

TOWNSHIP OF DERRY

BOARD OF SUPERVISORS MEETING

Monday, October 25, 2010
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The October 25, 2010 Township of Derry Board of Supervisors meeting was called to order at 7:05 p.m. by Chairman E. Christopher Abruzzo.

ROLL CALL- All 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
Charles W. Emerick – Assistant Director of Community Development
Jill E. 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
Donna Small –Hershey Public Library
Edward L. Small – Director of Community Development
William D. Smith – Chief of Police
Jon A. Yost - Township Solicitor
Brenda Van Deursen - Recorder

Public Present: Elvira Ebling, Matt Weir, Jan Weir, Ed Uravic, Catherine Hoover, Jack Raudenbush, Dan Sheffey

Press Present: Drew Weidman, The Sun

Executive Session:

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

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

VISITOR/PUBLIC COMMENT:

No one came forward.

APPROVAL OF MINUTES:

Chairman Abruzzo called for a motion to approve the Minutes of the October 12, 2010 Public Hearing. Supervisor Ballard made a motion to approve the Minutes as written. Supervisor Ballard seconded. ***The motion carried 5-0.***

Chairman Abruzzo called for a motion to approve the Minutes of the October 12, 2010 Board of Supervisors Meeting. Supervisor Ballard made a motion to approve the Minutes with one correction to the EAC presentation. Supervisor Pagliarulo seconded. ***The motion carried 5-0.***

NEW BUSINESS:

A1-12 The Preliminary/Final Land Development Plan and Lot Consolidation Plan for 1601, 1603, 1609, 1611 East Chocolate Avenue, Plat No. 1198.

Charles W. Emerick – Assistant Director of Community Development -

The plan is submitted to combine 4 tracts of land and commercially develop the property. The property is located at the northeast corner of the intersection of Howard Avenue and East Chocolate Avenue, in the Palmdale section of Derry Township. Each of the 4 properties has residentially-used structures. The intent of the applicant is to demolish the existing structures and develop a 6,760 square foot commercial office building. Parking meets the one space/200 feet as required. Waivers are requested for profiles of existing utility systems, location of proposed sidewalks, elevation of sidewalks, markers, and right of way and cartway width. 48 comments submitted were addressed.

Discussion: There was discussion regarding sidewalks and the distance between the sidewalk and the road.

Motion: A motion made by Supervisor Pagliarulo and seconded by Supervisor Moyer that the Preliminary/Final Land Development and Lot Consolidation Plan for 1601, 1603, 1609, 1611 East Chocolate Avenue, Plat #1198, is approved subject to the following:

- a. That the applicant reimburse the Township for costs incurred in reviewing the plan no later than November 25, 2010.
- b. That performance security be provided no later than April 25, 2011 to guarantee the completion of required improvements.
- c. That a letter be received from the Dauphin County Conservation District no later than April 25, 2011 approving the erosion and sedimentation control plan.
- d. That plans be provided to the Township no later than April 25, 2011 relating to the proposed PennDOT improvements.

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

- a. From Section 185-12.D.(3).(a).[21], [22], and [23] and 185-13.E.(4).(a).[19], [20], and [21] regarding profiles of existing utility systems.
- b. From Section 185-34.A.(1) regarding the location of proposed sidewalks inside of right-of-way along the East Chocolate Avenue frontage, as long as no additional right-of-way is required.
- c. From Section 185-34.A.(2) regarding elevation of sidewalks in relationship to adjacent curb.
- d. From Section 185-18.H. regarding required material for markers at all property corners that do not require a concrete monument, to allow another suitable marker to be placed at the corners like an "X" scored in concrete, a railroad spike, Mag nail, etc.

- e. From Section 185-22.D.(3) regarding dedication of additional right-of-way and cartway width along East Chocolate Avenue, Howard Avenue, and Harding Avenue.

The motion carried, 5-0.

B1-11 Consideration of the adoption of a decision in the case of Conditional Use Request No. 2010-01, as filed by The Hershey Trust Company, Trustee for Milton Hershey School.

Edward L. Small – Director of Community Development

This conditional use request was heard at a public hearing on October 12th. The unique building mechanism is being used for the building known as Glenview located at 10 Boathouse Road. This building will change to four apartment-style units to be used in the short-term for employees of the school. No changes will be made to the existing footprint.

Motion: A motion made by Vice-Chairman Fedeli and seconded by Supervisor Ballard that Conditional Use Decision No. 2010-01, is hereby adopted. Supervisor Pagliarulo abstained due to a conflict of interest. ***The motion carried, 4-0-1.***

C1-11 Consideration of the adoption of a decision in the case of Conditional Use Request No. 2010-02, as filed by The Hershey Trust Company, Trustee for Milton Hershey School.

Edward L. Small – Director of Community Development

This conditional use request was also heard at a public hearing on October 12th. The unique building mechanism is being used for the building known as Vian located at 1880 Fishburn Road. This building will be converted to six apartment-style units to be used in the short-term for employees of the school. No changes will be made to the existing footprint.

Motion: A motion made by Supervisor Ballard and seconded by Vice-Chairman Fedeli that Conditional Use Decision No. 2010-02, is hereby adopted. Supervisor Pagliarulo abstained due to a conflict of interest. ***The motion carried, 4-0-1.***

D1-5 Consideration of adoption of Ordinance No. 600 amending the Code of the Township of Derry to change the zoning classification of certain land adjacent to Penn State Hershey Medical Center property, east of Appenzell Drive.

Edward L. Small – Director of Community Development

Ordinance No. 600 was heard at a public hearing on September 28th. It is an area of 6.664 acres mostly wooded and has no improvements. It currently has a Suburban Residential zoning classification and is being requested to change to Medical Campus (MC). The Dauphin County Planning Commission supports the amendment because it is unsuitable for future MC development and will stay undisturbed.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Pagliarulo that Ordinance No. 600 amending the Code of the Township of Derry to change the zoning classification of certain land adjacent to Penn State Hershey Medical Center property, east of Appenzell Drive, is hereby adopted. ***The motion carried, 5-0.***

E1-4 Consideration of a partial release of performance security for the Preliminary/Final Subdivision Plan for Hills Property, Plat #1165.

Edward L. Small – Director of Community Development – This is a routine request for partial release of performance security. HRG inspected the area and found \$11,934.65 of

improvements completed.

Motion: A motion made by Vice-Chairman Fedeli and seconded by Chairman Abruzzo that the Township hereby releases \$11,934.65 from Letter of Credit No. 1006252 in the current amount of \$13,858.08 from Graystone Bank for the Preliminary/Final Subdivision Plan for Hills Property, Plat #1165, leaving a balance of \$1,923.43, is hereby approved. ***The motion carried, 5-0.***

F1-5 Permission to hold fireworks display at the Outlets at Hershey between 11:40 PM, Thursday, November 25 and 12:00 AM, Friday, November 26, 2010.

James N. Negley - Township Manager/Township Treasurer – The Outlets of Hershey requested permission to hold a fireworks display for its Midnight Madness Event on Black Friday, November 26, 2010. A Certificate of Insurance to the Township naming the Township of Derry as an additional insured has been received.

Motion: A motion made by Supervisor Pagliarulo and seconded by Supervisor Moyer that permission to hold a fireworks display at the Outlets of Hershey between 11:40 PM and 12:00 AM, Friday, November 26, 2010, is hereby approved. ***The motion carried, 5-0.***

CORRESPONDENCE

No correspondence to report.

BOARD/COMMITTEE INFORMATION

Supervisor Ballard reported they began the process to update the Comprehensive Plan for 2011. The plan will include Smart Growth Principles to help provide context and direction. She reported the state funds to update comprehensive plans has dried up and they will need to look into other funding. Chairman Abruzzo recalled giving direction for the Committee to make recommendations to the Board and they would decide if we should proceed. Without a funding source, it is not something he would recommend we pay for.

REPORTS

William D. Smith – Chief of Police – Chief Smith reported on Saturday they used the mobile command center for a leak that occurred in Hanover Township.

Supervisor Ballard thanked Tom Clark and PennDOT for removing all the excessive No Parking signs.

Donna Small – Hershey Public Library – Mrs. Small thanked the Board for allowing the library to be closed so the staff could attend a conference.

Matt Mandia, Director of Parks and Recreation – Mr. Mandia reminded everyone of the Halloween Parade on Tuesday, October 26th at 7:30 PM. They will be following the same route as last year.

Matt Bonanno, HRG Engineer – Chairman Abruzzo asked Mr. Bonanno for an update regarding the easements related to the Med Center and the School District. Matt said they are dealing with the solicitor for the School District and an attorney with the Med Center. Chairman Abruzzo said that he and Ms. Fedeli will push hard at their meetings and encounters with the School District and Med Center to get the easements completed.

Jill E. Horner – Assistant Township Manager – The Township newsletter will go out the week before Thanksgiving. Chairman Abruzzo suggested dedicating a page for recycling information in the next newsletter.

James N. Negley - Township Manager/Township Treasurer – Manager Negley announced the 2011 Township Budget is available for view at the Municipal Building, Library and on the website.

Chairman Abruzzo thanked Elvira Ebling for her part with the Women League of Voters and Meet the Candidates night. He also thanked the staff for helping make this happen.

APPROVAL OF ACCOUNTS PAYABLE (\$168,567.69) AND PAYROLL (\$297,295.29).

Supervisor Ballard moved to approve accounts payable in the amount of \$168,567.69 and payroll in the amount of \$297,295.29. Supervisor Pagliarulo seconded. ***The motion carried, 5-0.***

VISITOR/PUBLIC COMMENTS

No one came forward.

ADJOURNMENT

Supervisor Ballard moved to adjourn the meeting at 7:50 p.m. Vice-Chairman Fedeli seconded. ***The motion carried, 5-0.***

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary