

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING**

**Tuesday, February 12, 2008**  
600 Clearwater Road, Hershey, Pennsylvania 17033

**CALL TO ORDER**

The February 12, 2008 meeting of the Township of Derry Board of Supervisors was called to order at 7:10 p.m. by Chairman, Michael H. W. Pries.

**PLEDGE OF ALLEGIANCE:**

All present stood for the Pledge of Allegiance.

**ROLL CALL**

***Supervisors Present:***

E. Christopher Abruzzo, Township Secretary  
Kelly C. Fedeli  
August (Skip) T. Memmi, Jr.  
George W. Porter, Vice-Chairman  
Michael H. W. Pries, Chairman

***Also Present:***

Thomas R. Clark - Director of Public Works  
Jill E. Horner – Assistant Township Manager  
Terry Weinhold – Manager of Accounts Payable and Receivable  
Matthew J. Mandia – Director of Parks and Recreation  
James N. Negley - Township Manager/Township Treasurer  
Edward L. Small –Asst. Director of Community Development  
William D. Smith – Chief of Police  
Scott Stein – President, Hershey Fire Company  
Jon A. Yost - Township Solicitor

***Public Present:***

Al Brulo, HRG, Jim Ingalzo, Carolyn Akers (HMC), Don Isabella (York Waste),  
Bruce Hancock, Dick Aradine, Earl Roberts, Steve Todd, Peter Joyce

***Press Present:***

Jeff Werner - Hershey Chronicle  
Drew Weidman – The Sun

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

## **EXECUTIVE SESSION**

Chairman Pries announced the Board of Supervisors met prior in executive session to discuss legal and land issues.

## **VISITOR/PUBLIC COMMENT:**

No one came forward.

## **APPROVAL OF MINUTES:**

***Motion:*** Vice-Chairman Porter moved and was seconded by Supervisor Abruzzo to approve the Minutes from the January 22, 2008 Public Hearing regarding proposed Ordinance No. 568 amending Chapter 225 (Zoning) of the Code of Ordinances of the Township of Derry regarding maximum residential density in the Village Residential Zoning District.

Supervisor Fedeli abstained as she was absent from the meeting.

***Motion carried, 4-0-1.***

***Motion:*** Vice-Chairman Porter moved and was seconded by Supervisor Memmi to approve the Minutes from the January 22, 2008 Public Hearing regarding Zoning Petition No. 2007-01 and the request to amend the Derry Township Comprehensive Plan as filed by the Stover Community Partners, LP; The Church of Jesus Christ of Latter-Day Saints; and the Stoverdale United Methodist Church.

Supervisor Fedeli abstained as she was absent from the meeting.

***Motion carried, 4-0-1.***

Supervisor Memmi moved and was seconded by Vice-Chairman Porter to approve the Minutes from the January 22, 2008 Board of Supervisors Meeting.

Supervisor Fedeli abstained as she was absent from the meeting.

Chairman Pries mentioned the following was omitted and should be added to the January 22, 2008 minutes:

The Board of Supervisors met in Executive Session prior to the meeting to discuss legal, land, and personnel issues.

***Motion carried, 4-0-1.***

## **NEW BUSINESS:**

### **A1-6 CONSIDERATION OF ENTERING INTO AN AGREEMENT WITH HERSHEY ENTERTAINMENT & RESORTS COMPANY REGARDING STORMWATER**

**MANAGEMENT FACILITIES PROPOSED ON LANDS REPRESENTED BY THE PRELIMINARY/FINAL SUBDIVISION AND LAND DEVELOPMENT PLAN FOR COTTAGES AT THE HOTEL HERSHEY, PLAT NO. 1139**

**Motion:** Supervisor Memmi moved and was seconded by Vice-Chairman Porter to enter into the proposed Stormwater Best Management Practices Operations and Maintenance Agreement with Hershey Entertainment & Resorts Company is hereby approved.

**Motion carried, 5-0.**

**B1-16 THE REVISED PRELIMINARY/FINAL LAND DEVELOPMENT PLAN FOR THE PENNSYLVANIA STATE UNIVERSITY MILTON S. HERSHEY MEDICAL CENTER PARKING GARAGE EXPANSION, CHILDREN'S HOSPITAL AND SOUTHWEST GROUND FLOOR HOSPITAL EXPANSION, PLAT NO. 1140.**

Edward L. Small –Asst. Director of Community Development – Mr. Small explained the plan proposes an expansion to an existing parking garage, the construction of a Children's Hospital, and a ground floor expansion to the rear of the main hospital building. He stated the expansion will result in 953 new spaces whereas prior it was to contain 700 parking spaces. He further stated the Children's Hospital will result in 216,800 square foot as opposed to 160,000 square foot that was on the original plan. Mr. Small said the applicant has offered traffic improvements in the amount of \$1,600,000, some of which have already been completed. He also said waivers have been requested. Mr. Small is asking for approval contingent upon the mentioned waivers in his report.

Supervisor Memmi inquired if the stormwater calculations will be readjusted in accordance with the changes to the preliminary plan. Mr. Small said it has all been adequately addressed.

**Motion:** Supervisor Memmi moved and was seconded by Supervisor Fedeli that the revised Preliminary/Final Land Development Plan for the Pennsylvania State University Milton S. Hershey Medical Center Parking Garage Expansion, Children's Hospital, and Southwest Ground Floor Hospital Expansion, Plat No. 1140 is hereby approved.

**Motion carried, 5-0.**

**C1-4 ADOPTION OF ORDINANCE NO. 570 AMENDING THE CODE OF THE TOWNSHIP OF DERRY (ORDINANCE 553) ADOPTED MARCH 14, 2006.**

William D. Smith – Chief of Police – Chief Smith explained as part of the development of the Intermodal parking/transportation facility, the ICDA in conjunction with the Township of Derry authorized certain roadway enhancements be studied to facilitate the safe and efficient movement of mass transit through the facility and surrounding roadways. The engineer recommended certain improvements. Chief Smith shared that in order for

these improvements to be implemented, they must be ordained. He said this was advertised January 16 & January 17 as required.

Vice-Chairman Porter asked what defined mass transit vehicles. Chief Smith explained it was a licensing issue to be registered with PennDOT as a bus. Vice-Chairman Porter expressed concern regarding depriving people the right to use a road they pay tax dollars on. Supervisor Memmi explained this has resulted from input of the ICDA Board and the Board of Supervisors approximately 3-4 years ago. Supervisor Memmi also explained it is a safety concern. There are approximately 300,000 visitors/year and if private vehicles were allowed along with the mass transit (buses) backing up in that area it most likely would result in serious accidents. Supervisor Memmi said traffic evaluations have been done before approving this. Supervisor Abruzzo commented on the road that has been closed for two years. He stated he had not heard any complaints. He believes it is in the best interest of the Township and should proceed.

**Motion:** Vice-Chairman Porter moved and was seconded by Supervisor Abruzzo to approve the adoption of Ordinance No. 570 amending the code of the Township of Derry (Ordinance 553) adopted March 14, 2006.

**Motion carried, 5-0.**

### **D1-3 ADOPTION OF RESOLUTION NO. 1192, ADOPTING THE DAUPHIN COUNTY HAZARD MITIGATION PLAN.**

Jill E. Horner – Assistant Township Manager – Ms. Horner explained that Dauphin County prepared a Hazard Vulnerability Assessment and Mitigation Plan and requires each municipality to adopt this plan or their own plan to receive federal mitigation and potential disaster relief funds.

**Discussion:** Vice-Chairman Porter asked if anyone had read this plan. He shared he did not feel comfortable voting on it without knowing what was in the plan. Ms. Horner explained it is the same plan they have adopted in the past, but now it needs to be readopted for 2008. Chief Smith added that the Township needs to develop their own plan that would fit with Dauphin County's plan. Supervisor Memmi suggested they should identify local businesses that have hazardous chemicals and put in the master plan to assure first responders would know what to do in an emergency. Chief Smith was asked to send a copy of the plan to the Board of Supervisors.

**Motion:** Chairman Pries moved and was seconded by Supervisor Abruzzo to adopt Resolution No. 1192, adopting the Dauphin County Hazard Mitigation Plan is hereby approved.

**Motion carried, 5-0**

**E1-14 ADOPTION OF RESOLUTION NO. 1191 ACCEPTING THE MOWING AGREEMENT WITH PENNDOT FOR MOWING RIGHT-OF-WAYS ALONG SR322, SR422, AND A PORTION OF SR039.**

Thomas R. Clark - Director of Public Works - Mr. Clark explained the agreement with PennDOT, which allows the Township of Derry to mow the right-of-ways along SR322, SR4232, and a portion of SR039. The Township will receive payment of \$11,536.10, a \$2,884 increase from the 2007 agreement.

**Motion:** Supervisor Memmi moved and was seconded by Supervisor Abruzzo to adopt Resolution No. 1191 accepting the mowing agreement with PennDOT for mowing right-of-ways along SR322, SR422, and a portion of SR039 is hereby approved.

**Motion carried, 5-0.**

**F1 SOLID WASTE CONTRACT WITH YORK WASTE - MARCH 2007.**

Vice-Chairman Porter summarized the Township's contract with York Waste highlighting the escalator provision. The provision allows for an increase to the Township residents if Dauphin County incinerator at Harrisburg increases their tipping fee. He further explained this is out of the Township and York Waste's control which was the reason for the provision. He stated that the incinerator's fees were increased in December 2007 from \$56.02/ton to \$66.02/ton. York Waste is currently charging the Township residents \$53.77/quarterly for 3 bags which will increase to \$56.36. Vice-Chairman Porter said the annual increase for the incinerator is \$170.04 compared to the increase of the residents of approximately \$12/year. This increase will be effective with the 2<sup>nd</sup> quarter billing. He asked Solicitor Yost to look at the Township's agreement with the County. Porter expressed concern with "runaway increases."

Supervisor Abruzzo commented on the contract with York Waste. He said it was well written and protected the rights and concerns of the residents.

**Motion:** Vice-Chairman Porter moved and was seconded by Supervisor Abruzzo to approve York Waste's quarterly increase of a 3-can option to \$56.36 beginning with quarter 2 of 2008.

**Discussion:** Supervisor Memmi asked for York Waste to develop and send a letter to all residents notifying them of the change along with a copy of the letter from the County indicating their increase. He also suggested a copy of the letters be sent to The Chronicle and the Sun as another way to notify the residents. It was noted rates were changed for one-bag and for bulk collection as well. Vice-Chairman Porter and Supervisor Abruzzo agreed to amend their motion.

**Amended Motion:** Vice-Chairman Porter moved and was seconded by Supervisor Abruzzo to approve York Waste's request for a quarterly increase fee for three-can

option to \$56.36, a one-can option would increase .86/month/resident, and bulk waste to \$6.23/cubic yard.

**Further Discussion:** The Board instructed Solicitor Yost to review the contract with the County and to call Kelly Wolf at Dauphin County Solid Waste Management & Recycling to discuss.

***Motion carried, 5-0.***

Supervisor Memmi suggested checking into installing panic buttons in all classrooms at all schools/day cares both private and public. He shared that another County did this for all their schools and their cost was around \$1,000,000. Chairman Pries asked if this was to be County level or Township level. After further discussion, it was decided to converse with the School Board for further discussion at a meeting that has been previously scheduled for another matter.

**CORRESPONDENCE**

Supervisor Memmi referred to a letter requesting placards be placed at crosswalks every day at a certain time. Chief Smith said he would like to stay consistent with using the state-issued signs instead of their signs.

Supervisor Memmi asked the Chief to forward his congratulations to Detective Gregory Day who has been promoted to the position of Negotiations Coordinator on the Dauphin County Crisis Response Team. He said this appointment is a result of dedication and faithful service to the Crisis Response team.

Supervisor Memmi acknowledged a letter to Chief Smith from the Hershey Volunteer Fire Company. They thanked the Police Department for their prompt assistance with the incident at Lucy's Restaurant.

**BOARD/COMMITTEE INFORMATION**

Supervisor Memmi presented the Diamond Awards Certificate that was presented to Buchart Horn for the design of the new Township Complex. Chairman Pries accepted it on behalf of ICDA and the Board of Supervisors.

Vice-Chairman Porter reported that he attended, along with Supervisor Memmi, an assembly with 8<sup>th</sup> graders from Derry Township Middle School. He commented on the informative and entertaining night. Supervisor Memmi shared a suggestion from the students which was to convert the light fixtures in the Township Building to a fluorescent-type lighting resulting in more efficient lighting.

**REPORTS:**

William D. Smith – Chief of Police - Chief Smith shared the Police Department along with the community service officers and dispatchers comprised a team to participate in the Eskimo Plunge at City Island. He announced they were the number one fundraiser collecting \$3,400 for Special Olympics.

Scott Stein – President, Hershey Fire Company – President Stein gave an update on refurbished Truck #48. The truck has arrived and the equipment will soon be mounted so training can begin.

Thomas R. Clark - Director of Public Works – Mr. Clark displayed a portable STOP sign that could be placed at signals when the power is out. He referred to the December 17<sup>th</sup> ice storm, the signals were out, and his staff had to build portable stop signs. This resulted in a lot of time and manpower. The sign he is presenting will close up and lock when not in use. Supervisor Abruzzo supported Mr. Clark's idea. He asked that if these signs are to be used, the information needs to be shared with the community to assure they understand what the signs mean.

Matthew J. Mandia – Director of Parks and Recreation – Mr. Mandia shared he received the permit today for the pedestrian/bike trail. He anticipates bringing this before the Board for approval in March.

**APPROVAL OF ACCOUNTS PAYABLE (\$495,509.07) AND PAYROLL (\$251,582.53).**

***Motion:*** Supervisor Memmi moved and was seconded by Supervisor Fedeli to approve Accounts Payable (\$495,509.07) and Payroll totaling (\$251,582.53).

***Motion carried, 5-0.***

**VISITOR/PUBLIC COMMENT:**

No one came forward.

**ADJOURNMENT:**

***Motion:*** Vice-Chairman Porter moved and was seconded by Supervisor Abruzzo to adjourn the meeting at 8:25 p.m.

***Motion carried, 5-0.***

**SUBMITTED BY:**

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E. Christopher Abruzzo  
Township Secretary

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Brenda Van Deursen  
Recording Secretary