

TOWNSHIP OF DERRY BOARD OF SUPERVISORS MEETING

Tuesday, August 28, 2012
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The August 28, 2012 Township of Derry Board of Supervisors meeting was called to order at 7:08 p.m. by Chairman E. Christopher Abruzzo.

ROLL CALL

Supervisors Present:

E. Christopher Abruzzo, Chairman
Kelly C. Fedeli, Vice-Chairman
John Foley, Jr.
Marc A. Moyer, Secretary

Supervisors Absent:

Sandy A. Ballard

Also Present:

Thomas R. Clark, Director of Public Works
Barbara Ellis, Director of Hershey Public Library
Charles W. Emerick, Director of Community Development
Jill Henry, Assistant Township Manager
Jason Hinz, HRG, Township Engineer
Cheryl L. Lontz, Manager of Payroll & Employee Benefits
Matthew J. Mandia, Director of Parks & Recreation
James N. Negley, Township Manager/Township Treasurer
Jon Yost, Township Solicitor

Public Present: Jonathan M. Crist, Elvira Ebling, Tricia Kline, Charleton Zimmerman, Rich Gamble, Bill Fisher

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

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

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Charleton Zimmerman, 119 N. Roosevelt Avenue – Mr. Zimmerman reported that on Monday Ebersole Excavating started laying water line from McKinley down the east side lane. The school buses are picking kids up on the westbound lane and moms are making sure they are safe.

Mr. Zimmerman attended his first Derry Township School Board meeting last night. At the meeting, the business manager brought up a request from Dauphin County Tax Assessment Appeals Board for waiver of real estate taxes on a mobile home. The business manager said he never heard of this before but it is to go through the Township for the taxes to be waived. He added that the County determined that the mobile home was uninhabitable. Mr. Zimmerman said when he went to the Tax Assessment Appeal

Board and got his assessment lowered he also had requested they strike his second structure at 125 off the tax roles and quit paying taxes on it. They did reduce the whole property, but they told him it was not within their scope to grant relief on structure assessment. Mr. Zimmerman called Derry Township Tax Assessment office and found out that the property (mobile home park) wants to be sold and some of the people don't want to move. The County is condemning the mobile homes and wants to evict the people.

Chairman Abruzzo asked Mr. Emerick if he had any information related to Mr. Zimmerman's remarks. Mr. Emerick understands that the property is being marketed and each of the residents was served an eviction notice and yet each of the residents remained. As far as municipal taxes (not school taxes) the total owed is a small number (\$40 or \$50). Many of the homes are not inhabitable and he believes that is why the assessment was changed. With the eviction and commitment for demolition of the homes, some were lifted from the tax role. Some were going to go for upset sale and in those cases the taxes were forgiven because there was nothing to attach an upset sale to. At the end of this project, there will be one home remaining.

Jonathan M. Crist, 2865 Church Road – Mr. Crist maintains a professional office at 26 West Chocolate. To get to his office he would travel Church Road and head into Hershey to his office, but now he uses McCorkel Road. The people coming out of Hartley, Church and Harvey Roads, south of the Giant, are all experiencing the traffic problems. Trying to make a left turn off of Church between 7:30 am to 8:00 pm is completely impossible. He shared that back in 1996/1997 there was a hearing to open up an exit to the turnpike at the Conewago School. The traffic engineer who testified at that hearing said that 743 had "failed." The traffic was such that the roadway could not support any more additional traffic and they turned down the idea of opening the turnpike there. Since that time, the traffic on 743 has increased. He said another traffic light in the area of the three roads would be too close to the one at the Giant. He suggested extending Carlton Road out to 743 which will provide another way to get out at a light. It is not cheap or not necessarily practical, but might solve the problem.

Chairman Abruzzo said the Board has identified this as a real challenge in the community and needs to be addressed. They have also heard from other residents about putting a light in this area.

Vice-Chairman Fedeli said she lives on Robin Road and sees the traffic every day. She had asked Chief O'Rourke at one point to take some video at the intersection and mark the cars to see how many cars came through. Chief O'Rourke had sent a patrol car equipped with an in-car video system southbound. They did video the cars going southbound and the traffic backup as it begins at Fishburn and Cocoa. The car actually filed around and went well south of Harvey Road for the backup. At that point, there was some conversation as to if the intersection at the Giant would benefit from a dedicated northbound right turn lane to alleviate some of that traffic.

Vice-Chairman Fedeli asked Chief O'Rourke if there is a timing issue on the light. Chief O'Rourke said the light seems to be timing properly it is just the volume of the traffic.

Chairman Abruzzo said he agrees there needs to be a right turn on red there, but it is not a two-lane road leading up to there. There is room for two cars at the light, but if you become the third car back, you cannot get to the point to make a right. He thanked Mr. Crist for his comments and said they will continue to look at a solution.

Bill Fisher, 1354 Schotz Church Road – Mr. Fisher said he and his family lived at 240 Quarry Road. They moved to his current address about a year and a half ago. Mr. Fisher shared a few examples of bullying that he feels is occurring with him and other neighbors by Mr. Buck who is also a neighbor.

Mr. Buck's actions border on stalking as he presented a large folder to Community Development containing photographs of Mr. Fisher's property and at time of family members and guests. Mr. Fisher has been told on numerous occasions there is a file on his property, courtesy of Mr. Buck, that is several inches in thickness. He has asked to see copies of it, but because of Mr. Buck's continuous complaints, the Community Awareness Documentation Act that has been around says he can't have it because of ongoing investigations against Mr. Fisher and his property.

Chairman Abruzzo asked how he learned of this file. Mr. Fisher said he has seen it, but can't get copies of it. Mr. Fisher said they have invested heavily into the property at Quarry because the property has a unique history, but he now would like to sell it.

Mr. Fisher said Mr. Buck takes actions against the taxpayers and uses the Community Development office for his own personal gains. Mr. Fisher talked to Mr. Buck's aunt and asked her about the large brush pile on her property. She said that it wasn't hers. She said it was Barry's fence. Mr. Fisher asked if she ever filed a complaint against him and she replied that she didn't because she is afraid what he might do to them.

Mr. Fisher believes Mr. Buck abuses his position of being a former state trooper. Mr. Buck fails to live up to the quality of standards that he is trying to impose. He drives over private property that he has only the right of way for passage on it. If he files complaints against his neighbors, he should clean up his own backyard and be a model citizen. He has the same weeds growing in his backyard that Mr. Fisher was just cited a week ago for. Mr. Fisher said he has weeds for his bees that he keeps on the property.

Mr. Fisher filed complaints today with the Community Development office. He hopes Mr. Buck will be under the same microscope he wishes to view his neighbors.

Chairman Abruzzo said that Community Development will handle his complaint as they do all of them. If Mr. Buck is not maintaining his property, the appropriate course of action will be taken. If his behavior is threatening or harassing, the Police Department needs to be made aware of it.

APPROVAL OF MINUTES

Chairman Abruzzo called for a motion to approve the Minutes of the August 14, 2012, Board of Supervisors Meeting. Supervisor Foley made a motion to approve the Minutes as written. Vice-Chairman Fedeli seconded. *The motion carried, 4-yes 0-no.*

NEW BUSINESS

A1-2 Resolution No. 1342, a request by the Derry Township Police Department for the Township to be the co-applicant and submit on behalf of the Police Department a request for funding from the Local Gaming Share revenues.

James N. Negley, Township Manager/Township Treasurer – Manager Negley reported that at the Board of Supervisors meeting on August 14, 2012 the Supervisors voted to be the co-applicant with the Derry Township Police Department for Dauphin County Gaming funding. The requested funding is for \$100,000 to upgrade their Computer Aided Dispatch and Record Management Software.

MOTION: A motion made by Vice-Chairman Fedeli and seconded by Supervisor Moyer that Resolution No. 1342, a request by the Derry Township Police Department for the Township to be the co-applicant and submit on behalf of the Derry Township Police Department a request for funding from the Local Gaming Share revenues, is hereby approved. *The motion carried,*

4-yes 0-no.

B1-14 Adoption of Resolution No. 1343 to execute a Supplemental Federal-Aid Reimbursement Agreement for flood damaged roadways in the Township.

Thomas R. Clark, Director of Public Works – PennDOT is in the process of trying to close out the Mansion Road repair project. Because the cost of the actual construction differs slightly from the construction estimate that was received when the bids were opened, they are requiring a supplemental agreement to effectively close out the project. There were some change orders that the State required as well as full time inspection during the project that were not originally included in the original bid documents.

Chairman Abruzzo asked Mr. Clark if the federal aid reimbursement will actually be approved. Mr. Clark said they are paying 80/20 because we didn't get it done within 180 days after the damage occurred from the flood.

Vice-Chairman Fedeli asked who did the work. Mr. Clark said they contracted with Flyway, but the project was not even bid on in the 180 days because the design process took that long.

MOTION: A motion made by Supervisor Foley and seconded by Supervisor Moyer that the adoption of Resolution No. 1343 and execution of an agreement authorizing the Township Manager and the Public Works Director to act on behalf of the Township of Derry for Supplemental Federal-Aid reimbursement for flood damaged roadways, is hereby approved. *The motion carried, 4-yes 0-no.*

C1-2 Request to conduct the inaugural Hilltop Challenge 5K Race scheduled for Saturday, October 6, 2012 starting at 8:30 a.m. on Township Roadways.

Patrick O'Rourke, Chief of Police – Chief O'Rourke received a request from the Hilltop Christian Nursing School for a 5K run to benefit the Nursery School. The roadways closed will be Township roadways. The race will start and end at the Evangelical Free Church of Hershey. This is the first year for this event and the race route has been coordinated with the Police Department's Traffic Safety Unit. The event organizer is aware of the Township's special event reimbursement policy and has indicated they will reimburse the Township per the policy.

Chairman Abruzzo does not recall a race in this area of the Township before and wondered if the residents have been notified. Chief O'Rourke said they will make notification through their Facebook and Twitter sights and on the Township & Police Department's websites.

MOTION: A motion made by Vice-Chairman Fedeli and seconded by Supervisor Foley that the request to conduct the inaugural Hilltop Challenge 5K Race scheduled for Saturday, October 6, 2012 starting at 8:30 a.m. on Township roadways on a route approved by the Derry Township Police Department, is hereby approved. *The motion carried, 4-yes 0-no.*

D1 Request to close N. Hockersville Road (SR02011) from Old West Chocolate Avenue to Hersheypark Drive from 7:00 a.m. to 4:00 p.m. on Saturday, September 22, 2012 for the PIAA Cross Country Invitational being held on the grounds of the Hershey Entertainment Complex.

Patrick O'Rourke, Chief of Police – The PIAA Cross Country Invitational is scheduled on September 22, 2012 on the grounds of the Hershey Entertainment Complex. The course has runners crossing N. Hockersville Road. For the safety of the runners and spectators, the Hershey Entertainment Complex Safety & Security has requested the closure of N. Hockersville Road. They will place the appropriate

signs and barricades and man each closure point. A message board will be placed on N. Hockersville Road 5 days in advance of the event to alert motorists who routinely use the roadway.

MOTION: A motion made by Supervisor Moyer and seconded by Supervisor Foley that the request to close N. Hockersville Road (SR02011) from Old West Chocolate Avenue to Hersheypark Drive from 7:00 a.m. to 4:00 p.m. on Saturday, September 22, 2012 for the PIAA Cross Country Invitational being held on the grounds of the Hershey Entertainment Complex, is hereby approved. *The motion carried, 4-yes 0-no.*

E1 Establishing the date and time for Trick or Treat on October 31, 2012 from 6:00 p.m. to 8:00 p.m.

Chairman Abruzzo mentioned that last year Trick or Treat was held on October 31st and asked if there were any problems that were different than in years past. Chief O'Rourke said there were not and last year was pretty quiet.

MOTION: A motion made by Chairman Abruzzo and seconded by Vice-Chairman Fedeli that Wednesday, October 31, 2012 between the hours of 6:00 p.m. and 8:00 p.m. be established as the date and time for the Halloween Trick or Treat activities for Derry Township, is hereby approved. *The motion carried, 4-yes 0-no.*

F1 Request by Event Horizon LLC to transfer a Liquor License to a facility located at 801 West Chocolate Avenue in Hershey, Derry Township from Lower Paxton Township, Resolution No. 1341.

MOTION: A motion made by Supervisor Foley and seconded by Supervisor Moyer that the adoption of Resolution No. 1342 to transfer a liquor license to a facility located at 801 West Chocolate Avenue in Hershey, Derry Township from Lower Paxton Township, is hereby approved. *The motion carried, 4-yes 0-no.*

CORRESPONDENCE – No correspondence to report.

BOARD/COMMITTEE INFORMATION

Vice-Chairman Fedeli said she had the privilege recently of volunteering to help with the annual Friends of the Library Book Sale. It is a wonderful community event and draws people from near and far. The Friends of the Library are to be commended for their outstanding work.

REPORTS

Patrick M. O'Rourke, Chief of Police – Chief O'Rourke thanked the Fire Department and others that made National Night Out a true success. The attendance was outstanding. Chief O'Rourke reported that there is a new decal design on the side of their patrol cars that will continue to present a professional image of the Police Department. Chairman Abruzzo asked about patrolling of areas since school started. Chief O'Rourke said they are diligent in getting the officers on the road after briefing so they are visible in the school zones and patrolling where they need to be.

Thomas Clark, Director of Public Works – Mr. Clark reported the PPL project on Areba is continuing. Most of the digging for that project should be done by September 6 with only the restoration of the pavement for the length of Areba Avenue to be done. The water company is set to begin work shortly on Areba from Hillcrest to Linden. The stormwater project is proceeding along crossing Maple Avenue where they are running into more rock. They should be close to tying in very shortly. Mr. Clark said they are excavating and installing a spillway on Cocoa Avenue where the bike

path crosses over Cocoa from the east side. The water company is finished in the Mansion Road area and finishing up in the Linden Road area. Public Works took 586 loads of debris out of Bullfrog Valley Pond, which equates to a little over 5,800 tons. It took 14 days to dredge the pond.

Chairman Abruzzo stated that there are many projects going on in the Township and hopefully by the end of September several should be completed. The result of the roadway repairs should be worth the inconvenience of the past several months.

Barbara Ellis, Director of Hershey Public Library – Ms. Ellis reported the Friends of the Library Book Sale was a successful event. She thanked the Police Department, Public Works, and Parks and Recreation, who assisted in many ways. The book sale hit a little over \$50,000. Last year, they hit their peak of over \$60,000. In part, these funds help pay for our summer reading program.

Cheryl L. Lontz, Manager of Payroll & Employee Benefits – Ms. Lontz reported the budget process for 2013 has begun. The final draft for the 2011 audit is expected within the next two to three weeks. Expenditures are still coming in lower than what we would expect them to be for this time of the year.

Matthew J. Mandia, Director of Parks and Recreation – Mr. Mandia a mandatory pre-bid conference was held for the three projects which include the pedestrian bridge, stream bank stabilization, and the trail repair at Bullfrog Valley Pond on August 17. They had 10 contractors attend the conference and should be getting awards for consideration to the Board shortly, but are still waiting on the permits. Mr. Mandia thanked Public Works for their work at Bullfrog Valley Pond. The outdoor pool will be closing after Labor Day. The last week and a half, they have been working on the indoor structure. It should be up and running on September 4 for the beginning of the fall and winter season.

Chairman Abruzzo asked what the pool attendance was like this summer. Mr. Mandia reported that attendance in June and most of July was good, but August was light.

Jason Hinz, Township Engineer – Mr. Hinz reported on the storm sewer project:

- Area 1/Mill Street – contractors seized installing the sanitary sewer due to a conflict with a sanitary sewer line and existing utility. HRG, DTMA and the contractor are working on a resolution to install a box manhole to avoid the conflict.
- Area 3/Village Area – storm sewer installation is about 95% complete. There is approximately 50 feet of pipe yet to be installed around West Maple Avenue in order to tie the proposed storm sewer together. The contractor is hoping to have that portion completed next week dependent upon the rock he encounters. In the meantime they installed a 6 inch pump across West Maple in order to pump the stormwater from the upper system in case a significant rainfall event occurs prior to the tie in. In addition, they are going to put a temporary connection in with the existing system.
- Area 3/322 and 743 – Contractors are preparing to install their remaining culvert that will convey the new stream channel under the relocated bike path.

Charles Emerick, Director of Community Development – Mr. Emerick mentioned that we are still holding \$13,000 for the stormwater improvements that need to be done for the new McDonalds store. That bond is just into a renewal phase.

Jill Henry, Assistant Township Manager – Ms. Henry said the Community Map and Guide will be delivered next week.

James N. Negley, Township Manager/Township Treasurer – Mgr. Negley commented on Tom Clark’s leadership at Bullfrog Valley Pond. He and his men were well organized and worked diligently throughout the project.

Mgr. Negley said our 2011 audit would have been completed by now, but the circumstances related to Tropical Storm Lee and the reimbursements we had made that audit much more difficult.

APPROVAL OF ACCOUNTS PAYABLE (\$1,431,791.75) AND PAYROLL (\$320,231.47).

Supervisor Foley moved to approve accounts payable in the amount of \$1,431,791.75 and payroll in the amount of \$320,231.47. Supervisor Moyer seconded. *The motion carried, 4-yes 0-no.*

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one came forward.

ADJOURNMENT

Supervisor Foley moved to adjourn the meeting at 8:00. Vice-Chairman Fedeli seconded. *The motion carried, 4-yes 0-no.*

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary