

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING
Tuesday, April 13, 2010
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The April 13, 2010 Township of Derry Board of Supervisors meeting was called to order at 7:10 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, Township Engineer
Thomas Clark – Director, Public Works
Barbara S. Ellis – Director, Hershey Public Library
Charles Emerick - Assistant Director of Community Development
Jill E. Horner – Assistant Township Manager
Matthew J. Mandia – Director of Parks and Recreation
James N. Negley - Township Manager/Township Treasurer
William D. Smith – Chief of Police Department
Scott Stein – President Fire Company
Terry M. Weinhold – Manager of Accounts Payable & Accounts Receivable
Jon A. Yost - Township Solicitor
Brenda Van Deursen - Recorder

Public Present: Donna Kreiser, Steve Todd, Suzanne Brinser, Elvira Ebling, Tim Craig, Joe Woodward, Scott Snoke, Sam Snoke, Jill Troutman, Marc Snoke, Kaleb Frey, Matt Svirbely, Adam Nasta, Ed S., Tracy Troutman, Matt Weir, Rich Gamble, Honey Roger, Hayden Roger

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 land, legal, and personnel issues.

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

VISITOR / PUBLIC COMMENT

Suzanne Brinser, 45A West Granada Avenue

Ms. Brinser is here on behalf of herself and as an elected advocate for the residents on West Granada Avenue to present concerns relating to the traffic and public safety of their neighborhood. She presented the Board and the Police Department with

documents that were developed by resident input. She asked the Township to respond accordingly if they require any additional forms and procedures that accompany her petition.

Their primary concern is the direct result of the traffic related to the patrons of One Broadway Dance Studio. The patrons stop in the middle of the street and do not utilize the provided parking lot located next to the business. Repeatedly they have asked for cooperation from the business owner and patrons to adhere to and enforce their own posted policy of no double parking in front of the Studio, but recent attempts have been futile. As a result, the Police Department responded to calls from both residents and the business owner during the week of March 8th. Upon responding to the call, the police officer took a statement from the business owner and then proceeded to take additional statements from residents. The officer told residents that the business owner would issue another memo explaining that law enforcement is now involved and to please adhere to the no double parking policy. In addition, the residents were asked to give a few weeks to see if the situation improves. At this time, the double parking issue has had only a slight improvement, but there are other existing traffic issues that extend beyond the intersection of West Granada and Linden Road as well as to Cocoa Avenue. West Granada Avenue is a one-way thru street. The traffic congestion on this street created by the volume going into One Broadway Dance Studio poses the following:

- Creates a procession that interferes with the normal movement of traffic.
- During peak operating hours of the business (Monday thru Friday, 4:00-9:00 PM), there are 15 plus cars lined up in the middle of the street extending around to Linden Road and through the intersection to the next block of West Granada.
- Creates a double parking situation in an area that is not posted as a designated loading and unloading zone. Residents witness daily occurrences of patrons stopping and parking in the middle of the street simply waiting for their children to finish class.
- Impedes both pedestrian and vehicular thru-traffic.
- Procession adversely affects the available corner sight distance for a driver at the intersection of Linden and West Granada and creates the less than necessary minimum stopping sight distance for a driver on a thru roadway.
- Reduces sight distance for all drivers due to the combination of continuous procession and parked vehicles along curb faces.
- Hinders the ability for drivers and passengers, residents and visitors, to get out of parked vehicles on the sides of the street safely.
- Prohibits resident vehicles from entering or leaving their parked position. We understand this is a public street, but not every resident has the luxury of off-street parking. Many families own and operate multiple vehicles and rely on the availability of street parking. Many residents are afraid to leave their home during these peak hours in fear of a parking space being unavailable when they return home. Ms. Brinser gave an example of last evening when it took a resident over 20 minutes to find an available parking space.
- The area adjacent to Linden Road and West Granada Avenue intersection presents issues with turning maneuvers and becomes restricted due to the procession traffic.
- Pedestrian activities have become unsafe due to the increase volume and speed of traffic.

- Causes potentially restricted movements and response times of emergency vehicles.
- This block also accommodates overflow traffic from the Hershey Theater, patrons attending concerts at Hersheypark Stadium, the summer concert series in the park downtown, Sunday church services and other church related events, and those looking for a shortcut from the current Chocolate Avenue congestion.
- The residents that are not from this neighborhood are unfamiliar with the traffic challenges on this block and become frustrated with the wait time and then they begin to honk horns continuously until cars either move forward or find a space.
- When the traffic breaks, they encounter unsafe speeds from those who are trying to pass thru and get to their next destination.
- Property owners are experiencing difficulty selling real estate on this block over the last year. As recent as last week, four properties were for sale well over 8 months.
- Landlords are having a difficult time filling vacant units due to the lack of available off-street parking which results in loss revenue for both the property owner and the Township. It is now contributing to diminishing property values.

Over the past 4 years, the volume of traffic has more than doubled on their street and with the upcoming Cocoa Avenue and 743 Intersection Project they feel the safety of their neighborhood has reached a critical point.

They suggested the Board of Supervisors and the Police Department consider the following solutions:

1. Post No Stopping or Standing signs along the entire first block of West Granada to the intersection at Linden to address the double parking problem.
2. Identify the designated handicap parking spaces with painted blue lines on the street so they can gain an additional and much needed three residential parking spaces.
3. Residents and visitors do not know what the designations are and therefore do not park between the two signs. Refer to the lines painted for the space in the first 100 block of West Caracas.
4. Reduction of speed from 25 mph to 20 mph. Ms. Brinser noted there are currently no posted speed limit signs in the first three blocks of West Granada Avenue.
5. Encourage the following future considerations as enhancements:
 - Post stop sign at the intersection of Linden and West Granada.
 - Pursue a residential parking permit program.

Chairman Pries said the Board will need a couple of weeks to review the information Ms. Brinser presented and hopefully at the next meeting will be able to comment on the concerns presented. He asked Chief Smith to review the information as well and report back to the Board and the Township Manager with his recommendations. Chairman Pries asked Ms. Brinser to provide her phone number to the Township Manager.

Ms. Brinser mentioned during their petition process, residents were cursed out, threatened, intimidated, and now experiencing damage to vehicles. As a result of this, they have stopped the petition.

Vice-Chairman Abruzzo said he did not understand how the reduction of speed from 25 to 20 and the posting of stop signs will solve the problem. Ms. Brinser said for those who get agitated having to wait in the procession then use it as a drag strip down to the stop sign at Cocoa Avenue. Without having any posted signs, they take it they can go whatever speed they want.

Vice-Chairman Abruzzo asked if the homes that are now apartments contribute to the increased need for off-street parking. Ms. Brinser said there are some off-street availabilities, but families moving in have multiple vehicles. There generally is only one space provided behind each rental unit, but at non-peak hours, there are off-street parking spaces available.

Supervisor Ballard suggested that Neighborhood Dispute, a non-profit organization, hold a mediation session for representatives from the community and the Dance Studio due to the seriousness of the concerns for peace and harmony of the community. Ms. Brinser said whatever is necessary to get to a resolution.

Supervisor Moyer asked if it is their position that a patron of One Broadway should not pull into parking spaces available on the street. Ms. Brinser said it is not their position because it is a public street and needs to be shared. It is the double parking that is the issue.

Supervisor Moyer said he observed on occasion instead of gently approaching the patrons, there appears to be verbal attack. Ms. Brinser said they have ceased to address issues with anyone in the middle of the street since they were coming tonight to ask for help from the Board.

Supervisor Moyer referred to the permit parking. Sometimes the parking permit solution ends up being worse when guests of families get a ticket for not having a permit. Ms. Brinser agreed...it is a last resort suggestion. Supervisor Moyer appreciated Ms. Brinser and her neighbors for not only identifying a problem to the Board, but also offering creative potential solutions.

Ms. Brinser referred to the upcoming construction project lasting through 2012. They are not only concerned with the shortcuts coming through the neighborhood, but also the mention of a drive-thru going in the alley behind Fenicci's. Chairman Pries said he checked with Chuck Emerick and they are not aware of a drive-thru and one is not even permitted in that area.

Chairman Pries said One Broadway has been there for a decade or longer. He asked if it has progressively gotten more and more congested in the last couple of years. Ms. Brinser said the attendance used to be capped at 150 (from the original plan), but is now at 350.

Timothy Craig, 1033 Mt. Allen Drive, Hummelstown - Dr. Craig said he lives in a neighborhood that has trees in it. They have been having hunters roving through their community on a regular basis hunting deer and turkey. He asked the Board to consider the growth of the Township and to consider outlawing hunting in the Township. He is

not against hunting, but doesn't believe Derry Township is the right place. Chairman Pries said they will do some research regarding his request.

Rich Gamble said in support of Ms. Brinser, we took a non-conforming family residence and converted it into a business for multipurpose uses. This will continue to escalate to where the downtown Village is no more than a strip mall with multiple parking problems. When we are talking about putting businesses in "commercial residential" there should be a limit of how many businesses you put in commercial residential.

Steve Todd, 629 Bullfrog Valley Road – Mr. Todd is concerned with Agenda Item B1-9 - authorization to accept a proposal from HRG for essentially a change order. He understands HRG has requested an additional \$197,000 for engineering fees for the stormwater management project. This is in addition to the original contract price of \$771,000 and also in addition to a change order of \$80,500 approved on June 23, 2009. If this request tonight is approved, the total for the engineering services would be \$1,048,500. He strongly requests this agenda item be tabled until such a time a third party licensed engineer, duly qualified in bidding managing and designing similar such projects can be retained. The independent engineer should review all work orders to-date including time and rate estimates. Only when the engineer submits written approval for a change order should it be approved. If the engineer does not find the sum of all fees including the change order in line with the efforts to date and with those anticipated, the proposed change order should be declined. He also suggested this process be followed for future substantial consultant expenditures to ensure maximum utilization of our funds.

APPROVAL OF MINUTES:

Chairman Pries called for a motion to approve the Minutes of the March 23, 2010 Board of Supervisors Meeting. He stated that the additional conversation of a resident from the last meeting were added to the minutes. Supervisor Ballard made a motion to approve the Minutes of the March 23, 2010 Board of Supervisors Meeting with the addition noted above. Supervisor Moyer seconded. ***The motion carried 5-0.***

NEW BUSINESS:

A1-3 Consideration of a Derry Township Municipal Authority Bond Refinancing Opportunity.

James N. Negley - Township Manager/Township Treasurer

A Derry Township Municipal Authority (DTMA) Bond Series of 2005 in the amount of \$9,240,000 is eligible for refinancing and has interest rates substantially higher than current rates. Because of the present situations in Dauphin County and Central Pennsylvania, our Finance Team's recommendation is the funding bonds be issued by the Township. The Township and the Municipal Authority would then enter into a Subsidy Agreement for the payment of Debt Service on the Bonds.

Ms. Donna Kreiser of the Law Firm of McNees Wallace & Nurick LLC and Mr. Lou Verdelli, RBC Capital Markets were present to answer questions.

Mr. Verdelli said in the past, the Township would provide the guarantee that if the Municipal Authority was ever unable to make its payments, the Township would step in. The recommendation is for the Township to issue the Bonds to refund the Municipal

Authority's old Bond Issues. The Municipal Authority would make the payments directly to the bank. There are no payments being run through the Township. This structure has been utilized in the past for DTMA projects in 1993, 1997, and 2002. It will increase the savings to DTMA which are currently estimated at \$225,000. There will be no impact to the Township's borrowing capacity or have any impact on the Township's credit rating as a result of this transaction. If the Township is acceptable, in two weeks with interest rates permitting there will be a new issue of about \$9.5 million to refund the issue for the Authority.

Mr. Verdelli said for the first time in ten years, they have invited the Rating Agency to visit the facilities and to go around town to see the economic development projects in an effort to keep elevating the Township's bond rating.

Supervisor Moyer asked what the risk effect would be for the Township. Ms. Kreiser said the Subsidy Agreement is a document that says the Authority has to make the payments on the Township's Bonds. The Township would be issuing General Obligation Bonds and would be pledging its full faith credit and taxing power for the security of those bonds. Pursuant to the Subsidy Agreement, DTMA is agreeing to pay out of the receipts and revenues from the sewer system its obligation to the Township to cover the debt service obligations of the Township under its General Obligation Bonds. If the Authority defaults on its bonds, after all their reserve funds were depleted, they would look to the Township to pay the debt service on its bonds pursuant to the Guarantee Agreement.

Supervisor Fedeli said she is comfortable with this based on the fact we did this before, it will not impact our borrowing capacity nor our credit rate, because of the circumstances in Dauphin County, and our Township Manager is in agreement. This is an opportunity to save money.

Vice-Chairman Abruzzo explained the refinancing of the bonds will have a direct impact on the budget for the Municipal Authority in both 2010 and in 2011. Because the Township guarantees the Bonds, it will allow DTMA to save the money in their budget which will help avert rate increases to all sewer uses. He asked for the target number. Mr. Verdelli said the Authority set a target of \$200,000. If it goes below \$200,000 it will be put on hold. They will continue to monitor the market.

Mr. Verdelli said because we have one of the highest credit ratings in Pennsylvania...Triple A, we are able to save money. If our rating was two notches below what it is, we would see no savings.

Motion: A motion made by Supervisor Fedeli and seconded by Supervisor Ballard that the Township's Finance Team is authorized to prepare a Bond Sale Ordinance for a refinancing of DTMA Series of 2005. *The motion carried, 5-0.*

B1-9 Authorization to accept a proposal from Herbert, Rowland & Grubic, Inc., for Supplement No. 2 to continue to provide Final Design Engineering Services as it relates to the Township's Stormwater Management Program Development.

James N. Negley - Township Manager/Township Treasurer

A Scope of Services for the three initial systems in the amount of \$771,000.00 was approved at the January 27, 2009 meeting. In June of 2009, the Board approved Supplement #1 in response to changes associated with unanticipated field conditions and design requirements occurring during the preliminary design phase. To maintain the project schedule, HRG completed these tasks totaling an additional \$80,500.00, making the revised total \$851,500.00.

This proposal is Supplement #2. It includes additional work to obtain easements, perform Sub Surface Utility Engineering (SUE) (test pits), and the assistance in the filing of the H2O grant. The total amount to perform Supplement #2 is \$197,000.00 and will be paid from the H2O Grant. If approved, the revised total would be \$1,048,500.00.

Brian Emberg, Al Brulo, and Matt Bonanno from HRG were present to answer questions.

Supervisor Ballard asked for the breakdown of the three different issues. Mr. Emberg provided the following:

- Easement Acquisition Services = \$65,610
- Sub Surface Utility Engineering = \$124,990
- Assistance filing the H2O Grant = \$5,705

Supervisor Fedeli said originally the scope of the project estimated there would be 20 easements needed. Now there are 57. She asked how that number jumped and why so drastically. Mr. Emberg said during the study there was an assumption of a basic right-of-way width of the streets. Now they have the detailed designs showing the actual right-of-way widths and where the pipe routing goes. The information showed we have to get closer to the property frontages.

Supervisor Fedeli asked why they didn't physically look at this in the beginning. Mr. Emberg explained at the study phase it is general mapping, not detailed maps; therefore, you can't see right-of-way out in the street. When it was time for the detailed design, they collected the deeds, tax maps, street right-of-way widths and plotted them on the map. With these scale drawings they could identify where they were at. It is a difference between study level detail and design and construction detail.

Supervisor Fedeli asked what Mr. Emberg knew about Act 121 of 2008. She said there is some disagreement as to who is responsible for utility relocation. Mr. Emberg explained at the design stage they contact utilities to identify their locations so they can avoid them because it can be very costly especially when you are doing extensive work such as the stormwater project. The initial request is the utility company paints where the locations are and HRG would survey them. HRG did survey and found they need more precise locations to avoid these impacts. There are lots of sewer, water and gas lines under the streets. The request was made of the utilities to provide exact depths and locations of where the lines are at. The utility company said they can do that, but they are not responsible for the cost. It is the burden of the project sponsor. It would have been much more costly challenging them than pursuing Subsurface Utility Engineering (SUE).

Solicitor Yost said he talked to PSATS and there understanding was it was not the intent of the legislation to put the financial burden on the Municipalities. However, the burden

of having the work accomplished is the responsibility of the Municipalities. Solicitor Yost said historically any utility relocation or any expense of relocating anything within the right-of-way is the responsibility of the utility company because they get to use the right-of-way free of charge. The utilities are relying on their interpretation of the Act and in some cases have backed off. In this particular case they did not indicate they were willing to back off. Litigation will delay the project indefinitely and we need to get the work done. This is not to say we would not file a claim against the utilities at the completion of the project.

Supervisor Ballard asked Mr. Emberg if they received quotes from subcontractors related to test pits. Mr. Emberg said they put out an RFP to three different subsurface utility qualified firms and have received their proposals back. They have not engaged them yet because they are waiting for the approval tonight. HRG would make a recommendation to the Township Manager for the firm that will give the Township the best value.

Supervisor Moyer expressed his concern about the new anticipated costs. He asked if HRG marks up the costs when engaging the subcontractors. Mr. Emberg said they did not mark up the costs...it is a straight pass through.

Vice-Chairman Abruzzo said he recalled the discussions in the past about the easements. At that time, they could not determine how many easements were needed for the project. There was discussion about the Township trying to obtain some of the easements instead of HRG to keep costs down. Due to the kindness of Chairman Pries' mother and her husband, we saved about \$500,000 being able to use their property for purposes of the stormwater project. Mr. Emberg said in those discussions the anticipated count of potential easements was actually around 70. In collaboration of the Manager, Solicitor and Mr. Clark, they were able to identify where they absolutely would need those and refined the designs. They reduced the number to 57. Vice-Chairman Abruzzo said he understands why the costs are increasing, but wants to make sure the change orders are infrequent as possible.

Supervisor Ballard thanked Steve Todd for his suggestions. Going forward, we need to look at our procedures and see what can be done in the future. On the other hand, residents who have spoken at our meetings recently are waiting for the stormwater changes so we need to move forward as quickly as we can.

Supervisor Fedeli requested as we go forward if HRG sees something that may require a change order to please let them know as soon as they can. It is concerning that the Township received a substantial H2O Grant and things like this chip away at the grant which was intended for the betterment of the community.

Motion: A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Fedeli that the authorization for the Township Manager to execute an agreement proposal from Herbert, Rowland & Grubic, Inc. for Supplement No. 2 to continue to provide Final Design Engineering Services as it relates to the Township's Stormwater Management Program Development is hereby approved. ***The motion carried, 5-0.***

Chairman Pries acknowledged the Boy Scouts and asked them to introduce themselves.

- Matthew Svrbely

- Adam Nasta
- Marc Snoke
- Samuel Snoke
- Hayden Royer
- Kaleb Frey

C1-5 Renewal of the approval of the Preliminary/Final Land Development Plan for Hershey's Chocolate World Employee Satellite Parking, Phase 1, Plat No. 1154.

Charles Emerick - Assistant Director of Community Development

This is a request for a previously approved Preliminary/Final Land Development Plan for Chocolate World Employee Satellite Parking. The Board originally approved the plan at their October 27, 2008 meeting. The project is to ultimately build a 500 space parking facility in two phases. This plan is Phase 1, which would consist of 140 parking spaces along Park Boulevard on what is known as the Creamery Tract. The facility is restricted to employee parking for Chocolate World. The access will be limited to those persons with security cards to gain entry to the lot. There will be no other activity at this sight. There will be no need for water or sewer services. In conjunction with the original plan approval, the only outstanding item is the posting of performance security for the improvements. On April 14, 2009, the Board granted a one-year extension that the security be provided by April 14, 2010. The applicant, The Hershey Company, is requesting a second extension. Each of the requests note that the prioritization of other operations within the facility have resulted in the delay of the implementation of this project.

Supervisor Ballard asked if there is a limit to how many extensions that the Board can approve. Mr. Emerick said that is entirely at the discretion of the Board.

Motion: A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Ballard that the Township renews the approval of October 27, 2008 and further extends for one year the Preliminary/Final Land Development Plan for Hershey's Chocolate World Employee Satellite Parking, Phase 1, Plat #1154, subject to the following occurring no later than the date indicated and prior to the recording of the plan:

- a. That performance security be provided no later than April 14, 2011 to guarantee the completion of required improvements.

The motion carried, 5-0.

D1-3 Consideration of the extension of the term of the performance security supplied for the Final Subdivision Plan for Deer Run, Phases 3, 4, and 5, Plat No. 1047.

Charles Emerick - Assistant Director of Community Development

The preliminary plan was approved by the Board on December 7, 2004. Section 5 of this plan calls for 78 townhouse dwelling units. The applicant originally placed performance security in the amount \$1,277,087.37. Due to some draw downs and work completed, there is currently remaining \$127,708.73 which is 10% of the balance. The bonding needs extended to ensure that the work is done properly. This present bond will expire April 20, 2010. At present there is about 14% of the development to be done. Because

of the general slow down in the building industry and the interruption from Shaeffer & Sons, the developer has not been able to complete the project.

Supervisor Ballard asked why they wouldn't keep 14% of the bond if they still have 14% incomplete. Mr. Emerick said 14% of the housing units are not complete. The development is nearly complete and they just need to top the road. Solicitor Yost added that we only release down to 10% if the engineer certifies the work is completed to that level.

Motion: A motion made by Supervisor Fedeli and seconded by Supervisor Ballard that the Township accepts an extension of the term of the performance security supplied in the form of Insurance Bond No. SU 1015264 by Arch Insurance Company for the Final Subdivision Plan for Deer Run Phases 3, 4, and 5, Plat #1047, at its current balance of \$127,708.73 provided that it is supplied no later than April 16, 2010, or, in the alternative, that staff is authorized to draw the current balance to hold pending the completion of required improvements is hereby approved. *The motion carried, 5-0.*

E1-3 Adoption of Ordinance No. 593, amending Ordinance No. 245 and the Township Codification, Ordinance No. 553, Chapter 11, Article III, Section 11-21 Park Rules and Regulations.

Matthew J. Mandia – Director of Parks and Recreation

Mr. Mandia said that Ordinance No. 593 was advertised on March 18th as required.

Motion: A motion made by Supervisor Ballard and seconded by Chairman Pries that Ordinance No. 593, amending Ordinance No. 245 and the Code of the Township of Derry, Ordinance No. 553, Chapter 11, Article III, Section 11-21 Park Rules and Regulations is hereby adopted. *The motion carried, 5-0.*

F1-4 Adoption of Ordinance No. 594, amending Ordinance No. 492 and the Township Codification, Ordinance No. 553, Chapter 132, Article I, Section 132-3 Bicycle and Pedestrian Trail Rules and Regulations.

Matthew J. Mandia – Director of Parks and Recreation

The Bicycle and Pedestrian Trail Rules and Regulations Ordinance 594 was advertised in The Sun on March 18, 2010 as required. They received one public comment related to Section 132-3, Subsection B. The proposed language said the trail is closed from dusk to dawn. In several locations along the trail, some citizens utilize the trail after dark to get back home or to other locations. Prior to the proposed change, that section previously read "The trail is closed from dusk to dawn from Waltonville Road to Wood Road." Based on the input received from the community regarding the issues of using the trail system and the potential impact with the blanket regulation that we have proposed, Mr. Mandia is proposing to go back to the original language that would state "The trail is closed from dusk to dawn from Waltonville Road to Wood Road and all those utilizing all other sections of the trail from dusk to dawn do so at their own risk".

Motion: A motion made by Vice-Chairman Abruzzo and seconded by Supervisor Ballard that Ordinance No. 594, amending Ordinance No. 492 and the Code of the Township of Derry (Ordinance No. 553), Chapter 132 (Parks and Recreation), Article I (Bicycle and Pedestrian Trail), Section 132-3 Rules and Regulations with the recognition that Section

132-3, Subsection B, will read, "The trail is closed from dusk to dawn from Waltonville Road to Wood Road, those utilizing all other sections of the trail between dusk and dawn do so at their own risk" is hereby adopted. ***The motion carried, 5-0.***

G1-3 Award of a contract for the surface repair of the outdoor pool at the Hershey Recreation Center

Matthew J. Mandia – Director of Parks and Recreation

This project was budgeted within the 2010 Capital Projects Budget. It consists of several aspects of the outdoor pool at the Hershey Recreation Center. The project includes repairs of several plaster areas on the floor, wall and step surfaces. It also includes replacement of the deck seal, upper cap joint, the main pool seal, and various tile work.

A mandatory pre-bid meeting was held on March 25, 2010 at the Recreation Center. This project presented some significant challenges in terms of putting together a bid package that contractors would be able to compare apples to apples to provide numbers. To acquire numbers that are comparable, they limited it to 300 linear feet of repair in hopes that if the project comes in under budget and we can extend that work and hold the contractor to the linear cost.

On Tuesday, April 6th, two of the three contractors submitted a bid. The two contractors are Doug Lamb Construction of Elizabethtown, PA, in the amount of \$25,750.00 and Aquality Pool Service of Dalmatia, PA in the amount of \$52,900.00. \$40,000 was budgeted in the 2010 Capital Budget for the completion of this project. Since a few items were eliminated for bidding purposes, Mr. Mandia recommended that the bid for the outdoor pool surface repair be awarded to Doug Lamb Construction in the amount of \$25,750.00 with the option to extend the linear foot, joint and deck repairs holding the contractor to honor the bid unit price, not to exceed the budgeted amount.

Supervisor Moyer noted the vast disparity in the quotes. He inquired if the contractor is bonded and insured and if we received any references. Mr. Mandia said Doug Lamb Construction has done work within the Township before. He believes they had the sidewalk and curb repair for several years. Supervisor Moyer asked if we were satisfied with the work. Both Mr. Mandia and Mr. Clark said that we were.

Motion: A motion made by Supervisor Ballard and seconded by Vice-Chairman Abruzzo that authorization to award the bid for the Outdoor Pool Surface Repair at the Hershey Recreation Center to Doug Lamb Construction in the amount of \$25,750.00 with the option to extend the linear feet of repairs not to exceed the budgeted amount of \$40,000.00 for the project is hereby approved. ***The motion carried, 5-0.***

H1-3 Authorization to begin the process to update our Comprehensive Plan pursuant to the attached Action Plan, which incorporates smart growth principles, sets specific milestones, and appropriately utilizes Township staff.

Supervisor Ballard said the action plan is basically the Smart Growth Principles established in the community. The tentative time frame indicates:

1) April – December of 2010 - staff to look at research, scope, other resources, and funding; 2) July 2011 – select Vendor to help with consulting service; and 3) September

2011 to September 2013 - updating the Comprehensive Plan and the Zoning and Land Development Ordinances.

Motion: A motion made by Chairman Pries and seconded by Supervisor Moyer that authorization to begin the process to update our Comprehensive Plan pursuant to the Action Plan, which incorporates Smart Growth Principles, sets specific milestones, and appropriately utilizes Township staff is hereby approved. ***The motion carried, 5-0.***

CORRESPONDENCE

Supervisor Fedeli received a call from a woman who lives on Lingle Avenue. The woman has a handicapped child. With all the construction going on, Supervisor Fedeli asked if there is any signage for a disabled child that can be placed on Lingle Avenue. Chief Smith believes there is, but noted it would be advisory signage, not enforceable.

BOARD/COMMITTEE INFORMATION

Supervisor Ballard said that she and Supervisor Fedeli met with the Cocoa Avenue Speed Committee. The Committee was thrilled with the reduction of speed. They provided Supervisors Ballard and Fedeli with other suggestions:

- Police issuing tickets for motorists going 10 mph over the speed limit.
- More monitoring from Elm Avenue up to Chocolate.
- This spring, do communications to the residents to remind them of the law requiring motorists to stop for pedestrians at crosswalks throughout the Township and then follow up with a ticket when needed.

Vice-Chairman Abruzzo gave an update on the Memorial Day Parade Planning. Things are moving along well and they have a number of sponsors lined up. Public advertising will begin shortly.

Supervisor Fedeli reported they are having their first ad hoc stormwater meeting here this Thursday at 5:30. Also, this Saturday is the Kiss Hershey Back Annual Community Clean-up Day. All of the Supervisors are scheduled to help.

Supervisor Fedeli also reported the Hershey Girls Softball League held their first Opening Day. She was honored to throw out the first pitch. There were over 100 young girls and their families at Shank Park. She thanked Carmen Eichman who was in charge of the event.

Chairman Pries announced this Saturday is the Little League Boy's Baseball Opening Day at Memorial Field at 2:30.

Supervisor Abruzzo suggested that next year when the Hershey Med Students are planning the Kiss Hershey Back Day to check out when other events are happening. We are losing a lot of parents and kids because of Opening Day.

REPORTS

Thomas Clark – Director, Public Works

Mr. Clark gave an update on the stormwater issues at the Reese's Factory. After making many calls to Norfolk that were not responded to, he finally received a call from the

crew supervisor in Harrisburg. The crew supervisor is in the process of scheduling the work. He has requested our assistance in showing them what we did.

Chairman Pries asked about a proposed project regarding traffic signalization. Mr. Clark said there was recent update to the Transportation Improvement Program (TIP). PennDOT is recommending a study be done on the three corridors through the Township...39, 322, 422. A copy of the study references the SAMI Project that was done a number of years ago and the fact that there are improvements that can be made to it. It also references crash data the department has obtained over the years even during and prior to the SAMI project being completed. At this point, they are pre-scoping a traffic study for those corridors and are also proposing a substantial amount of improvements to the signals. It references the Township and the entities in town as partnering with this. We need to stay on the front side so that we are taking the lead and moving in a direction that we want to see it move in. Supervisor Fedeli agreed.

Barbara Ellis – Director of Hershey Public Library

April 11-17 is National Library Week. On Sunday, Richard Russo, nationally known author, was present. 200 people filled the double meeting room. The Volunteer Appreciation Luncheon will be Friday at noon. All the supervisors were invited. Today is actually National Library Workers Day and Ms. Ellis commended her staff of 24 for making the Hershey Public Library one of the best in the state. The library ranks up with the top 12 with services to the community.

Chairman Pries asked for the status of the renovation. Ms. Ellis said they are meeting with staff and will have more information later.

Terry M. Weinhold – Manager of Accounts Payable & Accounts Receivable

Ms. Weinhold reported both the revenues and expenditures for the first quarter look good. The 2009 audit work is scheduled to begin the first week of May.

Chairman Pries thanked her for providing the overtime numbers. They look good. One department is over due to the snow storm.

Matthew J. Mandia – Director of Parks and Recreation

Mr. Mandia recognized the Jonathan Eshenour Foundation who recently purchased 12 of the recycle benches seen along the Bike and Pedestrian Trail. He thanked the Public Works Department for assembling and installing them.

Mr. Mandia reported they had a surprise inspection from the Department of Health on Friday. They were compliant on all issues related to the operations of the public bathing place standards for the state.

They will meet residents of Deer Run and South Point developments to do some nature trail restoration at Gelder Park as part of the Kiss Hershey Back on Saturday.

Matt Bonanno, Township Engineer, updated the Board on the 167 Plan. It is on the Commissioner's agenda for tomorrow for approval.

Charles Emerick - Assistant Director of Community Development

Mr. Emerick shared he spoke with Ed Small and he is doing better.

Supervisor Ballard mentioned the fire damage property at Deer Run and the letter that was sent to PNC Bank. She asked if they have responded. Mr. Emerick said they have complied with their 10-day notice, which was to clean the property, clean up the trash, and take down the weeds. This Thursday they have to obtain a building permit or a demolition permit to be compliant with the 15-day notice. They called and asked for an extension. We asked them to file for a demolition permit. They will then have 180 days to complete the work. We hear there are a few people interested in the property.

Vice-Chairman Abruzzo added that the Board is watching this closely. We have very high expectations for those entities in the Township. Mr. Emerick said we have not been getting any pushbacks from them on the improvements that we have asked to have happen. They are just hoping to find a buyer and not have to apply for a demolition permit. Vice-Chairman Abruzzo said if he needs the Board's involvement to let them know.

James N. Negley - Township Manager/Township Treasurer

Mgr. Negley said that he and Jill met with a software provider regarding paperless agendas. Jill has scheduled a follow up meeting with another vendor.

APPROVAL OF ACCOUNTS PAYABLE (\$994,334.69) AND PAYROLL (\$279,997.58).

Supervisor Ballard moved to approve accounts payable in the amount of \$994,334.69 and payroll in the amount of \$279,997.58. Vice-Chairman Abruzzo seconded. ***The motion carried, 5-0.***

VISITOR/PUBLIC COMMENTS

No one came forward.

ADJOURNMENT

Vice-Chairman Abruzzo moved to adjourn the meeting at 9:00 p.m. Supervisor Ballard seconded. ***The motion carried, 5-0.***

SUBMITTED BY:

Kelly C. Fedeli
Township Secretary

Brenda Van Deursen
Recording Secretary