

# TOWNSHIP OF DERRY BOARD OF SUPERVISORS MEETING

Tuesday, February 14, 2012  
600 Clearwater Road, Hershey, Pennsylvania 17033

## CALL TO ORDER

The February 14, 2012 Township of Derry Board of Supervisors meeting was called to order at 7:00 p.m. by Chairman E. Christopher Abruzzo.

## ROLL CALL

### *Supervisors Present:*

E. Christopher Abruzzo, Chairman  
Sandy A. Ballard  
Kelly C. Fedeli, Vice-Chairman  
John Foley, Jr.  
Marc A. Moyer, Secretary

### *Also Present:*

Thomas Clark, Director of Public Works  
Barbara S. Ellis, Director of Hershey Public Library  
Chuck Emerick, Assistant Director of Community Development  
Jill Horner, Assistant Township Manager  
Matthew J. Mandia, Director of Parks and Recreation  
James N. Negley, Township Manager/Township Treasurer  
Patrick M. O'Rourke, Chief of Police  
Charles Smith, HRG  
Terry M. Weinhold, Manager of Accounts Payable & Accounts Receivable  
Jon A. Yost, Township Solicitor  
Brenda Van Deursen, Recorder

**Public Present:** Elvira Ebling, August "Skip" Memmi, Ted Jastrzebski, Jacob Jastrzebski, Will Heck, Dave Buffington, Linda P., Rich Gamble, Mary Roman, Daniel Venable, Matthew Venable, Joe Judge, Teri Judge, M. A. Weir

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

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

## PRESENTATIONS

**Chairman Abruzzo** presented Todd Pagliarulo with a Community Service Award. Todd filled the unexpired term of Mike Pries on the Board of Supervisors for Derry Township. Chairman recognized Todd's invaluable contribution to the Board and the community as well as his huge help to the Township during the flood. He manned the emergency system countless hours to protect our citizens through one of the most devastating disaster events in the Township. Mr. Todd Pagliarulo expressed his gratitude to the Board and to the excellent staff. Vice-Chairman Fedeli said how important Mr. Pagliarulo's input to the Board was regarding the value of relationships and taking the time to build them.

**Manager Jim Negley** acknowledged the loss of our Director of Community Development, Ed Small. Mr. Small was a long term employee and a great man. A plaque will be placed in his memory in the

Community Development office. This plaque will read: *Our friend Ed served the Department of Community Development from March 25, 1992 until December 13, 2011. We will always remember his positive attitude, patience, helpful and friendly demeanor, his kindness, his smile and his laughter.*

## **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

**Rich Gamble, Hockersville Road** – Mr. Gamble thanked Chairman Abruzzo for his response in the Hummelstown Sun regarding taxes. He asked the Board once again to reconsider raising the limit of the amount you can make before paying Occupation Tax from \$10,000 to \$12,000. He also asked the Board to make sure everyone pays their fair share including The Hershey Company. Chairman Abruzzo said they discussed the limit amount back in December and if they are in a position where they can change that amount, they would consider it.

**Matt Mandia, Parks & Recreation** – Mr. Mandia introduced two 8<sup>th</sup> grade students, Jacob Jastrzebski and Will Heck. Both students spoke of their desire to give back to the community by raising money for flood damages. They were successful in raising \$300.40 in a pick-up basketball game. It was a great way for people to exercise and support a great cause. These funds will be used for restoration of the bicycle/pedestrian trail. Chairman Abruzzo recognized these young men and their contribution.

## **APPROVAL OF MINUTES**

Chairman Abruzzo called for a motion to approve the Minutes of the January 24, 2012, Public Hearing, which was held at 6:30 p.m. Supervisor Ballard made a motion to approve the Minutes as written. Supervisor Foley seconded. ***The motion carried, 5-yes, 0-no.***

Chairman Abruzzo called for a motion to approve the Minutes of the January 24, 2012, second Public Hearing Meeting held at 6:45 p.m. Vice-Chairman Fedeli made a motion to approve Minutes as written. Supervisor Ballard seconded. ***The motion carried, 5-yes, 0-no.***

Chairman Abruzzo called for a motion to approve the Minutes of the January 24, 2012, Board of Supervisors Meeting. Supervisor Ballard made a motion to approve the Minutes as written. Supervisor Foley seconded. ***The motion carried, 5-yes 0-no.***

## **NEW BUSINESS**

**A1-2 Adoption of Resolution No. 1334 to execute a Federal Aid Reimbursement Agreement between the Township of Derry and the Commonwealth of Pennsylvania for flood damaged highways.**

**Thomas Clark, Director of Public Works** – The Resolution is necessary in order for the Township to get reimbursed on the repairs of the federal aid highways: Mansion Road, Church Road, and Park Blvd. Bridge. The Resolution designates the Township Manager and Director of Public Works as signatures on the reimbursement agreement between the Township and the Commonwealth of Pennsylvania.

**Motion:** A motion made by Supervisor Ballard and seconded by Vice-Chairman Fedeli that the Board adopt Resolution No. 1334 and execute a Federal Aid Reimbursement Agreement authorizing the Township Manager and the Public Works Director to act on behalf of the Township of Derry for Federal-aid reimbursement for flood damaged roadways, is hereby approved. ***The motion carried, 5-yes 0-no.***

**Comments:** Vice-Chairman Fedeli said the Board has frequently been asked when Mansion and Church Roads are going to be fixed. We had to wait for federal funding to fix those roadways and this is the paperwork needed to do that. We did not have the money to fix them otherwise. Mr. Clark said there was some delay involved because of the historical nature of some of the surroundings.

Supervisor Ballard asked when the work will be completed. Mr. Clark said hopefully Mansion Road will be completed the latter part of May/beginning of June.

### **B1-8 Consideration of Resolution No. 1335, which would designate the Agent responsible for participation and filing in the Hazard Mitigation Grant Program.**

#### **Chuck Emerick, Assistant Director of Community Development**

In order to apply for the Hazard Mitigation Grant Program (HMGP), Derry Township must have a local agent responsible for seeing the paperwork through. We are looking to have the Township Manager appointed as that person. The HMGP is a competitive program where there is federal and state money to purchase flood damaged properties. The property that we are initially looking at is 932 Cocoa Avenue which is owned by the Scotts. It is the property that is located near the motel on Cocoa Avenue where the creek crosses under the road. Along with the designation of the agent, this program will require the building be razed, the property returned to green space, and a restriction for any future development on the property. The Township's upfront financial exposure to apply for the Scott's property is going to be approximately \$425 - \$500 for the professional appraisal which is a component of the application as well as staff's time to submit. If we see this project through the proposal, 22% of the funding is available through PEMA, 3% will be the Township's cost which can be in-kind services, and 75% through the PEMA/FEMA program.

**Discussion:** Supervisor Ballard referred to Mr. Emerick's written presentation where he mentioned the Township's obligation of 3% would be around \$5,000 - \$6,000. Mr. Emerick explained that our estimated percentage in the total project cost is a combination of the appraisal, the application, the value of the home, the value of the land, the cost to demolish the home, cost to plant, closing costs, etc. The cost should be less than \$6,000.

Chairman Abruzzo asked if the residents are still eligible to participate in this program. Mr. Emerick said they are. It is a competitive program so the greater the need, the more repetitive the loss, and the greater the damage results in a better chance the applicant would have with funding. The initial deadline for this application was February 22<sup>nd</sup>, but he understands it is being extended. Chairman Abruzzo said there were certain properties that were heavily damaged. He identified Tracy Sarris and the resident who lives down by Palmdale. Would it be possible to contact those homeowners to make sure they are aware of this opportunity? Mr. Emerick said he will make contact, but the Scotts are the only ones that have shown interest. He also noted they have to be in the flood plain and a lot of our damage was outside of our mapped flood plains. Supervisor Ballard suggested when contacting them to make sure we have confirmation that they were contacted.

**Motion:** A motion made by Supervisor Ballard and seconded by Supervisor Foley that Resolution No. 1335, which would designate the Agent responsible for participation and filing in the Hazard Mitigation Grant Program, is hereby approved. *The motion carried, 5-yes 0-no.*

#### **C1-21 Fill the vacancy on the Township of Derry Planning Commission**

Mr. Silvan B. Lutkewitsee III, submitted his resignation effective February 29, 2012. Those who expressed an interest in the position were: William C. Bashore, Joseph Grecia, David Holl, and Greg Mangione. Chairman Abruzzo called for a ballot vote.

**MOTION:** A motion made by Chairman Abruzzo and seconded by Vice-Chairman Fedeli to appoint Greg Mangione to the Township of Derry Planning Commission to fill the unexpired term of Silvan B. Lutkewitsee III, expiring on 12/31/2013, is hereby approved. *The motion carried, unanimously with a vote of 5-yes 0-no.*

Chairman Abruzzo thanked those in the community who sent a letter of interest or resume asking to be appointed to a board. We have a lot of qualified and great residents in the community. We try to get as many people involved as possible.

## **D1-7 Appoint the position of Director of Community Development and Zoning Officer for the Township of Derry.**

**James N. Negley, Township Manager/Township Treasurer** – On December 15, 2011, Mr. Ed Small, our Director of Community Development, passed away. Prior to his death, Ed was on extended medical leave. During that time and until now, the Assistant Director, Chuck Emerick, has been acting-director. The Township hired Mr. Emerick in December 2009, as the Assistant Director working directly with Mr. Small and the staff. Prior to his employment with the Township, Chuck served as Senior Project Manager for Light-Heigel & Associates specializing in municipal engineering, zoning and code needs. Mr. Emerick has over 33 years of associated experience. He has led the Community Development department for nearly two years and was handpicked by Mr. Small for advancement in the department. It is with great pleasure to recommend Charles W. Emerick, Jr. to the position of Director to Community Development.

**Discussion** – Vice-Chairman Fedeli said it is very evident the passion Chuck has for his work. He enjoys his job and is here early and works late. He performed in a stellar way during the flood. This promotion is very well deserved. Chairman Abruzzo said Mr. Emerick treats people respectfully and he looks out for the interest of the community. He is a true public servant and is very deserving of this promotion. Mr. Emerick thanked the Board for their kind comments and acknowledged his family who were present.

**Motion:** A motion made by Vice-Chairman Fedeli and seconded by Supervisor Foley that the appointment of Charles W. Emerick, Jr. to the position of Director of Community Development and Zoning Officer for the Township of Derry, is hereby approved. *The motion carried, 5-yes 0-no.*

## **E1-4 Consideration of the release of a portion of the performance security for the Preliminary/Final Subdivision and Land Development Plan for the Hershey Center for Applied Research (HCAR), Plat No. 1091.**

**Chuck Emerick, Assistant Director of Community Development** – The HCAR property was originally approved in March 2006. It included the construction of approximately 80,500 square feet of office building. The Township is holding performance security in the amount of \$1,781,847 in a form of a Letter of Credit. HRG has inspected the site and recommends that the security be reduced to \$178,184.70 which represents 10% of the original amount and is the lowest balance that can be maintained prior to a full release.

**Motion:** A motion made by Supervisor Ballard and seconded by Chairman Abruzzo that the Township hereby releases \$1,603,662.30 from the performance security of \$1,781,847.00, supplied as Hershey Trust Company Letter of Credit No. 201, leaving a balance of \$178,184.70 for the Preliminary/Final Subdivision and Land Development Plan for the Hershey Center for Applied Research, Plat No. 1091, is hereby approved. *The motion carried, 5-yes 0-no.*

## **F1-4 Consideration of the release of a portion of the performance security and entry into the maintenance security period for the Preliminary/Final Land Development Plan for the Goddard School, Plat No. 1202.**

**Chuck Emerick, Assistant Director of Community Development** – This plan is the development of a 1.3 acre tract of land located along Middletown Road, adjacent to the existing Turkey Hill consisting of an 8,400 square foot building used for The Goddard School. Construction was completed in September 2011. The Township is now holding a performance security in the amount of \$5,314.90 which is 10% of what was left. HRG inspected the area and recommended the release of the entire performance security after the developer posts a 15% bond (maintenance security of \$417.00) for the performance of a sidewalk and handicap ramp.

**Motion:** A motion made by Supervisor Ballard and seconded by Supervisor Foley that the Township hereby releases the remaining performance security in the amount of \$5,314.90, supplied as Letter of Credit No. 1010551 from Graystone Bank, provided that maintenance security in the amount of \$417.00 is supplied in acceptable form and the standard Maintenance Security Agreement is executed for Preliminary/Final Land Development Plan for the Goddard School, Plat No. 1202, is hereby approved. *The motion carried, 5-yes 0-no.*

**G1-6 Consideration of an extension of the term of the performance security for the Third Revised Preliminary/Final Land Development Plan for Deer Run Commons, Plat No. 1201.**

**Chuck Emerick, Assistant Director of Community Development** – Due to the economy, the development of this project has slowed down. Mr. Emerick recommended an extension of the bond until February 18 of 2013 of the term of the SAFECO Insurance Company of America.

**Motion:** A motion made by Supervisor Ballard and seconded by Supervisor Moyer that the Township hereby accepts an extension until February 18, 2013 of the term of SAFECO Insurance Company of America Bond No. 6603339, in the amount of \$337,877.05, supplied as performance security for the Third Revised Preliminary/Final Land Development Plan for Deer Run Commons, Plat #1201, is hereby approved. *The motion carried, 5-yes 0-no.*

**H1-2 Adoption of Resolution No. 1333 designating the Township of Derry's intent to suspend banners across SR 0422 announcing various events.**

**Jill Horner, Assistant Township Manager** – Assistant Manager Horner said that the Township received two more requests for banners.

**Motion:** A motion made by Supervisor Foley and seconded by Vice-Chairman Fedeli that adoption of Resolution No. 1333 designating the Township of Derry's intent to suspend banners across SR 0422 announcing various events, is hereby approved. *The motion carried, 5-yes 0-no.*

**J1-7 Proposal from HRG to provide engineering and related services for the Park Boulevard Bridge.**

**Thomas Clark, Director of Public Works** – Mr. Clark reported that during the September flood, the Park Blvd. Bridge sustained a substantial amount of water flow into it. While never suffering any structural damage, it did sustain a lot of scour on the downstream side of the pedestrian walkway columns. This proposal would cover the construction services and the bidding required to fulfill the requirements from an inspection subsequent to the flooding.

**Discussion:** Chairman Abruzzo noted in the memo that it says the extent of the undermining is significant and is considered a critical deficiency by PennDOT Bridge Inspection Standards requiring corrective action within six months. Mr. Clark said it is substantial enough that it was recommended that we close the pedestrian walkway shortly after the flooding. Mr. Clark said these fees are reimbursable from the Federal Highway Administration because it is a federal aid highway.

**Motion:** A motion made by Supervisor Ballard and seconded by Supervisor Foley that the proposal from HRG in the amount of \$11,500 to provide engineering and related services for the Park Boulevard Bridge, is hereby approved. *The motion carried, 5-yes 0-no.*

**CORRESPONDENCE** – No correspondence to report.

## **BOARD/COMMITTEE INFORMATION**

**Supervisor Ballard** – Supervisor Ballard gave an update on the Comprehensive Plan. The 1991 Comprehensive Plan for Derry Township was reviewed by the Committee, Assistant Manager Horner, and Chuck Emerick. They created a summary of the 1991 Plan to make it easier to read and to use as the Committee's base in updating the comprehensive plan. The summary is on the website: [derryvision.org](http://derryvision.org). Supervisor Ballard thanked the Committee for the public meetings that were already held. There are more upcoming meetings in March. All the comments from the meetings are on the website [derryvision.org](http://derryvision.org).

Supervisor Ballard thanked the Environmental Action Committee for committing to planting 48 trees this spring and Public Works for their assistance with this.

**Vice-Chairman Fedeli** – Vice-Chairman Fedeli gave an update on DTMA. They met with FEMA and PEMA this week regarding state and federal reimbursements for the flooding. Our staff is doing a wonderful job collecting the numerous amounts of paperwork. We are hoping to get a lot of our damages reimbursed by both state and federal government.

**Supervisor Foley** – Supervisor Foley said recently there have been editorials in local papers regarding some of the street lights and the signals. He asked Mr. Clark for his comments. Mr. Clark said with the SAMI program, a number of our signals were upgraded. All of the major signals on the three major corridors were updated to LEDs. There are a few out there that don't have LEDs in them. We have talked with Republic, our traffic signal contractor as far as getting together a program to replace those last couple of signals.

Supervisor Foley gave an update on the Hershey Fire Company. The Fire Company recently voted to pursue adjoining properties for the expansion of the existing station. It is a result of an RCAP that was awarded to the Fire Company on behalf of John Payne's office. That work is underway. The department is going to be reaching out to the ICDA as a financing entity to assist them with the funding.

**Supervisor Ballard** – Supervisor Ballard gave an update on the Tax Association matter. The Tax Association is a joint collaboration of the School Board and the Township. Vice-Chairman Fedeli and Supervisor Ballard are the current members of the Supervisors that serve on the Tax Association Board as well as Manager Negley. One of our vendors, Security Savings Systems recently made a serious error in inadvertently mailing another taxpayers information with the correct taxpayers' information. Letters have gone out from Security Savings Systems offering to pay for one year of Protect My ID Elite Service through Experian Credit Reporting Agency. We are encouraging people to do this. Over the last several days, we have been working on an apology letter to those people who were affected (approximately 2,000) from the Tax Association itself. We also have received a Right to Know request asking that we provide a list of those who were affected. We will not be revealing that information unless it would involve a criminal investigation. Vice-Chairman Fedeli said they want the public to know that we took this very serious and we worked very hard the night we found this out to formulate a plan with the vendor. In the event anything should show up in the credit reports of those affected, they should call the Tax Association.

**Rich Gamble** – Mr. Gamble asked if one year is an appropriate amount of time for the protection service because this type of issue could have consequences out beyond one year. There should be some type of agreement that the vendor would stand behind them to assist in all full recovery regardless of the time frame. Vice-Chairman Fedeli said Security Savings Systems has worked well with them so far. She understands Mr. Gamble's point and if a problem does arise, she would not hesitate to go back to the vendor and make that request. Supervisor Ballard suggested mentioning this suggestion to the Tax Association Board. Chairman Abruzzo said he discussed with different members of the Association that these discussions should occur with the vendor between now and the end of that year to make sure they understand the one year service may not be enough.

## REPORTS

### **Patrick M. O'Rourke, Chief of Police**

- Post Flood - Chief O'Rourke reported they continue to make significant progress in the Police Department post flood.
- Hosted Training at the Police Department – They are going to be proactive in hosting training at the Police Department in an effort to train our police officers and save money on behalf of the Township. We just hosted a Level 1 Crash Investigation class and as a result of hosting it here we were able to get seven of our newest officers into the class at no cost.
- New Website - Within 14 days, we are going to launch our new website. There has been a lot of time and effort put in this, but it is going to be very user friendly for the community.
- Fees – We adjusted the fees we collect for non-criminal purposes and at the same time have started collecting fees from those that have been put through the Criminal Justice System. Those revenues are coming in for the month of January at around \$4,000 just for criminal/non-criminal processing.

Chairman Abruzzo said he cannot impress enough the importance of hosting training. To have seven officers trained here had to save several thousands of dollars. He thanked Chief O'Rourke for his creative thinking resulting in staff being trained and a savings to the Township.

**Thomas Clark, Director of Public Works** – Mr. Clark reported that about half of the salt has been used for the snow events that we have had. We have a PennDOT contract for about 1500 tons that requires us to take 60% of that. Fortunately, we have a place to store it without having to pay for storage.

Supervisor Foley asked for an update on West Areba Avenue. Mr. Clark said PA American is planning to start work on the sinkhole on Monday. They requested closing the street down from Orchard to Glenn in order to initiate that repair. We are going to include the curb and sidewalk work in our curb and sidewalk program in the spring.

**Barbara Ellis, Hershey Public Library** – Ms. Ellis said 2013 will mark the 100 year anniversary of a public library in this community. We are starting to plan improvements and events for next year that will focus on our 100 year history.

**Terry M. Weinhold, Manager of Accounts Payable & Accounts Receivable** – Ms. Weinhold reported they are still posting back to the end of December and will continue that through the end of this month. Things do look pretty good for the end of the year. Revenues and expenses are under budget in January, but still figures are still being finalized. Tax bills were sent out February 1<sup>st</sup> and we will start seeing some of those dollars coming in the end of March/beginning of April.

**Matthew J. Mandia, Director of Parks and Recreation** – Mr. Mandia reported they are continuing their storm recovery efforts in securing estimates for some of the larger work that needs to be done, e.g., Bullfrog Valley Pond and the bike and pedestrian trail. We received an estimate for the dredging of the pond which came in at about \$144,000 and approximately \$200,000 for the restoration of the streambed and the bicycle and pedestrian trail between the pond and Shank Park. They have a meeting February 15<sup>th</sup> with FEMA to review the two larger projects coming up.

**Charles Smith, Township Engineer** – Mr. Smith reported that the stormwater and sanitary sewer project is underway in the Village area by Maple and High Street. We will continue to keep the Board updated as things progress.

**Chuck Emerick, Assistant Director** – Mr. Emerick reported that the Sheetz Land Development Plan was withdrawn for the third time. Mr. Emerick partnered with The Sun to get the word out. The major issue keeping them out of the meeting was the fact that they had a plan that was over on impervious cover for the Sheetz portion and they had a number of comments that they chose to

whittle down to come in to discuss in a public forum. The soonest that they could possibly be back in front of the Planning Commission would be at the April 10<sup>th</sup> meeting.

Chairman Abruzzo met with Derry Woods Homeowners Association. He would like to get back to them with an answer or remedy regarding the damage they experienced during the flood with their stormwater retention pond area and the money they put into it to help repair it. Chairman Abruzzo is looking for suggestions from Mr. Emerick and HRG regarding the family's home behind the tennis courts on Areba that was flooded. We need to evaluate these areas.

Mr. Emerick reported that the School District is exploring relocating the tennis courts that sit at the corner and turn it back into green space along with repairing the track. They are looking at moving the tennis courts to another place on the property. There is a 12 foot pipe leading from an area at the ball field down through the neighborhood that should be evaluated to see how it is functioning. Mr. Emerick and HRG have developed a plan (maintenance program) to maintain the stormwater facilities that are located within the Township. Chuck will bring the plan to the next meeting. There is a cost and we will need to look at some funding.

Chairman Abruzzo will further discuss all of these problem areas with Chuck Emerick to insure that an evaluation is don on the properties and that follow up occurs.

**Jill Horner, Assistant Township Manager** – Asst. Manager Horner reported she will meet with representatives from FEMA and PEMA on February 15<sup>th</sup>. We have done a lot of work documenting our labor costs, our equipment, materials and projects, etc. We are probably going to exceed our coverage on insurance particularly for the police building and that will also be submitted to FEMA and PEMA. They have indicated they will consider projects such as Bullfrog Valley pond and the trail. They will do a sight visit with Tom and Matt on the 15<sup>th</sup>.

**James N. Negley, Township Manager/Township Treasurer** – Manager Negley reported the two pieces of fire apparatus have not sold yet, but bids are going out on Wednesday.

Chairman Abruzzo asked Mr. Mandia about the skate park equipment. Mr. Mandia said they have advertised it, but received no bids yet.

**APPROVAL OF ACCOUNTS PAYABLE (\$690,636.67) AND PAYROLL (\$279,785.29).**

Supervisor Fedeli moved to approve accounts payable in the amount of \$690,636.67 and payroll in the amount of \$279,785.29. Supervisor Foley seconded. ***The motion carried, 5-yes 0-no.***

Chairman Abruzzo acknowledged former Supervisor Skip Memmi who was in attendance.

**VISITOR/PUBLIC COMMENTS**

**Colleen Hennesy, Patriot News** – Ms. Hennesy introduced herself as a reporter for the Patriot News. She will give her contact information to Asst. Manager Horner.

**ADJOURNMENT**

Supervisor Ballard moved to adjourn the meeting at 8:30. Chairman Abruzzo seconded. ***The motion carried, 5-yes 0-no.***

SUBMITTED BY:

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Marc A. Moyer  
Township Secretary

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Brenda Van Deursen  
Recording Secretary