

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING**

**Tuesday, August 12, 2014
600 Clearwater Road, Hershey, Pennsylvania 17033**

CALL TO ORDER

The August 12, 2014 Township of Derry Board of Supervisors meeting was called to order at 7:15 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:

HRG Engineer
Barbara S. Ellis, Director of Hershey Public Library
Charles Emerick, Director of Community Development
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
Lt. Timothy C. Roche, Police Department
Randy Watts, HRG
Jon Yost, Solicitor
Brenda Van Deursen, Recorder

Public Present: Rich Gamble, Tom Stang, Anne Newman, Charleton Zimmerman, Charles Huth, Rodney Sonderman, Mike Leonard, Jarred Neal, Elvira Ebling, Ron Lucas, Tyson Brown, Terry Weir, Debbie Tregea, Don P., Amy Bischof, Kenn Heigel, R. Ruble, S. Ruble, T. Molinari, M. Molinari, Ted H., Nikki, Solliday, Sheilah Borne, Benjamin Levi, Patrick V., Randy Watts, Ryan Miller, S. Kellner, Phil Jurus, Patricia Boyle, Julie Waldron, Tom Mehaffie

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

Mike Leonard, 127 Maple Avenue ó Mr. Leonard is back before the Board again regarding issues with the height of trees in the Township especially at the intersections. He mentioned a few areas, Ridge Road, Elm Avenue, Cocoa Avenue, Southpoint, etc. He said he offered and is still willing to pay for a

mailing to send out to people. He asked if there is any liability with the Township and the residents who don't trim their tree.

Supervisor Ballard asked if we inspect any areas. Robert Piccolo, Assistant Director of Public Works said when they get a complaint or it is reported to them, they measure the tree to determine if it exceeds the current limit of 9 feet and the owner of the tree will receive a letter. If we have something representing a hazard the resident gets a small time frame to take care of it or we take care of it.

Ryan Miller - In 2011, he purchased property at 909 Greenlea Road. Since then, he has lost \$75,000 to \$100,000 dollars in his foundation. If the previous homeowners would have told the truth, he would have never bought the property. Since 2011, he has experienced the 2011 storm, the heavy rain in October 2013 and again in July 2014. The 2013 and 2014 were thunderstorms and not historic events. He met with Community Development and HRG, who told him there was no money for this. He did have a hydraulic report done.

Mr. Emerick asked Mr. Ryan for a copy of his hydraulic report. Chairman Foley asked Mr. Emerick to get with Mr. Bonanno and report back to the Board with any remedies available and then respond back to Mr. Miller.

Sue Kellner, 58 Locust Avenue ó Ms. Kellner has property on 1236 Sandhill Road and after an ordinary rain storm, the rain comes on her property resulting in a 9 inch trench and running into her garage because the person across the street has macadam. This is the fourth time this has happened since spring. She wrote a letter via email to all of the supervisors. Ms. Kellner called Mr. Emerick who visited and saw the way the water was running. She has spent thousands of dollars just because permission was granted to permit building and removing of all the trees that the owner did.

Supervisor Ballard thought the Board should look at obtaining additional financing for stormwater improvements. Chairman Foley asked that Mr. Emerick and Mr. Bonanno come up with a few solutions that may add some relief to the Kellner property and submit a report to the Board.

APPROVAL OF MINUTES

Chairman Foley called for a motion to approve the Minutes of the July 22, 2014 Board of Supervisors meeting. Supervisor Weir made a motion to approve the Minutes. Supervisor Ballard seconded. Supervisor Engle abstained as he was not present at the meeting. ***The motion carried, 4-yes 0-no 1-absention.***

NEW BUSINESS

A1-52 Consideration of requests by several organizations for the Township of Derry to support and/or submit on their behalf funding from the Local Gaming Share revenues, and to prioritize those organization requests the Township agrees to support.

Chairman Foley asked each presenter to keep their presentation to 5 minutes, unless there is additional information from what they provided to the Board.

Dr. Benjamin Levi, Penn State Hershey Medical Center – Dr. Levi presented a \$452,347.00 request for the Board to sponsor a program for Recognition of Child Abuse and Mandated Reporting. This program will target the people who care for most of our vulnerable children (children under the age of 5). This project will allow this program to be free of charge for child care providers.

Chief Sonderman, Hershey Volunteer Fire Department – Chief Sonderman is seeking the Board to sponsor a request for funding of their new Fire Station in the amount of \$1,350,000 over 5 years, an average of \$270,000 annually.

Nikki Solliday, Director of Hershey Derry Township Historical Society – Ms. Solliday is asking the Board to consider sponsoring the Historical Society's request of \$40,000 to replace the building's roof. This request is important to ensure the preservation and maintenance of the current historical collection. The replacement of the roof needs completed within the next year.

Lt. Timothy Roche, Derry Township Emergency Management Agency – Lt. Roche on behalf of Derry Township Emergency Management Agency, is seeking for the Board to sponsor their request of \$35,000 for video routing capabilities during Township emergencies. This routing will allow for viewing and exchanging of video from various sources regarding security footage to the Township Emergency Operations Center. It also includes equipment to enable remote viewing of video through the use of the Mobile Command and Communications vehicles.

Supervisor Engle asked how often we need to interact with other sources. Lt. Roche said it can be used for preplanned events and every large scale event of Hershey Entertainment. It would be used a minimum of 12 times a year. We interact currently in limited capabilities, but this would give us more access.

M.S. Hershey Foundation – The M.S. Hershey Foundation is requesting the Board to sponsor their request of \$75,000 for the Milton and Catherine Hershey Conservatory. These funds will be used to develop educational exhibits and curriculum. They will be sharing the gardens with seven of the poorest school districts in the state and providing education. The Conservatory will offer more than 5,000 kids the opportunity of a field trip a no cost to the school district. This allows the Foundation to do something within the entire Township focused on legacy, greening up space, etc. They received a lot of positive responses from their presentation to the County.

Manager Negley said the grand total amount of requests presented tonight totals \$872,347.00. Our priority one request for fire apparatus debt service is \$270,000. He reported that this past year, the Township received 212,716 in gaming funds for its sponsored submissions; this included \$155,716 for fire apparatus debt, \$25,000 for the Historical Society, and \$32,000 for the People Mover's Van.

Motion: A motion made by Chairman Foley and seconded by Supervisor Moyer that the Township of Derry sponsors the request for funding from the Local Gaming Share revenues for the following projects: the Hershey Fire Station as priority one, Derry Township Emergency Management Agency, priority two, and the Hershey Historical Society, as priority three, is hereby approved.

The motion carried, 5-yes 0-no.

Motion: A motion made by Chairman Foley and seconded by Supervisor Moyer that the Township of Derry supports the request for funding from the Local Gaming Share revenues for the following projects: M.S. Hershey Foundation and Penn State Hershey Medical Center, is hereby approved.

The motion carried, 5-yes 0-no.

B1-2 Approval of Resolution No. 1397, a request by the Hershey Volunteer Fire Department for the Township to support and/or submit on behalf of the Hershey Volunteer Fire Department a request for funding of the new Hershey Fire Station from the Local Gaming Share revenues.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Weir that Resolution No. 1397, a request by the Hershey Volunteer Fire Company for the Township to support and or submit on behalf of the Hershey Volunteer Fire Company and establishing this request as the Township's number one priority for funding from the Local Gaming Share revenues, is hereby approved. *The motion carried, 5-yes 0-no.*

C1-2 Approval of Resolution No. 1396, opposing the request of Sunoco Pipeline to be designated a Utility by the Public Utility Commission

James N. Negley, Township Manager/Township Treasurer – The Capital Region Council of Governments unanimously adopted this Resolution and encouraged municipalities to do the same. By granting this resolution, it would permit disregarding local ordinances and allow easier use of eminent domain in acquiring lands for its use.

Motion: A motion made by Vice-Chairman Moyer and seconded by Supervisor Ballard that Resolution No. 1396, opposing the request of the Sunoco Pipeline to be designated a Utility by the Public Utility Commission, is hereby approved. *The motion carried, 5-yes 0-no.*

D1-5 Consideration of the adoption of Ordinance No. 649 amending Chapter 225, of the Code of the Township of Derry to change the zoning classification of certain parcels of land located along the west side of Sand Hill Road from a Neighborhood Commercial classification to a Suburban Residential classification. This zoning change has been requested by Molinari & Ruble Partners, LP; Kevin E. and Francine Walker; and Kathy A. and Chean Y. Pang in the form of Zoning Petition No. 2014.02.

Charles Emerick, Director of Community Development – If adopted, this will rezone five parcels of land from Neighborhood Commercial to Suburban Residential zoning classification. The proposed zoning is consistent with our Comprehensive Plan. A public hearing was held in June of this year. The Pangs did sign the petition for rezoning in March and sold their property to Mr. Lambright shortly after. All the activities prior to the sale included this parcel in the rezoning. At the public hearing, Mr. Lambright requested his property not be included. If the Board would chose not to include Mr. Lambright's property in the rezoning, the Board would decide if another public hearing should be held and an alteration made to the application.

Chairman Foley noted that by this ordinance, we are seeking to exclude the Kellner property. Mr. Emerick said that was correct because it was not part of the original request, but the Lambright property was. Solicitor Yost said he is concerned when it went to County Planning they did not exclude it and any changes would have to go back to the County Planning Commission.

Chairman Foley said he recognizes what the 1991 plan wanted to achieve and what the current plan is. Supervisor Ballard said the Committee is going through the process of updating the comprehensive plan and zoning changes. Mr. Emerick said they just had the kickoff meeting and it will be about 18 months for it to go into effect.

Chairman Foley said he is reluctant that we should be holding off on any of this. We are not adhering to the development, but we have had a document for 20 plus years we have not enacted upon. If we make this change it should include both the Kellner and Lambright properties. Solicitor Yost said that the proposed Ordinance would have to go back to the County Planning, hold a new public hearing, etc.

Attorney Lucas said the Township's Comprehensive Plan states it should be suburban residential and the Planning Commission said it was not inappropriate for the Kellner property not to be changed. Do we need to wait 18 months until the Comp Plan has been updated?

Chairman Foley said that given the recommendation for this, he does not understand why they would not be in favor of making it all residential suburban. Our existing Comp Plan has been adopted, but this zoning change has not been undertaken. Ms. Kellner does not object to the plan. The Pangs were comfortable with signing off and the new owner knew about the rezoning and was okay. If all the parcels were to change, it would be more in line with the Comp Plan.

Solicitor Yost said at the Public Hearing that Mr. Lambright wanted what Sue Kellner wanted. The meeting has been advertised and Mr. Lambright isn't here tonight so the Board could proceed with this.

Motion: A motion by Chairman Foley was made to adopt Ordinance No. 649. There was no second so the motion died.

Attorney Lucas asked the Board to reconsider the Ordinance and request the Planning Commission to consider an ordinance to exclude both properties. The continuous delay will kill the project.

Chairman Foley commented that he is surprised we get to this point and we fail to act.

As the attorney and developer left, Ms. Kellner said that the developer was yelling at her over the decision. Ms. Kellner's daughter added that they have attacked her mother since day one.

E1-9 Participation in the 2015 Dauphin County Gypsy Moth Suppression Program.

Charles Emerick, Director of Community Development – This is a cost-sharing program for the aerial spraying to suppress gypsy moths throughout Dauphin County. If we want to participate we will need to notify the Dauphin County Conservation District by August 25, 2014. The estimated cost per acre is \$12.50 to \$13.50 and payment would be due by December 31, 2014.

Motion: A motion made by Supervisor Ballard and seconded by Vice-Chairman Moyer that Derry Township notifies the Dauphin County Conservation District by August 25, 2014 that the Township intends to participate in the Dauphin County Gypsy Moth Suppression Program in Derry Township, for the year 2015, is hereby approved.

The motion carried, 5-yes 0-no.

F1-4 Support for the Dauphin County Planning Commission's proposed grant application for the update to the Dauphin County Comprehensive Plan.

Charles Emerick, Director of Community Development – The Dauphin County Planning Commission is looking for a letter of support to the Local Share Municipal Grant to assist in the funding of a proposed update to the Dauphin County Comprehensive Plan.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Weir that the Board of Supervisors authorizes the Chairman's signature on the attached letter, supporting the Dauphin County Planning Commission's proposed update to the Dauphin County Comprehensive Plan, is hereby approved. *The motion carried, 5-yes 0-no.*

G1-54 Approval of Resolution No. 1398, a resolution by the Township of Derry in support of a Regional Connections Grant Proposal to Fund a Regional Bike Share Feasibility Study as a follow-up to our current Regional Bike Connections Grant.

Sandy A. Ballard, Supervisor – This study will get municipal governments to collaborate in advancing the transportation-related goals of the Regional Connections Grant Program and the Harrisburg Area Transportation Study. The Dauphin County Parks and Recreation Department will be the lead municipality and will submit a grant proposal of up to \$32,000 with a local match of up to \$8,000. This resolution is to support the grant and the Township's contribution of \$3,000 as part of the local match. A large group of municipalities are cooperating and this is the next step.

Debbie Tregoe said they are looking at a bike sharing program as part of the employee wellness program at the campus. This will allow employees to check out a bike and travel from one part of the campus to another.

Supervisor Ballard added that the Harrisburg Young Professionals and Dauphin County will be the lead municipality and this will not involve any of our staff time. It is a regional study and we get the benefit because certain facilities will be studied.

Vice-Chairman Moyer asked about the cost. Supervisor Ballard said we requested up to \$3,000 last time and hope we only need a smaller amount.

There was further discussion related to bike sharing in other communities. It has been proven to improve communities. Regarding financial commitments from other municipalities, Supervisor Ballard said, Dauphin County is the lead agency and Harrisburg City signed their letter of support and plan to do fundraising.

Chairman Foley asked who actually runs it if it is here locally. Some are ran by the municipality and some are run by non-profit and some it is a combined effort. Chairman Foley said our population including the campus of the Med Center is only about 25,000; Harrisburg City may be a better model since they are larger. He is concerned with tax payer dollars in something that on the surface does not appear feasible. Vice-Chairman Moyer suggested moving forward to support the proposal outside of a financial commitment.

Motion: A motion made by Chairman Foley and seconded by Vice-Chairman Moyer that the Board of Supervisors approve the Township's participation with several municipalities in a TCRPC

Regional Connections grant proposal to fund a Regional bike Share Feasibility Study and directs the Township staff to complete the attached Resolution No. 1398 and cover letter to document the Township's commitment to participate in this project without the financial commitment, is hereby approved. *The motion carried, 5-yes 0-no.*

H1-8 Approval of Resolution No 1394, an application for a Traffic Signal Approval to update the signal plan on Chocolate Avenue at the intersections with Homestead Road, Linden Road, and Ridge Road.

James N. Negley, Township Manager/Township Treasurer – The purpose of this resolution is to apply with PennDOT to update the traffic signal plan to reflect updated pavement markings on Route 422 eastbound and 743 southbound.

Motion: A motion made by Vice-Chairman Moyer and seconded by Supervisor Engle that Resolution No 1394, an application for a Traffic Signal Approval to update the signal plan on Chocolate Avenue at the intersections with Homestead Road, Linden Road, and Ridge Road, is hereby approved. *The motion carried, 5-yes 0-no.*

I1-1 Authorization to establish Trick or Treat for Thursday, October 30, 2014 from 6:00 to 8:00 p.m..

Motion: The Board approved unanimously that Thursday October 30, 2014 between the hours of 6:00 PM and 8:00 PM is hereby established as the date and time for the Halloween Trick or Treat activities for Derry Township.

J1-4 Approval of Ordinance No. 650, amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210, Section 210-38. Parking prohibited at all times in certain locations by establishing parking restrictions on the first block of East Caracas Avenue at various intersections as listed in the attached ordinance.

Supervisor Engle asked how this change came about. Lt. Roche said a complaint was received regarding parked vehicles along the first block of E. Caracas Avenue and after a traffic study was conducted it was determined that it was due to sight distance. Supervisor Engle said that we should get input from our downtown planner.

Motion: A motion made by Supervisor Engle and seconded by Supervisor Weir that Ordinance No. 650, amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210, Section 210-38. **Parking prohibited at all times in certain locations by establishing parking restrictions on the first block of East Caracas Avenue at various intersections** as listed in the attached ordinance, is hereby approved. *The motion carried, 5-yes 0-no.*

CORRESPONDENCE/BOARD/COMMITTEE INFORMATION

Vice-Chairman Moyer commented on the professional and timeliness of the police department in response to a concern regarding someone lingering in a specific area.

REPORTS

Lt. Roche, Police Department, thanked all those who assisted with National Night Out held last week.

Robert Piccolo, Assistant Director of Public Works reported they finished paving at Southpoint and are moving on to Brookline.

It was noted that Supervisor Ballard left the meeting at 8:45.

Barbara S. Ellis, Director of Hershey Public Library reported they made \$50,200 at their annual book sale. She thanked Public Works, Parks and Recreation, and the Police Department for their assistance.

Randy Watts, HRG Engineer, reported that the general permit for Locust and Java was submitted to DEP on August 5. Mr. Bonanno met with the school district regarding the berm.

Charles Emerick, Director of Community Development – Mr. Emerick requested a public hearing for a rezoning request to change Deer Run from multifamily to attached residential. The Board approved a public hearing for September 9 at 6:45 PM.

APPROVAL OF ACCOUNTS PAYABLE (\$495,381.75) AND PAYROLL (\$353,388.99).

Supervisor Engle moved to approve accounts payable in the amount of \$495,381.75 and payroll in the amount of \$353,388.99. Supervisor Moyer seconded. *The motion carried, 4-yes 0-no.*

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Rich Gamble, Hockersville Road – Mr. Gamble suggested the Board write a letter to our representative for the way the developers treated Ms. Kellner.

Ms. Kellner’s daughter stated that her mother was in a state of fear and asked that she have police escort her to her car. Lt. Roche said he had already asked patrol to wait outside.

ADJOURNMENT

Chairman Moyer moved to adjourn the meeting at 8:55 p.m. Vice-Chairman Moyer seconded. *The motion carried, 4-yes 0-no.*

SUBMITTED BY:

Justin C. Engle
Township Secretary

Brenda Van Deursen
Recording Secretary