

**TOWNSHIP OF DERRY  
BOARD OF SUPERVISORS MEETING**

**Tuesday, June 11, 2013**  
600 Clearwater Road, Hershey, Pennsylvania 17033

**CALL TO ORDER**

The June 11, 2013 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  
Jill E. Henry, Assistant Township Manager  
Matt J. Mandia, Director of Parks and Recreation  
Patrick O'Rourke, Chief of Police  
Ed T. Svirbely, Fire Company  
Brandon Williams, Assistant Director of Community Development  
Jon A. Yost, Township Solicitor  
Brenda Van Deursen, Recorder

***Public Present:*** Matt Weir, Ronald Furlan, Tina Kraybill, Betsy Ruth, Ed Ruth, Elvira Ebling, Susan Newkam, Alexander Roca, Brian Shiflett, Brian Evans, Mike Kushner, Tammy McElfresh, Patricia Boyle, Meg Flaherty, Amy Wimmersberger, Joe Quick

**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 matters.

**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

**Jonathan Crist, 226 West Chocolate** - This afternoon Mr. Crist filed on behalf of certain neighboring property owners an appeal from the Zoning Hearing Board for relief for the Chipotle property. He will give Mr. Emerick a copy today and he urged the Board and Solicitor Yost to take a look at the appeal and the issues behind it. The primary one is the willingness of the Commissions and the communities to protect the existing residential units from new commercial construction when it abuts or comes close to the residents. He asked that they pay special attention to Section F regarding the comments from the County Planning

Commission. The County has always taken the position that the existing residential use is to be protected at all costs.

**Lt. Garth Warner, Police Department** – In November 2012, a group of Derry Township residents volunteered to make a difference in the Township. They realized the population of feral and stray cats was increasing at an alarming rate. The way of dealing with the population at that time did not address the problem. This group got together and with the assistance of Steelton Borough Community Cats, developed a plan to deal with the growing feral and stray cat population. Instead of the sporadic random target of these cats for neutering and spaying with a standard program, they sought out, trapped, and neutered/spayed these cats in mass. The group keeps an eye on these colonies to make sure there aren't any other cats that are reproducing, thus keeping the population down and eventually getting them down to very minimal numbers.

In order to assist these efforts, the group applied for and was awarded a grant from Pet Smart in the amount of \$32,500, to pay for the neutering and spaying of these cats. To-date, the group has trapped 215 cats since November in Derry Township. With the prior method used by the Township, the Township would have incurred expenses in the amount of \$29,025. Through this program, they provided those services plus some more comprehensive services for the cats that were trapped at a cost of \$12,900, a savings to the Township of \$16,125. A lot of long hours and personal time went into this, but it will greatly reduce the feral and stray cat population in a humane manor over a period of time. Lt. Warner introduced Tammy McElfresh who was the prime writer for the grant, Chuck Witmer, Patricia Boyle, Joe Quick, Meg Flaherty, Tina Kraybill and Amy Wimmersberger from Steelton Borough Steel Community Cats.

Chairman Abruzzo commended them for what they have been doing to help with this problem. It is nice to see people come forward and help solve a problem. The Township did struggle with this issue for a number of years on how to handle it most cost effectively.

Mr. Witmer said that on October 9, 2012, Supervisor Foley and he met to address the issues of feral cats in Derry Township. That evening, at a Township meeting, Chief O'Rourke and he met as a result of that discussion. The Board has heard their concerns and reacted proactively and with due diligence. Steelton's model feral cat program has had an impact nationwide. This past week, the group held a clinic at the Hershey Fire Company and they received approximately \$2,000 in profit. It could not have been done without the support of the Board and Chief O'Rourke and the many hours spent by this core group on the grant and putting this program together.

**Amy Wimmersberger, Steelton** – Ms. Wimmersberger said because of this program they saved money in Steelton, which afforded them an opportunity to hire another full-time police officer since the budget for the Humane Society comes out of the police department's budget. She announced that Steelton offers free spay/neuter services. Ms. Wimmersberger also announced that they ran out of cats in Steelton and their goal in Derry Township is to run out of cats.

