

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING**

Tuesday, May 13, 2014
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The May 13, 2014 Township of Derry Board of Supervisors meeting was called to order at 7:00 p.m. by John 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
Thomas R. Clark, Director of Public Works
Bob DiLello, Fire Company
Barbara Ellis, Director of Hershey Public Library
Charles W. Emerick, Director of Community Development
Jill E. Henry, Assistant Township Manager
Matt J. Mandia, Director of Parks and Recreation
James N. Negley, Township Manager/Township Treasurer
Lt. Timothy Roche, Assistant Chief of Police
Jon A. Yost, Township Solicitor
Brenda Van Deursen, Recorder

Public Present: Lee Vasiliades, Elvira Ebling, Richard Robce, Rich Gamble, Anne Newman

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 issues.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Lee Vasiliades, 212 Linden Road – Mr. Vasiliades shared his frustration with the overflow parking from the new Mexican restaurant. He banks at Wells Fargo, which is located across the street from Chipotle's, and he is having problem finding a parking space due to the overflow from the restaurant. He made his concern known to the bank and they are also aware of the problem and will be speaking to their corporate office. Mr. Vasiliades said if nothing is done it will only get worse during tourist season and when school is let out. He also expressed concern with the ingress and egress to the property.

Rich Gamble, Hockersville Road – Mr. Gamble thanked Supervisor Ballard for keeping the Township residents updated about what is happening in their community.

Mr. Gamble commented that Chipotle's is an example of the effect changing ordinances has on the Township.

Mr. Gamble expressed his concern with the impression given at the Public Workshop related to transparency and tones of conflict of interest regarding a new fire house. The purpose was to get input from the community. At the Public Workshop, he had recommended another study be done to see what the opinion would be now. He questioned the appropriateness of putting it on the agenda. Mr. Gamble referred to Chairman Foley's conversation with Dr. Carter and if he would share that information with the community.

Chairman Foley clarified that the vote was to advance the HVFC project. The HVFC has to go through all the steps before it receives final approval. The vote was simply affirming that we are in need of a fire station, that we as a Township are in support of that fire station initiative, and that the oversight advance to the ICDA. The ICDA will be charged Thursday evening to take on that task. The Board voted to agree, at some point, a guarantee of funding provided the HVFC raises the necessary funds to support that debt. We did not guarantee the debt at this point; we simply endorsed the process moving forward. Our vote came as a result of the Workshop. Chairman Foley said he was asked if there were any further questions of the Board and there were none. There was anonymous support from the Board for advancing the project. There is still a lot of work to be done not only for the Fire Company, but also for the ICDA and the Township. There will be more public hearings for comments.

Chairman Foley said in terms of conflict of interest, he stepped down as an Assistant Fire Chief two years ago, but he still remains a volunteer fireman. Mr. Gamble said he was not challenging Chairman Foley as a volunteer fireman. It is sitting on the committee that made the recommendation to expand the existing fire station when the reports stated that there should be another station. Mr. Gamble said he knows the community needs fire stations and their services. His concern is Chairman Foley's involvement in this particular project that has a strong tone of building one fire station downtown. Are we doing the right steps at the right time for the future by building one fire station?

APPROVAL OF MINUTES

Chairman Foley called for a motion to approve the Minutes of the April 22, 2014 Public Workshop.

Chairman Foley made a change to the Minutes in reference to a loan guarantee through the ICDA of up to \$2.55 million dollars. It should \$3.0 million dollars and should be changed appropriately.

Vice-Chairman Moyer made a motion to approve the Minutes with the change mentioned above from \$2.55 million dollars to \$3.0 million dollars. Supervisor Engle seconded. ***The motion carried, 5-yes 0-no***

Chairman Foley called for a motion to approve the Minutes of the April 22, 2014 Board of Supervisors meeting. Supervisor Engle made a motion to approve the Minutes as written. Supervisor Ballard seconded. ***The motion carried, 5-yes 0-no***

NEW BUSINESS

A1 Presentation of a Grant Award from the Pennsylvania American Water Company to the Hershey Volunteer Fire Company.

James N. Negley, Township Manager/Township Treasurer – The Pennsylvania American Water Company was not present to make a \$1,000 check presentation from a grant award to the Hershey Volunteer Fire Company. It will be rescheduled.

B1-3 Authorization of an Intergovernmental Transfer and the associated Bill of Sale with Dauphin County Emergency Management Agency (DEMA), to facilitate the transfer of ownership of the public safety radio communications equipment currently deployed and in use by the Derry Township Police Department and the Derry Township Police Communications Center.

Lt. Timothy Roche, Assistant Chief of Police – This pertains to a massive overhaul of the public safety communications center. Several years ago in Dauphin County, the DEMA consolidated all radio networks being used in the County by police, fire, and emergency medical staff. Part of that overhaul was to provide both base and portable radio systems to the various entities in the Township. As part of that project, the County would maintain ownership and rights to the hardware and software associated with the project. As of recent, they asked for transfer of this property to the respective municipalities. DEMA plans to transfer the property for a total dollar amount of \$1.

Motion: A motion made by Vice-Chairman Moyer and seconded by Supervisor Ballard that the Intergovernmental Transfer and the associated Bill of Sale in the amount of one dollar (\$1.00) to finalize the transfer of ownership of all radio components currently deployed in the field of operations by the Derry Township Police Department, is hereby approved. ***The motion carried, 5-yes 0-no.***

C1-4 Consideration of the release of a portion of the performance security for the Preliminary/Final Subdivision Plan for Hill Church Glen, Plat No. 1175.

Motion: A motion made by Chairman Foley and seconded by Vice-Chairman Moyer that the Township releases \$75,668.51 from the performance security, held as Susquehanna Bank Letter of Credit #10009310961 for the Preliminary/Final Subdivision Plan for Hill Church Glen, Plat #1175, leaving a remaining balance of \$60,745.30, is hereby approved. ***The motion carried, 5-yes 0-no.***

D1-13 Authorization for the Chairman of the Board of Supervisors to execute a Grant Agreement for the Dauphin County Local Share Municipal Grant Program for the debt reduction payment of a new Engine 48 Fire Truck for the Hershey Volunteer Fire Company.

James N. Negley, Township Manager/Township Treasurer – The Township was fortunate to receive \$155,716 in grant money from the Pennsylvania Race Horse Development and Gaming

Act. These funds are specifically to pay the remaining debt service for both pieces of apparatus. This amount will finalize the debt. As a result, the HVFD received \$1.3 million dollars of fire apparatus which is now completely paid for. The Township is very appreciative for the gaming funds from Dauphin County.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Engle that authorization for the Chairman of the Board of Supervisors to execute a Grant Agreement for the Dauphin County Local Share Municipal Grant Program for the final payment of a new Engine 48 Fire Truck for the Hershey Volunteer Fire Company, is hereby approved. *The motion carried, 5-yes 0-no.*

E1-5 Authorization for the Township of Derry to execute a Cooperation Agreement with The Foundation for Enhancing Communities (TFEC) for the Downtown Hershey Project and for TFEC to file an application for Financial Assistance with the PA Department of Community and Economic Development.

James N. Negley, Township Manager/Township Treasurer – TFEC filed an application for financial assistance with the Pennsylvania Department of Community and Economic Development in the amount of \$25,000. This application requires a local matching share. The Township agrees to apply the \$15,000 in matching funds, assume the provision of the full local match, and reimburse DCED for any expenditure from the grant funds that are deemed to be ineligible.

Motion: A motion made by Vice-Chairman Moyer and seconded by Supervisor Ballard that authorization for the Township of Derry to execute a Cooperation Agreement with The Foundation for Enhancing Communities (TFEC) for the Downtown Hershey Project to file an application for Financial Assistance with the PA Department of Community and Economic Development, is hereby approved. *The motion carried, 5-yes 0-no.*

F1-10 Authorization to accept a proposal from Herbert, Rowland & Grubic, Inc., to provide engineering and construction phase services for Java and Locust Avenues Storm Sewer Projects.

James N. Negley, Township Manager/Township Treasurer – This scope of work will provide engineering and related services in response to the execution of the Community Development Block Grant-Disaster Recovery awards to the Township for Java Avenue and Locust Avenue Storm Sewer Projects. This scope of service proposes to complete the tasks indicated for a fee of \$60,000 for Locust and \$75,000 for Java. These amounts are consistent with the grant award and there is no additional fee to the Township.

Motion: A motion made by Vice-Chairman Moyer and seconded by Supervisor Weir that the Township Manager may execute an agreement with Herbert, Rowland & Grubic, Inc., to provide engineering and construction phase services for a lump sum fee of \$60,000 for Locust Avenue and \$75,000 for Java Avenue, is hereby approved. *The motion carried, 5-yes 0-no.*

G1 Authorization to award Uniform Rental for Public Works Employees.

Thomas R. Clark, Director of Public Works – There was a bid opening on May 5 and one bid was received from Cintas. Their bid was submitted in the amount of \$5,308.16 per year for a total of \$15,924.48 for the three-year contract period. Our current contract cost is \$9,037.08 per

year. This is a savings of \$3,728.92 a year for a total of \$11,186.76 for the three year contract period.

Motion: A motion made by Supervisor Ballard and seconded by Vice-Chairman Moyer that Cintas Corporation be awarded the three year contract for Uniform Rental for the Public Works Employees in the amount of \$15,924.48, which is \$5,308.16 per year, is hereby approved. ***The motion carried, 5-yes 0-no.***

H1 Request to conduct a walk celebrating the feast of Corpus Christi requested by Saint Joan of Arc Parish on Sunday, June 22, 2014 starting at 1:00 p.m. on various Township roadways.

Lt. Timothy Roche, Assistant Chief of Police – This is the fourth year the request has been made. The three previous years, the request has been honored. The Church's intent is to celebrate a religious feast by conducting a pedestrian march after the 12 o'clock service, approximately at 1:15 in the afternoon. We anticipate three to four personnel to assist with road closures at the various intersections to facilitate the pedestrian transfer. In the past on-duty personnel were used and we have not had to expend overtime. However, the Church is aware of the Township's policy in reimbursement and they are willing to remit payment for any type of expenses incurred. The anticipated walk time will be one hour.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Weir that a request to conduct a walk celebrating the feast of Corpus Christi requested by Saint Joan of Arc Parish on Sunday, June 22, 2014 starting at 1:00 p.m. on various Township roadways, is hereby approved. ***The motion carried, 5-yes 0-no.***

I1 Request for traffic assistance for the American Cancer Society's PA Hope Ride scheduled for Saturday, June 28, 2014 starting from the Hope Lodge at 7:00 a.m.

Lt. Timothy Roche, Assistant Chief of Police – The request is for the police department to man traffic signals from 322 at Governor Road and Lucy, east bound up to Fishburn Road to facilitate passage of the 70+ bicyclists that are attending to travel to the Philadelphia suburbs. There are four traffic signals involved. No additional personnel is anticipated.

Motion: A motion made by Vice-Chairman Moyer and seconded by Supervisor Ballard that a request for traffic assistance for the American Cancer Society's PA Hope Ride scheduled for Saturday, June 28, 2014 starting from the Hope Lodge at 7:00AM., is hereby approved. ***The motion carried, 5-yes 0-no.***

J1 Authorization to conduct the Annual Memorial Day Parade on Monday, May 26, 2014 at 10:00 a.m.

Matt J. Mandia, Director of Parks and Recreation – The Annual Memorial Day Parade staging area will be located at the Hershey Recreation Center. At approximately 11:30 the Annual Memorial Day Ceremony will be occurring. Chairman Foley is the MC for the ceremony.

Motion: A motion made by Supervisor Ballard and seconded by Vice-Chairman Moyer that authorization to conduct the Annual Memorial Day Parade on Monday, May 26, 2014 at 10:00 a.m., is hereby approved. ***The motion carried, 5-yes 0-no.***

K1-7 Request for a Donation to the Bowman Trust for the beautification of Hershey.

Jill E. Henry, Assistant Township Manager – Every year the Township budgets \$2,500 to donate to the Bowman Trust in support of hanging baskets.

Motion: A motion made by Supervisor Engle and seconded by Supervisor Ballard that the Township donates \$2,500 to the Bowman Trust, is hereby approved. *The motion carried, 5-yes 0-no.*

CORRESPONDENCE/BOARD/COMMITTEE INFORMATION

Supervisor Ballard thanked the School District, the Police, and the Township staff for participating in Bike to School Day. It was a wonderful success.

Vice-Chairman Moyer - Supervisor Weir and Vice-Chairman Moyer had the privilege and honor of participating in the local Girl Scout Troop recognition awards including the presentation of the Girl Scout Gold Award. He is hoping to have the recipients at a meeting in the future to acknowledge their accomplishment. Vice-Chairman Moyer congratulated all the girl scouts who were recognized at the event.

Supervisor Weir thanked those who signed up for the program, the volunteers, and Public Works for participating in Tree Vitalize They planted another 36 trees this year for a total of 225 street trees since the program began.

REPORTS

Lt. Timothy Roche, Assistant Chief of Police – In response to Mr. Vasiliades' concern relative to the Ridge Road Restaurant, the Police Department has received a few complaints particularly about the alley. The Police Department initiated a traffic study of that particular area with our Traffic Safety Unit. Additionally, today they received a call from the business that had some concern about having unauthorized parking on their property. They will address it with the them, but legally there is not too much the police has authority to do. The Police Department will dispatch their Community Police Officer for that zone to meet with the business owner, and try to engage in some interaction with the Chipotle representatives to facilitate some ease in that vicinity.

Chairman Foley's office is right in that area and he gets to see it every day. It was anticipated that the startup would result in pretty heavy traffic, but he is seeing the amount of traffic diminish as the week goes on.

Supervisor Ballard works in Harrisburg and has use of a private lot. If someone parks there that shouldn't, their car is towed. The bank could do that, but our Township Police Department cannot because it is a private parking lot.

Supervisor Ballard said the Downtown Hershey Association and others talk about the desire for outdoor eating. She asked Mr. Emerick if they are allowed to add tables outside or are they limited due to parking. Mr. Emerick said by today's ordinance they are limited due to parking, but as we move through the Comprehensive Plan and revise our ordinance we will begin to exclude outdoor seating in the downtown area.

Supervisor Engle said he has the property right next to the restaurant which is the easiest place to park when the Chipotle lot is full. He has not had a need yet to put signs up restricting parking. He asked about the traffic study and what it would measure. Will it look at pedestrian traffic? Lt. Roche said the issue that was discussed was specifically addressing the standing in the alley and the parking issues in the alley. They did not address the scope of any pedestrian concerns but he will pass it along to Sgt. Ferree that it should be inclusive of their study.

Chairman Foley pointed out that the stopping and getting out of the car is not exclusive to that area; it runs from Cocoa Avenue to beyond Valley.

Supervisor Ballard noted the bike rack is being used downtown and people are walking to and from Chipotle. We need to encourage people to park once and walk.

Bob DiLello, Fire Company – Mr. DiLello thanked the PA Water Company for their generous donation. The Fire Company is anxious to meet with ICDA this week. The fire house siren will be up and running soon. It will be located at the 800 block of Old West Chocolate. This information will be posted on the websites and local newspapers will be notified so that the community is aware.

Chairman Foley added that TMI donated the siren. The Fire Company will have to upgrade it to today's communication tools. It is a valuable resource for the entire emergency area. Sirens are used if the paging system goes down and for natural disasters, which is critical.

Thomas Clark, Director of Public Works - The milling projects began yesterday at Bullfrog Valley Road and then will proceed to Sand Hill Road from the Hilltop area. Once the milling is done, they will begin paving.

Barbara Ellis, Director of the Hershey Public Library – The Library's strategic planning continues to progress. By the end of this month, they will have a new web design on the Library's web page by June 2. At the April meeting of their Endowment Trust Board, they approved a procedure for disbursement for funds from the endowment which for the last 27 years has been growing. The endowment; reached its goal last year of \$2 million, which will remain the principal of the endowment for the Library. The Friends of the Library and the Library Board have discussed how they may disburse some of the monies beginning in 2015.

Matt Mandia, Director of Parks & Recreation – In cooperation with our Friends of the Parks & Recreation group, we are going to be conducting our first Annual Park Pride Day, on Saturday, June 7. It will be held at Shank Park from 9 to 12 noon. They are asking residents to come out and take pride in their parks and help with general clean up. There will be activities and refreshments afterwards.

Chairman Foley asked Matt Bonanno to relook at the stormwater projects in the area of Bullfrog Valley and Wood Road. He asked that Mr. Bonanno let the Board know what grants or funding are available and get back to them on the next steps.

Charles Emerick, Director of Community Development – Mr. Emerick would like to schedule a public hearing on June 24 for the Molinari & Ruble partners. They were recently in front of the Planning Commission seeking a zoning change from neighborhood commercial to suburban residential off of Sand Hill Road. He suggested the hearing start at 6:15 p.m. to allow time for discussion. The Board agreed to the date and time.

Mr. Emerick said they spent a lot of time doing sign enforcement. He received feedback from people that would like to have some other way to advertise their business that they are opened to what that might be. He would like permission from the Board to explore doing a sandwich board sign ordinance (A-frame signs). They would be outside of the right-of-way about 8 square feet, only displayed during business hours, one per business, non-plastic signs, etc. Another option is the open flags. They are both reasonable temporary signs that will come inside at the end of the day.

Vice-Chairman Moyer suggested there be uniformity for the signs/flags and visually pleasant to look at. Mr. Emerick is looking for uses in the Neighborhood Commercial district, the Village Core Downtown Commercial, and also in places where businesses may be 75 feet or more from the road. Supervisor Ballard suggested with the downtown area to coordinate the signs with the Design Review Board.

The Board gave Mr. Emerick approval to get started.

APPROVAL OF ACCOUNTS PAYABLE (\$398,889.85) AND TWO PAYROLLS (\$633,741.17).

Vice-Chairman Moyer moved to approve accounts payable in the amount of \$398,889.85 and two payrolls in the amount of \$633,741.17. Supervisor Ballard 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 7:55.m. Supervisor Ballard seconded. ***The motion carried, 5-yes 0-no.***

SUBMITTED BY:

Justin C. Engle
Township Secretary

Brenda Van Deursen
Recording Secretary