

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
AUGUST 23, 2016

CALL TO ORDER

Chairman Marc A. Moyer called the August 23, 2016, regular meeting of the Township of Derry Board of Supervisors to order at 6:34 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. He announced the Board of Supervisors met in executive session to discuss legal issues before the meeting. After the pledge of Allegiance, a roll call was conducted.

IN ATTENDANCE:

SUPERVISORS

Marc A. Moyer, Chairman
John W. Foley, Jr., Vice Chairman
Justin C. Engle, Secretary
Matthew A. Weir
Susan M. Cort

ALSO PRESENT:

James N Negley, Township Manager
Jill Henry, Assistant Manager
Jon A. Yost, Township Solicitor
Chuck Emerick, Director of Community Development
Lauren Zumbrun, Economic Development Manager
Robert Piccolo, Assistant Director of Public Works
Garth Warner, Chief of Police
Matthew Mandia, Director of Parks and Recreation
Barbara Ellis, Hershey Public Library
Cheryl Lontz, Manager of Payroll & Employee Benefits
Bob DiLello, Hershey Volunteer Fire Company
Matt Bonanno, HRG Engineer
Chris Brown, Derck & Edson
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Charles Huth, Mickey Minnich, Doug Gelbaugh, Jim Aepfer, Bridget Beck, Don Papon, Phil Jurus, Harold Miller, Tom DeDonatis, Michael Gingrich, Sue Kellner, Mark Nerwerter, Stephen Sexsmith, Ann Messner, Jim Boudier, Linda Whipple, Rodney Sonderman, Mike Kelly, Niki Soliday, Susan Witzell, Eliz Nestorov, Anne Newman, Randy Wright, Jason White, Rich Gamble, Jay Franklin, and Dave Newer.

VISITOR/PUBLIC COMMENTS:

Mr. Phillip Juris, Locust Avenue, stated he was here with his fellow residents on Locust Avenue. He spoke about being deeply concerned about construction with the piping. He stated he sent a letter on July 11 with photos of the June 25th rainstorm. Chairman Moyer stated funding for the stormwater improvements has been approved. Mr. Bonanno spoke about the new pipe that should be installed by the end of summer. Mr. Juris spoke about the embarrassment of having a portable toilet on the street during this project. The Board stated it should be gone once the project is completed and if it isn't to let them know.

APPROVAL OF MEETING MINUTES:

Vice Chairman Foley made a motion to approve the minutes from the July 26, 2016 Board of Supervisors meeting. Supervisor Cort seconded the motion. **Motion carried 5-0.**

NEW BUSINESS:

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ORDINANCE NO. 681: BOND SALE & FINAL APPROVAL FOR BOND REFINANCING:

Mr. Lou Verdelli, RBC Capital Markets, spoke about the bond refinancing which started in May of this year. The sale of the bonds took place this morning. They were able to obtain a fixed rate of 1.17% for the Series 2016. The issue size is \$4,415,000, which is bank qualified with the same maturity date. This will net a savings of \$221,894, which is net of costs of the transaction. He spoke about the financial ratings for the Township. Settlement will be on September 29th.

Supervisor Engle made a motion to approve Ordinance No. 681 for a bond sale and final approval for a Derry Township Bond Refinance Opportunity. Chairman Moyer seconded the motion.

Motion carried 5-0.

PRESENTATIONS: DAUPHIN COUNTY LOCAL SHARE MUNICIPAL GRANT PROGRAM

Mrs. Zumbrun discussed how the Dauphin County Local Share Municipal Grant program works. The Township has received several requests seeking the Township's Sponsorship. She stated the total amount requested is \$658,250. The priority one request is for Fire Apparatus Debt Service of \$270,000. The following organizations provided a brief presentation:

Organization	Requested	Presentation
Hershey Volunteer Fire Company	\$1,350,000 over 5 yrs. \$270,000 annually	Mr. Sonderman discussed the request for the Fire Station Construction Debt Reduction Project. He stated the fire house is open and being used. He stated they are doing fundraising for the Debt Project.
Hershey Derry Township Historical Society	\$30,000	Mrs. Soliday stated this year is a repeat of last year's request. She discussed their request for the parking lot repaving project. She discussed the issues with the parking lot and safety. She stated the bids will be around \$35,000.
M.S. Hershey Foundation	\$60,000	Mr. Papson discussed their request for funds to use on the Milton and Catherine Hershey Conservatory. The monies would be used for three additional educational exhibits.
The Vista Foundation	\$69,750	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 training and job opportunities. He spoke about the new residential homes recently added.
Hershey Partnership	\$25,000	Mrs. Ann Messner stated their request for funds would be used on a website development project. She spoke of how the website would allow them to provide a better resource for visitors coming to Hershey. She spoke about all the services they offer visitors to the Hershey area.
PA Coalition Against	\$103,500	Mrs. Eliz Nestorov spoke about the work her organization performs statewide to help women. She stated the funds requested would be used

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Domestic Violence		to enhance PCADV technology to enable virtual conference and help with websites to increase accessibility.
Vicki's Angel Foundation	\$100,000	Mr. Mickey Minnich spoke about how his organization helps cancer patients pay their bills during their treatment. He stated 100% goes to the families. Mr. Doug Gelbaugh, 1514 East Chocolate Avenue, a cancer patient, spoke about how the Foundation has helped him during his treatments.

Chairman Moyer asked the Board members to vote for their choices. Mrs. Zumbrun discussed how the voting, ballots, and resolutions work. She tallied the Board votes for the sponsorship. The following are the results:

1. Hershey Fire Company
2. Hershey Derry Township Historical Society
3. M.S. Hershey Foundation
4. Vista Foundation
5. Vicki's Angel Foundation
6. Hershey Partnership

The Board didn't vote to sponsor the PA Coalition against Domestic Violence, but did offer to send a letter of support for their cause.

RESOLUTIONS: 1476, 1477, 1478, 1479, 1480, 1482: RANKING FOR DAUPHIN COUNTY LOCAL SHARE MUNICIPAL GRANT PROGRAM:

Supervisor Engle made a motion to approve the following resolutions:

Resolution No. 1476: 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. 1477: A resolution sponsoring and supporting the Township of Derry and the **Hershey-Derry Township Historical Society** for the Parking Lot Repaving Project for submission to the Dauphin County Local Share Municipal Grant Program as priority number **two**.

Resolution No. 1478: A resolution sponsoring and supporting the Township of Derry and the **Hershey Partnership** for their Website Development Project for submission to the Dauphin County Local Share Municipal Grant program as priority number **six**.

Resolution No. 1479: A resolution sponsoring and supporting the Township of Derry and the **M.S. Hershey Foundation** for the Milton & Catherine Hershey Conservatory at Hershey Gardens Educational Exhibit Design and Fabrication project for submission to the Dauphin County Local Share Municipal Grant Program as priority number **three**.

Resolution No. 1480: 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 **four**.

Resolution No. 1482: A resolution sponsoring and supporting the Township of Derry and **Vicki's Angel Foundation's** Temporary Financial Bridge for Dauphin County Families While Undergoing Cancer Treatment project for submission to the Dauphin County Local Share Municipal grant program as priority number **five**.

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Supervisor Weir seconded the motion. **Motion carried 5-0.**

PROFESSIONAL AGREEMENT: AN ENERGY SAVINGS PROGRAM WITH CORAL REEF:

Mr. Jay Franklin, NRG, stated the Township currently spends approximately \$365,000 for the commodity portion of their electric bill. Based on historical averages, the Township can expect to pay \$12,350,000 in energy over the next 25 years with an average cost of \$3.28 per square foot in electric only. He stated the standard cost ranges from \$1.50 to \$2.25. He spoke about options to help reduce these costs. He discussed savings opportunities including building envelope repairs, electricity procurement, working on the tax office and Police Department Command Room issues.

Phase I of the project would include providing 228 kW solar array, automate capacity and transmission strategies, replace two rooftop units and unit controllers, isolate Police Department Command Room, and securing 5-year energy procurement rates at one year increase levels. He highlighted the following expected outcomes for Phase I: offset of \$300,000 of capital projects, long term energy savings from solar of \$130,000, implementing emergency repairs, reducing energy usage in the Police Department, infrastructure for future curtailment savings with zero costs to the Township. The savings for the capacity and transmission costs will be paid to Coral Reef. If there are no savings, then the Township owes nothing. He spoke about future phases which would include corrective measures for building envelope, installing LED lights, Energy Star programming of HVAC controls and additional solar options.

Chairman Moyer asked for time to review the documents, to understand the risks/costs to the Township and come up with questions to better understand the commitment. He stated when we read through the document there were exhibits referenced but weren't in the packet of information provided. Mr. Franklin stated the contractor needs to make the changes to the building so they can take advantage of the tax incentives by December 31st. Vice Chairman Foley spoke about the process that started a year ago for this project. He stated timing is critical especially with \$300,000-\$400,000 in repairs that are needed. Discussion ensued. The Board decided to meet early next week for time to read the contracts and understanding the Township's obligation for this project. Mr. Franklin asked if they could take action on a change of power of attorney for procurement change.

Vice Supervisor Foley made a motion to authorize Mr. Jay Franklin to change the Power of Procurement Provider to the recommended provider. Chairman Moyer seconded the motion. **Motion carried 5-0.**

CHOCTOBERFEST ON OCTOBER 15, 2016:

Vice Chairman Foley made a motion to approve a request from the Downtown Hershey Association for the Choctoberfest event to be held on October 15, 2016 in ChocolateTown Park, and allows alcoholic beverages to be on the property of ChocolateTown Park in conjunction with this event. Supervisor Cort seconded the motion. **Motion carried 5-0.**

SECURITY RELEASE: 777 MIDDLETOWN ROAD, PLAT NO.1216:

Vice Chairman Foley made a motion authorizing the release of \$141,673.67 from the performance security held as S&T Bank Letter of Credit No. SB-003915, resulting in a new balance of \$188,120.05 for Lot 2 of the Preliminary/Final Subdivision and Land Development Plan for 777 Middletown Road, Plat #1216. Supervisor Weir seconded the motion. **Motion carried 5-0.**

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SECURITY RELEASE: HERSHEY SQUARE SHOPPING CENTER, PLAT NO. 1259:

Vice Chairman Foley made a motion authorizing the release of the remaining balance (\$14,835.29) of the performance security held as People's United Bank Letter of Credit No. SB-2064 for the Preliminary/Final Land Development Plan for Hershey Square Shopping Center, Plat #1259. Supervisor Cort seconded the motion. **Motion carried 5-0.**

SECURITY RELEASE: SHANKS, PLAT NO. 1185:

Vice Chairman Foley made a motion authorizing the release of maintenance security in the amount of \$208.20, provided as cash for the Preliminary/Final Subdivision Plan for Lands of Jerry Shank, Sr. and Betty Lou Shank, Plat #1185. Supervisor Weir seconded the motion. **Motion carried 5-0.**

SLD FOR MASCALUS PROPERTY – PLAT NO. 1269:

The Board tabled this item.

HRG PROPOSAL-BIKE/PEDESTRIAN CROSSING BETWEEN THE OAKMONT DEVELOPMENT AND THE JONATHAN ESHENOUR MEMORIAL TRAIL:

Mr. Negley spoke about the scope of work for this crossing. He discussed the funding available for this project. Mr. Bonanno stated they scaled back on the design and took out things that weren't needed like the advanced signing, piano key design, bituminous connection to Limerick Court and the raised walk. He stated the crosswalk is safe as presented. Supervisor Cort asked if they wanted to put one of the features back into the design. Mr. Bonanno stated it could be put back in before the project goes out to bid. Discussion ensued. The Board agreed the piano-key crosswalk markings for enhanced visibility should be in the project.

Vice Chairman Foley made a motion authorizing the Township Manager to execute an agreement from Herbert, Rowland & Grubic, Inc., to provide professional and related project services for bike/pedestrian crossing for access between the Oakmont Development and the Jonathan Eshenour Memorial Trail at Wood Road and proceed with this project. Chairman Moyer seconded the motion. **Motion carried 5-0.**

HRG PROPOSAL-BIKE/PEDESTRIAN CROSSING ON MIDDLETOWN ROAD:

Mr. Negley spoke about the cost of the project being between \$196,500 to \$216,500. He stated funding sources have been identified to cover nearly all the costs of the project. Supervisor Engle asked about the necessary easements. Mr. Bonanno stated with the original alignment they have all the necessary approvals including PennDOT. There is no additional work that can be done until the easement is signed. He recommended approving the project subject to obtaining the easements. Discussion ensued.

Supervisor Engle made a motion authorizing the Township Manager to execute an agreement from Herbert, Rowland & Grubic, Inc., to provide professional and related project services for bike/pedestrian crossing on Middletown Road subject to obtaining the required easements. Vice Chairman Foley seconded the motion. **Motion carried 5-0.**

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RESOLUTION 1475: UPDATING JOB DESCRIPTIONS WITHIN THE POLICE DEPARTMENT:

Vice Chairman Foley made a motion to adopt Resolution 1475 updating job descriptions for employment positions at the Township of Derry Police Department. Supervisor Cort seconded the motion. **Motion carried 5-0.**

10TH ANNUAL PIAA CROSS COUNTRY INVITATIONAL SEPTEMBER 24, 2016:

Supervisor Weir made a motion to approve the request to close N. Hockersville Rd. (SR2011) from Old. West Chocolate Ave. to Hersheypark Dr. from 0700hrs. to 1600hrs. on Saturday, September 24th, 2016 for the 10th Annual PIAA Cross Country Invitational being held on the grounds of the Hershey Entertainment Complex. Vice Chairman Foley seconded the motion. **Motion carried 5-0.**

ANNUAL ANTIQUE AUTOMOBILE CLUB OF AMERICA-FALL MEET- OCTOBER 7TH, 2016:

Vice Chairman Foley made a motion to approve the request to close N. Hockersville Rd. (SR2011) from Old. West Chocolate Ave. to Hersheypark Dr. from 2300hrs. on Friday, October 7th, 2016 to 1700hrs. on Saturday, October 8th, 2016 for the Annual Antique Automobile Club of America (AACAA) Fall Meet being held on the grounds of the Hershey Entertainment Complex. Supervisor Weir seconded the motion. **Motion carried 5-0.**

2016 CAPITAL ATHLETIC CONFERENCE CROSS COUNTRY CHAMPIONSHIPS ON OCTOBER 29, 2016:

Vice President Foley made a motion to approve the request to close N. Hockersville Rd. (SR2011) from Old. West Chocolate Ave. to Hersheypark Dr. from 0700hrs. to 1600hrs. on Saturday October 29th, 2016 for the Penn State Harrisburg ó 2016 Capital Athletic Conference Cross Country Championships being held on the grounds of the Hershey Entertainment Complex. Supervisor Weir seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Cort asked Chief Warner about a parking restriction on Java and he stated he would research and coordinate with HRG. She attended the Police Pension and Recreation Board meetings. Supervisor Weir spoke about the public meeting on stormwater this month. He asked Public Works to look at the overgrown area around the fire hydrant at Cocoa Avenue across from Almond Avenue. He spoke about concerns about the Cocoa/Chocolate Crosswalk.

Chairman Moyer spoke about a letter he received from Representative Payne with concerns of power outages, water pressure and concerns about the size of the water main piping on Middletown Road. Mr. Negley is checking into the power issues and will report back to the Board. Vice Chairman Foley stated he reached out to the water company and spoke about their contingency plans in case of an issue with the main line. They will be issuing a public statement about it. Vice Chairman Foley stated he attended the following meetings: stormwater, ICDA, Park Boulevard, Hershey Trust and Foundation, and the Fire Company meetings.

REPORTS:

Fire Mr. DiLello thanked the Board for their support.

Library Mrs. Ellis stated the book sale went well. They are interviewing to replace a full-time employee who is retiring.

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Community Development Mr. Emerick scheduled the hearing for the official map for September 27th at 6pm. He spoke about the 6pm public hearing on cell communication towers. Action on this amendment can be taken on September 27th.

Mr. Brown spoke about the Park Boulevard project. He stated they have spoken to HE&R about the walkway. He showed the Board the location of the walkway. He stated they have concerns about no surveillance of the area, potential vandalism of the fence and liability as private owners. He stated the current walk is 1,600 linear feet. The proposed walk way will be 4,800 feet. He suggested the best way to deal with the liability concern is to ask for a temporary easement to the Township. He stated the road is flat and isn't required to have street lighting.

Vice Chairman Foley stated they are going to put up a six-foot fence which would block access. He asked how to handle the public reaction and safety until the fence is constructed. He stated this is really part of their entertainment complex. Supervisor Cort spoke about concerns with safety and traffic and believes a short term solution is needed. Supervisor Engle stated he is concerned about the proposed walk and wouldn't let his kids do this walk. Chairman Moyer stated it's their customers using the road so public safety is the issue. Solicitor Yost suggested these discussions should take place with HE&R and not in a public forum. Discussion ensued. The Board agreed to have these discussions with HE&R.

ACCOUNTS PAYABLE and PAYROLL:

Vice Chairman Foley made a motion to approve accounts payable for the August 9th cancelled meeting in the amount of \$706,422.02 and Payroll of \$389,941.77. Supervisor Cort seconded the motion. **Motion carried 5-0.**

Vice Chairman Foley made a motion to approve accounts payable August 27th meeting in the amount of \$1,237,660.83 and Payroll of \$366,207.24. Supervisor Weir seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

Mr. Rich Gamble spoke about the original design of Park Boulevard including the sketches which showed the walk through and he doesn't understand why they changed their mind. He said they should look at the original design.

ADJOURNMENT:

Vice Chairman Foley made a motion to adjourn the meeting at 8:49 pm. Supervisor Engle seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Justin C. Engle
Township Secretary

Julie Echterling
Recorder