

**TOWNSHIP OF DERRY
BOARD SUPERVISORS MEETING**

Tuesday, October 8, 2013

600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The October 8, 2013 Township of Derry Board of Supervisors meeting was called to order at 7:10 p.m. by Kelly C. Fedeli, Vice-Chairman.

Supervisors Present:

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

Supervisors Absent:

E. Christopher Abruzzo, Chairman

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: Elvria Ebling, Yong Yi, Maria Yi, Rich Gamble, Dale H., Ken Scardina, Brian Shiflett

Vice-chairwoman Fedeli advised that all public meetings are recorded for providing accurate minutes.

Vice-chairwoman Fedeli 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

Maria Yi, West Chocolate Avenue – On October 4, Mrs. Yi reported that her house started to shake. She and the others in her house crouched to the floor believing it was an earthquake. She saw that a machine was pounding the ground on the construction site for the Chipotle Restaurant. Mrs. Yi told the operator of the machine to stop and waited to make sure he did. Over the next couple of days, they discovered cracks in the wall, ceiling, and floor of their home. She reported it to Derry Township and Mr. Emerick responded to check the gas line.

Mrs. Yi is not sure how the construction next door could affect her property, but is asking for the Township's help in getting her property fixed. She mentioned two large stones that are in the ground and she is fearful when they pull them out her house will fall down.

Vice-chairperson Fedeli commented that she feels badly about what happened to Mr. and Mrs. Yi's home. Mr. Emerick has been following every procedure and is in contact with the project manager to find out what happened and to get to the bottom of it.

Supervisor Foley was with the Fire Department at the Yi property after this occurred. There are no conclusive answers yet, but we will continue to work on this.

On another note, Mrs. Yi mentioned that a few ladies commented there were no benches to sit when they are walking to Chocolate Avenue from Houlihan's.

RICH GAMBLE, Hockersville Road – Mr. Gamble expressed his concern with the condition of a property on Reese Avenue. The weeds are growing across the wires and the road coming out onto Reese Avenue on both Chocolate Avenue and Reese Avenue side. The same thing is occurring on a property at the corner of Half Street and Duke.

Mr. Gamble is also concerned with the waiver Chipotle's got on the road study pending the outcome of the new road around Hershey Park. He asked when the Park Boulevard project is going to start since the road will have an impact on the Chipotle's business. Supervisor Foley said it is anticipated to start in late 2014. Mr. Gamble said we are looking at a year of inconvenience where a business got a waiver to go ahead and start building and we don't even know if the Park Boulevard project was approved. Supervisor Foley said it is a fully funded project and there are still steps to be taken. Mr. Emerick clarified that Chipotles did not get a waiver of doing a traffic study. They did a full traffic study and it indicated they should have a turning lane. However, what they did is provide a contribution towards traffic improvements so it could be coordinated with the larger project which means any money that they spend will go much further than the little bit of roadwork that they may have otherwise been tasked to do. Mr. Gamble said it is the time period he is concerned about.

Mr. Gamble recommended in the future that there be no occupancy business permits authorized until the road structure meets the needs of the community. Solicitor Yost replied that he does not believe there is any legislation available that will enable us to deny occupancy.

APPROVAL OF MINUTES

Vice-chairwoman Fedeli called for a motion to approve the Minutes of the September 24, 2013 Board of Supervisors meeting.

Motion: Vice-Chairwoman Fedeli called for a motion to approve the Minutes of the September 24, 2013 Board of Supervisors meeting. Supervisor Ballard asked that a sentence be added on page six under Board/Committee Information, last statement in the last paragraph information to reflect what she believes Mr. Emerick mentioned. The sentence should read: **Mr. Emerick confirmed that the study will include both.** Mr. Emerick is in agreement with the change. Supervisor Foley made a motion to approve the Minutes with the correction. Supervisor Ballard seconded. ***The motion carried, 4-yes 0-no***

NEW BUSINESS

Retirement Recognition of Robert Shaffer and Todd Hack

Vice-chairwoman Fedeli and Tom Clark recognized Mr. Shaffer and Mr. Hack. Mr. Hack has been with Public Works for 25 years working with the paving, road and landscape crew. Mr. Shaffer has been with Public Works for approximately 19 years working in electrical and with emergency generators at all facilities and assuring the Police Department's equipment is running properly.

Vice-chairwoman Fedeli presented them both with a retirement award and thanked them for their dedicated service. Their work behind the scenes is very much appreciated.

A1-4 Adoption of Resolution No. 1373, providing for the assessment of the cost and expense of the maintenance of street lights within the Township of Derry, pursuant to Section 2003 (a) of the Second Class Code, as amended, and also providing for the collection thereof.

Jill E. Henry, Assistant Township Manager - Assistant Manager Henry said this Resolution contains the per foot assessment rate for our annual assessment. We pay these rates throughout the year and then charge our front foot assessment to residents through the real estate tax bill in 2014. During this 12-month period, the rates really fluctuated resulting in a .01 to .04 increase per foot.

Supervisor Ballard asked if 100% of the electricity charges are passed along or do we pay part of them. Asst. Manager Henry said we pay 10% out of fairness to everyone benefiting because only those who live within 200 feet of the light are billed.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Foley that Resolution No. 1373, providing for the assessment of the cost and expense of the maintenance of street lights within the Township of Derry, pursuant to Section 2003 (a) of the Second Class Code, as amended, and also providing for the collection thereof, is hereby approved. ***The motion carried, 4-yes 0-no.***

CORRESPONDENCE:

Supervisor Ballard thanked Mr. Mandia, Mr. Clark and Chief O'Rourke for the crosswalks that have been placed at Waltonville Road at the bike trail.

BOARD/COMMITTEE INFORMATION:

Supervisor Ballard thanked Brian Shiflett from the School District for coming to the Board of Supervisor's meetings. She also thanked the School District and the Police Department for their collaborative effort with the Walk to School Day tomorrow. All kids who register to walk will be randomly selected to receive raffle prizes.

Supervisor Moyer commented that the restoration at Bullfrog Valley Pond looks great as well as the gazebo, bridge, etc. He thanked all those involved in the restoration project.

Vice-chairwoman Fedeli reported that DTMA is starting to recover after the flood. Their damages were approximately \$12 million which mostly was reimbursed by FEMA. The staff have been working in a trailer since September 2011, but they did get approval to build their new control building.

REPORTS:

Patrick O'Rourke, Chief of Police – Chief O'Rourke reported this week is the Annual Antique Automobile Fall Meet. There will be minor detours and man-traffic control points. It causes traffic congestion every year and we are asking the public to give themselves an extra half hour when traveling. The Hershey Half Marathon is on October 20 and that too will generate traffic in the early hours.

Barbara Ellis, Hershey Public Library – Mrs. Ellis announced the Library will host Dinner in the Stacks and Murder on the Menu on November 9 at 6:00. On October 9, Chef John Moeller, who served three presidents in the White House, will speak at the Library about his experience.

Terry Weinhold, Manager of Accounts Payable & Receivable – Ms. Weinhold reported as of the end of September preliminary reports show expenses coming in under budget. She is still processing revenues, but that also looks good.

Matt Mandia, Director of Parks & Recreation – Mr. Mandia reminded everyone of the Halloween Parade on October 22. It will start in the parking lot at the corner of Homestead and State Route 422. Judging begins at 6:15 and the parade will begin at 7:00. Another fall program is Shank Park Spook Fest on Saturday, October 26. There will be crafts and games for the kids followed by a drive-in movie.

Mr. Mandia said he appreciated the kind words regarding Bullfrog Valley. He thanked Public Works for all their work. His department worked with the Conservancy on doing a planting at Boathouse Park and the Public Works Department put in over 500 feet of split rail fence. This is Phase 1 of an upgrade project to this area and Phase 2 will include relocating the parking closer to the park.

Supervisor Moyer asked if we have taken precautions for inappropriate interlopers in the parade. Mr. Mandia said they have done what they can at this point and do have some things in place.

Matt Bonanno, HRG Township Engineer – Mr. Bonanno reported that the contractor continues to install pipe on Cherry Drive. The process has been slow due to running into more rock. Last week they completed the 322 crossing by Greenlea Avenue and should have base paving repair by the end of the week. They continue to clean the stock piles at the Mill Street area. They put down additional top soil and seed in some of the areas that were previously disturbed to help establish the ground cover. Baffles were installed in the driveway culvert on 322 and 743 and the pump has been removed.

Supervisor Foley asked if we are going to have paving done in all the disturbed areas before the snow sets in. Mr. Bonanno said the contractors did get an extension from PennDOT until the end of October in order to do all PennDOT roads this year. After that is completed, it will be up to the Township whether they want to allow them to pave based on the temperature.

Charles W. Emerick, Director of Community Development – Mr. Emerick reminded the Board of the Public Hearing on October 21 at 6:00 p.m. for the Chocolate Avenue Overlay District.

Supervisor Ballard asked about the work at the Federal Express warehouse and if the Township gets any notice from other Townships when they have big projects going on. Mr. Emerick said there is no protocol to do that. A lot of that coordination across municipalities occurs when you do a comprehensive plan.

Supervisor Ballard asked when the Board of Supervisors will get a draft of the study for the intersection at Kmart and Hersheypark Drive. Mr. Emerick said the next step is a public meeting to share some of the

ideas that came from the staff meeting. The public meeting has not been scheduled yet. We are still on schedule for everything that needs done to get the grant.

Vice-chairwoman Fedeli asked about the status of the hotel project by CVS. Mr. Emerick said that he emailed the owner, but did not hear back yet. They had an issue with the alley behind the hotel and saw some activity there, but since then the site has gone quiet again. Vice-Chairman Fedeli asked for a report at the next meeting.

Supervisor Ballard referred to a law that was passed giving more time for permitting and asked if there isn't a law about if you leave something and don't do work for a certain amount of time. Mr. Emerick said the International Property Maintenance Code talks about when construction stops and how long you have to demolition or complete it. He said we could not take any action until July 1, 2016. Mr. Gamble said they are back working at it again.

Jill E. Henry, Assistant Township Manager – Asst. Manager Henry reported that the township's Workers' Compensation Insurance is provided through Susquehanna Municipal Trust. A dividend distribution check was received last week from them for \$40,115 based on the Township's loss experience with lowering the number of injuries. The Township has been doing well with this.

James N. Negley, Township Manager/Township Treasurer – Manager Negley reminded everyone that the next Board of Supervisors meeting is on **Monday, October 21**.

APPROVAL OF ACCOUNTS PAYABLE (\$528,832.48) AND PAYROLL (\$288,317.00).

Supervisor Ballard moved to approve accounts payable in the amount of \$528,832.48 and payroll in the amount of \$288,317.00. Supervisor Foley seconded. ***The motion carried, 4-yes 0-no.***

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one came forward.

ADJOURNMENT

Supervisor Ballard moved to adjourn the meeting at 7:40 p.m. Supervisor Foley seconded. ***The motion carried, 4-yes 0-no.***

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary