

TOWNSHIP OF DERRY BOARD OF SUPERVISORS MEETING

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

CALL TO ORDER

The February 28, 2012 Township of Derry Board of Supervisors meeting was called to order at 7:00 p.m. by Chairman E. Christopher Abruzzo.

ROLL CALL

Supervisors Present:

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

Also Present:

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

Public Present: Elvira Ebling, Judy Woodring, Bill Woodring, Tom Stang, Charleton Zimmerman, Dave Buffington, Joe Judge, Teri Judge, Don Isabella, Rich Gamble, Matt Weir

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, Palmdale – Mr. Zimmerman expressed his concerns regarding taxes specifically at the Hershey Chocolate Warehouses located at the end of Hershey Park Avenue in Palmyra. Manager Negley reported that 65% of the warehouse belongs in Derry Township and 35% is in North Londonderry Township; therefore, we get 65% of the real estate taxes on that building.

Mr. Zimmerman asked about the 1% earned income tax and if the people who work at the warehouse pay that tax. Manager Negley explained that earned income tax is where you live not where you work.

Mr. Zimmerman inquired about the net income tax for businesses in Derry Township. Manager Negley explained that second-class Townships are unable to enact any type of business tax. Solicitor Yost further explained there is no tax to corporations by the Township, but if you are an individual that works within the Township and you have your own business then you are taxed as an individual not as a corporation.

Mr. Zimmerman received a letter from Keystone Collections Group indicating they will be collecting the earned income tax in 2013 for tax year 2012. He wondered why this group is collecting the taxes. Solicitor Yost explained that several years ago the state adopted regulations that every county had to have its own earned income tax collector. Dauphin County formed the Tax Collection Association and they ultimately contracted with Keystone Collections Group.

APPROVAL OF MINUTES

Chairman Abruzzo called for a motion to approve the Minutes of the February 14, 2012, Board of Supervisors Meeting. Supervisor Ballard made a motion to approve the Minutes as written. Supervisor Foley seconded. *The motion carried, 5-yes 0-no.*

NEW BUSINESS

PRESENTATIONS

Chairman Abruzzo recognized William Woodring on his retirement and for his dedicated and loyal service to the Township as a mechanic in the Public Works department. He was given a plaque and small gift. Supervisor Foley recognized that Mr. Woodring's retirement is a loss to the Township, but he is a valued volunteer within the Hershey Fire Company (HFC). Two days after his retirement the HFC called him and he had the Fire Company's apparatus back in service in very short order.

A1-2 Award of bid for the collection, transportation, and disposal of municipal solid waste, and the collection, transportation, and processing of recyclables for the Township.

Thomas Clark, Director of Public Works – The current contract for the collection of waste is with York Waste (Republic Services) which expires on March 31, 2012. This contract was for a three-year term, but was extended twice for one-year terms. The contract is due to expire on March 31, 2012. The Township received bid proposals from vendors to begin on April 1, 2012 until March 31, 2015 with the option to extend for two years. The proposals received were from Waste Management, Penn Waste and Republic Services. The lowest bidder was Waste Management in the amount of \$3,837,708.00. Waste Management will provide two options: 1) a three bag container or 2) pay as you throw. Residents will pay \$54.58 quarterly for the three bag container option or \$3.35 for pay as you throw. A wheeled recycling container with a lid will be provided at no cost. Also, the Recycling Center will save approximately \$5,000 for not having to replace bins.

DISCUSSION: Chairman Abruzzo asked what the residents would do with their current wheeled bin. Tom Stang said he would work with Republic Services to collect the bins when Waste Management delivers the new bins.

Supervisor Ballard noted Waste Management is only offering two options where we now have three options. She wondered if there was a plan to reach out to residents regarding this change. Tom Clark said a meeting is scheduled on Thursday with Waste Management to discuss the process and the communication to residents. He assured her we would get the message out. He noted that Asst. Manager Horner has been working with him.

Supervisor Ballard asked about the size of the new container and if they can use the smaller container they already have. Mr. Stang said they will discuss this at their meeting on Thursday.

Chairman Abruzzo commented that Republic Services (York Waste) has been very easy to work with. When there have been issues, we held them to high standards and they were very responsive. He wants to make sure we will have the same good, strong partnership that we had with Republic Services. Mr. Stang said he will make sure the Township is provided good quality service. He is not only a resident of the community, but he is also our point contact for Waste Management.

Chairman Abruzzo acknowledged and thanked Don Isabella and Republic Services for their service to the Township. Mr. Isabella thanked the Board and commented on the very productive partnership they had with the staff and the Board.

Motion: A motion was made by Vice-Chairman Fedeli and seconded by Supervisor Ballard to approve the Waste Management bid in the amount of \$3,837,708.00 for the collection, transportation, and disposal of solid waste, and collection, transportation, and processing of recyclables for a quarterly cost of \$54.58 for residents. The bid award covers the period beginning April 1, 2012 and expiring on March 31, 2015 and includes Option #1. This Motion is hereby approved. *The motion carried, 5-yes 0-no.*

B1-3 Approval of Park Boulevard Bridge Foundation Undermining Repair Project.

Thomas Clark, Director of Public Works – The Park Boulevard Bridge was inspected and findings indicated areas of streambed scour which had exposed portions of footings at each of the bridges' substructure units and concrete column footing supporting the downstream sidewalk. This is significant and is considered a critical deficiency by PennDOT bridge inspection standards requiring corrective action within six months. Quotes were received from NuPump Construction and Clearwater Construction to do the repair work. NuPump Construction was the lowest bidder.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Ballard that the Board accept the quote from NuPump Construction in the amount of \$23,800 for the Park Boulevard Bridge undermining repairs, is hereby approved. *The motion carried, 5-yes 0-no.*

C1-7 Consideration of HRG proposal for services related to the development of a GIS based stormwater facility management program.

Charles Emerick, Director of Community Development – As a result of Tropical Storm Lee, the supervisors asked Mr. Emerick and Matt Bonanno to take a forensic look at the many existing stormwater management facilities (SMF) throughout the Township that appeared to have failed during the storm. Mr. Emerick and Mr. Bonanno developed a proposal for services for a plan to reduce unnecessary loss of property from future flooding conditions. In order to do the plan, they would need to utilize a GIS stormwater management facilities system with subsequent data collection to begin to compile the information in a format to locate, track, inspect, and manage stormwater management detention basis. This will allow them to develop a coherent and equitable inspection program to ensure that the systems are functioning as they were originally intended to.

Mr. Emerick noted during an inspection he noted some SMFs were created as part of a permitted development and most were to be operated and maintained by the homeowners association or an individual property owner. There was no requirement for inspections by the Township after the system was completed.

This project is not included in the Township budget. Mr. Emerick is requesting support for Phase 1 and Phase 2, Task 2.C for a total amount of \$2,620 to enable them to complete and implement the entire program as funding becomes available. He noted that any work completed by HRG is considered the Township's property.

DISCUSSION: Chairman Abruzzo asked how soon both phases would be done. Mr. Bonanno said that mapping takes about two to three weeks once they get the data they need from the County. Chairman Abruzzo said we need to do something either in partnership with some of the homeowners associations or on our own if necessary to accomplish what needs to be done before the next hurricane season. Mr. Emerick said the most labor involved is in determining who is responsible for the systems. In the meantime, they continue to look at areas and talk to people, e.g. Troegs Brewing Co. He let them know about our pending program and that it might be cheaper for them to adjust that system while they mobilize cleaning the swales today rather than remobilizing a year from now when we tell them they have to. Likewise he met with the contractor at Southpoint and had the same discussion. We are still promoting the repairs and trying to get the systems in proper operation. This plan will lead to an annual inspection of the facilities.

Vice-Chairman Fedeli asked if it will be necessary to use HRG for every task as we go through all the phases. Mr. Emerick said that staff will be doing most of the work. By moving on this first part will allow us time to look for funding for the remainder of the project.

Supervisor Ballard suggested building in a user's fee to the agreement to cover costs of inspecting the retention pond. Solicitor Yost said he would look into this.

MOTION: A motion made by Supervisor Ballard and seconded by Supervisor Moyer that the Township authorizes HRG, Inc. to perform the services listed as Phase 1 (GIS Setup) and Phase 2, Task 2.C (Stormwater Management Detention Basin Identification Mapping) of the Proposal for Engineering Services – Stormwater GIS System, dated February 23, 2012, by authorizing the Township Manager to execute the portion of the contract, is hereby approved. *The motion carried, 5-yes 0-no.*

(No Agenda Item D)

E1-3 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.

Charles Emerick, Director of Community Development – This is the last of the phases being developed as Southpoint Meadows 2. Of the 36 units, six have been completed, four have been started, and 26 units have not been started. An extension has been requested for the remaining performance security of \$283,019.08.

MOTION: A motion made by Supervisor Ballard and seconded by Supervisor Foley that the Township hereby accepts an extension until March 11, 2013 of the term of the United States Surety Company Bond No. 1000880067, at the current balance of \$283,019.08, supplied as performance security for the Phase 2 Final Land Development Plan for Southpoint Meadows 2, Plat No. 1197, is hereby approved. *The motion carried, 5-yes 0-no.*

F1-4 Consideration of the Release of performance security for the Revised Preliminary/Final Land Development Plan for the Pennsylvania State University Milton S. Hershey Medical Center Support Services Building, Plat No. 1189.

Charles Emerick, Director of Community Development – Inspection by HRG resulted in a recommendation to release the security in full.

MOTION: A motion made by Supervisor Foley and seconded by Vice-Chairman Fedeli that the Township hereby releases performance security in the amount of \$327,457.90, provided as PNC Bank Letter of Credit No. 18112968-00-000 for the Preliminary/Final Land Development Plan for the Pennsylvania State University Milton S. Hershey Medical Center Support Services Building, Plat No. 1189, is hereby approved. *The motion carried, 5-yes 0-no.*

CORRESPONDENCE – No correspondence to report.

BOARD/COMMITTEE INFORMATION – No information to report.

REPORTS

Patrick M. O'Rourke, Chief of Police – Chief O'Rourke has been working on an addendum to the AFSCME contract. As part of this addendum, they are switching the Communication Center's dispatchers to 12-hour schedules in lieu of 8 hour work schedules. By doing this, they hope to reduce staffing requirements and the need for overtime coverage and at the same time increasing their efficiency level of performance and supervision, and hopefully morale. Reducing the staff by just a little bit will not interrupt any services to the Township.

Thomas Clark, Director of Public Works – Mr. Clark reported they started work on Church and Hilltop Roads. If the weather holds out, the work will be completed next week. It has to be finished by March 5th for 100% reimbursement. Mr. Clark said he is working on the numbers from last year as far as costs for purchasing salt and for overtime to calculate how much we saved this year so far.

Barbara Ellis, Hershey Public Library – Ms. Ellis was a guest speaker for the Rotary Club. They presented her with a check in the amount of \$1,000, which will be used to enhance the Children's Division. She will be visiting other civic clubs.

Matthew J. Mandia, Director of Parks and Recreation – Mr. Mandia reported the Athletic Associations will begin using the athletic fields in the next two to three weeks. Public Works is working on getting our parks and fields in shape. Summer Day Camp registration is March 21st. We are encouraging everyone to register online. Mr. Mandia also reported the Easter Egg Hunt is planned for March 31st. Zach Johnson has done a great job in getting some bus trips together including a Cherry Blossom trip to Washington DC as well as a Finger Lakes Winery Tour up in New York. He and Mr. Clark met with FEMA to review the parks and some roadways. Mr. Mandia is working on specific project descriptions to turn into FEMA particularly on Bullfrog Valley Pond, the trail and a couple of the other park locations. Vice-Chairman Fedeli suggested he reach out to Ralph Watters or Wayne Schutz at DTMA for their knowledge and input regarding the documentation for FEMA.

Chairman Abruzzo asked Mr. Mandia if the School District communicated to him the building usage over the summer. Mr. Mandia said access is still Monday through Thursday and only in the mornings and afternoons on Friday, but they have to be out of the building midday. He was recently notified that the schools are closed the entire week of July 4th. He is a little concerned about securing a location for approximately 275 children.

Matt Bonanno, Township Engineer – Mr. Bonanno reported they have received an emergency permit to perform the work on Church Road before March 5th and will need to follow up with a GP11 to DEP once the work is completed. They got an emergency permit for Park Boulevard, obtained the bids, and made a recommendation. That work was done last Thursday and Friday to meet the March 5th deadline and they will also have to follow up with a permit with DEP. We completed final design, the bidding documents and project manuals for Mansion Road and that project is currently out to bid. Those bids are due on March 5th and the bid opening is at 2:00 at the Township Building. We have about 14 who are interested in bidding on that repair. The stormwater project is moving slowly. The contractor is not doing any construction because they are waiting for the Utilities to move some of their lines.

Vice-Chairman Fedeli asked about the issue with one of the utilities. Mr. Bonanno said they had a meeting on site with that utility company. Prior to the meeting, the utility was not going to move their line which was in direct conflict with what they told us a year and a half ago when we coordinated with them. After the meeting, they are going to see what they could do to accommodate our contract when they put that line in. The contractor and that utility are coordinating that work.

Chuck Emerick, Director of Community Development – Mr. Emerick said he met the Troegs brothers when he was at Troegs Brewing Co. looking at the stormwater. The brothers are working on a better identification plan for their driveway and have installed a parking lot light near the entrance. The Township had expressed this area needed to be better defined and it looks like they are working on it.

James N. Negley, Township Manager/Township Treasurer – Manager Negley mentioned at the next Board meeting he will be seeking the Board's approval for the sale of the two remaining fire apparatuses.

Chairman Abruzzo noted that the County is finalizing the gaming awards. Manager Negley reported Derry Township is to receive \$340,000: \$240,000 for the fire apparatus and \$100,000 for a traffic signal installation at old West Chocolate/Hersheypark Drive. Chairman Abruzzo acknowledged Commissioner Pries for his part in assisting with the gaming funds. Manager Negley reported that we originally borrowed \$1.3 million for the two pieces. The remaining balance is \$638,000. The \$240,000 award and the other \$60,000 will go towards that debt service. We will look to request \$300,000 from the gaming fund next year.

Supervisor Ballard reported that their first community-wide meeting to review the survey information and help craft a vision for the future is March 7th at 7:00. The second meeting will be March 31st at 2:00 at the Public Library.

Supervisor Foley reported the Fire Department was informed this week by the Fire Commissioner's Office of a \$12,891 grant for the new Engine 48. Manager Negley said this will also be used for debt service on the engine.

APPROVAL OF ACCOUNTS PAYABLE (\$268,404.11) AND PAYROLL (\$268,400.87).

Supervisor Foley moved to approve accounts payable in the amount of \$268,404.11 and payroll in the amount of \$268,400.87. Supervisor Ballard seconded. *The motion carried, 5-yes 0-no.*

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Charleton Zimmerman, 119 N. Roosevelt Avenue, Palmdale – Mr. Zimmerman expressed his concern of the garbage cans in his neighborhood collecting water from the rain if there are no lids or the lids are not put back on because the cans have to sit out.

ADJOURNMENT

Supervisor Foley moved to adjourn the meeting at 8:15. Supervisor Ballard seconded. *The motion carried, 5-yes 0-no.*

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary