

TOWNSHIP OF DERRY

BOARD OF SUPERVISORS MEETING

Tuesday, January 25, 2011
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The January 25, 2011 Township of Derry Board of Supervisors meeting was called to order at 7:05 p.m. by Chairman E. Christopher 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
Thomas R. Clark – Director of Public Works
Barbara S. Ellis - Director, Hershey Public Library
Jill E. Horner – Assistant Township Manager
Cheryl L. Lontz - Manager Payroll/Employee Benefits
Matthew J. Mandia – Director of Parks and Recreation
James N. Negley - Township Manager/Township Treasurer
Edward L. Small – Director of Community Development
William D. Smith – Chief of Police
David Stough – Vice-President, Fire Department
Jon A. Yost - Township Solicitor
Brenda Van Deursen - Recorder

Public Present: Elvira Ebling, Jacob Nantz, John Nantz, Elizabeth Kotz, Don Isabella, Pastor Jennifer Kreighbaum, Dennis Trout, Matt Weir, John Payne, Ed Urvic, John Foley, Orrin Wilson, Robin Wilson

Press Present: Drew Weidman, the Sun

Executive Session:

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

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

VISITOR/PUBLIC COMMENT:

Representative John Payne gave an update on roadwork that will be happening in the Village to the north side of town this summer. The work will include the square

construction, a new bridge, the closure of North Lingle for work as well as other routine scheduled repair projects. Even in this economy we have done well in bringing a lot of transportation dollars to Derry Township. It will be a tough summer with all the construction going on both downtown and on Lingle.

Chairman Abruzzo mentioned the excellent relationship between Derry Township and Rep. Payne. Rep. Payne has helped the Township with many issues over the last three years.

Representative Payne proudly presented Chairman Abruzzo with an American Flag and a State Flag.

APPROVAL OF MINUTES:

Chairman Abruzzo called for a motion to approve the Minutes of the January 3, 2011 Board of Supervisors Reorganization Meeting. Supervisor Pagliarulo made a motion to approve the Minutes as written. Supervisor Ballard seconded. ***The motion carried 5-0.***

A1-2 Consideration of extending the Solid Waste Contract with York Waste for an additional year from April 1, 2011 until March 31, 2012.

James N. Negley - Township Manager/Township Treasurer

Mgr. Negley said on March 27, 2007, the Board of Supervisors awarded a three year contract to York Waste for collection, transportation, and disposal of municipal solid waste and recyclables. The contract allowed 2 one-year extensions. This extension is for the last year of the contract. York Waste has provided excellent service to the community. Last year, York Waste on their own initiative, gave the residents a one-bag option, which is a pay as you throw option and a 96-gallon cart at no cost. Additionally, there are 15 communities that currently bid out this service in Dauphin County. Out of the 15 communities, we rank number 12th as the lowest. The three lower communities do not provide the yard waste pick up and also there is a cost for the cart.

Chairman Abruzzo pointed out one of the benefits of extending the contract for another year is we are locked into rates that were negotiated in 2007.

Vice-Chairman Fedeli agrees York Waste has given good service to the Township. However, over the past year her neighbors have experienced problems with both trash pick up and recycling. The neighbors have reported this to Ms. Fedeli and she passed this onto the Township Manager and York Waste. When the complaints were registered, York Waste was very responsive, courteous, and interested in the nature of their problems. Vice-Chairman Fedeli noted for the record her neighborhood has had some problems and a few frustrations along the way; however, no problems have been reported in the last 4-6 weeks.

Supervisor Ballard was impressed with York Waste for reducing their fees for the one can/week option and the pay as you throw option. Thus far, she has not heard any complaints.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Pagliarulo that the Township exercises its option to extend the Solid Waste Contract with York

Waste for an additional year from April 1, 2011 until March 31, 2012, is hereby approved. *The motion carried, 5-0.*

B1-5 Request to hold the 2nd Annual Hershey Half Marathon on Sunday, October 16, 2011 at 07:00 a.m.

Chairman Abruzzo requested this item be removed from the agenda for consideration tonight.

C1-2 Consideration of the adoption of Resolution No. 1295 to appoint a Delegate and Alternate Delegate to the Dauphin Countywide Tax Committee.

James N. Negley - Township Manager/Township Treasurer

Mgr. Negley reported in 2009, the Board appointed Skip Memmi as a Delegate and in 2010, the Board appointed Sandra Ballard as an Alternate Delegate. The By-Laws of the Dauphin Countrywide Tax Committee require reappointment to these two positions.

Motion: A motion made by Vice-Chairman Fedeli and seconded by Supervisor Moyer that Resolution 1295 appointing August (Skip) Memmi as Delegate and Sandra Ballard as Alternate Delegate for the Dauphin Countywide Tax Committee, is hereby approved. *The motion carried, 5-0.*

Supervisor Ballard explained this is the Committee that is implementing the new law requiring taxes for earned income tax be collected on the County-wide level. She commented that Skip has represented the community very well.

D1-16 Consideration of the adoption of Resolution No. 1294 to accept the Mowing Agreement with PennDOT for mowing right-of-ways along SR322, SR422, and a portion of SR039.

Thomas R. Clark – Director of Public Works

Mr. Clark is requesting the adoption of Resolution No. 1294 by the Board in order to execute the necessary documents. PennDOT is to pay \$4,885.92 for mowing of the state routes in 2011. This is an increase of \$119.12 from 2010. Vice-Chairman Fedeli asked if we received payment for 2010. Mr. Clark said they are working on it.

Motion: A motion made by Supervisor Moyer and seconded by Vice-Chairman Fedeli that the Board adopt Resolution No. 1294 and execute the attached agreement indicating their acceptance of the conditions for mowing of state owned roadway right-of-ways in the Township for the year 2011, is hereby approved. *The motion carried, 5-0.*

E1-7 Consideration of the release of the performance security for the Preliminary/Final Subdivision Plan for Lot 251 of Deer Run, Plat No. 952.

Edward L. Small – Director of Community Development

Mr. Small said the Township is holding an insurance bond for the installation of some additional bike path in the Deer Run area. The amount of the bond was \$100,500. There was one release from the bond resulting in a balance of \$97,630. The installation of 810 feet of bike has been inspected and reviewed by both Matt Mandia and Bob Piccolo and found satisfactory.

Chairman Abruzzo asked Mr. Mandia if he was satisfied with the bike path extension and its construction. Mr. Mandia said he was. He had a brief conversation with the developer and contractor with regards to them coming back in the spring to redo some work if necessary due to the weather.

Motion: A motion made by Supervisor Moyer and seconded by Vice-Chairman Fedeli that pursuant to the terms of the February 26, 2002 Agreement between the Township of Derry and Shaffer and Gelder Development Corp. for the installation of pedestrian/bicycle paths, the Township releases the security in the form of Insurance Bond No. 103 752 628 from Travelers Casualty and Surety Co. in the current amount of \$97,630.00 for the Preliminary/Final Subdivision Plan for Lot 251 of Deer Run, Plat #952, is hereby approved. *The motion carried, 5-0.*

F1-2 Consideration of the adoption of Ordinance No 604 amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210, Article II, Section 210-12, by establishing a 30 mile per hour speed restriction on Hanover Street between Hersheypark Drive, north to the Township line.

William D. Smith – Chief of Police

Chief Smith reported on December 7th, the Board authorized the advertisement of this amendment and on December 23rd the advertisement appeared in the Sun. This request is from a recommendation by HRG, which is part of the overall plan to relocate Hanover Street as part of the new bridge project. The project is complete and the roadway is open, therefore, we need to ordinate the speed restriction.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Pagliarulo that Ordinance No 604, amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210, (Vehicles and Traffic), Article II (Traffic Regulations), Section 210-12 – Maximum speed limits established on certain streets, by establishing a 30 mile per hour speed restriction on Hanover Street between Hersheypark Drive, north to the Township lines, is hereby approved. *The motion carried, 5-0.*

G1 Agreement to convey Real Estate that exists between Jo Ann Drive and Locust Lane.

Chairman Abruzzo said there is an alley connecting Jo Ann Drive and Locust Lane that has been a subject of discussion between the Township and Mr. Trout. The Township is going to open it and maintain it in order to ease traffic issues at the intersection of Jo Ann Drive and Middletown Road.

Motion: A motion made by Chairman Abruzzo and seconded by Vice-Chairman Fedeli to convey real estate that exists between Jo Ann Drive and Locust Lane to Derry Township, subject to final language that is agreed upon between the Solicitor and Mr. Trout.

Discussion: Supervisor Moyer asked that the Board have the ability to review the final language particularly with respect to the proposed bike/walk path to make sure that it is feasible to adhere to the conveyance and the overall plan as to where that path will go. Solicitor Yost suggested the Motion be amended that Supervisor Moyer be the one to make the determination so it does not have to come back to the Board for review.

Amended Motion: An amended motion made by Chairman Abruzzo and seconded by Vice-Chairman Fedeli to convey real estate that exists between Jo Ann Drive and Locust Lane subject to the Solicitor finalizing language in the contract acceptable to both the owner, Mr. Trout, and the Township and subject to Supervisor Moyer's review on behalf of the Board, is hereby approved. *The motion carried, 5-0.*

CORRESPONDENCE

Supervisor Pagliarulo pointed out staff has been working with residents at Cocoa Avenue to assist in some traffic opportunities. We are waiting approval from PennDOT.

BOARD/COMMITTEE INFORMATION

Chairman Abruzzo announced effective last night Ms. Fedeli was elected Chairman of the Derry Township Municipal Authority. He also announced Ken Burd was elected Chairman of our Parks & Rec Committee.

REPORTS

William D. Smith – Chief of Police

Chief Smith announced on Monday, January 31st, the Dauphin County Chiefs of Police Honor Guard will make their debut at the Giant Center as they will post the colors for the American Hockey League All-Star game.

Chairman Abruzzo mentioned he was present when they swore in Officer Condran. He was one of our community resource officers and is also related to Sgt. Condran who is retiring.

Supervisor Ballard referred to #18 in Chief Smith's report to the Supervisors. It stated HE&R would reimburse the Police Department for being present for enforcement detail at the Hersheypark Stadium for the football championships. She asked if we received the reimbursement. Chief Smith said we did. He stated this was a special request by HE&R.

David Stough, Vice-President, Fire Department

Mr. Stough reported on the two pieces of apparatuses the Township ordered for the Fire Department. The final inspection for the engine will be the first week of March and the rescue piece will follow up in July. They will work with the Township manager on payment for the equipment.

Mr. Stough explained the contract requires two trips for each piece of apparatus. The preliminary trip is to review the final specifications/drawings and the second trip is for final inspection prior to delivery.

Supervisor Ballard referred to the Hershey Fire Company section of the draft of the newsletter where it mentioned they were re-evaluating the use of the siren. She asked Mr. Stough to elaborate more on this. Mr. Stough said they have worked with a vendor the County is using for the new radio system. They are putting together a timer system so that at certain hours (midnight to six) the siren will still be used for emergency calls but will sound less than the 70+ seconds for this time frame.

Supervisor Ballard asked if eventually the siren will be discontinued. Mr. Stough said it is their long term goal if they determine they are getting sufficient coverage from the new paging system.

Thomas Clark – Director of Public Works

Chairman Abruzzo commented on the great job the Public Works Department has done with the snow this year. He noted the roads have been very clear. Chairman Abruzzo asked if the beet juice is being applied to the roads. Mr. Clark said they have used it on one route of the Village so they could have a side by side comparison. What they have noticed is that it has extended the life of the salt on the roadway; therefore, limiting the need to revisit the road with more salt.

Supervisor Moyer asked about the salt pile. Mr. Clark said there is a little over half of the building remaining.

Barbara Ellis - Director of Hershey Public Library

Ms. Ellis reported the Redesign Project is moving forward and we will soon be seeing more changes in the library.

Ms. Ellis said in early January the Library Board discussed picking a theme to some of the programming done in the library on a regular basis. In response, the library staff has focused on bullying and cyber-bullying. This month and February they will focus on their resources to help victims and to assist others in helping victims.

On February 13th, the Civility Mural will be unveiled at the High School. Everyone in the community had the opportunity to be part of the Mural.

Cheryl L. Lontz - Manager Payroll/Employee Benefits

Chairman Abruzzo asked Ms. Lontz about the fiscal outlook for 2010. Ms. Lontz said the reports have been printed for December, but they are not finished posting all revenues. Mgr. Negley said we are still receiving money that will be posted back to the end of the year. Expenditures will be slightly over budget due to some catastrophic illnesses that have impacted our health insurance.

Matthew J. Mandia – Director of Parks and Recreation

Mr. Mandia reported they will be accepting Summer Day Camp applications in six weeks. He also reported new fitness programs are available at the Granada Gym & Fitness Center as well as several bus trips. They will host one of their largest PIAA Swim Meets this Thursday. Hershey High School swims against Cumberland Valley at the Recreation Center.

Matt Bonanno – HRG

Mr. Bonanno reported the redesign is complete for the Cocoa Avenue section in response to the Hershey Trust comments. The permit that included the redesigns has been resubmitted on the 19th of January.

Solicitor Yost is reviewing two easements from the Trust. Once the Township is okay with the easements, HRG will send them back to the Trust for their review prior to sending them to the Attorney General's office for sign off. DEP needs the two

easements before they will issue a permit for the Cocoa Avenue area. The remaining easements already recorded were submitted to DEP.

With regard to the utility companies, we have clearance from UGI, Verizon, and Comcast. Currently PA American Water and DTMA are in process. A meeting is scheduled for Thursday morning with UGI to discuss costs within the PennDOT right-of-way.

With the DTMA portion, there are nine easements needed. There are three recorded and six outstanding. The six outstanding are in the hands of the property owners.

Supervisor Ballard mentioned the redesign and asked what it involves and if it will change the look. Mr. Bonanno said it would change the look. Near 322 and Cocoa Avenue, an open channel on the east side of Cocoa Avenue with a pedestrian bridge was proposed. Hershey Trust wanted a culvert in order to maintain their vehicular access to the property. There will be a change from a bridge to a small culvert.

An open channel running from 322 to the library property was proposed. Hershey Trust requested it be covered up until you get to the existing channel on the library property.

Supervisor Ballard referred to a resident's concern regarding the restoration of the stream bank. Mr. Bonanno said we are restoring the stream bank on the southern side of 322 but not on the northern side. Hershey Trust was not comfortable with that design or issuing the Township an easement because that is work on private property. They have been in conversation for the past month to change the design to address their comments.

Supervisor Ballard referred to the stream bank in front of the library. Mr. Bonanno said the open channel will not be touched; however, there will be plantings done to restore some of it.

Chairman Abruzzo asked about the discussion of additional inspectors to keep the project moving as quickly as possible. He asked Mr. Bonanno if they are still working on that. Mr. Bonanno said since the project is finally designed they are going through a more detailed construction duration. Once this is done, they will know better of the amount of time the construction will take and will be able to provide an estimate of the man hours.

Supervisor Ballard said the Township gave approval for demolition of a couple of buildings at Ridge and Chocolate Avenue, but noted it has stopped for some reason. Mr. Small said he believes it was the intent that it would be restored to be attractive until they wanted to begin using it. He will follow-up with them.

Supervisor Ballard inquired about two buildings in need of upkeep on Hockersville that have no one living there and wondered if they have been corrected. Mr. Small said it has not been corrected, but the property owners have been notified that it is a violation of the property maintenance code.

James N. Negley - Township Manager/Township Treasurer

Mgr. Negley reported that on Thursday, the Chairman, Vice-Chairman and he will meet with their counterparts at the School District to discuss matters of mutual interest.

APPROVAL OF ACCOUNTS PAYABLE (\$487,955.54) AND TWO PAYROLLS (\$613,936.60).

Supervisor Ballard moved to approve accounts payable in the amount of \$487,955.54 and two payrolls totaling \$613,936.60. Vice-Chairman Fedeli seconded. ***The motion carried, 5-0.***

VISITOR/PUBLIC COMMENTS

Chairman Abruzzo acknowledged two scouts that were present.

Jacob Nantz is from Scout Troop 66 of Hummelstown. He is working on his Citizenship in the Community badge. Orrin Wilson is from Troop 203 and is also working on his Citizenship in the Community badge.

Don Isabella, York Waste Disposal – Mr. Isabella thanked the Board for awarding the extension of the contract. He also thanked them for their feedback and appreciated their recognizing York Waste's responsiveness to the needs of the Township residents.

ADJOURNMENT

Supervisor Ballard moved to adjourn the meeting at 8:05 p.m. Vice-Chairman Fedeli seconded. ***The motion carried, 5-0.***

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary