

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING**

Tuesday, April 8, 2014
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The April 8, 2014 Township of Derry Board of Supervisors meeting was called to order at 7:05 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
Patrick O'Rourke, Chief of Police
Terry M. Weinhold, Manager of Accounts Payable & Receivable
Jon A. Yost, Township Solicitor
Brenda Van Deursen, Recorder

Public Present: Mike Leonard, Jay Robertson, Karon Wagner, Frank Ferguson, Kenny Hinebaugh, James Chestnut, Anne Newman, Charles Huth, Rick Russell, Elvira Ebling, Chris Barber, Tom Gifford, Chad Krebs, Bob Gurt, Kevin Ferguson, Anita Mentzer, Dee Myrray, Adam Cray, George Porter

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

Mike Leonard, 66 Cedar Avenue – Mr. Leonard did some research regarding natural gas/CNG for his 5 plumbing trucks as well as a fueling station. He believes there is an opportunity in the Township for the Med Center, Hershey Foods, Hersheypark, school buses, and the Township. He would be willing to serve on a committee to research this further. It has a lot of merit for the future for energy, efficiency, gas mileage, etc. There is a conference at the West Shore Chamber of Commerce at the end of the month and he is planning to attend.

Chairman Foley said the Township has met a number of times with engineers and he believes there are some initiatives underway right now. He knows that HE&R and the Med Center have explored it and there have been discussions with the Township and Milton Hershey School. It is a great idea and it is where the future is going.

Supervisor Ballard suggested appointing a few other citizens who might want to participate in a working group. Chairman Foley suggested that Vice-Chairman Moyer, Supervisor Weir and Mr. Leonard work together on this.

APPROVAL OF MINUTES

Chairman Foley called for a motion to approve the Minutes of the March 25, 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

A1-6 Consideration of adoption of Ordinance No. 643, amending Chapter 225 of the Code of the Township of Derry to change the zoning classification of lands located along East Derry Road from Village Residential and Economic Development classifications to a Neighborhood Commercial classification. This zoning change has been requested by Derry Presbyterian Church in the form of Zoning Petition No. 2013-02.

Charles W. Emerick, Director of Community Development – This proposal is for property presently zoned Village Residential and Economic Development to be rezoned to Neighborhood Commercial. The Board of Supervisors held a public hearing on the proposed rezoning. Mr. Emerick provided a list of the Uses that are in each of the districts that presently exist and a list of Uses for Neighborhood Commercial. The reason for this rezoning is the demolition of a single home that will then be replaced with Love, Inc.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Weir that consideration of adoption of Ordinance No. 643, amending Chapter 225 of the Code of the Township of Derry to change the zoning classification of lands located along East Derry Road from Village Residential and Economic Development classifications to a Neighborhood Commercial classification. This zoning change has been requested by Derry Presbyterian Church in the form of Zoning Petition No. 2013-02, is hereby approved. *The motion carried, 5-yes 0-no.*

B1-5 Consideration of adoption of Resolution No. 1390 to amend the Derry Township Comprehensive Plan.

Charles W. Emerick, Director of Community Development – This is a companion request to the zoning change in the above agenda item. The Municipal Planning Code requires that a Township's Comprehensive Plan be consistent with its zoning.

Motion: A motion made by Supervisor Engle and seconded by Chairman Foley that consideration of adoption of Resolution No. 1390 to amend the Derry Township Comprehensive Plan, is hereby approved. *The motion carried, 5-yes 0-no.*

C1-11 Execution of parking agreements related to the Preliminary/Final Subdivision and Stormwater Management Site Plan for 11 and 19 East Chocolate Avenue, Plat No. 1238.

Charles W. Emerick, Director of Community Development – This plan will subdivide the 19 East property to allow future development and maintaining of the buildings that will house about a thousand employees of the Hershey Company downtown. Part of this plan was brought to the Zoning Hearing Board for some parking relief. Part of the condition for the parking relief was that there will be agreements between the properties that name the Township as party to them so that they are aware of any future changes. Solicitor Yost reviewed the agreement and would like some different language which can be done by an addendum to the existing agreements as written.

Motion: A motion made by Supervisor Engle and seconded by Supervisor Ballard that Assistant Secretary Jim Negley is authorized to execute the parking agreements related to Plat No. 1238 for the purposes therein contained, upon Jon Yost’s approval of the agreements, is hereby approved. *The motion carried, 5-yes 0-no.*

D1-4 Authorization to advertise an ordinance 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 “no parking” restrictions on Quail Hollow Road and Stoney Run Road on the inside of 5 specific curves on these roadways and as outlined in the proposed model ordinance.

Patrick O’Rourke, Chief of Police – This proposed amendment is in response to the parking concerns raised by the Stoney Run Homeowner’s Association. Their concerns were focused on the on-street parking of vehicles within certain sections of the development and the traffic issues this presented to pedestrians, school buses, and other vehicles. The area was studied and the recommendation is to eliminate parking in specific curves to allow clear sight. Two of the five areas affected are on Quail Hollow and the other three are on Stoney Run Road. Chief O’Rourke viewed all these areas satisfactorily and thinks these recommendations are in the best interest of the safety of the residents, the school children, and others.

Discussion:

Supervisor Ballard asked that this item be tabled until members of the Homeowner’s Association were present to add their comments. Chairman Foley said this agenda item is to advertise a potential amendment of the ordinance which will allow 30 days to receive public comment. Chief O’Rourke said based on safety, he would not make modifications to the proposed ordinance regardless if it is voted on tonight or at a later date. Supervisor Ballard felt that we should allow the Homeowner’s Association to be part of the discussion.

Motion: A motion made by Supervisor Weir and seconded by Supervisor Engle that authorization to advertise an ordinance 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 “no parking” restrictions on Quail Hollow Road and Stoney Run Road on the inside of 5 specific curves on these roadways and as outlined in the proposed model ordinance, is hereby approved. *The motion carried, 4-yes 1-no.*

E1-38 Adoption of Resolution No. 1391 authorizing the submission of a grant application to the Pennsylvania Department of Conservation and Natural Resources to assist with funding for the Cocoa Castle Rehabilitation Project.

Matt J. Mandia, Director of Parks and Recreation – This resolution is an important step to rehabilitate the Cocoa Castle Playground which is one of the most popular playground structures in the community. This structure was constructed out of pressure treated lumber in 1993 and is now in need of replacement. It is proposed to apply for a grant through the Department of Conservation and

Natural Resources (DCNR) in the amount of \$175,000. It is also proposed that the local match of a maximum amount of \$175,000 be earmarked from the Township's in-lieu of funds (FILO) which are funds derived by the Township through the land development process for specific purposes of enhancing recreational facilities and amenities throughout the community. Our FILO contributions could be reduced if we are successful in acquiring other grants and contributions. Mr. Mandia shared sketches that depict the design that will keep the appearance and visual aesthetics from Cocoa Avenue and the entrance of the Hershey Recreation Center that so many people have become accustomed to seeing. After meeting with many manufacturers of playground equipment, making site visits, and doing research, they decided on PlayWorld Structures. There is some PlayWorld equipment in our park systems currently and they are holding up extremely well.

Grant awards are usually announced in October. If we receive the grant, we will look to do a community build which was done with the original Cocoa Castle. This will allow the community to assist in assembling the playground structures along with certified installers overseeing that process. Mr. Mandia is requesting authorization to submit the grant application.

Discussion: Supervisor Weir said he participated in the construction of the current playground in 1993 and it was a great community project. Chairman Moyer asked if Mr. Mandia has envisioned other funding resources to further reduce the Township's monetary liability. Mr. Mandia said they will do some community outreach both local and business wide as well as pursue other grant opportunities.

Solicitor Yost said this is a major improvement. It is more than just repairing what is out there, but rather a total upgrade of what is going to be there. Mr. Mandia added that the upgrade will keep them up to date with today's standards for ADA.

Supervisor Engle asked about the ground covering. Mr. Mandia said they will use similar to what is there now which is a certified playground cover that meets all the compaction impact standards,

Supervisor Ballard asked about the fence. Mr. Mandia said the fence will be replaced. There will be a time for those in the past who contributed to the fence to get their picket. Supervisor Ballard asked about the proposed design. Mr. Mandia said once the grant is approved he will work with Asst. Manager Henry to put information in the next newsletter. In addition, he will have the manufacturer post the design at the entrance to the playground along with a suggestion box for any comments the citizens might have.

Motion: A motion made by Vice-Chairman Moyer and seconded by Supervisor Ballard that Resolution No. 1391 authorizing the submission of a grant application to the Pennsylvania Department of Conservation and Natural Resources to assist with funding for the Cocoa Castle Rehabilitation Project in the amount of \$175,000, is hereby approved. *The motion carried, 5-yes 0-no.*

F1-2 Approval of voluntary sidewalk and curb reconstruction project bid letting. Construction and installation of handicap accessible ramps.

Thomas R. Clark, Director of Public Works – The department advertised the curb and sidewalk program which is an opportunity for the residents to replace sidewalks adjacent to their property in the public right of way. To-date they had 85 property owners interested in being included in this program. This year the program will include the installation of accessible ramps at 8 intersection locations where road improvements and reconstruction are anticipated this year. They received one bid from Red Rock Construction who has done this work for us the past three years. As the result of the legislation that was effective in January 2014, we no longer have to pay the prevailing wage rate for this project. The price per square foot for home owners is \$7.80 for sidewalk which is the lowest we have seen in 6

years and a \$1.95 lower than last year. The funding is through the general fund and residents will reimburse us for the work done in front of their home. Liquid Fuels will be used for the handicap ramps associated with any road reconstruction. The total cost for the contract this year was \$97,982.39 and our recommendation is that the contract be awarded to Red Rock Construction in that amount.

Discussion:

Supervisor Ballard asked Mr. Clark if he ever had people agree to participate that don't pay us back. Mr. Clark said we never had someone not pay.

Vice-Chairman Moyer asked if any of these projects required demolition as well as installation. Mr. Clark said the price includes demolition and installation.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Weir that the Township Staff award the sidewalk and curb reconstruction project and handicapped ramps bid to Red Rock Construction in the amount of \$97,982.39, is hereby approved. *The motion carried, 5-yes 0-no.*

G1 Request to conduct the Hershey Company Children's Miracle Network 5K Run scheduled for Saturday, June 21, 2014 starting at 8:00am.

Patrick O'Rourke, Chief of Police – The race will start at the Hershey Company Tech Center. There will be some State and Township roadways closed including Reese Avenue, N. Hockersville Road, Swatara Avenue, Old W. Chocolate Avenue and Mill Street and only local traffic will be permitted during the event. This is the 12th year for the event and there have never been any issues with it. The race will last about an hour.

Motion: A motion made by Supervisor Engle and seconded by Vice-Chairman Moyer that the request to conduct the Hershey Company Children's Miracle Network 5K Run scheduled for Saturday, June 21, 2014 starting at 8:00am on both State and Township roadways, is hereby approved. *The motion carried, 5-yes 0-no.*

H1-2 Request by the East Shore YMCA to hold the Troeg's Hop Dash on Sunday, October 5, 2014 at 9:00am.

Patrick O'Rourke, Chief of Police – The race will start and end at Troeg's Brewing Company. The proceeds from the race will aid in subsidizing memberships for the East Shore YMCA, a non-profit organization, and to provide childcare and other programs for the people in the community who otherwise cannot afford the benefits. Roadways will need to be closed off and only local residential traffic will be permitted during the event.

Discussion:

Chairman Foley pointed out that they have been in conversation with the Police Department, the Hershey Company, and the State Police Academy. Supervisor Ballard said that part of the process was asking the folks planning a race on a Sunday to discuss the issue with the Ministerium first. Chief O'Rourke said the Ministerium was contacted by Chairman Foley.

Chief O'Rourke said prior to the suggested policy going into effect, Troeg's had advertised this race event not knowing of the policy. The event sold out within the hour. They talked with Troegs and they are willing to pursue a Saturday next year. The event should be over in an hour.

A representative from Troeg's said they planned the race for a Sunday because a lot of businesses are closed then and there would be fewer parking issues. They are not opposed to checking into another day.

Motion: A motion made by Supervisor Weir and seconded by Supervisor Engle that a request by the East Shore YMCA to hold the Troeg's Hop Dash on Sunday, October 5, 2014 at 9:00am, is hereby approved. *The motion carried, 5-yes 0-no.*

I1-2 Request by the Hershey Entertainment and Resorts Company to hold the 5th Annual Hershey Half Marathon on Sunday, October 19, 2014 at 7:30am.

Patrick O'Rourke, Chief of Police – This event will be a 13.1 mile tour through many iconic landmarks in Hershey. It will start and end at the Hersheypark Stadium. The USA Track and Field Association will certify this course. Chief O'Rourke shared the roadways that will be affected.

Discussion:

Supervisor Ballard inquired about the race time. Jay Robertson from HE&R said all participants must be back in the stadium by 10:41am. The road closures are rolling at a 14 minute pace.

Vice-Chairman Moyer asked if there was any overlap of road closures due to the races on October 5 and two weeks later on October 19. Chairman Foley said it will be a different route.

Chief O'Rourke said they are going to establish a link on their website for any organization that chooses to host a race. It will take them through the steps that have to be accomplished prior to coming before the Board for approval.

Motion: A motion made by Supervisor Ballard and seconded by Vice-Chairman Moyer that the request by the Hershey Entertainment and Resorts Company to hold the 5th Annual Hershey Half Marathon on Sunday, October 19, 2014 at 7:30am, is hereby approved. *The motion carried, 5-yes 0-no.*

CORRESPONDENCE – Supervisor Weir said he was approached by a couple of residents regarding the speed on Roush Road and Sand Hill at Bullfrog Valley. Another concern is all the mud in the alley at Maple Avenue. Mr. Emerick said they will look into this.

BOARD/COMMITTEE INFORMATION – Chairman Foley announced a workshop/special meeting regarding the proposed fire station on April 22 at 6:00 pm. There will be open dialogue with the residents and the Fire Company.

REPORTS

Patrick O'Rourke, Chief of Police – Chief O'Rourke shared that they are ramping up speed and traffic enforcement which includes pedestrian enforcement. They have cited a number of pedestrians for crossing in violation of the laws.

Bob DiLello, Fire Company – Mr. DiLello thanked the Giant Center for allowing the Fire Company to use their parking lot for a driver recertification course that they conduct every other year. He congratulated their fire captain, John Wilburne on his recent selection to the Harrisburg Fire Bureau as a fire fighter. John has been with the Hershey Fire Department since he was 14 years old and now he is able to turn that opportunity into a career opportunity.

Thomas Clark, Director of Public Works - The Public Works Department is in the cleanup process for the outside of all the facilities including the trails and the athletic fields to get them in shape for the upcoming games. They are back on their street sweeping schedule. Mr. Clark thanked HE&R and Milton Hershey for loaning them salt and anti-skid this year when we were low. Chairman Foley acknowledged that the Township roads would not have been as safe as they were had it not been for the great partnership we have with Milton Hershey School and HE&R.

Vice-Chairman Moyer asked about the people who still have brush, branches and debris sitting out on their curb. Mr. Clark said the piles are getting lower. The brush pile is opened from 7 to 5 and Waste Management started yard waste collection this week.

Barbara Ellis, Director of Hershey Public Library – This Thursday, the Library will hold a small working group meeting to focus down on all the input received at the original meeting. On Sunday April 13 at 2:00, James McPherson, authority and author of civil war history will be speaking at the Library. Next week for National Library Week there will be a backyard bee keeping event. On April 16 and 17, the Library will have the first two films of their Film Forward program. On April 19, Twenty Feet from Stardom will be shown at the Library. The Annual Volunteer luncheon is on April 25.

Matt J. Mandia, Director of Parks and Recreation – Mr. Mandia recognized Mr. Clark and his crews for the work they have been doing on the trails and at the parks. The 30th Annual Community Easter Egg Hunt is this Saturday at Shank Park.

Matt Bonanno, HRG Township Engineer – The contractor will be back in town tomorrow to meet with PennDOT to do a final walk thru for all the work within the State Highway HOP processes. A letter of map revision was submitted to FEMA in January regarding the Cocoa Avenue area where the stream was relocated. FEMA sent HRG a few comments back on March 27. HRG will address the comments and send back to FEMA.

Jill E. Henry, Assistant Township Manager – Assistant Manager Henry reported that they are going to be establishing a Wellness Committee for the employees to educate them and help them to remain healthy. This was discussed during the budget hearings to help control our health care costs. We are going to be receiving a lot of support through Capital Blue Cross who is our new medical care provider. This Wellness initiative will begin with a survey to seek input from the employees on what areas they are interested and how and when they would like to receive the information.

APPROVAL OF ACCOUNTS PAYABLE (\$182,256.68) AND PAYROLL (\$290,557.65).

Supervisor Engle moved to approve accounts payable in the amount of \$182,256.68 and payroll in the amount of \$290,557.65. Supervisor Ballard seconded. *The motion carried, 5-yes 0-no.*

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Kevin Ferguson, 1338 Quail Hollow Road – Mr. Ferguson thanked the Board and Chief O'Rourke and his department for addressing the safety concerns on Stoney Run and amending the ordinances.

Chairman Foley said this upcoming weekend the Milton Hershey School family will be holding their Cancer Care Walk. He shared that a couple of the Milton Hershey students are facing this battle. He encouraged all to participate. It is a 24 hour celebration of life.

ADJOURNMENT

Supervisor Ballard moved to adjourn the meeting at 8:00 p.m. Vice-Chairman Moyer seconded. *The motion carried, 5-yes 0-no.*

SUBMITTED BY:

Justin C. Engle
Township Secretary

Brenda Van Deursen
Recording Secretary