

TOWNSHIP OF DERRY

BOARD OF SUPERVISORS MEETING

Tuesday, March 10, 2009
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The March 10, 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
August (Skip) T. Memmi, Jr.
George W. Porter
Michael H. W. Pries, 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
Thomas Clark –Director of Public Works
Edward L. Small – Director of Community Development
William D. Smith – Chief of Police
Scott Stein – President, Hershey Fire Company
Terry M. Weinhold – Manager of Accounts Payable & Accounts Receivable
Jon A. Yost - Township Solicitor

Public Present: Elvira Ebling, Andy Loran, Alexis Hilbish, Ken Richardson, Suzanne Hoffer, Matt Bonanno, Jim Ingalzo, Jim Strine, Rob Fox, Ken Gall, M.A. Weir, Sandy Ballard

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 February 24, 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 Announcement and introduction of the appointment of Timothy A. Keister to the rank of Sergeant of Police.

William D. Smith, Chief of Police

Chief Smith introduced Timothy A. Keister who will assume the rank and responsibilities of Sergeant within the Derry Township Police Department. Sgt. Kreiser was born in Baltimore. He attended the Police Municipal Academy in 1993, graduated in 1994, and then was hired by the Derry Township Police Department. Chief Smith presented Sgt. Kreiser with a Certificate of Promotion.

B1-14 The Preliminary/Final Land Development Plan for West Chocolate Avenue Medical Park, Plat No. 1168.

Edward L. Small – Director of Community Development

This plan was filed by Select Medical Property Ventures, LLC, a partnership between Penn State Hershey Health and Select Medical Corporation. The development will take place on 7.05 acres, a leased area within a tract of land of 12.41 acres. There will be a 61,058 square foot rehabilitation hospital on the tract, part will be for hospital use (57,934 sq. ft.) and 3,124 square feet will be used for clinical and academic space. The calculation for parking results in 154 parking spaces.

The plan proposes to adjust the right-of-way and the cartway as necessary to satisfy the standards. The building will be sprinklered and one new fire hydrant will be installed as well as a fire department connection on the wall near the fire hydrant. There are no known wetlands or sensitive environmental areas identified on the site. A traffic study was done on two intersections: West Chocolate Avenue/Hersheypark Drive/Matlock Road and the intersection at Hersheypark Drive/Mae Street/Walton Avenue intersection.

Waivers for curbing and sidewalks were requested, but since there is no where for pedestrians to go out there, the waivers were supported. The Planning Commission recommended approval of the plan as long as stated contingencies were satisfied. All of the contingencies were satisfied.

Discussion: Alexis Hilbish distributed a letter to the Board. Supervisor Memmi referred to the letter and clarified that if PennDot reviews this project and they require a traffic signal, will this project bear the cost at Old Chocolate and Hershey Park Drive. Mr. Small said that was his understanding.

Supervisor Memmi said if the improvement is not a requirement at this time or can't meet warrants, they are proposing to escrow with the Township a contribution of \$40,000 towards the improvement if and when it meets warrants. Mr. Small said that

was correct and he believes it is done without limitation as to time. Ms. Hilbish said the escrow length of time would be 10 years. The Solicitor indicated that is appropriate, but the length of time is not in the letter. Supervisor Memmi suggested amending the letter indicating there is a 10-year time limit or to include it in the escrow agreement.

Supervisor Memmi asked Mr. Small if the applicants are proposing some area within the project for patients who may want to go outside. Ms. Hilbish said it is proposed on the plan. Ken Richardson pointed the area out on a map.

Supervisor Fedeli asked if there are any stormwater concerns. Mr. Small said there are not any concerns. Mr. Bonanno added that they have two subsurface infiltration trenches and above ground detention base in four areas.

Supervisor Porter abstained from voting.

Motion: Supervisor Memmi moved to approve that the Preliminary Final Land Development Plan for West Chocolate Avenue Medical Park, Plat #1168, is approved contingent upon the Solicitor's review of all documents and subject to the following:

- a. That the applicant reimburses the Township for costs incurred in reviewing the plan no later than April 10, 2009.
- b. That performance security be provided in acceptable form for the required improvements no later than September 10, 2009.
- c. That the conditions outlined by the March 4, 2009 letter from DTMA (attached) are completed no later than September 10, 2009.
- d. That the applicant fulfill the traffic commitments outlined in the January 6, 2009 letter from Randall K. Watts of Select Medical Corporation, Inc.

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

- a. From Section 185-22.E.(5) regarding the installation of curbing along West Chocolate Avenue adjacent to the subject property with the stipulation that the applicant enter into an agreement with the Township no later than September 10, 2009, which would allow the Township to require the installation of curbing in the future if deemed necessary.
- b. From Section 185-34.A.(1) regarding the installation of sidewalk along West Chocolate Avenue adjacent to the subject property with the stipulation that the applicant enter into an agreement with the Township no later than September 10, 2009, which would allow the Township to require an installation of sidewalk in the future if deemed necessary.

Vice-Chairman Abruzzo seconded. ***The motion carried, 4-0-1.***

C1-6 Consideration of entering into an agreement with Hershey Trust as Trustee for Milton Hershey School, regarding stormwater management facilities proposed on lands represented by the Preliminary/Final Land Development Plan for West Chocolate Avenue Medical Park, Plat No. 1168.

Edward L. Small – Director of Community Development

This agreement is proposed to comply with Section 174-17 of Ordinance No. 535, as it relates to the Best Management Practices depicted on the plan. A stormwater management plan has been submitted for this project. It has been reviewed by HRG and found to be in compliance with the Township's regulations.

Supervisor Porter abstained from voting.

Motion: Supervisor Fedeli moved to approve entering into the proposed Stormwater Best Management Practices Operations and Maintenance Agreement with Hershey Trust as Trustee for Milton Hershey School, dated December 8, 2008. Vice-Chairman Abruzzo seconded. ***The motion carried, 4-0-1.***

D1-6 Consideration of entering into an agreement with James and Rebecca Hills regarding stormwater management facilities proposed on lands represented by the Preliminary/Final Subdivision Plan for Hills Property, Plat No. 1165.

Edward L. Small – Director of Community Development

This agreement is also proposed to comply with Section 174-17 of Ordinance No. 535 as it relates to the Best Management Practices depicted on the plan. It has been reviewed by HRG and found the plan to be compliant with the Township's regulations.

Motion: Supervisor Porter moved to approve the proposed Stormwater Best Management Practices Operations and Maintenance Agreement with James and Rebecca Hills, dated January 22, 2009. Supervisor Memmi seconded. ***The motion carried, 5-0.***

E1-6 Consideration of entering into an agreement with Bruce and Doris Winters regarding stormwater management facilities proposed on lands represented by the Final Subdivision Plan for Winters, Plat No. 1162.

Edward L. Small – Director of Community Development

This agreement is proposed to comply with Section 174-17 of Ordinance No. 535 as it relates to the Best Management Practices depicted on the plan. It has been reviewed by HRG and found the plan to be compliant with the Township's regulations.

Motion: Supervisor Porter moved to approve entering into the proposed Stormwater Best Management Practices Operations and Maintenance Agreement with Bruce and Doris Winters, dated February 20, 2009. Supervisor Fedeli seconded. ***The motion carried, 5-0.***

F1-3 Authorization to advertise an ordinance amending the Code of Township of Derry (Ordinance No. 553), by establishing parking restrictions on the west side of Glen Road from W. Granada Ave. to S. 3rd Street and on the east side of Glen Road from W. Areba Ave. to a point 103 feet north thereof. This will be on school days only from 7:30-8:15 a.m. and from 2:30-3:15 p.m. for the purpose of safely crossing the school students.

William D. Smith – Chief of Police

St. Joan of Arc School has made a change to the parent pick-up and drop-off procedures for their students. The change results in requiring students to cross Glen Road with the assistance of school staff. To assure safety, placing parking restrictions on Glen Rd. during the stated times would increase safety. It would allow greater sight distance for vehicles to see the pedestrians and for pedestrians to see the vehicles approaching before they cross the roadway. Approximately six signs and sign posts will be needed to properly post the area.

Motion: Vice-Chairman Abruzzo moved to approve advertisement of an ordinance amending the Code of Township of Derry (Ordinance No. 553), Chapter 210 (Vehicles and Traffic), Article IV (General Parking Regulations), **Section 210-39 Parking prohibited in certain locations certain days and hours**, by establishing parking restrictions on the west side of Glen Road from W. Granada Ave. to S. 3rd Street and on the east side of Glen Road from W. Areba Ave. to a point 103 feet north thereof. This will be on school days only from 7:30-8:15 a.m. and from 2:30-3:15 p.m. for the purpose of safely crossing the school students. Supervisor Memmi seconded. ***The motion carried, 5-0.***

G1-3 Authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553), by establishing Ridge Road southbound at the railroad underpass as a stop sign controlled street.

William D. Smith – Chief of Police

A request was made by Tom Collins from Capital Area Transit (CAT). Mr. Collins anticipates an increase in bus traffic (30-40 passes/day) using Ridge Road. He is concerned with the buses occupying a large portion of the underpass when they go through and vehicles coming southbound on Ridge Road. In looking at this request and review of the Uniform Traffic Manual, the request is justified in that there is a restricted view for southbound vehicles as they enter the underpass. Two new stop signs, supplemental signs, and posts are needed along with a stop ahead warning sign and post. Supervisor Fedeli mentioned an accident that recently occurred in this area due to the same concerns.

Motion: Supervisor Fedeli moved to approve the advertisement of an ordinance amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210 (Vehicles and Traffic), Article II (Traffic Regulations), **Section 210-24, Stop intersections established**, by establishing Ridge Road southbound at the railroad underpass as a stop sign controlled street. Vice-Chairman Abruzzo seconded. ***The motion carried, 5-0.***

H1-5 Adoption of Resolution No. 1223, providing authorization to enter an agreement with PA DOT for use of the dotGrants system and required filing of Liquid Fuels forms and other related documents.

Terry M. Weinhold – Manager of Accounts Payable & Accounts Receivable

Pa DOT has implemented a new electronic filing system for the purpose of entering information and exchanging data with applicants. The Township is now required to file Liquid Fuels forms and other related forms to Pa DOT through this system.

Supervisor Fedeli asked if Liquid Fuels is the only thing this system can be used for. Ms. Weinhold said it can be used for a lot of things. She added that Pa DOT is working in conjunction with DCP and it is not mandated at this time, but will be soon.

Supervisor Memmi asked if we had been utilizing this system before this or are we just moving into the realm of electronic filing with the Department. Ms. Weinhold said this is a new system. Supervisor Memmi requested we send them a hard copy with the first couple of submissions to assure it gets there in the appropriate time just in case something doesn't go right.

Motion: Supervisor Porter moved to approve Resolution 1223, authorizing the Township of Derry to enter into an agreement with the Commonwealth of PA Department of Transportation for the dotGrants system. Vice-Chairman Abruzzo seconded. ***The motion carried, 5-0.***

I1-2 Voluntary sidewalk and curb reconstruction project and installation of Handicapped Accessible Ramps.

Thomas Clark –Director of Public Works

The Township provides a program for residents to participate in a joint contract to replace curbs and sidewalks located within the public right-of-way in front of their homes. This year 12 handicapped accessible ramps were added to this project for placement before street paving begins. Nine bid packages were sent out for the project and five were received back. Doug Lamb Construction was the lowest bidder (\$35,803.83). The funds to pay for this project have been budgeted in the General Fund. The residents participating in the project will reimburse their costs to the Township. The cost of the ramps will be funded by Liquid Fuels, as part of the repaving project of Caracas Avenue.

Supervisor Porter stated that this is a project paid for by the residents who avail themselves of this opportunity. He asked Mr. Clark why we budget for it. Mr. Clark said it is budgeted under both the revenue and expense side...a pass through. Supervisor Porter asked if the \$35,000 figure is how much work Doug Lamb Construction will do this year for the whole Township. Mr. Clark said no. The residents who participate in this program are being done now to expedite the paving project.

Motion: Supervisor Memmi moved to approve awarding the sidewalk and curb replacement project and handicapped ramps installation bid to Doug Lamb Construction in the amount of \$35,803.83. Vice-Chairman Abruzzo seconded. ***The motion carried, 5-0.***

J1-2 Adoption of Resolution No. 1222 designating the Township of Derry's intent to suspend banners across SR 0422 announcing various events.

Jill E. Horner – Assistant Township Manager

The Medical Center made a request to suspend banners across SR 422 announcing various events during June 16-29.

Motion: Supervisor Fedeli moved to adopt Resolution No 1222, designating the Township of Derry's intent to suspend banners across SR 0422 announcing various events during June 16-29. Vice-Chairman Abruzzo seconded. *The motion carried, 5-0.*

K1 Approving the 2009 Annual CPI Increase in tipping fees in regards to the Township's contract with our Solid Waste Provider, York Waste.

James N. Negley - Township Manager/Township Treasurer

Effective April 2009, the tipping fee at the Harrisburg Incinerator will increase \$1.58 per ton. Dauphin County requires that all municipal solid waste collected in Dauphin County must be delivered to the Harrisburg incinerator. Our contract with York Waste allows for these increases to be factored into the quarterly billing cycle. York Waste calculated an increase of \$.17 cents a month for residential customers and \$.09 cent increase per cubic yard for commercial customers. This will raise the residential quarterly billing from \$57.02 to \$57.53.

Supervisor Memmi was appreciative of the County Commissioners for challenging the original request of the Harrisburg Authority which was well in excess of \$100/ton increase. This would have had a significant impact on all the residents of Dauphin County. Fortunately, they refused to pay it forcing it into arbitration resulting in a favorable outcome.

Motion: Supervisor Porter moved to approve the 2009 Annual CPI Increase in tipping fees in regards to the Township's contract with our Solid Waste Provider, York Waste. Supervisor Memmi seconded. *The motion carried, 5-0.*

CORRESPONDENCE

Supervisor Memmi commented on the new standard rating for Derry Township. It has been upgraded from AA2 to AA+ which is one level below triple A. There are only a handful of municipalities in Pennsylvania that have gotten to this level. He was appreciative of the hard work of our Finance Office, the Manager and other staff in making sure we keep our reserves at a balance that is acceptable and our residents for making sure they pay their taxes on time.

BOARD/COMMITTEE INFORMATION

Supervisor Memmi shared that the Tax Association Board reorganized at their initial meeting of 2009. He announced the officers of the Board: Alan Malkoff, President, Mike Pries, Vice-President, Ken Patrick, Treasurer, and Scott Stephens, Secretary. He noted that every year they rotate the presidency and the vice-presidency. Chairman Pries thanked Supervisor Memmi for his leadership over the past year as the President of the Tax Association.

REPORTS

Barbara Ellis - Director of Hershey Public Library

Ms. Ellis announced that tomorrow evening there is going to be a program hosted by the Library. The Community Task Force is sponsoring three speakers on choosing civility.

Matthew J. Mandia – Director of Parks and Recreation

Mr. Mandia shared that he attended and presented at the Annual State Conference at the Hershey Lodge & Convention Center. He was honored to be one of three panel members in giving presentations to other recreational professionals in the field across the state. He had an opportunity to show case our bicycle and pedestrian trail in the Township.

Mr. Mandia announced that tomorrow morning at 8:00 a.m. on-line registration for summer day camp will begin.

APPROVAL OF ACCOUNTS PAYABLE (\$230,450.70) AND PAYROLL (\$282,964.46).

Supervisor Porter moved to approve accounts payable in the amount of \$230,450.70 and payroll in the amount of \$282,964.46. Supervisor Memmi seconded. ***The motion carried, 5-0.***

VISITOR/PUBLIC COMMENTS

Matt Weir, Church Road – Mr. Weir expressed concern with the development on West Chocolate Avenue since that was the sight of the previous town dump in the 1960's. He questioned if that had been taken into consideration and if the test wells had been checked both before and after construction. Mr. Small said there is a test well on the site off the 7 acres to the east that is going to remain in operation. There is no concern regarding this for the hospital or any of the improvements they intend to make.

ADJOURNMENT

Supervisor Fedeli moved to adjourn the meeting at 7:50 p.m. Vice-Chairman Abruzzo seconded. ***The motion carried, 5-0.***

SUBMITTED BY:

Kelly C. Fedeli
Township Secretary

Brenda Van Deursen
Recording Secretary