

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING

Tuesday, January 27, 2009
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The January 27, 2009 Township of Derry Board of Supervisors meeting was called to order at 7:35 p.m. by Chairman, Michael H. W. Pries.

ROLL CALL

Supervisors Present:

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

Also Present:

Barbara 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
Robert Piccolo – Superintendent/Assistant Director of Public Works
Edward L. Small – Director of Community Development
William D. Smith – Chief of Police
Cheryl Lontz – Manager of Payroll and Employee Benefits
Scott Stein – President, Hershey Fire Company
Jon A. Yost - Township Solicitor

Public Present: Ira Ropson, Satwir Tevethia, Robert Wasserstron, Susan Reider, Elvira Ebling, Joseph Furjanic, Matt Bonanno, Jim Ingalzo, Braeden Stein

Press Present:

Drew Weidman, The Sun

Executive Session:

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

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

Visitor/Public Comment:

No one came forward.

APPROVAL OF MINUTES:

Chairman Pries called for a motion to approve the Minutes of the January 5, 2009 Reorganization Meeting, the Minutes of the January 13, 2009 Special Financial Meeting, and the January 13, 2009 Minutes of the Stormwater Management Meeting. Vice-Chairman Abruzzo made a motion to approve all three Meeting Minutes as written. Supervisor Fedeli seconded. ***The motion carried, 5-0.***

NEW BUSINESS:

Employee Service Awards

Chairman Pries acknowledged the following employees for their years of service in Derry Township:

5-Years of Service

Joy Burrell – Library
Leona Gawron – Library

10-Years of Service

Heather Knott – Child Care
Eric Salley – Public Works

15-Years of Service

Donna Small – Library
Thomas Smith – Public Works
Theresa Weinhold – Finance
Diane Leitner – Public Works

A1 Authorization to accept a proposal from Herbert, Rowland & Grubic, Inc. to provide Final Design Engineering Services to continue with the Township's Stormwater Management Program Development.

James N. Negley - Township Manager/Township Treasurer

At the January 13, 2009 special meeting of the Board of Supervisors, the Board received a report and recommendations to improve the Township's stormwater system. The Board also directed Herbert, Rowland & Grubic, Inc. (HRG) to prepare a scope of services for final design of the three initial systems to be addressed. HRG completed their calculations for the scope of services and it comes to \$771,000. This work is necessary and vital to the Township to keep on track for our stormwater remediation project.

Discussion: Supervisor Memmi asked if the \$771,000 figure included the cost of the sewer project. Mgr. Negley said it does not. It will be a separate cost.

Supervisor Porter asked if it the \$771,000 included the alternate regarding the Township property on Hockersville Road so we won't be so dependent upon the existing storm sewer under the Staple's building. Mr. Bonanno said the design fee includes that as well as the other alternative which was the stream restoration. He said when they do the bid it will be one single bid containing the two alternates.

Supervisor Fedeli confirmed with Mr. Bonanno that having our project in final design puts our application in a much better position in being considered by the State. Mr. Bonanno said it did. He met with them Friday and they stressed the shovel ready project and having it in final design is the next step.

Motion: Supervisor Abruzzo made a motion to approve the execution of an agreement with Herbert, Rowland & Grubic, Inc. to provide Final Design engineering services for the Township's Stormwater improvements not to exceed \$771,000 and that HRG be provided with an immediate Notice to Proceed. Supervisor Fedeli seconded. ***The motion carried, 5-0.***

B1-6 Adoption of Resolution Numbers 1219, 1220 and 1221 to proceed with Stormwater improvements by submitting an H20 Funding Application and submitting a Financial Assistance Application to the Pennsylvania Infrastructure Investment Authority (PENNVEST)

James N. Negley - Township Manager/Township Treasurer

Resolution #1219 authorizes the Township of Derry to request an H20 Grant not to exceed \$6 million from the Commonwealth Financing Authority to be used for stormwater improvements and sanitary sewer improvements. It designates James Negley, Township Manger and Jill Horner, Assistant Township Manager, as the officials that may execute all documents related to the grant.

Resolution #1220 resolves that the Township of Derry submitting and H20 PA Funding Application for stormwater and sanitary sewer improvements and has addressed all required program requirements.

Resolution #1221 resolves that Township of Derry Board of Supervisors is authorized to submit a Financial Assistance Application to PENNVEST for the purpose of financing the construction and rehabilitation of the stormwater system.

Discussion: Supervisor Memmi wanted to verify if we need the three different resolutions. Mgr. Negley explained that the first resolution (#1219) has the amount for the H20 grant. The second resolution (#1220) says we are following all program directions of the H20 Grant. The third resolution (#1221) is to allow us to apply for a loan with PENNVEST.

Motion: Supervisor Memmi moved to approve Resolution Numbers 1219, 1220, 1221 proceeding with stormwater improvements by submitting an H2O Funding Application and submitting a Financial Assistance Application to the Pennsylvania Infrastructure Investment Authority (PENNVEST). Supervisor Porter seconded.
The motion carried, 5-0.

C1-2 Ordinance No. 581 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 N. Lingle Avenue from the northwest corner of the Gravel Road and N. Lingle Ave. intersection to a point 162 feet west thereof.

William D. Smith – Chief of Police

Chief Smith said on December 16, 2008 at the regular scheduled meeting the Board of Supervisors authorized the advertisement of this ordinance amendment. This ordinance amendment appeared January 7, 2009 in The Sun and on January 8th in The Hershey Chronicle.

Motion: Supervisor Porter moved to approve Ordinance No. 581 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 N. Lingle Avenue from the northwest corner of the Gravel Road and N. Lingle Ave. intersection to a point 162 feet west thereof. Supervisor Fedeli seconded.

Discussion: Supervisor Memmi confirmed with Chief Smith that this is to allow the department to regulate the “illegal parking” of the tractor trailers along Lingle Avenue coming out of EDC and General Mills. Chief Smith said it will provide a safe area where it will be illegal to park as to give people a proper site distance. Currently now there is no restriction.

The motion carried, 5-0.

D1-4 Ordinance No. 581 amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210 (Vehicles and Traffic), Article IV (General Parking Regulations) by repealing all currently ordained parking restrictions on Trinidad Ave. and establishing certain restrictions.

William D. Smith – Chief of Police

Chief Smith said on December 16, 2008 at the regular scheduled meeting, the Board of Supervisors authorized Chief Smith to advertise this ordinance amendment. On January 7, 2009, it appeared in The Sun and on January 8th, it appeared in The Hershey Chronicle.

Motion: Supervisor Abruzzo moved to approve Ordinance No. 581 amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210 (Vehicles and Traffic), Article IV (General Parking Regulations) by repealing all currently ordained parking restrictions on Trinidad Ave. and establishing certain restrictions. Supervisor Memmi seconded. *The motion carried, 5-0.*

E1-2 Resolution No. 1217 to appoint a firm of certified public accountants to audit all of the accounts of the Township of Derry for the 2008 fiscal year.

Cheryl L. Lontz – Manager of Payroll and Employee Benefits

Ms. Lontz stated that this resolution was a follow up to the Board appointment of Hamilton and Musser, PC. as our auditors for 2008.

Motion: Supervisor Memmi moved to approve Resolution No. 1217 to appoint a firm of certified public accountants to audit all of the accounts of the Township of Derry for the 2008 fiscal year. Supervisor Fedeli seconded. *The motion carried, 5-0.*

F1-2 Consideration of the release of a portion of the maintenance security for the Preliminary/Final Land Development Plan for the Hershey Christian School, Plat No. 964.

Motion: Supervisor Porter moved to approve the release of a portion of the maintenance security in the amount of \$2,814.15 for the Preliminary/Final Land Development Plan for the Hershey Christian School, Plat No. 964. Supervisor Memmi seconded. *The motion carried, 5-0.*

G1-4 Consideration of the release of the performance security for the Preliminary/Final Subdivision Plan for Thistledown, Phase III, Plat No. 1004.

Motion: Supervisor Memmi moved to approve the release of the performance security in the amount of \$14,265.82 for the Preliminary/Final Subdivision Plan for Thistledown, Phase III, Plat No. 1004. Supervisor Fedeli seconded. *The motion carried, 5-0.*

H1-4 Consideration of the release of the remaining performance security for the Preliminary/Final Land Development Plan for OTORAD, Plat No. 1085.

Motion: Supervisor Porter moved to approve the release of the remaining performance security in the amount of \$3,891.15 for the Preliminary/Final Land Development Plan for OTORAD, Plat No. 1085. Chairman Pries seconded. *The motion carried, 5-0.*

I1 Approval of Wayfinding Signs in the area of Hersheypark Drive and Lingle Avenue.

Mr. Small said the Township has agreed with the Heshey Company to place Wayfinding signs around the intersection of Hersheypark Drive and Lingle Avenue because of the confusion for large trucks and their approaches to different areas. The signs will be placed so that all the approaching traffic movements can be safer. HRG has proceeded to obtain information from PennDOT and has proposed signs that meet PennDOT's criteria for destination signs. There is no impact on the Township's budget. The Hershey Company will pay for the cost of the fabrication of the signs and HRG will be doing the engineering work pro bono. The signs will be installed by Township personnel because they would be in public right of ways.

Motion: Supervisor Memmi moved to approve engaging HRG for their services and to proceed with the ordering of the signs as approved by PennDOT, and upon receipt that the Township personnel will install the signs at locations specified by HRG's direction from PennDOT's approval. Supervisor Fedeli seconded. ***The motion carried, 5-0.***

J1 Appointment of Anthony Nestico as counsel on the Hotel Zoning Amendment.

Motion: Supervisor Porter made a motion to appoint Anthony Nestico as special counsel in two appeals that have been filed, the Zimmerman appeal and the Hotel on East Chocolate Avenue appeal. Supervisor Abruzzo seconded. ***The motion carried, 5-0.***

CORRESPONDENCE

Supervisor Memmi wanted to make sure we have informed the School District and the Emergency Responders about the weight posting on Bridge 122. Even though it is not within the Township, it is connecting a Township Road into Union Deposit. Manager Negley said he has made the appropriate notification.

Chairman Pries asked Mr. Memmi what the history is behind Bridge 122. Supervisor Memmi said Bridge 122 is probably one of the oldest bridges that Dauphin County owns. It is on their list of bridges to be replaced. It is to be placed sometime in the spring of this year. After it is completed, a signalized intersection will be added at Hanover Street to Hockersville Road.

Supervisor Porter referred to correspondence approving Tom Clark's appointment to the Dauphin County Solid Waste Advisory Committee. In this day and age, that is an important appointment and it is good for our Township to have

somebody on that Committee. He asked Mr. Piccolo to extend the Board's congratulations to Mr. Clark.

Chairman Pries referred to a letter from Sandy and Rich Capelli to Chief Smith thanking him for listening to their complaints and the hopes of a possible resolution soon.

BOARD/COMMITTEE INFORMATION

Supervisor Porter shared that by unanimous vote, DTMA Board appointed Chris Abruzzo as their Chairman.

Supervisor Abruzzo congratulated Mr. Porter on an excellent year in 2008 as he served as Chairman of DTMA, but chose not to be re-elected in 2009. He mentioned that DTMA was working closely with HRG and Manager Negley on combining our sewer improvements with our stormwater plans.

REPORTS

Scott Stein – President, Hershey Fire Company

Mr. Stein reported that the Fire Company is finishing their Summary Report for 2008. Some of the highlights include:

- 798 total responses for the Fire Company. 635 of them were required that the department responds, 133 required only a duty officer, and 30 fire policy only responses. The majority of the calls (741) were within Dauphin County and the balance (57) of the calls was in Lebanon County as mutual aid assistance for both communities.
- There were 122 times when automatic aid was received from mutual aid companies throughout the area and 124 times we provided assistance to other communities.
- Of the 798 emergency incidents, 137 of them were fires, 62 in structures resulted in about \$857,000 in damages. 51 of these occurred in residential buildings. The largest single loss being the Lucy Café fire in early last year.
- Cooking fires make up 23% of all our fire calls.
- Civilian injuries were minimized.
- Firefighter injuries were kept to a minimum this year. There were no injuries involving loss time in the Fire Company.
- Spent over 298 hours in education of Fire Prevention.
- 913 hours in Public Outreach – reaching over 3000 kids in the school community.
- 2000 adults in extinguisher training.

The Fire Company continues to do what it can to reduce the fires of the Township and do their part to protect the community. Mr. Stein said he

appreciates the support of the Board and looks forward to a good relationship in 2009.

Chairman Pries thanked Mr. Stein and the members of the Fire Company on behalf of the Board of Supervisors for their service to the Township.

Chairman Pries shared that he went to Mr. Ferrari's house with Mr. Piccolo and Mr. Clark. They spent some time with him and they are collecting more data information. We are working with Ed Small on some issues at the adjoining property. Mr. Piccolo stated he thought the meeting went well. He acknowledged that Mr. Ferrari is a nice gentleman and just wants to be recognized with his problems.

Supervisor Abruzzo asked if we would be able to solve some of Mr. Ferrari's problems. Mr. Piccolo said he believed so, but it will take some time to make progress.

Supervisor Memmi asked about the salt situation. Mr. Piccolo said we have a half of a building filled with salt and part of another building. Fortunately, we have not had a hard time getting salt. Unfortunately, other municipalities are having difficulty. Supervisor Memmi thanked Public Works for getting the contracts in place to keep the salt flowing here because it has been a problem this year.

Barbara Ellis - Director of Hershey Public Library

Mrs. Ellis commented on the media nationally, district-wide, and regionally regarding other libraries having to shut their doors. She thanked the Board of Supervisors and the community for their continued support because the Hershey Library does not have to let people go or even have to consider closing our doors for any hours that we have been open. Our statistics are definitely up at the end of 2008, we had approximately 4,000 more people coming through the doors. The people who hold cards for the library are up by about 1,000 as far as usage.

Supervisor Porter mentioned that Allen Malkoff, Chairman of the Library Endowment Trust for the last five years has completed his term. Mr. Malkoff is an investment advisor and was truly an asset to the Library. He asked that Mr. Malkoff be recognized.

Matthew J. Mandia – Director of Parks and Recreation

Mr. Mandia said over the past several months they have been working on getting an online registration program so that residents will have the ability to register for our programs and rentals. He put information in their newsletter alerting the residents that we are going to do a "soft launch" over the next couple of months for our spring programming. This will be a trial before the summer programming begins.

Jill E. Horner – Assistant Township Manager

Ms. Horner shared that she will be meeting with the website designer for the next phase of improvement for the Township's website. She asked the Board and public to let her know if they have any recommendations or areas they would like to see changes with.

APPROVAL OF ACCOUNTS PAYABLE (\$721,609.98) AND TWO PAYROLLS (\$563,101.30).

Supervisor Porter moved to approve accounts payable in the amount of \$721,609.98 and two payrolls in the amount of \$563,101.30. Vice-Chairman Abruzzo seconded. ***The motion carried, 5-0.***

VISITOR/PUBLIC COMMENTS

Mark Deer, 1210 Jill Drive – Boy Scouts of America

ADJOURNMENT

Supervisor Porter moved Supervisor Abruzzo seconded to adjourn the meeting at 8:05 p.m. seconded. ***The motion carried, 5-0.***

SUBMITTED BY:

Kelly C. Fedeli
Township Secretary

Brenda Van Deursen
Recording Secretary