director of Public Works
Barbara Ellis - Director, Hershey Public Library
Jill E. Horner – Assistant Township Manager
Matthew J. Mandia – Director of Parks and Recreation
James N. Negley - Township Manager/Township Treasurer
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
Brenda Van Deursen - Recorder

Public Present: Sandy Ballard, Elvira Ebling, Jim Ingalzo, Charles Junkins, Mark Moyer, Charles Smith – HRG, Matthew Weir

Press Present: Monica Von Dobenek, The Patriot

Executive Session:

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

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

VISITOR/PUBLIC COMMENT:

No one came forward.

NEW BUSINESS:

A1-13 The Preliminary/Final Subdivision Plan for the Hershey Company West Hershey Facility, Plat No. 1184.

Edward L. Small – Director of Community Development

This plan involves a 195.419 acre tract along West Chocolate Avenue with some frontage along Hersheypark Drive. It is currently in use for industrial purposes. At the southeast corner of the tract is a building whose design is residential. The proposal is to create a new lot of record for this building. The lot will have 11.005 acres and 135.00 feet of width at the right-of-way line and at the building setback line. The proposed lot lines will not establish any nonconforming relationships to the buildings that do not presently exist. An easement for vehicular access to areas beyond the rear lot line is being reserved. There are two recorded easements for telephone facilities and one for the maintenance of a monitoring well, but are not located within the scope of the current proposal. A DEP document has been filed known as the "Request for Planning Waiver and Non-Building Declaration." This document's intent is that there is to be no further development on either of the lots beyond what exists. Waivers have been requested and the Planning Commission recommended they be granted.

Discussion: Supervisor Porter asked if the building is the original farmhouse that went to that farm. Charles Junkins said he believes it is the original farmhouse. He mentioned that west of the property, there was also a house and barn. There is presently just a barn in that location.

Motion: A motion made by Supervisor Fedeli and seconded by Supervisor Memmi that the Township hereby approves the Preliminary/Final Subdivision Plan for The Hershey Company West Hershey Facility, Plat #1184, and the Request for Planning Waiver and Non-Building Declaration subject to the following is hereby approved:

- a. That the applicants reimburse the Township for costs incurred in reviewing the plan no later than January 1, 2010.
- b. That performance security to be provided in acceptable form no later than June 1, 2010.
- c. That concurrence from Derry Township Municipal Authority resolving the plan view locations of sanitary sewer lines be received no later than June 1, 2010.
- d. That the text of the access agreement be submitted no later than June 1, 2010.
- e. That concurrence from the Department of Environmental Protection on the Request for Planning Waiver and Non-Building Declaration be received no later than June 1, 2010.

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

- a. From Sections 185-12.D.(2) and 185-13.E.(3) regarding the scale of the overall plan to permit the entire property to be plotted on one sheet for clarification.
- b. From Section 185-31 regarding landscaping and shade trees.
- c. From Section 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding providing stormwater profiles.
- d. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding providing sanitary sewer profiles.
- e. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding providing gas and water system profiles.

- f. From Section 184-22.E.(5) to not require the installation of curbing along adjacent streets with the stipulation that the applicant enter into an agreement with the Township no later than June 1, 2010 which would allow the Township to require the installation of curbing in the future if deemed necessary.
- g. From Section 185-34 to not require the installation of sidewalk along adjacent streets with the stipulation that the applicant enter into an agreement with the Township no later than June 1, 2010 which would allow the Township to require installation of sidewalk in the future if deemed necessary.
- h. From Sections 185-12.D.(1) and 185-13.E.(1) regarding plan sheet size.

Supervisor Porter abstained from voting.

The motion carried, 3-0-1.

B1-8 Resolution No. 1244 authorizing the Highway Occupancy Permit (HOP) application for the Derry Township Stormwater Improvement Project for Area 2, Bullfrog Valley.

Edward L. Small – Director of Community Development

This is part of the new process PennDOT has put in place requesting the Chairman’s signature authorizing the resolution. The work involved includes the regrading and stabilizing of the existing stream within the existing banks and the removal of sediment at the mouth of the Bullfrog Valley pond. This design also includes taking Bullfrog Valley pond off-line, but remaining connected via a diversion structure at the entrance of the pond to divide and adjust flows into the pond to maintain a preferred level in the pond and consistent flow in the stream channel. However, the real focus is that the Chairman sign the PennDOT documents.

Discussion: Supervisor Memmi asked Mr. Bonanno if we have been informed how we are going to cross underneath the highway. Mr. Bonanno said the additional expense will come in with boring the pipes through the ramp.

Supervisor Memmi asked Mr. Bonanno if he has had conversation with PennDOT regarding expanding the intersection and relocating the creek. Mr. Bonanno said he did converse with PennDOT and at the time they were not interested and funds were not available. Supervisor Memmi suggested we have conversation with them again since there is now a new director. Mr. Bonanno said that he could certainly do that.

Motion: A motion made by Supervisor Porter and seconded by Supervisor Fedeli that the Township adopts Resolution No. 1244 authorizing the Chairman to execute the Permit Condition Statement, the Recording Copy form, and any related documents for processing the HOP for the Derry Township Stormwater Improvement Project for Area 2, Bullfrog Valley is hereby approved. ***The motion carried, 4-0.***

C1-3 Adoption of Resolution No. 1245 designating the Township of Derry’s intent to suspend banners across SR0422 announcing various events.

James N. Negley - Township Manager/Township Treasurer

PennDOT requests this resolution to approve the suspension of banners.

Motion: A motion made by Supervisor Porter and seconded by Supervisor Memmi that Resolution No. 1245, designating the Township of Derry's intent to suspend banners across SR 0422 announcing various events is hereby approved. ***The motion carried, 4-0.***

CORRESPONDENCE

No correspondence to report.

BOARD/COMMITTEE INFORMATION

Vice-Chairman Abruzzo announced that Municipal Authority passed their 2010 budget with no increase. However, sewer rates increased 4.5%. The current rates have been in place for three years. The new rate will go in effect April 2010.

Supervisor Memmi added that to balance the 2009 Budget, they had to dip in reserve which helped necessitate the small increase. Vice-Chairman Abruzzo said there is sufficient reserve, but need to be cautious.

REPORTS

William D. Smith – Chief of Police

Chief Smith reported that members of the police department participated in a Crime Prevention Practitioners training course that was presented by the PA Commission on Crime and Delinquency.

Thomas Clark – Director of Public Works

Mr. Clark reported that he will begin turning the fleet over from leaf collection to salt boxes to get ready for the winter.

Barbara Ellis - Director of Hershey Public Library

Ms. Ellis said they will continue working with Hershey Park to do a "Read your way to Candy Lane" for children 3 years to 8 years until December 11th.

Matthew J. Mandia – Director of Parks and Recreation

Mr. Mandia reported that he has been working on specifications for resurfacing the outdoor pool. This will begin after the first of the year.

James N. Negley - Township Manager/Township Treasurer

Mgr. Negley reminded everyone that December 15th will be the last meeting for 2009.

APPROVAL OF ACCOUNTS PAYABLE (\$3,917.70) AND PAYROLL (\$274,924.05).

Supervisor Fedeli moved to approve accounts payable in the amount of \$3,917.70 and payroll in the amount of \$274,924.05. Supervisor Porter seconded. ***The motion carried, 4-0.***

VISITOR/PUBLIC COMMENTS

No one came forward.

ADJOURNMENT

Supervisor Memmi moved to adjourn the meeting at 7:30 p.m. Supervisor Porter seconded. ***The motion carried, 4-0.***

SUBMITTED BY:

Kelly C. Fedeli
Township Secretary

Brenda Van Deursen
Recording Secretary