

**MEETING MINUTES**  
**BOARD OF SUPERVISORS, TOWNSHIP OF DERRY**  
Tuesday, January 24, 2012  
600 Clearwater Road, Hershey, Pennsylvania 17033

**REGULAR MEETING**

**CALL TO ORDER**

The January 24, 2012 Township of Derry Board of Supervisors meeting was called to order at 7:10 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, Assistant 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  
David Stough, President of Fire Department  
Jon Yost, Township Solicitor  
Brenda Van Deursen, Recorder

***Public Present:*** Dennis Trout, Elvira Ebling, Rich Gamble, J. Judge, M. Weir, Larry Aubrey, Ethan Aubrey

**Chairman Abruzzi 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**

**Rich Gamble, Hockersville Road** – Mr. Gamble referred to an article in the Hummelstown Sun regarding taxes. In reviewing and researching further, Mr. Gamble is concerned that the reason given for the increase in taxes is due to the storm damages that the Township acquired from the latest flood. It has been reported that FEMA reimbursed up to X amount of dollars and we are expecting to receive more in return than the estimated amount of damage of \$750,000. That doesn't justify the excuse of increasing the tax to cover the damages.

In relation to the Occupation Tax, Mr. Gamble quoted the following: Each local taxing authority may by ordinance of resolution exempt any person whose total income from all sources is less than \$12,000. He is concerned with the young adults working their way through college. They will be giving up \$500 based on this Ordinance and some of these students are helping their parents out due to the depletion of jobs.

Also, at the last meeting, there was concern about fairness of equity. Mr. Gamble suggested putting together a community group to readdress the issue of the amount of dollars the Township gets from the Hershey Company especially since Hersheypark raised their rates.

Mr. Gamble asked the following: 1) Isn't there some type of insurance in place to protect the property of the Township? 2) What did we actually get from FEMA? 3) What was the actual cost? 4) What is expected back?

Manager Negley said we have applied for funds from FEMA, but have not received any yet. We did have insurance on the some of the structures, but we also have a deductible.

Chairman Abruzzo asked Mr. Gamble if he was at the two budget hearings that were held. Mr. Gamble said he could not make them. Chairman Abruzzo said we spent an extraordinary amount of time going through all the reasons why the reserve fund had dwindled. The point may have been made that the flood put us over the top. There was never a statement from the Board that that was the sole reason. Chairman Abruzzo suggested that Mr. Gamble read both budget meeting minutes.

Solicitor Yost said the legal notice that was advertised for adoption read "among other things and not limited to flood damages."

## **APPROVAL OF MINUTES**

Chairman Abruzzo called for a motion to approve the Minutes of the December 20, 2011, Board of Supervisors Meeting. Vice-Chairman Fedeli made a motion to approve the Minutes with an amendment made by Supervisor Ballard. The amendment is on *page 2, where it says property from tax and tourist and some small payments above real estate from the Giant Center should say payments in lieu of real estate from the Giant Center*. Supervisor Ballard seconded. ***The motion carried, 5-Yes 0-No.***

Chairman Abruzzo called for a motion to approve the Minutes of the January 3, 2012, Board of Supervisors Reorganization Meeting. Supervisor Ballard made a motion to approve the Minutes as written. Vice-Chairman Fedeli abstained. Supervisor Foley seconded. ***The motion carried, 4-Yes 0-No 1-Abstained.***

## **NEW BUSINESS**

### **Derry Township Service Awards**

Chairman Abruzzo acknowledged the following individuals for their years of service and generous contribution to the Township.

5-Years of Service: Jeffrey Cothren-Library, John Defrank-Granada Gym, Kim O'Connell-Granada Gym, Marie Sirkot-Administration, Glenn Rauchut-Police Communications, Barbara Ries-Library

10-Years of Service: Gregory Reichard-Police Communications, Dennis Eckenrode-Police, Kenneth Shank-Police, Jonathan Cooper-Public Works

15-Years of Service: Rita Smith-Library

20-Years of Service: Linda Walker-Police

**A1-7 Consideration of adoption of Ordinance No. 620, amending Chapter 143 (Property Maintenance) of the Code of the Township of Derry.**

Chairman Abruzzo stated that for all the reasons discussed at the Public Hearing this item should be tabled for another meeting.

**Motion:** A motion made by Supervisor Ballard and seconded by Vice-Chairman Fedeli that Agenda Item A1-7, Consideration of adoption of Ordinance No. 620, amending Chapter 143 (Property Maintenance) of the Code of the Township of Derry be tabled for a meeting to be determined, is hereby approved. ***Motion carried, 5-Yes 0-No.***

**B1-7 Consideration of adoption of Ordinance No. 621, amending Chapter 78 (Outdoor Burning) of the Code of the Township of Derry.**

**Motion:** A motion made by Supervisor Ballard and seconded by Supervisor Foley that adoption of Ordinance No. 621, amending Chapter 78 (Outdoor Burning) of the Code of the Township of Derry, is hereby approved. ***Motion carried, 5-Yes 0-No.***

**C1-3 Adoption of Resolution No. 1332 designating the Township of Derry's intent to suspend banners across SR 0422 announcing various events.**

**Jill Horner, Assistant Township Manager** – Resolution No. 1332 lists the requests for banners that have been submitted and this resolution is required by PennDot.

**Motion:** A motion made by Supervisor Ballard and seconded by Supervisor Foley that Adoption of Resolution No. 1332 designating the Township of Derry's intent to suspend banners across SR 0422 announcing various events, is hereby approved. ***Motion carried, 5-Yes 0-No.***

**CORRESPONDENCE** – No correspondence to report.

**BOARD/COMMITTEE INFORMATION - Supervisor Ballard** reported the Comprehensive Plan Working Group will present the survey results with community groups. The presentations are scheduled for January 30<sup>th</sup> at noon at the Mohler Center, January 31<sup>st</sup> at 6:30PM at the Library, February 1<sup>st</sup> at 6:30PM at the Township Building, February 16<sup>th</sup> at 1:30PM at Spring Creek Church, March 7<sup>th</sup> at 7:00PM at the Township Building, and March 31<sup>st</sup> at 2:00PM at the Library. We received a grant for technical assistance that is worth about \$10,000. Experts will come and work with the Group and the staff in October. There will be a public meeting for that event as well. We appreciate all the resident participation and HERCO and Hershey Foods for their donations to support the raffle winners.

**REPORTS**

**Patrick O'Rourke, Chief of Police** – Chief O'Rourke said we had a gracious offer from Chuck Simmons, manager of the Tanger Outlets, to provide us with office space to create a police substation. This will give us the ability to use their facilities to process people who are in custody for retail theft. They are willing to give us office space with a desk, phone, electric, etc. at no cost. They drafted a Memorandum of Understanding for our review and approval.

**Motion:** A motion made by Supervisor Ballard and seconded by Vice-Chairman Fedeli to enter into a Memorandum of Understanding with Tanger Outlet subject to Solicitor Yost's review, is hereby approved. ***Motion carried, 5-Yes 0-No.***

**Dave Stough, Representative/Fire Department** – Mr. Stough reported that the new Rescue apparatus has been in service since after Christmas. At some point this spring they will have a formal fire fighters traditional housing ceremony. Mr. Stough said he has been in discussion with Chairman Abruzzo about hosting one of these meetings at the Fire Department this year. Chairman Abruzzo suggested he coordinate this with Manager Negley. Mr. Stough said they will be holding their own annual banquet to honor 11 people ranging from 5 years to 40 years of service to the Fire Department.

Chairman Abruzzo congratulated Mr. Stough on assuming the role of President of the Fire Department.

**Thomas Clark, Director of Public Works**

Supervisor Ballard thanked Mr. Clark and his staff for helping with the Tree Vitalize grant. We again received the grant and will be planting about 45 trees beginning the end of March and every Saturday in April. She also thanked Assistant Township Manager Horner for her coordination.

**Barbara Ellis, Hershey Public Library** – Ms. Ellis reported they installed their first touch screen computer to be used for the purpose of catalogue searching at the library. Patrons are really enjoying it and they hope to add a couple more.

**Cheryl L. Lontz, Manager of Payroll & Employee Benefits** – Ms. Lontz reported that the preliminary audit will start at the end of March. She also reported they deposited about \$370,000 insurance reimbursement money for Tropical Storm Lee.

**Matthew J. Mandia – Director of Parks and Recreation** – Mr. Mandia reported that the ultraviolet disinfecting system at the Recreation Center is working amazingly after five full months in operation. The chloramines levels are basically non-existent and our chemical usage has improved. He thanked the Board for their support in getting the system.

**Matt Bonanno, Township Engineer** – Mr. Bonanno reported that the weather held off for the groundbreaking ceremony on January 12<sup>th</sup> for the stormwater project. The contractor is going to start mobilizing their equipment next week in anticipation of starting the digging the week of February 6<sup>th</sup>. They finished the video survey of existing conditions and will begin to mark utilities and doing stakeouts in the Village area. Mr. Bonanno said the website was updated today. If there is a link not working, please let him know.

Vice-Chairman Fedeli said people can also check the press release on the Township's website because there is much detail on what areas are going to be rehabilitated and when.

**Chuck Emerick, Assistant Community Development** – Mr. Emerick said that Chuck Simmons, the new manager of Tanger Outlets, met with Community Development to see what issues they have and what they can do better. Mr. Emerick made him aware of an illegal sign over at the corner by Wendy's and that sign is now gone. He also made him aware that there was some parking realigned, but the handicap parking was not realigned properly. That was corrected and inspected today. There is great communication happening.

Supervisor Foley asked if Tanger Outlet controls the ground where Red Robin and Wendy's are located. Mr. Emerick said that is controlled by Park Avenue Restaurant Group, primarily HE&R, Hershey Trust, and the owner of Red Robin.

**Jill Horner – Assistant Township Manager** – Asst. Manager Horner said they will be meeting this week with the insurance company to do a thorough review of all of our losses and coverage to see which policy each loss will be covered under. They are scheduled to meet with FEMA the second week of February to review all of our documented costs.

Supervisor Ballard asked if the Newsletter scheduled to come out in February is solely electronic and if we sent out the postcard to residents to let them know. Asst. Mgr. Horner said the Newsletter will be electronic, but hard copies will be available at each of our facilities if someone does not have access to the website. She approved the final draft of the postcard last week and is expecting it any day now in the mail. The postcard will encourage the residents to provide their e-mail address or they can access the Newsletter on the website.

**James N. Negley - Township Manager/Township Treasurer** – Manager Negley reported that our solid waste contract expires March 31<sup>st</sup>. Manager Negley met with Solicitor Yost, Tom Clark and Jill Horner. Mr. Clark put together bid specs, the advertisement has been in the paper, and we have a mandatory pre-bid conference on January 31<sup>st</sup>. It will go before the Board for approval the second meeting of February. We want to get the new carrier or existing carrier mobilized before the April 1<sup>st</sup> start date.

### **APPROVAL OF ACCOUNTS PAYABLE (\$686,328.61) AND TWO PAYROLLS (\$583,582.47).**

**Motion:** Supervisor Ballard moved to approve accounts payable in the amount of \$686,328.61 and two payrolls in the amount of \$583,582.47. Supervisor Foley seconded. ***The motion carried, 5-Yes 0-No.***

### **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

**Rich Gamble, Hockersville Road, Hershey** – Mr. Gamble asked at the last meeting if the Board was going to revisit the Hershey Company regarding the taxes. It is something that is important. He also asked that the Board consider raising the Occupation Tax limit from \$10,000 to \$12,000.

Chairman Abruzzo acknowledged a member of the Scouts. Ethan Aubrey introduced himself and said he is working on his Citizenship of the Community Merit Badge.

### **ADJOURNMENT**

Vice-Chairman Fedeli moved to adjourn the meeting. Supervisor Foley seconded. ***The motion carried, 5-Yes 0-No.***

SUBMITTED BY:

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Marc A. Moyer  
Township Secretary

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Brenda Van Deursen  
Recording Secretary