

MEETING MINUTES
BOARD OF SUPERVISORS, TOWNSHIP OF DERRY
Tuesday, November 22, 2011
600 Clearwater Road, Hershey, Pennsylvania 17033

REGULAR MEETING

CALL TO ORDER

The November 22, 2011 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
Marc A. Moyer, Secretary
Todd Pagliarulo

Also Present

Matt Bonanno, HRG, Township Engineer
Barbara Ellis, Director, Hershey Public Library
Charles Emerick, Assistant 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, Ambrose Heinz, Edward Peterson, Carol Crawford, Kathy Lutz, Charleton Zimmerman, Keith Heigel, Gary Frederick, Chip Lawler, Rich Gamble, Anthony Pavone, Steve Todd

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

Rich Gamble, Hockersville Road – Mr. Gamble referenced Agenda Items A1-9 and B1-3 and recommended blocking the entrance going north onto Lingle Avenue into the entrance of the plant. By doing this it will keep the traffic from coming north. He asked how we can assure they police the trucks that don't follow the rules. In their presentation, they talked about the tax money we are going to generate, but we are only going to receive a fraction of

that compared to what the other side will be getting. Do we want to give up our open space for a small amount?

Carol Crawford– Grove Street in Hummelstown – Ms. Crawford expressed concerns on behalf of herself and her neighbors. On September 7th, they lost a neighbor when his wall fell in on him when he attempted to handle some of the conditions in his basement. She mentioned her wall and some of her neighbor's walls also fell in. This is not a problem of a river or creek, but simply of poor drainage in that area. This is the second time within five years that Kevin Cortey who lives at the corner of Grove and Middletown Road has had problems. He had 7 feet in his basement both times. This is also a second time within a year for Mrs. Jansen on Middletown Road. She had 8 inches the first time, but 2 feet this time and a wall was cracked that had to be repaired. Mrs. Jansen's neighbor, Mr. Cooper had 2 feet of water.

Ms. Crawford gave the Board a summary of the input she received from her neighbors. They came up with three major points.

1. The drainage ditch and pipe at the end of the road is just not big enough to take care of the problems. If something is done with that pipe, it would have to be extended beyond Mrs. Jansen's property.
2. The runoff from the Orchard Run development is coming down like a raging river. It tends to lie between their properties or it runs out onto Grove Street. If Grove Street is already flooded, it comes back and lies between our two properties.
3. The runoff that comes down from Wood Street through the field not only comes pouring down, it picks up all the debris from the field and the pipe gets clogged. They suggest a fence be placed to prevent the debris.

Supervisor Pagliarulo referenced a letter and pictures given to him by Ed Peterson. Mr. Peterson lives on 749 Grove Street. They were forwarded to Jim Negley to take a look at it and see what can be done.

Chairman Abruzzo said they are looking at how significant this historical flood was to try to identify some of the real problem spots. Community Development has had their hands full even prior to the flood, but they are going to embark on a forensic review of some of the real trouble spots. We were aware of this damage and we are working on it. We will include this area in our review to see if there are things we can do to make the situation better. The flooding was historic so there was going to be significant flooding in lots of areas, but there were some areas that had flooding due to clogged stormwater grates. We have to identify what things we can do to help prevent this in the future.

Charleton Zimmerman, Palmdale – Mr. Zimmerman said he attended the budget hearing a couple of weeks ago. He saw in the Hummelstown Sun that some of the supervisors were stating that the financial problems of the Township were due to health care costs related to some ill employees. He believes this is a cop out. If you are self insured, you have to support your employees.

Mr. Zimmerman also said that he tried to warn the Township in 2008 about building in flood areas. At the budget meeting, he heard the Township was getting FEMA relief money for flooding. He called Congressman Holden and asked him about the flooding of this building. This building was built in a floodplain and just because the 100 year floodplain was changed to 30 years to be able to build, you may have difficulty getting money from FEMA.

Supervisor Pagliarulo commented that Congressman Holden and his Chief of Staff were here to see our flood damage. He knows what we had experienced and indicated that he would try his best to assist us.

Anthony Pavone, representing his father who lives at 132 N. Lingle Avenue – Mr. Pavone said he has been at countless meetings regarding the rezoning and North Lingle Avenue. The proposal from Hillwood for the entrance to their plant only solves some of the issues. More trucks actually travel south to north than come north to south. Limiting their access out of the plant is a help; however, it doesn't address the bigger picture, truck traffic in general. The project is almost finished, but they milled the street down 4 inches and then paved over the top of the curb so that the top surface of the road is now above the curb at the north end on the east side. Our concern is with runoff off of the street and what is going to happen to the water. The construction season for PennDOT is pretty much over. Any remediation won't happen until next spring. There is going to be rain and snow and the snow will be plowed into the yards. The elevation of the alley at the north end of the street is a good 4 to 5 inches below the new surface of North Lingle Avenue. Therefore, any water that drains off of the street will lay in there and the concern is that we will have property damage and possible flooding.

Vice Chairman Fedeli said she appreciates Mr. Pavone expressing his concerns. She understands that the construction season is about to end, but there will be some corrective measures taken in the future. Mr. Pavone said this has been brought up some weeks ago and now construction season is over and there is no more black topping. It should have been addressed a month or more ago when it was brought up and it wasn't.

Chairman Abruzzo asked for Mr. Piccolo's input. Mr. Piccolo said PennDOT has their paving season and when they are done, they are done. He and Tom Clark were down at that sight yesterday and looked around. All the issues that were just brought up were addressed. They are talking about a rolled asphalt curve on top of the curb that lost its reveal which is about 6 inches high. Mr. Clark said even if the curb was there now it is not going to stop snow from going up over it when we are plowing. The alley that is 4 inches lower now than Lingle Avenue is suppose to be paved in the spring and that level will be brought up to eliminate that problem. They are not going to forget about the work.

Chairman Abruzzo said his main concern is with the issue of rain runoff and wondered if there is anything that we can do or that PennDOT can do temporarily. Mr. Piccolo will discuss with Mr. Clark.

Cathy Lutz, 116 N. Lingle – Ms. Lutz expressed her concerns about the trucks that are parked out to where you get on 743. When it snows there have been accidents where vehicles slide off the road and hit the trucks. One day, there were a total of about 12 trucks on both sides. It may be a no parking zone, but it is dangerous.

Rich Gamble – Mr. Gamble commented about the asphalt and rolled curbs. This was a solution they did for Hockersville Road when we had the same problem. If you note, snow plows take them out and cars drive over and flatten them out. The roll curb is not a fix.

APPROVAL OF MINUTES

Chairman Abruzzo called for a motion to approve the 2012 Budget Hearing Minutes of November 3, 2011. Supervisor Ballard made a motion to approve the Minutes as written. Vice-Chairman Fedeli seconded. ***The motion carried, 5-Yes 0-No.***

Chairman Abruzzo called for a motion to approve the Minutes of the November 9, 2011, Board of Supervisors Meeting. Supervisor Ballard made a motion to approve the Minutes as written. Supervisor Pagliarulo seconded. ***The motion carried, 5-Yes 0-No.***

NEW BUSINESS

A1-9 Consideration of entering into an agreement with LIT-Palmyra, L.P. regarding proposed road improvements to the access driveway to the property located along North Lingle Avenue.

Chuck Emerick, Assistant Community Development – LIT Palmyra, formerly known as Hillwood Palmyra is owner of land located partially in Derry Township, Dauphin County, and partially in Palmyra Borough and North Londonderry Township, Lebanon County. The property is improved with the General Mills Distribution facility. The portion of the property located in Derry Township is presently zoned Agricultural/Conservation. LIT has petitioned the supervisors to change the zoning to Industrial to allow for the future construction of a third warehouse distribution building. Since the construction of the General Mills facility and The Hershey Company's EDC 11, the residents of North Lingle Avenue have noted an increase in tractor-trailer traffic. This Road Use Agreement is meant to address the residents and the Township's concerns for adding tractor trailer traffic to part of North Lingle Avenue. It also contains a design for the improvements and that the final design will be included in a future land development plan for a third building. The agreement also notes that LIT will construct and maintain the portion of the driveway contained within the right-of-way of North Lingle Avenue and provides remedies should LIT fail to maintain the improvements. LIT also agrees to continue to direct all tractor trailer traffic leaving the sight to the north. Since this agreement cannot be a condition to the zoning change, it is suggested that it be executed prior to the adoption of Ordinance No. 618.

Motion: A motion made by Supervisor Pagliarulo and seconded by Vice-Chairman Fedeli that the Township enter into the Road Use Agreement with LIT-Palmyra, L.P. regarding the access driveway to the property located along North Lingle Avenue, is hereby approved. ***Motion carried, 5-Yes 0-No.***

B1-3 Consideration of adoption of Ordinance No. 618 amending Chapter 225 of the Code of the Township of Derry to change the zoning classification of a parcel of land located along the east side of North Lingle Avenue from an Agricultural/Conservation classification to an Industrial classification.

Chuck Emerick, Assistant Community Development – Ordinance No. 618 is tied to the above agreement. This ordinance would act to change the zoning classification of 19.98 acres of land along North Lingle Avenue from Agricultural Conservation to Industrial. At present, since the subject project does not contain improvements, no portion of the property is assessed in Derry Township. We would anticipate then having a portion of the property assessed in Derry Township upon the completion of improvements.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Pagliarulo that adoption of Ordinance No. 618 amending Chapter 225 of the Code of the Township of Derry to change the zoning classification of a parcel of land located along the east side of North Lingle Avenue from an Agricultural/Conservation classification to an Industrial classification, is hereby approved. ***Motion carried, 5-Yes 0-No.***

C1-6 Consideration of adoption of Resolution No. 1320 to amend the Derry

Township Comprehensive Plan.

Chuck Emerick, Assistant Community Development – The Municipal Planning Code requires that if you change zoning, you should change the Comprehensive Plan to be consistent with the zoning and that would be accomplished through this resolution.

Motion: A motion made by Supervisor Ballard and seconded by Vice-Chairman Fedeli that adoption of Resolution No. 1320 to amend the Derry Township Comprehensive Plan, is hereby approved. ***Motion carried, 5-Yes 0-No.***

D1-2 Appointing an Emergency Management Coordinator and a Deputy Assistant Coordinator for the Township of Derry.

James N. Negley - Township Manager/Township Treasurer – At the January Re-organization meeting, the Board reappointed Lt. David Holl to the position of Emergency Management Coordinator. In April of this year, Lt. Holl resigned from the police department to accept a position of the Deputy Director for Administration at the PA Emergency Management Agency. At the time, Lt. Holl thought he could do both positions but due to recent events it demonstrated clearly that this is not possible nor was it within his capabilities. He submitted his resignation on November 14th. The Chief of Police and Mgr. Negley had discussions regarding Lt. Holl's replacement. They are recommending Lt. Timothy Roche be approved as the Emergency Management Coordinator and Sergeant Steven Beard be the assistant.

Chairman Abruzzo pointed out that this is a volunteer position and there is no compensation.

Motion: A motion made by Supervisor Pagliarulo and seconded by Supervisor Ballard that Lt. Timothy Roche be appointed Emergency Management Coordinator and Sergeant Steven Beard be the Deputy Coordinator, is hereby approved. ***Motion carried, 5-Yes 0-No.***

E1-3 Adoption of Resolution No. 1319, establishing the Board of Supervisors regular meeting dates for the year 2012.

Jill Horner, Assistant Township Manager – Asst. Mgr. Horner provided the Board with the proposed 2012 Board of Supervisors meeting dates for their approval. If approved, the dates will be advertised in the newspaper.

Motion: A motion made by Supervisor Ballard and seconded by Chairman Abruzzo that Resolution No. 1319, establishing the Board of Supervisor's meeting dates for the year 2012, is hereby approved. ***Motion carried, 5-Yes 0-No.***

CORRESPONDENCE – No correspondence to report. It was noted by the Board that they receive a lot of correspondence via e-mail and phone and follow up at that time.

BOARD/COMMITTEE INFORMATION – Supervisor Ballard reported this is the last regular drawing for the community survey. We passed what we needed in terms of being statistically significant. We hope to close the survey on December 1st. On December 6th at our next meeting we will have the grand prize raffle drawing for a family annual membership for the Rec Center or the Granada Gym. Vice-Chairman Fedeli drew Robin Wilson's name for a restaurant certificate.

Vice-Chairman Fedeli reported that DTMA is coming along, but they are still having problems with their email system. They are in the process of hiring a consultant to draw down the large amount of FEMA money we are hoping to get. We are meeting Monday to discuss that.

REPORTS

Patrick O'Rourke, Chief of Police – On the 10th of November, Chief O'Rourke held a staff meeting and accomplished new objectives. One of which is being totally paperless by December 1st which is a big achievement. We also instituted foot patrols that went department wide on all shifts in various neighborhoods. They are received quite well with very favorable feedback from the community. We held another meeting in conjunction with the Derry Township School District and their crisis team. We did a review of our operations during the flood and how we interacted with one another, what our good points were, and what we hope to improve on. It was a very productive meeting.

Chairman Abruzzo asked Chief O'Rourke to contact Mr. Vasiliadis on Linden Avenue regarding his concerns involving suspicious activity in that area. Chairman Abruzzo suggested possibly utilizing the foot patrol or the dogs. Chief O'Rourke said he would make that contact. They have been down there on foot patrols on the various shifts and have encountered suspicious persons and they will continue to pay attention to that area.

Robert Piccolo, Assistant Director of Public Works – Mr. Piccolo reported that the limb crew is out. We are currently in Walton Springs and we are hoping to get it done tomorrow and then move on to Wood Ridge and then the Oaks. When that's done, we will have been through the entire Township at least one time and plan to go back through one more time. It is overwhelming the amount of limbs being brought out to the curb. At some areas there are no houses - people are just clearing out their woods. We are a little behind in our leaf schedule. Residents are upset because we are not on schedule, but we will get there.

Supervisor Pagliarulo noted that the pictures Mr. Piccolo gave the Board indicate that people actually trimmed the trees and the limbs are not from storm related damages. Mr. Piccolo agreed and said that is happening all over the Township.

Supervisor Ballard said the Public Works department went out of the way to help people because of the tragedy for limbs and branches that fell. We should not be picking up people's trimmings. Chairman Abruzzo asked for the people of the community not to take advantage of a situation. For public safety reasons we were moving tree branches and trees from roadways and from other areas.

Vice-Chairman Fedeli said that people are still encouraged to take their own debris to the recycling center. Supervisor Ballard asked that Ms. Horner add this to the web site. Chairman Abruzzo said if we are asking people to deliver the debris to the Recycling Center we may need to be opened on a weekend. Mr. Piccolo said they are opening it for the brush pile every day during the week when they are there. Mr. Piccolo, Mr. Clark and Ms. Horner will work on the details of expanding the hours for a weekend.

Mr. Piccolo reported that the new radio system and the new radios came in on Monday and they are already out with the crews. This new radio system is on with the Dauphin County system now and today they worked excellent. It is a much improved system, but we had no choice to go with a new system since we lost it in the flood.

Barbara Ellis, Hershey Public Library – Ms. Ellis reported that the library is getting ready for the winter programming. On November 29th, Lindsay Barrett George, a nationally

recognized author and illustrator will be at the Library in the afternoon at 4:30. There will be a children's program for K through 6 and at 7:00 in the evening there will be a special program for adults and teens.

Matthew J. Mandia – Director of Parks and Recreation – Mr. Mandia reported on the closure of the bicycle/pedestrian trail between Bullfrog Valley Road and Stoney Run because of the trail surface and some dangerous trees. It is closed and we continue to caution residents not to use it. We have a tree company coming out next week to address those trees. We will be able to open a section of the trail between Bullfrog Valley and Stoney Run once those trees are cleared. The section between Stoney Run and Shank Park will be kept closed until the surface is redone. There are areas in excess of 7 foot drop offs right off the edge of the trail with the washouts. We are not only reconstructing the macadam surface, but we are also trying to figure out how best to deal with drainage and getting it underneath the trail and funneling to where we can control it. He reminded everyone to adhere to the barricades. This information has been placed on the website.

Matt Bonanno, Township Engineer – Mr. Bonanno reported that the contractors are continuing to do their submittals in preparation to start construction. We are working on the structural design to fix the Mansion Road headwalls.

Chairman Abruzzo referred to a forensic review of the hot spots of the flooding. He would like to move forward with a plan identifying some of the troubled spots. Mr. Bonanno said he will begin the process.

Chuck Emerick, Assistant Community Development – Mr. Emerick reported on the property on Hockersville Road. The contract was delivered to the contractor and we anticipate him starting the 5 to 10 days worth of paperwork that is necessary with DEP to get the demolition underway.

Jill Horner – Assistant Township Manager – Ms. Horner reported that next week she will be meeting with a representative from FEMA to review our request for reimbursement of our costs. The majority of those costs are for trash removal and reimbursement for our overtime. We were fortunate enough to have adequate coverage for all of our building restoration.

James N. Negley - Township Manager/Township Treasurer – Mgr. Negley reported that on November 17th, the Industrial Commercial Development Authority (ICDA) settled on the Hockersville Road property. At settlement we received a check for \$1,120,000. That money goes to the ICDA and the ICDA will turn it out and give it to the Township in a week or so. Asst. Manager Horner will put this information on the web site.

APPROVAL OF ACCOUNTS PAYABLE (\$169,665.70) AND PAYROLL (\$277,041.82).

Motion: Supervisor Pagliarulo moved to approve accounts payable in the amount of \$169,665.70 and payroll in the amount of \$277,041.82. Supervisor Ballard seconded. ***The motion carried, 5-Yes 0-No.***

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Ed Peterson – Mr. Peterson referred to pictures he gave to the Board. The pictures show what it looked like on September 7th. He said he is concerned with the huge project right across the street. That land has been for sale ever since the zoning was changed to Economic. It is about 800 feet deep from Grove Street over to Wood Road and is now

eligible for building. The type of building that Economic means is parking lot. Parking lots need some place for the water to go. It is a low point between Wood Road drainage and Grove Street drainage. When they would level the ground for whatever building they do, he is sure the water will have to go that way. The map shows it is floodplain – he is sure they will consider that to be part of the drainage pond. This will be huge because of the amount of area they will have to have and the percentage you have to have. It will be huge like the one in front of the medical center. The person who buys the ground should have to spend to have a drainage system put in.

Chairman Abruzzo said this Board has been very mindful of the stormwater ramifications of any development. If that property would sell, we would make sure the stormwater runoff is accounted for in terms of what they are building and it is an opportunity to get them to fix other areas as part of their plan.

Mr. Peterson said when the state improved Middletown Road it raised the road about 18 inches on the side where it goes into Grove Street. That became the dam that now backs into these people's property. If that road wasn't there, it would over flood the road.

Vice-Chairman Fedeli asked if his area has problems on a night like tonight...rain steady all day. Mr. Peterson said no. The water is saturated and it runs across to the field. The field is like concrete now because of the way they are farming it. The chaff fills up the pipe and then we have the problem into Grove Street.

Carol Crawford – Mrs. Crawford mentioned the ditch at the west end. It has started filling in because of all the debris coming down from the field. Therefore, it is not as deep as it was when it was first constructed which is contributing to the problems.

Charleton Zimmerman, Palmdale – Mr. Zimmerman commented on a piece of ground owned by Hershey Entertainment that is located across from North Lingle. It was changed from Agricultural Conservation to Industrial Classification. The weeds are in excess of six inches (2 feet) and the property should be mowed according to our ordinance. He requested that Mr. Emerick notify them to mow their grass. Mr. Emerick said there is an isolation distance to houses where you can't have grass over 6 inches. He said he would look into this.

Rich Gamble – Mr. Gamble referenced Agenda Items A, B, C and asked if we are going to watch this and collect data and see if this company is going to keep their word and not encourage trucks to go through. Chairman Abruzzo said they have worked as closely as they can with the residents on Lingle Avenue and the developers in regards to the truck traffic and the no left hand turn.

ADJOURNMENT

Supervisor Ballard moved to adjourn the meeting at 8:25. Supervisor Pagliarulo seconded. ***The motion carried, 5-Yes 0-No.***

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary