

TOWNSHIP OF DERRY

BOARD OF SUPERVISORS MEETING

Tuesday, March 22, 2011
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The March 22, 2011 Township of Derry Board of Supervisors meeting was called to order at 7:00 p.m. by Chairman 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, Township Engineer
Thomas Clark – Director of Public Works
Barbara Ellis – Director, Hershey Public Library
Jill E. Horner – Assistant Township Manager
Cheryl L. Lontz – Manager of Payroll & Employee Benefits
Matthew J. Mandia – Director of Parks & Recreation
James N. Negley - Township Manager/Township Treasurer
Edward L. Small – Director of Community Development
William D. Smith – Chief of Police
Scott Stein – President, Fire Company
Brenda Van Deursen - Recorder

Public Present: John Foley, Elvira Ebling, Charleton Zimmerman

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:

Charleton Zimmerman, 125 Roosevelt Avenue – Mr. Zimmerman announced that in December he became a certified national electrician under the Uniform Construction Code. He gave a copy of the California Building Code to Mr. Small for Mr. Emerick who likes to follow this Code.

Mr. Zimmerman asked for an explanation of why the Board of Supervisors canceled the Public Hearing scheduled for March 8th regarding an ordinance change for zoning permit requirements.

Mr. Small said the Board wanted a little more time to discuss the details. Since that time, the Board has directed Mr. Small to schedule the Public Hearing scheduled for April 26th.

Mr. Zimmerman asked if there would be any guidelines for the issuance of zoning permits. He mentioned Code 360 and the Township Ordinances state the Zoning Officer cannot approve even temporary zoning permits for routine matters without the Board's approval. The ordinance should be changed.

Mr. Zimmerman noted since 2004 our building codes are listed under our zoning codes. It is in direct conflict with the Uniform Construction Code.

Chairman Abruzzo thanked Mr. Zimmerman for his comments. He said there is a public hearing scheduled for the zoning permit issue. Mr. Small said there will be documents for public display when the advertisement appears in the newspaper.

APPROVAL OF MINUTES:

Chairman Abruzzo called for a motion to approve the Minutes of the March 8, 2011, Board of Supervisors Meeting. Supervisor Ballard made a motion to approve the Minutes as written. Supervisor Pagliarulo seconded. *The motion carried, 5-0.*

NEW BUSINESS:

A1-4 Approval of Ordinance No. 608 amending the Township's Motor Vehicles and Traffic Ordinance No 553, Chapter 210, Article IV, Sections 210-43 and 210-38, restricting Stopping, Standing or Parking on Roadway for Loading or Unloading and Parking Prohibited at all Times in Certain Locations - on Homestead Road.

William D. Smith – Chief of Police - Chief Smith said the Board authorized the advertisement of Ordinance No. 608 at the February 22nd meeting. On March 3rd, the advertisement appeared in The Sun.

Motion: A motion made by Supervisor Moyer and seconded by Vice-Chairman Fedeli that Ordinance No. 608 amending the Township's Motor Vehicles and Traffic Ordinance No 553, Chapter 210, Article IV, Sections 210-43, *Stopping, Standing or Parking on Roadway for Loading or Unloading by* establishing this parking restriction on Homestead Road, and by removing the current parking restriction located in Section 210-38, *Parking Prohibited at all Times in Certain Locations* is hereby approved. *The motion carried, 5-0.*

Supervisor Ballard noted for the record there were discussions regarding other alternatives that were considered.

B1-4 Approval of Ordinance No. 608 amending the Township's Motor Vehicles and Traffic Ordinance No 553, Chapter 210, Article IV, Sections 210-43, restricting Stopping, Standing or Parking on Roadway for Loading or Unloading - on Meadow Lane from Homestead Road to Para Avenue on both sides of the highway.

William D. Smith – Chief of Police - This is the additional parking restriction that goes in conjunction with the previous agenda item. This was also advertised in The Sun on March 3rd.

Supervisor Ballard mentioned the School District came to us and she thanked the Police Department for working cooperatively with them.

Motion: A motion made by Supervisor Pagliarulo and seconded by Supervisor Ballard that Ordinance No. 608 amending the Township's Motor Vehicles and Traffic Ordinance No 553, Chapter 210, Article IV, Sections 210-43, ***Stopping, Standing or Parking on Roadway for Loading or Unloading***, by establishing a parking, standing, and stopping restriction on Meadow Lane from Homestead Road to Para Avenue, on both sides of the highway, is hereby approved. ***The motion carried, 5-0.***

C1-13 Authorization for the Chairman of the Board of Supervisors to execute a Grant Agreement for the Dauphin County Local Share Municipal Grant Program for the purchase of a new Rescue Truck for the Hershey Volunteer Fire Company.

James N. Negley - Township Manager/Township Treasurer – Mgr. Negley reported the Township applied for and is extremely fortunate to be the recipient of grant money in the amount of \$595,000 from the Pennsylvania Race Horse Development and Gaming Act. These funds are strictly earmarked for the purchase of a new rescue truck for the Hershey Volunteer Fire Company. In order to receive these funds, the Township's Chairman must execute an agreement. We are extremely appreciative of Dauphin County for providing us with this grant. It is very helpful and will add to the public safety element of our community.

Chairman Abruzzo remarked that we were assisted greatly by both Commissioner Mike Pries and by a former Board member, Skip Memmi in not only applying, but for receiving the first installment. We are very appreciative of them.

Motion: A motion made by Supervisor Ballard and seconded by Vice-Chairman Fedeli that Authorization for the Chairman of the Board of Supervisors to execute a Grant Agreement for the Dauphin County Local Share Municipal Grant Program for the purchase of a new Rescue Truck for the Hershey Volunteer Fire Company, is hereby approved. ***The motion carried, 5-0.***

D1-8 Award of contract to J.P. Jay Associates for the purchase, installation, custom fit and enhancement of all furniture choices meeting specifications of the Hershey Public Library Redesign Project.

Barbara Ellis – Director, Hershey Public Library – Ms. Ellis said during 2010, the Library's Redesign Committee and Larson Design Group worked together to develop designs of customized tables and chairs, and researched shelving that would best meet their needs. Quotes were requested from J.P. Jay Associates and Brodard Library Furniture Company that would best match their design.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Pagliarulo that award of contract to J.P. Jay Associates for the purchase, installation, custom fit and enhancement of all furniture choices meeting specifications of the Hershey Public Library Redesign Project, is hereby approved. ***The motion carried, 5-0.***

E1-5 Consideration of the release of a portion of the performance security for the Revised Preliminary/Final Land Development Plan for the Pennsylvania State University Milton S. Hershey Medical Center Parking Garage Expansion, Children's Hospital, and Southwest Ground Floor Hospital Expansion, Plat No. 1140.

Edward L. Small – Director of Community Development – To guarantee the performance of the required installations, the Township accepted \$477,536.87 in the form of a letter of credit. At this point, the inspections are indicating there is a warranted release of 90% of that amount bringing

the balance down to a 10% level which is the lowest amount we can go to by policy until everything can be released.

Motion: A motion made by Vice-Chairman Fedeli and seconded by Supervisor Moyer that the Township releases \$429,783.18 from the performance security of \$477,536.87 supplied by PNC Bank in the form of Letter of Credit No. 18109376-00-000 leaving a balance of \$47,753.69 for the Revised Preliminary/Final Land Development Plan for the Pennsylvania State University Milton S. Hershey Medical Center Parking Garage Expansion, Children's Hospital, and Southwest Ground Floor Hospital Expansion, Plat No. 1140, is hereby approved. ***The motion carried, 5-0.***

F1-4 Consideration of the release of performance security and entry into the maintenance security period for the Preliminary/Final Subdivision and Land Development Plan for Members 1st Federal Credit Union, Plat No. 1171.

Edward L. Small – Director of Community Development – This letter of credit was at a level of \$237,650.49 for Members 1st. Recent inspection by HRG indicates that a release of the entire performance security is warranted. There is maintenance security required for a minor amount of work on the entrance near Members 1st parking lot. It is only \$238.50, but it represents 15% of the amount of work that was done there.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Pagliarulo that the Township releases the performance security in the amount of \$237,650.49, supplied as a Members 1st Letter of Credit, dated March 18, 2009, provided that maintenance security in the amount of \$238.50 is supplied in acceptable form and the standard Maintenance Security Agreement is executed for the Preliminary/Final Subdivision and Land Development Plan for Members 1st Federal Credit Union, Plat No. 1171, is hereby approved. ***The motion carried, 5-0.***

Vice-Chairman Fedeli asked to be excused for the remainder of the meeting to attend to a family commitment.

CORRESPONDENCE - No correspondence to report.

BOARD/COMMITTEE INFORMATION

Chairman Abruzzo reported on the meeting held last night with residents from North Lingle Avenue area to discuss some of the construction issues that we have been working with them on over the last year. Ms. Ballard, Mr. Pagliarulo, and Ms. Fedeli were in attendance at the meeting to represent the Board of Supervisors as well as other members of the staff. The goal was to help answer questions and keep the flow of communication moving as the project moves to conclusion. There were very good issues raised by the residents. It was agreed upon that the Township would formulate an action plan to address the issues of the residents as the construction begins and as it finishes. This action plan will not only involve the Police Department, but also Public Works and the Township Manager in assuring that the concerns of the residents are addressed. After construction is done, Public Works will be communicating information back to the residents and to the Board to address some of the construction issues. At the end of construction, we intend to have a fairly aggressive police enforcement detail at North Lingle Avenue. The goal is to stop unauthorized truck traffic at North Lingle Avenue.

Supervisor Ballard said this is not a new rule. Currently, tractor trailer trucks are prohibited unless making local deliveries on Lingle Avenue. Any truck traffic going to the warehouses is prohibited.

REPORTS

William D. Smith – Chief of Police – Chairman Abruzzo announced that this is Chief Smith's last meeting because he is retiring from the Township. He thanked Chief Smith for his leadership and years of service...he has done an admirable job.

Scott Stein – President of the Fire Company – Chairman Abruzzo reminded Mr. Stein to let the Board know when the first truck has arrived.

Supervisor Ballard referred to the newsletter regarding the Fire Company adjusting the sirens. She wondered what was done to modify the sirens. Mr. Stein reported they have a system developed where the siren now is broken up into an 18-hour block and a 6-hour block. From midnight to 6:00 a.m., the siren will only sound for three shorter cycles as an alert. From 6:00 a.m. to midnight, the siren will be at the normal six cycles, but it will only sound for 72 seconds vs. the previous 90 seconds. The County is still working with the system to resolve issues with pagers.

Supervisor Pagliarulo urged caution with reference to the siren. The siren serves a purpose and part of our job is to provide for the public safety of the Township. Response time is exceedingly important and at no time should be compromised. Whatever can be done to alert our Volunteer firefighters is paramount from a public safety standpoint. Our prime concern is public safety. He commented on the excellent job the men and women of the Fire Company do.

Supervisor Moyer asked Mr. Stein if modifying the alarm system has resulted in a reduction in responsiveness by the members of the Fire Department or any way compromised response time by them. Mr. Stein said at this point we don't have any reason to believe it is compromising. The three cycles are still sufficient to allow notification. They are evaluating the response time and the process and making adjustments as needed. If it continues to work as they think it will, we have at least addressed some of the concerns people have about the overnight aspect of it. Mr. Moyer said if there is an issue regarding lack of response, they need to know about it right away.

Thomas Clark – Director of Public Works – Mr. Clark reported they are continuing work off of Joanne Avenue and beginning spring work and clean up. Chairman Abruzzo asked how the costs were this winter season. Mr. Clark said they spent a little more on salt and overtime than he would have liked, but it was unavoidable.

Barbara Ellis – Director, Hershey Public Library – Ms. Ellis announced they have a new maintenance person on staff at the Library. We had clean up to do because of the building issues with the last rain. Ms. Ellis reported there are a lot of programs beginning this spring. She encouraged the Board to attend the volunteer luncheon at the Library on April 15th.

Cheryl L. Lontz – Manager of Payroll & Employee Benefits – Ms. Lontz received the monthly aggregate report for February which gives us an average of claims cost per employee. That is down considerably from the 2010 average...it is closer to the 2008 average. She reported that in 2010, they went over their maximum liability allotted each year. Due to that, we should be receiving a \$300,000 refund from our insurance carrier that will get posted back to the general fund account for the 2010 year to help build the reserve.

Matthew J. Mandia – Director of Parks & Recreation – Mr. Mandia reported his maintenance staff began the process of testing the outdoor pool system in preparation for the busy season coming up. Mr. Mandia also reported they are beginning preparation and planning for Memorial Day.

Chairman Abruzzo mentioned that at last year's parade Major Winters came out of his house as it went by. He had been very sick and had not been out for some length of time. Whatever the cost, it was worth that moment.

Matt Bonanno – HRG, Township Engineer – Mr. Bonanno reported they finished up their duration of what they estimate the construction is going to be. Mill Street is the longest area as far as the pipe length. They believe that is going to take about 17 months to construct. We want to try to keep it to only two construction seasons and not go into 2013. To meet the end of the construction season (November 1, 2012), we need to get the project out to bid. We cannot guarantee the DEP permit is going to come soon. Our recommendation to the Board is to go out to bid and place the advertisement as soon as Friday, April 1, 2011. We would give six weeks for the bidders to collect the information and the bid opening would be May 16, 2011. It would give them a week to look at the bids and at the next Board meeting on May 24th, they could award the contract to the contractor with the anticipated notice to proceed on June 20, 2011. This timeframe would meet the 17 month duration to finish November 1, 2012. He sent the advertisement to the Township Manager for review.

Chairman Abruzzo asked if there was any downside to move forward before we get the final word from DEP. Mr. Bonanno said there is a little risk. He believes what was proposed to DEP will be approved. However, if something changes based on their review, we would have to do an addendum to the contract.

Supervisor Moyer asked if there was anything they could do to expedite this with DEP. Mr. Bonanno said Vice-Chairman Fedeli had been making a few calls. Supervisor Ballard asked what cost would be involved with an addendum. Mr. Bonanno said it is unknown because he doesn't know what DEP would have them change if anything. There will be no cost from HRG. Mgr. Negley said the ad is very well done and we should proceed with it. The Board agreed and directed Mr. Bonanno to move forward with advertising the project.

James N. Negley - Township Manager/Township Treasurer – Mr. Negley reported we are in receipt of a wire transfer of \$600,000. A check will be written from these funds to be used for the first piece of fire apparatus.

APPROVAL OF ACCOUNTS PAYABLE (\$264,533.32) AND PAYROLL (\$287,585.55).

Supervisor Ballard moved to approve accounts payable in the amount of \$264,533.32 and payroll in the amount of \$287,585.55. Supervisor Pagliarulo seconded. ***The motion carried, 5-0.***

VISITOR/PUBLIC COMMENTS – No one came forward.

ADJOURNMENT

Supervisor Moyer moved to adjourn the meeting at 7:50 p.m. Supervisor Pagliarulo seconded. ***The motion carried, 5-0.***

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary