

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING MINUTES**  
**JUNE 25, 2019**

**CALL TO ORDER**

Chairwoman Cort called the June 25, 2019 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:05 pm 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. 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  
Jon A. Yost, Township Solicitor  
Chuck Emerick, Director of Community Development  
Lieutenant Terry Ferree, Derry Township Police  
David Sassaman, Hershey Fire  
Thomas Clark, Director of Public Works  
Cheryl Lontz, Manager of Payroll and Employees Benefits  
Matthew Mandia, Director of Parks and Recreation  
Laura O'Grady, Hershey Public Library Director  
Matt Bonanno, HRG Engineer  
Lauren Zumbrun, Economic Development Manager  
Julie Echterling, Recorder

**Public in Attendance:**

The following were in attendance: Linda Eyer, Ray Brace, Rich Gamble, Dennis Trout, Tracy Brown, Laurie Peterson, Steven Bennett, Ashley Zagaceta, Marilyn Ferguson, Glenda Billey, Robert Cilley, Diane Cilley, Bill Woodring, Judy Woodring, Robert Naeye, Skip Becker, Skip Myers, Kathy Seidle, Mark Brace, Sandy & Rich Cappelli, Christie Drexler, Mark Ovsak, Wayne Rivers, Greta Ingraham, Chuck Crandall, Linda Crandall, Joshua Smith, Kevin Ferguson, Doug Nicotera, C. Wyckoff, Angie & Chip Dye, Carol Nye, Mary Coleman, Sandy Ballard, Matt Luttrell, Lou Paoletti, Kim O'Brull, and Brian Kruda.

Chairwoman Cort announced there was a Public Hearing held at 6:00 p.m. for a conditional use application No. 2019-02 filed by Hershey Hatchets, Inc. In addition, there was a public hearing held at 6:30 p.m. for conditional use application No. 2019-03 filed by Keystone Solo 401K Trust. She announced a new system of keeping track of comments and keeping them within the 3-minute limit. She spoke about the new system that she will start after the resident states their name and address. The light will be green, when there is a minute left, the light will turn yellow, and when the light turns red when their 3 minutes are up.

**VISITOR/PUBLIC COMMENTS:**

Mr. Joshua Smith, 34 Laurel Ridge, has spoken to his neighbors and was a member of the pool. He believes a repair or replace is advised versus expansion of scope. This is what he believes and what he hears from his neighbors.

Mrs. Ashley Zagaceta, 1028 Areba, spoke about moving here six years ago and the community she came from where there was a community center with a pool. She spoke about how important it was and how

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it helps improve the quality of life and is an investment. She spoke about all the programs that could benefit from a competition pool. She spoke about how important swimming is to children including how it can save lives. She believes the larger pool will serve the community.

Mr. Rich Gamble spoke about how the responses on social media about the Center are serving as a public referendum telling the Board their wishes. He encouraged the Board to read the comments and how the community feels as the majority aren't in favor. He spoke about the tax burden this will be. He asked why they don't rip out the existing pool and replace it and or repair it.

Mrs. Linda Eyer, 2321 Raleigh Road, spoke about the bond rating of the Township. She stated it was a AAA rating prior to 2011 and downgraded AA+ and is AA since 2015. It was downgraded with a comment of new debt (because of the flood) weaken the liquidity with a drop-in reserve. She stated the reserves haven't increased. She stated because of the lower bond rating the Township will pay more interest with additional debt of \$20-\$30 million. She asked the Board to consider this.

Mr. Steve Bennett, 1231 Derry Road, spoke about riding his bike extensively around the Township. He asked if signs could be installed between Spring Creek church area to behind the school on the Jonathan Eshenour trail.

Mr. Chip Dye, Elm Ave, stated he read the SFA report. He found an absence of the revenue generation for year-round water. He also didn't see potential revenue with partnerships with like medical groups. He asked if that would become clearer and asked them to put it on the website.

**NEW BUSINESS:**

**COMMUNITY CENTER PROJECT UPDATE:**

Mr. Christman provided an update on the project. He stated they are continuing to do analysis of the four options presented at the last meeting. They haven't received the report from SFA but hope to have it by mid-July. He believes there will be more clarity on the potential revenue when that report is received. He stated they received a letter from the Hershey Aquatics Community asking the Board to add back in the 50-meter pool as an option to understand the costs. He stated the Board would have to act on adding back the 50-meter pool as the consultants are working on the four option. He stated by adding that option back into the mix, would not mean the Board is supporting that option. Chairwoman Cort believes it would be an interesting exercise to look at as a fifth option, not endorsing, but look all the options. She noted to go forward with that option, there would need to be some considerable additional investment on behalf of those suggesting that option. She stated clearly, it is an expensive option and beyond the Township's means. Vice Chairman Engle noted this is the background of the request, saying if the option is looked at, there is a recognition, there would be more financial commitment from the Aquatic community. Mr. Christman agreed. He stated there has to be some recognition of delta between the 25-meter pool to 50-meter.

Supervisor Moyer asked what the difference between what we have been presented in the 50-meter pool and the new evaluation requested. Mr. Christman spoke about the differences of construction, revenue, and operating costs along with budget implications. He stated SFA didn't look at the 50-meter pool. He noted there would be significant changes to the layout with the 50-meter pool. Supervisor Moyer asked about the timing and costs. Mr. Christman stated the timeline is getting tight to get it out to bid. Chairwoman Cort noted that this is a request to do the analysis and not move any further on this. Vice

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Chairman stated it is short-term, and if there are stakeholders out there who want to pay for a big pool, that we don't close the door on this option. She noted there would be additional costs after construction of operating and staff costs.

Chairwoman Cort made a motion to instruct Staff to work with Consultants to add in the 50-meter pool as a potential bid options for the process for comparison only. Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

Chairwoman Cort asked Mr. Christman to speak about the bond rating. Mr. Christman stated there are a lot of factors when they look at bond ratings. They look at the whole community. He spoke about the ICDA and DTMA debt as the Township is the backstop for them. He spoke about the ICDA and how the hotel tax helps pay down the debt. If the debt is defaulted, the Township is responsible for the debt, however the chances of this are slim to none. However, those bondholders look at the bond rating. He stated as the Township moves on from this project the goal is to increase the bond rating and reserves. Vice Chairman Engle noted in 2017 the ICDA did a refinancing of the Intermodal which reduced \$8 million of debt. Mr. Christman spoke about the DTMA will be refinancing that will reduce \$150,000 in interest.

**CONDITIONAL USE APPLICATION NO. 2019-02 - HERSHEY HATCHETS:**

Mr. Emerick stated at the public hearing earlier this evening, the applicant of this Conditional Use request, Hershey Hatchets, Inc., proposes 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 owned by Hershey Car Barn, LLC, and is located in the Hershey Mixed Use and Downtown Core Overlay zoning districts. The applicant has proposed that their use is similar to an Exercise and Fitness Center which is a permitted use. He recommends approval of the application subject to the following conditions:

1. The facility shall be in substantial compliance with the information presented with the Conditional Use Application.
2. A minimum of one shade tree per 8 required parking spaces shall be provided in conjunction with the establishment of the facility.
3. The granting of approval of this Conditional Use request shall not relieve the applicant from filing and having the Township approve any permit, land development, subdivision, or site plan which may be required by other Township regulations or from otherwise complying with all applicable Township regulations.
4. The granting of approval of this Conditional Use request shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained within 12 months of the date of the granting of approval of this Conditional Use request.
5. The use shall meet all other requirements of the Township that may apply.

Supervisor Moyer asked if this needs to be done tonight as he has concerns and would like to sleep on this request. He would like to think about what was discussed at the public hearing. He needs to weigh out the alcohol and hatchets use which is a concern for him. Mr. Emerick stated there is no obligation to vote on it tonight.

Mr. Dan Dalton, Hershey Hatchets, spoke about bringing this franchise to Hershey as he believes it will complement the downtown core. He spoke about it being fitness. He stated it would be open

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Wednesday through Sunday from noon to 10:00 p.m. and open till midnight on Friday and Saturdays. He spoke about registering online for a 1-2-hour time slots. There are 10 pits with 8-10 people per pit with a peak time of 40-60 total participants. There are several pits for private parties. He understands the alcohol could be a concern. He spoke about the safety demonstration and the throwing coaches. When you arrive, there is a reception area, not a bar, if you bring alcohol (beer or wine only), it is checked at the front door, safety debriefing, then taken to throwing pit then the person will be monitoring. There is zero tolerance for horse playing or intoxication. There would be surveillance inside and outside. He stated the throwing coaches watch for the alcohol intoxication. He stated the franchise has zero reportable injuries.

Vice Chairman Engle asked how many drinks a person can bring in to the established. Mr. Dalton stated there is a limit of six drinks per person, which he noted that it could be reduced. Vice Chairman Engle noted they would have no way to know how much they had to drink before. Mr. Dalton spoke about the training the manager and coaches would receive the corporate training for this issue. Vice Chairman Engle asked about insurance and Mr. Dalton stated they will have it. Supervisor Moyer asked about adequate supervision and is concerned with the potential injury with intoxication. Supervisor Weir agrees with the concern and is wondering if the Township would be liable. Chairwoman Cort asked if they could deny the application based on the alcohol. Mr. Emerick stated the issue if hatchet throwing is like fitness use. He noted that conditions could be applied to the decision.

Solicitor Yost stated you could include conditions including alcohol restrictions. He noted that the language he read, states they can bring six drinks and if a drink is considered a 6 pack, that would be six 6 packs which more than six drinks per person. Mr. Dalton stated they can reduce that number. Chairwoman Cort asked about putting a condition of being RAMP certified. Supervisor Zmuda suggested a condition to reduce the amount of drinks now and/or revisit it after a year with the Police reports and any other issues. Supervisor Moyer suggested Mr. Emerick talking with the applicant considering their concerns. Mr. Emerick stated he would. Chairwoman Cort asked if there could be documentation that there haven't been any issues/injuries with the other franchises. Supervisor Zmuda asked him to provide more information on the liability insurance before the decision.

Supervisor Zmuda made a motion to table action on Decision for Conditional Use Application No. 2019-02. Chairwoman Cort seconded the motion. **Motion carried 5-0.**

**SECURITY: PLAN FOR TANGER OUTLETS, PLAT #1280:**

Chairwoman Cort made a motion authorizing the Board of Supervisors the release of the remaining balance (\$8,070.70) of the performance security provided in the form of Travelers Casualty and Surety Company of America Bond No. 106819808 for the connecting sidewalk aspect of the Preliminary/Final Land Development Plan for Tanger Outlets, Plat #1280. Supervisor Weir seconded the motion. **Motion carried 5-0.**

**FIREWORKS REQUEST – JULY 13<sup>TH</sup>:**

Chairwoman Cort made a motion to grant the request from Ryan L. Zimmerman dated June 12, 2019 to hold and conduct a small fireworks display on Saturday, July 13, 2019 between 9:00 p.m. and 10:00 p.m. Supervisor Weir seconded the motion. **Motion carried 5-0.**

**BANNER REQUEST - THE HERSHEY PARTNERSHIP'S ANNUAL SOUP COOK-OFF:**

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Supervisor Moyer made a motion to authorize the annual placement of The Hershey Partnership Soup Cook-Off banner in the grass area of Chocolatetown Square East. Chairwoman Cort seconded the motion. **Motion carried 5-0.**

**CORRESPONDENCE BOARD/COMMITTEE INFORMATION:**

Vice Chairman Engle spoke about the second phase of the ICDA refinancing which will take place in October for the Giant Center.

**REPORTS:**

<u>Fire:</u>	Mr. Sassaman spoke about the junior firefighters training in West Virginia.
<u>Public Works:</u>	Mr. Clark stated the paving should take place on July 1 <sup>st</sup> for Bullfrog Valley Road. He spoke about the process of requests for road repairs. He spoke about the paving being done now versus years ago, and how it isn't lasting as long.
<u>Library:</u>	Mrs. O'Grady stated there are 562 kids in the summer reading program who have read over 160,000 minutes so far.
<u>Recreation:</u>	Chairwoman Cort asked about the outdoor pool and why it isn't usable. Mr. Mandia spoke about the phasing down that has been going on since March 2018. He spoke about laying off staff, tagging property for auction, and how no funds were budgeted for capital improvements. He spoke about the evaluation done on the current pool and to fix both pools would be close to the cost of new ones. There would be concerns about warranties and what is behind the walls once they started to repair it which could increase costs.
<u>Community Development:</u>	Mr. Emerick spoke about Urban Design and their meeting and work in the Township. He provided a preliminary schedule for the zoning and map changes which includes coming to the Board with a public hearing in November.
<u>Economic Development:</u>	Ms. Zumbrun provided an update on the Streetscape project including working on the turning lanes and signal pole.
<u>Manager</u>	Mr. Christman spoke about the extension request for the 322 corridors. They have asked for 100 additional days and HRG agrees with 63 days to keep their feet to the fire. Administration agrees with providing the additional days.

**ACCOUNTS PAYABLE and PAYROLL:**

Chairman Cort made a motion to approve accounts payable in the amount of \$215,197.98 and a payroll totaling \$380,658.54. Supervisor Weir seconded the motion. **Motion carried 5-0.**

**VISITOR/PUBLIC COMMENTS:**

Ms. Laurie Peterson is frustrated that the kids don't have a pool this summer. She spoke about the need for a pool in the community. She noted the Community Center is not just about the pool but the Senior Center, party room for birthdays, kids learning to dive and more. She spoke about the Center at the Elizabethtown College they are building. She asked that they do the Center the right way and have a pool. She spoke about the Generation X program which was similar to the Hatchet program.

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Mr. Jeff Allen, USA Swimming, applauded the Board for adding back the 50-meter pool. He stated a swimming pool is something every single resident can benefit from, unlike a football field. He said the competition pool isn't just for competition but listed a number of programs it supports. He spoke about the possible revenues for the community from swimming meets. He stated they are committed to help the swim community and he believes there are ways to get that price reduced. He hopes to be back in a few weeks to be part of that presentation.

Mr. Wayne Rivers, 815 Cypress Court, stated hope isn't a strategy. He has heard everyone speak about programs that never took place in the current facility. He said a 35-meter pool doesn't do as much as a 25 meter. He spoke about those who want the pool about them contributing to the cost along with the Capital Campaign. He stated they haven't found a way to pay for this new Center. A lot of people from CARS and many in the community believe that a competition pool only serves a few.

Mr. Kevin Ferguson, Quail Hollow Road, stated a six-lane pool, which we have, can't provide for the programs that Mr. Allen spoke about. He noted at a previous meeting someone said there was a referendum held through the last election. He would like to say there was one and it was about the amusement tax. The candidate who had a large amount of the votes had a plan for the amusement tax. He stated we need to do what is right for the next 50 years which will be expensive. Many have come to this Board asking for an increase in amusement tax and it could help with this project.

Mr. Tony Porter, 405 Laurel Road, thanked the Police, Public Works, and Recreation for the soccer event that happen this past weekend. He spoke about serving a purpose and driving the economy of the community. He spoke about the soccer clubs operating at a deficit so the kids can play, and they do it from programming. He spoke about three soccer tournaments that bring over \$1 million in hotel revenues and tax in a year. He believes the Center has to be built for everyone and have equal basis to the youth as they develop. He believes the pool is important to the Center even though his family doesn't swim.

Mr. Rich Gamble spoke about the hatchet club. He thinks they are forgetting the impact of drinking six beers in two hours and then drive on our roads in our community. He spoke about the pool generating monies, the money doesn't come to the Township, it goes to the corporations and hotels not for the taxpayers. He stated we need to balance the budget. He stated the pool is for about 300 people and asked about the 28,000 other residents.

Vice Chairman Engle noted that there are things that get said during the public comments that are incorrect and the Board doesn't always say anything. But he does want to comment on the Bond rating. The Township never had a triple AAA rating and stated the one down grade in 2014 because of the flood. Chairwoman Cort mentioned that the revenues from the water benefits the Township with rentals.

Mrs. Kathy Seidl, Granada Avenue, asked if with the Hatchet Club you have to bring your own hatchet. Mr. Dalton said no they provided the hatchets.

Mr. Steve Bennett, 1231 East Derry Road, said right now the kids don't have a place to swim. He asked them to consider walking the trail and see how worn the safety crossings are at all the intersections. Vice Chairman Engle has been talking about this and asked Mr. Mandia to take a look at it.

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Mrs. Sandy Ballard, 650 Cocoa, spoke about the Troegs donation they made to the Parks and Recreation to support bike ways. She would like to suggest these monies to use these funds to help update the issues on the trail.

Mr. Brian Kreider, 170 W. Areba Avenue, stated he is proud to live here. He spoke about a play he wrote about Milton Hershey. He asked who and how the Township approaches the giants about the pool like the Trust, HE&R and Hershey. He noted Mr. Hershey was much more generous than they are today.

Mr. Dave Weaver, Java Avenue, stated a lot people are speaking about the potential revenue for the pool, with lots of could and cans. He noted that their own consultants are going to be a lousy revenue generator.

Mr. Skip Becker, 79 Almond Drive, offered his appreciation to the Police over the weekend in their handling of the Ridge Road traffic for the park. He spoke about the issue with all the park traffic cutting through and hopes the Police will continue to help direct traffic on Ridge.

Mr. Lou Paoletti, Ridge Road, spoke about the traffic over the weekend and why it is such an issue. He spoke about safety concerns with people driving on the wrong side of the road to get around the traffic. He said the Police manually ran the light. He suggests only allowing local traffic on the road. He noted before we bring anything else into town, we need to address the infrastructure. Vice Chairman Engle stated they have talked to about these issues and what the options are for the other routes.

Mr. Steve Bennett, 1231 East Derry, spoke about the issues on 422 and East Derry Road and the sign that directs all traffic to make a right turn into the park. The cars don't go the speed limit and there are bikers on the road. He is concerned someone is going to get hurt. He asked if someone could be there on Saturday and move the sign. Lieutenant Ferree stated the sign is HE&R and he will have someone check out the speeding.

Mr. Dennis Trout, 2010 Locust Lane, has lived in the Township since 1954. He requested the Board perform a budget analysis for all new development and the costs for infrastructure and road construction. He said there is \$6 million between option A and D for the Rec Center. He stated there are 122 people that are part of the Aquatics club and School's swimming divided into the \$6 million difference equates to a cost of \$50,000 per swimmer just for construction costs. He named the local pools that are open in the surrounding areas. He asked them to think outside the box.

**ADJOURNMENT:**

Chairman Cort made a motion to adjourn the meeting at 8:48 p.m. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

**SUBMITTED BY:**

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Richard D. Zmuda  
Township Secretary