

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING MINUTES**  
**JUNE 9, 2020**

**CALL TO ORDER**

*On March 30, 2020, PA Governor Wolf put Dauphin County under a Stay-at-Home Order. In order to ensure public safety during the COVID-19 crisis, the June 9, 2020 meeting was held by audio and video conferencing via a Zoom Virtual Webinar and shown live on YouTube on the Derry Township YouTube page.*

Chairman Abruzzo called the June 9, 2020 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:10 p.m. via video conferencing with a Zoom Virtual Webinar through the on-line Meeting Room. He advised that all public meetings are recorded for providing accurate notes. After the Pledge of Allegiance, a roll call was performed. He announced that the Board met in Executive Session at 6:30 p.m. to discuss personnel matters.

**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 Christman, Township Manager  
William Oetinger, Township Solicitor  
Chuck Emerick, Director of Community Development  
Thomas Clark, Director of Public Works  
Chief Garth Warner, Police Department  
Matthew Mandia, Director of Parks and Recreation  
Cheryl Lontz, Manager of Payroll & Employee Benefits  
Jeffrey Cothren, Hershey Public Library  
Lauren Zumbrun, Economic Development Manager  
Matt Bonanno, HRG Engineer  
Brian Blahusch, IT Director  
Julie Echterling, Recorder

**BOARD STATEMENT:**

Chairman Abruzzo provided a statement on behalf of the Board. We would like to take a few minutes to address recent and past tragic events in our country and reflect on the issues of racial discrimination and police misconduct. Local government must have a zero-tolerance policy for racism and police misconduct. No one should live or visit Derry Township and experience either, in any form. It is our job, as Supervisors, to help create an environment in township government that reflects these beliefs. On behalf of the Board, I'd like to thank the DTPD for their professionalism, integrity, and efforts to build a sense of community in Derry Township. I would also like to acknowledge and thank the residents who peacefully exercised their first amendment rights in our community over the weekend. On behalf of the entire board and our staff, we remain committed to supporting a diverse and inclusive community and the men and women of our police department.

Supervisor Cort spoke about Resolution 1510 passed by the Board in 2017 which supports fairness and supports the differences in the community. Hershey Area All Things Diversity Group is organized by the Township, Downtown Hershey Association, Penn State Health Milton S. Hershey Medical Center, The Hershey Company, Hershey Entertainment & Resorts, Milton Hershey School and The Derry Township School District. They will be having a virtual town hall tomorrow from 6-8 p.m. on racial discrimination. She spoke about how to join and information for it will be posted on the Township website.

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**VISITOR/PUBLIC COMMENTS:**

Mr. James Nicholson read a letter he provided to the Board. His full letter is attached at the end of the notes.

Mr. Rich Gamble recommended we take 9 seconds to remember those killed during the riots and looting including police officers and shop owners. He asked to remember the families they leave behind.

**ADOPTION OF MINUTES**

Vice Chairwoman Nutt made a motion to adopt the minutes for the May 26, 2020 Board of Supervisors Regular Meeting. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

**NEW BUSINESS:**

**APPOINTMENT TO DERRY TWP. ZONING HEARING BOARD:**

Mr. Christman spoke about the vacant position on the Derry Twp. Zoning Hearing Board. Four applicants applied after advertising the opening. The four candidates were: Michael Angello, Amy Backenstose, Scott Stein and Robert Myers.

Chairman Abruzzo made a motion to appoint Michael Angello to the Derry Twp. Zoning Hearing Board filling an unexpired term of 5 years expiring on December 31, 2020. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

**EXTENDING SPECIAL COUNSEL HOURS FOR COMMUNITY CENTER PROJECT:**

Mr. Christman discussed a request for an additional 20-hours of time for the purpose of continuing the Township's engagement with McNeese, Wallace and Nurick, LLC. They are providing specialized legal services as it relates to the Derry Township Community Center project. They have reduced the hourly rate from \$430 to \$387 per hour. The Board spoke about how this counsel has helped them with the project and has saved the Township money.

Supervisor Zmuda made a motion to approve a 20-hour extension of time for the purpose of continuing the Township's engagement with the firm of McNeese, Wallace and Nurick, LLC to serve as Special Legal Counsel for the purpose of reviewing any and all matters associated with the Derry Township Community Center Project at an hourly rate of \$387.00 per hour. Supervisor Cort seconded the motion. **Motion carried 5-0.**

**AMENDMENT TO PSHMC PILOT AGREEMENT:**

Mr. Christman stated Penn State and the Hershey Medical Center are proposing to add Penn State Health as a party to the PILOT Agreement. There was a recent subdivision plan approved for a portion of the property of the Hershey Medical Center and that it is the Hershey Medical Center's intent to convey a portion of the property to Penn State Health. He noted the tax-exempt status of the property will remain the same.

Supervisor Cort made a motion to adopt the amendment to the Penn State Hershey Medical Center PILOT Agreement to include Penn State Health as a party to the PILOT Agreement. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

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**RESOLUTION 2020-15-COVID19 RECOVERY FLEXIBLE BUSINESS SUPPORT PROGRAM:**

Mr. Emerick spoke about the state's process to reopen business in the yellow and green phases. He discussed the restrictions in place for businesses including 50% occupancy for business. He spoke about working on the resolution with Staff and coming up with ways to provide relief for businesses to open. The major items addressed in the resolution are listed below. He detailed each of the three items with the specific detailed plans for each of them.

1. Temporary signage that is necessary to convey messages related to business operations is allowed without obtaining a permit.
2. Curbside pick-up on public and private parking spaces may be created.
3. Outdoor seating and display areas may be developed under this program.

He stated the guidelines will remain flexible throughout the term of the program, which is initially slated to be 60 days from adoption. If there is a need to shorten or lengthen the program, it will require action by the Board. He spoke about PLCB and their process for on-premises consumption of alcohol. He noted they explored "open street" and use of Chocolatetown Square Park for seating and eating; however, it was determined that at the present time creating a social gathering space was not advisable.

Mrs. Zumbrun spoke about working with the community including sharing information on the Hershey Partnership and the Downtown Hershey Business group. She noted when approved they will be issuing a press release and providing a webinar to share the guidelines. The Board discussed the possibility of additional seating with a road closure or even using a parking garage. Mr. Emerick spoke about ensuring all businesses are treated equally and the issues with closing streets.

Supervisor Zmuda made a motion to adopt Resolution No. 2020-15, enabling the Derry Township COVID-19 Recovery Flexible Business Support Program and guidelines. Supervisor Cort seconded the motion. **Motion carried 5-0.**

**PLAT NO. 1326-MILTON HERSHEY SCHOOL CTE CARPENTRY/WELDING BUILDING:**

Mr. Emerick stated this plan is for approximately 9.3 acres of the Milton Hershey School campus. He noted it is anticipated this project will have a nominal impact on traffic in the area. He discussed the Stormwater controls and how they are exercising their right to use impervious area credits in lieu of a stormwater management design. The Dauphin County Conservation District and DEP are also accepting the impervious offset and will accept provisions for alternate methods for water quality, including a riparian buffer along the stream. He stated they have asked for 18 waivers and deferments. He listed the conditions for the plan.

Chairman Abruzzo made a motion to approve the Preliminary/Final Land Development Plan for Milton Hershey School CTE Carpentry/Welding Building, Plat 1326, is approved, subject to compliance with the following items:

1. The applicant reimburses the Township for costs incurring in reviewing the plan no later than July 9, 2020.

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2. The performance security is provided to guarantee the completion of required improvements, and the accompanying Agreement to Provide Financial Security is signed no later than December 9, 2020.
3. A detail for the bicycle parking rack consistent with Zoning Ordinance Appendix G is provided on the plans no later than December 9, 2020.
4. The comments in the May 19, 2020 HRG letter (attached) are addressed no later than December 9, 2020.
5. Two originals of the signed and notarized Agreement for the Deferment of Curbing and Sidewalk Installation are provided no later than December 9, 2020.
6. A CD of a DXF or AutoCAD digital file of the final plan is provided no later than December 9, 2020.
7. The Agreement for the Deferment of Curbing and Sidewalk Installation is recorded concurrently with the plan.

It is also moved that the following requested waivers and deferments from the Subdivision and Land Development Ordinance are granted:

1. Waivers from Sections 185-12.D.(3).(a).[9] and 185-13.E.(4).(a).[9] – Providing all existing structures, wooded areas, watercourses, rock outcrops, culverts, utilities, fire hydrants, streets and their established grade and width, within 200 and 50 feet of the entire property.
2. Waivers from Sections 185-12.D.(3).(a).[10] and 185-13.E.(4).(a).[10] – Location of sensitive environmental areas outside of the project area. The applicant shall detail sensitive environmental areas within the project area boundaries.
3. Waivers from Sections 185-12.D.(3).(a).[11] and 185-13.E.(4).(a).[12] – Gross and net developable area of land expressed in acres and square feet, along with drawings and calculations to describe how the net developable area has been calculated.
4. Waivers from Sections 185-12.D.(3).(a).[12] and 185-13.E.(4).(a).[13] – Providing adjacent owner information now older than one year.
5. Waiver from Section 185-12.D.(3).(a).[15] – Providing soil boundaries on the property. The applicant shall depict soil boundaries within the project area.
6. Waivers from Sections 185-12.D.(3).(a).[17] and 185-13.E.(4).(a).[15] – Providing the names of existing and proposed streets and alleys.
7. Waivers from Sections 185-12.D.(3).(a).[18] and 185-13.E.(4).(a).[16] – Providing width of existing streets, easements, and rights-of-way for the entire property.
8. Waiver from Section 185-13.E.(4).(a).[18] – Showing existing driveways on the entire property.
9. Waivers from Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] – Profiles of existing stormwater sewer and conveyance systems, existing sanitary sewer systems, and existing gas and water systems. This is granted for unaffected utilities only.
10. Waivers from Sections 185-12.D.(3).(a).[35] and 185-13.E.(4).(a).[36] – Providing contours at two-foot intervals within 200 feet and 50 feet of the perimeter of the entire property.
11. Waivers from Sections 185-12.D.(3).(a).[40] and 185-13.E.(4).(a).[43] – Providing existing street names, cartway widths, and right-of-way widths for the entire property.
12. Waivers from Sections 185-12.D.(3).(a).[47] and 185-13.E.(4).(a).[45] – Providing the recording reference of record subdivision and land development plans of adjoining land identified by plan name, date of recording, and recording reference.
13. Waivers from Sections 185-12.D.(3).(a).[51] and 185-13.E.(4).(a).[49] – Providing the location of all existing and proposed monuments and markers.

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14. Waiver from Section 185-22.D – Street right-of-way and cartway widths for all existing streets on the property.
15. Deferment from Section 185-22.E.(5) – Curb for all existing streets on the property and adjacent to the project. Granted with the stipulation that the property owner enters into an agreement with the Township that would allow the Township to require the installation of curbing in the future if deemed necessary.
16. Waiver from Section 185-49 – Wetlands determination for the entire property.
17. Waivers from Sections 185-12.D.(3).(a).[8] and 185-13.E.(4).(a).[8] – Providing NAD 1983 PA Coordinate System numbers for all points on the property boundary.
18. Deferment from Section 185-34.A.(1) – Sidewalk installation. Granted with the stipulation that the property owner enters into an agreement with the Township that would allow the Township to require the installation of sidewalk in the future if deemed necessary.
19. Waiver from Sections 185-13.E.(3) – Plan scale.
20. Waivers from Sections 185-12.D.(3).(a).[37] and 185-13.E.(4).(a).[38] regarding restrictions on the use of the land for the area unaffected by the project.

Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

**PLAT 1321-TIME EXTENSION-PSHMC- LOTS 4, 6, 7, AND 8 CONSOLIDATION AND NEW ACADEMIC SUPPORT BUILDING LOT 9:**

Mr. Emerick discussed the request for a time extension. Due to difficulties related to COVID-19, the applicant has requested a six-month extension of time to address the remaining conditions of the plan. He noted there were two additional conditions for the time extension. This extension request proposes no changes to the details for the previously approved plan or waivers.

Supervisor Cort made a motion the approval of the Preliminary/Final Subdivision Plan for Penn State Health Milton S. Hershey Medical Center Lots 4, 6, 7, and 8 Consolidation and New Academic Support Building Lot 9, Plat 1321, is extended for six months (until January 6, 2021), subject to compliance with the following conditions:

1. A performance security is provided to guarantee the installation of concrete monuments and iron pins, and the accompanying Agreement to Provide Financial Security is signed OR that the concrete monuments and iron pins are installed and inspected no later than January 6, 2021.
2. The deed of dedication for right-of-way along Cherry Drive is recorded concurrently with the plan.

Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

**EXECUTE AWARDED DAUPHIN COUNTY LOCAL SHARE MUNICIPAL GRANT:**

Supervisor Cort made a motion authorizing the Township Manager to execute the 2020 Dauphin County Local Share Municipal Grant Program agreements for the projects of The Vista School Safety & Security Improvements in the amount of \$24,000,00 and for the Hershey Volunteer Fire Company Debt Reduction in the amount of \$60,000.0 that were awarded funding. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

**FINANCIAL SECURITY: FOUNDERS HALL PARKING-S2019-002:**

Vice Chairwoman Nutt made a motion authorizing the release of financial security in the amount of \$300,892.00 in the form of Hershey Trust Company Letter of Credit No. 2019-03, which was provided

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for the Stormwater Management Plan for Founders Hall Parking Lot Expansion, S2019-002. Chairman Abruzzo seconded the motion. **Motion carried 5-0.**

**FINANCIAL SECURITY: HILL CHURCH GLEN- PLAT 1175:**

Supervisor Cort made a motion authorizing the release of cash maintenance security in the amount of \$15,193.80 for the Preliminary/Final Subdivision Plan for Hill Church Glen, Plat 1175. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

**CORRESPONDENCE BOARD/COMMITTEE INFORMATION:**

The Board members thanked the Police Department for their professionalism this past weekend and for setting the example for the community. Chairman Abruzzo is working with the Board and Solicitor on the concerns with political campaigns coming to Derry Township and the costs associated. He hopes to provide an update soon.

**REPORTS:**

<u>Police:</u>	Chief Warner stated the St. Joan Arc’s Annual Festival event scheduled for June 11, 12 and 13 is officially cancelled. He spoke about a road being closed tomorrow for repairs for a sink hole. He provided a departmental statement on Facebook about recent events. In his 35 years in police enforcement, he has never seen something like the restraint used on Mr. Floyd and noted Derry PD does not use that type of restraint. He spoke about ensuring the safety of the community during the demonstration last weekend. He noted the rioting and looting being done by some is unacceptable and diminishes what the lawful peaceful protests are about. He spoke about the PD’s CALEA & PLEAC accreditations they have. There are 459 standards for CALEA and 181 PLEAC standards they adhere to for these accreditations. They have annual review and training for the use of force, defensive tactics including taser, sidearms, pepper spray and bias. They have bi-annual training for mental health and ethics. He spoke about their commitment to the community and working on grants to obtain body cameras for additional transparency.
<u>Fire:</u>	Mr. Sassaman stated they just mailed out their annual drive letters this week. He thanked Mr. Christman for helping them sell their old truck. He noted they added three new members to the Fire Company at their monthly meeting.
<u>Public Works</u>	Mr. Clark provided an update on paving in the Township and hopes to have it all done by July. They will be resuming normal hours of the recycling center hopefully next week. He showed the Board the new guardrail for the dead-end street requested by the Board.
<u>Library</u>	Mr. Cothren spoke about the process of reopening the library by the end of the month with limited capacity.
<u>Recreation</u>	Mr. Mandia spoke to the contractor about the amount of dust during demolition, based on feedback from a resident. The contractor started using water when breaking up the concrete during the demolition and this has helped minimize the dust.

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<u>Engineer:</u>	Mr. Bonanno stated the Greater Hershey Traffic Study is out for public comment until June 15.
<u>Community Development</u>	Mr. Emerick reminded the Board there is a public hearing at 6 p.m. on June 23.
<u>Economic Development</u>	Mrs. Zumbrun noted that there will be an HRG presentation of the Greater Hershey Traffic Study later this month or in July. She spoke about the successful open market last Saturday.
<u>Manager</u>	Mr. Christman thanked the accounting staff because they have put a lot of hours into converting to the new finance software system. He stated they hope to have a financial update at the next meeting.

**ACCOUNTS PAYABLE and PAYROLL:**

Supervisor Cort made a motion to approve accounts payable in the amount of \$671,143.31 and payroll of \$339,250.12. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

**VISITOR/PUBLIC COMMENTS:**

Mr. Buffington works as a photographer for the Sun and was at the demonstration last weekend. He commented on the professional job the police department did and kept traffic moving. He was impressed with their interaction with the community.

Mr. Jim Nicholson appreciates the comments from the Chief. He noted he asked the questions to show how well the Police Department is doing. He noted the goal is for the Police Department to be one of the best.

Mr. Kevin Ferguson commented on the professionalism of the Police Department that he has seen and witnessed firsthand over the years. He spoke about 2 letters submitted to the Sun in which Chairman Abruzzo alleged that there were potentially liable statements. He would like to know what those statements were. Chairman Abruzzo stated he is happy to discuss it offline with Mr. Ferguson.

**ADJOURNMENT:**

Supervisor Zmuda made a motion to adjourn the meeting at 8:50 p.m. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

**SUBMITTED BY:**

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Carter E. Wyckoff  
Township Secretary

Correspondence received before the meeting:

June 9, 2020

To: The Board of Supervisors of Derry Township, Dauphin County, Pennsylvania

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Mr. Chris Bruzzo  
Ms. Natalie Nutt  
Ms. Susan Cort  
Mr. Carter Wyckoff  
Mr. Richard Zmuda

I participated in the peaceful rally that occurred in Hershey this past Saturday. The rally was in protest of the recent police-related deaths of unarmed African American persons – George Floyd, Breonna Taylor, Ahmaud Arbery and others. I would like to thank the members of the Derry Township Police Department for their activities during the rally. Their actions appeared professional and non-confrontative. I am not aware that there were any arrests, injuries, or deadly actions that day. However, everyone participating in the rally was aware of the possibility that deadly actions might occur, and that such deadly actions – if they occurred – might be largely caused by (and legally supported by) beliefs, policies, and laws that are directly related to our country’s affliction with systemic racism.

In light of the nature of George Floyd’s death (and similar deaths that have occurred during police actions), it is important at this time to ask some reasonable questions about the Derry Township Police Department. These questions are:

1. Is the Department willing to acknowledge that systemic racism exists in Central Pennsylvania and that it impacts – either consciously or unconsciously – everyone in the community – including all members of the Department?
2. Does the Department have a policy to report the occurrence of injuries and deaths that occur during Derry Township police actions? If so, then how are these reports made, to whom are the reports given? If not, then could the Department agree, or be required, to make such reports?
3. Are members of the Department allowed to apply neck pressure holds during restraint actions? If so, should/could such actions be now strictly limited or prohibited?
4. How does the Department determine its role, its budgetary needs and its priorities? Has there been, or are there plans for, procurement of military-style materials?
5. Does the Department actively work to ensure that police actions are racially and ethnicity neutral? If not, then how can the Department actively work towards that goal?
6. How does the Department decide who it employs? How is evidence of police misconduct, both alleged and established, and either before or after employment, handled by the Department?
7. Does the Department require Implicit Bias training, and if so is that training reinforced on a regular basis?
8. Does the Department require training in de-escalation techniques, and if so is that training reinforced on a regular basis?

I ask that these questions be answered, that a full report of the findings be generated, and that the full report be made freely available to the public over the next few months.

Sincerely,  
James A. Nicholson MD  
215 Mine Road  
Hershey, PA 17033