

# TOWNSHIP OF DERRY

## BOARD OF SUPERVISORS MEETING

Tuesday, May 22, 2012  
600 Clearwater Road, Hershey, Pennsylvania 17033

### CALL TO ORDER

The May 22, 2012 Township of Derry Board of Supervisors meeting was called to order at 7:10 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 R. Clark, Director of Public Works  
Charles W. Emerick, Director of Community Development  
Jill 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  
Patrick O'Rourke, Chief of Police  
Jon Yost, Township Solicitor  
Brenda Van Deursen, Recorder

**Public Present:** Jeanette Lazosky, Keith Hassler, Elvira Ebling, Dennis Thompson, Paul G., Brian T. Evans, Rich Gamble

**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 May 8, 2012, Board of Supervisors Meeting. Supervisor Ballard made a motion to approve the Minutes as written. Supervisor Foley seconded. ***The motion carried, 5-yes 0-no.***

### NEW BUSINESS

**A1-5 Consideration of adoption of Ordinance No. 623 amending Chapter 225 of the Code of the Township of Derry to change the zoning classification of a portion of the**

**property located at 19 East Chocolate Avenue, Hershey, from an Industrial classification to a Village Core classification. This zoning change has been requested by The Hershey Company in the form of Zoning Petition No. 2012-01.**

**Charles W. Emerick, Director of Community Development** – The Hershey Company has sold their facility located at 19 East Chocolate Avenue to Chocolate Realty DST. This Ordinance is a request to change the zoning classification of 7.07 acres of the 19 East Chocolate Avenue facility from Industrial to Village Core. The hearing for this ordinance was held on April 25, 2012. The planning for the continued use of this structure has led to the need to subdivide the property. The predominate planned use is for corporate office space with future consideration of retail uses and restaurants. The adoption of this ordinance should be at the same time as the amendment made to the Comprehensive Plan. It is felt by promoting the continued use of this downtown project it would have a positive budget impact.

**Discussion:** Supervisor Ballard asked what he meant by a positive impact on the budget. Mr. Emerick explained that as we continue a vibrant use for the property we could see a benefit from taxes as opposed to having empty buildings. Supervisor Moyer asked if this change will alter the tax status for the property. Mr. Emerick did not think so.

**MOTION:** A motion made by Supervisor Ballard and seconded by Vice-Chairman Fedeli that the adoption of Ordinance No. 623 amending Chapter 225 of the Code of the Township of Derry to change the zoning classification of a portion of the property located at 19 East Chocolate Avenue, Hershey, from an Industrial classification to a Village Core classification, is hereby approved. *The motion carried, 5-yes 0-no.*

#### **B1-5 Consideration of adoption of Resolution No. 1337 to amend the Derry Township Comprehensive Plan.**

**Charles W. Emerick, Director of Community Development** – This is the companion ordinance change to be consistent with the goals of the Municipal Planning Code, which requires that when you change zoning that your Comprehensive Plan should also be altered to reflect what is proposed.

**MOTION:** A motion made by Supervisor Ballard and seconded by Supervisor Foley that adoption of Resolution No. 1337 to amend the Derry Township Comprehensive Plan, is hereby approved. *The motion carried, 5-yes 0-no.*

#### **C1 Introduction of the new Assistant Director of Community Development, Brandon Williams.**

**Charles W. Emerick, Director of Community Development** – Mr. Emerick introduced Brandon Williams as the new Assistant Director of Community Development. Mr. Williams began work on May 14. He was previously the zoning and codes enforcement officer for Mount Joy Township, Lancaster County. Mr. Emerick noted that right before Mr. Williams came to work at Derry Township, he successfully completed his exam for the American Institute of Certified Planners (AICP).

#### **D1-3 Request for a waiver from filing a land development plan, as requested by the Derry Township Municipal Authority (DTMA).**

**Charles W. Emerick, Director of Community Development** – The Derry Township Municipal Authority is in the process of recovering from Tropical Storm Lee. Their property is partially located in floodplain as defined by FEMA mapping. Their recovery includes an expansion and alteration of space at their administration building. Our Subdivision and Land Ordinance requires that when more than 2,500 square feet of new principal building is added to a property, a land development plan is to be

processed. DTMA is proposing to add 320 square feet of ground floor area and 3,230 square feet of new floor area on the second level. This project does not include the addition of new roads, sidewalks, employees, or parking areas and no stormwater design is required. Due to these facts, DTMA is requesting a waiver.

**MOTION:** A motion made by Supervisor Ballard and seconded by Supervisor Foley that a waiver be granted from the provisions of Chapter 185, Article III of the Code of the Township of Derry to not require a land development plan to be filed for the proposed DTMA Wastewater Treatment Control Building renovations and additions, is hereby approved. *The motion carried, 5-yes 0-no.*

**E1-10 Proposed amendment to responsible party for activities associated with Plat No. 1207, the hotel proposed at Mill Street, West Areba Avenue, and Hockersville Road.**

**Charles W. Emerick, Director of Community Development** – The proposed agreement is being processed to amend the responsible party for the plan, plan waivers, improvements agreement, and the stormwater BMP agreement for Plat No. 1207, which is the hotel proposed on the former Township property. The land depicted four lots. Lot 1 was proposed to contain the hotel and Lots 2, 3, and 4 are the single family residential style lots along Hockersville Road. No improvements were proposed for Lots 2, 3, and 4. The plan went through the entire process with Derry Township, showing Central PA Equities 13 as being the owner of the property. In reality, Springwood FHP, LP will be the fee simple owner of the hotel site. Lots 2, 3 and 4 have been conveyed to Leisure Lanes, who own the Staple center. This agreement is simply an acknowledgement including the Township's signature that Springwood FHP, LP would be responsible for all aspects of the land development plan.

**MOTION:** A motion made by Vice-Chairman Fedeli and seconded by Supervisor Moyer that the Board execute the proposed amendment to the responsible party for activities associated with Plat No. 1207, the hotel proposed at Mill Street, West Areba Avenue, and Hockersville Road, is hereby approved. *The motion carried, 5-yes 0-no.*

**F1-3 Consideration of the release of the maintenance security supplied for the Final Subdivision Plan for Deer Run, Phase 5, Plat No. 1047.**

**Charles W. Emerick, Director of Community Development** – After inspection, HRG recommended full release of the maintenance security in the amount of \$34,998.30.

**MOTION:** A motion made by Supervisor Foley and seconded by Supervisor Ballard that the Township releases maintenance security in the amount of \$34,998.30, supplied as Arch Insurance Company Bond No. SU1015264M for the Final Subdivision Plan for Deer Run, Phase 5, Plat #1047, is hereby approved. *The motion carried, 5-yes 0-no.*

**G1-7 Consideration of the release of performance security and entry into the maintenance security for sanitary sewer improvements as part of the Preliminary/Final Land Development Plan for West Chocolate Avenue Medical Park, Plat No. 1168.**

**Charles W. Emerick, Director of Community Development** – Hershey Trust Company provided a letter of credit in the amount of \$410,685.10 for the sewer extension work regarding the new 61,058 square foot rehabilitation hospital. DTMA inspected the work and all construction was found to be complete and acceptable. HRG recommended that maintenance security be provided to guarantee the structural integrity of the improvements located within the public right-of-way along Hersheypark Drive. The improvements are estimated to be \$201,251.00 requiring 15% (\$30,187.65) to be provided as security.

**MOTION:** A motion made by Supervisor Foley and seconded by Supervisor Ballard that the Township releases performance security in the amount of \$410,685.10, supplied as Hershey Trust Company's Letter of Credit No. 211 for sanitary sewer improvements for the Preliminary/Final Land Development Plan for West Chocolate Avenue Medical Park, Plat No. 1168, provided that maintenance security in the amount of \$30,187.65 is supplied in acceptable form and the standard Maintenance Security agreement is executed, is hereby approved. *The motion carried, 5-yes 0-no.*

**H1-2 Adoption of Resolution No. 1338 designating the Township of Derry's intent to suspend banners across SR0422 announcing various events.**

**Jill Horner, Assistant Township Manager** – Ms. Horner is in receipt of two more requests to suspend banners across SR 0422 announcing various events.

**MOTION:** A motion made by Supervisor Foley and seconded by Vice-Chairman Fedeli that Resolution NO. 1338 designating the Township of Derry's intent to suspend banners across SR 0422 announcing various events, is hereby approved. *The motion carried, 5-yes 0-no.*

**CORRESPONDENCE** – No correspondence to report.

**BOARD/COMMITTEE INFORMATION** – Supervisor Ballard reported the Comprehensive Plan Working Group is meeting on June 4. They will continue to work on a draft of the comprehensive plan from feedback from the surveys along with several listening sessions held with the public. With the technical assistance grant, an expert, Chris Derksen will be here on October 11 at an evening meeting opened to the public. Then Mr. Derksen will be working with the Comprehensive Planning Update Working Group all day on the October 12 as well as meeting with staff members, the Board of Supervisors and others in the community.

**REPORTS**

**Patrick M. O'Rourke, Chief of Police** – Chief O'Rourke announced that Officer Darren Cotten was awarded Officer of the Year on behalf of the Hummelstown Optimist Club for his work with youth in the community and his continued expertise with our DARE program. Chief O'Rourke reported that on June 1 and 2 they will be hosting two activities at the Police Department. Last year was their 45<sup>th</sup> birthday, but because of staffing issues and the flood they never held any event to celebrate. June 1 they are hosting an 8-hour mini police academy for the media addressing issues that will demonstrate the challenges our officers face on a daily basis. On June 2 at 3:00 p.m., Chief O'Rourke will do a brief presentation on an overview of the flood. From 4:00 to 6:00 p.m., there will be an open house at the Police Department for the public to view static displays of the services they provide to the community and to take a tour of the facility.

**Thomas Clark, Director of Public Works** – Mr. Clark reported they have been trying to repair some of the major repairs on Sand Hill, Bullfrog, and Roush Roads after the winter. University Drive should be opened tomorrow morning. They are finishing up on Mansion Road and it should be opened the latter part of next week.

**Cheryl L. Lontz, Manager of Payroll & Employee Benefits** – Ms. Lontz reported the auditors will be here next week for 2011 finances. Expenses for May are under budget and revenues for April are slightly under budget.

**Matthew J. Mandia, Director of Parks and Recreation** – Mr. Mandia reported the pool will open on Saturday. The hours are from 1:00 to 7:30 through Memorial Day, modified hours 3:00 to 7:30 during

school. The dome will open on June 8 from 1:00 to 7:30. The Memorial Day Parade will begin at 10:00 AM at the Rec Center with the ceremony following at 11:30 at the War Memorial. The Hershey Track and Field Meet will be held on June 2<sup>nd</sup> at 9:00 a.m. The first of three Movies in the Park at Shank Park will begin in June and end August. All movies are free this summer.

**Matt Bonanno, Township Engineer** – Mr. Bonanno is working with Mr. Mandia on getting some quantities and estimates for the Bullfrog Valley repairs along the trail for FEMA. The stormwater project work is continuing on Areba and Cedar. They are about five weeks behind on their schedule due to waiting for utilities to move. This will not impact the overall schedule of the project. They will be bringing in a second crew in a week or two. Mansion Road is going good and they received the permit for Church Road repairs along the stream bank.

Chairman Abruzzo asked Mr. Bonanno to work with Jill to coordinate an update once a week regarding the realignment of 743 and stormwater completion. Residents need to see some type of timeline when work will be completed. If the time changes, it can be updated on the website. Mr. Bonanno said he would need to request the information from the 743 group for that project.

Vice-Chairman Fedeli asked Manager Negley and Assistant Manager Horner if it was appropriate to put an update on the website regarding the new hotel. Mr. Emerick said he would pull something together.

**James N. Negley, Township Manager/Township Treasurer** – Manager Negley shared that Barbara Ellis was not present tonight due to being ill today.

**APPROVAL OF ACCOUNTS PAYABLE (\$393,211.31) AND PAYROLL (\$295,869.93).**

Supervisor Foley moved to approve accounts payable in the amount of \$393,211.31 and payroll in the amount of \$295,869.93. Supervisor Ballard seconded. *The motion carried, 5-yes 0-no.*

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

**Rich Gamble, Hockersville Road** – Mr. Gamble said there is a lot of substructure at the square that people do not understand. He said that indicating when certain phases of the construction are expected to begin or end would be helpful for the public. Mr. Clark said he could get an update for the web from the monthly partnership meetings.

Chairman Abruzzo commented on the appearance of the growing grass on the top of the dirt pile in the middle of town. It was noted that DEP requires them to seed it because of possible erosion and mud slides.

**ADJOURNMENT**

Supervisor Foley moved to adjourn the meeting at 7:50. Supervisor Ballard seconded. *The motion carried, 5-yes 0-no.*

SUBMITTED BY:

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Marc A. Moyer  
Township Secretary

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Brenda Van Deursen  
Recording Secretary