

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING MINUTES**  
**MARCH 26, 2019**

**CALL TO ORDER**

Chairwoman Susan Cort, called the March 26, 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 minutes. 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  
David Sassman, Hershey Fire  
Thomas Clark, Director of Public Works  
Cheryl Lontz, Manager of Payroll and Employees  
Matthew Mandia, Director of Parks and Recreation  
Laura O'Grady, Hershey Public Library  
Matt Bonanno, HRG Engineer  
Lauren Zumbrun, Economic Development  
Julie Echterling, Recorder

**Public in Attendance:**

The following were in attendance: Linda Eyer, Robert Naeye, Ben Kapenstein, Christine Hunter, Wayne Shultz, Marty & Jenny Stabley, Geoffrey Crout, Steven Seidl, Kim O'Carrell, Wayne Rivers, Tom McClaughlin, Carter Wycoff, Carol Nye, Tracy Brown, and Rich Gamble.

**VISITOR/PUBLIC COMMENTS:**

There were no public comments.

**ADOPTION OF MINUTES:**

Vice Chairman Engle made a motion to approve the minutes for the March 12, 2019 Board of Supervisor Public Hearing Minutes. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

Chairwoman Cort made a motion to approve the minutes for the March 12, 2019 Board of Supervisor Public Meeting Minutes. Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

**NEW BUSINESS:**

**ORDINANCE 715: SERIES OF 2019 ISSUED BY THE DTMA:**

Mr. Lou Verdelli, RBC Capital Markets, provided a presentation to the Board about the Guaranteed Sewer Revenue Bonds. He discussed the falling interest rates and the opportunity for these bonds. He spoke about the Sewer Authority's \$10 million of planned capital projects. The proposed bonds would be issued by DTMA with a Township Guaranty Agreement. He stated they had a call with Standard and Poor's and the Township's credit rating of AA rating. The Authority approved the bonds and with the Township's approval tonight, they will lock the interest rate in tomorrow. Mr. Wayne Shultz, DTMA, spoke about the capital projects and the energy cost savings associated with these changes.

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Supervisor Weir made a motion to adopt Ordinance 715 approving execution of a Guaranty Agreement in connection with the Guaranteed Sewer Revenue Bonds, Series of 2019 issued by the Derry Township Municipal Authority. Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

**UPDATE AND DISCUSSION OF THE COMMUNITY CENTER PROJECT:**

Mr. Mandia spoke about the bid process and how they have extended the bid submission to April 2. The bids would then be brought to the April 9 Board meeting. He stated the delay began when Kimmel Bogrette asked for more time for preparing the bid packages and then contractors asked for more time to submit. He felt it was important to receive quality bids.

Supervisor Moyer asked about the bid opening and the verification of the qualification of the bidders. He is concerned about ensuring qualified contractors are used for the Center. Mr. Greg Koussis, Capital Construction Management, spoke about the electronic bid submission process and the opening of the bids. The opening of the bids would be with himself, Mr. Mandia, Kimmel Bogrette and Township Staff. The bids are due at 2:00 p.m. on April 2 at which time he will prepare a bid sheet with the bids and qualified bids. He stated there is a qualification sheet that asked specific questions of the contract and a requirement of a bid bond (10% of the bid) as a guarantee. He stated, in the public sector, you can't choose a better contractor versus one as it is hard to disqualify one based on their bid and bond. Supervisor Moyer asked if an Engineer would at the opening of the bids and Mr. Koussis said no.

Chairwoman Cort asked about the timeline of the bids. Mr. Koussis stated the preliminary list of bids would be made public around 4:00 p.m. on the bid site. He stated their full recommendations for the contractor for the bids would be given to the Board on Friday, 2:00 p.m. after the opening. Supervisor Moyer asked about the building foundation bids and if ARM would be reviewing them. Mr. Koussis spoke about the three separate bids for the different foundations that would be received, and that ARM would not be reviewing them. Supervisor Moyer asked if there would be a failure cost provided in case there was an issue with one of the foundations selected. He spoke about the cost benefit analysis of choosing one foundation over another and public safety. Mr. Koussis stated he could try and provide an analysis, but accurate numbers would be difficult. Vice Chairman Engle spoke about the bonding process the contractors have to go through with the underwriting process. He agreed with Supervisor Moyer about asking about the foundations if they have seen failures and the potential costs.

**SECURITY: PLAT #1250 MILTON AND CATHERINE HERSHEY CONSERVATORY:**

Vice Chairman Engle made a motion to authorize the release of maintenance security in the amount of \$1,485.00, provided as Pennsylvania National Mutual Casualty Insurance Company Bond No. SB 0378014 for the Preliminary/Final Subdivision and Land Development Plan for the Milton and Catherine Hershey Conservatory at the Hershey Gardens, Plat #1250. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

**SECURITY: STORMWATER MANAGEMENT PLAN- DAVID W. UMBERGER S-2019-00.**

Supervisor Weir made a motion to accept performance security in the amount of \$8,254.00 in the form of cash and enters into the Agreement to Provide Financial Security between David W. Umberger and the Township for the Stormwater Management Plan for 93 Forest Avenue, S-2019-004. Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

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**2019 ART SHOW AND CULTUREFEST ON SATURDAY, MAY 18, 2019:**

Chief Warner spoke about the 2019 Art Show and Culturefest. He spoke about the requested road closures based on the number of vendors. West Chocolate Avenue and Cocoa Avenue would need to be closed. Ms. Zumbrun spoke about the business and vendors and the event. She stated it is easier to get the PennDOT permits and then pull them back if they don't need to close the streets.

Chairwoman Cort made a motion to approve the Police Department's closure of Chocolate Avenue and other necessary roads for holding the 2019 Art Show and Culturefest on Saturday, May 18, 2019 from 10:00 a.m. to 5:00 p.m. Supervisor Weir seconded the motion. **Motion carried 5-0.**

**ROAD CLOSURE – ST. JOAN OF ARC FESTIVAL JUNE 20-22:**

Supervisor Zmuda made the motion to approve the request to close W. Areba Ave. on the evenings of June 20, 21, and 22, 2019 from 5:00 p.m. to 10:00 p.m. for the annual St. Joan of Arc Festival. Chairwoman Cort seconded the motion. **Motion carried 5-0.**

**PROCLAIM APRIL 2 EQUAL PAY DAY FOR DERRY TOWNSHIP:**

Chairwoman Cort made a motion to Proclamation supporting equal pay for women in the workforce in Derry Township and observing Equal Pay Day on Tuesday, April 2, 2019. Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

**CORRESPONDENCE BOARD/COMMITTEE INFORMATION:**

Supervisor Zmuda asked the Board to start discussions about changing the penalties for possession of marijuana of less than one ounce to a summary offense. He has heard from residents who are in favor of this and it could reduce Police workload. The Board would want to talk with Chief Warner about this. Chairwoman Cort spoke about the open house at the Community Center and stated they have raised \$2.7 million in their Capital Campaign. Vice Chairman Engle spoke about the SFA Phase 2 report that is being prepared. He believes they will receive the report in April and thinks they need to see this before awarding bid contracts. Supervisor Moyer and Chairwoman Cort agreed. Vice Chairman Engle spoke about more downtown planning involving a proposal from Urban Design.

**REPORTS:**

<u>Police</u>	Chief Warner stated they launched the Crime Watch Portal to help with transparency.
<u>Public Works:</u>	Mr. Clark spoke about the Crosswalk at Elm and the PPL project and timing.
<u>Library:</u>	Mrs. O'Grady stated they began work on the Circulation Desk and the book drop-off box is closed.
<u>Recreation:</u>	Mr. Mandia spoke about the bid process and a phased in opening and non-phased in opening of the Community Center. This will make a difference with bids and contractors. He spoke about delays pushing into the second summer and not being sure they will be open. A phased opening would cost less. He spoke about the upcoming events including the April 13 Easter Egg Hunt, May 4 Fishing Derby, May 11 Spring Fling Disc Golf, and the summer drive in movies.

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<u>Economic Development</u>	Ms. Zumbrun spoke about the \$250,000 grant awarded for the Fire Company for debt reduction and the \$1 million grant awarded for the Sandhill relocation project.
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**ACCOUNTS PAYABLE and PAYROLL:**

Chairwoman Cort made a motion to approve accounts payable in the amount of \$443,218.78 and a Payroll totaling \$346,242.76. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

**VISITOR/PUBLIC COMMENTS:**

Mr. Rich Gamble expressed concern and disapproval over Supervisor Zmuda's suggestion of changing the penalties for possession of marijuana. He spoke about shootings, substance abuse and issues with visitors and concerts as his concerns.

Mr. Wayne Rivers, 815 Cypress, asked if he could receive a list of the donations for the \$2.7 million, they have received in the Capital Campaign. Chairwoman Cort stated the names of those who contributed over \$5,000 will be on a plaque in the new Center. Mr. Rivers appreciated Vice Chairman Engle's comments about receiving the SFA report before awarding bids. He is concerned about Stevens and Lee who two months ago were offering a contract to help us go for grants for the Community Center and now are suing us. He thinks the seeking of grants should go to someone else.

Mr. Steve Seidl, 450 West Granada, asked about the curbs and sidewalks when a house is demolished. He asked how they can be restored. He spoke about some examples he sees as he walks. Mr. Emerick stated if they cut the road Mr. Clark works with them. Mr. Seidl spoke about the issues with the mixed-use zoning which is broken and the Zoning Hearing Board. He believes they need the input of the residents and businesses and he is willing to help. He spoke about his background including being an engineer. He appreciates Supervisor Moyer's concern for the foundation. He doesn't believe there is enough time to evaluate the bids and he is glad they are waiting for the SFA report. He stated they should ensure the contractors have experience in foundations before awarding a bid.

Mrs. Tracy Brown, 319 Park Avenue, hopes when the Board considers the issue with marijuana they talk with the experts and use fact versus fear for deciding.

Mrs. Natalie Nutt, 502 Sophia Circle, asked the Board if they decided about competing with local fitness businesses. Vice Chairman Engle stated they haven't made the decision as they need to see the SFA report. She asked if the business plan would be updated and he said it would. Supervisor Moyer spoke about the SFA report which would outline revenues and expenses and help determine if the facility is fiscally responsible and the physical plant can be sustainable.

Mr. Tom McClaughlin, Power Train Investor, asked them if in 2014 when they negotiated the lease for Power Train, they knew about this project. From a professional side, it wasn't disclosed during the negotiations of the lease. He stated most for-profit companies can't take a \$700,000 loss in a year and continue to operate. He stated, "To further find out I entered into a for profit venture without knowing the municipality was planning on competing with me, I will leave it at that."

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**ADJOURNMENT:**

Chairwoman Cort made a motion to adjourn the meeting at 8:25 p.m. Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

**SUBMITTED BY:**

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Richard D. Zmuda  
Township Secretary