

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
AUGUST 25, 2015

CALL TO ORDER

Chairman John W. Foley, Jr., called the August 25, 2015 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:00 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
Lauren Zumbrun, Economic Development Manager
Cheryl Lontz, Manager of Payroll and Employee
Patrick O'Rourke, Chief of Police
Bob Diello, Hershey Fire Company
Matthew Mandia, Director of Parks and Recreation
Barbara Ellis, Director of Hershey Public Library
Matt Bonanno, HRG Engineer
Chris Brown, Derck & Edsom
Jon A. Yost, Township Solicitor
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Elliot Robinson, Ruth Miller, Brenda Berman, Susan C, Elvira Ebling, Rodney Sonderman, Amy Bischof, Bridget Beck, Sandy Cappelli, Nikki Soliday, Chris Fencel, Ron Lucas, Joe Eisenhauer, Chuck Kray, Neha Wight, Phil Friedrich, Anne Newman, Mike Macchioni, Scott Roberts, Alicia Winters, Tamor Thomas, and Michael Astfalk.

VISITOR/PUBLIC COMMENTS:

Mrs. Brenda Berman thanked the Board for running the Township so well. She discussed some of the properties in the Township not being maintained properly. The Board thanked her and stated this is a priority for them and they are working on property maintenance regulations. Mr. Emerick asked her to call him with the specifics and he will see what he can do about the situation.

APPROVAL OF REGULAR MEETING MINUTES:

Supervisor Ballard noted a name correction on the notes. Supervisor Weir made a motion to approve the amended minutes for the August 11, 2015 Board of Supervisors meeting. Supervisor Ballard seconded the motion. **Motion carried 4-0-1.** Chairman Foley abstained as he was absent from the meeting.

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NEW BUSINESS:

DAUPHIN COUNTY LOCAL SHARE MUNICIPAL GRANT

Mrs. Zumbrun discussed the Township eligibility to apply for funding through the Dauphin County Local Share Municipal Grant program. The Township has received several requests seeking the Township's Sponsorship. She stated the total amount requested is \$557,000. The priority one request for Fire Apparatus Debt Service is \$270,000. The following organizations provided a brief presentation:

Organization	Requested	Presentation
Hershey Volunteer Fire Company	\$1,350,000 over 5 years - \$270,000 annually	Mr. Sonderman discussed the request for the Fire Station Construction Debt Reduction Project. He discussed the progress of the building and the fundraising being done. He discussed the pre-open house on September 13 th from 5-6:30pm.
Gemma's Angels	\$55,000	Mr. Macchioni discussed the history of the organization. He spoke about collecting fruits and vegetables from gardens and farmers to distribute to 25 soup kitchens and homeless shelters. He discussed their request for the purchase of a van/bus to help in the distribution. Ms. Wight, Executive Director of the Fair Housing Council of the Capital Region, spoke about her support of this organization and how it serves the Harrisburg area.
Hershey Derry Township Historical Society	\$30,000	Mrs. Soliday discussed their request for the parking lot repaving project. She discussed the issues with the parking lot and safety. She spoke about the recent renovations including HVAC, roofing and lighting/signage.
The Vista Foundation	\$70,000	Mr. Boudier discussed their request for funds to use on the Vista Adult Services Community Integration Center. He spoke about matching their clients who have autism with job opportunities. He stated the Center would provide a place where they could build their skills.
M.S. Hershey Foundation	\$132,000	Mrs. Bischoff discussed their request for funds to use on the Milton and Catherine Hershey Conservatory. She spoke about a new indoor conservatory that would be open year round. The building is under construction and would be opening next summer. She spoke about the educational and revenue opportunities.

Mr. Negly, provided ballots for the Board to pick the order of priority. Below are the results.

1. Hershey Fire Company
2. Hershey Derry Township Historical Society
3. Vista Foundation
4. Gemma's Angels
5. M.S. Hershey Foundation

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RESOLUTION #1436, 1437, 1438, 1439, AND 1440 DAUPHIN COUNTY LOCAL SHARE MUNICIPAL GRANT.

Supervisor Ballard made a motion to pass Resolutions 1436, 1437, 1438, 1439, and 1440 as presented below indicating Township sponsorship and ranking of projects that are applying to the Dauphin County Local Share Municipal Grant Program:

Resolution No. 1436 - A resolution sponsoring and supporting the Township of Derry and the Hershey Volunteer Fire Company's Fire Station Construction Debt Reduction for submission to the Dauphin County Local Share Municipal Grant Program as Priority number **One**.

