

**Township of Derry
Board of Supervisors**

Reorganization Meeting

7:00 P.M. Monday, January 5, 2015

600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The January 5, 2015 Board of Supervisors meeting was called to order at 7:00 p.m. by Chairman John Foley.

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, Township Engineer
Thomas R. Clark, Director of Public Works
Bob DiLello, Fire Company
Barbara Ellis, Director of Hershey Public Library
Charles Emerick, Director of Community Development
Jill E. Henry, Assistant Township Manager
James N. Negley, Township Manager/Township Treasurer
Patrick O'Rourke, Chief of Police
Terry M. Weinhold, Manager of Accounts Payable & Accounts Receivable
Jon Yost, Solicitor
Brenda Van Deursen, Recorder

Public Present:

Nancy Kitzmiller, Tom Kitzmiller, Frank K., Nancy Hoffman, Corey Bray, Steve Ramis, Charles Crandall, Linda DeBoris-Crandall, Elvira Ebling, George Fusti, Chuck Crandall, James Brandt, Gary N., Dave M., Diana Reed, Carolyn Stoner, Marvin Smith, Richard Rauscher, Mark West, Kim Mione, Lou Mione, Jack MacBurt, Karen P., Dale Holte, Kim Sullivan, Eric Sullivan, Elizabeth Henning, Trish Foster, Tom Searer, Anne Newman, Yanling Chen, Lynn Knepp

VISITOR/PUBLIC COMMENTS

Steve Ramis, 2015B Southpoint Drive, Hummelstown – Mr. Ramis is president of the Southpoint Hershey Homeowners Association. He is opposed to the Prometheus One

request for a zoning change and suggested the Board wait until the comprehensive plan is completed.

Dale Holt, 2279 Southpoint Dr., Hummelstown – Mr. Holt is president of the Deer Run Homeowners Association. He is also opposed to the development. The feeling of many of the residents is the lack of direction of that corridor in the comprehensive plan. He asked that the zoning change be delayed to allow more time to study and obtain citizen participation.

Thomas Kitzmiller, Hummelstown – Mr. Kitzmiller is president of Stone Creek Homeowners Association. He agreed with the Dauphin County Planning Commission's decision on the rezoning. There needs to be a plan before any development is considered.

Jack MacBurt 235 Raleigh Rd., Hummelstown – Mr. MacBurt is the vice-president of the Southpoint Commons Homeowners Association. He agreed that the rezoning should be delayed and any decision should be consistent with the comprehensive plan.

Frank Clark, 1150 Cornell Drive – Mr. Clark is opposed to the rezoning for the reasons mentioned. In addition, there is no reference to the flooding or additional traffic that could occur with the rezoning.

Chuck Crandall, Southpoint – Mr. Crandall has been a resident for 55 years living the last 40 years on Middletown Road. He is also opposed to the rezoning and expressed concern with the stormwater and traffic.

Thomas Dispensa, 1280 Stone Creek Drive – Mr. Dispensa is in opposition of the rezoning because Stone Creek already has a great many single family homes, lots of condos and apartments in that area and townhouses. He is not opposed to the type of home, but there are plenty of them along that corridor. He is also concerned with the increase in traffic.

Richard Rauscher, 1115 Stone Creek Drive – Mr. Rauscher is opposed to the rezoning for the reasons already stated. He commented that making a left hand turn from Wood Road to Middletown is a nightmare already.

Trish Foster, 2439 Raleigh Road, Southpoint Meadows – Ms. Foster sits on the Homeowners Association Board. She echoed that more planning needs done before that area is developed.

Lynn Knepp 2141 Cary Way – Ms. Knepp echoes all the reasons given to oppose the rezoning.

REORGANIZATION

A1- Election of the Chairman of the Board of Supervisors (Resolution No. 1414).

A1 - Election of the Vice-Chairman of the Board of Supervisors (Resolution No. 1414).

A1 - Appointment of the Township Secretary (Resolution No. 1414).

A1 - Appointment of the Township Assistant Secretary (Resolution No. 1414).

A1 - Appointment of the Township Treasurer (Resolution No. 1414).

A1 - Appointment of the Township Solicitor (Resolution No. 1414).

A1 - Appointment of the Township Engineer (Resolution No. 1414).

MOTION (A1): Supervisor Engle made a motion to adopt Resolution No. 1414 appointing **John W. Foley, Jr. as Chairman, Marc Moyer as Vice-Chairman, Justin C. Engle as Township Secretary, James N. Negley as Township Assistant Secretary, James N. Negley, as Township Treasurer, Yost & Davidson as the Township Solicitor, and Herbert, Rowland, Grubic as the Township Engineer.** The motion was seconded by Vice-Chairman Moyer. *The motion carried, 5-0.*

B1 - Appointment of an Emergency Management Coordinator and two Deputy Coordinators for one-year terms with the Emergency Management Agency.

MOTION: A motion made by Supervisor Engle and seconded by Vice-Chairman Moyer to appoint Lt. Tim Roche as the Emergency Management Coordinator for a one-year term and Sgt. Steve Beard and Todd Pagliarulo as Deputy Coordinators for one-year terms, is hereby approved. *The motion carried, 5-0.*

C1 - Establishment of the Manager's Bond Limit (Resolution No. 1415).

MOTION: A motion made by Supervisor Ballard and seconded by Supervisor Weir to adopt Resolution No. 1415 whereas the bond limit for the Township Manager and Treasurer shall not be less than \$1,500,000 for the year 2015, is hereby approved. *The motion carried, 5-0.*

D1 - Appointment of a Delegate and an Alternate Delegate to the State Convention (Resolution No. 1416).

MOTION: A motion made by Supervisor Ballard and seconded by Vice-Chairman Moyer to adopt Resolution No. 1416 appointing Chairman John Foley as Delegate and Vice-Chairman Moyer as Alternate Delegate to the 2015 State Convention, is hereby approved. *The motion carried, 5-0.*

E1 - Selection of Depositories for Township Funds (Resolution No. 1417).

MOTION: A motion made by Vice-Chairman Moyer and seconded by Supervisor Engle that Resolution No. 1417 selecting **PNC Bank, Citizens Bank, Sovereign Bank, Pennsylvania Local Government Investment Trust, Northwest Savings, Fulton Bank, Metro Bank, Wells**

Fargo, M&T Bank, Susquehanna Bank, Members 1st Federal Credit Union, Bryn Mawr Bank Corp. (Hershey Trust), and Pennsylvania Treasury Invest Program as selected depositories for the funds of the Township of Derry for the year 2015, and the Township Treasurer is further authorized to invest Township funds in any security as authorized in Act 102 of 1980; and that the Township Treasurer, who has been duly elected as Township Treasurer by the Board of Supervisors, is directed to deposit in said depositories all funds coming into his hands as Township Treasurer, is hereby approved. *The motion carried, 5-0.*

F1 - Naming of monies to be paid to the Hershey Fireman's Relief Association for the year 2015 (Resolution No. 1418).

MOTION: A motion made by Supervisor Engle and seconded by Vice-Chairman Moyer to Adopt Resolution No. 1418 whereas the Township will pay over to the Hershey Fireman's Relief Association all monies received from Foreign Fire Insurance Tax for the year 2015, is hereby approved. *The motion carried, 5-0.*

G1 - Appointment of One (1) Member to the Vacancy Board for a one-year term (Expired term of Susan Cort).

MOTION: A motion made by Vice-Chairman Moyer and seconded by Supervisor Weir to appoint Susan Cort to the Vacancy Board for a one-year term, is hereby approved. *The motion carried, 5-0.*

H1-15 - Appointment of One (1) Member to the Planning Commission for a four-year term (Expired term of Ned Wehler) Ballot 1.

VOTE: The Board voted on Ballot 1 and appointed Ned Wehler to the Planning Commission for a four-year term.

I1-10 - Appointment of One (1) Member to the Parks and Recreation Advisory Board for a five-year term (Expired term of John Lutes) Ballot 2.

VOTE: The Board voted on Ballot 2 and appointed Patricia Foster to the Parks and Recreation Advisory Board for a five-year term.

J1-39 - Appointment of One (1) Member to the Zoning Hearing Board for a five-year term (Expired term of William Tafuto) Ballot 3, One (1) Member for a three-year term (Unexpired term of Mike Angello), Ballot 4, and One (1) Member for a one-year term (Unexpired term of Matthew Brouillette) Ballot 5.

VOTE: The Board voted on Ballot 3 and appointed Matthew Luttrell to the Zoning Hearing Board for a five-year term.

VOTE: The Board voted on Ballot 4 and appointed Mark Shrift to the Zoning Hearing Board for a three-year term.

VOTE: The Board voted on Ballot 5 and appointed Catherine Wagner to the Zoning Hearing Board for a one-year term.

K1 - Appointment of One (1) Member to the Police Pension Advisory Board for a One year term (Expired term of James Brandt).

MOTION: A motion made by Vice-Chairman Moyer and seconded by Supervisor Engle to appoint James Brandt to the Police Pension Advisory Board for a one-year term, is hereby approved. *The motion carried, 5-0.*

L1-15 - Appointment of Two (2) Members to the Board of Library Directors for three-year terms (Expired terms of John Abel and Julie Isaacson) Ballot 6.

VOTE: The Board voted on Ballot 6 and reappointed Julie Isaacson to the Board of Library Directors for a three-year term and appointed Dr. Marilyn Carter to the Board of Library Directors for a three-year term.

M1-11 - Appointment of One (1) Member to the Tax Collection Association for a three-year term (Expired term of James Ingalzo) Ballot 7.

VOTE: The Board voted on Ballot 7 which resulted in a tied-vote. A re-vote was taken and Richard Shreve was appointed to the Tax Collection Association for a three-year term.

N1-9 - Appointment of One (1) Member to the General Authority Board for a five-year term (Expired term of Christopher Dawson) Ballot 8.

VOTE: The Board voted on Ballot 8 and appointed Dr. Matthew Caples to the General Authority Board for a five-year term.

O1-7 - Appointment of One (1) Member to the Industrial Commercial Development Authority for a five-year term (Expired term of James Ingalzo) Ballot 9.

VOTE: The Board voted on Ballot 9 and appointed James Ingalzo to the Industrial Commercial Development Authority for a five-year term.

Board of Supervisors and Staff Appointments

P1 - Appointment of One (1) Member of the Board of Supervisors to the Library Endowment Trust for a one-year term (Expired term of Marc Moyer).

MOTION: A motion made by Chairman Foley and seconded by Supervisor Engle to appoint Marc Moyer to the Library Endowment Trust for a one-year term, is hereby approved. *The motion carried, 5-0.*

Q1 - Appointment of One (1) Member of the Board of Supervisors as the Emergency

Services Liaison for a one-year term (Expired term of John Foley).

MOTION: A motion made by Vice-Chairman Moyer and seconded by Supervisor Engle to appoint John Foley as the Emergency Services Liaison for a one-year term, is hereby approved. *The motion carried, 5-0.*

R1 - Appointment of Two (2) Members of the Board of Supervisors to the Police Pension Advisory Board for one-year terms (Expired terms of Sandy Ballard and Marc Moyer).

MOTION: A motion made by Chairman Foley and seconded by Supervisor Engle to appoint Sandy Ballard and Marc Moyer to the Police Pension Advisory Board for one-year terms, is hereby approved. *The motion carried, 5-0.*

S1 - Appointment of Two (2) Members of the Board of Supervisors as Transportation Liaisons for one-year terms (Expired terms of John Foley and Justin Engle).

MOTION: A motion made by Vice-Chairman Moyer and seconded by Supervisor Engle to appoint John Foley and Justin Engle as Transportation Liaisons for one-year terms, is hereby approved. *The motion carried, 5-0.*

T1 - Appointment of One (1) Member of the Board of Supervisors to the Tri-County Regional Planning for a one-year expired term (Expired term of John Foley).

MOTION: A motion made by Vice-Chairman Moyer and seconded by Supervisor Engle to appoint John Foley to the Tri-County Regional Planning for a one-year term, is hereby approved. *The motion carried, 5-0.*

U1 - Appointment of One (1) Member of the Board of Supervisors to the Tax Collection Association Board of Directors for a two-year term (Expired term of Matthew Weir).

MOTION: A motion made by Vice-Chairman Moyer and seconded by Chairman Foley to appoint Matt Weir to the Tax Collection Association Board of Directors for a two-year term, is hereby approved. *The motion carried, 5-0.*

V1 - Appointment of One (1) Member of the Board of Supervisors to the General Authority for a five-year term (Expired term of Marc Moyer) and One (1) Member for a three-year term (Expired term of John Foley).

MOTION: A motion made by Vice-Chairman Moyer and seconded by Supervisor Engle to appoint Marc Moyer to the General Authority for a five-year term and John Foley to the General Authority for a three-year term, is hereby approved. *The motion carried, 5-0.*

W1 - Appointment of One (1) Member of the Board of Supervisors to the Municipal Authority for a five-year expired term (Expired term of Justin Engle).

MOTION: A motion made by Chairman Foley and seconded by Vice-Chairman Moyer to appoint Justin Engle to the Municipal Authority for a five-year term, is hereby approved. *The motion carried, 5-0.*

X1 - Appointment of One (1) Member of staff to the Capital Region Council of Government for a one-year term (Expired term of Tom Clark) and One (1) Member as an alternate (Expired term of Sandy Ballard).

MOTION: A motion made by Chairman Foley and seconded by Vice-Chairman Moyer to appoint Tom Clark to the Capital Region Council of Government for a one-year term and Sandy Ballard as an Alternate to the Capital Regional Council of Government for a one-year term, is hereby approved. *The motion carried, 5-0.*

Y1 - Appointment of One (1) Member of the Board of Supervisors to the Industrial Commercial Development Authority for a five-year term (Expired term of Justin Engle) and One (1) Member for a three-year term (Expired term of John Foley).

MOTION: A motion made by Vice-Chairman Moyer and seconded by Chairman Foley to appoint Justin Engle to the Industrial Commercial Development Authority for a five-year term and John Foley to the Industrial Commercial Development Authority for a three-year term, is hereby approved. *The motion carried, 5-0.*

MOTION: A motion made by Supervisor Ballard and seconded by Vice-Chairman Moyer that affirmation of the votes for Ballot 1 through and including Ballot 9, is hereby approved. *The motion carried, 5-0.*

APPROVAL OF MINUTES

MOTION: Chairman Foley called for a motion to approve the Minutes of the 2015 Budget Hearing held on November 12, 2014. Supervisor Engle made a motion to approve the Minutes. Supervisor Ballard seconded. *The motion carried, 5-yes 0-no.*

MOTION: Chairman Foley called for a motion to approve the Minutes of the December 16, Public Hearing regarding Zoning Petition No. 2014-05. Vice-Chairman Moyer made a motion to approve the Minutes. Supervisor Weir seconded. *The motion carried, 5-yes 0-no.*

MOTION: Chairman Foley called for a motion to approve the Minutes of the December 16, Public Hearing regarding transfer of a liquor license. Supervisor Engle made a motion to approve the Minutes. Supervisor Weir seconded. *The motion carried, 5-yes 0-no.*

MOTION: Chairman Foley called for a motion to approve the Minutes of the December 16, 2014 Board of Supervisors meeting. Supervisor Engle made a motion to approve the Minutes. Supervisor Ballard seconded. *The motion carried, 5-yes 0-no.*

NEW BUSINESS

A1-15 - The Pennsylvania State University Milton S. Hershey Medical Center University Technology Center, Healing Garden Infill, and Original Hospital Courtyard Infill, Plat No. 1243.

Charles Emerick, Director of Community Development – The Penn State Hershey Medical Center campus consists of 551.94 acres and of that total, 382.47 acres are within Lots 1, 2 and 3. Those lots contain the hospital, medical school, student housing, and other related functions. The remaining acreage to the east contain other buildings that are leased to the medical center. The original land grant is identified as Lot #1 and as part of that land grant the land became encumbered to make it difficult to sub-divide or add to other property. As a result, each time a plan has been processed through the Township, the medical center has sought relief to enjoy those three lots as if they are one. The Zoning Board has granted this relief in 2005, 2007 and 2014, except this time they granted it in more of a perpetual manner with some conditions.

This land proposes the Infill of the development of the main hospital, the creation of the University Technology Center next to the lifeline hanger and some expansions of the parking lot in the area of the Animal Research facility. The plan will add 64,554 square feet of floor area to the campus. The impervious coverage of the property is about 25.5% and in this district 60% is permitted.

The parking at the University Technology Center will consist of 46 regular parking spaces and 2 accessible parking spaces even though only 18 are required by the Code. The 30 spaces beyond the 18 are to accommodate the Technology Center's needs as it operates during emergencies and training for emergencies as it will be their EOC center for the campus. It is a gated and restricted parking lot.

Stormwater for the University Technology Center is provided through four rain gardens. They took the existing basin and are converting it to a rain garden. These rain gardens will address the water quality for the site. The geological report that accompanied this plan noted the presence of sink holes in the area and suggested each of the rain gardens be lined and that is being proposed.

A traffic impact study was not provided with this plan; although a narrative indicates 36 peak hour trips would be generated. 18 of these trips are for the University Technology Center, which is being relocated from its present location on Sipe Avenue and should not cause much of an effect in this area.

Mr. Emerick reviewed each of the waivers. In regards to the waiver for sidewalks, walkways and bicycle paths and the deferment over the years for sidewalks, HMC has encumbered their property with a license agreement for the benefit of the Township for the maintenance and installation of the bike paths that are on portions of their 550 acres.

DISCUSSION:

Supervisor Ballard asked what abutting streets don't have bike or pedestrian paths. Mr. Emerick said there is a small area south of Life Line Drive where the path crosses at Bullfrog and goes

up to Stoney Run. Here the bike path system serves both the community and the inside of the property as a sidewalk would.

Supervisor Ballard thanked the Med Center for everything they bring to the community and the wonderful job they have done with the development including the bike path. She also mentioned the value of having their central parking covered by trees. She acknowledged they are under the 50 spaces requirement, but asked if there is any ability to add trees in the spaces in between the parking area. Mr. Emerick said their landscape plan for the parking lot in the area of the data center indicates tree plantings. A representative from HMC said they tried to put trees where there is more soil.

Supervisor Ballard pointed out one spot as an opportunity to put a small ramp at Cherry Drive across from Karns. Corey Bray said the Med Center would have to look into that further. That would likely require them to check with PennDOT. There are some slope issues and he is not sure how well the existing curb cut was placed. It would require some design. Chairman Foley said we are partnering with the Med Center on the 322-Fishburn-Cherry Drive study and that is part of the scope of what they are looking to accomplish. Supervisor Weir noted this area at Cherry is really not even part of this plan and will be addressed with the study.

Supervisor Engle asked how this development affects traffic on neighboring roads. He also noted 36 peak hour trips for 65,000 square feet sounded low. Mr. Bray said the data center is only manned by a small amount of employees and the floor space is mainly data storage.

Supervisor Engle asked Mr. Emerick if a hundred trips would necessitate a traffic study and Mr. Emerick said it would. Supervisor Engle asked what kind of space are the Infills. Mr. Bray replied it is an emergency department addition and clinical is the Healing Garden. The courtyard is HDI and clinical.

Supervisor Engle mentioned that the project narrative being referred to is separate from what the Board saw and Mr. Emerick agreed. He said this is a fairly sizeable project and it was delivered to the Board on Saturday. He would like more time to review it.

Chairman Foley asked if tabling this agenda item until January 27th would have a negative impact on the project. Mr. Bray said there is a preconstruction meeting already scheduled for January 13 and they are ready to move forward.

Supervisor Weir asked why was the adjoining of the three lots put in this plan. Mr. Emerick said they are not able to adjoin the three lots together by deed and because of that they either have to abide by setback lines or they have to seek relief. Mr. Emerick said because of the encumbrance from the land grant when the land was originally gifted to Penn State, it created a situation where it is nearly impossible to change the lot lines.

Motion: Supervisor Engle made a motion to table this agenda item until the January 27th meeting to allow time for further review. Vice-Chairman Moyer seconded. ***The motion carried, 5-0.***

Mr. Emerick will send the Board additional information on this plan. He also will send plans to the Board at the same time as the Planning Commission and then send staff comments when they are ready. Supervisor Ballard asked that the Board receive their packets at least a week in advance.

B1-2 - Adoption of Resolution No. 1409, appointing a firm of certified public accountants to audit all of the accounts of the Township of Derry for the 2014 fiscal year.

James N. Negley, Township Manager/Township Treasurer – Hamilton and Musser, PC was approved by the Board of Supervisors on December 3, 2013 to conduct the financial audit of the Township for the years ending December 31, 2013, 2014, and 2015. A resolution is needed to confirm this appointment.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Engle that Resolution No. 1409, appointing Hamilton and Musser, PC to examine and audit the accounts of the Township of Derry for the 2014 fiscal year for a sum of \$16,700, is hereby approved. *The motion carried, 5-0.*

C1-2 - Adoption of Resolution No. 1410, establishing the contribution rate for the police pension fund for 2015 at 2% of wages.

James N. Negley, Township Manager/Township Treasurer – The 2% is established by labor negotiations and a police contract.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Weir that Resolution No. 1410 establishing the contribution rate for the police pension fund for 2015 at 2% of wages, is hereby approved. *The motion carried, 5-0.*

D1-4 - Consideration of the release of a portion of the performance security provided for the Preliminary/Final Land Development Plan for Centric Bank, Plat No. 1214.

Motion: A motion made by Supervisor Weir and seconded by Vice-Chairman Moyer that the Township releases \$236,517.85 from the performance security held as Centric Bank Letter of Credit No. 281 for the Preliminary/Final Land Development Plan for Centric Bank, Plat No. 1214, resulting in a new balance of \$26,279.76, is hereby approved. *The motion carried, 5-0.*

E1-4 - Consideration of the release of a portion of the performance security provided for the Preliminary/Final Land Development Plan for Apple Retail Properties (Chipotle), Plat No. 1233.

Motion: A motion made by Vice-Chairman Moyer and seconded by Supervisor Engle that the Township releases \$151,929.58 from the performance security held as People's Bank Letter of Credit No. 13-054 for the Preliminary/Final Land Development Plan for Apple Retail Properties (Chipotle), Plat No. 1233, resulting in a new balance of \$16,436.61, is hereby approved. *The motion carried, 5-0.*

CORRESPONDENCE/BOARD/COMMITTEE INFORMATION

Supervisor Ballard reminded the Board and staff that the Regional Bike Connections study group will hold a second public meeting on January 26 from 5:30PM -7:30PM at the Swatara Township Building to gather final comments and recommendations from the community.

Vice-Chairman Moyer shared that nine additional emails were received voicing their opposition to the rezoning of Prometheus One.

REPORTS

Patrick O'Rourke, Chief of Police – Chief O'Rourke congratulated the New Year's Eve Committee and the Township staff for a great evening with very little problems.

Bob DiLello, Fire Company – Mr. DiLello reported their capital campaign is underway and they are preparing their station for the start of construction, which is still on schedule for the beginning of March.

Thomas R. Clark, Director of Public Works – Mr. Clark announced they will begin tomorrow morning at 5:00AM preparing the roads in anticipation to the upcoming weather.

Barbara Ellis, Director of Hershey Public Library – Ms. Ellis reported the Library will begin 2015 with a strategic plan. Today, the Downtown Hershey Association brought in their display panel to the Library for the community to see.

Jill E. Henry, Assistant Township Manager – Asst. Manager Henry reported that the re-design of the Township's website has begun. Web-Tech is doing the redesign and it will take approximately 3 months.

APPROVAL OF ACCOUNTS PAYABLE (\$258,133.42) AND 2 PAYROLLS \$602,484.37).

MOTION: A motion made by Vice-Chairman Moyer to approve accounts payable in the amount of \$258,133.42 and two payrolls in the amount of \$602,484.37. Supervisor Ballard seconded. *The motion carried, 5-yes 0-no.*

VISITOR/PUBLIC COMMENTS

No one came forward.

ADJOURNMENT

Vice-Chairman Moyer moved to adjourn the meeting at 8:10 p.m. Supervisor Ballard seconded. *The motion carried, 5-yes 0-no.*

SUBMITTED BY:

Justin C. Engle

Brenda Van Deursen

Township Secretary

Recording Secretary