

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING**

Tuesday, December 17, 2013
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The December 17, 2013 Township of Derry Board of Supervisors meeting was called to order at 7:00 p.m. by E. Christopher Abruzzo, Chairman.

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:

Chris Bauer, HRG
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
Patrick O'Rourke, Chief of Police
Matt J. Mandia, Director of Parks and Recreation
James N. Negley, Township Manager/Township Treasurer
Terry M. Weinhold, Manager of Accounts Payable & Receivable
Brandon Williams, Assistant Director of Community Development
Jon A. Yost, Township Solicitor
Brenda Van Deursen, Recorder

Public Present: Elvira Ebling, Joe Woodward, Terry Maenza, Revel D., JoAnn Wallace, E. Wallace, Scott Buchle, Mike Leonard, Jess D., Cliff M. Andrea Abruzzo, Rich Gamble

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

No one came forward.

APPROVAL OF MINUTES

Chairman Abruzzo called for a motion to approve the Minutes of the November 26, 2013 Board of Supervisors meeting. Supervisor Ballard made a motion to approve the Minutes. Vice-Chairman Fedeli seconded. ***The motion carried, 5-yes 0-no***

Chairman Abruzzo called for a motion to approve the Minutes of the December 3, 2013 Board of Supervisors meeting. Supervisor Foley made a motion to approve the Minutes. Supervisor Ballard seconded. ***The motion carried, 5-yes 0-no***

A Check Presentation from Pennsylvania American Water Company for winning 2nd Place in the Facebook Community Investment Challenge.

Terry Maenza, Director of Communications – Mr. Maenza and Mr. Joe Woodward, PA Water’s Field Operations Manager for Central Pennsylvania were present on behalf of Pennsylvania American Water Company. Mr. Maenza explained that the reason for this challenge is that they were looking for a way to increase public awareness about efficient and wise water usage, protect our water resources and water sheds as well as investing in maintaining our water infrastructure. There were 17 organizations across PA who submitted great projects. Nearly 2,700 votes were cast during November 8 and December 8 and the Derry Township Environmental Action Committee generated enough votes to come into 2nd place. Mr. Maenza presented the Township a check in the amount of \$700 for placing 2nd in their First Facebook Community Investment Challenge.

Supervisor Ballard mentioned that one of the other rain barrel projects had a great idea to go out and inspect the rain barrels to make sure the people are actually using them after they buy one at a discount.

Chairman Abruzzo thanked PA American Water Company for their presentation and everything they do for the Township.

NEW BUSINESS

A1-48 Authorization to accept a proposal from Herbert, Rowland & Grubic, Inc. to provide Final Design Services for the Relocation of Park Boulevard and the replacement of Derry Township Bridge Number 1 over Spring Creek.

James N. Negley, Township Manager/Township Treasurer – This proposal is for HRG to provide the Final Design engineering for the roadway realignment of Park Boulevard and the Bridge carrying Park Boulevard over Spring Creek. The Township received a scope of service from HRG to do this work for the cost of \$650,000. The Township has been meeting with Hershey Entertainment Resorts and the Hershey Company in order to form a partnership to provide the funding for the final design. The Township, HE&R, and the Hershey Chocolate Company will share the costs of the final design. The Township’s share will come from grant money.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Ballard that the Township Manager may execute an agreement with Herbert, Rowland & Grubic, Inc. to provide Final Design 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-yes 0-no.***

B1-4 Authorization for the Township Manager to execute a lease agreement between the Township of Derry and the Milton S. Hershey Medical Center of the Pennsylvania State University for Emergency Medical Services.

James N. Negley, Township Manager/Township Treasurer – This is the fourth agreement with Hershey Medical Center to provide EMS services to the Township. The original agreement was signed on July 17, 1995 and it was amended in 2003 and 2008. This agreement will extend for an additional 5 years of exceptional service from the HMC Life Line EMS Service. Our cost for the last five years was \$130,000 per year and it will remain the same for the next five years.

Manager Negley and the Board were very appreciative of the Hershey Medical Center for both their services and for keeping the cost the same.

Motion: A motion made by Chairman Abruzzo and seconded by Supervisor Foley that the authorization for the Township Manager to execute a lease agreement between the Township of Derry and the Milton S. Hershey Medical Center of the Pennsylvania State University for Emergency Medical Services, is hereby approved. *The motion carried, 5-yes 0-no.*

C1-17 Consideration to enter into a contract for municipal planning services relative to the completion of the Township Comprehensive Plan and Zoning Ordinance updates.

Brandon Williams, Assistant Director of Community Development – A review was done of all 13 proposals that were received in response to the RFP for the Comprehensive Plan and Zoning Ordinance updates. On December 4, a committee conducted interviews for the top three consultants. They asked that the presenters describe their work plan and timeline for the project and how they will keep the public involved throughout the remaining part of the process. After the interviews, the Committee unanimously agreed that Urban Research and Development Corporation (URDC) /Traffic Planning & Design (TPD) demonstrated the highest level of understanding regarding the local issues described in the RFP. The firm estimates that the timeline for the project will be completed within 16 months of starting. Within 10 months they anticipate having a Comprehensive Plan to the Township to be adopted and the last 6 months will be devoted to completing the zoning ordinance for the Board to adopt. URDC/TPD provided a final cost proposal for all three phases of the project to be \$86,490. This was provided in a not-to-exceed basis which means it includes all expenditures anticipated for the project and the Township would have to authorize any expenditures over the cost proposal. For comparison purposes, the other two firms that were interviewed had budgeted their projects at \$103,000 and \$108,000.

Vice-Chairman Fedeli asked how long it took to do the last Comprehensive Plan that was done in the early 1990's. Solicitor Yost and Manager Negley said it took years. Mr. Emerick said it began in 1989 and was adopted in 1991. This lead on to the Zoning Ordinance modifications which took another 3 years and were adopted in 1993. Then the Subdivision and Land Development regulations took another 2 years and were adopted in 1995.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Ballard that Urban Research and Design Corporation and Traffic Planning and Design to be selected as Derry Township's professional Planning Ordinance updates at a cost not to exceed \$86,490; and that Township staff is authorized to begin the preparation of a Consultant Agreement, in a form acceptable to both the Township Supervisors and Solicitor, to be executed by the Township and Urban Research and Design Corporation and Traffic Planning and Design, is hereby approved. *The motion carried, 5-yes 0-no.*

D1-14 Results of the survey regarding complete sidewalk connections.

Charles W. Emerick, Director of Community Development – Mr. Emerick sent out 10 letters regarding 12 properties to specific residents who owned property in areas of the Township where there were gaps in the existing sidewalk system. The general areas are along Hockersville Road near the hotel; along Governor Road between Members 1st Bank and the Sunoco A-Plus Mini Mart; and along Areba Avenue, west of Chocolate Avenue. The letters indicated the Township's interest in encouraging and facilitating public health and safety, its desire to reduce traffic congestion, and in obtaining pedestrian easements from the property owners. Of the 10 letters sent, six responses were received. Mr. Emerick reviewed the responses and the Second Class Township Code pertaining to sidewalks and the methods for payment. The ordinance that is in effect today is a maintenance ordinance of the sidewalk. It is not an ordinance that would require residents to install sidewalks. We would need to revise our ordinance to require the owners to install sidewalks.

Supervisor Ballard wondered if it is possible to bill the property owner for some of the costs and the Township for the balance. Supervisor Moyer asked if we would be permitted to construct an ordinance that is property specific or does it have to be a Township wide ordinance? Solicitor Yost responded that typically they would not do a blanket ordinance, but an ordinance for a specific area when needed.

Vice-Chairman Fedeli said there is a big difference between a safe route to school and good sidewalks in neighborhoods than sidewalks at dangerous intersections. The next Board needs to seriously consider what putting sidewalks in at very busy intersections will do to encourage pedestrians to cross. There are certain places where people should not be walking and we also need to think about the financial situations of people who we are demanding to put a sidewalk in.

Supervisor Ballard wondered if the Board could direct the staff to move forward to investigate the three sections on Areba and to look at funding sources. This will provide the additional information the Board would need. The school has moved forward doing some of the follow up work from the walking audit and it would be nice to see that the Township is also moving forward on this.

Supervisor Foley said that he and Supervisor-elect Engle have been working on a sidewalk initiative focusing on safe sidewalk opportunities and the mechanisms to help finance for the residents. It is problematic to look at grants for a couple of residents because we have the rest of the residents who may not have benefited from that effort. It is a work in progress.

Chairman Abruzzo suggested since this item does not require action tonight that the Board identify what areas they want the staff to pursue further and give Mr. Emerick the direction. Mr. Emerick can then move forward with cost estimates and additional information needed for all the locations

Mike Leonard, 242 Hockersville Road – Mr. Leonard reported that the intersection at his property is very dangerous and many accidents have occurred there. It is a bad area for pedestrians and he is against a sidewalk being put in.

Rich Gamble, Hockersville Road – Mr. Gamble questioned the areas that were identified for sidewalks. He is concerned if we are looking to replace or add sidewalks for aesthetic reasons or for utilization. On Governor Road, there is a sidewalk that goes all the way down on the south side so why would you need sidewalks on the north side. There used to be sidewalks on both sides of Hockersville Road, but they were removed to expand more of the roads. It is not fair to the homeowner if it is just for aesthetic purposes.

E1-3 Acceptance of a Memorandum of Understanding prepared by the Dauphin County Conservation District as part of Minimum Control Measures No. 1, No. 2 and No. 4 of the NPDES MS4 Permit Requirements.

Thomas R. Clark, Director of Public Works – This Memorandum was prepared by the Dauphin County Conservation District in order to comply with our MS4 Permit Requirements. It consists of five components: 1) erosion and sediment pollution control, 2) agricultural security areas, 3) municipal separate storm sewer systems, 4) general conservation, and 5) West Nile Virus Control Program. We have been doing this, but this is necessary for the Township and County to comply with the federal requirements. There is no cost involved.

Motion: A motion made by Supervisor Foley and seconded by Vice-Chairman Fedeli that the Board execute the Memorandum of Understanding and the five (5) components of the agreement to comply with the current NPDES MS4 Permit, is hereby approved. *The motion carried, 5-yes 0-no.*

F1-2 Approval of a traffic signal maintenance contract extension.

Thomas R. Clark, Director of Public Works – The current traffic signal maintenance contract is due to expire on December 31, 2013, and has the ability for a one (1) year extension. Four bid packages were sent out and four were received. A tabulation sheet was provided to the Board and reviewed by our solicitor. After our solicitor's review, he recommended extending the existing contract for one additional year as that additional year will cost less than any of the annual proposed contracts. The maintenance contract is for repair and routine maintenance.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Ballard that the Township staff is authorized to extend the contract for Traffic Signal Maintenance for one (1) year to Siemens in the amount of \$8,475.00, is hereby approved. *The motion carried, 5-yes 0-no.*

Supervisor Ballard said that this contract does not coordinate the timing of the signals, it is the SAMI system. Chairman Abruzzo added that about a year and a half ago, he, Ms. Fedeli and Tom Clark worked with PennDOT regarding SAMI. PennDOT believes that the new technology they are currently piloting along Route 22, Harrisburg, and Lower Paxton Township, is much better and more sophisticated. They thought it made more sense to wait and put in the new system than to try to repair the old SAMI system. Chairman Abruzzo and Vice-Chairman are willing to continue to help to see this endeavor through as PennDOT obtains the results of their pilot project.

G1-4 Consideration of Resolution No. 1378, which would revise the reimbursement fee schedule rates for the Township engineer related to reimbursements under the provisions of the Subdivision and Land Development Ordinance and the Stormwater Management Ordinance.

Charles W. Emerick, Director of Community Development – HRG has revised their fee schedule for the first time since 2011. If Resolution 1378 is adopted, it would supersede Resolution 1288 and would officially revise the established rates of developer compensation billed to us by HRG, Inc. When HRG reviews a Subdivision and Land Development plan or a Stormwater Management plan, they bill the Township and the Township in turn bills the applicant. Their rate increase is extremely modest.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Foley that Resolution No. 1378, which would revise the reimbursement fee schedule rates for the Township engineer related to

reimbursements under the provisions of the Subdivision and Land Development Ordinance and the Stormwater Management Ordinance, is hereby approved. ***The motion carried, 5-yes 0-no.***

H1-28 Consideration of Resolution No. 1377, which would establish new fees, revise existing fees, reinstate other fees and charges for services provided through the Community Development Department.

Charles W. Emerick, Director of Community Development – In 2011, all the fees that were charged through Community Development were put into one Resolution. It was done because many fees had not been looked at for many years. In an effort to keep everything up-to-date, the Supervisors have asked that they annually review the fees. Along with adding fees, they also look at the consumer price index from the adoption of the original fee schedule. At this point, from April 2011 to October of 2013 it would allow a 3.12 cent/dollar increase. Mr. Emerick is not recommending that this is implemented in this coming year. In addition, he shared some items that were changed and added to the fee schedule. Mr. Emerick said they are going to wait until it gets to 5% to implement the increase. People are still feeling the effects from the economy.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Moyer that Resolution No. 1377, which would establish new fees, revise existing fees, and reinstate other fees and charges for services provided through the Community Development Department, is hereby approved.

The motion carried, 5-yes 0-no.

I1 – Settlement Agreement with Siemens related to delayed billing of services in regards to traffic signal maintenance.

Jon Yost, Solicitor -The Board earlier approved the extension of the contract for the traffic signal Maintenance; however, there are some issues with Siemens' billing. Even though they do good work, they don't bill timely. Siemens filed a number of invoices about 18 months late for services rendered in the early part of 2011 and throughout 2012. There was an outstanding balance of approximately \$60,000, but we negotiated the claim down to a settlement number of \$18,000. There are also outstanding invoices for 2013 of approximately \$10,000. Part of the agreement is that in the future they would bill us within 45 days of providing the services. Solicitor Yost recommends we accept the proposed settlements and authorize the execution of the agreement subject to his final review and also authorize the payment of the appropriate amounts under the settlement agreement as soon as the staff can find the time and money to do so.

Motion: A motion made by Vice-Chairman Fedeli and seconded by Supervisor Ballard that the Board authorize the execution of the agreement subject to Solicitor Yost's final review and also authorize the payment of the appropriate amounts under the settlement agreement, is hereby approved. ***The motion carried, 5-yes 0-no.***

CORRESPONDENCE – No correspondence to report.

BOARD/COMMITTEE INFORMATION – No information to share.

REPORTS

Patrick O'Rourke, Chief of Police – Chief O'Rourke reported on their annual Cop for Cop benefit hockey game that was held on Saturday. The attendance was good and they raised about \$12,000. Chief O'Rourke

thanked Chairman Abruzzo and Vice-Chairman Fedeli for everything they have done for him and what an honor and privilege it was serving with them.

Thomas Clark, Director of Public Works - Mr. Clark reported they managed to turn over the leaf trucks to salt trucks to maintain the roads from the recent ice and snow storms. The salt building are empty this morning, but there are more deliveries coming this week.

Barbara S. Ellis, Director of Hershey Public Library – Ms. Ellis reported the Library is coming to the conclusion of their 100 anniversary year. She thanked the Board for their support and specifically Vice-Chairman Fedeli and Supervisor Moyer for serving on the Library Board. The last event is the time capsule, which will be dedicated on December 29.

Terry M. Weinhold, Manager of Accounts Payable & Receivable – Ms Weinhold reported that as of November, expenses are a little over budget and revenues are slightly under budget. There is more revenue to come in.

Matt Mandia, Director of Parks & Recreation – Mr. Mandia thanked all his colleagues, employees, and the Board for their assistance with the programs and special events that his department conducted throughout the year.

Chris Bauer, HRG - Mr. Bauer thanked Chairman Abruzzo and Vice-Chairman Fedeli for their service to the Board and wished them good luck in their future endeavors.

Mr. Bauer reported on the stormwater project. All the pipe is installed and the paving is complete other than a few small areas. Weather permitting it should be finished this Friday. The contractor is fixing the Cherry Drive sanitary sewer manhole today. The contractor will be remaining on site to address some punch list items for the remainder of the year and will be back in the spring to finish up the seeding and restoration.

Mr. Bauer said that PennDOT reached out to the Township to discuss retiming of the intersection at Route 322 and Hockersville Road/Fishburn Road intersection. HRG did an analysis and they are recommending some timing changes to alleviate some of the congestion in that area.

Brandon Williams, Assistant Director of Community Development – At the meeting two weeks ago, the Board asked Mr. Williams to get an update for the Disaster Recovery grants. He found out that DCED is drafting letters this week and will be sent out within the next week or two.

Charles W. Emerick, Director of Community Development – Mr. Emerick thanked Chairman Abruzzo and Vice-Chairman Fedeli for all that they have done for the Township and the staff.

Jill E. Henry, Assistant Township Manager – Asst. Manager Henry expressed her appreciation to Chairman Abruzzo and Vice-Chairman Fedeli for their support over the years and the pleasure it was to work with them.

James N. Negley, Township Manager/Township Treasurer – Manager Negley said it has been a pleasure and privilege to work with Chairman Abruzzo and Vice-Chairman Fedeli. Their diligence to the Township was always for the betterment of the community. They were very dedicated to the Township and provided unfailing support to the staff.

APPROVAL OF ACCOUNTS PAYABLE (\$634,097.82) AND PAYROLL (\$305,270.87).

Supervisor Foley moved to approve accounts payable in the amount of \$634,097.82 and payroll in the amount of \$305,270.87. Supervisor Ballard seconded. ***The motion carried, 5-yes 0-no.***

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Rich Gamble, Hockersville Road - Mr. Gamble said about two years ago PennDOT resurfaced Hockersville Road and as a result of the resurfacing, he lost a curb. Every time they plow the snow, there is water on his sidewalk and it is sinking. He has tried to resolve it by cutting a groove next to the road and sidewalk to keep the water from laying there. He wonders why when they planned doing Hockersville Road, they didn't cut the surface down to be appropriate to the curb level that was there.

Mr. Clark acknowledged there are several other water issues in that area. He will reach out to the maintenance side of the PennDOT, but he is not sure how successful it will be. Solicitor Yost suggested when Mr. Clark contacts PennDOT to confirm as to the issues that were raised by Mr. Gamble with respect to the sinking of the property and that there is a fire hydrant near by and we may end up with a water line break, etc.

Mr. Gamble also expressed how nice it was to work with Chairman Abruzzo and Vice-Chairman Fedeli.

Vice-Chairman Fedeli recognized and thanked her husband, Shane and Chairman Abruzzo's wife, Andrea for their unfailing devotion through the six years that she and Chairman Abruzzo have been on the Board. They were their anchor and support. As Vice-Chairman Fedeli reflected over her six years of service to the Community, the flood stood out the most. It was devastating, but it showed the true character of our staff. They were here around the clock. She mentioned the stormwater project which was something that she and Chris wanted to make sure happened.

Chairman Abruzzo also thanked and recognized his wife, Andrea and Shane for their patience and acting as a sounding board. Sitting on the Board is an enormous and difficult job, but he is thankful for the staff. He complimented each department director individually and how they benefit the community. Chairman Abruzzo commented that Mgr. Negley and Asst. Mgr. Henry are a great team and lead a great staff. Chairman Abruzzo said it was an honor to serve with this Board and Mr. Yost. He acknowledged Elvira Ebling for her caring of the community by her consistent attendance to the meetings. He appreciates Mr. Gamble's comments and sincere remarks. Chairman Abruzzo said that Matt Weir and Justin Engle will be a great addition to the Board and wished them well. He and Vice-Chairman Fedeli will be available if the Board or staff need them.

Supervisor Moyer recognized Chairman Abruzzo and Vice-Chairman Fedeli for their years of selfless hours given for the benefit of the Township. They consistently led from the front and led by example. The community owes them a debt of gratitude. Their leadership and dedication will be sorely missed.

ADJOURNMENT

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

SUBMITTED BY:

Marc A. Moyer

Brenda Van Deursen

Township Secretary

Recording Secretary