

MEETING MINUTES
BOARD OF SUPERVISORS, TOWNSHIP OF DERRY
Tuesday, February 26, 2013
600 Clearwater Road, Hershey, Pennsylvania 17033

REGULAR MEETING

CALL TO ORDER

The February 26, 2013 Township of Derry Board of Supervisors meeting was called to order at 7:05 p.m. by Chairman E. Christopher Abruzzo.

ROLL CALL

Supervisors Present

E. Christopher Abruzzo, Chairman - *present*
Sandy A. Ballard - *present*
Kelly C. Fedeli, Vice-Chairman - *excused*
John Foley, Jr - *present*
Marc A. Moyer, Secretary - *present*

Also Present

Matt Bonanno, HRG, Township Engineer
Thomas R. Clark, Director of Public Works
Barbara S. Ellis, Director of Hershey Public Library
Charles W. Emerick, Director of Community Development
Jill E. Henry, Assistant Township Manager
Cheryl L. Lontz, Manager of Payroll & Employee Benefits
Matthew J. Mandia, Director of Parks & Recreation
James N. Negley, Township Manager/Township Treasurer
Patrick O'Rourke, Chief of Police
Jon A. Yost, Township Solicitor
Brenda Van Deursen, Recorder

Public Present: Elvira Ebling, Susan Foxx, Richard Foxx, Susan Newkam, Justin Engle, Rich Gamble, Brain Shiflett

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

Mike Morvitz, 111 Forest Avenue – Before the Derry Township Mission and Vision statements are approved at the April Planning Commission meeting, Mr. Morvitz would like to have a discussion about Agenda 21 – Smart Growth since their policies are woven into our

Comprehensive Plan. It is important for Derry Township residents to know exactly where these policies are coming from. While many people support the United Nations for its peace keeping efforts, hardly anyone knows they have very specific land use policies that they would like to see implemented in every city, county, state, and nation. The plan is called United Nations Agenda 21 or Smart Growth. Five states have bills repealing Smart Growth and sixteen other cities or counties in Pennsylvania have rejected Smart Growth; the latest being Cornwall and North Londonderry Townships. They just adopted a resolution on January 7, 2013 to reject Agenda 21, which is what Derry Township is trying to adopt in our Comprehensive Plan. The philosophy behind Agenda 21 is our environmental problems are the number 1 problem we are facing and it is being caused by human activity. Therefore, human activity has to be tightly monitored and controlled for the greater good. This radical UN plan views the American way of life of private properties, single family homes, automobile ownership, and private farms all as being destructive to the environment. Americans are cast in a very negative light and need to be taken down to a condition closer to the average of the world. Only then, they say will there be social justice which is the cornerstone of Agenda 21.

Mr. Morvitz read two quotes from the resolution from the Board of Supervisors of the North Londonderry Township exposing United Nations Agenda 21. The Derry Township Board of Supervisors, the Planning Commission, and staff have only the best intentions for our community, but are unaware of Smart Growth's radical agenda. He asked them to go to the North Londonderry Township's website to learn more about Agenda 21 before they approve our Mission and Vision statements at next month's meeting. He doesn't think one more month to do some research on Smart Growth sets back our 20-year Comprehensive Plan. Chairman Abruzzo asked Chuck Emerick to look into this and report back to the Board before the next meeting.

Charleton Zimmerman, 119 N. Roosevelt Avenue – Mr. Zimmerman noted that the Links at Hershey are closing next year to build more home units. There is going to be a shortage of golf courses in the Hershey area, which means they will probably have to expand one of the golf courses owned by HE&R. He stated he will stop the development of his property and he will fight it if HE&R wants to expand their golf course.

APPROVAL OF MINUTES

Chairman Abruzzo called for a motion to approve the Minutes of the February 12, 2013, Board of Supervisors Meeting. Supervisor Foley made a motion to approve the Minutes as written. Supervisor Ballard seconded. ***The motion carried, 4-Yes 0-No.***

NEW BUSINESS

A1-2 Approval of Voluntary sidewalk and curb reconstruction project bid letting, and construction and installation of accessible ramps.

Thomas R. Clark, Director of Public Works – The Township provides a program for residents to participate in a joint contract to replace curbs and sidewalks for homeowners. This is a little early, but we are doing this so we can get the ADA ramps in on Areba Avenue ahead of the paving and reconstruction that is to take place there later this spring. We have eight property owners as well as the ramps included in this project. It will soon be advertised in the paper and

anyone who contacts them during the specified time, will be added to the contract. They opened bids on Tuesday for the concrete contracts. Seven bid packages were sent out and four were received. The low bidder was Red Rock Construction in the amount of \$72,844.63. They have done this project two years in the past and their work has been good. The ramps will be paid for out of our Liquid Fuels Fund and will not impact our general fund budget.

Mr. Clark said that last year the cost to the homeowner was \$8.75/square foot and this year it is \$9.75/square foot. The next lowest bid was \$16/square foot.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Ballard that the Township award the sidewalk and curb replacement project and handicapped ramps installation to Red Rock Construction in the amount of \$72,844.63, is hereby approved.

Motion carried, 4-Yes 0-No.

B1-2 Award of a bid for connecting the sump pump circuits to the emergency generator panel at the Hershey Recreation Center.

Matthew J. Mandia, Director of Parks & Recreation – This is an approved 2013 capital budget project. The main purpose for this work is to connect their series of sump pumps at the Recreation Center to our emergency generator. This will prevent flooding and associated safety issues in the event power is lost during a flooding event. We received three bids for this project. The lowest bid was from Colonial Electric Service in the amount of \$5,495, which is less than what was budgeted. Mr. Mandia would like to allocate the difference of the funds for another project.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Foley that the connection of the sump pumps to the emergency generator panel at the Hershey Recreation Center be awarded to Colonial Electric Services, Inc., in the amount of \$5,495.00, is hereby approved. **Motion carried, 4-Yes 0-No.**

C1-2 Award of a bid for the repair of one Aerco boiler at the Hershey Recreation Center.

Matthew J. Mandia, Director of Parks & Recreation – Two Aerco boilers were installed at the Recreation Center in 1996. These units are the main heating system for the majority of the building and the indoor pool. One of the boilers is in need of repair. Three bids were received for this project to repair the boiler and the lowest bidder was G.R. Sponaugle in the amount \$23,835.00. In 2013 capital, \$18,000 was allocated for the outdoor pool circulation system. Based on this emergency repair we are reallocating the \$18,000 to this emergency repair and the \$2,005 unexpended from the sump pump project towards this project which would give us just over \$20,000 of already budgeted funds to put towards this repair.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Foley that the repair of the Aerco boiler at the Hershey Recreation Center be awarded to G. R. Sponaugle in the amount of \$23,835.00, is hereby approved. **Motion carried, 4-Yes 0-No.**

D1-3 Approval of Ordinance No. 630, amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210, Article IV, Section 210-38: *Parking prohibited at all times in certain locations* by establishing the north side of E. Derry Road from a point 100 feet west of the western most intersection with Carousel Circle to a point 300 feet east of the eastern most intersection with Carousel Circle as a no parking area.

Patrick O'Rourke, Chief of Police – The Board of Supervisors authorized the advertisement of this ordinance amendment and it was advertised on January 31, 2013 in The Sun.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Ballard that Ordinance No. 630, amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210, Article IV, Section 210-38: *Parking prohibited at all times in certain locations* by establishing the north side of E. Derry Road from a point 100 feet west of the western most intersection with Carousel Circle to a point 300 feet east of the eastern most intersection with Carousel Circle as a no parking area, is hereby approved. **Motion carried, 4-Yes 0-No.**

E1-3 Authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210, Article IV, Section 210-38: *Parking prohibited at all times in certain locations* by amending the current parking prohibition on Linden Road on the west side, beginning at the northwest corner of West Granada Avenue to a point 94 feet north, changing it to 84 feet north.

Patrick O'Rourke, Chief of Police – In the past, a resident made a request for a reserved handicapped parking space in the 100 block of Linden Road. As a result of this space being posted, a complaint was received from the owner of Salon Salon about the limited parking in this area, which was restricted even further by the posting of the reserved spot. The area was studied and it was determined that the no parking area could be reduced from 94 feet to 84 feet while maintaining corner sight distance. This will open up more available parking for the residents and businesses.

Motion: A motion made by Supervisor Abruzzo and seconded by Supervisor Ballard that authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210, Article IV, Section 210-38: *Parking prohibited at all times in certain locations* by amending the current parking prohibition on Linden Road on the west side, beginning at the northwest corner of West Granada Avenue to a point 94 feet north, changing it to 84 feet north, is hereby approved. **Motion carried, 5-Yes 0-No.**

F1-3 Authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210, Article IV, Section 210-38: *Parking prohibited at all times in certain locations* by establishing the west side of Hockersville Road from Swatara Avenue to Reese Avenue as a no parking area.

Patrick O'Rourke, Chief of Police – In a meeting with residents living along Hockersville Road, a request was made to look into no parking restrictions on one side of Hockersville Road. This

would improve traffic flow and fewer chances of vehicles being struck by other vehicles. A study was done and warrants met for the establishment of parking restrictions. The west side of Hockersville Road was chosen for the restriction because it had less impact for residents in the area.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Foley that authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210, Article IV, Section 210-38: *Parking prohibited at all times in certain locations* by establishing the west side of Hockersville Road from Swatara Avenue to Reese Avenue as a no parking area, is hereby approved. **Motion carried, 4-Yes 0-No.**

Supervisor Ballard thanked Chief O'Rourke and his staff for meeting with the residents and for Mr. Gamble bringing this to the Board's attention.

G1-2 Consideration of an extension of the term of the performance security for the Phase 2 Final Land Development Plan for Southpoint Meadows 2, Plat No. 1197.

Motion: A motion made by Supervisor Foley and seconded Supervisor Ballard that the Township accepts an extension until March 11, 2014 of the term of the United States Surety Company Bond No. 1000880067, at the current balance of \$283,019.08, supplies as performance security for the Phase 2 Final Land Development Plan for Southpoint Meadows 2, Plat No. 1197, is hereby approved. **Motion carried, 4-Yes 0-No.**

H1-3 Consideration of the release of performance security for the high school parking lot aspect of the Preliminary/Final Land Development Plan for Site Improvements at Derry Township School District Campus, Plat No. 1191.

Chuck Emerick, Director of Community Development – On Plat #1191, the School District did improvements to the school buildings as well as the parking lot at the high school. They posted security for all the improvements except for the high school parking lot, which was posted separately because they were undecided about whether or not they were going to do that project. They sought to get out of the bonding, but it could not be released so long as there was a valid land development plan that allowed the construction of the parking lot. In 2012, by Plat #1215, they were doing other work at the school and amended the plan to indicate the removal of the parking lot. He did not ask Mr. Bonanno to do a letter because there was nothing for the Township engineer to inspect.

Motion: A motion made by Supervisor Foley and seconded Supervisor Ballard by that the Township hereby releases PNC Bank Letter of Credit No. 12502826-00-000, in the amount of \$57,500.58, provided as performance security for the high school parking lot aspect of the Preliminary/Final Land Development Plan for Site Improvements at Derry Township School District Campus, Plat No. 1191, is hereby approved. **Motion carried, 4-Yes 0-No.**

11-4 Consideration of the release of a portion of the performance security for the Preliminary/Final Land Development Plan for Jay Maruti, Inc. – Proposed Hotel, Plat No. 1196.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Ballard that the Township hereby releases \$58,017.96 from the performance security held as Members 1st Federal Credit Union Letter of Credit #442167-0001 for the Preliminary/Final Land Development Plan for Jay Maruti, Inc. – Proposed Hotel, Plat No. 1196, resulting in a new balance of \$94,701.70, is hereby approved. ***Motion carried, 4-Yes 0-No.***

Supervisor Foley shared that he and Mr. Emerick speak prior to these meetings to review and discuss these items that are considered housekeeping matters.

CORRESPONDENCE – No correspondence to report.

BOARD/COMMITTEE INFORMATION – No information to report.

REPORTS

Patrick O'Rourke, Chief of Police – Chief O'Rourke reported they hosted a planning meeting for the upcoming TMI drill in April. He also reported that they have had a lot of success with their foot patrols. They enhanced the patrols by requiring their community service officers when they do their mandated foot patrols to do them in our schools. We are receiving a lot of positive feedback.

Supervisor Ballard asked about the Fishburn Traffic Study. Supervisor Foley said that he, Manager Negley and HRG engineers met to define the scope of work which is separate from the speed study the police department is doing. Manager Negley said when they come up with a scope of services for this area they will present it to the Board of Supervisors to determine which way to go.

Supervisor Ballard said the residents came a while ago and she would like to at least get the speed reduced. The request has been made to PennDOT and we are waiting for their answer.

Barbara Ellis, Hershey Public Library – Ms. Ellis reported they started their 100 for 100 campaign with a Blood Bank. They got 18 pints of blood last night. On March 10, an acclaimed narrator, George Guidall will present a behind the scenes look at the world of audio book production.

Cheryl L. Lontz, Manager of Payroll & Employee Benefits – Ms. Lontz reported the posting for 2012 is almost complete. The statement looks good and we should be on budget with 2012. We will start to build our fund balance back up.

Matthew J. Mandia, Director of Parks and Recreation – Mr. Mandia reported the outdoor pool is scheduled to be drained the week of March 11. They are in full swing of their spring programming.

Matt Bonanno, Township Engineer – Mr. Bonanno reported:

- Area 2 -Highmeadow Campground – the bore thru the railroad is now completed and the contractors are installing sanitary sewer in that area.
- Area 1 – Mill Street – the sanitary sewer is completely installed and in service.
- The stormwater installation is completed on Old West and they are starting to move onto Mill Street. As they come up Mill Street they will be crossing 422. Once the contractor has confirmed a date for this to happen, a news release will be sent out. The contractors will work two 12-hour shifts to get the project done for the least impact on residents/traffic.

Chuck Emerick, Director of Community Development – Mr. Emerick said there was a public hearing prior to this meeting for the zoning change for 19 East. He would like to have the Board consider adoption of this ordinance on March 26. The Board gave him direction to proceed with the advertising.

James Negley, Township Manager – Manger Negley reported that he, Supervisor Foley, and Tom Clark met with Pennsylvania American Water about their 2013 proposed projects. They did emphasize they plan to do a better job of communicating. We worked a system with them and they know we were serious about the lack of communication.

APPROVAL OF ACCOUNTS PAYABLE (\$508,470.39) AND PAYROLL (\$287,129.42).

Motion: Supervisor Foley moved to approve accounts payable in the amount of \$508,470.39 and payroll in the amount of \$287,129.42. Supervisor Ballard 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 7:40 p.m. Supervisor Ballard seconded. ***The motion carried, 4-Yes 0-No.***

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary