

MEETING MINUTES
BOARD OF SUPERVISORS, TOWNSHIP OF DERRY
Tuesday, September 24, 2013
600 Clearwater Road, Hershey, Pennsylvania 17033

REGULAR MEETING

CALL TO ORDER

The September 24, 2013 Township of Derry Board of Supervisors meeting was called to order at 7:10 p.m. by Vice-Chairman Kelly C. Fedeli.

ROLL CALL

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, Township Engineer
Thomas 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
Cheryl L. Lontz, Manager of Payroll & Employee Benefits
Matthew J. Mandia, Director of Parks & Recreation
James N. Negley, Township Manager/Township Treasurer
Patrick O'Rourke, Chief of Police
Jon A. Yost, Township Solicitor
Brenda Van Deursen, Recorder

Public Present: Elvira Ebling, Carol Gisselquist, Jason White, Ken Scardino, Dale Halte, Matt Weir, Michelle Wohlfarth, Donnie Wohlfarth, Sue Stough, Collin Stough, Rich Gamble, Brian Shiflett, Charleton Zimmerman

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

Vice-Chairman Fedeli 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

Carol Gisselquist, 29 West Governor Road – Ms. Gisselquist emailed a proposal to the Board of Supervisors regarding drafting a new ordinance to control the use of remote control devices in Derry Township. The proposal addressed drones and robots. She wants to protect her privacy and property and is concerned that people can use drones or robots in an inappropriate way. There are ordinances written about people invading the privacy of people, but there is no mention of a remote device invading privacy. Ms. Gisselquist is very concerned.

Vice-Chairman Fedeli said they received Ms. Gisselquist's email and appreciated her coming tonight. Supervisor Foley said it is a challenge and he would like to have more conversation regarding this. One of the challenges is enforcement and he checked with Chief O'Rourke and there have been no issues with drones in the Township. This is something that will be hard to control when there are satellites out there that zoom in on a person's property and we cannot supersede what the State mandates. One of our departments within the community is exploring a drone for public safety purposes.

Supervisor Moyer stated that he doubts there is much difference between a person invading privacy and a person operating a drone or robot. It still is a person who is invading the privacy of another person.

Rich Gamble, Hockersville Road – Mr. Gamble understands Ms. Gisselquist's concern, but there are companies who can view in on your property. It is the technical abilities the country is utilizing and the abuse of power of technology that is the problem.

Mike Leonard, 66 Cedar Avenue – Mr. Leonard expressed his concern about trees that protrude over into the roadway. He owns a plumbing business and he has to drive his truck in the middle of the road to avoid the trees. The trees are in the tree line, but they extend over into the road. Mr. Clark responded that they send letters when they get complaints or see problem areas. Mr. Leonard said the trees protrude onto Sand Hill, at the entrance to Laurel Woods, Areba to the school, etc. Mr. Clark asked Mr. Leonard to provide him with a list of areas where there are tree issues. In the ordinance the regulated height is 9 feet and he is hoping it will change to 12 - 14 feet.

Vice-Chairman Fedeli said they are working on the tree ordinance and updating it. Supervisor Ballard mentioned that Asst. Manager Henry put information in the newsletter to remind people about the trees.

Mr. Leonard also expressed concern about noise from a jack hammer that runs at 3:45 a.m. from tearing the factory down. Mr. Emerick will check into that. Mr. Leonard also said the garbage trucks are starting at 4:30 a.m. Mr. Clark said it could have been the night work at the square, but they should not be in the town before 5:00 a.m. Mr. Leonard said the garbage trucks are at Linden. Mr. Clark will follow up.

APPROVAL OF MINUTES

Vice-Chairman Fedeli called for a motion to approve the Minutes of the September 10, 2013, Board of Supervisors Meeting. Supervisor Foley made a motion to approve the Minutes as written. Supervisor Moyer seconded. ***The motion carried, 4-Yes 0-No.***

NEW BUSINESS

A1-6 Request to conduct the Run for a Reason – Hummelstown 10K on Saturday, October 5, 2013, starting at 9:15 am.

Patrick O'Rourke, Chief of Police - A request was received from Donnie Wohlfarth to hold the 10K race. The event starts and ends in Hummelstown Borough, but will come into the Township on Waltonville Road, Wood Road, and Middletown Road. Only Wood Road will be closed during the event and police will be at the other roads for the duration to hold traffic up to allow the runners to come through. This event has not been held in the Township previously.

Sgt. Terry Ferree said the Police Department's primary concern is the race route as it comes into the Township utilizing the main roadways of Waltonville, Middletown and Wood. To hold any type of race on these roadways is unsafe and will be an inconvenience to motorists. Sgt. Ferree expressed his concerns to Mr. Wohlfarth back in July when he contacted the Police Department and there were offers made at that time to get together and look at an alternative.

Supervisor Moyer asked if there were any procedural requirements that have not been met. Sgt. Ferree said back in July it was mentioned that the agenda item would have to come before the Board to get approval to hold the race on these roads. They would also have to apply for a PennDOT permit since they are state roads. At this time, PennDOT requires a two week advanced notice for any road closure. The requirement for next year is going to be 8 weeks.

Donnie Wohlfarth, 101 West Main Street – Mr. Wohlfarth said the only concern when he spoke to the Police Department was Wood Road because there were no shoulders on the road. He suggested they could move the race to the track that the Township has.

Vice-Chairman Fedeli said her primary concern is safety and she is not comfortable with the race as it is after hearing from the Police Department. No route using those roadways is safe. If communication had occurred earlier with the Police Department they could have worked a route out.

Supervisor Foley said he cannot see how we can approve this with the safety issues and the recommendations from the Police Department. He wishes there was time to figure out an alternative. He is concerned with crossing over 322 in the egress and ingress ramps.

Motion: A motion made by Supervisor Foley and seconded by Vice-Chairman Fedeli that a request to conduct the Run for a Reason – Hummelstown 10K on Saturday, October 5, 2013, starting at 9:15 a.m., is not approved. ***Motion carried, 4-Yes 0-No.***

B1-2 Request by the Hershey Entertainment and Resorts Company to hold the 4th Annual Hershey Half Marathon on Sunday, October 20, 2013, at 7:30 a.m.

Patrick O'Rourke, Chief of Police – A request has been made by Hershey Entertainment and Resorts Company to hold their 4th Annual Half Marathon Race. It will be a 13.1 mile tour through Hershey and will start and end at the Hersheypark Stadium. Some of the roadways that will be affected include Park Blvd, Park Ave., Chocolate Ave, Hersheypark Dr., Homestead Road, Mansion Road, and E. Derry Road. On-duty police officers and on-duty community service officers will be utilized. In addition, some off-duty officers will be used on an overtime basis. Also, outside resources and agencies who donate their officers to work are also reimbursed for their time.

Supervisor Ballard expressed concern about the churches in the area of the race specifically Derry Presbyterian Church, Spring Creek Church of the Brethren, and the Methodist Church. The only way to get to the Derry Presbyterian Church is on Mansion Road or Derry. Mr. White said they realized the first year there were some struggles with the parishioners getting to the churches and they did take steps in subsequent years that would allow the parishioners to get to the church. Mr. White added that the Hershey Half Marathon Committee reached out to the churches. Supervisor Ballard requested an email back from Mr. White to confirm who he talked to at the churches and what arrangements were made. We need to do all we can to support our local churches and their worshippers.

