

# TOWNSHIP OF DERRY

## BOARD OF SUPERVISORS MEETING

Tuesday, December 15, 2009  
600 Clearwater Road, Hershey, Pennsylvania 17033

### **CALL TO ORDER**

The December 15, 2009 Township of Derry Board of Supervisors meeting was called to order at 7:10 p.m. by Chairman, Michael H. W. Pries.

### **ROLL CALL**

E. Christopher Abruzzo, Vice-Chairman  
Kelly C. Fedeli, Township Secretary  
August (Skip) T. Memmi, Jr.  
George W. Porter  
Michael H. W. Pries, Chairman

### **Also Present:**

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

**Public Present:** Timothy B. Anderson, Elvira Ebling, Lou Verdelli, Bob Larson, Susan Newkam, Susan Foxx, Frank Carson, Kelly Ross, Kathryn Memmi, John Memmi, Jim Ingalzo, Charleton Zimmerman, Richard Gamble, Ken Gall, Matt Weir

**Press Present:** Drew Wiedman, The Sun

### **Executive Session:**

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

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

### **VISITOR/PUBLIC COMMENT:**

Richard Gamble, 39 Hockersville Road – Mr. Gamble expressed concern with the development of Hershey due to requests made by developers. Some requests include

an increase of units and narrower roads. With one particular developer's plan request, he asked that variances not be changed for these requests, but to stay within the Township's guidelines. If the requests are granted, there will be an increase in the number of houses; therefore causing an increase in the number of children attending school which will impact the taxpayers.

Chairman Pries assured Mr. Gamble and the public that the Board has considered many aspects and has made sound decisions. He asked Mr. Gamble what property he was referring to in particular. The property is Deer Run Commons, but the plans have not yet reached the Board for approval.

Charleton Zimmerman, 125 N. Roosevelt Avenue, Palmdale – Mr. Zimmerman said that according to Verizon his address is now Derry, PA. He looked at the tax assessment for Dauphin County and Hershey does not exist. He mentioned his disappointment with unfinished building projects. He referred to the 21 lots vacated for rental units. He believed Mr. Small was responsible for evicting the tenants in the trailer park. Mr. Zimmerman wondered when the rental units would be finished. He added that the houses are not selling due to the high price.

Mr. Small said the developer evicted the people, not the Township. He was not instrumental in the eviction. The plan for the rentals was approved by the Dauphin County Planning Commission. He stated that the use was already established.

Frank Carson, 1126 Quail Hollow Road – Mr. Carson brought to the Board's attention that neither he nor his neighbors were aware of the stop sign at Quail Hollow. They have no problem with the new stop sign, but they do have a problem with the placement of the new stop sign. Vehicles do not come to a full stop because they can make a right hand turn without stopping. Mr. Carson said the development was studied and developed 20 years ago. He asked that another traffic study be done because he doesn't believe it was ever considered that Stoney Run Road would be a major cut-through.

Chairman Pries said they were informed a while ago that neighbors were notified and knew what was going on. Mr. Carson said he talked to at least 20 people and they were not aware.

Chief Smith explained that they installed the new stop sign to correct an error that was made long ago. Chairman Pries asked Matt Bonanno to undergo a study to determine what should happen in that area. Mr. Bonanno said he would do that.

Kelly Gross, 1180 Quail Hollow Road – Ms. Gross expressed concern with vehicles not stopping at the stop sign and the speed of the vehicles.

**APPROVAL OF MINUTES:**

Chairman Pries called for a motion to approve the Minutes of the ***November 5, 2009 Budget Hearing, the November 10, 2009 Board of Supervisors Meeting, the November 24, 2009 Board of Supervisors Meeting, and the December 1, 2009 Board of Supervisors Meeting.***

Supervisor Porter made a motion to approve the November 5, 2009 Budget Hearing Minutes as written. Supervisor Memmi abstained as he was absent from the meeting. Vice-Chairman Abruzzo seconded. ***The motion carried 4-0-1.***

Supervisor Fedeli made a motion to approve the November 10, 2009 Board of Supervisors Meeting Minutes as written. Supervisor Memmi seconded. ***The motion carried 5-0.***

Vice-Chairman Abruzzo made a motion to approve the November 24, 2009 Board of Supervisors Meeting Minutes as written. Chairman Pries seconded. ***The motion carried 5-0.***

Supervisor Memmi made a motion to approve the December 1, 2009 Board of Supervisors Meeting Minutes as written. Chairman Pries abstained as he was absent from the meeting. Supervisor Fedeli seconded. ***The motion carried 4-0-1.***

**NEW BUSINESS:**

**A1-4 Adoption of Resolution No. 1242, adopting the Township's 2010 Budget, and adoption of Resolution No. 1243, establishing Real Estate Taxes for 2010.**

James N. Negley - Township Manager/Township Treasurer

The Township Budget has been on display since October 9, 2009. Total revenues are equal to \$21,588,346 and total expenditures are \$19,681,414. There is no increase in real estate taxes for 2010. The 2010 budget included hiring a full-time secretary for the police department.

Supervisor Memmi made a motion to delete hiring a new secretary for the police department from the 2010 budget. He added that this is not the time to be adding personnel due to the economy. Supervisor Fedeli agreed.

**Motion:** A motion made by Supervisor Memmi and seconded by Chairman Pries that the adoption of Resolution No. 1242, adopting the Township's 2010 Budget and the adoption of Resolution No. 1243, establishing Real Estate Taxes for 2010 is hereby approved, subject to the deletion of the secretarial position for the Police Department. ***The motion carried, 5-0***

**B1-73 Adoption of Resolution No. 1246, authorizing the Chairman or Vice Chairman and the Secretary or Assistant Secretary to execute a General Reimbursement Agreement between the Township of Derry and the Commonwealth of Pennsylvania acting through the Department of Transportation for utility relocation phase of the PA Route 743 Bridge/US 422 Square Improvement Project.**

James N. Negley - Township Manager/Township Treasurer

This resolution authorizes Township of Derry Officials to execute a General Reimbursement Agreement. This Agreement is a result of federal monies being added to the TIP for the utility relocation phase of this project. The amount for this phase is \$1,255,000.00.

Vice-Chairman Abruzzo noted that Supervisor Memmi played an important part in securing this funding. With the funding we will be able to reduce cost to the Township.

**Motion:** A motion made by Supervisor Memmi and seconded by Supervisor Fedeli that Adoption of Resolution No. 1246, authorizing the Chairman or Vice Chairman and the Secretary or Assistant Secretary to execute a General Reimbursement Agreement between the Township of Derry and the Commonwealth of Pennsylvania acting through the Department of Transportation for utility relocation phase of the PA Route 743 Bridge/US 422 Square Improvement Project is hereby approved. ***The motion carried, 5-0***

**C1-2 Authorization to enter into a 3-year contract for Traffic Signal Maintenance.**

Thomas Clark – Director of Public Works

On November 18, 2009, bids were received and opened for the provision of traffic signal maintenance to 33 traffic signals located throughout the Township. Three bids were received from Telco, Inc., PERC's, and Republic ITS. Republic ITS is the low bidder with a cost of \$26,235.00 for the three-year contract or \$8,475/year. This is under budget for 2010. Mr. Clark checked the new company out both locally and outside the state. The company originated in California and has offices in Boston. They have done work in Lancaster County and come highly recommended.

**Motion:** A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Fedeli that the Township Manager is authorized to enter into a three-year contract for the maintenance of traffic signals with Republic ITS for a total price of \$26,235.00 is hereby approved. ***The motion carried, 5-0***

**D1-4 Consideration of Resolution No. 1247, which would revise the reimbursement fee schedule for subdivision and land development plan review and the inspection of improvements related to such plans.**

Edward L. Small – Director of Community Development

If adopted, Resolution No. 1247 will revise the fee schedule per hour in accordance with HRG charges. It is a complete wash at no cost to the Township.

**Motion:** A motion made by Supervisor Porter and seconded by Vice-Chairman Abruzzo that Resolution No. 1247 revising the reimbursement fee schedule for the subdivision and land development plan review and the inspection of improvements related to such plans is hereby approved. ***The motion carried, 5-0.***

**E1-6 Consideration of entering into an agreement with Hershey Office, L.P., regarding stormwater management facilities proposed on lands represented by the Final Subdivision/Land Development Plan for 515, 555, 565 East Chocolate Avenue, Plat No. 1179.**

Edward L. Small – Director of Community Development

This agreement requires the landowner to construct, operate, and maintain the Best Management Practices in a manner consistent with the approved plan. It has been reviewed by HRG who found the plan to be compliant with our regulations.

**Motion:** A motion made by Supervisor Fedeli and seconded by Supervisor Memmi that the Township enter into the proposed Stormwater Best Management Practices

Operations and Maintenance Agreement with Hershey Office, L.P. dated August 21, 2009, is hereby approved. ***The motion carried, 5-0.***

Chairman Pries commented on the article in the Patriot News highlighting Dan Sheffey's efforts in green demolition.

**F1 Authorization to utilize the Hershey Special Fire Police, the Lebanon Auxiliary Patrol, Inc., and, on special occasions, other Special Fire Police from surrounding municipal fire companies, for traffic control and direction during various months.**

William D. Smith – Chief of Police

Chief Smith requested units from surrounding municipalities be allowed to assist with various events in 2010. He added that they are a great assistance and result in no cost to the Township.

**Motion:** A motion made by Supervisor Memmi and seconded by Vice-Chairman Abruzzo that the request to utilize the personnel of the Hershey Special Fire Police, the Lebanon Auxiliary Patrol, Inc., and, other Special Fire Police from surrounding municipal fire companies, to assist the Derry Township Police Department with traffic control and direction during 2010 is hereby approved. ***The motion carried, 5-0.***

**G1 Presentation by Mr. Lou Verdelli**

Mr. Verdelli continues to monitor the Constant Maturity Swap of \$14.1 million. The Township entered into this transaction June 2007. In May of 2008, they noted the yield curve was getting steeper. At that time the recommendation was to shut down for three years for the opportunity to get paid. They proceeded with this recommendation on November 6. In return, the Township received \$490,000. Just recently in September, this bond had no value. Two months later, the value went from 0 to \$250,000-\$260,000. Mr. Verdelli recommended when the value reaches \$300,000 to proceed with the final transaction. If agreed, the Township would have made a total of \$790,000 profit in 2 ½ years. He noted that this recommendation has nothing to do with the Auditor General's report and conclusion. He believes their report was made on an isolated case.

Supervisor Porter thanked Mr. Verdelli for his good advice over the past years.

**Motion:** A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Memmi to authorize the Township Manager to execute a full swap at \$300,000 when notified by Lou Verdelli. ***The motion carried, 5-0.***

**H1 Ridge Road Project**

Solicitor Yost explained that there was ground on each side of Ridge Road after aligning the intersection. The Hershey Trust Company has requested responsibility to maintain the western portion.

**Motion:** A motion made by Supervisor Memmi and seconded by Supervisor Fedeli to approve the proposed agreement subject to Solicitor Yost's final review is hereby approved. Supervisor Porter abstained from voting. ***The motion carried, 4-0-1.***

**I1 Hershey Assessment Appeal with Reese's property at 925 Reese Avenue**

An appraisal done by Hershey valued the property at \$6,170,000. The County appraised the property at \$7,100,000. A compromise was made at \$6,650,000.

**Motion:** A motion made by Supervisor Memmi and seconded by Chairman Pries to execute a stipulation agreement of a fair market value in the amount of \$6,650,000 million dollars for the Reese's property is hereby approved. Supervisor Porter abstained from voting. ***The motion carried, 4-0-1.***

**CORRESPONDENCE**

Supervisor Memmi referred to a Request for Proposal for Legal Services for the Dauphin County Tax Collection Committee – earned income tax. This is the first action of the Committee. The Committee is composed of 52 members, appointed by individual taxing bodies in the Tax Collection District.

**BOARD/COMMITTEE INFORMATION**

There was nothing to report.

**REPORTS**

William D. Smith – Chief of Police

Chief Smith announced that the PIAA Football Championship will be held this Friday in Hershey.

Thomas Clark – Director of Public Works

Mr. Clark reported that the piping under Northfolk Southern has not been completed. They have not returned to complete the work. He has been in contact with Mr. Ferrari.

Barbara Ellis - Hershey Public Library

Ms. Ellis reported that on December 3, representatives of the Library and Parks & Recreation met with the Hershey Partnership to present new programs and services that are offered to the community.

Cheryl L. Lontz - Manager Payroll/Employee Benefits

Ms. Lontz reported that at the end of November, expenditures are at 92% and revenue at 84%.

Matthew J. Mandia – Director of Parks and Recreation

Mr. Mandia stated they have received their second portable ADA lift to assist those with disabilities. Rep. Payne was instrumental in this funding.

James N. Negley - Township Manager/Township Treasurer

Mgr. Negley announced that this was the last meeting of the year. The first meeting and reorganization meeting for 2010 is scheduled for Monday, January 4<sup>th</sup>, 2010.

**APPROVAL OF ACCOUNTS PAYABLE (\$364,280.64) AND PAYROLL (\$287,443.17).**

Vice-Chairman Abruzzo moved to approve accounts payable in the amount of \$364,280.64 and payroll in the amount of \$287,443.17. Supervisor Fedeli seconded. ***The motion carried, 5-0.***

**VISITOR/PUBLIC COMMENTS**

Richard Gamble, 39 Hockersville Road – Mr. Gamble agreed with the Board to limiting hiring new people and looking towards the future needs of the Township. He thanked the Board for their leadership and hoped it would continue with the new Board.

Chairman Pries thanked Supervisor Porter for his four years of service to the Township and Supervisor Memmi’s 14 years of service to the Township. He was very appreciative of their dedication and service to the community, on the Board’s they served, and the time they spent away from their families. He commented that Supervisor Porter was a breath of fresh air and he appreciated his guidance. Chairman Pries thanked Supervisor Memmi for his knowledge and dedication to the Township.

Vice-Chairman Abruzzo said that he benefited from the wisdom of both Supervisors Porter and Memmi. He added that their leaving will be a loss to the board and to the community. However, he is optimistic with what the two new board members will bring to the Township.

Supervisor Fedeli said she has personal respect for both supervisors and appreciated their advice and counsel given to her. She was also appreciative of their knowledge and history of the Township.

Supervisor Porter said it was truly a privilege and honor to serve on the Board. He thanked the Township for allowing him to do so.

Supervisor Memmi thanked the staff whose efforts made it easy to provide services to the community. He also thanked the department directors and administration for their hard work and commitment. He mentioned that Mgr. Negley stabilized an organization that was in potential chaos and brought the organization to where it is today. He thanked Elvira Ebling for her dedication and love for the Township. Supervisor Memmi said this is the first and last meeting his wife attended. Without her support and understanding, he would not have been able to serve and love this community as he did. He congratulated the newest members of the Board, Marc Moyer and Sandy Ballard.

**ADJOURNMENT**

There being no further business to come before Board of Supervisors, upon motion being made by Vice-Chairman Abruzzo and duly seconded by Supervisor Fedeli, the meeting was adjourned at 8:15 p.m. ***The motion carried, 5-0.***

SUBMITTED BY:

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Kelly C. Fedeli  
Township Secretary

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Brenda Van Deursen  
Recording Secretary