

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING MINUTES**  
**MARCH 12, 2019**

**CALL TO ORDER**

Chairwoman Cort, called the March 12, 2019 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:03 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. She advised that all public meetings are recorded for providing accurate notes. She announced the Board of Supervisors met in executive session before the meeting and 6:00 p.m. hearing. After the Pledge of Allegiance, a roll call was conducted.

**IN ATTENDANCE:**

**SUPERVISORS**

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

**ALSO PRESENT:**

Christopher Christman, Township Manager  
Jill Henry, Assistant Township Manager  
Jon A. Yost, Township Solicitor  
Chuck Emerick, Director of Community Development  
Chief Garth Warner, Derry Township Police  
David Sassman, Hershey Fire  
Thomas Clark, Director of Public Works  
Cheryl Lontz, Manager of Payroll and Employees  
Zachary Jackson, Assistant Director of Parks and Recreation  
Jeff Cothren, Hershey Public Library  
Matt Bonanno, HRG Engineer  
Lauren Zumbrun, Economic Development  
Julie Echterling, Recorder

**Public in Attendance:**

The following were in attendance: Dave Getz, Ron Lucas, John Foley, Robert Naeye, Bob Gurt, Jonathan Crist, Kathy & Steve Seidl, Dayne Eyer, Chris Fennel, Dennis Trout, Skip Becker, Stacy Longenecker, Carol Nye, Judy & Bill Woodring, Brian Link, Christy Drexler, D Katz, Kevin Ferguson, Wayne Rivers, Rich Gamble, Jordan Yeagley, Tracy Brown, Lou Paoletti, Kim O'Connell, and Michael Corado.

**VISITOR/PUBLIC COMMENTS:**

Mr. Skip Becker thanked the Board for posting the SFA (Sports Facility Advisory) report on the website. He doesn't believe if you build it, they will come. He referenced page 12 of the SFA report where they stated the Township must decide whether the Hershey Community Center (HCC) will go into direct competition with other fitness centers and how it will influence the roll the HCC will play. He spoke about the competition in the area including Golds, Hershey Medical Center, Hershey, Power Train. He spoke about the number of people joining HCC maybe overstated which will reduce revenue and then it will be the taxpayers having to pony up for the difference. He spoke about the difference of private open business including capital. He stated the HCC will be subsidized by the taxpayers and that doesn't sit well with him.

Mr. Brian Link, 230 West Areba, thanked the Board for having the SFA study done. He spoke about the report and how the report states the revenue is overstated and the expenses for the operational and maintenance of the HCC is understated. He spoke about the six steps SFA stated need to be taken based on the decision about going up against competition. He commented on the design comments in the report, inadequate size of courts, screening, competition swimming times, limiting access to bleachers and the six locker rooms and 12 bathrooms. Their recommendations are based on the design that is out

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to bid. He read two quotes from the report about revenue not being achievable and expenses with labor rates. He asked the Board to please take the suggestions from SFA under careful consideration and move forward with SFA for the next phase. Chairwoman Cort encouraged residents to look at this report as part of the puzzle. She said to not look at one report as the end all and not take it out of context.

Mr. Wayne Rivers, Cypress Court, echoed what Mr. Link said asked the Board to go to Phase II with SFA. The report is not a glowing endorsement for HCC. He spoke about people leaving New York and New Jersey because of the \$10,000 maximum tax deduction limitation for taxes. In 2020, with the tax increase, an appraised house at \$250,000 will pay taxes of \$7,620. Schools will raise taxes and people will move out of Derry and then taxes will increase with the loss of residents. It is time to look at other avenues of revenue including the entertainment tax. He said residents near the HCC are calling it the Titanic. He spoke about the risk being taken with the HCC with the foundation and asked them to think about the safety of the residents. He spoke about having a referendum and the comment was only 4,000 voted. He stated 10,000 people of the 15,000 registered voters voted in November. He asked the Board to put it on a referendum and he will do his part to get at least 51% of the voters to show up and vote.

Mr. Rich Gamble reminded the Board that a chain is only as strong as its weakest link and he believes this report shows there is a weak link. He read the report and there are just as many positives as negatives. He spoke to investors in the community, and they wouldn't touch this facility and asked why we are building more pool space than we can afford. It seems like the government is getting into private business. He asked about the \$32 million budget, does it include all the monies spent so far? Chairwoman Cort said yes.

Mr. Dennis Trout, 2010 Locust Lane, stated he is a retired professional engineer. He asked who prepared the infographics with the Township logo. Chairwoman Cort said they prepared them with BOS, Staff, Consultants, and a local woman who did the original design and paid \$400. He asked if there was a peer review and quality insurance as he doesn't believe they meet those standards. He said the statement that it meets the needs of the community is an example as he believes it is a want and not a need. He believes the infographics are promotional versus normal infographic. He spoke about the gift from Hershey of the Center in 1979 which they subsidized because the revenues didn't cover the expenses. He doesn't believe a government agency should be in competition with the public. He suggested giving the Center back to HE&R who know entertainment and run it as a business. He doesn't find it acceptable to build this HCC which could cost more like \$60 million versus \$32 million to just lose less money.

**ADOPTION OF MINUTES:**

Chairwoman Cort made a motion to approve the minutes for the February 26, 2019 Board of Supervisor Public Hearing Minutes. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

Chairwoman Cort made a motion to approve the minutes for the February 26, 2019 Board of Supervisor Public Meeting Minutes. Supervisor Weir seconded the motion. **Motion carried 5-0.**

**NEW BUSINESS:**

**ORDINANCE 713-AMENDING CHAPTER 225 TO MAKE GENERAL REVISIONS, CORRECTIONS, CLARIFICATIONS RELATIVE TO REGULATIONS IN ARTICLES II, III, IV, AND V:**

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Mr. Emerick state these text amendments have been proposed to clarify and correct certain regulations and text, and to modify two uses within the Hershey Mixed Use zoning district. As discussed at length at the public hearing at 6:00 p.m. tonight, the Zoning Ordinance will remain consistent with the goals and objectives of the 2015 Comprehensive Plan.

Supervisor Zmuda made a motion to **table action** on the adoption of Ordinance 713. Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

**SPORTS FACILITY ADVISORY (SFA) PHASE 1 REPORT -HERSHEY COMMUNITY CENTER PROJECT:**

Mr. Jackson spoke about the SFA report. He stated decisions including the level and operating models of fitness that the facility should offer, input on various membership models for the Township consideration and commentary on market factors based on drive times need to be made. Vice Chairman Engle thinks the SFA report is good and thinks they need to do the second phase. Supervisor Weir agrees as they have heard from the public. Supervisor Zmuda agrees with moving forward. Supervisor Moyer agrees with moving forward with phase two. He voiced concern with hearing the first part of their report as they are ready to break ground on HCC.

Vice Chairman Engle made a motion to move forward with Phase Two of the SFA proposal. Supervisor Weir seconded the motion. **Motion carried 5-0.**

**EAST POINT TRADE CENTER PLAN– BUILDING C, PLAT #1314:**

Mr. Emerick stated this site is owned by Hillwood Palmyra, LP which consists of 163 acres, with about 23 acres located in Derry Township and the rest are in North Londonderry Township and Palmyra Borough. At the time of submission of the Plan for this project (Plat #1234) in 2013, the Derry Township lands were zoned Industrial and Agricultural/Conservation. Since the final approval of Plat #1234 in 2018, the lands within Derry Township have been rezoned to Industrial and Palmdale Mixed Use; however, using the vesting secured with the preliminary plan, Plat #1314 will be reviewed under the prior zoning requirements. This proposal is consistent with the Township's Comprehensive Plan. He spoke about the plans submitted in 2003 and the zoning for them. He stated the present plans depict a third building (Building C), consisting of 284,450 square feet. Stormwater from the Derry Township portion of the project will be collected and conveyed to the Lebanon County side of the site. A revised traffic study has been provided with the submission. This proposal will create 201 new daily trips, 140 new daily truck trips. Dauphin County Conservation District has deferred approval of the soil erosion and sediment control approvals, measures, and enforcement to the Lebanon County Conservation District. The Derry Township Planning Commission approved Plat #1234 with conditions at their February meeting. He read the conditions for the plan. Supervisor Moyer asked about the tax revenue and truck traffic. Mr. Emerick isn't familiar with the tax process as it is done by County. He did agree this plan will increase truck traffic.

Supervisor Weir made a motion to approve the Revised Final Land Development Plan for East Point Trade Center ó Building C, Plat #1314, subject to compliance with following items:

1. The applicant reimburses the Township for costs incurred in reviewing the plan no later than April 12, 2019.

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2. A performance security in the amount of \$989,152.00 is provided to guarantee the completion of required improvements, and the Agreement to Provide Financial Security is signed no later than September 12, 2019.
3. The Certificate of Ownership, Acknowledgement of Plan, and Offer of Dedication block on Sheet 1 of the plan is signed and notarized no later than September 12, 2019. The Stormwater Management Certification block on Sheet 1 of the plan is signed no later than September 12, 2019.
4. Two originals of the signed and notarized Stormwater Best Management Practices Operation and Maintenance Agreement are provided no later than September 12, 2019.
5. A draft copy of the revised property deed is provided no later than September 12, 2019. The property deed must be revised to include the following restrictive covenant 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. \_\_\_\_\_, regulating the BMP associated with the development project."
6. The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.
7. The revised property deed referencing the Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.

Chairwoman Cort seconded the motion. **Motion carried 4-1.** Supervisor Moyer voted in the negative.

**SECURITY: STORMWATER MANAGEMENT PLAN FOR 238 ELM AVENUE, S-2019-003.**

Chairwoman Cort made a motion to accept the performance security in the amount of \$5,098.00 in the form of cash and enters into the Agreement to Provide Financial Security between John M. Levenick and the Township for the Stormwater Management Plan for 238 Elm Avenue, S2019-003. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

**PERMISSION TO SERVE ALCOHOL - LAST DANCE FUNDRAISING EVENT:**

Vice Chairman Engle made a motion to grant permission to allow alcohol at the Last Dance Event to held at the Recreation Center on April 5, 2019. Chairwoman Cort seconded the motion. **Motion carried 5-0.**

**PERMISSION TO SERVE ALCOHOL - DOWNTOWN HERSHEY ASSOCIATION'S 2019 LIFE ON CHOCOLATE:**

Chairwoman Cort made the motion to allow alcoholic beverages to be on the property of ChocolateTown Square Park in conjunction with the Downtown Hershey Association's 2019 Life on Chocolate event series, including: Art Show & Culturefest, May 18, 2019, Market on Chocolate, Saturdays, June through September, 2019, Music on Chocolate, Second Saturday of each month, June through August, 2019, Choctoberfest, October 19, 2019 and Holiday Celebration, December 6, 2019. Supervisor Moyer seconded the motion. **Motion carried 5-0.**

**ORDINANCE NO. 714 AMENDING CHAPTER 210 § 210-38, PARKING RESTRICTIONS ON BOTH SIDES OF MAPLE AVENUE BETWEEN COCOA AVENUE AND "H" STREET:**

Chief Warner discussed the request for a parking study on Maple Ave between Cocoa Ave and H Street. He spoke about the advertising and public notice. He showed the Board the location of the no parking on the map.

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Supervisor Weir made a motion to adopt Ordinance No. 714 amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210 § 210-38. Parking prohibited at all times in certain locations by establishing parking restrictions on both sides of Maple Avenue between Cocoa Avenue and ðHö Street. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

**CORRESPONDENCE BOARD/COMMITTEE INFORMATION:**

Supervisor Zmuda complimented Public Works on the job they did this year removing snow. He also attended the CARS meeting with Supervisor Weir.

**REPORTS:**

<u>Police</u>	Chief Warner spoke about the award Officer Cotten received from the Central Penn Parents Magazine.
<u>Fire:</u>	Mr. Sassman stated they had 54 calls in February and spoke about the progress on the prints for the new truck.
<u>Recreation</u>	Mr. Jackson stated Staff is working on a list of items to be auctioned pending the March 26 vote. They will go out and be auctioned online in April.
<u>Engineer</u>	Mr. Bonanno spoke about working with PPL on their redesign.
<u>Manager</u>	Mr. Christman stated the bike path is open again that had been closed because of the PPL issue.

**ACCOUNTS PAYABLE and PAYROLL:**

Vice Chairman Engle made a motion to approve accounts payable in the amount of \$259,665.56 and a Payroll totaling \$363,238.61. Supervisor Moyer seconded the motion. **Motion carried 5-0.**

**VISITOR/PUBLIC COMMENTS:**

Mr. Rich Gamble noted that the fixtures of the Recreation Center are being ready to be auctioned off while a final decision hasn't been made. He asked them to take a more realistic look. He asked the Board to do a poll of the public about the HCC and then they would better understand where the public stands. He spoke about the Recreation Center being subsidized since 1979. He asked them to look at the number of members over the past five years ó has it increased or decreased.

Mr. Brian Link stated the Ballard King study spoke of one 50-meter pool which right now, the owners of the pool are talking about selling. He spoke about the plan and building it for the residents as the proposed facility is bigger than the needs. He spoke about the expected revenues SFA identified which aren't sure things. He is concerned as there isn't a clear path for revenue for the debt services. He asked why we are still sprinting to the finish line after this report. He noted that two of the Supervisors who voted for the plan are leaving the Board and asked if the plan is right. He is concerned about the review process as the bids are due to be opened March 21 and a vote on the 26. He doesn't believe that is enough time to make sure everything is correct, responsive, compliant, responsible, and insurance. He hopes the Board thinks long and hard if this is the right facility and does it need to be approved in two weeks.

Mr. Dayne Evers, Raleigh Road, Hummelstown, asked if the SFA is just one piece of the puzzle, but it shows a lot. He agrees with doing the SFA second phase and can't believe ground would be broken

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before phase two is completed. He is concerned since SFA report says revenue and expenses weren't reflected correctly which could result in a larger debt for taxpayers. He doesn't believe this is responsible.

Mrs. Natalie Nutt, 502 Sophia Circle, said going into Phase two SFA said that the Board needs to answer the question about competition before moving forward. She said she hasn't heard them say anything about that or a decision from the Board.

Mr. Wayne Rivers believes SFA phase two is good and can put numbers into perspective. He spoke about the Ballard King study and stated people aren't going to pay \$1,000 a year for a membership to the HCC. He asked the Board to pause and not have remorse over this decision.

Mr. Dennis Trout thanked Supervisor Moyer for voting against the HCC. He said the Board could send out a survey in the tax bill and have the results sent to an independent place to know how the resident feel about this tax burden for the next 20 years. He spoke about all the bike paths and pedestrian improvements and how people don't need a gym to walk. He asked the Board to redo the info graphics and have them done for information versus promotionally.

Mrs. Christy Drexler stated she still believes in the HCC. She thanked the Board for their decision. She asked how much money has been lost on the Recreation Center. Chairwoman Cort noted that the Center never made money ó even with Hershey running it. Mrs. Drexler noted that no one has batted an eye before when it lost money.

Mrs. Kathy Seidl asked the Board about reducing the height allowance and ground coverage for hotels. She asked them to stand outside the TruHotel as it is monstrous. She spoke about the negative affect it is having on property values and believes people will move out of the area.

Mr. Gamble noted that people accept that the HCC will lose money. What they don't accept is the new and future debt with those losses.

**ADJOURNMENT:**

Supervisor Zmuda made a motion to adjourn the meeting at 8:32 p.m. Supervisor Weir seconded the motion. **Motion carried 5-0.**

**SUBMITTED BY:**

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Richard D. Zmuda  
Township Secretary