

TOWNSHIP OF DERRY

BOARD OF SUPERVISORS MEETING

Tuesday, August 24, 2010
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The August 24, 2010 Township of Derry Board of Supervisors meeting was called to order at 7:00 p.m. by Chairman Michael H. W. Pries.

ROLL CALL

E. Christopher Abruzzo, Vice-Chairman
Sandy A. Ballard
Kelly C. Fedeli, Secretary
Marc A. Moyer
Michael H. W. Pries, Chairman

Also Present:

Matt Bonanno – HRG
Thomas Clark – Director of Public Works
Barbara S. Ellis - Director, Hershey Public Library
Charles Emerick – Assistant Director of Community Development
Jill E. Horner – Assistant Township Manager
Zach Johnson, Assistant Director, Parks & Recreation
Cheryl L. Lontz – Manager of Payroll & Employee Benefits
James N. Negley - Township Manager/Township Treasurer
Edward L. Small – Director of Community Development
William D. Smith – Chief of Police
Jon A. Yost - Township Solicitor
Brenda Van Deursen - Recorder

Public Present: Donald Ovsak, Lisa Anderson, Kathy Lutz, Nikki Soliday, Jay Robertson, Elvira Ebling, Thomas J. Mealy, Carol Danz, Paul Thompson, Jan Weybright, Sandy Cappelli, Rich Cappelli, Brian Evans, Jim Martin, Pastor Jennifer Kreighbaum, Charleton Zimmerman, Ed Ruth, Betsy Ruth, Rich Gamble, Ken Gall, S. Ballard, Marie Conley, CMN

Press Present: Drew Weidman, The Sun, Nick Malanskey, The Patriot

Executive Session:

Chairman Pries announced that the Board of Supervisors met in executive session prior to this meeting to discuss land, legal, and personnel issues.

Chairman Pries advised that all public meetings are recorded for providing accurate minutes.

VISITOR/PUBLIC COMMENT:

Kathy Lutz, 116 N. Lingle Avenue – Ms. Lutz expressed her concern regarding truck traffic on Lingle Avenue and the safety issue for residents/children. The children are playing in the

alley, but vehicles use the alley as a short cut to avoid traffic on Lingle. It is a one-way alley, but vehicles are going both ways. She asked the companies be contacted regarding the trucks. She heard there may be prostitution occurring at the place where trucks are pulling over to park. She has contacted the police. The best time for the Police Department to check the area is between 3:00 and 5:00.

Chief Smith has contacted the companies on numerous occasions relative to giving the truckers and the company's direction to not use the roadway. Supervisor Ballard suggested sending a letter to the companies to let them know their drivers should not be taking that route. Chief Smith said he could do that and mentioned again that GPS is indicating that is the route to take. He added that trucks are allowed to park in that area.

Manager Negley said the realignment and road work being done on Lingle Avenue should improve the traffic issues including improved sight distances and signage. He reported the construction on the south side of Lingle Avenue is to be completed by the end of August and then they will proceed to the north side.

Supervisor Fedeli requested Ms. Lutz to continue communicating with her or any other Board member with any future concerns. Supervisor Fedeli asked Chief Smith if there is anything that can be done with the alley situation. Chief Smith said people are frustrated with the construction in that area and they are using the alley as a short cut. His officers are down there as often as they can be.

Vice-Chairman Abruzzo asked Ms. Lutz to call the police if she sees any cars parked in that area. The distribution centers need to be contacted to inform the companies they are doing business with that it will not be tolerated.

Charleton Zimmerman, East Derry Road, Palmdale – Mr. Zimmerman commented on the concerns of Ms. Lutz. He said the issues started back when the Zoning Board gave permission for the warehouses without having a traffic survey done of 422 and Lingle Avenue.

Mr. Zimmerman commented on an article in the newspaper listing six properties that are in tax delinquency. Solicitor Yost explained the taxes were paid for the people who owned the property at the time the transfer took place. Sometimes people dedicate property to the Township, but in this case, the Township purchased the property. None of them were condemned...they were all negotiated settlements. Solicitor Yost said the deeds were recorded, but at the time you apply for the exemption, the County does not make it retroactive. They will give a date the exemption is approved and then you have to go back to the County and the School District and issue what is called a strike off letter. The County, School District and the Township cannot impose taxes on property that is owned by a municipality. In Dauphin County, unlike some counties, you must file for the exemption. There are not going to be any taxes paid on the property.

Rich Gamble, Hockersville Road – Mr. Gamble contacted Rep. Payne's office and spoke to Todd Pagliarulo regarding his property on Hockersville Road and the recent construction. One of the job supervisors looked at his property and agreed that the curb should be re-graded and cut to provide at least a three-inch curb. However, Mr. Pagliarulo informed him today the company is not going to do anything. They are done with the project. Mr. Gamble is still concerned with water running onto his property because his sidewalk is even with the road.

Supervisor Fedeli will contact PennDOT and/or Rep. Payne's office to see if there is something that can be done.

APPROVAL OF MINUTES:

Chairman Pries called for a motion to approve the Minutes of the August 10, 2010 Board of Supervisors Meeting. Supervisor Fedeli made a motion to approve the Minutes of the August 10, 2010 Board of Supervisors Meeting as written. Supervisor Ballard seconded. ***The motion carried 5-0.***

NEW BUSINESS:

A1-8 Amending Ordinance No. 597, a Guaranty Agreement in regard to the Township of Derry Industrial and Commercial Development Authority 2010 Bond Issue.

Lou Verdelli, RBC Capital Markets – The new bond issue size in the amount of \$10,525,000 was acted upon at the last ICDA meeting. The Ordinance was amended to reflect this change. The savings to the Township is now \$659,350. The new interest rate on the bonds sold last week is 3.42%. There are 20 years remaining on the bonds issued in 2005. If the Board approves the Amendment to the Guaranty Agreement, the settlement date would be September 15.

Mr. Verdelli commented on the Township's rating of "AA+ with a positive outlook" which means the Township is being viewed for an upgrade to the next level which would be AAA. There is only one other Township in Pennsylvania that has a higher rating (AAA). In the credit rating report it indicates the ongoing maintenance of the reserves, the fund balance, the policies that have been in place over the last few years, and the continued maintenance of those will be the stepping stone if the Township gets to a triple A rating.

Supervisor Ballard asked if we are extending the term of the debt by re-issuing the 2005 bonds. Mr. Verdelli said the maturity date has not changed.

Vice-Chairman Abruzzo commented on all the work and expert advice Mr. Verdelli and Ms. Kreiser have provided which again has resulted in savings to the Township.

Motion: A motion made by Supervisor Moyer and seconded by Vice-Chairman Abruzzo that Ordinance No. 597 is amended to exercise a Guaranty Agreement in regards to the Township of Derry's Industrial and Commercial Development Authority Series 2010 Bond Issue is hereby approved. ***The motion carried, 5-0.***

B1-5 Consideration of the adoption of Ordinance No. 598 regarding Zoning Petition No. 2009-02 as filed by Pepper Hamilton, LLP on behalf of the Hershey Trust Company, trustee for Milton Hershey.

Edward L. Small – Director of Community Development –

This petition seeks to amend the text of the Derry Township zoning ordinance for three subheadings of parking regulations: office buildings, retail sales, and banks. In each case, the regulation presently reads that the standard should be established at a space for every 200 square feet of floor area. The petition seeks to amend it by changing it to a space for every 300 square feet of floor area. The original form of the petition had all three categories changing in both Downtown Commercial and the Village Core District. Following the Planning

Commission's recommendation heard the Retail Sales portion of the petition was revised to remove Downtown Commercial so that Retail Sales would only be in the Village Core District. At the Planning Commission meeting of April 6th, they recommended the text amendments be adopted, the amendment only apply to the Village Core District, and that consideration be given to bicycle and scooter/motorcycle facilities. The Dauphin County Planning Commission recommended approval of the petition in its original form in their January 2010 review of the proposal.

Discussion: Chairman Pries asked if this ordinance was created prior to the creation of the Intermodal facility. Mr. Small said the zoning has been in place since 1993 prior to the Intermodal Center and presently there are approximately 600 parking spaces that were created after this zoning.

Supervisor Ballard supports a reduction in the parking because it is part of Smart Growth, which is a concept we are using to upgrade our Comprehensive Plan, but she still recommends a fee in lieu of. Mr. Gall said all the research they have done regarding the fee in lieu of is almost exclusively when the Township or the Municipality is providing parking and it's their way of collecting from that. He encourages looking at mix use options because it will make a difference in Hershey over the long run. He said there are bike racks at the Intermodal for those wanting to bicycle downtown and visit the shops.

Chairman Pries asked if the Trust would be able to build larger structures with less parking if they were to develop the referenced land. Mr. Small said they would, but there are other standards to be met for new buildings such as floor area ratio, impervious coverage, set back distances, etc. None of those are affected by this.

Vice-Chairman Abruzzo is not interested in a fee in lieu of parking and passing the cost onto everyone else. However, he would like to see less blacktop and would be in favor of this ordinance if this is a way of accomplishing that. He suggested Mr. Gull consider working with the Township to provide signage to remind everyone that the Intermodal is free parking for anybody to park in.

Supervisor Fedeli is also not interested in a fee in lieu of parking. Mr. Gall's proposal incorporates many elements of Smart Growth. She said shared parking in the Township involves much more than just the Intermodal Center. There are lots of shared parking downtown including the parking lot beside the Methodist Church, Caracas Avenue, the lot behind PNC Bank, etc. that are not fully utilized. She appreciates the global vision Mr. Gall has for this community and its downtown.

Supervisor Moyer suggested finding a better way to educate our residents and visitors as to alternative parking instead of off street parking.

Motion: A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Fedeli that Ordinance No. 598 regarding zoning Petition No. 2009-02 as filed by Pepper Hamilton, LLP on behalf of the Hershey Trust Company, trustee for Milton Hershey School is hereby adopted effective five (5) days following this action. ***The motion carried, 5-0.***

C1-7 Consideration of renewing the approval of the Preliminary/Final Subdivision Plan for George Cvijic, Plat No. 1163.

Edward L. Small – Director of Community Development – The Preliminary/Final Plan for George Cvijic has been approved and extended a couple of times. Mr. Cvijic was trying to do the work rather than secure the improvements, but the weather prevented him from getting the infiltration beds in that were going to handle the stormwater. This should be the last extension requested because the balance that he should secure has been set and all the pre-construction work is done.

Motion: A motion made by Supervisor Fedeli and seconded by Vice-Chairman Abruzzo that the approval for the Preliminary/Final Subdivision Plan for George Cvijic, Plat #1163, is renewed subject to the following occurring no later than the date indicated and prior to the recording of the plan:

- a. That the applicant complete the required improvements or provide performance security in acceptable form for the required improvements in the amount of \$11,809.53 no later than February 25, 2011 as required by Section 185-13.D. of the Subdivision and Land Development regulations.

It is further moved that the following waivers be granted from the Subdivision and Land Development regulations:

- a. From Section 185-13.E.(4).(a).[19] regarding profiles of existing storm sewer system.
- b. From Section 185-22.D.(3).(c) regarding road widening of Bachmanville and Felty Mill Roads.
- c. From Section 185-22.E.(1) regarding curb along Bachmanville and Felty Mill Roads.
- d. From Section 185-30.F. regarding side lot lines being perpendicular to the street/center line.
- e. From Section 185-34.A.(1) regarding sidewalk along Bachmanville and Felty Mill Roads.
- f. From Section 185-44 regarding open space dedication.

The motion carried, 5-0.

D1-6 Consideration of entering into an agreement with The Hershey Company regarding stormwater management facilities proposed for the West Hershey Facility New Access Drive, Phase II.

Edward L. Small – Director of Community Development - This is the second of three BMP agreements for the West Hershey plant expansion. It deals mostly with the new driveway entrance. The first one dealt with fill and grading and the third one deals with the disturbances based upon the new building construction.

Motion: A motion made by Supervisor Ballard and seconded by Vice-Chairman Abruzzo that the Township enter into the proposed Stormwater Best Management Practices Operations and Maintenance Agreement with The Hershey Company, dated August 10, 2010, is hereby approved. ***The motion carried, 5-0.***

E1-30 Consideration of a request by the Derry Township Municipal Authority for the Township to support and/or submit on behalf of Derry Township Municipal Authority a request for funding from the Local Gaming Share revenues.

James N. Negley - Township Manager/Township Treasurer - The Derry Township Municipal Authority (DTMA) is requesting that the Board of Supervisors support their

application to Dauphin County Gaming for funding of \$50,000 to construct a hydro turbine on the effluent discharge line.

Thomas J. Mealy, DTMA – Mr. Mealy said the total cost of the project is \$85,000. They are requesting \$50,000 from the Gaming Grant and the difference of \$35,000 would be made up from the Authority's construction fund. Their plan is be under design and let out bids in April of 2011 with construction to take place in June and completion in September of 2011. This is a small project, but is another example of the Authority's efforts to reduce the carbon footprint as well as reduce energy consumption. Mr. Mealy thanked the Board of Supervisors for their contributions and support of the Authority's projects.

Chairman Pries reported the Township has already submitted an application for funds on behalf of the Fire Company and listed it as their number one priority. Besides DTMA's request, there is also a request from the Historical Society. The due date for funding applications is September 1. Because we have to decide tonight if we are going to support both requests and prioritize which will be number 2 or 3, he suggested to bypass voting on this request until we hear the request from the Historical Society.

Supervisor Moyer asked if we submit additional proposals for this grant money does each successive grant lessen the likelihood of the preceding grant request. Mgr. Negley said he does not know that, but we do have an obligation to submit on behalf of interested parties. There is only so much money we are going to get. We recently applied for \$1.3 million on behalf of the Fire Company. Mgr. Negley mentioned in year one, we received \$525,000 and in year two we received \$651,000 from this gaming grant.

F1-2 Consideration of a request by the Hershey Derry Township Historical Society for the Township to submit on behalf of the Hershey Derry Township Historical Society a request for funding from the Local Gaming Share revenues.

Nikki Soliday, Executive Director of the Hershey Derry Township Historical Society – Ms. Soliday requested the Board support their application to the Gaming Advisory for the Local Municipal Share Grant. They are requesting a total of \$250,000 as part of the multi-phase, multi-year renovation project. This is necessary due to their current state of operations and the economic climate they are operating is a non-profit cultural and education entity. Currently, the economic climate has defined that most grant and foundation funding sources have essentially disappeared. All state funds for cultural programs through the Pennsylvania Historical Museum Commission have been eliminated. They must address infrastructure, utility and system concerns within the building to maintain habitability and sustainability in the property. They operate a 4,000 square foot museum in a 10,000 square foot building that has the potential and capability to open up an additional 5,000 square feet of space for a community education center which would include a community meeting room. Their three biggest concerns financially are mortgage, personnel and utility costs.

Discussion: Vice-Chairman Abruzzo noted the Municipal Authority did receive money last year. We are trying to spread out the potential funding for as many groups as possible.

Motion: A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Ballard to approve the Hershey Derry Township Historical Society's request for \$250,000 for their multi-phase, multi-year renovation as priority number two and the Derry Township Municipal

Authority's request for \$50,000 to construct hydro turbine on the effluent discharge line, as priority number three. ***The motion carried, 5-0.***

G1-4 Consideration of the release of a portion of the performance security for the Preliminary/Final Land Development Plan for West Chocolate Avenue Medical Park, Plat No. 168.

Edward L. Small – Director of Community Development – This is a partial release for a performance security that originally was \$500,000. The first Township release was \$318,000 and this release is recommended at \$135,000, which brings the new balance down to 10% of the original security amount, which is the limit by policy.

Motion: A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Ballard that the Township hereby releases \$135,777.40 from Letter of Credit TPTS-762850 supplied by JP Morgan Chase Bank for the Preliminary/Final Land Development Plan for West Chocolate Avenue Medical Park, Plat #1168, leaving a balance of \$50,484.24 is hereby approved. ***The motion carried, 5-0.***

H1-2 Award of contracts for the collection and recycling of materials deposited at the Township of Derry Recycling Drop-Off Center.

Thomas Clark – Director of Public Works - On August 12th, proposals were opened for the disposal of materials from the recycling center. For some items quoted by CSR, we receive an amount per ton which is taken off of the amount they charge us for pulling the dumpster and emptying it.

Motion: A motion made by Supervisor Fedeli and seconded by Supervisor Ballard that the bid proposal from Consolidated Scrap Resources for the collection and recycling of Corrugated Cardboard, Mixed Paper, Aluminum Scrap, Mixed Metals and Appliances collected at the Township Recycling Drop-Off Center be accepted, and the bid proposal from Waste Management for the collection of Bulky Waste is hereby approved. ***The motion carried, 5-0.***

I1-16 Mowing agreement with PennDOT for mowing right-of-ways along SR322, SR422, and a portion of SR039.

Thomas Clark – Director of Public Works - Annually, PennDOT sends a mowing agreement to the Township to execute for a number of right of ways in the Township, primarily 422 and 322. In the past years that amount has been a little over \$7,800. PennDOT has reduced the payment to a little over \$4,700 for 2010.

Discussion: Supervisor Fedeli asked the reason for the decrease. Mr. Clark said it was due to lack of funding. Supervisor Ballard asked if the decrease was across the board to all Townships equally. Mr. Clark said we are one of a few Townships in District 8 with a mowing agreement. This agreement has been maintained for a number of years because of the Township's desire to maintain the look we currently have on the gateway to the community.

Motion: A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Ballard that the Board adopt Resolution #1264 and execute the agreement indicating their acceptance of the conditions for mowing of state owned roadway right-of-ways in the Township for the year 2010 is hereby approved. ***The motion carried, 5-0.***

J1-10 Agreement to the provisions of the five-year winter maintenance agreement for certain State owned roads within the Township submitted by the Pennsylvania Department of Transportation and adoption of Resolution No. 1265 attached to the agreement.

Thomas Clark – Director of Public Works - Resolution No. 1265 will execute documentation to continue the Township's winter maintenance for various roads throughout the Township and receive reimbursement for such services...salting and plowing. The total agreement is in the amount of \$13,913.35 annually for the five-year period. It is an increase of \$339.25 over the current agreement.

Supervisor Moyer asked if this is cost effective for the Township overall. Mr. Clark said it covers the bulk of the maintenance and reduces the number of calls we would receive if we would not do it.

Motion: A motion made by Supervisor Moyer and seconded by Vice-Chairman Abruzzo that the Board adopt Resolution #1265 and authorize the staff to execute the winter maintenance agreement between the Pennsylvania Department of Transportation and the Township of Derry is hereby approved. ***The motion carried, 5-0.***

K1-9 Request from the Hershey Entertainment and Resorts Company to hold the Inaugural Hershey Half Marathon on Sunday, October 3, 2010, starting at 7:00 A.M.

William D. Smith – Chief of Police - The Inaugural Hershey Half Marathon event will take some time due to the length of the run and there will be some inconveniences. He has heard there is some concern from the Hershey Ministerium.

Supervisor Ballard inquired about the budget impact of using off-duty officers for overtime. She asked Chief Smith if HE&R can use more of their security guards since they are cross-trained.

Jay Robertson, Assistant General Manager Director of Facility Operations for HE&R
Mr. Robertson explained this race is a benefit for Children's Miracle Network (CMN) and the net proceeds would go to CMN. They are working very closely with Derry Township police to facilitate a safe race and minimize any delays and/or inconveniences to parishioners on their way to their place of worship on Sunday, October 3rd. There will be some rolling closures which means the road will open back up again as soon as the runners come through and then the next section will be closed. It is actually a pre-programmed event utilizing an Incident/Action Plan as a drill in conjunction with the Police Department, Fire Department, County Radio Systems and the Med Center to facilitate a safe movement of the runners. They will work with Lebanon County volunteer fire agencies, HE&R, Hershey, Cumberland County and even going as far as Perry County to utilize their fire police to minimize cost. Any cost the Township incurs because of this race is reimbursable.

Chairman Pries thanked Mr. Robertson and HE&R for the countless hours and cost of their manpower and the time allowed by their security department and maintenance department who assisted with the Hershey New Year's Eve celebration. In addition, the Board is very appreciative of their donation of \$50,000 for the entertainment.

Pastor Jennifer Kreighbaum, 335 E. Areba Avenue – Pastor Kreighbaum is the associate pastor for the Spring Creek Congregation. She is concerned with what Mr. Robertson said tonight and what he said when he met with them regarding closures. There is only one singular road access point to the Church. Most other churches have dual access points. It is important to have the people be able to access their church on the 1st Sunday of the month for Baptism Sunday. Pastor Kreighbaum has issue with planning marathons on Sunday mornings and not involving affected parties, such as the Ministerium group, in their planning meetings.

Mr. Robertson explained to Pastor Kreighbaum that when he met with them last week, he had not yet met with a group for traffic planning. They will minimize any closures of roads and any discomfort as much as possible. He said he also learned today that the first Sunday of the month is where they historically receive the highest donations. He is working with the Church of the Brethren to produce a placard that will serve two purposes. 1) It will give a better sense of direction for alternate routes around the race course, and 2) It will show the traffic staff associated with the race they are on their way to Church. He intends to meet with as many affected church leaders as he can before the race to facilitate individual race course traffic route if need be.

Supervisor Moyer said his concern is that the congregation has unfettered access for church activities. Mr. Robertson said he would minimize the delays to what you normally have with any traffic control device.

Supervisor Moyer wanted to assure those not involved in the marathon would have as much early warning as possible as to the change in traffic patterns. Mr. Robertson will make the message concise and clear to the residents.

Vice-Chairman Abruzzo is not convinced the rolling closure will work with approximately 2700 runners. He asked about changing the route. Mr. Robertson said the course has been certified by the United States Track and Field as a prerequisite course. At this late date, they cannot make any changes, but they will make every effort to minimize any delays and will relook at the race course for next year.

Vice-Chairman Abruzzo asked Pastor Kreighbaum if she is satisfied that there will be an effort made by HE&R and the various police to get the parishioners to church with little or no delay. Pastor Kreighbaum said as long as what Mr. Robertson promised happens which is the placard flyer available for their parishioners and they receive accurate and clear publicity to know what is going on. Mr. Robertson said it would happen.

Motion: A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Ballard that the request to hold the Inaugural Hershey Half Marathon on Sunday, October 3, 2010, starting at 7:00 AM is hereby approved. ***The motion carried, 5-0.***

L1-4 Request to close N. Hockersville Road (SR2011) from Old West Chocolate Avenue to Hersheypark Drive for three events being held on the grounds of the Hershey Entertainment and Resorts Complex.

William D. Smith – Chief of Police - Chief Smith said HE&R is going to hold three events: 1) AACA Fall Meet will be held from 11:00 PM on October 8, 2010 to 5:00 PM on October 9th, 2) PIAA District III Cross Country Championships will be held on October 27th from 11:00 AM to 5:30 PM, and 3) the PIAA Cross Country Championships will be held on November 6th from

7:00 AM to 3:00 PM. We have done this in the past, but it is a state route closure and has to come before the Board of Supervisors. These closings are for the safety of the runners and the spectators.

Supervisor Ballard suggested notifying residents in advanced of the events being held on Saturday to give them notice and direction to use to get to the Recycling Center. Jill will post this information on the website.

Motion: A motion made by Supervisor Fedeli and seconded by Vice-Chairman Abruzzo that the request to close N. Hockersville Road (SR2011) from Old West Chocolate Avenue to Hersheypark Drive for: 1) AACA Fall Meet from 11:00 PM on October 8, 2010 to 5:00 PM on October 9, 2010, 2) PIAA District III Cross Country Championships on October 27, 2010 from 11:00 AM to 5:30 PM with a rain date of October 8, 2010, and 3) PIAA Cross Country Championships on November 6, 2010 from 7:00 AM to 3:00 PM with a potential rain date to be established, is hereby approved. *The motion carried, 5-0.*

CORRESPONDENCE

Supervisor Ballard mentioned correspondence received related to numerous fruit signs at Hockersville and Governor. Chuck Emerick said it is scheduled for tomorrow to follow up.

Supervisor Ballard referred to correspondence from the Killians. She asked if anyone responded back. Mgr. Negley said the letter was to the editor, not the Township.

Chairman Pries stated a few residents residing along Cocoa Avenue, Linden Road, Elm Avenue area are asking for the justification and reasoning for allowing the School District to exceed the ordinance on height requirements for the lights/speakers at their fields.

Mr. Small checked with HE&R because they had records of when Hershey Stadium was built in the 1930's. The records indicated the height of the standards from the top of the concrete foundation to the top of the light was approximately 98 to 100 feet. This standard was continued with the lights at the construction of the Henry Hershey field on the Milton Hershey School campus. Those lights are about 98 to 100 feet high above the field. The height of the school district poles is very similar and ranges from 80 feet for the soccer field to 110 feet at the football field. The zoning ordinance exempts lines that are erected for entertainment purposes from our zoning regulation of a full cut off feature.

Mr. Small visited the school to observe what happens when the lights and music are turned on as they would be for any event. His observations included: 1) The technology of the lights focuses the light coming out of the fixture in such the way that the field behind the bleachers was actually black. 2) At various positions around the outside of the field even all the way over to Cocoa Avenue, the ambient noise from one car was louder than the music he was hearing from the speakers. 3) He also walked around the library and inside the library to see if the music could be heard. He did not find evidence of noise inside. A professional report submitted by a Lancaster firm indicates they polled the library people during the times the features were operated to see if they could hear any noises. There was no report of that.

Supervisor Ballard said the complaints were more specific as to why the 110 foot structures were allowed when the limit is 40 feet high. Mr. Small said if we tried to use our standard building structure height on this, it would not have been appropriate. It wouldn't make any sense to put a light at the height so that when you look from left to right on the field, the light

is right in your face. That is where they would be rather than being high enough to look down.

Supervisor Ballard asked why this wasn't handled through a variance. Mr. Small said it wasn't something we would impose because it wasn't a building or a structure and didn't think it was something that would apply to a light standard.

Chairman Pries asked if there were any concerns raised by the residents during the construction of the poles. Mr. Small said did not hear of any concerns at that time.

BOARD/COMMITTEE INFORMATION

Supervisor Ballard commented that Mike Pries will most likely be selected as our next Commissioner and will be vacating his position on the Board of Supervisors. She wants to make sure staff will let the public know if they are interested in the position on the Board, they should contact the Township and submit resumes. They will be selecting a Commissioner by September 1 and the next Board meeting is not until the 14th.

Chairman Pries cautioned everyone against jumping too far ahead. 29 individuals submitted for the Commissioner position and they are down to the final 8 or so. The judges still need to finalize interviews through the process and no decision has been made yet.

Vice-Chairman Abruzzo said they would be very proud to see Mike Pries as a County Commissioner, but he wanted to be clear with the staff that the Board hasn't made a decision in terms of a potential replacement. A vacancy board has been created to have someone available should there be a vacancy on this Board, but we can choose to bypass that. However, until Mike Pries is actually selected, we should not ask people from the community to send in resumes until the Board decides how they want to proceed.

Vice-Chairman Abruzzo announced the indoor pool is closed for a period of two weeks for maintenance. In addition to the general maintenance scheduled, they will be installing a new pump at the pool to alleviate some of the issues with high chloramines gas levels at the pool during real peak hours of operation, which has caused some respiratory issues in the past.

Supervisor Fedeli mentioned the Library is working on an energy audit. Also, the first draft of the redesign work for the Library has been completed.

Supervisor Fedeli reported some of the members of the ad hoc stormwater subcommittee are planning to attend a meeting this Thursday evening sponsored by the Dauphin County Conservation District about the Act 167 Stormwater Management Plan state and federal regulations.

REPORTS

William D. Smith – Chief of Police - Chief Smith reported members of the Police Department met with representatives of the School District. It appears the new parking and driveway will be opened for the school year beginning on August 30th. There will be some manicuring done after the buses are gone and the kids are in school. The Police Department will take a look at the traffic flow and will meet again in a couple of weeks to determine if there is anything that needs changed with the traffic plan.

Chief Smith announced that the speed trailer is out at the 700 block of Cocoa Avenue in the northbound lane with a message board indicating that school will be starting. It will be moved to Homestead on Thursday.

Barbara Ellis - Director of Hershey Public Library - Ms. Ellis reported summer programming will be ending next week. All of the computer classes for the fall are full. A new employee has begun and they will be interviewing for the other opening that occurred since July.

Zach Jackson, Assistant Director of Parks and Recreation - Mr. Jackson reported the Dome to the upper lap pool is closed until September 7th for routine maintenance and for installation of the pump. The outdoor pool is open until September 6th.

Matt Bonanno, HRG Engineer - Mr. Bonanno reported they are working with one utility company regarding relocation cost within the PennDOT right-of-way. They continue to work with DEP to finalize the design of Bullfrog Valley pond. They are working with the Township regarding insurance limits for the contract. There are four completed easement agreements signed by the property owners, two are ready to be sent for signature, five additional appointments are set up and an additional three are ready to go.

Charles Emerick, Assistant Director of Community Development - Mr. Emerick mentioned the institution of zoning permits was discussed by a local contractor at the July 13th Supervisors' meeting. Mr. Emerick has since researched and discussed zoning permits with a few contractors, the Senior Director of Construction of Facility Services for a local large non-profit school, a respected real estate attorney, and others. In each case, he found no one who could give any cons to the institution of zoning permits on top of the building code permits. Benefits of a zoning permit include: maintaining the neighborhoods, creating even playing fields for the contractors, and also letting residents know for the benefit of themselves and their neighbors what the set backs are and how to develop their property correctly. In addition, it will help with the otherwise unhappy zoning enforcements and will also reduce forgiveness applications before the zoning board. He did a study on the fees for zoning permits and from his findings, he suggested the following flat fees: \$25 fee for residential zoning permits where a building permit is otherwise required, \$50 fee in cases of residential permits where they would be putting in a shed, patio, or other structure that doesn't fall under the statewide building code, including two car garages, and a \$50 fee for all commercial uses. The fees are in line with surrounding municipalities. These fees would be for those proposing improvements to their property.

Jill E. Horner – Assistant Township Manager - Asst. Twp. Mgr. Horner researched the Safe Routes to School program last year and was informed there was no funding available and is not anticipated for this year either. The coordinator for this program actually sent an e-mail informing us that the Pennsylvania Community Transportation Initiative has set aside funding through the TIP program. This is a 100% reimbursement program and is due September 15th. We had a report provided to us from Pennoni that was through the PennDOT Walkable Communities Programs. If we move forward with this, we would suggest using the recommendations from Pennoni to make the suggested improvements along Cocoa Avenue. Those recommendations might include raising the crosswalks on Cocoa Avenue, constructing curb extensions at the crosswalks, putting Type 1 crosswalks on the side streets, and changing the pedestrian crossing on Cocoa and Elm to an actual school crossing.

The improvements requested would be around \$300,000. Mgr. Negley said there is money from the bridge project to fund this program upfront until reimbursed from the grant. Manager Negley reported there is about \$750,000 set aside for the bridge replacement that we use as backup money. Part of it was used for the Lingle Avenue project until we get reimbursed. In addition to this grant, we did apply today for a Tiger grant. He doesn't know if or when it will be approved.

Chairman Pries asked if they had to act upon this tonight. Asst. Mgr. Horner said we have three weeks to obtain estimates for the work we are proposing and to submit it by September 15th.

Vice-Chairman Abruzzo asked if we had authority to put the bumps on a state road. Asst. Mgr. Horner said she e-mailed the person who provided the report from Penonni. It is through PennDOT's program that this recommendation was made, but she wanted to clarify if PennDOT would be in favor of this, but she did not hear back.

Vice-Chairman Abruzzo agreed it would be worthwhile submitting the grant, but in the future he would like more advance notice of grant opportunities. The project for the grants should be something we have been discussing for months. He also mentioned concerns for the proposed speed bumps on Cocoa Avenue. The speed has already been reduced and we have to be cognizant what we are doing with that road.

Motion: A motion made by Supervisor Ballard and seconded by Vice-Chairman Abruzzo to proceed with the grant application in the amount of \$300,000 through the TIP program for 2011, is hereby approved. ***The motion carried, 5-0.***

James N. Negley - Township Manager/Township Treasurer - Mgr. Negley said Jill Horner and Bob Piccolo met with Ingenuity regarding an energy audit. They will provide us with a scope of services in the near future.

APPROVAL OF ACCOUNTS PAYABLE (\$185,016.39) AND PAYROLL (\$352,097.91).

Supervisor Ballard moved to approve accounts payable in the amount of \$185,016.39 and payroll in the amount of \$352,097.91. Chairman Abruzzo seconded. ***The motion carried, 5-0.***

VISITOR/PUBLIC COMMENTS

Rich Gamble – Regarding the lights at the Derry Township School, Mr. Gamble said they initially started out as improving the practice field. It went from an improvement of a practice field to a stadium. At that time Mr. Gamble questioned why the improvement wasn't brought to the Board for approval. He was told they did not have to. He also mentioned that after Mr. Small's visit in January to the school, they turned the music up.

Donald Ovsak, 147 W. Governor Road – Mr. Ovsak said he realizes if the old Township Building on Hockersville Road is sold and someone builds on it, tax revenue will be generated for the Township. If we don't sell the property and it is used for some other purpose, the lack of the tax revenue would not hurt our budget. He strongly encouraged the Board to consider donating the property to the Fire Department. They provide an invaluable service to the community. If the Fire Department were to get that property, he would contribute \$500 towards building a new fire department and challenges the residents to follow.

Chairman Pries thanked Mr. Ovsak for his suggestion. ICDA has been in negotiations since May and recently signed a contract with a developer for 1.2 million dollars. Chairman Pries requested the Fire Department to look at alternate locations throughout the Township and let them know. He has not heard from them. The Board has supported the Fire Department 100% in their budget requests and made their application for local gaming funds at the County for \$1.3 million the number one priority.

Chairman Pries said the \$1.2 million that is generated from the sale of the old Township building has to reimburse the general fund for the current Township building. Cash reserve in the general fund was used to pay debt service for this building.

Vice-Chairman Abruzzo stated he has made it clear to the Fire Department that they should be watching closely what is happening to the old Township building. If it would not go through, they become a viable prospect for that property.

ADJOURNMENT

Supervisor Ballard moved to adjourn the meeting at 9:30 p.m. Supervisor Fedeli seconded.

The motion carried, 5-0.

SUBMITTED BY:

Kelly C. Fedeli
Township Secretary

Brenda Van Deursen
Recording Secretary