

TOWNSHIP OF DERRY

BOARD OF SUPERVISORS MEETING

Tuesday, June 23, 2009
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The June 23, 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

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:

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

Public Present: Jim Ingalzo, Glenda Prokopick, Chris Sholly, Jim Cieri, Merwin Rozzoto, Todd Logan, Ed Kaylor, Charleton Zimmerman, Matt Weir, Rich Gamble

Press Present: Drew Weidman and Jenna Giffin from 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:

Charleton Zimmerman, 125 N. Roosevelt Avenue

Mr. Zimmerman asked why some businessmen are given preferential treatment in Derry Township. He further expressed concern regarding two state roads (SR2012 and 422) that have "no pedestrian crossing" signs. He does not understand why the signs are there and who put them there. Mr. Zimmerman is also concerned that a pedophile was

living at 1338 E. Chocolate Avenue and the public was not notified. He asked the Chief if he was aware of a pedophile living there.

Chief Smith explained that because the roads are state roads, he had no involvement in placing the "no pedestrian crossing" signs. He further explained that under Megan's Law, if a pedophile moves in, the Police Department does get notified. If it is not a serious sexual offender, community notification is not made. Only the violent, serious sexual offenders are the Police Department required to make community notification. Mr. Zimmerman asked why the police came out to that address. Chief Smith said he was not aware of this information.

Solicitor Yost added that landlords are supposed to report people moving into a property, but it would not have anything to do with whether they are a predator or not.

Chairman Pries said on behalf of the Board of Supervisors he welcomes Mr. Zimmerman to meet with a representative from the Board, the Township Manager, or the Police Chief at another time to discuss this.

Rich Gamble, Dept. of Affairs

Mr. Gamble added that it is the responsibility of the person to report to the Township police when they move into the area and identify their charge. He believes it is a state law.

APPROVAL OF MINUTES:

Chairman Pries called for a motion to approve the Minutes of the June 9, 2009 Board of Supervisors Meeting. Supervisor Porter made a motion to approve the Minutes as written. Supervisor Fedeli seconded. *The motion carried 5-0.*

NEW BUSINESS:

A1 The presentation of awards to those employees of the Police Department whose actions from June 2008 – May 2009 have brought distinction upon themselves. In addition, several members of the public performed service that is worthy of recognition.

William D. Smith – Chief of Police

Chief Smith recognizes those officers within the Police Department who have brought distinction upon themselves. During the year, there are incidents that occur in the Township. Any officer in the Police Department can nominate any other officer or any civilian for an award. There is an awards committee that reviews the nominations to determine if they meet the standards.

Detective Keith A. Ocker received a Letter of Commendation for his diligence, attention to duty, and exceptional police service on a case outside the realm of his normal duties. This case resolved to remove a sexual predator from society.

Officers R. Matthew Dotts and Detective Brian W. Romberger received an Award for Outstanding Arrest for their alertness and perseverance in an arrest of the responsible party involved in the structure fire on Deer Run Drive.

Officers Robert F. Demmel and R. Matthew Dotts, Detectives Brian W. Romberger and Sergeant Eric T. Singiser received a Distinguished Unit Citation. Their initial response, implementation of a concerted effort, and the coordination of these four officers, resulted in the successful arrest of the suspect involved in the fire on Deer Run Drive.

Officers Robert F. Demmel, Anthony J. Bernardo, Dennis A. Eckenrode and Michael W. Bowen, Detectives Gregory R. Day and Brian W. Romberger received a Distinguished Unit Citation for their outstanding accomplishment as a result of teamwork regarding a suicide attempt.

Noreen S. Jones received a Letter of Appreciation for her act of care, concern, and compassion for another human being. This resulted in a favorable outcome of an individual's life.

Edward R. O'Hearn and Rodney D. Sonderman received a Letter of Appreciation for their quick, decisive, and life-saving efforts at an incident at Houlihan's Restaurant.

Ryan J. Rocchi, Emily J. Newman, Jamie M. McGlaughlin received a Letter of Appreciation for their quick, decisive, and life-saving efforts at an incident at the Hershey Company Fitness Center.

Every year the Optimist Club (Hershey, Harrisburg, Hummelstown) recognizes an officer. Detective David C. Melhorn was the award recipient for Law Enforcement Officer of the Year in appreciation of his service and dedication to the Derry Township's youth.

The Hershey Lions Club selected Officer Anthony C. Clements as Law Enforcement Officer of the Year in appreciation of outstanding and dedicated service to the community.

Chairman Pries congratulated Chief Smith on behalf of the residents of Derry Township and the Board of Supervisors and thanked him for the dedicated service he and his staff provide to the residents of Derry Township and the visitors. We have one of the best police departments in Pennsylvania.

B1-14 The Preliminary Subdivision Plan for Hill Church Glen, Plat No. 1175, for consideration of a waiver request.

Edward L. Small – Director of Community Development

This plan previously appeared before the board in October 2008. At the June 2, 2009 Planning Board meeting, the applicant asked the Board not to take any action on the plan, but only on the waiver that was submitted in association with the plan. The waiver has to do with the limit of lots on a cul de sac street, which is normally 20% of the lots on a plan. The applicant is requesting 100% of the lots be on the cul de sac street. The lot consists of 4.885 acres and presently contains a house, a detached garage, and a tennis court. The proposal would be 4 lots fronting on one new street. The street intersection with Hill Church Road would be at the highest point in the topography to prevent, by way of this waiver, dangerous pull out locations. This plan is nearly exactly the same as the one presented in October to the Board with a minor change of widening of the right-of-way from 55 to 60 feet.

This lot would qualify for the lot area exception criteria because the description of land predates December 23, 1978. The lot is grass covered, almost 35% is wooded, and no wetlands appear per a study of HRG.

The other regulations that would have affected these lots have been met. All four lots meet the minimum lot area of 25,000 square feet for lots served by public water and sewer. They meet the minimum 150 feet of lot depth and 125 feet of lot width. In addition, there are no issues with impervious coverage. Even the smallest of the lots would allow as much as 15% of 5,800 square feet of cover.

A request to the Board of Supervisors to only act on a waiver is not unprecedented, although it is unusual. From the applicant's point of view, the grant of waivers in advance of action on a plan makes safe some of the aspects of the plan that might have been otherwise subject to different design ideas.

Supervisor Porter: If this tract of land were developed without the cul de sac, would the applicant still be able to develop 3 lots?

Mr. Small: That is correct. Each would have its own frontage and driveway along Hill Church Road.

Supervisor Porter: The proposed use features a cul de sac and the maintenance of that cul de sac would be dedicated to the Township for the Township to maintain such as snow removal.

Mr. Small: That is correct.

Supervisor Porter: The developer has told Mr. Small that he doesn't feel it is economically feasible to put a cul de sac in unless he can do 4 lots.

Mr. Small: That is correct.

Supervisor Porter: Is the developer unwilling to do the cul de sac if there will only be 3 lots.

Mr. Small: He referred this to Mr. Cieri.

Jim Cieri, Act One Consultants, Inc., 200 S. 41st St. Harrisburg, Pa

Mr. Cieri explained that the first thing they did was to see how many lots they could get by developing lots along Hill Church Road and not construct a street. It would allow 3 lots. In looking at that, they became very concerned with the sight distance because this is at the crest of the hill. Once you get over the crest, there is limited sight distance and a danger at the driveway locations at each of the 3 lots. The posted speed limit is 25mph and the minimum required sight distance is 134 feet. One of the 3 lots, sight distance would be 160-165 feet, another lot 175 feet and 145-150 feet for lot #1. Although they meet the sight distance of 134 feet at 25mph, anyone traveling 35mph or higher could not meet the sight distance requirement. The safest thing to do is to put the entrance at the top of the hill. They had 2 options: 1) put a public street in or 2) develop this as a condominium type of ownership. If they develop it as a condominium type of ownership, the density permitted would allow 5 lots. They prefer not to do that.

