

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

**Tuesday, September 8, 2009**  
600 Clearwater Road, Hershey, Pennsylvania 17033

**CALL TO ORDER**

The September 8, 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**

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

**Absent:** August (Skip) T. Memmi, Jr.

**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 of Hershey Fire Company  
Terry M. Weinhold – Manager of Accounts Payable & Receivable  
Matthew Bonanno – HRG, Township Engineer

**Public Present:** Joe Colanaro, Elvira Ebling, D. Winters, Lisa Winters, Steve Winters, Brent Sapen, Bill Fisher, Carolyn Akers, Ed Ionni, M. Weir

**Press Present:** Drew Weidman, The Sun

**Executive Session:**

Chairman Pries announced that the Board met in executive session 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.

**NEW BUSINESS:**

**A1-12 The Preliminary/Final Subdivision Plan for Winters, Plat No. 1180.**

Edward L. Small – Director of Community Development

This plan is submitted differently than an earlier Preliminary Plan submission, Plat No. 1127, and Final Plan submission, Plat #1162. Both plans were approved by the Board with contingencies, but not completed and recorded. The original plans were to subdivide the existing 9.5 acre lot into two lots. The new proposal is to create a lot for the developer's dwelling having 2.86 acres. The remaining 6.66 acres are to be added to the adjacent lands of the Milton S. Hershey Medical Center (HMC) with no improvements proposed. Lot # 1 will remain the same with the exception of the removal of the cul de sac. Lot #2 existence will be incorporated into the description of the HMC property. There are waivers from a number of areas, but all are recommended for approval.

Supervisor Porter asked if Lot #2 would have its own parcel tax identification number. Mr. Small said there is no need for that since it is incorporated into the description of Hershey Medical Center.

Vice-Chairman Abruzzo asked if the only difference in the plans is the size of the lot. Mr. Small said that is correct. Lot #1 is a fraction larger and there is no access that would permit permissible use.

**Motion:** A motion was made by Supervisor Porter and seconded by Supervisor Fedeli that the Preliminary/Final Subdivision Plan for Winters, Plat #1180 is hereby approved subject to the following:

- a. That performance security be provided for monuments and markers or that they be installed and inspected prior to March 8, 2010.

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

- a. From Section 185-11 regarding sketch plan submittal.
- b. From Section 185-12 regarding preliminary plan submittal.
- c. From Section 185-13.E.(3) regarding plan scale to prepare the plan at a scale of 1" = 60' rather than 1" = 50'.
- d. From Sections 185-13.E.(4).(a).[19-21], [29-31], [35], [40], [41], [44], [47], and [50] regarding plan contents.
- e. From Section 185-13.E.(5) regarding accompanying data.
- f. From Section 185-26 regarding stormwater management.
- g. From Section 185-27 regarding easements.
- h. From Section 185-28 regarding utilities.
- i. From Sections 185-30 and 185-31 regarding lot arrangement and landscaping.
- j. From Sections 185-29 and 185-40 regarding aquifer testing.
- k. From Sections 185-42 and 185-43 regarding providing a traffic impact study.
- l. From Sections 185-44 through 185-48 regarding parks dedication.
- m. From Section 185-49 regarding wetlands determination.
- n. From Section 185-22.D. to maintain the right-of-way at 50 feet.

***The motion carried, 4-0.***

**B1-6 The Preliminary/Final Land Development Plan for Lot A-2, William Fisher and Soraya M. Samii, Plat No. 1181.**

Edward L. Small – Director of Community Development

The changes to this plan for Lot A-2 involve building locations, grading and stormwater management. Lot A-2 was created from an earlier plan of Plat #1166. The features of the earlier plan approval remain in effect. Those features include an agreement to postpone the installation of curbing and sidewalk until the Board of Supervisors deem it necessary for public safety.

Supervisor Porter said that we already approved the final plan...this plan just reconfigures the stormwater and sanitary sewer. Mr. Small agreed that was correct.

**Motion:** A motion made by Supervisor Fedeli and seconded by Vice-Chairman Abruzzo that the Preliminary/Final Land Development Plan for Lot A-2, William Fisher and Soraya M. Samii, Plat No. 1181 is hereby approved, subject to the following:

- a. That the applicants reimburse the Township for costs incurred in reviewing the plan no later than October 8, 2009.
- b. That performance security in the amount of \$23,897.12 be provided in acceptable form no later than March 8, 2010.
- c. That a letter be provided from the Dauphin County Conservation District approving the revised erosion and sedimentation control plan no later than March 8, 2010.

***The motion carried, 4-0.***

**C1-10 Resolution No. 1237 authorizing the Highway Occupancy Permit application for the Preliminary/Final Lot Consolidation/Land Development Plan for Ronald McDonald House, Plat No. 1172.**

Edward L. Small – Director of Community Development

This plan was already approved. However, work needed done that included a new catch basin on the east side of the new two-way driveway, replacement of a pipe beneath the driveway, and a connection of the subsurface stormwater system to the replaced basin. All of this work is within the PennDOT right-of-way. Under the new rules, the municipalities are the middlemen between PennDOT and private owners. Mr. Small added that we will be seeing a lot of this.

Supervisor Fedeli asked why this rule has changed and if there are any additional costs. Mr. Small said the costs will be passed through to the private party. The Township will be reimbursed dollar for dollar. He is uncertain why this is now our responsibility.

Matt Bonanno believes it is because PennDOT finds it easier to deal with municipalities rather than private owners.

**Motion:** A motion made by Supervisor Porter and seconded by Vice-Chairman Abruzzo to adopt Resolution No. 1237 authorizing the Chairman to execute the Permit Condition Statement, the Recording Copy form, and the agreement with the owner to bind them

to the PennDOT requirements of the Highway Occupancy permit is hereby approved.  
***The motion carried, 4-0.***

**D1-3 Consideration of the release of the remaining performance security for the Revised Preliminary and Final Land Development and Subdivision Plan for the Hershey Medical Center East Campus and Connector Road, Plat No. 1098.**

Edward L. Small – Director of Community Development

This is a request to release the remaining of the performance security for this plan in the amount of \$138,793.14. HRG has inspected the area and concluded the performance security is eligible for release.

**Motion:** A motion made by Supervisor Fedeli and seconded by Vice-Chairman Abruzzo to release \$138,793.14, the entire remaining performance security in Letter of Credit No. 18103187-00-000, supplied by PNC Bank for the Revised Preliminary/Final Land Development and Subdivision Plan for the Hershey Medical Center East Campus and Connector Road, Plat No. 1098 is hereby approved. ***The motion carried, 4-0.***

**E1 Authorization to expend Fee in Lieu of Funds for recreational enhancements.**

Matthew J. Mandia – Director of Parks and Recreation

This request amount for \$109,295 is for the allocation and expenditure of Fee in Lieu of Funds for purchasing, constructing, and installing new spray apparatus enhancements around the outdoor pool at the Recreational Center.

Supervisor Porter asked if there was recordkeeping indicating which developer contributed what money and what each contribution was spent on. Mr. Small said the contributions are charted and communicated with Mr. Mandia. Mr. Mandia said the fee in lieu of funds are kept in a separate account and kept track of. They have three years to use these funds.

**Motion:** A motion made by Supervisor Porter and seconded by Chairman Pries to expend fee in Lieu of Funds for the purchase, construction, and installation of the stated recreational enhancements as discussed above not to exceed \$109,500.00 is hereby approved. ***The motion carried, 4-0.***

*It was noted the difference of \$205 between the amount in the discussion and the amount in the motion is to account for any interest that may have been earned between the date of this agenda item and the date the funds are actually drawn down.*

**F1-2 Ordinance No. 588 amending the Code of the Township of Derry (Ordinance No. 553), establishing a prohibition on left turns for southbound traffic on Mansion Road at the intersection with U.S. 422.**

William D. Smith – Chief of Police

On August 3, 2009, the Board of Supervisors authorized the advertisement of this ordinance amendment. The advertisement appeared in The Sun on August 19, 2009.

This is a great improvement and an excellent safety enhancement.

**Motion:** A motion made by Supervisor Porter and seconded by Supervisor Fedeli that Ordinance No. 588 amending the Code of the Township of Derry (Ordinance No. 553), Chapter 10, (Vehicles and Turns), Article II, (Traffic Regulations), Section 210-19, **Turning at certain intersections prohibited or restricted**, by establishing a prohibition on left turns for southbound traffic on Mansion Road at the intersection with US 422 is hereby approved. *The motion carried, 4-0.*

**G1-3 Authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553) by removing the stop sign on Stoney Run Road at the intersection with Quail Hollow Road making Stoney Run Road as a through street. Then establishing a stop sign on Quail Hollow Road southbound at the intersection with Quail Hollow Road and establishing a stop sign at Quail Hollow Road northbound at the intersection with Stoney Run except for right turns.**

William D. Smith – Chief of Police

Chief Smith shared that he has received concerns regarding northbound vehicles on Quail Hollow Road that do not observe the “no outlet” sign at the intersection of Quail Hollow Road and Stoney Run Road. These vehicles continue on Quail Hollow Road to the cul-de-sac and then have to turn around. Some of these vehicles travel at unsafe speeds as they enter the cul-de-sac. In researching the safety part, it was discovered that this intersection was not posted according to the developer’s recommendations based on the traffic study conducted in 1988. This study indicated that the stop sign controlled intersection should be on Quail Hollow Road. We now want to correct the mistake.

**Motion:** A motion made by Supervisor Fedeli and seconded by Vice-Chairman Abruzzo to authorize an 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 deleting Stoney Run Road as a stop sign controlled street, north at Quail Hollow Road and establishing Quail Hollow Road southbound at Stoney Run Road, as a stop sign controlled street and Quail Hollow Road northbound at Stoney Run Road, except for right turns is hereby approved. *The motion carried, 4-0.*

**H1-5 Request to close N. Hockersville Road (SR 0211) from Old West Chocolate Avenue to Hersheypark Drive for various events being held on the grounds of the Hershey Entertainment and Resorts (HE&R) Complex.**

William D. Smith – Chief of Police

HE&R and Security have requested to close N. Hockersville Road from Old West Chocolate Avenue to Hersheypark Drive for the following: 1) PIAA Foundation Cross Country Invitational; 2) AACA Fall Meet; 3) PIAA District III Cross Country Championships; and 4) PIAA Cross Country Championships. This request was made for the safety of the participants and the spectators.

**Motion:** A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Fedeli that the request to close N. Hockersville Road from Old West Chocolate Avenue to Hersheypark Drive for: **1.** PIAA Foundation Cross Country Invitational on September 26, 2009 from 8:00 AM to 5:00 PM with a rain date of September 27, 2009; **2.** AACA Fall Meet on October 9, 2009 from 11:00 PM to 5:00 PM on October 10, 2009; **3.** PIAA

District III Cross Country Championships on October 28, 2009 from 10:00 AM to 7:00 PM with a rain date of October 29, 2009; **4.** PIAA Cross Country Championships on November 7, 2009 from 7:00 AM to 3:00 PM with a rain date of November 8, 2009: is hereby approved. ***The motion carried, 4-0.***

**I1-4 Request to conduct the Annual Shriner's Benefit Motorcycle Ride scheduled for September 19, 2009, starting at 10:00 a.m.**

William D. Smith – Chief of Police

This event has been held in the past with no issues. The route is slightly different this year, but it is anticipated that it will be easily managed.

**Motion:** A motion made by Supervisor Fedeli and seconded by Chairman Pries that the request to conduct the Annual Shriner's Benefit Motorcycle Ride scheduled for September 19, 2009, starting at 10:00 a.m., on State roadways and on a route approved by the Derry Township Police Department is hereby approved. ***The motion carried, 4-0.***

**J1 Establishing a date and time for Trick or Treat on Thursday, October 29, 2009, between the hours of 6:00 – 8:00 p.m.**

William D. Smith – Chief of Police

The Association is recommending the date for the Trick or Treat for the entire County.

Vice-Chairman Abruzzo shared that in the future he will seek support for a policy to celebrate Halloween on the 31<sup>st</sup> unless, for safety reasons, the 31<sup>st</sup> falls on a Friday, Saturday, or Sunday.

**Motion:** A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Porter that Thursday, October 29, 2009 between the hours of 6:00 PM and 8:00 PM is hereby established as the date and time for the Halloween Trick or Treat activities for Derry Township is hereby approved. ***The motion carried, 4-0.***

**K1-2 Request from the 2009-2010 Hershey High School Student Council to hold their 2009 Homecoming Parade on Friday, September 25, 2009 from approximately 6:00 p.m. to 6:30 p.m.**

William D. Smith – Chief of Police

The State roadways affected by the Homecoming Parade are Chocolate Avenue, Park Boulevard, and Cocoa Avenue. The parade should take about 30 minutes.

**Motion:** A motion made by Chairman Pries and seconded by Supervisor Fedeli that the request to hold the annual Homecoming Parade on Friday, September 25, 2009, starting at 1800 hours is hereby approved. ***The motion carried, 4-0.***

**CORRESPONDENCE**

There was no correspondence to share.

## **BOARD/COMMITTEE INFORMATION**

Vice-Chairman Abruzzo, who is also the Chairman of the Municipal Authority, shared that after much discussion, the majority of the Municipal Authority Board decided to provide sewer treatment service to Londonderry Township. It may require us to expand our treatment plant.

Chairman Pries asked how soon it would start. Chairman Abruzzo said we wouldn't see this for well over a year. He mentioned the sewer & water treatment plant is due for upgrades. This will help offset the costs by providing service to Londonderry Township.

## **REPORTS**

### William D. Smith – Chief of Police

Chief Smith announced his Department received a plaque for participation in the Safe Surrender which was coordinated by the U.S. Marshall's office. It was to encourage all those with outstanding warrants to turn themselves in.

### Scott Stein – President of Hershey Fire Company

Mr. Stein announced that they will be having their annual Open House on September 12<sup>th</sup> from 10:00-2:00. He is hoping their new tool for extinguisher training will be available for the Open House.

Chairman Pries asked when the annual Chili Cook-off will be held. It will be held the first Saturday in October. Chairman Pries commented on the outstanding job the Fire Company does. He especially noted their efforts in going outside the Township to assist others.

### Thomas Clark – Director of Public Works

Mr. Clark said they are wrapping up repairs.

Supervisor Porter referred to the General Permit being renewed for another year. He asked if we had to submit another application for this. Mr. Clark said they automatically extend it.

Chairman Pries asked about the SAMI project. Mr. Clark said they are trying to locate two Masters which will allow the communication to be done properly and effectively.

### Barbara Ellis - Director of Hershey Public Library

Ms. Ellis announced there were 300 entries in writing contest. There were 9 people who won prizes in three categories.

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

Ms. Weinhold reported that revenue and expenses are under budget as of August 31, 2009.

### Matthew J. Mandia – Director of Parks and Recreation

Mr. Mandia said they have been closed the past two weeks converting the indoor pool. He commented on the tremendous job maintenance has done.

James N. Negley - Township Manager/Township Treasurer

Mr. Negley announced they will be having their quarterly meeting with the School Board.

**APPROVAL OF ACCOUNTS PAYABLE (\$253,358.20) AND PAYROLL (\$293,327.65).**

Supervisor Fedeli moved to approve accounts payable in the amount of \$253,358.20 and payroll in the amount of \$293,327.65. Vice-Chairman Abruzzo seconded. ***The motion carried, 4-0.***

**VISITOR/PUBLIC COMMENTS**

No one came forward.

Vice-Chairman Abruzzo said that after reading the accounts from the last meeting regarding the change of zoning at the Old Complex site, he wanted to make a clarification. The zoning changes voted on expanded on the number of possible projects that could happen on that site. The goal was to make the site more attractable for developers. The job of the Board of Supervisors is to get the largest return on the Township's property. The referral to the PATT Group is obsolete...they have long since left town.

**ADJOURNMENT**

Vice-Chairman Abruzzo moved to adjourn the meeting at 7:50 p.m. Chairman Pries seconded. ***The motion carried, 4-0.***

SUBMITTED BY:

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Kelly C. Fedeli  
Township Secretary

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Brenda Van Deursen  
Recording Secretary