

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING**

Tuesday, May 27, 2014
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The May 27, 2014 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 R. Clark, Director of Public Works
Bob DiLello, Fire Company
Charles W. Emerick, Director of Community Development
Jill E. Henry, Assistant Township Manager
Cheryl L. Lontz, Manager of Payroll and Employee Benefits
James N. Negley, Township Manager/Township Treasurer
Chief Patrick O'Rourke, Chief of Police
Donna Small, Hershey Public Library
Jon A. Yost, Township Solicitor
Brenda Van Deursen, Recorder

Public Present: Jay Robertson, Elvira Ebling, Susan Foxx, Kevin Ferguson, Rich Gamble

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

Rich Gamble, Hockersville Road – Mr. Gamble thanked Chairman Foley for responding to his email. He still believes that Chairman Foley's discussion with Dr. Carter was important enough to share with the community because this is someone the Township paid for services several years ago.

Chairman Foley said it was mentioned at the public workshop that neither report took into account mutual aid. Mutual aid is an integral part of our community's emergency response in addition to the entire County. His dialogue with Dr. Carter was related to what would a scope of service look like, what changed, and how would we integrate the Hummelstown Fire Company or mutual aid agreements into any topics that were related there. It was Chairman Foley's position that it would be a redundant service having another fire station within a mile or so of an existing Fire Company that responds to us on direct call.

Mr. Gamble said when the studies were done, all these same factors were present then but the outcome was different. He believes any conversation that has direct response or outcome with the rest of the community should be shared and presented at the meeting. It shouldn't be an individual conversation. Chairman Foley said he is sharing his desired outcome and he voted accordingly.

Susan Foxx, 675 Ventura Road, Hummelstown – Ms. Foxx is the president of the Stoney Run Homeowners Association. She thanked the police department for working closely with them and helping them address the problem. Ms. Foxx said when it comes time for approval, the homeowners would like to know when the actual restriction will be in place and if there is any kind of leeway where the sign is placed.

Vice-Chairman Moyer suggested the homeowners make their preference known as to where they would want the signs placed when this item is discussed. Mr. Clark added that there is some flexibility, but there are specific parameters relative to where they can be placed and their enforceability.

APPROVAL OF MINUTES

Chairman Foley called for a motion to approve the Minutes of the May 13, 2014 Board of Supervisors meeting. Supervisor Engle made a motion to approve the Minutes. Supervisor Weir seconded. ***The motion carried, 5-yes 0-no.***

NEW BUSINESS

A1 Presentation of Awards to Employees of the Police Department whose actions from June 2013 through May 2014 have brought distinction upon themselves.

Chief O'Rourke and Chairman Foley acknowledged, commended and recognized the following individuals:

- **Chief O'Rourke, Lt. Timothy Roche, Lt. Garth Warner, Sgt. Robert Demmel, Det. Sgt. Gregory Day, Officer Michael Henry, Det. Matthew Dotts, Officer Anthony Clements, Officer Gregory Mowery, Officer Rian Bell, Officer Michael McCormick, Dispatcher Ashley Kienzle, IT Mgr. Brian Blahusch** - for their dedication, commitment and quick actions in the performance of their duties during the emergency response situation regarding the volumes of natural gas released into nearby neighborhoods on July 11, 2013.

Through this solid team work, sound decision making and effective communication, these officers prevented a potential disaster from becoming a much larger emergency situation.

- **Officer Timothy Keister and Officer Dennis Shearer for their quick and decisive intervention into a life-threatening situation which prevented the loss of additional human life.**

The situation occurred on April 26, 2014 when the police department responded to West Caracas Avenue for a cardiac arrest.

- **Officer Darren Cotton for his dedication, commitment and outstanding investigative efforts.**

The situation occurred on February 17, 2014 when the police department responded to the Hershey Medical Center for eight offices that had been burglarized during the preceding weekend. Through Officer Cotton's investigation, they were able to arrest two individuals for the burglary.

- **Officer Rebecca Kessler for her dedication and commitment of embracing Community Policing initiatives and plans these endeavors with much vigor and little supervisory encouragement as she strives for the ultimate goal of enhancing the public image of the agency.**

Over the past three years, Officer Kessler has taken a proactive approach in advertising and conducting six Drug Take Back initiatives. She worked with the HMC and local media outlets which resulted in the collection of over 1,373 pounds of pharmaceuticals which is noted by the local DEA office.

- **Officer David Rode for his dedication, commitment, and outstanding investigative efforts in an arrest.**

During the months of June through July 2013, the police department was notified of several persons who were victimized at the Hersheypark venue as a result of forcible vehicle break-ins. These thefts resulted in several thousand dollars and a registered handgun. Through Officer Rode's investigation, a suspect was arrested for nineteen vehicle break-ins that occurred over a two-month period.

- **Officer Gregory Mowery for his compassionate actions that resulted in a lifetime impression on a young cancer patient and his father.**

As a result of a traffic stop, Officer Mowery found out the driver was transporting his child to the Disney store to purchase a favorite toy of the child as a result of his bravery shown during treatment. Officer Mowery issued the father a verbal warning for the traffic stop and then called the Disney store, provided his credit card information and paid in advance for the toy.

- **Officer Wendy Burgwald and Officer Andrew Herr for their quick and decisive intervention into a life-threatening situation, which prevented the loss of additional human life.**

On September 7, 2013, the police department responded to Church Road for an unconscious male. The male was in full cardiac arrest. They initiated life saving measures until advanced medical care arrived. The immediate actions of these two officers were instrumental in saving the victim's life.

- **Detective Sergeant Gregory Day and Detective Tom Pavone for their dedication, commitment, and outstanding efforts in an arrest.**

On June 10, 2013 the police department responded to a residence on Byron Drive for a female suffering from a stab wound to the chest. She eventually lost her life due to the severity of her injuries. Through intensive investigation, Sgt. Day and Det. Pavone along with detectives from the Dauphin County Criminal Investigation Division and Dauphin County Drug Task Force were able to make an arrest.

Mr. Jay Robertson - The Roths are his in-laws and it was Barry Roth's mother who was the victim of the tragic attack. Joyce Roth was staying at their house after attending Mr. Robertson's daughter's graduation that same weekend. During his nearly 17 years of employment at Hershey Entertainment he has had the distinct pleasure of working with many officers of the Derry Township Police force including both Officer Day and Pavone. The manner in which they conducted themselves is an absolute testimony to the professionalism and strong leadership of the police department as a whole and as yet another reminder of what makes

Derry Township such a special place to live and work. On behalf of both the Roths and Robertson's families, he expressed their thanks and heartfelt gratitude to these two officers, Chief O'Rourke and to the entire police department for their professional and caring manner in which they conduct themselves during this trying time.

Chairman Foley thanked all the police officers for all that they do for this community and the sacrifice their families make each and every day.

B1-2 Approval of Resolution No. 1392 in support of Senate Bill No. 1340 and House Bill No. 1272, enabling all municipal police to use the same Motor Vehicle Speed Timing Equipment as the Pennsylvania State Police.

Chief Patrick O'Rourke, Chief of Police – Every law enforcement agency in Pennsylvania uses the same tools to conduct speed enforcement with the exception of radar. The inability for municipalities to use radar has resulted in the uneven enforcement of the maximum speed statutes and has contributed to Pennsylvania ranking third in the nation with the highest number of speed related fatalities as well as being the second highest in the percentage of speed related fatalities in the nation.

Motion: A motion made by Chairman Foley and seconded by Supervisor Ballard that the Derry Township Board of Supervisors endorse Resolution No. 1392 and call upon Members of the Senate and House of Representatives of the General Assembly of Pennsylvania, and specifically Senator Rob Teplitz and Representative John Payne to support Senate Bill No. 1340 and House Bill No. 1272, 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-yes 0-no.*

C1-4 Authorization to accept a proposal from Herbert, Rowland & Grubic, Inc. to provide monitoring and reporting services for the relocated stream channel and mitigation wetland area located off of Cocoa Avenue as part of the recently completed Township Stormwater Improvement Project.

James N. Negley, Township Manager/Township Treasurer – The scope of work is to provide the monitoring and reporting documentation of this project area for a period of five (5) years. This will include seven (7) monitoring periods at a lump sum fee of \$2,000.00 per submission.

Supervisor Engle asked at what point do you ask if you can shorten the monitoring. Mr. Bonanno said once all the live stakes become established and thrivent, then HRG would request the monitoring points be finished at that point. Both DEP and the Army Core of Engineer would have to agree to that. This is a mandated requirement from the Township's original permit to get the work done.

Motion: A motion made by Supervisor Ballard and seconded by Vice-Chairman Moyer that the Township Manager may execute an agreement with Herbert, Rowland & Grubic, Inc. to provide monitoring and reporting services for the relocated stream channel and mitigation wetland area located off of Cocoa Avenue as part of the recently completed Township Stormwater Improvement Project, is hereby approved. *The motion carried, 5-yes 0-no.*

D1-4 Authorization to appoint a Sewage Enforcement Officer (SEO).

Charles W. Emerick, Director of Community Development – DEP requires municipalities to appoint sewage enforcement officers to administer the Sewage Facilities Act regarding on-lot septic systems. Mr. Emerick is presently the Township's Sewage Enforcement Officer (SEO). As part of that duty there is continuing education and other education that is necessary. The last two permits we received in the Township were both sent to DEP for approval. This is another option when the SEO does not have

those credentials. It has come time to outsource the duties of the SEO. The Township would be best served by an SEO that lives this work every day. Following the fee schedule that is proposed, he believes the residents utilizing the service will see a savings of about \$110 for the services they would have received from the Township because of the package of the SEO doing the probes and testing as well. It will be a benefit to the Township and the community. The third party SEO would collect the fees made payable to the Township and the Township would cash those checks and reimburse the SEO monthly or quarterly. We would collect a \$50 fee for processing the paperwork for each permit that comes through and cover some of the sewage enforcement work for failing systems. Mr. Emerick has researched this and believes Larson Design Group, Bethel, Pa. would be the best group to for the SEO. The Township averaged over the last 10 years about \$377 annually for sewage enforcement work. It costs about \$900 annually to have an SEO on staff.

Supervisor Ballard inquired about an actual savings to the residents who would need to take part of this service. Mr. Emerick said there is a savings to the residents. Presently, the Township charges \$150 for a new septic permit and \$75 for a repair. Then that person must find a private consultant to do the probe work and the perk test. That work totals about \$740.00. Today someone would pay about \$890 for a new on-lot septic system. Under the fee schedule from Larson Design Group, the cost would be about \$780.

Motion: A motion made by Supervisor Engle and seconded by Supervisor Ballard that the Board of Supervisors appoint Larson Design Group to be the Township's third party agency Sewage Enforcement Officer; and that Assistant Secretary James Negley is authorized to sign an agreement between the Township and Larson Design Group to that effect, is hereby approved. ***The motion carried, 5-yes 0-no.***

E1-16 Approval of Resolution No. 1393 which would establish new fees and revise existing fees for services provided through the Community Development Department.

Charles W. Emerick, Director of Community Development – This is the fee schedule that is necessary for the third party consultant. Mr. Emerick thought it would be good to revise our single source published fee schedule. The DEP regulations state that the Township would be reimbursed by the person seeking the service, but that reimbursement shall not exceed the actual cost incurred by Derry Township. He included Larson's fee schedule and the \$50 application fee for new systems.

Supervisor Ballard asked if there is a mechanism in place to adjust the fees for inflation. Mr. Emerick checks the consumer price index (CPI) annually to see if a new resolution is necessary. They look at what the CPI did to certain fees and determine if it is worthwhile to increase our fees.

Supervisor Engle understands that the individual applicant will experience a cost savings through this third party contract. He also understands the Township will derive a monetary benefit with the \$50 application fee. Mr. Emerick said that is correct, but there is always administrative work involved. There will be a savings in the training budget and the amount of work done elsewhere.

Motion: A motion made by Vice-Chairman Moyer and seconded by Supervisor Ballard that Resolution No. 1393, is hereby approved. ***The motion carried, 5-yes 0-no.***

F1-3 Consideration of the release of performance security for the Preliminary/Final Subdivision Plat for Scott R. Ortenzio and Zachary G. and Linda A. Ortenzio, Plat #1220.

Motion: A motion made by Supervisor Ballard and seconded by Vice-Chairman Moyer that the Township hereby releases cash performance security in the amount of \$2,087.25, provided for the Preliminary/Final Subdivision Plan for Scott R. Ortenzio and Zachary G. and Linda A. Ortenzio, is

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

G1-3 Approval of Ordinance No. 645 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 the 5 specific curves on these roadways and as outlined in the proposed model Ordinance.

Chief Patrick O’Rourke, Chief of Police – On April 8, 2014, the Board of Supervisors authorized the advertisement of this Ordinance amendment and it appeared in The Sun on April 24, 2014. In regards to Susan Foxx’s request, he is willing to work with the Homeowner’s Association regarding the signs within the parameters allowed by regulations.

Motion: A motion made by Vice-Chairman Moyer and seconded by Supervisor Weir that Ordinance No. 645 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 the 5 specific curves on these roadways and as outlined in the proposed model Ordinance, is hereby approved. *The motion carried, 5-yes 0-no.*

H1 Approval to award cold in-place recycling of Beech Avenue from Valley Road to Ridge Road; Cherry Drive to Sand Hill Road; Cedar Avenue from Areba Avenue to Valley Road; Maple Avenue from Hockersville Road to Valley Road.

Thomas R. Clark, Director of Public Works – Prior to May 22, advertisement and a pre-bid meeting was held for cold in-place recycling for the roads mentioned. These roads had water lines installed on them last fall with the exception of Cherry Drive. The line on Cherry Drive will be installed by PA American Water this spring. Two bids were received for this work: 1) E.J. Breneman in the amount of \$224,944.80 and 2) Recon Construction Services in the amount of \$227,904.60. The recommendation is to award the bid to E.J. Breneman.

Motion: A motion made by Supervisor Engle and seconded by Supervisor Ballard that the Township is authorized to award the contract for cold in-place recycling to E.J. Breneman in the amount of \$224,944.80, is hereby approved. *The motion carried, 5-yes 0-no.*

CORRESPONDENCE & BOARD/COMMITTEE INFORMATION

Sandy A. Ballard

A resident sent a thank you for their appreciation of the sidewalks that are being added on Areba. The resident mentioned specifically the sidewalk in front of the Ronald McDonald House. Supervisor Ballard thanked Chairman Foley and the supervisors for getting the sidewalks built especially near the school.

Supervisor Ballard received an email from someone asking about a town meeting tonight. Apparently a TV station is doing some kind of town meeting, but none of the Supervisors knew about it. Hopefully in the future if the TV station decides to do it again, they will let us know.

John W. Foley, Jr., Chairman

Chairman Foley thanked Matt Mandia, Public Works, Police Department, and the Fire Department for everyone’s participation in the Memorial Day Program. It was a great event. Supervisor Ballard thanked Chairman Foley for his leadership in coordinating, organizing, and serving as emcee for the event.

The ICDA was recently charged with advancing the Fire Station project. We will continue to move that

initiative.

This afternoon Chairman Foley and some of the Supervisors attended the ribbon cutting for the realignment of Route 422 and 743.

REPORTS

Chief Patrick O'Rourke, Chief of Police

Chief O'Rourke commended Matt Mandia and his staff for the Memorial Day event and all the work and coordination that went into it. This event continues to grow in attendance every year. Chairman Foley acknowledged Chief O'Rourke for contributing his talent with the bagpipes. It was a very moving end to the entire observance.

Bob DiLello, Fire Company

At 1:30 this morning, there was a residential structure fire and the 11 year old son in the house got everyone out of the house safely. The HVFD used their new pumper and was able to put out a layer of foam that helped extinguish and smother the fire quickly.

Also, today the HVFD settled on the property at 31 West Caracas Avenue. This enables them to move another step closer towards building a new station.

Chairman Foley said it was by God's grace and luck that that family got out. There were no working detectors and a five week old child in the house. As the fire truck arrived, the back of the house was blowing fire out. Due to the new fire pump, the damage was minimized. We did receive great response from the mutual aid.

Thomas Clark, Director of Public Works

Last week, Public Works milled areas on Sand Hill Road and Bullfrog that suffered severe damage over the winter. Sand Hill Road is paved from Hilltop down to Brownstone. Tomorrow they plan to get a leveling course on Bullfrog. In a few weeks, a contractor will reapply the micro surface to the "S" turns on Sand Hill Road. This was done a number of years ago to minimize the vehicles sliding off the road in those turns. With all the rain and the age of the application, it is time to reapply it.

Chairman Foley referred to street lights on Chocolate Avenue and the unsignalized crosswalk at Valley and Chocolate. The metal lights give off an orange glow and are not very luminating. Is there a chance we can look at changing the lights? Mr. Clark said he can check with the entity that puts them in. Mr. Clark's intent at the crosswalk was to put a durable pavement marking, but with the repaving of Chocolate Avenue that is going to occur within the next year, they will just paint the walk. Once the repaving is done, the department should put the pavement marking back down.

Donna Small, Hershey Public Library

The Library will be kicking off their summer reading program next Monday. The programs are from babies to senior citizens. The theme this year is science. The Library is also holding a Lego workshop for families to sign up for as teams. An architect will bring 70,000 Legos to the Library to build windmills of the East.

Supervisor Ballard said in the past there was a connection between the pool and the library so when a storm like today comes through, there was a joint effort to offer something together. Mrs. Small said the Library is always willing to accommodate them.

Cheryl L. Lontz, Manager of Payroll and Employee Benefits

Hamilton & Musser has started their 2013 fiscal audit. A report is expected by the end of June.

Matt Bonanno, HRG Engineer

Stormwater Project: Manager Negley signed off on some of the proposals today and HRG will submit them to the conservation district at DEP and to the Army Core of Engineers to close out that project.

MS4 Permit: HRG will meet with Tom Clark and Chuck Emerick to look at Chesapeake Bay Pollution Reduction Plan which is a requirement of the permit.

Java Avenue/Locust Avenue: HRG sent out Notice of Intent letters to all the property owners. They will begin site surveys tomorrow that will continue for about a week and then they will begin the design work.

Wood Road/Bullfrog Valley Road Funding Options: HRG drafted a letter today and sent it via email to the Board for review. Manager Negley spoke with Mr. Bonanno prior to the meeting regarding what we expect from HRG to follow through with our discussion.

Supervisor Ballard inquired about the flooding and the intake between the tennis courts and the ball field. A trash rack gets clogged with debris occasionally. One of HRG’s suggestions was to establish the entity responsible for maintenance. Chairman Foley asked Mr. Clark to make the request to the entity to keep that area clean of debris and let the Board know if they do not clean it up. Mr. Bonanno added that the trash rack is supposed to clog up and collect the debris to prevent the debris from getting into the system and clogging it further down. Any trash racks will need to be maintained.

Charles W. Emerick, Director of Community Development

Jake Cronin, Community Development’s first intern, will be leaving in a few days as the school year comes to a close. The intern process has been very good. Mr. Emerick issued Jake a Certificate of Appreciation from Community Development. Chairman Foley asked that Mr. Emerick invite Jake to the next meeting. Manager Negley commented that Jake Cronin was a nice addition to the department and Township.

APPROVAL OF ACCOUNTS PAYABLE (\$467,574.21) AND PAYROLL (\$304,628.09).

Supervisor Engle moved to approve accounts payable in the amount of \$467,574.21 and payroll in the amount of \$304,628.09. 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 8:05 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