

TOWNSHIP OF DERRY BOARD OF SUPERVISORS MEETING

Tuesday, January 3, 2012
600 Clearwater Road, Hershey, Pennsylvania 17033

INDUCTION OF NEW BOARD MEMBER

Chairman Abruzzo introduced Judge John Cherry. Judge Cherry gave the oath of office to John Foley, Jr. to serve as a member of the Board of Supervisors. Mr. Foley replaces Todd Pagliarulo.

CALL TO ORDER

The January 3, 2012 Township of Derry Board of Supervisors meeting was called to order at 7:10 p.m. by Chairman E. Christopher Abruzzo.

ROLL CALL

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

Also Present:

Matt Bonanno, HRG, Township Engineer
Thomas Clark, Director of Public Works
Barbara S. Ellis, Director of Hershey Public Library
Chuck Emerick, Assistant Community Development
Jill Horner, Assistant Township Manager
Matthew J. Mandia, Director of Parks and Recreation
James N. Negley, Township Manager/Township Treasurer
Patrick M. O'Rourke, Chief of Police
Terry M. Weinhold, Manager of Accounts Payable & Accounts Receivable
Jon A. Yost, Township Solicitor
Brenda Van Deursen, Recorder

Public Present: Dave Feidt, Todd Pagliarulo, Elvira Ebling, Maryellen Sheehan, Justin Engle, Rich Gamble

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

Rich Gamble, Hockersville Road – Mr. Gamble thanked the Township for presenting a well organized New Year's Eve Celebration for Derry Township. He mentioned that last year there was an activity for the children by the Hershey Story. He was told there would be something from 11:00 to 12:00 and in the evening an open house for the Hershey Story. One of the employees said the Fire Chief told them they were in violation of the occupancy and they couldn't do the activity this year. He

questioned that because the number of people that were in that building was greater than the number of children that were there last year.

Mr. Gamble mentioned the discussion from the last meeting regarding Hershey Entertainment paying their fair share. He learned they are going to increase the park price by \$3 again this year. That is four times greater than what we are collecting for every admission ticket. He recommends the Board readdress and appoint a citizens committee to investigate and approach HE&R to try to increase our monies coming into the Township.

REORGANIZATION

A1 Election of the Chairman of the Board of Supervisors (Resolution No. 1321)

A1 Election of the Vice-Chairman of the Board of Supervisors (Resolution No. 1321)

A1 Appointment of the Township Secretary (Resolution No. 1321)

A1 Appointment of the Township Assistant Secretary (Resolution No. 1321)

A1 Appointment of the Township Treasurer (Resolution No. 1321)

A1 Appointment of the Township Solicitor (Resolution No. 1321)

A1 Appointment of the Township Engineer (Resolution No. 1321)

MOTION (A1): Supervisor Foley made a motion to adopt Resolution No. 1321 appointing **E. Christopher Abruzzo as Chairman, Kelly C. Fedeli as Vice-Chairman, Marc A. Moyer as Township Secretary, James N. Negley as Township Assistant Secretary, James N. Negley as Township Treasurer, Yost & Davidson as the Township Solicitor, and Herbert, Rowland, Grubic as the Township Engineer.** The motion was seconded by Supervisor Ballard and is hereby approved. *The motion carried, 4-0.*

B1 Appointment of an Emergency Management Coordinator and two Deputy Coordinators for one-year terms with the Emergency Management Agency.

MOTION: A motion made by Supervisor Ballard and seconded by Chairman Abruzzo to appoint Lt. Tim Roche as the Emergency Coordinator for a one-year term and Sgt. Steve Beard and Todd Pagliarulo as Deputy Coordinators for one-year terms, is hereby approved. *The motion carried, 4-0.*

C1 Establishment of the Manager's Bond Limit (Resolution No. 1322).

MOTION: A motion made by Chairman Abruzzo and seconded by Supervisor Ballard to adopt Resolution No. 1322 whereas the bond limit for the Township Manager and Treasurer shall not be less than \$1,500,000 for the year 2012, is hereby approved. *The motion carried, 4-0.*

D1 Appointment of a Delegate and an Alternate Delegate to the State Convention (Resolution No. 1323)

MOTION: A motion made by Supervisor Ballard and seconded by Supervisor Foley to adopt Resolution No. 1323 appointing Chairman Abruzzo as Delegate and Vice-Chairman Fedeli as Alternate Delegate to the 2012 State Convention, is hereby approved. *The motion carried, 4-0.*

E1 Selection of Depositories for Township Funds (Resolution No. 1324).

MOTION: A motion made by Supervisor Foley and seconded by Supervisor Moyer that Resolution No. 1324 selecting PNC Bank, Citizens Bank, Sovereign Bank, Pennsylvania Local Government Investment Trust, Northwest Savings, Fulton Bank, Metro Bank, Wells Fargo, M&T Bank, Susquehanna Bank, Members 1st Federal Credit Union, Bryn Mawr Bank Corp (Hershey Trust), and Pennsylvania State Treasurers Invest Program as depositories for the funds of the Township of Derry for the year 2012 and the Township Treasurer is further authorized to invest Township funds in any security as authorized in Act 102 of 1980 and is directed to deposit in said depositories all funds coming into the hands as Township Treasurer, is hereby approved. *The motion carried, 4-0.*

F1 Naming of monies to be paid to the Hershey Fireman's Relief Association for the Year 2012 (Resolution No. 1325).

MOTION: A motion made by Supervisor Moyer and seconded by Supervisor Foley to adopt Resolution No. 1325 whereas the Township will pay over to the Hershey Fireman's Relief Association all monies received from Foreign Fire Insurance Tax for the year 2012, is hereby approved. *The motion carried, 4-0.*

G1 Appointment of One (1) Member to the Vacancy Board for a one-year term (Expired term of James Ingalzo).

MOTION: A motion made by Supervisor Moyer and seconded by Supervisor Foley to appoint Susan Cort to the Vacancy Board for a one-year term, is hereby approved. *The motion carried unanimously with a vote of 4-0.*

H1-20 Appointment of One (1) Member to the Planning Commission for a four-year term (Expired term of Joyce St. John).

MOTION: A motion made by Supervisor Foley and seconded by Supervisor Moyer to appoint Joyce St. John to the Planning Commission for a four-year term, is hereby approved. *The motion carried unanimously with a vote of 4-0.*

I1 Appointment of One (1) Member to the Uniform Construction Code Appeals Board for a five-year term (Expired term of Christopher Dawson).

MOTION: A motion made by Supervisor Moyer and seconded by Supervisor Ballard to appoint Christopher Dawson for a five-year term to the Uniform Construction Code Appeals Board, is hereby approved. *The motion carried unanimously with a vote of 4-0.*

J1-19 Appointment of One (1) Member to the Zoning Hearing Board for a five-year term (Expired term of Frank Nardo).

MOTION: A motion made by Supervisor Ballard and seconded by Supervisor Moyer to appoint Phillip Wood to the Zoning Hearing Board for a five-year term, is hereby approved. *The motion carried unanimously with a vote of 4-0.*

K1-3 Appointment of One (1) Member to the Design Review Board for a three-year term (Expired term of Cindy Farkas) and One (1) Member for a two-year unexpired term

(Unexpired term of Dan Sheffey).

Discussion: Brian O'Day was nominated as a representative of HERCO, Inc. and Glenn Rowe was nominated as a Business Owner on Chocolate Avenue.

MOTION: A motion made by Supervisor Moyer and seconded by Supervisor Ballard to appoint Brian O'Day to the Design Review Board for a three-year term and Glenn Rowe for a two-year term, is hereby approved. *The motion carried unanimously with a vote of 4-0.*

L1 Appointment of One (1) Member to the Police Pension Advisory Board for a one-year term (Expired term of James Brandt).

MOTION: A motion made by Supervisor Ballard and seconded by Supervisor Foley to appoint James Brandt to the Police Pension Advisory Board for a one-year term, is hereby approved. *The motion carried unanimously with a vote of 4-0.*

M1-16 Appointment of One (1) Member to the Industrial Commercial Development Authority for a two-year term (Expired term of Domenick Argento) and One (1) member for a four-year term (Expired term of John Foley)

MOTION: A motion made by Supervisor Foley and seconded by Supervisor Moyer to appoint Domenick Argento to the Industrial Commercial Development Authority for a two-year term and Justin Engle for a four-year term, is hereby approved. *The motion carried unanimously with a vote of 4-0.*

N1-9 Appointment of Two (2) Members to the Board of Library Directors for three-year terms (Expired terms of John Abel and Diana Briselli).

MOTION: A motion made by Chairman Abruzzo and seconded by Supervisor Foley to appoint John Abel to the Board of Library Directors for a three-year term and Julie Isaacson for a three-year term, is hereby approved. *The motion carried unanimously with a vote of 4-0.*

O1 Appointment of One (1) Member to the Tax Collection Association for a three-year term (Expired term of Frank Nardo).

MOTION: A motion made by Supervisor Ballard and seconded by Chairman Abruzzo to appoint James Ingalzo to the Tax Collection Association for a three-year term, is hereby approved. *The motion carried unanimously with a vote of 4-0.*

P1-8 Appointment of One (1) Member to the Parks and Recreation Advisory Board for a five-year term (Expired term of Jean Allegrini).

MOTION: A motion made by Supervisor Foley and seconded by Chairman Abruzzo to appoint Jean Allegrini to the Parks and Recreation Advisory Board for a five-year term, is hereby approved. *The motion carried unanimously with a vote of 4-0.*

Q1-11 Appointment of One (1) Member to the General Authority for a two-year term (Expired term of Chris Barrett).

MOTION: A motion made by Supervisor Moyer and seconded by Supervisor Ballard to appoint Todd Pagliarulo to the General Authority Board for a two-year term, is hereby approved. *The motion carried unanimously with a vote of 4-0.*

R1-3 Appointment of One (1) Member to the Municipal Authority for a five-year term (Expired term of Scott Reilly) and One (1) Member for a one-year unexpired term (Unexpired term of Justin Engle).

MOTION: A motion made by Supervisor Moyer and seconded by Supervisor Ballard to appoint Scott Reilly to the Municipal Board for a five-year term and David Feidt for a one-year term, is hereby approved. *The motion carried unanimously with a vote of 4-0.*

S1 Appointment of One (1) Member of the Board of Supervisors to the Library Endowment Trust for a one-year term (Expired term of Marc Moyer).

MOTION: A motion made by Supervisor Moyer and seconded by Supervisor Foley to appoint Marc Moyer to the Board of the Library Endowment Trust for a one-year term, is hereby approved. *The motion carried, 4-0.*

T1 Appointment of One (1) Member of the Board of Supervisors as the Emergency Services Liaison for a one-year term (Expired term of Chris Abruzzo).

MOTION: A motion made by Chairman Abruzzo and seconded by Supervisor Moyer to appoint John Foley as the Emergency Services Liaison for a one-year term, is hereby approved. *The motion carried, 4-0.*

U1 Appointment of One (1) Member of the Board of Supervisors to the Tri-County Regional Planning Commission for a one-year term (Expired term of Sandy Ballard).

MOTION: A motion made by Supervisor Moyer and seconded by Chairman Abruzzo to appoint Sandy Ballard to the Tri-County Regional Planning Commission for a one-year term, is hereby approved. *The motion carried, 4-0.*

V1 Appointment of Two (2) Members of the Board of Supervisors to the Police Pension Advisory Board for one-year terms (Expired terms of Kelly Fedeli and Marc Moyer).

MOTION: A motion made by Supervisor Ballard and seconded by Chairman Abruzzo to appoint Marc Moyer and Kelly Fedeli to the Police Pension Advisory Board for one-year terms, is hereby approved. *The motion carried, 4-0.*

W1 Appointment of One (1) Member of the Board of Supervisors as the Transportation Liaison for a one-year term (Expired term of Todd Pagliarulo).

MOTION: A motion made by Chairman Abruzzo and seconded by Supervisor Ballard to appoint John Foley as the Transportation Liaison for a one-year term, is hereby approved. *The motion carried, 4-0.*

X1 Appointment of One (1) Member of the Board of Supervisors to the Board of Library Directors for a one-year unexpired term (Unexpired term of Todd Pagliarulo).

MOTION: A motion made by Chairman Abruzzo and seconded by Supervisor Foley to appoint Marc Moyer to the Board of Library Directors for a one-year unexpired term, is hereby approved. *The motion carried, 4-0.*

Y1 Appointment of One (1) Member of the Board of Supervisors to the Tax Collection Association Board of Directors for a two-year term (Expired term of Sandy Ballard).

MOTION: A motion made by Chairman Abruzzo and seconded by Supervisor Moyer to appoint Sandy Ballard to the Tax Collection Association Board of Directors for a two-year term, is hereby approved. *The motion carried, 4-0.*

Z1 Appointment of One (1) Member of the Board of Supervisors to the General Authority for a four-year term (Expired term of Kelly Fedeli) and One (1) member for a three-year term (Expired term of Todd Pagliarulo).

MOTION: A motion made by Chairman Abruzzo and seconded by Supervisor Ballard to appoint Kelly Fedeli to the General Authority Board for a four-year term and John Foley for a three-year term, is hereby approved. *The motion carried, 4-0.*

AA1 Appointment of One (1) Member of the Board of Supervisors to the Industrial Commercial Development Authority for a three-year term (Expired term of Todd Pagliarulo).

MOTION: A motion made by Chairman Abruzzo and seconded by Supervisor Moyer to appoint John Foley to the Industrial Commercial Development Authority for a three-year term, is hereby approved. *The motion carried, 4-0.*

BB1 Appointment of One (1) Member of staff to the Capital Region Council of Governments for a one-year term (Expired term of Chris Abruzzo).

MOTION: A motion made by Chairman Abruzzo and seconded by Supervisor Foley to appoint Tom Clark to the Capital Regional Council of Government for a one-year term, is hereby approved. *The motion carried, 4-0.*

APPROVAL OF MINUTES

Chairman Abruzzo called for a motion to approve the Minutes of the November 29, 2011, Board of Supervisors Second Budget Hearing. Supervisor Ballard made a motion to approve the Minutes as written. Supervisor Foley seconded. *The motion carried, 4-Yes 0-No.*

NEW BUSINESS

A1-4 Approval of Ordinance No. 619 amending the Township Occupation Tax Ordinance by increasing the current rate from \$200.00 to \$250.00.

James N. Negley, Township Manager/Township Treasurer – The 2012 Budget adopted on December 20, 2011 calls for an ordinance to enact an amendment to the current Occupation Tax Ordinance which will impose an increase from the current rate of \$200 per taxable person to \$250. Those 18 years and younger, 65 years and older, and income source of less than \$10,000 per calendar year are exempt from this tax. The new tax rate will become effective for the 2012 calendar year and shall continue on an annual basis without reenactment. The new tax rate will generate \$435,000.00 in additional revenue resulting in total annual revenue from this tax of approximately

\$2,176,000.00. This tax is necessary to help provide future services and to help replenish the Township's reserve funds which have been depleted due to decreasing general fund revenues and the additional expenditures necessitated by flood conditions in the Township.

Supervisor Ballard questioned the \$10,000 amount because the poverty rate is about that level. Manager Negley said the \$10,000 amount is established by the State.

MOTION: A motion made by Chairman Abruzzo and seconded by Supervisor Moyer that Ordinance No. 619 amending the Township Occupation Tax by increasing the current rate from \$200.00 to \$250.00, is hereby approved. *The motion carried, 4-Yes 0-No.*

B1-2 Approval of Resolution No. 1330 appointing a firm of certified public accountants to audit all of the accounts of the Township of Derry for the 2011 fiscal year.

James N. Negley, Township Manager/Township Treasurer – Hamilton and Musser, PC was approved by the Board in November 2010 to conduct the financial audit of the Township for the years ending December 31, 2010, 2011, and 2012. A resolution is required by the second class Township code to confirm this appointment.

MOTION: A motion made by Supervisor Ballard and seconded by Supervisor Foley that Resolution No. 1330, appointing Hamilton and Musser, PC to examine and audit the accounts of the Township of Derry for the 2011 fiscal year for a sum of \$12,700, is hereby adopted and approved. *The motion carried, 4-Yes 0-No.*

C1-2 Approval of Resolution No. 1331 establishing the contribution rate for the Police Pension Fund for 2012 at 2% of wages.

James N. Negley, Township Manager/Township Treasurer – Act 600 requires the Board of Supervisors to enact a resolution establishing the rate of contribution from the police officers into their police pension plan. By contract, the Board of Supervisors have negotiated this figure at 2% for the year 2012.

MOTION: A motion made by Supervisor Ballard and seconded by Supervisor Foley that Resolution No. 1331 establishing the contribution rate for the police pension fund for 2012 at 2% of wages, is hereby approved. *The motion carried, 4-Yes 0-No.*

CORRESPONDENCE

Supervisor Ballard shared positive feedback from Janice and Randy Waybright regarding the foot patrol the Police Department is conducting.

BOARD/COMMITTEE INFORMATION

Supervisor Ballard reported on the working group that has been reviewing and updating the current Comprehensive Plan. The next step is analyzing and sharing the survey results. These results will be shared at community group and public meetings and this information will be in the next newsletter.

Chairman Abruzzo asked Mr. Clark for an update on the ad hoc group that is meeting on our sidewalk and tree ordinance. Mr. Clark reported they will be meeting again the end of January. There were some changes made in the language. Once this is done, they will give it to the Solicitor and the Board for their comments.

REPORTS

Patrick M. O'Rourke, Chief of Police – Chief O'Rourke reported that a lot of his officers volunteered to work detail at the New Year's Eve Celebration. He commended everyone who planned, coordinated and implemented this outstanding event.

Thomas Clark, Director of Public Works – Mr. Clark estimated the material they took in from the Halloween snow storm to be about 5,051 cubic yards of material. There will be plenty of mulch for the spring.

Mr. Clark reported that only half of the fleet is outfitted for snow. The other half of the fleet is outfitted for trucking the brush that we grind out of the Recycling Center so we have room to grind the remainder of it. In the next two weeks, all the fleet should be outfitted for snow.

Barbara Ellis, Hershey Public Library – Ms. Ellis reported the Library will begin reducing their hours. They will assess this about half way through the year to see how it is working. The Library will be close at 8:00 p.m., Monday through Thursday and at 5:00 p.m. on Friday. The reduction of hours is from discussions related to the budget. We have not heard any negative feedback yet from the groups that meet on a regular basis.

Ms. Ellis mentioned a new adult program funded by The Friends of the Library called Bookopoloy. She also mentioned that one of her reference staff put together something that will encourage people to use all of the Library's databases in research.

Chairman Abruzzo confirmed with Ms. Ellis that she has discussed with the different folks that have events at the Library in the evenings that if they were to go beyond what the new closing hours would be, a member of the staff would stay to accommodate them. Ms. Ellis said that was correct. It would be a full time staff member so we would not have to pay any additional monies.

Terry M. Weinhold, Manager of Accounts Payable & Accounts Receivable – Ms. Weinhold reported as a result of Tropical Storm Lee approximately \$841,000 has been paid out. Reimbursement received from insurance is approximately \$610,000. Manager Negley said we continue to get invoices in everyday.

Matthew J. Mandia, Director of Parks and Recreation – Mr. Mandia reported he is finalizing the Legal Notice and Advertisement for the sale of the skate park.

Matt Bonanno, Township Engineer – Mr. Bonanno reminded everyone of the Ground Breaking Ceremony for the Stormwater Project on January 12th at 9:00 AM. This will happen at Cocoa and 322. He thanked the Board for the reappointment of HRG as the Township Engineer.

Chairman Abruzzo asked if he knew when we would actually break ground. Mr. Bonanno said he talked to the contractor today. They are still waiting on materials from suppliers, but will keep us updated.

Supervisor Ballard asked what the first steps will be. Mr. Bonanno said they will begin adding and replacing storm sewer in the Village area off of Cocoa. It will take through January and the majority of it will be finished Spring/Summer. The next steps will follow when the Village area is completed.

Chuck Emerick, Assistant Director – Mr. Emerick reminded the Board of the two Public Hearings regarding the property maintenance ordinance and the burning ordinance scheduled January 24th beginning at 6:30 PM.

Jill Horner, Assistant Township Manager – A postcard will be sent out at the end of the month to all of the residents notifying them that next year in order to save in costs we won't be printing and mailing the newsletter. The postcard will encourage them to sign up for the e-news on our website.

James N. Negley, Township Manager/Township Treasurer – Mgr. Negley reminded everyone that the next Board of Supervisors meeting is scheduled for January 24th.

Supervisor Foley said that Rescue 48 was placed in service December 26th. That will complete the upgrades to the fleet.

APPROVAL OF ACCOUNTS PAYABLE (\$74,145.08) AND PAYROLL (\$271,360.73).

Supervisor Ballard moved to approve accounts payable in the amount of \$74,145.08 and payroll in the amount of \$271,360.73. Supervisor Foley seconded. ***The motion carried, 4-yes 0-no.***

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Richard Gamble, Hockersville Road – Mr. Gamble said the whole building of the Hershey Story was rented out for a private party by PNC Bank. He again referred to the Hershey Story activity planned for New Year's Eve, but was canceled because of an occupancy violation.

Chairman Abruzzo acknowledged Maryellen Sheehan, a new School Board member.

ADJOURNMENT

Supervisor Moyer moved to adjourn the meeting at 8:00. Supervisor Ballard seconded. ***The motion carried, 4-yes 0-no.***

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary