

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING MINUTES**  
**FEBRUARY 11, 2020 7:00 P.M.**

**CALL TO ORDER**

Chairwoman Nutt called the February 11, 2020 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:04 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.

Chairwoman Nutt welcomed Supervisor Abruzzo to the Board. He was voted in at the 6:00 p.m. Special Meeting. He was sworn in prior to the 7:00 p.m. meeting. Supervisor Abruzzo thanked the Board and looks forward to working with the Staff and Board and moving the business of the Township forward.

**IN ATTENDANCE:**

**SUPERVISORS**

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

**ALSO PRESENT:**

Christopher Christman, Township Manager  
Jon A. Yost, Township Solicitor  
Chuck Emerick, Director of Community Development  
Robert Piccolo, Assistant Director of Public Works  
Chief Garth Warner, Police Department  
Scott Stein, Hershey Volunteer Fire Company  
Matthew Mandia, Director of Parks and Recreation  
Cheryl Lontz, Manager of Accounts Payable & Receivable  
Laura O'Grady, Director of Hershey Public Library  
Lauren Zumbrun, Economic Development Manager  
Matt Bonanno, HRG Engineer  
Marie Sirkot, Administrative Assistant  
Julie Echterling, Recorder

**Public in Attendance:**

The following were in attendance: Pamela Ruddle, K G Wannelle, Robert Naeye, Chris Luttrell, Gwendolyn Weller, Ally Weller, Steve Marreni, Carl Pharmer, Sandie Pharmer, Tricia Steiner, Randy Fackler, Linda & Dayne Eyer, J St. John, Kevin Ferguson, Brian Peds, Christine Drexler, Maria Memmi, D Nicotera, Andrea Bruce, Roger Daub, Tom Stang, Jamie & Robert Smith, Hank Camera, Tracy Brown, Terri Martin, Dave Warner, Rich Gable, Carol Nye, Ashley Zogecitz, Ronald Furtau, Becky Sweigart, Jessica Demopoulos, Mae Rader, Kathleen Ryland, John Foley, Nick Douty, Dino Ravnic, Geoffrey Crout, Mary Dague, Richard Dague, Teresa Peschel, Indrit Hoxha, Leale & Tony Piugitore, Tony Potter, Lindsay Drew, Chip & Angie Dye, Wendy Welde

**VISITOR/PUBLIC COMMENTS:**

Mrs. Teresa Peschel, 48 Half Street, asked about the status of the Shade Tree Commission. Mr. Christman spoke about the Board wanting to open it up to more to the public for members on this Commission. He noted the ordinance would need to be amended and hopes to have drafts of the updated ordinance at the next meeting.

Mr. Dave Weaver, 214 Java Ave., said kudos to you Supervisor Cort.

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Mr. Rich Gamble, Hockersville Rd, was happy to see the Board united. He recommended another vote on the vacancy Board. Mr. Christman stated there would be a special meeting for reorganization which will eliminate any discrepancies.

Mr. Jon Crist, Chocolate Ave., spoke about the Bears Creek Hotel appeal that was at the Court of Common Pleas and was sent back to the Board of Supervisors. He noted they had a choice to appeal or schedule a hearing and this Friday is the deadline. He spoke about the second court case for this hotel which has gone to Judge Larry Clark who was a Derry Twp. Supervisor in the 1990s. He is concerned this is basically a done deal.

Ms. Elle Peterson, Mrs. Beth Shaw's daughter, thanked the Board. She thanked Supervisor Cort for considering what was best for the Community.

Mrs. Lindsay Drew, 73 Carousel Cir., welcomed Supervisor Abruzzo. She spoke about a January 16 memo with proposed changes to the Board that was not brought before the whole Board for discussion. She stated in December 2019, the Board voted to proceed with the Recreation Center. This gave the Township Manager authority to execute all documents of the Center including a notice to proceed. She read what a Township Manager can do according to the Township's ordinances. She urged the Township Manager to move the project forward. She spoke about the impact on the children. She stated the decision has been made and shouldn't be delayed. She asked them to do the right thing, which will unite the community.

**ADOPTION OF MINUTES**

Supervisor Zmuda made a motion to adopt the January 28 Board of Supervisors Regular Meeting Minutes and Public Hearing Meeting Minutes. Supervisor Cort seconded the motion. **Motion carried 4-0-1.** Supervisor Abruzzo abstained.

**NEW BUSINESS:**

**AUTHORIZATION TO PROCEED WITH DTMA REFINANCING OPPORTUNITY:**

Mr. Lou Verdelli, RBC, provided a handout to the Board outlining the refinancing of the DTMA debt. He spoke about the low interest rates which makes it a good time to refinance the debt. He provided a Debt Summary outlining the payments through 2038. He noted the savings would be approximately \$250,000 for DTMA. He discussed the schedule for the financing with settlement scheduled for April 3.

Supervisor Cort made a motion to authorize to proceed with the DTMA refinancing opportunity. Supervisor Wykoff seconded the motion. **Motion carried 5-0.**

**SPECIAL LEGAL COUNSEL - REVIEWING ITEMS RELATED TO THE DTCC PROJECT:**

Supervisor Zmuda made a motion to TABLE action on hiring special legal counsel for the purpose of reviewing items related to the DTCC project. Supervisor Cort seconded the motion. **Motion carried 5-0.**

**WAIVERS-MILTON HERSHEY SCHOOL-ADDITION-MEMORIAL HALL ELEMENTARY SCHOOL-901 HOMESTEAD LANE:**

Mr. Emerick stated Milton Hershey School is proposing renovations at the Memorial Hall Elementary School building. Although the proposed building expansion will contain 3,296 square feet of floor area, the impact to the property, as it relates to the Subdivision and Land Development Ordinance, is hardly visible. The Subdivision and Land Development Ordinance requires that any time more than 2,500 square feet of new

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principal building is added to a property, a land development plan shall be processed. He spoke about the minimal work that will be done with the project. He noted they are required to apply for waivers from Article III, Sections 185-5.A and 185-5.B of the Ordinance.

Chairwoman Nutt made a motion to grant the requested waivers from Sections 185-5.A and 185-5.B of the Derry Township Subdivision and Land Development Ordinance to not require a land development plan to be filed for the proposed 3,296-square-foot addition to Memorial Hall Elementary School. Supervisor Abruzzo seconded the motion. **Motion carried 5-0.**

**PLAN-647 AND 653 SAND HILL ROAD-FEDERICI, PLAT 1325:**

Mr. Emerick stated this plan represents the joining of the properties identified as Tax Parcel numbers 24-052-063, 24-052-308, and 24-052-330. In addition to the conveyances, the plan proposes the demolition of two existing dwellings. He noted since no new development is proposed under this plan, stormwater and traffic concerns do not exist. The average daily traffic from these properties will be reduced by the removal of the homes. Stormwater considerations regarding construction of the new home will be addressed at that time. He discussed the waivers and conditions for the plan.

Chairwoman Nutt made a motion to approve the Preliminary/Final Subdivision Plan for 647 and 653 Sand Hill Road for Michael and Elizabeth Federici, Plat 1325, subject to compliance with the following items:

1. The applicants reimburse the Township for costs incurring in reviewing the plan no later than March 11, 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 August 11, 2020.
3. Metes and bounds are provided for the 25-foot drainage easement along the northern side of the property no later than August 11, 2020.
4. The comments in the February 3, 2020 HRG letter (attached) are addressed no later than August 11, 2020.
5. The deed of dedication for right-of-way along Sand Hill Road is recorded concurrently with the plan.

AND the following requested waivers and deferment from the Subdivision and Land Development Ordinance are granted:

1. Waivers from Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding plans and profiles of storm sewers.
2. Waivers from Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding plans and profiles of sanitary sewer lines.
3. Waivers from Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding plans and profiles of gas and water lines.
4. Waiver from Section 185-12.D.(3).(a).[9] regarding providing the location of utilities within 200 feet of the site.
5. Waiver from Section 185-12.D.(4).(b) regarding providing a sewer planning module or waiver.
6. Waiver from Section 185-18 regarding concrete monuments- with the stipulation that the applicants identify all corners where it is not possible to place concrete monuments and identify what type of marker will be set in its place.
7. Waiver from Section 185-22.D.(3) regarding providing additional street width along Sand Hill Road.
8. Waiver from Section 185-22.E.(5) regarding the installation of curbing along Sand Hill Road.

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- 9. Waiver from Section 185-31 regarding providing shade trees along Sand Hill Road.
- 10. Deferment from Section 185-34.A.(1) regarding the installation of sidewalk along abutting streets. With the stipulation that the owners enter into an agreement with the Township that would allow the Township to require the installation of sidewalk in the future if deemed necessary

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

**FINANCIAL SECURITY – 238 ELM AVE, S-2019-003:**

Chairwoman Nutt made a motion to authorize the release of the remaining balance (\$1,291.00) of the cash financial security provided for the Stormwater Management Plan for 238 Elm Avenue, S-2019-003. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

**CORRESPONDENCE BOARD/COMMITTEE INFORMATION:**

The Board and Staff welcomed Supervisor Abruzzo and look forward to working with him.

Supervisor Zmuda stated they received a letter from PennDOT and there are copies for the public. Supervisor Cort looks forward to working on the Recreation Center so they can proceed. Chairwoman Nutt stated she didn't come into the Recreation Center with the thought of scrapping the plan. She noted they need answers to their questions and concerns including the foundation and noted the outdoor pool maintenance wasn't in the operational numbers. She stated their goal is to move forward as soon as possible. She spoke about working things out with the Silver Sneakers program, the School District's contribution for their athletes and balancing private businesses with the Center. Supervisor Wyckoff stated he is committed to delivering a Center. He spoke about concerns with the foundation and believes ARM should be engaged with this project again. He spoke about getting real numbers and a business plan. He spoke about obtaining the actual numbers and working together.

**REPORTS:**

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| <u>Police</u>                | Chief Warner is collecting information on the speeding concerns expressed at the last meeting. He spoke about the repairs with the guardrail on Middletown Road.                   |
| <u>Fire</u>                  | Mr. Stein spoke about the new truck and arranging a time for the Board to see the truck. They are working with Mr. Christman to sell the old truck.                                |
| <u>Library</u>               | Mrs. O'Grady thanked Public Works for helping them during the construction. She spoke about the smell of glue that will be in the Library that will eventually go away.            |
| <u>Recreation</u>            | Mr. Mandia will present the audit of the trail to the Recreation Board tomorrow and hopes to get it on the website this week. He noted it is a working document and can be edited. |
| <u>Engineer</u>              | Mr. Bonanno has DTMA's authorization to look for engineering solutions to the flooding at Ridge and Chocolate.   |
| <u>Community Development</u> | Mr. Emerick stated there is a need for a public hearing on Tuesday March 24 at 6 p.m. for a short term rental.   |

**ACCOUNTS PAYABLE and PAYROLL:**

Supervisor Zmuda made a motion to approve accounts payable in the amount of \$1,046,478.12 and Payroll of \$343,272.20. Supervisor Cort seconded the motion. **Motion carried 5-0.**

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**VISITOR/PUBLIC COMMENTS:**

Mr. Skip Becker, 79 Almond Drive, congratulated the Board for settling the issue as the time to move forward has come. It is time to move forward with a renewed future for the Township.

Mr. James Carter, Raleigh Rd, asked the Board if they thought of moving the location of the Recreation Center considering the issues with the foundation. He understands it wouldn't be a popular move but maybe more efficient for the Center.

Mr. Dave Weaver, 214 Java Ave., supports a review of the financial numbers. He noted interest and depreciation were not in the numbers he has seen and should be included. He urged the Board to review the numbers thoroughly.

Mr. Matt Luttrell, Cedar Ave., thanked the Board and hopes the project moves forward with transparency. He noted they have spent millions on consultants, dozens of meetings, and not sure how they think the numbers aren't accurate. He stated it is clear according to the Township code that all business needs to take place in public. He spoke of the January 16 memo and Mrs. Drew's comments. He asked the Board to share their thoughts, so the public knows.

Mrs. Judith Cooley, 1080 Stoney Road, thanked the Board. She spoke of the approximately \$7.8 million that would be wasted if they don't go forward with the Recreation Center. She asked them to do the right thing for the kids and the residents. She thinks it is irresponsible to waste this kind of money.

Mr. Randy Fackler is upset hearing a statement that numbers were made up. He was part of gathering the numbers and noted if they had been part of the process all along, they would understand the numbers. He spoke about the current deficit and the numbers are not made up. He noted the candidates canvassed as they ran for office and stopped by his house. They didn't ask him about his opinion on the Recreation Center. He believes they need to move forward with the Recreation Center as a lot of work has been done.

Mr. Brian Peds, 998 Greenlea Rd., spoke of having nowhere for his kids to swim. He believes they should move forward as the contract was awarded. He noted they should stop reinventing the wheel and spoke about how changes to the Center result in costing more money.

Mrs. Wendy Lubell, Java Ave., thanked them for looking at the numbers and what is best for the community. She wants a Center for the kids but wants to make sure they can afford it.

Mr. Dino Ravnic, 371 Elm Ave, stated he moved here for the Recreation Center. He feels this is a disgrace. He noted they can build a building in Manhattan, but we can't get the numbers for the pool in 2 years. He asked what is going on here.

Mr. Indrit Hoxha, 841 Whiteville Drive, has lived here since 2005. He asked how long they are going to be reviewing and reviewing. He noted they are spending money to review. He believes it is time to move forward.

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Mr. Bob Smith, 101 Almond Drive, spoke about a memo dated in January with options for the pool and gym. Supervisor Cort noted there was a memo for the new members to outline the options. She noted making significant changes that are outside of the contract would trigger other issues with cancellation costs. Changes would also trigger changes in the operational budget. She believes the best thing the Board can do is to move forward and look for efficiencies in the project that can be made. Mr. Smith noted there are approximately 150 swimmers versus what has been quoted prior.

Mrs. Chris Luttrell, Cedar Ave., asked the Board if they have spent any money on architect or design based on the January memo. Mr. Christman said no. Mrs. Luttrell stated she knows contrary to that. Mr. Christman stated the Board has the right to ask Staff questions. He noted that memo was written to give the Board options and information. The consultants weren't directed to move forward on that memo and any decisions on changes would be made in a public forum. Mrs. Luttrell asked if the architect in Philadelphia has worked on it. Mr. Christman said no. She is concerned about the delay and is considering pulling her donations for the Center.

Mr. Rich Gamble, Hockersville Road, is concerned with the divisiveness of the group this evening. He asked if someone is undermining or sabotaging the unity of the community with the memo being put on the back table.

Mr. Mark Luttrell, Cedar Ave., asked Mr. Christman if he could vouch that the secret ballots were processed without a public vote. Supervisor Cort spoke about the process of ballots which the Township has used for years. It has been used for reorganization meetings to avoid awkward conversations about candidates in a public forum to be respectful to those who applied for the position. She noted it wasn't done with bad intentions, but since it has been brought to light, as they move forward, they will do public votes.

Mrs. Lindsay Drew, 73 Carousel Cir., spoke about the memo put on the table. She noted she had a conversation with Mr. Christman last week. She noted her comments weren't meant to attack and she didn't put the memo on the back table.

**ADJOURNMENT:**

Supervisor Zmuda made a motion to adjourn the meeting at 8:19 p.m. Supervisor Cort seconded the motion. **Motion carried 5-0.**

**SUBMITTED BY:**

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Carter E. Wyckoff  
Township Secretary