

TOWNSHIP OF DERRY

BOARD OF SUPERVISORS MEETING

Tuesday, April 26, 2011
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The April 26, 2011 Township of Derry Board of Supervisors meeting was called to order at 7:10 p.m. by Chairman Abruzzo.

ROLL CALL - All present.

E. Christopher Abruzzo, Chairman
Sandy A. Ballard
Kelly C. Fedeli, Vice-Chairman
Marc A. Moyer, Secretary
Todd Pagliarulo

Also Present:

Matt Bonanno – HRG, Township Engineer
Thomas Clark – Director of Public Works
Barbara Ellis – Director, Hershey Public Library
Charles Emerick - Assistant Director of Community Development
Zachary Johnson – Assistant Director of Parks & Recreation
Cheryl L. Lontz – Manager of Payroll & Employee Benefits
James N. Negley - Township Manager/Township Treasurer
Patrick O'Rourke – Chief of Police
Edward L. Small – Director of Community Development
Jon Yost - Solicitor
Brenda Van Deursen - Recorder

Public Present: Matt Weir, Elvira Ebling, Richard Gamble, Dennis Trout, Charleton Zimmerman

Press Present: Drew Weidman, The Sun and Elizabeth Krotz, Patriot News

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

Executive Session:

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

VISITOR/PUBLIC COMMENT: No one came forward

APPROVAL OF MINUTES:

Chairman Abruzzo called for a motion to approve the Minutes of the April 12, 2011, Board of Supervisors Meeting. Supervisor Ballard made a motion to approve the Minutes with one correction. Supervisor Moyer seconded. Vice-Chairman Fedeli and Supervisor Pagliarulo abstained as they were absent from the meeting. ***The motion carried, 3-0-2.***

NEW BUSINESS:

A1-13 Approval of Ordinance No. 605 amending Chapter 225 (Zoning) of the Code of the Township of Derry regarding the establishment of zoning permits.

Edward L. Small – Director of Community Development – A public hearing prior to this meeting was held and public comments were received. The impact of this Ordinance is expected to result in some revenue.

Motion: A motion made by Vice-Chairman Fedeli and seconded by Supervisor Ballard that Ordinance No. 605 amending Chapter 225 (Zoning) of the Code of the Township of Derry regarding the establishment of zoning permits, is hereby approved. *The motion carried, 5-0.*

B1-14 Approval of Resolution No. 1298, which would revise or restate the fee schedules for building permits, sign permits, sewer permits, filing of subdivision and land development plans, and filing of stormwater management plans. Resolution No. 1298 would establish fees for zoning permits and Design Review Board applications, and would amend and establish other miscellaneous fees and charges.

Charles Emerick – Assistant Director of Community Development – This resolution will provide for the updated fee schedules in one document. A fee comparison with other municipalities was done because many of the fees were outdated. We made modest increases to get our fees up to-date.

Chairman Abruzzo asked how we would compare with the other municipalities if we pass the proposed fee increases. Mr. Emerick said we would be more in line with what other municipalities are charging.

Mr. Emerick mentioned that we have a Design Review Board and other municipalities do not. We don't charge a fee for that yet; however, we have a staff person attend those meetings, we prepare minutes, and we keep records. We are looking at charging a \$25 fee to help offset some of the costs. If somebody made an appeal to the Design Review Board, there presently is no cost, but we are now establishing a \$300 hearing fee. Chairman Abruzzo noted a number of our fee schedules have not been changed since the 1990's.

Vice-Chairman Fedeli referred to a sentence in the Building Permit Section that says *due to a recent change in the statewide building code, there have been provisions added for sprinkler plan reviews and inspections.* Does that apply to Gov. Corbett's recent signing of a law that we no longer have a sprinkler mandate? Mr. Emerick said that was the premise of putting that line in the Ordinance, but we have other instances where a building has sprinklers and we do not have a separate fee. The schedule as it is written addresses that.

Supervisor Ballard thanked the staff for the work they put into the zoning permit review. She suggested that we relook at the costs every two years. Mr. Emerick said that is why it is good to have it all in one document – you are forced to look at them all. Supervisor Ballard asked Mr. Emerick if he would put that on a tickler to remind us or if we need to put it in the resolution? Solicitor Yost said other municipalities address this at their reorganization meeting. Community Development will add this to their agenda for the reorganization meeting to discuss.

Motion: A motion made by Supervisor Pagliarulo and seconded by Supervisor Ballard to adopt Resolution No. 1298, which would revise or restate the fee schedules for building permits, sign

permits, sewer permits, filing of subdivision and land development plans, and filing of stormwater management plans, would establish fees for zoning permits and Design Review Board applications, and would amend and establish other miscellaneous fees and charges, is hereby approved. ***The motion carried, 5-0.***

C1-14 The Preliminary/Final Subdivision Plan for Woodland Hills, Plat No. 1203, for consideration of waiver requests.

This agenda item was voluntarily withdrawn by the petitioner.

D1-25 Adoption of Resolution No. 1304, authorizing the Chairman to execute loan agreements with the Pennsylvania Infrastructure Bank for the Stormwater Project.

James N. Negley - Township Manager/Township Treasurer – Mgr. Negley explained that the resolution authorizes the Chairman to sign the Pennsylvania Infrastructure Bank Loan Agreement Number 520939, in the amount of \$1,789,500.00, for a term of 10 years at 1.625%. The Township applied for this loan two years ago to fund shortfalls of the stormwater project. We have until June 1st to submit this. The bid for the stormwater project will be opened on May 16, 2011. This will couple on with our H2O Grant.

Supervisor Ballard asked if interest paid on the loan will be covered by grant money. Mgr. Negley said it would not. It is a very low interest rate at 1.625%. He added that the grant money would be depleted based on the project. We will draw this loan down as needed, but we may not need to use all of it. Supervisor Ballard asked what the interest would be for a year. Ms. Lontz said approximately \$25,000.

Chairman Abruzzo proposed to amend the motion so that it authorizes the Chairman and/or the Vice-Chairman of the Board to execute loan agreements so that he can abstain from signing the documents since they do go to the State.

Motion: A motion made by Chairman Abruzzo and seconded by Supervisor Pagliarulo that Resolution No. 1304, authorizing the Chairman or Vice-Chairman to execute loan agreements with the Pennsylvania Infrastructure Bank for the Stormwater Project, is hereby approved. ***The motion carried, 5-0.***

E1-16 Filling the vacancy on the Township of Derry Planning Commission Board

James N. Negley - Township Manager/Township Treasurer – David Thomas, member of the Planning Commission Board has submitted his resignation. The Board directed staff to advertise the vacancy. As a result of this advertisement, we received five applications. They are Jean Allegrini, Denise Oggero, Roger Olsen, Joyce St. John, and Steven Todd. Mgr. Negley said the Board may select a candidate to fill the vacancy.

Motion: A motion made by Supervisor Pagliarulo and seconded by Supervisor Moyer that Joyce St. John be appointed to the Township of Derry Planning Commission to fill the unexpired term of David Thomas expiring on 12/31/2011, is hereby approved. ***The motion carried, 4-0-1.***

F1 Award of Uniform Rental for Public Works employees.

Thomas Clark – Director of Public Works – Four bid packages were sent out for uniform rental for Public Works’ employees. Only one company, UniFirst Corporation, submitted a bid. It was in the amount of \$9,037.08 per year for a total of \$27,111.24 for a three-year contract period. Only \$8,500 was budgeted for uniform maintenance, but Mr. Clark believes they can make this up somewhere else in the budget.

Motion: A motion made by Chairman Abruzzo and seconded by Supervisor Ballard that UniFirst Corporation is awarded the three-year contract for Uniform Rental for the Public Works Department in the amount of \$27,111.24, which is \$9,037.08 per year, is hereby approved. ***The motion carried, 5-0.***

CORRESPONDENCE

Supervisor Ballard said a resident questioned why we couldn’t consider Jake brake more broadly for other areas of the Township. The resident also asked why there is a “no Jake brake” sign out by the Township Building. She would support looking into broadening the Jake brake restrictions. Supervisor Pagliarulo said we would have to get approval from PennDOT to do that. He also mentioned that Jake brakes are a safety issue for trucks. Supervisor Ballard asked if this is something we could investigate. Mr. Clark said the sign outside of this building was put up when this road was private, but could be removed now that it is a public road.

Supervisor Ballard said the Lititz newspaper mentioned three Townships, Clay, Warwick, & Penn did a study on forming a regional police and found it could save 25%. She thought the same concept could be used for a lot of our resource and maybe there could be some cost sharing. Supervisor Pagliarulo said our neighboring Townships receive protection from the Pennsylvania State Police and pay for that protection.

Supervisor Ballard reported that Charleton Zimmerman contacted her and raised the issue of property owners who are behind and not paying their taxes, but they are still coming to the Township for permits and plans to be approved. The new Senate Bill 900 (anti-blight bill) that was passed, allows us to deny building permits for someone who owes the Township money. This will help these folks to pay taxes that are due to the Township. She asked the staff to look into that as a possibility. Mr. Small said a staff member has been trained on this bill. There is a package of bills that you can pass that includes what Supervisor Ballard mentioned and some other protections. Supervisor Ballard said the taxes apply independently. If someone does not pay taxes, we can deny their permit submission. Mr. Small will look into this. Vice-Chairman Fedeli offered to get Mr. Small a contact at the state level who can answer his questions.

BOARD/COMMITTEE INFORMATION

Supervisor Ballard shared that the Comprehensive Planning Working Group has been meeting. Realizing that there are already plans going on for downtown and we want to work together, representatives from the School Board, Hershey Entertainment, and the Hershey Trust have been added to the group. We have agreed to launch a survey online this summer. The survey is asking residents to give us their ideas, what they like and what they don’t like, and what we can do better.

Vice-Chairman Fedeli is pleased to report 4/5’s of the Board will participate in Kiss Hershey Back this weekend. They will be at the luncheon to accept the Tree Vitalization Recognition. Supervisor Ballard is unable to make it due to a work commitment.

REPORTS

Patrick O'Rourke – Chief of Police – Lt. O'Rourke held sergeant promotions. They will be promoting Officer Timothy Roche and Officer Robert Demmel to rank of sergeant on May 1st. He hired a new officer, Andrew Herr. He is a CSO from Mechanicsburg and Carlisle and was part-time in Highspire. Supervisor Ballard clarified these positions were approved or were replacement of others, not an expansion of the police force.

Thomas Clark – Director of Public Works – Mr. Clark said we are waiting for things to dry out to begin working again on the Joanne Project.

Supervisor Ballard said Mr. Clark and his staff have done a great job working with the Environmental Action Committee regarding the Tree Vitalization Grant. She also noted that Mr. Clark reached out to one of the companies that we use at the Recycling Center and is going to save us some money on transporting Styrofoam. Mr. Clark has come up with some creative ideas and we are very appreciative.

Barbara Ellis – Director, Hershey Public Library – Ms. Ellis said they finished up with Spring Time in the Park and are now planning for the Summer Reading Program. She thanked the Board for their support of National Library Week. The Proclamations were very much appreciated by our volunteers.

Cheryl L. Lontz – Manager of Payroll & Employee Benefits – Ms. Lontz said the first part of 2010 Financial Audit will begin on Monday.

Zachary Jackson – Assistant Director of Parks & Recreation – Mr. Jackson reported everything is moving along with the Memorial Day Parade. He received news that the Hershey High School Band is going to participate.

Matt Bonanno – HRG, Township Engineer – Mr. Bonanno reported that seven contractors have picked up documents for the stormwater project. The bid opening will be held on May 16th.

James N. Negley - Township Manager/Township Treasurer – Mgr. Negley reported Chief O'Rourke is doing an outstanding job. Ms. Horner is with attending her daughter's school concert. Tomorrow is the joint work group meeting with the School District.

Vice-Chairman Fedeli thanked Chief O'Rourke for his e-mails in keeping the Board up to-date.

APPROVAL OF ACCOUNTS PAYABLE (\$287,989.50) AND PAYROLL (\$326,234.52).

Vice-Chairman Fedeli moved to approve accounts payable in the amount of \$287,989.50 and payroll in the amount of \$326,234.52. Supervisor Pagliarulo seconded. ***The motion carried, 5-0.***

VISITOR/PUBLIC COMMENTS

Rich Gamble – Mr. Gamble said he contacted both the Hershey School and the Milton Hershey School regarding the Memorial Day Parade. He was happy to hear the school band is participating in the parade.

ADJOURNMENT

Supervisor Ballard moved to adjourn the meeting at 7:45 p.m. Supervisor Moyer seconded. ***The motion carried, 5-0.***

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary