

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING**

**Tuesday, February 24, 2009**  
600 Clearwater Road, Hershey, Pennsylvania 17033

**CALL TO ORDER**

The February 24, 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**

***Supervisors Present:***

E. Christopher Abruzzo, Vice-Chairman  
Kelly C. Fedeli, Township Secretary  
George W. Porter  
Michael H. W. Pries, Chairman

***Supervisors Absent:***

August (Skip) T. Memmi, Jr.

Chairman Pries mentioned that Supervisor Memmi is out of town on business, but will try to make it before the end of the meeting.

**Also Present:**

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

**Public Present:** Elvira Ebling, Carol Gisselquist, Wayne Schutz, Alexis Hilbish, Andy Soran, Lou Mione, Matt Bonanno, Jim Strine, Chris Morelli, Sandy Ballard, Craig Buaslough, Matt Weir

**Press Present:**

Patriot News  
The Sun

**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:**

No one came forward.

**APPROVAL OF MINUTES:**

Chairman Pries called for a motion to approve the Minutes of the January 27, 2009 Public Hearing, the Minutes of January 27, 2009 Board of Supervisors Meeting, and the Minutes of the February 10, 2009 Board of Supervisors Meeting. Supervisor Porter made a motion to approve the Minutes from all three meetings as written. Supervisor Fedeli seconded. ***The motion carried 4-0.***

Chairman Pries congratulated Chief Smith and his staff on behalf of the Board and the residents of the Township for the outstanding work in apprehending the suspect in the arsons along Middletown Road.

**NEW BUSINESS:**

**A1-4 Ordinance No. 584, consideration to execute a Guaranty Agreement in regard to Derry Township Municipal Authority's 2009 Bond Issue.**

James N. Negley - Township Manager/Township Treasurer

Mgr. Negley reported that three Derry Township Municipal Authority bond issues are now eligible for refinancing:

- 1) DTMA Series of 2004 (\$8,445,000)
- 2) DTMA Series A of 2004 (\$6,870,000)
- 3) Derry Township Series of 2002 –DTMA Portion (\$810,000)

These bonds have interest rates substantially higher than the current rates. DTMA is requesting a Township guarantee for the issue to insure the lowest possible interest rate on the bonds.

Donna Kreiser of the Law Firm of McNees Wallace & Nurick LLC referred to an ordinance given to each Board member. This ordinance authorizes the Township to incur debt in the maximum amount of \$17,055,000 in connection with a guarantee that the Township would provide to the Municipal Authority bond financing. This is a maximum amount because we wanted to get this Board's approval of a maximum amount of bonds to allow us to proceed with the approvals we need in order to move forward. The amount will most likely be

lower. This ordinance is a little different in that the Municipal Authority has actually been making payments to the Township in connection with one of its bond financings. In addition to approving the guarantee, the Board will also be authorizing us to currently refund the 2002 Bonds which will be paid for by the Municipal Authority in connection with its bond financing.

Vice-Chairman Abruzzo shared that he and Supervisor Porter both sit on the Municipal Authority Board and highly recommend this refinancing. One of the things the Municipal Authority agreed not to do at the end of last year was to raise sewer rates in 2009 which was going to result in somewhat of a deficit to the revenues coming into the Municipal Authority. The Municipal Authority would have been able to cover it, but it would still have been a deficit in terms of revenue. This refinancing will result in approximately \$300,000 of immediate savings (revenue) to the Municipal Authority. We are appreciative of the opportunity to not only lower the interest rate on these bonds, but it also reinforces the decision of not raising sewer rates.

Supervisor Porter remarked on the good advice we are again receiving from Lou Verdelli and Donna Kreiser.

***Motion:*** Vice-Chairman Abruzzo made a motion to adopt Ordinance No. 584, to execute a Guaranty Agreement in regards to Derry Township Municipal Authority's 2009 Bond Issue. Supervisor Porter seconded. ***The motion carried, 4-0.***

### **B1-11 Consideration of the Preliminary/Final Subdivision Plan for Hills Property, Plat No. 1165.**

Edward L. Small – Director of Community Development

This plan is for a subdivision of a property that contains approximately 74.56 acres and is zoned Agricultural/Conservation. The property currently contains a single family dwelling unit, barn, and an accessory building. The applicants propose to subdivide the parcel into two lots. Lot 1, of 11.72 acres will contain the single family dwelling unit and the accessory structures. Lot 2, of 60.03 acres will be the future site of a single family dwelling with access from Walton Road on an easement approximately 950 feet long that provides for sharing the driveway currently used by Lot 1. A future separate access from Waltonville Road will require permits from PennDOT and from the Department of Environmental Protection for the wetlands crossing near the road. The land has some penalties to get to net developable acreage due to wetlands because it reduces the amount of density. With the penalties, the calculations from 74 acres results in a net developable area for density purposes down to 58.4 acres. There will be individual onsite sewage and water systems. Testing was done not only for the primary location on the vacant lot, but also on an alternate location in case the existing system may someday have to be replaced.

There was discussion of dedication of land for recreation as a bike trail, but there were some issues of wetlands plus the fact there is no planning or funding at this point for a network that could possibly be a connection from a bike trail. The dedication of open space is deferred in favor of payment in lieu of that dedication.

Mr. Small mentioned that he put in the agenda item that if the Board would accept land for recreation, it would be 1,568 feet and not very practicable. Waivers have been requested. In summary, they deal with the scale of the plan, profiles of proposed and existing gas and water systems, curbing, sidewalks, widening of adjoining roads. These were all supported. Also built into the motion is the standard agreement for future installations for curb and sidewalk.

The Derry Township Planning Commission recommended approval of the plan with a list of contingencies which have been successfully addressed. Mr. Small recommends approval with the standard contingencies and recommends that the waivers be granted as outlined.

**Discussion:** Supervisor Porter inquired as to who makes the determination whether or not there are wetlands on a property. He asked if that is something the engineer or Township does? Mr. Small said actually both of them. The presence of any hydric soils as mapped on the parcel is the trigger for the applicant to submit a wetland study. HRG makes sure they are in agreement with the findings.

Supervisor Fedeli had a question under the Planning Commission's action on this plan. She quoted under section a... "That the plan be amended to eliminate Lot 1 and all features related to its status as a proposed lot." Mr. Small said this plan was originally for three lots. The applicants decided they would change their approach. The owner who is buying the house and land around it will possibly in the future seek the Board's approval to add an area to his lot.

**Motion:** Supervisor Porter moved to approve the Preliminary/Final Subdivision Plan for Hills Property, Plat No. 1165, subject to the following occurring no later than the dates indicated and prior to the recording of the plan:

- a. The applicant reimburse the Township for costs incurred in reviewing the plan no later than March 24, 2009.
- b. That performance security be provided to guarantee the completion of required improvements no later than August 24, 2009.
- c. That a deed of declaration be provided for the additional right-of-way width along adjacent roads no later than August 24, 2009.

- d. That a fee in lieu of dedication of park, recreation, and open space be provided no later than August 4, 2009, in the manner prescribed by Sec. 185-45 of the Subdivision and Land Development Ordinance.
- e. That the Department of Environmental Protection approval letter for the sewage facility planning module application mailer request for sewage planning exemption be provided no later than August 24, 2009.
- f. That the stated waivers in the report be granted from the Subdivision and Land Development Regulations.

Vice-Chairman Abruzzo seconded. ***The motion carried, 4-0.***

**C1-3 Consideration of the release of the performance security supplied for the Final Subdivision and Lot Consolidation Plan and Phase 1 Land Development Plan for Deer Run Commons, Plat No. 1106.**

Edward L. Small – Director of Community Development

The Deer Run Commons plan was superceded last August by a new plan that eliminated all the phasing; therefore we are requesting to give a bond back.

**Motion:** Supervisor Fedeli moved to approve the release of Insurance Bond No. 1025017 supplied by Arch Insurance Co., whose reduced balance is \$205,906.67 which was supplied as performance security for the Final Subdivision and Lot Consolidation Plan and Phase 1 Land Development Plan for Deer Run Commons, Plat No. 1106. Supervisor Abruzzo seconded. ***The motion carried, 4-0.***

**D1-4 Consideration of the release of performance security and entry into the maintenance security period for the Preliminary/Final Land Development and Lot Consolidation Plan for the Museum at Chocolatetown Square, Plat No. 1121.**

Edward L. Small – Director of Community Development

The Museum is finished and operating. All the required improvements on the Plan have been installed and a release of the performance security has been requested. HRG inspected the site and determined all required improvements have been met. A maintenance security in the amount of \$5,891.33 for curb and sidewalk improvements is requested.

**Motion:** Supervisor Porter moved to approve the release of performance security, received as PNC Bank Letter of Credit No. 18104727-00-000 from the M.S. Hershey Foundation in the amount of \$419,488.00 for the Preliminary/Final Land Development and Lot Consolidation Plan for the Museum at Chocolatetown Square, Plat No. 1121, provided that the developer supplies maintenance security in acceptable form in the amount of \$5,891.33 and enters the standard

maintenance agreement. Supervisor Fedeli seconded. ***The motion carried, 4-0.***

**E1-5 Consideration of a release of the remaining performance security for the Preliminary/Final Subdivision and Land Development Plan for Dennis Burd, Plat No. 981.**

Edward L. Small – Director of Community Development

This plan re-subdivided three parcels of land to form five lots. The land development aspect of that plan was Turkey Hill on Middletown Road. Turkey Hill was asked by Mr. Burd to bond the operation of the detention basin on Lot #2 even though they did not own it. Since the remaining lots in the five lot subdivision remained unstabilized, it was not possible to release the NPDES permit. Turkey Hill ended up bonding something that wasn't even on their property. They have been doing this 3 times the length that would normally be the maintenance security period after they installed what they were required to install. Since the detention basin is now stabilized through the action of nature the Dauphin County Conservation District has no objection for us to release the bonding. He requested relief from the maintenance security responsibilities.

**Motion:** Supervisor Porter moved to approve the release of the remaining performance security for the Preliminary/Final Subdivision and Land Development Plan for Dennis Burd, Plat No. 981, supplied as Letter of Credit No. S2571600HO by PNC Bank in its current balance of \$24,145.46. Supervisor Fedeli seconded. ***The motion carried, 4-0.***

**F1 Request to conduct Muscular Dystrophy Association Ride for Life XXII scheduled for Sunday, May 3, 2009 starting at 10:00 a.m.**

William D. Smith – Chief of Police

This event will be held on state roadways and a PennDOT permit is required.

**Motion:** Supervisor Fedeli moved to approve the request to conduct Muscular Dystrophy Association Ride for Life XXII scheduled for Sunday, May 3, 2009 starting at 10:00 a.m. over various State and Township roadways on a route approved by the Derry Township Police Department. Vice-Chairman Abruzzo seconded. ***The motion carried, 4-0.***

**CORRESPONDENCE**

Supervisor Porter referred to the ongoing arbitration that is occurring with the Harrisburg Authority on behalf of the incinerator and the Dauphin County Commissioners. Our contract with York Solid Waste allows for them to increase our collection fees based on any increase in tipping fees that the Harrisburg Incinerator imposes on York Waste. The Harrisburg Incinerator proposed a \$100 per ton increase in the tipping fee. The Dauphin County Commissioners resisted

that proposal on behalf of the many municipalities that are required to take their solid waste to the Harrisburg Incinerator. The arbitrator ruled that the increase should be a \$1.58/ton instead of \$100/ton. This may result in a modest increase for our residents.

Supervisor Porter mentioned a resolution suggested by Carol Gisselquist recognizing the importance of water quality as we proceed with our stormwater management plan. We know that in modern society, certain pollutants are going to get in our waterways. The primary focus of our stormwater management plan is flood control and the protection of our citizenry, but we don't want to forget about water quality and the importance it brings to us. We can continue to work on our stormwater program through the new ordinances that Matt Bonanno has worked on and also MS4 permitting process. Two of the components of the MS4 permitting are public education and public input. This will allow the public to participate in our stormwater management process and also for all of us to learn about this together. He mentioned the rain barrel program which is consistent with water quality. The more we incorporate best management practices into our existing housing supply and into our existing developments, the better it is for water quality.

Supervisor Porter made a motion to approve the following proposed resolution:

*The Derry Township Board of Supervisors resolves that in the future planning and implementation of our stormwater management plan, we will strive to protect the health and safety of our citizenry, and to the extent practical and possible, we will strive to promote water quality, aquatic life, and wildlife.*

Chairman Pries asked Manager Negley to assign a number to the resolution.

**Discussion:** Vice-Chairman Abruzzo said it is important to note that this Board has sought throughout the entire stormwater process to strike a balance between protecting people and property in the Township as well as preserving our environment where possible. I believe this resolution is an accurate representation to the public in terms of what we hope to accomplish. Our Board does appreciate the value of the environment in our community while recognizing many repairs through our infrastructure that have to be completed over the next several years.

Chairman Pries seconded the motion. ***The motion carried, 4-0.***

#### **BOARD/COMMITTEE INFORMATION**

Nothing to report.

**REPORTS**

Chairman Pries commended the Police Department on a job well done in the apprehension of the arson suspect. He inquired about the injuries of the firefighters. President Stein, President of the Fire Company, reported there was one individual injured at the recent fire at Deer Run. The individual was treated and released.

Matthew J. Mandia – Director of Parks and Recreation

Mr. Mandia introduced the new Assistant Director of Parks and Recreation, Zachary Jackson. Zachary was born in Hummelstown, a graduate of Lower Dauphin High School. He continued his education at West Virginia University (WVU) receiving his Bachelors degree in Sports Management and also his MBA. He most recently worked at the Lower Paxton Department of Parks and Recreation where he served as a Facility Manager at the Friendship Center overseeing 62,000 square foot facility with aquatics, recreation, and community programming. He brings a lot of experience and knowledge with him. The Board welcomed Mr. Jackson.

**APPROVAL OF ACCOUNTS PAYABLE (\$203,872.64) AND PAYROLL (\$265,802.14).**

Supervisor Porter moved to approve accounts payable in the amount of \$203,872.64 and payroll in the amount of \$265,802.14. Supervisor Fedeli seconded. ***The motion carried, 5-0.***

**VISITOR/PUBLIC COMMENTS**

No one came forward.

**ADJOURNMENT**

Supervisor Porter moved to adjourn the meeting at 7:45 p.m. Vice-Chairman Abruzzo 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