Supervisor Foley said he hopes Donnie Wohlfarth comes back next year and works out a plan that will work for the race he requested. It is a little uncomfortable approving one race but not another even though there were safety concerns. He would like the dialogue to start soon to help assure the race can happen.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Moyer that the request by the Hershey Entertainment and Resorts Company to hold the 4th Annual Hershey Half Marathon on Sunday, October 20, 2013, at 7:30 a.m., is hereby approved. ***Motion carried, 4-Yes 0-No.***

C1 Authorization to conduct the 66th Annual Hershey Halloween Parade on Tuesday, October 22, 2013 at 7:00 p.m. The severe weather make-up is on Wednesday, October 23, 2013 at 7:00 p.m.

Matthew J. Mandia, Director of Parks & Recreation – The proposed route for the parade will begin and end at the Hershey Company's parking lot on the corner of Homestead Road and S.R. 422 as in previous years. The primary expense for this event is for police route coverage, parks and recreation staff and the registration process.

Motion: A motion made by Supervisor Moyer and seconded by Supervisor Foley that authorization to conduct the 66th Annual Hershey Halloween Parade on Tuesday, October 22, 2013 at 7:00 p.m with a severe weather make-up on Wednesday, October 23, 2013 at 7:00 p.m, is hereby approved. ***Motion carried, 4-Yes 0-No.***

D1-2 Adoption of Resolution No. 1372 increasing the amount requested on the application to the Dauphin County Infrastructure Bank Loan program to \$256,960 to include a 10%

contingency to fund the installation of a traffic signal at the intersection of Fishburn Road and Homestead Road.

Jill E. Henry, Assistant Township Manager – This Resolution was approved by the Board about five weeks ago for the installation of the traffic signal at Fishburn and Homestead. Assistant Manager Henry recently was informed that we are required to have the 10% contingency which would be \$23,360 which makes our request \$256,960.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Moyer that Resolution No. 1372 increasing the amount requested on the application to the Dauphin County Infrastructure Bank Loan program to \$256,960 to include a 10% contingency to fund the installation of a traffic signal at the intersection of Fishburn Road and Homestead Road, is hereby approved. ***Motion carried, 4-Yes 0-No.***

E1-4 Presentation of the 2014 Minimum Municipal Obligation (MMO) for the Non-Uniformed and Police Pension Plans.

Cheryl L. Lontz, Manager of Payroll & Employee Benefits – Mrs. Lontz reported that Act 205 requires that each public pension plan inform the governing body of the municipality of the plan's expected obligation for the following year which needs to be done by the end of September. We expect the MMO for both pension plans to total \$1,252,121 for 2014. The Township is required to do this projection without consideration of the state aid we receive. We expect the state aid to be about \$510,000. If we receive the aid then the reimbursement will make the actual cost of funding of both plans about \$742,121. We did receive state aid for 2013 in the amount of \$524,388 and we can expect 2014 to be about the same or slightly more.

Vice-Chairman Fedeli asked about the increase from last year. Ms. Lontz said the increase was about \$42,000 and we did budget for it.

F1-4 Consideration of releasing the Performance Security and entering the Maintenance Security period for the Preliminary/Final Land Development Plan for Hershey Community Food Bank, Plat No. 1210.

Charles W. Emerick, Director of Community Development – Mr. Emerick reported that the Food Bank has completed their improvements and we are ready to release their money and maintain the small security amount shown.

Supervisor Ballard asked about the compromise that was made in terms of sidewalks and wondered if they connected the sidewalks. Mr. Emerick said the sidewalks will be installed per the Land Development Plan. Mr. Bonanno said the Food Bank has to have maintenance of the sidewalks for 18 months.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Foley that the Township hereby releases performance security in the amount of \$156,927.99, supplied as Northwest Savings Bank Letter of Credit No. 8305002282, with the stipulation that maintenance security in the amount of \$1,168.65 is provided in acceptable form and the

standard maintenance security agreement is executed for the Preliminary/Final Land Development Plan for Hershey Community Food Bank, Plat #1210, is hereby approved. **Motion carried, 4-Yes 0-No.**

CORRESPONDENCE – No correspondence to report.

BOARD/COMMITTEE INFORMATION

Supervisor Ballard thanked the School District and members of the staff for their work on a walking audit. They had an expert engineer look at some of our safety issues with the children. The engineer noted a few areas where sidewalk was missing on Areba and possible improvements that are needed along Memorial Field. They got kudos for the crossing guards and good internal regulations in terms of keeping kids safe and encouraging more kids to walk. We will get a final report to share.

On October 9, the school will participate in the “walk to school” day. The police officers are scheduled to be at the crosswalks.

Supervisor Foley said that he, Mr. Emerick, Lt. Warner, Tom Clark, HRG, \Tri-County Regional Planning, and members from Hummelstown Borough Council met in a workshop environment for the Walton Avenue/Hersheypark Drive intersection. It is a work in process, but we have an interim plan. Supervisor Ballard wants to assure the study includes less expensive alternatives and that pedestrians can cross safely at this intersection. Mr. Emerick confirmed that the study would contain both and said there are some short term solutions for traffic, but we are still trying to find a short term solution for pedestrians.

REPORTS

Patrick O’Rourke, Chief of Police – Chief O’Rourke reported they continue to provide leadership training to staff and they also partnership with Penn State to provide education and training.

Thomas Clark, Director of Public Works – Mr. Clark reported they are finishing up their smaller projects and getting ready for leaf collection.

Barbara Ellis, Hershey Public Library – Mrs. Ellis reported registration is opened for the fall programs for adults and story time for preschool. They have a banned book project occurring.

Matt Bonanno, Township Engineer – Mr. Bonanno reported:

- Contractors are crossing 322 and working towards Cherry Drive.
- When the contractors get across 322, they will move down towards the other 322 crossing in front of the Medical Center.
- The other crew is working on base and paving restorations and cleaning up some of the area by Staples.
- All paving done on state highways should be completed by October 15.

Supervisor Foley said we need to find another dumping zone area besides Mill Street. Mr. Bonanno said they are trying to move the staging area. Supervisor Foley said there were a

number of roads closed today that were not announced and this is an issue with an emergency call for the Fire Company. We need some mechanism to notify the Fire Company so they are aware of what roads are closed.

Chuck Emerick, Director of Community Development – Mr. Emerick reported the walking trail is completed at Hotel Hershey. Supervisor Foley said it appears to be hazardous on the west side of the employee entrance.

Mr. Emerick reported that RFP's were sent out for the Comprehensive Plan and Zoning Ordinance. He did receive some calls including the company who did our 1993 Comprehensive Plan.

Supervisor Ballard asked when the proposals would be in. Mr. Emerick said they are due back by October 17. The property maintenance code is not part of the RFP, but was worked up and Mr. Emerick will present it to the Board in the next couple of months. The Comprehensive Plan will take about eight to ten months and the Zoning Ordinance will take about ten to twelve months. Some of the work can be done at the same time.

Supervisor Ballard asked about the status of the negligence of the Petrina property. Mr. Emerick said the court date was changed. It is the first contingency on this case and has been rescheduled for early October.

James Negley, Township Manager – Manager Negley reported they continue to work on the budget and it should be ready for the Board within the next month and half.

APPROVAL OF ACCOUNTS PAYABLE (\$279,151.21) AND PAYROLL (\$312,192.41).

Motion: Supervisor Ballard moved to approve accounts payable in the amount of \$279,151.21 and payroll in the amount of \$312,192.41. Supervisor Foley seconded. ***The motion carried, 4-Yes 0-No.***

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Charleton Zimmerman, 119 Roosevelt Avenue – Mr. Zimmerman said he noticed a 30-foot balloon (marked ReMax) at 743 and the Laudermilch Bridge. He wondered if a permit was obtained. Mr. Emerick said inflatable signs are prohibited in Derry Township and he will follow up.

ADJOURNMENT

Supervisor Moyer moved to adjourn the meeting at 8:20 p.m. Supervisor Foley seconded. ***The motion carried, 4-Yes 0-No.***

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary