

# TOWNSHIP OF DERRY

## BOARD OF SUPERVISORS MEETING

Tuesday, January 26, 2010  
600 Clearwater Road, Hershey, Pennsylvania 17033

### **CALL TO ORDER**

The January 26, 2010 Township of Derry Board of Supervisors meeting was called to order at 7:05 p.m. by Chairman Michael H. W. Pries.

### **ROLL CALL**

E. Christopher Abruzzo, Vice-Chairman  
Sandy A. Ballard  
Kelly C. Fedeli, Secretary  
Marc A. Moyer  
Michael H. W. Pries, Chairman

### **Also Present:**

Matt Bonanno – HRG  
Thomas Clark – Director of Public Works  
Barbara Ellis - Director, Hershey Public Library  
Jill E. Horner – Assistant Township Manager  
Cheryl L. Lontz - Manager Payroll/Employee Benefits  
Matthew J. Mandia – Director of Parks and Recreation  
James N. Negley - Township Manager/Township Treasurer  
Edward L. Small – Director of Community Development  
Charles Emerick - Assistant Director of Community Development  
William D. Smith – Chief of Police  
Scott Stein – President, Fire Department  
Terry M. Weinhold – Manager of Accounts Payable & Accounts Receivable  
Jon A. Yost - Township Solicitor  
Brenda Van Deursen - Recorder

**Public Present:** Elvira Ebling, Tom Stang, Matt Weir, Sheri Melnick, Charleton Zimmerman, Bruce Hancock, Jim Ingalzo, Steve Todd, Chris Bushman, Skip Memmi, George Porter, Rich Gamble, Dave Bowser

**Press Present:** Drew Weidman, The Sun

### **Executive Session:**

Chairman Pries announced that the Board of Supervisors met in executive session prior to this meeting to discuss legal, land, and personnel issues. The Board also met for a Public Hearing on a Conditional Use Request.

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

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

Charleton Zimmerman, 125 N. Roosevelt Avenue – Mr. Zimmerman asked that the Minutes from the December 15, 2009 meeting be corrected. In the minutes, there is a statement indicating that Mr. Small said the plan for the rentals were approved by the Dauphin County Planning Commission. He asked Mr. Small if that was true. Mr. Small said there was no approval from the Planning Commission; however, there were permits issued, but they didn't go the Dauphin County Planning Commission. Mr. Zimmerman asked about the permits. Mr. Small said they were for three doublewide trailers. Mr. Zimmerman commented that the plan went from 14 to 21 lots with no permits issued for the additional lots. Therefore, the Township only received money for the three doublewide trailers.

Steve Todd, 629 Bullfrog Valley Road – Mr. Todd referred to a letter he sent to the Board. It is a proposal that he and a few citizens came up with regarding all the zoning hearing variances that come through the Township. He gave a summation of the letter:

- From 8/20/08 to 11/18/09, there were 77 zoning variances requested. 28% of which needed relief from excessive impervious cover. There are better ways to handle stormwater than our ordinance currently allows.
- The Derry Township Environmental Action Committee is aware of many zoning variance requests that come before the Zoning Hearing Board, most involving exceeding impervious cover.
- There are modern stormwater runoff control techniques referred to commonly as BMPs which help alleviate both of these problems.
- Our current stormwater ordinance does not alleviate runoff volumes or quality for all the disturbance activities in the Township.
- Requesting that applicants be allowed the option to have their stormwater reviewed under the currently pending 167 Model Ordinance regardless of the status of the County's 166 Plan. This is similar to what the Township gave itself permission to do to market the old municipal building.

He suggested altering the definition of impervious which is the key to the problem. If you allow people to use currently accepted methods, such as outlined in DEP's BMP Manual which is widely accepted, it could save a lot of time on zoning hearings and possibly not even need the request. The development community and engineers are very familiar with it.

Vice-Chairman Abruzzo asked Mr. Todd if the definition of the impervious coverage pointed out in his letter, is the proposed definition included in the best practices for DEP on stormwater. Mr. Todd said it is a similar definition to typical areas and watersheds that have 167 Plans. He does not know what is in our model ordinance but believes it is very close to this. Vice-Chairman Abruzzo thanked Mr. Todd for presenting this information to the Board.

Supervisor Ballard thanked Mr. Todd for coming up with this idea. She acknowledged that the developers were also interested in the request. DEP does have a model ordinance that we can look at.

Chairman Pries asked Mr. Small, HRG, and Solicitor Yost to review the information and report back to the Board.

Tom Stang – 25 Boxwood Drive – Mr. Stang indicated the Township’s current refuse contract expires the end of March. He acknowledged it is an exercise and takes time to go through the bidding process. He said there is a trend going on in the industry and we are seeing rates come backwards. He oversees the municipal bids for Pennsylvania and 30% of all the municipal bids done in 2009 saw reduction in rates from the current pricing structure. This is primarily due to the competitive market with commercial volumes and construction down. We are seeing between 10% and 20% reduction in rates. He asked the Board to consider sending this out for bid.

**APPROVAL OF MINUTES:**

Chairman Pries called for a motion to approve the Minutes of the January 4, 2010 Reorganization Meeting. Supervisor Fedeli made a motion to approve the Minutes as written. Vice-Chairman Abruzzo seconded. ***The motion carried 5-0.***

**NEW BUSINESS:**

**Presentation of Service Awards to former Supervisors August T. Memmi and George W. Porter**

Chairman Pries presented a Community Service Award to former Supervisor George W. Porter. He commended Supervisor Porter for his service and dedication to the Township. Mr. Porter thanked the Township and the community for the privilege of serving them.

Chairman Pries presented a Community Service Award to former Supervisor August T. “Skip” Memmi for his dedicated service to the citizens of Hershey.

Chairman Pries also presented Mr. Memmi with a plaque and gavel for serving as Chairman of the Board of Supervisors in 1998, 1999, 2001, and 2002. Mr. Memmi thanked the Board and the residents of Derry Township for giving him the great honor and privilege to represent them.

**Employee Service Awards**

Chairman Pries acknowledged the following employees for their years of service in Derry Township. They will receive special recognition from within their departments.

5 Years of Service

Greg Mowery – Police  
Julie Brnik – Library  
Debra Malaro – Granada Gym

10 Years of Service

Karen Neblock – Library  
Rebecca Buckwalter – Police  
Anthony Clements – Police

15 Years of Service

Denise Phillips – Library  
Jill Horner – Administration

30 Years of Service  
Frederick Carpenter – Police

**A1-57 Execution of a Labor Agreement with the American Federation of State, County, and Municipal Employees Council 90 and Local Union Number 1086.**

James N. Negley - Township Manager/Township Treasurer

The existing AFSCME contract expired on December 31, 2009. This proposed new contract covers the period from January 1, 2010 to December 31, 2012. AFSCME Union has ratified the contract. The contract document was negotiated over a period of several months. Representing the Township in these negotiations were Secretary Kelly Fedeli and former member Skip Memmi. Representing the Union were Dave Gash, Jeff Kawich, Mark Breckenmaker, Marisa Weldon, and Peter Shearer.

The highlights of the contract call for wage increases of 2.0% in 2010, 2.5% in 2011, and 2.75% in 2012. AFSCME also agreed to eliminate the step wage increases for part time employees. Health benefits into retirement increased from 7 to 10 years for employees and reduced from 7 years to 5 years for the employee's spouse. Longevity pay was increased \$100 to a maximum of \$2,100. Longevity is now a \$2,000 maximum. A sick bank is going to be established for unused sick leave to aid employees with catastrophic illnesses.

Supervisor Fedeli said this contract covers approximately 120 full and part time employees of the Township...snow plow operators, library employees, road and street crews, secretaries, recycling technicians, code officers, mechanics, etc. They had very good and reasonable conversations with everyone around the table at multiple meetings with the Union and covered a wide range of requests. Everyone was conscientious of the challenging economic times that we are in. She is pleased the contract was approved unanimously by the Union. Supervisor Fedeli mentioned the excellent workforce in Derry Township and the pride they take in the community. They care about each other which is evidenced by the sick bank that has been created.

Chairman Pries thanked Supervisor Fedeli and Manager Negley for their part in the negotiation of the contract.

**Motion:** A motion made by Supervisor Fedeli and seconded by Vice-Chairman Abruzzo that the Members of the Board of Supervisors and Township Manager are authorized to execute a labor agreement with the American Federation of State, County, and Municipal Employees Council 90 and Local Union Number 1086 for the period of January 1, 2010 to December 31, 2012 is hereby approved. ***The motion carried, 5-0.***

**B1-51 Adoption of Resolution No. 1256 authorizing the Chairman to execute loan agreements with the Pennsylvania Infrastructure Bank for the Route 743 Bridge and Intersection Improvement Project.**

James N. Negley - Township Manager/Township Treasurer

This Resolution authorizes the Chairman to sign a loan agreement in the amount of \$1,500,000 for a term of ten (10) years at 1.625%. The Township applied for this loan to fund shortfalls in the 743 Bridge Project and this will bring it to a successful completion.

**Motion:** A motion made by Supervisor Moyer and seconded by Vice-Chairman Abruzzo that Resolution Number 1256, authorizing the Chairman to execute loan agreements with the Pennsylvania Infrastructure bank for the Route 743 Bridge and Intersection Improvement Project is hereby approved. *The motion carried, 5-0.*

**C1 Appointment of one member of the Board of Supervisors to the Design Review Board for a one-year unexpired term (unexpired term of Skip Memmi).**

**Motion:** A motion made by Chairman Pries and seconded by Vice-Chairman Abruzzo to appoint Sandy A. Ballard to the Design Review Board for a one-year term is hereby approved. *The motion carried, 5-0.*

**D1-7 The Second Revised Preliminary/Final Land Development Plan for Rosemont Integrated Services, LLC, Plat No. 1188.**

Edward L. Small – Director of Community Development

This plan is the third land development plan representing the development, whose initial design was for senior housing. The use was permitted by-right with Plat #1073 for greater than 10 units per net developable acre so that senior housing can be established at 12 per net developable acre in the Multi-Family Residential district. This Plat was approved for 108 units for senior housing, ages 55 and older. The first revision was Plat #1183 which was approved on August 25, 2009. There were no physical changes made to the design, but the revision altered the style from a condominium to a planned community. Plat 1188 is the second revision to the plan. This revision intends to reduce the density by removing 18 units from the design. The new density allows the age restriction to be removed because the density will not exceed 10 per acre whereas before it was allowed to reach up to 12 per acre. To do that, they will be removing 13 upper level units from the main structure and 5 upper level units from one of the new buildings. Besides this, there are no physical changes to the facility. Waivers were requested and the Planning Commission approved them. Parking is adequate inasmuch there was more parking than needed in the first place. These units will meet our standard of two parking spaces per dwelling unit. Loading spaces which did not change meet the standards. One additional handicap parking space is required because of the number of regular spaces. There will be two additional hydrants placed on the property.

The Planning Commission recommended approval of Plat #1188 with a number of suggested changes and corrections.

David Bowser, President of Rosemont – Developer – Chairman Pries asked Mr. Bowser what the real reason was for wanting to change a designated over 55 community to a no restriction development. Mr. Bowser simply stated that they have to look for ways to make the project survive. He explained that for over three years they have been marketing this as a 55+ community. There are a lot of people who are interested, but they first have to sell their house they are presently in. Those houses are somewhere between a half million to a million dollars. For the last two years, it has been almost impossible for someone to get a bank loan to buy their homes. The homes they are building are two bedrooms so it is not intended for people with a lot of children. They are looking for 45-55 years old range.

Chairman Pries suggested the discussion on this project be tabled until the next Board of Supervisors meeting. This will allow the two new Board members to familiarize themselves with this project and allow the Board as a whole a chance to review the material. He asked Mr. Small how long they had to make a decision. Mr. Small said the 9<sup>th</sup> of February would be their target day, but the law would provide to the 23<sup>rd</sup> of February.

**Motion:** A motion made by Chairman Pries and seconded by Vice-Chairman Abruzzo to table this discussion until the next Board of Supervisors meeting is hereby approved. *The motion carried, 5-0.*

**E1-2 Adoption of Resolution No. 1257 designating the Township of Derry's intent to suspend banners across SR 0422 announcing various events.**

Jill E. Horner – Assistant Township Manager – Ms. Horner received requests for banners to suspend across SR 422 announcing various events.

**Motion:** A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Fedeli that Resolution No. 1257, designating the Township of Derry's intent to suspend banners across SR 0411 announcing various events is hereby approved. *The motion carried, 5-0.*

**F1 Funding for the Relocation of Hanover Street**

Solicitor Yost explained that Dauphin County is planning to relocate and reconstruct Bridge No. 122 that leads from the extension of North Hockersville Road on Hersheypark Drive with an offset intersection connects to Hanover Street and crosses over to Union Deposit. As part of that project, the Township requested a relocation of Hanover Street to coincide with the new bridge construction, which will then intersect with Hockersville Road. The County included this in the design. The end result will be for everyone to come out to a signalized intersection, which will be a big improvement in minimizing traffic conflicts and potential accidents.

Initially, we were going to do a PIB loan for the Township's portion of the project; however, the County saved enough money in the bidding they offered to finance it for us. We are going to get the same 1.65% interest rate. The Township's share of the project is roughly \$370,000 and there is a contingency fee of \$37,000 so the gross number is \$408,000. The County will do the project and HRG will analyze what portion of the cost is the Townships. They have already done an evaluation of the bid documents and that is how the number was derived.

Solicitor Yost asked the Board to approve a memorandum of Understanding and as part of the Memorandum to authorize the appropriate Chairman or other Township official to sign the Memorandum of Understanding and whatever loan documents the County Commissioners will request to secure the funds they are initially advancing on the Township's behalf.

**Motion:** A motion made by Supervisor Moyer and seconded by Supervisor Ballard to authorize the Chairman or other Township official to sign the Memorandum of Understanding and the necessary loan documents from Dauphin County to secure the

funds for the relocation of Hanover Street is hereby approved. ***The motion carried, 5-0.***

### **CORRESPONDENCE**

No correspondence to report.

### **BOARD/COMMITTEE INFORMATION**

No Board Information to report.

### **REPORTS**

#### William D. Smith – Chief of Police

Chief Smith reported that they had applied for a grant through the County. It was an old Justice Assistance Grant from the Department of Justice. This has been reinstated under the economic stimulus plan. They received a grant for \$35,000 earmarked for capital equipment which they anticipated. Therefore, they are able to reduce their capital request in the budget for the upcoming year.

Chief Smith mentioned that the Police Department is a member of the South Central Task Force. They have one of the mobile command vehicles in that 8-county region. They are with York, Lancaster, and Cumberland County and are also a part of a working group for the mobile command vehicles. When they need funding they have to approach the entire Committee of South Central. They were able to procure approximately \$82,000 for upgrades to their equipment. There is no match with that. These are homeland security monies that will go not only to the Police Department, but there are also monies going to other mobile command vehicles in order to keep up with technology.

Chief Smith said since October of 2000, the County has embarked on an upgraded radio plan for the entire County. This project has gone through several revisions and is over \$30 million. It is a digital trunking system. It upgraded a radio system that was instituted in 1974. The Police Department was the first test site of the County. They have been testing it for a week with very minor problems. Tomorrow is the switch over for all other southern Dauphin County Police Departments. Within 4 weeks, EMS and Fire will be switched over to this system as well.

Supervisor Ballard congratulated Chief Smith on the funding he obtained and also on being chosen to be the test site. She asked if the new radio system has the capacity to avoid the fire alarm going off. Chief Smith said he has not heard one way or another to that issue.

Vice-Chairman Abruzzo asked if the new radio system is digital. Chief Smith said it was. He added that it gives you a lot more capacity and it will break frequencies down. If one tower is tied up, it hits another tower, etc. It will allow the Police Department to communicate directly to EMS and Fire which they could not do before. Also, some channels are encrypted for special officers.

Chairman Pries asked if this would eliminate several dead zones. Chief Smith said that no matter what radio system you have, there will always be dead zones.

Scott Stein, President, Fire Department

The Fire Department hasn't begun utilizing the radio though they have completed training. They are still working things out, but they will be the first site when they are ready to proceed. The radio coverage is substantially better. The portable to portable action is tremendous. They have had members traveling out of the County that were able to communicate back here in Hershey.

With regard to the siren, that is still a project in progress. Our dispatching coverage will be greatly improved as well as our accuracy. Every tower is sending the same signal to their pagers which should improve their coverage. The siren at this point is a back up in the event the pagers don't work.

The Fire Department received some preliminary notification from the federal government that we are being looked at for another federal grant – approximately \$30,000. This will be used for enhancing the department's ability to monitor our member's fitness and thereby improve our performance in the field.

Thomas Clark – Director of Public Works

Mr. Clark gave an update on the stormwater issues at the end of Millard Street next to the Reese's Plant. They attempted to open a stormwater pipe that travels from the Southside of the railroad to the Northside of the tracks. In the process of doing that, Norfolk Southern said they would take care of it. Mr. Clark contacted Norfolk Southern last week to ask them of their plans. They said they would get started on it in the spring. Chairman Pries asked Mr. Clark to let the people at Reese's and Mr. Ferrari know. Clark said he has been keeping Mr. Ferrari up to date.

Barbara Ellis - Director of Hershey Public Library

Ms. Ellis introduced Peter Coyle who is an intern at the library this semester. He is finishing his Master's degree in library science at Drexel University. Mr. Coyle is helping with several special projects in the library.

Ms. Ellis reported they concluded their World Language & Literacy Week which focused on the collection they built from the Verizon Grant received a couple of years ago. On Monday, they had children's programming focusing on international culture, Wednesday was cultural showcases that featured nine different countries, and on Friday and Saturday, they did foreign films for people in the community. There were a lot of excellent networking possibilities through the whole week. There is a list in the library of people that we can refer to when we need assistance with someone who speaks a foreign language or who needs information about other cultures and languages.

Cheryl L. Lontz - Manager Payroll/Employee Benefits

Ms. Lontz reported that expenses for 2009 are at 100.6% of budget which is excellent. Revenues are about 90%, but they are not finished posting and will continue posting the revenues to the end of February.

Matthew J. Mandia – Director of Parks and Recreation

Mr. Mandia reported that there have been two successful Memorial Day Parade Committee meetings. After the February meeting, they will begin getting the word out

through the press, schools, and to the business communities for sponsorships, participation, etc.

Jill E. Horner – Assistant Township Manager

Ms. Horner received an internal request last week to post the Board of Supervisors pictures at each of the Township buildings. This is for the residents who visit the building and for employees to become familiar with the Board members.

Matt Bonanno – HRG

Mr. Bonanno reported that they looked at the stop sign study at the intersection of Quail Hollow Road and Stoney Run Road. The report was submitted to the Township Manager last week. Based on some site distance concerns and other safety concerns, HRG officially recommends that stop signs be placed at the three points around the intersection. The traffic warrants are meant for those three stop signs. HRG met with the Township and a few of the residents and they seem to be fairly satisfied with the solution.

Chairman Pries explained that this was in relation to a change that was made a couple of months ago in that area. A few residents came to a public meeting to express their concerns. The Board directed the Police Department and HRG to review the changes and make a recommendation, which Mr. Bonanno just presented.

Supervisor Fedeli asked Mr. Bonanno if they need to vote on this since he met with residents. Mr. Bonanno said they met with about 3-4 of the residents and suggested to do an outreach effort to inform all of them in that area.

Chairman Pries asked if this would require an amendment to our existing ordinance. Mr. Small said it would, but it would be Chief Smith who will do that with his traffic ordination. Chairman Pries asked what the timeline would be. Chief Smith said he will have to bring it before the Board in an agenda item for authorization to advertise a change in the ordinance. If that authorization is approved, it will be a month before it is brought back for approval.

James N. Negley - Township Manager/Township Treasurer

Manager Negley said at the last meeting in December the Board heard from Lou Verdelli regarding our constant maturity swap and the termination of the swap. The Board set a target figure of \$300,000 to terminate. On January 13<sup>th</sup>, Manager Negley terminated this swap at \$324,000. That means as a result of this particular swap, the Township netted \$814,000. Originally we had suspended it for three years and received \$490,000. We also had another swap that we did back in January 14, 2009. As a result of that, we received \$525,000. We no longer have any swaps. All of them have been terminated. The Township has generated \$1,339,000.00 as a result of these terminations.

Chairman Pries said the benefits to-date for us engaging in these swaps is over \$1.3 million dollars which goes against the comments made by the Auditor General.

**APPROVAL OF ACCOUNTS PAYABLE (\$448,985.97) AND TWO PAYROLLS (\$605,557.85).**

Supervisor Moyer moved to approve accounts payable in the amount of \$448,985.97 and two payrolls in the amount of \$605,557.85. Supervisor Ballard seconded. ***The motion carried, 5-0.***

**VISITOR/PUBLIC COMMENTS**

Rich Gamble, Hockersville Road – Mr. Gamble is concerned with the second revised Preliminary/Final Land Development Plan. He attended a meeting the other day and emphasized that we have to start limiting how much we give away. The area of the plan of Dave Bowser’s was designed as a senior citizen 55 and older. Most of the communities have these types of developments. By changing this to a planned community, he feels it is affecting the people that invested the money in the existing plan. With Mr. Bower’s new plan you cannot restrict a young couple or someone who is 35 with children. This will have an affect on the schools. He said only one person is benefiting from this. The landscape is very beautiful in this area, but now more trees will be cut down and there is a higher risk of water problems running down Bullfrog Valley. He added that what we give away sometimes we can’t regain.

Chairman Pries told Mr. Gamble that if he was referring to the Rosemont Integrated Services project that we just tabled, the Board still needs to do more research on it. But it appears there may not be a choice in terms of approving a by-right which the developer may have.

Vice-Chairman Abruzzo said it is zoned multi-family residential. He told Mr. Gamble they will consider his concerns, but by law they may not be able to prevent the Rosemont Integrated Services Project. He added that the Board has been very conservative on any proposed new development within the Township.

Supervisor Ballard thanked Mr. Gamble for his comments. She shared that the people who have purchased the homes with the 55 and older agreement addressed this at the Planning Commission meeting with separate contracts. Mr. Small said the people who already bought were approached and they signed releases indicating they have no disagreement with the new plan. Chairman Pries asked how many sales there are to-date. Mr. Small said two or three.

Mr. Bowser said the reason they changed to Planned Community was to help get low interest loans. Chairman Pries added that in addition changes are being requested to the age restriction and going from 108 units to 90. Mr. Bowser clarified that they would not be cutting anymore trees than they originally planned. Supervisor Fedeli asked what a unit costs. Mr. Bowser said it is around \$200,000-\$250,000

**ADJOURNMENT**

Supervisor Ballard moved to adjourn the meeting at 8:15 p.m. Supervisor Fedeli seconded. ***The motion carried, 5-0.***

SUBMITTED BY:

---

Kelly C. Fedeli  
Township Secretary

---

Brenda Van Deursen  
Recording Secretary