

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING MINUTES**  
**DECEMBER 18, 2018**

**CALL TO ORDER**

Chairman Marc A. Moyer called the December 18, 2018 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:04 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. An executive session was held prior to the meeting to discuss legal and land use. He advised that all public meetings are recorded for providing accurate notes. After the Pledge of Allegiance, a roll call was conducted.

**IN ATTENDANCE:**

**SUPERVISORS**

Marc A. Moyer, Chairman  
Matthew A. Weir, Vice Chairman  
Justin C. Engle, Secretary  
Susan M. Cort

**ALSO PRESENT:**

Christopher S. Christman, Township Manager  
Jill Henry, Assistant Township Manager  
Jon A. Yost, Township Solicitor  
Chuck Emerick, Director of Community Development  
Robert Piccolo, Assistant Director of Public Works  
Garth Warner, Chief, Police Department  
David Sassaman, Hershey Volunteer Fire Company  
Matthew Mandia, Director of Parks and Recreation  
Cheryl Lontz, Manager of Payroll and Employees  
Jeff Cothren, Hershey Public Library  
Lauren Zumbrun, Economic Development Manager  
Josh Sheetz, HRG Engineer  
Julie Echterling, Recorder

**Public in Attendance:**

The following were in attendance: Robert Naeye, Larry Moyer, Jerry Shank, Linda Eyers, Payne Eyers, Jenna Wise, Chuck Crandall, Linda Crandall, Scott Searer, Ashlynn Searer, Theresa Searer, Anne Searer, Helen Searer, John Gundermann, Roberta Smith, Steve Smith, Chris Fencel, MaryAnn Curtain, Susan Moravetz, Rob Myers, Janet Roberts, Jordan Yeagley, Carol Nay, Robert Weilman, Bob Change, Bob Welch, Chuck Speigle, Jeanna Kendra, Josh Sa, Robert Ratt, Patty Hamner, Hester Miller, Lloyd Miller, Richard Hamner, Jonathan Chris, Maryann King, Stephen King, Jim Owens, Sally Pursell, Carol O'Hara, George O'Hara, Ron Lucas, Donna Kupprat, Bob Wolf, Kris England-Krieger, Wayne Rivers, Juliet Waldron, Rich Gamble, Tom and Janice Mesanich, Kathy Seidel, Steve Seidel, Robert and Lynn Lyons, Tracey Brown, Kevin Ferguson, Bridget Heintz, Lou Mione, Reath Edward, Lou Paoletti, Dee Chapman and William Thurman.

**APPROVAL OF MEETING MINUTES:**

Chairman Moyer made a motion to approve the minutes of the November 27, 2018 Public Meeting of the Board of Supervisors. Supervisor Cort seconded the motion. **Motion carried 4-0.**

Chairman Moyer made a motion to approve the minutes of the November 28, 2018 Public Hearing of the Board of Supervisors. Supervisor Engle seconded the motion. **Motion carried 4-0.**

Chairman Moyer made a motion to approve the minutes of the December 4, 2018 Public Meeting of the Board of Supervisors. Vice Chairman Weir seconded the motion. **Motion carried 4-0.**

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**VISITOR/PUBLIC COMMENTS:**

Mr. Steve King, Forest Ave, thanked the Board for listening to them at the last meeting. He stated PPL met with the Township and HMC. He begged the Township to help with the safety issues with the placement of the pole at the intersection. He spoke about the work being done on their street since the last meeting including concerns about a hole. Mr. Emerick spoke about how local ordinances don't apply to utilities but will investigate the hole.

Mr. Larry Moyer, Stauffers Lane Road, is upset about the increase in taxes proposed. He spoke about the damage done to his house in February that cost him \$5,000 and he feels nothing has been done about it. He spoke about the potholes on his street. Mr. Piccolo stated now that they are done with leaf pickup, they can address the potholes in the Township.

Mr. Jim Owens, 54 Forest Ave., thanked the Board and Mr. Christman for what they have done for their street. He spoke with Representative Mehaffie who received a letter from the PUC stating residents can formally complain which they will. He asked the Township to also formally submit a complaint. He stated PPL is now on Sandhill Road and destroyed the bike/pedestrian path.

Mr. Wayne Rivers, 815 Cypress Court, spoke about how the Citizens Advocating Responsible Spending (CARS) has grown from nine members to over 100. He spoke about being alarmed with the 2019 budget and the amount of debt. He stated the proposed borrowing will be at 91% of debt allowed for the Township. He believes this is not fiscally responsibility. He spoke about the proposed Recreation Center as being too big and costly with a large debt which will only serve a few. They don't believe the Capital Campaign will bring in the \$5 million as they sit at \$1.5 million now, just as the Firehouse fell short of their campaign. He heard the Township was turned down for state aid for this Center. He asked why the amusement tax hasn't been increased and asked when a letter was going to be sent to HE&R. Supervisor Engle stated they are in on-going conversations with them and how much they will contribute. He would like to sit down with CARS and talk with them. Supervisor Cort stated she is not able to talk about how much has been raised in the Capital Campaign until March/April when it goes public. Mr. Rivers asked everyone who was here to support CARS and their cause to stand in the room. The majority of the room stood up with him.

Mrs. Jean Kandra, 218 W. Areba Avenue, believes a new Recreation Center is needed, but she believes it can be done at a lower level and cost. She doesn't believe spending \$27 million to reduce the yearly loss of \$200,000 a year is worth the investment. She said the Board may think this is a minor tax increase; however, everyone on her block thinks it is a big issue and is concerned. She asked her neighbors to come to the meeting and they told her that the Board will build the Center they want anyway. She asked how five full-time employees will be employed while the Center is closed. Mr. Mandia spoke about the procedures, programming, manual writing, and planning events they will do until the new Center opens.

Dr. Bob Weil, Hummelstown, spoke about his taxes increasing from \$2,600 to \$3,400 in the 12 years he has lived in the Township. He spoke about HE&R and how they use the sewers and roads and how they should be contributing more to the Township. He is concerned about the Township's total debt and asked what happens if they have another flood like Lee. He spoke about the West End Center and the increased number of people in the Township. The price of the Recreation Center doesn't justify the reduced yearly loss for the Center. He stated it isn't about building the best facility money can buy, but the best Center

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the residents can afford. He asked how many members the current Recreation Center has, and Mr. Mandia stated approximately 3,000. Dr. Weil said 3,000 members versus 20,000 residents, he believes clearly shows how this Center is not wanted by most of the Township. Supervisor Engle spoke about the master plan process the West End is going through.

Mrs. Carol O'Hara, Southpoint, wished the Board would have put the Recreation Center on a referendum. She repeated a quote from the Board from October 5<sup>th</sup> that our residents aren't familiar with the daily running of the Township or the Recreation Center details and it is unwise to let the vote up to the residents. She found that statement on the website and believes it is very arrogant. She asked the Board to not dumb down the residents as we are a very bright Township. She feels that this project is not for the people of the Township but for a minority few.

Mrs. Bridget Heidl, 12 Forest Ave, thanked the Board for listening to them about the issue with the poles. She spoke about the proposed pole and how it will block the intersection. She is concerned about the safety of the intersection and believes it is not in the best interest of the residents.

Mr. Jonathan Crist, Attorney, spoke about his background in taxation. He spoke about how there are other avenues to obtain money other than taxing residents. He spoke about the hotel taxes and how Dauphin is at 11% while Philadelphia is at 16.25%. He believes there are other options and asked the Board to think outside the box. He spoke about the neighborhood improvement tax which has been done in Allentown where sales tax goes to the Township versus the state.

Mr. Bob Wolf spoke about the budget and Recreation Center which he believes will be like the Library which increased the debt and created a scar in the community. He believes it will be the same for the Recreation Center. He believes this budget and tax increase will cause a taxpayer revolt if this keeps going. He believes this may result in a new Board and Board members, which will reverse this decision and taxes. He asked the Board to listen to the people and correct the path they are on now.

Mrs. Linda Eyers, 2321 Raleigh Road, spoke about starting CARS after the October 9<sup>th</sup> meeting. She spoke about the grass roots organization and how they are promoting fiscal responsibility in the Township. She spoke about cost cutting and reducing debt. She offered the organization's expertise in helping the Township. She looks forward to working with Township.

Mrs. Patty Hamner, Southpoint, asked the Board to reconsider the spending and debt as it looks like it is mostly for the aquatics group. She lived in California where there was a separate swim club and how the Hershey Lodge has a pool. She doesn't believe an Olympic pool is needed and is for entertainment. She doesn't want her children to have to carry this debt and pay this mistake. She is upset they took out the splash pad and kept the pools. She spoke about the increased traffic issues. She stated in 2015 there were 21% children who were eligible for free lunches and now it is at 40%. She asked how residents can pay for this Center while other places are less expensive.

Mr. Rich Gamble, 39 Hockersville Road, reminded the Board they were elected with the promise to be financially responsible. He stated no one from the aquatic's community is here tonight because they know they have the pool they want and aren't worried. He stated the Township shouldn't be in the business of running a business and believes the pool should be separate and pay for itself. He is concerned with the

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number of senior citizens will be helped as they reduced the size of the Mohler Center for the larger pool. He asked the Board to look at the number of the residents and ages of them. He doesn't believe the Board is showing fiscal responsibility.

Mr. Steve Seidel, 450 Granada Avenue, stated there were great points about costs spoken about tonight. He stated the quality of life is going down and is being surrounded by hotels and businesses downtown. He stated this Board approved zoning to allow a 5-story hotel across from a residential area. He spoke about the traffic going through his neighborhood. He is concerned about these changes and will be back to speak about the new proposed hotel when it is discussed in a meeting. Supervisor Engle spoke about the consultants working on the West End and downtown core and realizes some refinements are needed.

Mr. Kevin Ferguson supports the Recreation Center and having more swimming for the public. He is concerned about the tax increase and how they are going to pay for it. He stated they have been talking about the amusement taxes for months and don't know what they are going to do. He said we know how much our taxes are increasing. He stated the Board is concerned with what they contribute as part of the discussions on the tax. He believes all businesses know that part of being in business is contributing the community. They need to think about what the residents are missing out with a 10% tax and how they would help the Township. He believes the Township is littered with hotels and they should be helping with the tax situation.

Mr. Bob Welsh, Hilltop Road, is a retired CPA, looked at the numbers and they don't make sense. He spoke about volunteering at Steelton High and providing food to help families. He spoke about the increase of assistance being provided in Derry Township. He believes the Recreation Center should be improved but not to this level. He believes the pool is being driven by a small group of people. He spoke about the consultants who did an operations report that didn't consider the debt as deceptive at best. He is against the scope of the pool.

Mr. Lou Paoletti stated he has been at a few meetings recently and stated the departments at the Township are the best. He encouraged the Board to do a crosswalk at Elm Ave. He spoke about the crosswalk downtown at Royer's which took him 30 minutes until someone stopped for him to cross. He spoke about who pays the entertainment tax which is Adventure Sports, Hershey Chorus and HE&R. He asked if there was a way to pull Hershey Chorus out of this tax and Supervisor Cort asked that they write a letter. Supervisor Engle spoke about the crosswalks. Chairman Moyer asked Chief Warner to look at enforcement at the crosswalk in question.

**NEW BUSINESS**

The Preliminary/Final Subdivision and Land Development Plan for TownePlace Suites, Plat No. 1309 – RESCHEDULED TO THE JANUARY 22, 2019 MEETING.

Consideration of proposed demolition of existing structures and construction of a new hotel at 554-574 West Chocolate Avenue, Hershey, within the Downtown Core Overlay Zoning District – RESCHEDULED TO THE JANUARY 22, 2019 MEETING.

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**RESOLUTION #1567 – ADOPTING TOWNSHIP’S 2019 BUDGET :**

Mrs. Henry stated the 2019 budget included \$27,074,922 in revenues, \$24,957,327 in expenditures, and a proposed .30 millage tax increase for the capital projects budget. She discussed the budget process, how departments submit their budgets, and the PFM models used during the process.

Supervisor Engle made a motion to adopt Resolution #1567, a resolution of the Township of Derry, appropriating specific sums estimated to be required for specific purposes of the municipal government as herein set forth in the total amount of \$24,957,327 for the year 2019. Vice Chairman Weir seconded the motion. **Motion carried 3-1.** Chairman Moyer voted against the resolution.

Supervisor Cort expressed her surprise by Chairman Moyer’s vote. Chairman Moyer spoke about the consultants who stated in September there could be no tax increases with the new Center. He spoke about how he has expressed his concern for the past two years about spending and has voted no on several actions. He said in a previous meeting it would be ingenious to think there wouldn’t be a tax increase yet this is where we are today. Supervisor Cort stated she never heard an alternative from him and Chairman Moyer stated he gave several over the year. Vice Chairman Weir spoke about residents wanting good services and believes the new Recreation Center will pay with community benefits. Supervisor Engle spoke about the cost of the Township Building and how Chairman Moyer voted on some issues. Discussion ensued.

**CONSULTING FOR STATE FUNDING FOR COMMUNITY CENTER:**

Chairman Moyer made a motion to **TABLE** action on a proposal from Griffin Stevens & Lee to aid in identifying and securing government incentives through the Commonwealth of Pennsylvania for the Hershey Community Center project. Supervisor Engle seconded the motion. **Motion carried 4-0.**

**LIT Palmyra, L.P. (LIT)**

Mr. Emerick stated LIT Palmyra, L.P. (LIT), owner of the General Mills building which is located partially in Derry Township, Dauphin County and partially in Palmyra Borough and North Londonderry Township, Lebanon County. In 2011, LIT had petitioned the Board of Supervisors to change the zoning designation of this property from Agricultural/Conservation to Industrial. LIT agreed to restrict traffic from turning left onto North Lingle Avenue from their facility as noted in the attached Road Use Agreement. Mr. Lucas, legal counsel for LIT, has requested that the Board of Supervisors lift the restrictions created by the 2011 Road Use Agreement by entering into a Termination of Road Use Agreement with LIT Palmyra, L.P. This action now allows all trucks to freely navigate Lingle Avenue. Supervisor Engle asked about the restriction and the turning of the trucks. Mr. Lucas spoke about the history of the intersection and the turning movements of the trucks.

Chairman Moyer made a motion for the Board of Supervisors to enter into the Termination of Road Use Agreement with LIT Palmyra, L.P. Supervisor Engle seconded the motion. **Motion carried 4-0.**

**RESOLUTION #1576 REIMBURSEMENT FEE SCHEDULE/RATES :**

Mr. Emerick discussed Resolution #1576. This Resolution will supersede Resolution No. 1545, and would officially revise the established rates of developer compensation billed to us by HRG, Inc. Chairman Moyer made a motion to adopt Resolution 1576. Supervisor Cort seconded the motion. **Motion carried 5-0**

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**RESOLUTION NO. 1574 REVISE CERTAIN FEES-COMMUNITY DEVELOPMENT:**

Mr. Emerick spoke about the process of revising fees and provided background on the process. He mentioned the following proposed changes:

1. Building permits – Average fee increase is 4.2% and Zoning permits – Average fee increase is 4.4%.
2. On-lot sewage system permits – These fees are mostly third-party agency fees; however, the application fee collected by the Township was increased 4%.
3. Subdivision and land development plan filing fees – Average fee increase is 4.4%.
4. Stormwater management application and administration fee – Average fee increase is 3.6%.
5. Foreclosed property registration program – The fees are set by the third-party contractor.
6. Fire inspection fees – This service was first offered in 2016. Average increase is 4.1%
7. Resources – Many items under this category are limited by the PA Office of Open Records fee schedule. Blank CD/DVDs are proposed to be raised to the maximum amount permitted by law (\$3).

Chairman Moyer made a motion to adopt Resolution No. 1574. Vice Chairman Weir second the motion. **Motion carried 4-0.**

**TIME EXTENSION: 19 EAST CHOCOLATE AVENUE – SOUTH LOT, PLAT #1299:**

Chairman Moyer made a motion to extend the conditional approval of the Preliminary/Final Subdivisions Plan for 19 East Chocolate Avenue – South Lot, Plat #1299 until January 31, 2019, subject to compliance with the following conditions:

1. The revised shared access and parking agreement is provided no later than January 31, 2019.
2. The Agreement for the Deferment of Installation of Sidewalks, Walkways, and/or Bicycle Paths; Cartway Widening; and Right-of-Way Widening is recorded concurrently with the plan.
3. The deed of dedication for right-of-way along Homestead Road is recorded concurrently with the plan.

Supervisor Cort seconded the motion. **Motion carried 4-0.**

**RESOLUTION NO. 1575- ACCEPTING PUBLIC IMPROVEMENTS; RELEASING THE PERFORMANCE SECURITY; AND ENTERING MAINTENANCE SECURITY FOR HILL CHURCH GLEN PLAN, PLAT #1175:**

Mr. Emerick stated Plat #1175 was conditionally approved by the Board of Supervisors in July 2010. All the required improvements have been completed and confirmed by HRG, Inc., and the developer has requested that the Township release the remaining balance of the performance security and accept the dedicated roadway improvements (i.e., Tomassi Drive).

Chairman Moyer made a motion to adopt Resolution No. 1575 accepting the public roadway improvements (Tomassi Drive); authorizing the release of the remaining balance of the performance security (\$34,319.45), provided as Metro Bank Letter of Credit No. 2128; accepting cash maintenance security in the amount of \$15,193.80; and executing the maintenance security agreement for a term of 18 months for the Preliminary/Final Subdivision Plan for Hill Church Glen, Plat #1175. Supervisor Engle seconded the motion. **Motion carried 4-0.**

**PERFORMANCE SECURITY -STORMWATER MANAGEMENT PLAN FOR PENN STATE COLLEGE OF MEDICINE PARKING DECK, S-2018-018:**

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Chairman Moyer made a motion to accept performance security in the amount of \$2,425,738.00 in the form of PNC Bank Letter of Credit No. 18131088-00-000 and enters into the accompanying Agreement to Provide Financial Security between The Pennsylvania State University and the Township for the Stormwater Management Plan for Penn State College of Medicine Parking Deck, S-2018-018. Vice Chairman Weir seconded the motion. **Motion carried 4-0.**

**PERFORMANCE SECURITY - U-GRO LEARNING CENTRE ADDITION, PLAT #1271.:**

Chairman Moyer made a motion to authorize the release of \$286,164.51 from the performance security provided as Fidelity and Deposit Company of Maryland Bond No. 9257079 for the Preliminary/Final Land Development Plan for U-GRO Learning Centre Addition, Plat #1271, resulting in a new balance of \$33,752.73. Vice Chairman Weir seconded the motion. **Motion carried 4-0.**

**PERFORMANCE SECURITY - TEMPORARY STRUCTURE LOCATED ON THE HERSHEY TOWNE SQUARE PROPERTY:**

Chairman Moyer made a motion to authorize the release of cash performance security in the amount of \$4,800.00, which had been provided to ensure the removal of the temporary structure on the Hershey Towne Square site. Supervisor Cort seconded the motion. **Motion carried 4-0.**

**CORRESPONDENCE BOARD/COMMITTEE INFORMATION:**

Vice Chairman Weir spoke about moving forward the 2013 tree ordinance and Supervisor Engle agreed. Supervisor Cort thanked everyone who came out tonight and their involvement and wished everyone happy holidays. She asked that everyone treat each other with respect.

**REPORTS:**

<u>Fire</u>	Mr. Sassman stated that the fire truck Santa Claus run is over.
<u>Engineer</u>	Mr. Sheetz spoke about painting the marks for the relocating of the poles for the Forest and Sand Hill intersection.
<u>Economic Development</u>	Ms. Zumbrun thanked everyone including Public Works and Parks and Recreation for their work with the Holiday event.
<u>Assistant Manager</u>	Mrs. Henry reminded everyone that January 7 <sup>th</sup> is the reorganization meeting.
<u>Manager</u>	Mr. Christman thanked staff for all their hard work on the budget. He, staff, and HRG met with PPL last week and will meet again on January 3 <sup>rd</sup> . He will present options during the January 7 <sup>th</sup> meeting.

**ACCOUNTS PAYABLE and PAYROLL:**

Chairman Moyer made a motion to approve accounts payable in the amount of \$351,050.76 and Payroll of \$337,303.97. Supervisor Engle seconded the motion. **Motion carried 4-0.**

**VISITOR/PUBLIC:**

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Mr. Rich Gamble withdrew his charge about the whole Board of not being fiscal responsible with Chairman Moyer's vote tonight. He spoke about the things the Township needs like trucks and such versus a large swimming pool. He stated it seems like they are tearing down the Recreation Center without having it approved.

Mr. Wayne Rivers, 815 Cypress Court, recognized the work the Board does. He stated they didn't get what they wanted but wants to work together as there is always low hanging fruit. He is concerned that as kids graduate college, they won't be able to come back to Derry because they can't afford to live here as there are few starter homes.

Mr. Larry Moyer spoke about how taxes and insurance cost him nearly \$6,000 and its because of this Board wanting more money. He thinks Chairman Moyer makes sense with his vote.

Mr. Rich Handler, Berkley Way, didn't understand how the Board would even think of selling DTMA as it is making money for a want (pool) versus a need. He said the debt for this building makes sense as it serves all taxpayers. He stated we don't need a pool and it is irresponsibility to pass this onto the residents and is a terrible idea.

**ADJOURNMENT:**

Chairman Moyer made a motion to adjourn the meeting at 9:07 p.m. Supervisor Engle seconded the motion. **Motion carried 4-0.**

**SUBMITTED BY:**

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Justin C. Engle  
Township Secretary