

TOWNSHIP OF DERRY

BOARD OF SUPERVISORS MEETING

Tuesday, July 13, 2010
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The July 13, 2010 Township of Derry Board of Supervisors meeting was called to order at 7:05 p.m. by Chairman Michael H. W. Pries.

ROLL CALL – All Present

E. Christopher Abruzzo, Vice-Chairman
Sandy A. Ballard
Kelly C. Fedeli, Secretary
Marc A. Moyer
Michael H. W. Pries, Chairman

Also Present:

Matt Bonanno – HRG, Township Engineer
Barbara S. Ellis – Director of Hershey Public Library
Charles Emerick – Assistant Director of Community Development
Jill E. Horner – Assistant Township Manager
Matthew J. Mandia – Director of Parks and Recreation
Thomas Clark – Director, Public Works
Edward L. Small – Director of Community Development
William D. Smith – Chief of Police
Terry M. Weinhold – Manager of Accounts Payable & Accounts Receivable
Jon A. Yost - Township Solicitor
Brenda Van Deursen - Recorder

Public Present: Elvira Ebling, Harry Mollineaux, Tee Mollineaux, Pat Leonard, Charleton Zimmerman, Anne Hess, Rosa Pellegrini, Matt Weir, Jon Sheppard, Jim Ingalzo

Press Present: Drew Weidman, The Sun and Sheri Melnick for the Patriot News

Executive Session:

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

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

VISITOR/PUBLIC COMMENT

Ann Hess, 612 Cocoa Avenue, Hershey

Ms. Hess thanked the Board of Supervisor's for their part in getting the speed reduced from 35mph to 25mph on Cocoa Avenue. Steve Roberts who was involved with the reduction of the speed limit and a group of neighbors met to discuss how things were going since the speed limit was reduced. The meeting brought grievances of tractor trailer traffic traveling

at a higher rate of speed. Recently, Ms. Hess contacted PennDOT and reviewed their procedure for addressing and hopefully correcting this issue. The procedure included the construction of a letter to PennDOT requesting the restriction of tractor trailer trucks on Cocoa Avenue. Ms. Hess drafted a letter to PennDOT and gave the Board a copy as notification per PennDOT's procedure. She also copied Ken Gall, Director of Real Estate at The Hershey Trust Company and Rick Russell, Director of State & Local Government Relations at The Hershey Company in hopes of their support and any comments they may have. She has also forwarded a copy of the letter to Rep. Payne.

Supervisor Ballard said at the Zoning Hearing Board Rick Russell expressed Hershey Company's interest in joining with the Trust in trying to make downtown Hershey a more walkable pedestrian-friendly community. She is hopeful the Trust and the entities will support this.

Vice-Chairman Abruzzo thought Ms. Hess' solution was good and asked her to keep the Board informed.

Jon Sheppard, Builder and Owner of Sheppard & Sons Builders, 243 Clark Road, Hershey
Mr. Sheppard asked the Board to consider a requirement for a zoning permit within the Township. A zoning permit investigates the proposed property improvement for violation of any established Township ordinance or if the improvement would have an adverse affect on the Township, the neighborhood, or a neighbor's property. Most municipalities require a zoning permit. He understands this will add additional costs and work to the staff, but the extra cost and time spent doing a zoning permit would benefit the residents and the community. Mr. Sheppard shared a few examples of issues that could have been prevented if a zoning permit was issued. Requiring a zoning permit would assist the Township in identifying potential conflicts with the zoning ordinance and create an opportunity for the Township to avoid potential problems amongst their residents. He asked the Board to consider his request.

Supervisor Fedeli thanked Mr. Shepperd for an excellent presentation. She asked Mr. Emerick about the pro/con analysis he recently sent regarding zoning permits. She asked if the Township had ever had zoning permits. Mr. Emerick said he doesn't find any evidence in the files. Zoning permits would cost money to generate but Mr. Emerick believes it would be far less than the time that is spent with the Zoning Hearing Board and trying to correct violations.

Chairman Pries thanked Mr. Shepperd for the detailed informative presentation. The Board will take this under consideration and advise Community Development the direction they would like to go in the near future.

APPROVAL OF MINUTES:

Chairman Pries called for a motion to approve the Minutes of the June 22, 2010 Board of Supervisors Meeting. Supervisor Ballard made a motion to approve the Minutes as written. Supervisor Fedeli seconded. ***The motion carried 5-0.***

NEW BUSINESS:

Performance Awards

Chairman Pries commended the following individuals for their outstanding performance in consistently meeting the goals and mission of the Township of Derry:

- Melinda Rogers–Fire Company
- Katy Mahraj–Library
- Eric Salley–Public Works
- Mary Kepple–Police Department
- Don Fure–Community Development
- Rosa Pellegrini–Parks and Recreation

Services Awards

Chairman Pries acknowledged and thanked the following individuals for their years of service to the Township of Derry:

5-Years:

- Scott Ream-Community Development
- Marianne Faust-Parks and Recreation
- Taylor Heisey-Police Department
- Karen Hamill-Granada Gym
- Bradley Staller-Parks and Recreation

10-Years:

- Leslie Fuller-Police Department
- Susan Buckland-Police Department
- Marc Breckenmaker-Police Department
- Beth Gwin-Library
- Joseph Simonetti-Public Works

15-Years:

- Melissa Bittinger-Library
- Cheryl Lontz-Administration

20-Years:

- David Melhorn-Police Department
- Thomas Clark-Public Works
- Frank Malloy-Public Works
- Kevin Trowbridge-Public Works

25-Years:

- Rodney Hyde-Public Works
- Jeffrey Gelbaugh-Parks and Recreation
- Lisa Watford-Parks and Recreation

A1 Presentation of awards to employees of the Police Department whose actions from June 2009 to June 2010 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 commended the following individuals for their actions from June 2009 to June 2010.

Harold P. Mollineaux received a Letter of Appreciation for his act of care, concern and compassion for another human being on July 12, 2009. His actions initiated a response

that ultimately aided another individual in extreme physical distress. If he had not acted as he did, the medical health of this resident would certainly have deteriorated to a much less favorable outcome.

Officers Robert F. Demmel, Anthony J. Bernardo, and Wendy A. Burgwald received a Life Saving Award and are commended and recognized for their quick, decisive intervention into a life threatening situation on August 15, 2009.

Sergeant Eric T. Singiser received a Life Saving Award and is commended and recognized for his quick and decisive intervention into a life threatening situation on October 6, 2009.

Kenneth G. Fessler received a Letter of Appreciation for his act of care, concern and compassion for another human being. His actions initiated a response that ultimately aided another individual in extreme physical distress on December 3, 2009. If he had not acted as he did, the medical health of this resident would certainly have deteriorated to a much less favorable outcome.

Taylor J. Heisey, Community Service Officer, received a Letter of Recognition and is commended and recognized for his quick and decisive intervention into a life threatening situation on March 10, 2010.

Kevin P. Nelson received a Letter of Appreciation and is recognized for his time, commitment, and expert guidance, all of which has enhanced the Police Department's ability to provide for public and officer safety, and coordinated law enforcement services at large events. Mr. Nelson helped establish and develop Incident Command System (ICS) applications for Law Enforcement specific activities on a volunteer basis. The Police Department has been utilizing ICS as an event management tool and to aid in preparing for unplanned crises emergencies.

Officer Matt Dotts received Enforcement Officer of the Year 2009 in appreciation for outstanding and dedicated service to the community presented by the Hershey Lions Club January 19, 2010.

Detective Gregory R. Day received the Hummelstown Optimist Club Award for the 2010 Officer of the Year in grateful appreciation for his service and dedication to the Derry Township Community.

Lt. Holl received Law Enforcement Officer of the Year 2009 from the American Society for Industrial Security, the Central Pennsylvania Chapter 79.

In May of 2010, **Sgt. Kenneth W. Condran** was presented the Career Service Award by the Dauphin County Chiefs of Police in recognition of his dedication and devotion to the law enforcement profession for 2010.

Officer Robert E. Bennett received a Certificate of Appreciation from the Pennsylvania Aggressive Driving Enforcement and Education Program in recognition of his valuable contributions to the 2009 PA Aggressive Driving Enforcement and Education Program.

B1-20 Adoption of Resolution No. 1262, authorizing the Chairman or Vice-Chairman and the Township Secretary to execute a Contribution Agreement between the Township of

Derry and the Commonwealth of Pennsylvania for private facility line relocation for the Route 743 Bridge and US 422 Square Improvement Project.

Jon A. Yost - Township Solicitor

It is the Township's responsibility as the local government entity to do the right of way and the relocation of the utilities as part of the 743 Bridge & US422 Square Improvement project. The Commonwealth Department of Transportation (DOT) requires an agreement indicating the Township will reimburse the DOT for these funds. Most of the funding will come from the gaming grant and should not cost the Township any additional funds.

Motion: A motion made by Supervisor Ballard and seconded by Vice-Chairman Abruzzo that adoption of Resolution No. 1262, authorizing the Chairman or Vice-Chairman and the Township Secretary to execute a Contribution Agreement between the Township of Derry and the Commonwealth of Pennsylvania for private facility line relocation for the Route 743 Bridge and US 422 Square Improvement Project is hereby approved. ***The motion carried, 5-0.***

C1-10 Approval of an easement agreement for the construction of a portion of the Jonathan Eshenour Bicycle and Pedestrian Trail in the area of the Deer Run Development.

Matthew J. Mandia – Director of Parks and Recreation

On June 8th, the Board authorized construction of the bicycle and pedestrian trail in the area of Deer Run and Gelder Park contingent on execution of the required easement agreement. The easement agreement will be between Gelder & Gelder Limited Partnerships and the Township of Derry. The parameters of the easement are within the standard easement in terms of the 20 foot width which only represents a small portion of the project but a crucial one.

Motion: A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Ballard that the Easement Agreement between the Township of Derry and Gelder & Gelder Limited Partnerships is hereby approved. ***The motion carried, 5-0.***

D1 Approval of a contract between the Township of Derry, Hershey Public Library (HPL) and Joyce Seno, Larson Design Group (LDG) of Williamsport, Pennsylvania.

Barbara S. Ellis – Director of Hershey Public Library

Ms. Ellis reported the contract for redesign has been reviewed by Solicitor Jon Yost. The contract clarifies the responsibilities of the Larson Design Group and Hershey Public Library including termination, suspension or abandonment, miscellaneous provisions, payment and compensation, schedules and conditions.

Supervisor Ballard asked Ms. Ellis how she anticipates public involvement. Ms. Ellis said there was an article in The Patriot News from the last meeting. In addition, as they start to develop the design they will share the information at the library, newspaper, and the Township's website.

Motion: A motion made by Supervisor Fedeli and seconded by Vice-Chairman Abruzzo that the Township of Derry, Hershey Public Library and the Larson Design Group enter into a contract for professional services resulting in interior redesign at the Hershey Public Library, as described in the Larson Design Group proposal is hereby approved. ***The motion carried, 5-0.***

CORRESPONDENCE

Supervisor Fedeli mentioned a letter received from PennDOT regarding a sinkhole off of Bullfrog Road. She asked Mr. Clark if it is a sink hole or a problem with the drainage culvert. Mr. Clark said it is a hole along the pipe that goes into the inlet. It is fixed temporarily and in a few weeks they will make a permanent patch.

Supervisor Fedeli asked if it is proper to inform PennDOT of a hole on their property by the Travel Lodge. There are cones around it, but it has been there for quite some time. Mr. Clark said he is not familiar with that one, but there is one by Briarcrest/Reese's. Supervisor Fedeli will work with Tom to write a letter to PennDOT.

BOARD/COMMITTEE INFORMATION

Supervisor Ballard thanked Ed Small for joining her at the Regional Growth Management Plan presentation. She explained it is designed to encourage interjurisdictional cooperation of ongoing planning for land use, transportation, economic and culture development and to revise physical growth policies to the year 2020 for the Cumberland, Dauphin & Perry Counties. Their objective is pretty much consistent with the Township's comprehensive plan update that is presently being worked on. Some of the other objectives were to promote cooperation among regional, county and local planning activities, increase the awareness of the effects individual local community plans have on the development of surrounding communities, and encourage public involvement with planning programs. There is a website to go to and possibly a link could be placed on the Township's website so the community can see some of the high tech maps. A question to ponder is what Derry Township would look like if the Township was fully built out under the current zoning and what would that mean for things like transportation.

Supervisor Fedeli reported activities of the ad hoc stormwater committee will be resuming shortly. The County did approve Act 167 plan.

Chairman Pries mentioned some residents along Greenlea Road and Beech Avenue expressed concern regarding the May storm where the water came within several inches from 322 again. They were not pleased with the Med Center's response of cleaning out debris from the grates. Mr. Bonanno said the situation will be addressed with the stormwater project. There will be an additional inlet placed on the Medical side of 322 to help water to get into the downstream pipes and alleviated some of the potential flooding of 322.

Chairman Pries asked if clearing the grates of debris is the best possible solution until we proceed with the stormwater project. Mr. Bonanno said HRG has not done a detailed analysis of the Med Center stormwater management system. Maintenance and operation of their current system is probably the best thing to do unless there is a directive to do a more substantial study on the Med Center property.

Chairman Pries asked what the timeline is for the stormwater project. Mr. Bonanno said December of 2010 will be the earliest assuming all permits, easements, and utility coordination are completed. Chairman Pries asked him to contact the homeowners at 1090 Beech Avenue and give them an update. Vice-Chairman Abruzzo said he and Supervisor Kelly have been meeting with the Medical Center on other issues and they will raise this issue with them to see if there is something more they can do on their property.

Mr. Emerick added that he was looking at that area. Earlier this year the fields weren't vegetated and the stormwater impact was much more severe than what he saw as a result of last night's rain. He said that the Medical Center has done some work to mitigate the problem.

REPORTS

Thomas Clark – Director of Public Works

Mr. Clark reported his department is doing a variety of maintenance work on both roads and stormwater inlets throughout the Township. He mentioned a tote being delivered to the residents from York Waste. If there is anyone who does not want the tote they should contact Public Works and the tote will be removed by York Waste.

Supervisor Fedeli asked Drew Weidman from The Sun to help get the word out to clear up any confusion regarding the tote. She also asked Ms. Horner to place on the Township's homepage to contact Public Works if they do not want the tote.

Barbara S. Ellis – Director, Hershey Public Library

Ms. Ellis reported currently there are 1,233 people registered in the summer reading program. This includes 467 adults, 170 teens, 582 children, and 14 babies and toddlers under the age of 3. Ms. Ellis also reported they are looking at their building in terms of an energy audit to find ways to save money and energy.

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

Ms. Weinhold reported expenses are under budget at the end of June. Revenues are under budget but that could be contributed to the second quarter just ending and not yet receiving the EIT and LST taxes for that time period.

Matthew J. Mandia – Director of Parks and Recreation

Mr. Mandia reported that everything is going well in the Parks with the programs and at the Recreation Center. This Sunday, July 18th from 2:00-5:00 they will hold their second pool party at the Recreation Center.

Matt Bonanno, HRG, Township Engineer

Mr. Bonanno said in addition to the County approving Act 167, DEP also gave written approval. The Township should have received a letter from DEP. The Township now has six months to amend their ordinances.

Mr. Bonanno said in regard to the stormwater project, about half of the easement requests went out within the last two weeks, another 20-25 will be sent to the residents by the end of this week. They are notifying the residents that easements are needed and requesting that they consider waiving the just compensation for the easements. Everything is moving ahead in the schedule.

Edward L. Small – Director of Community Development

Mr. Small mentioned the passage of recent litigation involving permit extensions. In the permit extension period, any agency approval, agreement, permit including building or construction permits or other authorizations or decisions are exempt from expiring by default between a period of after December 31, 2008 and before July 2, 2013. This affects Community Development with plans, land developments, etc. His department will track this and do what is expected of them.

Chairman Pries asked how he was doing with staffing. Mr. Small said they are making it with temporary people who are very good. They had a fellow who filled in with construction permits, plan reviews as well as inspections. They have another temporary person who is residential qualified. Chairman Pries asked if he would consider having the residential qualified temp come back each summer. Mr. Small said it would be a good idea, but he currently has no plans for it.

Jill E. Horner – Assistant Township Manager

Ms. Horner mentioned two new policies that were recently created. One is a sexual molestation prevention program and the other is a lockout/tagout program. She also mentioned they have an active Safety Committee and provided a listing of their 14 years of accomplishments.

APPROVAL OF ACCOUNTS PAYABLE (\$309,788.71) AND TWO PAYROLLS (\$671,664.05).

Vice-Chairman Abruzzo moved to approve accounts payable in the amount of \$309,788.71 and two payrolls in the amount of \$671,664.05. Supervisor Fedeli seconded. ***The motion carried, 5-0.***

VISITOR/PUBLIC COMMENTS

Charleton Zimmerman

Mr. Zimmerman said sinkholes are an inherited burden in Derry Township. Limestone is a good acid neutralizer. The sinkhole on 422 by Travel Lodge that Supervisor Fedeli mentioned is at the bottom of Palms Hill in Palmdale.

ADJOURNMENT

Vice-Chairman Abruzzo moved to adjourn the meeting at 8:30 p.m. Supervisor Moyer seconded. ***The motion carried, 5-0.***

SUBMITTED BY:

Kelly C. Fedeli
Township Secretary

Brenda Van Deursen
Recording Secretary