

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING**

Tuesday, September 23, 2014
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The September 23, 2014 Township of Derry Board of Supervisors meeting was called to order at 7:05 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 E. Henry, Assistant Township Manager
Cheryl L. Lontz, Manager of Payroll and Employee Benefits
Matt J. Mandia, Director of Parks and Recreation
Patrick O'Rourke, Chief of Police
Jon Yost, Solicitor
Brenda Van Deursen, Recorder

Public Present: Anne Newman, Rich Gamble, Greg Koussis, Elvira Ebling, Gail Sutton, Theresa Peschel

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

Mr. Greg Koussis, Project Manager/Capital Construction Management on behalf of the ICDA

Progress in the last 30 days included design development, advancing exterior schematics, and a structural engineer survey of the building. The geo-technical engineer has been re-engaged and the mechanical engineer and electrical engineer are both proceeding with their design. The civil engineer has been working on the land development plan and will submit it to the Planning Commission on October 8.

Plans for the next 30 days include finishing up design development, re-evaluating the budget, and continuing with the land development process. The project is on track in terms of submission/target dates for a spring construction start date.

Theresa Peschel - Environmental Action Committee – Ms. Peschel announced that on September 29 at 6:00 there will be a program on stormwater management at the Hershey Public Library. It is opened to everyone.

Gail Sutton – Ms. Sutton expressed her concern with the riparian buffer by the library. A lot of tax payer money was invested and also a lot of people's physical labor and time. She proposed a plan to include assessing the state of the buffer now, decide what is needed to remediate the damage that has been done, and then detail a plan for how it is going to be monitored and maintained.

Chairman Foley shared that today he met with Supervisor Weir, Tom Clark, Bob Piccolo, Matt Bonanno-HRG, an environmental scientist, and Milton Hershey School reps to look at this area. They are addressing it as a team and there will be a plan developed that includes some planting in the spring.

APPROVAL OF MINUTES

Chairman Foley called for a motion to approve the Minutes of the September 9, 2014 Public Hearing. Supervisor Ballard requested a minor correction be made to change the word “defer” to “confer”. A motion made by Supervisor Engle and seconded by Vice-Chairman Moyer to approve the Minutes with the noted correction. ***The motion carried, 5-yes 0-no.***

Chairman Foley called for a motion to approve the Minutes of the September 9, 2014 Board of Supervisors meeting. Chairman Foley requested Bob DiLello's name be added under “Also Present” which was inadvertently omitted. Supervisor Ballard made a motion to approve the Minutes with the addition. Supervisor Engle seconded. ***The motion carried, 5-yes 0-no.***

NEW BUSINESS

A1-15 Authorization to adopt Resolution No. 1404 to amend the Township's Guaranty for the Industrial and Commercial Development Authority Series 2004 and 2006 Bonds to finance the Intermodal Transportation Facility.

Chairman Foley commented on Mr. Verdelli's efforts in obtaining the Township's AA+ credit rating. Derry Township is 1 of 6 of the entire Commonwealth to have that high of a rating.

Lou Verdelli, RBC Capital Markets – The reason for this resolution is to make some changes on the loans for the Intermodal facility dating back to 2004 and 2006. It came about because Standard & Poor's (S&P) recently revised their rating criteria for all general obligation credits. Basically, they were reworking things because of the financial crisis and taking a closer look at pension obligations. S&P contacted Manager Negley because they wanted to do an update of the Township's credit rating through their updated models and see if the rating still came out at AA+. Mr. Verdelli, Cheryl Lontz, Terry Weinholt, and Manager Negley participated in a call with two S&P analysts to review all the financial information. One of the things they requested from the Township was information on some of the documents on loans that the Township had provided guarantees on. S&P looked at the loans and had some real concerns about some of the provisions that the bank, under certain events of default, could declare that the loan is due and payable

immediately. This would result in about 8 million dollars which would affect the Township's rating.

After several calls with S&P's structured loan team, S&P recommended some changes to protect the Township. The Township proposed the changes to PNC and PNC made all the changes to the documents in about a week's notice. The ICDA met and approved these changes. Now the Board needs to approve the resolution that would change the language and accept the amendments to keep the credit rating. It is also important to maintain the credit rating because there are some upcoming refinancing opportunities for the Municipal Authority as well as for the ICDA loans for this building.

MOTION: A motion made by Vice-Chairman Moyer and seconded by Supervisor Ballard that authorization to adopt Resolution No. 1404 to amend the Township's Guaranty for the Industrial and Commercial Development Authority Series 2004 and 2006 Bonds to finance the Intermodal Transportation Facility, is hereby approved. **The motion carried, 5-0.**

B1-4 Request to accept the 2015 Minimum Municipal Obligation (MMO) for the Non-Uniformed and Police Pension Plans.

Cheryl L. Lontz, Manager of Payroll and Employee Benefits – The projected Minimum Municipal Obligation (MMO) for the Non-Uniformed Pension Plan and the Police Pension Plan for 2015 is expected to total about \$1,446,825. This projection is expected to be offset by the State Casualty Insurance Reimbursement estimated to be about \$575,000. If the reimbursement is received, the actual cost of funding both pensions would equal approximately \$871,825. This payment is due to the pension plans by December 31, 2015.

