

**TOWNSHIP OF DERRY  
BOARD OF SUPERVISORS MEETING**

**Tuesday, October 14, 2014**  
600 Clearwater Road, Hershey, Pennsylvania 17033

**CALL TO ORDER**

The October 14, 2014 Township of Derry Board of Supervisors meeting was called to order at 7:15 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, Fire Company  
Barbara S. Ellis, Director of Hershey Public Library  
Charles Emerick, Director of Community Development  
Jill Henry, Assistant Township Manager  
Matthew 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:*** A. J. Troncelliti, Catherine Wagner, R.W. S., Anne Newman, Troy Brunner, Gloria Kreiser, Elvira Ebling, Paul Swartz, Don Bankus, Tom Stang, Tyson Brown, Charleton Zimmerman, Mike J., Mary Suminski, Mark Suminski, Kim Rippon, Rich Gamble, Amy H. Rich Suminski, Chris Shelly, Mark Hackenburg, Tony Potter, Hans Geyer

***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.***

**PRESENTATION:**

**Mr. Caputo, Hershey Italian Lodge** - On September 20, the Hershey Italian Lodge held a golf tournament to raise money for "Cops for Cops". They presented a check in the amount of \$1,775 to Chief O'Rourke.

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

**Charleton Zimmerman, Palmdale, 119 N. Roosevelt Avenue, Palmdale** – In September, on Mr. Zimmerman's way to Palmyra he noticed a sign at the public property owned by Derry Township. The sign was a permanent installation and must have been an HE&R sign because it stated attractions and Hersheypark pointing up to N. Lingle. Any type of sign is supposed to be applied for a variance and permission from the Zoning Board. The sign was removed after he notified The Hummelstown Sun and told them they should take a picture of it, but the concrete posts are still there. How did that happen without a public hearing? Now that the sign is removed, is it going to be allowed back up? Chairman Foley responded that the sign was erroneously installed. In the summer time, there are directional signs that are placed throughout the Township directing park and concert goers to go down East Derry Road. Somewhere in the mix, a portable sign directing traffic never made its way to that corner and a permanent sign was erected. We asked them to remove it, which they have appropriately done.

**Troy Brenner, 411 Bullfrog Valley Road** – Mr. Brenner stated that the speed on Bullfrog is out of control. The stop sign on Wood and Bullfrog is a safety issue for people in cars and people crossing the road. He monitored the area from 5 a.m. to 9 a.m. by counting the cars. There were 496 cars with 438 cars not stopping. Then he monitored the area from 2 p.m. to 6 p.m. There were a total of 293 cars and 253 did not stop. With the speeds, he has had 10 cars in his yard resulting in approximately \$20,000 in damage. He has called the police for about 8 years and nothing is happening. He suggested to a patrolman to install 3-way stop signs. It works on Waltonville and Wood, it would work great here. He was told it can't be done because of line of sight. When he pulls out of his driveway, he looks left and has to floor his vehicle because someone is right on him. He has contacted everyone and is now coming to the Board.

Supervisor Ballard noted that Assistant Manager Henry has mentioned in a couple of the newsletters that you can request to have the speed trailer brought to your neighborhood. Mr. Brenner said they brought the box out in the summer and put it on a speed limit sign so that they could gauge how fast people are going. They put it after the curve and that is where people have to slow down.

Chief O'Rourke responded that they have been in contact with some of the residents and there have been some things done. He will address Mr. Brenner's concerns first thing in the morning. He will assign someone to it and have a speed century out there to collect the data and conduct their enforcement accordingly.

Supervisor Engle asked Chief O'Rourke what lead to the stop signs at Wood and Waltonville. Chief O'Rourke said there was a study done and the results indicated the stop signs were warranted.

Vice-Chairman Moyer asked if there has been a determination that line sight is insufficient to justify a stop sign on the Bullfrog Valley side of that intersection. Chief O'Rourke said he cannot speak for the traffic safety specialist because a lot has to do with state roads. He will check into it. Chief O'Rourke added that you cannot erect stop signs to regulate speeds, but he will request a study be done.

**Rich Gamble, Hockersville Road** – Mr. Gamble asked if we are opening up the door to a Midas station in what was being proposed at the Public Hearing.

**Richard Suminski, 764 Pine Tree Road** – In regards to Resolution 1407, adoption of code of ethics, the Derry Township School Board is also considering a conflict of interest policy. All new policies with the School Board are subject to a 30-day review period. Would the residents of Derry Township have an opportunity to comment on the Township's code of conduct before enacted? Chairman Foley said they welcome public comment from all residents.

Mr. Suminski referred to the pending resolution as to the bike crossing on Middletown Road. At the September 9 meeting, the Township accepted his offer of \$5,000 to pay for an engineering study for a safe crossing on that roadway as to the current termination point on Grove Street, across from the unused road. We have a binding agreement. Mr. Suminski's employer has pledged a grant of \$15,000 to pay for a safe crossing up to the unused road. He understands the current owner of the unused road has indicated their willingness to transfer the title of the road to the Township. If there is a delay in constructing a safe crossing across Middletown Road, he recommends the Township move forward and accept the title of the unused road as a greenway, walkway, bike path, etc. Upon acceptance of that title, they should arrange a service project to get assistance to remove the overgrown brush and other cleanup activities on the unused road. His employer has approached him and said if they do that, there is another grant up to \$5,000 which in total would be \$25,000. He is agreeable to amend the agreement with the Township for the engineering study and safe crossing up to Gramercy Place, but no further. It would be a waste of time, money and energy to have an engineering study beyond Gramercy Place. He believes the best crossing point would be between Grove Street and the non-used road.

**Trish Foster** – Ms. Foster lives in Southpoint Meadows at the corner of Locust and Raleigh. The bike traffic has increased on Locust dramatically. She does a lot of biking and she needs to cross over to the Medical Center. She went down the unused road about three weeks ago. It is not an abandoned road, it is in good shape. Having a crossing at the unused road is needed for her neighborhood and Deer Run. Ms. Foster said she can't see any other area being safer.

**Tyson Brown, 218 Elm Avenue** – Mr. Brown supports efforts to connect the end of the Eshenour Trail to Gelder Park through the Southpoint and Deer Run Communities making it easier for hundreds of local residents to utilize this beautiful resource. He is concerned there are efforts to complicate this opportunity by adding layers of additional project components to the review that would hamper momentum and undercut an idea that has already been balancing patiently from foot to foot for nearly a decade. He urged the Supervisors to move forward with a simple focus study to determine whether or not a crossing at Middletown Road would make sense at the locations that have already been described.

**John Faradelli** – For eight years he used the bike trail to commute year round and is very familiar with this particular route. It is important to remember anyone heading westbound on that trail with no crossing at the gazebo, you force the biker to ride against traffic. Any biker who wants to head towards Middletown on Middletown Road needs to cross at the gazebo so they are riding with traffic as opposed to against traffic. Putting the crossing anywhere else makes no sense to a westbound rider on that trail.

**Amy Hallock, Hummelstown** – Ms. Hallock thanked everyone who was involved in walk to school day. She appreciates Chief O'Rourke's and Sgt. Demmel agreeing to have several of the officers (plains clothes officers) ride bikes with them along the proposed routes for the study so everyone

is seeing the same thing. The hands-on approach will add to the study. We need to look at not only cars going through, but people walking or biking.

**Mike Jarman, 775 Zurich Drive, Hummelstown** – Mr. Jarman is concerned that people are going to continue to cross on the unused road whether we do anything or not. We have money pledged behind that focused study. The Township is being offered donation by its citizens to do something to better the community. Here we have a group of people who are ready to do that and we just need the Board to consider this.

### **APPROVAL OF MINUTES**

Chairman Foley called for a motion to approve the Minutes of the September 23, 2014 Public Hearing. Supervisor Engle made a motion to approve the Minutes. Supervisor Ballard seconded. **The motion carried, 5-yes 0-no.**

*Vice-Chairman Moyer asked that the people who commented on the bike trail not leave before we get to that agenda item because there will be further discussion.*

Chairman Foley called for a motion to approve the Minutes of the September 23, 2014 Board of Supervisors meeting. Supervisor Ballard suggested an amendment on the top of page 6. It currently reads “Supervisor Ballard asked when the **scope** for the Middletown crossing would be done.” The word “scope” should actually have been “study”. Vice-Chairman Moyer made a motion to approve the Minutes with the amendment. Supervisor Ballard seconded. **The motion carried, 5-yes 0-no.**

### **NEW BUSINESS**

**A1 Follow-up discussion by Recyclebank to provide the Board with additional information on their program.**

**Tom Stang, Waste Management** – Mr. Stang has had several conversations with Supervisor Engle regarding the Recyclebank program presentation in the summer. At this point, all the information that the Board requested has been presented to them. They are looking to see if this is something the Township wants to move forward with. It is an incentive based curb side recycling program to recycle additional amounts on a weekly basis. The more you are able to recycle will be positive for future opportunities. It would cost approximately \$7 per year per home.

Supervisor Ballard commented that Anne Newman is a member of the Derry Township Environmental Action Committee and had some concerns about the participants privacy and their information being accessible in order to sign on for the rewards program. By signing on, how do we prevent information from being used or accessible to other people? Mr. Stang said he could not answer that, but Recyclebank could, but they were not able to here tonight.

Vice-Chairman Moyer asked how Derry Township is going to be different. We are already astounding on what we recycle. Mr. Stang said the Recyclebank has been in business over 10 years. They see an increase of 5 to 15% in the recycling volumes coming out of municipalities. Vice-Chairman Moyer asked how this equates to a reduction in tons. Mr. Stang said a homeowner averages 38 pounds of trash per week and 11 pounds of recyclables. If you move that from 38 to 36 pounds and move recycling from 11 pounds to 13 or 14 pounds, it actually pays for the cost of the program in your disposal avoidance for the next time your contract goes out to bid.

Each family would be billed approximately \$7/year for two years and if it didn't work out, we could cancel it. It could possibly lower their trash. Supervisor Engle said simply by logging on and saying you are recycling, you would be eligible for a \$10 gift card to many major retailers. There are a lot of programs through Recyclebank that allow the community to work together to do this.

**Anne Newman, 531 Elm Avenue** – Ms. Newman said it seemed very complicated for the participants to go online, sign up for it, and give some info. She was concerned about being opened to promotional materials being sent to her. The contract is about 14 pages long. She wondered how many people would actually subscribe to getting coupons.

Tom Stang said the percentage of people in other communities that have signed up and registered is between about 25 and 30%.

**Motion:** A motion made by Supervisor Ballard and seconded by Supervisor Weir to support the Recyclebank Program proposal subject to the Township's manager and solicitor's review, understanding that after the 27 month pilot period, we can discontinue our participation, is hereby approved. *The motion carried, 5-yes 0-no.*

**B1-9 Consideration of adoption of Ordinance No. 652, amending Chapter 225 of the Code of the Township of Derry to change the zoning classification of 10.25 acres of land from a Multi-Family Residential classification to an Attached Residential classification.**

**Charles Emerick, Director of Community Development** – A public hearing was held on this matter on September 23, 2014 for the rezoning of about 10.25 acres of land in Deer Run Commons area. It will enable the creation of townhomes on this property. It has nothing to do with the plan itself, just the zoning district. This has been properly advertised for adoption. Both the Derry Township Planning Commission and the Dauphin County Planning Commission recommended that the zoning map amendments and the comprehensive and future land use map be adopted.

Supervisor Ballard mentioned that she did not receive any resident concerns regarding this.

**Motion:** A motion made Vice-Chairman Moyer and seconded by Supervisor Ballard that adoption of Ordinance No. 652, amending Chapter 225 of the Code of the Township of Derry to change the zoning classification of 10.25 acres of land from a Multi-Family Residential classification to an Attached Residential classification, is hereby approved. *The motion carried, 5-yes 0-no.*

**C1-5 Consideration of adoption of Resolution No. 1405 to amend the Derry Township Comprehensive Plan.**

**Motion:** A motion made by Supervisor Ballard and seconded by Supervisor Weir that adoption of Resolution No. 1405 to amend the Derry Township Comprehensive Plan, is hereby approved. *The motion carried, 5-yes 0-no.*

**D1-10 The Preliminary/Final Subdivision Plan for Tyrone J. and Cecelia C. Kreamer and Swatara Station Partners, LLC, Plat No. 1224.**

**Charles Emerick, Director of Community Development** – This plan is being processed to validate a boundary line agreement recorded in 2011 and some relief was granted for impervious cover. The property that is subject to this plan is Woodland Hills. Other property involved is owned by the Kreamers. Chairman Foley asked if anyone is in opposition and no one was. Supervisor Ballard said this is formalizing something that was handled on a side agreement and now the parties are correcting it.

**Motion:** A motion made by Supervisor Ballard and seconded by Supervisor Engle that the Preliminary/Final Subdivision Plan for Tyrone J. and Cecelia C. Kreamer and Swatara Station Partners, LLC, Plat No. 1224, subject to the waivers, is hereby approved. *The motion carried, 5-yes 0-no.*

**E1-12 The Preliminary/Final Subdivision Land Development Plan for the Hershey Lodge Natatorium Replacement, Plat No. 1242.**

This agenda item has been withdrawn by the Hershey Entertainment Resort Company.

**F1-4 Consideration of adoption of Ordinance No. 651, amending Chapter 225 (Zoning) of the Code of the Township of Derry to define terms for ‘Automotive Car Wash Facility’, ‘Automotive Lubrication Facility’, ‘Motor Vehicular Repair Garages’, and ‘Motor Vehicular Sales and Service’; and to allow road tests as part of Pennsylvania state inspection services.**

**Charles Emerick, Director of Community Development** – This is the item that was subject to the public hearing at 6:45 today.

Atty. Wagner addressed some of the concerns mentioned at the Public Hearing:

Automotive Lubrication facilities and Car Wash facilities are permitted in Neighborhood Commercial district by conditional use. This is not a district where the use is permitted by right. This means, first conditions can be placed on the property and this also means that Automotive Lubrication facilities will not just pop up on the properties. People will have to apply by conditional use.

Mr. Troncelliti is not in his position because he was negligent and did not know what the restrictions were on the property. Indeed, the lack of restrictions by way of lack of definition is exactly why Mr. Troncelliti is here. To the extent this Township seeks to enforce restrictions on uses, it must define what those permissions and restrictions are. If not, the ordinance is to be construed in favor of the property owner and against the restrictions.

Finally, following the public hearing and after speaking with Mr. Emerick and Mr. Yost, it is clear that the intention behind the proposed amendment, in particular the Automotive Lubrication Facility definition is to be restrictive in a restrictive district. In recognition of that concern, Mr. Troncelliti is in agreement to amend the proposal such as that it will read: Automotive Lubrication facility services shall not **“permit”** the overnight storage of vehicles, storage of unlicensed or inoperable vehicles for any period of time nor the outdoor storage of equipment or materials.

Supervisor Ballard asked if this would automatically change Jiffy Lube's permissions or would he have to come back and ask for conditional use. Mr. Troncelliti already has a conditional use application in hopes that this proposal would be passed.

Supervisor Ballard asked Mr. Emerick if he looked at what other communities used for definitions. Mr. Emerick said he found throughout the country there are very few communities that segregate out Automotive Lubrication facilities from other type of auto service centers. There was not a lot of model language to go by.

Supervisor Engle asked if there was opposition at the Zoning Hearing Board. Mr. Emerick said Bob Smith went to the Zoning Hearing Board to appeal Mr. Emerick's determination that an Automotive Lubrication facility should not be providing the service of auto inspections. There was no opposition.

Chairman Foley said with this change it would be conditional use throughout the district. Mr. Emerick said it is conditional use to be approved by the Board of Supervisors. Chairman Foley asked what qualifies as an acceptable condition. Mr. Emerick read the list of conditions.

Attorney Wagner added that she and Mr. Emerick relied on the language contained in many other districts including Middletown and Hempfield for Automotive Repair minor. Chairman Foley asked if the consultants reviewing the Comprehensive Plan had an opportunity to provide input on this and they had not. Chairman Foley asked that Derks and Edson review this in the next two weeks and offer some comments to the Board so they can address at the next meeting.

**Motion:** A motion made by Chairman Foley and seconded by Vice-Chairman Moyer to table this agenda item to the next Board of Supervisors meeting, is hereby approved. *The motion carried, 5-yes 0-no.*

**G1-4 Adoption of Resolution No. 1406, providing for the assessment of the costs and expense of the maintenance of street lights within the Township of Derry, pursuant to Section 2003 (a) of the Second Class Township Code, as amended, and also providing for the collection thereof.**

**Motion:** A motion made by Chairman Foley and seconded by Supervisor Ballard that adoption of Resolution No. 1406, providing for the assessment of the costs and expense of the maintenance of street lights within the Township of Derry, pursuant to Section 2003 (a) of the Second Class Township Code, as amended, and also providing for the collection thereof, is hereby approved. *The motion carried, 5-yes 0-no.*

**H1-2 Consideration of a request from the Pennsylvania Music Educators Association for exoneration from paying the Township Amusement Tax for student concerts at the Hershey Theater on Saturday, March 28, 2015.**

**James N. Negley, Township Manager/Township Treasurer** –This has been done in the past. The School District must also ratify it and they intend to do so.

**Motion:** A motion made by Supervisor Engle and seconded by Supervisor Weir that consideration of a request from the Pennsylvania Music Educators Association for exoneration from paying the Township Amusement Tax for student concerts at the Hershey Theater on Saturday, March 28, 2015, is hereby approved. *The motion carried, 5-yes 0-no.*

#### **11-5 Consideration of a proposal for professional services to evaluate potential bicycle and pedestrian crossings of Middletown Road.**

**Matt J. Mandia, Director of Parks and Recreation** - An expanded scope of services has been prepared by HRG to evaluate alternatives for the installation of a bicycle and pedestrian crossing of Middletown Road. This scope would evaluate various crossings between Grove Street and Kaylor Road along the Middletown Road corridor. As part of the expanded study as it currently stands, HRG would evaluate the feasibility of five crossing locations. Those locations would include Middletown Road and Grove Street, location 300 feet south of the intersection of Middletown Road and Grove Street, intersection of Middletown Road and Gramercy Place, the intersection of Middletown Road and Deer Run Road/Stoverdale Road, and the intersection of Middletown Road and Kaylor Road/Locust Lane. HRG will consider all five locations and identify pros and cons, rank the locations and provide recommendations with regard to safety, functionality, cost and feasibility. The cost for these services will be \$9,800.

Supervisor Ballard referred to page 2 of the Proposal for Professional Services. She requested a change be made to read a shared use pathway or on-road protected bike lane. Chairman Foley asked if this modification would affect the pricing from HRG. Mr. Bonanno said there will be no alteration to pricing.

Supervisor Ballard wondered if we could reduce the scope and not include the 5<sup>th</sup> location – intersection of Middletown Road and Kaylor Road. Vice-Chairman Moyer asked if that would decrease the cost to eliminate one crossing. Mr. Bonanno said it would be a decrease. Vice-Chairman Moyer asked how much time would be saved by reducing that crossing sight. Mr. Bonanno said there would not be much time saved.

Supervisor Engle said he does not see the merit of Kaylor. He asked if there is any priority or will all the locations be studied at once. Mr. Bonanno said they will all be done at one time to compare.

Vice-Chairman Moyer said we owe it to our families and children to explore safe crossings. Expanding the study was to make sure we looked at alternative sights so we can compare analysis for safety and costs and make more informed decision. It is not an abandon road, but a private road. Several months ago, heavy construction equipment began using the unused road to avoid going thru neighborhoods. Sharing the road with heavy construction equipment is not very smart. He wants to find a way to cross Middletown Road, but wants to make sure it is the safest way.

**Mary Suminski** – Ms. Suminski said in regards to the safest crossing and expanding the study, why would you connect a crossing at Stoverdale, Deer Run or Gramercy Place. There is money being made available, take it and use it. Vice-Chairman Moyer said by looking at alternate crossing sights connecting to either a parallel path or a protected bike path will assure the safest option. He does not know enough if the protected bike path is the safest and would need the engineer to look at these options.

**Motion:** A motion made by Supervisor Ballard and seconded by Vice-Chairman Moyer that consideration of a proposal for professional services to evaluate potential bicycle and pedestrian crossings of Middletown Road be approved subject to adding to the scope of services on page 2 “on-road protected bike lanes” and to eliminate the review of Kaylor Road. *The motion carried, 5-yes 0-no.*

**J1-9 Approval of Resolution No. 1407 to adopt a Code of Ethics relating to Township Officials and Employees.**

Chairman Foley said there were questions regarding the Township officials, whether elected or employed, were falling under a code of ethics or conflicts of interests. All the elected officials fall under the state act and the Township has an ordinance. Supervisor Engle said we are planning on circulating a document that will be open for public view and taking action on this at a later time. Supervisor Ballard asked for it to be available on the website.

**Motion:** A motion made by Chairman Foley and seconded by Supervisor Ballard to table this agenda item until it is reviewed by Counsel, and further circulation for public comment, is hereby approved. *The motion carried, 5-yes 0-no.*

**K1-2 Permission to hold fireworks display for the Tenth Annual New Year’s Eve Celebration.**

**Motion:** A motion made by Vice-Chairman Moyer and seconded by Supervisor Engle that permission to hold a fireworks display for the Tenth Annual New Year’s Eve Celebration, is hereby approved. *The motion carried, 5-yes 0-no.*

**L1-2 Consideration of acceptance of replacement performance security and release of original performance security for the Preliminary/Final Subdivision Plan for Gabriel J. Plebani, Plat No. 1231.**

**Motion:** A motion made by Chairman Foley and seconded by Supervisor Ballard that acceptance of replacement performance security and release of original performance security for the Preliminary/Final Subdivision Plan for Gabriel J. Plebani, Plat No. 1231, is hereby approved. *The motion carried, 5-yes 0-no.*

**CORRESPONDENCE/BOARD/COMMITTEE INFORMATION**

Supervisor Ballard received correspondence from a resident expressing their appreciation to Public Works, Tom Stang, and Waste Management for the great job in picking up the yard waste.

Vice-Chairman Moyer was contacted by some residents regarding code enforcement of properties with respect to information concerning the status of current complaints and where they stand in the process. There has also been some discussion as to whether or not the Township needs to retain additional personnel to assist in the identification and/or remediation of delinquent properties.

Vice-Chairman Moyer proposed to the Board to instruct Mr. Emerick to prepare a detailed three-part memorandum addressing property maintenance issues. Part 1: Identify every property in

Derry Township for which there is currently an active complaint registered. The report would include such details as the address, date of complaint, detailed explanation of the procedural status of each complaint, and if a legal action has been initiated, etc. It will provide the Board with a view of any particular property and the status of any complaints; Part 2: A detailed plan to resolve any outstanding complaints and or recommendations how to go about resolving outstanding complaints; and Part 3: The inclusion of information explaining to the Board the procedural steps from inception of the complaint to resolution. By reviewing this memorandum, the Board will be better educated as to what if any steps and/or any additional help may be needed in order to make the code enforcement more efficient.

The Board directed Mr. Emerick to prepare a memorandum as stated above and have a report to Board on or before November 15.

## **REPORTS**

**Patrick O'Rourke, Chief of Police** - Last week the Walk and Bike to School Day was held and was a huge success. The antique auto show was in town last week. Regarding Bullfrog Valley Road, Lt. Warner has been in touch with residents on Bullfrog Valley Road. They have had a speed device out there to collect data. Lt. Warner did indicate that the curve in the road impeded one direction and he will look at that again.

**Bob DiLello, Hershey Fire Company** – October is Fire Prevention Month and they have been busy visiting all the schools.

**Thomas Clark, Director of Public Works** – The paving was completed on Cherry Drive Saturday morning. Leaf collection started and the salt building will be full the end of this week.

**Paul Schwartz, 44 Middletown Road** – Mr. Schwartz referred to a letter to the Board dated September 17, regarding he and his neighbor's concerns about adverse impacts of stormwater on their properties both now and in the future. Their interest is to work with the Township to address this. A number of years ago, the Township constructed and maintains a properly designed waterway to convey stormwater along Grove Street immediately across Middletown Road to the east of their properties. Their request is in the interest of public health, safety and welfare to construct and maintain a properly designed waterway on the west side of Middletown Road. One that is adequate to handle the volume and velocity of water discharged onto their properties. The burden of responsibility for the drainage improvements they are requesting should not be placed upon taxpaying landowners of the Township.

Chairman Foley asked Mr. Emerick, Mr. Bonanno and Mr. Clark to see what if anything can be done.

**Barbara S. Ellis, Director of Hershey Public Library** – With the new school semester, there are a lot of programs, activities and events at the library. She gave each member of the Board a copy of their new information pamphlet.

**Matthew Mandia, Director of Parks & Recreation** – Mr. Mandia reminded everyone of the Halloween parade on October 21.

**APPROVAL OF ACCOUNTS PAYABLE (\$2,141,099.65) AND PAYROLL (\$296,260.96)**

Supervisor Ballard moved to approve accounts payable in the amount of \$2,141,099.65 and payroll in the amount of \$296,260.96. Vice-Chairman Moyer seconded. ***The motion carried, 5-yes 0-no.***

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

Mr. Suminski said when he comes home from work on to Middletown Road, he makes a right onto Kaylor up to Stoverdale. On the right side, the bushes are overgrown 12 feet high or higher. When you try to make a left turn, you cannot see anything coming from the right side. It is very dangerous and the bushes need to be cut back. Mr. Clark will address this with the property owner.

Six years ago, Mr. Suminski communicated with the Board and Matt Mandia about clearing the bike trail of snow and ice in the winter. Two reasons were given to him why this couldn't happen, cost and liability exposure. He believes the Township has more liability exposure not clearing the path than doing it. He suggested citizens adopting part of the trail, and have it plowed by a private contractor.

Chairman Foley announced that October 4 marks the start of the 41<sup>st</sup> year for Manager Negley at the Township.

**ADJOURNMENT**

Vice-Chairman Moyer moved to adjourn the meeting at 9:40 p.m. Supervisor Ballard seconded. ***The motion carried, 5-yes 0-no.***

SUBMITTED BY:

\_\_\_\_\_  
Justin C. Engle  
Township Secretary

\_\_\_\_\_  
Brenda Van Deursen  
Recording Secretary