

TOWNSHIP OF DERRY

BOARD OF SUPERVISORS MEETING

Tuesday, September 22, 2009
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The September 22, 2009 Township of Derry Board of Supervisors meeting was called to order at 7:15 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:

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 Ellis - Director, Hershey Public Library
William D. Smith – Chief of Police
Jon A. Yost - Township Solicitor
Matthew Bonanno – Township Engineer, HRG

Public Present: Elvira Ebling, Brian Evans, Jerry Shank

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 pending legal, land, and personnel issues.

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

VISITOR / PUBLIC COMMENT:

No one came forward.

APPROVAL OF MINUTES:

Chairman Pries called for a motion to approve the Minutes of the August 25, 2009 Public Hearing and the August 25, 2009 Board of Supervisors Meeting. Supervisor Porter made

a motion to approve the Minutes as written. Supervisor Fedeli seconded. ***The motion carried 5-0.***

Supervisor Porter also made a motion to approve the Minutes of the September 8, 2009 Board of Supervisors Meeting as written. Supervisor Fedeli seconded. ***The motion carried 4-0-1.*** Supervisor Memmi abstained from voting as he was absent from the meeting.

NEW BUSINESS:

A1-6 Adoption of Resolution No. 1238, authorizing the Chairman of the Board of Supervisors to sign the Highway Occupancy Permit Condition Statement for Derry Township Stormwater modifications Area 1 (Mill Street), HOP Application No. 27062.

James N. Negley - Township Manager/Township Treasurer

This resolution is required to submit the appropriate documents related to the Stormwater Improvement Project, Area 1, Mill Street.

Motion: A motion made by Supervisor Fedeli and seconded by Vice-Chairman Abruzzo that Resolution No. 1238, authorizing the Chairman of the Board of Supervisors to sign the Highway Occupancy Permit Condition Statement for Derry Township Stormwater modifications Area 1 (Mill Street), HOP Application No. 27062 is hereby approved. ***The motion carried, 5-0***

B1-3 Fourth Addendum to the Joint-Agreement for Collection of Taxes.

James N. Negley - Township Manager/Township Treasurer

The Township and the School District, and Association entered into an agreement commencing on January 1, 1994 and expiring on December 31, 1997. There have been subsequent Addendums. The Fourth Addendum is before the Board to extend the agreement to December 31, 2013.

Supervisor Porter abstained from voting.

Motion: A motion made by Supervisor Memmi and seconded by Chairman Pries that the Township enter into the Fourth Addendum to the Joint Agreement for Collection of Taxes with the School District and Association, extending this relationship until December 31, 2013 is hereby approved. ***The motion carried, 4-0-1.***

C1-6 Consideration to approve a Settlement Agreement for a parcel of real estate known as 925 Reese Avenue, the Reese Chocolate Factory.

James N. Negley - Township Manager/Township Treasurer

This is a settlement agreement agreed by M&J Commercial Properties, Dauphin County Board of Assessment Appeals, and the affecting taxing bodies of the Derry Township School District and Township of Derry.

Solicitor Yost said this is an appeal from the Hershey Food Corporation for the Reese property. Both the County and Hershey Foods each had an appraiser to review it. Based on the negotiations of the parties, the County's assessment attorney agreed that

a stipulation of settlement would be appropriate. They split the difference. Solicitor Yost suggested we follow the County's recommendation.

Supervisor Porter abstained from voting.

Motion: A motion made by Supervisor Fedeli and seconded by Vice-Chairman Abruzzo that the Settlement Agreement for a parcel of real estate known as 925 Reese Avenue, the Reese Chocolate Factory, is hereby approved. *The motion carried, 4-0-1.*

D1-4 Presentation of the 2010 Minimum Municipal Obligation (MMO) for the Non-Uniformed and Police Pension Plans.

Cheryl L. Lontz, Manager Payroll/Employee Benefits

Act 205 requires that each public pension plan inform the governing board of the municipality of the plan's expected financial obligation for the following year by the last business day of September. The projected Minimum Municipal Obligation (MMO) for the Non-Uniformed Pension Plan is approximately \$238,341. The Police Pension Plan is approximately \$629,851 for a total of \$868,192. Although the Township is required to do this projection without consideration of the State Aid, the offset is estimated to be approximately \$415,000. If received, the actual funding of both pension plans will be approximately \$453,192. This payment is due to the pension plans by December 31, 2010.

Motion: A motion made by Supervisor Porter and seconded by Supervisor Memmi that the Minimum Municipal Obligation (MMO) calculated for both pension plans is hereby approved. *The motion carried, 5-0.*

E1-12 The Preliminary/Final Subdivision Plan for Hershey Technical Center and Reese's Kit Kat Facility, Plat No. 1178.

Edward L. Small – Director of Community Development

The plan addresses the lot lines that divide the Hershey Technical Center, the Reese Plant, and an intermediate tract that contains Friendly's building and a portion of its parking. The purpose of the plan is to re-organize the property lines. The stimulus for this plan came when the Reese Plant, by state law, had to install some smoking facilities outside its building. The research from that application led to the fact that we were going to have an impervious coverage problem on the property. Also from the research, they found a plan from 2000 whereby the Planning Commission and BOS approved an addition to the plan to accommodate the Kit Kat Facility and a peanut warehouse. The plan from 2000 was to combine Tract 1 with the main plant on Tract 2 (Reese Plant). Also a plan from 1986 was filed to combine with Reese's plan.

The effects of the present plan simply combines existing lands which will create an additional area of land such that the impervious coverage and floor area ratio numbers for the Reese's plant and Kit Kat facility are greatly improved into conformity; the Friendly's restaurant now appears on the tract in its entire leased area; and the Technical Center has its own lot which has been reduced in size, but not so as to create any need for relief normally associated with buildings and impervious coverage.

Supervisor Porter abstained from voting.

Supervisor Memmi asked if there were any zoning issues overlapping by doing this. Mr. Small said there were not, it is all the same.

Motion: A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Fedeli that the Preliminary/Final Subdivision Plan for Hershey Technical Center and Reese's Kit Kat Facility, Plat #1178, is approved subject to waivers a-k be granted as listed in the report and the following occurring no later than the dates indicated and prior to the recording of the plan:

- a. That the applicant reimburses the Township for costs incurred reviewing the plan no later than October 22, 2009.
- b. That monuments be installed and inspected or performance security provided no later than March 22, 2010.
- c. That a deed of dedication to the Township be provided for the additional right-of-way on Reese Avenue no later than March 22, 2010.

The motion carried, 4-0-1.

F1-3 Consideration of the disposition of the performance security for the Preliminary/Final Land Development Plan for Zimmerman's Automotive, Plat No. 1125.

Edward L. Small – Director of Community Development

The performance security for this parcel is down to 10%. The remaining item is the monumentation of the lot corners. It was postponed or overlooked for some time and we are approaching the expiration of the letter of credit with no automatic extension. Zimmerman is beginning the work now. Mr. Small is requesting to release the balance of the performance security after the inspections are complete.

Solicitor Yost asked if there was any maintenance security. Mr. Small said there would not be. He added that the sidewalk is on private property and curbing is already in.

Supervisor Memmi asked Mr. Small if he was able to work out the issues related to the monumentation. Mr. Small said that it turned out to not be much of a problem.

Motion: A motion made by Supervisor Porter and seconded by Vice-Chairman Abruzzo is hereby approved to release \$11,019.23, the remaining balance of the performance security supplied by Members 1st F.C.U. in the form of Letter of Credit No. 304007-02, for the Preliminary/Final Land Development Plan for Zimmerman's Automotive, Plat #1125, provided that a report has been received from HRG, Inc. by October 6, 2009, observing that monuments or other appropriate markers are in place; or, in the alternative, that developer provides security in acceptable form in the amount of \$11,019.23, with a term adequate to allow the installation of monuments and/or appropriate markers. Failing either above alternative, staff is authorized to draw the balance of the security to hold pending completion of the installation of monuments or markers. ***The motion carried, 5-0.***

CORRESPONDENCE

Supervisor Memmi acknowledged a letter from the Borough of Hummelstown asking Derry Township to partner with the Borough in writing a letter to our Legislation Delegation at the State and Federal level. The letter would ask that they look at the intersection of May and Walton. The area becomes extremely congested and they are looking for a resolution to this traffic problem. It has been a problem for many years. Mr. Memmi recommended that Manager Negley work with Manager Michael O'Keefe from the Borough to prepare a letter for signature. Chairman Pries and the other Board members all agreed.

BOARD/COMMITTEE INFORMATION

Supervisor Memmi thanked Chairman Pries for representing the Board of Supervisors at the State Transportation Committee Hearing last week. He heard that Chairman Pries made a great presentation regarding the transportation issues in Derry Township.

Supervisor Memmi referred to materials in the packet from the NATaT Conference that was held earlier in the month. Supervisor Memmi attended the conference. He mentioned their agenda to Congress to help Townships in Pennsylvania and 8 other states.

REPORTS

William D. Smith – Chief of Police

Chief Smith reminded everyone of the Hershey Homecoming Parade to be held this Friday (9/25/09) from 6:00-6:30. The square will be closed during that time.

Thomas Clark – Director of Public Works

Mr. Clark reported they are finishing up some small patching jobs before leaf collection begins.

Barbara Ellis - Director of Hershey Public Library

Ms. Ellis shared that their computer basic classes are so popular this fall they had to add a third one. She also shared that the entire staff is working through a curriculum to be trained and up to-date on computer skills.

Cheryl L. Lontz, Manager Payroll/Employee Benefits

Ms. Lontz said they received their MMO money for 2009 in the approximate amount of \$400,000. They also received approximately \$183,000 from the Fireman's Relief Fund.

Matthew J. Mandia – Director of Parks and Recreation

Mr. Mandia said they are working on finalizing a layout for a nature trail out through the wooded area of Gelder Park. Some community work days will be coming up in the next couple of months. They are finishing the survey for a bike path link that will go along the backside of Gelder Park. Mr. Mandia is meeting next week with the PA Fish & Boat Commission representative to talk about grant funds that are available for potential kayak and canoe access through Gelder Park.

Jill E. Horner – Assistant Township Manager

Ms. Horner shared that they have a new employee orientation Powerpoint presentation to provide training on some essential topics such as customer service, sexual harassment, work rules, etc.

James N. Negley - Township Manager/Township Treasurer

Mgr. Negley said the auditing service RFP is on the street for the years 2009, 2010, and 2011. We expect them to be returned by October 14th for the Board to award sometime in December.

APPROVAL OF ACCOUNTS PAYABLE (\$293,153.60) AND PAYROLL (\$294,827.35).

Vice-Chairman Abruzzo moved to approve accounts payable in the amount of \$293,153.60 and payroll in the amount of \$294,827.35. Supervisor Memmi seconded.

The motion carried, 5-0.

VISITOR/PUBLIC COMMENTS

No one came forward.

ADJOURNMENT

Supervisor Fedeli moved to adjourn the meeting at 8:45 p.m. Vice-Chairman Abruzzo seconded. ***The motion carried, 5-0.***

SUBMITTED BY:

Kelly C. Fedeli
Township Secretary

Brenda Van Deursen
Recording Secretary