

# TOWNSHIP OF DERRY

## BOARD OF SUPERVISORS MEETING

Tuesday, October 26, 2009  
600 Clearwater Road, Hershey, Pennsylvania 17033

### **CALL TO ORDER**

The October 26, 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  
August (Skip) T. Memmi, Jr.  
Michael H. W. Pries, Chairman

### **Supervisors Absent:**

Kelly C. Fedeli, Township Secretary  
George W. Porter

### **Also Present:**

Thomas Clark – Director of Public Works  
Barbara Ellis - Director, Hershey Public Library  
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  
William D. Smith – Chief of Police  
Jon A. Yost - Township Solicitor  
Matt Bonanno - HRG

**Public Present:** Elvira Ebling, Rob Cramer, Bob Larson, Charleton Zimmerman, D. B., Jim Ingalzo

**Press Present:** Unknown

### **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, 125 N. Roosevelt Avenue – Mr. Zimmerman expressed two concerns to the Board. The first concern is continuing education for building codes for Derry Township staff. The second concern is the delay in getting his questions answered about his property. He asked the supervisors for their help in expediting

answers. Mr. Zimmerman distributed a copy of his questions to the Board. Chairman Pries asked Mr. Small to look over the questions and get back to Mr. Zimmerman with answers by the next meeting.

Mr. Zimmerman said his main concern is that the building codes department has lapsed with education in building codes and fire codes. He feels this endangers the residents and visitors of Derry Township. He said there is grant money available for continuing education. He found out that two staff members are not certified in fire codes.

Mr. Small said the certification that anybody holds expires every three years. At the end of the three years, you are required to get 15 continuing education credits. Out of the 15, 5 have to be in your own field. He said each of his staff has at least a dozen certifications currently active.

Mr. Zimmerman asked specifically about the international fire code. Mr. Small said they are in good shape. He said there was a misimpression for some years because of the way it was presented. It appeared that the fire code was fully adopted cover to cover. That is not the case. He explained that if you go down the list in the fire code, you will find out that some chapters are adopted completely, some chapters only adopted a pertinent part, and some not at all. What actually is adopted is the international building code and the international residential code. And only specific sections in the two books that refer you to specific locations in the fire code are applicable.

Mr. Zimmerman asked if any of the staff were certified in commercial electrical inspections. Mr. Small said electrical plan reviews and inspections are outsourced.

#### **APPROVAL OF MINUTES:**

Chairman Pries called for a motion to approve the Minutes of the October 13, 2009 Board of Supervisors Meeting. Supervisor Memmi said he would have to abstain since he was not at the October 13<sup>th</sup> meeting. Therefore, he asked that this be tabled because there are not enough members present.

#### **NEW BUSINESS:**

**A1-21 Adoption of Ordinance No. 591, authorizing the incurring of non-electoral debt through the issuance of two bank notes through Pennsylvania Infrastructure Bank for the 743 Intersection Bridge Replacement Project in the amount of \$2,700,000 and the Storm Water Improvement Project in the amount of \$1,789,500.**

James N. Negley - Township Manager/Township Treasurer

It is necessary to secure additional funding to complete both the 743 Intersection and Bridge Replacement Project and our Storm Water Improvement Project. Manager Negley reported that the Township has approved the application to proceed with a loan from the Pennsylvania Infrastructure Bank at a very reasonable interest rate of 1.625%. He asked Donna Kreiser of the Law Firm of McNees Wallace & Nurick LLC to present this ordinance to the Board for approval.

Ms. Kreiser said each time a municipality borrows money, you need to go through the local government unit debt act procedure.

A maximum amount concept was incorporated in the ordinance. This was done to allow some flexibility as the Township works to finalize the schedule. They increased the maximum amount of the borrowing so that you will not have to come back for further approval if some of the principal payments are a little more than initially approved.

Supervisor Memmi said we may as a municipality not draw any of it, a piece of it, or all of it, but we don't start paying on it for the first two years except the interest.

Ms. Kreiser said the interest rate and payment schedules are different for each of the loans. She referred to section 5 of the ordinance. Solicitor Yost said the loan agreement requires that it all be drawn down at one time, but can be paid at any time in whole or part. Ms. Kreiser said the first note is payable beginning six months from disbursement and the second is payable within one year.

Vice-Chairman Abruzzo noted that this commitment of funding has to be in place in order for these projects to move ahead, but we fully expect that most of that amount will be paid back from other funds that are not taxpayer dollars.

**Motion:** A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Memmi that Ordinance No. 591, authorizing the incurring of non-electoral debt through the issuance of two bank notes through Pennsylvania Infrastructure Bank for the 743 Intersection Bridge Replacement Project in the amount of \$2,700,000 and the Storm Water Improvement Project in the amount of \$1,789,500 is hereby approved. ***The motion carried, 3-0***

**B1-29 Adoption of Resolution No. 1240, authorizing the Chairman to execute loan agreements with the Pennsylvania Infrastructure Bank for the 743 Bridge and Intersection Improvement Project and the Storm Water Improvement Project.**

James N. Negley - Township Manager/Township Treasurer

This resolution authorizes the Chairman to sign loan agreement number 520959 in the amount of \$2,700,000 and loan agreement number 520939 in the amount of \$1,789,500. The term of the two loans is 10 years at 1.625%.

**Motion:** A motion made by Supervisor Memmi and seconded by Vice-Chairman Pries that Resolution No. 1240, authorizing the Chairman to execute loan agreements with the Pennsylvania Infrastructure Bank for the Route 743 Bridge and Intersection Improvement Project and the Storm Water Improvement Project is hereby approved. ***The motion carried, 3-0***

**C1-9 Authorization to enter into a contract for auditing services for calendar years ending December 31, 2009, 2010, and 2011.**

James N. Negley - Township Manager/Township Treasurer

On December 20, 2005, the Board entered into a contract for auditing services with the CPA firm of Hamilton and Musser for the calendar years 2005, 2006, and 2007. January 5, 2009, the Board authorized a one-year extension to the original contract. Recently, a request for proposal was advertised September 14<sup>th</sup> and 20<sup>th</sup>. Proposals were submitted from five firms. The lowest bid of \$40,500 was received from the firm of Briggs, Bunting & Dougherty, LLP of Philadelphia. However, the bid did not include costs for a

single audit. The next lowest bid of \$47,100 was received from Hamilton and Musser and did include costs for a single audit. Their bid is only \$180 more than their last three-year contract. The recommendation is for Hamilton & Musser to be appointed to perform auditing services for 2009, 2010, and 2011.

**Motion:** A motion made by Chairman Pries and seconded by Supervisor Memmi that the Board authorizes the firm of Hamilton & Musser to conduct the Financial Audit for the Township of Derry on a one-year basis for calendar year ending December 31, 2009 is hereby approved. *The motion carried, 3-0*

**D1-3 Consideration of the release of the performance security provided for the Preliminary/Final Land Development Plan for Additions to Grace United Methodist Church, Plat No. 1126.**

Edward L. Small – Director of Community Development

The Grace United Methodist Church is located along East Main Street. The plan submitted for land development had a number of features in it including classroom additions, new classrooms, office area, storage area, some storm water management onsite and new lot corners. \$22,000 is held in the form of a letter of credit. Recent inspections indicated the improvements had been installed properly.

**Motion:** A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Memmi that the Board release performance security of \$22,000 in the form of Letter of Credit No. SB-911595-0001 supplied by M&T Bank for the Preliminary/Final Land Development Plan for Additions to Grace United Methodist Church, Plat #1126 is hereby approved. *The motion carried, 3-0*

**E1-4 Permission to hold a small fireworks display at 811 Grandview Drive, Palmyra, Township of Derry on November 13, 2009.**

James N. Negley - Township Manager/Township Treasurer

Dr. Robert Cramer requested permission for a small fireworks display at his residence on November 13<sup>th</sup>. He wants to get rid of his leftover fireworks from last year.

**Motion:** A motion made by Supervisor Memmi and seconded by Vice-Chairman Abruzzo that authorization to display fireworks on November 13, 2009 at Dr. Robert Cramer's residence at 811 Grandview Drive, Palmyra, Township of Derry, is hereby approved subject to all requirements of the Township being met including the certificate of liability. *The motion carried, 3-0*

**CORRESPONDENCE**

There was no correspondence.

**BOARD/COMMITTEE INFORMATION**

Nothing to report.

**REPORTS**

Chief William Smith – Police Department

Chief Smith wanted to address the letters received from those attending the Automobile Club of America (AACA) Fall Meet who received a citation for making illegal "U" turns.

He concurred they issued a few citations for illegal "U" turns at Park Blvd. and Hersheypark Drive. Chief Smith added that he does not usually respond to this but because it did go public he wanted to share what happened there. First, all those cited did admit they committed the violations. They felt because they were all show cars they should have received special privileges. Chief Smith said they work months in advance for the Fall Meet through HE&R. They make provisions for an enjoyable and smooth running operation. They also make provisions to close Township and State roadways. The Police Department spends hundreds of man hours on duty and overtime to provide a positive and safe environment in that area for the visitors. In addition, at that intersection they are concerned with the safety for the thousand of motorists who travel that area every day. There were provisions made for the show cars' trailers to be placed into three fields and a direct route to the facility. Of the hundreds of show cars, ten decided to go the wrong way and make illegal "U" turns. Chief Smith said he would be more concerned with public criticism if we had officers detailed there and saw these obvious violations and did not take any action.

Supervisor Memmi asked Chief Smith if he was going to work with HE&R to come up with a solution. Chief Smith said the provisions were already there, but they will have to emphasize it more.

#### Thomas Clark – Director of Public Works

Mr. Clark reported that there are two or three crews designated each day for leaf collection. He was approached by Traffic Planning and Design and Ron Jones about the possibility of putting a camera at 39 and Hersheypark Drive for one year on a trial basis. There is a company coming into the state attempting to get PennDOT approval. It is one fisheye camera that will monitor all four legs of the intersection. It can be used for counting vehicles as well as sensing vehicle presence for purposes of cycling the signal itself. Mr. Clark will continue to pursue this as there is no cost to the Township.

Supervisor Memmi asked if the cameras would eliminate the need for the loop sensors within the right-of-way. Mr. Clark said loop sensors are very sensitive to truck traffic on a downhill where the road gets wash boarded which tears the loops very quickly. This is a way to eliminate that. Every time they put in another loop it is about \$2,000. The advantage of a camera is that it senses approaching vehicles. The camera can be set to a greater distance and can sense vehicles as they approach. Whereas the loop can only sense in a 30-40 feet area. Mr. Clark will keep the Board updated.

Supervisor Memmi asked if the bids for salt came in at the Council of Governments (COG) meeting. Mr. Clark said they did. Supervisor Memmi said the COG's quote for salt was actually lower than the bid through the state of Pennsylvania.

Mr. Clark explained that he uses the PennDOT contract, but the limitations require us to buy 60% of the amount we tell them we are going to use. They are obligated to supply up to 120% of the amount we say we are going to use. Each year we give PennDOT a number of the total tonnage that we use, which is around 2,025 tons. If we would have a mild winter and don't use 50% of it, we still have to take another 10% to get to our 60% whether we have the ability to take that in the building and pay for it in June or store it in Baltimore at a fee for storage and trucking. What we started to do is use the

PennDOT contract first and get our 60% out of the way and then go to the COG contract where we can get what we need.

Chairman Pries asked if we were checking the grates to make sure they are clear of debris. Mr. Clark said they are hitting every road each week with either a leaf collecting machine or a street sweeper.

Barbara Ellis - Director of Hershey Public Library

Ms. Ellis said the Pennsylvania Library Association Conference was one of the most successful conferences. She was pleased with all her staff that attended and helped at the conference.

She announced that the Hershey Public Library recently received a gift in the amount \$378,335.19. This was made possible by Isabel Lescanec, who named the library as a beneficiary on two insurance annuities. Mrs. Lescanec died in April of 2009. She was a regular visitor of the library over many decades. The gift is a tribute to the caring staff that assisted and befriended her. This gift makes it possible for the library to proceed with future plans that will benefit our community while honoring her dedication to our mission. We are very grateful for this donation. It has come at a critical time when other sources of library funding have been reduced. The investment, expenditure and distribution of the funds will be determined by the Hershey Public Library Board of Directors and the Township Board of Supervisors.

Vice-Chairman Abruzzo asked Ms. Ellis to coordinate with Asst. Mgr. Horner in getting this information in the Township newsletter for the residents.

Cheryl L. Lontz - Manager Payroll/Employee Benefits

Ms. Lontz reported that the statements for October 31<sup>st</sup> indicated we are coming in slightly under budget for expenditures.

Matthew J. Mandia – Director of Parks and Recreation

Mr. Mandia reminded everyone of the Hershey Halloween Parade Tuesday, October 27<sup>th</sup> beginning at 7:30. Judging will begin at 6:45.

Vice-Chairman Abruzzo expressed his concern of a possible traffic problem since the Hershey Theater is having an event as well. Mr. Mandia said they have been working closely with the Police Department and he feels confident that they have done everything possible to avoid any major issues.

James N. Negley - Township Manager/Township Treasurer

Mgr. Negley commented on the Township's credit rating of an AA Plus. He reported that there is only one community in Pennsylvania (Lower Marion Township) that has a Triple A rating. We are among six communities with an AA Plus rating. He said this validates that the Township's finances are in good order due to the management of our excellent staff.

**APPROVAL OF ACCOUNTS PAYABLE (\$375,460.46) AND PAYROLL (\$281,603.56).**

Supervisor Memmi moved to approve accounts payable in the amount of \$375,460.46 and payroll in the amount of \$281,603.56. Vice-Chairman Abruzzo seconded. ***The motion carried, 3-0.***

**VISITOR/PUBLIC COMMENTS**

No one came forward.

**ADJOURNMENT**

Vice-Chairman Abruzzo moved to adjourn the meeting at 7:50 p.m. Supervisor Memmi seconded. ***The motion carried, 3-0.***

SUBMITTED BY:

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Kelly C. Fedeli  
Township Secretary

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Brenda Van Deursen  
Recording Secretary