

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
JULY 28, 2015

CALL TO ORDER

Chairman John W. Foley, Jr. called the July 28, 2015 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:03 pm in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. He advised that all public meetings are recorded for the purpose of providing accurate notes.

Chairman Foley announced the Board of Supervisors met in executive session to discuss land, legal, and personnel issues before the meeting. After the Pledge of Allegiance, a roll call was conducted.

The following were in ATTENDANCE:

SUPERVISORS

John W. Foley, Jr., Chairman
Marc A. Moyer, Vice Chairman
Justin C. Engle, Secretary
Sandy A. Ballard
Matthew A. Weir

ALSO PRESENT:

James N. Negley, Township Manager and Treasurer
Jill Henry, Assistant Township Manager
Chuck Emerick, Director of Community Development
Thomas Clark, Director of Public Works
Cheryl Lontz, Manager of Accounts Payable & Receivables
Patrick O'Rourke, Chief of Police
Matthew Mandia, Director of Parks and Recreation
Barbara Ellis, Library Director
Bob DiLello, Hershey Volunteer Fire Company
Matt Bonanno, HRG Engineer
Chris Brown, Derck & Edsom
Jon A. Yost, Township Solicitor
Julie Echterling, Stenographer

Public in Attendance:

The following were in attendance: Elvira Ebling, Jason White, Rich Gamble, J Pascotti, M Nizzaro, Lou Mione, and Sam Cort.

VISTOR/PUBLIC COMMENTS:

There were no public comments.

APPROVAL OF REGULAR MEETING MINUTES:

Supervisor Ballard made a motion to approve the minutes for the July 17, 2015 Board of Supervisors meeting as written. Supervisor Weir seconded the motion. **Motion carried 4-0-1.** Supervisor Engle abstained as he was absent from the meeting.

NEW BUSINESS:

DISCUSSION: ROUTE 322 CORRIDOR TRANSPORTATION EVALUATION STUDY:

Chairman Foley stated the reasoning for the study with Penn State Hershey Medical Center was to identify the ongoing traffic congestion along Route 322 between University Drive and Fishburn Road. He stated there were three options and tonight's discussion is to provide direction to the Township staff. Mr. Brown stated the study identified the most critical intersection as Fishburn and Governor Road. He stated the study provided creative ways to deal with the traffic and included short and long term

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solutions including economic opportunities. He showed the Board the map of the area and discussed how the HATS program works with PennDOT. He discussed short and long term solutions including dedicated right hand turn lanes, adding lanes and keeping pedestrian connectivity and crossings. He stated it is time to talk to the stakeholders as there could be complex property issues to be addressed. The Board discussed several intersections, what is causing the backup with turns and light cycles delaying traffic at times. Mr. Bonanno stated there needs to be pre-planning and design before the HATS approval for construction to start in 2020. Discussion ensued.

Supervisor Weir made a motion to provide direction to proceed with the plan options for incorporation into the official map. Supervisor Engle seconded the motion. **Motion carried 5-0.**

RESOLUTION NO. 1407, ADOPTING A CODE OF ETHICS:

Mr. Negley stated a code of ethics has been prepared based on a request from the Board. Supervisor Moyer asked how it fits into the oath of office and state law. He was concerned about potentially over formalizing operating procedures to the point where things could be delayed or incomplete. Solicitor Yost discussed the background of this resolution with the Ethics statement for the state and this proposal. The Board discussed several of the items on the proposed policy that are subjective and could create issues with creating relationships with the public. Discussion ensued. The Board asked Solicitor Yost to prepare a resolution acknowledging the Township is subject to the State Ethics Act, which is the guiding policy on ethics issues and a separate code of conduct. The Board agreed there would be no action on Resolution 1407.

TWO DAUPHIN COUNTY CDBG DISASTER RECOVERY SUBRECIPIENT AGREEMENTS FOR THE LOCUST AVENUE AND JAVA AVENUE PROJECTS:

Mr. Negley discussed the two agreements to provide \$550,000 and \$435,000 to contribute to undertake and complete stormwater issues on Locust and Java Avenues. He stated the Township is very grateful to Dauphin County for providing these two grants. Mr. Bonanno discussed the timing of the process once the grants are signed by Dauphin County. He spoke about the bidding process and the timing of the bids with the winter season approaching and potentially providing an option for the work to be completed in the spring. Discussion ensued.

Supervisor Ballard made a motion authorizing the execution of two Dauphin County CDBG Disaster Recovery Subrecipient Agreements for the Locust Avenue and Java Avenue Projects. Vice Chairman Moyer seconded the motion. **Motion carried 5-0.**

AUTHORIZATION TO ADVERTISE AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF DERRY (ORDINANCE NO. 533) CHAPTER 11; ARTICLE III, § 11-21 PARK RULES AND REGULATIONS:

Mr. Mandia discussed the changes proposed in Ordinance 533 pertaining to the Parks Rules and Regulations. He discussed three proposed changes to the current code. He spoke about the new section added for the use of Chocolatetown Park, which would require both the Downtown Hershey Association's (DHA) endorsement and the Board's approval. He discussed how it was important to insure that events are consistent with DHA's mission. The Member Moyer expressed concern about requiring two approvals and the timing of events and that the Board is the ultimate decision maker for the Township. Discussion ensued. The Board asked that DHA's opinion of the proposed event be presented to the Board for events. Section 4.11 will be changed to "the consumption or possession of

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alcoholic beverages is prohibited within the park system with the exception of events specifically, and solely, held at Chocolatetown Park that have obtained official authorization from the Board of Supervisors.”

Supervisor Weir made a motion to authorize the advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 533) Chapter 11; Article III, 11-21 Park Rules and Regulations as amended by the Board. Vice Chairman Moyer seconded the motion. **Motion carried 5-0.**

NORFOLK SOUTHERN RAILROAD AGREEMENT - PARK BOULEVARD PROJECT:

Supervisor Engle made a motion to authorize the Chairman to execute an Agreement with Norfolk Southern Railroad for the Park Boulevard Project. Chairman Foley seconded the motion. **Motion carried 5-0.**

APPROVAL OF TWO DRAFT UTILITY AGREEMENTS:

Vice Chairman Moyer made a motion for the Board to approve two draft utility agreements, one with Derry Township Municipal Authority and the second with PP&L Utilities Corporation for the Park Boulevard Project, subject to the Solicitor’s comments and Engineer’s review of the final agreements. Supervisor Weir seconded the motion. **Motion carried 5-0.**

DRAFT MASTER REIMBURSEMENT AGREEMENT FOR THE PARK BOULEVARD PROJECT:

Chairman Foley made a motion for the Board to approve a draft Master Reimbursement Agreement with the Commonwealth of Pennsylvania, acting through the Department of Transportation, for the Park Boulevard Project, subject to the Solicitor’s comments and Engineer’s review of the final agreements. Supervisor Weir seconded the motion. **Motion carried 5-0.**

CONSTRUCTION PLAN TITLE SHEET FOR THE PARK BOULEVARD PROJECT:

Supervisor Ballard discussed the public meeting held in 2013 and asked if some of the plan could be put on the website. Mr. Bonanno stated he would send updated plan sheets for the website tomorrow to Mrs. Henry. Vice Chairman Moyer made a motion authorizing the Chairman to sign the Construction Plan Title for the Park Boulevard Project. Supervisor Weir seconded the motion. **Motion carried 5-0.**

ADOPTION OF RESOLUTION 1434:

Mr. Negley discussed the history of the retirement plans during the most recent years. He discussed the 2015 decrease of the unfunded actuarial accrued liability of \$788,736. He discussed the positive adjustments made over the years and thanked those involved in this process.

Supervisor Ballard made a motion to approve **Resolution 1434**, a resolution adopting market value as the actuarial value of assets as part of the actuarial valuation for the Derry Township Police Pension Plan. Vice Chairman Moyer seconded the motion. **Motion carried 5-0.**

6TH ANNUAL HERSHEY HALF MARATHON:

Chief O’Rourke stated the churches are have been contacted and are not opposed to the 6th Annual Hershey Half Marathon on Sunday October 18, 2015, starting at 7:30 a.m. Supervisor Ballard asked that the agreement include the phrase, “the event organizer is aware of the Township’s reimbursement policy and indicated their understanding and acceptance of the policy.”

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Vice Chairman Moyer made a motion to approve the request to hold the 6th Annual Hershey Half Marathon on Sunday, October 18, 2015, starting at 7:30 a.m. Supervisor Weir seconded the motion. **Motion carried 5-0.**

2015 BEN & TIM DAY 5K RACE:

Chief O'Rourke stated the 2015 Ben and Tim Day 5K Race would be held on Saturday, August 29, 2015, starting at 9:00 a.m. The event would be the same as it was in prior years.

Vice Chairman Moyer made a motion to approve the request to conduct the 2015 Ben & Tim 5K race on Saturday August 29, 2015, starting at 9:00 a.m. over various Township roadways on a route approved by the Derry Township Police Department. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

2016 DAUPHIN COUNTY GYPSY MOTH SUPPRESSION PROGRAM:

Mr. Emerick discussed Dauphin County's Gypsy Moth suppression program. He stated the cost has increased from about \$13 to \$29 per acre this year because of federal cuts. In the past, the Township has identified 233 acres, but only about 143 could be done unless the homeowner splits the cost with the Township. The Board asked that this information be posted on the website to inform residents of the program.

Supervisor Engle made a motion to notify the Dauphin County Conservation District of the Township's intention to participate in the Dauphin County Gypsy Moth Suppression Program for the year 2016. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Engle asked about providing greater pedestrian connection with Hockersville Road including a stop sign. Chairman Foley asked about lowering/milling the road. Mr. Bonanno spoke about the options and costs to the state road. The Board discussed a four way stop, site distance, and pedestrian crossings. Mr. Bonanno will bring a report for the next meeting. Supervisor Engle discussed a resident's concern with pulling onto Fishburn from Stafford Heights. The Board discussed traffic options for this intersection and the impact of the new signal in the area. Chief O'Rourke stated he would look at the site distance, if any trees are an issue, and would put a speed monitor up to track traffic and speeds.

Supervisor Ballard asked about the crossing the Middletown Road and Grammercy Crossing. Mr. Bonanno stated the survey has been completed and the project is on schedule with projected construction slated to start next year. Supervisor Engle stated the easements haven't been secured.

Supervisor Weir spoke about the COG Stormwater meeting he attended. He spoke about a new grant for tree vitalization which provides assistance for trimming/cutting dangerous trees. Mrs. Henry will follow-up to determine if the grant is for individuals or residents and with notifying the public.

REPORTS:

Police Department - Chief O'Rourke stated National Night Out is August 4th starting at 5 p.m.

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Hershey Fire Company - Bob DiLello stated the station project is going well and they are continuing fundraising.

Library – Mrs. Ellis stated the book sale starts Saturday.

Community Development - Mr. Emerick will send the Board an email of the dates the County comments are due and will ask for the Board's comments and questions at the same time.

ACCOUNTS PAYABLE and PAYROLL:

Supervisor Engle made a motion to approve accounts payable in the amount of \$1,193,936.03 and Payroll in the amount of \$389,760.80. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

VISTOR/PUBLIC COMMENTS:

There were no comments from the public.

ADJOURNMENT:

Supervisor Engle made a motion to adjourn the meeting at 8:35 p.m. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Justin C. Engle
Township Secretary

Julie Echterling
Stenographer