

**MEETING MINUTES**  
**BOARD OF SUPERVISORS, TOWNSHIP OF DERRY**  
**Tuesday, May 28, 2013**  
600 Clearwater Road, Hershey, Pennsylvania 17033

**REGULAR MEETING**

**CALL TO ORDER**

The May 28, 2013 Township of Derry Board of Supervisors meeting was called to order at 7:00 p.m. by Chairman E. Christopher Abruzzo.

**ROLL CALL**

***Supervisors Present***

E. Christopher Abruzzo, Chairman - *present*  
Sandy A. Ballard - *present*  
Kelly C. Fedeli, Vice-Chairman - *present*  
John Foley, Jr. - *present*  
Marc A. Moyer, Secretary - *absent*

**Also Present**

Matt Bonanno, HRG, Township Engineer  
Barbara S. Ellis, Director of Hershey Public Library  
Charles W. Emerick, Director of Community Development  
Jill E. Henry, Assistant Township Manager  
Cheryl L. Lontz, Manager of Payroll & Employee Benefits  
Matthew J. Mandia, Director of Parks & Recreation  
James N. Negley, Township Manager/Township Treasurer  
Patrick O'Rourke, Chief of Police  
Robert Piccolo, Assistant Director of Public Works  
Jon A. Yost, Township Solicitor  
Brenda Van Deursen, Recorder

***Public Present:*** Joe A. Burget, Jr., Rob Cramer, Jim Hartman, Elvira Ebling, Jim Rafferty, Steve Yingst, Rich Gamble, Susan Newkam, Alexander Roca, Tom Stang, Chris Bushman, Justin Engle, Mike Jenkins, Keri Jenkins, Mike Condran, Charleton Zimmerman

**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**

**Rich Gamble, 39 Hockersville Road** – Mr. Gamble relooked at what Milton Hershey's vision was versus today's vision. His vision was to build a corporate town to support the citizens with

things they needed and provide them with entertainment. Today, we no longer have his vision. We have The Hershey Trust's vision focusing on tourism. Mr. Hershey was not building a tourist town; he was building a community. The Hummelstown Sun put together a layout of the town prior, present and future. The layout indicated a road, which is going to encompass the downtown Hershey. The community and the Township cannot counteract that because Hershey owns the property. We are just an instrument to pass laws, legislations and amendments to meet their needs. The map shows they are expanding Chocolate World down through Ridge and into downtown. Milton Hershey's dream was to build a community, a village for his citizens. Today's dream is to develop tourism. We need to work together with the comprehensive plan and develop a united plan that benefits not just the tourists or Hershey interests, but also the people of this community.

**Justin Engle, 430 East Derry Road** – Mr. Engle requested a vote to be added to the agenda this evening with regard to the request by C&G Squadron for the Conditional Use that was presented prior to this meeting at a public hearing. The Board agreed to do this.

#### **APPROVAL OF MINUTES**

Chairman Abruzzo called for a motion to approve the Minutes of the May 14, 2013, Board of Supervisors Board of Supervisors Meeting. Supervisor Ballard suggested rephrasing the sentence in the middle of the paragraph on page 7 to read: **There is actually a provision to have the owner give the Township a periodic certificate saying that a professional engineer has inspected their retention pond and its ongoing maintenance.** Supervisor Ballard made a motion to approve the minutes with this amendment. Vice-Chairman Fedeli seconded. ***The motion carried, 4-Yes 0-No.***

#### **A1-3 Consideration of adoption of Ordinance No. 632, which would amend Chapter 225 (Zoning) of the Code of the Township of Derry by defining types and permitted locations of restaurants.**

**Charles Emerick, Director of Community Development** – The public hearing on this ordinance was held on April 9, 2013. At the conclusion of the hearing, the Board informed staff that it wanted to consider the comments and impacts of the ordinance and would give direction at its next meeting. At the next meeting on April 23, the Board directed to advertise the notice of intent to consider this ordinance for the May 14 regular meeting. At the May 14 meeting there was a concern for the language in the public notice so the action was tabled to allow the adoption of the ordinance to be re-advertised. The re-advertisement was done on May 21 allowing the Board to take action on the disposition of Ordinance No. 632 at tonight's meeting. If adopted, it will become effective in five days.

**Motion:** A motion made by Vice-Chairman Fedeli and seconded by Supervisor Foley that Ordinance No. 632, which would amend Chapter 225 (Zoning) of the Code of the Township of Derry by defining types and permitted locations of restaurants, is hereby adopted. ***Motion carried, 4-Yes 0-No.***

#### **B1-7 Consideration of the adoption of Ordinance No. 635 to vacate an unopened portion of Hockersville Road.**

**Charles Emerick, Director of Community Development** – As noted in the public hearing earlier this evening, the Township has received a request from Burget & Associates on behalf of Tana Properties, LLC. To vacate a non-public, unopened section of Hockersville Road that crosses the southern portion of lands currently owned by Tana Properties located at 810 West Chocolate Avenue. The Dauphin County Planning Commission reviewed this at their May 6 meeting and concur with the proposed vacation noting that as long as the existing and future access to utility service and maintenance are not adversely affected. The utilities were notified.

**Motion:** A motion made by Supervisor Foley and seconded by Vice-Chairman Fedeli that the adoption of Ordinance No. 635 to vacate an unopened portion of Hockersville Road and the Township Manager is hereby authorized to execute documents necessary to accomplish the transfer of the roadway to Tana Properties, LLC., is hereby adopted. ***Motion carried, 4-Yes 0-No.***

#### **C1-10 The Preliminary/Final Subdivision Plan for Lands of Nye and Rogalli, Plat #1230.**

**Charles Emerick, Director of Community Development** – This plan involves properties at 593 and 621 Hilltop Road located in the Agricultural/Conservation zoning district. This plan would simply be called a lot line change plan. Lot # 1 is the longer lot and extends away from Hilltop Road. This 1.875 acres is going to be conveyed to the adjacent property. The end result will be that Lot #2 will contain 7.415 acres and Lot #1 will contain 2.4 acres. As is common with lot add on plans there is a list of several waivers. Mr. Emerick reviewed each waiver. Item “h” refers to a sidewalk agreement. The Planning Commission and staff were recommending full waiver of the sidewalks as they are familiar with the area and it is unlikely that sidewalks would ever extend on to here. If the Board chooses to have a sidewalk agreement, they should keep recommendation “h.” If not, it can be removed.

**Motion:** A motion made by Chairman Abruzzo seconded by Supervisor Foley that the Preliminary/Final Subdivision Plan for Lands of Nye and Rogalli, Plat #1230, is hereby approved subject to the following:

- a. That the applicant reimburse the Township for costs incurred in reviewing the plan no later than June 28, 2013.
- b. That monuments be installed and inspected no later than November 28, 2013; or in the alternative, that performance security be provided and the accompanying agreement signed no later than November 28, 2013.
- c. That an accompanying exhibit be provided no later than November 28, 2013 for the right-of-way dedication of Hilltop Road being offered to the Township.
- d. That the existing right-of-way line along the frontage of Lot 1 be labeled on the plan no later than November 28, 2013.
- e. That the total square footage (and acreage) of right-of-way dedication per lot (the square footage is incorrectly switched on Lot 1 and Lot 2 in the Proposed Site Data table) be revised on the plan no later than November 28, 2013.
- f. That a digital file of the plan be provided in AutoCAD or DXF format no later than November 28, 2013.
- g. That the deed for right-of-way dedication be recorded concurrently with the plan.

- h. That the sidewalk agreement between the owners and the Township 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).[9] and 185-13.E.(4).(a).[9] regarding the location of all existing structures, wooded areas, watercourses, rock outcrops, culverts, utilities, above or below ground, fire hydrants, streets, and their established grade and width, all within 200 feet of the tract of land to be subdivided or developed.
- b. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding plans and profiles of proposed and existing stormwater sewer or conveyance systems with grades, pipe sizes and locations of all inlets, manholes and other related structures at a scale of 1" = 50' horizontal and 1" = 5' vertical.
- c. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding plans and profiles of proposed and existing sanitary sewer system with grades, pipe sizes, and location of manholes and other related structures at a scale of 1" = 50' horizontal and 1" = 5' vertical.
- d. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding plans and profiles of proposed and existing gas and water systems with grades, pipe sizes and location of manholes, valve boxes, fire hydrants, and other related structures at a scale of 1" = 50' horizontal and 1" = 5' vertical.
- e. From Sections 185-12.D.(3).(a).[35] and 185-13.E.(4).(a).[36] regarding topographic land contours at minimum vertical intervals of two feet on the tract of land to be developed or subdivided and within 200 feet of perimeter.
- f. From Section 185-18 regarding the removal of existing property corner markers.
- g. From Section 185-22.D.(3) regarding street widening.
- h. From Section 185-22.E. regarding curbing.
- i. From Section 185-22.K. regarding driveway sight distance.
- j. From Section 185-34 regarding sidewalks, provided that the owners enter into an agreement with the Township no later than November 28, 2013 that would allow the Township to require the installation of sidewalk in the future if deemed necessary.
- k. From Section 185-49 regarding submitting a wetlands determination.

***Motion carried, 4-Yes 0-No.***

**D1-12 The Preliminary/Final Subdivision Plan for Lands of The Hershey Company, Hershey Trust Company, and Robert B. Cramer, Plat No. 1228.**

**Charles Emerick, Director of Community Development** – The property of this plan spans from the northeast intersection of Hersheypark Drive with Sand Beach Road to the northeast intersection of Sand Beach Road with Kieffer Road. This is a small parcel of land that is presently vacant and adjacent to it there is a Hershey Trust Company farm. This plan proposes to join Lot #1 from the Hershey Company to the Cramer Lot and then take this parcel from the Cramer lot and convey it to The Hershey Trust. This is basically a lot add on plan so it has several waivers.

**Motion:** A motion made by Supervisor Foley and seconded by Supervisor Ballard that the Preliminary/Final Subdivision Plan for Lands of The Hershey Company, Hershey Trust, and Robert B. Cramer, Plat #1228, is hereby approved subject to the following:

- a. That the applicant reimburse the Township for costs incurred in reviewing the plan no later than June 28, 2013.
- b. That monuments be installed and inspected, or performance security provided to guarantee the completion of required improvements and the accompanying agreement signed no later than November 28, 2013.
- c. That the deed for right-of-way dedication 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).[9] and 185-13.E.(4).(a).[9] regarding existing features within 200 feet and 50 feet of The Hershey Company and Hershey Trust Company properties.
- b. From Sections 185-12.D.(3).(a).[11] and 185-13.E.(4).(a).[12] regarding providing net developable area calculations for The Hershey Company and Hershey Trust Company properties.
- c. From Sections 185-12.D.(3).(a).[15] regarding providing USDA soils boundaries for Lot 7 and Tract 26A.
- d. From Sections 185-12.D.(3).(a).[7] and 185-13.E.(4).(a).[7] regarding metes and bounds descriptions for The Hershey Company and Hershey Trust Company properties.
- e. From Sections 185-12.D.(3).(a).[8] and 185-13.E.(4).(a).[8] regarding providing 1983 North American Datum coordinates for Lot 7 and Tract 26A.
- f. From Sections 185-12.D.(3).(a).[11] and 185-13.E.(4).(a).[12] regarding providing the lot area for final Tract 26A and the net developable area of Lot 7 and Tract 26A.
- g. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding storm sewer plans and profiles.
- h. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding sanitary sewer plans and profiles.
- i. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding gas and water lines plans and profiles.
- j. From Sections 185-12.D.(3).(a).[35] and 185-13.E.(4).(a).[36] regarding topographic land contours for The Hershey Company and Hershey Trust Company properties.
- k. From Section 185-18 regarding placing/verifying monuments and markers on Lot 7 and Tract 26A.
- l. From Section 185-22.D regarding required cartway and right-of-way width.
- m. From Section 185-22.E.(5) regarding installation of curbing along existing streets.
- n. From Section 185-34.A.(1) regarding installation of sidewalks along existing streets.
- o. From Section 185-30.F regarding lot lines being perpendicular to the street.
- p. From Section 185-49 regarding wetland certification.
- q. From Sections 185-12.D.(2) and 185-13.E.(3) regarding minimum plan scale.

***Motion carried, 4-Yes 0-No.***

**E1-8 Approval of the 2013 Annual CPI Increase in tipping fees in regard to the Township's contract with our solid waste provider, Waste Management.**

**James N. Negley, Township Manager/Township Treasurer** – Dauphin County requires all municipalities in Dauphin County to use Harrisburg Incinerator for the solid waste collected. The tipping fee at the Harrisburg Incinerator will be \$77.09, an increase of \$2.80 per ton effective June 2013. Waste Management has calculated that this will result in an increase of \$.78 cents quarterly for residential customers and a \$.14 cent increase per cubic yard for multi-family and commercial customers. Bag prices will remain the same. This will raise residential quarterly billing from \$54.57 to \$55.35.

**Motion:** A motion made by Supervisor Foley and seconded by Chairman Abruzzo that the 2013 Annual CPI Increase in tipping fees in regards to the Township's contract with our Solid Waste Provider, Waste Management, is hereby approved. ***Motion carried, 4-Yes 0-No.***

**F1-3 Authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210, Section 210-38, Parking prohibited at all times in certain locations by establishing "no parking" restrictions on both sides of N. Lingle Avenue from a point 1100 feet north of SR 0422 (East Chocolate Avenue) to the intersection with SR0743 (Laudermilch Road).**

**Patrick O'Rourke, Chief of Police** – A traffic study was requested to see if parking restrictions were warranted on N. Lingle Avenue. There were many issues to the request including insufficient shoulders for vehicles parking completely off the roadway, commercial vehicles parking in areas where shoulders were wider but still encroaching upon the travel portion of the highway, refrigeration units running on commercial vehicles while parked which disturbs residents at nighttime, parked vehicles disregarding current parking restrictions and obstructing sight distance for drivers on intersecting roadways, and trash left behind when parked vehicles left the area. A traffic study was conducted and based on the guidelines it warranted this amendment to the ordinance.

Vice-Chairman Fedeli verified with Chief O'Rourke that the residents at N. Lingle Avenue don't park their cars in front of their houses now because there is not room and that they are the ones who requested we restrict parking at the other end. Chief O'Rourke said that was correct.

**Motion:** A motion made by Supervisor Ballard and seconded by Vice-Chairman Fedeli that the authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210, Section 210-38, Parking prohibited at all times in certain locations by establishing "no parking" restrictions on both sides of N. Lingle Avenue from a point 1100 feet north of SR 0422 (East Chocolate Avenue) to the intersection with SR0743 (Laudermilch Road), is hereby approved. ***Motion carried, 4-Yes 0-No.***

**G1 Conditional Use Request No. 2013-01 as filed by C&G Squadron, LLC, to create a for-profit recreational facility in a portion of the building located at 26 Northeast Drive.**

Chairman Abruzzo said at a Public Hearing prior to this meeting tonight the Board had an opportunity to discuss this request with Mr. Emerick. There was no public comment. The applicant requested we vote on it tonight.

**Motion:** A motion made by Vice-Chairman Fedeli and seconded by Supervisor Ballard that the Conditional Use Request No. 2013-01 as filed by C&G Squadron, LLC, to create a for-profit recreational facility in a portion of the building located at 26 Northeast Drive, is hereby approved. ***Motion carried, 4-Yes 0-No.***

Mr. Emerick said he will circulate a written notice for signature by Chairman Abruzzo.

**CORRESPONDENCE** – Chairman Abruzzo said they received a letter from Mrs. Weigel of Deer Run in reference to a request she received for consideration of an enlargement to the entrance of Deer Run. Attached to her letter was a petition signed by the residents opposing the request. The Board will take this into consideration if it should come before them.

**BOARD/COMMITTEE INFORMATION** – Supervisor Foley said the transportation committee continues to meet with both of our engineers and our contractors to expedite some of the projects and to be a little more proactive with the work being done.

## **REPORTS**

**Patrick O'Rourke, Chief of Police** – Chief O'Rourke had directed Sgt. Terry Ferree to contact PennDOT regarding the intersection at Hersheypark Drive and Laudermilch Road due to the increasing number of traffic collisions at that intersection. The east/west traffic has green lights going both ways and the motorists are allowed to turn left there. We asked PennDOT to look at this intersection to see if they can install signals with a designated green arrow to turn left.

Chief O'Rourke commended Matt, his staff and Tom Clark for their hard work to make the Memorial Day Parade and Ceremony a success. Chairman Abruzzo thanked Chief O'Rourke for his participation and for playing the bag pipes.

**Robert Piccolo, Assistant Director of Public Works** – E.J. Breneman will start the recycling of the roads that had construction on them. They will be starting June 5th in the Mansion Area and then move to Areba Avenue. They are starting in the Mansion Area because UGI is still doing some work on Areba.

A couple of weeks ago, Public Works had an Eagle Scout complete his project of planting 365 seedlings from Shank Park down to Bullfrog Pond.

Chairman Abruzzo requested that Mr. Piccolo keep pressing the utilities to finish their work on Areba and press E.J. Breneman to move along and get the project finished.

Supervisor Ballard asked if the road will be disrupted for the whole day while they do the recycling. Mr. Piccolo said they have to grind it, lay it back down, wait for a few weeks for it to cure and then it will be topped. It will be rough during those few weeks, but drivable.

Chairman Abruzzo asked Assistant Manager Henry to put this information on the front page of the website.

**Barbara Ellis, Hershey Public Library** – Mrs. Ellis reported that the Family Fund Festival on May 19<sup>th</sup> was a great success with over 850 in attendance. She thanked all the departments in the Township who helped with this event. She also thanked the Library Board members, her staff, and Friends of the Library who participated and helped. On May 29 at 11:00 a.m. the Library along with the Federated Women’s Club of Hershey will be presenting the 100 books for 100 children at the Food Bank. Mrs. Ellis also reported they are almost half way with the blood bank collection.

**Cheryl L. Lontz, Manager of Payroll & Employee Benefits** – Ms. Lontz said the financial auditors from Hamilton & Musser started their field work today. So far for 2013, expenses and revenues are looking good.

**Matthew J. Mandia, Director of Parks and Recreation** – Mr. Mandia thanked Chairman Abruzzo for being the MC at the Memorial Day Ceremony providing a very thoughtful and honorable feel to the entire event. He also thanked the Police Department, Chief O’Rourke for playing the bag pipes, Public Works, Hershey Volunteer Fire Department, and his staff. This Saturday is the local Hershey Track & Field Meet at 9:00 a.m. at the Hershey High School track. They are still taking registrations for boys and girls ages 9 to 14.

Chairman Abruzzo thanked the Police Department, Public Works and Parks and Recreation for their part with the Memorial Day Parade and Ceremony and for giving up time with their families on this day to be here.

**Matt Bonanno, HRG, Township Engineer** – HRG received a letter today from DEP authorizing the Township for their MS4 program. It is good for the next five years. The contractors are installing 54 inch pipe on Mill Street between Areba and Cedar. The other crew is installing 30 inch pipe along the car wash property towards Hillcrest Road. Tomorrow they have their monthly job conference with the contractor to talk about schedules and in particular some restoration that needs to take place. HRG also asked the owner of the company to attend the meeting to try to get better answers than they have been getting recently.

Vice-Chairman Fedeli mentioned there is some discontentment in the community from these projects. She thanked Supervisor Foley and Mr. Bonanno for advocating on behalf of the Board in getting some of these feelings resolved. She understands they will be talking about the bridge project at their meeting, but also encouraged them to advocate for some of the residents. Mrs. Leo at 581 Old West Chocolate had her property torn up for a very long time. Also, please tell the contractor not to park their excavation equipment in front of businesses for a long period of time including weekends.

Supervisor Ballard said a lot of residents had their front yard dug up and it has not been returned to the original condition. Mr. Bonanno acknowledged there were over 50 easements to start with for the project. He has a list and will bring it up for discussion at tomorrow’s meeting.

**Chuck Emerick, Director of Community Development** – Mr. Emerick said changes have been made to the junk ordinance and forwarded to Dauphin County for their comments. He is looking to schedule a hearing for that on June 25 at 6:45. The Board agreed to the date and time for the hearing.

**James Negley, Township Manager** – Manager Negley asked Lt. Warner to present the traffic safety study that was done on Stoney Run.

**Lt. Warner** reported that there were two issues brought up at a previous Board of Supervisor's meeting. One had to deal with parking on the street and the other one had to deal with speeding through the development. Lt. Warner distributed a copy of the findings and the options for consideration to the Board. The first option being the most restrictive, down to option #3, being the least restrictive and option #4 calling for traffic measures that can be implemented. The most restrictive option would be to restrict parking on both sides of the street throughout the development because the distance from the middle of the roadway to the curb line it is not sufficient to support any parking on the street. Option #3, the least restrictive, is a compromise by restricting parking in the curve areas of the cut-through streets. The cut-through streets are to either Quail Hollow Road or Stoney Run Road. We can restrict the parking on the inside of the curves, which would increase the sight distance for vehicles traveling through those curves and even before entering the curves; therefore, enhancing the safety of vehicles traveling through. It won't restrict parking totally, but will be a little more convenient for the residents that live there. All the options are permitted by statute.

Supervisor Ballard asked if they talked to the Homeowners Association and Mr. Royer about the options. Lt. Warner said he explained the options to both of them and will set up another meeting to make sure they are all on the same page. Manager Negley asked if he was able to contact Mr. Royer. Lt. Warner said he reached him by phone.

Vice-Chairman Fedeli said the Board will review this and get back to Lt. Warner at the next meeting.

#### **APPROVAL OF ACCOUNTS PAYABLE (\$295,325.48) AND PAYROLL (\$290,356.58).**

**Motion:** Supervisor Foley moved to approve accounts payable in the amount of \$290,325.48 and payroll in the amount of \$290,356.58. Supervisor Ballard seconded. ***The motion carried, 4-Yes 0-No.***

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

**Rich Gamble, 39 Hockersville Road** – Mr. Gamble said now that the Board has approved adoption of Ordinance #632, there needs to be a way to ensure the best interest of all people involved. He asked that the Board and all the other committees responsible to the people to put a moratorium on some of the waivers. It seems like everything is waived. The people of the community need to have some input in a working relationship with the Hershey Company.

**Charleton Zimmerman, 119 N. Roosevelt Avenue** – Mr. Zimmerman complimented the Board of Supervisors for admitting the procedure wording was wrong and to re-advertise Ordinance #632. In reference to Ordinance #553 parking prohibited from 422 all the way to Laudermilch Road, Mr. Zimmerman questioned where the tractor trailers were coming from and how they were going to enforce the no parking in that area. He did not understand why this traffic study wasn't done when the warehouses and zoning was changed.

Mr. Zimmerman said in reference to Fratti's Trailer Park on West Chocolate he asked the contractor why it was taking so long with the demolition permits. The contractor explained to him there was a money problem. Mr. Zimmerman contacted Community Development and was told that the governor issued a stay of permits. Supervisor Ballard explained that the extension of permits was given due to the slow economy to allow extra time. It had nothing to do with zoning, but to keep the economic development going.

#### **ADJOURNMENT**

Supervisor Foley moved to adjourn the meeting at 8:00 p.m. Supervisor Ballard seconded. ***The motion carried, 4-Yes 0-No.***

SUBMITTED BY:

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James N. Negley  
Township Manager

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Brenda Van Deursen  
Recording Secretary