

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
JULY 9, 2019

CALL TO ORDER

Chairwoman Cort called the June 9, 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 minutes. 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 Volunteer Fire
Robert Piccolo, Director of Public Works
Cheryl Lontz, Manager of Payroll and Employee Benefits
Matthew Mandia, Director of Parks and Recreation
Laura O'Grady, Hershey Public Library
Matt Bonanno, HRG Engineer
Lauren Zumbrun, Economic Development Manager
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Mae Rader, Steven Bennett, Gordon Peters, Matthew Suirbely, Ashlyn Eckenrode, Louis Valenziano, Austin Crawford, Chris McAviney, Braeden Stein, Michelle Kupp, Doug Nicotera, Robert Naeye, Teresa Peschel, Bill Woodring, Judy Woodring, Linda Eyer, Pat Leonard, Dennis Trout, Carol Nye, Skip Becker, Steve Seidl, Bob Welsh, Wayne Rivers, Ray Broce, Sandy & Rich Cappelli, C. Wycoff, Tracy Brown, Rich Gamble, Charles Dye, and Brian Kreider.

VISITOR/PUBLIC COMMENTS:

Mr. Wayne Rivers, 815 Cypress, asked about the proposed rules for decorum and asking for the addresses of those who speak at meetings. He noted that some who talked about the benefits of the pool who weren't a resident of the Township. Chairwoman Cort stated anyone can speak and the address is just for the record.

Mr. Dennis Trout, 2010 Locust Lane, sent information to the Board on the minimal requirements for the competitive pool for the 50-meter choice. He asked them to consider the total cost of the Recreation Center including Police hours for large events, operational and maintenance costs. He asked them what the actual benefit to the Township on the taxes would be paid after the state and federal portions were taken out. He asked that they give full features with the positives and negatives for the options, so they don't come in 30% above budget.

Ms. Teresa Peschel, 48 Half Street, believes those who speak to the Board should give their address, so they know if the person speaking is a resident. If they aren't a resident, why are they speaking about something.

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Mr. Rich Gamble, Hockersville Road, asked for an update on any discussions on the entertainment costs with information on the meetings, who attended, and who participated.

Mr. Bob Welsh, Hilltop Road, spoke about his feelings about Hershey and how it always felt like a neat place. He believes the elephant in the room for the Recreation Center is the traffic. He spoke about the traffic at Spooky Nook center and believes it will be an issue here ó just as it was spoken about last meeting.

ADOPTION OF MINUTES:

Chairwoman Cort made a motion to adopt the June 11, 2019 Board of Supervisors Meeting Minutes, June 25, 2019 6:00 p.m. Public Hearing, June 25, 2019 6:30 p.m. Public Hearing, and June 25, 2019 Board of Supervisors Meeting Minutes. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

NEW BUSINESS:

Performance Awards

David Sassaman ó Hershey Volunteer Fire Company-Fire Chief Patrick Leonard spoke about the asset Mr. Sassaman is to the Fire Company as the Public Information Officer. He spoke about his history as a first responder and coming to Hershey in 1991. He spoke about his professionalism and compassion as he covers stories and incidents on the Fire Company. He was voted Firefighter of the Year by the members.

Adrienne Eckenrode ó Public Works-Mr. Piccolo spoke about Mrs. Eckenrode's work in the Township and coming to Public Works in 2013. He spoke about her being able to move the department from paper to electronic files. She provides tours to the Scouts and Preschool Classes and is an asset to the Department.

Steve Ortenzio ó Hershey Public Library-Mrs. O'Grady spoke about his dedication and work the ensure the library is ready each day for their visitors. She spoke about how he comes in and leaves late and voted as the recipient of this recognition by the Library Staff.

Anthony Clements ó Police Department-Chief Warner spoke about Officer Clements and how he was voted on by the other officers. Officer Clements has been an officer here for 20 years and is the training officer and K-9 Officer. He provides safety training for both inside and outside the department. He is a hard worker and loves his job.

Brandyn Bathurst ó Parks and Recreation- Mr. Mandia spoke about Mr. Bathurst who has a been with them since 2014. He spoke about Mr. Bathurst's attention to detail and his state certifications for the pools. He stated Mr. Bathurst is highly dependable and is always helping others.

Service Awards

The following employees were recognized for their years of service:

5 Years

Charmian Houle ó Police Department

10 Years

Thomas Smith ó Parks and Recreation

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Joshua Kleinfelter ó Public Works

Zachary Jackson ó Parks and Recreation
Ashley Kienzle ó Police Department
Rebecca Sweigart ó Parks and Recreation

15 Years

Karen Tropp ó Administration
Kevin Smith ó Public Works

25 Years

Steven Kienzle ó Public Works
Matthew Mandia ó Parks and Recreation
Steven Beard ó Police Department
Timothy Keister ó Police Department

20 Years

Robert Dotts ó Police Department
Thomas Pavone ó Police Department
Mary Ellen Fry ó Parks and Recreation

CONDITIONAL USE APPLICATION NO. 2019-02 -HERSHEY HATCHETS, INC.:

Mr. Emerick spoke about the Conditional Use request from Hershey Hatchets, Inc., proposing to operate a recreational facility under the name of Stumpy's Hatchet House in a portion of the former Transfer Station located at 515 Rear West Chocolate Avenue, Hershey. The property is located in the Hershey Mixed Use and Downtown Core Overlay zoning district. The applicant has proposed that their use is similar to an "Exercise and Fitness Center", which is a permitted use. During the course of the hearing, the Board requested additional information related to insurance and verification of safety records and wanted to consider the "BYOB" inclusion in the operation of the venue. The information was provided by the applicant, and the Decision now includes required training of employees in the Pennsylvania Liquor Control Board's Responsible Alcohol Management Program, as well as limits on the amount of alcohol a patron can bring to the venue. Those limits include a maximum of 48 ounces of beer or a maximum of 750ml of wine. In addition, Solicitor Yost would like to see their liability insurance once obtained.

Vice Chairman Engle made a motion to adopt Decision for Conditional Use Application No. 2019-02 pending Solicitor Yost's review of their liability insurance. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

CONDITIONAL USE APPLICATION NO. 2019-03 -REGARDING 34 HALF STREET.:

Mr. Emerick stated a public hearing on June 25, 2019 was held to consider the applicant, Keystone Solo 401k Trust, proposes to operate a Specialty Home on property they own at 34 Half Street, Hershey. The property is located in the Hershey Mixed Use (HMU) and Downtown Core Overlay zoning districts. Supervisor Zmuda wanted his concerns about property maintenance for this property, as discussed in the last meeting, on the record.

Vice Chairman Engle made a motion to adopt Decision for Conditional Use Application No. 2019-03. Chairwoman Cort seconded the motion. **Motion carried 4-1.** Supervisor Moyer was opposed.

RESOLUTION NO. 1585 - ESTABLISHING RULES OF DECORUM FOR THE TOWNSHIP:

Mr. Christman was requested to review different rules for decorum for Supervisors. He researched other municipalities and provide a list to the Board. Chairwoman Cort stated they have been talking about this for months and this is way to ensure everyone is respected. She does have a few changes she would like to make. Vice Chairman Engle doesn't believe this is necessary and thinks people conduct themselves

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well. He does have some concerns about the language on how the Board handles things and would like to see them removed. Supervisor Moyer is concerned with the language of it that public comment is very important and he doesn't want it to be chilled as there is truth to power. He agrees with certain parts of it, but it is a difficult line to draw between someone speaking passionately about a subject that someone may see as out of order. He is in favor of the Chairperson ruling someone out of order. She sees no harm in memorializing it in writing. Discussion ensued. She recommended a few of the Supervisors get together with Mr. Christman and discuss changes.

Chairwoman Cort made a motion to **TABLE** action on Resolution No. 1585- Establishing Rules of Decorum for the Township of Derry. Supervisor Moyer seconded the motion. **Motion carried 5-0.**

RESOLUTION NO. 1586 -ADOPTION OF THE DAUPHIN COUNTY EMERGENCY OPERATIONS PLAN:

Chief Warner spoke about the Dauphin County Emergency Operations Plan that was recently updated and needed approval by the Board. He stated there were minor revisions to the plan.

Chairwoman Cort made a motion to adopt Resolution No. 1586 approving the Township of Derry Emergency Operations Plan. Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY: HERSHEY PARK 2020 ATTRACTION, PLAT #1298:

Chairwoman Cort made a motion authorizing the release of \$3,462,012.00 from the performance security provided as PNC Bank Letter of Credit No. 18130893-00-000 for the required site improvements represented by the Preliminary/Final Subdivision and Land Development Plan for Hersheypark 2020 Attraction, Plat #1298, resulting in a new balance of \$3,570,997.00. Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY: PLAN FOR CURRY MILL, PLAT #1239:

Chairwoman Cort made a motion authorizing the release of maintenance security in the amount of \$1,955.25, provided as cash for the Preliminary/Final Subdivision and Land Development Plan for Curry Mill, Plat #1239. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY- PLAN FOR MCDONALD'S, PLAT #1190.:

Chairwoman Cort made a motion authorizing the release of the remaining balance (\$13,389.64) of the performance security held as Safeco Insurance Company of America Bond No. 404001853 and waives the requirement for maintenance security for the Preliminary/Final Land Development Plan for McDonald's, Plat #1190. Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

2019 BEN & TIM DAY 5K -AUGUST 24, 2019 STARTING AT 9:00 AM:

Chairwoman Cort made a motion to approve the request to conduct the 2019 Ben & Tim Day 5K race on Saturday, August the 24, 2019 starting at 9:00 a.m., over various Township roadways on a route approved by the Derry Township Police Department. Supervisor Weir seconded the motion. **Motion carried 5-0.**

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

Chairwoman Cort made a motion to authorize the 16th Annual Hershey Miracle 5K Race banner to be placed in the grass area adjacent to The Hershey Company Technical Center building along Route 422,

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as well as at the east entrance of the 19 East Chocolate Avenue office building. Supervisor Weir seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Chairwoman Cort spoke about a resident who is helping to weed some of the Township's forest area.

REPORTS:

<u>Police</u>	Chief Warner stated that at the next meeting they will have their department awards and have their new K-9 here.
<u>Fire:</u>	Mr. Sassaman stated they had 76 calls in June. He spoke about the training they are doing on Mondays including UGI and live wire training with PPL.
<u>Public Works:</u>	Mr. Piccolo stated Bullfrog Road is done, with just a little edge work to be completed.
<u>Library</u>	Mrs. O'Grady spoke about the 2 nd graders being in the lead for the summer reading program with over 55,000 minutes read.
<u>Recreation:</u>	Mr. Mandia spoke about an audit of the Jonathan Eshenaur Memorial Trail to look at everything on the trail. He invited everyone to drive in movies at Shank Park.
<u>Economic Development</u>	Mrs. Zumbrun stated a construction fence is at the Hershey Place and work will start this week. She spoke about the upcoming events downtown and the need for volunteers.
<u>Manager</u>	<p>Mr. Christman spoke about the cost of the changes for SFA's increased scope with the additional options for the Recreation Center. The original Phase Two cost was \$18,000 and would be \$32,000 for the additional options. In addition, they have offered consultant fees ranging from \$125 to \$275 depending on services needed. The Board discussed the addition and the possible need for consulting.</p> <p>Vice Chairman Engle made a motion to approve an additional \$14,000 in fees for the expansion of the SFA Phase Two to address all five options for the Recreation Center and up to \$5,000 in hourly consulting fees. Chairwoman Cort seconded the motion. Motion carried 5-0.</p> <p>He received a request to allow pyrotechnics show for the band KISS at Hershey on August 21st this afternoon. He stated they have the normal insurance as submitted for other fireworks requests. Supervisor Moyer expressed concern and questioned the liability and insurance for this show. Discussion ensued. The Board asked Mr. Christman to work on the questions and put it on an agenda for an upcoming meeting.</p>

ACCOUNTS PAYABLE and PAYROLL:

Chairman Cort made a motion to approve accounts payable in the amount of \$211,223.08 and a Payroll totaling \$365,693.10. Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

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VISITOR/PUBLIC COMMENTS:

Mr. Rich Gamble requested to hear about the entertainment tax and who is working on it and meetings. Chairman Cort stated there is no committee and they are looking at the tax as a whole. Mr. Gamble stated he has been asking for a year. He asked them to appoint two Supervisors and meet with the School District, HE&R and the Board. He would like to hear about progress at the next meeting.

Mr. Steve Bennett, 1231 Derry Road, thanked Mr. Mandia for looking at the trail. He spoke about stormwater runoff six weeks ago in the Palmdale neighborhood. He spoke about the runoff from Carriage Park, Stone Brook and Rockledge into the Palmdale area. He stated our neighbors are creating the problem.

Mr. Steve Seidl, 450 W. Granada Avenue, thanked Mr. Mandia for looking at the trail. He asked as they look at the trail that they walk it and bike it because it will feel different. He wasn't able to make the meeting when the consultants were in from Pittsburgh in June and wanted to hear about their plans. Mr. Emerick didn't have his notes to provide an update.

ADJOURNMENT:

Chairwoman Cort made a motion to adjourn the meeting at 8:13 p.m. Supervisor Moyer seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Richard D. Zmuda
Township Secretary