Therefore, their options were doing 3 lots and create a safety problem, build a cul de sac right on top of the hill, or do a condominium. They thought the cul de sac with the public street was the best option and thought it would be the best situation for the Township and the homeowners. They met with Mr. Clark to discuss his concerns with the cul de sac, snow dump areas, etc. Mr. Clark is comfortable with the plan. Mr. Cieri said that if the waiver is not approved, they would have to go back and rethink their plan.

Chairman Pries: Regardless of our decision tonight, are we going see this plan again in its final version?

Mr. Cieri: That is correct – whether it is 3, 4 or 5 units.

Chairman Pries: Mr. Clark, are you comfortable with the plan for the cul de sac?

Mr. Clark: I am relative to the snow dump areas.

Supervisor Porter: How often will the cul de sac have to be repaved and what would the cost involved be?

Mr. Clark: Average life expectancy of an asphalt road is around 15 years. The cost for overlay would be between \$5,000-\$6,000 for the approximate 300 foot area.

Supervisor Porter: Can 5 condominium units be placed on this lot?

Mr. Cieri: Yes, as I read the Ordinance.

Mr. Small: It is an interesting research because if you look to the cluster approach, it refers to the district for its density. You have the ability to extend the density into the lot area exception criteria. Although it was not written with this concept in mind, it is a novel idea, but not impossible.

Supervisor Porter: Has it ever been done in this Township?

Mr. Small: No, but it is worth some further discussion.

Mr. Cieri: Hopefully, we don't have to go there because we really don't want to do that.

Supervisor Porter: If you did the condominium, would the cul de sac be your responsibility?

Mr. Cieri: Yes. It would not be the Township's responsibility.

Supervisor Memmi: If you did this project as a condominium project and the Homeowner's Association owned the cul de sac, it would not have to be built to Township's specs, is that correct Mr. Small?

Mr. Small: That is correct.

Supervisor Memmi: We then would have a potential similar situation that we have in other developments that took place over the last 20-30 years where we are dealing with streets that the people of the Homeowner's Association are responsible for. They can't figure a way out of it and the cost of their condominium fees continues to escalate...Spring Creek, the Crest of Hershey, etc. If this is built as a Township Road, there are certain specifications that would have to be met before it could be dedicated to the Township as all the other Township roads are constructed and maintained.

Mr. Small: That is true and they would probably have a longer life.

Supervisor Memmi: I see safety concerns on access and egress on Hill Church Road. If we do this project, how much do we improve sight distance?

Mr. Cieri: We improve our sight distance from 150-160 feet up to 550 feet left and 600 feet right. We increase our sight distance by 3 to 4 times greater than what it would be if we had to do individual driveways.

Supervisor Memmi: Other than the percentage of homes allowed on a cul de sac street, this cul de sac street actually exceeds the normal design criteria, is that not true?

Mr. Small: It matches the standards for right-of-ways and cartway widths. It was not intended to exceed those numbers, but it does match everything that we are looking for.

Supervisor Memmi: From an economic standpoint, would it qualify under liquid fuels so we could get some money from the sale of gasoline to help offset the cost of maintaining the cul de sac?

Mr. Clark: Yes.

Supervisor Memmi: In this configuration if you went to three properties this layout definitely exceeds the income from real estate taxes not only for the Township, but also for the school district.

Mr. Cieri: That is very accurate. If you consider the fact that if you have 4 lots that are on their own street, the developer can build a house and sell a house on a \$1.25 million or 1.5 million base rather than just three lots along the road.

Massimo Russoto, Director of Construction for Carricato Homes, part owner of the land, an architect, and is from Italy

Mr. Russoto believes if they build houses on Hill Church Road the cost will be around \$550,000-\$600,000. On the cul de sac, he strongly believes they could build houses over \$1million. The idea to have the cul de sac will result in a nice small community in this area. The revenue for the Township will be a lot more.

Chairman Pries: How much real estate taxes will there be on a \$1.25 million home.

Manager Negley: \$109 for every \$100,000 so 10 times that would be \$1,000 plus \$1,100 for Township taxes. The school district taxes would be 16 times the Township's taxes.

Chairman Pries: Each student is estimated at \$14,000/student.

Supervisor Memmi: When the cul de sac ordinance was created in the early 1990's, was it not assumed that most cul de sac streets be in larger developments and that the goal was to reduce the amount of cul de sac streets? Was that not how they arrived at the percentage of 20%?

Mr. Small: That is true. When you lay out a large piece of land and you look at your design choices, it would certainly be the developer's choice to optimize or maximize the number of lots on cul de sacs. They are much more attractive. I think the idea was to temper that a little bit by making sure there was some limit with some deference to Public Works and what they have to do. It is very time consuming if a number of lots in a large development are on cul de sac streets.

Supervisor Memmi: Instead of taking 200-300 acres of a farmer's field and doing a development, we have had individuals in the last few years looking at small parcels that

are part of communities already developed. They would like to develop this sight, but need certain relief from some of the existing ordinances to allow them to create an adaptive use for those sights. If we sometimes use our development practice and theory for what was green space development, we would not encourage developers to come into the Township, look at those odd shapes, smaller parcels in between existing construction and think about developing it because it does not make economical sense.

Mr. Small: I think it would keep from sprawling quite as much if you could develop parcels that are already in an area where development has gotten to a point where it nearly surrounds or is equal to the spread of core. Absorption rate – it is hard to know, but there will be demands for development that you try your best to identify and predict. If you can satisfy those demands with less land you would be preserving more areas in green. It is difficult to identify, but would slow the sprawl down.

Supervisor Fedeli: When this plan was brought to us before, there was some talk of a through street abutting lands to Sand Hill. Has there been any development there?

Mr. Cieri: The last time we were here, they were negotiating purchasing that parcel, but that has not come to fruition.

Vice-Chairman Abruzzo: The last time we had this conversation; we talked about the sight distance and safety issues. I thought I made my thoughts fairly clear in terms of creating the 4th lot and making a cul de sac as opposed to 3 lots with driveways to the road and my hesitance to creating a precedent where there was no real reason for the Township to do so. I am still feeling the same. I view the safety issue as the paramount issue because I know St. Paul's Lutheran Church with the preschool is up the road from this location. We do not want to jeopardize people using that road by adding driveways that might be problematic for them to get in and out of and problems for people traveling on the road. I haven't heard anything tonight or seen any information from the applicants that support the sight distance problems. If you do something like a traffic study I would be very willing to consider that information. It would go a long way convincing me that granting this waiver in this limited instance would make sense because it is addressing a legitimate safety issue. It is a win-win for the Township and School District in terms of tax revenue. I would be in favor of the cul de sac and the 4th lot, if the applicant can show me that the safety concern that might exist is truly there.

Mr. Cieri: Would you be more comfortable if we come up with very specific numbers on what the sight distances would be for the northern and the southern lot with driveways at certain positions.

Vice-Chairman Abruzzo: Yes. A study that visualizes the number of cars that is on that road at the peak hours, to help substantiate the request.

Mr. Russoto: Regarding our conversation before, someone made a suggestion to actually join the driveways between lot #1 and lot #2. Even though it may meet sight distance, it still is a concern. I am concerned with creating 3 lots on Hill Church Road. When you physically turn right and left on Hill Church from the property, you can actually see the safety concern.

Mr. Small: I was at the location. The current driveway is about 30 feet south of the centerline of the proposed street. Looking to the right, I did lose a compact car in the vertical curve. I cannot quantify in numbers.

Chairman Pries asked Vice-Chairman Abruzzo if he is suggesting the Board hold off on any decision until more information is provided. Vice-Chairman Abruzzo said we have until 9/22/09 in terms of acting. If the developer is willing to provide us with the information we need, I would be willing to make a motion to table this item until the next meeting.

Supervisor Porter: I think the safety benefit here is similar to the one at 422 and Mansion Road, which is to have one driveway. I think a cul de sac from a beauty perspective is better. My objection is that I don't think they should get a bonus lot out of this. I think even if the School District does get \$15,000/year, it is possible the people in these homes will have more than one child and then it becomes a burden on the School District. He asked Mr. Clark if he had any objections to the cul de sac. Mr. Clark: I am comfortable relative to the facilities being provided to dump snow.

Supervisor Fedeli: The waiver is for the 4 lots, right?

Supervisor Porter: No, the waiver is for the use of the cul de sac as I understand it.

Vice-Chairman Abruzzo: It will allow all the homes to be on a cul de sac as opposed to the 20% allowed.

Supervisor Fedeli: So if they build 3 homes, they still need a waiver?

Mr. Small: That is correct.

Mr. Russoto: We have to consider the economy the way it is. The cul de sac has a cost. There are engineering fees, the cost of the land, and all the interest. We make next to nothing.

Supervisor Fedeli: If you leave here tonight with a waiver to build only 3 houses around the cul de sac, would you be inclined to build the 3 houses with the driveways?

Mr. Russoto: I would have to think about it.

Chairman Pries pointed out the three possible scenarios: 1) vote on the waiver as is; 2) vote on tabling this until specific information is provided; or 3) grant waivers stating 3 lots only.

Mr. Cieri: The waiver request is to simply put all the lots on the cul de sac. There is no number at this point whether it be 1, 2, 3 4, or 5.

Chairman Pries: You wouldn't come back later and ask to put 5 lots on the cul de sac.

Mr. Cieri: We could not fit 5 lots on the cul de sac.

Supervisor Memmi: Both the Planning Commission and Community Development recommended the waiver.

Supervisor Porter: Mr. Small's recommendation concluded that there should be no entitlement to 4 lots on the plan.

Mr. Small: That is correct. The street has an entitlement for a safety value in having it at the highest point to authorize the waiver from the 20% limit. So whatever design you eventually see, the street is entitled to be where it is for safety reasons. Leaving open the possibility that is still debatable that there are either 3 or 4 lots. My recommendation to the Planning Commission was that without something better, there is no entitlement for more than 3 lots based on the existing frontage. The lots showing

on the plan are entitled to be on that cul de sac street. I think it is still debatable whether it is 3 or 4 lots. You are not approving 4 lots when you approve the waiver. You are approving the concept of 100% of the lots being on the cul de sac street.

Chairman Pries said we could approve the waiver as is and when the final land plan comes before us direct them to build 3 homes. Mr. Small said he believes they could.

Todd Logan, 785 Zurich Drive – Mr. Logan is the President of his Homeowners Association. He referred to a letter he received requesting a way to go across to a parcel of common land to their development. He mentioned the safety issue of crossing over Hill Church Road. He believes what the applicant is proposing to have one street instead of more houses on Hill Church is the right thing to do.

Supervisor Memmi said the applicant has been here a second time for the same concept looking for direction from the Board. We are contemplating sending him back without an answer again. He can't develop anything whether it is 3 lots or 4 lots until he has at least an idea the waiver is going to get granted for the cul de sac street. Based on safety issues, the recommendation from the Planning Commission and a comment from a resident of the community, I make the motion that we approve the waiver as originally stated. Chairman Pries seconded.

Discussion: Supervisor Porter said by granting this waiver we are assuring 4 lots. He said the cul de sac is a good idea; however, he thinks it should be limited to 3 lots. Essentially we are giving the applicant a bonus lot and he would not support the motion.

Vice-Chairman Abruzzo stated he is supportive of granting the waiver, but needs some sort of study to support the sight distances.

Supervisor Fedeli also believes they do not have the information needed for their request.

Supervisor Memmi asked Vice-Chairman Abruzzo if he was asking for a full-blown traffic study.

Vice-Chairman Abruzzo said not if they can provide him the information he requested. Supervisor Memmi said in the original plan they showed the different lengths from where driveways would come out on Hill Church Road and the sight distance that was there versus the sight distance of the driveway. What the applicant is saying is the sight distance is not as good as it could be. The 3 driveways do fit based on a 25mph speed limit. Anything over 25 mph, there probably is not sight distance from at least two of the driveways. Vice-Chairman Abruzzo said he still does not feel comfortable without additional information.

Mr. Cieri said they gave the Board numbers and ranges of sight distances left and right depending on where the maximum point is that they could get sight distance as opposed to the minimum point. They did not do a traffic count, as they did not recall it as being one of the things asked for. If we have to put counters out, then you are into a traffic study that would have to be done by a traffic engineer. We thought we had answered the questions.

Vice-Chairman Abruzzo asked if the numbers included in the information discussed sight lines and how they would shrink up as people travel from 25 mph to 35 mph. Mr. Cieri said the numbers were based on the 25mph.

Matt Bonanno, HRG – Mr. Bonanno said the available sight distance at the best driveway location, at 25 mph is met. For a 35 mph, the required sight distance would need to be longer. The available sight distance is going to be the same, but the required distance is going to be longer than 134 feet. He said he didn't believe the developer/applicant could study or give the Board any more information than they have given them. He said the question is would the available sight distance meet a 35 mph posted required sight distance. He said he did not know the answer to that.

Motion: Supervisor Memmi moved to approve and was seconded by Chairman Pries that the Township hereby approves a waiver from Section 185-22.C (3) for the Preliminary Subdivision Plan of Hill Church Glen, Plat #1175 to result in 100% of the lots on the plan to be served by the cul de sac street. *The motion carried, 4-1.*

C1-8 The Preliminary/Final Subdivision plan for Ronald A. Coutts and Richard and Glenda Prokopick, for 117 and 127 West Areba Avenue, Plat No. 1176.

Edward L. Small – Director of Community Development

This plan requests a change of the property line that separates the lot owned by Mr. Coutts which is 117 West Areba Avenue and the lot owned by Mr. and Mrs. Prokopick at 127 West Areba. Each of the two lots has a single family dwelling with some non-conforming features. The Prokopick lot is currently 80 feet wide and the Coutts lot is currently 120 feet wide. There will be a shift of 25 feet in the lot line so that some of Mr. Coutts property would be attached to the Prokopick lot. In order to gain the appropriate approvals, the Zoning Hearing Board was convened to consider four areas of relief. Those four areas are density, front yard setback, side yard setback, and lot width. Of the four areas, two were simply recognitions of existing conditions and two were new areas of relief (density and lot width). The Zoning Hearing Board approved the relief. The redistribution would be 120 feet to 95 feet for Mr. Coutts and 80 feet to 105 feet for the Prokopicks. A number of waivers have been requested and accepted. The plan proposed no change of use, no new construction, and no earth moving.

Supervisor Porter asked why the parties wanted to do this since no new construction is planned. Mrs. Glenda Prokopick said she and her husband simply like green space and the additional 25 feet is welcomed.

Motion: A motion made by Supervisor Porter and seconded by Vice-Chairman Abruzzo to approve the Preliminary/Final Subdivision Plan for Ronald A. Coutts and Richard and Glenda Prokopick, for 177 and 127 West Areba Avenue, Plat #1176, subject to the following occurring no later than the date 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 July 23, 2009.

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

- a. From Section 185-12.E.(4).(a).[19] regarding providing plans and profiles of existing stormwater conveyance systems.
- b. From Section 185-12.E.(4).(a).[20] regarding providing plans and profiles of existing sanitary sewer conveyance systems.
- c. From Section 185-12.E.(4).(a).[21] regarding providing plans and profiles of existing gas and water systems.
- d. From Section 185-12.E.(4).(a).[22] regarding providing an erosion and sedimentation control plan.
- e. From Section 185-22.D. and 185-22.D.(2) regarding right-of-way width and cartway width for West Areba Avenue and the 15-foot-wide alley.
- f. From Section 85-26 regarding providing a stormwater management plan.

The motion carried, 5-0.

D1-3 Consideration of the release of a portion of the performance security for the Final Subdivision and Lot Consolidation Plan and Phase 1 Final Land Development Plan for Southpoint Meadows 2, Plat No. 1123.

Edward L. Small – Director of Community Development

This is a release of performance security. It is Phase 1 of the plan of Southpoint Meadows 2. The scope of work consisted of 34 lots. Of the 15 permits issued, 14 are completed and one is still underway. 19 lots are not yet started. HRG's inspection of the improvements yielded that \$136,175 of improvements are satisfactory.

Motion: A motion made by Supervisor Fedeli and seconded by Vice-Chairman Abruzzo to approve the release of \$136,175 from the performance security for Southpoint Meadows 2, supplied as Bond No. SU1031732 from the Arch Insurance Co., resulting in a new balance of \$84,987.76 for the Final Subdivision and Lot Consolidation Plan and Phase 1 Final Land Development Plan for Southpoint Meadows 2, Plat #1123. ***The motion carried, 5-0.***

E1-8 Authorization to accept a proposal from Herbert, Rowland & Grubic, Inc. for Supplement No. 1 to continue to provide Final Design Engineering Services as it relates to the Township's Stormwater Management Program Development.

James N. Negley - Township Manager/Township Treasurer

At the January 27th meeting, the Board approved a scope of service for final design for the targeted three initial systems to be addressed. The scope of service was for a sum of \$771,000. HRG has prepared a supplemental scope of service in response to various changes associated with unanticipated field conditions and design requirements occurring during the preliminary design phase. In an effort to maintain the extremely aggressive project schedule, HRG has moved forward with these tasks totaling an additional \$80,500. The revised total would be \$851,500.

Supervisor Porter asked Mr. Bonanno why the changes weren't foreseeable at the time the project was undertaken. Mr. Bonanno explained the majority of this extra fee was additional survey required either because of the detailed information or in dealing with Penn DOT. They required wider areas of width for our HOPs to be submitted. Additional permits were required from Penn DOT, DEP, and the Dauphin County Conservation

District when only one permit for each was assumed. This is the first time we dealt with DEP and the Conservation District that they've required more than one permit for a single and complete project. He believes they did that in order to move the projects along at an expedited pace.

Supervisor Fedeli asked Mr. Bonanno if he sensed because of the unique nature of the H2O program that these requirements are different or is just DEP. Mr. Bonanno said he believes because they are different. He added that they have received comments back from DEP on their submission, which is much quicker than they anticipated. HRG will begin addressing the comments.

Supervisor Porter asked if we were turning this into a time and material situation when essentially we received a bid for a project and now the bid has changed. He asked if there is going to be an end to this. Mr. Bonanno said they are hopeful that this is the only supplement. They try to write a very define scope of work in order to identify any out of scope work. The project is about 70% designed right now and he does not foresee another supplement. He said they brought this to the Board's attention now before the funding was secured so that the funding that hopefully the Township will receive could pay part of this additional supplement.

Motion: A motion made by Supervisor Fedeli and seconded by Vice-Chairman Abruzzo to execute an agreement proposal from Herbert, Rowland, & Grubic, Inc. for Supplement No. 1 to continue to provide Final Design Engineering Services as it relates to the Township's Stormwater Management Program Development with HRG is hereby approved. ***The motion carried, 5-0***

F1-2 Award of contract for the resurfacing of Java Avenue/East Caracas Avenue, and West Caracas Avenue.

Thomas Clark – Director of Public Works

On June 17th, a bid opening was conducted for paving notches, tack coat and overlay on Java, East Caracas, and West Caracas Avenues. There were 4 bids submitted. The low bid was Womex Inc. in the amount of \$83,405.45. This is funded through our liquid fuels budget.

Motion: A motion made by Supervisor Porter and seconded by Supervisor Memmi to enter into a contract with Womex, Inc. for the ESALS Superpave overlay of Java/East Caracas and West Caracas as well as milling paving notche, tack coat application, and line painting in the amount of \$83,405.45 is hereby approved. ***The motion carried, 5-0.***

G1-4 Filling the vacancy on the Township of Derry Industrial & Commercial Development Authority Board.

James N. Negley - Township Manager/Township Treasurer

On March 19, 2009, J. Scot Chadwick, Chairman of the ICDA, tendered his resignation. His term was scheduled to expire December 31, 2009. There is one applicant for the position. His name is Domenick M. Argento.

Motion: A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Fedeli to appoint Domenick M. Argento to the Township of Derry Industrial and Commercial Development Authority to fill the unexpired term of J. Scot Chadwick, which expires on 12/31/2009, is hereby approved. *The motion carried, 5-0.*

CORRESPONDENCE

There was no correspondence to report.

BOARD/COMMITTEE INFORMATION

There was no Board/Committee Information to report.

REPORTS

William D. Smith – Chief of Police

Chief Smith reported that on June 20th from 10:00-2:00, they held their 12th Annual Children's Public Safety Festival. He thanked the Fire Company, Parks and Recreation, PSP, and Lifeline EMS for their assistance.

Thomas Clark – Director of Public Works

Mr. Clark said with the approval of the paving contract, we should see an overlay on Java and Caracas probably within the next two weeks. The process that was used needed to cure for a minimum of 2-3 weeks. In the interim they have been doing some inlet work.

Rita Smith - Hershey Public Library

Ms. Smith announced that their summer reading program has been in full force for two weeks. At this point, they have 440 children ages 4-14 registered to read at least 100 minutes/week for the next 6 weeks. There are 79 children from birth to 3 years of age who are participating in the Babies and Toddler program, which encourages parents to do pre-literacy activities. For the first time, they are able to report that the children of Hershey have read 9,915 minutes since the 8th of June.

Cheryl L. Lontz, Manager Payroll/Employee Benefits

Ms. Lontz reported that the auditors from Hamilton & Musser are close to completing the audit for 2008.

Matthew J. Mandia – Director of Parks and Recreation

Mr. Mandia said they underwent their annual Dept. of Health inspection last Tuesday at the pool facility. He reported the water quality/water chemistry information is in line. They also take an in-depth look at their entire record keeping. They passed that inspection with no notations on the report.

Edward L. Small – Director of Community Development

Mr. Small asked for permission to advertise for a public hearing at the regular meeting of July 28, 2009 to consider a text amendment to the zoning ordinance. After brief discussion, it was decided to hold this public hearing on August 11, 2009 at 6:00 p.m.

Jill E. Horner – Assistant Township Manager

Ms. Horner said at the last meeting she mentioned they were looking into the Safe Routes to School to have safer routes around the school district so kids could walk to

school. She reported they have made some preliminary assessments, but is awaiting a call back from the state because she has not found any information yet that states that funding will be available for 2010.

Supervisor Memmi suggested trying to get that information by contacting Diane Myers-Krug at the Tri-County Planning Commission. Supervisor Fedeli asked if this was contingent upon budget funding or is this something that would have already been approved. Supervisor Memmi said it is going to depend on safety reauthorization at the federal level.

Manager Negley said he met today with HRG and signed the PIB loan application for the 743 Bridge Project. He will keep the Board informed as it goes through the channels.

Supervisor Porter asked Mr. Bonanno if we will find out about our H2O Grant on July 12th. Mr. Bonanno said the date is July 14th. Supervisor Porter asked if they would make the announcement then. Mr. Bonanno said it is to be determined.

APPROVAL OF ACCOUNTS PAYABLE (\$311,628.45) AND PAYROLL (\$295,998.31).

Supervisor Porter moved to approve accounts payable in the amount of \$311,628.45 and payroll in the amount of \$295,998.31. Vice-Chairman Abruzzo seconded. ***The motion carried, 5-0.***

VISITOR/PUBLIC COMMENTS

Rich Gamble, Hockersville Road – Mr. Gamble expressed concern regarding the condition of the properties of two abandoned homes located on Hockersville Road across from the old Municipal Building. He is also concerned with illegal parking on N. Hockersville Road. The illegal parking is a safety concern. Chairman Pries asked him if he has witnessed the parking situation. Mr. Gamble said he has. Chairman Pries suggested that he call the Police Department when he sees the illegal parking.

Ed Small said the lots are not in bad shape, but the banks are. In the past he has had the owners spray the bank to kill the overgrowth.

Supervisor Porter asked Mr. Gamble if the problem is people parking too close to the intersection. Mr. Gamble said it was. The regulation is to park 30 feet from a stop sign. Chief Smith was unsure of what the regulation is if there is not a stop sign.

ADJOURNMENT

Supervisor Porter moved to adjourn the meeting at 9:10 p.m. Supervisor Memmi seconded. ***The motion carried, 5-0.***

SUBMITTED BY:

Kelly C. Fedeli
Township Secretary

Brenda Van Deursen
Recording Secretary