

**MEETING MINUTES**  
**BOARD OF SUPERVISORS, TOWNSHIP OF DERRY**  
**Tuesday, October 11, 2011**  
600 Clearwater Road, Hershey, Pennsylvania 17033

**REGULAR MEETING**

**CALL TO ORDER**

The October 11, 2011 Township of Derry Board of Supervisors meeting was called to order at 7:05 p.m. by Chairman E. Christopher 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 S. Ellis, Director of Hershey Public Library  
Chuck Emerick, Assistant Community Development  
John Foley, Fire Company  
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:** Elvira Ebling, Jay Robertson, Keith Heigel, Dominic Pavone, Anthony Pavone, Jason Wheeler, John Clinton, Chris Peters, Ron Lucas, Jean Schaeffer, Mark Shade, Wayne Schutz, Kathy Lutz, Nicole Kline, Tom Stang, Charleton Zimmerman, Harry Susi, Rich gamble, David Hogg

**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 issues.

**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

**Rich Gamble, Hockersville Road** – Mr. Gamble asked for the status of the Hockersville property. Mr. Emerick said the time has expired for the owner to clean up his property. Community Development contacted BWB Enterprises, a demolition contractor for quotes. During the course of BWB's viewing of the property, they found there is a stack of asbestos shingles behind the property. It will have to be cleaned up before BWB comes on the property because their fear is that the people will blame them for it. They are waiting for the

quote from BWB. Mr. Emerick said they received an estimate of \$2,000 to \$3,500 on shingle clean up from PCS. We are being proactive in getting costs for what it would take to proceed with the property, but we are hopeful the owner will take care of it. Chairman Abruzzo asked if there were any costs incurred by the Township. Mr. Emerick said any costs would be liened against the property. Solicitor Yost asked if we were keeping the owner advised as to what we are doing. Mr. Emerick said he is in contact with the owner.

**Charleton Zimmerman, Palmdale** – Mr. Zimmerman requested that the Solicitor and the Board direct that a reassessment be done for the Chocolate plant property since the use of occupancy changed. The value of the Chocolate plant is not going to change until it is reassessed. Chairman Abruzzo asked Solicitor Yost to take a look at it.

## **APPROVAL OF MINUTES**

Chairman Abruzzo called for a motion to approve the Minutes of the September 27, 2011, Public Hearing Meeting. Supervisor Pagliarulo made a motion to approve the Public Hearing Minutes as written. Vice-Chairman Fedeli seconded. Chairman Abruzzo abstained as he was not at the meeting. ***The motion carried, 4-Yes 0-No 1-abstained.***

Chairman Abruzzo called for a motion to approve the Minutes of the September 27, 2011, Board of Supervisors Meeting. Chairman Abruzzo abstained as he was not at the meeting. Supervisor Ballard made a motion to approve the Minutes with one correction: page 2, the third paragraph - remove the word “constantly monitor” to “monitor”. Vice-Chairman Fedeli seconded. ***The motion carried, 4-Yes 0-No 1-abstained.***

## **NEW BUSINESS**

### **A1-2 Consideration to proceed with a proposed Township Note for the Derry Township Municipal Authority to undertake flood related repairs and reconstruction at the Municipal Authority.**

**James N. Negley, Township Manager/Township Treasurer** - During the recent flooding in the Township, the Derry Township Municipal Authority suffered a catastrophic loss in their vital operations. In order to engage in rehabilitation and reconstruction, the Authority requires funding. Similar to the recent bond refinancing, the Authority will be able to receive the lowest interest rates and most favorable terms if the Township completes the borrowing on their behalf. The amount of the note will be \$6,000,000 and will be structured as a draw-down line of credit. The Authority will make payments on this note under an amendment to the Subsidy Agreement that is currently in place between the Authority and the Township. The new debt will not impact the Township’s borrowing capacity, as it will be considered subsidized debt. If the Board agrees to proceed with this, the Township Note Sale Ordinance would be considered at the October 24<sup>th</sup> Board of Supervisor’s meeting.

**Lou Verdelli, RBC Capital Markets** – Mr. Waters contacted Mr. Verdelli about the potential financing need and what was going to be the best financing solution to meet all of their objectives. The financing is low cost, is a variable rate loan, and provides prepayment flexibility. The concern is getting money as soon as possible into the account so the Authority can cover their costs and pay down the note as soon as possible to eliminate any interest expense on the money that they borrowed. The Township would be able to undertake the financing on behalf of the Authority. The Township has not utilized the \$10 million of bank qualification that is granted to small issuers on an annual calendar year basis by the IRS. We can also deem this loan as a bank qualified loan which helps keep the

interest rate lower. The Township's good credit rating will also help with receiving the lowest possible interest rate.

The RFP will be ready to go out tomorrow once it is approved by the Board. We have a tight turnaround to try to get funds to the Authority as soon as possible. We have applied for an emergency waiver through all the approval processes so that we can actually close before those approvals have taken place. This has been taken care of and we should be able to close the loan on November 1<sup>st</sup> before the DCD approvals are in place.

**Donna Kreiser, Law Firm of McNeese Wallace & Nurick, LLC** – Ms. Kreiser explained that the Township would need to issue a General Obligation Note pledging their taxing power to fund a project to be undertaken by the Authority. The Authority would enter into a Subsidy Agreement whereby they would agree to pay to the Township an amount equal to the debt service obligation bond of the Township's General Obligation.

**Motion:** A motion made by Vice-Chairman Fedeli and seconded by Supervisor Ballard that the Township Finance Team's authorization to prepare a Note Sale Ordinance borrowing \$6,000,000.00 for Derry Township Municipal Authority, is hereby approved.

**Motion**  
**carried, 5-Yes 0-No.**

**B1-4 Follow-up to a hearing regarding Zoning Petition No. 2011-01 to amend a portion of the Zoning Map from Agricultural/Conservation to Industrial and the request to amend the Derry Township Comprehensive Plan as filed by LIT Palmyra, LP, by LIT Holdings GP,LLC, by John Clinton, Vice President.**

**Chuck Emerick, Assistant Director of Community Development** – This property contains 19.98 acres and is located along Lingle Avenue. It is a portion of the property holdings of Hillwood Associates. The remainder of the property is improved with the General Mills' warehouses. A public hearing was held on July 8, 2011, but no decision has been rendered to-date. The applicant is requesting an opportunity to address some of the concerns raised at the Hearing. These concerns can be generalized as being traffic related.

**Gary Frederick, Represents Hillwood** – At the hearing in July there were a number of comments and questions. We asked for the opportunity to come back and provide some detail, background and history on what is going on with this property. It is our intent to bring this property into production, to rezone it to an Industrial Use and develop the property into a use similar to what is there today. We would like to make the investment in the community and create the jobs and the tax base that would go along with it.

**Keith Heigel, Heigel Associates** – The property is located in three different municipalities. They are asking to re-zone a portion of the property. The warehouse is approximately 380,000 square foot. In 1991, Derry Township approved a comprehensive plan. Within that plan, there was a preliminary transportation master plan created. Some of those objectives in the plan were to cooperate with the adjoining municipalities, coordinate with PennDOT and improve traffic circulation, and introduce appropriate design standards. Lingle Avenue was actually one of the cooperative type corridors because it involved PennDOT, Palmyra, North Londonderry and Derry Township. The tract has a rare ability to provide rail service.

There were 58 transportation priorities that were identified in the comprehensive plan. We

have identified that the majority of the objectives were actually completed.

General Mills occupies the two buildings that are currently in Lebanon County. They lead the transportation industry when it comes to looking at ways to be more effective, not only with the transportation, but also the moving of goods. In 2005, when they opened up, they currently had worked with 150 carriers. As of today, they work with 7 carriers. The benefits that that provides is consistency, action oriented to be able to communicate clearly, and the ability to put on restrictions.

Carlisle Carriers is utilized for the majority of General Mills. There are customers that pick up their own loads that are not contracted under Carlisle Carriers. Carlisle Carriers also works with the Intermodal Rutherford Yard on the other side of Hummelstown. They provide the direct rail service to the sites which accounts for the majority of the contracted inbound loads. Fewer carriers, means more load consolidation.

**Chris Peters, VP of Operations of Carlisle Carriers** – Carlisle Carriers is based in Mechanicsburg. We have been a carrier for General Mills for the past 4 years and have done business with them for 20 years. Their goal is to develop best practice in transportation. Carlisle Carriers acts as a logistic provider for General Mills to control traffic going in and out. We have reduced traffic by load matching. The loads come in by truck and they are matched with outbound shipments. We have cut the in/out activity from that facility drastically from the original plan by being able to improve utilization.

Regarding Lingle Avenue, it is important to clarify how trucks actually get directions. The route plans are sent by Carlisle Carriers. Our trucks are enabled with GPS devices and a voice navigation in each cab. It is managed by fleet managers in our system. We update a database that has more than 30,000 origin destination pairs. We serve 14 states and the navigation is very controlled. The drivers all see an alert and the voice navigation would alert them which way to turn, etc. It is very clear and controlled. The commanding control is from our central dispatch office.

Vice-Chairman Fedeli restated what Mr. Peters said that none of his trucks turn down North Lingle to get to the General Mills facility. Mr. Peters said there is no good reason for them to do so. It is a possibility someone makes a mistake, but our access route is almost entirely Rt. 81.

Chairman Abruzzo asked if Carlisle Carriers is one of the seven carries nationally. Mr. Peters said they were one of the seven carriers. General Mills chose to cut down on the number of carriers they were working with as a strategic initiative. They chose to work with a logistics and transportation business. We are the only carrier for the Northeast. There are long hauls carriers and Intermodal operators coming from cereal plants in the Midwest. Those are the additional trailers you would see on site, but they are among the seven. When you do business with General Mills you have to meet the minimum standards.

There were concerns that trucks traveling on the turnpike going east would go down Lingle Avenue to access 72. Mr. Peters said there is no good business reason to do that. They purposely route them through to Rt. 81.

Supervisor Moyer asked if the command and control system that Mr. Peters described is currently in place. Mr. Peters said it has been in place.

Supervisor Moyer said the main concerns are with truck traffic going southbound. If his command and control system is so good, those trucks that are going south must not be

under Mr. Peters command and control. Whose control are they under? Mr. Peters said with respect to his fleets and the fleets he knows and works with, it would be very impractical for them to have any reason to put a truck on that route. There are businesses and facilities south of Lingle Road that may need truck deliveries, but we have no reason to be there. It is possible the drivers could make a mistake and the turnaround for that mistake is difficult, but those circumstances could happen. We make about 14,000 truck transactions annually and the percentage they would be traveling on Lingle Road in that direction would be remarkably small. Mr. Peters assured that in every case an inquiry has been made to General Mills, they have reached out to Carlisle Carriers who researched it and we have not been involved in any of them.

Mr. Heigel explained that the rail services do minimize the truck trips and also helps control the actual routes. General Mills utilizes the intermodal rail system in Rutherford for their cereal plant. He said they were proactive with increasing signage to improve right turns rather than left. The owner has requested permits and four signs are now installed from the gate out to Lingle Avenue. The signs direct you to turn right.

**Nicole Kline** – It is important to discuss the 422 Lingle Avenue Project currently underway and what benefits the residents are going to see from it. We were able to obtain some traffic count information from PennDOT for the intersection. Obviously, it is closed today and we could not go out and do new counts. PennDOT did traffic counts in 2004 after the Hersheypark Drive extension was opened. The counts were done while they were doing the design for the intersection improvements. PennDOT had prepared a 2016 future traffic projections using historic growth rates.

A Traffic Operations Analysis was completed using the same traffic volume to show pre and post improvement conditions and show what the benefit will be to traffic operations once the improvements are completed.

The overall intersection delay for the pre-improvement condition during AM weekdays is almost a two minute delay. After the improvements there would only be a one minute delay.

The overall intersection delay for the pre-improvement condition during PM weekdays is almost a 6 minute delay. After the improvements, you are under a minute delay.

By adding these left turn lanes on all four approaches, there is a huge benefit to Lingle Avenue. Just on Lingle Avenue, the pre-improvement condition you experience about 4 ½ minutes delay, but with the improvements, it will cut down to a half of a minute delay.

Cuing goes along with the delay. In the pre-improvement condition in the morning on Lingle Avenue, you can experience cues as long as 900 feet in the northbound direction. In the post-improvement conditions, you are talking about 250 feet. In the PM, the heaviest direction on Lingle is southbound. In the pre-improvement condition, we are showing 624 feet and in the post improvement condition we are showing a little over 300 feet.

McMann Associates had completed the traffic study initially for the General Mills facility when it was brought to the Township for land development in 2003. In 2011, two counters were placed on the driveway and counted the actual facility's trip generation as it stands today. The following data was provided:

Total Trips	2003	Driveway Count	Proposed Expansion
-------------	------	----------------	--------------------

Employees	400	423	546
Trucks (in/outbound)	551	491	634

Ms. Kline mentioned that the General Mills operates about 1.3 million square feet today and the new property will be about 380,000 square feet.

	AM Peak Hours (7-9)			PM Peak Hours (4-6)		
	2003	Driveway Count	Proposed Expansion	2003	Driveway Count	Proposed Expansion
Employees	135	12	16	175	36	47
Trucks	54	20	26	32	39	50

Supervisor Moyer said there would be 160 more truck trips a day with the expansion. Ms. Kline said we are expecting a jump from 491 to what we counted a few months ago to 634 which is a 143 trip (inbound and outbound) increase on a daily basis. Mr. Peters said they are doing the matching, so that would be about 70 trucks on a daily basis in a 24 hour period.

A resident asked if a traffic study been done lately. Ms. Kline said unfortunately the intersection is closed and is expected to be closed for some time. For land development, a traffic study will need to be done, but this is just for the rezoning project. The resident was concerned with North Lingle.

**Attorney Lucas** explained that Carlisle Carriers is a majority carrier, but General Mills requires the same traffic control of their other carriers. They do not want their trucks tied up in traffic situations. They want to get them to the interstate 81. When you talk about customer pickup, you are talking about another large fleet like Wal-Mart and they are wanting to get to 81 as well. General Mills has done an excellent job in trying to control the traffic. The Intermodal facility is a direct route on Hersheypark Drive to 322 to get to the Rutherford Yard. That is increasing over the years.

This plan will provide jobs and a tax base situation. The impact would not be as great on the Township, but would be for the School District. That is because there would be no obligation on the School District. Because of the nature of the site, this will be a new assessment of the land in Dauphin County. Mr. Lucas asked the Board's consideration to authorize the advertisement of the ordinance and to schedule for a vote at a future meeting.

Chairman Abruzzo added that he does not think any of the residents on Lingle Avenue believe that there are hundreds of trucks coming down Lingle Avenue, but there are trucks that still continue to do so despite the signs and our police enforcement. The plans look good and there are many positive attributes to this development, but we still are not really solving the problem which is the tractor trailers going the wrong way. Chairman Abruzzo suggested they construct a physical barrier egress out of the building that only lets them go right. You could have a separate entrance/exit for the employees.

Mr. Frederick said he thinks it is possible on the outbound side. It would solve half of the issues. Chairman Abruzzo said the ability to deal with the offender is much easier when he comes into the General Mills facility. General Mills would stop them and take action. Mr. Peters said he does not believe the instances relayed to him were trucks serving General Mills.

Supervisor Ballard said you can make it physically impossible for a truck traveling north on Lingle Avenue to turn right into the driveway and you can make it physically impossible to

turn left out of your driveway. Mr. Frederick said it is a reasonable request, but it is easier said than done. They will take a look at it and get back to the Board before the next meeting as to whether they could implement a physical restriction.

Chairman Abruzzo said he knows that the General Mills facility doesn't have the authority to cite them, but a trucker driver is not going to come back and make a mistake twice if he is getting fined. Is there a way General Mills can enforce this even if there no physical change.

Mr. Lucas said they enforce this through the carriers. If a driver is in violation, General Mills can report it to the carrier. We will check with General Mills about the physical restriction as they are the tenant of that site. If the Board would be willing to schedule something now, they could have a definitive answer to the Board one way or another before the next meeting. If they don't have an answer, the Board could table it.

Chairman Abruzzo said they would take all this under advisement and communicate to Manager Negley. They are not ready to make a decision to advertise tonight.

### **C1-21 The Preliminary/Final Land Development Plan for Central PA Equities 13, LLC, Plat No. 1207.**

**Chuck Emerick, Assistant Community Development** - This plan is being processed to gain approval for the construction of a new Fairfield Inn & Suites – Marriott hotel on West Areba Avenue. The property is comprised of seven different tracts of land. The applicant proposes to join all but three of them together to create a single lot containing 2.354 acres. The applicant is proposing to remove the two existing buildings to create a limited services hotel with parking. The hotel will contain 108 rooms.

A transportation impact study was prepared by Traffic Planning and Design, Inc.(TPD) It is anticipated that the 108 room hotel will result in 884 weekday trips (442 entering and 442 exiting). According to the study, this will create 60 new weekday AM peak hour trips, 64 new weekday PM peak hour trips, and 78 new Saturday mid-day peak hour trips. Mr. Emerick explained further the current levels of service and the estimated delays during AM and PM hours.

The report also states that installation of a traffic signal would be necessary to achieve PennDOT's level of service criteria; however, the report also notes that the traffic signal warrants were analyzed and do not satisfy PennDot's policy on build-out of the site. TPD does not believe PennDOT would approve a signal at the intersection of Hockersville Road and West Areba Avenue.

The property was subject to relief granted by the Zoning Hearing Board. This relief was related to the number of parking spaces. The ZH Board determined that 107 standard parking spaces, 5 handicapped-accessible spaces, and 5 loading/unloading spaces are adequate to serve the needs of the hotel.

Waivers were requested and recommended for:

1. Requirements for the cartway widening on Hockersville Road and a portion on W. Areba Avenue. Areba Avenue requires no waiver of width as it already exceeds the minimum width required by our ordinance.
2. Curbing along Hockersville Road – recommend deferral pending development of Lots 2, 4, &4.
3. Installation of sidewalks.

4. Stormwater, sanitary, water and gas facilities – standard waiver.
5. Volume controls.
6. Planting strip between the curb and the sidewalk. This is directed at the existing facilities along Areba Avenue to maintain the present look.

Supervisor Ballard asked Mr. Emerick to explain the planting strip waiver. Mr. Emerick said typically there is a beauty (planting) strip required between a curb and a sidewalk. In this case, there is a beauty strip provided along Mill Street. The applicant is proposing a beauty strip along Hockersville Road for the new sidewalk. On Areba Avenue with the road being wider than what our ordinance requires, the sidewalk today is pretty much against the right of way line. To provide the beauty strip, it would require pushing the sidewalk onto private property.

Supervisor Ballard asked if we are missing out on a green strip that can be planted with trees. Mr. Emerick said he asked for a few plans for projection, but he does not have the landscaping plan.

Supervisor Ballard asked if there wouldn't be enough pervious coverage if they move the sidewalk onto their property. Mr. Emerick said today the sidewalk is in the street right of way so that impervious area does not count as impervious area on their private property. If the sidewalk was relocated onto their private property, it would be a stormwater consideration and an impervious lot coverage consideration.

Mr. Emerick said when this plan came before the Planning Commission there were a series of comments made and a majority of those comments have been addressed. Mr. Emerick read the recommendations and requirements requested in order for the plan to be approved.

Supervisor Ballard asked if there will be one tree planted for every 8 parking spaces. Mr. Emerick said there would be.

Chairman Abruzzo asked if the trees to be planted would create a canopy over time to help help mitigate some of the stormwater. He asked that consideration be given for this in their landscaping plan. Mr. Emerick stated the ordinance requires we have a two and half inch caliber trunk which is a pretty substantial tree.

Supervisor Moyer asked if the plan and the variances requested are going to adequately address stormwater drainage. Mr. Emerick said this plan is designed to interface with our stormwater project. Mr. Bonanno added that other than not infiltrating water into the ground, it meets all the other requirements. They have three rain gardens on site. In addition he asked them to provide a little more storage and a cistern that will capture all the roof top runoff. There are also improvements being made along Areba Avenue. The existing headwall that discharged water right onto the road will be piped to the system. There are a lot of drainage improvements, but not a lot of retention being done. They meet all requirements and Mr. Bonanno asked them to go above and beyond on a few things which they have done.

Vice-Chairman Fedeli asked how the trips compared when the Township Building was there vs. the new hotel. Jason Wheeler from TPD said the 2005 traffic study counted approximately 12 more trips in the PM peak hours and 9 more trips in the AM peak hours when it was Township property than what will be generated by the hotel site proposed.

**Motion:** A motion made by Supervisor Pagliarulo and seconded by Supervisor Ballard that The Preliminary/Final Land Development Plan for Central PA Equities 13, LLC, Plat No.



1207 is approved subject to the following:

- a. That the applicant reimburse the Township for costs incurred in reviewing the plan no later than November 11, 2011.
- b. That performance security be provided no later than April 11, 2012 to guarantee the completion of required improvements.
- c. That a digital copy (DXF format) of the plans be provided no later than April 11, 2012.
- d. That a letter be provided from the Dauphin County Conservation District approving the erosion and sedimentation control plan no later than April 11, 2012.
- e. That a copy of the NPDES permit be provided no later than April 11, 2012.
- f. That the PADEP approval letter for the sewage facility planning module application mailer request for sewage planning exemption be provided no later than April 11, 2012.
- g. That the seal of the engineer certifying the lighting design be provided on the plan no later than April 11, 2012.
- h. That a legal description deed of dedication and accompanying exhibit be provided no later than April 11, 2012 for the right-of-way dedications being offered to the Township.
- i. That the signed and executed temporary construction easement on the Leisure Lanes of Lancaster, Inc. property be provided no later than April 11, 2012.
- j. That documentation be provided no later than April 11, 2012 for the infeasibility of meeting current ADA requirements for any handicap ramp that is not consistent with current standards.
- k. That the applicant address the October 6, 2011 comments of the Derry Township Municipal Authority no later than April 11, 2012.
- l. That the applicant provide grading and an easement necessary for the future extension for the last 19 feet coming up against the adjacent property on Hockersville Road.

It is further moved that the following waivers are granted from the Subdivision and Land Development regulations and the Stormwater management regulations:

- a. From Section 185-22.D.(3) as a deferral of requirements regarding widening the cartway width of Hockersville Road, subject to the applicant entering into an agreement with the Township no later than April 11, 2012, which would allow the Township to require the widening in the future if deemed necessary.
- b. From Section 185-22.E as a deferral of the requirement to install curbing along Hockersville Road for Lots 2, 3, and 4 subject to the applicant entering into an agreement with the Township no later than April 11, 2012 which would allow the Township to require the curbing installation in the future if deemed necessary.
- c. From Section 185-34.A as a deferral of the requirement to install sidewalk along Hockersville Road for Lots 2, 3, and 4; and for a portion of Lot 1 near the northwest corner of the site, subject to the applicant providing a final grading design for the continuation of the sidewalk; providing all easements necessary to construct the extension in the future; and entering into an agreement with the Township no later than April 11, 2012 which would allow the Township to require sidewalk installation in the future if necessary.
- d. From Chapter 185, Appendix E to allow the sidewalk to vary in height relative to the top of the curb.
- e. From Sections 185-12.D.(3).(a).[21], 185-12.D.(3).(a).[22], 185-12.D.(3).(a).[23]; 185-13.E.(4).(a).[19], 185-13.E.(4).(a).[20], 185-13.E.(4).(a).[21], to be permitted to profile

- only those existing stormwater, sanitary, and water and gas facilities affected by the development.
- f. From Section 174-13 regarding volume controls.
- g. From Section 185-24.A. regarding providing a planting strip between the curb and the sidewalk.

**Motion carried, 5-Yes 0-No.**

**D1-9 Authorization to execute an Agreement between the Harrisburg Regional Chamber and CREDC, the Grantee, and Sub-Grantee Hershey Center for Applied Research, Inc., for itself and for the benefit of its ground lessee Hershey Research Two, LLC and the Township of Derry.**

**James N. Negley, Township Manager/Township Treasurer** – CREDC is the Grantee and recipient of a Redevelopment Assistance Capital Program grant funding in the aggregate amount of \$6,000,000 to be used for building enhancements at Hershey Center for Applied Research (HCAR) that would permit and accommodate recently signed new research tenants. Derry Township, as the local taxing entity, is responsible for authorizing the project by execution of this agreement and is obliged to reimburse the Commonwealth for any and all reimbursements that may be ineligible. This agreement also provides that HCAR agrees to hold the Township harmless and indemnifies the Township against claims.

Manager Negley said we did this before for HCAR. HCAR is developing the facility to enhance the new tenants. We are just guaranteeing the RCAP.

**Motion:** A motion made by Supervisor Fedeli and seconded by Chairman Abruzzo that authorization to execute an Agreement between the Harrisburg Regional Chamber and CREDC, the Grantee, and Sub-Grantee Hershey Center for Applied Research, Inc., for itself and for the benefit of its ground lessee Hershey Research Two, LLC and the Township of Derry, is hereby approved. Supervisor Pagliarulo abstained from voting. **Motion carried, 4-Yes 0-No 1-Abstained.**

**E1-2 Authorization to enter an agreement for the supply of electricity.**

**Jill Horner, Assistant Township Manager** – Ms. Horner distributed a cost analysis report on four different companies. The electric prices change daily and are only guaranteed for a maximum of two days. The Township’s current rate with Constellation New Energy is .077, but does not include a gross receipt tax and transmission adjustment. The prices per kwh on the analysis are as follow:

Company	Cost	Notes
Central Pennsylvania Energy Consortium	.08	(price through Champion)
Centerpoint Energy Services, Inc.	.06936	(price through GDF Suez)
On Demand Energy	.07744	(price through Hess Energy) They thought they could get a better price if they got it for the biggest accounts. The price is just for our seven largest accounts. .08788 is the price for the remaining 46 accounts.
Municipal Utility Alliance	.07519	(price through Constellation New Energy – our current supplier)

	This is the first year we have been allowed to shop prices for our street lights. They gave us a separate price for those which are two accounts for .06156.
--	--

After asking questions and getting prices that included all the same things, Ms. Horner said that CenterPoint Energy is the lowest price, but she said she was not comfortable with going with the lowest price because she felt we don't have an alliance or association representing us and looking out for the Township's best interest and this lowest price actually comes from a company in France. These electric contracts are written so loosely and have so much room for them to make adjustments throughout the year that she thinks we should be cautious.

Ms. Horner recommended we go with our current company, Constellation New Energy. Through talking with all of the companies, she originally thought we weren't going to see much of a variation or have much of a savings, but we will. She does not have the savings based on what we pay now, but she will email that information to the Board tomorrow. We are getting the best price with street lights through them. Ms. Horner said we will have to lock in rates for any of the companies or she can get prices again in two weeks. Constellation New Energy will lock in for 13 months for all of our electric accounts.

Supervisor Moyer asked what the percentage breakdown of street light accounts versus the non-street lights is. Ms. Horner said we are talking 858,000 kwh in comparison to over 4.5 million.

Supervisor Pagliarulo suggested directing Ms. Horner to do some additional research. Ms. Horner said we received the prices today and we will need to get back to them by tomorrow. She added that Constellation New Energy is our current provider and they are the lowest of the other three and there will be a significant savings since last year.

**Motion:** A motion made by Supervisor Moyer and seconded by Supervisor Pagliarulo to instruct Ms. Horner to proceed with Constellation New Energy contract, is hereby approved. **Motion carried, 5-Yes 0-No.**

**F1-4 Adoption of Resolution No. 1315, providing for the assessment of the cost and expense of the maintenance of street lights within the Township of Derry, pursuant to Section 2003 (a) of the Second Class Township Code, as amended, and also providing for the collection thereof.**

**Jill Horner, Assistant Township Manager** – Every year the Township recoups their cost for paying for the street lights throughout the Township. They discount it by 10% to justify that other people also benefit and not just the people paying the assessment for being 200 feet from a light. This resolution has the per foot rate for each circuit or development. Throughout the year there were actually two decreases in price from PPL and then later in the year there was a rather large increase. A lot of these rates did go up from 1 to 12%. They will be billed with Dauphin County's tax bill next year.

**Motion:** A motion made by Vice-Chairman Fedeli and seconded by Supervisor Ballard that Resolution No. 1315, providing for the assessment of the cost and expense of the maintenance of street lights within the Township of Derry, pursuant to Section 2003 (a) of the Second Class Township Code, as amended, and also providing for the collection thereof, is hereby approved. **Motion carried, 5-Yes 0-No.**

## **G1-9 Award of contract to provide engineering and related services for the Mansion Road culvert and road repair.**

**Thomas Clark, Director of Public Works** – In September, Tropical Storm Lee did some substantial damage to a culvert carrying the tributary of Spring Creek as well as a substantial watershed down across the Country Club area and into Palmdale. The associated runoff took out the wall on the downstream side of Mansion Road as well as half of the southbound travel lane. We met with HRG and representatives of the Trust Company and Entertainment since they are closely involved. This is a proposal for engineering services to prepare the limestone walls on the upstream and downstream of Mansion Road with a segmental wall, reconstruct the road, and install any guide rails that need be installed after the reconstruction of the road is complete. It will be tied into the existing walls and driveways that are there. The cost of the work is \$59,500.

**Motion:** A motion made by Supervisor Pagliarulo and seconded by Vice-Chairman Fedeli that the Township is authorized to accept the proposal from HRG in the amount of \$59,500 for engineering and related services for the Mansion Road culvert and road repair, is hereby approved. ***Motion carried, 5-Yes 0-No.***

## **H1 Authorization to conduct the 64<sup>th</sup> Annual Hershey Halloween Parade on Tuesday, October 25, 2011 at 7:00 p.m. The severe weather make-up is on Wednesday, October 26, 2011 at 7:00 p.m.**

**Matthew J. Mandia, Director of Parks and Recreation** – Mr. Mandia explained the small change in the route this year due to the construction on Chocolate Avenue between Cocoa and Ceylon. The change will be that the parade will turn right onto Cocoa, an immediate left onto Caracas, past the Theater, and then back to the east lot of the Hershey Company. The new route has been coordinated with the Police Department.

**Motion:** A motion made by Supervisor Ballard and seconded by Supervisor Pagliarulo that authorization to conduct the 64<sup>th</sup> Annual Hershey Halloween Parade on Tuesday, October 25, 2011 at 7:00 p.m. The severe weather make-up is on Wednesday, October 26, 2011 at 7:00 p.m, is hereby approved. ***Motion carried, 5-Yes 0-No.***

## **I1-2 Request to hold the 2012 Hershey 10K race to be held on Sunday, April 15, 2012 at 7:00 a.m.**

**Patrick O'Rourke, Chief of Police** - Representatives from Hershey Entertainment and Resorts are planning to hold their inaugural Hershey 10K Run. The net proceeds will be donated to the Ronald McDonald House. This is the first time for the event which will have a maximum of 2,500 participants. Due to the nature and the time involved, roadways will need to be closed and traffic detoured for the safety of the participants. Road closures should be no longer than 1 to 2 hours. On-duty police officers and community service officers will be utilized and some off duty police officers. The event organizers are aware of the Township's policy on cost reimbursement.

Supervisor Ballard noted this is a Sunday morning and asked them to reach out to the Hershey Ministerium. Jay Robinson from HE&R shared that he did some preliminary fact finding with the Ministerium and will minimize any issues.

**Motion:** A motion made by Supervisor Moyer and seconded by Supervisor Ballard that

the request to hold the 2012 Hershey 10K race to be held on Sunday, April 15, 2012 at 7:00 a.m, is hereby approved. **Motion carried, 5-Yes 0-No.**

### **J1 Request to hold the Shalom House, Halloween Hustle 5K Run on Saturday, October 29, 2011 starting at 9:00 a.m.**

**Patrick O'Rourke, Chief of Police** – Representatives from the Shalom House are planning a 5K Run. The Shalom House is a non-denominational emergency shelter for women and their children supporting the Harrisburg area. This is the second time this event is being held in Derry Township. On duty officers will be utilized for this event and the event organizers are aware of the Township's policy on cost reimbursement.

**Motion:** A motion made by Supervisor Ballard and seconded by Vice-Chairman Fedeli that the request to hold the Shalom House, Halloween Hustle 5K run on Saturday, October 29, 2011 starting at 9:00 a.m., is hereby approved. **Motion carried, 5-Yes 0-No.**

### **K1-3 Adoption of Resolution No. 1316 designating the Township of Derry's intent to suspend banners across SR0422 announcing various events.**

**Jill Horner, Assistant Township Manager** - This resolution would approve four requests for banners.

**Motion:** A motion made by Supervisor Ballard and seconded by Supervisor Pagliarulo that adoption of Resolution No. 1316 designating the Township of Derry's intent to suspend banners across SR0422 announcing various events, is hereby approved. **Motion carried, 5-Yes 0-No.**

### **L1 – Approval of Stipulation of Settlement regarding lots close to the Arena and the Giant Center.**

**Solicitor Yost** said that several years ago, Hershey Entertainment & Resorts combined 4 or 5 lots close to the Arena and the Giant Center. This increased the assessment value substantially. After much discussion, a compromise of \$30,000/acre was arrived at instead of \$10,000/acre. We will still get a \$20,000 increase in assessment.

**Motion:** A motion made by Supervisor Ballard and seconded by Supervisor Moyer that a proposed settlement of \$30,000 per acre for the lots close to the Arena and the Giant Center, is hereby approved. **Motion carried, 5-Yes 0-No.**

**CORRESPONDENCE** – No correspondence to report.

**BOARD/COMMITTEE INFORMATION** – Supervisor Ballard reported that the Comprehensive Planning Update Committee offered a chance to sign up for a raffle for anyone who completed the survey online. This is the first week to pick a raffle winner. Supervisor Moyer drew the first name for a free CAT bus ticket. The recipient was Erin Moran. Chairman Abruzzo drew the second name for a \$25 gift certificate to Devon's Restaurant. The second recipient was Carol Gisselquest.

### **REPORTS**

**Patrick O'Rourke – Chief of Police** – We had a good week with the antique auto show. It went very smoothly.

**John Foley – Representative, Fire Company-** The Hershey Fire Company continues to work on the FEMA reimbursement request forms. In about 3 to 4 weeks, Rescue 48 will be in service. This is National Fire Prevention month and we have more than 3,800 youth registered for fire prevention.

Chairman Abruzzo shared that FEMA did approve Pennsylvania for public assistance funds for Tropical Storm Lee. Whether it relates to the Municipal Authority or the Township, we will be eligible for that funding to offset the damages done to the public buildings and our resources.

**Thomas Clark – Director of Public Works** – We are still in the midst of some repairs from Tropical Storm Lee. We have prioritized things and have incorporated leaf collection.

**Barbara Ellis, Hershey Public Library** – Our redesign project should be completed by the end of October. There is an event planned for November 6<sup>th</sup> – Rediscover the Hershey Public Library – to celebrate Isabelle Lesanec and the work that has been done at the library.

**Terry M. Weinhold – Manager of Accounts Payable & Accounts Receivable** – Ms. Weinhold reported that expenses paid to-date for Tropical Storm Lee were \$149,000. We received upfront money from the insurance company of \$200,000. The bulk of the money that we have paid out has been for sink hole repairs.

**Matthew J. Mandia – Director of Parks and Recreation** – This Saturday, October 15<sup>th</sup> beginning at 9:00 AM we are having a volunteer clean up at Bullfrog Valley Park. In addition to the parade, on Saturday, October 22<sup>nd</sup>, we will hold our annual arts and crafts fair with approximately 173 vendors.

**Matt Bonanno, Township Engineer** – There is a preconstruction meeting scheduled for tomorrow. Within 5 days, we will have a schedule from the contractor and then we can update the Board and website to notify them of the progress of areas when they will start.

Chairman Abruzzo said that Vice-Chairman Fedeli and he met with representatives at the HMC to discuss some of the flooding issues that occurred. They have been very active with residents in those neighborhoods to discuss stormwater matters.

**Chuck Emerick, Assistant Community Development** – Mr. Emerick met with FEMA representatives today to get a plan together. There are 26 properties remaining posted as dangerous and 12 posted as condemned. We are working with at least one person into the buyout program to avoid the repetitive loss. This property is adjacent to Cocoa Hotel. He asked for direction from the Board to get Sheetz on the agenda for the next meeting for the car wash. The Board agreed to put it on the agenda for the October 24<sup>th</sup> meeting.

**Jill Horner – Assistant Township Manager** – Ms. Horner has been documenting costs to submit to FEMA. There is an informational meeting next week. She asked the Directors to let her know before the meeting if they have any questions for FEMA .

Chairman Abruzzo suggested Ms. Horner contact Mr. Watters at the Authority regarding using their FEMA consultants. The consultants have been very helpful with completing the forms and using the right language to maximize our coverage.

**James N. Negley - Township Manager/Township Treasurer** – On October 17<sup>th</sup> at 6:00 PM, Dianna Reed will do a seminar for our residents regarding tax deductions for flood damage.

**APPROVAL OF ACCOUNTS PAYABLE (\$352,879.26) AND PAYROLL (\$288,122.04).**

Vice-Chairman Fedleli moved to approve accounts payable in the amount of \$352,879.26 and payroll in the amount of \$288,122.04. Supervisor Ballard seconded. ***The motion carried, 5-Yes 0-No.***

**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

No one came forward.

**ADJOURNMENT**

Supervisor Ballard moved to adjourn the meeting at 9:15. Supervisor Pagliarulo seconded. ***The motion carried, 5-Yes 0-No.***

SUBMITTED BY:

---

Marc A. Moyer  
Township Secretary

---

Brenda Van Deursen  
Recording Secretary