Resolution No. 1437 - A resolution sponsoring and supporting the Township of Derry and Gemma's Angels, Ltd. for the Mobile Farm Market project for submission to the Dauphin County Local Share Municipal Grant Program as priority number **Four**.

Resolution No. 1438 - A resolution sponsoring and supporting the Township of Derry and the Hershey Derry Township Historical Society Parking Lot Repaving project for submission to the Dauphin County Local Share Municipal Grant Program as priority number **Two**.

Resolution No. 1439 - A resolution sponsoring and supporting the Township of Derry and the Vista Foundation for the Vista Adult Services Community Integration Center in Hershey for submission to the Dauphin County Local Share Municipal Grant Program as priority number **Three**.

Resolution No. 1440 - A resolution sponsoring and supporting the Township of Derry and the M.S. Hershey Foundation for the Milton and Catherine Hershey Conservatory project for submission to the Dauphin County Local Share Municipal Grant Program as priority number **Five**.

Vice Chairman Moyer seconded the motion. **Motion carried 5-0.**

ORDINANCE NO 670 – AMENDING PARK RULES AND REGULATIONS:

Mr. Mandia discussed Ordinance No, 670, Amending Ordinance No. 553, Chapter 11; Article III, Section 11-21 Park Rules and Regulations. He stated these amendments have been discussed at a prior Board meeting, have been advertised and are ready for adoption.

Vice Chairman Moyer made a motion to adopt **Ordinance No, 670**, Amending Ordinance No. 553, Chapter 11; Article III, Section 11-21 Park Rules and Regulations. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

PROPOSAL FOR WALTON AVENUE PRE-CONSTRUCTION ACTIVITIES:

Mr. Negley discussed the proposal from Herbert, Rowland & Grubic, Inc, for the Walton Avenue Pre-Construction activities to include, permitting, and preliminary final design for the short term improvements identified in the Walton Avenue Corridor Study. He stated the construction of the improvements is funded through a PennDOT TAP grant. Short term improvements will create a safer pedestrian environment and improve traffic patterns at the intersection of Walton Avenue and Hersheypark Drive. He stated the lump sum fee for all related engineering services with this Scope of Services will be \$47,000. This fee will be paid from the TAP Grant and remaining DCIB funds from the Homestead Road Traffic Signal Project.

Vice Chairman Moyer made a motion to authorize the Township Manager to execute an agreement proposal from Herbert, Rowland & Grubic, Inc., for the Walton Avenue Pre-Construction activities to include permitting and preliminary final design for the short term improvements identified in the Walton Avenue Corridor Study is hereby approved. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

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PLAN FOR EAST POINT TRADE CENTER BUILDING C, PLAT NO 1234:

Mr. Emerick asked the Board to consider a minor modification to the Preliminary/Final Land Development Plan for East Point Trade Center – Building C, Plat #1234. He discussed the approval and extensions of the plan. He stated their proposed building is too large to market to a single tenant. They have proposed a slight redesign of the site to allow for two tenants. He stated the building will be reduced in size on the Derry Township side by approximately 8,000 square feet. The amount of employee parking spaces will remain the same as before, but the tractor trailer spaces will be reduced by 13. He recommended the plan be reviewed in its current state and be presented back to the Board for signatures. Solicitor Yost asked if this plan would be submitted to North Londonderry Township and Mr. Emerick answered yes. Mr. Brown was fine with the changes.

Vice Chairman Moyer made a motion to permit the applicant to modify the Preliminary/Final Land Development Plan for East Point Trade Center – Building C, Plat #1234 to allow for two tenants in a manner that is generally consistent with the plans presented at this evening's meeting, and that the following condition is added to the existing conditions of approval: The plan modification necessary to alter the design to allow for two tenants be reviewed in accordance with municipal regulations to Township staff's satisfaction, and that the applicant reimburses the Township for costs incurred in reviewing the modification no later than July 2, 2016. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

COMMITTEE DEVELOPMENT FOR ZONING ORDINANCE UPDATE:

Mr. Emerick discussed the establishment of a committee to work with the consultants to develop the revisions to the Township's Zoning Ordinance. He discussed the tentative schedule for future meetings. He stated the consultants asked for a monthly meeting with key personnel to help in the process. The following membership was recommended::

- 2 members of the Board of Supervisors.
- 2 members of the Planning Commission = Matt Tunnell and Joyce St. John
- 2 members of the Zoning Hearing Board = Michael Kushner and Matthew Luttrell
- 1 member of the Design Advisory Board = Pam Moore
- 3 Township staff members (Chuck Emerick, Brandon Williams, and Lauren Zumbrun)
- Additionally, department heads, staff, and community stakeholders will be invited to participate in relevant topics as appropriate.

Vice Chairman Moyer made a motion that the Board of Supervisors appoints the following persons to the Zoning Ordinance Development Committee: Matt Tunnell, Joyce St. John, Michael Kushner, Matthew Luttrell, Pam Moore, Supervisor Engle, Supervisor Ballard, Chuck Emerick, Brandon Williams, and Lauren Zumbrun. Supervisor Weir seconded the motion. **Motion carried 5-0.**

AGREEMENT WITH HYGATE CONDOMINIUM ASSOCIATION

Chairman Foley stated this subject was discussed in executive session. He stated the Board is looking for a third party Engineer confirmation of Mr. Yingst's findings. He stated if the findings are found acceptable then they will move forward with an agreement. Mr. Emerick asked if Hygate should pay for the third party Engineer and Chairman Foley said yes.

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Chairman Foley made a motion to table consideration of entering into an agreement with Hygate Condominium Association (HCA) to allow occupancy of two units. Vice Chairman Moyer seconded the motion. **Motion carried 5-0.**

PHASE II –DAUPHIN COUNTY REGIONAL COMMUNITY RATING SYSTEM INITIATIVE:

Mr. Emerick discussed consideration of executing the “Letter of Intent to Participate in Phase II of the Dauphin County Regional Community Rating System (CSR) Initiative. He stated the CRS program is a method and means to obtain premium reductions of 5%-45% for policyholders within the Township. Phase I was completed and the Township did well. He stated Phase II involves more detailed review and is County funded. Discussion ensued.

Vice Chairman Moyer made a motion authorizing Chairman John Foley to execute the Letter of Intent to Participate in Phase II of the Dauphin County Regional Community Rating System (CRS) Initiative. Supervisor Weir seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY RELEASE– PLAN FOR PENNSYLVANIA STATE POLICE HISTORICAL EDUCATIONAL AND MEMORIAL CENTER, PLAT 1241:

Chairman Foley made a motion authorizing the Township to hereby release \$68,215.56 from the performance security held as Members 1st Federal Credit Union Letter of Credit No. 455655-0001 for the Preliminary/Final Land Development Plan for the Pennsylvania State Police Historical, Educational, and Memorial Center, Plat #1241, resulting in a new balance of \$153,547.80. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

CHOCTOBERFEST – OCTOBER 17, 2015

Mrs. Zumbrun discussed the request by the Downtown Hershey Association to hold Choctoberfest in Chocolatetown Park on Saturday, October 17, 2015 from 12 PM to 6 PM. She discussed Ordinance No. 553, as amended, requires the Board of Supervisors approval for events requesting alcoholic beverages to be on the premises of Chocolatetown Park. The vision for this event is to be a fun, fall, family festival that celebrates the end of the first season of the Farmers Market on Chocolate. The Downtown Hershey Association is committed to ensuring that any alcohol service provided at this event is done so in a safe and responsible manner. The organization has been coordinating with the Derry Township Police Department. She spoke about a request coming for closing streets for the event.

Supervisor Ballard made a motion allowing alcoholic beverages to be on the property of Chocolatetown Park for the Downtown Hershey Association's Choctoberfest event, to be held on October 17, 2015 from 12 PM to 6 PM. Supervisor Engle seconded the motion. **Motion carried 5-0.**

PENNDOT WINTER MAINTENANCE AGREEMENT:

Mr. Clark discussed the agreement to the provisions of the five year Winter Maintenance Agreement for certain State owned roads within the Township submitted by the PennDOT and adoption of Resolution #1435 attached to the agreement. He stated PennDOT agrees to pay the Township \$15,454.95 for providing winter maintenance for certain State owned roadways for the period October 2015 until April 2020. This is a \$1,541.60 increase from the 2010-2015.

Supervisor Engle made a motion to adopt **Resolution No. 1435** and authorize staff to execute the Winter Maintenance Agreement between the Pennsylvania Department of Transportation and the Township of Derry. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

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ORDINANCE NO. 671 – PARKING PROHIBITED ON E, GOVERNOR ROAD:

Chief O'Rourke discussed Ordinance No. 671 amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210 § 210-38. Parking prohibited at all times in certain locations by establishing "no parking" restrictions on E. Governor Road on both sides from the Dauphin/Lebanon County Line to Milton Hershey School's County Line Lane. He stated the required advertising has been completed.

Vice Chairman Moyer made a motion to adopt **Ordinance No. 671**, amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210 § 210-38. Parking prohibited at all times in certain locations by establishing "no parking" restrictions on E. Governor Road on both sides from the Dauphin/Lebanon County Line to Milton Hershey School's County Line Lane. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

Supervisor Engle discussed the size of the signs of no parking in the Township. Mr. Clark discussed the signs at the Mill were previously downtown and how they were used to save money. He stated the size of the sign is based on the speed of the road. Discussion ensued.

2015 TRICK OR TREAT NIGHT FOR TOWNSHIP

Supervisor Weir made a motion establishing Thursday, October 29th, 2015 between the hours of 6:00 PM and 8:00 PM as the date and time for the Halloween Trick or Treat activities for Derry Township. Supervisor Engle seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Engle asked for an update on Hockersville Road. Mr. Bonanno stated they are looking to do some filling at the bottom of the hill. He spoke about the issues with installing a four way stop and the safe stop distance. He stated a PennDOT report indicated 16 reportable accidents have occurred for 2010 – 2014. He is investigating if a signal maybe warranted. He spoke about lowering the speed limit and site distances for the crosswalk. He stated he will come back with a study and recommendation. Discussion ensued. Supervisor Engle asked about the Grammercy Road light/crossing. Mr. Bonanno discussed the work being started including the initial applications. Supervisor Engle stated the rights of ways have not been obtained. Supervisor Engle discussed the stormwater meeting between the Township and Township Municipal Authority to discuss the development of a stormwater authority through DTMA. He stated there is a DHA Board meeting this Thursday at 5:30 at the Hershey Story.

Supervisor Ballard asked about Locust Street. Mr. Clark stated if nothing is done by October then they will fix the road so it is plowable for the winter months. Mr. Bonanno stated today at 4 p.m. the Township received the grants from the County. He will start the bidding process with a potential bid opening on September 28th. He recommends allowing the contractor to complete the project by August 2016. He discussed the process and how he believes the paving will not take place until spring. Mr. Clark stated they will go over the roads with hot mix and blend into the manholes and driveways in October.

Chairman Foley discussed the fire company meeting today. He stated the project is on budget and slightly ahead. He discussed the Right to Know requests that are costing the Township thousands of dollars a year. He asked the Board about securing outside counsel to assist in this process. The Board agreed with securing outside counsel.

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REPORTS:

Police Department – Chief O’Rourke thanked everyone for the National Night Out. He stated school will be in session and everyone needs to be more careful.

Fire - Mr. Diello thanked the department and Mr. Sonderman for his presentation.

Public Works – Mr. Clark spoke about filling the salt buildings for this winter. He discussed the progress on the paving projects.

Library – Mrs. Ellis stated the library will start winter hours on September 8th. She stated the summer programs are winding down with the winter programs starting. She stated they are starting an automatic renewal system.

Finance: Mrs. Lontz discussed the budget process has started. She hopes to have it to the Board by October.

Parks & Recreation: Mr. Mandia discussed the progress on the new Community Center initiative. He is working on obtaining statistics for the consultants who should be on site in a few weeks.

Engineer - Mr. Bonanno spoke about the inspection from DEP for the MS4 program. He stated it went well as they left after two hours and had all the information they needed. Mr. Clark discussed how well the meeting went.

Community Development - Mr. Emerick stated the first Zoning Ordinance Meeting will be October 8th at 6 p.m. The public hearing for the Comprehensive Plan will be on Wednesday on October 7th or 14th.

ACCOUNTS PAYABLE and PAYROLL:

Supervisor Engle made a motion to approve accounts payable in the amount of \$707,935.23 and Payroll in the amount of \$351,453.13. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

There were no visitor or public comments.

ADJOURNMENT:

Supervisor Engle made a motion to adjourn the meeting at 8:22 pm. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Justin C. Engle
Township Secretary

Julie Echterling
Recorder