

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
JANUARY 28, 2020**

CALL TO ORDER

Chairwoman Nutt called the January 28, 2020 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:07 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. Before the pledge of Allegiance and roll call, she announced the Board of Supervisors met in executive session before the meeting to discuss real estate, legal and personnel issues with no actions being taken. She announced there was a public hearing held at 6:00 p.m. for Conditional Use Application No. 2019-08.

IN ATTENDANCE:

SUPERVISORS

Natalie L. Nutt, Chairman
Carter E. Wyckoff, Secretary
Susan M. Cort
Richard D. Zmuda

ALSO PRESENT:

Christopher Christman, Township Manager
Jon A. Yost, Township Solicitor
Chuck Emerick, Director of Community Development
Thomas Clark, Director of Public Works
Chief Garth Warner, Police Department
David Sassman, Hershey Volunteer Fire Company
Matthew Mandia, Director of Parks and Recreation
Cheryl Lontz, Manager of Accounts Payable & Receivables
Laura O'Grady, Director of Hershey Public Library
Lauren Zumbrun, Economic Development Manager
Matt Bonanno, HRG Engineer
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Robert Quirin, Ken Gall, Andrew & Rebecca Fisher, Michelle Quirin, Carmen Hoyt, Linda Eyer, Sandy Cappelli, Kathy Seidl, Robert Naeye, Steve Seidl, Marilyn Ferguson, Glenda Bielbe, Clara Hess, Rich Gamble, Dennis Trout, Robert Smith, Christine Drexler, Ashley Zagactz, Skip Becker, Jordan Yeagley, Emily Clough, Dennis Burd, Lisa Beck, Dash Scalgi, Carol Nye, Susan Myers, Cliff Myers, Lindsay Drew, Maria Memmi, Kathy Sicher, Katherine Briddell, Dayne Eyer, Kevin Ferguson, Jenette Murray, Chris Luttrell, Jill Rorz, Steve Fotos, Geoffrey Crout, Tom Stang, Jay Stasz, Melissa Whitmoyer, Tankerton Spade, Doug Nicotera, Ronald Furman, Jamie Smith, Dave Holte, Chuck Crandall, Linda Crandall, Wayne Rivers, Matt Luttrell, J. Garver, Curt Taulton, Shel Parker, Katie McComb, Charles Dye, Gina Colorossi, John Foley, Mary Johnson, Tracy Steiner

VISITOR/PUBLIC COMMENTS:

Mrs. Kathy Sicher, Derry Township School Board, spoke about the positive relationship the School District has with the Township. She spoke about their goals and how they work together. She stated they've worked very closely with the Township with parking and stormwater for the new Recreation Center. She believed that their needs are going to be met with the current design. She stated last night at their School Board meeting, they heard about the hardship their swim & dive teams are going through with kids waking up at 4:00 a.m. so that they can go swim somewhere. She stated the current design of a 35-meter pool will meet the needs of their programs. Any further delays will be detrimental to the kids. She'd like to see them move forward without any delays.

Mr. Rich Gamble thanked her for coming to the meeting. He believes that the School District should pledge 1/3 of the cost for the pool since the kids need to use it so much. He spoke about the practice

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fields that the school just built and suggested maybe they should have used that for their pool. He said they should pledge \$10 million dollars toward the Recreation Center project.

Mrs. Lindsay Drew reminded everybody that both the Derry Township School District and Derry Township receive the majority of their money from taxpayers. Receiving the money from the School District to fund the Recreation Center would be coming from the same taxpayers.

Mr. Jon Crist reminded everybody that today is the first day to start collecting signatures for primaries. He believes all the Supervisor applications should be posted on the website so everybody can see their background. He believes it's imperative that this be opened to the public.

Mr. Cliff Myers spoke about the elderly population in the state. He believes it's time to start listening to the future and build a Recreation Center that his grandchildren's children can use. He believes the new Board should go forward with what was proposed.

Mr. Bob Smith owns several properties in the Township and has lived here since the 70s. He spoke about the prior Recreation Center and the available water. He believes there's no reason to go backward. He said this past year, with no water, everyone had to go somewhere else to swim. He heard that it's time for the School District to pay up. Since 1975, the School District has allowed the youth to use their fields, so it's time that we get water to help the youth. It would be a shame if there's a delay in starting the Recreation Center project especially since the School District is in support of the 35-meter pool. He stated voters didn't want the library, but the Board of Supervisors was smart enough and built the library, which is a big part of the Township.

Mr. Mark Luttrell thanked the Staff and Board for working on the Recreation Center. He appreciates everyone who talks and believes that everybody needs to work together. As a parent and architect, he's worked on many plans and stated it's a process. Through this process they've been very thorough. They reached out to professionals and it's been a very public process. He's in support of the Recreation Center project. He appreciates each of the Board members for their time. It's been years and it needs to conclude. Everyone's not going to agree, but he believes the current solution is to move forward and everyone needs to respect the process.

ADOPTION OF MINUTES

Chairwoman Nutt made a motion to adopt the December 3, 2019 Board of Supervisors corrected meeting minutes and January 6, 2020 Board of Supervisors meeting minutes. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

NEW BUSINESS:

EMPLOYEE SERVICE RECOGNITION:

5 Years

Brandon Bathurst, Parks & Recreation
 Michael Lauria, Parks & Recreation
 Kathryn Kammerer, Childcare
 Nicholas Kauffman, Police Department
 Elliot Keller, Police Department

15 Years

Gregory Mowery, Police Department

20 Years

Anthony Clements, Police Department
 Rebecca Kessler, Police Department

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10 Years

Chuck Emerick, Community Development

25 Years

Denise Phillips, Library

TOWNSHIP SUPERVISOR MARC A. MOYER'S RESGINATION:

Chairwoman Nutt moved that the Board of Supervisors accept the tendered resignation dated January 17, 2020 of Marc A. Moyer as Township Supervisor effective immediately as per section 407 of the Pennsylvania Second Class Township Code. Supervisor Wyckoff seconded the motion. **Motion carried 4-0.**

Mr. Christman noted the only requirement for the Supervisor candidates is that they reside in the Township for a year. He spoke about the process for replacing the Supervisor. He stated resumes and letters would be accepted through Monday February 3 at the end of business. The Board will meet on February 6 at 5:30 p.m. to hear from each of the applicants and vote for a replacement. If there is a tie, then the Vacancy Board Chairman would cast the tie breaker. The public can attend the public meeting. He asked for permission to advertise the special meeting.

Chairwoman Nutt made a motion authorizing administration to proceed in advertising for the special Board of Supervisors meeting on Thursday, February 6 at 5:30 p.m. to be held in the Township building for the process of selecting a Supervisor for the vacant seat. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

ELECTRONIC AUCTION-SELL LADDER TRUCK 48:

Chairwoman Nutt made a motion authorizing Administration, in consultation with Hershey Volunteer Fire Company, to advertise for the disposition of a 2007 Pierce Arrow XT/1994 Baker 95-ft Aerialscope with Body by Saulsberry Ladder Truck by electronic auction as outlined in section 1504 of the Pennsylvania Second Class Township Code. Supervisor Cort seconded the motion. **Motion carried 4-0.**

LIBRARY-ADULT PROGRAM MANAGER JOB DESCRIPTION:

Chairwoman Nutt Made a motion to approve the updated job description for the position of Adult Program Manager at the Hershey Public Library as outlined by the Director of Library Services. Supervisor Cort seconded the motion. **Motion carried 4-0.**

PERFORMANCE SECURITY – HERSHEY TOWNE SQUARE -PLAT 1275:

Chairwoman Nutt made a motion authorizing the release of \$191,692.92 from the performance security provided as Bank of America Letter of Credit No. 68135030 for the Preliminary/Final Subdivision/Land Development and Stormwater Management Site Plan for Hershey Towne Square, Plat 1275, resulting in a new balance of \$100,009.76. Supervisor Wyckoff seconded the motion. **Motion carried 4-0.**

FINANCIAL SECURITY – NASTA INDUSTRIALS, LLC, S-2019-019:

Chairwoman Nutt made a motion to accept a cash financial security in the amount of \$15,640.00, in the form of Fulton Bank Letter of Credit No. STB283 and enters into the Agreement to Provide Financial Security with Nasta Industrial, LLC for the Stormwater Management Plan for 1702 East Chocolate Avenue, S-2019-019. Supervisor Cort seconded the motion. **Motion carried 4-0.**

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ADVERTISE ORDINANCE – ENGINE BRAKE RETARDER PROHIBITION:

Chief Warner stated the Township requested approval from PennDOT to restrict engine brake retards on Governor Road and on Middletown Road. PennDOT conducted a traffic study and found that the requested restrictions were warranted. On December 23, 2019 they authorized the restrictions.

Chairwoman Nutt made a motion to authorize the advertisement of an ordinance, amending the Township's Motor Vehicle and Traffic Ordinance No. 553, Chapter 210, Article 3, Vehicle Restrictions, Section 210-35.1, Engine Brake Retarder Prohibition by establishing restrictions for engine brake retarders on Governor Road (SR0322) between Homestead Road and Greenlea Road and on Middletown Rd (SR2003) between Swatara Creek Rd and the 322 Service Rd (SR2034). Supervisor Cort seconded the motion. **Motion carried 4-0.**

FINANCIAL SECURITY – PENWAY CONSTRUCTION, S-2019-028:

Chairwoman Nutt made a motion to accept the cash financial security in the amount of \$10,971.00 and enter into the Agreement to Provide Financial Security with Penway Construction for the Stormwater Management Plan for 606 Hillcrest Road, S-2019-028. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

FINANCIAL SECURITY – LEGACY LANDING – LOT 1, S-2019-026:

Chairwoman Nutt made a motion accept the cash financial security in the amount of \$6,983.00 and enter into the Agreement to Provide Financial Security with Anil Saini for the Stormwater Management Plan for Legacy Landing – Lot 1, S-2019-026. Supervisor Wyckoff seconded the motion. **Motion carried 4-0.**

FINANCIAL SECURITY – 170 WEST GOVERNOR ROAD, S-2019-024:

Chairwoman Nutt made a motion to accept the cash financial security in the amount of \$6,736.00 and enter into the Agreement to Provide Financial Security with Matthew and Corinne Edris for the Stormwater Management Plan for 170 West Governor Road, S-2019-024. Supervisor Wyckoff seconded the motion. **Motion carried 4-0.**

PERFORMANCE SECURITY – MIDDLETOWN ROAD SITE -PLAT 1312:

Chairwoman Nutt made a motion authorizing the release of \$157,030.00 from the performance security provided as Merchants National Bonding, Inc.'s Bond No. NPA 92961 for the Preliminary/Final Subdivision and Land Development Plan for Middletown Road Site, Plat 1312, resulting in a new balance of \$97,764.00. Supervisor Cort seconded the motion. **Motion carried 4-0.**

FINANCIAL SECURITY – 93 FOREST AVENUE- S-2019-004:

Chairwoman Nutt made a motion accept the release of \$6,699.00 from the cash performance security provided for the Stormwater Management Plan for 93 Forest Avenue, S-2019-004, resulting in a new balance of \$1,555.00. Supervisor Wyckoff seconded the motion. **Motion carried 4-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Zmuda spoke about the transportation meeting. They discussed the letter to PennDOT about Middletown Rd but have not had a response. Park Boulevard is dark at night and HE&R is going to install lights and then turn it over to the Township. He spoke about looking at traffic circles in the Township and a new HATS grant that is available. He spoke about the crossing at Governor Road and Fishburn with the owner looking to submit a master plan. He thanked everyone who came out in support of the Recreation Center project and believes they need to move forward.

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Supervisor Cort stated if we said yes to the Recreation Center project today, it would open December 2022. She is frustrated as this project has gone through six years of planning with the public and consultants. She spoke about the community and why people live here. She stated the Recreation Center needs to be built for our children and grandchildren. She appreciates where the new Supervisors are coming from. She would like to move forward and work together to make it happen. She attended the fire banquet which honored the firefighters. She thanked Marc Moyer for his service and though they disagreed, they were always able to move forward. March 11 will be the next All Things Diversity and will be held at the Middle School. She asked Chief Warner to look at Wood Road when making a left on it. She stated it was very dark. Mr. Dennis Byrd also mentioned to look at the vegetation because it's obstructing the view. She also asked Chief Warner to look at East Derry Road as there was a complaint during the 6:00 p.m. public hearing about people going over the 25 mile an hour speed limit. Chief Warner will look into these concerns.

Chairwoman Nutt thanked Chief Warner for the trading card program. She and Carter aren't against the Recreation Center project as they have used the pool with their family. They have concerns about the Center operating it efficiently, which they campaigned on. She stated there are big holes in the operation program. She is concerned with a plan for 13,000 square feet for a fitness center when there are 17 other fitness centers in the area.

Supervisor Wycoff thanked everyone who spoke out and encouraged everyone to come to the meetings. He noted that they've been in the office 22 days and this is only their second meeting. They are asking to afford them time to look at the program, keeping in mind others have had years to look at it.

REPORTS:

<u>Police</u>	Chief Warner stated at the Lions club awards ceremony the officer of the year was Mike Henry who recently passed away. His family was in attendance. He spoke about the trading card program which contains 45 cards and will go on through March 7.
<u>Fire</u>	Mr. Sassaman spoke about the new truck, which is being lettered and equipped. Training with Pierce will take place after the truck is equipped.
<u>Library</u>	Mrs. O'Grady said the Library construction is on schedule to end at the end of March.
<u>Recreation</u>	Mr. Mandia completed the audit of the trail and has a list of improvements. He is going to send it to the other departments and then to the Board. It will be posted on the website for residents' feedback and suggestions.
<u>Community Development</u>	Mr. Emerick stated there is a need for a public hearing on Tuesday February 25 for a conditional use application for 759 Middletown Rd at 6:00 PM.
<u>Economic Development</u>	Mrs. Zumbrun stated the Township was granted a 6-month extension until August 5, 2020 for the RACP business plan.
<u>Manager</u>	Mr. Christman provided an update on the Recreation Center. He stated with a change in the Board they're getting input from the two Supervisors and staff is working through their comments.

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ACCOUNTS PAYABLE and PAYROLL:

Supervisor Zmuda made a motion to approve accounts payable in the amount of \$962,652.92 and Payroll of \$344,427.33. Supervisor Wyckoff seconded the motion. **Motion carried 4-0.**

VISITOR/PUBLIC COMMENTS:

Mr. Rich Gamble thanked Supervisor Wyckoff for coming to the CARS meeting. He spoke about why the group was formed which advocates responsible spending. He asked everyone to check out the website. If you came to the meeting, you'd hear from others who don't attend these Board meetings. He believes it's time to unite. He is concerned with the maintenance of the Recreation Center which is an ongoing big responsibility.

Mr. Wayne Rivers applauded the new Supervisors for sticking to their guns about the expense and taxes. He noted there's a lot of people here tonight that he hasn't seen at prior meetings. He said last year there was no give and take and now is the time to work together. He hopes the community isn't divided and we don't need to hate each other. We need to find a solution. He's not opposed to the pool in the Community Center; however, he's opposed to the size of the fitness area. He stated they need to work together.

Mrs. Linda Eyer stated she attended her first meeting in October of 2018 and addressed the Board about a business plan. As an accountant, she has seen holes in the plan. They need to build a Rec Center for the community and one it can afford. She asked what if our grandchildren can't afford to live here because of the taxes.

Mr. Dennis Burd spoke about Wood Road which he travels daily. He spoke about the vegetation from the barn to the schoolhouse. He asked the Chief Warner and Mr. Clark to meet down there and look at the vegetation. He spoke about the exploding deer population and believes something needs to be done. He owns property on Middletown Rd and travels at every day. He noted the only traffic issues on the road are for an hour in the morning and one hour at night. He believes a well-planned development would help with traffic. He hopes the Board has an open mind. He believes with the Trust owning the majority of the land, they need tax revenue to grow so he'd like to see the development on Middletown Road.

Mrs. Katie McComb works with the Joy of Sports Foundation and they support the Rec Center. She'd like to work together to help kids especially those who don't have an opportunity to participate in sports. She sees these types of opportunities with the new Center. She asked them to be flexible as there may be a need in the future for the fitness, so it can grow. She noted these changes could be made as they are moving forward with the Center.

Mrs. Maria Memmi congratulated the new Supervisors and thanked Supervisors Cort and Zmuda. She serves on the Rec & School Boards. She spoke about the sense of urgency with parents and their children at the School Board meeting last night. How some are getting their children up at 4:00am so that they can swim before school. She didn't realize the impact this was having on the children. She also spoke about the kids that hang out at the Rec Center after school because they have nowhere else to go while their parents work. She respects them and wanted to emphasize a sense of urgency for these kids who are depending upon the Rec Center.

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Mr. Steve Seidl spoke about the increased traffic with development with the different roads in the Township. He spoke about special interests that seem to be driving things here. He doesn't agree that they need more development to take care of the traffic problem. He said a lot of the development pushes through the costs to the Township with the infrastructure and traffic. He believes that there's a lot of other issues that need to be addressed beyond the Rec Center. He asked him to start addressing the other issues. He's not against development but there is a need to enhance the infrastructure and traffic issues for the long term.

Mr. Jim Drive thanked the Board. He learned how to swim in the Rec Center 50 years ago. He noted it had adequate space at one time. He believes a 35-meter pool is more water and will allow for more activities. He said the previous Board saw the revenue generating design and hopes the new Board will see that too because delays affect residents.

Mr. Kevin Ferguson expressed concerns about the replacing the Solicitor. He stated the Solicitor has been with the Township for 40 years. He is concerned that the first action they took was to replace him. He doesn't believe it was handled in the right way as they haven't worked with him. He heard a rumor that they were looking to replace the Solicitor was someone from McNees Wallace. The school district fired them years ago because of the costs. Mr. Christman stated there's an RFP out for Solicitors there accepting them through January 31st.

Mr. Chuck Crandall thank the Board and realize they have a thankless job. He's a member of CARS and acknowledges no one is for irresponsible spending. CARS isn't against the Rec Center but are against the spending and the debt.

Mr. Bob Smith is concerned with the grants and performance penalties that were in for the Rec Center as there is a deadline. He asked if there's a new timeline to move forward with the plan. He believes the swimming community has compromised as they wanted a 50-meter pool and now they have a 35. He spoke about the library which was opposed by the residence and was built.

Mr. Dennis Trout thanked the Board for sending PennDOT the letter concerning Middletown Rd. He's lived there since the 70s and the road is greatly changed. He said the previous Board approved doubling our debt. He stated there are other facilities in the area. He stated for a competitive pool, only the hotels and restaurants not residents will profit from it. He stated that the swimming is a personal choice for a few members (12%) versus the 25,000 residents that live there. He spoke about senior citizens and their burden. He spoke about using other people's money for their desires versus needs. He believes if it this is a need than they should pay for it. He noted the Rec Center will eventually cost the Township \$63 million of debt.

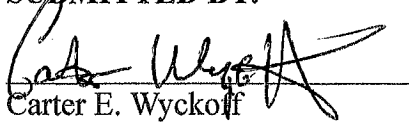
Mr. Matt Luttrell spoke about how many people are in the swim team. He asked if there could be timelines provided. He asked them not to push this down the road too far.

ADJOURNMENT:

Supervisor Zmuda made a motion to adjourn the meeting at 8:56 pm. Supervisor Cort seconded the motion. **Motion carried 4-0.**

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SUBMITTED BY:



Carter E. Wyckoff
Township Secretary