

TOWNSHIP OF DERRY

BOARD OF SUPERVISORS MEETING

Tuesday, July 27, 2010
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The July 27, 2010 Township of Derry Board of Supervisors meeting was called to order at 7:10 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
Lt. David Holl – Police Department
Cheryl L. Lontz - Manager Payroll/Employee Benefits
Matthew J. Mandia – Director of Parks and Recreation
James N. Negley - Township Manager
Thomas Clark – Director of Public Works
Donna Small – Hershey Public Library
Edward L. Small – Director of Community Development
Scott Stein – President, Hershey Fire Company
Jon A. Yost - Township Solicitor
Brenda Van Deursen - Recorder

Public Present: Jim Cieri, Massimo Ruzzetto, Elvira Ebling, Jim Inganzo, Rich Gamble

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.

Vice-Chairman Abruzzo introduced Joel Hammer. Joel is from Boy Scout Troop 203 and is working on his Communication Merit Badge. Chairman Pries announced that his mother was one of the volunteers in the 2010 Memorial Day Parade Committee.

VISITOR/PUBLIC COMMENT

No one came forward.

APPROVAL OF MINUTES:

Chairman Pries called for a motion to approve the Minutes of the July 13, 2010 Board of Supervisors Meeting. Supervisor Fedeli made a motion to approve the Minutes as written. Vice-Chairman Abruzzo seconded. ***The motion carried 5-0.***

NEW BUSINESS:

A1-6 The Preliminary/Final Subdivision Plan for Hill Church Glen, Plat No. 1175.

Edward L. Small – Director of Community Development

This plat of land is mostly wooded and vacant and contains 4.885 acres. The existing improvements will be removed and the lot will be subdivided into 4 new lots served by a cul de sac street. There is a slight variation on the angle of the cul de sac and a slight difference in the right of way width. Basically, it is the same plan that was reviewed by both the Planning Commission and the Board of Supervisors in October 2008. The plan utilizes an allowance of the zoning ordinance that gives a concession to lot area in the agricultural district for original tracts that have a date of earlier than December 23, 1978. This parcel qualifies for that in having been described first in 1966.

An earlier waiver from June of 2009 allowed the developer to propose that all the lots be served by a cul de sac street. In a subdivision plan, our regulations limit this to 20% of the total lots, but this is 100%. This waiver was warranted to grant because the high point of Hill Church Road is in the middle of the new road and the driveways that would be on either side of this would not have visibility toward the top of the hill. There is another waiver that allows the applicant to present a fee in-lieu of dedication of park land based on the population of the subdivision.

The Planning Commission met on June 1, 2010 and recommended approval with a list of items for corrections which have been addressed. Mr. Small recommended adding the execution of a right of way agreement for sanitary sewer to the motion as a result of a letter from the Derry Township Municipal Authority.

Discussion: Supervisor Ballard referred to the Board of Supervisors Minutes of June 2009, where Supervisor Fedeli mentioned a thru street abutting lands to Sand Hill. She asked if there has been any development with that. Jim Cieri, Act 1 Consultants, stated there hasn't been any further progress...it is still being negotiated.

Also in the Board of Supervisors Minutes of June 2009 there was discussion regarding three homes vs four homes. The minutes indicated the Board could approve the waiver as is and when the final land plan comes before them they could direct the applicant to build three homes. Supervisor Ballard wondered how we would be able to direct them to build three homes. Mr. Small said if you take the frontage of the parcels and divide it by the minimum lot width under this law area exception you would only get three lots. The effect of approving the waiver enabled them to present the four lots that can actually conform to the minimum lot width, depth, and area. The approval of the waiver gave them the ability to create four conforming lots.

Chairman Pries asked if any of the other Board members have interest in directing them to build three homes as opposed to four. No one did. Supervisor Moyer said he is not sure requiring three lots as opposed to four materially advances anything. He remembers at the June 2009 meeting an active discussion about traffic issues with having three driveways and that is why the cul de sac was requested. A traffic feasibility study done on the plan for four homes assured sight line distances from the left and the right.

Supervisor Fedeli mentioned a resident at the June 2009 meeting recommending the cul de sac for safety reasons as opposed to the three driveways going onto Hill Church Road.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Moyer that the Preliminary/Final Subdivision Plan for Hill Church Glen, Plat #1175, is hereby approved subject to the following:

- a. That the applicant reimburses the Township for costs incurred in reviewing the plan no later than August 27, 2010.
- b. That performance security be provided no later than January 27, 2011 to guarantee the completion of required improvements.
- c. That the fee in-lieu of dedication of park and recreation land be provided no later than January 27, 2011.
- d. That a letter be provided by the Dauphin County Conservation District approving the erosion and sedimentation control plan no later than January 27, 2011.
- e. That a copy of the NPDES be provided no later than January 27, 2011.
- f. Execution of a right of way agreement for sanitary sewer.

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

- a. From Section 185-44 regarding payment of a fee in-lieu of dedication of park and recreation land. ***The motion carried, 5-0.***

B1-6 Consideration of entering into an agreement with Thomas J. Carricato, regarding stormwater management facilities proposed on lands represented by Preliminary/Final Subdivision Plan for Hill Church Glen, Plat No. 1175.

Edward L. Small – Director of Community Development

This deals with the Best Management Practices for a regulated earth disturbance activity related to agenda item A1-6 above. It should be recorded separately after the plan is recorded.

Supervisor Ballard noticed in the agreement it indicated the Township staff will visit these facilities as needed. She asked if there is a plan to visit the various basins and water holdings, etc. Mr. Small said these areas are inspected prior to being closed out so they are seen in the earliest stages, but there is no schedule for future visits. It would be good to discuss this further.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Fedeli that the Township enter into the proposed Stormwater Best Management Practices Operations and Maintenance Agreement with Thomas J. Carricato, dated July 8, 2010 is hereby approved. ***The motion carried, 5-0.***

C1-8 Consideration to approve a Reinstatement and Amendment Agreement between the Township of Derry and the Township of Derry Industrial and Commercial Development Authority.

James Negley - Township Manager

On December 30, 2005, the Township and the Authority entered into an agreement through which the Township conveyed the properties on Hockersville Road to the Authority fee simple title to six individual parcels. The original agreement was for a specific term which

has expired. This amended agreement will retain ownership to the Derry Township Industrial and Commercial Development Authority for the purpose of locating a suitable developer for the property.

Motion: A motion made by Supervisor Fedeli and seconded by Vice-Chairman Abruzzo that the Reinstatement and Amendment Agreement between the Township of Derry and the Township of Derry Industrial and Commercial Development Authority, is hereby approved.

The motion carried, 5-0.

D1-5 Authorization to re-enter a Chocolate Avenue Street Lighting Agreement with Hershey Entertainment & Resorts Company and The Hershey Company.

James Negley - Township Manager

The Township first entered into an agreement 34 years ago in 1976 with HE&R and The Hershey Company. This agreement allows them to reimburse the Township for electrical use associated with the KISS lights downtown.

Supervisor Ballard asked if this is in addition to what they already pay regarding footage rate for the property. Cheryl Lontz, Finance, concurred that it is in addition to what they are assessed. Supervisor Ballard mentioned that Hershey is going above and beyond by paying more than what would otherwise be their fair share for the KISS lights.

Motion: A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Ballard that the Chocolate Avenue Street Lighting Agreement with Hershey Entertainment & Resorts Company and The Hershey Company, is hereby approved. ***The motion carried, 5-0.***

E1-8 Change to the Investment Policy Statement between the Township of Derry and Hershey Trust relating to the Police Pension Plan.

Cheryl L. Lontz - Manager Payroll/Employee Benefits

At the recommendation of the Police Pension Advisory Board a few revisions are being suggested for the investment policy the Township has with the Trust. The revisions are minor but will help the Trust take advantage of the current market rates with reducing the years of the maturity date.

Supervisor Moyer asked if there has been any financial advice given in regards to this. Ms. Lontz said it was recommended by the Trust.

Supervisor Fedeli said the Police representatives on the Pension Advisory Board are embracing this because it provides greater flexibility rather than restricting the maturity length of time.

Motion: A motion made by Supervisor Moyer and seconded Supervisor Fedeli that the change to the Investment Policy Statement between the Township of Derry and Hershey Trust relating to the Police Pensions Plan, is hereby approved. ***The motion carried, 5-0.***

F1-2 Consideration of an extension of the term 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

The Township is holding an insurance bond as performance security for Phase 1 of

Southpoint Meadows 2. Of the 34 lots in the phase, 23 permits have been issued. 19 are complete, 4 are underway, and 11 have not yet been started. The bonds do not automatically renew as do the Letters of Credit.

Motion: A motion made by Supervisor Moyer and seconded by Supervisor Ballard that the Township hereby accepts the extension until July 31, 2011 of the performance security, supplied as Bond No. SU1031732 from the Arch Insurance Co., at the current balance of \$84,987.76 for the Final Subdivision and Lot Consolidation Plan and Phase 1 Final Land Development Plan for Southpoint Meadows 2, Plat #1123, is hereby approved. ***The motion carried, 5-0.***

G1-29 Request from Hershey Entertainment to hold a fireworks display on July 31, 2010.

James Negley - Township Manager

This fireworks display will be in conjunction with the KISS concert at 10:30 p.m. and will last approximately 15 minutes. It will be held at the same site as all of the previous July 4th displays.

Motion: A motion made by Supervisor Ballard and seconded by Vice-Chairman Abruzzo that the request from the Hershey Entertainment to conduct a fireworks display on July 31, 2010 is hereby approved. ***The motion carried, 5-0.***

H1 Request to hold the 2010 Four Diamonds 5K Run on September 19, 2010 starting at 0930 hours.

Lt. David Holl – Police Department

This is a request to have the 5K Run on Sunday, September 19, 2010. It is the same route that was used June 5th for the Balloon Chasers Run. The route can be found on the Penn State Hershey Four Diamonds website along with registration information. Road closures will be no longer than one hour.

Motion: A motion made by Supervisor Fedeli and seconded by Supervisor Ballard that the request to hold the 2010 Four Diamonds Fund 5K run on September 19, 2010 starting at 0930 hours, is hereby approved. ***The motion carried, 5-0.***

I1 Resolution No. 1263, a request by the Hershey Volunteer Fire Department for the Township to support and/or submit on behalf of the Hershey Volunteer Fire Department a request for funding from the Local Gaming Share Revenues.

James Negley - Township Manager

The Hershey Volunteer Fire Department is requesting the Board of Supervisors to consider supporting a submission to the Dauphin County Gaming Advisory Committee for funding from the Local Gaming Share revenues. The funds requested are for the purchase of a new Rescue Truck and Pumper. The total costs of the apparatus are between \$1,280,109 and \$1,223,282. By approving this resolution, the Townships supports this and makes it a number one priority for submission for the 2010 gaming grant.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Fedeli that Resolution No. 1263, a request by the Hershey Volunteer Fire Department for the Township to support and/or submit on behalf of the Hershey Volunteer Fire Department and establishing this request as the Township's Number One priority for funding from the Local Gaming Share Revenues, is hereby approved. ***The motion carried, 5-0.***

CORRESPONDENCE

No correspondence to report.

BOARD/COMMITTEE INFORMATION

Ms. Ballard reported she attended the first design review committee and Phil Guarno from Fenicci's was elected the chair. She mentioned it is nice to work with volunteers in the community who care about how our downtown looks. She is appreciative and thankful for their service.

REPORTS

Lt. David Holl – Police Department

Lt. Holl mentioned the Memorandum regarding the One Broadway matter where Suzanne Brinser had presented a petition to the Board regarding the traffic problem. The Police Department worked with the owner of One Broadway, made several recommendations, and will proceed with the recommendations at the Board's discretion.

Supervisor Ballard received an e-mail from Ms. Brinser indicating she was happy with the Police Department's involvement.

Scott Stein, President, Fire Company

The Fire Company will hold its annual open house in September. This year it happens to fall on the anniversary of the September 11 attacks. They are incorporating a period of remembrance during this event for not only the 433 firefighters who died in the line of duty, but also the people who died on the aircrafts.

They have managed to get the Rescue Truck with the generator issue back into operation.

During the last two storms, they have experienced some flooding in their basement. It is cleaned up, but they are keeping an eye on it.

Vice-Chairman Abruzzo asked Mr. Stein to keep them informed if there are any future problems with the flooding because there are some funds set aside for those kind of repairs.

Chairman Pries mentioned that a Hershey High School graduate was a co-pilot of the second plane involved in the 911 incident. Mr. Stein said they will be remembering him as well.

Thomas Clark – Director of Public Works

They just completed paving on Sand Hill Road from Laurel Drive to the "S" turns. Their lead paver is out with a medical issue, but they had the unique opportunity to receive training from a gentleman who lived in the Township and has his own paving business. He contributed about 14 hours to give the guys training.

Donna Small –Hershey Public Library

The Library reached a record attendance of over 1,400 people registered for the summer reading program. Their next big event is the Annual Friends Book Sale. It will begin on August 7 at 9:30 and will end around 2:00 p.m. on August 12th depending on how long the items last.

Cheryl L. Lontz - Manager Payroll/Employee Benefits

The budget disks went out last week.

Matthew J. Mandia – Director of Parks and Recreation

The summer season has been very busy. They are looking at attendance figures for the 27 days in July of just over 21,600 people which is a 20% increase from last summer.

Vice-Chairman Abruzzo mentioned a letter from the Vice President of one of the Oakmont condominiums about an access from Oakmont to the Bike Trail. Manager Negley said this gentleman sent a letter a few weeks ago, and Mgr. Negley responded. This letter is in response to Mgr. Negley's letter. He was not satisfied with Mgr. Negley's response, but there are some safety issues regarding sight distance and speed.

Mr. Mandia said they will take another look at it, but during construction of the trail, the engineers had recommended against the mid-block crossing. Supervisor Ballard agrees with taking another look at it because there may be another option that can be pursued.

Chairman Pries mentioned to Mr. Mandia a concerned group of residents who came to the ICDA meeting regarding a "build a pool" program. He suggested they reach out to Mr. Mandia. They stated they were going to attend an upcoming school board meeting as well as a Board of Supervisor meeting to give a presentation on some ideas.

Supervisor Moyer asked Mr. Mandia if he is reaching out and encouraging camps and clubs. Mr. Mandia said they do. Camps and daycare certainly help with attendance, but the hot weather has contributed to the increased attendance as well.

Supervisor Ballard asked Matt Bonanno if he received any responses to the requests for easements regarding the stormwater project. Mr. Bonanno said they have received to-date six responses acknowledging they would give the waiver of just compensation. He has not received any no's.

Manager Negley met with York Waste about the new trash bins. They want to be fully operational with them by August 15. They recognize they have some glitches. You do not have to use the new trash bins if you don't want to. Supervisor Ballard suggested York Waste add a brief explanation regarding the new bins in their next billing. Manager Negley said he would make the suggestion to York Waste.

APPROVAL OF ACCOUNTS PAYABLE (\$337,526.92) AND PAYROLL (\$363,023.47).

Supervisor Ballard moved to approve accounts payable in the amount of \$337,526.92 and payroll in the amount of \$363,023.47. Vice-Chairman Abruzzo seconded. ***The motion carried, 5-0.***

VISITOR/PUBLIC COMMENTS

Rich Gamble

Mr. Gamble asked for an update on the old Municipal Building. Manager Negley reported they are in the process of working on an agreement. Mr. Gamble said he is asking because the developer said he would get input from the community and he has not heard anything from him. Vice-Chairman Abruzzo said the agreement is not yet finalized. When they get to that point, he is sure they will be in contact with Mr. Gamble and the other residents.

Mr. Gamble mentioned the project on Chocolate Avenue by the golf course. It was moving fast, but has stopped. Chairman Pries said the developer was given an extension but there

is some hold up with the financing. Mr. Small said he is working on financing issues. Even though the developer's six months would expire in August, there is a new law that doesn't allow anything to expire until July of 2013.

Supervisor Ballard asked if there is another provision to address this issue. She thought she saw something in the Property Maintenance Code. Mr. Small will check it out. Chairman Pries asked Mr. Small to report back to the Board with an update on the project from Mr. Sheffey.

ADJOURNMENT

Supervisor Ballard moved to adjourn the meeting at 8:00 p.m. Vice-Chairman Abruzzo seconded. ***The motion carried, 5-0.***

SUBMITTED BY:

Kelly C. Fedeli
Township Secretary

Brenda Van Deursen
Recording Secretary