

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
APRIL 26, 2022

CALL TO ORDER

Chairman Abruzzo called the April 26, 2022 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:00 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. He advised that all public meetings are recorded for providing accurate notes. After the pledge of Allegiance a roll call was completed. He noted the Board met in executive session at 5 p.m. to discuss legal and land matters. There were three public hearings held starting at 6 p.m.

IN ATTENDANCE:

SUPERVISORS

E. Christopher Abruzzo, Chairman
Natalie L. Nutt, Vice Chairwoman
Carter E. Wyckoff, Secretary
Richard D. Zmuda
Michael P. Corado-by phone

ALSO PRESENT:

Christopher Christman, Township Manager
Patrick Armstrong, Solicitor
Chuck Emerick, Director of Community Development
Thomas Clark, Director of Public Works
Chief Garth Warner, Police Department
David Sassaman, Hershey Volunteer Fire Department
Zachary Jackson, Director of Parks and Recreation
Alison Trautmann, Director of Hershey Public Library
Matt Bonanno, HRG Engineer
Julie Echterling, Recording Secretary

Public in Attendance:

Rich Gamble, Linda Eyer, Tony Trost-Melham Assoc, Cliff Myers, Garrett Gallia, HE&R, Wendy McClintock, HE&R, Lou Verdelli-Raymond James

VISITOR/PUBLIC COMMENTS:

Mr. Rich Gamble, 39 Hockersville Road, said now is the time for the entertainment tax to be changed. He believes it should be 5% of the ticket price. He spoke about being inconvenienced by all the traffic from the park as a resident and believes the entertainment tax needs to be changed.

CONSENT CALENDAR

Supervisor Zmuda a motion to approve the following items on the Consent Calendar:

1. Adoption of the April 7, 2022 Board of Supervisors Public 5:30 p.m. Hearing Meeting Minutes.
2. Adoption of the April 12, 2022 Board of Supervisors Regular Meeting Minutes.
3. Authorized the release of \$149,236 from the performance security provided as Ephrata National Bank Letter of Credit No. 713418 for the Preliminary/Final Subdivision/Land Development Plan for 1806 East Chocolate Avenue-Red Roof Inn Site, Plat 1292, resulting in a new balance of \$54,306.
4. Approval of Accounts Payable \$1,712,078.27 and Payroll of \$298,749.49.

Vice Chairwoman Nutt made seconded the motion. **Motion carried 5-0.**

NEW BUSINESS:

HE&R HOTEL TAX & PILOT PAYMENT UPDATE:

Mr. Gallia, HE&R, stated he was glad to be able to share good news with the Board. He provided an overview of the past four years of the Giant Center prior and after Covid and the impact it had on their revenue. He stated the refinancing done in 2019 allowed a Project Enhancement Fund (PEF) to help pay for maintenance and upgrades to the Giant Center. During Covid, money from this fund was used to pay

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the debt. He spoke about the impact Covid had on their businesses and the hotel tax which covers the cost of debt for the Giant Center. During 2020 and 2021, the hotel taxes did not cover the debt payments and money from the PEF was used to pay the debt. Therefore, Pilot payments, contributions to the PEF and payments to the RAM Ground lease and management fees were not made. He spoke about the increase in hotel taxes recently, and if everything stays on course without disruptions, they are anticipating, after discussions with the bank, being able to make Pilot payments this year in November.

Ms. Wendy McClintock, HE&R, provided spreadsheets outlining the debt payments, hotel taxes, and the PEF for 2020-2023. She spoke about the \$1 million transfer from the PEF to help pay the debt services. During 2020 and 2021, there was no additional money left after paying the debt to make any payments. She went over the projected building profit distribution for the next three years. They are anticipated to make Pilot payments this year and repay the PEF account money that was missed.

Vice Chairwoman Nutt asked Ms. McClintock to confirm that the money from the PEF can only be used for debt or for projects in the Giant center. Ms. McClintock confirmed. Chairman Abruzzo thanked them for sharing this information and asked if they shared this with the school district. Mr. Gallia stated they did. Vice Chairwoman Nutt asked if they were able to make back Pilot payments and he stated they were not per the agreement of the 2019 refinancing. Mr. Lou Verdelli noted that the Pilot payment has historically been paid in October. He spoke about how important the 2019 refinancing was and how it saved over \$1.2 million a year in debt payments. He stated they can continue to update the ICDA quarterly on the progress of the hotel taxes and revenues. Supervisor Wyckoff noted that they did not budget the Pilot payment for 2022 and that money would go into the reserve and Mr. Christman agreed.

RESOLUTION 2022-11 AMENDING FEE SCHEDULE FOR 2022:

Mr. Christman stated the 2022 JCB Teleskid with Cold Planer is a new lease/purchase of Public Works paving equipment approved in the FY2022 budget. The Township has taken possession of the equipment and is required to enter into a lease/purchase agreement with ROC Leasing LLC dba Real Lease. The total five-year cost is \$118,250.00 with a yearly total of \$23,650. The lease payments will be paid with Liquid Fuels Funds.

Supervisor Wyckoff made a motion to authorize the Township Manager to execute all agreements for the lease/purchase of a 2022 JCB Model 3TS-8T Teleskid with JCB Cold Planer 332/L7272 subject to Solicitor's review. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

SHORE UP THE "STAGE AREA" IN CHOCOLATE TOWN PARK:

Mr. Christman stated last fall, Supervisor Zmuda had the idea of a project to shore up the "Stage Area" in Chocolate Town Park. It was thought that Vo Tech students could help with the project, but this was not able to work. The Administration received a quote of \$19,200. Parks & Recreation had set aside funds for another project in Shank Park that will wait until the FY2023 budget. Funds for this project would be drawn from the Capital Projects Fund to complete this work.

Supervisor Zmuda made a motion to authorize the Administration to proceed with the improvement work within Chocolate Town Park for an amount not to exceed \$19,200. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.** Chairman Abruzzo noted that this work is to improve the safety of the area.

ADVERTISE DISPOSAL OF TOWNSHIP SURPLUS PROPERTY:

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Mr. Christman read a list of equipment that he would like permission to advertise for the disposal of surplus Township property.

Vice Chairwoman Nutt made a motion authorizing the Administration to advertise for the sale and disposition of surplus Township property as discussed. Supervisor Zmuda seconded the motion.

Motion carried 5-0.

ORDINANCE 2022-02 WIRELESS COMMUNICATION FACILITIES:

Mr. Emerick stated there was a public hearing earlier this evening for Ordinance 2022-02, if adopted, would amend Chapter 225 (Zoning) of the Code of the Township of Derry relating to wireless communications facilities. This ordinance has been properly advertised for adoption this evening. He noted that both the Derry Township Planning Commission and Dauphin County Planning Commission, at their April meetings took action to support Ordinance 2022-02 as written.

Supervisor Zmuda made a motion to adopt Ordinance 2022-22 as written. Supervisor Corado seconded the motion. **Motion carried 5-0.**

PLAN OF SIPE AVENUE LOT LINE ADJUSTMENT, PLAT 1350:

Mr. Emerick stated this plan represents the relocation of a shared property line between two properties owned by Mountain View Bible Church. The purpose of this plan is to transfer a narrow segment of land, identified as Proposed Lot 2A and containing 2,805 square feet, from Lot 2 to Lot No. 1. The Zoning Hearing Board (ZHB) granted a variance for the minimum lot width to be less than what is required in the Zoning Ordinance. In the Decision, the ZHB mandated that Lot 1 shall have a minimum width of 92.97 feet and Lot 2 shall have a minimum width of 93.41 feet. He discussed the waivers and conditions of the plan.

Vice Chairwoman Nutt made a motion to grant the following waivers for the Preliminary/Final Subdivision Plan of Sipe Avenue Lot Line Adjustment, Plat 1350:

1. Deferment from Section 185-22.D.(2) – right-of-way dedication-with the stipulation that the owner of the subject lots enters into an agreement with the Township that would allow the Township to require the additional right-of-way in the future if deemed necessary.
2. Deferment from Section 185-22.D.(2) – Cartway widening-with the stipulation that the owner of the subject lots enters into an agreement with the Township that would allow the Township to require the additional cartway widening in the future if deemed necessary.
3. Deferment from Section 185-34.A.(1) – Sidewalk installation-with the stipulation that the owner of the subject lots enters into an agreement with the Township that would allow the Township to require sidewalks in the future if deemed necessary.
4. Waivers from Sections Section 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] – Plans and profiles of proposed and existing stormwater sewer or conveyance systems. “
5. Waivers from Sections Section 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] – Plans and profiles of proposed and existing sanitary sewer systems.
6. Waivers from Sections Section 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] – Plans and profiles of proposed and existing gas and water systems.
7. Waiver from Section 185-12.D.(3).(a).[9] – Location of all existing structures, wooded areas, water courses, rock outcrops, culverts, utilities above or below ground within 200 feet.
8. Waiver from Section 185-12.D.(3).(a).[35] – Contours within 200 feet of site.

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9. Deferment from Section 185-22.E.(5) – Curbing installation along Sipe Avenue-with the stipulation that the owner of the subject lots enters into an agreement with the Township that would allow the Township to require curbing in the future if deemed necessary.
10. Waiver from Section 185-30.F – Side lot lines shall be perpendicular to the street or common drive centerline for a length at least equal to the minimum lot depth.

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

Chairman Abruzzo made a motion to approve the Preliminary/Final Subdivision Plan of Sipe Avenue Lot Line Adjustment, Plat 1350, subject to compliance with the following items:

1. The Applicant shall reimburse the Township for all costs incurred in reviewing the Plan no later than May 26, 2022. The Applicant shall continue to satisfy and pay all outstanding Township Professional Consultant invoices in relation to the Plan in accordance with §503 of the MPC.
2. The Applicant shall install the proposed monuments and have them inspected by HRG, Inc. no later than October 26, 2022. Additionally, the Applicant shall agree to and execute the Development Agreement no later than October 26, 2022.
3. The Applicant shall provide 2 originals of the signed and notarized Development Agreement no later than October 26, 2022.
4. The Applicant shall agree to, execute, and have notarized 2 originals of a Deferment Agreement regarding additional cartway widening; right-of-way dedication; curbing installation; and sidewalk installation in a manner and form acceptable to the Township no later than October 26, 2022.
5. The Applicant shall comply with all outside agency requirements, including, but not limited to, PennDOT, PADEP, FAA, and EPA, if applicable.
6. The Applicant shall record the Development Agreement, or a Memorandum of the same, concurrently with the Plan.
7. The Applicant shall record the Deferment Agreement regarding additional cartway widening; right-of-way dedication; curbing installation; and sidewalk installation concurrently with the Plan.

Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

FINANCIAL SECURITY: 1061 KNOLL DRIVE, S-2022-005:

Chairman Abruzzo made a motion to accept a cash financial security in the amount of \$7,514 and enter into the Agreement to Provide Financial Security with Jerome Lyn-Sue and Ester Bowie for the Stormwater Management Plan for 1061 Knoll Drive, S-2022-005. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

FINANCIAL SECURITY: ESC PLAN FOR 593 HILLTOP ROAD, S-2021-018:

Supervisor Zmuda made a motion to accept a cash financial security in the amount of \$4,807 and enter into the Agreement to Provide Financial Security with Jeffrey L. and Julie A. Mackneer for the Stormwater Management and ESC Plan for 593 Hilltop Road, S-2021-018. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

CLOSE EAST CARACAS AVE -JUNE 8 - GRADUATION

Vice Chairwoman Nutt made a motion to approve the request from the Derry Township School District to close the first block of East Caracas Avenue on Wednesday, June 8, 2022 from 1:00 PM until 10:00 PM for graduation activities. Supervisor Wyckoff seconded the motion. **Motion carried 5-0.**

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APRIL 29-ARBOR DAY:

Chairman Abruzzo made a motion to proclaim April 29, 2022 as Arbor Day in Derry Township. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Zmuda asked the Board to authorize the manager to reach out to the Solicitor for counsel for the Courtyard of Honor. The Board agreed with the request. Vice Chairwoman Nutt stated the ICDA met and heard from HE&R about the updated Giant Center financials and about needed repairs to the garage and elevator. She and Supervisor Zmuda attended the Transportation meeting. She stated the slip road would be closed for summer events with 15,000 tickets or more sold events. The flashing pedestrian signals should be in by the end of May for Valley Rd. The drainage project at Ridge & 422 is on hold until 2023 because it may expand. Walton Road closures are delayed until PennDOT can complete the detour plan. She will be attending the Tax Association meeting this week.

Supervisor Wyckoff received updates on constructions projects at the DTMA meeting he attended. Chairman Abruzzo spoke about the PSATS Convention this week and the large attendance in town. He stated members of the Board and Staff attended and it is a wonderful opportunity to get updates on issues. Mr. Christman agreed about PSATS and is proud that the conference happens in Derry Township.

REPORTS:

<u>Fire:</u>	Mr. Sassaman stated there has been an uptick of calls as they are averaging 23-25 calls a week. He thanked Mr. Jackson for the tour they received of the new facility.
<u>Library</u>	Ms. Trautmann stated they are gearing up for their summer reading program.
<u>Recreation</u>	Mr. Jackson provided updates on the Community Center. The fitness equipment arrived and inspection for temporary occupancy will happen soon for Staff to move in. The June 1 opening may slip slightly as they continue to finish the Center. The Fishing Derby is scheduled for May 7. Chairman Abruzzo spoke highly of Mr. Jackson and his team on their tireless work done with the Center amidst a pandemic and supply shortages.

VISITOR/PUBLIC COMMENTS:

There were no comments offered.

ADJOURNMENT:

Vice Chairwoman Nutt made a motion to adjourn the meeting at 8:18 p.m. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary