

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING**

Tuesday, March 10, 2015
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The March 10, 2015 Township of Derry Board of Supervisors meeting was called to order at 7:00 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:

Matt Bonanno, HRG Engineer
Thomas Clark, Director of Public Works
Bob DiLello, Hershey Volunteer Fire Company
Barbara S. Ellis, Director of Hershey Public Library
Charles Emerick, Director of Community Development
Jill 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 Yost, Solicitor
Brenda Van Deursen, Recorder

Public Present: Elvira Ebling, Scott Stein, Roger Olson, Anne Newman, Greg Koussis, Rich Gamble, Steve Ballard

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

No one came forward.

APPROVAL OF MINUTES

Chairman Foley called for a motion to approve the Minutes of the February 24, 2015 Board of Supervisors Meeting. A motion made by Supervisor Engle to approve the Minutes as written. Supervisor Ballard seconded. *The motion carried, 5-0.*

NEW BUSINESS

A1-6 Consideration of Ordinance No. 663 amending the issuance of General Obligation Bond, Series 2015, in the aggregate principal amount of \$8,610,000 on behalf of the Derry Township Municipal Authority (DTMA).

Lou Verdelli, RBC Capital Markets – This refinancing was approved by the Board of Supervisors on behalf of the DTMA on February 10, 2015. A slight adjustment was made to the maturity schedule because the interest rates were so low on the second refinancing that the DTMA did resulting in additional savings. In total, the two re-financings resulted in a savings of \$1.3 million over the next 3 years.

MOTION: A motion made by Supervisor Ballard and seconded by Supervisor Engle that Ordinance No. 663 amending the issuance of General Obligation Bond, Series 2015, in the aggregate principal amount of \$8,610,000 in order to refund the Township's 2010 General Obligation Bonds on behalf of the Derry Township Municipal Authority (DTMA), is hereby approved. *The motion carried, 5-0.*

B1-1 Presentation of MS4 (Municipal Separate Storm Sewer) by Matt Bonanno, Township Engineer.

Thomas Clark, Director of Public Works – As part of the MS4 permit we are required to annually give a public presentation to satisfy Minimum Control Measure #2.

Matt Bonanno, HRG, Township Engineer – Mr. Bonanno handed out 3 questions that each staff person needs to know. 1) What does MS4 stand for? Municipal Separate Storm Sewer System. 2) Who is the Township's MS4 Operator? Tom Clark. 3) Who do you call to report a spill? The Fire Company/Police Department/Tom Clark/HRG.

The NPDES (National Pollutant Discharge Elimination System) is the federal guidelines of where all this comes from. It is important everyone understands the MS4 and expectations. There are 6 levels of effectiveness and the goal is to reach level 6 over the years which is actually seeing changes and improvement in water qualities. We probably are at level 2.

A lot of the water is getting in our MS4 system (any pipes, inlets, swales, BMPs, and water quality BMPs), a collective system that collects all the stormwater runoff and conveys it to the local streams. Some of the issues include economic progress and a lot of land development in the Township. When you put down additional impervious area; there is an increase in the quantity and typically a decrease in the quality. We look at the type of BMPs

that are being installed in a detention basin, infiltration trenches, rain garden, and additional trees to mitigate some of the additional impervious area.

The public needs to be educated on the difference between household waste water and stormwater and where they go. He presented a slide that showed household waste water (sinks and toilets) that goes from your homes/buildings into DTMA's water treatment plant where it gets cleaned. It goes directly out to the stream as clean blue water. Stormwater goes from the impervious surface down your roof, to your driveway, out to the road and into the nearest catch basin. That catch basin is typically tied into a storm sewer system that is tied directly into the streams with no treatment at all.

Any water that falls in the Township eventually gets to our creeks and rivers and then down to the Chesapeake Bay. The bay has a TMDL (total maximum daily load) that is essentially a pollution diet for the bay.

There are two pieces of the compliance part, DEP and EAP. The DEP inspection is new. They will visit the Township once every 5 permit year term to see incremental progress at the different levels. DEP is here to help the Township.

The EPA Audit is an unknown scheduled 2-day audit. They want to observe permit compliance. They hire consultants to do the audits and most likely you will have fines. Mr. Bonanno attended one audit and it was pretty brutal. They will ask any staff person questions regarding the MS4 permit and the answers become part of the report. He has seen fines up to a \$100,000. Mr. Bonanno stated that DEP and EPA have given no money to help with this mandated program.

Written procedures need to be developed that include pollution prevention, treatment activities, public works planning, codes enforcement and some public education and participation. The annual report should have evidence that the procedures are being followed. The report will be very detailed containing many pages of documentation to what the Township is doing.

To prepare for an audit, you want to make sure you have an organized document system (i.e., a cabinet called MS4), the staff is very familiar with the program, and a critical self-audit is conducted to make sure you are doing the best thing you can. HRG can guide the Township because they understand what the requirements are and will keep up with the changes to this program. Public education and participation is important. Tonight's presentation and agenda will be part of the annual report for the permit.

MC3 (minimum control measure) is illicit discharge elimination such as paint being dumped down an inlet which goes directly to the stream and pet waste because it has a lot of nitrogen in it.

During land development, we need to make sure there are erosion and sedimentation BMPs so that runoff does not increase sediment to the streams. The permit asks that you

not only look at developers, but also at the Township and any municipal facility, fire station, public works garage, any parks, etc. to make sure anything you own is handled properly.

COMMENTS:

Vice-Chairman Moyer asked if there are any guidelines or suggestions that we can promote in the Township to get rid of toxics such as a “turn in day.” Mr. Bonanno said there are some guidelines such as the public education outreach. We are required each year to do a newspaper ad and put on the website. The Township can start a program for people to drop off at different locations throughout the Township and document how much and what you did with it. It will go a long way with the audit process.

Supervisor Weir asked if we have done a self-inspection in the Township. Mr. Bonanno said we have not. When these permits started in 2003, there have been little to no communication back from DEP. EAP does not understand Pennsylvania and the government and how many hats you wear on a day to day basis. They want basically 2 to 3 full time members just doing MS4. For many Pennsylvania municipalities that is not realistic. HRG is helping clients do a self-audit to prepare for the MS4 audit. Mr. Weir asked if there were any scheduled. Mr. Bonanno said the Township starts their permit year #3 today and the annual report is in June. So as part of permit year #3 sometime between now and next March, HRG will help staff with a self-audit.

Supervisor Engle asked if at some point stormwater will have to be treated. Mr. Bonanno said sometime down the road 20-25 years because the TMDLs are not going to go away. It is hard for municipalities to treat TMDLs because they only own a very narrow right of way. You need a standard procedure for when there is a car accident and you have leaking oil, make sure there are procedures in place and documentation as follow through and give to Mr. Clark who will give it to HRG for the annual report.

There were no comments or questions from the public.

C1-14 The Preliminary/Final Subdivision and Land Development Plan for the Hershey Volunteer Fire Company, Plat No. 1246.

Charles Emerick, Director of Community Development – Plat 1246 combines six pieces of property into one. The tracts include the present Hershey Volunteer Fire Company station at 21 West Caracas, properties 31 and 35 West Caracas, a remnant of land from the Cocoa Avenue realignment and 2 portions of vacated alleys. The final size on the tract will be 1.145 acres. The property is located in Downtown Commercial zoning district and will be served by public water and sewer facilities.

Parking will be provided by way of 10 on-site and 14 off-site spaces. The overall site development will result in a reduction of impervious area. There will be measures taken to improve the water quality as it leaves the site. It is not anticipated that the development

will impact traffic as the Fire Station already operates mainly from this property. Waivers were requested by the applicant.

MOTION: A motion made by Supervisor Engle and seconded by Supervisor Ballard that the Preliminary/Final Subdivision and Land Development Plan for the Hershey Volunteer Fire Company, Plat #1246, is approved subject to the following:

- a. That the applicant reimburses the Township for costs incurred in reviewing the plan no later than April 10, 2015.
- b. That a DXF or AutoCAD digital file of the plan is provided no later than September 10, 2015.
- c. That the executed Operation and Maintenance Agreement is provided no later than September 10, 2015.
- d. That a deed consolidating all of the properties is recorded concurrently with the plan.
- e. That the Stormwater Best Management Practices Operation and Maintenance agreement is recorded concurrently with the plan.
- f. That a document listing the stormwater BMPs as a restrictive covenant is recorded concurrently with the plan.

It is further moved that the following waivers are granted from the Subdivision and Land Development Ordinance and the Stormwater Management Ordinance:

- a. From Section 185-12.D.(3).(a).[9] regarding showing the location of all existing features within 200 feet of the tract of land to be subdivided or developed.
- b. From Section 185-12.D.(3).(a).[21] and Section 185-13.E.(4).(a).[19] regarding profiles of existing and proposed storm sewer or conveyance systems.
- c. From Section 185-12.D.(3).(a).[22] and Section 185-13.E.(4).(a).[20] regarding profiles of existing and proposed sanitary sewer systems.
- d. From Section 185-12.D.(3).(a).[23] and Section 185-13.E.(4).(a).[21] regarding profiles of existing and proposed gas and water systems.
- e. From Section 185-22.D.(3) regarding providing additional right-of-way and cartway width for Cocoa Avenue and West Caracas Avenue.
- f. From Sections 185-23.C.(2).(c), (d) regarding base course and wearing course cartway construction.
- g. From Section 185-34.A.(2) regarding sidewalk construction standards as they relate to the elevation of the sidewalk versus the street.
- h. From Section 174-17.A.(6) regarding the invert of stormwater facilities located two feet above limiting zone.
- i. From Section 174-17.C.(2) regarding minimum pipe size.
- j. From Section 174-17.C.(6) regarding inlets providing a two inch drop.

The motion carried, 5-0.

D1-4 Authorization to accept a proposal from Herbert, Rowland, Grubic, Inc. to provide professional and related services for the Cocoa Avenue (Route 743) Pavement Marking Plan.

James Negley, Township Manager – PennDOT is completing plans for the overlay of Cocoa Avenue from Governor Road to Chocolate Avenue. As part of this project, the Township is interested in revising the pavement markings in the project area. PennDOT has agreed to consider the changes, but the Township would be responsible for developing the pavement marking/tabulation sheets. This plan must be completed by April 2015 in order to be incorporated into the PennDOT project. The Township requested this scope of service from HRG. The scope of services provided for the changes equals \$21,800, but we just found out that HRG will be able to use PennDOT's mapping, which reduces the cost by \$1,350 for a new balance of \$20,450.

MOTION: A motion made by Supervisor Weir and seconded by Supervisor Engle that the Township Manager may execute an agreement with Herbert, Rowland & Grubic, Inc., to provide professional and related project services for the Cocoa Avenue (Route 743) Pavement Marking Plan, is hereby approved. *The motion carried, 5-0.*

E1-4 Consideration to participate in a communications antenna and tower ordinance review program, established by the Tri-County Regional Planning Commission in cooperation with the Cohen Law Group, which will result in a free legal assessment of a proposed amendment to the Zoning Ordinance.

Charles Emerick, Director of Community Development - There is new technology that has been introduced into different municipalities commonly referred to as DAS systems or mini cell towers. In preparation for this technology, we are working on an ordinance to address this new initiative. In doing so, we utilized some information from the Cohen Law Group, a law firm that specializes in federal, state, and local laws regulating communications antennas and towers. The Tri-County Regional Planning Commission has offered a program to allow municipalities to have their ordinances reviewed for free by Cohen Law Group. They have agreed to review our draft ordinance.

MOTION: A motion made by Supervisor Ballard and seconded by Supervisor Weir that the Chairman of the Board of Supervisors sign the letter of intent from Tri-County Planning Commission to have Cohen Law Group conduct a free legal assessment of our proposed amendment to the Zoning Ordinance regarding the regulation of communications antennas and towers in the Township, is hereby approved. *The motion carried, 5-0.*

F1-4 Consideration of releasing performance security and entering the maintenance security period for the Preliminary/Final Land Development Plan for Centric Bank, Plat No. 1214.

MOTION: A motion made by Chairman Foley and seconded by Vice-Chairman Moyer that the Township hereby releases the remaining balance of the performance security in the amount of \$26,279.76 supplied as Centric Bank Letter of Credit No. 281, with the stipulation that maintenance security in the amount of \$7,994.10 is supplied in acceptable form and the standard Maintenance Security Agreement is executed for the

Preliminary/Final Land Development Plan for Centric Bank, Plat #1214, is hereby approved. *The motion carried, 5-0.*

G1-2 Award of a bid for the repair and resurfacing of six tennis courts and two basketball courts at the Recreation Center.

Matthew J. Mandia, Director of Parks and Recreation – This project includes the repair and surfacing of six tennis courts and two basketball courts at the Recreation Center. The project was advertised in early February and one addendum was issued to extend the bid date because the courts were covered in snow and ice. One bid was received from The Breneman Company in the amount of \$32,200. The 2015 capital budget that was approved was for \$36,000 so the bid is within the budget. The Breneman Company has done work in the Township before and in surrounding municipalities and we are comfortable with their work.

MOTION: A motion made by Supervisor Weir and seconded by Supervisor Engle that the repair and resurfacing of the six tennis courts and two basketball courts at the Recreation Center be awarded to The Breneman Company in the amount of \$32,200.00, is hereby approved. *The motion carried, 5-0.*

H1-2 Authorization to advertise an ordinance authorizing the participation of the Township of Derry in the PSATS Unemployment Compensation Group Trust pursuant to the Pennsylvania Intergovernmental Cooperation Law.

James N. Negley, Township Manager/Township Treasurer – PSATS Unemployment Compensation Group made some administrative changes and in order for us to continue to participate we have to adopt this ordinance. We want to continue with PSATS because of the large pool of members which reduces our cost.

MOTION: A motion made by Supervisor Ballard and seconded by Vice-Chairman Moyer that authorization to advertise an ordinance authorizing the participation of the Township of Derry in the PSATS Unemployment Compensation Group Trust pursuant to the Pennsylvania Intergovernmental Cooperation Law, is hereby approved. *The motion carried, 5-0.*

I1-3 Authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210, Section 210-24. Stop intersections established by establishing an All-Way (3-way) stop sign controlled intersection at the intersection of Bullfrog Valley Road and Wood Road.

Patrick O'Rourke, Chief of Police – Multiple complaints were received by a resident at the intersection of Bullfrog Valley Road and Wood Road and a request to the police department to consider a 3-way stop controlled intersection. The complaint was due to several crashes at the intersection and for the safety of all. The police department conducted the traffic safety study and found that a multi-way or All-way stop at this intersection is warranted.

All modes of traffic at this intersection have seen an increase over the past several years as a result of heavier use of the bicycle/pedestrian trail and Wood Road being used as a cut-through roadway for employees and visitors to the Penn State Hershey Medical Center. The overall safety of the intersection would be increased with the all-way stop.

MOTION: A motion made by Vice-Chairman Moyer and seconded by Supervisor Ballard that authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No 553) Chapter 210, Section 210-24. **Stop intersections established**, by establishing an All-Way (3-way) stop controlled intersection at the intersection of Bullfrog Valley Road and Wood Road, is hereby approved. *The motion carried, 5-0.*

J1-2 Consideration of an extension of the term of the performance security for the Phase 2 Final Land Development Plan for Southpoint Meadows 2, Plat No. 1197.

MOTION: A motion made by Chairman Foley and seconded by Supervisor Ballard that the Township accepts an extension until March 11, 2016, of the term of United States Surety Company Bond No. 1000880067, at the current balance of \$67,180.89, supplied as performance security for the Phase 2 Final Land Development Plan for Southpoint Meadows 2, Plat #1197, is hereby approved. *The motion carried, 5-0.*

K1-1 Request to conduct the Hershey Company/Children's Miracle Network 5K Run, scheduled for Saturday, June 27, 2015 starting at 8:00 a.m. on both State and Township roadways.

Patrick O'Rourke, Chief of Police – The Hershey Company is planning a 5K Run to benefit the Children's Miracle Network on Saturday, June 27 at 8:00a.m. The race route this year is the same as in the past years. This is the 13th year for this event and there have been no issues.

Supervisor Ballard asked if you can get through to the Recycling Center during this event. Chief O'Rourke said it would be intermittent access and they will put out notification to this effect.

MOTION: A motion made by Supervisor Ballard and seconded by Vice-Chairman Moyer that the request to conduct the Hershey Company/Children's Miracle Network 5K Run, scheduled for Saturday, June 27, 2015 starting at 8:00 a.m. on both State and Township roadways on a route approved by the Derry Township Police Department, is hereby approved. *The motion carried, 5-0.*

L1-2 Adoption of Resolution No. 1427 in support of Senate Bill No. 535 and House Bill No. 71, enabling all municipal Police Officers to use the same Motor Vehicle Speed Timing Equipment as The Pennsylvania State Police.

Patrick O'Rourke, Chief of Police – In the past in Pennsylvania, every sworn officer employed by a municipal police department has been prohibited from utilizing radar as a speed timing device with only those employed by the Pennsylvania State Police receiving full authorization to utilize this tool. The inability to use radar has resulted in uneven enforcement of the maximum speed statutes across Pennsylvania and has contributed to Pennsylvania being ranked third in the nation with the highest number of speed related fatalities.

MOTION: A motion made by Supervisor Ballard and seconded by Vice-Chairman Moyer that the Derry Township Board of Supervisors endorse Resolution No. 1427 and call upon Members of the Senate and House of Representatives of the General Assembly of Pennsylvania, specifically Senator Rob Teplitz and Representative John Payne to support Senate Bill No. 535 and House Bill No. 71, authorizing Municipal Police Officers to utilize the same speed timing devices as that of The Pennsylvania State Police, is hereby approved. *The motion carried, 5-0.*

M1-3 Consideration of Resolution No. 1428 to authorize the Community Development Director to sign a PennDOT permit application.

Charles Emerick, Director of Community Development – As part of the installation of sidewalk along University Drive, The Hershey Lodge & Convention Center will need to process PennDOT permits. PennDOT wants the Township's signature on this.

MOTION: A motion made by Supervisor Weir and seconded by Supervisor Engle that Resolution No. 1428 authorizing the Community Development Director to sign a PennDOT permit application, is hereby approved. *The motion carried, 5-0.*

CORRESPONDENCE/BOARD/COMMITTEE INFORMATION

Supervisor Ballard mentioned that over time people have suggested adjustments to speed. She specifically mentioned looking into reducing the speed limit on Elm and Homestead from Governor to Chocolate (where the schools are). Chairman Foley asked what the speed is on Homestead. Chief O'Rourke answered 35.

Chairman Foley and Supervisor Engle both serve on the Transportation Committee and will take a broader look and come up with a list. They will review the list with Chief O'Rourke to see what can be done.

Supervisor Engle said lowering the speed doesn't do much; it is the experience that slows somebody down, lane widths, whether there is any possibility of pedestrians, etc. If we did reduce to 25 mph, there will be people responding like the email we received to say we are just setting up a speed trap.

REPORTS

Patrick O'Rourke, Chief of Police - Chief O'Rourke asked if the person who sent the email to the Board received a traffic citation. Supervisor Engle said he didn't believe so. Chief O'Rourke said now that the warm weather has surfaced, the officers are out conducting more traffic enforcement. They specifically targeted Chocolate Avenue to educate the public that the speed limit is now 25 mph.

Vice-Chairman Moyer said he wants the record to be clear - we do not enforce traffic speed limits for the purpose of generating revenue. We do it to save lives and to reduce traffic accidents. Manager Negley said so little of the budget is derived from traffic fines. The Township has a \$17 million budget and you get \$130,000 at the most from traffic citations. We spend more money in an officer's salary writing a ticket than what we receive for the citation. Supervisor Ballard suggested a blurb to the public that the police is out and to pay attention.

Chief O'Rourke requested authorization to execute a lease agreement with the Trust regarding the use of the old landfill for a firing range. It has been approved by Solicitor Yost and the Township Manager.

MOTION: A motion made by Supervisor Ballard and seconded by Vice-Chairman Moyer that the Township execute a lease agreement that was approved by Solicitor Yost and the Township Manager with the Trust regarding the use of the old landfill for a firing range, is hereby approved. *The motion carried, 5-0.*

Bob DiLello, Hershey Volunteer Fire Company - Mr. DiLello reported the Fire Company will be putting out a press release detailing their temporary move scheduled for the end of this month. Chairman Foley thanked the HVFC for their countless hours of moving and their continued effort as there is a lot more to do.

Thomas Clark, Director of Public Works - The crews are out retrieving the tons of anti-skid that was put in the street due to the weather. There are two sweepers retrieving anti-skid and two crews working on pot holes. The Supervisors extended their thanks to Mr. Clark and his crews who plowed snow this winter. They did a great job.

Supervisor Ballard asked if there is an easy way for people to let Public Works know about pot holes. Mr. Clark said they keep a list and actually don't get a lot of calls.

Barbara Ellis, Director of the Public Library - The 2015 community survey was released last week and in less than a week's time, close to 300 responses were received. Tomorrow at the Library, they will have a paper copy of the survey and they look for those results to be in by the end of March.

Supervisor Ballard commented that the young adult's film festival is a wonderful opportunity for kids. If they submit their film, it will be shown in April.

Vice-Chairman Moyer shared that at the most recent liaison meeting between the School Board and the Supervisors, the Superintendent indicated that he would be willing to disseminate the revised survey. Ms. Ellis said they are working on the details now and it should be available by Thursday.

Matt Mandia, Director of Parks & Recreation – Mr. Mandia reported he is still working on the Middletown Road parcel and has had several good discussions with the property owner. We have tentatively scheduled a meeting at the Township on April 22.

The Community Center Long Range Planning Committee will be holding its second meeting next week.

Parks and Recreation have two Eagle Scouts looking for projects. One would volunteer at Boat House Park to do tree planting to bolster the stream site buffer and the other scout at Gelder Park to more formally establish the nature trail.

Charles Emerick, Director of Community Development – Mr. Emerick reported that on March 17 there will be a joint planning session for the comprehensive plan.

APPROVAL OF ACCOUNTS PAYABLE (\$216,602.36) AND PAYROLL (\$322,114.91)
Vice-Chairman Moyer moved to approve accounts payable in the amount of \$216,602.36 and payroll in the amount of \$322,114.91. Supervisor Ballard seconded. ***The motion carried, 5-Yes 0-No.***

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one came forward.

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 Engle
Township Secretary

Brenda Van Deursen
Recording Secretary