

**TOWNSHIP OF DERRY  
BOARD SUPERVISORS MEETING**

**Tuesday, August 13, 2013**  
600 Clearwater Road, Hershey, Pennsylvania 17033

**CALL TO ORDER**

The August 13, 2013 Township of Derry Board of Supervisors meeting was called to order at 7:10 p.m. by E. Christopher Abruzzo, Chairman.

**ROLL CALL**

***Supervisors Present:***

E. Christopher Abruzzo, Chairman  
Sandy A. Ballard  
Kelly C. Fedeli, Vice-Chairman  
John Foley, Jr.  
Marc A. Moyer, Secretary

***Also Present:***

Matt Bonanno, HRG Engineer  
Thomas R. Clark, Director of Public Works  
Barbara S. 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  
Timothy C. Roche, Assistant Chief of Police  
Jon A. Yost, Township Solicitor  
Brenda Van Deursen, Recorder

***Public Present:*** Elvira Ebling, Nikki Soliday, Richard Grubb, Charleton Zimmerman, Tim Zeiber, Diana Zeiber, Rich Gamble, Jonathan Crist, Tom Stang, Brian Shiflett

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

Chairman Abruzzo 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**

**Charleton Zimmerman, 119 Roosevelt Avenue, Palmdale** - Mr. Zimmerman distributed a copy of an article that was in the Patriot News related to the noise from a concert. He also mentioned about a light that was out at Hotel Road. He notified Manager Negley who checked into it. Mr. Zimmerman asked Manager Negley about the occupancy change at Troegs Brewery. He was told it was a casual restaurant, but in a food article in the Patriot News it says it is a full service restaurant with chefs. He mentioned that the parking is quite full at times. Mr. Emerick responded to Mr. Zimmerman that Troegs went before the Zoning Hearing Board for an expansion of the silos. At that time Mr. Emerick had them review their parking requirements with the Board and they are in compliance with the parking and building code. Troegs would

be termed a fast casual restaurant and not a full service restaurant since they don't have table service orders.

**Jonathan Crist, 226 W. Chocolate** – Attorney Crist shared a letter with the Board that he received from Pepper Hamilton, attorneys for the Hershey Trust Company, with regard to an issue he raised with them awhile back. There are restrictions in every deed in downtown Hershey, stating it is residential only and that commercial use is not permitted without permission from HERCO. It has never been enforced until now. HERCO is now going to attempt to enforce the restrictions against commercial use in the downtown Hershey area without their specific permission. That impacts not only Chocolate Avenue, but the whole core area. They are going to start a selective enforcement to get the Yi's to move their zoning challenge.

#### **APPROVAL OF MINUTES**

***Chairman Abruzzo called for a motion to approve the Minutes of the July 23, 2013 Board of Supervisors meeting.***

**Motion:** Chairman Abruzzo called for a motion to approve the Minutes of the July 23, 2013 Board of Supervisors meeting. Supervisor Foley made a motion to approve the Minutes as written. Supervisor Ballard seconded. ***The motion carried, 5-yes 0-no***

#### **NEW BUSINESS**

**A1-8 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's requests.**

**James N. Negley, Township Manager/Township Treasurer** – The Township of Derry is the host community for the Hollywood Casino and can choose to support and prioritize organizations from the Township that submit requests for funding from the gaming share revenues. The Township has received three requests for consideration and those requests were from the Hershey Derry Township Historical Society, Mid State Alliance, and The People Movers.

**Nikki Soliday, Executive Director and Richard Grubb, Board President - Hershey Derry Township Historical Society (HDTHS)**

HDTHS is requesting the sponsorship and support of the Township for their local share and municipal grant to the Dauphin County Gaming Advisory Board. HDTHS is initiating the final phase of a multi-year capital improvement project to renovate their museum and community education facility. This last phase will include improvements to the first floor museum, office space, retail gift shop, exterior and parking areas. These modifications will complete the capital improvement project, demonstrating enriched public access and expanding heritage tourism opportunities. This request is defined as a public interest initiative by the grant program guidelines. Their application request is for \$75,000 to support the final phase of renovations. The total project cost is \$125,000, for which they have a cash match of approximately \$39,000. Due to the invoicing system for the heritage campaign, there are still outstanding receipts for three-year pledges that are due, so the remaining balance will be supplemented by the pledges due.

**Mid State Alliance** - Manager Negley said Mid State Alliance is requesting \$75,000 to \$150,000 to complete the Pre-Development Phase to build a preeminent athletic facility in Dauphin County. No one from Mid State Alliance was at the meeting to present their request.

**Ray Faidley, Director - The People Movers**

The People Movers are a group of seniors serving the senior citizens of Derry Township. They provide an average of 550 rides a month for individuals over 60 years of age. They currently have two vans, but are requesting the Board's sponsorship for a third van. This request is in the amount of \$31,957. Currently, one van is used for primary trips and the other one is kept for back up in case the primary one breaks. With the increased trips for dialysis and cardiac rehab, they could use a third van. With three vans, one van would be the primary van, a second van to transport dialysis/rehab appointments, and the third van would be backup if one breaks down. This would give The People Movers an opportunity to increase their capacity and deliver the service. Mr. Faidley said they are also in need of drivers.

Chairman Abruzzo said the first obligation is to the Fire Company for the fire apparatus. With no representation from Mid State Alliance, there will be no action taken for them.

The Board commented on the work and value of each of the requests. Chairman Abruzzo asked Asst. Manager Horner to place on the website a request for volunteers to help The People Movers.

**Motion:** A motion made by Supervisor Foley and seconded by Supervisor Ballard that the Township of Derry sponsor the requests for funding from the Local Gaming Share Revenues prioritizing The People Movers, as number two and Hershey Derry Township Historical Society as number three priority, is hereby approved. *The motion carried, 5-yes 0-no.*

**Manager Negley said he will have resolutions prepared indicating the priority and have them available to attach to the applications at the next meeting on August 27.**

**B1-2 Approval of Resolution No. 1369, requesting the Township of Derry to support and/or submit on behalf of the Hershey Volunteer Fire Department, a request for funding from the Local Gaming Share Revenues.**

**James N. Negley, Township Manager/Township Treasurer** – This resolution is a request for the Township to support the Hershey Volunteer Fire Department for the funding of their fire apparatus and establish it as the number one priority. The request is for \$155,716. If this entire amount is received, the debt will be retired.

**Motion:** A motion made by Supervisor Ballard and seconded by Vice-Chairman Fedeli that Resolution No. 1369, a request by the Hershey Volunteer 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.*

**C1-8 Approval of Resolution No. 1368, Application for a Permit to Install and Operate Traffic Signals on Fishburn Road (SR0743) and Homestead Road (T-576).**

**James N. Negley, Township Manager/Township Treasurer** – The Board approved the installation of a traffic signal on Fishburn and Homestead Roads. This resolution is necessary to make application to PennDOT indicating to them that the Township will pay for and maintain the signal once installed.

**Motion:** A motion made by Supervisor Foley and seconded by Supervisor Ballard that Resolution No. 1368, to Install and Operate Traffic Signals on Park Boulevard (T-591) and proposed Chocolate World Driveway, and authorizing the Township Manager to execute the Application for Traffic Signal Approval, is hereby

approved. *The motion carried, 5-yes 0-no.*

**D1 Request to conduct the 2013 Ben & Tim Day 5K Race on Saturday, August 24, 2013 starting at 9:00 a.m.**

**Lt. Timothy Roche, Assistant Chief of Police** – A request was received to hold the 22<sup>nd</sup> Annual Ben & Tim Day 5K race starting and ending at the Hershey High School. The race will go onto Homestead Road, Homestead Lane, Para Avenue, E. Areba Avenue, and Meadow Lane. These roadways will be closed down during the event for the safety of the participants, but it will not affect travel on 422 or 322. The applicant is aware of the Township’s reimbursement policy.

Chairman Abruzzo said if there were an event in the Township where we waived the costs incurred, the Ben and Tim Day Race is one he would support because of the nature of the run and the importance to the community.

**Motion:** A motion made by Vice-Chairman Fedeli and seconded by Supervisor Ballard that the request to conduct the 2013 Ben & Tim Day 5K Race on Saturday, August 24, 2013 starting at 9:00 a.m. over various Township roadways on a route approved by the Derry Township Police Department, is hereby approved. *The motion carried, 5-yes 0-no.*

**E1-3 Consideration of release of the maintenance security provided for the Preliminary/Final Land Development Plan for the Goddard School, Plat No. 1202.**

**Motion:** A motion made by Supervisor Foley and seconded by Supervisor Moyer that the Township hereby releases the cash maintenance security in the amount of \$417.00 which has been provided for the Preliminary/Final Land Development Plan for The Goddard School, Plat No. 1202, is hereby approved. *The motion carried, 5-yes 0-no.*

**F1-3 Support for Dauphin County Conservation District’s proposed grant application for the Dauphin County Stream Assessment Program.**

**Charles W. Emerick, Director of Community Development** – The Dauphin County Conservation District (DCCD) is requesting support from the municipalities within Dauphin County in seeking a grant from the Pennsylvania Department of Community and Economic Development’s Watershed Restoration and Protection Program. The funding is to support three years of their monitoring program for water quality throughout Dauphin County. Some of the sites being monitored are in Derry Township. The program tracks the progress of the County in meeting the water quality goals obtained throughout the continued implementation of stream restoration work and best management practices.

**Motion:** A motion made by Supervisor Ballard and seconded by Supervisor Foley that the Board of Supervisors authorize the Chairman’s signature on the attached letter supporting the DCCD’s proposed Dauphin County Stream Assessment project, is hereby approved. *The motion carried, 5-yes 0-no.*

**CORRESPONDENCE** – No correspondence to report.

**BOARD/COMMITTEE INFORMATION** – No Board/Committee information to share.

## REPORTS

**Lt. Timothy Roche, Assistant Chief of Police** – Lt. Roche reported that the Police Department executed its 2nd Annual Night Out last Tuesday with an estimated attendance of 1,100 people. There was a tremendous outpouring of support from the community and it was a great success. Vice-Chairman Fedeli said it was a lot of fun and an opportunity to learn what is going on in the community. Chairman Abruzzo asked if they considered another location for this event other than the Village area. Lt. Roche responded that they did consider occupying Gelder Park this year, but there were a lot of businesses already committed to the downtown. It may be a viable option for next year.

**Thomas Clark, Director of Public Works** - Mr. Clark reported his department is working on sealing the joints in the curb lines on the paving projects. They put down just a little under 3,000 tons of asphalt during the month of July. The recycling and paving projects both came in under budget. They are sealing cracks and starting crosswalks in the area of Homestead. They are also working on Cocoa and Areba. The weather has prevented painting and putting down the thermoplastic.

**Barbara Ellis, Hershey Public Library** – Mrs. Ellis reported the summer reading programs at the Library are concluding in the next couple of weeks. The book sale was a great success again this year. They topped last year's figure of a little over \$54,000 in six days. She thanked Public Works, Parks and Recreation, and the Police Department for their assistance.

**Matt Mandia, Director of Parks & Recreation** – There are two projects beginning in the upper pool at the Recreation Center. One is regrouting and the other is replacement of the diving board. The pool will be closed this Sunday night after closing hours and will be closed for the next two weeks. The lower pool will remain opened through Labor Day weekend and then the indoor pool will reopen on September 3 for the fall and winter seasons.

Chairman Abruzzo asked Mr. Mandia about the concession stand serving some healthy snacks. Mr. Mandia said they have already begun to do that.

**Matt Bonanno, HRG Township Engineer** – Mr. Bonanno reported the following:

- This morning they held their monthly job conference with the contractor. They finished up storm sewer installation at the Roosevelt Apartments and are now moving to Cherry Drive towards 322.
- The second crew is putting base at Mill Street from Areba to Hockersville. The area of Mill Street by Staples is still stone because they are using that area for storage of their materials.
- The manager from Rosedale Apartments was at the meeting with the contractor and expressed her concern about the cleanliness of the job sight. The contractor stated that it would be cleaned up tomorrow. Once the Rosedale Apartments are cleaned up, the restoration crew will be doing curb work and paving in the Hillcrest area.

Chairman Abruzzo asked about the area across from the Cocoa Motel that contains a pump. Mr. Bonanno explained that it is a bypass pump. In the small culvert they put in to access the Hershey property driveway, they did not install baffles. The baffles promote the stream to run through the culvert. The pump will stay there because they will have to dewater that culvert, put the baffles in and let the water flow over it again. It is a small priority at this point.

Supervisor Ballard mentioned an area on a hill south of Governor Road that is eroding. Mr. Bonanno said he noticed that today and explained that it is because they seeded so late. Once the fall growing season starts the contractors will reseed that area.

Vice-Chairman Fedeli inquired about the status of a grant application that was submitted to help the Locust Avenue residents. Mr. Bonanno said there has been no official word yet. They are still waiting for some information from HUD.

Supervisor Ballard asked Mr. Emerick if there is any update regarding the intersection at K-Mart and Bob Evans. Mr. Emerick said HRG has finished a lot of their information gathering and conceptual scenarios for repairing it. They are looking at a community meeting in September to move forward. Supervisor Ballard wants to make sure there are several options including low cost options. Mr. Emerick said there will be a variety of options.

**Jill E. Henry, Assistant Township Manager** – The Township received a small safety grant from the Workers' Compensation Insurer to purchase no-fog goggles for the Public Works Department.

**James N. Negley, Township Manager/Township Treasurer** – Manager Negley reported after six months revenues have exceeded expenditures by \$1,089,000. He received confirmation from M&T Bank about ICDA Pilot Program for the Giant Center. The ICDA received a check for \$1,063,305, of which the Township receives \$106,000, Dauphin County receives \$318,000 and the School District will receive \$637,000. The monies should be disbursed within the next couple of weeks.

Supervisor Ballard asked how this compared to the last couple of years. Manager Negley explained that we reached our threshold in 2006, 2007 & 2008. Then with the economic downturn and because the PILOT is generated by excess hotel revenue, we saw a slump. It has picked back up and we are now within \$60,000, the maximum we are allowed to receive in the PILOT. We should meet that threshold next year for the 2013 payment. Supervisor Ballard asked if there is an end date on the PILOT. Manager Negley said there is not. The ground lease expires in November 2030, but the PILOT will remain in existence under a management agreement.

Supervisor Moyer asked if that amount was forecasted in our budget for this year. Manager Negley said it is a couple thousand dollars more than what we budgeted.

**APPROVAL OF ACCOUNTS PAYABLE (\$1,163,744.69) AND PAYROLL (\$346,148.90).**

Supervisor Foley moved to approve accounts payable in the amount of \$1,163,744.69 and payroll in the amount of \$346,148.90. Supervisor Moyer seconded. ***The motion carried, 5-yes 0-no.***

**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

**Rich Gamble, Hockersville Road** – Mr. Gamble referred to Mr. Crist's letter and said it is another example of how the Hershey entities are going to run "their" community. He recommended the Board bring in the planning people of the Hershey entities and have a town meeting to discuss what their plans are and hear input from the community. It is the community that provides the taxes and infrastructure that supports them.

Chairman Abruzzo mentioned that the Board received phone calls and emails regarding the noise from a concert that was held about 10 days ago. This Board asked Supervisors Ballard and Foley to meet with HE&R and they did so.

Supervisor Foley reported that Supervisor Ballard, Manager Negley, Chief O'Rourke, and he met with HE&R after a series of emails regarding the noise. HE&R is much more proactive in addressing the community

needs and assessing the impact on the community than we might have thought. Supervisor Foley said HE&R scheduled 10 concerts this calendar year and there is one more concert to go. Of those concerts, the JZ concert was the most controversial. Supervisor Foley learned more of how the concert industry works and how it impacts our community. HE&R becomes a lesser of a venue and the concert promoters and the performers have the control once they get here. We can ask the performers to lower the volume and that has been done. Unfortunately, sometimes when they ask and the performer is not interested in complying, they turn it up. HE&R has banned certain bands from their venue. Hershey Entertainment goes through the community and does decibel readings during each concert. We found there were a number of high profile bands that were seeking to come in, but as a result of some of the commitments to the local school districts, HE&R turned them down because of those commitments. HE&R was understanding and apologetic for the sounds that impacted the community, but there were positive impacts. It was a banner day for Hersheypark, for which we receive tax revenue and we also receive direct revenue from the concert of approximately \$20,000 incurring only about \$7,000 in costs.

Supervisor Ballard added that HE&R offered to do a better job of communicating the line-ups to the public to anticipate if it will be a louder concert, etc. They also emphasized they do try to select the bands that are more appropriate for the Hershey family-based community.

Supervisor Ballard said \$20,000 is something but not quite as much as it used to be and increasing the amusement tax was a step in the right direction. Chairman Abruzzo added that this Board over the last six years met with HE&R on more than one occasion after there were issues. We believe they are making good faith efforts in addressing these issues. In conversations with HE&R, they completely understood the problem; they were apologetic and have made every effort possible to attract the kinds of bands that we want to come here. Many people suggested pulling the electrical plug at 11:00 or 10:00, so it stops. The concern is we then might have an angry mob who doesn't understand why the concert just ended.

**Rich Gamble, Hockersville Road** – Mr. Gamble said we keep hearing that HE&R is doing their best. Regarding the 11:00 issue, if you go to a state show and if it is to end at a certain time it ends. That is the way it is contracted. He does not understand why Hershey couldn't do the same. He recommended an independent company do the decibel readings. Regarding the stadium, it was built for the schools. He does not believe Hershey would have the authority to ever try and cancel a community football game in that stadium.

Chairman Abruzzo recognized Tim Zeiber, a boy scout from Troop 108. Tim is working towards his merit badge for local government.

#### **ADJOURNMENT**

Supervisor Foley moved to adjourn the meeting at 8:25 p.m. Supervisor Ballard seconded. ***The motion carried, 5-yes 0-no.***

SUBMITTED BY:

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Marc A. Moyer  
Township Secretary

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Brenda Van Deursen  
Recording Secretary