

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS SPECIAL MEETING MINUTES
MARCH 5, 2020 7:00 P.M.

CALL TO ORDER

Chairman Abruzzo called the March 5, 2020 Special Meeting of the Township of Derry Board of Supervisors to order at 7:04 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 performed.

IN ATTENDANCE:

SUPERVISORS

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

ALSO PRESENT:

Christopher S. Christman, Township Manager
Matthew Mandia, Director of Parks and Recreation
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Greg Koussis, Diane Tokarsky, Carol Nye, Karen Steyers, Mary Dague, Nicole Hackman, Anthony Panettiere, Barry Buck, Pamela Ruddle, Dennis Trout, Wendy Weller, C & L Crandall, Linda Eyer, Ethan Steiner, Tricia Steiner, Carol & Sandi Pharmer, Val Pantanelli, Jaime Smith, Sue & Cliff Myers, Abigail Myers, Jason Deeter, Iris Iozzia, S. H. Reall, Doug Nicotera, Sue Ann Hamel, Bruce Hancock, Dan Serfass, Geoffrey Crout, John May, Don Santostefano, Wayne Rivers, Christine Drexler, Andrea Abruzzo, Shel Parker, Kathy Sicher, Jennifer Brokz Ranz, Lewis Shaw, Steve Fotos, Brian Krause, Rich Gamble, Emily Clough, Marie James, Glenn James, Kevin Ferguson, Tracy Brown, Demetcios Velesacis, Anthony Porter, Chip Dye, Brian Mult, Kim O. Carol, Kevin Woods, Brian Ped, Ashley Zayactz, Mary Moyer, Beth Campbell Hetrick, Greg Starr

VISITOR/PUBLIC COMMENTS:

Mr. Kevin Ferguson, Quail Hollow Road, noted that there isn't a public comment after the discussion on the agenda tonight. Chairman Abruzzo noted for special meetings they are only required to offer one public comment time. Mr. Ferguson thought there should be a public comment time after the discussion since the taxpayers are paying for this project.

Mr. Rich Gamble, Hockersville Road, said he hopes this is a discussion by the elected officials. He noted the majority of the community spoke and voted for the new Supervisors. He spoke about comments that are dividing and attacking the community versus helping build the community.

Mrs. Linda Eyer, 2321 Raleigh Road, would like to see the total cost of this project including all the debt services. She noted the taxpayers need to know the total cost.

Mr. Barry Buck spoke about how Supervisors Nutt & Wyckoff ran on the issue of the size of the facility. He asked them not to sell out. He spoke about how senior citizens can't afford tax increases. He discussed the engineer's report with the foundation and noted that if something happens, sink hole, etc., the taxpayers are on the hook for the cost. He thinks those who make the decision for the foundations should be held personally responsible for the costs not the taxpayers.

Mr. Cliff Myers spoke about the arena that was built in 1934 by Mr. Hershey. It seats 7,200 when there were only 4,000 in the community. We need to build the Community Center like Mr. Hershey –

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envisioning the future. He believes they need to make the commitment and move forward and has complete faith the issues can be solved. The project can be funded and maintained.

Mr. Dennis Trout, 2010 Locust Lane, sent an email to the Board today. He asked that the public be able to see the comments sent to the Board. He asked what the priorities of the Board/Township should be. He spoke about spending other people's money and other ways the money could be used to help the community, including scholarships. He spoke about the other options for water use in the surrounding area including the creek. He spoke about how this town used to be a company town, but that changed when jobs went to Mexico. He noted that 7-12% of the residents use the Center. He said as an engineer the 25-yard pool would work.

Mrs. Pam Ruddle mentioned some of the comments she heard tonight and noted that this is a Community Center for all not just a pool. She spoke about the kids who use the center as a place to hangout between school and their parents picking them up. She said this past year, there were no swimming lessons provided. We still pay school taxes without having kids in school, it's the same here. She spoke about the Mohler Center needing a home and the need for a larger pool.

Mr. Brian Peda, 998 Greenlea, spoke about the timing of the bids and noted the first time the bids were put out, it was too late as contractors already had work lined up. He stated for the fall bidding, you got the best pricing. He doesn't see why they are moving forward and noted that Derry is an elite community and the center should be the same.

Mrs. Jaime Smith, Cedar Ave., noted she is a swim mom and other sports where there are venues for her children to play. She noted there are 3,400 students in the school district. The Center can be used by the kids and the elderly. She said delaying the Center or making it smaller is a disservice. She encouraged them to do it right the first time and make Mr. Hershey proud.

Mr. Craig Mill, Cocoa Ave., asked the Board to consider allowing public comments after the discussion. Chairman Abruzzo stated they would consider this request.

Dr. Nicole Hackman, Randall Road, noted she is a pediatrician and spoke about obesity and mental health issues that can be addressed through an active lifestyle and a sense of community. She noted the Community Center provides a sense of community and can help with healthy lifestyles.

NEW BUSINESS

DISCUSSION OF THE DERRY TOWNSHIP COMMUNITY CENTER PROJECT:

Mr. Christman provided a timeline of events that have led to the current situation:

- December 3, 2019 – The current design was approved, and bids were awarded.
- December 20, 2019 – Contracts were executed, after bonds and insurance were reviewed by counsel.
- January 6, 2020 – New Board members came on the Board. The NPDS permit was still outstanding and a Notice to Proceed was not issued.
- January 17, 2020 – Supervisor Moyer resigned his position on the Board.
- February 11, 2020 – Supervisor Abruzzo was appointed.
- February 13, 2020 – The NPDS permit was issued from the Dauphin County Conservation District.

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- February 18, 2020 – Special counsel was appointed.
- February 25, 2020 -Special Counsel met with the Board to discuss the Community Center Project. The Board of Supervisors requested this meeting tonight to discuss the project.

He noted that the special counsel has provided advice on several issues to the Board. The most important information, provided by counsel, was if they advance a notice to proceed, the Board still reserves their right to address changes, within the project, through the use of change orders. Additionally, the Administration has started communication with other community partners in this project, namely the Derry Township School District and Hershey Aquatic Club, to firm up their long-term capital commitments for the Community Center. Those negotiations are ongoing and are a great first step in developing a capital planning model which will allow future Boards the tools necessary to make sound financial decisions regarding this Center. He suggested to the Board, that if they want to consider a notice to proceed, and that notice advances, another special meeting be scheduled in the next 4-6 weeks to provide a project overview, discuss possible change orders, provide an update from commitments from our Community partners, and look at the updated operations projects.

Chairman Abruzzo noted that if there is action taken tonight, there is a window of time of 4-6 weeks for changes to be suggested for change orders. Mr. Christman agreed. Supervisor Cort asked if all the changes needed to be suggested in the next 4-6 weeks or could some changes wait until a later time in the project. Mr. Christman advised them to look at changes that would be done first, like foundation or opening time, the size of the pool, all should be done in short order. Chairman Abruzzo noted there are still issues that need to be addressed quickly and asked if change orders should be voted on at the special meeting. Mr. Christman said yes.

Supervisor Cort made a motion to direct the Township Manager to issue the Notice to Proceed on the Community Center. Supervisor Zmuda seconded the motion.

Vice Chairwoman Nutt noted she has been open about how to we use our tax dollars especially for a fitness center. She is concerned with the fitness center competing against local businesses. She supports other aspects of the plan including an outdoor pool, one indoor pool and the Senior Center. She is disappointed with the divisiveness of this project. She is concerned with the operations and maintenance of the Center. It needs to move forward with no additional burden on taxpayers and without hurting small businesses. She understands the contracts are signed and the options are limited to reduce the operations and maintenance costs without adding a fitness component. She said because of her concerns she is not able to vote for the notice to proceed tonight. However, whatever the decision is, she will spend the rest of her term to work to protect the taxpayers.

Supervisor Wyckoff spoke of fond memories of swimming at the plaza. He stated he has respect for the swimming community and noted we all agree we need a new Community Center. It appears to him the current design is too expensive and needs a second look on behalf of the taxpayers. He is concerned about the foundation, business plan and the Township competing with business. His vote tonight will be for the taxpayers.

Supervisor Cort believes in this project. She stated we need to do this for our children and their children. She knows everyone will not agree on the project or use of the Center. She stated we must vote on the facts that are in front of us. She believes they can make changes, to better the Center, but the time is for

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action instead of further discussions. She spoke about consultants, administration, and this Board and former Board members who have been working on this since 2014. She thanked everyone for their support.

Supervisor Zmuda thinks that the facts are clear, and we need to move forward as planned. Any reductions on the inside, pools or fitness will reduce the revenues to support the Center.

Chairman Abruzzo noted this has not been an easy three weeks. The new members of the Board have spent a lot of time with Township Staff and Mr. Koussis looking at each aspect of the Center. He respects those who spoke tonight about the project. He stated the reality they face is the bids were awarded and the contracts were signed. This limits what the options are moving forward. It isn't a simple decision. The vote tonight will require that we identify issues that can be addressed, so that moving forward we don't have to raise taxes for the operations of the Center. He challenged the Board to examine every expenditure through the eyes of the taxpayers. He believes it will improve the property values as many will be served.

Motion carried 3-2 with Supervisors Nutt and Wyckoff voting no.

Chairman Abruzzo stated he wants to make it clear that Mr. Mandia is the project manager and not a Supervisor. Mr. Mandia will be working with Mr. Koussis and Mr. Christman. He wants them to work toward ensuring taxes do not have to be raised for the operations of the Center. He encouraged them to negotiate with the School District and HAC Swim Community. Supervisor Zmuda asked about the auction and Mr. Mandia stated it would be tomorrow. Supervisor Cort noted the Capital Campaign will be open for business.

VISITOR/PUBLIC COMMENTS:

Mr. Kevin Ferguson, Quail Hollow Road, spoke about the spectator seats issue that was identified in October. How do we communicate any issues we may have with the design and change orders? Supervisor Cort asked them to email Mr. Christman.

Mrs. Karen Steyers, Caracas Ave., spoke of fond memories at the Plaza. She noted she is a single parent and is concerned if taxes continue to increase, she won't be able to meet her expenses and unable to afford to live here. She asked the Board to be practical about the Center.

Mrs. Jennifer Ranz, Cocoa Ave., asked about the pool being filled and will it open this summer. Supervisor Cort stated it won't be open with the action taken tonight.

Mr. Barry Buck thanked Supervisors Nutt and Wyckoff for their vote tonight.

Mr. Rich Gamble asked to have an update on the accounting of the project. He would like to hear accurate numbers. He spoke about his taxes going up and he is contacting a realtor. Chairman Abruzzo stated they would be addressed at the special meeting.

Mr. Steve Fotos thanked the new Supervisors for their vote. He appreciates how difficult it was. He noted the prior Board pulled the pin on the spending grenade and asked them to try and keep it in budget.

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He said a lot is talked about in the community about diversity, but what about income diversity. He thinks there should be consideration for income diversity.

Mr. Dennis Trout spoke about the infographics provided in the past. He noted when he spoke to the Tax office, there are only 22 new tax bills this year. He would like to see honest numbers that don't just include the interest on the loan for the Center but the principal. He thanked the two new Supervisors for voting the way they did and noted he isn't against the Center. The Library is available for teens after school hours and their parents can pick them up.

Mrs. Christine Drexler thanked Supervisors Cort and Zmuda for their work and vote. She spoke about all the work in the past six years and how they considered all the citizens in the design. She spoke about focusing on the opportunity instead of the costs. She noted no one wanted the Library but look at it now. It was okay for us to lose \$750,000 a year on the old Center but now people have issues today. She discussed we the people working together to raise money for the Center, and they have raised \$2.9 million so far in the Capital Campaign. She believes the community needs to work together.

Mr. Wayne Rivers, 815 Cypress, thanked Supervisors Nutt and Wyckoff for their vote tonight. He agrees we don't have to be divided. He wished Mr. Mandia luck and hopes the taxes don't go up. He feels for the woman who may have to move because of increased taxes. He noted people support the Center but don't support any additional tax increases for the Center.

Mr. Greg Stark, 613 Church Road, spoke about participating in the Stormwater Advisory Committee and appreciates what the Board does. He understands no one wants taxes raised. He suggests they redo the occupational tax and the structure. He noted currently someone who makes \$14,000 and one who makes \$550,000 pay the same tax rate. He thinks this should change to allow those who want to live in the Township to be able to with lower taxes.

Chairman Abruzzo thanked everyone who came out tonight and appreciates their comments. He stated we need to move forward with a Community Center that doesn't raise taxes for the operation of the Center.

ADJOURNMENT:

Supervisor Zmuda made a motion to adjourn the meeting at 8:15 p.m. Supervisor Cort seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary