

**DERRY TOWNSHIP INDUSTRIAL & COMMERCIAL DEVELOPMENT
AUTHORITY
235 HOCKERSVILLE ROAD, HERSHEY PENNSYLVANIA 17033
August 17, 2006
MINUTES**

CALL TO ORDER

The August 17, 2006 meeting of the Derry Township Industrial & Commercial Development Authority was called to order at 5:30 p.m. by Chairman J. Scot Chadwick.

ROLL CALL

Board Members Present:

J. Scot Chadwick – Chairman
Richard E. Lenker, Jr.
August (Skip) T. Memmi, Jr. – Secretary

Board Members Present:

Todd K. Pagliarulo – Vice Chairman
Michael H. W. Pries

Also Present:

Jeff Foreman (*Foreman & Foreman, P.C.*) – Solicitor

Public Present:

Dave Boyer - Buchart Horn, Inc. / Basco Associates
Dave Lavery – HE&R
Bruce Yerger – Buchart Horn, Inc. / Basco Associates

PUBLIC COMMENT

No discussion.

APPROVAL OF MINUTES

Motion: Mr. Lenker moved and was seconded by Mr. Memmi to approve the following Minutes:

August 17, 2006

Public Meeting

Motion carried, 3-0.

INTERMODAL TRANSPORTATION FACILITY PROJECT UPDATE

Construction Update (Buchart/Horn)

Mr. Boyer noted the following:

1. There is a holdover of \$15,000 from Phase I regarding the final payment to Lobar. Buchart Horn is waiting for the extended warranty documentation. The line striping has been redone.
2. DTICDA is still holding \$10,000 from Phase 2 regarding the demolition pending resolution of the issue of the fence being removed early, before substantial completion is completed. A pile of soil was removed and stockpiled and can be reused in Phase 3. Buchart-Horn is trying to negotiate a credit because it wasn't removed by Pflumm, plus a credit from Lobar because they can use it in Phase 3.

Contracts with HE&R (Foreman)

A limited notice to proceed with Phase 3 was issued to the contractors 8/7/06 to not work within 50 feet of Norfolk/Southern Rail Road. Buchart-Horn is trying to resolve the agreement in place between the railroad and DTICDA because of the inaccuracy of some of terms. They are trying to get the terms altered.

Solicitor Foreman said old language was included by Norfolk/Southern which requires DTICDA to obtain some general railroad liability coverage which is essentially not available. It is Solicitor Foreman's opinion the change in language will not be a problem however it may slow down the process. Bob Shuster, Klett Rooney Lieber & Schorling, was asked to intercede as was Buchanan Ingersoll Rooney, the representatives of the railroad.

FTA TEAMWEB Reauthorization Resolution (Foreman)

Motion: Mr. Memmi moved and was seconded by Mr. Lenker authorizing Buchart-Horn to obtain reauthorization to access FTA's application web site to update the grant application.

Motion carried, 3-0.

Mr. Memmi asked if there were any issues from HE&R. Mr. Lavery responded no. He also noted the first owners' meeting was held earlier today, and that a meeting would be held every two weeks.

Mr. Memmi asked how Phase I is doing with regards to Hooligans. Mr. Lavery indicated there were some problems with the customers locating the correct exit. He noted signs have been installed and that there is plenty of parking.

NEW MUNICIPAL COMPLEX PROJECT CONSTRUCTION UPDATE **(BOYER)**

The Executive Summary Report No. 5 for the municipal complex was presented for review and noted the Clearwater Road shoulders should be paved 8/18/06.

Motion: Mr. Lenker moved and was seconded by Mr. Memmi to approve change orders for the following:

1. CH&E – a credit amount of \$75,548.
2. Pagoda – an add amount of \$16,801.51.
3. Tomko – an add amount of \$6,307.46.

The result of these changes will be a net credit for DTICDA in the amount of \$52,439.03.

Motion carried, 3-0.

Mr. Memmi attends the meetings every two weeks and noted the issues are fully vetted from all sides. Buchart-Horn and the contractors are working on the best way to implement the changes.

Mr. Memmi noted the following:

1. Changes were made as a request from the staff.
2. The contingency hasn't been touched.
3. Costs have been reduced due to the diligence of the Township Manager and Tom Clark at Public Works.

Mr. Memmi asked if Buchart-Horn was going to guarantee Pennsy Supply will be onsite 8/18/06 to complete the paving on the shoulders. Mr. Burger responded yes. Mr. Memmi stated that if it isn't completed 8/18/06 he would like to see DTICDA's consultants to file a time claim on the paving project. It is well beyond the expectation of DTICDA and the BOS as to the completion of the project which should have been completed one month ago. If it is not completed 8/18/06 DTICDA will seek damages from CH&E and Pennsy Supply for holding up the project.

County Wireless Tower Contract (Foreman)

Solicitor Foreman noted the contract was approved at a previous meeting. The tower will be used by Derry Township, DTICDA, and DTMA provided it wouldn't interfere with the county's activities. The agreement should be executed by the next meeting.

Mr. Memmi asked if associate organizations would allow the fire department to access by using a repeater. Mr. Lenker responded the fire department's system will be run by the county.

Mr. Memmi was previously told the fire department will continue to keep a few radio bands. Mr. Lenker said the fire company will keep the radios which can be utilized and that they shouldn't have to worry about repeaters.

CURRENT MUNICIPAL BUILDING PROJECT

Ground lease/Derry Lodging Limited (Foreman)

The agreement has been executed and will be submitted to the Township.

NEW BUSINESS

Shared parking ordinance

Motion: Mr. Memmi moved and was seconded by Mr. Lenker authorizing the Chairman to sign a letter of endorsement to the Planning Commission and the Board of Supervisors supporting a shared parking ordinance relevant to the Intermodal Center and the downtown parking issue.

Motion carried, 3-0.

Turning lanes by the municipal complex

Mr. Lenker wants the police to review the turning lanes at the municipal complex prior to the final phase of the intersection.

Mr. Negley noted Mr. Clark has met with PennDOT and asked for a change in the traffic signal. The line bars will be moved back.

Pole on Clearwater Drive

Mr. Negley will ensure a bollard is in place to protect the first utility pole on Clearwater Drive.

EXECUTIVE SESSION

Chairman Chadwick noted an Executive Session would immediately follow this meeting to discuss legal issues.

ADJOURNMENT

Motion: Mr. Lenker moved and was seconded by Mr. Memmi to adjourn the meeting at 6:10 p.m.

SUBMITTED BY:

James N. Negley
Manager/Secretary/Treasurer

Janiece W. George
Recording Secretary