

TOWNSHIP OF DERRY BOARD OF SUPERVISORS MEETING

Tuesday, March 27, 2012
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The March 27, 2012 Township of Derry Board of Supervisors meeting was called to order at 7:05 p.m. by Chairman E. Christopher Abruzzo.

ROLL CALL

Supervisors Present:

E. Christopher Abruzzo, Chairman
Sandy A. Ballard
Kelly C. Fedeli, Vice-Chairman
John Foley, Jr.
Marc A. Moyer, Secretary

Also Present:

Matt Bonanno, HRG, Township Engineer
Thomas Clark, Director of Public Works
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
Jon Yost, Township Solicitor
Brenda Van Deursen, Recorder

Public Present: Elvira Ebling, Anne Searer, Linda Brandt, Dave Buffington, Doug R. Neil Bergluff, Ovette Bergloff, Doug Gray, Ginny Edleman, Craig Fasnacht, Randy Wright, I. S., Deidre Weaver, Judi Hummel, M.A. Weir, Des Andrews

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

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

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one came forward.

APPROVAL OF MINUTES

Chairman Abruzzo called for a motion to approve the Minutes of the March 13, 2012, Board of Supervisors Meeting. Supervisor Foley made a motion to approve the Minutes as written. Supervisor Ballard seconded. ***The motion carried, 5-yes 0-no.***

NEW BUSINESS

A1-2 Introduction and announcement of the promotion of Officer Garth Warner to the rank of Lieutenant/Assistant Chief of Police.

Chairman Abruzzo administered the oath to Officer Garth Warner to the rank of Lieutenant/Assistant Chief of Police.

B1-21 Presentation by Derry Environmental Action Committee (DEAC) on recommendation to improve Stormwater Protection in Derry Township.

Ed Urvic – Mr. Urvic presented to the Board several recommendations to improve stormwater protection in Derry Township. This presentation was made due to the major floods that have occurred over the last 40 years. The Township has experienced five 50-year floods since 1972 and two 100-year floods (2011 & 1972). The recommendations include:

1. Complete the current stormwater projects that are already funded and then try other approaches.
2. Amend the ordinance on off-street parking to require the use of pervious construction materials for parking spaces.
3. Adopt the use of pervious construction materials as part of the Curb and Sidewalk Replacement Program.
4. Amend the ordinance to allow the use of pervious materials for all sidewalks, patios, driveways and carports.
5. Provide written guidance to the Zoning Hearing Board to no longer waive impervious coverage or expanded footprint beyond what the law already allows. Mr. Urvic stated that we should stop with all the variances made to impervious coverage.
6. Adopt the County's model language to make our outdated minimum parking requirement to a maximum requirement. Currently every square foot of businesses has to have so many parking spaces. This should be changed to a maximum amount of spaces allowed.
7. Enforce the laws requiring the replacement of lost and damaged shade/street trees along our roads.
8. Legal requirements for trees in parking lots must be required and no longer waived.
9. Create a Shade Tree Commission to maximize tree cover and improve property values by increasing the number of mature, well cared for trees lining residential streets.
10. Developers should obey laws to replace each tree taken down during construction with another similar tree somewhere in the Township. This has become an oversight for developers.
11. Continue to support and partner with the DEAC programs to plant street trees and give away rain barrels through sponsorship and in-kind services.
12. Natural vegetation along Township streams should be protected and not removed, reduced, paved, mowed, or built on.
13. Conduct a pilot project to install a meadow on the hill in front of the Library to protect the residents along Cocoa Avenue from stormwater damage.
14. Complete the update to the Comprehensive Plan and follow the Smart Growth principles outlined in the authorizing resolution. Because of the expertise available from our residents, we do not need to hire a consulting firm to do this.

Mr. Urvic mentioned that DEAC will issue a stormwater scorecard annually, beginning on Earth Day – April 22, 2012. The progress will be graded on each recommendation in this report.

Mr. Uravic asked the Board to direct the staff to meet with him within the next week and he will share his implementation plan. Supervisor Moyer asked Mr. Uravic to send the Board his plan before anything is scheduled with the staff. Chairman Abruzzo said they would review the plan, decide what they want to move forward on and let the staff know. Mr. Uravic said he would have a plan to them by the end of the week.

C1-15 The Preliminary/Final Land Development Plan for Hershey Community Food Bank, Plat No. 1210.

Charles Emerick, Director of Community Development – The property currently is owned by The Hershey Company and exists as two tracts. The plan proposes to join the two tracts together creating a single lot containing .824 acres of land. The lot is located in the Village Residential zoning district, but is bordered by the Industrial zoning district. The Hershey Company is donating the land for the construction of a 3,300 square foot facility to house the Hershey Food Bank and Community Outreach. Mr. Emerick mentioned the six waivers requested.

Supervisor Ballard asked about the waiver regarding “Stormwater Management Ordinance to allow the system to be installed within 2 feet of a soil limiting zone.” Mr. Emerick explained a limiting zone in the soil in this case is distance to bedrock. Our ordinance requires that stormwater systems not be constructed within 2 feet of that limiting zone. Relief was granted to allow the rock to be removed and a small buffer to be provided for the stormwater. Supervisor Ballard asked what the purpose of the 2 feet is. Matt Bonanno said the distance between the stormwater facility and the limiting zone is to provide a buffer between where you want to infiltrate your water. The limiting zone is usually bedrock, clay soil, etc. In order to not make them cut down into rock and fill it back up with the soil amendments, we thought the relief was warranted. The stormwater will still infiltrate, but will hit the bedrock eventually.

Mr. Emerick commented on the request for relief of sidewalks. Sidewalks are required along existing abutting streets to a development. In this case, the applicant has asked for relief from providing any sidewalks for this development. The staff comments provided to the Planning Commission suggested that the Trinidad Avenue neighborhood has a sidewalk that terminates at the southern point of this property. This is a food bank and their clients are people that have fallen on hard times and we think there would be people who would not have a vehicle to get there. Staff suggested a connection and sidewalk from the southern point of the property to their driveway to act as the final link connecting the sidewalk system that goes out to Park Avenue to this property. We would support the waivers for the continuation of the sidewalk along Trinidad and the waivers for the sidewalk along Derry Road. The Planning Commission supported the waiver in its entirety. Under the suggestion motion, there is an either/or motion depending where the Board feels the sidewalk should be.

After lengthy discussion and questions related to the safety of residents going to and from the food bank and the future of the Township related to required sidewalks, it was decided to proceed with a motion.

MOTION: A motion made by Supervisor Foley and seconded by Supervisor Ballard that the Preliminary/Final Land Development Plan for Hershey Community Food Bank, Plat #1210, is hereby approved subject to the following:

- a. That the applicant reimburse the Township for costs incurred in reviewing the plan no later than April 27, 2012.

- b. That performance security be provided to guarantee the completion of required improvements and the accompanying agreement signed no later than September 27, 2012.
- c. That the lighting plan depict the installation of house side shields on the luminaries to the west and the south of the parking lot to reduce spillover light onto adjacent properties no later than September 27, 2012.
- d. That the Derry Township Municipal Authority's comment noted in their March 1, 2012 letter be addressed no later than September 27, 2012.
- e. That a digital copy (DXF format) of the final version of the plans be provided no later than September 27, 2012.
- f. That all deeds for right-of-way dedication be recorded concurrently with the plan.
- g. That the Stormwater Best Management Practices Operation and Maintenance agreement be recorded concurrently with the plan.
- h. That any required sidewalk agreement between the applicant/landowner and the Township be recorded concurrently with the plan.

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

- a. From Sections 185-22.D and 185-22.E.(5) regarding widening and curbing along East Derry Road and Trinidad Avenue.
- b. From Section 185-34.A.(1) regarding installing sidewalks along East Derry Road and Trinidad Avenue, with the stipulation that the applicant/landowner enter into an agreement with Derry Township no later than September 27, 2012 which would allow the Township to require the installation of sidewalk in the future if deemed necessary.
- c. From Section 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding providing storm sewer plans and profiles for all existing facilities.
- d. From Section 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding providing sanitary sewer plans and profiles for all existing facilities.
- e. From Section 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding providing plans and profiles for all existing gas and water mains.
- f. From Section 174-17.A.(6) to allow the system to be installed within 2 feet of a soil limiting zone.

The motion carried, 5-yes 0-no.

D1-3 Consideration of the acceptance of land being offered to the Township.

Matthew J. Mandia, Director of Parks and Recreation – The parcel of land is associated with Southpoint Meadows II Development. The developer Doug Gelder has offered to dedicate this parcel to the Township at no cost. If the Township agrees to accept this parcel of land, the relocation to the perimeter of the parcel would be necessary.

MOTION: A motion made by Chairman Abruzzo and seconded by Vice-Chairman Fedeli that authorization to accept Lots A & B as depicted on the approved plan for the Southpoint Meadows II Development, and, authorization to relocate the bicycle and pedestrian trail to the perimeter of said lot, are hereby approved. ***The motion carried, 5-yes 0-no.***

E1-4 Consideration of the release of a portion of the performance security for the Preliminary/Final Subdivision Plan for Hill Church Glen, Plat No. 1175

MOTION: A motion made by Chairman Abruzzo and seconded by Vice-Chairman Fedeli that the Township hereby releases \$24,768.70 from the performance security, held as Susquehanna Bank Letter of Credit #10009310961 for the Preliminary/Final Subdivision Plan for Hill Church Glen, Plat #1175, leaving a remaining balance of \$136,413.81, is hereby approved. *The motion carried, 5-yes 0-no.*

F1-4 Authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553), Chapter 10 (Vehicles and Traffic), Article II (Traffic Regulations), Section 210-18 (One-way streets established) by designating (1) "I" St. from W. Caracas Ave. to S. 1st Street as a one-way roadway northbound (2) S. 1st St. from "I" St. to Linden Rd. as a one-way roadway westbound and by deleting from this section the designation of "I" St. from W. Chocolate Ave. to First St. as a one-way roadway southbound.

Patrick M. O'Rourke, Chief of Police – Due to the construction project on SR422 and SR743, the one-way section of "I" Street from W. Chocolate Avenue to First Street has been eliminated and needs to be removed from the Township Ordinance. Some of the roadway width on I Street and S. First Street where they intersect has been eliminated making it unsafe if two vehicles are approaching from opposite directions. The majority of the vehicles that use these two roadways are members of the Hershey Fire Department (HFD) and the First United Methodist Church. HFD members can safely access their rear parking lot using these two roadways with the proposed one-way designation. The people going to church can access the church lots using these two one-way roadways in addition to three driveway entrance points off of Caracas Avenue. Six signs and five posts will be necessary to properly post the area.

Motion: A motion was made by Supervisor Moyer and seconded by Supervisor Foley that the authorization to advertise an ordinance amending the Code of the Code of the Township of Derry (Ordinance No. 553), Chapter 10 (Vehicles and Traffic), Article II (Traffic Regulations), Section 210-18 (One-way streets established) by designating (1) "I" St. from W. Caracas Ave. to S. 1st Street as a one-way roadway northbound (2) S. 1st St. from "I" St. to Linden Rd. as a one-way roadway westbound and by deleting from this section the designation of "I" St. from W. Chocolate Ave. to First St. as a one-way roadway southbound, is hereby approved. *The motion carried, 5-yes 0-no.*

CORRESPONDENCE – No correspondence to report.

BOARD/COMMITTEE INFORMATION – Vice-Chairman Fedeli complimented the library staff for the many wonderful things occurring at the library. She mentioned that an Eagle Scout is proposing to build a reflection garden next to the library as his project. There also will be some fund raising efforts to showcase the improvements of the facility.

REPORTS

Patrick M. O'Rourke, Chief of Police – Chief O'Rourke reported last week they went through their onsite assessment for reaccreditation through CALEA. There were very minor issues that came up; however, this is one of the smoothest assessments that they have gone through. He feels they will get a positive recommendation from the Commission.

Supervisor Ballard commended the Police Department for a recent situation where a neighborhood patrol intercepted a criminal in the act. She also mentioned the favorable comments on Facebook regarding our Police Department and the foot patrol.

Thomas Clark, Director of Public Works – Supervisor Ballard asked if the calls were quieting down related to the new trash collection. Mr. Clark said they were. He reported the transition from York containers to Waste Management containers will take place the week of April 9th. He shared that Waste Management is preparing another letter on their letterhead to address the changeover and also a calendar schedule for when woody waste pickup will occur.

Barbara Ellis, Hershey Public Library – Ms. Ellis highlighted a few important dates: April 8 through 15 – National Library Week, April 15th a renowned author, Judith Vorst will be at the library, and April 20 is the Employee Volunteer Luncheon.

Cheryl L. Lontz, Manager of Payroll & Employee Benefits – Ms. Lontz said the financial audit for the Township started today. She reported at the end of the first quarter, our budgeted expenses are at about 19% which is lower than the 25% we would expect them to be at. 2011 is expected to end with a surplus.

Matthew J. Mandia, Director of Parks and Recreation – Mr. Mandia announced the Easter Egg Hunt at Shank Park is this Saturday morning. He thanked The Hershey Company for their very generous donation for all the candy to fill the 12,000 eggs.

Matt Bonanno, Township Engineer – Mr. Bonanno reported the following:

- JS Stormwater Basin – JS system was set up and maps were sent to Mr. Emerick.
- Lingle Avenue Traffic Study – waiting for crash data to finish up the study on Lingle Avenue.
- Church Road – waiting for clearance before we submit RGP11 as a follow up to an emergency permit for the repair work.
- Park Blvd. – submitted this week RGP11 for the emergency permit for the bridge underpinning and submitted to the Township the contractor's final invoice.
- Mansion Road – need the Township to sign the three easements for The Hershey Trust Company. The Trust Company will sign them tomorrow and send them to the Office of the Attorney General for review and approval. Should get HE&R's easement week for the Township's signature. We already have Presbyterian Church's easement. The contractor is ready to go and waiting notice to proceed contingent upon executing all the easements.
- Derry Stormwater – The contractor is wrapping up some of the storm sewage installation down by the ball field. The utilities are finally out of the way in the Village Area. Next week they will start on the sanitary sewer in the Village.

Supervisor Ballard asked if we are waiting until after the stormwater project is finished to clean up the debris on the bike path in that area. Mr. Clark said they already scrape the bike path on a regular basis when there has been high water and will continue to do so.

Chuck Emerick, Director of Community Development – Mr. Emerick is collecting information on the transient retail permits. The survey was sent to 28 restaurants and also to the Hershey Partnership. So far, he has collected 15 responses.

Mr. Emerick announced that Centric Bank and Sheetz are planned to be placed on the agenda at the upcoming Planning Commission meeting on Tuesday.

Jill Horner, Assistant Township Manager – Ms. Horner mentioned she included in the Board's packet an overview of what was submitted to our insurance company, what we have received and what was submitted to FEMA.

James N. Negley, Township Manager/Township Treasurer – Manager Negley commented on the onsite assessment by CALEA at the Police Department. It was one of the best assessments he has ever seen and Chief O'Rourke's leadership made this assessment what it was.

APPROVAL OF ACCOUNTS PAYABLE (\$592,692.08) AND PAYROLL (\$269,194.50).

Supervisor Ballard moved to approve accounts payable in the amount of \$592,692.08 and payroll in the amount of \$269,194.50. Supervisor Foley seconded. ***The motion carried, 5-yes 0-no.***

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one came forward.

ADJOURNMENT

Supervisor Foley moved to adjourn the meeting at 8:40. Supervisor Moyer seconded. ***The motion carried, 5-yes 0-no.***

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary