

TOWNSHIP OF DERRY

BOARD OF SUPERVISORS MEETING

Tuesday, September 28, 2010
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The September 28, 2010 Township of Derry Board of Supervisors meeting was called to order at 7:05 p.m. by Chairman E. Christopher Abruzzo.

Prior to roll call, Chairman Abruzzo welcomed Todd Pagliarulo, the newest member to the Board of Supervisors. Mr. Pagliarulo was appointed by the Board at the last meeting.

ROLL CALL

E. Christopher Abruzzo, Chairman
Sandy A. Ballard
Kelly C. Fedeli, Secretary
Marc A. Moyer
Todd Pagliarulo

Absent at time of Roll Call: Kelly C. Fedeli

Reorganization of the Board of Supervisors:

Supervisor Pagliarulo made a motion to nominate the following officers for the Derry Township Board of Supervisors: E. Christopher Abruzzo, Chairman, Kelly C. Fedeli, Vice-Chairman, Marc A. Moyer, Secretary, and James N. Negley, Assistant Secretary/Treasurer. Supervisor Ballard seconded. ***The Motion carried, 4-0.***

Also Present:

Matt Bonanno – HRG, Township Engineer
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
Robert Piccolo – Assistant Director of Public Works
Donna Small - Hershey Public Library
Edward L. Small – Director of Community Development
William D. Smith – Chief of Police
Scott Stein – President, Fire Company
Jon A. Yost - Township Solicitor
Brenda Van Deursen - Recorder

Public Present: Corrine Rauchut, Glenn Rauchut, Brad Kiscadden, Nancy Kiscadden, Elvira Ebling, Jim Ingalzo, Leah Lewis, Howard Lewis, Dave Stough, Brian T. Evans, Ed Uravic, Matt Weir, Jon Sheppard, Mitchell Gruver, Craig Smith, Charleton Zimmerman

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:

Charleton Zimmerman, 1300 Block, Derry Road, SR2012, Derry Church, Palmdale – Mr. Zimmerman distributed a copy of a letter to the Board from the Tax Assessment Officer, Steve Howell. This letter was in response to his meeting with Mr. Hartwick and Mr. Howell on August 16th regarding six properties on Lingle Avenue. He referenced the part of the letter stating the six properties were taken primarily for the warehouses of Hershey Chocolate. The six properties are now going to be taken off the tax role; therefore, no taxes will be paid primarily the school tax.

Mr. Zimmerman mentioned the presales agreement with Mr. Patt regarding the old Municipal Building. He heard rumors that the agreement was denied and Mr. Patt was talking about suing the Township for expenses he incurred. Mr. Zimmerman said it was settled out of court and the public was not told about it. He referred to the Township's liability insurance report indicating a quarter of a million dollars was pulled out of the principal and he assumed it was for a settlement out of court with Mr. Patt.

Manager Negley clarified that the quarter of a million dollars is for pending lawsuits that we have against us, which is not related anyway to Mr. Patt. There has been absolutely no settlement to Mr. Patt. He walked away from the deal and we have not heard from him since.

Leah Lewis, 66 E. Areba Avenue – At the September 14th Board meeting, Mrs. Lewis asked the Board to look into the parking situation behind her house, especially with the football and soccer parents. The Chief was directed by the Board to look into it. She inquired about the status. She also asked for an update on the 743 construction project.

Chief Smith reported the 4th Street alley is still under review. Chairman Abruzzo said that they would contact Ms. Lewis directly as soon as they have an answer.

Manager Negley reported a contractor has been selected for the 743 Project. The bid was awarded to Trumbell out of Pittsburgh. They will be doing site work soon and construction should begin in the next few months.

APPROVAL OF MINUTES:

Chairman Abruzzo called for a motion to approve the Minutes of the September 8, 2010 Board of Supervisors Special Meeting. Supervisor Ballard made a motion to approve the Minutes as written. Chairman Abruzzo seconded. Supervisor Pagliarulo abstained as he was not at the meeting. ***The motion carried 3-0-1.***

Chairman Abruzzo called for a motion to approve the Minutes of the September 14, 2010 Board of Supervisors Meeting. Supervisor Ballard requested a sentence be added for clarification regarding a one-way street on Linden Avenue. Supervisor Ballard made a motion

to approve the Minutes with the correction. Supervisor Moyer seconded. Supervisor Pagliarulo abstained as he was not at the meeting. ***The motion carried 3-0-1.***

NEW BUSINESS:

A1-19 The Preliminary/Final Subdivision and Land Development Plan for the West Hershey Facility Plant Expansion, Plat No. 1199.

Edward L. Small – Director of Community Development

The Hershey Company's project will involve an expansion of the West Hershey Plant. The subdivision part of the plan involves two parcels of land. The first parcel is 194.41 acres and contains the existing plant. The second parcel of 60.01 acres is known as the Quarry Tract. The subdivision entails moving 8.18 acres from the Quarry Tract over to the first parcel for the plant. The summary of the subdivision features of the plan is that the parking lot will be on the same lot as the manufacturing plant, the right of way widths of Old West Chocolate Avenue and Hockersville Road will become conforming, and the Quarry Tract will become subdivided using this natural boundary.

The land development part of the plan involves the expansion of the plant floor area to approximately 243,800 square feet and offers efficiencies that were not possible in the downtown plant. There will be a relocated truck parking area, an enlarged automobile parking lot with a total of 655 spaces, and new driveway access from Hersheypark Drive that will meet the Township's driveway on Clearwater Road. There will also be considerable stormwater collection and conveyance. The design also contains incentives such as regular spaces for high efficiency vehicles and carpooling vehicles at convenient locations on the lot. The plant will support about 1,100-1,200 workers.

The major change in the internal traffic pattern will involve the new access driveway. The driveway will not be a Township road and will have security about 950 feet down the driveway in the form of a manned guard shack. All traffic including truck deliveries and employees would be encouraged to use Hersheypark Drive as the primary access to the plant.

A traffic impact study looked at the scoping of the study area and ended with the design of Hershey's portion of the intersection as a high volume driveway. During the study, PennDOT approved an application for a construction entrance at this same location. The traffic study is under review currently; however, the project will be able to begin because a permit has already been issued to create this as a construction entrance. The Police Department has been consulted. They find no issues and believe that the proposals meet the intent of this plant.

A wetlands investigation of 138 acres was conducted and a report was provided. Two areas of wetlands were identified and each was not in excess of .01 acres and both are outside the limit of disturbance in this project. HRG conducted the same study and concluded there are no wetlands within any area to be disturbed.

A petition filed with the Zoning Hearing Board was granted to permit the disturbance of certain environmentally sensitive areas. Among those the only criteria affected were the areas in excess of 20% slopes. The installations approved in this area were a stormwater detention basin and the entrance driveway.

Mr. Small reviewed the nine waivers requested. One of the waivers dealt with the requirement to provide either the sewage planning module or the request for a sewage planning exemption. Community Development is in receipt of an exemption from planning from DEP as well as one other feature dealing with the manned guard shack and the proposal to install a holding tank there. Copies of the haulers will be provided so we will know who will be doing the servicing of the holding tanks.

Discussion: Supervisor Ballard noted there is no waiver of the required 10% interior parking facilities in terms of vegetative areas as well as one tree for every 8 parking spaces. She asked if these requirements were followed in both the truck and the employee parking areas. Brian Evans, Evans Engineering, replied that there are no trees internal on what they call the truck storage area. It is not really a truck parking lot. It is a gravel area for service vehicles of companies that are constantly working on the facility and for trailer storage and supplies. He also shared they have over planted this site as far as trees and shrubs well beyond the Township's rules and regulation requirements. They complied fully and then some with the requirements in the automobile parking area and excess landscaping elsewhere on the site. He said everything they are trying to do is for Lead Compliance.

Supervisor Ballard asked about an inclusion of a bike path for those employees who may want to bike to and from work. Mr. Evans said he would pass her suggestion on to Hershey to consider. He mentioned the employees would have to go through the guard shack area off Hersheypark Drive. Mr. Evans said the roads off of Hersheypark Drive are actually much wider to provide adequate space for pedestrians and bikes in that area. Supervisor Ballard suggested striping the area.

Motion: A motion made by Chairman Abruzzo and seconded by Supervisor Ballard that the Preliminary/Final Subdivision and Land Development Plan for the West Hershey Facility Plant Expansion, Plat #1199, is approved subject to the following:

- a. That the applicant reimburse the Township for costs incurred in reviewing the plan no later than October 28, 2010.
- b. That performance security be provided no later than March 28, 2011 to guarantee the completion of required improvements.
- c. That a copy of the NPDES permit be provided no later than March 28, 2011.
- d. That a letter be provided from the Dauphin County Conservation District approving the erosion and sedimentation control plan no later than March 28, 2011.

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

- a. From Section 185-12.D.(2) and 185-13.E.(3) regarding plan scale for the overall plan sheets only.
- b. From Section 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[17] regarding metes and bounds of existing street right-of-way, centerlines, and easements.
- c. From Section 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding existing stormwater profiles.
- d. From Section 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding existing sanitary profiles.

- e. From Section 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding existing utility profiles.
- f. From Section 185-22.E.(5) regarding the installation of curbing.
- g. From Section 185-34 regarding the installation of sidewalks, walkways, and bicycle paths.
- h. From Section 185-43.J.(6) regarding the traffic impact study horizon year.
- i. From Section 185-13.E.(5).(b) regarding the requirement to provide either the sewage planning module or the request for sewage planning exemption.

The motion is hereby approved. Supervisor Pagliarulo abstained due to a conflict of interest.
The motion carried, 3-0-1.

B1-11 The Phase 2 Final Land Development Plan for Southpoint Meadows 2, Plat No. 1197.

Edward L. Small – Director of Community Development

This plan is the last phase being developed as Southpoint Meadows 2. The streets in question are Jo Ann Avenue, Locust and Southpoint Commons. In this phase, 36 single family dwellings will be constructed on an approximate area of 14 acres. The phase will continue the pattern as started as a condominium-style development. They are single dwellings but are going to be organized as a condominium. There will be a total of 70 units, 36 in this phase and 34 in the previous phase. The Township will not be maintaining nor owning those roads.

At the request of the fire department, there will be a name change from Greystone Drive to Powder Horn Drive. This is due to there being a similar sounding street in Hummelstown Borough and possible confusion should there be an incident they need to respond to.

The developer has paid the fee in lieu of dedication of parkland for all of the units with the first phase. All notational issues raised by staff or HRG have been addressed.

At the August 3, 2010 Planning Commission meeting, the motion to recommend rejection of the plan resulted in a 2-2 tie in a vote. There was no formal recommendation. All comments received from DTMA, HRG, and staff were treated as though they would have been part of a motion. There was no objection to making changes based on those comments. The Planning Commission asked that the Board to continue to investigate the feasibility of a connector road between Jo Ann Avenue and Locust to facilitate access to the signalized intersection at Kaylor Road and Middletown Road.

Discussion: Chairman Abruzzo clarified with Mr. Small that we don't really have good grounds to reject the plan based on the traffic issue. Mr. Small said if this was the first time any plan for this area was being discussed it would warrant more discussion. But a preliminary plan was recorded that shows this very same layout. Mr. Small said there was a traffic study conducted and it indicated they had anticipated for a full build out in 2012. They also had a 2022 design year projection that indicated the Township could consider limiting left turns from Jo Ann on to Middletown Road in times of peak hours.

Supervisor Pagliarulo asked about fire protection with reference to hydrants. Craig Smith, RGS Associates, said they did propose the fire hydrants in the streets as part of the public water and street system. Supervisor Pagliarulo asked if he reviewed it with the fire chief. Mr. Smith said they did with the preliminary plan. Mr. Small said he has seen the plans with the

hydrants located on them. He did some of his own scaling and was satisfied that the maximums were not exceeded.

Supervisor Pagliarulo asked if an engine can get in and turn around without any problems. Mr. Smith said the cul de sac was designed per the public streets standards.

Supervisor Ballard mentioned the traffic study that was done in October of 2006. Given all the concerns with the traffic in that area, she asked if there would be a need for an updated study. Mr. Small said an updated traffic study could be warranted if there were conditions that would not have been known at that time. However, phases of the developments would have been known and would have been factored in since they went out as far as 2022 with some of their design. Mr. Smith agreed.

Supervisor Ballard said that at the Planning Commission meeting, there were some neighbors who expressed concerns regarding flooding, mosquitoes, etc. She asked if they had a chance to talk to the neighbors further on these concerns. Mr. Smith said they did. The concerns were at the stormwater basin. He explained the basin was in a form of a sediment basin for construction and it was larger than the ultimate standard basin would be. Since that time it has been back filled and a sediment trap was installed to account for some earthwork that was happening in the center of the sight. They needed to do that to satisfy the conservation district to prevent sediment run off. The issue with standing water in the corner has been addressed and converted to the permanent condition.

Chairman Abruzzo noted from the Planning Commission meeting that there are some legitimate questions from neighbors in that area about getting out of the development on to Middletown Road. One of the proposed suggestions by the Planning Commission was the development of what is now a private access way between Jo Ann and Locust and the potential it might be adopted/owned by the Township and turned into a street to allow for better access. Mr. Small said there has been some discussion about an area as to who actually owns it. If there were to be any progress at all in that direction, we would have to find out who owned it. Chairman Abruzzo said we are exploring this possibility as a way of helping mitigate that situation and hopefully will address some of the concerns brought up at the Planning Commission meeting. Mr. Small said he doesn't believe the Planning Commission was against the plan across the board, but wanted to draw some focus to the traffic concern. Supervisor Moyer said one of the issues is going to be if the access between Jo Ann and Locust is feasible. Making a left hand turn off of Jo Ann on to Middletown Road has been discussed a great deal locally. He appreciates the Committee's consideration of the issue.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Pagliarulo that the Phase 2 Final Land Development Plan for Southpoint Meadows 2, Plat #1197, is approved subject to the following:

- a. That the applicant reimburse the Township for costs incurred in reviewing the plan no later than October 28, 2010.
- b. That performance security be provided no later than March 28, 2011 to guarantee the completion of required improvements.
- c. That an explanatory note be added, no later than March 28, 2011, to the Existing Conditions sheet near the old name of Greystone Drive to draw attention to the pending change.

The motion carried, 4-0.

C1-6 The Third Revised Preliminary/Final Land Development Plan for Deer Run Commons, Plat No. 1201.

Edward L. Small – Director of Community Development

This is the third revision of the Deer Run Commons plan. It was initially filed having a total of 117 units. The first revision was for 44 additional apartment units, the second revision proposed 10 more townhouses, and this revision to the plan proposes two more apartment units for a total of 173 units. These two units are where the demolition took place as a result of a fire. The benefit in changing basically the same footprints to dwellings of smaller size had a favorable impact on the impervious coverage and stormwater management facilities. This probably will be the last time to see a plan because there is very little room to move from the densities that are almost maximized by the current layout. We have received updated capacity approvals for the sewage flows and public water for the two units. The only other change is that the fee in lieu of parkland dedication will have to be supplemented by the amount to account for the additional persons in two dwelling units.

Discussion: Supervisor Ballard noted this is pretty much the same plan that the Board of Supervisors reviewed and approved February 23, 2010 with the change due to the burnt out building construction. Mr. Small said that was correct. Supervisor Ballard asked about the distance from the back of the houses to Swatara Creek. Mr. Smith said from the proposed buildings to the creek is approximately 100 feet. Supervisor Ballard said our ordinances require the 100 feet landward and parallel to the normal waterline of the Derry Township side of the Swatara Creek or the 100 year flood way line of the Swatara Creek, whichever is the greater distance. Mr. Smith said this was looked at as part of the preliminary plan. Supervisor Ballard said by dedicating it to the Township you also wouldn't be paying tax on it. Mr. Smith said the whole purpose of that was to continue the greenway buffer along the creek. Mr. Small said he recently learned that any land held in common as a Homeowners Association is automatically exempt from taxes. Solicitor Yost clarified that it is not technically exempt from taxes because it is included in the value of the individual units. So theoretically, the individual units are already paying taxes on that amount.

Supervisor Ballard said people care very much about promoting and protecting the greenway and the more we can do the better it will be for stormwater runoff for everyone. If something happens to that land it is also the Township's responsibility. Mr. Smith said if it stays in the Homeowners Association then it is private, but if it is dedicated to the Township, it now becomes public use.

Supervisor Pagliarulo asked about the fire protection. Mr. Smith said they followed the Township's standards as far as the placement of hydrants.

Supervisor Abruzzo noted there were similar concerns raised by at least one member of the Planning Commission about the traffic situation on Middletown Road. It was identical to the prior plan. The private roadway we are reviewing would equally address mitigating some traffic problems on Middletown Road for this construction as well.

Supervisor Moyer said when this plan came forward last time there were concerns about the roadway width and parking, especially with the density of housing, guests, people owning multiple cars, parking on the street, etc. He asked what the approximate width of the cart

path is for trafficability. Mr. Smith said it is a 24 foot wide cartway with parking. Parking is not all along the cartway. There are specific dedicated parking areas that bulb out into parallel parking spaces beyond the 24 feet leaving the 12 foot lane on either side clear. The two per ordinance is met and there are several overflow guest/visitor spaces above and beyond what the ordinance requires.

Motion: A motion made by Supervisor Pagliarulo and seconded by Supervisor Ballard that the Township hereby approves the Third Revised Preliminary/Final Land Development Plan for Deer Run Commons, Plat #1201 subject to the following:

- a. That the applicant reimburse the Township for costs incurred in reviewing the plan no later than October 28, 2010.
- b. That insurance Bond No. 6603339 and the Agreement to provide financial security be amended to refer to Plat #1201 no later than March 28, 2011.
- c. That the fee in lieu of parkland dedication for the two additional units is provided no later than March 28, 2011.

The motion carried, 4-0.

D1-7 The Sketch Plan for the Loffreda Subdivision, Plat No. 1200.

Edward L. Small – Director of Community Development

This is a sketch plan brought by Jon Sheppard who is the owner of the Loffreda property. The plan involves Woodland Avenue and Hillside Avenue. Both streets end without a turnaround and both are nonconforming in cartway and right-of-way widths. They are also nonconforming as cul de sacs in that they do not terminate with conventional turnarounds but are simply cut off by the adjacent property. The sketch plan illustrates a subdivision of the 15.06 acres into five lots ranging in size from 4.14 to 2.1 acres. In order to present this in the agricultural district, the applicant has given us a plan which meets the lot sizes for the lot area exception criteria in the ordinance that is applicable to the Agricultural District only. The standards to meet are that a lot beginning with 25 acres or less may result in not more than a grand total of 5 lots. They must be at least 25,000 square feet in area and that is met. Each is required to have 125 feet of frontage or 75 if they are on cul de sacs. All lots meet the standards if public water and sewer are provided.

The cul de sacs turnaround areas meet the paving size and for the right of way. Each is a short extension of an existing street at a nonconforming width, but both terminate in a conforming turnaround. There will be a waiver to continue the streets. There is a section in the subdivision regulations that permits, as a permissive decision by the Board of Supervisors, a short extension of an existing street with right of way or cartway width less than requirements as mentioned. It is intended by the plan of adding some area to the joiner property dealing with the problem of a detached accessory building which is impinging upon the property line. We currently do not have details of the grantor parcels so we don't know the affect of it according to the regulations. More will be provided as the plan moves along.

Woodland Avenue beginning at Clark Road is already in excess of the 500 feet limit (696 feet). In this sketch there are far fewer lots than were proposed in two prior submissions. This is the lowest density submission we have seen.

Jon Sheppard, applicant, presented the following issues to the Board and asked for their guidance and suggestions:

- 1) Cul-de-sacs - All of the lots are accessible by cul de sac and there is no realistic alternative.
- 2) 150 feet existing condition on lot lines - One line is 138 feet and it is an existing condition and he cannot make the property line longer.
- 3) Street lights – Currently, there are no street lights on this end of Hershey and they would propose to put a monument with a light at the end of each driveway.
- 4) Width of Street – Mr. Small mentioned there is a section which allows us to extend an existing nonconforming street a short distance at the existing width.
- 5) A homeowner unknowingly encroached onto this property by building hardscaping/landscaping patios. Request would be a boundary line agreement where the property line is moved. No separate deed would be created, or land transferred.
- 6) 12 foot strip of land that goes to Clark Road – The 12 foot strip of land will be used to put in a stormwater pipe underground. Derry Township currently has a requirement of a 20 foot width for an easement and they would be requesting a waiver for 12 feet because that is how much land there is.

Supervisor Pagliarulo wondered if a precedent was being set for any approvals we would eventually be giving. Mr. Small said there have been some past precedents related to safety issues. He mentioned Sophia Drive and Hill Church Glenn.

Mr. Sheppard said there are no stormwater controls on this hill. The individual homeowners who have expressed an interest in each of the lots were plotting their homes on the lot, locating the driveways, and designing rain gardens or stormwater controls for each lot. All this was done in hopes to eliminate any uncertainties when presented to the Planning Commission.

Supervisor Moyer referenced the 12 foot property and asked if there is a particular diameter of pipe that needs to go in there in order to effectively channel the water down Clark Road. Mr. Sheppard said the idea is the pipe will go in the 12 foot area and connect down to Clark Road. The engineer will have to calculate out how big of an area we have to create a collection basin in order to make it effective. Supervisor Moyer asked if he anticipated any problems fitting the required size pipe. Mr. Sheppard believes the pipe will fit.

E1-15 Brad and Nancy Kiscadden request for audience before the Board of Supervisors.

Brad and Nancy Kiscadden – Mr. and Mrs. Kiscadden were given an extension to replace their sidewalks and it is soon to expire. They have two large Maple trees that are very old and have impacted the condition of their sidewalk. They presented the following:

- One neighbor does not have a sidewalk, so currently their sidewalk leads to no sidewalk or no road to move on to.
- Derry Road is a very busy road and replacing their sidewalk does not add or decrease to the safety on Derry Road.
- There are 12 sidewalks in about 30 properties, but it is not continuous for 12 properties straight.
- There are issues with the root work and the settlement of the property itself. If they cut down the roots to get a stable base, they are concerned for the age of the tree and the condition in its current state. Since it has already been previously cut and the

roots are growing back up underneath that section, the structure and integrity of the tree is of concern.

- One neighbor chose not to dig down into the roots and raised their sidewalk up 3 inches. The Kiscadden's did comply with their height when they originally put in a sidewalk to keep it even.
- In order for them to install a stable sidewalk of any type, they would destroy the trees' root nature.
- Mr. Emerick presented an alternative that they did not feel was aesthetically pleasing.
- When the trees come down, how would they change the sidewalk.
- To do the "mooning" out that a lot of people do really will encroach into their small front yard.
- They are beautiful, huge mature trees that provide shade and protection on the road because of the speed of traffic. They do not want to lose them.
- An estimate to remove the trees was approximately \$2,300 plus the expense of putting in a sidewalk.

The Kiscadden's requested the consideration of the Board to waive replacing their sidewalk at this time as long as they have the trees or try to come up with a reasonable compromise in a cost effective way.

Supervisor Pagliarulo asked how much of a sidewalk continues east of their neighbor's sidewalk. Mrs. Kiscadden said there are about three houses that go up, then two more properties and an alley. Supervisor Pagliarulo summarized that if they grant a waiver instead of the sidewalk stopping at their place where it originally was, it would just be stopping at one property up from them.

Supervisor Ballard asked what other alternatives would they suggest. Mrs. Kiscadden said the mooning was pretty much the only alternative presented to them.

Mr. Emerick said his alternative was not cutting the tree out, but meandering the sidewalk. Supervisor Ballard asked if there was any flexibility in terms of construction using newer techniques in protecting trees. Mrs. Kiscadden asked what the economical impact would be for them to do that. She explained they applied to be part of the sidewalk replacement plan, but when they started to dig, they became very concerned of what the contractor would have done when encountering the roots. If they would have cut the roots, there could be liability issues as a result because of what the rain and the wind may cause.

Chairman Abruzzo asked if it would be feasible to do the mooning cutout around the trees. Mrs. Kiscadden said the neighbor's trees are not as large and were able to do the mooning. The Kiscadden's tree roots are raised more and to do this would also encroach further on their front property. Mr. Emerick said he never mentioned the moon cut out, but he did recommend meandering. Mr. Kiscadden acknowledged that eventually the trees will come down and they will end up with a sidewalk meandering off the given path. He would have to cut down eight inches and destroy root structure to the trees to do the mooning effect. The mooning effect works great if you have a slope coming off the tree but that is not the case with their trees.

Supervisor Ballard said there are a lot of people in town who have these big trees. It is an issue that we may need to discuss more broadly in terms of how we balance the need for sidewalks in a walkable community.

Supervisor Pagliarulo asked if it would be possible if they grant a waiver that at any point and time if the house adjacent to them on the west puts in a sidewalk, they would have to comply and put a sidewalk in. Solicitor Yost said that is a possibility. Even if the neighbors did put in a sidewalk, there would still be the same issues. Solicitor Yost suggested taking this under advisement since it is part of a larger issue.

Mr. Emerick stated the Kiscaddens were sent a letter dated March 16, 2009 for compliance with the sidewalk program by September 30, 2009. On February 25, 2010, they were sent a reminder and given until September 2010.

Chairman Abruzzo asked Mr. Emerick to grant them an extension of time so there is no issue about non-compliance. The Board will take this under advisement and get back to the Kiscadden's.

F1-6 Presentation of the 2011 Minimum Municipal Obligation (MMO) for the Non-Uniformed and Police Pension Plans. Adoption of Resolution No. 1272, to utilize the 75% amortization option as allowed by Act 44 of 2007 for the Derry Township Police Pension Plan.

Cheryl L. Lontz – Manager of Payroll & Employee Benefits

During 2011, the projected MMO for both of the Township's pension plans is estimated to be \$1,100,135. Although the Township is required to do this calculation without consideration of State aid received, we estimate this offset to be \$415,000. This will make the total payment due the pension plans by December 31, 2011 to be approximately \$586,135. During 2008, the Derry Township Police Pension Plan suffered a large investment loss. The January 2009 valuation for the plan was prepared and the resulting MMO for 2011 was estimated to be \$854,367. Act 44 allows Pennsylvania municipalities to defer much of the pension costs generated by the poor 2008 investment results. If the Board chooses to utilize the 75% amortization option, the MMO obligation for 2011 for the Police Pension Plan would be reduced by \$97,598. This difference would be paid back to the fund over the next two to four years.

Discussion: Chairman Abruzzo said this matter was reviewed by the Police Pension Advisory Board and recommended by them and our counsel. Supervisor Moyer asked if this is the legislative equivalent of what they call smoothing. Ms. Lontz said this is part of it.

Motion: A motion made by Supervisor Moyer and seconded by Supervisor Ballard that Resolution No. 1272, a resolution of the Township of Derry, electing to utilize the 75% amortization option as allowed by Act 44 of 2007 for the Derry Township Police Pension Plan, is hereby approved. ***The motion carried, 4-0.***

G1 Establishing a date and time for Trick or Treat.

William D. Smith – Chief of Police – Chief Smith said each year the municipalities in Dauphin County try to coordinate Trick or Treat Night. It is the recommendation of Dauphin County Chiefs that it be on Thursday, October 28, 2010 between 6:00 PM and 8:00 PM.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Pagliarulo that Thursday, October 28, 2010 between the hours of 6:00 PM and 8:00 PM is the date and time for the Halloween Trick or Treat activities for Derry Township, is hereby approved. ***The motion carried, 4-0.***

H1 Awarding bids for a Pierce Arrow XT Aluminum Pumper and a Pierce Velocity Heavy Duty Rescue for the Hershey Volunteer Fire Department

This is an award to bid for a new Rescue truck and Pumper. A bid opening was held on July 23, 2010. The lowest bidder was Pierce in the amount of \$618,969 for the rescue truck and \$604,313 for the pumper. The other bid was from Seagrave who came in higher. The Township along with the Hershey Volunteer Fire Department submitted to Dauphin County Gaming Grant to offset the purchase of these apparatuses.

Discussion: Supervisor Ballard asked what would happen if we don't get the gaming money. Manager Negley said we will have to finance it. Supervisor Ballard asked if we are accepting the offer and making a contract by approving these bids. Manager Negley said we were. Chairman Abruzzo said it has been generally understood by the Board over the last few months that we are committing to purchase these pieces of apparatus. We are very optimistic we are going to get the grant money. If we don't get the full amount this year, we will make an application for the remainder for next year.

Mr. Stein said the engine is 24 years old and the truck is 20 years old. The rescue is the one we lost the generator in and they are unable to repair it. We are working on an alternative system to try to keep that piece in service. He said we need this equipment to function and provide the services we do. The cost of these two pieces isn't owed until delivery which is expected late next year.

Supervisor Ballard asked what the budget impact was. Mgr. Negley said the cost for both apparatuses is \$1.2 million and will be included in the capital budget for 2011. Supervisor Moyer said we are one of the first responders in the event of a fire and that should factor into getting the grant money. Mgr. Negley agreed.

Mr. Stein met with Commissioner Pries to work on letters from corporate entities in support of the grant application as well as from East Hanover Township Fire Department who we support. Supervisor Ballard asked if we have to vote today. Mr. Stein said the bids are only good until September 30th.

Supervisor Moyer agreed it is a large expenditure, but we are tasked with the oversight of the public health and safety. He is not willing to risk the health and safety of our community for the sake of not moving forward.

Mr. Stein said the engine they specified is coming with a compressed air foam system. The ability to get on scene with a little bit of water and extinguish a fire in seconds vs. minutes is just tremendous. It will protect the Township well into the future.

Dave Stough pointed out these vehicles will not need to be paid for until delivery. We will go through one grant cycle and would actually be eligible to apply again next year if we need to.

Motion: A motion made by Supervisor Pagliarulo and seconded by Supervisor Moyer that the Township of Derry move to award the bids to Pierce Manufacturing Company for the purchase of a new Rescue Truck and a new Pumper, is hereby approved. ***The motion carried, 4-0.***

I1 Traffic Signal to be placed at Campus Drive and Centerview/University Drives

Penn State University is looking to put in a traffic signal at the intersection of Campus Drive and Centerview/University Drives. They have had a lot of construction and there have been issues from the parking lots in getting over to the main campus. The permit application has been prepared and is ready for submission. The Township has to be the applicant for all PennDOT permits for traffic signals. We have an agreement from Penn State University stating that any costs related to this traffic signal be reimbursed to the Township or paid by Penn State University during the time the traffic signal is in place.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Pagliarulo to execute the necessary documents to submit the application for the permit and to execute the agreement between Penn State University and the Township of Derry for the ongoing maintenance and costs relating to this traffic signal, is hereby approved. ***The motion carried, 4-0.***

J1 Vacancy Positions on the ICDA Board and on the Vacancy Board

Chairman Abruzzo stated since Mr. Pagliarulo's appointment to the Board of Supervisors replacing Mr. Pries there have been a number of Committee and Board assignments that have had to take place. Mr. Pagliarulo is our appointed transportation liaison replacing Mr. Pries. In addition, Mr. Pagliarulo, although already a member of the Board as a resident, will take Mr. Pries' position on the ICDA. This will create a vacancy on the ICDA Board. Since we selected Mr. Pagliarulo from the Vacancy Board, there is a vacancy on the Vacancy Board.

Motion: A motion made by Supervisor Moyer and seconded by Supervisor Ballard to advertise the vacancy position for the ICDA Board and the vacancy position for the Vacancy Board for a period of thirty (30) days, is hereby approved. ***The motion carried, 4-0.***

CORRESPONDENCE

No correspondence to report.

BOARD/COMMITTEE INFORMATION

Supervisor Pagliarulo shared with the Board a MTP brochure on quarter 2 which is going to be premium coach from Lebanon to Hershey to Harrisburg.

REPORTS

William D. Smith – Chief of Police – Chief Smith said upon invite by federal DEA, they participated in a program called National Take Back Initiative. This is a program where citizens could drop off their unused/unneeded prescription drugs to be destroyed. They partnered with nurses of the Hershey Medical Center. It took place at the Hershey Library and they took in 103 pounds of prescription medication to be destroyed.

Supervisor Pagliarulo said he attended the Half Marathon meeting at the EOC last evening and was very impressed with Chief Smith's set up with reference to the command system and how everything is organized.

Supervisor Moyer asked how the drugs were disposed of. Chief Smith said they are given to the federal DEA. Chairman Abruzzo explained that the drugs are collected by DEA, taken to a waste collection company, and then properly disposed of.

Scott Stein – President, Fire Company – Mr. Stein said Fire Prevention Week is coming up in October. They will see approximately 3,000 students in schools throughout the Township and Connewago Township during October.

Robert Piccolo- Assistant Director of Public Works – Mr. Piccolo reported a crew is working on getting their trucks converted over to leaf trucks. November 4th is the first official start day for leaf pickup, but they typically send out some trucks earlier than that. The parks crew is really going to be challenged this late fall with doing some renovations to the turf fields. It has been a devastating year as far as turf loss because of the weather.

Chairman Abruzzo said at a previous meeting Mrs. Lutz made a presentation about issues on Lingle Avenue, tractor trailer traffic, and the alley behind her house. Since that time we have already placed Children at Play signs in the alley. There was an issue about maintenance of a strip of land behind the alley. Mr. Emerick contacted the General Mills facility and they took care of it. There are some issues about tractor trailer traffic. Chief Smith and the Police Department are addressing that issue. Chairman Abruzzo thanked the departments for their part in solving some of the issues.

Supervisor Moyer mentioned an e-mail regarding the removal of parking signs on Middletown Road and thanked Public Works for being proactive regarding this. Mr. Piccolo said half of the signs hopefully will be removed beginning next week.

Donna Small - Hershey Public Library – Mrs. Small mentioned a new service at the library. In response to patron requests, they are now taking credit card payments for library fines and fees. They can make payment at home or on a designated computer at the library. This was initiated on September 15th and they have collected \$206.60.

Matt Mandia, Director of Parks and Recreation – Mr. Mandia recognized Public Works for resurfacing a fairly long stretch of the bike and pedestrian trail back behind Spring Creek Church. A letter was received from the Spring Creek Condominium Association recognizing the work as well.

Matt Bonanno, HRG Engineer – Mr. Bonanno reported 39 out of 50 easements have been executed for the stormwater improvement project. In addition, they have been trying to encourage the utility companies to finish their redesign.

James N. Negley - Township Manager/Township Treasurer – Mgr. Negley reported we are in the process of switching our banking to Susquehanna. Bids will be going out shortly for auditing services.

APPROVAL OF ACCOUNTS PAYABLE (\$211,416.25) AND PAYROLL (\$299,443.58).

Supervisor Moyer moved to approve accounts payable in the amount of \$211,416.25 and payroll in the amount of \$299,443.58. Supervisor Ballard seconded. ***The motion carried, 4-0.***

VISITOR/PUBLIC COMMENTS

No one came forward.

ADJOURNMENT

Supervisor Moyer moved to adjourn the meeting at 9:30 p.m. Chairman Abruzzo seconded.

The motion carried, 4-0.

SUBMITTED BY:

Kelly C. Fedeli
Township Secretary

Brenda Van Deursen
Recording Secretary