

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
JUNE 12, 2018

CALL TO ORDER

Chairman Marc A. Moyer called June 12, 2018 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:00 pm in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. The Board met in Executive Session to discuss legal and personnel issues. 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
Richard D. Zmuda

ALSO PRESENT:

James N. Negley, Township Manager and Treasurer
Jill Henry, Assistant Township Manager
Jon A. Yost, Township Solicitor
Chuck Emerick, Director of Community Development
Thomas Clark, Director of Public Works
Chief Garth Warner, Police Department
Matthew Mandia, Director of Parks and Recreation
Terry Weinhold, Manager of Accounts Payable & Receivables
Laura O'Grady, Director of Hershey Public Library
Lauren Zumbun, Economic Development Manager
Aaron Moyer, HRG Engineer
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Jim Snyder, Brandon Harner, Dave Hogg, Doug Nicotera, Teresa Peschell, Kevin Schafer, Phil Freidrich, Robert Naeye, Maria Memmi, Nathan Herr, Bob Walsh, Lou Paoletti, Tracy Paoletti, Rich Gamble, Kevin Ferguson, and Shel Parklea.

APPROVAL OF MEETING MINUTES:

Supervisor Cort made a motion to approve the minutes of the May 22, 2018 Public Meeting of the Board of Supervisors. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

Mrs. Theresa Peschell, 48 Half Street, asked the Board to consider bike paths and pedestrian walkways with the Tru Hotel being built. She stated it would bring more traffic into the area with more pedestrian traffic. She asked about putting benches, trees, and ADA ramps in this area.

Mr. Robert Naeye, 1465 Jill Drive, asked the Board to speak into the microphones. He was here for the Planning Commission and couldn't hear what was being said when the microphones aren't used.

Mr. Rich Gamble asked the Board for an update on the possibility of an entertainment tax increase. He asked if there could be a committee on it and said that he would like to serve. He has heard of communities that charge up to 10% versus the 85 cents we receive on Hersheypark tickets.

NEW BUSINESS:

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PFM FINANCIAL ADVISORS PRESENTATION

Mr. Scott Shearer, PFM, provided a financial presentation to the Board. To provide transparency to the residents, the Township engaged PFM to build a multi-year financial projection to help guide decision making. They provided a planning tool that allows the testing of different scenarios and how it will affect the Township in the future. Based on their modeling, future expenses are expected to grow faster than revenue for the general fund with potential revenues from new development easing this effect. The Capital Fund, assuming a Recreation Center cost of \$26.1 million after capital campaign, will cause an increase in the deficit of this fund. Based on current long-range models, the potential future millage increases needed to cover the General and Capital Funds through 2025 range from .93 to 1.73 mills. He went over the general fund budget projections using a revenue and expense growth rate for the 2018-2025 years. He stated they do this for various municipalities and spoke highly of the Township's credit rating, which is AA. He stated many of the municipalities they work with show deficits and spoke of the benefits of seeing the future and planning for it. The Board thanked them for their presentation.

PLAN – TRU HOTEL - PLAT #1295:

Mr. Emerick discussed the Preliminary/Final Subdivision/Land Development Plan for True Hotel. This subdivision includes 204 Hillcrest Road and a vacant property to the east of 204 Hillcrest Road, at the corner of Hillcrest Road, West Areba Avenue, and Mill Road. The development tract is in the Hershey Mixed Use and Downtown Core Overlay zoning districts. The applicant proposes to combine the two lots into a single 2.36-acre development tract. The existing building, which housed the former Memmi's Bakery, will be demolished to make way for a five-story, 112-room hotel. He discussed the parking outline for the hotel including bicycle racks with a total of eight bicycle parking spaces. He spoke about the traffic impact assessment for the hotel and the stormwater management for the site. He discussed how the applicant softened the look of the hotel based on input from the Board and public. He discussed each of the waivers and conditions for the plan. Chairman Moyer thanked the Board and developer for working on the appearance of the building and listening to the Community's concerns. Mr. Dave Hogg, developer, spoke about changing the stone to match the downtown for the outside of the building and getting Hilton to agree to the changes.

Chairman Moyer made a motion to approve the Preliminary/Final Subdivision/Land Development Plan for Tru Hotel, Plat No. 1295 with the following waivers:

1. From Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] Profiles of existing storm, sanitary, gas, and waterlines and profiles of proposed gas and waterlines.
2. From Sections 185-22.E.(5) and 185-34.A.(1) ó Curbing and sidewalk construction along Mill Road, contingent upon the applicant submitting a fee in-lieu of the installation of sidewalks along Mill Road, with the fee to be determined and proposed by the applicant using the RSMeans's Construction Cost Data in accordance with Section 185- 34.A.(4).(b), and further provided that the applicant install a crosswalk across Mill Street to the existing sidewalk system on the west side of Mill Street, as indicated on the Site Plan.
3. From Section 185-22.D.(3) ó Additional cartway and right-of-way widths for existing streets (Hillcrest Road, West Areba Avenue, and Mill Streets).
4. From Section 174-13 ó Stormwater volume control requirements. Contingent upon this being a partial waiver approval with the applicant providing volume-reducing Best Management Practices as part of the overall stormwater management system and addressing all other stormwater management and drainage concerns to the satisfaction of the Township Engineer.

With the following conditions:

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1. The applicant reimburses the Township for costs incurred in reviewing the plan no later than July 12, 2018.
2. A copy of the Sales Agreement between Bluegrass Properties, LLC and Central PA Equities 29, LLC is provided no later than July 12, 2018.
3. A performance security is provided to guarantee the installation of required improvements and the accompanying agreement is signed no later than December 12, 2018.
4. The \$9,877.50 fee-in-lieu of sidewalk installation along Mill Street is provided no later than December 12, 2018.
5. A design data is provided no later than December 12, 2018 showing that information submitted with the flow test data is adequate in regards to substantiating minimum fire hydrant flow requirements, flow availability, recharge capabilities, and duration of flow.
6. The hotel shall daily maintain their streets as per their policy, which includes daily sweeping of the streets for road grit.
7. The comments in the June 6, 2018 HRG letter regarding the retaining wall are addressed no later than December 12, 2018.
8. Statements from the utilities indicating conditions attached to existing or proposed easements and rights-of-way are provided no later than December 12, 2018. This shall include any new covenants or restrictions from the electric company for the relocated power lines that presently cross the property.
9. Any revised electrical easement locations for the relocated power lines on the property are provided no later than December 12, 2018.
10. A CD of a DXF or AutoCAD digital file of the final plan is provided no later than December 12, 2018.
11. The completed BMP Inventory Form is provided via e-mail as an Excel file to jenelles@derrytownship.org no later than December 12, 2018.
12. Two originals of the signed and notarized Stormwater Best Management Practices Operation and Maintenance Agreement are provided no later than December 12, 2018. Note that the Agreement can only be signed by Central PA Equities 29, LLC (as drafted) AFTER the transfer of properties from Bluegrass Properties, LLC to Central PA Equities 29, LLC.
13. The applicant provides a copy of the draft deed conveying the properties together no later than December 12, 2018. The deed is to include the following language: "UNDER AND SUBJECT TO the Operation and Maintenance Agreement dated _____, recorded in the Office of the Recorder of Deeds of Dauphin County, Pennsylvania, at Instrument No. _____, governing the BMPs associated with the regulated improvements on the property."
14. The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.
15. The deed consolidating the lots and listing the stormwater BMPs as a restrictive covenant is recorded concurrently with the plan.
16. The Declaration of Access Easement for the adjoining property is recorded concurrently with the plan.

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

TIME EXTENSION -102 REESE AVE - PLAT #1278:

Mr. Emerick discussed the time extension request for the conditional Preliminary/Final Subdivision/Land Development Plan for 102 Reese Ave. They have requested an extension until December 4, 2018. He discussed each of the conditions for the extension request.

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Chairman Moyer made a motion to approval the time extension request for the Preliminary/Final Subdivision Plan with the following conditions:

1. The applicant reimburses the Township for any new costs incurred in reviewing the plan no later than December 4, 2018.
2. A performance security is provided to guarantee the completion of required improvements, and the accompanying agreement is signed no later than December 4, 2018.
3. The \$3,865.75 fee-in-lieu of sidewalk construction along West Chocolate Avenue is provided no later than December 4, 2018.
4. Two originals of the signed and notarized Operation and Maintenance Agreement are provided no later than December 4, 2018.
5. Two originals of the signed and notarized Agreement for the Deferment of the Installation of Curbing and Sidewalks are provided no later than December 4, 2018.
6. The comments in the December 4, 2017 HRG letter are addressed no later than December 4, 2018.
7. A draft of the revised property deed is provided no later than December 4, 2018 to include the following language: "UNDER AND SUBJECT TO the Operation and Maintenance Agreement dated [redacted], recorded in the Office of the Recorder of Deeds of Dauphin County, Pennsylvania, at Instrument No. [redacted], regulating the BMP associated with the development project."
8. A draft of the deed of dedication for the Traffic/Pedestrian Easement is provided no later than December 4, 2018.
9. The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.
10. The deed of dedication for the Traffic/Pedestrian Easement is recorded concurrently with the plan.
11. The Agreement for the Deferment of the Installation of Curbing and Sidewalks is recorded concurrently with the plan.

Supervisor Cort seconded them motion. **Motion carried 5-0.**

SHADE TREE COMMISSION:

Mr. Clark discussed the possibility of creating a Shade Tree Commission as requested by Supervisor Weir. He spoke about the purpose including fulfilling requirements of the grant for the TreeVitalize Program. He proposed six members for the Commission. Chairman Moyer suggested opening it up to the community and have them apply versus appointing members. Discussion ensued. The Board agreed to appoint Supervisors Weir and Zmuda and Bob Good to the commission. They agreed to ask the public to submit letters of interest in serving on the Commission by July 31st.

Vice Chairman Weir made a motion to recognize the creation of a Shade Tree Commission for grant applications to the TreeVitalize Program with Vice Chairman Weir, Supervisor Zmuda, and Dave Good as the initial members of the Commission. Supervisor Cort seconded the motion. **Motion carried 5-0**

RESOLUTION NO. 1551-KEYSTONE GRANT FOR PUBLIC LIBRARY:

Mrs. O'Grady spoke about the Hershey Library being engaged with planning improvements for the library. She discussed the process, including stakeholders and the consultant. The project includes three components of improving ADA access, upgrading the children's and teen areas. She showed and discussed with the Board each of the proposed changes for the areas. The cost of the improvements is

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\$1,059,569 which includes a grant of \$529,784. The rest of the costs would be funded through the library endowment and two bequests. Ms. Zumbrun discussed the requirements of the grant including requiring the locking of the building being a library for the next 50 years. The Board thanked Mrs. O'Grady for her vision and energy on this project.

Chairman Moyer made a motion to approve Resolution 1551 authorizing the submission of an application requesting a \$529,784 Keystone Grant for Public Library Facilities from the Pennsylvania Department of Education for the Hershey Public Library's Youth Services Redesign project. Vice Chairman Weir seconded the motion. **Motion carried 5-0.**

RESOLUTION NO. 1552-APPLICATION TO THE COMMONWEALTH FINANCING AUTHORITY FOR SAND HILL ROAD RELOCATION PROJECT:

Supervisor Engle made a motion to approve Resolution 1552 authorizing the submission of an application to the Pennsylvania Department of Transportation's Multimodal Transportation Fund Program requesting \$3,584,800 and authorizing the Chairman and Secretary to execute the documents. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

FIREWORK DISPLAY-JULY 14TH – 1250 SHOPE'S CHURCH ROAD:

Supervisor Cort made a motion to approve a request from Ryan Zimmerman, 1250 Shopes Church Road, Township of Derry, to display fireworks on July 14th at his residence at approximately 9:00 p.m. Vice Chairman Weir seconded them motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Zmuda spoke about the great day they had Saturday with Music on Chocolate. He spoke about the need for more volunteers to help with these events. Chairman Moyer asked Mrs. Henry to advertise on the website about the Shade Tree Commission for resumes to be received by July 31st. Supervisor Engle spoke about the crosswalks at Ridge and Elm and asked for cost estimates, which Mr. Clark will put in this bid at the end of the month.

REPORTS:

<u>Library</u>	Mrs. O'Grady stated 250 kids have signed up for the Summer Quest.
<u>Recreation</u>	Mr. Mandia thanked Public Works, Chairman Moyer and Public Safety for their assistance with the Memorial Day parade. They are working on updating the operating analysis which should be completed by the end of the summer.
<u>Community Development</u>	Mr. Emerick asked to schedule two public hearings on July 10 th starting at 6:00 p.m. for a zoning ordinance modification and a petition to vacate a street. The Board agreed. He spoke about the successful color run fundraiser Troegs had this weekend. They raised \$2,500-\$3,500.
<u>Economic Development</u>	Ms. Zumbrun spoke about DTMA asking for a letter of support from the Board for apply for part of the Mariner East DEP settlement monies. They would use the monies for flooding erosion at Bullfrog Road to Shank Park and Oakmont with retrofitting basins. The Board agreed to support their application. She thanked the volunteers for this past weekend's events downtown.

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ACCOUNTS PAYABLE and PAYROLL:

Supervisor Engle made a motion to approve accounts payable in the amount of \$521,810.43 and payroll in the amount of \$357,752.17. Supervisor Cort seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

Mr. Richard Gamble spoke about the Harrisburg Incinerator article in the paper with their debt and PFM and asked if there were safeguards in place for Derry Township. Supervisor Engle stated PFM is a national company with many clients. He stated they are providing a model for the Township to use. Mr. Gamble asked about the entertainment tax. Supervisor Engle spoke about the other monies provided to the Township by HE&R through the stormwater tax, parking tax, property taxes and other such items. Mr. Gamble stated every year the ticket price goes up and we still only receive 85 cents per ticket. He stated other communities charge up to 10%. He asked about a referendum vote for the Recreation Center for November. He stated it was done for the Library. Supervisor Engle doesn't believe a referendum would tell you if the majority of voters are for or against this project.

Mrs. Theresa Peschell stated the colors of the new hotel look better. She spoke about the need for sidewalks to connect Chocolate Ave. as she sees many walking on the shoulder. There are three hotels in a small area and sidewalks are needed.

Mr. Lou Paoletti asked the Board about the sidewalks on Elm and believes it needs to be done. Supervisor Engle spoke about the progress they are making and include extending the walk and crosswalk. Mr. Paoletti complimented the Township on putting the white crosswalks near his home at Ridge and Areba. He asked about the potential tax increase discussed today. Supervisor Engle spoke about the estimates provided by PFM, which are a potential option if there are no changes made. Mr. Paoletti doesn't believe the estimate of \$32 million will be the maximum and doesn't believe they will be able to raise \$5 million for the Capital Campaign. Supervisor Engle spoke about Mr. Koussis, who helped with the Fire House and Hershey Story, and his ability to help stay in budget. He has a great confidence in the process.

Mr. Marty Stabler, 241 Hilltop Rd, was here to hear about the Recreation Center. He asked what percentage of taxpayers are in favor of the Recreation Center. He asked if a survey was done. Supervisor Cort stated it would be hard to gauge. They have heard both sides and believe this is the right thing to do for the community. Supervisor Engle believes this is something the community desires and he has spoken to a lot of people.

ADJOURNMENT:

Supervisor Cort made a motion to adjourn the meeting at 8:29 p.m. Chairman Moyer seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Justin C. Engle
Township Secretary