CALL TO ORDER
The November 9, 2011 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
Marc A. Moyer, Secretary
Todd Pagliarulo

Also Present:
Matt Bonanno, HRG, Township Engineer
Thomas Clark, Director of Public Works
Barbara S. Ellis, Director of Hershey Public Library
Chuck Emerick, Assistant Community Development
Jill Horner, Assistant Township Manager
Matthew J. Mandia, Director of Parks and Recreation
James N. Negley, Township Manager/Township Treasurer
Patrick M. O’Rourke, Chief of Police
Terry M. Weinhold, Manager of Accounts Payable & Accounts Receivable
Jon A. Yost, Township Solicitor
Brenda Van Deursen, Recorder


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.

Visitor and Public Comments:
Mr. Rich Cappelli, 117 West Granada, Hershey – Mr. Capelli presented the Board with a petition from concerned citizens in town regarding home ownership and other things. Chairman Abruzzo understands that some of the homeowners including the Cappelli’s have been meeting with Supervisors Ballard and Pagliarulo to address some of the blight issues that are being raised. He mentioned how helpful the emails are that the Board receives and encourages that to continue. The Board wants to be proactive in addressing these matters.
APPROVAL OF MINUTES:
Chairman Abruzzo called for a motion to approve the Minutes of the October 24, 2011, Board of Supervisors Meeting. Supervisor Ballard made a motion to approve the Minutes as written. Supervisor Pagliarulo seconded. The motion carried, 5-0.

NEW BUSINESS:
A1-2 Follow-up to hearing held June 14, 2011 regarding Zoning Petition No. 2011-01 to amend a portion of the Zoning Map from Agricultural/Conservation to Industrial and the request to amend the Derry Township Comprehensive Plan as filed by LIT Palmyra, L.P., by LIT Holdings GP, LLC, by John Clinton, Vice President.

Chuck Emerick, Assistant Community Development – This item was reviewed at the last meeting and the Board made a request to the applicant regarding left hand turns out of the General Mills facility onto Lingle Avenue.

Gary Frederick, Representative for LIT Palmyra, LP – The applicants were requested by the Board to address the issue of left turns out of the General Mills facility as it relates to our request for rezoning.

Keith Heigel, Light-Heigel & Associates, Engineering and Surveying – Mr. Heigel distributed copies of their presentation. The rezoning request is for a tract of land bounded by a railroad, N. Lingle Avenue on the west, Township line to the east, and around the driveway of the facility.

Mr. Heigel presented the following suggested “barriers” to prohibit left hand turns onto Lingle Avenue for trucks.
- A sign on the opposite side of Lingle Avenue indicating a no left-hand turn and no truck traffic.
- Crash Bar exiting the property discouraging the left hand turn.
- Raised median back into the property to discourage any trucks to ease out to the left with another sign at this point. The raised median stops at the start of Lingle Avenue.
- Left turning lane for cars only with a sign indicating that.
- Second raised barrier is a triangle shape with signs indicating trucks cannot turn left. Lane is only 11 feet wide – point is to keep it narrow.

The applicants would like to enter into agreement with the Township regarding the triangle shape painted lines.

Supervisor Pagliarulo commented that they went above and beyond what was expected. Chairman Abruzzo added that the plan was very responsive to the request from the Board.

Ron Lucas, Counsel – Mr. Lucas said they are proposing to submit an agreement that the applicants will construct a curb up to the right of way, widen the right of way, and the right to paint and maintain the striping. These barriers will be installed as part of their land and development plan when a third building is constructed on the property.

Chairman Abruzzo asked Chief O’Rourke if this proposed plan makes sense. Chief O’Rourke agreed with Supervisor Pagliarulo that they went above and beyond to meet the request of the Board. He believes that it will make surveillance of this area easier. Chairman Abruzzo requested Chuck Emerick to proceed with the advertisement of this amendment.
B1-9  The Preliminary/Final Subdivision Plan for James M. and Barbara Lee Lehman, Plat No. 1206.

Chuck Emerick, Assistant Community Development – This is a lot add on plan to alter the lot configuration of the properties conveying .9 acres from Lehman to Dougherty. This is strictly a changing of lot acreage with no improvements proposed. The Township line goes down through the subdivision marking the line between Conewago Township and Derry Township. Conewago Township has waived their right to approve the plan with the condition that Solicitor Yost see the lot add on the deed.

Mr. Emerick said a plan like this is usually subject to a lot of plan waivers out of our Subdivision and Land Development Ordinance. The first waiver is for a preliminary plan waiver. That waiver is not necessary as in Derry Township we combine the preliminary and the final plan. The other 11 waivers are standard for this type of plan.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Pagliarulo that the Preliminary/Final Subdivision Plan for James M. and Barbara Lee Lehman, Plat No. 1206 is hereby approved subject to the following:

a. That the applicant reimburse the Township for costs incurred in reviewing the plan no later than December 9, 2011.

b. That monuments be installed and inspected or financial security provided no later than May 9, 2012.

c. That the deed of dedication for the right-of-way of Church Road be recorded concurrently with the subdivision plan.

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

a. From Sections 185-12.D.(3).(a).[35] and 185-13.E.(4).(a).[36] regarding providing topographic land contours at two-foot intervals on the tract and within 200 feet (for a preliminary plan) and 50 feet (for a final plan) of the perimeter.


f. From Sections 185-12.D.(3).(a).[9] and 185-13.E.(4).(a).[9] regarding depicting existing features within 200 feet (for a preliminary plan) and 50 feet (for a final plan) of the site.


i. From Section 185-22.D.(3) regarding cartway width of 34 feet.

j. From Section 185-22.E.(5) regarding providing curbing.

k. From Section 185-49 regarding wetlands certification.

l. From Section 185-34.A.(1) regarding providing sidewalks, with the stipulation that the applicants enter into an agreement with the Township which would allow the Township to require the installation of sidewalks in the future if deemed necessary.
Motion carried, 5-0.

C1-16 The Preliminary/Final Land Development Plan for U-GRO Learning Centre, Plat No. 1208.

Chuck Emerick, Assistant Community Development – This is a proposed Day Care Center that is designed to care for 144 children at a maximum capacity. It will occupy land at the Center for Applied Research within that condominium. The Trust will retain the property. At the end of this land development plan, there will need to be a Condominium Unit E created. This entire plan is preferenced with the creation of this tract. Many of the waivers and other consideration the applicants are looking for limits our normal ordinance requirements to within the area of what will become Condominium Unit E. The building itself will have 14,933 square feet plus outdoor play areas. The applicant is seeking waivers to the Subdivision and Land Development regulations.

Discussion: Supervisor Ballard asked about the distance between 322 and the property. Mr. Emerick said there is a buffer area that is mandated by our ordinance and that is one of the reasons why their unit line is so far from 322.

Chairman Abruzzo asked about the stormwater design. Mr. Emerick said the stormwater design is per our December 2010 ordinance. Mr. Bonanno added that it is being designed for a 100 year storm. The water will discharge through a culvert under 322. The retention pond is designed to hold a large amount of water before it goes through the culvert. Mr. Bonanno said with the improvements and stormwater facilities you will see less runoff than you see now. There was discussion regarding the location of the washout area and it was noted that it is farther west.

Vice-Chairman Fedeli asked if this is the third building in the Research Park. It is a third building and there is a fourth building that has been approved but not constructed. Greg Holsinger, President of U-Gro said there is a high demand for quality care. We will be closing our smaller center and relocating it to this location.

Motion: A motion made by Supervisor Ballard and seconded by Vice-Chairman Fedeli that the Preliminary/Final Land Development Plan for U-GRO Learning Centre, Plat No. 1208, is hereby approved subject to the following:
   a. That the applicant reimburse the Township for costs incurred in reviewing the plan no later than December 9, 2011.
   b. That performance security be provided to guarantee the completion of required improvements and the accompanying agreement signed no later than May 9, 2012.
   c. That the Declaration of Condominium be amended to account for Unit E prior to the plans being recorded.
   d. That a letter from the Dauphin County Conservation District approving the erosion and sedimentation control plan be provided no later than May 9, 2012.
   e. That a copy of the NPDES permit be provided no later than May 9, 2012.
   f. That the PADEP approval letter for the sewage facility planning module application mailer request for sewage planning exemption be provided no later than May 9, 2012.
   g. That the seal and signature of the registered surveyor certifying the accuracy of the plan survey be provided on the plans no later than May 9, 2012.
h. That data substantiating minimum fire hydrant flow requirements, flow availability, recharge capabilities, and duration of flow be provided in accordance with Section 185-36 no later than May 9, 2012.

i. That the executed Stormwater Best Management Practices Operation and Maintenance Agreement be provided no later than May 9, 2012.

j. That a copy of the amended Declaration of Condominium demonstrating the creation of Unit E and documenting maintenance responsibility for the building sewer serving the proposed U-Gro facility be provided to the Derry Township Municipal Authority no later than May 9, 2012.

k. That an 8½ x 11 plat and narrative legal description of the sanitary sewer right-of-way be provided to the Derry Township Municipal Authority no later than May 9, 2012. Since Research Boulevard remains a private street, the existing Utility Access Easement must be extended. The Utility Access Agreement will require the submission of the same materials as is required for the sewer right-of-way.

l. That a digital copy (DXF format) of the plans be provided no later than May 9, 2012.

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

a. From Section 185-12A regarding preliminary plan procedures to allow the applicant to file a combination preliminary and final plan.

b. From Sections 185-12.D.(3).[9] and 185-13.E.(4).(a).[9] regarding providing the location of existing physical features within 200’ (for a preliminary plan) and 50’ (for a final plan) of the property.

c. From Sections 185-12.D.(3).[35] and 185-13.E.(4).(a).[36] regarding providing topographic land contours within 200’ (for a preliminary plan) and 50’ (for a final plan) of the property.

d. From Sections 185-13.E.(4).(a).[19], [20], and [21] regarding preparation of profiles for existing utilities within the property.

e. From Section 185-22.E.(5) regarding providing existing streets with curbing.

f. From Section 185-34.A.(1) regarding providing sidewalk within the right-of-way of abutting streets.

g. From Section 185-12.D.(2) to allow the entire property to be shown on one sheet.

Supervisor Pagliarulo abstained from voting. **Motion carried, 4-0-1.**

**D1-6 Consideration of adoption of resolution No. 1308 to make an application for the traffic signal at the intersection of Old West Chocolate Avenue and HersheyPark Drive.**

Chuck Emerick, Assistant Community Development - Select Medical Rehabilitation Facility plan was originally approved subject to installation of a traffic study. PennDOT permitted the installation of a traffic signal prior to the opening of the hospital, but then would require a traffic study be performed six months after the opening. If the results did not warrant a signal, it would have to be removed. This plan was revised to reflect that and also added that traffic studies would be performed each year beginning in 2011 through 2015. The study was done in 2011 and the results warranted a traffic study. They are asking the Township for any new developer contributing to the traffic to reimburse a share of the expense of the signal. The installation of a signal is nearly $200,000. PennDOT requires the Township to adopt a resolution and agree to prepare plans for the installation of the traffic line and to pay for the installation. We have an existing agreement with Select Medical that they will cover those costs.
Supervisor Ballard noticed the operation and maintenance of the signal will be an additional cost to the Township and that it should be factored in our budget. Mr. Emerick said it is not in our budget at this point because we don’t even know if it will be up and operating for 2012. Those costs are a maintenance agreement with people that will maintain the light and the electric for the light. Mr. Clark said that after the first 30-days, there virtually is little to no maintenance for the first year.

**Motion:** A motion made by Supervisor Ballard and seconded by Vice-Chairman Fedeli that adoption of Resolution No. 1308 to make an application for the traffic signal at the intersection of Old West Chocolate Avenue and Hersheypark Drive, is hereby approved. **Motion carried, 5-0.**

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

Chuck Emerick, Assistant Community Development – The Township is holding a Letter of Credit for the improvements of Hill Church Glen Development. This developer approached the Board and some of this security was released in September 2011. The developer told Mr. Emerick that the banks are not releasing money to the developer to pay their employees until they get release from the bond. We may see more and more of these small items so that the contractor is able to pay his employees. HRG completed their inspection and recommends a release of security in the amount of $18,652.42.

**Motion:** A motion made by Supervisor Ballard and seconded by Supervisor Pagliarulo That the Township hereby releases $18,652.42 from the performance security, held as Susquehanna Bank Letter of Credit #10009310961 for the Preliminary/Final Subdivision Plan for Hill Church Glen, Plat No. 1175, leaving a balance of $229,720.21, is hereby approved. **Motion carried, 5-0.**

**F1-4  Consideration of a reduction of the performance security for the Preliminary/Final Land Development Plan for The Goddard School, Plat No. 1202.**

Chuck Emerick, Assistant Community Development – The Goddard School has completed most of their construction leaving only few items to be done. They were hoping to have everything done for HRG to sign off on all of the improvements at this site. HRG inspected the area and recommended $47,834.08 be released which will leave a 10% balance of the original amount which is the lowest balance that can be carried before a full release under the Township regulations.

**Motion:** A motion made by Supervisor Ballard and seconded by Chairman Abruzzo that the Township hereby releases $47,834.08 from the performance security provided as Graystone Bank Letter of Credit No. 1010551 in the current amount of $53,148.98 for the Preliminary/Final Land Development Plan for The Goddard School, Plat No. 1202, leaving a new balance of $5,314.90, is hereby approved. **Motion carried, 5-0.**

**G1-3  Consideration of a release of performance security for the Preliminary/Final Subdivision Plan for Hills Property, Plat No. 1165.**
**Chuck Emerick, Assistant Community Development** – We are down to 10% that can be held. The last of the items have been completed. HRG recommends releasing the final amount.

**Motion**: A motion made by Vice-Chairman Fedeli and seconded by Supervisor Pagliarulo that the Township hereby releases the remaining balance of $1,923.43 from Grystone Bank Letter of Credit No. 1006252, which has been provided as performance security for the Preliminary/Final Subdivision Plan for Hills Property, Plat No. 1165, is hereby approved. **Motion carried, 5-0.**

**H1 Request from the Hershey’s New Year’s Eve Celebration Committee to hold the Seventh Annual New Year’s Eve Celebration in the Square of Hershey on December 31, 2011. It will continue for an hour or so into January 1, 2012.**

**Patrick M. O’Rourke, Chief of Police** – The 7th Annual Hershey New Year’s Eve Celebration will be held at the Square of Hershey. It will require the closure of SR0743 and SR0422. The event will involve some overtime (amount not yet determined) for the Police Department.

**Motion**: A motion made by Supervisor Ballard and seconded by Supervisor Pagliarulo that the request to hold the Seventh Annual New Year’s Eve Celebration in the Square of Hershey on December 31, 2011, along with the associated road closings, is hereby approved. **Motion carried, 5-0.**

**I1 Permission to hold fireworks display for the Seventh Annual New Year’s Eve Celebration.**

**Motion**: A motion made by Supervisor Pagliarulo and seconded by Supervisor Ballard that permission for the Community Celebration Committee to stage a fireworks display at 12:01 AM, January 1, 2012, is hereby approved. **Motion carried, 5-0.**

**J1-4 Adoption of Resolution No. 1318, authorizing the Township of Derry Police Department to establish fees for certain services and material provided to organizations and individuals for uses, which are not of a general benefit to the community.**

**Patrick M. O’Rourke, Chief of Police** – Due to the increasing supply, material, and labor costs over the span of the past 13 years, fee increases are recommended to offset expenses in a fair manner. These increased fees are based upon comparable fees established in similar municipalities. Derry Township should expect an increase in revenue due to the increased fees with minimal to no associated expense.

**Motion**: A motion made by Chairman Abruzzo and seconded by Supervisor Pagliarulo that adoption of Resolution No. 1318, authorizing the Township of Derry Police Department to establish fees for certain services and material provided to organizations and individuals for uses, which are not of a general benefit to the community, is hereby approved. **Motion carried, 5-0.**

**CORRESPONDENCE** – No correspondence to report.
**BOARD/COMMITTEE INFORMATION**

**Supervisor Ballard** - On behalf of the Comprehensive Update Committee, Supervisor Ballard asked Chairman Abruzzo to draw another name for the Committee Survey raffle. The winner for a gift certificate to Houlihan’s Restaurant is Deborah Boltz.

**Vice-Chairman Fedeli** commented on the celebration held at the library for the new improvements. It was a quality event and enjoyed by many from the community.

**Supervisor Pagliarulo** reported that he and Supervisor Ballard, Tony Clements from the Police Department, and Chuck Emerick met with a group of citizens from Granada and Linden to address their issues.

**Chairman Abruzzo** reported that he will appear with members of the Fire Department and Select Medical for a presentation to the Dauphin County Gaming Committee for gaming grant money. If received, the grant money for the Fire Department will be used for the second truck and for Select Medical it will be used towards the traffic signal.

**REPORTS**

**Patrick M. O’Rourke, Chief of Police** - Trick or Treat Night was a huge success with no issues. Tomorrow he will hold a meeting with his command staff to discuss expansion of some of their community policing initiatives.

**Thomas Clark, Director of Public Works** – Mr. Clark reported they continue to pick up leaves and are trying to stay on schedule. They also have two crews picking up brush as a result of the snow storm a few weekends ago. It is going rather slow because most of the crew is dedicated to leaf collection. Chairman Abruzzo asked what we could do to make people aware of the fact that we will pick up the brush, but it will take a little time. It was noted that that information is on the web site. Mr. Clark said we should have the majority done by the end of next week.

**Barbara Ellis, Hershey Public Library** – Ms. Ellis said they had a great turnout on Sunday for their Rediscover Hershey Public Library with approximately 400 people. They honored Isabella Lescanec, their benefactor who left the library life insurance policies, which paid for the renovations. They also honored Jack Dowd who many years ago was the first President of Friends of the Library. Part of the renovation included a memorial fund after his death, which also helped pay for the renovations.

**Terry M. Weinhold, Manager of Accounts Payable & Accounts Receivable** – Ms. Weinhold reported they received a little over $213,000 from the insurance company as a result of Tropical Storm Lee. In tonight’s Accounts Payable amount there is roughly $154,000 for expenses. To-date we have spent approximately $360,000.

**Matthew J. Mandia, Director of Parks and Recreation** – Mr. Mandia thanked the Chairman and the rest of the Board for their continued support of the Annual Halloween Parade. They had great weather and a large turnout. He also thanked Public Works and the Police Department for all their assistance before, during and after the parade. Mr. Mandia recognized the Hershey Volunteer Fire Company for their personnel and equipment. He also recognized The Hershey Company for their generous donation of candy and the use of their East employee lot. Chairman Abruzzo commented on what a great job Matt and his department did on this event and all the hours of planning.
Matt Bonanno, Township Engineer – Mr. Bonanno had no update.

Supervisor Ballard asked about Lingle Avenue. Tom Clark reported that Lingle Avenue should be opened sometime next week. This information is on the website. Vice Chairman Fedeli asked how soon it would be before the signs go back up. Mr. Clark will be in contact with PennDOT.

Chairman Abruzzo mentioned a resident complaint that was received regarding the road. The way it was being grated/paved may have caused some pulling on his property. Mr. Clark said that was to be looked at Monday by the contractor and the engineers on-site, but he has not heard anything. Chairman Abruzzo asked Mr. Clark to report on the resolution at the next meeting. Mr. Emerick said that he discussed with Mr. Clark about releasing the names of the responsible parties to our citizens in the neighborhood because this isn’t a Township project. Supervisor Ballard said they gave the neighbors the contact information. Mr. Clark said there have been changes to the contact information and he will provide that update to them.

Chuck Emerick, Assistant Director – Mr. Emerick said our last deadline for Mr. Petrino was October 7th. It has taken about 30 days to get quotes for the demolition for the dangerous portion of the structure, the front and back porches. We finally have a second cost on a contractor doing the demolition. BWB, Inc. is a demolition specialist and their cost was $5,570 to remove the front and rear porch and to board the building back up to be water tight. Their price did not include the asbestos remediation. PCS was willing to do this for them or pick up the entire project. If they would do the asbestos for BWB, the cost would be an additional $2,000 bringing the total cost to $7,500. If they would do the entire project on their own, the project cost for the selected demolition, boarding up, and asbestos removal would be $5,356. This is in addition to DEP permitting that is necessary for the asbestos removal which he did not have a price on.

Mr. Emerick met with and toured inside the structure with Mr. Petrino on Monday and he gave Mr. Emerick a tour. He confirmed that the roof leaks, the floors feel sound, and there are cracks in the foundation of both porches.

There was also an issue with the red brick house. It was not structurally unsound, but did have some broken windows. A letter was given to Mr. Petrino regarding that. It has been taken care of.

Mr. Emerick asked that any motion to demolition would be conditioned on a final meeting with Solicitor Yost and himself to know that what we are doing is the right action and we are legally protected. The property maintenance code indicates that when a code officer finds a dangerous structure, their first responsibility is to notify the owner for demolition and their second responsibility is to demolish the structure. At this point, any action with the District Justice would only delay the removal of the dangerous structure.

Mr. Gilbert Petrino, 1937 Deodate Road – Mr. Petrino stated that he put $5,000 into his property over the last two months. His demolition contractor has been working at it, but has been slowed down by the rain and all the demolition work from the flood. He is ready to demolish the back porch, the asbestos is down, and the second dumpster is ready. It is a non-residential building in a commercial area where two other hotels will be in demolition in the next several months.
Chairman Abruzzo asked for Mr. Emerick’s recommendation. Mr. Emerick said it would be cheaper for the Township to have the owner take care of the problem. The owner has taken some action, but we are unable to get an end date. It is determined to be dangerous and we should act. It was also noted that any costs incurred by the Township will result in a lien to the property until the costs are paid.

After further discussion, it was decided by the Board to proceed with the demolition and provide Mr. Petrino with a timeline. If he can get it done before the Township does that is fine.

**James N. Negley, Township Manager/Township Treasurer** – Manager Negley reported the Township held their budget hearing on November 3rd. At the conclusion of the budget hearing, we rescheduled the meeting for December 1st. There is a scheduling conflict and the meeting will now be held on Tuesday, November 29, 2011 at 5:30 p.m. This information will be on the website.

**APPROVAL OF ACCOUNTS PAYABLE ($542,371.87) AND PAYROLL ($277,432.59).** Supervisor Pagliarulo moved to approve accounts payable in the amount of $542,371.87 and payroll in the amount of $277,432.59. Vice-Chairman Fedeli seconded. The motion carried, 5-0.

**VISITOR/PUBLIC COMMENTS**

**Richard Gamble** – Mr. Gamble commented on Select Medical’s request for other companies in the area to assist with costs for the traffic signal. He suggested considering that High Meadows Campgrounds assist with the costs. Mr. Emerick said the agreement between Select Medical and the Township only addressed new development because this intersection did not meet traffic light warrants prior to the installation of the Select Medical facility.

Chairman Abruzzo acknowledged three Boy Scouts who came forward and introduced themselves. They were all from Troop 203 and working on their Citizenship and Community badge: Pierce Wagler, Liam Wagler, and Miles Wagler.

Chairman Abruzzo recognized Derry Township Supervisor-elect, John Foley. We are looking forward to having him on the Board.

**ADJOURNMENT**

Supervisor Ballard moved to adjourn the meeting at 8:30. Supervisor Moyer seconded.

SUBMITTED BY:

________________________________________  __________________________
Marc A. Moyer                            Brenda Van Deursen
Township Secretary                       Recording Secretary