

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
OCTOBER 22, 2019

CALL TO ORDER

Chairwoman Cort called the October 22, 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
Jon A. Yost, Township Solicitor
Chuck Emerick, Director of Community Development
Chief Garth Warner, Police Department
David Sassaman, Hershey Fire Company
Thomas Clark, Director of Public Works
Matthew Mandia, Director of Parks and Recreation
Cheryl Lontz, Manager of Payroll and Employee Benefits
Laura O'Grady, Director of Hershey Public Library
Matt Bonanno, HRG Engineer
Lauren Zumbrun, Economic Development Manager
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Jonathan Crist, David Haleig, Skip Becker, Robert Naeye, Robert O'Donnell, Linda Eyer, Mae Rader, Phil Freedword, Doug Nicotera, Dale Holte, Christine Drexler, Clara Ness, W. Tafuto, Steve Fotos, Natalie Nutt, Brian Holton, Sue Peck, Jack Peck, Rich Gamble, Kevin Ferguson, Dennis Trout, Carter Wyckoff, Tracy Brown, Wayne Rivers

VISITOR/PUBLIC COMMENTS:

Mr. Rich Gamble, Hockersville Road, spoke about the change in Board members taking place after the election. He noted any big decisions that this Board approves will affect the new Board. He asked the Board to delay the vote on the Recreation Center project because one to two months won't make a difference. He believes the new Board should be able to make the decision. He noted we should have a pool we can afford.

Mrs. Linda Eyer, Raleigh Road, asked if the Board was receiving other bids for the Fitness part of the Recreation Center or just from Power Train. She asked if there was a business plan for payment to the Recreation Center or are they just using what they have from the consultants. Chairwoman Cort noted these questions would be answered during the discussion for the agenda item.

Mr. Jonathan Crist, 226 West Chocolate, spoke about the rezoning of property on Route 230 in Elizabethtown. He noted they are planning three massive warehouses. The one is rumored to be Amazon and will be 1.27 million square feet with room for 242 trucks and parking for 702 cars or vans. He spoke about traffic patterns for this facility and noted the only way to go north or south is using Middletown Road. The only item holding approval of this plan is an approval from DTMA. He urged the Board to ask DTMA to put this on hold until there is a review of Middletown Road including this proposed facility and the potential increase of traffic on an already congested road.

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
OCTOBER 22, 2019

Mr. Bob O'Donnell, 230 Java, agrees with Mr. Gamble and asked that the new Board make the decision about the Recreation Center. He believes it is only fair since they will have to find a way to pay for it. He asked the Board to table the vote because the new Board will be saddled with the debt. He thanked the current Board for their service.

ADOPTION OF MINUTES:

Chairwoman Cort made a motion to adopt the minutes from the October 8, 2019 Board of Supervisors Meeting and 6:00 p.m. Public Hearing. Supervisor Zmuda seconded the motion. **Motion carried 4-0-1.** Supervisor Moyer abstained because he was absent from both meetings.

NEW BUSINESS:

UPDATE & PROCEED WITH BID PROCESS – RECREATION CENTER:

Mr. Christman provided background for the Recreation Center project and the prior bidding process. He stated the Design team is here tonight to show plans and renderings and to seek permission to go out to bid tomorrow with a 4-5-week process. The bids would come back to the Board in December.

Mr. Aaron Bricker, RGS, showed the Board the renderings of the Center. He went over each rendering and spoke about changes and highlighted some features. He spoke about the improvements to the library, culvert and parking. He noted they broke out the bid with 2 alternatives for pricing. One is the pedestrian connection to the school and the second was angled parking at the library. He noted the plan has been resubmitted to the Planning Committee and they will review it in November.

Mr. Jon Trump, Kimmel Bogrette Architects, spoke about the changes made to the Center since the last time it was presented to the Board. He went over each section of the Center and spoke about features and changes. He mentioned some features that would be prefabricated to save money. He spoke about the items that changed with fitness obtaining more square footage and the outdoor size of the pool increased based on residents' input. He noted it would be deeper and have lap lanes. He noted there are two alternatives that will be in the bid. A splash pad and different shading options.

Mr. Greg Koussis, Capital Construction, spoke about the alternatives to the base bid for the Board to consider with the construction bid. The building is smaller, is on one floor and has no basement. He noted the bid is going out with a 22-month construction timeframe for Fall 2021. He spoke about the costing that was done with the options and using the market pricing based on the previously received bids. He noted the project has not been reestimated. He noted that one resident asked about third party review of the bids before going out. He said the plan can be reviewed once released for bid and if there are any concerns or issues, he can address them then. Supervisor Moyer spoke about items noticed during the bidding process and how it would affect the bids if something has to be changed. Mr. Koussis stated there are always addendums, corrections and additions to the process. He did note they need to be done as soon as possible.

Supervisor Moyer believes a third-party review is necessary with the size, scope and the changes made. He noted they recently discovered the one pool was 3 feet deep, which was fixed. He is concerned about the mechanics of the building. He noted this is a milestone decision and should include the next Board. He is also concerned with reducing the number of change orders and the burden this will be on the next Board. He noted the Fitness component isn't figured out and the consultants have noted how important

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
OCTOBER 22, 2019

the fitness is for the large amount of water the Center will have. He would like to see the Fitness commitment. He is also concerned with all the changes made from the original design. He expressed concerns with technical aspects such as air conditioning and air flow which could be found now instead of a change order which would be more costly in the future.

Chairwoman Cort talked about the partnered Fitness component and noted we don't have one now, but we need to move forward. She noted this is an important decision and this project is long lasting and she feels confident to move forward. She noted it started in 2014 and the public has been involved. She believes they have gathered enough information from the previous bidding process and believes that is their third-party review.

Vice Chairman Engle spoke about weekly meetings he, Mr. Christman and Supervisor Zmuda were part of with the Design team. He has a high confidence level of the design because they discussed all the details in these calls. He doesn't think the project is being rushed. He addressed the question of this Board voting on it and spoke about the long road and how is he is more comfortable with this plan. He believes he has every right to vote on this. He noted they haven't finalized a fitness agreement; however, they have the square footage for fitness as suggested by the consultants.

Supervisor Weir stated he is comfortable with moving forward and doesn't think it should be delayed. Supervisor Zmuda stated he has been involved with this project for two years. He noted the conversations they had about where drains should be, doors, shades, and other such details. He stated delaying it doesn't make sense. Supervisor Moyer asked about the idea of planning in the event this doesn't go forward. Mr. Mandia noted there are two budgets coming before the Board for 2020. One of the budgets includes the opportunity for an outdoor pool next summer. The other budget is if the bids come in and they proceed with the plan. He noted that the new design hasn't compromised programming for the Center.

Chairwoman Cort made a motion that the Derry Township Community Center project, as presented this evening, in a form suitable to solicit bids for its construction and authorize the design team to proceed with the solicitation of bids for the project. Supervisor Zmuda seconded the motion.

Motion carried 4-1. Supervisor Moyer voted against it based on the reasons discussed during the meeting.

CONDITIONAL USE APPLICATION NO. 2019-05-1625 EAST CHOCOLATE AVE:

Mr. Emerick stated there was a public hearing on October 8, 2019 for the conditional use application No. 2019-05. He said the applicants propose to operate a Specialty Home on the property they own at 1625 East Chocolate Avenue, Hershey. The Derry Township Planning Commission recommended approval with several conditions.

Supervisor Weir made a motion to adopt the Decision for Conditional Use application No. 2019-05. Chairwoman Cort seconded the motion. **Motion carried 5-0.**

CONDITIONAL USE APPLICATION NO. 2017-04-C&S KRAY REAL ESTATE:

Mr. Emerick stated the Board rendered a decision granting conditional use in January 2018 for application 2017-04. C&S Kray Real Estate is requesting a one-year extension on the timeframes identified in condition J of the decision. Condition J includes requirements that "The authorization

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
OCTOBER 22, 2019

granted herein shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained within 36 months from the date of the grant of approval of the Conditional Use or if a phase of the development is not under active land development plan review or active construction within 24 months from the date of the grant of approval of the Conditional Use.”

Chairwoman Cort made a motion to grant the requested extension and that, for clarity, condition ‘J’ of the Decision for Conditional Use Application No. 2017-04 be revised to read “The authorization granted herein shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained by January 23, 2022 or if a phase of the development is not under active land development plan review or active construction by January 23, 2021”. Supervisor Moyer seconded the motion.

Motion carried 5-0.

GUIDE RAIL REPLACEMENT ON FIDDLERS ELBOW ROAD BID PROPOSAL:

Mr. Clark spoke about the damage done to part of the guide rail and the bidding process involving one bid being submitted. He noted insurance would help pay for some of the replacement and the other part needs to be replaced by the Township with Liquid Fuels. The bid total is \$24,849.50 from Wm Orr & Sons, Inc.

Supervisor Zmuda made a motion to award the replacement of the Fiddlers Elbow Guide Rail to Wm Orr & Sons, Inc. Supervisor Weir seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY – PLAT #1314-EAST POINT TRADE CENTER BUILDING:

Chairwoman Cort made a motion to authorize the release of \$412,511.00 from the performance security provided as U.S. Specialty Insurance Company Bond No. 1001084077 for the Revised Final Land Development Plan for East Point Trade Center – Building C, Plat #1314, resulting in a new balance of \$576,641.00. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

FINANCIAL SECURITY-S-2019-013- NAMRAG, LLC:

Chairwoman Cort made a motion to accept a financial security in the amount of \$11,549.00, provided as Members 1st Federal Credit Union Letter of Credit No. 897854-0000, and enters into the Agreement to Provide Financial Security between NAMRAG, LLC and the Township for the Stormwater Management Plan for NAMRAG, LLC, S-2019-013. Vice Chairman Engle seconded the motion.

Motion carried 5-0.

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

The Board and Staff discussed the Parade and the success it was this year and thanked Police, Public Works and Parks and Recreation. Supervisor Zmuda thanked everyone involved including volunteers for the Choctoberfest and reminded everyone about trick or treat. Supervisor Weir noted on Saturday November 2 they are planting trees and can always use volunteers. The trees they are planting are being donated. Chairwoman Cort noted that the Board and School District are meeting quarterly. She noted the next All Things Diversity is meeting on November 13. Vice Chairman Engle noted the transportation monthly meeting was today.

REPORTS:

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
OCTOBER 22, 2019

<u>Police:</u>	Chief Warner noted there is a drive-through ‘Drug Take Back’ on October 26. Trick or Treat will run 6 to 8 p.m. on October 31 and officers will be out. He noted they are participating in ‘No Shave November’ to raise money for a children’s hero charity. He noted they are doing a survey every three years for the community. This is required by CALEA.
<u>Fire:</u>	Mr. Sassaman stated they supported the Half Marathon, worked on fire prevention in the schools and helped with the Palmyra fire. They had 24 firefighters help for over 4 hours.
<u>Public Works:</u>	Mr. Clark noted the salt building is just about full.
<u>Library</u>	Mrs. O’Grady stated the renovations are starting next week and operations will be normal. She thanked Parks and Recreation and Public Works for helping pick up and store items for them during this phase.
<u>Parks & Recreation</u>	Mr. Mandia noted this Saturday is the last event including a movie in the park and noted Winter Arts Fair will be November 2.
<u>Engineer:</u>	Mr. Bonanno noted that DTMA has used stormwater fees to help pay for \$800,000 of work that was done. This includes the Bullfrog Road project.
<u>Economic Development</u>	Mrs. Zumbrun spoke about the Regional Transportation Steering Committee which considers surrounding areas and the financial impact of projects and how to plan for the future. Middletown Road is part of this project. She spoke about ChocotoberFest and the great job Public Works, Parks and Recreation and the Police did and thanked them. She noted December 7 will be the next event downtown.

ACCOUNTS PAYABLE and PAYROLL:

Chairman Cort made a motion to approve accounts payable in the amount of \$1,002,020.80 and Payroll totaling \$319,927.83. Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

Mrs. Linda Eyer read a statement from Mr. Wayne Rivers because he had to leave. He thanked Mr. Koussis for his professionalism. He will ask people he knows to look at the bids once they are posted to provide feedback to him.

Mr. Rich Gamble, Hockersville Road, noted the same consultants who did the original design did the revised design. He would like the Board to get another opinion and consider the opinions of the public. He noted there is no business plan for the project and stated a Planet Fitness is going in at the old Kmart. He asked how many fitness centers does the Township need. He spoke about the Township being 39% over budget already. He asked if it is fair for the new Board to have no input into the Center but have to pay for it. Mr. Christman spoke about the misconception and false information about the Township being 39% over budget. All funds must be considered and not just the general fund.

Mr. Steve Fotos, Spring Creek, noted a 4-week bidding process is short for such a large building. He noted he has lived in Hershey for the past two years and is concerned about the increased traffic, especially on Chocolate Avenue. He believes they need to spend more time on traffic downtown instead

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
OCTOBER 22, 2019

of the design. Vice Chairman Engle addressed his concerns and spoke about the grants to study traffic including the surrounding areas.

Mr. Dennis Trout, 2010 Locust, believes the plans should be delayed. He believes the bid and plans should be available to everyone online. He noted a quote from Vice Chairman Engle three years ago about a Center not costing the taxpayers. He noted all the infographics on the Center show all positives and no negatives including operating costs. He believes this should be reviewed by a third party. He spoke about the burden on Public Works and the Police with the infrastructure. He noted that the taxpayers are being asked to pay for this while he thinks people on the Board have ties and interests and should have recused themselves from voting. He stated, 'haste makes waste' and believes the next Board should make the decision. Vice Chairman Engle stated years ago there was an aquatics project that failed to build in Lancaster. He reached out and met with the group. He reached out to see if they would want to venture into Hershey. He noted there are not a lot of private facilities because they don't make money.

ADJOURNMENT:

Supervisor Moyer made a motion to adjourn the meeting at 8:52 p.m. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Richard D. Zmuda
Township Secretary