

# TOWNSHIP OF DERRY

## BOARD OF SUPERVISORS MEETING

Tuesday, October 13, 2009  
600 Clearwater Road, Hershey, Pennsylvania 17033

### **CALL TO ORDER**

The October 13, 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  
George W. Porter  
Michael H. W. Pries, Chairman

### **Supervisors Absent:**

August (Skip) T. Memmi, Jr.

### **Also Present:**

Thomas Clark – Director of Public Works  
Barbara Ellis - Director, Hershey Public Library  
Jill E. Horner – Assistant Township Manager  
Matthew J. Mandia – Director of Parks and Recreation  
James N. Negley - Township Manager/Township Treasurer  
Lt. Patrick O'Rourke – Police Department  
Edward L. Small – Director of Community Development  
Terry M. Weinhold – Manager of Accounts Payable & Accounts Receivable  
Jon A. Yost - Township Solicitor

**Public Present:** Elvira Ebling, Charleton Zimmerman, Todd Logan, Jim Ingalzo, Rich Gamble

**Press Present:** Drew Weidman, 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:**

Charleton Zimmerman, Palmdale – Mr. Zimmerman referred to the 911 enhancement that was done in 1997 and 1998 where they got rid of all the RD numbers. Part of this enhancement included for all unnamed streets to be named. Derry Township did that down to Palmdale. He requested that the alleys be given street names since emergency responders will be using GPS systems early next year. He asked if there were funds or

grants available for Public Works to install the signs. Chairman Pries asked Mgr. Negley if this is something the Police would do since it is an emergency related item. Mgr. Negley said the Police Department and Public Works would work together on this.

**APPROVAL OF MINUTES:**

Chairman Pries called for a motion to approve the Minutes of the September 22, 2009 Board of Supervisors Meeting. Supervisor Fedeli made a motion to approve the Minutes as written. Vice-Chairman Abruzzo seconded. ***The motion carried 4-0.***

**NEW BUSINESS:**

**A1-11 Adoption of Ordinance No. 589, Consideration to Execute a Guaranty Agreement in regard to Derry Township Municipal Authority's Series A-2009 Bond Issue.**

James N. Negley - Township Manager/Township Treasurer

DTMA Series of 2003 (\$9,780,000 outstanding) is now eligible for refinancing and has interest rates higher than the current ones. Ms. Donna Kreiser of the Law Firm of McNeese Wallace & Nurick LLC will present the guarantee for the Board to take action to insure the lowest possible interest rate.

Donna Kreiser of the Law Firm of McNeese Wallace & Nurick LLC

The ordinance is substantially identical to the ordinance the Township has considered in the past regarding the guarantee of certain bonds to be issued by the Derry Township Municipal Authority. This ordinance authorizes the incurrence of lease rental debt and the guaranty of those bonds in the maximum principal amount of \$12,725,000. We will be meeting with the Municipal Authority next week where it will consider its resolution to approve the issuance of those bonds. The principal amount might be lower depending upon the correct sizing of what the Authority bond financing might be.

Lou Verdelli – Mr. Verdelli said this is another issue of bonds that due to rates dropping even further has some savings. For the 2003 issue, there is about \$9.7 million of those bonds left. The new issue would probably be right around \$10 million. The \$12 million mentioned is really just a max parameter. The potential savings is over \$300,000 for the Authority. Interest rates have been moving upward quickly. Monday there will be an additional report for the Authority as to whether we will be locking in rates at that point.

Chairman Pries asked Mr. Verdelli how the Township's credit rating is looking. Mr. Verdelli said they updated the Township's credit rating about six months ago. At that time, it was a AA + which is just one notch away from the highest rating of AAA that you can possibly get. Today the credit rating was reaffirmed as a AA+.

**Motion:** A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Porter that Ordinance No. 589 to execute a Guaranty Agreement in regard to Derry Township Municipal Authority's Series A-2009 Bond Issue is hereby approved. ***The motion carried, 4-0***

**B1-4 Adoption of Resolution No. 1239, providing for the assessment of the cost and expense of the maintenance of street lights within the Township of Derry, pursuant to Section 2003 (2) of the Second Class Township Code, as amended, and also**

**providing for the collection thereof.**

Jill E. Horner – Assistant Township Manager

Resolution No. 1239 sets the per foot assessment for the street light assessment for 2009. All the rates did increase this year due to a PPL increase in January. There were only two lights added this year to the Enclave of Hershey. She has a complete listing of all the charges per parcel if anyone would like to see them.

**Motion:** A motion made by Supervisor Fedeli and seconded by Chairman Pries that Resolution No. 1239, providing for the assessment of the cost and expense of the maintenance of street lights within the Township of Derry, pursuant to Section 2003 (2) of the Second Class Township Code, as amended, and also providing for the collection thereof is hereby approved. ***The motion carried, 5-0.***

**C3 Ordinance No. 590, Amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210, Article II, Section 210-24, by removing the stop sign on Stoney Run Road at the intersection with Quail Hollow Road, thus making Stoney Run Road as the through street. Then establishing a stop sign on Quail Hollow Road southbound at the intersection with Stoney Run Road and establishing a stop sign at Quail Hollow Road northbound at the intersection with Stoney Run Road except for right turns.**

Lt. Patrick O'Rourke – Police Department

The advertisement of this ordinance appeared in The Sun on September 16, 2009. This was brought about by the concerns of the residents regarding vehicles not observing the no outlet sign at the intersection of Quail Hollow Road and Stoney Run Road. After investigation, it was found that the intersection was not in compliance with the developer's recommendation based on a traffic study conducted.

Chairman Pries asked if the neighbors were notified. Lt. O'Rourke said they were. The neighbors were the ones who brought the concern to them.

**Motion:** A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Fedeli that Ordinance No. 590, Amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210, Article II, Section 210-24, by removing the stop sign on Stoney Run Road at the intersection with Quail Hollow Road, thus making Stoney Run Road as the through street. Then establishing a stop sign on Quail Hollow Road southbound at the intersection with Stoney Run Road and establishing a stop sign at Quail Hollow Road northbound at the intersection with Stoney Run Road, except for right turns, is hereby approved. ***The motion carried, 4-0.***

**D1-4 Consideration of the release of a portion of the performance security supplied for the Preliminary/Final Subdivision Plan for the Enclave in Derry, Plat No. 1158.**

Edward L. Small – Director of Community Development

The developer is requesting to release partial security for the work done. HRG inspected the work and found the installations valued at \$295,107.42 to be satisfactorily completed. If released, the new balance of the security will become \$74,590.73.

**Motion:** A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Fedeli that the Township hereby release \$295,107.42 from the performance security provided by Lexon Insurance Co. in the form of Insurance Bond No. 1027343, resulting in a new balance of \$74,590.73 for the Preliminary/Final Land Subdivision Plan for The Enclave in Derry, Plat No. 1158 is hereby approved. ***The motion carried, 4-0.***

**E1-2 Consideration of a request from the Tournament of Bands to be tax exempt from paying Township Amusement Tax.**

James N. Negley - Township Manager/Township Treasurer

The Tournament of Bands requested an exemption from applicable Township taxes associated with this event. The event is the 37<sup>th</sup> Annual Atlantic Coast Championship and will include 110 bands with 9000 students participating. The competition will be held on October 31 and November 7, 2009 at the Hersheypark Stadium. If we approve this, the Derry Township School Board will have to take the same action before the event can be tax exempt. This type of exemption has been granted in the past for most events that involve the students.

**Motion:** A motion made by Supervisor Porter and seconded by Chairman Pries that the request for the Township of Derry to exempt the Tournament of Bands to be tax exempt from paying the Township Amusement Tax is hereby approved contingent upon the Derry Township School District taking like action. ***The motion carried, 4-0.***

**F1 Release of funds to Buchart Horn regarding Stormwater Studies**

Jon A. Yost - Township Solicitor

When we were doing our stormwater studies, we had Buchart Horn doing part of the work and HRG doing another part of the work. As the invoices came in, there was some confusion as to who did what and how much had been completed. Recently, HRG came up with a revised analysis which Buchart Horn agreed to. He asked the Board's approval to settle that issue in the amount of \$10,340.

**Motion:** A motion made by Supervisor Fedeli and seconded by Vice-Chairman Abruzzo that approximately \$10,340 be paid in full to Buchart Horn for their part of the work done with our stormwater project is hereby approved. ***The motion carried, 4-0.***

**G1 Execution of Easement Agreement regarding Old West Chocolate Avenue**

Jon A. Yost - Township Solicitor

We have been waiting to get permission to resolve a drainage issue on Old West Chocolate Avenue. We have the Township grant to do the work. Mr. Yost has received a signed agreement for the Fratti easement. He asked the Board to authorize execution of the agreement.

**Motion:** A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Porter that the Township execute the easement agreement and instruct Public Works to begin the drainage work on Old West Chocolate Avenue is hereby approved. ***The motion carried, 4-0.***

**CORRESPONDENCE**

No correspondence to report.

## **BOARD/COMMITTEE INFORMATION**

Vice-Chairman Abruzzo recognized the Township, Tom Clark, Bob Piccolo, Ashley Santangelo, and others who were involved in the American in Bloom Conference that was held in Hershey last week. They did a fine job planning the event.

## **REPORTS**

### Lt. Patrick O'Rourke – Police Department

Lt. O'Rourke reported that the Antique Auto Club held their annual fall meet in the Township. The Police Department ran traffic safety details from October 4<sup>th</sup> to October 10<sup>th</sup> with no significant problems. Chairman Pries was very impressed with the way the traffic flowed and noted there were no traffic issues.

### Thomas Clark – Director of Public Works

Mr. Clark reported that the new masters to the two corridors that didn't have them in were installed last week and are functioning. There are a couple new features added to the programs that run the signals in the three different corridors.

Leaf clean-up started this week. All areas of the Township will receive service once a week. We are prepared to move into the dump on Old West Chocolate Avenue to clean it up with partial help from the County Grant we received a couple of months ago.

Chairman Pries requested that the Police Department notify the residents in advance of them doing training exercises on Lingle Avenue. Lt. O'Rourke reported that they have had in-depth discussions with residents from both Derry Township and Lebanon.

Chairman Pries asked Mr. Clark what traffic signals are involved with the installations at the corridors. Mr. Clark said it involved 422 and 322.

Chairman Pries mentioned that once the intersection of 743 and Cocoa is redone and one of the traffic lights is taken away, the traffic should improve in the downtown corridor. Mr. Clark agreed.

Chairman Pries also mentioned that it took him 11 minutes to get from Lucy's to down past Houlihans. There was no major event going on at the time. When he got by Fennicci's the left lane only was backed up. He wondered what was being done to alleviate this until the new intersection is in place. Mr. Clark said there are two factors with this problem. The first is GPS is directing everyone that way and the second is that they added a few seconds to the traffic timings. It originally was at 7 seconds and is now at 11 seconds. He said that District 8 insists that those signals run on time of day. They have allowed us to put the Dynamic Mac system in place late in the afternoon into the evening and early in the mornings. It does not function on any of the signals between the hours of 9 and 4. When we added 4 seconds to the turn lane, we are now backing up other directions, but we are not getting complaints.

### Barbara Ellis - Director of Hershey Public Library

Mrs. Ellis shared that they did some rearranging in the library creating a wide open area by the circulation desk. She announced that the Pennsylvania Library Association is holding their annual conference beginning Sunday through Wednesday in Harrisburg.

The library will be closed Monday to allow staff the opportunity to attend the conference.

Terry M. Weinhold – Manager of Accounts Payable & Accounts Receivable

Ms. Weinhold reported that we have received funds from the Firemen’s Relief. She also reported that both revenue and expenses are under budget.

Matthew J. Mandia – Director of Parks and Recreation

Mr. Mandia reminded everyone of the Halloween Parade on Tuesday, October 27<sup>th</sup> beginning at 7:30. The severe weather make-up is October 28<sup>th</sup>.

Jill E. Horner – Assistant Township Manager

Asst. Manager Horner reported that they updated the Township’s document imaging software and all the users were trained. It has really remarkable search capabilities. Before you ever go through old minutes or Board packets, resolution, ordinances, please call the office and they can search it within seconds. They also have the ability to email those documents. The public can also call if they are searching for information.

James N. Negley - Township Manager/Township Treasurer

Manager Negley reminded everyone that the Board of Supervisors meeting will be on Monday, October 26<sup>th</sup> at 7:00 instead of Tuesday.

**APPROVAL OF ACCOUNTS PAYABLE (\$1,841,890.45) AND PAYROLL (\$274,827.82).**

Vice-Chairman Abruzzo moved to approve accounts payable in the amount of \$1,841,890.45 and payroll in the amount of \$274,827.82. Supervisor Fedeli seconded.

***The motion carried, 4-0.***

**VISITOR/PUBLIC COMMENTS**

Elvira Ebling and Chairman Pries reported that Tuesday at 7:00 is the Candidates’ debate. It is put on by the League of Women Voters. The moderator is Scott LaMar.

**ADJOURNMENT**

Vice-Chairman Abruzzo moved to adjourn the meeting at 7:40 p.m. Supervisor Fedeli seconded. ***The motion carried, 4-0.***

SUBMITTED BY:

\_\_\_\_\_  
Kelly C. Fedeli  
Township Secretary

\_\_\_\_\_  
Brenda Van Deursen  
Recording Secretary