

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
APRIL 9, 2019

CALL TO ORDER

Chairwoman Cort called the April 9, 2019 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. 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 A. Weir

ALSO PRESENT:

Christopher Christman, Township Manager
Jill Henry, Assistant Township Manager
Jon A. Yost, Township Solicitor
Chuck Emerick, Director of Community Development
Chief Garth Warner, Derry Township Police
Rodney Sonderman, Hershey Fire Department
Robert Piccolo, Assistant Director of Public Works
Cheryl Lontz, Manager of Payroll and Employees
Matthew Mandia, Director of Parks and Recreation
Laura O'Grady, Hershey Public Library Director
Matt Bonanno, HRG Engineer
Lauren Zumbrun, Economic Development Manager
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Larry Moyer, Spencer Phifer, Linda Eyer, Linda Crandall, Dayne Eyer, Steve Bennett, Judy & Bill Woodring, Diane & Bob Cilley, Bob Naeye, Steven Smith, Skip Becker, Todd Pagliarulo, Robert Erwin, Gabe Plebani, Jean Hoffman, Irene Youngman, John Foley, Frank Starton, Mark Seaton, Ray Faidy, Cliff Myers, Jean Kurt, Charles Duncan, Rich Gamble, Greg Koussis, Ed Leppold, Sherry Fackler, Steve, Carol Nye, Geoffrey Crout, Brian Link, James Mosher, Sandy & Carl Phar, Sandy & Rich Cappelli, Kim O'Carroll, Carter Wyckoff, Brian Nest, Tracy Brown, Kevin Ferguson, Steve Seidl, Wayne Rivers, Paul Rodney, Leslie Braen, Bob Yingst, Anthony Porter, Stephanie DeDonatis, Lori Jankey, Brian Kreidle, Kathy Carter, Teresa Seton, Patricia Like, and Michael Miller

VISITOR/PUBLIC COMMENTS:

Mr. Larry Moyer expressed concern about all the spending on sports and recreation. He feels the Board isn't being conservative and not spending money correctly.

Mr. Jonathan Crist, attorney, spoke about the two lawsuits filed against the Township for the hotel downtown. He spoke about how it was approved by the Planning Commission before it went to the Board, who didn't approve the plans. He stated a new plan has been submitted and is to go to the Planning Commission on May 7th. He has asked Mr. Emerick to see the plans and was told he can't see them until the Planning Commission meeting. He believes once the plans are filed, they should be able to review them and feels there is a lack of transparency.

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Mr. Brian Link, 230 West Areba, spoke about the poor road conditions including cracks in the road near Sandhill. He asked the Township to invest in Public Works to help with the less traveled roads in the Township. These roads will be used more in the future as residents use them to avoid the heavy traffic.

Mr. Rich Gamble, Hockersville Road, spoke about the heavy traffic on Chocolate Avenue and discussed his delays this week. He asked when the traffic light would be done.

Mr. Steve Seidl, 450 W Granada Avenue, spoke about the heavy hotel traffic in the area. He spoke about the buses circling the hotels this week. He spoke about the traffic rolling through stop signs, residents using shortcuts, and this is all before the tourist season starts. He understands the development hasn't reached the threshold for a traffic study, but the Board should make them do a study. He implored the Board to look at the traffic and consider what can be done including making some streets one way.

ADOPTION OF MINUTES:

Chairwoman Cort made a motion to approve the minutes for the March 26, 2019 Board of Supervisor Public Meeting Minutes. Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

NEW BUSINESS:

COMMUNITY CENTER PROJECT:

Mr. Mandia stated they received the five primary bids on April 2nd. The Board received a list of the submitted bids. The total bids were \$37,159,604. He read the following lowest bid per category:

- General Construction - Kinsley = \$31,203,824
- Mechanical Construction - Heisey Mechanical = \$2,455,000
- Electrical Construction - Cyprum Solutions, Inc = \$1,669,000
- Plumbing Construction - Jay R Reynolds = \$1,535,000
- Fire Protection = \$296,780

He stated the Board has 90 days to accept or reject the bids. He noted that in the public sector, there is no ability to negotiate the bids.

Mr. Greg Koussis, Capital Management, stated the General Construction bids were well over the budgeted amount. The bids came in over \$9 million more than expected. Chairwoman Cort asked him why the bids came in so high. He stated there is no way to go back line by line with the contractors. He spoke about the foundation options in the bids. He believes the design development changes with the foundation, contractors being extremely busy, and the aggressive timeline impacted the bids. He spoke about the public bidding process. Chairwoman Cort asked if there would be an opportunity to find out more information from the contractors about the bids. Mr. Koussis stated he can ask but there isn't an obligation for them to discuss why. Vice Chairman Engle stated we can't go back and negotiate, and it is \$9 million over the budget so there is no other choice but to reject the bids.

Vice Chairman Engle made a motion to reject the bids received for the Community Center Project. Supervisor Zmuda seconded the motion. Supervisor Moyer stated he has been expressing concern about the size, scope and costs of this project for months. He stated at first there was little information to provide to residents about the anticipated building costs and operating costs of the new Center. Over time as they received more information on the costs and Township finances, a majority of the residents expressed concern about the \$32 million Recreation Center that would cater to outsiders versus residents. He sees this as a blessing in disguise and a wake-up call. He noted over time as residents

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found out about the project, they were concerned about this catering to outside Derry residents. He stated no one will debate that significant repairs are needed. In June 2017, there was a proposal to renovate the current Center at a cost of \$11 million. Moving forward, the base concept should be to renovate for the Township residents and not built for outside swim meets. If there was a \$20 million budget for the renovations, there could be features added including more gym floor space for games. This would also help the Township not compete against businesses in the community including gyms and cafes. He supports Vice Chairman Engle's motion to reject the bids. Chairwoman Cort stated she is disappointed by the bids, but not discouraging news. It is time to step back and look at options as everyone would agree a Recreation Center is needed for the community. All the work done in the last five years is not in vain. She encouraged everyone to work together versus focusing on what went wrong. She asked for patience as they look to move forward.

Motion carried 5-0.

CONTRACT FOR EMERGENCY MEDICAL SERVICES:

Supervisor Zmuda made a motion authorizing the Township Manager to execute an agreement between the Township of Derry and the Milton S Hershey Medical Center of the Pennsylvania State University for Emergency Medical Services. Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

MEMORIAL DAY PARADE MONDAY 27TH 10AM:

Mr. Mandia stated the Memorial Day Parade would originate from the current Recreation Center and follow the route it normally follows. This has changed from the prior proposal of starting from the Hershey Company.

Chairwoman Cort made a motion to authorize the Memorial Day Parade to be held on Monday May 27th starting at 10 a.m. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

ARBOR DAY – APRIL 26TH:

Supervisor Weir made a motion to proclaim the last Saturday in April, that being April 27th, 2019, the official day for observance of Arbor Day in Derry Township. Supervisor Moyer seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Chairwoman Cort spoke about the Capital Campaign.

REPORTS:

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| <u>Police</u> | Chief Warner spoke about the 5,500 students in town this week for a conference which is why the buses were in town. They try to do traffic enforcement when they aren't responding to calls. |
| <u>Fire:</u> | Mr. Sonderman stated it was a busy month including the gas leak downtown. He appreciates everyone's support and encouraged residents to sign up for Code Red alerts. |
| <u>Library:</u> | Mrs. O'Grady stated this is National Library Week this week. The library received a Gold Star Library Award which is awarded to only 10 libraries in the state. |
| <u>Recreation:</u> | Mr. Mandia spoke about the upcoming Easter Egg Hunt in Shank Park and the Fishing Derby. |

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| <u>Economic Development</u> | Mrs. Zumbrun spoke about the streetscape project which was slated to be done at the end of May. She spoke about the delays. The contractor hopes to be done with Orchard and Ridge by the end of May. She spoke about what would be done before and after the tourist season. She will provide an update for the e-news. |
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ACCOUNTS PAYABLE and PAYROLL:

Supervisor Moyer made a motion to approve accounts payable in the amount of \$684,942.38 and a Payroll totaling \$343,948.75. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

Mr. Larry Moyer believes the Township is spending too much money. He spoke about his opposition to the rain tax. He spoke about his property and how no rain comes off his property and he shouldn't have to pay.

Mr. Skip Becker, 79 Almond Drive, realizes the Board doesn't have an easy job and complimented them on voting down the bids. He asked given the decision tonight, would the pool be open this summer. Mr. Mandia spoke about how they started to phase down a year ago in anticipation of the process. In this process, no capital funds were budgeted for the pools and pumps, staff was laid off in March, so the pool won't be open this summer.

Mr. Brian Link, 230 West Areba, stated this Board and consultants have lost the public trust. They have wasted \$1.7 million with no contingency plans. Without having the bids and a vote to move forward, they are closing the pool for parties and other such events. He spoke about his disappointment in the contractors/consultants used and how they didn't represent the residents. He named the consultants and the names of those involved. He asked the Board to terminate the existing consultants' contracts and to see if any fees can be refunded. He asked the Board to engage the residents to help choose and create a citizens group. There are very qualified citizens who can help serve on this group to move forward. He has been before this Board over and over again with his concerns about this project. He stated it is unfair to look to blame contractors when this process has been flawed from the beginning. Chairwoman expressed that she doesn't believe the money was wasted as it will help to know where to go next and the Community has been involved from the beginning.

Mrs. Linda Eyers, CARS, stated CARS started last October as a response to the Center being proposed. She stated over \$1.7 million has been spent, we are further in debit, and we didn't know where the monies were coming from to pay for it. The decisions all along the way were flawed. She spoke about the results of the consultants and the money spent. She spoke about the debt raising taxes. She believes a new center is needed but it needs to be budget neutral and there should be a voter's referendum. Chairwoman Cort reminded people talking to craft their comments so we hear different things, so everyone has time to speak.

Mr. Wayne Rivers, 815 Cypress Court, sent the Board an email today and believes they have the best interest for the Township in mind. He implored them to have real involvement from the community and bring in new blood. He likes the idea of \$11 million of renovations. He believes the consultants and those who got us to this point where we are now, should be held accountable. He spoke about the lack of basketball courts available in the area and how additional court space would generate revenue.

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Mr. Steve Seidl believes a lesson has been learned here that when you are in a hole, stop digging. He stated the Board has heard from the residents. He spoke about a referendum and using residents who have skills and expertise. He disagrees with Chairwoman Cort when she asked residents to not repeat a thought/idea already expressed when they speak. He thinks the Board needs to hear the theme from the residents and know it isn't just one who can be disregarded. He reminded the Board, for everyone one person who speaks here tonight there are 10-50 who agree but won't speak up. He hears from others in the community is that things can't change. He thinks they got way ahead of things including closing the pool and setting up auctions before the vote. He would like to talk with Supervisors or Chief about the traffic and has ideas that could help.

Mr. Michael Miller, 441 Elm Ave, thanked the Board for their efforts. He disagrees with Chairwoman Cort about repeating statements. He appreciates the opportunity to reevaluate of the Center. He spoke about the poor planning and budgeting for the Center. He spoke about the SFA report and concern about how they felt revenue were off. He hopes the special interests in the Township don't win in this process.

Mr. Steve Bennett, 12 Derry Road, opposed to the proposed Recreation Center but agrees something needs to be done to the Center. He stated no one thought the \$32 million would be the final number as there are always additional costs with projects. He asked what happens to his tax increase since the \$32 million Center wasn't approved.

Mr. Kevin Ferguson agrees with the vote tonight. He hopes there is an urgency to do something as the community has nothing now. He hopes to the community is kept in the loop with timelines. He praised the Board for taking on the renovation of the Recreation Center as other Boards didn't deal with it. He spoke about the public meetings with the public input for the last three to four years as they designed the Center. He stated given the timelines, the Center should look to open back up.

Mr. Rich Gamble commended the Board for making the correct decision. He recommends getting the money versus pledges before moving forward. He suggested breaking ground when the monies are raised, start a pool fund, and encouraged the Board to focus on the hotel issue and the rest of the Township. He stated this is the Township's Recreation Center. He spoke about Chairwoman's comment about repeating comments. Many have been saying the same thing and it was ignored. He hopes we can work together going forward.

Mr. Bob Welsh, Hilltop Road, spoke about how people do things they get paid for what they do. All these consultants were paid, and it may have affected their decision. He spoke about a fire at this house and how the Hershey Fire Company showed up and thanked them.

ADJOURNMENT:

Supervisor Moyer made a motion to adjourn the meeting at 8:13 p.m. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Richard D. Zmuda
Township Secretary