

TOWNSHIP OF DERRY

BOARD OF SUPERVISORS MEETING

Tuesday, July 26, 2011
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The July 26, 2011 Township of Derry Board of Supervisors meeting was called to order at 7:05 p.m. by Chairman Abruzzo.

ROLL CALL

E. Christopher Abruzzo, Chairman
Sandy A. Ballard
Kelly C. Fedeli, Vice-Chairman
Marc A. Moyer, Secretary
Todd Pagliarulo

Absent: Vice-Chairman Fedeli, Supervisor Moyer

Also Present:

Matt Bonanno – HRG, Township Engineer
Barbara Ellis – Director, Hershey Public Library
Charles Emerick – Assistant Director of Community Development
Cheryl L. Lontz – Manager of Payroll & Employee Benefits
Zach Jackson – Assistant Director of Parks & Recreation
James N. Negley - Township Manager/Township Treasurer
Patrick O'Rourke – Chief of Police
Robert Piccalo – Assistant Director of Public Works
Scott Stein – President of Fire Company
Jon Yost – Solicitor
Brenda Van Deursen - Recorder

Public Present: Dave Holl, Janice Click, Elvira Ebling, Pete Collura, Wayne Schutz, John Foley, Chris S., Rich Gamble

Press Present: Drew Weidman, The Sun

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

Executive Session:

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

VISITOR/PUBLIC COMMENT:

Peter Collura, 182 Wheatstone Drive, Palmyra – Mr. Collura owns and operates Mr. Sorrento's Pizza. He expressed his concern with the transient vendors. He would like to assist with the rewording of the ordinance to include vendors must have brick and mortar and proper paperwork. Mr. Collura

has been a resident and businessman in Derry Township for many years. He strongly recommended the ordinance be changed regarding vendors.

Chairman Abruzzo said the Board was not prepared to move forward with a change to the ordinance. He shared that both Community Development and the Police Department are working on this. Community Development will be in touch with the stakeholders and report back to the Board.

APPROVAL OF MINUTES:

Chairman Abruzzo called for a motion to approve the Minutes of the July 12, 2011, Board of Supervisors Meeting. Supervisor Pagliarulo made a motion to approve the Minutes as written. Supervisor Ballard seconded. ***The motion carried, 3-0.***

NEW BUSINESS:

Retirement Recognition of Lieutenant David Holl

Chairman Abruzzo presented Lt. David L. Holl with an award recognizing him for over 32 years of service. Lt. Holl was very well liked and well known. Lt. Holl said he has had a fabulous 32 years and is very proud to have been part of the Police Department.

A1-31 Approval of Ordinance No. 611, the issuance of General Obligation Bonds, Series A of 2011.

Lou Verdelli, RBC Capital Markets – Mr. Verdelli explained the refinancing of Township Series of 2006 and Township Series of 2007 Bonds. The Series A of 2011 Bonds issue equals \$4,820,000 with an interest rate of 2.94% and a five year call date of November 15, 2016. The Township's debt service will be lowered \$177,000 in 2012 and \$67,000 in 2013 resulting in a savings of \$245,741 net costs. If this is approved, the settlement will be on August 24, 2011.

Chairman Abruzzo noted our target was a \$125,000 minimum and we have reached almost double that amount. This will help lower our debt payment next year, which is very significant for the Township.

Mr. Verdelli said the Township's remaining credit was updated by Standard & Poors and the result remained the same of AA+ with positive outlook. Derry Township is the only one in the AA rating with a positive outlook. Only one Township has a higher rating (AAA) and that is Lower Merion Township.

Donna Kreiser, Bond Counsel with McNees Wallace & Nurick, LLC presented the ordinance.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Pagliarulo that Ordinance Number 611, the issuance of General Obligation Bonds, Series A of 2011, is hereby approved. ***The motion carried, 3-0.***

B1-3 Consideration of a Notice of Intent to Award a Contract for the Stormwater Improvement Project for the Township of Derry.

James N. Negley - Township Manager/Township Treasurer – Mgr. Negley explained that the first bid opening on May 16, 2011, resulted in only one bid received. It was in the amount of \$6,740,736.90 from Mazzuca Enterprises. Matt Bonanno suggested the Board have a second bid

opening, which they did on July 18, 2011. They received 7 bids. The low bidder is N. Abbonizio Contractors in the amount of \$5,358,810, which is \$1,381,926.90 lower than the sole first bid and is \$41,190 under our budgeted amount.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Pagliarulo that the bid submitted by N. Abbonizio Contractors, in the amount of \$5,358,810, is hereby approved subject to the Derry Township Municipal Authority's approval, and the Township is authorized to execute all contract documents related to this bid award. *The motion carried, 3-0.*

C1-4 Consideration of the release of performance security and entry into the maintenance security period for the Preliminary/Final Lot Consolidation/Land Development Plan for Ronald McDonald House, Plate No. 1172.

Charles Emerick – Assistant Director of Community Development – The approved plan was for a lot consolidation of three separate properties and preliminary/final land development plan for the Ronald McDonald House Charities of Central Pennsylvania. It added 15 more guest rooms to the 20 in the main building, additional common area, and an expanded kitchen. The original amount of performance security was \$370,301.87, but after two releases a balance of \$37,030.18 remains. HRG inspected the area and recommended a release of the entire performance security. There is some limited work in the right-of-way of Governor Road and it was found \$693 should be held as maintenance security.

Motion: A motion made by Supervisor Pagliarulo and seconded by Supervisor Ballard that the Township releases performance security in the amount of \$37,030.18, supplied as Letter of Credit No. 10006929854 by Susquehanna Bank, provided that maintenance security in the amount of \$693.00 is supplied in acceptable form and the standard Maintenance Security Agreement is executed for the Preliminary Final Lot Consolidation /Land Development Plan for Ronald McDonald House, Plat #1172, is hereby approved. *The motion carried, 3-0.*

D1-2 Consideration of an extension of the term of the performance security for the Final Subdivision and Lot Consolidation Plan and Phase 1 Final Land Development Plan for Southpoint Meadows 2, Plat No. 1123.

Charles Emerick – Assistant Director of Community Development – Mr. Emerick reported the performance security bond will expire on July 31, 2011. The bond is for the first two phases of Southpoint Meadows 2. The amount of the remaining performance security is \$45,489.40. The developer is close to completing the improvements necessary, but that will not take place prior to the expiration of the bond.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Pagliarulo that the Board accepts an extension until July 31, 2012 of the term of the performance security provided in the form of Insurance Bond No. SU1031732 by the Arch Insurance Co. for the Final Subdivision and Lot Consolidation Plan and Phase 1 Final Land Development Plan for Southpoint Meadows 2, Plat #1123, at the current balance of \$45,489.40, is hereby approved. *The motion carried, 3-0.*

E1-3 Consideration of a request by the Derry Township Municipal Authority for the Township to support and/or submit on behalf of DTMA, a request for funding from the Local Gaming Share revenues.

James N. Negley - Township Manager/Township Treasurer – The Derry Township Municipal Authority is requesting that the Board of Supervisors consider supporting a submission to the

Dauphin County Gaming Advisory Committee for funding from the Local Gaming Share revenues. The request is in the amount of \$60,000 to construct hydro turbine on the effluent discharge line. Mr. Wayne Schultz, Assistant Manager of DTMA, explained the importance of the grant money and how hydro turbine produces energy.

Motion: A motion made by Supervisor Pagliarulo and seconded by Supervisor Ballard that the Township's action based upon a request by the Derry Township Municipal Authority for the Township to support and or submit on behalf of the Derry Township Municipal Authority for funding from the Local Gaming Share revenues, is hereby approved. ***The motion carried, 3-0.***

F1-3 Authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210, Section 21-42 – *Special Purpose parking zones established: parking otherwise prohibited* – by establishing special parking restrictions at the Hershey Recreation Center, Hershey Public Library, and Founders Park.

Patrick O'Rourke – Chief of Police – Chief O'Rourke reported at the start of the 2011/2012 school year, the Derry Township School District will implement a fee system for students who drive their vehicles to school and park on school district parking lots. There will be a fine for any person parking at the Hershey Recreation Center, Hershey Public Library, and Founders Park that are not using those facilities. Approximately 4 signs and posts will be needed to properly post the area.

Chairman Abruzzo suggested when issuing parking permits to students to explain where they cannot park or they will be fined. Supervisor Ballard applauded the School District for implementing the fee system in hopes of reducing the number of students driving.

Supervisor Ballard asked about the costs for the signs and posts. Mgr. Negley said the cost is approximately \$100 for a sign and post.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Pagliarulo that the authorization to advertise an ordinance amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210, Section 21-42 – *Special Purpose parking zones established: parking otherwise prohibited* – by establishing special parking restrictions which would prohibit people who are not using the Hershey Recreation Center, Hershey Public Library, and Founders Park facilities from parking on the lots of these facilities, is hereby approved. ***The motion carried, 3-0.***

G1-3 Approval of Ordinance No. 612 amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210, Section 210-38 – *Parking prohibited at all times in certain locations* – by establishing "no parking" restrictions on E. Governor Road on both sides from Homestead Lane to Cocoa Avenue.

Patrick O'Rourke – Chief of Police – This ordinance was authorized by the Board to advertise. The advertisement appeared in The Sun on July 14, 2011.

Chairman Abruzzo asked if there was any feedback from the advertisement and Chief O'Rourke said there was not.

Supervisor Ballard was concerned with the 28 signs not only because of the number of signs, but also the cost. She requested we look at reducing the number of signs. Chief O'Rourke said he would check the requirements for sight distance.

Motion: A motion made by Supervisor Pagliarulo and seconded by Supervisor Ballard that Ordinance No. 612, an ordinance amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210, Section 210-38 – *Parking prohibited at all times in certain locations* – by establishing “no parking” restrictions on E. Governor Road on both sides from Homestead Lane to Cocoa Avenue, is hereby approved subject to using the minimum number of signs required by Title 67. ***The motion carried, 3-0.***

CORRESPONDENCE

Supervisor Ballard commented on the completed Eagle project done by Nate Pfeifer for the Friends of the Library. He raised almost half of his goal which included gifts from a couple of the supervisors and from the Hershey Company.

BOARD/COMMITTEE INFORMATION

Supervisor Ballard reported on the Comprehensive Plan Update. The survey is ready to go. A printed version will appear in the August newsletter. They are encouraging the residents to complete the survey on line.

Pulitzer Prize recipient, Tom Hylton, will be the kick off speaker at the Hershey Public Library on Monday, September 12 at 7:00. He will present on Smart Growth issues. There is no fee to attend.

Chairman Abruzzo acknowledged and thanked Supervisors Ballard and Pagliarulo and staff for their time on this project.

REPORTS

Patrick O'Rourke – Chief of Police – Chief O'Rourke reported they have one concert detail tomorrow. He also reported he attended a meeting for the Hershey Half Marathon and another meeting with his supervisors in revamping their records management system. Their goal is to become total paperless. He met with the school officials for permission to use the school during Thanksgiving and Christmas breaks for active shooting training.

Scott Stein – President of Fire Company – Mr. Stein reported the new Engine 48 has been in service for about a week. They used it for two calls and it worked very well. The Rescue truck is scheduled for final inspection the middle of August and possibly will be brought to the Township the end of August or the first part of September for final work.

The Fire Company is working with the Hershey Area Playhouse on a play as a result of 911. It will be at the Fire House September 6 through September 10. They will have their memorial event for 911 on September 11th marking the 10th anniversary.

Barbara Ellis – Director of Hershey Public Library – Ms. Ellis reported Nate Pfeifer did a great job with his Eagle project. He used part of the reference desk for the Friends of the Library area. She reported pieces of furniture from the library were sent to the COG auction and all sold. New furniture continues to come in. Supervisor Ballard mentioned the media coverage Ms. Ellis received regarding the e-readers.

Cheryl L. Lontz – Manager of Payroll & Employee Benefits – Ms. Lontz reported that Hamilton & Musser will have a draft of the financial statement for the Board on August 3rd. They are getting ready to send budgets to the department to prepare for 2012.

Zachary Jackson – Assistant Director of Parks & Recreation – Mr. Jackson announced the last drive-in movie will be held on August 5th and 6th and admission is free.

Supervisor Ballard inquired about the Hockersville Road property.

Gilbert Petrina, owner of the property at 228 Hockersville Road – Mr. Petrina received a letter advising him that in 30 days the structure will be demolished. He asked the Board for additional time to get his property in shape. He does not believe there is anything wrong with the structure of the building, but acknowledged there needed to be some work done. He does use the structure for storage.

Mr. Emerick said the structure has been claimed to be dangerous. He explained that if it is not addressed within the 30 days, the structure will be demolished and a lien put on the property. He said he gave Mr. Petrina a copy of a letter that was sent out today indicating he has 10 days to get a permit or 30 days before it is demolished. Mr. Emerick suggested we collect a bond from Mr. Petrina if we allow him additional time.

Rich Gamble – Hockersville Road – Mr. Gamble said the Hockersville property has been a problem for years and it is time for some action to be taken. Mr. Gamble said he is required to keep his property in good shape, why isn't Mr. Petrina. The property is a safety issue and a real eye sore. He asked if Mr. Petrina applied for a permit to use the structure as a business. He asked the Board to proceed with the action provided.

Both Supervisors Ballard and Pagliarulo suggested a compromise be worked out between Community Development and Mr. Petrina.

Chairman Abruzzo noted this was a difficult situation. He acknowledged Mr. Gamble's comments and that many were accurate. The Board tries to be understanding, but they have an obligation to the neighbors in that area. He suggested Mr. Petrina and Community Development inspect the area within 7 days and report back to the Board. Action on the property should not exceed 60 days.

James N. Negley - Township Manager/Township Treasurer - Manager Negley reported that in addition to library furniture, they took old police vehicles and vehicles from Public Works to the COG Auction.

APPROVAL OF ACCOUNTS PAYABLE (\$343,018.97) AND PAYROLL (\$371,656.91).

Supervisor Pagliarulo moved to approve accounts payable in the amount of \$343,018.97 and payroll in the amount of \$371,656.91. Chairman Abruzzo seconded. ***The motion carried, 3-0.***

VISITOR/PUBLIC COMMENTS

Rich Gamble, Hockersville Road – Mr. Gamble has an issue with York Waste Management. He said his trash cans end up in the middle of the road either full of water or broken from being hit by a car. He asks that York Waste put the trash can back in a secure location. Chairman Abruzzo instructed Mr. Gamble to contact Public Works as they are the liaison between the residents and York Waste.

Mr. Gamble said there was an attic fire on N. Hockersville Road and he felt the road was blocked with parked vehicles on both sides of the road causing an obstruction for the emergency vehicles. He asked that a road study be done to limit parking to only one side of the road.

Chairman Abruzzo asked where the tenants would park. Mr. Gamble said there are parking lots with adequate parking, but the people don't want to use them.

Chairman Abruzzo asked Mr. Stein if there was a problem getting the fire truck through to the fire. Mr. Stein said there wasn't. They had to go through the back of the property because of the power lines in front. They are used to these types of situations. There are difficult areas all through the Township.

Chairman Abruzzo said they would take Mr. Gamble's suggestion into consideration.

ADJOURNMENT

Supervisor Ballard moved to adjourn the meeting at 8:30 p.m. Supervisor Pagliarulo seconded.
The motion carried, 3-0.

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary