

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS
SPECIAL MEETING

Monday, September 8, 2010
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The September 8, 2010 Township of Derry Board of Supervisors Special Meeting was called to order at 6:05 p.m. by Chairman E. Christopher Abruzzo.

ROLL CALL – All Present

E. Christopher Abruzzo, Chairman
Sandy A. Ballard
Kelly C. Fedeli, Secretary
Marc A. Moyer

Also Present:

Scott Stein – President, Fire Company
Marie Sirkot – Administrative Assistant
Jon A. Yost - Township Solicitor
Brenda Van Deursen - Recorder

Public Present: Elvira Ebling, William Noonan, Dave Buffington, Sheri Melnick, John Foley, Rich Gamble, Jim Ingalzo

Press Present: Sheri Melnick for the Patriot News

Purpose of Special Board Meeting:

The purpose of this meeting to accept the resignation of Michael Pries as Township Supervisor, discuss the vacancy created by his resignation, the process to fill that vacancy, and the possible appointment of a successor to fill the vacancy.

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

Chairman Abruzzo invited public comment on the limited issue for which we are holding this meeting.

VISITOR/PUBLIC COMMENT

No one came forward.

NEW BUSINESS:

1. Accepting Resignation of Michael H. W. Pries as a Township Supervisor.
 - a. Mr. Pries resigned his position as a Township Supervisor and Chairman of the Board. Chairman Abruzzo commented the Board is sorry to see Mr. Pries leave, but they are very happy for his appointment to the Board of

Commissioners. Mr. Pries was a valuable asset to the Board of Supervisors and to the community.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Moyer to accept the resignation of Michael H. W. Pries, Township Supervisor. ***The motion carried, 4-0.***

2. Vacancy on the Board of Supervisors

- a. Under the Second Class Township Code, the Supervisors are to select a resident from the Township to fill the unexpired term of a vacancy on the Board of Supervisors.

Discussion:

Supervisor Fedeli: Given the time period we are in as a Township, both the projects we will encounter in the near future as well as the time left in Mr. Pries unexpired term which is a little over a year, we should do what the Township has done many times throughout history and that is to appoint the individual currently serving on the Township's Vacancy Board, Mr. Todd Pagliarulo. Mr. Pagliarulo has served in this capacity many times throughout the history of the Township. He comes with a great background, varied experiences in the Township, both with the entities, various community groups and organizations, and various elected officials. He has a working and active knowledge of many of the projects the Township is currently involved in. Todd Pagliarulo would serve the Board and the community very effectively.

Supervisor Moyer: In terms of the importance of making this as seamless a transition as possible, given the timing of Mr. Pries departure and given his own relative inexperience on the Board, it would be in the Township's best interest to have someone fill out the term who has a working knowledge of the issues so that the learning curve is not so great. His inclination is to appoint Todd Pagliarulo for that position for those reasons so as to minimize the transition period.

Supervisor Ballard: According to the law, we have 30 days from August 30th, the date of Mr. Pries' resignation. She encouraged the Board to open up the process to invite people to submit resumes and letters of interest. A few resumes have already been received. After all the resumes are collected, she does not know who she would vote for, but she would like to see all the different opportunities we have. A big project we will be undertaking over the next few years is updating the Comprehensive Plan. It would be wonderful if we had someone on Town Council, or in another state or community who could give us another perspective. We have very professional well-trained staff that would be available to assist the new Board member. It is disappointing to see uncontested elections. We could give people two weeks to submit their resumes, a chance to come to the meeting on the 14th, and then hold a meeting after that to vote.

Chairman Abruzzo: It took me a full year sitting on the Board to truly understand and comprehend the diverse number of issues that Township Supervisors face. Not only to get up to speed with the current projects that were before the Board, but to get up to speed on all the prior projects that were coming to fruition in our community. For that reason, we should select someone for this short time who has had experience serving on this Board and dealing with the issues we deal with and who is familiar with the large number of

transportation projects we are undertaking now. If the remainder of Mr. Pries' term was longer than the short term it is, I would be for opening up this position to get as much interest as possible in the community. It is not fair to appoint someone to this Board who is only going to sit for a little over year learning on the job. For that reason, I am against opening up the interview process. This Board voted in January by unanimous vote to appoint Todd Pagliarulo to the Vacancy Board. He is more than capable to sit on the Board and be an active member. He has been an elected Supervisor and appointed more than one time to fill vacancies and has done an admirable job.

Chairman Abruzzo asked for a motion. Supervisor Ballard clarified that in her comments it is important to know that it is the process she is talking about not the person. She understands Todd Pagliarulo will be a tremendous benefit to the community, but she feels we should take a more open approach in terms of the selection.

Supervisor Moyer said he was overwhelming impressed with the incredible diversity and talent of the residents of Derry Township while campaigning for the position on the Board. He wondered what the drawback would be in considering all the individuals who are interested in the position over the next week or two. We should explore the possibility of continuing to receive the resumes of interested parties. He is not sure the short delay will really hamper anything.

Chairman Abruzzo agrees there are a lot of talented people in the Township that can do this job and next year they will have an opportunity to run and be elected by the people to serve for 6 years.

Supervisor Fedeli said a handful of people have expressed interest and each of them would bring unique skills and abilities and perspectives to the Board. But Todd Pagliarulo will bring an overall package at this point. In addition to working with the entities, he has certification in emergency management, and lives and works in the Township.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Moyer to allow a two week delay to request resumes for consideration of the vacancy position on the Board of Supervisors.

Mr. Gamble spoke out stating the public should have an opportunity to give input. After some discussion, Chairman Abruzzo graciously allowed Mr. Gamble and others from the public to offer their comments even though Chairman Abruzzo had already afforded them the opportunity prior to the Board's discussion.

Rich Gamble - Mr. Gamble said he voted for everyone on the present Board, but he believes it should be opened up to the public to give them the opportunity to serve. He is concerned of any conflict of interest with Todd Pagliarulo since he is the Chief of Staff for John Payne.

Chairman Abruzzo said the members of this Board are elected by the people in this community. When there is a vacancy, it is the Board's responsibility to appoint a member to the Board. The meeting was held tonight to hear community input. When he opened it up for Visitor/Public comment, not one person stood up to voice any concerns about it. Appointing someone for a three-year term is one thing, but appointing someone for a year is different. The only person who submitted his name to the Vacancy Board was Todd

Pagliarulo. Supervisor Fedeli added that others could have indicated an interest to serve on the Vacancy Board at the beginning of the year, but Mr. Pagliarulo has been the only one interested.

Mr. Gamble asked what other alternative way is available to select a replacement under the Bylaws of the Township. Supervisor Fedeli referred to the Second Class Township Code. Manager Negley explained the Second Class Township Code requires the appointment by the Board of Supervisors within 30 days of their vacancy. Chairman Pries resigned effective August 30th. We have until September 30th to fill the position. The position is filled by a majority vote of the Board of Supervisors.

Chairman Abruzzo reminded Mr. Gamble that three years ago this Board of Supervisors reduced the number of the supervisors sitting on every Board in the Township so we could open it up to more citizens to be on those Boards. We have had more citizen involvement in the last three years than ever.

Bill Noonan, Randall Circle – Mr. Noonan agreed that Todd Pagliarulo is more than qualified, but there are a lot of qualified people in the community. What Supervisor Ballard is asking for is two weeks to advertise for interested candidates and Supervisor Moyer already mentioned that there is staff capable to assist. If two weeks is not enough time to advertise for interested candidates, then he is in agreement with appointing Todd Pagliarulo. It is possible Mr. Pagliarulo will still be the choice, but the extra time will allow the community the opportunity.

Scott Stein, 148 West Granada Avenue - Mr. Stein wondered if you are going to advertise and open it up, if you are handicapping that person if that person is looking to run for the elected position after next year. This person would be learning on the job, handling all the responsibilities that the Supervisors have, and campaigning for office. He is also concerned about the meeting on the 14th and the possibility of tie votes on agenda items and not having the fifth person to break the tie.

Supervisor Moyer commented that those who are interested now and in being elected next year need to understand the potential risks of being an incumbent supervisor when it comes time for election. Because with that comes a lot of baggage for a lot of different reasons. Both Supervisors Moyer and Fedeli have asked Todd Pagliarulo his intention of running next year for a six-year term. Mr. Pagliarulo has no intention to run.

Chairman Abruzzo asked for a vote for the motion made by Supervisor Ballard and seconded by Supervisor Moyer. ***The motion failed, 2-2.***

A motion made by Supervisor Fedeli and seconded by Chairman Abruzzo to fill the vacancy of the Board of Supervisors by Todd Pagliarulo. ***The motion failed, 2-2.***

John Foley, Front Street – Mr. Foley said it seems to him it was just evidenced why this delay could actually fail the members of the Township. The infrastructure is in place...a Vacancy Board was created for a specific purpose for when a member leaves. Supervisor Ballard stated according to the Municipal Code, the Vacancy Board's purpose is if the Board cannot come to an agreement within 30 days then the Vacancy Board which includes the 4 remaining Supervisors and Todd Pagliarulo will make that decision because they cannot be tied.

Supervisor Fedeli said our purpose in being elected is two-fold. We are to represent the citizens of this Township and we are also to be trustees of this Township. The decision here tonight is a decision of the Board. We certainly welcome public input and discussion among Board members, but this is not an election. It is an appointment of the Board. We need to act as trustees of the Township and as one of those trustees; I believe we are making a very sound and reasonable decision by appointing the individual who serves on the Vacancy Board. When the election time comes, the residents will have the ability to elect whomever they want.

Chairman Abruzzo said unless another motion is made, we will run the 30-day course and have the Vacancy Board select the person. We have a lot of major projects occurring and we would do someone from the community a disservice to put them on for such a short period of time. He asked for a motion for an adjournment.

ADJOURNMENT

Supervisor Fedeli moved to adjourn the meeting at 7:00 p.m. Chairman Abruzzo seconded.
The motion carried, 4-0.

SUBMITTED BY:

Kelly C. Fedeli
Township Secretary

Brenda Van Deursen
Recording Secretary