

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
DECEMBER 3, 2019

CALL TO ORDER

Chairwoman Cort called the December 3, 2019 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:02 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 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 Weir

ALSO PRESENT:

Christopher Christman, Township Manager
Jon A. Yost, Township Solicitor
Chuck Emerick, Director of Community Development
Chief Garth Warner, Derry Township Police
David Sassaman, Hershey Volunteer Fire Department
Thomas Clark, Director of Public Works
Matthew Mandia, Director of Parks and Recreation
Cheryl Lontz, Manager of Payroll and Employee Benefits
Jeff Cothren, Hershey Public Library
Matt Bonanno, HRG Engineer
Lauren Zumbrun, Economic Development Manager
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Robert Naeye, Linda Eyer, Jonathan Crist, Rich Gamble, Anne Searer, Reily Swegert, Paula Lastrah, Pamela Ruddle, Mike Gesford, Cindy Bracker, David Li, Carlos Vega-Cortez, Kevin Wells, Craig Smith, Susan Edris, Sandy Cappelli, Carol Nye, Jean Art, John Foley, Steve Fotos, Tracy Brown, Kim O'Connell, Sandie & Carl Tharmer, Doug Nicotera, Marilyn Ferguson, Kevin Ferguson, Carter Wycoff, Natalie Nutt, Mark & Lindy Plevelish, Chuck & Linda Crandall, Jan Weir, Wayne Rivers, Dennis Trout, Maryann Briotele, Steve Recoter, Kent Crawford, Geoffrey Crout, Ken Gall, Dean Olsen, Juliet Waldron, Pamra Bowser, Steve Seidl, Dave Waver, Michael Kusner, and Jennifer Schrader.

VISITOR/PUBLIC COMMENTS:

Mrs. Natalie Nutt spoke on behalf of herself and Mr. Carter Wycoff. She noted that they believe the Board have done their best, but they offer a unique perspective. They have been campaigning and have met with residents for the past 9 months. She noted the overwhelming majority of the residents clearly object to the project. She noted there are many critical issues with the project. They discouraged them from deciding tonight and to delay the auction and demolition.

Mr. Richard Gamble, Hockersville Road, asked the Board how much has been spent on the project so far. He asked why 11 items were kept out of the original bid. He noted there will be a new Board next month and that he believes they should not be making the decision. He spoke about concerns with conflicts of interest including the post office relocation. He doesn't believe the taxpayers should be paying for the competition pool where only the businesses make money not the residents. He believes the Township should wait until they have the money in hand to do the project especially from those who promised donations.

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Mr. Ken Crawford, Stonegate Road, addressed the Board about the Oak Springs Development. He doesn't think it should have been approved with so many waivers. He spoke about the water issues they have had and how the developer brought 600 loads of dirt to fill the area. He provided pictures to the Board of what happened with the July rain. He spoke about the debris and mud that flowed onto their newly paved streets and into Shank Park. He hopes the Board can make the developer more responsible. Chairwoman Cort stated she would have staff look into this issue.

Mrs. Linda Eyer, Raleigh Road, spoke about the word legacy and this Community Center. She spoke about how the voters weighed in with voting for Natalie and Carter and being against the Center. She expressed concern about the debt limit and that there is still no business plan to pay for the pool other than the taxpayers.

Mr. John Foley, Mine Road, stated he is in opposition to the Comprehensive Plan and the new ordinance. He noted they are flawed. He stated residents were asked to speak about the Downtown. He stated he just learned 7 days ago that the ordinance isn't just about Downtown, but the ordinance includes monumental changes. He noted there are 64 pages of change. He noted the current litigation on Chapter 89 and asked the Board to let the courts decide. He feels they have not been transparent, and they need to do better.

Mr. Dennis Trout, Locust Lane, stated he sent the Board numerous documents and emails about the Recreation Center. He believes action on the Center should be tabled for 30 days. He spoke about the costs and debt to the taxpayers. He believes safety should be first priority and spoke about concerns for sinkholes for the site. He doesn't understand why you hire consultants for the foundation and then disregard their suggestions. He stated only 2-12% of the residents used the Center.

Mrs. Pam Ruddle thanked the Board for their work. She believes the Board should move forward on the Center so the town can come together as it is divided now. She encouraged them to move forward.

Mrs. Christine Drexler stated she has been fighting for the Recreation Center for years. She stated they were told the Fire Company first then Recreation and the time is now. She spoke about the building of the Library. She said in 10 years when the Center is thriving, and our Community has come together – it will be worth all the things this Board has gone through for this project. She asked them to move forward as this is the right thing to do.

NEW BUSINESS:

COSTS OF POLITICAL RALLIES:

Chairwoman Cort noted this item is not on the agenda but needs to be addressed. The Board found out about the Township's obligation when a political rally is scheduled in Hershey. The Board looked into and realized the Township is obligated to support and protect those who come through the Township. She noted they have for decades protected and supported these types of rallies for numerous candidates. They have spoken with HE&R and asked to be notified earlier when these types of events are scheduled. She noted that the contracts on this rally have been signed. She noted, moving forward, knowing this won't be the last, they will look into options. She did note that for this upcoming rally, HE&R is charging for parking and the Township will receive taxes for this.

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RESOLUTION #1601 & #1602-TOWNSHIP'S 2020 BUDGET & REAL ESTATE TAXES:

Chairwoman Cort made a motion to adopt **Resolution No. 1601**, a resolution of the Township of Derry, appropriating specific sums estimated to be required for the specific purposes of the municipal government as herein set forth in the total amount of \$20,793,327 for the year 2020. Supervisor Weir seconded the motion. **Motion carried 4-1.** Supervisor Moyer was opposed.

Vice Chairman Engle made a motion to adopt **Resolution No. 1602**, a resolution of the Township of Derry, Dauphin County, Commonwealth of Pennsylvania, establishing the Real Estate Millage rate for 2020 at 2.5381 mills. Supervisor Zmuda seconded the motion. **Motion carried 4-1.** Supervisor Moyer was opposed.

PLAN DERRY TOWNSHIP COMMUNITY CENTER, PLAT 1320:

Mr. Emerick stated this plan revises Plat 1303, which contains a total of 17.8 acres of gross lot area, with a net developable area of 13.5 acres. The development property is in the Hershey Mixed Use zoning district and currently contains the Township's recreation center, outdoor swimming pool, Cocoa Castle playground, tennis courts, and associated parking. Plat 1320 proposes demolition of the building and outdoor pool, and construction of a new community center building, including an indoor competition pool, leisure pool, gymnasium, exercise/fitness areas, locker rooms, senior center, and office space. A new outdoor swimming pool is proposed to replace the existing outdoor pool facility. A parking facility expansion is proposed on the Derry Township Public Library site. Two macadam pedestrian paths are proposed to connect to the Township and School District property to accommodate pedestrian access and shared parking areas. The plans indicate that 387 parking spaces will be provided on-site with an additional 435 spaces provided off-site on the School District property, totaling 822 parking spaces. Staff notes that off-site parking is permitted by special exception, which was previously granted by the Zoning Hearing Board. There is also on-street parking along Cocoa Avenue that can be utilized to meet overflow parking demands; however, only off-street parking may be used for the parking calculations required by the Zoning Ordinance. Three stormwater management facilities are proposed for the site.

Chairwoman Cort made a motion to approve revised Preliminary/Final Lot Add-On and Land Development Plan for Derry Township Community Center, Plat 1320, subject to compliance with the following items

1. The Stormwater Best Management Practices Operation and Maintenance Agreement is revised to reflect the current recording references of the subject premises no later than June 3, 2020.
2. A copy of the approved NPDES permit major modification is provided no later than June 3, 2020.
3. The Derry Township School District signs the certification of title on Sheet 1 of the plan no later than June 3, 2020.
4. Three originals of the corrected, signed, and notarized Stormwater Best Management Practices Operation and Maintenance Agreement are provided no later than June 3, 2020.
5. A CD of a DXF or AutoCAD digital file of the final plan is provided no later than June 3, 2020.
6. The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.
7. The revised property deed referencing the latest Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.

Supervisor Weir seconded the motion. **Motion carried 4-1.** Supervisor Moyer was opposed.

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BIDS FOR THE DERRY TOWNSHIP COMMUNITY CENTER:

Mr. Christman spoke about the bids received by the Township on November 22. He noted they received at least 2 bids for the five types of contracts received. The Board discussed with the design team the bids, process and lowest bid for each. Mr. Greg Koussis, Capital Management, spoke about the bid process with the alternatives which provided flexibility in pricing and choices. Mr. Trump, Kimmel Bogrette, spoke about the foundation options and noted if the foundation changed there could be delays and additional costs. Their engineer stated it would cost approximately \$15,000 to design a micropile foundation system which would be available in January. It would need to go to the contractor for a change order and they would have to obtain the costs. Mr. Koussis spoke about the two systems they evaluated in the spring and the difference was \$500,000. Supervisor Moyer noted with the bids, all the alternatives, contingency, soft costs and an additional \$500,000 for the foundation, the project would be approximately \$32.6 million. Mr. Koussis agreed. Mr. Trump and Mr. Koussis discussed each of the alternatives.

Supervisor Weir made a motion to award **Lobar, Inc.** as the lowest responsible qualified bidder for **General Construction** services for **\$20,092,000** and authorize the Township Manager to execute any and all documents related to this project following legal review of the bonds and insurance of the bid requirements. Supervisor Zmuda seconded the motion. **Motion carried 4-1.** Supervisor Moyer was opposed.

Supervisor Zmuda made a motion to award **Hosler Corp.** as the lowest responsible qualified bidder for **Mechanical Construction** services for **\$2,543,000** and authorize the Township Manager to execute any and all documents related to this project following legal review of the bonds and insurance of the bid requirements. Chairwoman Cort seconded the motion. **Motion carried 4-1.** Supervisor Moyer was opposed.

Supervisor Weir made a motion to award **Cedar Electric Inc.** as the lowest responsible qualified bidder for **Electrical Construction** services for **\$1,440,000** and authorize the Township Manager to execute any and all documents related to this project following legal review of the bonds and insurance of the bid requirements. Chairwoman Cort seconded the motion. **Motion carried 4-1.** Supervisor Moyer was opposed.

Vice Chairman Engle made a motion to award **Vision Mechanical** as the lowest responsible qualified bidder for **Plumbing Construction** services for **\$1,293,000** and authorize the Township Manager to execute any and all documents related to this project following legal review of the bonds and insurance of the bid requirements. Chairwoman Cort seconded the motion. **Motion carried 4-1.** Supervisor Moyer was opposed.

Chairwoman Cort made a motion to award **SA Comunale** as the lowest responsible qualified bidder for **Fire Protection Construction** services for **\$249,660** and authorize the Township Manager to execute any and all documents related to this project following legal review of the bonds and insurance of the bid requirements. Supervisor Zmuda seconded the motion. **Motion carried 4-1.** Supervisor Moyer was opposed.

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| Alternative | Discussion/Vote |
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| G1: Splash Pad +\$341,000 | Mr. John Trump spoke about the work with pumps and piping and the size of the pad which has contributed to the price. Mr. Mandia spoke about the outdoor pool area being a priority for all ages and felt it will be used. Chairwoman Cort made a motion to approve alternative G1 for the Splash Pad in the amount of \$341,000. Supervisor Weir seconded the motion. Motion carried 4-1. Supervisor Moyer opposed. |
| G2:Exterior Pool Slide +\$206,000 | Chairwoman Cort made a motion to approve alternative G2 for the Exterior Pool slide in the amount of \$206,000. Supervisor Weir seconded the motion. Motion carried 4-1. Supervisor Moyer opposed. |
| G3:Shade Structures +\$143,000 | Chairwoman Cort made a motion to approve alternative G3 for the Exterior Pool Shade Structures in the amount of \$143,000. Supervisor Weir seconded the motion. Motion carried 4-1. Supervisor Moyer opposed. |
| G4: Walking Path between Center & School +\$77,000 | Chairwoman Cort asked if this could wait. Vice Chairman Engle spoke about the connectivity and how the students are coming over now with the stream. He believes this a good one to add and Supervisor Weir agreed. Supervisor Zmuda made a motion to approve alternative G4 for the Hershey High School Walking Path in the amount of \$77,000. Supervisor Weir seconded the motion. Motion carried 4-1. Supervisor Moyer opposed. |
| G:5 Library Parking +\$58,000 | Vice Chairman Engle made a motion to approve alternative G5 for the Hershey Library Parking in the amount of \$58,000. Supervisor Weir seconded the motion. Motion carried 4-1. Supervisor Moyer opposed. |
| G:6 Waterproof Flooring +\$24,000 | Mr. Trump spoke about the textured flexible concrete waterproof flooring for the indoor pools and about the advantages of it. Vice Chairman Engle made a motion to approve alternative G6 for the textured flexible concrete waterproof flooring in the amount of \$24,000. Supervisor Weir seconded the motion. Motion carried 4-1. Supervisor Moyer opposed. |
| G:7 Construction Timeframe +\$19,150 | This would be for the opening of the outdoor pool earlier than the Center. Supervisor Weir believes it is worth doing. Vice Chairman Engle asked about assurances the pool would open. Mr. Trump noted there would be a date set and there would be liquid damages available. Supervisor Weir made a motion to approve alternative G7 for the construction timeframe for a cost in the amount of \$19,150. Supervisor Weir seconded the motion. Motion carried 4-1. Supervisor Moyer opposed. |
| E1: FPLP Plenum Rated Cable -\$3,000 | It was noted this was not recommended for the project as a savings. Chairwoman Cort made a motion to reject alternative E1 for the FPLP Plenum rated cable. Vice Chairman Engle seconded the motion. Motion passed 5-0. |
| E2: Aluminum Conductors -\$25,000 | Supervisor Weir stated this is pretty common and doesn't see any problems. Vice Chairman Engle made a motion to approve alternative E2 for Aluminum Conductors for deduction of \$25,000 to the project. Supervisor Weir seconded the motion. Motion carried 4-1. Supervisor Moyer opposed. |
| E3: Lightning Protection +\$50,000 | The Board and consultants talked about this alternative and whether to include it now or do it later. Mr. Mandia stated they have had lightning strikes before which have blown out pumps and electrical devices. |

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| | Supervisor Zmuda made a motion to approve alternative E3 for Lightning Protection for a cost of \$50,000 to the project. Supervisor Weir seconded the motion. Motion carried 4-1. Supervisor Moyer opposed. |
| E4: Addressable Fire Alarm System +\$8,000 | Mr. Trump noted they are talking with codes folks about whether this option would be required. This alarm would talk versus just a beeping alarm. Chairwoman Cort made a motion to defer action on alternative E4 for the Addressable Fire Alarm System in the amount of \$8,000. Supervisor Weir seconded the motion. Motion carried 5-0. |

Chairwoman Cort spoke about the decisions made tonight and how hard this Board has worked on this project over the past 4-6 years. She stated we all love our community and she believes it will be a unifier for the community and can be used by all ages.

RESOLUTION #1599-AMENDING COMPREHENSIVE PLAN

Mr. Emerick stated the Township is proposing to amend the 2015 Comprehensive Plan by adding Urban Design Associates’ ‘Downtown Hershey Zoning Recommendations’, dated September 2019, and ‘Architectural Guidelines for Downtown Hershey’, dated September 27, 2019. The Derry Township Planning Commission recommended the adoption of the proposed amendment to the Comprehensive Plan. He noted there were two public meetings with the consultants. The consultants worked with Staff on the proposed changes and they were listed on the website and there was a public hearing last week. He noted the biggest change in this is the three districts downtown.

Supervisor Weir made a motion to adopt Resolution No. 1599 implementing the amendment to the 2015 Comprehensive Plan. Supervisor Zmuda seconded the motion. **Motion carried 5-0**

ORDINANCE NO. 720, ADOPTING THE NEW ZONING ORDINANCE:

Mr. Emerick spoke about the new zoning ordinance and the changes. He stated there was a public hearing held on this last week. The Derry & Dauphin County Planning Commissions recommended and supported the ordinance.

Supervisor Zmuda made a motion to adopt Ordinance No. 702 adopting the new Zoning Ordinance. Chairwoman Cort seconded the motion. **Motion carried 5-0.**

PUBLIC NOTICE OF ADOPTION-ORDINANCE #720:

Mr. Emerick stated Section 108 of the Pennsylvania Municipalities Planning Code provides a process for an optional Public Notice of municipal action regarding ordinance adoption. He spoke about what the Public Notice must contain. It must be published once each week for two successive weeks and would be \$150 if advertised in the Sun. The approval to place this Notice will ensure that any future action contesting the validity of the new Zoning Ordinance, based on a procedural defect in the process of enactment or substantive defect, shall be dismissed, with prejudice, as untimely if not filed within 30 days following the second publication of the Notice.

Chairwoman Cort made a motion to authorize the Public Notice of adoption of Ordinance No. 720 be placed in the newspaper of general circulation for two successive weeks. Chairwoman Cort seconded the motion. **Motion carried 5-0.**

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AMEND EXTENSION FOR CONDITIONAL USE APP #2017-04-C&S KRAY REAL ESTATE:

Supervisor Zmuda made a motion granting the requested extensions for both condition ‘H’ (Condition ‘H’ of the Decision for Conditional Use Application No. 2017-04 is revised to read as follows: “The authorization granted herein shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained by January 23, 2022 or if a phase of the development is not under active land development plan review or active construction by January 23, 2021) under the Large-Scale Retail section and condition ‘J’ (Condition ‘J’ of the Decision for Conditional Use Application No. 2017-04 is revised to read as follows: “The authorization granted herein shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained by January 23, 2022 or if a phase of the development is not under active land development plan review or active construction by January 23, 2021.”) under the Major Fuel Service section of the January 23, 2018 Decision for Conditional Use Application No. 2017-04 and the October 22, 2019 revised Decision issued by the Board of Supervisors is hereby superseded. Chairwoman Cort seconded the motion. **Motion carried 5-0.**

EXTENSION FOR PLATT#1154 -HERSHEY CHOCOLATE -SATELLITE PARKING:

Chairwoman Cort made a motion to extend the conditional approval of Preliminary/Final Development Plan for the Hershey’s Chocolate World Employee Satellite Parking Phase I Plat 1154 for an additional 12 months (counted from January 2, 2020), subject to the following:

1. A performance security is provided in an amount equal to the original approved amount PLUS 10% for each one-year period beyond the first anniversary date establishing the amount (not to exceed 110%), OR that a new amount established in accordance with the requirements of the Subdivision and Land Development Ordinance is provided to guarantee the completion of required improvements and the accompanying agreement is signed no later than January 2, 2021.
2. The comments in HRG’s March 30, 2009 letter regarding the SWM BMP plan are addressed no later than January 2, 2021.
3. The applicant applies for and receives a new NPDES permit from the Dauphin County Conservation District no later than January 2, 2021.
4. The applicant applies for and receives a new Water Obstruction and Encroachment Permit no later than January 2, 2021 for the proposed point source discharges to Spring Creek.
5. The applicant ensures the renewal of any other expired approvals or permits originally required for the project no later than January 2, 2021.
6. The applicant obtains any other regulatory approvals or permits required for the project no later than January 2, 2021.
7. The Stormwater Best Management Practices Operations and Maintenance Agreement is recorded concurrently with the plan.

Supervisor Moyer seconded the motion. **Motion carried 5-0.**

EXTENSION-STORMWATER SITE MANAGEMENT PLAN FOR OAK SPRINGS PHASE III BUILDING EXPANSION, PLAT 1227.

Vice Chairman Engle made a motion to extend the conditional approval of the Preliminary/Final Land Development and Stormwater Site Management Plan for Oak Springs Phase III Building Expansion, Plat No. 1227 for an additional 3 years, subject to the following:

1. A performance security is provided in an amount equal to the original approved amount PLUS 10% for each one-year period beyond the first anniversary date establishing the amount (not to exceed 110%) OR in a new amount established in accordance with the requirements of the

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Subdivision and Land Development Ordinance to guarantee the completion of required improvements, and that the accompanying agreement is signed no later than January 2, 2023.

2. The comments in the May 30, 2013 HRG letter (attached) are satisfactorily addressed no later than January 2, 2023.
3. The applicant drafts a Common Lateral Agreement for the six new units for approval by the Derry Township Municipal Authority no later than January 2, 2023.
4. The applicant ensures the renewal of any expired approvals (Dauphin County Conservation District, DEP, etc.) or permits originally required for the project no later than January 2, 2023.
5. Two originals of the signed and notarized Stormwater Best Management Practices Operation and Maintenance Agreement are provided no later than January 2, 2023.
6. The completed BMP Inventory Form is provided digitally as an Excel file no later than January 2, 2023.
7. The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.
8. A revised property deed referencing the Operation and Maintenance Agreement is recorded concurrently with the plan.

Chairwoman Cort seconded the motion. **Motion carried 5-0.**

EXTENSION- PLAN FOR FOX GLEN DRIVE, PLAT 1313:

Mr. Emerick spoke about the extension request for the conditional approval of Plat 1313 until December 11, 2020. He read the conditions associated with the requested condition. He spoke about the mess made by the contractor with the fill as previously discussed by Mr. Crawford. He stated the Dauphin County Conservation District was called to deal with the violations. Supervisor Moyer asked about not extending the plan as he spoke about the pictures and concerns from the residents. Mr. Emerick stated it was up to the Board and spoke about the improvements that will be made with the stormwater system when they build. The Board discussed asking the developer to come to a meeting to speak about the issues and concerns from the residents. Discussion ensued.

Chairwoman Cort made a motion to extend conditional approval of the Preliminary/Final Subdivision and Land Development Plan for Fox Glen Drive, Plat 1313, until **January 31, 2020**, subject to compliance to the following items:

1. The applicant reimburses the Township for any new costs incurring in reviewing the plan no later than January 31, 2020.
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 January 31, 2020.
3. A payment of the \$6,943.35 fee in-lieu of dedication of land for park, recreation, and open space for the 5 new lots is provided no later than January 31, 2020.
4. A letter from the Dauphin County Conservation District, approving the Erosion and Sedimentation Control Plan, is provided no later than January 31, 2020.
5. A copy of the NPDES permit is provided no later than January 31, 2020.
6. The owners of the Dinello and Fox Glen Drive Associates, LP properties sign the Stormwater Best Management Practices signature block on Sheet 6 of 13 no later than January 31, 2020.
7. Three originals of the signed and notarized Operation and Maintenance Agreement for the Fox Glen Drive Associates, LP and Dinello properties are provided no later than January 31, 2020.

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8. The completed BMP Inventory Form is provided via e-mail as an Excel file to jenelles@derrytownship.org no later than January 31, 2020.
 9. The previous plan (Plat 1268) is withdrawn concurrently with the recording of the current plan (Plat 1313) no later than January 31, 2020.
 10. The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan no later than January 31, 2020.
 11. The Storm Sewer Easement & Deed of Dedication is recorded concurrently with the plan no later than January 31, 2020.
 12. The Developer Agreement is recorded concurrently with plan no later than January 31, 2020.
- Supervisor Moyer seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY – S-2019-021-OAKS:

Supervisor Zmuda made a motion accept the cash financial security in the amount of \$114,579.00 and enter into the Agreement to Provide Financial Security between Matthew Tunnell and the Township for the Stormwater Management Plan for Lot 7 at The Oaks, S-2019-021. Chairwoman Cort seconded them motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Zmuda is glad the contracts were awarded and doesn't think any delays would add to the discussion. He believes when it is built the Community will be happy and once the shovels are in the ground, the community needs to unite. Supervisor Weir agrees with Supervisor Zmuda. He stated they have known for years that something needed to be done with the Recreation Center.

REPORTS:

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| <u>Fire:</u> | Mr. Sassaman stated they served 250 meals with 43 helpers on Thanksgiving Day. He spoke about Santa and tracking him this weekend. |
| <u>Engineer</u> | Mr. Bonanno spoke about the wetlands at Cocoa Ave and the work being done including grading and assistance with DTMA. |
| <u>Economic Development</u> | Mrs. Zumbrun spoke about the event downtown this weekend with Santa and needing volunteers. |

ACCOUNTS PAYABLE and PAYROLL:

Supervisor Moyer made a motion to approve accounts payable in the amount of \$59,552.09 and Payroll totaling \$337,104.97. Chairwoman Cort seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

Mr. Jonathan Crist, 226 West Chocolate, attorney for AIS, spoke about the required advertising for the new zoning ordinance. He is deeply disturbed with the passing of the ordinance and spoke about his documentation he provided during the hearing. He will be filing, on behalf of his client, an immediate contest of the ordinance. He stated his client is ready to move and now the new ordinance prohibits demolition on Chocolate Ave. He doesn't believe they can dictate what a person does with their property like they are doing in the ordinance.

Mr. Rich Gamble stated he has witnessed a lot like serving the Board or themselves, voting with the minority versus majority and helping businesses versus residents. He hopes some of the mistakes made

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don't come back to the Township. He said they should be building a Community Center with the residents versus special interests.

Mr. Kevin Ferguson spoke about the public meetings that Mr. Mandia held to obtain the public's input. He noted it was designed by the public and was scaled down. He spoke about some wanting to scale down the center and spoke about the issues there would be with a smaller pool. He noted as the Community grows, this Center has to last for 40-50 years. He thanked the Board for their efforts. He believes the foundation decision is a solid one.

Mr. Steve Fotos spoke about people's vision for things and how ideas can be noble, however they are less noble when other people's resources must pay for those ideas. He spoke about ideas and visions with the resources at hand. He spoke about the minority using the majority's resources.

Mr. Dennis Trout, Locust Lane, stated he doesn't agree with the decision and believes there are mistakes as he has provided documentation to the Board. He is willing to discuss things and provide answers to the Board if they're interested. He mentioned the Board considering a bypass for Middletown Road. He asked that the Board share, on the website, the comments they receive from the public for those who don't attend the meetings. He agrees with Mr. Fotos about the minority using the majority's resources.

Chairwoman Cort thanked everyone and appreciated their feedback tonight.

ADJOURNMENT:

Chairwoman Cort made a motion to adjourn the meeting at 9:23 pm. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Richard D. Zmuda
Township Secretary