

# TOWNSHIP OF DERRY

## BOARD OF SUPERVISORS MEETING

Tuesday, May 24, 2011  
600 Clearwater Road, Hershey, Pennsylvania 17033

### **CALL TO ORDER**

The May 24, 2011 Township of Derry Board of Supervisors meeting was called to order at 7:05 p.m. by Chairman Abruzzo.

### **ROLL CALL - All present.**

E. Christopher Abruzzo, Chairman  
Sandy A. Ballard  
Kelly C. Fedeli, Vice-Chairman  
Marc A. Moyer, Secretary  
Todd Pagliarulo

### **Also Present:**

Matt Bonanno – HRG, Township Engineer  
Chris Gawron – Hershey Public Library, Circulation Manager  
Jill Horner – Assistant Township Manager  
Cheryl L. Lontz – Manager of Payroll & Employee Benefits  
Matthew Mandia – Director of Parks & Recreation  
James N. Negley - Township Manager/Township Treasurer  
Patrick O'Rourke – Chief of Police  
Robert Piccolo – Assistant Director of Public Works  
Edward L. Small – Director of Community Development  
Jon Yost - Solicitor

**Public Present:** Nate Pfeifer, Kendra Pfeifer, Elvira Ebling, Steve Todd, A. Searer, E. Svube, Rich Gamble, Brian Evans

**Press Present:** Drew Weidman, The Sun and Elizabeth Krotz, Patriot News

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

### **Executive Session:**

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

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

Rich Gamble, 3900 Hockersville Road – In his response letter to the editor, he made it known that if anyone wanted to challenge the correspondence regarding his participation, Mr. Mandia's participation as well as the School Board and the local press that the facts are in the e-mails. There was a lot of misleading information and falsely accusing in particularly the one student who wrote the article.

Mr. Gamble walked around the "unsightly" property at Hockersville Road. The front porch now has fallen off the building. The spouting is coming down and the back of the property is a jungle. He questioned the fact it was purchased and turned into a warehouse. Did he apply for proper variances in order to accomplish what the purpose of the house is at this point? Mr. Small said the notice is about to expire in late June and we are looking for a demolition at this point.

Mr. Gamble reported at the School Board meeting they were discussing revenue generating projects in the town. They are counting on certain parcels of land being either sold or developed to be a revenue generator. He asked for an update on the Township property on Hockersville Road.

Chairman Abruzzo said the reason the School District has this information is that we meet with them on a quarterly basis. We have advised them of these properties and when we expect revenue will be generated. The Township property seems to be moving ahead with settlement by early fall. The School District understands they cannot rely on the money for this next budget year because the hotel won't be built by then.

Mgr. Negley said the sales agreement is in tact and we expect the hotel plans to go to the Planning Commission between June and August and a settlement in October or November.

Steve Todd, 629 Bullfrog Valley Road – Mr. Todd referred to an email he sent to the Board. He asked for a brief update on the stormwater bids that were opened on May 16<sup>th</sup>. Chairman Abruzzo said an update will be given during Mr. Bonanno's presentation.

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

Chairman Abruzzo called for a motion to approve the Minutes of the May 10, 2011, Board of Supervisors Meeting. Supervisor Ballard made a motion to approve the Minutes as written. Supervisor Pagliarulo seconded. *The motion carried, 5-0.*

#### **NEW BUSINESS:**

##### **A1 Presentation by Nate Pfeifer, Life Scout Troop 203, regarding Eagle Scout Project benefiting the Hershey Public Library.**

Nate Pfeifer – Mr. Pfeifer acknowledged his scout master and the co-chairs and member of the Friends of the Hershey Public Library Book Sale Committee. He gave a description of his Eagle Scout Project, its benefit to Derry Township, shared his plan improvements, and the funding aspect of the project.

He decided to do a project for the Hershey Public Library because he enjoys reading. The Friends of the Hershey Public Library put on an annual book sale for the Library. His project involves building workstations for the Friends in their basement room in the Library. His project has been approved to start by his Troop Committee, the District, the Friends of the Hershey Public Library and the Library director. The book sales raise an impressive \$50,000 to \$55,000 each year benefiting the Library. The improved work areas would help the Friends with efficiency and make it much easier on them. He provided the Board with a workbook of the details of his project. There are two parts to his project. One is to improve the recycling area and the second part is the book selling area. His improvements will help organize this greatly and also help the transportation outside to a waiting recycling truck. It will cost about \$1,110 total. An itemized list of expenses is in the notebook. Lowe's gave him a 25% discount which adds up to about \$164, leaving a balance of approximately \$946. His Troop Committee recommended he present this to the Board to see if

there were any dollars available to fund projects like this. His project helps the Hershey Public Library and the community. Personal donations are also accepted.

Chairman Abruzzo thanked Nate for his presentation. He asked Nate if this project has been presented to Barbara Ellis to review for any comments. Nate said he shared his plan with her and she approved it.

Chairman Abruzzo asked if this has been presented to the Friends of the Hershey Library. Nate said he is presenting it tomorrow morning, but it has been approved by some of them. He is open to making any changes.

Vice-Chairman Fedeli asked about the structure of his fund raising. He said he is raising the funds himself.

Supervisor Moyer asked Nate how old he was and what grade he is in. Nate replied he is 14 years old and is in the 8<sup>th</sup> grade. Supervisor Moyer was impressed with his leadership and initiative on this project.

One of the Friends of the Hershey Library shared that they have partnered with Nate for over two months and he continues to impress them. We see this partnership as a benefit for Nate, the Friends of the Library and the community.

Supervisor Ballard said if Nate would write a letter to a couple of companies and get a charitable donation, we could match it up to \$500. She added that she appreciates what Nate is doing.

Supervisor Pagliarulo said since this will be benefiting the Hershey Public Library we could possibly look at the Library's budget for assistance. There are many opportunities available to assist him.

Chairman Abruzzo said the Board will take this under advisement and get back to him at the next meeting. At that time, Nate may have been in contact with other companies.

**B1-14 The Revised Preliminary/Final Subdivision and Land Development Plan for the West Hershey Plant Expansion, Plat No. 1205; and Stormwater Management Site Plan and Report.**

Edward Small – Director of Community Development – The reason for this revision is a number of issues have come forward to the company and new needs were identified. There are 39 modifications and among those changes were building additions totaling 18,640 square feet and impervious additions of 13,130 square feet. Some things were removed that are no longer necessary. In addition, there are modifications to the stormwater management plan due to additional impervious areas to building and other surface level expansions. They are now under the effect for the changes of the new Chapter 174 Regulations passed by the Board. The plan does not alter the subdivision aspect of the first plan nor does the quarry track change with the exception of minor alterations to the right-of-way description. Waivers are requested from our Subdivision and Land Development regulations. The spirit of this plan set was to make everything in the plan set complete.

The Derry Township Planning Commission recommended approval of the plan subject to a list of corrections, all of which have been addressed. They also recommended the waivers be granted for the current approval.

**Discussion:** Supervisor Ballard would prefer to not waive the sidewalk and bicycle provisions. She referred to the Ronald McDonald House where a sidewalk should have been placed. We constantly have Amish people walking over to the hospital and it is not a safe situation. Whenever we waive the sidewalk requirements, we are passing up our one and only chance to get the sidewalks in.

Vice-Chairman Fedeli asked Mr. Small where the next nearest sidewalk would be if sidewalks were placed around this facility. Mr. Small said probably all the way into the Village. Supervisor Ballard said when you get the opportunity you should take it. Mr. Gamble added that the rehabilitation center did put in sidewalks.

**Motion:** A motion made by Supervisor Ballard to approve the Motion with the removal of a waiver regarding the sidewalk and bicycle provisions. There was no second to the Motion; therefore the Motion failed.

A motion made by Vice-Chairman Fedeli and seconded by Chairman Abruzzo that the Preliminary/Final Subdivision and Land Development for the West Hershey Facility Plant Expansion, Plat #1199, is approved subject to the following:

- a. That the applicant reimburse the Township for costs incurred in reviewing the plan no later than June 24, 2011.
- b. That a digital file of the plan be provided no later than November 24, 2011.
- c. That the applicant demonstrate that the performance security is reassigned from Plat #1199 to Plat #1205 no later than November 24, 2011.

It is further moved that the following waivers are granted from the Subdivision and Land Development Regulations:

- a. From Sections 185-12.D.(2) and 185.-13.E.(3) regarding plan scale for the overall plan sheets only.
- b. From Sections 185-12.D.(3).(a)[7] and 185.-13.E.(4).(a).[7] regarding metes and bounds of existing street rights-of-way, centerlines, and easements.
- c. From Sections 185-12.D.(3).(a).[21] and 185.-13.E.(4).(a).[19] regarding stormwater plan and profiles.
- d. From Sections 185-12.D.(3).(a).[22] and 185.-13.E.(4).(a).[20] regarding sanitary plan and profiles.
- e. From Sections 185-12.D.(3).(a).[23] and 185.-13.E.(4).(a).[21] regarding utility plan and profiles.
- f. From Section 185-22.E.(5) regarding the installation of curbing.
- g. From Section 185-34 regarding the installation of sidewalks, walkways, and bicycle paths.
- h. From Section 185-42 regarding the reduction of the traffic study horizon year from 10 years to 5 years to match that of PennDOT.

Chairman Abruzzo noted that putting sidewalks in this instance is not going to have the desired benefit we seek when we put the sidewalks in the downtown area.

***The motion carried, 4-0-1.***

**C1-6 Consideration of the release of the security provided for road repair on North Lingle Avenue for the Preliminary/Final Land Development Plan for Eastern Land and Resources Corporation, Plat No. 994.**

**Motion:** A motion made by Supervisor Ballard and seconded by Supervisor Pagliarulo that the Township hereby releases security of \$36,168.25, in the form of cash, supplied in fulfillment of the March 19, 2003 Agreement with the applicant for the Preliminary/Final Land Development Plan for Eastern Land and Resources Corporation, Plat #994, is hereby approved. ***The motion carried, 5-0.***

**D1-71 Authorization to accept a proposal from Herbert, Rowland & Grubic, Inc. to provide preliminary engineering services for the Relocation of Park Blvd. and the replacement of Derry Township Bridge Number 1 over Spring Creek.**

James N. Negley - Township Manager/Township Treasurer – This agreement engages Herbert, Rowland & Grubic to provide preliminary engineering for the roadway realignment of the Boulevard and the Bridge carrying Park Boulevard over Spring Creek. The Township received a Scope of Services for providing these services for a lump sum fee of \$650,000.00. The Township has been meeting with Dauphin County, Hershey Entertainment and Resorts Company, The Hershey Company and The Hershey Trust in order to form a Public/Private partnership to help in the funding of this local project. On February 22, 2011, the Board of Supervisors approved the Application for County Aid from Dauphin County's Liquid Fuels Fund to pay the entire amount of the \$650,000. This scope will be paid by the Liquid Fuels Fund.

**Motion:** A motion made by Supervisor Moyer and seconded by Supervisor Pagliarulo that the Township Manager may execute an agreement with Herbert, Rowland, & Grubic, Inc. to provide preliminary engineering services for the Relocation of Park Boulevard and the Replacement of Derry Township Bridge Number 1 over Spring Creek, is hereby approved. ***The motion carried, 5-0.***

**E1-13 Authorization for the Board of Supervisors to ratify a Grant Agreement with the Dauphin County Local Share Municipal Grant Program for the Hershey-Derry Township Historical Society.**

James N. Negley - Township Manager/Township Treasurer - The Township was a co-grantee with Hershey-Derry Township Historical Society and applied for grant money in the amount of \$5,000 derived from the Pennsylvania Race Horse Development and Gaming Act. These funds are specifically earmarked for the Historical Society to assist them with building alterations.

**Motion:** A motion made by Vice-Chairman Fedeli and seconded by Supervisor Ballard that the authorization for the Chairman or Vice-Chairman of the Board of Supervisors to execute a Grant Agreement for the Dauphin County Local Share Municipal Grant Program for the Hershey-Derry Township Historical Society is ratified and is hereby approved. ***The motion carried, 5-0.***

**CORRESPONDENCE** – Chairman Abruzzo indicated Chief O'Rourke received a letter of thanks from the Borough of Palmyra for response to the aid of residents in their community when a tornado struck on April 28, 2011.

**BOARD/COMMITTEE INFORMATION** – No information to report.

**REPORTS**

Patrick O'Rourke – Chief of Police – Members of the Derry Township Police Honor Guard will be leading the Memorial Day Parade this year and carrying the colors through the course of the parade.

Chief O'Rourke reported on a couple of changes within the department that will be beneficial to working with the public and the media. In creating a more open and accessible police department, they are now using Facebook and Twitter to help keep the public better informed of events that are going on in the Township. He has also made different changes in assignments in the department. One officer has been assigned to the community services platoon. Her responsibilities amongst other duties will be handling all of our community outreach initiatives and our public relations events.

Chief O'Rourke also reported he is holding interviews for the position of detective. Five officers have submitted their intent to participate in the promotional process for the rank of Lieutenant. He also mentioned a week from tonight he will be representing the police department and will throw out the first pitch at the Harrisburg Senators baseball game.

Vice-Chairman Fedeli asked what we should look for if someone wanted to follow us on Twitter or become a fan on Facebook. Officer O'Rourke said you can search on Facebook for the Derry Township Police Department. He does not have the Twitter access at this point. They are getting ready to do a news media blitz to provide all the information. We have already received some positive comments from the media that have been able to track some accident situations.

Robert Piccolo – Assistant Director of Public Works – Mr. Piccolo reported on the Tree Committee. They have met numerous times this year and established an acceptable list of trees to be planted between the curb and the sidewalk. They have also established a list of trees that would be prohibited to be planted in the right-of-way, basically multi-stem trees. They have broken down the tree list into small, medium, and large trees depending on the resident's preference or conditions where they need to be planted. The tree ordinance is moving along in a positive way.

Chairman Abruzzo said one of the goals for the Tree Committee was to come up with reasonable recommendations for trees and sidewalk replacement. We have trees that are currently damaging sidewalks because of their root systems. He reminded the Tree Committee to provide input to the people in the downtown who are mostly affected by this. Mr. Piccolo said they have discussed sidewalks and are working on root barriers, mooning of sidewalks, and other options to help prolong the life of a sidewalk when a street tree is there.

Mr. Piccolo said he has never seen the grass so high along some of the roadways, but we have never had an April and May with the rain. They are getting caught up and hope in the next few weeks to have everything looking good as they normally do.

Chris Gawron – Hershey Public Library – The Hershey Public Library is getting ready for the annual summer reading program challenge. We are inviting everyone to participate by offering reading programs for all ages. Ms. Gawron thanked the Friends of the Library for their support of the summer reading program as well as many other community programs that occur throughout the year.

Cheryl L. Lontz – Manager of Payroll & Employee Benefits – The auditors will be here on Tuesday.

Matthew Mandia – Director of Parks & Recreation – Mr. Mandia reported they have been preparing the Recreation Center in between the rain and will be ready to go on Saturday. They are going to keep the Dome closed until the Hershey High School all-night graduation event is completed which is the first full week of June. He also reported they have received a good response for participation

in the Memorial Day Parade. Staging for the parade will begin at 8:00 AM at the Recreation Center and the parade will begin at 10:00 AM. Immediately following the parade, the ceremony will begin. The Chairman offered to be the MC for the ceremony this year.

Chairman Abruzzo mentioned they have been forwarding a list of volunteers and wondered if they have been contacted with the details. Mr. Mandia said Zach has contacted them.

Matt Bonanno – HRG, Township Engineer – Mr. Bonanno stated the bidding was publicly advertised on April 1<sup>st</sup> and again on April 6<sup>th</sup>. We had the bid opening on May 16<sup>th</sup> at a public meeting room at 2:00. We received one bid on the project. The bid was in order and it was from Mazzucca Enterprises out of Pottsville, Pennsylvania. They had listed Handwork Contractors as their subcontractor. The bid was in the amount of \$6,740,736.90.

Chairman Abruzzo asked Mr. Bonanno if he had an opportunity to review the bid in detail and he had. Chairman Abruzzo asked if he had a recommendation for the Board based on his review. Mr. Bonanno said the bid was in order, but it was higher than they had anticipated. Basically due to the lack of a competing bid and since we only received one bid, our recommendation to the Board is to re-bid the project.

Chairman Abruzzo asked if there was an explanation for why the bid was so much higher than we had expected. Mr. Bonanno said he did contact a number of contractors and due to the economy, a lot of the contractors that would typically bid this project have downsized and this project is too large for them. Another reason was during the period of the bid, we had six weeks opened, but there were a significant amount of other projects being bid at that time. Some contractors just did not have the time to place the bid. In addition, there were pre-qualifications required from the contractors and a lot of the contractors that were interested in the project did not have the necessary pre-qualifications in order to bid the project. We can make some simple changes to the bidding documents to hopefully generate some additional interest and receive more bids.

Chairman Abruzzo asked what our expectations should be if we re-bid this. Mr. Bonanno said as with all public bidding there is no guarantee, but with the minor changes made to the bidding documents we hope we will receive more than one bid. This would give us a more competitive bidding environment where we may see three to five bids come in.

Supervisor Moyer asked if he expected a reduction in quality of the organizations we receive bids from based on the modification of the bidding criteria. Mr. Bonanno doesn't believe there will be any change. We added the qualifications in order to eliminate some of the smaller contractors that may not have been able to perform this work very well for the Township. We wanted to assure the Township got a great project out of this. What we learned was that the funding institutions won't provide the bond for some of the smaller outfits. We are comfortable with reducing those qualifications. We think the way the economy is and the financial market will prevent smaller firms from bidding.

Supervisor Ballard asked Mr. Bonanno for a timeline if we decide to go with the re-bidding. Mr. Bonanno recommended going out four to six weeks during a re-bid process. From there, we would evaluate the bids and come back and make a recommendation to the Board. If we make a recommendation to award then we would have a notice to proceed. One of the other things we would change in the bidding documents would be to extend the construction season. Instead of starting June 20<sup>th</sup>, it would be kicked back at least a month, more likely two months. We would

extend the end of the contract into 2013. There is little risk in re-bidding the project with the benefit of getting more competitive bids.

Chairman Abruzzo asked what the cost would be associated with re-bidding the project to the Township. Mr. Bonanno said the only cost to the Township would be for re-advertisement.

Mr. Bonanno said if we decide to re-bid we would want to reject the bid that was received from Mazzucca and authorize a re-bid.

**Motion:** A motion made by Supervisor Pagliarulo and seconded by Supervisor Moyer that we reject the bid from Mazzucca Enterprises for the Stormwater Project, is hereby approved. ***The motion carried, 5-0.***

**Motion:** A motion made by Vice-Chairman Fedeli and seconded by Supervisor Moyer that we move forward with the re-bidding process for the Stormwater Project, is hereby approved. ***The motion carried, 5-0.***

Edward L. Small – Director of Community Development – Mr. Small said the Township applied for the Inter-Governmental Grant through the Dauphin County Economic Development Office. We partnered with the School District to receive the \$3,000. It is matching and the Township will match it. It will be applied toward the Comp Plan and the visioning process the Committee is now looking at.

James N. Negley - Township Manager/Township Treasurer – Mgr. Negley reported in keeping with our joint workgroup, he will be meeting with the School's superintendent on June 9<sup>th</sup> to start the process and then establish joint workgroup meetings.

**APPROVAL OF ACCOUNTS PAYABLE (\$845,773.32) AND PAYROLL (\$308,951.38).**

Supervisor Ballard moved to approve accounts payable in the amount of \$845,773.32 and payroll in the amount of \$308,951.38. Supervisor Pagliarulo seconded. ***The motion carried, 5-0.***

**VISITOR/PUBLIC COMMENTS**

Rich Gamble, 3900 Hockersville Road – Mr. Gamble wanted to readdress the issue of sidewalks brought up by Supervisor Ballard. He mentioned Mr. Hershey built his factory in the middle of a field and one of the things he put in front of his factory was a sidewalk for the purpose of having public transportation drop employees off. We are looking at a section of the town that is going to be developed. Taking advantage of putting sidewalks in now assists our future. We built the Intermodal Transportation System, but we didn't have a train or bus. We projected into the future. We should take advantage of the opportunity now because it is the future of benefiting the community.

Steve Todd, 629 Bullfrog Valley Road – Mr. Todd said he reiterates everything Supervisor Ballard and Mr. Gamble voiced regarding sidewalks. It was a big loss of a single opportunity to put some sidewalks in. They may not go anywhere presently, but the problem is everyone that comes in for a sidewalk waiver uses one and only one excuse...there are no sidewalks around here. This has happened for years.

Mr. Todd expressed concerns before regarding giving all our projects and money to just one consultant over and over again. We have done it for decades. It is a terrible idea, a terrible way to



shop, and a terrible way to buy things. He recommends we stop and start bidding some of this work. On the website, they have \$27 million worth of plans. Is that all going to just be handed to one firm? Mr. Todd said he brought this up in the past and has been told since he is an engineer and maybe he just wants in on the action. Mr. Todd is a civil engineer and in order to remove any conflict of interest, he pledges not to pursue any reimbursable part of any engineering work suggested by himself or his employer. We are talking about millions and millions of dollars and change orders in the six figures and not one engineering question when they come before you. He requests the Board to think about this. It is tax money and he works very hard for his share of the tax money.

Chairman Abruzzo thanked Mr. Todd and appreciates the points he made. He assured Mr. Todd that the Board very carefully scrutinizes every dollar spent whether it is our Township engineer or the projects we are involved in. We have always been an open book on this Board.

Supervisor Ballard said one concern they had was if we were to hire an engineer to oversee our Township engineer we would be spending additional money. How would we know that engineer was doing his or her job well? Do you hire an engineer to oversee the oversee engineer? Mr. Todd said sometimes you do that...it is called value engineering. That is usually taking it too far, but on big ticketed items sometimes you do have a third engineer.

**ADJOURNMENT**

Supervisor Ballard moved to adjourn the meeting at 8:10 p.m. Supervisor Moyer seconded. ***The motion carried, 5-0.***

SUBMITTED BY:

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Marc A. Moyer  
Township Secretary

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Brenda Van Deursen  
Recording Secretary