

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
APRIL 23, 2019

CALL TO ORDER

Chairwoman Cort called the April 23, 2019 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:02 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 to discuss land, legal and personnel issues. 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 Yost, Township Solicitor
Chuck Emerick, Director of Community Development
Chief Garth Warner, Derry Township Police
David Sassaman, Hershey Fire
Thomas Clark, Director of Public Works
Cheryl Lontz, Manager of Payroll and Employees
Matthew Mandia, Director of Parks and Recreation
Laura O'Grady, Hershey Public Library
Matt Bonanno, HRG Engineer
Lauren Zumbrun, Economic Development
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Brandon Harner, Steven Bennett, Ashley Zagacta, Dan Schiavone, Doug Nicotera, Robert Naeye, Dennis Trout, Skip Becker, Harry Susi, Christie Drexler, Pam Tulchinsky, Jonathan Crist, Marge Tarner, Melissa Tarkerton, Ed Leopold, Steven Smith, Rich Gamble, Dan Clough, Kim O'Connell, Crystal Oyerly, Debra Lauer, Kevin Ferguson, Kathleen Ryland, Costes Wyckoff, A. Myer, Lou Paoletti, Paul Ruddle, William & Julie Tafuto, Chris & Matt Luttrell, David Katz, Wayne Rivers, Todd Pagliarulo, Jason Pedersen, Lorna Thomas, Benjamin Oyler, and Peter Gawson.

VISITOR/PUBLIC COMMENTS:

Mr. Harry Susi spoke a year ago about his displeasure of the \$32 million Recreation Center proposed. He believes there was interference from outside groups and a small number of residents who wanted it. He stated they were voted into office to be financially conservative. Now there is no swimming pool for the summer and for the clubs. He asked the Board to save more embarrassment to resign and let the new elected officials come and make the decision about this.

Mrs. Ashley Zagacta respects CARS concerns about spending but disagrees with them on the Center. She spoke about being excited about the opportunities for the new center and understood their taxes could go up. She spoke about the revenue the 50-meter pool would bring in and the hours they plan on volunteering to help. She said once it is built, the community will see it as an investment. She spoke about all the programs for everyone from daycare to the elderly center and the advantages. She hopes the new plans meet all the needs as the current center doesn't.

Mr. Rich Gamble, Hockersville Road, noted that the services she spoke about for the new Center are already offered by businesses in the Community. He asked the Board to start at ground zero. He asked

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them to survey the residents who are going to pay the bill. He supports a recreation center, but it should pay for itself.

Mrs. Pam Reynolds thanked the Board for their work and is disappointed with the bids. She believes contractors are busy as the economy booms. She hopes the 50-meter pool moves forward which will bring in the revenue. She spoke about all the programs that can use the pool. She donated as did her out of town parents. She spoke about the personal relationships made during the swimming session and how it impacted her family's life. She asked them to keep moving forward.

Mrs. Chris Luttrell, Cedar Road, thanked the Board and spoke about how she was involved from 10 years ago. Traveling and obtaining input on the options for a new Recreation Center. She spoke about the need for the 50-meter pool and the great reputation Hershey has. She spoke about her support for the 50-meter pool and how it allows swimming for 12 months a year.

Mr. Dennis Trout, Locust Lane, complimented Supervisor Moyer. He read an article dated 2016 from Lancaster that spoke about an aquatic company that dropped two sites and were looking at Hershey as a potential. He read quotes about comments made by Vice Chairman Engle. He spoke about the increased hotels, strip malls, restaurants and gas stations. He doesn't understand spending \$3 million in taxes a year to reduce the Recreation Center's deficit by \$200,000. He doesn't believe the Center should compete with businesses. He suggested using the school for space for activities.

ADOPTION OF MINUTES:

Vice Chairman Engle made a motion to approve the minutes for the April 9, 2019 Board of Supervisors Public Meeting Minutes. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

NEW BUSINESS:

COMMUNITY CENTER PROJECT UPDATE:

Mr. Christman stated they held an informal meeting last week to discuss moving forward. He stated he doesn't have any results or report as they are just beginning. Supervisor Moyer suggested three scenarios for moving forward. The first was stick with the \$32 million bid and facilitate the bids. The second was look at the current design and come to an agreement for changes. The third is the bottom up approach to use the current Center as the base and expand features and bring it to a state-of-the-art facility. He believes \$32 million is too high and suggested \$20 million. He spoke about the Friendship Center, which now has to replace two heat exchanges for a cost of \$800,000. He believes setting a budget is important and he suggests \$20 million. Chairwoman Cort believes stopping here and reexamining is a good thing. She believes a range would be a good idea for the budget. She said everyone wants to do what is best for the community. She doesn't want to start from scratch as they have a lot of information already.

2019 BOND ISSUE:

Mr. Christman spoke about the allocated projects with the FY2019 budget which require a General Obligation Bond financing to complete. He spoke about the road improvements for Bullfrog Valley Road and the Community Center of \$1.55 million, the general fund design for \$602,000 and the capital projects of \$456,000. The settlement is scheduled for June.

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Supervisor Zmuda made a motion authorizing the Administration to work with RBC Capital Markets, as bond underwriter, Public Financial Management, Inc., as financial advisor, and McNeese, Wallace, & Nurick, LLC, as bond counsel, to prepare the necessary documents for the issuance of Township of Derry, General Obligation Bonds, Series of 2019. Supervisor Weir seconded the motion. **Motion carried 5-0.**

PLAN FOR MIDDLETOWN ROAD SITE, PLAT NO. 1312:

Mr. Emerick spoke about the plans for the five-acre lot which would be subdivided into four new development lots for single-family detached dwellings. He spoke about the easement requirements and the stormwater management plan. He discussed the waiver and conditions for the plan. He spoke in detail about the waiver requests for the Aquifer test and sidewalks.

Supervisor Zmuda asked about why they weren't connecting to public water and questioned if PennDOT reviewed the driveways. Mr. Emerick spoke about the difficulty with connecting to public water. Mr. Bonanno stated the HOP hasn't been issued as of yet by PennDOT. Supervisor Weir asked about who is responsible for the stormwater and Mr. Emerick stated it would be the property owners and it is in the agreement. Supervisor Moyer couldn't overstate his concern with flooding in this area and asked if their stormwater plans would make it better. Mr. Emerick explained how the water flowed and the report and how it would improve the issues. Mr. Bonanno had the same concerns as Supervisor Moyer and spoke about the features of the plan and the quality of the water compared to the past. He stated it would be up to the homeowners to maintain the stormwater which would require yearly inspections submitted to DTMA. Vice Chairman Engle asked about the sidewalk deferment. Mr. Emerick stated there could be a tie into the trail system at Stone Creek and there could be other development down the road.

Chairwoman Cort made a motion to approve the Preliminary/Final Subdivision and Land Development Plan for Middletown Road Site, Plat #1312, is approved, subject to compliance with following items:

1. The applicant reimburses the Township for costs incurred in reviewing the plan no later than May 23, 2019.
2. A performance security is provided to guarantee the completion of required improvements, and the accompanying Agreement to Provide Financial Security is signed no later than October 23, 2019.
3. The applicant revises their Consumer Disclosure Statement in conformance with Section 185-56 of the Subdivision and Land Development Ordinance no later than October 23, 2019.
4. The \$5,509.76 fee in-lieu of dedication of land for park, recreation, and open space for the new lots is provided no later than October 23, 2019.
5. A final shared access agreements for the shared driveways are provided no later than October 23, 2019.
6. The comments in the April 8, 2019 HRG letter (attached) are adequately addressed no later than October 23, 2019.
7. Two originals of the signed and notarized Agreement for the Deferment of Curbing Installation and Sidewalk, Walkway, and/or Bicycle Path Installation are provided no later than October 23, 2019.
8. Two originals of the signed and notarized Stormwater Best Management Practices Operation and Maintenance Agreement are provided no later than October 23, 2019.
9. A CD of a DXF or AutoCAD digital file of the final plan is provided no later than October 23, 2019.

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10. The Agreement for the Deferment of Curbing Installation and Sidewalk, Walkway, and/or Bicycle Path Installation is recorded concurrently with the plan.
11. The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.
12. The deeds referencing the Stormwater Best Management Practices Operation and Maintenance Agreement are recorded concurrently with the plan.
13. The deed of dedication for right-of-way along Middletown Road is recorded concurrently with the plan

It is also moved that the requested waivers and deferments from the Subdivision and Land Development Ordinance are granted as listed below:

1. Waivers from Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] ó Profiles of existing stormwater sewer and conveyance systems, existing sanitary sewer systems, and existing gas and water systems.
2. Deferment from Section 185-22.E.(5) ó Curbing installation along Middletown Road.
3. Deferment from Section 185-34.A.(1) ó Sidewalk installation along Middletown Road.
4. Waiver from Section 185-18 ó Property corner monumentation.
5. Waiver from Section 185-39 ó Aquifer test.

Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

RESOLUTION NO. 1581-DCNR'S C2P2 PROGRAM-COMMUNITY CENTER PROJECT:

Ms. Zumbrun stated since the Board rejected the bids for the Community Center and the project is being redefined/rescoped, we requesting funding for the outdoor slide and splash pad areas. These two community-oriented elements have been identified as important to retain at the facility. The project is in line with the type and scale of project that DCNR typically funds. Total project costs for the equipment for these two items is estimated to be \$387,480 and the program requires that the Township provide 50% matching funds.

Chairwoman Cort made a motion to adopt Resolution 1581 authorizing the submission of an application to DCNR's C2P2 grant program; agreeing to the grant program terms and conditions; and authorizing the chairman to execute the grant agreement signature page. Supervisor Weir seconded the motion. **Motion carried 5-0.**

HERSHEY COMMUNITY CHORUS - EXEMPTION - AMUSEMENT TAX ORDINANCE:

Mrs. Henry discussed the request from the Hershey Community Chorus requesting exemption from the amusement tax. She stated the current ordinance doesn't allow exemptions for this organization. Chairwoman Cort stated this bothers her and asked if action could be tabled while they review the ordinance and revise it.

Chairwoman Cort made a motion to table action on the request from the Hershey Community Chorus for exemption from the Amusement Tax until the ordinance can be revised. Supervisor Moyer seconded the motion. **Motion carried 5-0.**

PRONIO'S MARKET 100-YEAR ANNIVERSARY AND COMMUNITY EVENT:

Supervisor Zmuda made a motion to approve the request to close W. Caracas Ave. from Linden Rd. to Valley Rd., and Valley Rd. from W. Caracas Ave. to S. 2nd St., and the related restricted parking, on the

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evening of June 2, 2019 from 3:00 PM to 10:00 PM for Pronioø Market 100-year anniversary and community event. Supervisor Weir seconded the motion. **Motion carried 5-0.**

FIREWORKS – COUNTRY CLUB -JUNE 4TH:

Supervisor Moyer made a motion to grant permission to hold a firework display at the Hershey County Club for a large group dinner event on Tuesday, June 4, 2019 at approximately 9:45 p.m. Chairwoman Cort seconded the motion. **Motion carried 5-0.**

BULLFROG VALLEY ROAD – FULL DEPTH RECLAMATION -CONTRACT AWARD:

Mr. Clark discussed the bids received for the full depth reclamation of Bullfrog Valley Road from Wood Road to 433øeast and 45øwest of intersection of Roush Road. Two bids were received and E.J Breneman was the lowest.

Chairwoman Cort made a motion to award the contract for full depth reclamation to E.J. Breneman in the amount of \$629,958.10. Supervisor Moyer seconded the motion. **Motion carried 5-0.**

SANDHILL ROAD-COLD IN-PLACE RECYCLING -CONTRACT AWARD:

Mr. Clark discussed the bid for cold in-place recycling of Sandhill Road from Forest Ave to the field at Lancaster Mennonite School. One bid was received. He explained that many companies donø do this kind of work anymore.

Supervisor Zmuda made a motion to award the contract for cold in-place recycling to Recon Construction Services in the amount of \$606,507.60. Chairwoman Cort seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Weir spoke about Arbor Day and the tree planting happening this weekend at Gelder Park.

REPORTS:

<u>Police</u>	Chief Warner spoke about the drug take back event happening this Saturday at HMC.
<u>Public Works:</u>	Mr. Clark spoke about working on fixing a pipe on Wood Road. The road will be closed tomorrow and hopefully will be fixed in a day.
<u>Recreation:</u>	Mr. Mandia spoke about the May 4 th Fishing Derby. Supervisor Weir spoke about the Easter Egg Hunt which was well planned and exciting for kids.
<u>Engineer</u>	Mr. Bonanno stated DTMA has the grant and is waiting for the contracts to be signed for the basins with Wood Road.
<u>Manager</u>	Mr. Christman spoke about a meeting he attended with two supervisors at Dauphin County to hear about whatø happening in the county.

ACCOUNTS PAYABLE and PAYROLL:

Supervisor Weir made a motion to approve accounts payable in the amount of \$832,888.12 and a Payroll totaling \$336,099.70. Chairman Cort seconded the motion. **Motion carried 5-0.**

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VISITOR/PUBLIC COMMENTS:

Mr. Harry Suez spoke about his involvement on the Recreation Board years ago. He spoke about the 1,800 people who use the pool which means 90% of the community doesn't use it. He doesn't believe if you build it, they will come. He noted the two organizations interested in the large pool for events would be making money. He noted only a small number of people benefit from the 50-meter pool. He spoke about being fiscally responsible.

Mr. Lou Paoletti spoke about the amusement tax for the Chorus. He would like to see nonprofits like this not pay this tax as he believes it's really meant for profitable companies. He recommends finding a way to exempt them from this tax or those who would owe less than \$300 don't have to pay.

Mr. Wayne Rivers, 815 Cypress, asked about the SFA phase II report which was due last week. Vice Chairman Engle stated it is on hold as it didn't make sense to continue. Mr. Rivers agrees with Supervisor Moyer about setting a budget and to ask what is needed and where the monies are coming from. Years down the road, additions can be made to the Center. Many people are for a Recreation Center but not a \$32 million Center that runs on a deficit.

Ms. Kelly Oyerly pledged to raise \$1,000 for the new Recreation Center last fall. She raised approximately \$1,800. She presented the check to Chairwoman Cort. She thanked everyone who helped her raise the monies for the Center. Chairwoman Cort spoke about the raffle she had and the excitement around it.

Mr. Matt Luttrell, Cedar Road, stated he is in favor of the current design. He stated this Center has been in the planning for five years and challenges those who say there was no planning. He believes the Community needs to pull together.

Mr. Dan Cleft, South Hill Drive, spoke about his background of working with young athletes and working on large projects. He thanked the Board for their hard work. He stated a lot of planning went into this Center. He supports it and wants to see it move forward. He stated his main concern is not having a pool and Recreation Center now. He encouraged them to keep the business case in mind and keep it moving forward. He doesn't want to see the project delayed. He thanked the Board for the vision.

Mrs. Crystal Oyerly, 906 Briarcrest Drive, is here to support the project. She thinks the current Center is too small and the new one can reach more than the 10% as discussed early tonight. She stated the 50-meter pool isn't just for competition but will benefit others as programs are added.

Mr. Rich Gamble, Hockersville Road, noticed that everyone who spoke tonight didn't say anything about the after-school programs, the Mohler Center or it was all about the pool. He thinks the school district should build a pool as they receive more tax monies than the Township. He doesn't think any plans should be ready before December. He asked if consultants were going to be paid for a new design. Chairwoman Cort said that consultants would be needed to help with the design. He stated he is in support of a new Center but look at a budget of \$20 million.

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Mr. Steve Bennett, Derry Road, asked the Board to walk around town and see where the sidewalks just end and could be extended. He spoke about the road and water issues. He asked what is causing the Palmdale flooding and hopes they can figure out a solution. He spoke about the rain and how it softens the roads. He noted he is opposed to the \$32 million Center and hopes they engage both sides to come to an agreement.

Mr. Dennis Trout spoke about the P&S used in planning. He spoke about the infographics released for the Center and how there were only positives listed. He noted the current design would cost the taxpayers \$60 million over 20 years. He doesn't believe the Center should compete with businesses in the area. He encouraged them to look at the needs versus wants. He thanked them for what they have done but asked that both the pros and cons be shown.

ADJOURNMENT:

Vice Chairman Engle made a motion to adjourn the meeting at 8:52 p.m. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Richard D. Zmuda
Township Secretary