

TOWNSHIP OF DERRY BOARD OF SUPERVISORS MEETING

Tuesday, November 27, 2012
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The November 27, 2012 Township of Derry Board of Supervisors meeting was called to order at 7:05 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:

Matt Bonanno, HRG, Township Engineer
Thomas R. Clark, Director of Public Works
Barbara S. Ellis, Director of Hershey Public Library
Charles W. Emerick, Director of Community Development
Jill E. Henry, Assistant Township Manager
Cheryl L. Lontz, Manager of Payroll & Employee Benefits
Matthew J. Mandia, Director of Parks & Recreation
James N. Negley, Township Manager/Township Treasurer
Patrick O'Rourke, Chief of Police Department
Jon A. Yost, Township Solicitor
Brenda Van Deursen, Recorder

Public Present: Patrick Naughton, Talon Smith, Ethan Smith, Peter Barto, David Barto, Erick N. Tom Stang, Matt Weir, Elvira Ebling, Phillip Juras, Mary Ann Kelly

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.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Phillip Juras, 58 Locust Avenue – Mr. Juras is present to represent the 14 homeowners on Locust Avenue located between Maple and Chestnut Avenues, all three streets connecting with Hillcrest Road. They have been subject to frequent flooding during the heavy rains that fell on July 29, August 4, and August 5 of 2012. Flooding has had an effect on 13 of the 14 homes, 6 homes on the north side and 7 homes on the south side of Locust Avenue. The homes were built in the 1960's and since that time the growth and development of the Township, while not updating the draining system, has overwhelmed the original system. Rainwater from the 4500 block of Elm Avenue and the 300 to 500 block of Maple Avenue drains into three storm drains on Maple Avenue and Orchard, which flows under the homes at 48 and 38 Locust Avenue. There are two storm drains on Locust Avenue that take water from Glen,

Elm, Maple Avenues and Hillcrest Road. The storm drains overflow with heavy rains with water surging up from the drains, flooding the streets, front and back yards and basements. The water enters their basement with floor drains and those with basement bathrooms have sewage that comes up through the toilets. Window wells fill up like aquariums, which requires bailing water during severe weather. The water pressure has been so great that manhole covers have been lifted by forceful stormwater. Three cars parked on the street were damaged by high water. Significant time and expense have been required to clean contaminated walls, floors and stairs on numerous occasions. We have suffered significant loss of furniture, carpet, flooring and personal possessions. Mr. Juras shared photographs of the flooding with the Board. He asked the following questions: What steps can be taken to remedy our problem and assure our problem will be corrected? Will the new construction and development continue to tie into our existing drainage? In the future, will the value of our properties be depreciated due to the flood risk secondary to this drainage concern?

Mr. Bonanno said he was made aware of the issue this summer and met with some of the neighbors to review the drainage. Mr. Bonanno was looking to see if our stormwater system that is already planned would help to alleviate some of the flooding in that area. He does not know if it will because we do not have survey and elevations up that far north into their property. Our storm sewer comes up to Hillcrest which is downstream of these areas. Once our storm sewer system is installed, there should be some relief in that area. He suggested to the residents to keep the inlets clean because some of the inlets had trash and debris in them. The problem comes from the development and the lack of stormwater.

Vice-Chairman Fedeli asked if this area was identified when we did the thorough study of the stormwater problems in the Township. Mr. Bonanno said he would check and let her know.

Chairman Abruzzo asked for the frequency they have the flooding problems. Mary Ann Kelly, 64 Locust, responded that it is not from the 2007 or 2011 storms, but anytime there is a major storm that falls at one time, specifically August 4, 5 & July 29.

Chairman Abruzzo said they are trying to rectify the way things were developed 30 to 40 years ago especially in the Village. He asked Mr. Bonanno to take a look at that area and the scope of our stormwater project and make a recommendation back to the Board. The pictures are pretty graphic.

Mr. Emerick mentioned that in 2010, the Township adopted a new stormwater ordinance that does require anytime a person adds more than 5% new impervious area to their lot that stormwater control is being done. This should help going forward.

Chairman Abruzzo thanked the residents for coming forth with their concerns.

NEW BUSINESS

A1-4 Consideration of adoption of Ordinance No. 626 to vacate Matlack Road.

Charles W. Emerick, Director of Community Development – Mr. Emerick suggested the Board adopt Ordinance No. 626 and authorize the Township Manager to execute the documents to accommodate the transfer of Matlack Road to Hershey Entertainment & Resorts. Even though we will no longer receive Liquid Fuels monies, we should incur a savings because maintenance on this portion of the road will soon be needed.

MOTION: A motion made by Supervisor Foley and seconded by Supervisor Ballard that Ordinance No. 626 be adopted and the Township Manager be authorized to execute documents necessary to accomplish the transfer of the roadway to Hershey Entertainment & Resorts, is hereby approved. *The motion carried, 5-yes 0-no.*

B1 Request from Hershey New Year's Eve Celebration Committee to hold the Eighth Annual New Year's Eve Celebration in the Square of Hershey on December 31, 2012. It will continue for an hour or so into January 1, 2013.

Patrick O'Rourke, Chief of Police Department – The main State roadways affected by the event are SR 422 from Homestead Road to Hockersville Road and SR 743 from Hersheypark Drive to SR322. This event should last approximately 19 hours, which includes set up time, start time for detouring and time for clean up at the end of the event.

Vice-Chairman Fedeli asked what time the roads are shut down that day. Chief O'Rourke said in the morning. It occurs in two phases so they can set up the stage.

MOTION: A motion made by Vice-Chairman Fedeli and seconded by Supervisor Foley that the request to hold the Eighth Annual New Year's Eve Celebration in the Square of Hershey on December 31, 2012, along with the associated road closings, is hereby approved. *The motion carried, 5-yes 0-no.*

C1 Authorization to utilize the Hershey Special Fire Police, the Lebanon Auxiliary Patrol, Inc. and, on special occasions, other Special Fire Police from surrounding municipal fire companies, for traffic control and direction during various months in 2013.

Patrick O'Rourke, Chief of Police Department – From January 1 to December 31 of 2013 the Special Fire Police would be utilized for various shows and functions held at the Hershey Community Theater, Hersheypark Stadium, Hersheypark Arena, and the Giant Center. Since the Special Fire Police are volunteers, there will be no cost to the Township. It is a huge cost savings for us to utilize these personnel.

MOTION: A motion made by Supervisor Foley and seconded by Supervisor Ballard that the request to utilize the Hershey Special Fire Police, the Lebanon Auxiliary Patrol, Inc. and, on special occasions, other Special Fire Police from surrounding municipal fire companies, to assist the Derry Township Police Department with traffic control and direction during various months in 2013, is hereby approved. *The motion carried, 5-yes 0-no.*

CORRESPONDENCE – Supervisor Foley received correspondence from Rep. Payne with regard to the fire at Milton Hershey School and we are addressing it.

BOARD/COMMITTEE INFORMATION – Chairman Abruzzo reported that the Municipal Authority met last week to approve their budget for 2013. The sewer authority incurred more damage than other areas during Tropical Storm Lee and Hurricane Irene. They have done a fantastic job and are receiving reimbursement money from FEMA, but it still is pretty much a dire situation. Vice-Chairman Fedeli added that the sewer authority received \$12 million damage as result of Tropical Storm Lee, significantly more than other Township entities. To-date we have received a little over \$3 million back, but are hoping to get more. In addition, DTMA is not doing as much business as they used to and some of that is contributable to the closing of the Hershey East plant and not much development in the Township.

REPORTS

Thomas Clark, Director of Public Works – Leaf collection has tapered off pretty significantly after Thanksgiving. The salt building is full and we are getting the equipment ready for winter maintenance.

Barbara Ellis, Director of Hershey Public Library – Starting December 1 in cooperation with Love Inc, the Library is providing an opportunity for people to pay their fines at half of what they owe us and in turn they have to give something to that organization as a donation. It brings in a large amount of money before the closeout of this fiscal year. In addition, there will be a special wreath-making program on December 1.

Matthew J. Mandia, Director of Parks and Recreation – The stream bank restoration project at Bullfrog Valley Pond is completed. The trail repairs are about a week out. The bike and pedestrian bridge will be set Friday and within the next couple of weeks it should be opened.

Matt Bonanno, HRG, Township Engineer – A full crew will be back at Mill Street tomorrow to install our sanitary sewer. Mr. Bonanno talked to the contractor about cleaning up Mill Street. Some of the cleaning has been done around the Bullfrog Valley area by the Campground and Matlack Road. The access road is finished on the Campground sight to install the bore pit. In the next few weeks, they are going to install the sanitary sewer through the Norfolk Southern Railroad line. The restorations at Cocoa Avenue continue with landscaping, fine grading, top soil and seeding, and curb and sidewalk at Valley and Cocoa. A potential sinkhole was discovered at West Maple and I Street and crews were digging it out and looking to repair it. A lot of the paving that is happening is a base paving to be prepared for the winter and next spring they will mill it out and do the permanent paving.

Supervisor Ballard asked about the corner at Cocoa Avenue and Maple. Mr. Bonanno said handicap ramps will be installed at that intersection. Right now we cannot install those ramps based on existing conditions needed to meet ADA compliance, which is important in a public right of way. Cocoa is a state road so we need to provide a design to PennDOT for them to approve prior to the contractor installing the ramps. Supervisor Ballard suggested someone should talk to the residents about the timeline.

Supervisor Foley asked about the status of the pedestrian tunnel. Mr. Clark explained that they plan to finish the tunnel within the next few weeks but because of the security camera issue we may not be able to open it. They are figuring out where Trumble stops with their wiring and where does someone who is responsible for the electrical inside of 19 East pick it up.

Jill E. Henry, Assistant Township Manager – Assistant Manager Henry received word today that our final insurance submission for police radios was covered. This is the last and final item so our insurance claim is closed today. We received over a \$1 million. We were fully covered for everything except a slight loss where we only were paid actual cash value such as depreciation. We did receive a check from FEMA reimbursing us for deductible.

James N. Negley, Township Manager/Township Treasurer – The Township web page is back up. Manager Negley explained that somebody from an Eastern European country hacked into our website through the library portal.

APPROVAL OF ACCOUNTS PAYABLE (\$309,832.70) AND PAYROLL (\$302,872.55).

Supervisor Foley moved to approve accounts payable in the amount of \$309,832.70 and payroll in the amount of \$302,872.55. Supervisor Ballard seconded. *The motion carried, 5-yes 0-no.*

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one came forward.

ADJOURNMENT

Supervisor Ballard moved to adjourn the meeting at 7:45 p.m. Supervisor Foley seconded. *The motion carried, 5-yes 0-no.*

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary