

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING

Tuesday, April 9, 2013

600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The April 9, 2013 Township of Derry Board of Supervisors meeting was called to order at 7:25 p.m. by E. Christopher Abruzzo, Chairman.

ROLL CALL

Supervisors Present:

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

Also Present:

Matt Bonanno, HRG 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
Zach Jackson, Assistant Director of Parks and Recreation
James N. Negley, Township Manager/Township Treasurer
Patrick O'Rourke, Chief of Police
Terry M. Weinhold, Manager of Accounts Payable & Receivable
Jon A. Yost, Township Solicitor
Brenda Van Deursen, Recorder

Public Present: Timothy Anderson, Todd Pagliarulo, Ken Gall, Rich Gamble, Matt Weir, Brian Shiflett, Ed Ruth, Betsy Ruth, Susan Foxx, Susan Newkam, Lou Mione

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

Susan Foxx, 675 Old Ventura Farm Road, Hummelstown – Ms. Foxx has been regularly attending the meetings to follow up on the safety issues they have in the Stoney Run Homeowners development. Susan Newkam and she met with Lt. Warner and Officer Ferree today. Three traffic studies have been done and now they are going to look at parking and sight distance. Ms. Foxx thanked the Police Department for making themselves available, listening to their concerns, and helping them come to a positive resolution.

Edward Ruth, 356 William Drive – Mr. Ruth thanked Supervisors Foley and Ballard for their continuing communication regarding the situation on 743 at Homestead. He is concerned about the rate of progress in dealing with issues on 743 in the Fishburn Road area. He knows there is a traffic study being talked about and was wondering if there is any timeline regarding this. Supervisor Foley responded that they have received a scope of services proposal from HRG and he is in the process of getting the Board to approve it. Mr. Ruth asked how long after the study will something be done. Supervisor Foley said that would depend on the recommendations. If it involves traffic signals or signs, we would have to go through the approval process with PennDOT to have them installed. Mr. Ruth said he is very concerned with people walking along that road.

Betsy Ruth, 356 William Drive – Mrs. Ruth encouraged the Board to move forward expeditiously as they can. Soon the kids will want to walk to the pool, to Giant, etc., day or night and it is very dangerous. Mrs. Ruth said she appreciates the efforts of the Police Department in regards to speed.

APPROVAL OF MINUTES

Chairman Abruzzo called for a motion to approve the Minutes of the March 12, 2013 Board of Supervisors meeting. Supervisor Ballard recommended one change to page 2: It mentions Chairman Abruzzo explained that when somebody requests a zoning variance the only people that can argue or raise an issue are the people with the adjacent properties. She believes he was talking about people who can be party to the action. She recommended changing that phrase so it reads: *Chairman Abruzzo told Mr. Zimmerman he could ask his questions.*

Supervisor Ballard made a motion to approve the Minutes with the correction. Supervisor Foley seconded. ***The motion carried, 5-yes 0-no***

Chairman Abruzzo called for a motion to approve the Minutes of the March 26, 2013 Board of Supervisors meeting. Supervisor Ballard requested an amendment on page 2, second paragraph, second sentence. It should read: *The one that is on our agenda tonight is **not** the fast/casual.* Vice-Chairman Fedeli made a motion to approve the Minutes with the amendment. Supervisor Foley seconded. ***The motion carried, 5-yes 0-no***

NEW BUSINESS

A1 Award of contract for cold-in-place recycling of Areba Avenue from Mill Street to Linden Road, Linden Road from Elm to Valley, Ridge Road from Elm to Cocoa, East Caracas from Homestead to Para, East Granada from Homestead to Para, and Para from Chocolate Avenue to Areba Avenue.

Thomas R. Clark, Director of Public Works – Mr. Clark reported they opened bids on April 3 for the cold-in-place recycling of the streets affected by utility upgrades last season and through the winter. Three bid packets were sent out and two bids were received from E.J. Breneman in the amount of \$348,381.30 and Recon Constructions Services in the amount of \$378,268.34. E.J. Breneman is the low bidder and he recommends they be awarded this contract. Mr. Clark said that the unit price equates to \$8.75/square yard which there are 35,212 square yards in all those streets. Some of the reason for the low number is the quantity of the square yards.

Chairman Abruzzo asked if we are familiar with E.J. Breneman. Mr. Clark said they have done work for us over the years and we are satisfied with their work.

Chairman Abruzzo asked when they expect the work to begin. Mr. Clark said if their documents are prepared within the 10-days from when they get the contract, their completion date should be at or around June 20.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Ballard that the Township staff is authorized to award the contract for cold-in-place recycling to E.J. Breneman in the amount of \$348,381.30, is hereby approved. *The motion carried, 5-yes 0-no.*

B1-13 Authorization for the Chairman of the Board of Supervisors to execute a Grant Agreement for the Dauphin County Local Share Municipal Grant Program for the debt reduction payment of a new Engine 48 Fire Truck for the Hershey Volunteer Fire Company.

James N. Negley, Township Manager/Township Treasurer – Manager Negley said we were fortunate to receive a grant from Dauphin County to help pay our debt service on our fire apparatus. Four years ago we received two pieces of apparatus at \$1.2 million. We have received over \$1 million from the gaming funds for this apparatus. Thanks to the gaming grant, our debt service upon receipt of this \$165,000 will be reduced to \$213,119.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Ballard that the authorization for the Chairman of the Board of Supervisors to execute a Grant Agreement for the Dauphin County Local Share Municipal Grant Program for the debt reduction payment of a new Engine 48 Fire Truck for the Hershey Volunteer Fire Company, is hereby approved. *The motion carried, 5-yes 0-no.*

C1-13 Authorization for the Chairman of the Board of Supervisors to execute a Grant Agreement for the Dauphin County Local Share Municipal Grant Program for Funding to upgrade the Computer Aided Dispatch and Record Management Systems for the Police Department.

James N. Negley, Township Manager/Township Treasurer – Manager Negley said in addition to the \$165,000 we received for the fire apparatus, we are in receipt of \$100,00 from the Dauphin County Grant Program to update our police computer aided dispatch software and the record management system. In essence, we received \$265,000 from the Dauphin County Commissioners on behalf of the grant program.

Motion: A motion made by Vice-Chairman Fedeli and seconded by Supervisor Foley that the authorization for the Chairman of the Board of Supervisors to execute a Grant Agreement for the Dauphin County Local Share Municipal Grant Program for funding to upgrade the Computer Aided Dispatch and Record Management Systems for the Police Department, is hereby approved. *The motion carried, 5-yes 0-no.*

D1-2 Approval of proclamation stating that April 26, 2013 is the observance of Arbor Day in Derry Township.

Thomas R. Clark, Director of Public Works – As part of our Tree City submission, the National Arbor Day Foundation requires a proclamation by the elected body establishing a day of Arbor Day observance within the municipality.

Motion: A motion made by Chairman Abruzzo and seconded by Supervisor Ballard that the Board of Supervisors of Derry Township proclaim the last Friday in April, that being April 26, 2013, the official day for observance of Arbor Day in Derry Township, is hereby approved. *The motion carried, 5-yes 0-no.*

CORRESPONDENCE – Vice-Chairman Fedeli asked Chief O’Rourke if the police department has done anything on South Point Drive. Sgt. Ferree did a sight distance study and has that data available. The speed device was being used on Quail Hollow and we are just now getting that device available to use on South Point Drive.

BOARD/COMMITTEE INFORMATION – Supervisor Foley said he met with Chief O’Rourke, Lt. Roche, the School District, and the Deputy Chief of the Fire Company with regard to school safety. In addition, Mr. Negley, Mr. Yost, and Supervisor Foley have been meeting with Tri-County Regional Planning with regard to Park Boulevard progress.

REPORTS

Patrick O’Rourke, Chief of Police – Chief O’Rourke reported we are still under an outdoor burn ban as a result of a red flag warning that was issued by the National Weather Service. We will lift that as soon as possible. Also, on April 27 from 10:00 a.m. to 2:00 p.m. at the Hershey Public Library, the Police Department will be sponsoring their third drug take back program for people who want to turn back prescription pills.

Thomas Clark, Director of Public Works - Mr. Clark said they are busy cleaning up their facilities, mulching and trimming and working on maintenance projects now that the weather has changed. Vice-Chairman Fedeli commented on the yard collection schedules sent out by Waste Management. Mr. Clark said the trash pick up schedule changed on some of the areas of the Township. He has not heard any complaints. Supervisor Ballard said the trash pickup change indicated the last pick up for yard waste is the second week of October. After that, you have to take your yard waste to the Recycling Center.

Barbara Ellis, Hershey Public Library – Mrs. Ellis reported that April 14 thru April 20 is National Library Week. A nationally renowned author, Caroline Leavitt will do a special program for children. Mrs. Ellis recognized Susan Terrell, a bus driver from Derry Township Schools. Ms. Terrell challenged her bus riders to read as much as they could and she would pay the Library \$.50 for every book read. The children read 286 books and last week Ms. Ellis met with the children on the bus and gave them a certificate from the Township recognizing their efforts. Mrs. Ellis received a check in the amount of \$143 from Susan Terrell. The donation will go directly to books for K through 5 and within each book a plate that recognizes that buses donation. The Volunteer Luncheon will be held on April 19.

Terry M. Weinhold, Manager of Accounts Payable & Receivable – Ms. Weinhold reported that on April 1st they were in receipt of \$545,497 for the annual liquid fuels state allocation. The preliminary reports for the first quarter show that revenue and expenses are coming in under budget.

Zach Jackson, Assistant Director of Parks & Recreation – Mr. Jackson reported over the next few weeks they will begin upgrades on the Cocoa Castle Playground. The first phase will be the removal of several play structures. These pieces will be replaced in the future as funding allows and they plan to do additional phases of removal and replacement of equipment as needed. Chairman Abruzzo suggested putting this information on the website.

Matt Bonanno, HRG Township Engineer – Mr. Bonanno reported on the stormwater project. The contractor has finished installing the pipe under 422. They will come back and do the final restorations at some point. Their crews are going to split. One crew will continue up Mill Street to continue installing storm sewer while the other crew is starting on restoration. They restored the campground area where sanitary sewer installation took place. They restored the Leo property on West Chocolate Avenue and they are currently doing paving on Old West Chocolate and 743. In the upcoming weeks, they will be going back to Cocoa Avenue area to fix the bike path, the soil, paving, wetland area, etc. Tomorrow night they will be doing some sanitary sewer installation work near McDonald's and Wendy's.

Chairman Abruzzo asked when the crew will be back to Cocoa Avenue and finishing off where the swale is. Mr. Bonanno said they should be over there in a week or so. They are outsourcing that work and it may be another month or two before it is done.

Chairman Abruzzo asked Mr. Bonanno the status of the grant submitted for the flooding in the Locust Avenue area. Mr. Bonanno said they checked on it two weeks ago and haven't heard a word.

Supervisor Ballard asked about the status of the grant we applied for with Hummelstown Borough for an engineering study of the area by Kmart/Bob Evans. She recalls we were specific that we wanted to see a whole range of options including inexpensive options. Mr. Emerick said he is working with Chris Bauer of HRG on this project and we signed an agreement to begin the work. It was important to have the work begin when school is in and the parks are open. Mr. Bauer assured Mr. Emerick we would get all levels from quick fixes to expensive fixes. Supervisor Ballard asked if this is in our RFP. Mr. Emerick said it was not, but he has a commitment from HRG.

Charles Emerick, Community Development – Mr. Emerick received an application for a conditional use hearing. This request is to establish a fitness center in the economic development zoning district which is Northeast Drive outside of the outlets. They are filing for a conditional use for a use similar to those permitted to public parks playground and recreational facilities. The ordinance states not to operate for private profit and this will be operated for private profit. He asked the Board if May 28 at 6:45 would work for a public hearing. The Board agreed to the date and time.

James Negley, Township Manager/Treasurer – Manager Negley commented on the Cocoa and Chocolate green light pole as you walk into the lobby of this building. He commended Tom Clark and his staff for doing this job. Eric Salley, one of our Township employees took an old lamp and refurbished it himself. He thought it would be iconic for our Township building. Chairman Abruzzo suggested he draft a thank you letter from the Board or have him come to the next meeting. Manager Negley asked Tom Clark to have Mr. Salley come to the next meeting.

APPROVAL OF ACCOUNTS PAYABLE (\$477,519.23) AND PAYROLL (\$285,665.99).

Supervisor Ballard moved to approve accounts payable in the amount of \$477,519.23 and payroll in the amount of \$285,665.99. Supervisor Moyer seconded. ***The motion carried, 5-yes 0-no.***

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Rich Gamble, Hockersville Road – Mr. Gamble said this is the second time he was surprised that such a communication took place between the Board and the public. Everyone has a right to express their

opinions. He does not think anyone is accusing, but only emphasizing the importance of the matter. He was embarrassed with what happened tonight at the public hearing.

ADJOURNMENT

Supervisor Ballard moved to adjourn the meeting at 8:00 p.m. Supervisor Moyer seconded. ***The motion carried, 5-yes 0-no.***

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary