

**DERRY TOWNSHIP
INDUSTRIAL & COMMERCIAL DEVELOPMENT AUTHORITY
600 CLEARWATER ROAD, HERSHEY, PENNSYLVANIA 17033
MEETING MINUTES
May 15, 2014**

CALL TO ORDER

Chairman Foley called the May 15, 2014 meeting of the Derry Township Industrial & Commercial Development Authority to order at 5:00 p.m.

PLEDGE OF ALLEGIANCE

All present stood for the Pledge of Allegiance.

ROLL CALL

Members Present:

Chris Abruzzo
Domenick Argento (5:05p.m.)
James Ingalzo
Justin Engle
John Foley

Also Present:

James N. Negley, Manager, Assistant Treasurer, Assistant Secretary
Barbara Zemlock, Township Solicitor
Jon Yost, Yost & Davidson
Marie Sirkot, Administrative Assistant
Ardith Yahner, Stenographer

Public Present:

Bob DiLello, Hershey Fire Company
Greg Koussis, Capital Construction Mgmt.
Diana Reed, Diana Reed & Associates
Rodney Sonderman, Hershey Fire Company

Chairman Foley advised that it is the policy of the Authority to tape all public meetings for the purpose of providing accurate minutes.

APPROVAL OF MINUTES

Mr. Ingalzo made a motion to approve the minutes of the March 20, 2014 meeting. Mr. Engle seconded the motion. *Motion carried, 4-0.*

Mr. Argento arrived at 5:05 p.m.

**CONSIDERATION OF AND ACTION ON TRANSFER TO DOWNTOWN
HERSHEY ASSOCIATION**

Mr. Negley reported that the ICDA has a community action fund of \$20,000 in the Derry Township Community Action and Development Corporation. Solicitor Zemlock and Diana Reed inquired whether we could transfer this amount to the Downtown Hershey Association. Since the Derry Twp. Community Action and Development Corporation is now defunct, we learned that we could do so.

Because Mr. Engle and Chairman Foley are both members of the Downtown Hershey Association, they will abstain from voting on this matter. Mr. Abruzzo moved to transfer \$20,000 from the Derry Twp. Community Action and Development Corporation to the Downtown Hershey Association. Mr. Ingalzo seconded the motion.

Motion carried, 3-0-2.

**CONSIDERATION OF ACTION ON DAUPHIN COUNTY EMERGENCY
MANAGEMENT AGREEMENTS:**

- a. Restated and Amended Sub-Lease Agreement and related Memorandum
- b. Easement Agreement

Mr. Negley advised that on September 11, 2011, Tropical Storm Lee hit the Hershey area and caused great devastation. As a result, the Dauphin County Radio Tower was knocked out of service. Since that time the Township has been working on the new agreements that are being considered by the Board this evening. The Restated and Amended Sub-Lease Agreement, related Memorandum and Easement Agreement are among Derry Township Municipal Authority, Derry Township Industrial and Commercial Development Authority, and Dauphin County. Chairman Foley moved to approve the new Agreements. Mr. Abruzzo seconded the motion. *Motion carried, 5-0.*

**CONSIDERATION OF AND ACTION ON PURCHASE OF 35 W. CARACAS
AVENUE, HERSHEY, PA**

- a. Agreement of Sale and Escrow Agreement

Solicitor Zemlock advised the Board that this is the Agreement of Sale between the ICDA and Ruth Cagnoli for the purchase of the lot at 35 W. Caracas Avenue for \$305,000. There is also an addendum which provides for certain contingencies. Also included is an Escrow Agreement which has been previously circulated. Pursuant to the Agreement of Sale, the ICDA, within 30 days of approving the Agreement, must escrow \$100,000 as a deposit. That money will be held pursuant to an Escrow Agreement. It would state that if we do not close on the property for certain reasons, the money will be forfeited to Ruth Cagnoli or be returned to the ICDA, depending on the reason. The Escrow Agreement provides for those contingencies. Solicitor Zemlock thanked Jon

Yost for his assistance in writing this Agreement. His firm will be the Escrow Agent for the Agreement.

The next item to be put in place will be an agreement whereby the Township loans the amount of \$100,000 to the ICDA. Solicitor Zemlock and Jon Yost will work together on this agreement.

A motion to approve the Agreement of Sale and Escrow Agreement was made by Justin Engle and seconded by Domenick Argento. Chairman Foley abstained because he is a volunteer fireman. *Motion carried, 4-0-1.*

CONSIDERATION OF AND ACTION ON DONATION TO HERSHEY HIGH SCHOOL GRADUATION PARTY

Mr. Abruzzo commented that this is one of the best things the ICDA does each year. This party provides a safe place for our high school seniors to gather and celebrate together, as opposed to getting into other non-safe activities. He firmly supports this action.

Mr. Argento moved to donate \$1,000 to the Hershey High School graduation party. Mr. Ingalzo seconded the motion. *Motion carried, 5-0.*

PUBLIC COMMENT

There was no public comment.

ANY OTHER BUSINESS TO COME BEFORE THE BOARD

Chairman Foley reported that he, Mr. Engle and Mr. Ingalzo have been meeting with Regional Arena Management and Dauphin County, as well as each organizations' attorneys regarding the Giant Center financing. It will be a long process, but it is underway.

ADJOURNMENT

Mr. Abruzzo made a motion to adjourn the meeting. Mr. Ingalzo seconded the motion. *Motion carried, 5-0.*

Meeting adjourned at 5:30 p.m.

Respectfully submitted by:

James N. Negley, Manager/Assistant Treasurer/Assistant Secretary