

TOWNSHIP OF DERRY

BOARD OF SUPERVISORS MEETING

Tuesday, April 8, 2008
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The April 8, 2008 Township of Derry Board of Supervisors Meeting was called to order at 7:00 p.m. by Chairman, Michael H. W. Pries.

PLEDGE OF ALLEGIANCE

All present stood for the Pledge of Allegiance.

ROLL CALL

Supervisors Present:

E. Christopher Abruzzo, Township Secretary
Kelly C. Fedeli
August (Skip) T. Memmi, Jr.
George W. Porter, Vice-Chairman
Michael H. W. Pries, Chairman

Also Present:

Barbara S. Ellis – Director of Hershey Public Library
Jill E. Horner – Assistant Township Manager
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
Scott Stein – President, Hershey Fire Company
Terry Weinhold – Manager of Accounts Payable and Receivable
Jon A. Yost - Township Solicitor

Public Present: Elvira Ebling, Andy Loraw, Philip Shkuda, Al Brulo, Connie Boyd, Ralph Fisher

Press Present:

Jeff Werner - Hershey Chronicle
Daniel Victor – Patriot News
Drew Weidman – The Sun

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

EXECUTIVE SESSION

Chairman Pries announced the Board of Supervisors met in executive session to discuss land, legal, and personnel issues.

VISITOR/PUBLIC COMMENT:

Ralph Fisher, 935 Hill Church Road, Hummelstown – Mr. Fisher expressed concerns and accusations regarding the handling of Township money. Specifically, he mentioned the following that he stated he read in the Township’s newsletter:

- The Township financed a bond for \$9 million dollars, how can we have a surplus of all that money? He noted 2.76 million dollars were received by the Township, but he cannot find where it was spent.
- There must have been some pretty good number playing around or the Township Manager did an awful lot of fancy book work or lied.

Chairman Pries said he did not have the information that Mr. Fisher is referring to and asked that he be more detailed with his accusations.

Mr. Fisher continued:

- The Township manager challenged the department heads except the police department to hold spending to 4% increase. Revenues projected 3% indicating a \$131,000 deficit.
- The Township manager also states that the Township held the line on taxes for 12 years. Real estate taxes have not been raised for 21 years. What happened with the 9-year gap?
- The new Township Municipal building was completed on schedule. It states it came in \$500,000 under budget. It also states \$137,346 + \$7, 997 was removed from the project for paving and planting trees. This work was completed by the Public Works Department. Stated that the only cost to the Township was for material. However, the Township manager along with the staff also continued to take their salaries on schedule. It seems the money that was allocated for road improvements was hidden so the actual cost of the project would not be known.
- 2006 Budget – it states the financial year ended with a \$347,000 surplus and in the same paragraph there was a windfall of \$1.7 million.

Chairman Pries stated that every year Derry Township is audited by a third party and every year they receive a positive result of that audit. We are currently being audited for this past year. Chairman Pries said the results of that audit will be shared as any other audits in the past years. Chairman Pries said he stands behind the audits received and he stands behind the Township manager and directors in providing accurate information to the Board of Supervisors.

Township Manager Negley explained the 12 and the 20 years. He said real estate taxes were not raised to support the general budget since 1987. He also said real estate taxes were raised to support the capital budget in 1996. They are two different funds. Secondly, all the departments were held to the 4% and that included the police department. He addressed the \$300,000 surplus. He said the expenditures exceeded the budget and the revenues exceed the projections. The overall surplus was \$347,000.

Mr. Fisher mentioned Lt. O'Rourke's involvement in organizing a hockey game to benefit children of fallen officers. He asked if Lt. O'Rourke organized that game while on duty and if he used Township time while being paid for police officer work to do promotional work for sports. He said if Lt. O'Rourke did this benefit on Township time, not only he falsified records, but so did the Chief and Township manager. Mr. Fisher referred to a non-police victim who lost someone that served their Country, but there was no fundraising done for that person. He referred to the Township thinking of them as "scum." Chairman Pries told Mr. Fisher he was going in a direction that is inappropriate regarding his comments.

Mr. Fisher referred to the Hatch Act. He said when he ran for office the Hatch Act was in effect. He said his secretary/treasurer at the time worked for the state and had to resign because of this Act. He also said they would not allow him to put signs in two of his friend's yards because they worked for the state. Mr. Fisher said currently four of the supervisors work for the government and take two salaries.

Chairman Pries reminded Mr. Fisher they have had this conversation and he has also seen Mr. Fisher's letters to the editor. Chairman Pries reminded Mr. Fisher that he looked into it through the County solicitor as well as the Township solicitor and neither he nor the other three members of the Board are in violation of the Hatch Act.

Chairman Pries asked Chief Smith if he would like to comment. Chief Smith acknowledged that he did authorize Lt. O'Rourke at times while he was on duty to attend meetings relative to the benefit for children of fallen officers. He further said most of this was spent on Lt. O'Rourke's time as well as many other officers and employees.

APPROVAL OF MINUTES:

Chairman Pries called for a motion to approve the minutes of the March 25, 2008 Board of Supervisors meeting. Vice-Chairman Porter made a motion to approve the minutes as written. Supervisor Fedeli seconded. ***The motion carried 5-0.***

NEW BUSINESS:

Chairman Pries recognized both former members of the Board of Supervisors, Richard Lenker and Frank O'Connell. He presented them, on behalf of the citizens of Hershey and the Board of Supervisors, with the Community of Service Award and an official gavel for their dedicated service. Chairman Pries mentioned their political careers and the tremendous job they did representing the residents of Derry Township. Mr. O'Connell and Mr. Lenker expressed their gratitude for the recognition.

A1-10 Presentation by Recycle Bank to introduce this opportunity to serve the Township of Derry.

Supervisor Abruzzo made a motion to table this item due to insufficient information from which to proceed. The motion was seconded by Supervisor Fedeli. ***The motion carried 5-0.***

B1-10 Authorization for the Township Manager to enter into a contract with Emergency Communications Network's CodeRED Emergency High Speed Outbound Notification System.

James N. Negley - Township Manager/Township Treasurer – Manager Negley said the Board of Supervisors directed his office to proceed with the development of an emergency notification system as one of their top priorities. He explained CodeRED is a system that can contact Township residents or a specific area or region of the Township where the emergency is occurring. Manager Negley said they have received quotes from two companies that provide this service. The annual cost is \$10,000 with a guaranty not to raise this price as long as the Township remains a CodeRED client, with no interruption in service.

Supervisor Abruzzo further explained the ability of CodeRED to send out telephone calls, and also an ability to send out e-mail and text messages. Supervisor Abruzzo mentioned he has spoken to residents of Susquehanna Township and Camp Hill Borough who utilize this system and they said it was a huge success for notifying residents in emergencies. He referred to the ice storm in December to explain how this system would have made a difference with the communication.

Supervisor Fedeli echoed Supervisor Abruzzo's remarks. She reported the Township's website will be an opportunity for residents to enter their information (phone number, e-mail, etc.) and send the information to the Township's database. The goal is to notify as many residents as possible. Supervisor Abruzzo noted that there may be some people who do not want this notification from the Township and that will be their choice.

Supervisor Abruzzo made a motion to authorize the Township Manager to enter into a contract with Emergency Communications Network's CodeRED Emergency High Speed Outbound Notification System. The motion was seconded by Supervisor Fedeli. ***The motion carried 5-0.***

C1-10 The Preliminary/Final Subdivision Plan for Carter Plat No. 1141.

Edward L. Small – Director of Community Development – Mr. Small said this land exists along Church Road, approximately 2.2 acres in area. He explained it is rather lengthy in its width, in excess of 900 feet in that direction, but the depth is very shallow and in some places only 100 feet or less. The applicant sought relief from the Zoning Hearing Board for a front and rear yard minimum setback number so that he could build a house. The purpose of the plan is to allow the diminishment of three areas known as Lot 2, 3 and 4. The owners of these lots along Harvey Road, whose rear lot lines adjoin the parcel in question, asked the owner if he would be willing to part with some of the land so they could enlarge the depth in the area of their lots. Mr. Small said the purpose is not to create a new development, but to diminish Lots 2, 3, and 4, which will not be separately developed, but will be added to the respective lots as shown. He recommends the plan be considered for approval with the standard contingencies for

reimbursement for review costs and performance security. The curb and sidewalk issue agreement has been added on each of the waivers.

Vice-Chairman Porter asked if on Lots 2, 3 and 4 there would be a specific note saying those lots can never be developed with any houses. Mr. Small said the plan conditions include this.

Supervisor Memmi asked how the piece of lot behind them will be defined. Mr. Small said the corners will be marked and there will be buffering for landscaping at the right-of-way line of Church Road.

Solicitor Yost recommended it be a condition that they be required to record consolidated deeds and that it cannot be further subdivided without Township approval.

Vice-Chairman Porter moved to approve the Preliminary/Final Subdivision Plan for Plat No. 1141 with the conditions that each of the recipients of Lots 2, 3, and 4 will prepare a deed which consolidates their existing lot with the lot they are receiving and note that there would be no further subdivision in the future. Supervisor Abruzzo seconded. ***The motion carried, 5-0.***

D1-6 Consideration of entering into an agreement with the Hershey Trust Company, Trustee for Milton Hershey School, regarding stormwater management facilities proposed on lands represented by the Preliminary/Final Subdivision and Land Development Plan for the Hershey Center for Applied Research, Phase II, Plat No. 1135.

Supervisor Memmi moved to authorize the Township to enter into an agreement with the Hershey Trust Company, Trustee for Milton Hershey School, regarding stormwater management facilities proposed on lands represented by the Preliminary/Final Subdivision and Land Development Plan for the Hershey Center for Applied Research, Phase II, Plat No. 1135. The motion was seconded by Vice-Chairman Porter. ***The motion carried, 5-0.***

E1-5 Consideration of entering into an agreement with Milton Hershey School regarding stormwater management facilities proposed on lands represented by the Preliminary/Final Land Development Plan for the Milton Hershey School Transitional Living Housing Project, Plat no. 1145.

Supervisor Memmi moved to authorize the Township to enter into an agreement with Milton Hershey School regarding stormwater management facilities proposed on lands represented by the Preliminary/Final Land Development Plan for the Milton Hershey School Transitional Living Housing Project, Plat no. 1145. The motion was seconded by Vice-Chairman Porter. ***The motion carried, 5-0.***

F1-3 Consideration of the Release of the Maintenance Security for the Revised Final Subdivision Plan for Deer Run, Phase 4, Plat No. 998.

Edward L. Small – Director of Community Development – Mr. Small reported this was the end of the maintenance security following the acceptance of streets in Deer Run Phase 4. The maintenance security is \$57,310.73 and HRG inspectors have determined that the structural integrity of the installations is eligible to be released.

Vice-Chairman Porter moved to approve the release of maintenance security for the amount of \$57,310.73 in the form of Bond No. 39BCSCJ4531M for the Revised Final Subdivision Plan of Deer Run, Phase 4, Plat no. 998. The motion was seconded by Supervisor Fedeli. ***The motion carried, 5-0.***

G1-2 Consideration of the Extension of the Term of the Performance Security supplied for the Final Subdivision Plan for Deer Run, Phase 5, Plat No. 1047.

Edward L. Small – Director of Community Development – Mr. Small explained this is the final subdivision plan for Phase 5 of the Deer Run Development and is currently under construction. The statistics indicate that more than 50% of the lots have not started due to the general slowdown of building and the termination of the involvement of Shaffer and Son. This phase will need at least one year's extension of this security.

Supervisor Memmi moved to approve an extension of the term of the Performance Security supplied in the form of Insurance Bond No. 1015264 by Arch Insurance Co. for the Final Subdivision Plan for Deer Run, Phase 5, Plat #1047, at its current balance of \$127,708.73. ***The motion carried, 5-0.***

H1-3 Consideration of the Release of the Performance Security for the Revised Preliminary and Final Land Development Plan for the Hershey Medical Center Parking Garage, lot No. 1097.

Edward L. Small – Director of Community Development – Mr. Small explained this plan deals with the Medical Center parking garage. It revises the preliminary plan slightly and serves as a final plan for the current design of the parking garage. He reported a balance of over \$84,000 is being held in performance security. According to the inspections, everything has been installed. Mr. Small said there are no publicly owned facilities in this plan and, therefore, no required maintenance security.

Vice-Chairman Porter moved to release in full the performance security of \$84,931.09 in the form of Letter of Credit No. 18103188-00-000, supplied by PNC Bank for the Revised Preliminary and Final Land Development Plan for the Hershey Medical Center Parking Garage, Plat #1097. The motion was seconded by Supervisor Memmi. ***The motion carried, 5-0.***

I1-2 Request to conduct the Muscular Dystrophy Association Ride for Life XXI scheduled for Sunday, May 4, 2008, starting at 10:00 a.m.

William D. Smith – Chief of Police – Chief Smith shared that the Eastern Harley-Davidson Association asked for permission to conduct a benefit ride for life for the Muscular Dystrophy Association. This is the first time this organization has come before the Township. He stated there would be minimal impact and sees no problem with this.

Supervisor Fedeli moved to approve the request to conduct the Muscular Dystrophy Association Ride for Life XXI scheduled for May 4, 2008 starting at 10:00 a.m. over various State and Township roadways on a route approved by the Derry Township Police Department. Supervisor Abruzzo seconded the motion. ***The motion carried, 5-0.***

J1-2 Adoption of Resolution No. 1196 designating the Township of Derry’s intent to suspend banners across SR 0422 announcing various events.

Supervisor Memmi moved to approve the adoption of Resolution No. 1196 designating the Township of Derry’s intent to suspend banners across SR 0422 announcing various events. The motion was seconded by Chairman Pries. ***The motion carried, 5-0.***

K1 Adoption of a Resolution to approve the application of Hershey Entertainment Resorts Company for the Intermunicipal Transfer of a Retail Restaurant Liquor License for premises located at the Craft Barn Kitchen, Hershey Park, 100 West Hershey Park Drive, Hershey, Pennsylvania.

Solicitor Jon Yost said this was discussed at a public hearing held before this meeting. He requested the Resolution be adopted.

Supervisor Memmi moved to adopt the Resolution to approve the application of Hershey Entertainment Resorts Company for the Intermunicipal Transfer of a Retail Restaurant Liquor License for premises located at the Craft Barn Kitchen, Hershey Park, 100 West Hershey Park Drive, Hershey, Pennsylvania. The motion was seconded by Vice-Chairman Porter. ***The motion carried, 5-0.***

CORRESPONDENCE

Supervisor Fedeli reported on the SAMI system. She explained a letter was sent to Representative Payne with additional information on the problems with the system. She shared that she talked with him and he is reviewing the information. She is hopeful with the help of Rep. Payne and PennDOT they can get the system up and running.

Chairman Pries thanked Supervisor Fedeli for taking the lead on this item on behalf of the Board of Supervisors.

Supervisor Porter shared that on May 12th a representative from the Dauphin County Conservation District is going to tour a few of the flood plain areas. He said some of the Board would have liked to been part of the tour; however, that is the same day as a

conference which the whole Board is going to attend. He asked Mr. Small if he would give the Board a report at the next Supervisors meeting.

Mr. Small explained it as being a tour with the Conservation District first and then a visit at the Township after the tour. He said they would offer suggestions for improvements to our flood plain regulations, etc. He also said it is to be a service to the Townships rather than looking for any violations.

Supervisor Abruzzo mentioned a few weeks ago, Mr. Gamble, a resident of the Township had brought some issues to the Board's attention. Mr. Small, Chief Smith and Tom Clark were going to look into those issues and did so. Mr. Small has been in contact with Mr. Gamble.

Chairman Pries received a letter from a member of the Kiss Hershey Back Committee reminding and thanking the Township for their offer to participate in the event to clean up the Township on April 19th. He mentioned they are expecting a couple hundred people.

BOARD/COMMITTEE INFORMATION

There was no Board/Committee information to share.

REPORTS

Barbara S. Ellis – Director of Hershey Public Library – Ms. Ellis reported April 13-19 is National Library Week. She announced that Allegra Goodman, a national acclaimed author will be at the library on Sunday, April 13th at 2:00 p.m. On Friday, April 18th at noon the annual Volunteer Appreciation Luncheon will be held.

Matthew J. Mandia, Director of Parks and Recreation – Mr. Mandia announced that tomorrow evening the Parks and Recreation Advisory Board will meet to tackle three of the more important sections of the master plan which are: population density overview, potential residential growth areas, and potential acquisition zones. He mentioned he was contacted by one of the committees for the Kiss Hershey Back event. Mr. Mandia said they are working with them and coordinating some efforts around the Shank Park area.

Chairman Pries said they were contacted to look into the ownership of a sign to paint. Manager Negley said he responded to them today. The Township will supply the paint for one of the service organization signs coming into Hershey which is Rotary/Kiwanis. Chairman Pries remarked about the medical students, who haven't lived here their whole lives, but are taking much pride in the community and wanting to do this.

Jill E. Horner – Assistant Township Manager – Ms. Horner reported in addition to the CodeRED, mass e-mails will be able to sent out to residents as part of the re-design of the Township's web-site. She mentioned she has been working with Kelly and Chris to identify areas of the website that could use improvement and this was a feature they both felt were very important. Along with this feature, the new web-site will make information much more easily attainable to residents. The HOME page will have navigation buttons that will put them one click away from the most requested information. Ms. Horner said they have received proposals and on Friday, they will meet

with each of the design companies. It will take approximately 8 weeks to do the re-design and is expected to be launched by summer.

Supervisor Abruzzo said their goal is to create a dynamic web-site that gets a lot of information to the residents so they know what is going on in the community. He noted there is no duplicity about the ability to send e-mails from the web-site and the ability to send e-mails from CodeRED. He reiterated CodeRED is a public safety tool for the Police Department, Public Works, and the Township to communicate serious threatening emergency information to our residents. The web-site is for news, events, etc.

APPROVAL OF ACCOUNTS PAYABLE (\$425,154.29) AND PAYROLL (\$280,626.73).

Vice-Chairman Porter moved to approve accounts payable in the amount of \$425,154.29 and payroll in the amount of \$280,626.73. The motion was seconded by Supervisor Memmi. ***The motion carried, 5-0.***

VISTOR/PUBLIC COMMENT

Chairman Pries stated the following prior to Visit/Public Comment:

This Board of Supervisors encourages public participation. The public has the right to make public comments at Township meetings. Unfortunately, some people abuse that right and tonight was an example of that abuse. Claiming that employees of the Township lied and that the Township must think non-police victims are "scum," goes beyond what is fair and appropriate and will not be tolerated in the future and will be cause to terminate that person's right to public comment.

Philip Shkuda, 11 Fox Center Drive, Hershey – Mr. Shkuda thanked the Board for implementing the CodeRED system because it is really needed. He referred to the past ice storm where his power was out and his phone and internet were out. He expressed some concern with this being a telephone/internet based system because he would not have been notified during the ice storm. He mentioned his involvement in 911 in Manhattan with all the systems down. He said the CodeRED is not a 100% system and believes the Board needs to look at the next step. There are more inclusive ones that people can reach with just the battery powered radio or their car radio. He said in 2000, the FCC had a new class of radio station licenses called "low powered FM" for communities to use for emergency notification. Mr. Shkuda said there would be an upfront cost of \$10,000-15,000, but very little recurring cost. He also mentioned tourists who come throughout the year and the need to be able to alert them. He believes an emergency FM radio station would be the answer. He said currently he read the FCC has suspended giving out new licenses because they are redefining what the parameters are for the stations so more communities find it acceptable and get involved.

Chairman Pries thanked Mr. Shkuda for his comments and appreciated him bringing this to the Board. He said with the CodeRED system, it will put the Township in a much better place than previously. He asked the Township Manager to research Mr. Shkuda's suggestion and utilize Mr. Shkuda as a resource.

Connie M. Boyd, 1231 Swatara Road, Hershey – Ms. Boyd asked for clarification on Code RED. She wanted to know if there was any way the Township people could contact the Township. She mentioned she tried to get the Township’s web-site from the Library, but the older computers do not access it.

Barbara Ellis, Director of the Library explained they have had some problems with their computers since they changed servers. She shared that an IT person is coming in to look at other issues and she will let him know of this problem. She apologized to Ms. Boyd and said they will work on correcting this issue.

Supervisor Abruzzo said CodeRED does not replace the role that the utility companies or any other entity in the Township has in terms of customer service. CodeRED is a public safety tool that will notify residents if there are emergencies in the Township.

Chairman Pries added that CodeRED is not replacing 911. If you have an actual emergency, you need to dial 911.

Ms. Boyd inquired about the clean up with the Township. She asked if it included the Trust Company land for clean-up. Supervisor Fedeli said it includes the entire Township. Chairman Pries said it will be divided into sectors and people can work in their own neighborhoods. He does not know who all is involved, but anybody from the Township is more than welcome and encouraged to participate. He mentioned the Hershey Company is involved. He referred Ms. Boyd to www.kisshersheyback.blogspot.com for further information and to register to help.

Mr. Gamble thanked the Board for their quick response in getting back to him and for their interest in Hershey. He recommended using some of the organizations such as the Mohler Center to demonstrate to the elderly how the web-site works. He also recommended educating children in the schools so they can teach their parents how to use the web-site.

ADJOURNMENT

Supervisor Abruzzo moved to adjourn the meeting at 8:15 p.m. Supervisor Fedeli seconded. ***The motion carried, 5-0.***

Respectfully submitted by:

E. Christopher Abruzzo
Township Secretary

Brenda Van Deursen
Recording Secretary