Supervisor Ballard asked where the reimbursement comes from. Ms. Lontz said it comes from the state. Each employee that is part of the pension plan is counted as a unit. The state sets a specific unit value. We receive two units for each police officer and one for each non-uniform member. For 2014, that amount was about \$3,300 per unit.

Vice-Chairman Moyer asked Ms. Lontz where we stand in terms of being able to fully fund the police pension fund. Ms. Lontz said for 2014 it has been budgeted and we expect to have the money to cover what the MMO was calculated at last year. The Board accepted the 2015 MMO.

C1-4 Consideration of the replacement of the form of maintenance security provided for the Preliminary/Final Land Development Plan for Central PA Equities 13, LLC, Plat No. 1207.

Charles Emerick, Director of Community Development – This is for the 108-room Fairfield Inn Suites that was built on the former Township property. It was completed in March of 2013. Upon its completion, there was a maintenance security posted in the amount of \$8,648.70. HRG did an inspection and discovered some items that needed addressed. Fairfield has elected to revert it to cash.

Motion: A motion made by Vice-Chairman Moyer and seconded by Supervisor Ballard that the Township hereby accepts cash in the amount of \$8,648.70 to replace Aegis Security Insurance Company Bond No. B1007371M which had been provided as maintenance security for the

Preliminary/Final Land Development Plan for Central PA Equities 13, LLC, Plat No. 1207, is hereby approved. ***The motion carried, 5-yes 0-no.***

D1-2 Authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210, Section 210-41 *Parking time limited in certain locations, certain days and hours* by rescinding the current 2-hour timed parking restrictions on Linden Road between W. Caracas Avenue and W. Granada Avenue.

Patrick O'Rourke, Chief of Police – The Police Department was contacted about removing the 2-hour timed parking restriction in the 100 Block of Linden Road. The residents and business owners were in favor of the restrictions being lifted. This will open up more parking for residents.

Motion: A motion made by Supervisor Weir and seconded by Supervisor Engle that authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210, Section 210-41 *Parking time limited in certain locations, certain days and hours* by rescinding the current 2-hour timed parking restrictions on Linden Road between W. Caracas Avenue and W. Granada Avenue, is hereby approved. ***The motion carried, 5-yes 0-no.***

E1 Request to hold the 2015 Hershey 10K Race to be held on Saturday, April 11, 2015 at 7:30a.m.

Patrick O'Rourke, Chief of Police – This is the 4th Annual Hershey 10K Run. The Derry Township roadways involved include Hersheypark Dr., Park Blvd./Rt. 39, Hotel Rd., Park Ave./Sandbeach Rd. and Northeast Dr. Due to the nature and the time involved, roadways will need to be closed down and traffic detoured for the safety of the participants. The closures should be no longer than two hours. The applicant is aware of the reimbursement policy.

Motion: A motion made by Vice-Chairman Moyer and seconded by Supervisor Engle that the **request to hold the 2015 Hershey 10K Race to be held on Saturday, April 11, 2015 at 7:30a.m.**, is hereby approved. ***The motion carried, 5-yes 0-no.***

F1-3 Authorization to schedule a transition meeting with Derck & Edson Associates for completion of the Township Comprehensive Plan and Zoning Ordinance updates.

Motion: A motion made by Chairman Foley and seconded by Vice-Chairman Moyer that authorization to schedule a transition meeting with Derck & Edson Associates for completion of the Township Comprehensive Plan and Zoning Ordinance updates, is hereby approved. ***The motion carried, 5-yes 0-no.***

CORRESPONDENCE/BOARD/COMMITTEE INFORMATION

Supervisor Ballard reminded everyone that "Walk to School" day is scheduled for October 8. This includes those who ride bikes. Students are encouraged to take the pledge on-line.

Chairman Foley received correspondence directed to specific areas and he sent the correspondence to the appropriate department heads.

Vice-Chairman Moyer received correspondence pertaining to a person who was recently struck while bicycling on Governor Road. He expressed his appreciation of the Police Department who responded in two minutes.

Supervisor Weir received correspondence from several residents regarding how we arrived at the repaving schedule. One gentleman said it has been 27 years since E. Caracas was paved. Mr. Clark said they are tentatively out about 5 years. They expect to do some work on E. Caracas next year. They would have done it this year had the water company not done work on Cherry Drive.

REPORTS

Patrick O'Rourke, Chief of Police – The Drug Take Back program will be held this Saturday at the Library. It will be publicized on all of our social media.

Bob DiLello, Hershey Fire Company – October is fire prevention month with multiple presentations. On October 4 the fire company is hosting the Hershey Partnership soup cook off at the station.

Thomas Clark, Director of Public Works – The crew finished paving a couple blocks of Beech and Cedar. Maple is prepped for paving to start later this week. Work will begin on Cherry the first or second week of October. Mr. Clark said the paving program is derived from what the Water Company and UGI are doing for the coming year as far as replacing lines. Leaf collection is scheduled to begin the week of October 6 which is also the last week for yard collection.

Barbara S. Ellis, Director of Hershey Public Library – Beginning on Sunday, September 28 – October 1st, the Pennsylvania Library Association's Annual Conference will be held in Lancaster this year. This is an opportunity for the staff to get their continuing education which they are required to do. On Monday, September 29 through October 4, they will be collecting used Halloween costumes from families that would like to swap them. National costume swap day is October 11. It is an effort towards greening of America. Ms. Ellis received a phone call from the Bob Evans restaurant regarding doing a fund raising benefit for the library during the week of the antique car show.

Cheryl L. Lontz, Manager of Payroll and Employee Benefits – On October 2, Manager Negley, Terry and Cheryl Lontz will meet with the departments to review their budget submissions. A draft of the budget should be ready to present to the Board by mid-October.

Matt Mandia, Director of Parks & Recreation – Mr. Mandia reported that the most recent link to the bicycle/pedestrian trail off of Joann Avenue is completed. This is the link that connects Southpoint Meadows II to the Stone Creek development.

Supervisor Engle asked if there is a crosswalk across Joann. Mr. Mandia said there is one planned and signs have been ordered. Chairman Foley asked HRG when they look at the scope for the bicycle connection and path along Middletown Road to expand the scope to look at the entire corridor so we are not isolating one specific area and overlooking potential crossings that may exist. Mr. Mandia is working on a map to see where the connections are on both sides of the road and will provide a copy to Mr. Bonanno.

Matt Bonanno, HRG Engineer – The test pits were completed by our utility company for the Locust and Java project. They will reach out to UGI, PPL, and PA American Water to look at the utility conflicts that exist when they install the new storm lines. HRG received a letter of support from the School District regarding the increase in the berm.

Supervisor Ballard asked when the study for the Middletown crossing will be done. Mr. Bonanno said they are gathering data now and plan to come to the Board at their next meeting with a revised scope.

Supervisor Engle said the study does not look at the neighboring land to see what the possibilities are in terms of obtaining easements. Mr. Bonanno said they are not going to do a bunch of different alternatives but they will look at the safest place within that corridor to cross and then will present it to the Board.

Vice-Chairman Moyer said the crossing feasibility study is necessary but it should combine a safety analysis to determine whether or not the land adjacent to the properties are feasible. Mr. Bonanno said part of study is how the existing trail connects to the safest point, the homeowners affected, etc.

Supervisor Engle said the report should show who the landowners are so contact can be made with them to see if they would want a trail across their property. Chairman Foley said Matt Mandia has already started the process, but may need to re-establish some of those contacts.

Matt Bonanno said he will present a scope for the next Board meeting.

Charles Emerick, Director of Community Development – Mr. Emerick received a conditional use application for a project called "The Point", a cluster development on what was known as Camp Stoverdale and will include the development of the Homestead property. At present they both are on a single deed and treated as one tract. A public hearing is required to be held within 60 days of submission. He asked for approval of a public hearing on October 28 beginning at 6:00. Previous to this submission, Mr. Emerick scheduled a public hearing for the Jiffy Lube conditional use with the Board for 6:30 that evening. He moved this conditional use hearing to 6:45 to allow ample time for both hearings. The Board approved the public hearings.

Mr. Emerick visited Jon Sheppard's Woodland Hills sight with the Conservation District this morning. Mr. Sheppard has put in adequate measures in the review for the protection of the slopes from erosion. He also put in mulch to stabilize the soil. There still is a revised DEP plan that needs submitted to the Conservation District, as well as the revised plans to the Township depicting the tree removal, etc. The work should begin tomorrow.

Chairman Foley asked for the status of Mr. Sheppard's activities on the site. Mr. Emerick said for the most part, any major tree removal is gone. There are some dead trees standing in the woods, but he does not know what his intentions are. Mr. Sheppard needs to add in a stormwater pipe to bypass the swale that comes through the property and he is hoping to begin some reforestation sooner than getting the plan approved through the Township. He talked about putting in a gravel road to get up to a higher area to start to bring in trees. He would not plant until after the first frost.

APPROVAL OF ACCOUNTS PAYABLE (\$459,024.51) AND PAYROLL (\$334,560.03).

Supervisor Engle moved to approve accounts payable in the amount of \$459,024.51 and payroll in the amount of \$334,560.03. Supervisor Ballard seconded. *The motion carried, 5-yes 0-no.*

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Rich Gamble, Hockersville Road – Mr. Gamble asked about the road study that was going to be looked at on Hockersville Road that turns into Swatara. People are parking at the intersection and it is very dangerous. It is posted to not block the intersection. Would it be possible to paint a yellow line on the road to show it is a two-way street?

Theresa Peschel – Ms. Peschel stated that Reese traffic is using Half Street as a short cut, three times a day. They should not be doing this and there should be more enforcement.

ADJOURNMENT

Vice-Chairman Moyer moved to adjourn the meeting at 8:05 p.m. Supervisor Ballard seconded.
The motion carried, 5-yes 0-no.

SUBMITTED BY:

Justin C. Engle
Township Secretary

Brenda Van Deursen
Recording Secretary