

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
SEPTEMBER 22, 2015

CALL TO ORDER

Chairman John W. Foley, Jr., called the September 22, 2015 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:00 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. He advised that all public meetings are recorded for the purpose of providing accurate notes.

Chairman Foley announced the Board of Supervisors met in executive session to discuss land, legal, and personnel issues before the meeting. After the pledge of Allegiance, a roll call was conducted.

The following were in ATTENDANCE:

SUPERVISORS

John W. Foley, Jr., Chairman
Marc A. Moyer, Vice Chairman
Justin C. Engle, Secretary
Sandy A. Ballard
Matthew A. Weir

ALSO PRESENT:

James N. Negley, Township Manager and Treasurer
Jill Henry, Assistant Township Manager
Chuck Emerick, Director of Community Development
Tom Clark, Director of Public Works
Lauren Zumbrun, Economic Development Manager
Patrick O'Rourke, Chief of Police
Bob Diello, Hershey Fire Company
Matthew Mandia, Director of Parks and Recreation
Cheryl Lontz, Manager of Payroll and Employee Benefits
Barbara Ellis, Director of Hershey Public Library
Matt Bonanno, HRG Engineer
Chris Brown, Derck & Edson
Jon A. Yost, Township Solicitor
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Brian Kreider, Elvira Ebling, Ed Weiss, Mary Parsons, Clara Hess, Rich Barley, Shiela Barley, Brenda Berman, Paul Thompson, Mary Ann Kelly, Sandy Cappelli, Rich Cappelli, Joy Afrin, Kim O'Connell, Phil Friedrich, Sue Kellner, Phil Jurus, Susan Cort, Brian Shiflett, Dennis Phillippy, Deb Malaro, Rich Gamble, Kathy Shenk, Janet Soulliard, and Pat McQuillen.

VISITOR/PUBLIC COMMENTS:

Mr. Brian Kreider, employee of Granada Gym, urged the Board to keep the gym the same for the community. He spoke about the special feeling there is at the gym and how it serves the elderly. He spoke about the condition of the gym and the debt. He asked for a reprieve to allow them to raise funds and help with the debt.

Cathy Parson, 99 Carousel Circle, requested the gym stay open. She stated it is the only gym in the area for residents 55 years old and older. She suggested maybe lottery funds could help. She stated Derry Township has a lot of elderly and requested the trained staff at the gym be retained.

Sandy Cappelli, downtown, discussed the meaning of community and the hometown gym. She asked the Board to look at the issue again. She stated that in the gym, they care for each other and it's Hershey's only gym. She asked the Board to think of the community and keep the gym open.

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Gordy Gator, Chocolate Avenue, spoke about the life saving experience the gym has been for him. He spoke about the beautiful atmosphere in the gym. He would like to see the gym stay open. He said they need to advertise the gym and he spoke about ways to advertise the gym to the public.

Mr. Ed Weiss, Cambridge Commons, spoke about road issues they have experienced including no snow plowing for their streets and sink holes. He asked if there was a way for the Township to take care of the roads owned by the homeowner's association to have the snow plowed.

Phillip Jurus, Locust Avenue, thanked Mr. Clark for the status letter about his road. The letter stated the road won't be paved before the winter but has been ensured it will be able to be plowed for the winter. He stated this is not acceptable for the residents, as they have been waiting since May for it to be done. They want their street paved.

Richard Gamble asked how Power Train was selected to run the gym and asked if it was put out to bid. He finds it strange that they only heard about this three to four weeks ago.

Jim Ditlo, East Hanover Township, spoke about pickle ball and stated that the Township can promote this in the community. He stated he enjoys the atmosphere in the gym. He stated the \$200 advertising budget isn't enough and they need to get word out about the gym.

Mary Parsons, Hummelstown, asked them to reconsider their decision about the gym. She stated it serves an underserved group in the Township. She spoke about Parks and Recreation and the School District having things for children and how this gym helps serve another age group. She is not sure how Power Train will serve this age group.

Richard Barley, 29 Maple Ave, stated the trademark of the Township is the commitment to physical activities. He spoke about the businesses in the Township that take care of their employees with gyms. He spoke about the geriatric members of the gym and asked for a reprieve for the gym.

APPROVAL OF REGULAR MEETING MINUTES:

Supervisor Engle made a motion to approve the minutes from the September 8, 2015 Public Hearing. Supervisor Weir seconded the motion. **Motion carried 5-0.**

Supervisor Weir made a motion to approve the minutes for the September 8, 2015 Board of Supervisors meeting. Vice Chairman Moyer seconded the motion. **Motion carried 5-0.**

NEW BUSINESS:

GRANADA GYM:

Chairman Foley thanked the residents for coming out and speaking. He stated they are not closing the gym. He stated this process has been going on for a year or so. He stated the school district, master lease holder and the Township are losing money on the gym. He spoke about meetings, joint work group, and discussions with the school district. Supervisor Engle stated Power Train wants to take over the gym and run it. They provided the Township some notes for the gym. Mrs. Zumbrun highlighted the following notes from Power Train: new equipment will be added, low impact equipment, rehab equipment, senior friendly yoga classes and trained staff to assist residents with different health

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conditions, they are open to look at pickle ball, and a traditional membership will start \$20 a month. He stated they are willing to put \$500,000 worth of equipment into the gym.

Supervisor Ballard asked Chairman Foley to outline the ownership. Chairman Foley stated the building is owned by the school district and they entered into an agreement for a Master Lease in 2002. The Township, at that time, was deficient in the number of gyms. The Township and School District entered into a lease agreement. The lease agreement ends in 2023. Vice Chairman Moyer outlined operating deficits of approximately \$175,000 in 2013, \$170,000 in 2014, and 2015 budgeted loss is \$155,000. He stated there are less than 300 members of the gym. He spoke about the obligation the Township has to the other 24,700 tax paying residents. He stated they are trying to make sure every demographics will be served. He stated they are trying to be responsible financially for everyone in the Township.

Supervisor Ballard spoke about the need to insure the senior's needs are met with the new gym. He spoke about the new Community Center and insuring it meets the needs of the seniors. Supervisor Weir stated the gym is not closing. He spoke about the 20 year old equipment that can be replaced by the new company. He spoke about compromise that is needed on this issue.

Chairman Foley stated there was a joint committee of the school district and Township working toward a solution. Power Train reached out to the School District and it wasn't put out to bid. Solicitor Yost stated the bidding process wasn't necessary as it is hiring a company to manage the gym. Supervisor Ballard stated if they could have, she would have liked to see an RFP done. Chairman Foley stated creating a RFP for this would have been very difficult. He stated there were personnel and legal issues that were discussed in executive session and it has been discussed in recent public meetings.

Supervisor Engle made a motion to approve the execution of agreements between the Township of Derry and the Derry Township School District, subject to legal review by the Township Solicitor, the School District, and Power Train, and contingent upon with joint agreement with the School District and the Township. Chairman Foley seconded the motion. **Motion carried 5-0.**

AGREEMENT WITH GOEPFERTS AND TOWNSHIP:

Solicitor Yost discussed the plan for the Township to sell unusable land to the Goepferts for a price of \$1,500. He stated the easement is reserved and this will save the Township approximately \$8,000 in maintenance yearly.

Supervisor Engle made a motion to approve the execution of an agreement between the Township of Derry and Linda L. and Douglas F. Goepfert. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

MCNEES WALLACE & NURICK – CONSENT CONFLICT WAIVER:

Solicitor Yost discussed the relationship with McNeas Wallace & Nurick as the Bond Council for the Township. He discussed how a division of their firm represents DSG Development Corporation in planning.

Vice Chairman Moyer made a motion to approve a consent conflict waiver for McNeas Wallace & Nurick, LLC, from the Township. Supervisor Weir seconded the motion. **Motion carried 5-0.**

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PA DEP LOCAL STORMWATER BMP IMPLEMENTATION PROGRAM:

Mrs. Zumbrun discussed an application for \$200,000 to the PA DEP's Local Stormwater BMP Implementation program for improvements to the public parking lot adjacent to the fire station. She showed the Board the location of the parking lot. She discussed how this project could assist with the stormwater issues. She stated matching funds of \$235,325 would be needed to complete the project. These funds could come from the ICDA line of credit secured for the fire company construction project.

Supervisor Weir made a motion to authorize the submission of an application to the PA DEP's Local Stormwater BMP Implementation Program to request \$200,000 in funding for the Caracas Avenue Public Parking Lot Stormwater BMP project and to authorize Jim Negley, Township Manager, to sign the application. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

HYGATE CONDOMINIUM ASSOCIATION AGREEMENT:

Mr. Emerick provided the history of units 420 & 430 having sink holes and the remedies from the Hygate Condominium Association. He stated the Board asked for HRG to review the situation. He stated HRG did review the recorded documents and stated they generally concur with the monitoring program as proposed.

Supervisor Ballard made a motion for the Township to enter into an agreement with Hygate Condominium Association for the monitoring and, if required, repair of 420 and 430 West Chocolate Avenue. Vice Chairman Moyer seconded the motion. **Motion carried 4-0-1.** Chairman Foley abstained as he is a resident.

EXTENSION OF CONDITIONAL USE FOR CAMA SDIRA, LCC, PLAT NO. 1248:

Supervisor Weir made a motion to extend the April 14, 2015 approval of the Preliminary/Final Subdivision Plan for CAMA SDIRA, LLC, Plat #1248, for an additional 6 months, subject to the following:

- a. That the applicant reimburses the Township for costs incurred in reviewing the plan no later than November 14, 2015.
- b. That performance security is provided to guarantee the completion of required improvements on each lot either individually or cumulatively, and the accompanying agreement is signed no later than April 14, 2016; OR, that the required improvements are installed to the satisfaction of the Township no later than April 14, 2016.
- c. That the plan is revised no later than April 14, 2016 to indicate, in plain view, the type of ADA compliant handicap ramp at the corner of Ethel Avenue and Mae Street, and to provide a detail consistent with PennDOT Publication#72M, RC-67M, latest edition.
- d. That the plan is sealed by an engineer, certifying its accuracy, no later than April 14, 2016.
- e. That the plan is sealed by a registered surveyor, certifying the accuracy of the plan survey, no later than April 14, 2016.
- f. That the certification of title on the plan, showing the applicant is owner or equitable owner of the land, is signed no later than April 14, 2016.
- g. That the statement on the plan dedicating streets, rights-of-way, and any sites for public uses is signed no later than April 14, 2016.
- h. That all signatures are provided on the stormwater management plan no later than April 14, 2016.

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- i. That the seal of the engineer certifying the accuracy of the stormwater management report is provided no later than April 14, 2016.
- j. That the fee in lieu of open space dedication is provided no later than April 14, 2016.
- k. That the executed Stormwater Best Management Practices Operation and Maintenance Agreement is provided no later than April 14, 2016.
- l. That the executed Agreement for the Deferment of Sidewalk Installation is provided no later than April 14, 2016.
- m. That accurate deeds of dedication of the right-of-way of Mae Street and Ethel Avenue are recorded concurrently with the plan.
- n. That the Agreement for the Deferment of Sidewalk Installation is recorded concurrently with the plan.
- o. That the Stormwater Best Management Practices Operation and Maintenance agreement and a revised deed, listing the stormwater BMPs as a restrictive covenant, are recorded concurrently with the plan.

Supervisor Engle seconded the motion. **Motion carried 4-0-1.** Chairman Foley abstained.

2016 MINIMUM MUNICIPAL OBLIGATION FOR PENSION PLANS:

Mrs. Lontz discussed Act 205 requirements for the pension funds. She stated the projected minimum municipal obligation is \$1,320,469 with an offset of \$575,000 from the state. She stated the actual cost to the Township will be \$745,469.

Supervisor Engle made a motion to accept the minimum municipal obligation calculation for both pension plans. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

2016 ANNUAL HERSHEY HALLOWEEN PARADE-OCTOBER 20TH AT 7PM:

Supervisor Engle made a motion to conduct the 68th Annual Halloween Parade on Tuesday, October 20, 2015 at 7:00 p.m. with a severe weather make-up of Wednesday, October 21, 2015 at 7:00 p.m.

Supervisor Ballard seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Engle stated the Grammercy plan is to meet with land owners to obtain easements. Mr. Bonnano stated Mr. Mandia is working with the residents. He spoke about the pedestrian connection between Cherry to Governor. Mr. Clark was not aware of this request. Supervisor Engle stated the path should be asphalt and easements are needed for the path. Solicitor Yost stated he could get the easements prepared when he receives the required information.

Supervisor Engle asked Mr. Mandia about the bike trail. Mr. Mandia discussed the package he sent out to obtain estimates for clearing of the bike trail during the winter. He provided a report and estimate to the Board. Supervisor Engle spoke about a petition circulated from residents wanting the trail cleared. He spoke about potential options including a pilot program versus clearing the whole trail, which would cost \$30,000-\$40,000. Vice Chairman Moyer spoke about using the residents who have spoken up who have said they are interested in using it in the winter. Discussion ensued. Supervisor Ballard suggested the Parks and Recreation Board and the residents discuss it and come back with a proposal. The Board agreed.

Supervisor Engle asked about the next steps for the Hockersville Road pedestrian crossing. Mr. Bonanno stated the Township is free to install the crosswalk. He stated they sent him the signage that

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should be used. He stated two letters are ready for PennDOT and are going out tomorrow. Discussion ensued.

Supervisor Ballard thanked the Police Department for their response when someone broke into their house. She thanked them for finding the criminals. She thanked Mr. Clark for taking care of the street cleaning and garbage day issue she spoke about previously. She stated October 7th is National bike or walk to work or school day.

Chairman Foley thanked Public Works and the Police Department for their assistance for the open house for the Fire Company. He spoke about the Hershey Partnership Soup Cook-off being held on October 3rd in a tent located near the Post Office. He stated the Board has received correspondence in the past two weeks with regards to Supervisor's conduct. He wanted to remind the Board they are Supervisors of the Township 24/7. He spoke about how hard it can be to get members to serve on the committees and how the Supervisors should be careful interacting with those committees as everything does come to the Board for action. He reminded the Board that executive session is privileged and can't be shared with open legal issues.

Supervisor Weir spoke about a COG stormwater meeting he attended.

REPORTS:

Fire- Mr. Diello spoke about the open house. He stated that October is Fire Prevention Month and they will be going out to the schools.

Public Works – Mr. Clark spoke about wrapping up the paving projects on several roads. He spoke about Locust Drive and said they should be done paving around October 20th. He spoke about working with the utilities and about the delay in funding for Locust Drive. He stated they will blend the water boxes, driveways, and manholes for the winter for plowing of snow. Once the stormwater project is completed in the spring they will complete the paving of the street.

Library – Mrs. Ellis stated Robert K. Whiteman, former FBI, will be at the library this Sunday at 2 p.m.

Planner – Mr. Brown spoke about the Comprehensive Plan meeting on October 14th. He said the document should be ready this Thursday.

Engineer - Mr. Bonanno stated the Java Avenue project is out to bid and the bids will be open on October 5th.

Community Development – Mr. Emerick stated he and Mr. Brown are discussing and working on property maintenance issues.

Economic Development: Mrs. Zumbrun stated the TIFF meetings will be held on October 7th at 7:30 a.m. She stated she will be speaking at the October 5th Rotary meeting. She spoke about the Downtown Association asking for the support letter from the Township with their application with Dauphin County for Premier Project Rewards Program. Supervisor Ballard made a motion to provide a letter of support to the Downtown Association for their application. Vice Chairman Moyer seconded the motion. **Motion carried 5-0.**

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She spoke about a letter of support request from the Hershey Soccer Club for a Tourism Grant. Supervisor Engle made a motion to approve a letter of support for the Hershey Soccer club. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

ACCOUNTS PAYABLE and PAYROLL:

Supervisor Ballard made a motion to approve accounts payable in the amount of \$548,023.48 and payroll in the amount of \$313,202.95. Chairman Foley seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

Richard Gamble stated this gym is a lame horse. There are other gyms in the area and they are for the employees only for companies like Hershey Medical Center so many won't join. He asked how Power Train could invest \$500,000 into the gym with \$20.00 a month gym fees. He asked how long they will be there. Supervisor Engle stated the membership start at \$20.00 and there is a range of services that will provide additional revenue. Mr. Gamble thanked Supervisor Ballard for letting them know about things.

Sheila Barley stated she is concerned about the gym. She has seen their advertising for boot camp and asked who is going to use that service. She expressed concerns about the gym floors being torn up. She asked when it will be going forward. Chairman Foley stated once the appropriate steps are taken it should be open in January. Supervisor Engle stated he hasn't heard they will be tearing up the floors and stated this gym will not be like their other gyms.

Barry Kreider stated he feels sorry for the members. He asked Mrs. Ballard to make them responsible to the gym members.

Pat McQuillen just found out today about the gym and would have had more members come if he had more time. He spoke about the basketball games he participates in and how it is more than a gym. He stated he knows about the financial concerns but would like to see the gym keep basketball.

ADJOURNMENT:

Supervisor Ballard made a motion to adjourn the meeting at 8:46 pm. Vice Chairman Moyer seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Justin C. Engle
Township Secretary

Julie Echterling
Recorder