

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING**

Tuesday, August 26, 2014
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The August 26, 2014 Township of Derry Board of Supervisors meeting was called to order at 7:00 p.m. by John W. Foley, Jr., Chairman.

ROLL CALL

Supervisors Present:

Sandy A. Ballard
Justin C. Engle, Secretary
John W. Foley, Jr., Chairman
Marc A. Moyer, Vice-Chairman
Matthew A. Weir

Also Present:

Matt Bonanno, HRG Engineer
Bob DiLello, Fire Company
Barbara S. Ellis, Director of Hershey Public Library
Charles Emerick, Director of Community Development
Cheryl L. Lontz, Manager of Payroll and Employee Benefits
Matt J. Mandia, Director of Parks and Recreation
James N. Negley, Township Manager/Township Treasurer
Patrick O'Rourke, Chief of Police
Robert Piccolo, Assistant Director of Public Works
Jon Yost, Solicitor
Brenda Van Deursen, Recorder

Public Present: Keith Heigel, Skip Memmi, Elvira Ebling, Jay Franklin, Greg Koussis, Patricia Boyle, Rich Gamble, Teresa Peschel, Lou Mione

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

Chairman Foley announced that the Board of Supervisors met in executive session to discuss land, legal, and personnel matters.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Chief O'Rourke - The Veterans of Foreign Wars for the Commonwealth of Pennsylvania nominates an officer of the year to the law enforcement officer who exemplifies the highest standards of excellence for what we do as first responders. This year the officer of the year is awarded to Officer Jason Rode. Officer Rode was hired on October 11, 2000 and prior to that served as one of the Township's community services officers. Throughout the course of his career, Officer Rode served various assignments to include the Mountain Bike Unit, the Special Enforcement Team, assisted in the Citizens Police Academy and has been instrumental in coordinating the Junior Police Academy with the Milton Hershey School. Most notably, Officer

Rode has been a long time canine handler in the Canine Department. Over the years, Jason has been an over achiever in the department as a leader in criminal arrest, traffic enforcement, DUI enforcement as well as the seizure of illegal narcotics and US currency. There have only been two other officers that were honored in the Derry Township Police Department with this prestigious gold medal award, Lt. Roche and Officer Bennett, all sworn members who exemplify the true honor of why we do what we do best.

Chairman Foley congratulated Officer Rode and added that he brings honor to our Police Department and to our Township.

Teresa Peschel – Ms. Peschel, a member of the Derry Township Environmental Action Committee, shared that there is a program scheduled on September 29 from 6 to 8 regarding stormwater management. There will be two speakers: Bob Christoff who will talk about the physical infrastructure and the second speaker will be Ruthann Hocker. She is the stormwater program manager with City of Lancaster. They have a stormwater utility that is similar to electricity, sewage and water in which everyone pays on fee based. This is an opportunity for the Township to find out in advance how a program like this works. This can also count as part of the Township's MPS4 Program requirements for educating the citizens. Assistant Manager Horner will add this to the Township calendar.

APPROVAL OF MINUTES

Chairman Foley called for a motion to approve the Minutes of the August 12, 2014 Public Hearing. Supervisor Engle made a motion to approve the Minutes. Supervisor Weir seconded. ***The motion carried, 5-yes 0-no.***

Chairman Foley called for a motion to approve the Minutes of the August 12, 2014 Board of Supervisors meeting. Supervisor Ballard made a motion to approve the Minutes. Vice-Chairman Moyer seconded. ***The motion carried, 5-yes 0-no.***

NEW BUSINESS

A1-2 Presentation by Dauphin County Industrial Development Authority to speak about the Dauphin County Energy Efficiency Partnership.

Skip Memmi, Executive Director – This is an initiative of the Industrial Development Authority to put together a partnership which will allow our townships and boroughs to look at working with an ESCO (Energy Savings Corporation) on capital projects without having to use “general fund” dollars. The IDA will act as the aggregator for projects across the County. Their goal is to put together a project this first round for about \$4 million dollars. The IDA would then float the bond issue to pay for the project. The municipalities that join in the partnership would then repay the IDA out of the savings generated through the efficiencies for their portion of the debt incurred.

Jay Franklin, Consultant for the Industrial Development Authority – The program objectives are to provide the various agencies within Dauphin County the financial vehicle to make critical upgrades to address capital needs, to make our buildings more efficient, and to produce free positive cash flows to the agencies within the county. It is important to realize that you are already spending the money to do capital projects and to be more efficient. Any technologies that are used are able to expand upon in the future and not go obsolete within a few years.

If you agree to commit, the IDA will do an initial assessment of gathering utility data from all the buildings from within the agency. They will also gather information about your building use and capital needs list, etc. The data will be assessed and IDA will create a report that identifies and recommends some energy strategies that can be used, the cost of those, and what capital projects we can fund through those. You then would decide if you want to move ahead or not. You have an opportunity then to decide which if any of the energy conservation projects you want to proceed with and IDA will help procure and manage the installation of the project. After the project is done, IDA will continue to monitor and verify to make sure you are getting the energy savings you are projected.

If you decide you want to move ahead, the ESCO will perform a more detailed engineering study and a more formal proposal. After you get a formal proposal and if you would decide not to move ahead, they ask that you reimburse the ESCO Company for their engineering costs. If you do decide to move ahead, IDA will help you procure the project and do the construction management and then the verification.

All the billing that the municipality will receive will be in the arrears. You will not start to see any bills for the work done until you start to see energy savings. Should the savings for any year not reach the guarantee; the municipality will be reimbursed for the difference.

The IDA has already gone through this process on their own and has seen great results and they wanted to provide a vehicle that all the municipalities within the County can benefit from energy savings. They will use as much local labor as they can. Since all the savings are guaranteed, the County and its taxpayers cannot be held liable for non-performance. If this is something you are interested in moving ahead with, IDA asks that you collect two years of utility data, electric, gas, oil, water, and sewer and then contact either Mr. Franklin or Will Gordon to start the initial assessment.

Supervisor Weir asked if the ESCO companies are private companies that do energy audits. Mr. Franklin said they are private companies and they arrange from size and range of service.

Supervisor Engle asked for some ideas of the improvements. Mr. Franklin said it could be something as simple as recommission of your HVAC systems. Properly commissioned HVAC systems could save you 10 to 15% on your energy. The IDA could be looking at building issues, inefficient equipment, etc.

Supervisor Weir asked if this would be the whole Township. Mr. Franklin said to get the most energy savings, IDA should look at all the Township buildings.

MOTION: A motion made by Supervisor Ballard and seconded by Supervisor Weir to proceed with the steps to begin the process to have the Township's energy bills assessed and IDA to report back to the Board, is hereby approved. **The motion carried, 5-0.**

Manager Negley asked how much manpower hours would it take to do this. Ms. Lontz responded that it shouldn't take much time to gather the information.

B1-10 The Preliminary/Final Land Development Plan for the Pennsylvania State Police Historical, Educational and Memorial Center, Plat No. 1241.

Charles Emerick, Director of Community Development – This plan represents the continued development of a tract of land located north of Hersheypark Drive and west of Lauderlich Road. The property was originally subdivided in 2002. The property is presently improved with a 2,400 square foot building that is the Pennsylvania State Police Historical, Educational, and Memorial Center. The plan depicts the addition of 3,285 square feet of building and will result in the development of 29 regular parking spaces, 2 handicap spaces, and 1 loading/unloading space. The existing stormwater facilities will be relocated and enlarged to serve the development. The project will result in less than 10 peak hour vehicle traffic trips.

Supervisor Weir asked about the terrace basin with no outflow. Mr. Emerick said there currently is a basin down from the building and another basin down from the driveway. They are rather low, flat basins so that the entire down slope of the basin is opened because of the slopes that approach 30%. Further down the side of the hill there is a terrace system that existed prior to the development of this project. The plan is proposing relocating the driveway and the basins will be reconfigured on the other side of the new drive.

Vice-Chairman Moyer asked if there is any change in capacity of those basins in the aggregate. Mr. Emerick said yes. The original stormwater of this project was done under the old stormwater ordinance whereas this now complies with the current stormwater ordinance meaning more capacity because there are more impervious areas as well.

Vice-Chairman Moyer asked if it was possible for the contouring to be changed or modified. He is concerned with the stormwater runoff and the volume that the grading of the land is changed and could it create a problem that presently does not exist. Mr. Emerick said the work that they are doing is hundreds of feet away from where any ill effects would be seen. It also travels into a forested area. Mr. Emerick believes this site will be no more obvious in stormwater flow than it presently is.

Vice-Chairman Moyer asked if the new basin is a straight retention basin and the water will not be discharged anywhere. Mr. Emerick said this basin will have an outlet structure and will allow the water out at a predevelopment rate. The spillway is when we get the 100 or 50 year storms that will overwhelm it and flow over the spillway.

Motion: A motion made by Chairman Foley and seconded by Supervisor Weir that the Preliminary/Final Land Development Plan for the Pennsylvania State Police Historical, Educational and Memorial Center, Plat No. 1241, is hereby approved subject to the following:

- a. That the applicant reimburse the Township for costs incurred in reviewing the plan no later than September 26, 2014.
- b. That performance security be provided to guarantee the completion of required improvements and that the accompanying agreement be signed no later than February 26, 2015.
- c. That data substantiating minimum fire hydrant flow requirements, flow availability, recharge capabilities, and duration of flow be provided no later than February 26, 2015.
- d. That the correct ordinance references for the waiver requests be provided and their date of approval completed in the appropriate block on the coversheet of the plan prior to recording.

- e. That the Stormwater Best Management Practices Operation and Maintenance agreement and a revised deed of Declaration, listing the stormwater BMPs as a restrictive covenant, be recorded concurrently with the plan.
- f. That the deed consolidating the property into one tract be recorded concurrently with the plan.
- g. That the curbing and sidewalk agreement be recorded concurrently with the plan.

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

- a. From Sections 185-12.D.(3).(a).[21], [22], [23], and 185-13.E.(4).(a).[19], [20], [21] of the Subdivision and Land Development Ordinance regarding stormwater sewer, sanitary sewer, and water and gas plans and profiles, to permit only those features affected by the development to be profiled on the plans.
- b. From Sections 185-22.E.(5) of the Subdivision and Land Development Ordinance to not require the installation of curbing along Swatara Road, with the stipulation that the owner/developer enter into an agreement with the Township that would allow the Township to require the installation of curbing along Swatara Road in the future if deemed necessary.
- c. From Section 185-34 of the Subdivision and Land Development Ordinance to not require the installation of sidewalk, walkways, and bicycle paths along Swatara Road and internally within the development area, with the stipulation that the owner/developer enter into an agreement with the Township that would allow the Township to require the installation of sidewalk along Swatara Road in the future if deemed necessary.
- d. From Section 185-22.D. (2) of the Subdivision and Land Development Ordinance to not require street widening along Swatara Road.
- e. From Section 174-17.B. (1) of the Stormwater Management Ordinance regarding emergency spillway grading.

The motion carried, 5-yes 0-no.

UPDATE ON THE NEW FIRE STATION PROJECT: Mr. Koussis reported that the project team has been meeting on a biweekly basis as they have gone through the schematic design phase. The schematic design has been approved. They are moving forward with the design development phase of the project which is engaging the structural engineer and the mechanical electrical engineer and the architectural side of it continues to develop. The civil engineering has progressed considerably in the last 30 days. A plan was submitted to the Township for the Zoning Hearing Board on August 20 for review in September. The contractor has updated his project estimate and the budget based on the schematic design is pretty close to where we were expecting it to come in. The fundraising committee has been meeting with a number of different entities and looking for commitments. This process will be ongoing. The funding and financing strategy has started to develop. They met with Lou Verdelli to discuss financing vehicles and how best to set that up. They are scheduled to meet this Friday with a representative at the budget office to review an application for a grant.

C1-8 Approval of Resolution No. 1402, authorizing the execution of documents required for Highway Occupancy Permit Application No. 15671 for Preliminary/Final Subdivision and Land Development Plan for 777 Middletown Road, Plat No. 1216.

Charles Emerick, Director of Community Development – This plat was conditionally approved by the Board of Supervisors on November 13, 2012, and has yet not been recorded. However due to the permit extension act, the plan is considered valid until at least July 2, 2016. The property was recently acquired by Integrity Bank who is tying up loose ends related to the approval and marketing of the project. Among the required work, is the realignment and widening of Stoverdale Road, extensions of stormwater management facilities and sidewalk installations. The Township is required by PennDOT to be the permittee for the highway occupancy permit associated with these improvements.

Motion: A motion made by Supervisor Engle and seconded by Supervisor Ballard that Resolution No. 1402, authorizing the Chairman to execute the Recording Copy form, and the agreement with the owner to bind them to the PennDOT requirements of the Highway Occupancy Permit issued from Application No. 15671, is hereby approved. *The motion carried, 5-yes 0-no.*

D1-2 Approval of Resolution No. 1399, a request by the Hershey Derry Township Historical Society for the Township to sponsor as a Co-Applicant on their behalf to replace the Museum's building roof with funding from the Local Gaming Share revenues.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Weir that Resolution No. 1399, a request by the Hershey Derry Township Historical Society for the Township to sponsor as a Co-Applicant on behalf of Hershey Derry Township Historical Society and establishing this request for funding from the Local Gaming Share revenues, is hereby approved. *The motion carried, 5-yes 0-no.*

E1-2 Approval of Resolution No. 1400, a request by the M.S. Hershey Foundation for the Township to be a Co-Applicant and support and/or submit on their behalf for funding from the Local Gaming Share revenues for the Milton and Catherine Hershey Conservatory.

Motion: A motion made by Supervisor Ballard and seconded Vice-Chairman Moyer that Resolution No. 1400, a request by the M.S. Hershey Foundation for the Township to be a Co-Applicant and support and/or submit on behalf of the M.S. Hershey Foundation, a request for funding from the Local Gaming Share revenues for the Milton and Catherine Hershey Conservatory, is hereby approved. *The motion carried, 5-yes 0-no.*

F1-2 Approval of Resolution No. 1401, a request by the Penn State Hershey Center for the Protection of Children to be a Co-Applicant and support and/or submit on their behalf a request for funding the Recognition of Child Abuse and Mandated Reporting from the Local Gaming Share revenues.

Motion: A motion made by Vice-Chairman Moyer and seconded by Supervisor Ballard that Resolution No. 1401, a request by the Penn State Hershey Center for the Protection of Children to be a Co-Applicant and support and/or submit on their behalf a request for funding the Recognition of Child Abuse and Mandated Reporting from the Local Gaming Share revenues, is hereby approved. *The motion carried, 5-yes 0-no.*

Manager Negley reiterated that Hershey Derry Township Historical Society is the Township's Number Two Priority, the Number Three Priority is the Conservatory, and the Number Four Priority is the Penn State Hershey Center. The Fire Company is the Township's Number One Priority.

G1-3 Consideration of the release of performance security provided for the Preliminary/Final Land Development Plan for Milton Hershey School Capital Improvements, Plat No. 1061.

Charles Emerick, Director of Community Development – The Milton Hershey School had to reprocess a plan because they decided they weren't going to build parts of an approved plan. This is now requesting the bonding release as a result of that plan.

Motion: A motion made by Supervisor Ballard and seconded by Vice-Chairman Moyer that the Board of Supervisors authorizes the release of performance security in the amount of \$193,510.21, which had been provided in the form of Hershey Trust Company Letter of Credit No. 101 for the Preliminary/Final Land Development Plan for Milton Hershey School Capital Improvements, Plat No. 1061, is hereby approved. *The motion carried, 5-yes 0-no.*

H1-4 Consideration of releasing performance security and entering the maintenance security period for the Preliminary/Final Land Development Plan for the Milton Hershey School Springboard Academy and Innovations Lab, Plat No. 1089.

Motion: A motion made by Vice-Chairman Moyer and seconded by Supervisor Ballard that the Board of Supervisors authorizes the release of performance security in the amount of \$1,314,226.53, supplied as Hershey Trust Company Letter of Credit No. 204, provided that maintenance security in the amount of \$1,644.26 is supplied in acceptable form and the standard Maintenance Security Agreement is executed for the Preliminary/Final Land Development Plan for the Milton Hershey School Springboard Academy and Innovations Lab, Plat No. 1089, is hereby approved. *The motion carried, 5-yes 0-no.*

I1-4 Consideration of releasing performance security and entering the maintenance security period for the Preliminary/Final Land Development and Stormwater Management Site Plan for the Select Medical Building Expansion, Plat No. 1222.

Motion: A motion made by Chairman Foley and seconded by Supervisor Ballard that the Board of Supervisors authorizes the release of the remaining balance (\$95,170.19) of the performance security supplied as JP Morgan Chase Bank Letter of Credit No. TFTS-294957, provided that maintenance security in the amount of \$2,546.55 is supplied in acceptable form and the standard Maintenance Security Agreement is executed for the Select Medical Building Expansion, Plat No. 1222, is hereby approved. *The motion carried, 5-yes 0-no.*

CORRESPONDENCE/BOARD/COMMITTEE INFORMATION

There was no information reported.

REPORTS

Patrick O'Rourke, Chief of Police – The community policing staff was out for the first day of school and conducted multiple foot patrols and engaged with the school district officials. Chief O'Rourke cautioned every one of the heavy traffic to occur Saturday and Sunday as a result of two major concerts taking place.

Bob DiLello, Hershey Fire Company – The Hershey Volunteer Fire Department is still hoping for a March 2015 construction start date for their new station with a completion date of March 2016.

They have been busy at the firehouse making arrangements to remain in service while under construction.

Robert Piccolo, Assistant Director of Public Works – The cold-in-place recycling project is done in the Village but that has to cure for at least two weeks before they can do final paving. They will begin cold-in-place on Cherry by next Tuesday and Wednesday from 6pm to 6am. They should be done paving on Waltonville tomorrow and move to some other areas.

Barbara S. Ellis, Director of Hershey Public Library – The fall programming has started. The Library now has wireless printing options for those who come in the Library with their own devices. On September 2, there will be a mobile computing workshop to learn more about using smartphones and tablets. The Hershey Partnership Golf event has been moved to October.

Cheryl L. Lontz, Manager of Payroll and Employee Benefits –The departments have already received their preliminary budgets and a budget hearing will be scheduled within the next several weeks.

Matt Mandia, Director of Parks & Recreation – The contractor remobilized today off of Joann Avenue. They will be completing the link of the bicycle/pedestrian trail between Southpoint Meadows II and Stone Creek and should be done by next week.

Matt Bonanno, HRG Engineer - The SUEs (Subsurface Utility Engineering) where a contractor will come in and core the roads to determine the depth of the existing utilities so the pipes can be designed is being completed for the Java and Locust project. That will happen within the next 2 to 3 weeks. Our General Permit 4 was submitted to the conservation district. They met with the County on the environmental assessment which is important because of the CDBG grants. We only got the money awarded to us for the first half of the soft cost. Once the environmental assessment is completed by the County, they will release the remaining funds for the construction.

MS4 Action Stormwater – HRG is compiling the Township’s annual report along with Tom Clark and his staff and it should be submitted by the end of the month.

APPROVAL OF ACCOUNTS PAYABLE (\$720,521.40) AND PAYROLL (\$337,714.19).

Supervisor Engle moved to approve accounts payable in the amount of \$720,521.40 and payroll in the amount of \$337,714.19. Vice-Chairman Moyer seconded. ***The motion carried, 5-yes 0-no.***

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one came forward.

ADJOURNMENT

Supervisor Engle moved to adjourn the meeting at 7:50p.m. Supervisor Ballard seconded. ***The motion carried, 5-yes 0-no.***

SUBMITTED BY:

Justin C. Engle
Township Secretary

Brenda Van Deursen
Recording Secretary