

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
NOVEMBER 13, 2018

CALL TO ORDER

Chairman Marc A. Moyer called the November 13, 2018 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 conducted.

IN ATTENDANCE:

SUPERVISORS

Marc A. Moyer, Chairman
Matthew A. Weir, Vice Chairman
Justin C. Engle, Secretary
Richard D. Zmuda
Susan M. Cort

ALSO PRESENT:

Jill Henry, Assistant Township Manager
Jon Yost, Township Solicitor
Chuck Emerick, Director of Community Development
Robert Piccolo, Director of Public Works
Terry Ferree, Lieutenant, Police Department
David Sassaman, Hershey Volunteer Fire Company
Matthew Mandia, Director of Parks and Recreation
Terry Weinhold, Manager of Accounts Payable and Employee
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: Rich Gamble, Robert Naeye, James Carter, Linda Crandall, Linda Eyer, Kim Sullivan, Larry Moyer, Anthony Fant, Tracy Brown, Todd Pagliarulo, Jay Ziegler, Craig Smith, Kevin Ferguson, and Brian Link.

APPROVAL OF MEETING MINUTES:

Chairman Moyer made a motion to approve the minutes of the October 23, 2018 Public Meeting of the Board of Supervisors. Supervisor Cort seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

Mr. Rich Gamble asked the Board if there was any movement with the HE&R on the entertainment tax. He also spoke about the justifications of the cuts to the Recreation Center as they were all the community areas versus the swimming areas.

Mr. Larry Moyer spoke about his opposition to the rain tax he must pay. He spoke about the thousands of dollars he spent controlling water on his property and how he still must pay a tax. He believes he should be exempt. Supervisors Engle and Cort encouraged him to work with DTMA who controls the tax and try and receive credits for the work he has done. Mr. Moyer stated he received credits but doesn't want to have to pay anything.

Mr. Jay Zeigler hopes that Bullfrog Road and Sandhill Road will be in the budget this year for being fixed. He won't be able to make the budget meeting and asked if the repairs will be in the 2019 budget. Supervisor Engle doesn't have the budget in front of him but will reach out to him.

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Mr. Brian Link asked the Board again to reconsider their decision on the pool. He spoke about the life cycle costs with pumps, hoses and such for the pools. He asked the Board to go back and look at the expenses and revenues. He asked them if the larger facility is in the best interest of the citizens of the Township.

NEW BUSINESS:

APPOINTMENT OF TOWNSHIP MANAGER:

Mrs. Henry discussed the process of replacing Mr. Negley who retired on November 5th. Mr. Christopher Christman was chosen as the new Township Manager. She discussed his background including being the current Township Manager for Palmer Township.

Chairman Moyer made a motion to appoint Mr. Christopher Christman to the position of Township Manager for the Township of Derry starting employment on November 26, 2018. Supervisor Engle seconded the motion. **Motion carried 5-0.** Chairman Moyer administered the oath of office and Mr. Christman was sworn in as the Township Manager.

Supervisor Engle made a motion to appoint Christopher Christman to the position of Township Manager and to approve the employment agreement between the Township of Derry and Mr. Christman. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

PURCHASE-PIERCE ARROW TOWER FOR HERSHEY FIRE:

Mrs. Henry discussed the request by Hershey Volunteer Fire Company to replace their 1994 tower ladder truck with the purchase of a new truck from Glick. This was discussed at the last meeting. The annual payments for 10 years will be \$166,803.65. She stated the previous amount quoted was based on August interest rates and was updated today.

Chairman Moyer made a motion to approve the purchase agreement with Costars for a Pierce Arrow XT 100øMidmount Tower for the Hershey Volunteer Fire Department. Vice Chairman Weir seconded the motion. **Motion carried 5-0.**

PLAT #1303-PLAN FOR COMMUNITY CENTER:

Mr. Emerick stated the plan includes combining three separate tracts of land into 13.5 acres of net developable area for the new Community Center. The development property is in the Hershey Mixed Use zoning district and currently contains the Township's recreation center. In addition to combining the three tracts of land, the plan proposes demolition of the building and outdoor pool, and construction of a new community center building, including an indoor competition pool, leisure pool, gymnasium, exercise/fitness areas, locker rooms, senior center and office space. A new outdoor swimming pool is proposed to replace the existing outdoor pool facility. Access improvements are proposed on the Hershey Public Library property, including the extension of the existing access drive from Cocoa Avenue to the parking areas for the new community center. A driveway connection is also proposed from this access onto the Township School District property. Macadam pedestrian paths are proposed to connect to the Township School District property to accommodate shared parking areas. The parking demands for the site have been calculated at a total of 789 spaces. The plans indicate 385 parking spaces will be provided on-site with an additional 435 spaces provided off-site on the School District property for a total count of 820 parking spaces. The applicant has successfully petitioned the Zoning Hearing Board and was granted the special exception. He went over the waivers and conditions for the plan.

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Chairman Moyer made a motion to approve the Preliminary/Final Lot Consolidation and Land Development Plan for Derry Township Community Center, Plat #1303, subject to compliance with the following items:

1. A performance security is provided to guarantee the completion of required improvements, and the accompanying agreement is signed no later than May 13, 2019.
2. A recorded agreement is provided no later than May 13, 2019 stipulating all conditions for use of and access to the off-premise parking spaces.
3. The comments in the October 30, 2018 HRG letter (attached) are addressed no later than May 13, 2019.
4. Comment 1 regarding Sheet No. 18 in the November 8, 2018 DTMA letter is addressed no later than May 13, 2019.
5. Items 7, 16, and 23 of the Planning Commission's conditions of approval as listed under the Board, Commission, or Agency Review section of this agenda item are adequately addressed no later than May 13, 2019.
6. Two originals of the signed and notarized Stormwater Best Management Practices Operation and Maintenance Agreement are provided no later than May 13, 2019.
7. A CD of a DXF or AutoCAD digital file of the final plan is provided no later than May 13, 2019.
8. The completed BMP Inventory Form is provided via e-mail as an Excel file to jenelles@derrytownship.org no later than May 13, 2019.
9. A draft copy of the consolidation deed is provided no later than May 13, 2019. The consolidation deed must include the following restrictive covenant language: "UNDER AND SUBJECT TO the Operation and Maintenance Agreement dated _____, recorded in the Office of the Recorder of Deeds of Dauphin County, Pennsylvania, at Instrument No. _____, governing the BMPs associated with the regulated improvements on the property."
10. The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.
11. The property consolidation deed referencing the Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.

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

1. From Sections 185-12.D.(3).(a).[9] and 185-13.E.(4).(a).(9)- Existing features.
2. From Sections 185-12.D.(3).(a).[35] and 185-13.E.(4).(a).[35]-Topography.
3. From Sections 185-12.D.(2) and 185-13.E.(3) - Plan scale.
4. From Section 185-13.E.(4).(a).[19]- Plan and profile scale.
5. From Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21]
6. From Section 185-22.0.(3) - Street right-of-way and cartway widths.
7. From Section 174-17.C.(5) - Pipe elevations.

Vice Chairman Weir seconded them motion. **Motion carried 5-0.**

SCOPE OF SERVICES – CONSULTING SERVICES – COMMUNITY CENTER PROJECT:

Mr. Mandia presented a scope of services for addition consulting and advisory services for the Board's consideration. The engagement would be with Sports Facility Advisory and Councilman Hunsaker. The scope is broken into two phases and optional future services. Phase one would review the existing data

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review and professional recommendations at a cost of \$17,500. This would be a peer review of the Ballard King report.

Phase One scope would include the following:

- The business model that best meets your definitions of success and current design of the facility. This includes recommendations related to memberships, programming, events, and other activities.
- A detailed understanding of the community and market the facility will serve, including characteristics of your potential customers, participation rates for featured activities, and the competition your facility will face.
- Recommendations to the facility program (spaces and sizes) based on the current design that capitalizes on opportunities and mitigates challenges.
- Professional recommendations related to next steps for operational preparedness.
- Performance of comparable facilities based on national industry benchmarks.

Phase Two would include the following: Detailed Operating Pro Forma (\$18,000): Recommended operational start-up expenses (Understanding development costs will be provided by the Township & Contractor), a detailed five-year financial performance of your facility, a 20-year financial outlook for your facility for long-term budgeting, and the detailed five-year economic impact of your facility to support operational decision making. He stated the turnaround time would be four weeks for phase one and 6-8 weeks for a draft for phase two. Supervisor Zmuda asked why this would be valuable. Mr. Mandia stated based on the size of this project, they could use help with the fitness factor, competition and working on security and programming. He stated the firm was willing to work with them on an hourly basis to provide professional opinions on questions they may have on different aspects of the project.

Supervisor Engle suggested approving phase one and then see if phase two is needed. He stated this peer review will look at what's been done and proposed and it makes sense to have it looked at this way with such a large project. Chairman Moyer asked why we were changing horses midstream with consulting firms and Mr. Mandia stated the Ballard King contract expired. He asked if the consultants were considering everything versus working with the assumptions of the plan that was already approved. He asked why this consultant was being used versus others. Supervisor Engle stated they are a year and a half from the opening of this large facility and don't have the experience and need to get the best advice. These consultants can help the Board with purchasing power for fixtures and equipment. Chairman Moyer wanted to make sure they were providing something we don't already have and if they could look at the size of the pool. Supervisor Engle said that's a great question they need to look at the floor plan and they can scrutinize the current plan as they are reviewing the Ballard reports. Chairman Moyer said that makes sense if they can look at everything let them know the issue with the size of the pool and have them look at the viability of both. Supervisor Cort said it's better fine tuning relative keeping in mind that we are on a path. Supervisor Zmuda said he's been on big projects like this and it's better to reconsider and know now versus later. Supervisor Cort and Vice Chairman Weir are fine with the consultants chosen. Chairman Moyer wanted to ensure that they are looking at everything versus the current proposed figuration. Discussion ensued.

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Chairman Moyer made a motion to engage Sports Facility Advisory and Councilman Hunsaker for phase one scope of services related to the new Community Center project for a fee of \$17,500. Supervisor Engle second the motion. **Motion carried 5-0.**

CONTRACT AGREEMENT WITH POLICE ASSOCIATION:

Mrs. Henry stated the Township and the Derry Township Police Association negotiated a 3-year contract effective January 1, 2019 through December 31, 2021. Pay increase of 2.5% in 2019, 2.75 % in 2020, and 3% in 2021 were agreed upon. She spoke about the changes to the copay for medical visits, body armor reimbursements, sick bank program and the observed holidays.

Supervisor Cort made a motion to approve and execute the contract with the Derry Township Police Association for a term of January 1, 2019 to December 31, 2020. Supervisor Engle seconded the motion. **Motion carried 5-0.**

DEED OF EASEMENT – MUNICIPAL AUTHORITY – DRAINAGE IMPROVEMENTS:

Mrs. Henry stated the DTMA plans to replace an undersized and block drainage pipe under the SR 2004 Swatara Creek Rd and construct a new head wall and rip face wrap apron to mitigate roadway flooding. The PennDOT highway occupancy permit application requires municipal authority to obtain the easement. The easement area is 758 square feet on the northwest corner of the Swatara Creek Road and Stone Creek Drive.

Chairman Moyer made a motion to approve the Deed of Easement for Tax Parcel 24-095-044 for the Derry Township Municipal Authority drainage improvements. Vice Chairman Weir seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY – STORMWATER-HMC-BUILDING RENOVATION:

Mr. Emerick discussed the stormwater management plan submitted for the construction of a 2,493 square foot building addition and porous asphalt parking lot. A performance security is required and HRG reviewed the costs and a \$352,989 security will be provided.

Chairman Moyer made a motion accepting the performance security in the amount of \$352,989.00 in the form of PNC Bank Letter of Credit No. 18130969-00-000 and enters into the accompanying Agreement to Provide Financial Security between The Pennsylvania State University and the Township for the Stormwater Management Plan for the NMR Building Renovation and Addition, S-2018-017. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY – TRIMBLE PROPERTY – PLAT#1261:

Chairman Moyer made a motion to authorize the release of \$9,673.45 from the performance security provided as First National Bank of Pennsylvania Letter of Credit No. 2921 for the Preliminary/Final Subdivision Plan for the Trimble Property, Plat #1261, resulting in a new balance of \$6,394.58. Supervisor Cort seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Zmuda spoke about the sidewalk extensions being completed. He spoke about the community volunteer cat night fundraiser held in October. He commended Public Works on the leaf pickup. Vice Chairman Weir spoke about all the organizations the Township has with volunteers. He

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spoke about the tree planting recently that included more than 80 trees. Supervisor Cort spoke about the second Diversity meeting tomorrow. She stated the Leader Family has pledged \$400,000 to name the Senior Center for the Community Center. Another \$100,000 was pledged from the Mohler family to name a room in the Community Center.

REPORTS:

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| <u>Police</u> | Lieutenant Ferree stated they would have aggressive driving, DUI, and seat belt enforcement during the Thanksgiving week. |
| <u>Fire:</u> | Mr. Sassaman thanked the Board for their support for the purchase of the truck. They had 74 calls in October and are doing training. |
| <u>Public Works</u> | Mr. Piccolo stated they are in full leaf mode for the Township. |
| <u>Library</u> | Mrs. O'Grady stated they are accepting old phones and tablets for a group at the Library. |

ACCOUNTS PAYABLE and PAYROLL:

Chairman Moyer made a motion to approve accounts payable in the amount of \$737,646.30 and Payroll of \$345,368.08. Supervisor Cort seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

Mr. Moyer doesn't believe it is right to use taxpayer's monies to pay for pools and fitness. He believes the Center should operate on a \$0 deficit.

Mr. Kevin Ferguson thought the conversation about hiring the consultants was a good discussion. He is confused as there was a vote on the design and now it sounds like the design is on the table. Supervisor Engle stated to say we are on a path and to say nothing will change would be obtuse.

Mr. Brian Link stated he believes the decisions made on the Community Center were made on wrong assumptions with steel and foundation. He told the Board they are in the final phase and now are doing a peer review. He believes the peer review should be done. Supervisor Engle stated he could ask Mr. Koussis any questions as he is here tonight.

Mr. Gamble agrees with the second opinion and maybe they will see something. He stated if they get into the business of recreation and the Center then who will pay the bills. He stated they can vote to change the project if they want.

Mrs. Tracy Brown thanked the Township for helping with a dilapidated property. She invited the Board to volunteer at the Derry Food Bank at 120 East Derry as they can always use volunteers.

ADJOURNMENT:

Supervisor Engle made a motion to adjourn the meeting at 8:34 p.m. Chairman Moyer seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

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Justin C. Engle
Township Secretary