

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
DECEMBER 17, 2019**

CALL TO ORDER

Chairwoman Cort called the December 17, 2019 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:04 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
Laura O'Grady, Hershey Public Library
Mike Wood, HRG Engineer
Lauren Zumbrun, Economic Development Manager
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Larry Moyer, Robert Naeye, Doug Nicotera, Linda Eyer, Timothy Horstmann, Natalie Nutt, Geoffrey Croust, Skip Becker, Rich Gamble, Tim Mellott, Emily Foley, Sue Myers, Carter Wycoff, Dave Warner, Wayne Rivers

ADOPTION OF MINUTES

Vice Chairman Engle made a motion to approve the minutes from the November 26, 2019 Public Hearing 5:30 p.m. (1 of 2), November 26, 2019 Public Hearing (2 of 2), November 26, 2019 Board of Supervisors Meeting Minutes and December 3, 2019 Board of Supervisors Meeting Minutes. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

Mr. Larry Moyer spoke about his concerns with the rising taxes. He believes the Township is wasting money on pools and thinks the Board should be ashamed for taking on all the debt for the Center.

Mrs. Linda Eyer, 2321 Raleigh Road, asked about the Auditor General report that states the Township has \$5 million in unfunded pensions and the three findings in the audit. She asked with the borrowing proposed for approval tonight, will the Township's credit rating be affected. She also asked what the legal limit is for the Township to be able to borrow. She mentioned she heard there may be issues with the general contractor chosen through the bid process and asked if the contracts had been signed.

Mrs. Sue Myers asked about the costs associated with political campaigns coming to Derry Township. Chairwoman Cort stated Scott Warner stepped up and will pay for the most recent visit of the President. She stated moving forward the Board will communicate more with HE&R as these events are scheduled and discuss how to handle the events and costs.

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
DECEMBER 17, 2019

NEW BUSINESS:

ORDINANCE 721-AMUSEMENT TAX:

Chairwoman Cort made a motion to adopt Ordinance 721 to amend Chapter 189, Article IV-Amusement Tax for the purpose of creating an exemption for 501(c)(3) non-profit organizations. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

RESOLUTION 1604 STREET LIGHTS:

Supervisor Weir made a motion to adopt Resolution No. 1604 for the assessment of the cost and expense of the maintenance of streetlights within the Township of Derry, pursuant to Section 2003(a) of the Second-Class Township Code, as amended, also providing for the collection thereof. Chairwoman Cort seconded the motion. **Motion carried 5-0.**

RESOLUTION 1605 & ORDINANCE 723 GENERAL OBLIGATION BONDS, SERIES C:

Mr. Christman stated the finance team went to the bond market on Tuesday and secured \$14,400,000 of general obligation bonds. Proceeds of the bonds will be used to provide for and toward acquiring, designing, construction, finishing and equipping a new Community Center, capitalizing interest on a portion of the bonds and paying for the issuance of the bonds.

Mr. Scott Shearer, PFM went over a report with the Board. He stated on December 10, PFM & RBC, priced the bonds at approximately \$14,500,000. He spoke about the requirements for the bonds, which include approval and approving the extension of the mandatory termination date to December 31, 2020. He stated the fixed rate would be at 2.39%. He noted that the S&P Rating for the Township is AA and was confirmed during this financing. He went over the numbers of the new financing and the debt services. He stated before this bond, he recalls the maximum debt for the Township for \$40 million. Mr. Lou Verdelli, RBC, stated the resolution will allow the financing.

Chairwoman Cort made a motion to adopt Resolution No. 1605 of 2019, a resolution of the Township of Derry Providing for an amendment to the township's existing \$20,000,000 cash settlement interest rate swap related to its \$40,000,000 maximum aggregate principal amount of general obligation bonds previously approved for the issuance by the Township, to extend the second hedge termination date from December 31, 2019 to December 31, 2020 and to reduce the notional amount from \$20,000,000 to \$14,000,000 and to adopt the duly advertised Ordinance 723 general obligation bond, series C of 2019 authorizing the incurrence of non-electoral debt in the maximum principal amount of \$14,400,000. Supervisor Weir seconded the motion. **Motion carried 5-0.**

RESOLUTION 1606-2020 TOWNSHIP FEE SCHEDULE:

Supervisor Zmuda made a motion to adopt Resolution No. 1606, a resolution of the Township of Derry, to implement a Township-wide Fee Schedule, effective January 1, 2020. Chairwoman Cort seconded the motion. **Motion carried 5-0.**

STORMWATER AGREEMENT-COMMUNITY CENTER WITH SCHOOL DISTRICT:

Supervisor Weir made a motion to approve the amended stormwater Operations and Maintenance Agreement between the Township of Derry and the Derry Township School District. Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
DECEMBER 17, 2019

EASEMENT AGREEMENT-COMMUNITY CENTER WITH SCHOOL DISTRICT:

Mr. Christman spoke about the easements between the Derry Township School District property and the Community Center project. Because of the redesigns, an amendment of the agreement was necessary.

Vice Chairman Engle made a motion to approve the amended Easement agreement between the Township of Derry and the Derry Township School District. Supervisor Zmuda seconded the motion.
Motion carried 5-0.

RESOLUTION 1603-PENNDOT HOP APPLICATION – RED ROOF INN -PLAT 1292

Mr. Emerick stated Resolution No. 1603 will authorize him to sign, on behalf of the Township, the HOP application in conjunction with the redevelopment of 1806 East Chocolate Avenue per the Preliminary/Final Subdivision/Land Development Plan for the Red Roof Inn Site, Plat 1292. He has prepared an Agreement with Sweet Hotels, LLC (the developer for Plat 1292), binding them to standards to be practiced throughout the completion of work approved under the HOP, as we did in prior instances where the Township was required to be the PennDOT applicant for others to do the work.

Vice Chairman Engle made a motion to adopt Resolution No. 1603, authorizing Charles W. Emerick, Director of Community Development, to sign the PennDOT application for updating the striping to extend the eastbound left turn lane to a new two-way center left turn lane and minor signal timing adjustments within the limits of the right-of-way of East Chocolate Avenue (SR 0422) and Lingle Avenue (SR 3017), and that the Board of Supervisors' Chairman and Secretary sign the Agreement with Sweet Hotels, LLC, regarding standards to be practiced throughout the completion of work approved under the HOP for the improvements within the PennDOT right-of-way. Chairwoman Cort seconded the motion. **Motion carried 5-0.**

TIME EXTENSION-PLAN FOR FOX GLEN DRIVE PLAT 1313:

Mr. Emerick stated Plat 1313 represents the combination of two existing lots into a single lot that will be subdivided to create six new lots. The extension request was originally presented to the Board of Supervisors at the December 3, 2019 meeting. Due to concerns from surrounding neighbors which were voiced at that meeting, the Board voted to grant an extension only until January 31, 2020, with the intention of having the applicant respond to the concerns of the neighbors.

Mr. Tim Mellott and Mr. Joel McNaughton spoke to the Board about the property. They spoke about the current location. He spoke about the plans with HRG with the stormwater plan and how it will flow. He stated once they install their stormwater plan it will stop the flow of water down to the other development. Vice Chairman Engle asked about the issue in July/August with the runoff the residents experienced. Mr. Mellott stated they had permission with the county with the silk socks and they work with the county on the plan. He stated they worked with the County and have passed the inspections including one in October. He stated they are having an inspection tomorrow at the site and will address any issues the County may have. Discussion ensued.

Vice Chairman Engle made a motion to approve the conditional approval of the Preliminary/Final Subdivision and Land Development Plan for Fox Glen Drive, Plat 1313, is extended to December 11, 2020, subject to compliance with the following conditions:

1. The applicant reimburses the Township for any new costs incurring in reviewing the plan no later than November 17, 2020.

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
DECEMBER 17, 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 November 17, 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 November 17, 2020.
4. 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 November 17, 2020.
5. 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 November 17, 2020.
6. The completed BMP Inventory Form is provided via e-mail as an Excel file to jenelles@derrytownship.org no later than November 17, 2020.
7. The previous plan (Plat 1268) is withdrawn concurrently with the recording of the current plan (Plat 1313) no later than December 11, 2020.
8. The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan no later than December 11, 2020.
9. The Storm Sewer Easement & Deed of Dedication is recorded concurrently with the plan no later than December 11, 2020.
10. The Developer Agreement is recorded concurrently with the plan no later than December 11, 2020.

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

PERFORMANCE SECURITY – PLAT 1273-HERSHEY WASTEWATER TREATMENT:

Chairwoman Cort made a motion authorizing the release of \$859,486.67 from the performance security provided as Citibank, N.A. Letter of Credit No. 69610538 for the Preliminary/Final Land Development Plan and Stormwater Management Site Plan for the Hershey Wastewater Treatment Plant Relocation, Plat 1273, resulting in a new balance of \$95,498.52. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY – S-2019-15-UPDEGROVE POOL:

Chairwoman Cort made a motion to accept cash financial security in the amount of \$9,298.00 and enters into the Agreement to Provide Financial Security with Gary and Wendy Updegrave for the Stormwater Management Plan for the Updegrave Pool Project, S-2019-015. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY – PLAT 1203-WOODLAND HILLS:

Chairwoman Cort made a motion to authorize the release of \$3,795.00 from the performance security provided as Link Bank Letter of Credit No. 696883 for the Preliminary/Final Land Development Plan and Woodland Hills, Plat 1203, resulting in a new balance of \$87,011.13. Supervisor Weir seconded the motion. **Motion carried 5-0.**

2020 MINIMUM MUNICIPAL OBLIGATION:

Mrs. Lontz stated, originally the projected 2020 Minimum Municipal Obligation for the Non-Uniformed Pension Plan was \$443,589. On December 3, 2019, an error was noticed in the calculation of the 2019 estimated wages. The estimated wages for 2019 were underreported. The result is an increase of the MMO for the Non-Uniformed Plan from \$443,389 to \$521,871 or \$78,482. Mr. Christman spoke about the questions asked earlier by Mrs. Eyer. He spoke about Act 600 and how a lot of municipalities are

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
DECEMBER 17, 2019

working on the regulations for this Act including Derry Township. When they are in compliance, the finding(s) will go away.

UPDATED JOB DESCRIPTIONS – HERSHEY PUBLIC LIBRARY:

Mrs. O'Grady spoke about the changes in the organization of library staff after some recent vacancies. These changes necessitated changes to job descriptions. She is seeking approval of the updated and changed job descriptions. Chairwoman Cort made a motion to approve the updated job descriptions for the staff at the Hershey Public Library. Supervisor Moyer seconded the motion. **Motion carried 5-0.**

TRAFFIC SIGNAL MAINTENANCE AGREEMENT:

Mr. Clark spoke about the bids that were received and opened for the traffic signal maintenance of 236 traffic signals throughout the Township. One bid was received from Pennsylvania PERCs Inc. for \$19,656. This would be a 3-year contract that would end in December, 2022.

Supervisor Weir made a motion authorizing the Township Manager to enter into a 3-year contract for the maintenance of traffic signals with the Pennsylvania PERCs, Inc. for a total price of \$19,656. Chairwoman Cort seconded the motion. **Motion carried 5-0**

ORDINANCE 722-STOP INTERSECTIONS – PLUM AND PEACH STREET:

Chief Warner spoke about the traffic study done after residents were concerned about the traffic volume at an uncontrolled intersection at Plum and Peach streets. After reviewing it, based on the data received, it was determined that a multi-way stop is justified.

Supervisor Weir made a motion to approve Ordinance No. 722 amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210 § 210-24, stop intersections established by establishing a multi-way (4-way) stop sign controlled intersection at the intersection of Plum Street and Peach Street. Supervisor Moyer seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Board members and Staff acknowledged this was the last meeting for Vice Chairman Engle and Supervisor Weir whose term ends this year. They thanked them for their work, accomplishments and service over the past six years. Supervisor Weir thanked everyone for their support including his wife during the past six years as he served. He spoke about the people he has met in this position and the privilege of serving the Township. Supervisor Engle spoke about running seven years ago and the accomplishments of this Board over the past six years. He thanked the Staff for all their hard work. He thanked the residents for electing him to this office.

Supervisor Zmuda spoke about the letter to PennDOT asking that Middletown Road be included in a traffic study for the new warehouses proposed in Londonderry Township. The Board agreed to send the letter. Supervisor Engle provided an update on the ICDA Board and the refinancing of the Giant Center.

Mr. Christman stated he had reached out to Mr. Koussis about the status of the contracts for the bids on the Recreation Center. He stated they are waiting for bonds and insurance and the contracts should be executed on Friday. Supervisor Moyer asked if it would be wise, with the new Board members coming on Board in January, to put the contractors on notice of a possible size and scope change for the project. Chairwoman Cort doesn't think that is necessary. She spoke about what could change and the impact on

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
DECEMBER 17, 2019**

the revenues and costs associated with any changes at this point. She noted it would cost more to make it smaller and delay the opening of the Center.

REPORTS:

<u>Fire:</u>	Mr. Sassaman spoke of the Santa Run and the new apparatus coming in January.
<u>Public Works</u>	Mr. Clark stated they are done collecting leaves, but residents can still drop them off.
<u>Library</u>	Mrs. O'Grady spoke about the construction starting in January.
<u>Community Development</u>	Mr. Emerick scheduled a conditional use for January 28 at 6pm.
<u>Economic Development</u>	Mrs. Zumbrun thanked everyone for volunteering for the Holiday Event downtown. The Board spoke about what a successful event it was and thanked everyone for their work.

ACCOUNTS PAYABLE and PAYROLL:

Supervisor Zmuda made a motion to approve accounts payable in the amount of \$616,675.61 and Payroll totaling \$331,708.63. Chairwoman Cort seconded the motion. **Motion carried 5-0.**

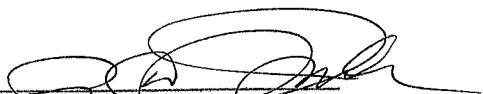
VISITOR/PUBLIC COMMENTS:

Mr. Larry Myers spoke about putting the Township in more debt for the Recreation Center. He spoke about the pools in the area and stated they are wasting taxpayers' money.

ADJOURNMENT:

Chairwoman Cort made a motion to adjourn the meeting at 8:36 pm. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:



Richard D. Zmuda
Township Secretary