

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING MINUTES**  
**MAY 14, 2019**

**CALL TO ORDER**

Chairwoman Cort called the May 14, 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 A. 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: Erica Korner, Linda Eyer, Robert Naeye, Doug Nicotera, Don Wood, Anita Wood, Teresa Mayan, Anthony Mayan, Christine Drexler, Barbara Chestnut, Skip Becker, Carol Nye, Wayne Rivers, Dennis Trout, Lindsay Drew, Paul Friedrich, C. Wyckoff, Todd Pagliarulo, Kent Crawford, Rich Gamble, Tracy Brown and Janet Crowther.

**VISITOR/PUBLIC COMMENTS:**

Mr. Bob Welsh, Hilltop Rd., spoke about the amusement tax. He suggested they engage a CPA to examine and review the tax and make sure it is being handled consistently.

Mrs. Linda Eyer spoke about the revised plans for the Recreation Center. She asked about a revised budget, the Capital Campaign, and the business plan. Chairwoman Cort stated they are working on the plan but are not ready to share with the public. The Capital Campaign is currently not soliciting funds but are accepting them. SFA is working with them on Phase 2 and when they are ready, they will share it with the public.

Mr. Rich Gamble, 39 Hockersville Road, thanked Supervisor Zmuda for coming to the CARS meeting. He spoke about the meetings with Supervisors on the Recreation Center and stated no minutes are being taken for these meetings. He believes because of the Sunshine Law, they need to have minutes. Solicitor Yost stated they can meet without making decisions. Mr. Gamble asked them to invite the public.

**NEW BUSINESS:**

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**ORDINANCE NO. 716 - GENERAL OBLIGATION BONDS, SERIES A OF 2019:**

Mr. Christman spoke about the approval granted to allow the Finance Team (RBC, PFM and McNeese, Wallace & Nurick) to begin preparing the necessary documents for a borrowing to complete various Township capital projects outside the scope of the Community Center project. Mr. Scott Shearer, PFM, spoke about the purpose of the financing for the following items: Series of 2018 refunding, Bullfrog Valley & Sandhill Road, Landfill, Reimbursement of the General Fund, 2019 Budgeted Capital Projects and the Park Design. He spoke about the interest rates, estimated refinancing costs, parameter schedule and the \$5.4 million needed for the financing. Mr. Lou Verdelli, RBC, spoke about the rates dropping and this being a good time for financing. He went over the schedule which included settling on June 20<sup>th</sup> so funds would be available for projects. Mrs. Donna Kreiser spoke about the ordinance and how the maximum financing would be set at \$6.5 million.

Supervisor Zmuda made a motion to adopt the duly advertised Ordinance No. 716 authorizing the incurrence of nonelectoral debt in the maximum amount of \$6.5 million in connection with the issuance of one or more series of general obligation bonds for various Township projects as noted by the Finance Team. Supervisor Weir seconded the motion. **Motion carried 5-0.**

**RESOLUTION NO. 1582- EXTENSION OF THE TOWNSHIP'S EXISTING QUALIFIED INTEREST RATE MANAGEMENT AGREEMENT:**

Mr. Christman stated Resolution #1582 is for the consideration of GOB, Series A of 2019, the second component of this discussion is to extend the Hedge Agreement from June 01, 2019 to December 31, 2019 and reduce the amount of the Hedge from \$25,000,000 to \$20,000,000. The original Hedge was approved via Ordinance No. 703 and Resolution No. 1549 on March 13, 2018. Mr. Lou Verdelli, RBC, spoke about this being straight forward and they recommend extending it from June to December 2019. Supervisor Zmuda asked about the interest rates and Mr. Verdelli stated it should be around 3% as there is no change in the contract.

Chairwoman Cort made a motion to adopt Resolution No. 1582 - Authorizing and Approving an Extension of the Township's Existing Qualified Interest Rate Management Agreement and a Reduction of the Notional Amount Thereof, from \$25 million to \$20 million as noted by the Finance Team. Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

**PLANNING CONSULTING SERVICES — URBAN DESIGN ASSOCIATES:**

Mr. Christman stated to evaluate the Township's zoning ordinance and architectural guidelines as they relate to the downtown Hershey area; the Administration has sought a proposal from Urban Design Associates (UDA) for \$95,000. Vice Chairman Engle stated early this year we realized there were issues with the zoning, and they started to speak with them. Supervisor Weir stated they found shortfalls with the hotels and they need to have planning help. Supervisor Zmuda agreed that planning is necessary for the future. Chairwoman Cort agrees the zoning needs to be changed but isn't sure this is the right time and is nervous about spending monies at this time. Vice Chairman Engle spoke about Mr. Emerick not having an assistant at this time and the savings from this could be applied to this project. He noted that the Downtown Hershey Association is willing to contribute \$32,000 toward this project. Mr. Emerick stated they could do this, but it would take much longer, and time is of the essence now. Discussion ensued.

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Supervisor Weir made a motion to appoint Urban Design Associates as a consultant to the Township of Derry for the purpose of providing planning, zoning recommendations and architectural guidance as it relates to the downtown Hershey area for a total project cost not to exceed \$95,000 conditional upon the Downtown Association contributing \$32,000 toward this expense. Supervisor Zmuda seconded the motion. **Motion carried 4-1.** Supervisor Moyer was opposed.

**RESOLUTION NO. 1583- SUPPORT OF RESTORE PENNSYLVANIA, A \$4.5 BILLION INFRASTRUCTURE IMPROVEMENT PLAN:**

Mr. Christman stated the Township received a request from resident Lindsay Drew for the Board to consider this resolution. Ms. Lindsay Drew provided a handout to the Board and spoke about this Governor Wolf initiative with the severance tax. She believes this could create grants that the Township could apply for and obtain. She spoke about the projects that could receive the monies. She spoke to the Governor's office to ensure other municipalities would be considered other than the Philadelphia/Pittsburgh areas. She noted it has been cosponsored by the Township's representative.

Supervisor Zmuda made a motion to adopt Resolution No. 1583 in Support of Restore Pennsylvania, A \$4.5 Billion Infrastructure Improvement Plan. Supervisor Weir seconded the motion. **Motion carried 4-0-1.** Supervisor Moyer abstained.

**TIME EXTENSION- FOX GLEN DRIVE, PLAT #1268:**

Chairwoman Cort made a motion to approve the preliminary/final subdivision plan for Fox Glen Drive, Plat #1268, be extended for one additional year (until May 22, 2020), subject to compliance with the following:

1. A performance security is provided to guarantee the completion of required improvements, and the accompanying agreement is signed no later than May 22, 2020.
2. The full disclosure statement is provided (as a separate document) per Section 185-56 of the Subdivision and Land Development Ordinance no later than May 22, 2020.
3. The General Note 2 is completed on the plan no later than May 22, 2020.
4. A letter is provided from the Dauphin County Conservation District approving the Erosion and Sedimentation Control Plan no later than May 22, 2020.
5. A copy of the NPDES permit is provided no later than May 22, 2020.
6. The \$5,290.20 fee in-lieu of open space dedication for the 4 new dwellings is provided no later than May 22, 2020.
7. The applicant provides the signed and notarized Operation and Maintenance Agreements for the Fox Glen Drive Associates, LP and Dinello properties no later than May 22, 2020.
8. A document suitable for recording for the stormwater easement through the Township's property is provided for the Township's review no later than May 22, 2020.
9. The completed BMP Inventory Form is provided digitally as an Excel file no later than May 22, 2020.
10. The revised legal description and exhibit for the right-of-way dedication of Fox Glen Drive are submitted for approval by the Township no later than May 22, 2020.
11. The Deed for the dedication of the Fox Glen Drive right-of-way is submitted for approval by the Township no later than May 22, 2020.
12. A draft legal description is provided no later than May 22, 2020 for each of the 5 resulting lots. Each legal description shall include the following language: "UNDER AND SUBJECT TO the Operation and Maintenance Agreement dated \_\_\_\_\_, recorded in the Office of the

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Recorder of Deeds of Dauphin County, Pennsylvania, at Instrument No. \_\_\_\_\_,  
regulating the BMP associated with this lot.ö

13. The agreement regarding the stormwater easement over the lands of Derry Township is recorded concurrently with the plan.
14. The Stormwater Best Management Practices Operation and Maintenance Agreements for the Fox Glen Drive Associates, LP; Dinello; and Township properties are recorded concurrently with the plan.

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

**CONTRACT FOR MILLING/PAVING:**

Mr. Clark stated on May 1, 2019, bids were opened for the milling and paving of University Dr. and Milling of Hill Manor Dr., Edge Hill Dr., Laurel Ridge Road, Centerview Dr. and Almond Dr. Three bids were received for this work and Pennsy Supply was the lowest bidder.

Chairwoman Cort made a motion to award the contract for Milling and Paving to Pennsy Supply in the amount of \$149,105.10. Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

**PERFORMANCE SECURITY-EAST POINT TRADE CENTER – BUILDING C, PLAT #1234.:**

Supervisor Zmuda made a motion to authorizes the release of performance security in the amount of \$888,674.00, provided in the form of U.S. Specialty Insurance Company Bond No. 1001084075 for Plat #1234. Chairwoman Cort seconded the motion. **Motion carried 5-0.**

**SECURITY: STORMWATER -SULLIVAN RESIDENCE – S-2019-006:**

Chairwoman Cort made a motion to accept the performance security in the amount of \$6,705.00 in the form of cash and enters into the Agreement to Provide Financial Security between Jon M. Sullivan and the Township for the Stormwater Management Plan for Sullivan Residence ó Property Improvements, S-2019-006. Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

**PERFORMANCE SECURITY: MILTON HERSHEY SCHOOL STAFF HOMES, PLAT #1266:**

Chairwoman Cort made a motion to accept the Hershey Trust Company Letter of Credit No. 2019-02 in the amount of \$188,960.64 as performance security for the Preliminary/Final Land Development Plan for the Milton Hershey School Staff Homes on Crest Lane, Plat #1266, and authorizes the release of PNC Bank Letter of Credit No. 18125862-00-000 in the amount of \$188,960.64. Supervisor Weir seconded the motion. **Motion carried 5-0.**

**PERFORMANCE SECURITY: MUSCALUS PROPERTY, PLAT #1269:**

Chairwoman Cort made a motion to authorizes the release of \$43,020.12 from the performance security provided in the form of Bryn Mawr Trust Company Letter of Credit No. 969 for the Preliminary/Final Subdivision and Land Development Plan for Muscalus Property, Plat #1269, resulting in a new balance of \$69,853.30. Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

**GRANT AGREEMENTS: DAUPHIN COUNTY LOCAL SHARE MUNICIPAL GRANTS:**

Ms. Zumbrun spoke about the projects that were awarded funding through the Dauphin County Local Share Municipal Grant Program. Hershey Volunteer Fire Company Fire Station Debt Reduction would receive \$250,000 and both the Vista School and People Movers would receive \$30,000 each.

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Chairwoman Cort made a motion to authorize the Township Manager to execute grant agreements for the following projects that were awarded funding through the Dauphin County Local Share Municipal Grant Program: Hershey Volunteer Fire Company Fire Station Debt Reduction, Vista School Safety & Security Improvements and the Senior Citizens Council of Derry Township (People Movers) van. Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

**SAINT JOAN OF ARC PARISH WALK ON JUNE 23RD STARTING AT 1:00 PM:**

Chairwoman Cort made a motion to approve the request to conduct a walk celebrating the feast of Corpus Christi requested by the Saint Joan of Arc Parish on Sunday June 23, 2019 starting at 1:00 PM on various Township roadways. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

**CORRESPONDENCE BOARD/COMMITTEE INFORMATION:**

Supervisor Zmuda thanked CARS for being able to attend their meeting. Supervisor Weir thanked Boy Scouts Troop #65 for their work and for helping plant trees. He spoke about the Library Volunteer lunch, Arbor Day, where 20 trees were planted in Shank Park, DTMA working on guarantee energy savings and the Climate Action Committee meeting. Chairwoman Cort thanked Mr. Mandia and staff for their work on the Fishing Derby and spoke about All Things Diversity and items being on the Township's website.

**REPORTS:**

<u>Police</u>	Chief Warner stated this week is National Police Week and May 15th of each year is Peace Officers Memorial Day, which was designated in 1962 by President John F. Kennedy. Law enforcement across the country take time this week to remember those who have paid the ultimate sacrifice in the protection of their communities and their country. So far this year, 42 law enforcement officers have been killed in the line of duty in the United States according to the Officer Down Memorial page. Statistics put the number of law enforcement officers killed in the line of duty in the United States in 2018 at about 144, and another 159 officers died by suicide. While we have seen increases in felonious deaths of police officers in recent months, PTSD and mental health issues of our law enforcement officers continues to be the leading cause of officer deaths. Police Officers are exposed to, have to deal with, and try to mitigate some of the worst situations and traumas imaginable. The officers at the Derry Township Police Department appreciate the support we receive from our community and we are proud to serve as your police department. Please take a moment to remember those who have fallen while serving their communities.
<u>Fire:</u>	Mr. Sassaman stated they received 79 calls in April. They have been busy with certifying drivers, hazmat training/certs along with CPR training.
<u>Public Works:</u>	Mr. Clark stated they have begun working on maintenance and repairs on the roads.
<u>Library</u>	Mrs. O'Grady stated the circulation desk should be completed by next week and the book drop will be open. Fines are being waived until then.

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<u>Recreation:</u>	Mr. Mandia stated the project team is working daily on the Recreation Center project. He spoke about learning from the contractors who submitted the bids and the timelines. They are looking at every square inch and evaluating concepts including one story versus two stories. They hope to have the best options to the Board soon. They had a great day at the Fishing Derby, and he thanked the Police and Public Works departments for their assistance. He stated the Memorial Day Parade will start at the Recreation Center at 10:00 a.m.
<u>Community Development</u>	Mr. Emerick spoke about two conditional hearings he would like to schedule for June 25 <sup>th</sup> starting at 6:00 p.m.
<u>Economic Development</u>	Mrs. Zumbrun spoke about the Downtown Hershey having a meet and greet event and how it went well. She stated this weekend is the Art show from 10-5 and they could use volunteers.

**ACCOUNTS PAYABLE and PAYROLL:**

Vice Chairman Engle made a motion to approve accounts payable in the amount of \$604,703.90 and a Payroll totaling \$367,209.04. Chairman Cort seconded the motion. **Motion carried 5-0.**

**VISITOR/PUBLIC COMMENTS:**

Mr. Skip Becker, 79 Almond Drive, noted that next Tuesday is Election Day. He strongly encouraged the Board to consider having the candidates be part of the planning for the Recreation Center, so they can be informed. As they continue the project, he asked that they have them join the discussions, so they are in the know.

Mr. David Weaver, Java Avenue, asked if the Board had the authority to stop all plans being submitted for a time as there are issues with personnel and wait for the consultants to be done. Solicitor Yost stated if something is in progress, they can't block it. Mr. Emerick stated it would be counter to what they encourage. Mr. Weaver has heard that the items being reviewed for cutting are the community items versus the 50-meter pool. He knows the large pool adds \$5 million to the project and only a small segment of the community wants the pool. Vice Chairman Engle stated everything is on the table. Chairwoman Cort stated everything in the Center is for the community including the 50-meter pool which can be used for activities in the community.

Mr. Jonathan Crist, attorney, passed out documents to the Board. He spoke about the lawsuit in Dauphin County and the status of his clients with this suit. He provided documentation that Mr. Getz has filed regarding the ordinance chapter 89. He stated it could be decided by August. He noted if they win it believes it will be a free for all for demolition on Chocolate Ave. He understands that Mr. Getz is doing work for the Township and asked the Board to consider the conflict of interest this is creating. He asked them to terminate business with Mr. Getz, Wick Wenger, and Weidner and with Stevens & Lee.

**ADJOURNMENT:**

Chairwoman Cort made a motion to adjourn the meeting at 8:30 pm. Supervisor Moyer seconded the motion. **Motion carried 5-0.**

**SUBMITTED BY:**

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Richard D. Zmuda

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Township Secretary