

TOWNSHIP OF DERRY BOARD OF SUPERVISORS MEETING

Tuesday, May 8, 2012
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The May 8, 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 Engineer
Thomas Clark, Director of Public Works
Barbara S. Ellis, Director of Hershey Public Library
Chuck Emerick, Director of Community Development
Jill Horner, Assistant Township Manager
Matthew J. Mandia, Director of Parks and Recreation
James N. Negley, Township Manager/Township Treasurer
Patrick 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: George Haverstraw, John Rigilano, Elvira Ebling, Colleen Hennessey, Charleton Zimmerman, Rich Gamble, Steve Ballard

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 matters.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Chairman Abruzzo welcomed Sandy Ballard's father, Mr. Schuler.

George Haverstraw, Walton Spring Hills Area – Mr. Haverstraw understands the concern the Township has with trying to keep the trail closed for safety reasons, but asked if there is any way the citizens can help in repairing the trail to get it reopened. He suggested in the interim to use crusher run material and provide temporary railing. Mr. Mandia responded to Mr. Haverstraw's comments stating he is frustrated as well, but there is a process they are following with FEMA and with DEP regarding permits for the repairs of this section of the trail. If we make repairs just to the macadam portion of the trail, we are saying to the public it is safe to use, but we still have eight and ten foot drop-offs directly off the edge of the macadam. We have been working diligently with

FEMA and most recently, they have indicated that we can start moving ahead with bidding several of our projects. Funding could be available within six to ten weeks. We do not feel comfortable opening this part of the trail until it is completely repaired.

John Rigilano, Walton Spring Hills Area – Mr. Rigilano referred to the liability issue with the bicycle trail. He has used this trail for years to commute to Hershey Medical Center and stated that the trail is far more than a recreation trail. People are using the trail in large numbers regardless of the barriers that are in place. Forcing people off that trail to go down either Waltonville Road or Bullfrog Valley Road is far more dangerous for a cyclist. He suggested a sign to indicate trail danger ahead please dismount. He encourages the Township not to force people back on the road.

Chairman Abruzzo understands what he is saying, but even with a sign there would be many that wouldn't dismount. We are not responsible for providing access for people to get to work on the trail...it is a recreation trail. Our first obligation is to make sure that the trail is safe and we need to repair the trail properly to assure the safety of our citizens. Mr. Foley explained that in Pennsylvania you have fall protection regulations, which basically a five foot height is considered a dangerous fall position. Chairman Abruzzo said we all have to adjust to the temporary inconvenience until the damage to the trail is repaired properly for the safety of our citizens.

Solicitor Yost suggested we get out of the liability area because that could create a future problem for us depending on where this conversation goes if somebody should fall or go out on the highway.

Supervisor Ballard asked Mr. Mandia if he could look into the crusher run material and the guide rail as a possibility. Mr. Mandia said we can evaluate it, but we are in the middle of the permitting process and anything we do we will need to get clearance.

Supervisor Moyer asked if in the event any expedient measures are implemented would our costs increase when we are ready to move forward with the asphalt surface. Mr. Mandia said it would be fairly negligible.

Charleton Zimmerman, Roosevelt Avenue – Mr. Zimmerman heard remarks on WGAL regarding the pile of dirt (now the grassy knoll) at Cocoa and Chocolate. Someone released a statement that Derry Township does not have a plan. Vice-Chairman Fedeli received questions from citizens about what is going to be done in that area so she inquired with the Foundation. They have ideas and concepts, but it is a work in progress. Supervisor Foley said it is a temporary staging area for the approach to the bridge. Mr. Clark added that it is part of a construction easement for the stockpile of soil that will be used in both approaches to the new bridge.

Mr. Zimmerman acknowledged the Commonwealth of Pennsylvania for calling out the Derry Township Police and providing a helicopter for the demonstration at the Giant Center. He understands there will be a reimbursement for the off duty officers and would like to know when that reimbursement will happen. He is tired of supporting the Hershey entities and not getting anything from it. Chief O'Rourke said there were multiple agencies from two or three different counties and nobody has requested we reimburse them for the overtime. Harrisburg City alone sent eight people and they have not asked for reimbursement. There were strike team members used through the South Central Task Force. We can apply for reimbursement through them for the strike team members, but that is a long drawn out process and does not happen overnight. Mr. Zimmerman wanted to make sure the officers were paid.

APPROVAL OF MINUTES

Chairman Abruzzo called for a motion to approve the Minutes of the April 25, 2012, Public Hearing of the Board of Supervisors. Vice-Chairman Fedeli made a motion to approve the Minutes as written. Supervisor Ballard seconded. Chairman Abruzzo abstained as he was not present. ***The motion carried, 4-yes 0-no 1-abstention.***

Chairman Abruzzo called for a motion to approve the Minutes of the April 25, 2012, Board of Supervisors Meeting. Supervisor Foley made a motion to approve the Minutes as written. Supervisor Ballard seconded. Chairman Abruzzo abstained as he was not present. ***The motion carried, 4-yes 0-no 1-abstention.***

NEW BUSINESS

A1-13 Authorization for the Chairman of the Board of Supervisors to execute a Grant Agreement with the Dauphin County Local Share Municipal Grant Program for the payment of a new Engine 48 Fire Truck for the Hershey Volunteer Fire Company (HVFC).

James N. Negley, Township Manager/Township Treasurer – Mgr. Negley said the Township applied for and was fortunate to receive \$240,000 in grant money from the Pennsylvania Race Horse Development Gaming Act. These funds are specifically earmarked for the payment of the new fire truck for the Hershey Volunteer Fire Company. In order to receive these funds, the Chairman must execute this agreement with Dauphin County. We will receive \$240,000, which will go directly to pay debt service for Engine 48. Our present debt service is \$638,119.00 and this grant will reduce the debt to \$398,119.00. The HVFC intends to reapply next year for the remaining balance.

Motion: A motion made by Supervisor Foley and seconded by Vice-Chairman Fedeli that the authorization for the Chairman of the Board of Supervisors to execute a Grant Agreement with the Dauphin County Local Share Municipal Grant Program for the payment of a new Engine 48 Fire Truck for the Hershey Volunteer Fire Company, is hereby approved. ***The motion carried, 5-yes 0-no.***

B1-12 Authorization for the Chairman of the Board of Supervisors to execute a Grant Agreement with the Dauphin County Local Share Municipal Grant Program to improve the intersection at Hersheypark Drive and West Chocolate Avenue.

James N. Negley, Township Manager/Township Treasurer – Manager Negley reported that the Township was again fortunate to receive \$100,000 in grant money derived from the Pennsylvania Race Horse Development Gaming Act. This money specifically will be used for traffic signal installation at the intersection of Old West Chocolate Avenue and Hersheypark Drive. This is in conjunction with the development of the Select Medical facility. The project cost for the traffic signal installation is \$260,000 and these funds will go towards that cost.

Motion: A motion made by Vice-Chairman Fedeli and seconded by Supervisor Ballard that the authorization for the Chairman of the Board of Supervisors to execute a Grant Agreement with the Dauphin County Local Share Municipal Grant Program to improve the intersection at Hersheypark Drive and West Chocolate Avenue, is hereby approved. ***The motion carried, 5-yes 0-no.***

C1-4 Consideration of releasing the remaining performance security and entering the maintenance security period for the Preliminary/Final Subdivision and Land Development Plan for the Hershey Center for Applied Research (HCAR), Plat No. 1091.

Chuck Emerick, Director of Community Development – Mr. Emerick said this release of security is for the first phase of the HCAR project. HRG has recommended releasing the funds and retaining a maintenance security.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Ballard that the Township releases the remaining performance security in the amount of \$178,184.70, supplied as Hershey Trust Company Letter of Credit No. 201, provided that maintenance security in the amount of \$80,715.00 is supplied in acceptable form and the standard Maintenance Security Agreement is executed for Preliminary/Final Subdivision and land Development Plan for the Hershey Center for Applied Research, Plat #1091, is hereby approved. ***The motion carried, 5-yes 0-no.***

D1-2 Adoption of Resolution No. 1336 designating the Township of Derry's intent to suspend banners across SR0422 announcing various events.

Jill Horner, Assistant Township Manager – Asst. Manager Horner said the Township received two more requests to suspend banners promoting events. We are required by PennDOT to approve the suspension of banners.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Ballard that the adoption of Resolution No. 1336 designating the Township of Derry's intent to suspend banners across SR0422 announcing various events, is hereby approved. ***The motion carried, 5-yes 0-no.***

CORRESPONDENCE – No correspondence to report.

BOARD/COMMITTEE INFORMATION –

Vice-Chairman Fedeli commented on the successful community cleanup day at the Kiss Hershey Back event held two week ago. This Board participated in different areas of the Township in various ways. She commended the Hershey Medical Center med students on their diligence and organization of the event.

REPORTS

Patrick O'Rourke, Chief of Police – Chief O'Rourke commented on the protest that took place on May 1. It went very smoothly resulting in no injuries, no property damages and no arrests. He reminded everyone that Police week is coming up to honor those officers that have been killed historically in the line of duty. A week ago, the State Police Memorial was held and yesterday the Memorial at the State Capitol sponsored by the State FOP was held. Five days of ceremony will be held at the National Memorial in Washington, DC.

Barbara Ellis, Hershey Public Library – Ms. Ellis reported that on Saturday, May 5th, our Eagle Scout candidate had a work day outside at the Library. Most of the Stan Ginder Memorial Garden has been planted and work is expected to be completed by the end of May.

Terry M. Weinhold, Manager of Accounts Payable & Accounts Receivable – Ms. Weinhold reported that preliminary reports for the month of April indicate revenues are coming in a little bit lower than anticipated, but the expenses are coming in at about 27½% versus 33% of budget. Chairman Abruzzo asked about the money coming in to replenish our reserves. Ms. Weinhold responded that the money is coming in and is growing in the checking account. If the Board directs her to do so, she can move some of the money into the Susquehanna money market

account or into another account. She anticipates at the end of the year, there will be some reserve to put away and will not have to depend on it to get through the year.

Matthew J. Mandia, Director of Parks and Recreation – Mr. Mandia said they are still accepting participant registrations for the Memorial Day Parade. Chairman Abruzzo has graciously agreed to be the emcee at the 11:00 AM Memorial Day Ceremony.

Matt Bonanno, HRG Township Engineer – Mr. Bonanno reported the following:

- The Township received the Park Boulevard GP11 for the underpinning work. The project is now complete.
- The construction is continuing on Mansion Road. They poured the concrete collar over the existing stone arch and are beginning to build the segmental retaining wall.
- The storm sewer installation will start again this week. They finished up with sanitary on “I” Street last week.

Chuck Emerick, Director of Community Development – Mr. Emerick said the Planning Commission met May 1 to discuss four items on their agenda. One was the Municipal Authority Building expansion that is proposed and they were recommended for a waiver of Land Development Plans since they have a very minor impact at the ground level. There was a small project at the school. The Sheetz Land Development Plan was tabled at that meeting with recommendations being granted on the waivers. Our flood ordinance was on the agenda. We have been required by FEMA to update the verbage of our flood ordinance. This happened prior to Tropical Storm Lee. The draft ordinance was recommended for approval by our Planning Commission. Mr. Emerick would like to have a public hearing on this Ordinance. The Board agreed to a Public Hearing at 6:45 on June 26, 2012.

Supervisor Ballard asked about the two homes on Hockersville Road that are looking worse than ever before. Mr. Emerick said the owner has no violation at present on the brick home. It is boarded up and there are no code issues. On the other home, a letter was sent to the owner and he is still within his timeline before we could take it back to the District Justice. Mr. Emerick said we have been very successful at the District Justice level with our enforcement because we play by the proper rules. Supervisor Ballard asked if the owner paid his fine from the DJ’s office. Mr. Emerick did not know. She asked that someone check it out.

James N. Negley, Township Manager/Township Treasurer – Manager Negley said in conjunction with the activity at the Giant Center on May 1, it was the first day our EOC was back in operation. He commended Chief O’Rourke and Tom Clark for the work they did in putting that together. The EOC is much better now than it was before the flood.

John Foley, Jr., on behalf of the Fire Company – Supervisor Foley announced that on Saturday, May 12, the Fire Company will be hosting its annual open house with the time honored tradition of the fire crew pushing fire apparatus back into the station.

APPROVAL OF ACCOUNTS PAYABLE (\$532,270.22) AND PAYROLL (\$306,520.51).

Supervisor Foley moved to approve accounts payable in the amount of \$532,270.22 and payroll in the amount of \$306,520.51. Vice-Chairman Fedeli seconded. ***The motion carried, 5-yes 0-no.***

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Rich Gamble, Hockersville Road – Mr. Gamble referred to the maintenance of the property on Hockersville Road. He thinks the owner should be held responsible for cutting the grass like everyone else.

Chairman Abruzzo said there were two gentlemen at the last meeting who raised the issue of a request from the School District to use Township tennis courts for the tennis team next year. Also, the Board received a request on April 25 from the School District requesting the Township split the cost of the School Resource Officer (SRO). On May 1, the Board responded by granting the request for the School District to use our tennis courts for the upcoming tennis season next year free of charge. We indicated to the School District that if they were going to need our courts for some period time beyond next year, we would need to enter into further discussions to work out any details.

In addition, they responded and denied the School District's request to fund the School Resource Officer at 50%. The SRO is an invaluable resource to our school to protect our students, teachers, administrators, etc., but the SRO is virtually a school employee. The support we asked the School District for to justify the increase in cost sharing was not persuasive. Although the cost sharing agreement right now is 75% for the School District and 25% for the Township, the Township also has the cost for training police officers have to do each year, the vehicle provided to the SRO, and the costs having the SRO employed by the Township. The request from the School District did not come before our budget approval and presentations; therefore, we do not have the additional funds they are requesting. We want to partner with the School District to do everything we can to reduce the tax burden to our taxpayers.

ADJOURNMENT

Supervisor Ballard moved to adjourn the meeting at 7:55 p.m. Supervisor Foley seconded. ***The motion carried, 5-yes 0-no.***

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary