

TOWNSHIP OF DERRY

BOARD OF SUPERVISORS MEETING

Tuesday, June 10, 2008
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The June 10, 2008 Township of Derry Board of Supervisors Meeting was called to order at 7:05 p.m. by Chairman, Michael H. W. Pries.

PLEDGE OF ALLEGIANCE

All present stood for the Pledge of Allegiance.

ROLL CALL

Supervisors Present:

E. Christopher Abruzzo, Township Secretary
Kelly C. Fedeli
August (Skip) T. Memmi, Jr.
George W. Porter, Vice-Chairman
Michael H. W. Pries, Chairman

Also Present:

Thomas Clark - Public Works
Barbara S. Ellis – Director of Hershey Public Library
Jill E. Horner – Assistant Township Manager
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
Terry Weinhold – Manager of Accounts Payable and Receivable
Jon A. Yost - Township Solicitor
Brenda Van Deursen, Stenographer

Public Present: Matt Bonanno, HRG, Bob Larson, Jim Ingalzo, Tracy Sarris, Dennis Trout

Press Present:

Jeff Werner - Hershey Chronicle
Daniel Victor - The Patriot
Drew Weidman – The Sun

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

EXECUTIVE SESSION

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

VISITOR/PUBLIC COMMENT:

No one came forward.

APPROVAL OF MINUTES:

Chairman Pries called for a motion to approve the Minutes of the May 27, 2008 Board of Supervisors Meeting. Supervisor Abruzzo made a motion to approve the Minutes as written. Supervisor Fedeli seconded. *The motion carried 5-0.*

NEW BUSINESS:

A1 The presentation of awards to those employees of the Police Department whose actions from June 2007 through May 2008, have brought distinction upon themselves.

William D. Smith – Chief of Police - Chief Smith commended the following for their actions from June 2007 through May 2008:

Dispatchers Frederick S. Carpenter and Glenn A. Rauchut received a Letter of Commendation for their diligence, attention to duty, and exceptional police service during a confusing and hectic situation on January 29, 2008.

Sgt. Eric T. Singiser and Sgt. Steven J. Beard received the Life Savings Award for their quick, decisive intervention into a life-threatening situation on July 14, 2007.

Officer Dennis J. Shearer and Officer Robert E. Bennett received A Letter of Commendation for their diligence, attention to duty, and exceptional police service while confronting an armed subject on August 26, 2007.

Officer Matthew Dotts received an Award for Outstanding Arrest for his alertness and perseverance on March 4, 2008.

Detective Gregory R. Day, Sgt. Eric T. Singiser, Sgt. Steven J. Beard, Officer Garth Warner, Officer Anthony C. Clements, Officer Anthony J. Bernardo, Officer Wendy A. Burgwald, Officer Timothy A. Keister, Officer Robert F. Demmel, Dispatcher Gregory K. Reichard, and Dispatcher Marc A. Breckenmaker received a Distinguished Unit Citation for their outstanding teamwork on October 26, 2007.

Special Agent David Clark was also recognized for his quick response, expertise, and willingness to assist another law enforcement agency on October 26, 2007.

Chief Smith presented retired Sgt. Roy Warlow a plaque for his 40 years of service. Chairman Pries and Vice-Chairman Porter also presented Mr. Warlow with a plaque and gift certificate for his dedication to the community.

Detective Gregory Day received a Letter of Commendation for his diligence, attention to duty, and exceptional police service for his investigation of robberies over several months.

Officers Timothy A. Keister, Robert F. Demmel, and Anthony J. Bernardo for their initial response, implementation of a concerted effort, and their team work regarding an incident on May 1, 2008.

Sgt. Steven J. Beard, Officers Timothy A. Keister, Anthony J. Bernardo, and Wendy A. Brugwald for their teamwork, effort, and initial response on October 4, 2007.

B1-6 Consideration of the release of the maintenance security in three phases of Stone Creek, Plat Nos. 995, 1015, and 1029.

Edward L. Small – Director of Community Development - Mr. Small said the Board adopted, under Resolution No. 1146, the public improvements in Phases 3 (in part), 4, and 5 of the Stone Creek development. As a result of the adoption of the Resolution, the Township accepted maintenance securities. The securities are supplied by the Hartford Fire Insurance Co. and run concurrently and expire June 19, 2008. HRG inspected the public improvements and reported they are satisfactory.

Vice-Chairman Porter made a motion to approve the release of maintenance security bonds No. 39 BCSBV0676M at \$84,200.38; No. 39 BCSCN8507M at \$43,442.47; and No. 39 BCSCW5621M at \$75,903.02, all supplied by the Hartford Fire Insurance Co. respectively for Stone Creek Phase 3, Plat #995; Phase 4, Plat #1015; and Phase 5, Plat #1029. Supervisor Fedeli seconded the motion. ***The motion carried, 5-0.***

C1-3 Consideration of the change of the security instrument for the Preliminary/Final Subdivision Plan for Property at Stoverdale and Middletown Roads, Plat No. 1101.

Edward L. Small – Director of Community Development – Mr. Small explained this plan involves two lots at the northeast corner of the intersection of Middletown Road and Stoverdale Road. He further explained the developer supplied performance security for the required improvements in the amount of \$121,248.99. The developer has proposed exchanging the current letter with a replacement security with Susquehanna Bank. The only difference is the expiration from August 11, 2008 to March 13, 2009.

Discussion: Vice-Chairman Porter asked what the performance security was designed for. Mr. Small said it was an extension of sewer and water lines.

Supervisor Memmi moved to accept the Susquehanna Bank Letter of Credit No. 10004387691 in the amount of \$121,248.99 as performance security for the Preliminary/Final Subdivision Plan for property at Stoverdale and Middletown Roads, Plat #1101, and allow the release of Integrity Bank letter of Credit No.

1172 of \$121,248.99. Vice-Chairman Porter seconded the motion. ***The motion carried, 5-0.***

D1-2 Extension to the Joint Transportation Facility/Personnel Agreement between the Township of Derry and the Derry Township School District.

James N. Negley - Township Manager/Township Treasurer - Mgr. Negley said the Township and School Districted entered into an agreement in 1998 to jointly utilize the Township's maintenance facilities and to integrate and combine vehicle maintenance personnel for a ten-year period ending September 29, 2008. This agreement extension will be for an additional 10 years ending on September 29, 2018.

Discussion: Supervisor Abruzzo asked Mgr. Negley how much money the agreement saved the School District. Mgr. Negley said it saved the School District from having to erect a structure. The utilities have saved them over \$30,000 a year. Vice-Chairman Porter acknowledged that Supervisor Memmi was involved in the original negotiations of the agreement, which has worked well over the years. He also made a comment regarding getting more kids to ride the school bus.

Supervisor Abruzzo moved to approve the extension for an additional 10 years ending on September 29, 2018 to the Joint Transportation Facility/Personnel Agreement between the Township of Derry and the Derry Township School District. Supervisor Fedeli seconded. ***The motion carried, 5-0.***

E1-5 Authorization to advertise an ordinance authorizing the entering into an intergovernmental arrangement for police protection with South Hanover Township and authorizing the adoption of the Joint Municipal Agreement for Law Enforcement Services to be provided within South Hanover Township for Milton Hershey School Venice and Manada Campuses by the Township of Derry Police Department.

James N. Negley - Township Manager/Township Treasurer – Mgr. Negley reported that Milton Hershey School is ready to occupy the Venice and Manada Clusters in South Hanover Township. The School will provide necessary funding to pay for one additional police officer to provide law enforcement services in this area.

Discussion: Mgr. Negley said the salary and insurance to protect the police officers and Township are covered. He also said there is no impact on the budget. Vice-Chairman Porter asked how the 24-hour time period would be covered. Chief Smith said the coverage of the zone will be by the officers scheduled that day.

Supervisor Abruzzo moved to advertise an ordinance authorizing entering into an intergovernmental arrangement for police protection with South Hanover Township and authorizing the adoption of the Joint Municipal Agreement for Law

Enforcement services to be provided within South Hanover Township for Milton Hershey School Venice Campus. Supervisor Memmi seconded. ***The motion carried, 5-0.***

F1-9 Execution of a Memorandum of Understanding between the Township of Derry Police Department and the Milton Hershey School for Law Enforcement and General Police Services on the Venice and Manada Campuses in South Hanover Township, Dauphin County.

James N. Negley - Township Manager/Township Treasurer - Mgr. Negley explained this is the second component of agenda item number E1-5 above, which is the Memorandum of Understanding.

Supervisor Memmi moved to approve the execution of a Memorandum of Understanding between the Township of Derry Police Department and the Milton Hershey School for Law Enforcement and General Police Services on the Venice and Manada Campuses in South Hanover Township, Dauphin County. Supervisor Fedeli seconded. ***The motion carried, 5-0.***

G1-3 Authorization to accept a proposal from Buchart/Horn, Inc. to continue to provide Engineering and Environmental Services for the Route 422 and Lingle Avenue Improvement Project, Supplement No. 7.

James N. Negley - Township Manager/Township Treasurer - Mgr. Negley explained that the Board of Supervisors approved an initial proposal from Buchart-Horn, Inc. to provide engineering and environmental services for the Rt. 422 and Lingle Avenue improvement project. As the project progressed, six additional supplements were approved: engineering, right of way appraisals, and drainage and soil erosion concerns. The total amount is \$63,473.60. He further explained funding is reimbursable from PennDOT for all the work excluding ADA design requirements. The balance is due from the Township.

Discussion: Chairman Pries asked for a timeline of completion. Supervisor Memmi said it would take 13-15 months to complete the project...early 2010.

Supervisor Memmi moved to approve executing an agreement with Buchart-Horn, Inc. to provide Engineering and Environmental Services Supplement #7, for the Route 422 and Lingle Avenue Improvement Project. The motion was seconded by Supervisor Abruzzo. ***The motion carried, 5-0.***

H1-45 Authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210 (Vehicles and Traffic), Article II (Traffic Regulations), Section 210-24 (Stop intersections established), by establishing a multi-way (4-way) Stop sign controlled intersection of Sandhill Road and Cherry Drive.

William D. Smith – Chief of Police - Chief Smith reported a traffic study was conducted at the intersection of Sandhill Rd. and Cherry Dr. The traffic study indicated warrants were met for the establishment of a multi-way stop

intersection. He explained there will only be two additional stop signs and posts needed. This cost will be borne by Hershey Medical Center. They will also place a warning advisory to alert the public of the traffic pattern.

Discussion: Supervisor Abruzzo suggested putting this information on the website as another way to inform the public.

Supervisor Abruzzo moved to approve advertising an ordinance amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210 (Vehicles and Traffic), Article II (Traffic Regulations), Section 210-24 (Stop intersections established), by establishing a multi-way (4-way) Stop sign controlled intersection of Sandhill Road and Cherry Drive. Supervisor Fedeli seconded.

The motion carried, 5-0.

I1-8 Authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210 (Vehicles and Traffic), Article IV (General Parking Regulations), by establishing parking restrictions on Draymore Court starting at a point 210 feet west of the intersection of Limerick Court for a distance of 200 feet west thereof on the south side.

William D. Smith – Chief of Police - Chief Smith explained a letter was received from the Oakmont IV Condo Association asking that a traffic study be conducted on Draymore Ct. The concern was parking on Draymore Ct. at the curve west of the intersection with Limerick Ct. The Association feels that it is dangerous to have vehicles parked in this curve. Chief Smith said a study was conducted and parking restrictions warrants were met based on the width of the roadway. Parking is able to be restricted on the south side of Darymore Court. He said 2-3 signs and sign posts will need to be posted in the area to help better designate the restriction.

Discussion: Supervisor Fedeli asked who would be responsible for the costs. Chief Smith said the Township would be covering the costs.

Supervisor Abruzzo moved to approve advertising an ordinance amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210 (Vehicles and Traffic), Article IV (General Parking Regulations), by establishing parking restrictions on Draymore Court starting at a point 210 feet west of the intersection of Limerick Court for a distance of 200 feet west thereof on the south side. Chairman Pries seconded. **The motion carried, 5-0.**

Chairman Pries asked Chief Smith to get back to Mr. Ditzler regarding a citation involving the Indian Run parking restriction.

J1-6 Authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210 (Vehicles and Traffic), Article IV (General Parking Regulations), by establishing a parking restriction on Sandhill Road between Cherry Drive and Forrest Avenue on the west side.

William D. Smith – Chief of Police - Chief Smith received complaints from the Parks and Recreation Department and the Public Works Department regarding vehicles parking on the west side of Sandhill Rd. between Cherry Dr. and Forrest Ave. The vehicles were parking on the grass making it difficult for mowing and maintenance and those utilizing the bike/walking trail. He said a traffic study was done and based on guidelines found the establishment of parking restrictions are warranted.

Supervisor Fedeli moved to approve advertising an ordinance amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210 (Vehicles and Traffic), Article IV (General Parking Regulations), by establishing a parking restriction on Sandhill Road between Cherry Drive and Forrest Avenue on the west side. Vice-Chairman Porter seconded. ***The motion carried, 5-0.***

K1 Authorization to award bid for Landfill Well and Groundwater Testing.

Thomas Clark - Public Works - Mr. Clark explained in keeping with regulations, the Township must follow certain parameters for landfill ground water and well testing. Sampling and analysis must be done on a quarterly basis and Form 19 must be prepared and submitted to DEP. He said three bid packages were sent out and two of the firms submitted bids. Mr. Clark reported that Analytical Labs, our current lab responsible for testing, bid was in the amount of \$28,585, but offered a multi-year contract making their bid total \$23,725.55. The other bid was from QC Labs in the amount of \$24,430.

Discussion: Vice-Chairman Porter asked where the landfill is located and if it is being used. Mr. Clark said the landfill is located off of Gravel Road and has been closed for a number of years. Supervisor Memmi asked if we have had any problems with Analytical Labs. Mr. Clark indicated any issues they have had are no different than the ones they have had with others in the past.

Vice-Chairman Porter moved to approve awarding the bid for Landfill Well and Groundwater Testing to Analytical Laboratory Services in the amount of \$23,725.55 for the two-year contract period. Supervisor Fedeli seconded. ***The motion carried, 5-0.***

CORRESPONDENCE

Supervisor Memmi referred to a letter from DEP recognizing the Township for its recycling program. DEP issued a grant to Derry Township, which was one of the highest in Pennsylvania. He recognized Elvira Ebling for her involvement in the early years with establishing the recycling program for the Township.

Supervisor Memmi also recognized the Police Department officers for their exemplary work.

Vice-Chairman Porter complimented Jill Horner on the Derry Township newsletter. He felt it was very well written and a pleasure to read. He was

pleased to read in the annual report that an all-organic fertility program is implemented in the parks.

BOARD/COMMITTEE INFORMATION

Supervisor Fedeli asked Tom Clark if he had heard anything from PennDOT regarding a meeting. He had not.

REPORTS

William D. Smith – Chief of Police - Chief Smith announced Children’s Festival this Saturday at Hershey High School from 10:00-2:00.

Matthew J. Mandia – Director of Parks and Recreation - Mr. Mandia reported his department has been busy with community events. He announced there will be two movies in the park. He also reported there are 285 kids enrolled in the Summer Day Camp. He said the tennis/basketball courts are almost complete with only a few items outstanding and also Phase 2 Bike Path Project has begun.

Vice-Chairman Porter asked Matt why there wasn’t a water fountain at Palmdale Park. Matt said due to problems with access to water.

Supervisor Abruzzo commented on how great the pool, dome, and basketball courts look.

Edward L. Small – Director of Community Development - Mr. Small reported on three items: 1) An advertisement for a Notice of Intent to Consider an amendment to the Zoning Ordinance to change the maximum residential density (not a public hearing, but an agenda item); 2) An advertisement for a public hearing on July 22nd before the regular meeting to receive public comment on an amendment to the Subdivision and Land Development Ordinance to remove the Dauphin County Planning Commission fee schedule. Should only take 10 minutes prior to the Board meeting; and (3) a meeting sponsored by the Dauphin Co. Conservation District to discuss pending changes by DEP in the erosion and sedimentation rules and DEP’s involvement in the oversight of post construction stormwater management facilities.

Jill E. Horner – Assistant Township Manager - Asst. Mgr. Horner reported on the new alert CodeRED system. She said they have sent a postcard out to residents regarding CodeRED. She also reported that notification will be sent with the next DTMA invoice, in Rep. Payne’s letter, on Comcast Community Bulletin, in the Welcome packet, and postings in public buildings. Supervisor Fedeli thank Jill for her excellent work. She suggested asking York Waste to send out this information with their bills.

James N. Negley - Township Manager/Township Treasurer - Mgr. Negley announced the resignation of Roy Wells from the Zoning Hearing Board.

APPROVAL OF ACCOUNTS PAYABLE (\$371,655.57) AND PAYROLL (\$264,953.60).

Vice-Chairman Porter moved to approve accounts payable in the amount of \$371,655.57 and payroll in the amount of \$264,953.60. The motion was seconded by Supervisor Memmi. ***The motion carried, 5-0.***

VISTOR/PUBLIC COMMENT

Tracy Sarris, 834 Cocoa Avenue. Ms. Sarris said she was representing her neighbors and herself concerning the problem of land erosion due to stormwater flow. She explained when there is large rainfall, flooding occurs along Governor Road and stormwater runs onto their property. She stated that 4 years ago with Hurricane Ivan, more water came than the stormwater system could handle. Ms. Sarris said as she was in the process of remodeling her basement, Hurricane Ivan came along and there was sewer in her basement and not the water she thought might be there. She had her basement cleaned out and then had to start all over again with her remodeling. She now has doubled the expense involved. Ms. Sarris said this is now a quality of life issue. She would like to sell her home, but her property has devalued because of this. She has lost over \$30,000 in damage. She said prior to four years ago, she did not have a sewage problem. The question she poses is whose responsibility is it. When she calls to find out whose responsibility it is, they keep "passing the buck." She said an old sewage pipe runs in the spillway. She believes the pipe is cracked. Tom Clark confirmed that it was cracked, but did not know to what extent. Along with the erosion of her property, the sidewalk is unsafe.

Vice-Chairman Pries asked Matt Bonanno from HRG to meet with Ms. Sarris after the meeting. Supervisor Memmi asked that after they meet if Mr. Bonanno could give the Township a potential scope of work and cost remediation for that area. Mr. Clark noted that this area was one of the locations HRG is currently looking at. Mr. Bonanno distributed to the Board part of the study for review. Ms. Sarris brought a power point to show pictures of what she was referring to. However, her laptop was not set to work on the overhead, so board members looked at the pictures from her computer. Chairman Pries said they would continue their conversation with Ms. Sarris after the meeting is adjourned.

ADJOURNMENT

Chairman Pries moved to adjourn the meeting at 8:50 p.m.

Respectfully submitted by:

E. Christopher Abruzzo
Township Secretary

Brenda Van Deursen
Recording Secretary