

# TOWNSHIP OF DERRY

## BOARD OF SUPERVISORS MEETING

Tuesday, December 21, 2010  
600 Clearwater Road, Hershey, Pennsylvania 17033

### **CALL TO ORDER**

The December 21, 2010 Township of Derry Board of Supervisors meeting was called to order at 7:00 p.m. by Chairman Abruzzo.

### **ROLL CALL - All Present.**

E. Christopher Abruzzo, Chairman  
Sandy A. Ballard  
Kelly C. Fedeli, Vice-Chairman  
Marc A. Moyer, Secretary  
Todd Pagliarulo

### **Also Present:**

Matt Bonanno – HRG, Township Engineer  
Barbara Ellis – Director, Hershey Public Library  
Charles Emerick – Assistant Director of Community Development  
Jill E. Horner – 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  
Robert Piccolo – Assistant Director of Public Works  
Edward L. Small – Director of Community Development  
William D. Smith – Chief of Police  
Brenda Van Deursen - Recorder

**Public Present:** Matt Weir, Robert C. Saidis, Elvira Ebling, Stephen Shiflett, Dennis Trout, Dave Weihbrecht, Cindy Eckels, Randy Eckels, Tiffany O'Donnell, Heather Eckels, Kevin Bop, Jon Sheppard

### **Executive Session:**

Chairman Abruzzo announced the Board of Supervisors met in executive session prior to this meeting to discuss land, legal, and personnel issues.

**Chairman Abruzzo advised that all public meetings are recorded for providing accurate minutes.**

### **VISITOR/PUBLIC COMMENT:**

No one came forward.

### **APPROVAL OF MINUTES:**

Chairman Abruzzo called for a motion to approve the Minutes of the December 7, 2010, Public Hearing. Vice-Chairman Fedeli made a motion to approve the Minutes as written. Supervisor Pagliarulo seconded. ***The motion carried, 5-0.***

Chairman Abruzzo called for a motion to approve the Minutes of the Board of Supervisors Meeting on December 7, 2010. Supervisor Ballard made a motion to approve the Minutes as written. Vice-Chairman Fedeli seconded. ***The motion carried, 5-0.***

**NEW BUSINESS:**

**A1-94 Consideration of adoption of Ordinance No. 601, amending Chapter 174 (Stormwater Management) by repealing the existing chapter and replacing it in its entirety; Consideration of adoption of Ordinance No. 602, amending Chapter 185 (Subdivision and Land Development) by removing references to stormwater management design requirements; Consideration of Ordinance No. 603, amending Chapter 225 (Zoning) by modifying requirements for conformance with Ordinance No. 601; Consideration of adoption of Resolution No. 1277, establishing a fee schedule for activities relating to Chapter 174 (Stormwater Management).**

Charles Emerick – Assistant Director of Community Development – Mr. Emerick explained the Ordinances. Ordinance No. 601 would amend Chapter 174 (Stormwater Management) of the Code of Derry Township by repealing the existing chapter and replacing it in its entirety; Ordinance No. 602 would amend Chapter 185 (Subdivision and Land Development) by removing references to stormwater management design requirements; Ordinance No. 603 would amend Chapter 225 (Zoning) by modifying requirements for conformance with Ordinance No 601; and Resolution No. 1277 would establish a fee for activities relating to Chapter 174.

Mr. Emerick stated the stormwater ordinance is applicable to all construction activity in Derry Township, innovative paving methods can be considered pervious if installed as a stormwater BMP, stormwater quality and quantity will be addressed in any development adding more than 1,000 square feet of impervious coverage, inspections are required for all BMPs, operation and maintenance manuals required for all BMPs, As-built plans required for improvements exceeding 5,000 square feet of impervious area, and a fee will be collected for the processing and review of the designs.

Jon Sheppard – Mr. Sheppard was part of the Committee reviewing the ordinances. He mentioned they worked hard in coming up with the best fit for the community. The ordinance varies depending on the size of the lot and it addresses impervious coverage. Mr. Sheppard noted that this will be an added burden on Community Development who will be responsible to educate people and issue permits.

Chairman Abruzzo asked if lesser than 5% was already used in Dauphin County. Mr. Emerick said the model ordinance stated 1,000 square feet. The Committee compromised by using a percentage of lot because of the ranges of different lot sizes. The burden is on the people who live in town...more people, more impervious coverage. This Ordinance will help correct problems that were accumulated over time.

**Motion:** A motion made by Vice-Chairman Fedeli and seconded by Supervisor Ballard that Ordinance No. 601, is hereby adopted. ***The motion carried, 5-0.***

**Motion:** A motion made by Supervisor Moyer and seconded by Supervisor Ballard that Ordinance No. 602, is hereby adopted. ***The motion carried, 5-0.***

**Motion:** A motion made by Supervisor Ballard and seconded by Supervisor Pagliarulo that Ordinance No. 603, is hereby adopted. *The motion carried, 5-0.*

**Motion:** A motion made by Vice-Chairman Fedeli and seconded by Supervisor Ballard that Resolution No. 1277, is hereby adopted. *The motion carried, 5-0.*

**B1-9 The Preliminary/Final Land Development Plan for The Goddard School, Plat No. 1202.**

Edward L. Small – Director of Community Development

The plan for Goddard School consists of an 8,655 square foot building and parking for 28 vehicles, plus two additional handicapped-accessible spaces. Two waivers were suggested, but one was withdrawn. The remaining waiver for additional dedication of right-of-way is requested to be granted. The issue related to traffic concerns has been addressed by the applicant and Community Development.

**Motion:** A motion made by Supervisor Ballard and seconded by Supervisor Pagliarulo that the Preliminary/Final Land Development Plan for the Goddard School, Plat #1202, is hereby approved, subject to the following:

- a. That the applicant reimburse the Township for costs incurred in reviewing the plan no later than January 21, 2011.
- b. That performance security be provided no later than June 21, 2011 to guarantee the completion of required improvements.
- c. That a letter be provided from the Dauphin County Conservation District approving the erosion and sedimentation control plan no later than June 21, 2011.
- d. That a copy of the Highway Occupancy Permit plans be provided no later than June 21, 2011.
- e. That executed access easement agreements be provided for all sidewalks or ADA ramps on private property, which occur on each side of the right-in drive, around the fire hydrant, and at the rear of the lot, and that the easement locations be shown in plan view no later than June 21, 2011.

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

- a. From Section 185-22.D.(3) regarding the dedication of additional right-of-way.

*The motion carried, 5-0.*

**C1-23 Consideration of the adoption of Resolution No. 1290 accepting public improvements, releasing the remaining performance security, and entering the 18-month maintenance security period with the standard agreement and maintenance security for the Final Subdivision Plan of Deer Run, Phase 5, Plat No. 1047.**

Edward L. Small – Director of Community Development

This plan is a revised final subdivision plan for Phases 3, 4, and 5 of the Deer Run Development. There were three previous partial releases. All but 3 of the 77 building lots are completed. They are requesting release of performance security for the work done. HRG inspected the area and agreed that the work has been completed.

**Motion:** A motion made by Supervisor Pagliarulo and seconded by Vice-Chairman Fedeli that the Township adopt Resolution No. 1290 accepting public improvements; releases the remaining performance security of \$127,708.83 in the form of Insurance Bond No. SU1015264 provided by Arch Insurance Co.; accepts maintenance security of \$34,998.30 in the form of Insurance Bond No. 1015264-M supplied by Arch Insurance Co.; and authorizes the execution of the maintenance security agreement for a term of 18 months for the Final Subdivision Plan for Deer Run, Phase 5, Plat #1047, is hereby approved. ***The motion carried, 5-0.***

**D1-4 Consideration of the release of a portion of the performance security for the Preliminary/Final Land Development Plan for Site Improvements at Derry Township School District Campus, Plat No. 1191.**

Edward L. Small – Director of Community Development

The Derry Township School District plan made alterations and additions to the elementary and middle school buildings as well as changes in vehicular patterns. They are requesting release of 90% of the performance security. HRG inspected the area and agree the work has been completed.

**Motion:** A motion made by Supervisor Ballard and seconded by Vice-Chairman Fedeli that the Township releases \$943,852.93 from the performance security supplied as PNC Letter of Credit No. 12502827-00-000 for the Preliminary/Final Land Development Plan for Site improvements at Derry Township School District Campus, Plat #1191, leaving a balance of \$104,872.55, is hereby approved. ***The motion carried, 5-0.***

**E1-4 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 the first phase of the Final Land Development Plan for Southpoint Meadows 2, Plat #1123. Of the 34 lots, 28 permits have been issued. Of the 28, 23 are completed. HRG inspected the area and recommended partial security be released for the work done.

**Motion:** A motion made by Supervisor Pagliarulo and seconded by Supervisor Ballard that the Township releases \$39,498.36 from the performance security provided in the form of Insurance Bond No. SU1031732 by the Arch Insurance Co. for the Final Subdivision and Lot Consolidation Plan and Phase 1 Final Land Development Plan for Southpoint Meadows 2, Plat #1123, leaving a balance of \$45,489.40, is hereby approved. ***The motion carried, 5-0.***

**F1-11 Resolution No. 1289 authorizing the execution of the Highway Occupancy Permit Application No. 254109 for the Preliminary/Final Subdivision and Land Development Plan for the West Hershey Facility Plant Expansion, Plat No. 1199.**

Edward L. Small – Director of Community Development

Under PennDOT rules, the Township is required to be the permittee for the highway occupancy permit. An agreement has been made with the owner binding them to the conditions mandated by PennDOT during the work, as has been done in prior instances.

**Motion:** A motion made by Vice-Chairman Fedeli and seconded by Supervisor Ballard that the Township adopts Resolution No. 1289 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 issued from Application No. 254109, is hereby approved. ***The motion carried, 5-0.***

**G1-4 Consideration of Resolution No. 1288, which would revise the reimbursement fee schedule for subdivision and land development review and the inspection of improvements related to such plans.**

Edward L. Small – Director of Community Development

This Resolution will revise the fee schedule in accordance with HRG's fee schedule for routine functions.

**Motion:** A motion made by Supervisor Pagliarulo and seconded by Supervisor Ballard that Resolution No. 1288 which would revise the reimbursement fee schedule for subdivision and land development review and the inspection of improvements related to such plans, is hereby approved. ***The motion carried, 5-0.***

**H1-3 Adoption of Resolution No. 1281 designating the Township of Derry's intent to suspend banners across SR 0422 announcing various events.**

Jill E. Horner – Assistant Township Manager

Ms. Horner received requests to suspend banners from four different agencies to promote their events. A resolution is requested by PennDOT to suspend banners on SR 422.

**Motion:** A motion made by Supervisor Ballard and seconded by Vice-Chairman Fedeli that Resolution No. 1281, designating the Township of Derry's intent to suspend banners across SR 0422 announcing various events, is hereby approved and adopted. ***The motion carried, 5-0.***

**CORRESPONDENCE**

None to report.

**BOARD/COMMITTEE INFORMATION**

Supervisor Ballard mentioned that EAC submitted a grant for trees and it was approved. Matt Weir has volunteered his time to inspect each location for the trees and recommend to homeowners the type of tree. There is a \$10 co-pay from the homeowner. There is no cost to the Township.

**REPORTS**

William D. Smith – Chief of Police – Chief Smith reported they assisted HE&R last weekend with the Football Championships and a Cops event.

Robert Piccolo – Director of Public Works – Mr. Piccolo reported they are gearing up for bad weather.

Cheryl L. Lontz – Manager of Payroll & Employee Benefits

Supervisor Ballard mentioned our revenues are around \$12 million and expenses at 13.5 million, a \$1.5 million over budget. Ms. Lontz said we have not received earned income tax for the 4<sup>th</sup> quarter and will not receive it until January. This will have a large impact on the revenues. She believes expenses and revenues will be very close.

Supervisor Ballard asked Mr. Bonanno about the old Sorrentino's property. She thought it was to be done by the 13<sup>th</sup>. Mr. Bonanno said there have been a few delays on utility relocation. Weather dependent it should begin in January. Supervisor Pagliarulo is pleased it will be happening after the first of the year due to the New Year's Eve event.

James N. Negley - Township Manager/Township Treasurer – Mgr. Negley announced the next meeting will be the Reorganization Meeting on January 3, 2011, at 7:00.

**APPROVAL OF ACCOUNTS PAYABLE (\$505,092.69) AND PAYROLL (\$293,111.57).**

Supervisor Ballard moved to approve accounts payable in the amount of \$505,092.69 and payroll in the amount of \$293,111.57. Vice-Chairman Fedeli seconded. ***The motion carried, 5-0.***

**VISITOR/PUBLIC COMMENTS**

No one came forward.

**ADJOURNMENT**

Vice-Chairman Fedeli moved to adjourn the meeting at 7:45 p.m. Supervisor Moyer seconded. ***The motion carried, 5-0.***

SUBMITTED BY:

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Marc A. Moyer  
Township Secretary

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Brenda Van Deursen  
Recording Secretary