

# TOWNSHIP OF DERRY BOARD OF SUPERVISORS MEETING

Tuesday, June 26, 2012  
600 Clearwater Road, Hershey, Pennsylvania 17033

## CALL TO ORDER

The June 26, 2012 Township of Derry Board of Supervisors meeting was called to order at 7:00 p.m. by Supervisor Marc A. Moyer, Acting Chairman.

## ROLL CALL

### *Supervisors Present:*

Sandy A. Ballard  
John Foley, Jr.  
Marc A. Moyer, Secretary

### *Supervisors Absent:*

E. Christopher Abruzzo, Chairman  
Kelly C. Fedeli, Vice-Chairman

### *Also Present:*

Matt Bonanno, HRG, Township Engineer  
Barbara Ellis, Director of Hershey Public Library  
Charles Emerick, Director of Community Development  
Jill Horner, Assistant Township Manager  
Cheryl L. Lontz, Manager of Payroll & Employee Benefits  
Matthew 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 Yost, Township Solicitor  
Brenda Van Deursen, Recorder

*Public Present:* Elvira Ebling, Richard Gamble, Charleton Zimmerman

**Supervisor Moyer advised that all public meetings are recorded for providing accurate minutes.**

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

**Rich Gamble, Hockersville Road** – Mr. Gamble mentioned two areas where plans were approved, but nothing was done to those areas: the Chevrolet Dealership and Don's Pier. There are now vendor tents on the property. He requested that the Board make sure the developers are meeting the commitments for those areas. Mr. Emerick stated that the plans are protected now by a permit extension act with a deadline date of July 1, 2013 for economic recovery. He read legislation is considering another extension of 3 to 5 years. Mr. Emerick explained that the tent vendors must obtain a permit through the Police Department and abide by the setbacks and it appears the tent vendors are in compliance.

Solicitor Yost explained that without regard to the permit extension the land is owned by the developer and as long as they keep it kept and under control, there is very little we can do.

**Charleton Zimmerman, 119 N. Roosevelt Avenue, Palmdale** – Mr. Zimmerman said this was the first time he has seen fireworks for sale in Derry Township and wondered if they were legal. Chief O'Rourke responded that the "mom and pop" tents are legal and the higher end fireworks have to be sold to out of state.

Mr. Zimmerman commented on the big hole that opened up at 1330 & 1334 East Derry Road and the involvement of PA American Water.

### **APPROVAL OF MINUTES**

Supervisor Moyer called for a motion to table the Minutes of the June 12, 2012 Board of Supervisors Meeting. There is no quorum to vote on the minutes since Supervisor Foley was not present at the June 12 meeting and the Chairman and Vice-Chairman are absent from this meeting. Supervisor Ballard made a motion to table the Minutes. Supervisor Foley seconded. *The motion carried, 3-yes 0-no.*

### **NEW BUSINESS**

**A1-4 Permission to hold a small fireworks display at 1276 Auburn Avenue on July 4, or a rain date of July 5, 2012.**

**James N. Negley, Township Manager/Treasurer** – A request has been made by Craig Erwin to hold a fireworks display between the hours of 6 P.M. and 10 P.M. on July 4<sup>th</sup> or rain date of July 5<sup>th</sup>. The Township has been named as an additional insured on the Erwin Certificate of Liability Policy. This will be the fifth year for this event.

**Motion:** A motion made by Supervisor Foley and seconded by Supervisor Ballard that Craig Erwin, 1276 Auburn Avenue, Township of Derry, is authorized to display fireworks on July 4<sup>th</sup> between the hours, of 6 P.M. and 10 P.M., or a rain date of July 5, 2012, is hereby approved. *The motion carried, 3-yes 0-no.*

**CORRESPONDENCE** – No correspondence to report.

**BOARD/COMMITTEE INFORMATION** – Supervisor Ballard gave the following update on the Comprehensive Plan Working Group.

- Survey launched in September and was completed in December with approximately 1500 responses.
- In January, the survey results were provided to the Community.
- 22 Listening sessions have been held so far. The comments can be viewed on [DerryVision.org](http://DerryVision.org).
- The Working Group is creating a vision based on survey feedback and discussions at the listening sessions.
- October 11 & 12, Christopher Duerkson, an expert in land use law, will help the Township to review ordinances and will make recommendations to promote smart growth.
- Action steps should be completed in early 2013.

### **REPORTS**

**Patrick M. O'Rourke, Chief of Police** – Chief O'Rourke reported that the Hershey Volunteer Fire Company has agreed to help with the Night Out event scheduled for August 7 from 6:00 pm to 8:00 pm.

**Robert Piccolo, Assistant Director of Public Works** – Mr. Piccolo reported that Mike Pries contacted Public Works regarding the construction in front of his home. The contractors are working on it and the sidewalks should be completed this week. The street should be cleaned and opened up before the end

of July. In regards to the issue of the trees and sidewalks, Mr. Piccolo said the solicitor is reviewing a final draft of the tree ordinance for final approval.

**Barbara Ellis, Hershey Public Library** – Ms. Ellis reported the summer reading program is going well with over 700 participants. She also reported the deadline is extended to July 6, 2012 to purchase a memorial brick (\$100/brick) to place in the Stan Ginder garden.

**Matthew J. Mandia, Director of Parks and Recreation** – Mr. Mandia reported they are busy with the facilities and all the programs occurring.

Supervisor Ballard asked for an update regarding Bullfrog Valley Pond. Mr. Mandia said they plan to begin with dredging the pond, repair the walls that are caved in and then finish with repairing the footbridge. Supervisor Moyer asked when he thought the area would be opened and Mr. Mandia replied by the fall.

Supervisor Moyer asked what would happen if the Board requested the trail be opened first. Mr. Piccolo responded that for safety concerns the footbridge should be last and the trail should not be used until the pond is done. Mr. Bonanno added that we cannot do the trail work at Bullfrog Valley Pond until the DEP permit is granted.

Mr. Gamble suggested when they dredge the pond to put the backfill back to where it washed out from instead of carrying it to another location.

**Matt Bonanno, Township Engineer** – Mr. Bonanno reported that a second crew of the stormwater project has been dispatched to 322 and 743. The large pipe that is to go under 322 has been delayed because of issues the pipe manufacturer has. The date to do this is yet to be determined. It will put us behind schedule some. Mr. Bonanno also added that he is getting an updated schedule from the contractor to share on the website.

**Chuck Emerick, Director of Community Development** – Mr. Emerick reported that the demolition has started with the Red Carpet building and will be replaced with a Super 8.

Supervisor Ballard mentioned that Palmyra's engineer is doing a 3 hour patrol to look for code violations. It is another way to approach zoning code instead of relying on a neighbor. Mr. Emerick responded that it would be considered policing the Township and they can do that at the direction of the Board of Supervisors. He will add it to the agenda for the next meeting.

**James N. Negley, Township Manager/Township Treasurer** – Manager Negley reported the street sweeper caught on fire. It will be replaced as soon as possible with the insurance money we received.

### **APPROVAL OF ACCOUNTS PAYABLE (\$303,133.46) AND PAYROLL (\$305,154.98).**

Supervisor Foley moved to approve accounts payable in the amount of \$303,133.46 and payroll in the amount of \$305,154.98. Supervisor Ballard seconded. *The motion carried, 3-yes 0-no.*

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

**Rich Gamble, Hockersville Road** – Mr. Gamble suggested not to accept plans and development that puts the same type of business next door to each other.

**Charleton Zimmerman, 119 N. Roosevelt Avenue, Palmdale** – Mr. Zimmerman said we should not pass anything we are not going to enforce.

**ADJOURNMENT**

Supervisor Ballard moved to adjourn the meeting at 7:40 p.m. Supervisor Foley seconded. *The motion carried, 3-yes 0-no.*

SUBMITTED BY:

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Marc A. Moyer  
Township Secretary

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Brenda Van Deursen  
Recording Secretary