#### **APPROVAL OF MINUTES**

**MOTION:** Chairman Abruzzo called for a motion to approve the Minutes of the May 28, 2013 Public Hearing held at 6:30 p.m. Supervisor Foley made a motion to approve the Minutes as written. Supervisor Ballard seconded. ***The motion carried, 5-yes 0-no.***

**MOTION:** Chairman Abruzzo called for a motion to approve the Minutes of the May 28, 2013 Public Hearing held at 6:45 p.m. Supervisor Foley requested an amendment be made to the last paragraph. It

should read: Mr. Emerick said it goes to the area of the Hershey **Nursery**. Supervisor Ballard made a motion to approve the minutes as amended. Vice-Chairman Fedeli seconded. ***The motion carried, 5-yes 0-no.***

**MOTION:** Chairman Abruzzo called for a motion to approve the Minutes of the May 28, 2013, Board of Supervisors Meeting. Supervisor Ballard requested an amendment be made to page 8 under the Library report. It should say Family **Fun** Festival. Supervisor Foley made a motion to approve the minutes as amended. Supervisor Ballard seconded. ***The motion carried, 5-Yes 0-No.***

## **NEW BUSINESS**

### **A1-13 The Preliminary/Final Land Development and Stormwater Site Management Plan for Oak Springs Phase III Building Expansion, Plat No. 1227.**

**Brandon Williams, Assistant Director of Community Development** – The plan proposes the construction of six additional townhouse dwelling units on Berne Court. There are already 12 existing townhouses. These townhouses are on a private driveway that can be accessed through the Village of Innsbruck Development. The six dwelling units were previously approved by prior land development in 1999 under Phase 6 of Innsbruck Development plans. The zoning of the property since then has changed to zoning residential district, which would no longer permit townhouse dwelling units. As a result, the applicant had to obtain the necessary approvals from the Zoning Hearing Board in 2011. As part of the improvements of this plan they are proposing an extension of Berne Court, which would terminate a cul-de-sac west to the proposed dwellings. The applicant is providing 12 additional parking spaces to meet minimum parking requirements of the zoning ordinance and proposing to construct sidewalks along street frontage of Heiden Drive which would connect to the existing sidewalk system to the north of Berne Court. The extension of Berne Court and parking areas would be constructed of pavers, which would result in less of an increase in the impervious coverage and the infiltration beds beneath the pavement will assist with water management for the property.

As part of the prior approvals in 1999, the applicant proposed a total of 23.9 acres of open space, which met the requirements in effect at that time. Under the current requirements, the applicant would have been required to dedicate just less than 5.6 acres. Since what they dedicated in 1999 was far greater than what the current requirements would require, no additional dedication or fee in lieu is required under this plan.

The Planning Commission had 16 comments and the applicants addressed 13. The applicant is requesting four waivers. These waivers are rather common when developments are proposing no alterations or changes to existing utilities or storm water facilities that are located off premises.

**Motion:** A motion made by Supervisor Ballard and seconded by Supervisor Foley that the Preliminary/Final Land Development and Stormwater Site Management Plan for Oak Springs Phase III Building Expansion, Plat #1227, is hereby approved subject to the following:

- a. That the applicant reimburse the Township for costs incurred in reviewing the plan no later than July 11, 2013.
- b. That performance security be provided to guarantee the completion of required improvements and the accompanying agreement signed no later than December 11, 2013.
- c. That the comments in the May 31, 2013 HRG letter (attached) be satisfactorily addressed no later than December 11, 2013.

- d. That the comments in the June 4, 2013 DTMA letter (attached) be satisfactorily addressed no later than December 11, 2013.
- e. That the Stormwater Best Management Practices Operation and Maintenance agreement be recorded concurrently with the plan.

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

- a. From Sections 185-12.D.(3).(a).[7] and 185-13E.(4).(a).[7] regarding providing metes and bounds for all rights-of-way and easements with the exception of utility and other easements within the boundaries of the property.
- b. From Sections 185-12.D.(3).(a).[21] and 185-13E.(4).(a).[19] regarding existing stormwater profiles that will be unaffected by the proposed work.
- c. Sections 185-12.D.(3).(a).[22] and 185-13E.(4).(a).[20] regarding existing sanitary profiles that will be unaffected by the proposed work.
- d. Sections 185-12.D.(3).(a).[23] and 185-13E.(4).(a).[21] regarding existing utility profiles that will be unaffected by the proposed work.

***The motion carried, 5-yes 0-no.***

**B1-6 Authorization to accept a proposal from Herbert, Rowland & Grubic, Inc. for the engineering and permitting for the installation of a traffic signal at the intersection of Fishburn Road (SR0743) and Homestead Road.**

**John Foley, Jr.** – HRG Engineering completed a preliminary traffic signal warrant analysis at this intersection on May 8, 2013, that indicated that a traffic signal is recommended at the intersection of Fishburn Road and Homestead Road. This proposal from HRG in the amount of \$15,500 for professional services will include engineering design and obtaining appropriate permitting for the signal from PennDOT.

**Motion:** A motion made by Supervisor Foley and seconded by Vice-Chairman Fedeli that the authorization to accept a proposal from Herbert, Rowland & Grubic, Inc. for the engineering and permitting for the installation of a traffic signal at the intersection of Fishburn Road (SR0743) and Homestead Road, is hereby approved. ***The motion carried, 5-Yes 0-No.***

**C1-3 Authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553) Part 11, Chapter 210, Article III, Section 210-34. Restrictions on size and weight of vehicles on certain streets and bridges, by deleting the “no trucks except local deliveries” restriction on N. Lingle Avenue between SR422 and Palm Street.**

**Patrick O'Rourke, Chief of Police** – Chief O'Rourke said the restriction on North Lingle Avenue was ordained in 2004, due to an increase in commercial vehicle traffic, and at that time, the roadways and surrounding intersections were not capable of handling this type of traffic or the increase in traffic. Roadway improvements were made on N. Lingle Avenue and at the intersection with SR422. With these improvements, the previous truck restrictions are no longer present and the ordinance needs rescinded.

**Motion:** A motion made by Supervisor Foley and seconded by Supervisor Ballard that authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553) Part 11, Chapter 210, Article III, Section 210-34, restrictions on size and weight of vehicles on certain streets and bridges, by deleting the “no trucks except local deliveries” restriction on N. Lingle Avenue between SR422 and Palm

Street, is hereby approved. ***The motion carried, 5-yes 0-no.***

**D1-1 Request for traffic assistance for the American Cancer Society's PA Hope Ride scheduled for Saturday, June 29, 2013, starting from the Hope Lodge at 7:00 a.m.**

**Patrick O'Rourke, Chief of Police** – A request was received from the American Cancer Society for assistance at two traffic signals as the 55 bicyclists begin the ride. The signals are at University Drive/W. Chocolate Avenue and Hockersville Road/Hersheypark Drive. Officers will keep signals green to allow the riders to safely cross. The organizers are aware of the Township's policy on special event reimbursement.

**Motion:** A motion made by Supervisor Ballard and seconded by Vice-Chairman Fedeli that the request for traffic assistance for the American Cancer Society's PA Hope Ride scheduled for Saturday, June 29, 2013 starting from the Hope Lodge at 7:00 a.m., is hereby approved. ***The motion carried, 5-yes 0-no.***

**CORRESPONDENCE** – No correspondence to report.

**BOARD/COMMITTEE INFORMATION** - Supervisor Foley reported that he and Assistant Manager Jill Henry met with the contractor and our engineer regarding the Stormwater Project encouraging them to keep the project moving. Supervisor Foley has been sharing with the contractor some of the complaints the Board has been hearing lately about progress and safety at some of these sights. We are seeing some progress.

**REPORTS**

**Patrick O'Rourke, Chief of Police** – Chief O'Rourke read a statement regarding a visitor from Allentown who lost her life while visiting relatives due to a burglary that took place at the relative's home. The Police Department is aggressively pursuing the suspect or suspects. Many of our residents are experiencing a feeling of fear, anxiety and apprehension which is not uncommon. He reassured the residents of Derry Township that the Police Department has increased their visible presence in the area and surrounding neighborhoods. He encourages all residents, not just in Derry Township, to remain vigilant and employ every means available to enhance their personal security. He asked that anyone with information related to this case to call the main number of the Derry Township Police Department. They are currently pursuing some positive leads.

**Thomas Clark, Director of Public Works** - Mr. Clark reported that the contractor started recycling the roads that had power and water lines put in them last year. They started on East Caracas and Granada today and will move on to Linden. It will take approximately two weeks to complete. Mr. Clark invited anyone who wants to see the process involved with the road recycling to do so over the next two weeks.

Supervisor Moyer asked if we have looked into obtaining grant money for a natural gas operation of our fleet. Mr. Clark said he has not. Supervisor Moyer said we might want to explore the possibility of this in conjunction with some of our local businesses and those with fleet vehicles. Chairman Abruzzo thought that was a good idea in that we are uniquely situated because we have the Derry Township Municipal Authority, Public Works, and the School District fleet.

**Barbara Ellis, Hershey Public Library** – Mrs. Ellis reported that many individuals have signed up for the summer reading program, which began on June 1. You can see the many activities occurring at the Library through the website.

**Cheryl L. Lontz, Manager of Payroll & Employee Benefits** – Ms. Lontz reported that the auditors completed their field work and the statement should be coming soon. Also, so far revenues and expenses look good.

**Matt Mandia, Director of Parks & Recreation** – Mr. Mandia reported that the concrete slab and framing for the new shade structure at Bullfrog Valley Park should be done at the beginning of next week. They will add the walkway and final grading over the next couple of weeks. This past Thursday night, Parks & Rec hosted the Hershey High School all night graduation party and had a great turnout. Mr. Mandia also reported the Dome opened Friday morning.

Chairman Abruzzo asked if additional seating is needed around the outside pool. Matt said there is additional seating that can be used. Chairman Abruzzo asked if the rates were raised for non-residents. Mr. Mandia said they did not raise rates this year.

Chairman Abruzzo acknowledged Brian Shifflett from the School Board was present. Chairman Abruzzo mentioned the importance of the donations made to host the overnight graduation party. Donations were given by the ICDA, the facility was provided by the Township, and all the staff time involved. Mr. Shifflett said a report was given last night at their meeting. It was noted that 60% of the graduating class participated.

**Matt Bonanno, HRG Township Engineer** – Mr. Bonanno reported on the stormwater project:

- For the last two weeks, the contractor has been restoring the landscape areas around Cocoa Avenue, including reseeding of some of the residential properties. They are also working on stabilizing the stream segment near 322 & 743. They have one crew past the Mill Street car wash working their way towards Hockersville Road. There is another crew doing cleanup and restoration throughout the Cocoa Avenue area and a third crew will be coming in on Monday of next week to do milling and paving throughout 322, 743 and Cocoa Avenue.
- There will be a public meeting for the Park Boulevard Relocation on June 13, at the Township Building from 6:30 to 8:30 to take any public comments on the proposed project.

Supervisor Ballard asked if they would be giving the public an overview of what is going on. Mr. Bonanno said there will be several staff available to answer questions. Supervisor Foley said there will be a small presentation.

Supervisor Ballard asked what outreach was done to get this out to the public. Mr. Bonanno said the elected officials had personal invitations and it is also on the Derry Township and Dauphin County websites. Mr. Bonanno will do a media blast tomorrow.

**Charles W. Emerick, Director of Community Development** – Mr. Emerick said when the fast casual restaurant ordinance was adopted there were a couple of goals that the Supervisors set. One was to expand the Chocolate Avenue Overlay district and the other was to further define what we want in fast casual restaurants. Mr. Emerick drafted an ordinance that will help maintain the prosperity of the mom and pop shops and allow fast casual. He needs authorization from the Board to take it to the Planning Commissions. Chairman Abruzzo gave him the authorization on behalf of the Board.

#### **APPROVAL OF ACCOUNTS PAYABLE (\$298,555.55) AND PAYROLL (\$332,219.07).**

Supervisor Moyer moved to approve accounts payable in the amount of \$298,555.55 and payroll in the amount of \$332,219.07. Supervisor Ballard seconded. ***The motion carried, 5-yes 0-no.***

## **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

No one came forward.

## **ADJOURNMENT**

Supervisor Ballard moved to adjourn the meeting at 8:00 p.m. Supervisor Foley seconded. ***The motion carried, 5-yes 0-no.***

SUBMITTED BY:

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Marc A. Moyer  
Township Secretary

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Brenda Van Deursen  
Recording Secretary