

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING**

Tuesday, February 12, 2013
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The February 12, 2013 Township of Derry Board of Supervisors meeting was called to order at 7:15 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
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: Susan Foxx, Susan Newkam, Richard Foxx, Kimberly Pennell, Penny Patterson Smith, Elvira Ebling, John Assini, Anne Marie Hartman, David Hartman, John Lutes, Mark Richards, Patricia Moser, Dale Marshall, Curtis Stevens, Gretchen Rapp, Alexander Roca, Mike Wall, Henry Wagner, Greg Moreland, Michael McKenna, Sharon Frankel, Ellen Sheffey, Monica von Dobeneck, Rich Gamble, Ruth Hoffer, Charleton Zimmerman, George Mensah, Andrea Han, David Han, Elizabeth Han, Bill Fisher

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 issues.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Susan Foxx, 675 Olde Ventura Farm Road, Hummelstown – Ms. Foxx is the current president of the Stoney Run Homeowners Association. She and other members of the Association are requesting that the Board place “No Parking” signs on the blind curve on Quail Hollow Road. Parking of any vehicle on Quail Hollow Road between Wood Thrush and Pine Tree Road creates a dangerous

situation for all drivers, especially school bus drivers. Prohibiting parking here will insure clear visibility. A packet was give to the Board, which contained information in support of this request. The information indicates where the No Parking signs should be placed. One of the homeowners is parking three vehicles on Quail Hollow Road. It is in violation of the homeowner's bylaw, but he continues to park his vehicles there. She received in excess of 50 e-mails expressing people's concerns with these vehicles. They put a petition online and currently have 111 homeowners and two bus drivers requesting No Parking signs be placed on this road.

The individual who is parking his vehicles there is Mr. Tom Royer. The packet of information also contains correspondence asking him to remove the vehicles and his response as to why he is parking them there and why he does not intend to move his vehicles. One of the bus drivers said the vehicles parked at this curb prohibit drivers passing one another making it difficult for the bus driver to turn off Pine Tree Road. Ms. Foxx said that on Saturday, February 2 at 8:30 in the evening there was an accident on this curve of road involving three cars, one of them being a Royer vehicle.

Kim Pennell, Attorney for the Homeowner's Association – Attorney Pennell stated that this is a public nuisance. Mr. Royer is parking his vehicles in this area in an attempt to slow down traffic because cars had been traveling fast through that area which is a blind hill. A better route would be to have a traffic study done and have No Parking signs put up rather than having someone's vehicles parked, making it very difficult for vehicles to navigate through that area. Several homeowners are here to speak about their concerns and why this is a public nuisance to the Township.

Supervisor Foley asked if there is any prohibition of commercial vehicles in the bylaws. Attorney Pennell said there is a general provision in the bylaws that does allow parking on the outside of the lots for the homeowners. However, there are additional provisions that prohibit nuisances within the Homeowners Association.

Vice-Chairman Fedeli asked how long they have been parked there. Attorney Pennell said they are rarely moved. The brown van has been a permanent fixture for years. When the email went out to the Homeowner's Association asking the residents for their concerns. Mr. Royer received the same email as part of the Homeowner's Association, and as a response he parked two more vehicles.

Linda Wagner, 710 Pine Tree Road – Ms. Wagner stated she has lived here since 2003 and at that time the brown van was there and it rarely moves. Two additional vehicles were added recently and have not moved in more than four weeks. It is a safety issue causing near misses. There is no way the plows can get to the curb to clear leaves or snow.

Henry Wagner, 710 Pine Tree Road – Mr. Wagner said the vehicles have been present constantly and they do not move. It is a mistake to think of this as parking. We all park on a public street, but we do it briefly and temporarily. These vehicles are being used to modify traffic patterns. A traffic study should be done. This is a public highway and safety issues should be dealt with publicly.

Ruth Hoffer, 685 Woodthrush Way – Ms. Hoffer took her video camera this afternoon to show how the three vehicles hinder the traffic flow. She shared the video with the Board. Since 2003, the original brown van has been parked in this area.

Kevin Ferguson 1338 Quail Hollow Road– Mr. Ferguson said he would like to support the petition, but it should also include a study of the blind curves that exist on Stoney Run Road, as well. The issue of safety does not just exist with this curve. The cars are parked there because of the children in that area and there is speeding through the neighborhood. If cars are parked on the same type of curves on Stoney Run Road, you will have the same problem, but much worse. The issue of the blind curves

should be addressed, but we also need to look at speed and all the curves on Stoney Run Road and Quail Hollow Road. He requested a crosswalk be painted on Quail Hollow to serve as a reminder to slow down in this pedestrian area.

Joe Lewin, 1071 Stoney Run Road – Mr. Lewin stated that Mr. Royer’s van has been there almost 10 years. It has always been an irritant and an accident waiting to happen, which finally did. It forces anyone driving over to the middle of the road. Now we have two vehicles on the other side. The school bus drivers complain about the same thing.

Mike Wall, 1240 Quail Hollow Road – Mr. Wall stated that he is in opposition to the petition for a couple of reasons. First, if the vans were to be removed there would be nothing to impede traffic speed through that area. He does not like the fact that the vans are out there, but he understands it. Ultimately, it creates a safer environment for children. We have a piano teacher, friends that come over, etc. that park on the street and we would be impacted by a No Parking zone here. It would create a real inconvenience for others as well. There has to be another solution other than No Parking on a fulltime basis in order to create an environment that is safer for everyone.

Vickie Feinstein, 1319 Quail Hollow Road – Ms. Feinstein said she echoes all the concerns. She appreciates Mr. Royer’s concern about safety for his family but not at the expense of her family.

Dr. Moser, 690 Olde Ventura Farm Road – Dr. Moser raised four children at their house which is on the corner at the intersection of Stoney Run and Olde Ventura Farm Road. They are situated between the two other curves, coming up Stoney Run Road from Bullfrog Valley and the one as you crest the hill. In 23 years, they have never parked a vehicle on Stoney Run Road to obstruct traffic. This morning when he was going across the subdivision and an opposing vehicle was coming the other way, it really created a gauntlet situation. It is a hazard for approaching vehicles. It appears Mr. Royer has decided to hold hostage the rest of the members of Stoney Run and any other people that come across the subdivision. The job for enforcement of safety of traffic is for the police.

Alexander Roca, 670 Ventura Farm Road – Mr. Roca has lived in Stoney Run for seven. One parked vehicle was annoying and when this gentleman realized a lot of people were annoyed, vehicles started multiplying. If someone is coming the other way, you have to stop because there is no way two vehicles can go through at the same time. Mr. Royer has contractors at his residence resulting in more vehicles in that same area blocking traffic.

Mike Reed, Woodthrush Way – Dr. Reed said he has lived here 3 years. He is a physician and he gets called in to the medical center in the middle of the night for emergencies. At night, the parked vehicles are hard to see and even more difficult to navigate through.

Charleton Zimmerman, 119 N. Roosevelt Ave., Palmdale – Mr. Zimmerman said he has a similar situation. Roosevelt Avenue has become a major thorough-way for traffic trailers between 422 East Chocolate and 212 East Derry Road. Years back, he installed a light at his own expense to light up that corner for safety. Three years ago because of the traffic, Mr. Zimmerman created three off-street parking spaces so the west side of Roosevelt is now clear for thru traffic. The other side of Roosevelt is solid public parking. The only way school buses and tractor trailers can get through now is because he has all his vehicles parked off-street. He is planning on concreting in a culvert on his property at the bank to stop the tractor trailers from cutting up over the sidewalk.

Chief O’Rourke, Police Department – Chief O’Rourke said he appreciated the residents coming to express their concern. He was just given photos today and agrees there is a leaf build up between the

vehicles and the curve which indicated they have not been moved in quite some time. He referred to Sgt. Ferree to speak on what has been done.

Sgt. Ferree said parking restrictions can be put into place at the area on Quail Hollow Road, but he would need direction from the Board on how to approach it.

Vice-Chairman Fedeli said she would like a chance to read through the packet of information. She asked if there are other areas in the Township that are similar to this area and if so, what has been done. Sgt. Ferree replied that there are a lot of areas within the Township that parking creates a challenging situation. They put parking restrictions in the area between Glenn and Valley on Areba Road because with school and church activities, it was hard for two vehicles to pass. A study was done which resulted in these parking restrictions.

Supervisor Foley asked if we have any areas within the Township where there are specific time limits of two or three hour parking. Sgt. Ferree said the only time restricted parking we have is in the downtown area. Supervisor Foley said there are issues related to speeding and parking. There are 100 signatures and a large percentage of the speeders could be their neighbors. We need to enforce the laws to make sure it is safe. The other challenge is with Public Works vehicles being able to remove leaves and snow.

Chairman Abruzzo asked Sgt. Ferree to report back to the Board with some traffic mitigation measures that we can implement. He said he would have liked to have heard from Mr. Royer because if the overall concern is for safety of his children due to speeding, then we should address that issue and not create another problem by having a vehicle serve as a permanent obstruction on the road. He forewarned everyone that if they have speed enforcement details in the neighborhoods, you could get ticketed. The same would go with No parking signs. If we put a traffic speed bump, it is going to slow everyone down. The Board will look at the options the Police Department provides us.

Susan Foxx – Ms. Foxx said with the development of the Med. Center, Stoney Run has become a short cut coming up Woodthrush to get to the Med. Center. Traffic has increased over the past 20 years and there is more traffic coming through than just resident traffic. It was her understanding there was a traffic study done a number of years ago. She wondered if they could go back and look at it. Mr. Royer was very much in favor of speed bumps at the time and for some reason the Township did not approve it. Chairman Abruzzo acknowledged the problem with speed bumps and snow removal.

Rich Gamble, Hockersville Road – Mr. Gamble said he is seeing the same problems with blind corners on North Hockersville Road to Swatara. School buses have a hard time getting through. Just recently, with the development of the new Hershey West factory, traffic is now increasing. People are taking a short cut through Hockersville and Swatara to get to the Reese's plant. He shared that two weeks ago, there was a shortage of parking spaces and there were two cars parked on his sidewalk making space to allow traffic to go through. Mr. Gamble pointed out to the officer who came to investigate that a car was about 8 feet from the fire hydrant, but the officer did not see that it was blocking the fire hydrant. By cars parking on both sides of the street, it narrows Hockersville Road.

Sgt. Ferree said due to the close proximity of the Hockersville/Reese intersection to the signalized intersection PennDOT gave him the impression there is not much more they can do as far as restricting traffic in this area of Hockersville Road. Chairman Abruzzo asked Sgt. Ferree to check if any parking restrictions can be implemented in that area.

APPROVAL OF MINUTES

Chairman Abruzzo called for a motion to approve the Minutes of the January 22, 2013 Public Hearing. Vice-Chairman Fedeli made a motion to approve the Minutes. Supervisor Moyer seconded. *The motion carried, 5-yes 0-no*

Chairman Abruzzo called for a motion to approve the Minutes of the January 22, 2013 Board of Supervisors meeting. Supervisor Foley made a motion to approve the Minutes. Supervisor Moyer seconded. *The motion carried, 5-yes 0-no*

NEW BUSINESS

A1-6 An Authorization for the Chairman of the Board of Supervisors to execute the Second Amendment of the Amusement Tax Agreement between and among Hershey Entertainment & Resort Company, the Township of Derry, and the Derry Township School District.

James N. Negley, Township Manager/Township Treasurer – This Second Amendment to the Amusement Tax Agreement was negotiated by all parties concerned under the structure of the 1998 original agreement. The Second Amendment revised the original Agreement by increasing the tax on admissions by \$.10, resulting in an increase of tax revenue for the Township and the School District, effective January 1, 2013. This agreement will provide an estimated additional \$150,000 in tax revenue for the Township each year.

Motion: A motion made by Supervisor Foley and seconded by Vice-Chairman Fedeli that the authorization for the Chairman of the Board of Supervisors to execute the Second Amendment of the Amusement Tax Agreement between and among Hershey Entertainment & Resort Company, the Township of Derry, and the Derry Township School District, is hereby approved. *The motion carried, 5-yes 0-no.*

B1-2 Authorization to expend the Fee in Lieu of Funds for recreational enhancements at Bullfrog Valley Park.

Matt J. Mandia, Director of Parks and Recreation – This request is to allocate \$34,000 of Fee in Lieu of Funds for the purchase, constructing and installing of a shade structure at Bullfrog Valley Park. The Fee in Lieu of Funds are funds collected during the development process when required or is deemed land is not available. These funds are reserved for the specific purpose of providing recreational enhancements for the community. They may not be utilized for maintenance activities or general operating expenditures. The proposed amenity, which would be purchased off of state contract, will consist of a 20' x 20' hexagon shade structure located at the south end of the pond. Included is a concrete pad on which the structure will sit. These funds are received from an outside source and do not impact the general or capital budget for the Township.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Foley that authorization to expend Fee in Lieu of Funds for the purchase, construction, and installation of the stated recreational enhancements at Bullfrog Valley Park, is hereby approved. *The motion carried, 5-yes 0-no.*

C1-2 Approval of seasonal wages for the years 2013, 2014, and 2015 for the Department of Parks and Recreation.

Matt J. Mandia, Director of Parks and Recreation – The rate increases proposed for the next three years are 2% for 2013, 2.5% for 2014, and 2.75% for 2015. This time period runs concurrent with the AFSCME bargaining agreement. The wages are budgeted accordingly within each year's general operating budget.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Ballard that the seasonal wages for the years 2013, 2014, and 2015 for the Department of Parks and Recreation, is hereby approved. *The motion carried, 5-yes 0-no.*

D1-3 Approval of Resolution No. 1361, authorizing the adoption of the Dauphin County Emergency Operations Plan for use as the Township of Derry Emergency Operations Plan.

Patrick O'Rourke, Chief of Police – The Township previously adopted the Dauphin County Emergency Operations Plan on November 25, 2008, as the Township's plan. The statute requires that the Plan be reviewed and readopted every two years or whenever there is a major revision to the plan or a significant change to the composition of the Township Board of Supervisors. The Dauphin County Commissioners adopted and reissued minor revisions to the Emergency Operations Plan on November 27, 2012; therefore, Derry Township needs to readopt the plan.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Ballard that Resolution No. 1361, authorizing the adoption of the Dauphin County Emergency Operations Plan for use as the Township of Derry Emergency Operations Plan, is hereby approved. *The motion carried, 5-yes 0-no.*

E1-5 Request to conduct the inaugural Trojan Pride 5K Football Family Fitness Challenge scheduled for Sunday, May 19, 2013, starting at 8:00 a.m. on various Township roadways.

Patrick O'Rourke, Chief of Police – The Hershey Football Family is requesting permission to hold a 5K race along a portion of roads within the Township. This event is a community fundraiser to support both the Hershey Football program and the Hershey Food bank, while promoting physical activity and exercise for the community. Since this will be held on a Sunday, contact was made with the Spring Creek Church of the Brethren. The race should be concluded well before the church service start time. Most assigned posts will be manned by on duty Police and Community Service Officers, however, a limited amount of overtime may be necessary.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Foley that the request to conduct the inaugural Trojan Pride 5K Football Family Fitness Challenge scheduled for Sunday, May 19, 2013, starting at 8:00 a.m. on various Township roadways, is hereby approved. *The motion carried, 5-yes 0-no.*

F1-2 Consideration of an extension of the term of the performance security for the Third Revised Preliminary/Final Land Development Plan for Deer Run Commons, Plat No. 1201.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Ballard that the Township accepts an extension until February 18, 2014 of the term of SAFECO Insurance Company of America Bond No. 6603339, in the amount of \$337,877.05, supplied as performance security for the Third Revised Preliminary/Final Land Development Plan for Deer Run Commons, Plat No. 1201, is hereby approved. *The motion carried, 5-yes 0-no.*

G1-3 Consideration of the release of the performance security for the Preliminary/Final Land Development Plan for the Milton Hershey School New Supply Center, Plat No. 1087.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Ballard that the Township hereby releases performance security in the amount of \$271,824.34, provided as the Hershey Trust Company Letter of Credit No. 205 for the Preliminary/Final Land Development Plan for the Milton Hershey School New Supply Center, Plat No. 1087, is hereby approved. *The motion carried, 5-yes 0-no.*

CORRESPONDENCE – Supervisor Ballard reported they had a discussion at the tax meeting regarding the problem with the mailing that was sent by Keystone. This was a change that was imposed upon municipalities that we have to have the earned income tax collected as a County and Keystone was the collector the County group chose to hire.

BOARD/COMMITTEE INFORMATION – No information to report.

REPORTS

Patrick O'Rourke, Chief of Police – Supervisor Ballard referred to an email from Jan Waybright dated January 25 thanking the Derry Township police for their diligence in checking on their property while they were away.

Thomas Clark, Director of Public Works - Mr. Clark reported they restocked the salt building. PPL is done excavating and the paver will be returning in March.

Barbara Ellis, Hershey Public Library – Ms. Ellis reported that they received two citations on January 27 in recognition of their centennial. One is from the Honorable Charles Dent from the United State House of Representatives and the other one is from Rep. John Payne from the Commonwealth of Pennsylvania House of Representatives. On February 25, the Library will start off with their “100 for 100” campaign. The 25th of February will be the first night to be a blood donor at the Library. They hope to get 100 pints.

Terry M. Weinhold, Manager of Accounts Payable & Receivable – Ms. Weinhold reported that they are still posting for 2012 through February 28. As it stands now, both revenues and expenses are over budget, but revenues exceed expenses. For January 2013, revenue and expenses are under budget.

Matt Mandia, Director of Parks & Recreation – All the spring programs are on the website and resident registration begins February 20. Supervisor Ballard commented on the pedestrian trails and looking into potential links from one neighborhood to another. She asked Mr. Mandia whether or not the fee in lieu of funds could be used as a bike path extension. Mr. Mandia said he will need to consult to see if the funds can be used.

Matt Bonanno, HRG Township Engineer – Mr. Bonanno reported that the stormwater project continues along Old West Chocolate Avenue towards the railroad underpass. They have all the inlet structures in place. They are working on the downstream side of the Mill Street system.

APPROVAL OF ACCOUNTS PAYABLE (\$876,070.71) AND PAYROLL (\$281,830.05).

Supervisor Foley moved to approve accounts payable in the amount of \$876,070.71 and payroll in the amount of \$281,830.05. Supervisor Ballard seconded. *The motion carried, 5-yes 0-no.*

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Bill Fisher, 1354 Shopes Church Road, Hummelstown – Mr. Fisher commented on Koons Park and all that is happening with the t-ball field with the help of volunteers. They are breaking ground this week.

Rich Gamble – Mr. Gamble said if PennDOT restrictions were enforced as far as control devices, parking, and distance, it would resolve most of the problems identified on North Hockersville. Another issue is the width of the road. According to PennDOT's guidelines from centerline and side to side they are quoting 15 feet. He measured the road and it is only 19 feet and there are cars parked on

both sides. It is a problem in relation to emergency vehicles. He suggested restricting parking on one side of the street. Chairman Abruzzo asked Chief O'Rourke to convey to the officers to enforce the PennDOT existing rules.

ADJOURNMENT

Supervisor Foley moved to adjourn the meeting at 8:30 p.m. Supervisor Ballard seconded. *The motion carried, 5-yes 0-no.*

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary