

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS SPECIAL MEETING MINUTES
FEBRUARY 18, 2020 7:00 P.M.

CALL TO ORDER

Chairwoman Nutt called the February 18, 2020 Special Meeting of the Township of Derry Board of Supervisors to order at 7:23 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. After the Pledge of Allegiance a roll call was performed. Mr. Christman announced the Board of Supervisors met in executive session before the meeting to discuss land, legal and personnel issues with no actions taken.

IN ATTENDANCE:

SUPERVISORS

H. Christopher Abruzzo, Chairman
Natalie L. Nutt, Vice Chairman
Carter E. Wyckoff, Secretary
Susan M. Cort
Richard D. Zmuda

ALSO PRESENT:

Christopher Christman, Township Manager
Jon A. Yost, Township Solicitor
Chuck Emerick, Director of Community Development
Thomas Clark, Director of Public Works
Matthew Mandia, Director of Parks and Recreation
Cheryl Lontz, Manager of Accounts Payable & Receivables
Lauren Zumbun, Economic Development Manager
Marie Sirkot, Administrative Assistant
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Robert Naeye, Tracy Brown, Christine Drexler, Dayne Eyer, Linda Eyer, Doug Nicotera, Jonathan Crist, Stephanie DeDonatis, Chris & Matt Luttrell, Kevin Ferguson, Tom Stang, Rick Gamble, Steve Seidl, Carol Nye, Wayne Rivers

VISITOR/PUBLIC COMMENTS:

Mr. Jonathan Crist, 226 W. Chocolate Ave., commented on how it would have been helpful to know who applied for the Boards so residents could comment. He stated Mr. Santostefano shouldn't be reappointed to the Planning Commission. He spoke about his voting record on the 2017 ordinance and the hotels where he supported the projects. He spoke about the definition of zoning with neighboring properties versus economic development. He recommended the Board appoint Mr. Steve Seidl to the Planning Commission.

REORGANIZATION:

BOARD OF SUPERVISORS:

Supervisor Nutt made a motion to appoint Supervisor Abruzzo as Chairman for the year 2020. Supervisor Wyckoff seconded the motion. **Motion carried 5-0.**

Supervisor Wyckoff made a motion to appoint Supervisor Nutt as Vice Chairman for the year 2020. Supervisor Abruzzo seconded the motion. **Motion carried 4-1** with Supervisor Zmuda voting no.

Supervisor Abruzzo made a motion to appoint Supervisor Wyckoff as the Township Secretary for the year 2020. Supervisor Nutt seconded the motion. **Motion carried 4-1** with Supervisor Zmuda voting no.

Supervisor Nutt made a motion to appoint Mr. Christopher Christman as Township Assistant Secretary for the year 2020. Supervisor Cort seconded the motion. **Motion carried 5-0.**

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Supervisor Nutt made a motion to appoint Mr. Christopher Christman as Township Treasurer for the year 2020. Supervisor Cort seconded the motion. **Motion carried 5-0.**

Supervisor Nutt made a motion to appoint Mr. Jon Yost as Township Solicitor until the RFPs have been reviewed and a new Solicitor is named. Supervisor Abruzzo seconded the motion. **Motion carried 5-0.**

Supervisor Nutt made a motion to appoint Herbert, Rowland & Grubic, Inc. as Township Engineer for the year 2020. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

Supervisor Nutt made a motion to adopt **Resolution 2020-06** a resolution of the Township of Derry, Dauphin County, Pennsylvania appointing Supervisor Abruzzo as Chairman, Supervisor Nutt as Vice Chairwoman of the Board of Supervisors, Supervisor Wyckoff as Township Secretary, Mr. Christman as Assistant Township Secretary, Mr. Christman as Township Treasurer, Mr. Jon Yost as Township Solicitor until a replacement is named, and HRG as Township Engineer for the year 2020. Supervisor Wyckoff seconded the motion. **Motion carried 5-0.**

BOARD OF SUPERVISOR APPOINTMENTS:

Downtown Core Design Board:

Vice Chairwoman Nutt made a motion appointing Supervisor Cort to the Downtown Core Design Board for an unexpired five-year term. Supervisor Wyckoff seconded the motion. **Motion carried 5-0.**

School District Working Group:

Chairman Abruzzo made a motion appointing Supervisors Cort and Zmuda to the School District Working Group for a one-year term. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

Municipal Authority:

Chairman Abruzzo made a motion appointing Supervisor Wyckoff to the Municipal Authority for a five-year term. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.** Chairman Abruzzo noted Mr. Weir is on this Authority and he believes there should be two Board members on it. He will reach out to Mr. Weir.

General Authority:

Chairman Abruzzo made a motion appointing Supervisor Wyckoff to a four-year term and Chairman Abruzzo to a five-year term to the General Authority for a four-year term. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

Industrial Commercial Development Authority:

Chairman Abruzzo made a motion appointing Vice Chairwoman Nutt, for a five-year term, and Chairman Abruzzo, for the unexpired term of Mr. Marc Moyer, to the Industrial Commercial Development Authority. Supervisor Cort seconded the motion. **Motion carried 5-0.**

Board of Library Directors:

Supervisor Zmuda made a motion to appointment Chairman Abruzzo of the Board of Supervisors to the Board of Library Directors for a three-year term. Supervisor Cort seconded the motion. **Motion carried 5-0.**

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Library Endowment Trust:

Vice Chairwoman Nutt made a motion appointing Chairman Abruzzo to the Library Endowment Trust for a one-year term. Supervisor Cort seconded the motion. **Motion carried 5-0.**

Police Pension Advisory Board:

Vice Chairwoman Nutt made a motion to appoint Supervisors Cort and Wyckoff to the Police Pension Advisory Board for one-year terms. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

Subdivision and Land Development Plan Preapplication Review Committee:

Chairman Abruzzo made a motion to appoint Supervisor Zmuda to the Subdivision and Land Development Plan Preapplication Review Committee for a one-year term. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

Tax Collection Association:

Chairman Abruzzo made a motion to appoint Supervisor Zmuda to the Tax Collection Association for a two-year term and Natalie Nutt to the unexpired term of Mr. Matthew Weir. Supervisor Cort seconded the motion. **Motion carried 5-0.**

Transportation Liaisons:

The Board discussed this appointment as it was tabled from the January meeting. They agreed one member from the Board would be the Transportation Liaison.

Supervisor Cort made a motion to appoint Supervisor Zmuda as a Transportation Liaison for a one-year term. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

APPOINTMENTS TO AUTHORITIES, BOARDS AND COMMITTEES

Supervisor Cort suggested the Board should consider appointing the same people to these Boards as was done in January unless there are any issues.

Board of Library Directors:

Mr. Christman stated Geoffrey Crout, Choon-Sik Jhun and Chris Gawron applied for this Board. Mr. Crout was appointed in January.

Supervisor Zmuda made a motion to appoint Geoffrey Crout to the Board of Library Directors for a three-year term. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

Downtown Core Design Board:

Mr. Christman stated Geoffrey Crout and Jim George applied for this Board. Mr. George was appointed in January.

Supervisor Cort made a motion to appoint Mr. Jim George to the Downtown Core Design Board for a five-year term. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

General Authority Board:

Mr. Christman stated Geoffrey Crout and Thomas Fowlston applied for this Board and were appointed in January. Mr. Fowlston resigned from this appointment as he wasn't appointed to the ICDA Board. The Board will ask for applications for this Board.

Supervisor Cort made a motion to appoint Geoffrey Crout for a two-year term to the General Authority Board. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

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Industrial & Commercial Development Authority:

Mr. Christman stated Geoffrey Crout, Dayne Eyer, Todd Shaffer, Christopher Abruzzo, Jayanth Franklin, James Ingalzo, Thomas Fowlston and Brian Shiflett applied for this Board. Mr. Ingalzo was reappointed to a two-year term, Mr. Shaffer was appointed to a four-year term and Mr. Abruzzo was appointed to a five-year term in January. Since Mr. Abruzzo is now a Supervisor, three members of the public need to be appointed.

Supervisor Wyckoff made a motion to appoint James Ingalzo, for a two-year term, Jayanth Franklin, for a five-year term, and Todd Shaffer, for a four-year term, to the Industrial & Commercial Development Authority. Chairman Abruzzo seconded the motion. **Motion carried 3-1-1** with Supervisor Cort voting no and Supervisor Zmuda abstaining.

Parks and Recreation Advisory Board:

Mr. Christman stated Geoffrey Crout, Paul Latham and Jeffrey Roof applied for this Board. Mr. Latham was appointed in January.

Vice Chairwoman Nutt made a motion to appoint Paul Latham for a five-year term to the Parks and Recreation Advisory Board. Supervisor Cort seconded the motion. **Motion carried 5-0.**

Planning Commission:

Mr. Christman stated Geoffrey Crout, Donald Santostefano, and Steven Seidl applied for this Board. Mr. Santostefano was reappointed in January.

Supervisor Zmuda made a motion to reappoint Donald Santostefano for a four-year term to the Planning Commission. Supervisor Cort seconded the motion. **Motion carried 5-0.**

Police Pension Authority Board:

Mr. Christman stated Louis Verdelli applied for this Board and was reappointed in January.

Vice Chairwoman Nutt made a motion to reappoint Louis Verdelli to the Police Pension Authority Board for a one-year term. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

Tax Collection Association:

Mr. Christman stated Geoffrey Crout and Wayne Rivers applied for this Board. Mr. Rivers was appointed in January.

Vice Chairwoman Nutt made a motion appointing Wayne Rivers to the Tax Collection Association for a three-year term. Supervisor Wyckoff seconded the motion. **Motion carried 5-0.**

Vacancy Board:

Mr. Christman stated Kelly Fedeli, Christine Taylor Brann and Wayne Rivers applied for this Board. Mrs. Fedeli was appointed in January.

Vice Chairwoman Nutt made a motion appointing Kelly Fedeli to the Vacancy Board for a one-year term. Supervisor Wyckoff seconded the motion. **Motion carried 5-0.**

Zoning Hearing Board:

Mr. Christman stated Steve Seidl, Matthew Lutrell and Geoffrey Crout applied for this Board. Mr. Seidl was appointed in January.

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Supervisor Zmuda made a motion appointing Steve Seidl for a five-year term to the Zoning Hearing Board. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

STAFF APPOINTMENTS:

Emergency Management Coordinator & Deputy Coordinators:

Mr. Christman stated Lt. Tim Roche, Steve Beard and Todd Pagliarulo applied for these positions and were reappointed in January.

Vice Chairwoman Nutt made a motion to reappoint Lt. Tim Roche as the Emergency Management Coordinator for a one-year term and Steve Beard and Todd Pagliarulo as Deputy Coordinators for one-year terms to the Emergency Management Agency. Supervisor Cort seconded the motion. **Motion carried 5-0.**

Tri-County Regional Planning:

Mr. Christman stated he had been appointed to this role in January.

Supervisor Cort made a motion appointing Mr. Christopher Christman to the Tri-County Regional Planning for a one-year term. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

Capital Region Council of Governments:

Mr. Christman stated Mr. Clark had been appointed to this role in January.

Supervisor Cort made a motion to appoint Tom Clark to the Capital Region Council of Governments for a one-year term and Christopher Christman as an alternate. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

OLD BUSINESS:

Supervisor Cort asked for a Recreation Center update. Mr. Christman stated with the appointment of Chairman Abruzzo talks continue about the Recreation Center. He noted at the last meeting the Board tabled a vote on hiring special counsel to help with the Recreation Center contracts. He detailed the protocol for taking the discussion off the table, with a motion needed to take it off the table, have public discussion and a possible vote.

Motion to untable discussions/actions on hiring counsel:

Supervisor Cort made a motion to bring the hiring of special legal counsel for the purpose of reviewing items related to the DTCC project off the table. Vice Chairwoman Nutt seconded the motion.

Board Comments:

Supervisor Cort discussed having legal counsel to protect the Township's interest and would like to move forward with answers on questions and protecting the Township. Supervisor Zmuda stated he would normally be opposed to such action, but if it will help the other Board members feel comfortable to move forward with the project, he is okay with it. Vice Chairwoman Nutt agrees as this is a very specific type of attorney for these contracts.

Public Comments:

Mr. Rich Gamble, Hockersville Road, is in favor of this and believes it should have been done before they signed the contracts.

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Mr. Kevin Ferguson is against taking this off the table because it wasn't on the agenda. He stated the public is not aware of this being discussed and it could have been put on tonight's agenda. Mr. Christman noted tabled items aren't normally put back on an agenda. He discussed the purpose of hiring this special counsel and stated the law allows for public input and the Board to vote on it.

Vote on Motion:

Motion to take this off the table carried **4-0-1** with Supervisor Wyckoff abstaining.

Board Discussion of hiring special legal counsel:

Mr. Christman stated now that it has been voted on to untable it, the Board can comment, vote or defer it to another meeting.

Motion to hire special legal counsel:

Supervisor Cort made a motion to appoint special legal counsel for the purpose of the Derry Township Community Center Project at an hourly rate of \$430 per hour.

Chairwoman Nutt seconded the motion. Supervisor Cort stated she doesn't want to lose another week. She hopes it will help them move forward faster on the Center. Mr. Christman asked that the motion be amended to include the name of the attorney at a rate of \$430.00

Supervisor Cort amended her motion to appoint special legal counsel, Diana Tokarsky from McNees, Wallace and Nurick, for the Derry Township Community Center Project at a rate of \$430.00 per hour. Chairman Nutt seconded the motion.

Public Comments:

Mr. Jonathan Crist noted normally firms give municipalities a break on their rates. He spoke of the class action lawsuit in Middletown borough against McNees, Wallace and Nurick. He spoke about them being their Solicitor and entering into a 50-year agreement that has doubled the water surcharge for the residents. He noted their lawyer/Solicitor for Middletown didn't understand the calculations in the contract and agreed to an amount of usage that Middletown could never use. He noted it is currently in court in Dauphin County. He spoke about them trying to settle the water issue for the borough if they would wave malpractice, which he has never heard of in his entire career.

Mr. Ferguson, Quail Hollow Road, stated he doesn't believe McNees Wallace should be hired as they are compromised. He stated they contributed to the Wyckoff/Nutt campaign. He noted they didn't protect Middletown and don't have a good record. He believes there should be more public input before a vote.

Mr. Wayne Rivers, 815 Cypress Court, knows about the Middletown issue and understands McNees Wallace presented themselves as contract experts to help Middletown with their contract. He asked if they insist to go forward, they consider limiting the hours and dollars to spend for this issue.

Mr. Dayne Eyer believes it is way too late to be hiring this counsel. It should have been done before the contracts were signed.

Mrs. Stephanie DeDonatis, 16 Almond Drive, thinks it's in the best interest of the community that they should delay the vote for a week, so it is on the up and up. She noted waiting a week won't hurt.

There were no other public comments offered.

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Board Discussion:

Chairman Abruzzo stated one lawyer may have done something wrong, but it doesn't represent the entire firm of Mcnees, Wallace & Nurick. He noted the lawyer chosen to help the Township with the contract was not involved with the Middletown issue and she comes highly recommended by other lawyers. Vice Chairwoman Nutt asked if we should put a cap on it. Supervisor Cort agrees with capping it. Supervisor Zmuda asked what would be reasonable to review these contracts. The Board discussed what the cap would be. They agreed not to exceed 20 hours as the cap and if additional hours are needed, they could be added with approval of the Board.

Amended Motion:

Supervisor Cort amended her motion to appoint special legal counsel, Diana Tokarsky from McNees, Wallace and Nurick, for the purpose of the Derry Township Community Center Project at a rate of \$430.00 per hour not to exceed 20 hours. Chairman Nutt affirmed her second. **Motion carried 4-0-1** with Supervisor Wyckoff abstaining.

NEW BUSINESS:

No new business was discussed.

VISITOR/PUBLIC COMMENTS:

There were no public comments offered.

ADJOURNMENT:

Supervisor Wyckoff made a motion to adjourn the meeting at 8:42 p.m. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary