

**DERRY TOWNSHIP INDUSTRIAL & COMMERCIAL DEVELOPMENT  
AUTHORITY  
235 HOCKERSVILLE ROAD, HERSHEY PENNSYLVANIA 17033  
JANUARY 19, 2006  
MINUTES**

**CALL TO ORDER**

The January 19, 2006 meeting of the Derry Township Industrial & Commercial Development Authority was called to order at 4:55 p.m. by Michael H. W. Pries.

**ROLL CALL**

***Board Members Present:***

J. Scot Chadwick – Chairman  
Richard E. Lenker, Jr.  
August (Skip) T. Memmi, Jr. – Secretary Departed 6:00 p.m.  
Michael H. W. Pries

***Board Members Absent:***

Todd K. Pagliarulo – Vice Chairman

***Also Present:***

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

***Public Present:***

Paul McNamee – Bucharthorn, Inc. / Basco Associates  
Robert L. Shuster – Klett Rooney Lieber & Schorling

**PUBLIC COMMENT**

No discussion.

**APPROVAL OF MINUTES**

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

December 28, 2005

Public Meeting

***Motion carried, 4-0.***

## REORGANIZATION OF DERRY TOWNSHIP INDUSTRIAL & COMMERCIAL DEVELOPMENT AUTHORITY

**Motion:** Mr. Memmi moved and was seconded by Mr. Lenker to Lenker to nominate the following officers:

Chairman	J. Scot Chadwick
Vice Chairman	Todd K. Pagliarulo
Secretary	August (Skip) T. Memmi, Jr.
Manager/Treasurer/Assistant Secretary	James N. Negley
Solicitor	Jeff Foreman (Foreman & Foreman, P.C)

**Motion carried, 4-0.**

### NEW TOWNSHIP MUNICIPAL COMPLEX DEVELOPMENT

Mr. McNamee distributed a hand-out regarding the municipal complex project which included the names of the contractors, project team members, and project schedule. Mobilization date will be during February, 2006, substantial completion is 3/30/07, with the final completion date scheduled for 4/30/07.

Buchart Horn will provide project updates on a regular basis to DTICDA, the Township, and the web master for the Township. Information will also be included in the Township newsletters. Minutes from all meetings relating to this project will be provided to DTICDA.

Mr. McNamee will provide information at the next meeting for the implementation at the site of a web cam.

Buchart Horn will contact representatives of MHS to obtain their perspective regarding the newly configured Clearwater Drive and compensation for intersection improvements.

Mr. Memmi suggested a ground breaking ceremony for the project.

Both Mr. McNamee and Mr. Negley indicated the subject should be placed on next month's agenda until it was determined when the actual date would occur.

Mr. Lenker agreed the process should start immediately. Pavone will be contacted regarding the event.

### REPORT/UPDATE, INTERMODAL TRANSPORTATION FACILITY PROJECT (BUCHART/HORN)

Mr. McNamee reported the final punch list items for Phase 1 are being worked on. Buchart Horn needs direction regarding the Redevelopment Assistance Capital Program application. Mr. McNamee asked the state if DTICDA should pull or revise the application. The state responded the application should be revised to reflect exactly

what the money will be used for. A decision from DTICDA is needed within the next few months. An agreement is needed between DTICDA and the Township for the demolition of the laundry building.

Mr. Lenker asked Mr. McNamee to provide Mr. Negley and Mr. Keiser with the weight limits for the ITF.

### **ROBERT L. SHUSTER – KLETT ROONEY LIEBER & SCHORLING**

Attorney Shuster requested DTICDA change their federal representation from Washington Strategies to Klett Rooney Lieber & Schorling. He noted his firm would be able to secure additional funding for the municipal complex. Rates for Mr. Shuster's firm would range from \$6,500 to \$7,500 per month plus expenses. There would be different masters for each project, i.e. one for DTMA, one for the Board of Supervisors, and one for DTICDA. A fee structure would be implemented per project. Ancillary charges would be included for each project.

Mr. Memmi noted while Washington Strategies has been successful in obtaining federal funding, the problem has been with their reporting to DTICDA the initiatives they are working on. Would Klett Rooney Lieber & Schorling be able to provide reports and schedules?

Attorney Shuster responded affirmatively, noting his firm keeps their clients abreast of all activities, including a weekly newsletter reflecting the different committees and appropriations. Klett Rooney Lieber & Schorling is based out of Harrisburg, with another office located in Washington, D.C. He also noted there is a March deadline for submitting appropriations requests.

**Motion:** Mr. Pries moved and was seconded by Mr. Lenker directing Solicitor Foreman review the current contract with Washington Strategies; that DTICDA moves forward to approve the relationship with Klett Rooney Lieber & Schorling for services as presented by Attorney Shuster.

**Amended motion:** Mr. Pries moved and was seconded by Mr. Lenker to delete the previous motion and moved for the separation of the current contract with Washington Strategies pending Solicitor Foreman's review to comply with terms as they exist.

**Motion carried, 4-0.**

**Motion:** Mr. Lenker moved and was seconded by Mr. Pries to approve the contract of Klett Rooney Lieber & Schorling based upon Solicitor Foreman's review and approval; the contract not to exceed \$7,000 per month plus expenses; the Klett Rooney Lieber & Schorling contract will not take effect until the Washington Strategies contract is severed; services would be provided by Klett Rooney Lieber & Schorling to obtain funding for both the ITF and the municipal complex projects. Compensation to Klett Rooney Lieber & Schorling will not begin until the contract has been approved, however, engagement will begin immediately.

**Discussion:** Mr. Memmi asked if the services would include all agencies, i.e. Transit and USDA, or whatever vehicle would be considered a possibility. Attorney Shuster responded affirmatively.

Mr. Memmi also asked, given the window of opportunity for appropriations, and that Washington Strategies contract will expire, will Klett Rooney Lieber & Schorling have a plan within the next 30 days for what DTICDA is going after with the appropriations committees. Mr. Shuster responded engagement would begin immediately.

**Motion carried, 4-0.**

Mr. Pries asked Attorney Shuster if when Washington Strategies found out their contract was being terminated, was it possible that some money would be sent back to appropriations.

Attorney Shuster responded he is not concerned because of Washington Strategies' professionalism with DTICDA, the relationship his firm has with them and the congressional delegation that would be concerned about DTICDA's interests.

### **CAPITAL AREA TRANSIT – letter dated 1/4/06**

The letter from Dick Miller, Capital Area Transit Chairman (CAT), regarding their Strategic Plan, dated 10/26/05, was presented to DTICDA members.

Mr. Memmi noted a shortfall of \$1,725 a month due to Hershey Company withdrawing from the coalition effective 1/1/06. CAT is trying to engage Hummelstown Borough to become a partner in this effort.

Mr. Memmi requested Mr. Negley also work with CAT regarding discussion with Hummelstown Borough to bring them onboard even if it is at a potentially reduced rate. Mr. Memmi also asked if the Manager could increase DTICDA Board's compensation to the program. His rationale for both requests is that DTICDA has an intermodal facility, a federal transit, under federal contract. If there is no public transit coming to the site DTICDA will lose the money.

This is a CMAC project. The coalition is putting up 20%, DTICDA is retaining 80% funding through Congestion Management from federal transit. Estimated monthly costs for DTICDA would increase to \$3,400 from its current \$1,750.

Mr. Memmi stated discussions are underway with Hershey Company for them to stay in the coalition, giving that one of their private contractors is now contracted with CAT to provide specific bussing for its repack center on Derry Road. Hershey Company is utilizing the service even though they aren't aware of it.

**Motion:** Mr. Memmi moved and was seconded by Mr. Lenker for DTICDA to continue support of the coalition to provide public transportation to Derry Township with the caveat that DTICDA's contribution will increase to no more than \$3,500 a month from its present \$1,750. The Manager is directed to negotiate with CAT and the Borough of Hummelstown for some sort of participation to allow them a pickup point within the

Borough. This item will be placed on DTICDA's February meeting agenda for further discussion.

**Discussion:** Mr. Lenker prefers to discuss this in an Executive Session and would like this to be placed on the agenda next month. He concerned where the revenue will be generated to meet the increase, that DTICDA should solicit others to help offset the increase, and terms of agreements.

Mr. Memmi said there is an agreement in place indicating DTICDA's responsibility to make the payment each month. The contract expires in June.

Solicitor Foreman noted the document would have to come before DTICDA prior to approval.

Mr. Chadwick questioned if there would be a danger of losing transportation to the Township. Mr. Memmi responded it's possible and would occur when CAT stops running the busses. If the amount is reduced, then CAT could eliminate some of the trips or get rid of them altogether. This could occur in June when the contract expires.

Mr. Pries echoed the concerns of others and questioned if it were possible some other company would withdraw from the coalition. Mr. Memmi responded yes.

Mr. Memmi explained Hershey Foods line itemed this budget issue to their Government Relations line item when it should have been placed in the Human Resources line item. DTICDA is trying to engage the CEO or President of Hershey Chocolate to get it reinstated.

***Motion carried, 4-0.***

## **HERSHEY AREA PLAYHOUSE**

Mr. Pries said Hershey Area Playhouse inquired about their donation request of \$25,000. Mr. Memmi noted the Playhouse was approximately \$100,000 short of their goal. He requested a full account of DTICDA money that is available for these requests.

Mr. Negley said DTICDA is spending too much money and not seeing a return. He is cautious about committing additional funds.

Mr. Memmi said in some respects DTICDA is an economic development vehicle, noting DTICDA has spent money in the past to promote activities, i.e. the Reese's Cup. He agrees with Mr. Negley's concern regarding expenses. A suggestion would be money received from Giant Center in lieu of taxes.

Mr. Foreman and Mr. Verdelli will review and provide an update at the next meeting.

Mr. Negley will contact Susan Cort from the Hershey Area Playhouse and let her know it's still under discussion.

**DERRY TOWNSHIP NEW YEAR'S CELEBRATION**

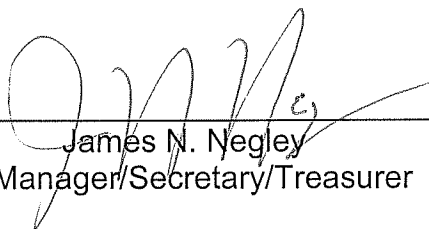
Mr. Pries thanked the Township, Todd Pagliarulo, the 100 members of the New Year's Eve committee, and DTICDA for their efforts with the very successful New Year's Eve celebration. He indicated there were no police incidents relating to the festivities. Approximately 7,000 – 10,000 were in attendance.

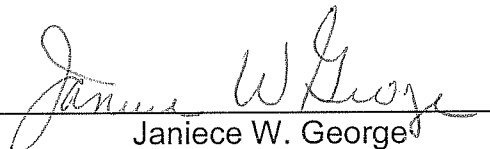
**ADOURNMENT**

***Motion:*** Mr. Lenker moved and was seconded by Mr. Pries to adjourn the meeting at 6:07 p.m.

***Motion carried, 3-0.***

**SUBMITTED BY:**

  
James N. Negley  
Manager/Secretary/Treasurer

  
Janiece W. George  
Recording Secretary