

TOWNSHIP OF DERRY BOARD OF SUPERVISORS MEETING

Tuesday, December 18, 2012
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The December 18, 2012 Township of Derry Board of Supervisors meeting was called to order at 7:05 p.m. by Chairman E. Christopher Abruzzo.

ROLL CALL

Supervisors Present:

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

Also Present:

Matt Bonanno, HRG, Township Engineer
Thomas Clark, Director of Public Works
Barbara Ellis, Director of Hershey Public Library
Charles Emerick, Director of Community Development
Jill Horner, Assistant Township Manager
Cheryl L. Lontz, Manager of Payroll & Employee Benefits
Matthew Mandia, Director of Parks & Recreation
James N. Negley, Township Manager/Township Treasurer
Patrick O'Rourke, Chief of Police
Brenda Van Deursen, Recorder

Public Present: Elvira Ebling, Ed Ruth, Betsy Ruth, Mary Ann Kelly, Philip Jurus, Mike Kelly, Brian Evans, Charleton Zimmerman, Rich Gamble.

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

Chairman Abruzzo 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

Edward Ruth, 356 William Drive – Mr. Ruth expressed his concern with traffic on Fishburn Drive particularly at the intersection of Harvey Road, Bachmanville and Fishburn. On October 24th, Mr. Ruth was hit by a car on his scooter. He was following all the safety guidelines but a driver got impatient with the heavy traffic on Bachmanville Road and shot across the road. He has a long recovery ahead of him. A lot of pedestrians use that area and he asked the supervisors to have some studies done in that area. Chairman Abruzzo asked Chief O'Rourke if PennDOT would take another look at that area. Chief O'Rourke said they will ask PennDOT to reduce the speed limit. He believes lowering the speed limit will be a big help.

Supervisor Ballard asked if there was sight obstruction. Chief O'Rourke said they could look at that, but the main problem is that motorists get impatient. Chairman Abruzzo asked Chief O'Rourke to keep Mr. Ruth and the Board informed. It was also noted that increased signage may help.

Charleton Zimmerman, 119 N. Roosevelt Avenue, Palmdale – Mr. Zimmerman demanded an explanation to why certain businessmen, especially landlords, get special privilege in this Township. There was a drug bust at a structure across the street, but in the newspaper it did not mention the address. It is an apartment dwelling and this area is zoned single family. His neighbors have complained to Mr. Emerick about the traffic and the noise. There is no landlord licensing in the Township.

Mr. Zimmerman is concerned with Mr. Sheffey and the tenants he rents to. Mr. Sheffey got variances for East Chocolate and Howard Avenue and he promised to tear those houses down. The police have been called numerous times because of the type of people he rents out to and now the structures are being boarded up. Chairman Abruzzo said we are in the process of drafting new landlord tenant ordinances in the Township to address these types of issues.

Mr. Emerick said there are still some letters to go out to Mr. Sheffey for the other units he has along that side of East Chocolate. We have to give a reasonable time to fix things such as painting which could go into the spring. If it is not done in a reasonable time, then we would take it to the District Justice.

Philip Jurus – Mr. Jurus said the residents on Locust Avenue are still concerned and desire to continue their involvement to see that the situation of the water and flooding is going to be resolved. They are anxious to find out what action has been taken. Chairman Abruzzo said Mr. Bonanno has done a significant amount of work regarding this and will update Mr. Jurus and those with him after the meeting.

Rich Gamble, Hockersville Road – Mr. Gamble thanked Supervisor Foley and Chairman Abruzzo for their work with the amusement tax resulting in a 13% increase. Those on social security get a 1.7% increase this year, which is not much. He is asking the Board to develop a committee to look at a realistic approach to what services the community provides to HE&R, what it is costing our Township, and what is our increase each year; and then do a comparison with other communities similar to ours and see what their tax base is. Mr. Gamble volunteered to be part of the committee to research other communities.

APPROVAL OF MINUTES

Chairman Abruzzo called for a motion to approve the Minutes of the November 13, 2012, Board of Supervisors Meeting. Supervisor Foley made a motion to approve the Minutes as written. Supervisor Ballard seconded. *The motion carried, 5-yes 0-no.*

Chairman Abruzzo called for a motion to approve the Minutes of the November 27, 2012, Public Hearing. Supervisor Ballard made a motion to approve the Minutes as written. Vice-Chairman Fedeli seconded. *The motion carried, 5-yes 0-no.*

Chairman Abruzzo called for a motion to approve the Minutes of the November 27, 2012, Board of Supervisors Meeting. Supervisor Foley made a motion to approve the Minutes as written. Supervisor Ballard seconded. *The motion carried, 5-yes 0-no.*

Chairman Abruzzo called for a motion to approve the Minutes of the November 28, 2012, Budget Hearing. Supervisor Ballard made a motion to approve the Minutes as written. Vice-Chairman Fedeli seconded. *The motion carried, 5-yes 0-no.*

NEW BUSINESS

A1-5 Adoption of Resolution No. 1355, a resolution adopting the Township's 2013 Budget, and adoption of Resolution No. 1356 establishing Real Estate Taxes for 2013.

James N. Negley, Township Manager/Township Treasurer – The Township Budget for 2013 has been on public display since November 12, 2012. The total revenues are equal to \$25,261,014 and the total expenditures equal \$23,070,072. The 2013 Budget contains no tax increase. The General Fund portion of the Budget is \$15,862,760. A public hearing was held to present the proposed 2013 budget on November 28th. Since the posting on November 12th, we have received no public comment.

Motion: A motion was made by Foley and seconded by Vice-Chairman Fedeli that adoption of Resolution No. 1355, a resolution of the Township of Derry, appropriating specific sums estimated to be required for specific purposes of the municipal government as herein set forth in the total amount of 23,070,072; and adoption of Resolution No. 1356, a resolution of the Township of Derry, Dauphin County, Commonwealth of Pennsylvania, establishing the Real Estate Millage rate for 2013, at 1.4466 mills, are hereby approved. *The motion carried, 5-yes 0-no.*

B1-56 Execution of a labor agreement with the American Federation of State, County and Municipal Employees Council 90 and Local Union No. 1086.

James N. Negley, Township Manager/Township Treasurer – The existing AFSCME Contract will expire on December 31, 2012. The proposed new contract will run from January 1, 2013 to December 31, 2015. This contract was negotiated over a period of several months. The highlights of the new contact call for wage increases of 2.0% in 2013, 2.5% in 2014, and a 2.75% in 2015. AFSCME agrees to reduce the vacation rate earned for part-time employees and increase contributions to health care costs such as co-pays. Vice-Chairman Fedeli said the negotiations went very smoothly resulting in a fair contract for the next three years.

Motion: A motion was made by Supervisor Foley and seconded by Vice-Chairman Fedeli that the Members of the Board of Supervisors and Township Manager are authorized to execute a labor agreement with the American Federation of State, County, and Municipal Employees Council 90 and Local Union Number 1086 for the period of January 1, 2013 to December 31, 2015, is hereby approved. *The motion carried, 5-yes 0-no.*

Chairman Abruzzo excused himself from the meeting.

C1-16 The Preliminary/Final Land Development and Stormwater Site Management Plan for Hershey's Chocolate World Building and Parking Expansion, Plat No. 1218.

Charles Emerick, Director of Community Development – Chocolate World sits on a 16.37 acre site. The applicant is proposing: Phase 1 - 3,900 square-foot expansion to house improved restroom facilities; an expansion to the existing parking area, and the addition of a new parking area, which will add 212 regular parking spaces and 6 handicapped-accessible spaces.

Supervisor Ballard asked what is in those areas right now. Mr. Emerick said in the northwest corner there is some parking and they will remove that pavement and push it closer to the side property line.

Then they will replace it for the most part with porous pavement. In the lower area, there is currently a graveled in area for temporary parking. The trees in those areas that are necessary to be removed will be replaced with a new parking area. Some new trees will also be added.

The Hershey Company processed a land development plan (Plat #1154) that proposed 140 off-site parking spaces located on the south side on lands known as the lighthouse tract. This plan that is being proposed now is replacing the parking that they were going to do at Plat #1154.

The Chocolate World building is a nonconforming structure due to a zoning district change where the land around this building was changed to commercial entertainment which had a larger setback.

The project is now subject to our 2010 Stormwater Management Ordinance for the expanded parking areas and infiltration bed. The applicant is requesting a waiver (Waiver G) due to the extensive development of this and the adjacent property over many years. The applicant cannot physically construct any stormwater management facilities to effectively control the building expansion included as part of this land development plan. In lieu of providing control here, the applicant has offered in excess of \$50,000 worth of channel improvements at the 19 East Chocolate Avenue site. These improvements will remove unnecessary utilities, facilities, and structures from upstream of the railroad overpass. This is an important improvement as it will reduce the obstructions in the drainage way that is fed by the Para Avenue, Homestead Road and Java Avenue areas. Also, due to the discontinued factory activity it will reduce the amount of heating/cooling water discharged into Spring Creek.

Mr. Emerick reviewed the waivers. There was extensive discussion regarding Waiver F - sidewalks, walkways, and bicycle paths. The applicant is requesting waiver of the requirement of sidewalks in some areas. He mentioned there is talk of relocation of Park Boulevard.

Supervisor Ballard asked Brian how much it would cost if they would build a sidewalk. He estimated close to \$50,000 to put it in along the frontage. Supervisor Ballard said we are trying to promote walkability in the community and encourage more people to be able to get around on their feet to reduce the number of cars overwhelming our local roads. Would the Hershey Company consider a donation in lieu of the sidewalk so we could build sidewalks throughout the community. Brian said he is not in the position to answer that.

Supervisor Foley said we don't have the mechanisms within the Township to distribute those kinds of funds. Who is deemed worthy and not? Supervisor Ballard suggested that we always ask people if they are not building the sidewalk to consider making a donation. Vice-Chairman Fedeli said this discussion is going in the right direction and the Board should continue it.

Rich Gamble, Hockersville Road – Mr. Gamble asked when they were going to relocate the southern portion of the road. The sidewalk should be there for people to utilize until the relocation is done. Supervisor Foley said the realignment of Park Blvd is anticipated to begin in 2014. Mr. Emerick said there is a sidewalk there now and we are not taking it out.

Supervisor Ballard stated she does not want to vote on the sidewalk waiver.

MOTION: A motion made by Supervisor Foley and seconded by Vice-Chairman Fedeli that the Preliminary/Final Land Development and Stormwater Site Management Plan for Hershey's Chocolate World Building and Park Expansion, Plat No. 1218, is hereby approved subject to the following:

- a. That the applicant reimburses the Township for costs incurred in reviewing the plan no later than January 18, 2013.
- b. That performance security be provided to guarantee the completion of required improvements and the accompanying agreement signed no later than June 18, 2013.
- c. That a letter be provided to the Township from the Dauphin County Conservation District no later than June 18, 2013 approving the erosion and sedimentation control plan.
- d. That a copy of the NPDES permit be provided to the Township no later than June 18, 2013.
- e. That signed and executed construction easements for all work on the Hershey Entertainment & Resorts Company property be provided to the Township prior to recording of the plan.
- f. That a signed and executed pedestrian sidewalk easement for the sidewalk from Park Boulevard through Hershey Entertainment & Resorts Company property be provided to the Township prior to recording of the plan.
- g. That signage be provided at Park Boulevard indicating destinations from the above-referenced sidewalk prior to recording of the plan.
- h. That a signed and executed agreement from the entity providing the vacuum maintenance on the porous pavement be provided to the Township prior to the recording of the plan.
- i. That the Stormwater Best Management Practices Operation and Maintenance agreement be recorded concurrently with the plan.
- j. That the required deferment agreement between the applicant/landowner and the Township for the installation of Sidewalk be recorded concurrently with the plan.

It is further moved that the following waivers are granted from the Subdivision and Land Development Ordinance and the Stormwater Management Ordinance:

- a. From Sections 185-12.D.(2) and 185-13.E.(3) regarding plan scale for the overall plan sheet C1.2.
- b. From Sections 185-12.D.(3).(a).[7] and 185-13.E.(4).(a).[7] regarding metes and bounds of all existing street rights-of-way, centerlines, and easements, with the exception of utility and other easements within the boundaries of the property.
- c. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding all existing stormwater profiles that will be unaffected by the proposed work.
- d. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding all existing sanitary profiles that will be unaffected by the proposed work.
- e. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding all existing utility profiles that will be unaffected by the proposed work.
- f. From Sections 185-34 regarding sidewalks with the stipulation that the applicant/landowner enter into an agreement with the Township no later than June 18, 2013 which would allow the Township to require the installation of sidewalk in the future if deemed necessary.
- g. From Section 174-14 regarding rate controls for drainage areas P-A and P-B for the 1-, 2-, 10-, and 25-year design storms.

The motion carried, 3-yes 1-no.

D1-2 Consideration of a request from the Hershey Harrisburg Regional Visitors Bureau and the Keystone State Games to be tax exempt from paying Township Amusement Tax for an event scheduled for August 2, 2013.

James N. Negley, Township Manager/Township Treasurer – The Hershey Harrisburg Regional Visitors Bureau and the Keystone State Games requested an Amusement Tax Exemption for the August

2, 2013 Opening Ceremonies at the Giant Center to host the participating athletes of the 2013 State Games of America. These games are not limited to enrolled school children. The Tax Ordinance only

applies to school age events. Our solicitor feels it would be questionable to grant this exception since it is opened up to all ages and not specific to school age children.

Supervisor Foley shared that the solicitor has been in touch with the School District as these proceeds are split equally and they affirmed his interpretation of the ordinance that this request would not be compliant.

Motion: A motion was made by Supervisor Foley and seconded by Supervisor Moyer that the request for the Township of Derry to exempt the Tournament of Bands to be tax exempt from paying Township Amusement Tax, is hereby denied. *The motion carried 4-yes 0 no.*

1-14 Consideration of Resolution No. 1354 which would revise certain fees and restate other fees for building permits and zoning permits, and amend and establish other miscellaneous fees and charges for services provided by Community Development personnel.

Charles Emerick, Director of Community Development – Beginning in 2011, we reviewed all the fees that existed under Community Development and adjusted a few of the fees that hadn't been adjusted for many years. When that was done, the Board of Supervisors asked that each year we review the fees so that we stay current. Since the last fee increase (April 2011), the consumer price index had an impact of about \$.03 per dollar. While many of the fixed fees remain unchanged, we have proposed increasing the per thousand dollar fee for building permits. Mr. Emerick reviewed the fee schedule. All of the fees cited in the resolution are end user fees.

MOTION: A motion made by Supervisor Ballard and seconded by Supervisor Foley that Resolution No. 1354 which would revise certain fees and restate other fees for building permits and zoning permits, and amend and establish other miscellaneous fees and charges for services provided by Community Development personnel, is hereby approved. *The motion carried, 4-yes 0-no.*

F1-3 Consideration of the release of maintenance security for the Preliminary/Final Land Development Plan for Site Improvements at Derry Township School District Campus Plat No. 1191.

Charles Emerick, Director of Community Development – The school had posted security for improvements and have completed those improvements. We carried an 18-month maintenance bond. HRG inspected the improvements and determined that it would be appropriate to release the maintenance bond, which would otherwise expire on December 21, 2012.

Supervisor Ballard asked if the maintenance security covered the stormwater facilities that they put in. Mr. Bonanno explained that the 18-month maintenance guarantee only looks at improvements within the public right-of-way. The stormwater was looked at when it was installed and when we released the performance security. Once all that is released, we go into the 18-month maintenance security.

MOTION: A motion made by Supervisor Foley and seconded Supervisor Ballard that the Township releases cash maintenance security in the amount of \$2,917.05, which had been provided for the Preliminary/Final Land Development Plan for Site Improvements at Derry Township School District Campus Plat No. 1191, is hereby approved. *The motion carried, 4-yes 0-no.*

G1-2 Permission to hold fireworks display at Hersheypark Stadium on Sunday, January 20, 2013, for the Outdoor Classic Hockey Game.

James N. Negley, Township Manager/Township Treasurer – Hersheypark has requested permission

to hold a fireworks display in celebration of their 75th year of hockey. They provided a certificate of insurance to the Township.

Motion: A motion was made by Supervisor Ballard and seconded by Supervisor Foley that permission to hold fireworks display at Hersheypark Stadium on Sunday, January 20, 2013, “snow date” Monday, January 21, 2013, for the Outdoor Classic Hockey Game, is hereby approved. *The motion carried, 4-yes 0 no.*

H1-16 Execution of an agreement with Tri-County Regional Planning Commission (TCRPC) for the award of the Walton Avenue Corridor Alternatives Study Regional Connections Grant.

Charles Emerick, Director of Community Development – In July of 2012, The Board of Supervisors authorized Community Development to seek a \$60,000 Regional Connections grant being offered by TCRPC for a study of the Walton Avenue corridor. As part of the authorization, Derry Township and Hummelstown Borough entered into an agreement to share the matching funds portion of the grant which totaled \$12,000. We received a letter on September 20, 2012 that our application was approved and we have been awarded \$48,000. The proposed study is for solving the traffic and pedestrian issues that exist in this area of the Township. This project must be completed by June 30, 2014. We now must enter into an agreement with TCRPC prior to any expenditures for this project.

Supervisor Ballard said the resolution the Board passed in August included a study for possible transportation/pedestrian enhancement projects located in the area of the intersection. She wanted to make sure as part of the considerations that pedestrian enhancements will indeed be part of the discussion. Mr. Emerick said he brought that to HRG’s attention and they had told him that part of a roadway design is to address the pedestrian needs.

Supervisor Ballard said both Hummelstown and Derry Township felt strongly that we wanted a variety of options from inexpensive to expensive presented to the Board. Supervisor Foley said he and Chuck have been meeting with Hummelstown Borough and are working collectively on a solution to all areas.

MOTION: A motion made by Supervisor Foley and seconded by Supervisor Ballard that execution of an agreement with Tri-County Regional Planning Commission (TCRPC) for the award of the Walton Avenue Corridor Alternatives Study Regional Connections Grant, is hereby approved. *The motion carried, 4-yes 0-no.*

CORRESPONDENCE – No correspondence to share.

BOARD/COMMITTEE INFORMATION – Supervisor Foley said the “Super” Committee is looking with the Fire Company at options for their new house.

REPORTS

Patrick M. O’Rourke, Chief of Police – The New Year’s Eve preparation is falling in place. Several meetings ago, there were some concerned citizens that approached the Board about the cat population. Lt. Warner is heading this program partnering with members of the community. They are following the program that is run in Steelton Borough. As a result of getting it all in line, they ran their first T&R run and actually trapped, neutered, and released 25 cats. The estimated savings as opposed to taking those animals to the Humane Society was about \$2,000. They have another run set up for next month. Supervisor Ballard suggested putting this information on Facebook and the Township’s website.

Thomas Clark, Director of Public Works – Most of the fleet is turned over for winter maintenance. There is one leaf truck out – two weeks beyond the completion of scheduled leaf pick up. A lot of

paving has been done in the last few weeks and more in the next two weeks as long as the weather holds.

Supervisor Ballard asked about the digging on Areba. Mr. Clark said the Water Company has two crews paving between Valley and Linden. This is the only area of concern if it is still dug up.

Supervisor Foley asked about Cocoa at Maple and commented it is still pretty rough. Mr. Clark spoke to PennDOT earlier this week. We instructed Abbonizio to remove the spots at the crossings at the movie theater and up at Maple and Cocoa. They are to remove them and get hot mix in there to level the bump out over the winter.

Vice-Chairman Fedeli asked about the intersection of Governor and Cocoa. Mr. Clark said the majority of the complaints he was getting was because of the noise over the bump. The area Ms. Fedeli is asking about is plowed by PennDOT. Mr. Clark said we have had two insurance claims to Abbonizio.

Barbara Ellis, Hershey Public Library – A film series is planned for vacation days after Christmas. January 27th is the kickoff date for the Library's 100th anniversary.

Cheryl L. Lontz, Manager of Payroll and Employee Benefits – As we near the end of the year, it looks like we will come in about where we budgeted and be able to start building our reserve back up.

Matthew J. Mandia, Director of Parks and Recreation – Beside some seeding and final grading, the projects at Bullfrog Valley have been completed. The bridge has been installed and the trail has been repaired up through the Valley, as well as the stream bank restoration. All this is highlighted in the E-news.

Matt Bonanno, Township Engineer – Mr. Bonanno reported the following:

- Area 1 - Mill Street - Sanitary sewer is continuing. They are crossing Hockersville Road towards Peach Street. Once Mill Street sanitary sewer is completed, the crew will go back to W. Chocolate to start storm sewer.
- Area 2 - Bullfrog Valley – The subcontractor is installing the bore through the Norfolk Southern Railroad. It will be about another four weeks until they are completely through.
- Area 3 – Base paving is occurring and we are pushing them to move as quickly as possible.

Chuck Emerick, Director of Community Development – Mr. Emerick has an application for an online septic system on a lot off of Stauffer Church Road. The plan for this lot was approved and recorded back in 1979, but he can't find the planning module. There is some guidance that allows him to issue a permit as long as he notifies the governing body. This is the last of five lots that were created out there to be built upon. He drafted a letter for the Supervisors, notifying them that he intends to issue the permit for this December 26th. The Board told him to proceed and Vice-Chairman Fedeli will sign the acknowledgement.

Jill Henry, Assistant Township Manager – We are in the process of renewing our property insurance. Because of the changes in the flood maps, we are now required to have flood insurance which is costly. We had HRG complete elevation certificates for each of our buildings in hopes that they are more exact and lower our costs.

James N. Negley, Township Manager/Township Treasurer – The next meeting is Monday, January 7, 2013. It is our reorganization meeting.

APPROVAL OF ACCOUNTS PAYABLE (\$604,408.24) AND PAYROLL (\$297,395.60).

Supervisor Foley moved to approve accounts payable in the amount of \$604,408.24 and payroll in the amount of \$297,395.60. Supervisor Ballard seconded. *The motion carried, 4-yes 0-no.*

VISITOR/PUBLIC COMMENTS

No one came forward.

ADJOURNMENT

Supervisor Foley moved to adjourn the meeting at 8:30 p.m. Supervisor Ballard seconded. *The motion carried, 4-yes 0-no.*

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary