

TOWNSHIP OF DERRY

BOARD OF SUPERVISORS MEETING

Tuesday, March 11, 2008
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The March 11, 2008 Township of Derry Board of Supervisors Meeting was called to order at 7:05 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:

Thomas R. Clark - Director of Public Works
Jill E. Horner – Assistant Township Manager
Matthew J. Mandia – Director of Parks and Recreation
James N. Negley - Township Manager/Township Treasurer
Edward L. Small –Asst. 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: Christine Brewster, Elvira Ebling, Bob Larson, Al Brulo, Bob Welsh, Jim Ingalzo

Press Present:

Daniel Victor – Patriot News
Jeff Werner - Hershey Chronicle

EXECUTIVE SESSION

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

VISITOR/PUBLIC COMMENT:

Bob Welsh, 421 Hilltop Road – Mr. Welsh stated he owned property at 128 Lucy Avenue located behind Isaac's Restaurant and the Howard Hanna real estate office owned by a Dr. Haas. He expressed concern with the drainage swale at the property that is filled with residue. After speaking with Dr. Haas, it was his understanding the Township is responsible

to maintain that swale. Mr. Welsh shared that a lot of his land is starting to wash away because of the swale filling up with sediment. He mentioned a significant hole has developed in that swale. He asked the Board for their help.

Chairman Pries asked Tom Clark if there was any historical information to provide. Mr. Clark said they have done work around Lucy Avenue over the years. Last fall he looked at it and there was a depression about a foot deep because of the swirling water. Mr. Clark said this is an ongoing maintenance issue that can be taken care of.

Vice-Chairman Porter asked the Solicitor if the Township has the responsibility or the right to go on the property. Solicitor Yost asked Ed Small to look at the plans for those areas and see if they were offered for dedication to the Township or if there were any conditions on the plan as to who is responsible for the maintenance.

Supervisor Abruzzo asked Mr. Welsh to specify what damage is occurring on his property. Mr. Welsh said there is a retention pond that was built in conjunction with the American Cancer society increasing their building. The water comes off the parking lots and filters into the retention pond. He explained it crosses Lucy Avenue and goes through the drainage swale which is filling up with sediment.

Ed Small shared that Dr. Haas stopped by his office with his property records. Mr. Small saw a survey drawing that shows a 20 foot wide easement surrounding the swale. Dr. Haas said he had some recollection of signing a piece of paper, but does not have a copy. Mr. Small will look for the easement agreement.

Chairman Pries directed Mr. Clark and Mr. Small to meet and update the Board within the next two weeks.

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

APPROVAL OF MINUTES:

Chairman Pries called for a motion to approve the Minutes of the February 26, 2008 Public Hearing and the Minutes of the February 26, 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:

A1-5 Consideration of the disposition of the security provided for road repair on Lingle Avenue for the Preliminary/Final Land Development Plan for Eastern Land and Resources Corporation, Plat No. 994.

Chairman Pries removed A1-5 from the agenda.

B1-4 Consideration of the release of a portion of the performance security supplied for the Preliminary/Final Land Development and Lot Consolidation Plan for 1129 Associates, LP, Plat No. 1114.

Mr. Ed Small, Asst. Director of Community Development – Mr. Small explained this property is occupied by the ARM Group. The Bank has notified the Township they

will not be renewing the Letter of Credit. HRG looked at the property to see what items need to be finished. They found very minor things. Mr. Small requested the Board to authorize staff to either accept an extension of the Letter of Credit at the reduced balance or for the substitution of an alternate acceptable form of security.

Supervisor Abruzzo made a motion to approve the release of a portion of the performance security supplied for the Preliminary/Final Land Development and Lot Consolidation Plan for 1129 Associates, LP, Plat No. 1114. The motion was seconded by Supervisor Fedeli. ***The motion carried 5-0.***

C1-54 Adoption of Resolution No 1195, a resolution authorizing the Chairman or Vice Chairman and the Township Manager to execute an agreement between the Township of Derry and Penn DOT for reimbursement under the Federal Transportation and Equity Act for the 21st Century in regard to the Lingle Avenue Intersection Improvement Project.

Mr. Jim Negley, Township Manger – Manager Negley said this agreement is between Penn DOT, the Township of Derry, and Palmyra Borough. It offers funding and reimbursement. There is \$2,206,460 available and, out of that, \$650,820.65 will be returned to the Township for reimbursement of right-of-way appraisals on the Lingle Avenue Project. The remaining \$1,555,639.35 will be shared between the Township of Derry and Palmyra Borough at 60% to 40% with the Township receiving \$933,383.61.

Supervisor Memmi made a motion to approve the adoption of Resolution No 1195, a resolution authorizing the Chairman or Vice Chairman and the Township Manager to execute an agreement between the Township of Derry and Penn DOT for reimbursement under the Federal Transportation and Equity Act for the 21st Century in regard to the Lingle Avenue Intersection Improvement Project. Supervisor Abruzzo seconded. ***The motion carried, 5-0.***

D1-40 Adopting Rules and Regulations for Tax on earned Income and Net Profits for the Derry Township Tax Association.

Mr. Jim Negley, Township Manger – Manager Negley explained the amended rules and regulations were formulated with the help of Solicitor Yost and adopted by the Derry Township Tax Association because of the recent challenge in defining net losses. The definitions in this new policy incorporate a better outlined description of net losses.

Supervisor Memmi moved to adopt the Rules and Regulations for Tax on earned Income and Net Profits for the Derry Township Tax Association. The motion was seconded by Supervisor Fedeli. ***The motion carried, 5-0.***

E Approve the Amended Easement Agreement which adds 60 feet by 60 feet along Wood Road and Waltonville Road.

Solicitor Yost explained the Township has a bicycle/pedestrian path easement along Wood Road and Waltonville Road. The proposal is to add an area of 60 feet by 60

feet that the Hershey Trust Company would provide to the Township. He asked the Board to approve an amended easement agreement.

Vice-Chairman Porter moved to approve the amended Bicycle/Pedestrian Path Easement Agreement to add an area of 60 feet by 60 feet. Supervisor Abruzzo seconded. ***The motion carried, 5-0.***

F Proposal for the Township and County Planning Commission to review the area on Middletown Road proposed to be rezoned from agricultural to commercial.

Supervisor Memmi explained there was a public hearing based on the totality of the site between Wood Road and Stoverdale Road on the east side of Middletown Road being commercial. They would like to reduce the commercial portion so as to stay balanced with the agricultural portion.

Supervisor Memmi made a motion to direct the acting-Community Development Director, Ed Small, and the Township Solicitor to submit a revised proposal to the Township and the County Planning Commissions reviewing the area proposed for rezoning from agricultural to commercial. Supervisor Abruzzo seconded the motion. ***The motion carried, 5-0.***

CORRESPONDENCE

Supervisor Abruzzo commented on a letter from Penn DOT regarding the SAMI Signal Project. He mentioned Penn DOT is reviewing our request and asked Mr. Clark what the next step would be. Mr. Clark said Penn DOT will notify him whether they intend to do anything. He explained if they do not do anything, the Township would incur the cost of hiring someone to get the system up and running.

Supervisor Fedeli shared that she spoke to Representative Rick Geist, Chairman of the House of Transportation Committee. She asked if he could assist with this. He suggested she work through the local representative, John Payne. Supervisor Fedeli spoke to Representative Payne who asked the Board to draft a letter outlining the concerns. He would then share it with Representative Geist. Supervisor Abruzzo asked the Township Manager, Jim Negley and Mr. Clark to draft a letter to send to Representative Payne.

Supervisor Abruzzo referred to the left-hand turn signal at Park Blvd. and Chocolate Avenue going eastbound. He asked Mr. Clark if it was possible to make an alteration to extend the timing of the green arrow. Mr. Clark said it was possible, but he is waiting to hear back from Penn DOT.

BOARD/COMMITTEE INFORMATION

Supervisor Abruzzo referred to the Parks and Recreation priority projects to be completed through the bond issue funds. He noted in the February 26th minutes of the Board of Supervisors' meeting Minutes a splash pad was listed on the priority list. Matt Mandia confirmed the splash pad should not be on the list. He reiterated items that are on the priority list, which include, renovations to locker rooms at the Recreation Center, pool furniture at the Recreation Center, park maintenance equipment, weight equipment for Granada Gym, and online registration.

Chairman Pries commended the Police Department, the Public Works Department and Penn DOT for their quick response to the sink hole along Hockersville Road.

Chairman Pries commended the Hershey Fire Department and Hummelstown Fire Department for their action at a fire on Locust St., where the lives of several of the residents were saved.

REPORTS

Scott Stein, President, Hershey Fire Company – Mr. Stein reported that the Fire Department has received Federal and State grant awards for their department. He shared they recently received a federal grant to upgrade their SCBA packs to allow for a greater accountability system to view the usage of the air. This will help the firefighters to detect the temperature which will enhance their safety. They additionally received a grant award which allows for evaluation and implementation of the recruitment and retention of firefighters as well as an overall planning aspect for the future. They also received a state grant to use for additional funds needed for the SCBA upgrades. He announced the total is a little over \$67,000.

Chairman Pries thanked Congressman Holden as well as Representative Payne for securing those funds on behalf of the Fire Department.

Matthew J. Mandia, Director of Parks and Recreation – Mr. Matt Mandia announced the installation of the playground at Shank Park has begun. He also announced that March 12th at 2:00 they will have their bid opening for the bicycle and pedestrian trail.

Chairman Pries thanked the Township Manager and Assistant Township Manager for actively checking costs related to the emergency notification system. This system will help in an event of a sink hole or flooding in the future.

APPROVAL OF ACCOUNTS PAYABLE (\$193,123.64) AND PAYROLL (\$266,358.02).

Supervisor Fedeli moved to approve accounts payable in the amount of \$193,123.64 and payroll in the amount of \$266,358.02. The motion was seconded by Supervisor Abruzzo.

The motion carried, 5-0.

VISTOR/PUBLIC COMMENT

No one came forward at this time.

ADJOURNMENT

Supervisor Memmi moved to adjourn the meeting at 7:35 p.m. Supervisor Fedeli seconded.

The motion carried, 5-0.

SUBMITTED BY:

E. Christopher Abruzzo
Township Secretary

Brenda Van Deursen
Recording Secretary