

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING MINUTES**  
**NOVEMBER 10, 2020**

**CALL TO ORDER**

*In order to ensure public safety during the COVID-19 crisis, the November 10, 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 November 10, 2020 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:02 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 stated an executive session of the Board was held tonight from 6:00-6:54 p.m. to discuss land, legal and personnel issues.

**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  
Peter Nelson, Township Solicitor  
Chuck Emerick, Director of Community Development  
Thomas Clark, Director of Public Works  
Chief Garth Warner, Police Department  
David Sassaman, Hershey Volunteer Fire Department  
Zachary Jackson, Assistant 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  
Brian Blahusch, IT Manager  
Julie Echterling, Recorder

**VISITOR/PUBLIC COMMENTS:**

There were no comments offered.

**CONSENT CALENDAR:**

Supervisor Cort made a motion to adopt and approve the following items on the Consent Calendar:

1. Adoption of the October 27, 2020 Board of Supervisors Public Meeting Minutes
2. Approval of Accounts Payable of \$288,400.46 and Payroll of \$288,909.99.

Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

**OLD BUSINESS:**

There was no old business discussed.

**NEW BUSINESS:**

**COMMUNITY CENTER FINANCING & HEDGE EXTENSION REQUEST:**

Mr. Verdelli reviewed the financial plan and phases for the Community Center Project. The first phase was the initial financing for the construction of the Center which started in 2019. He discussed the hedge which would prevent interest rates from going up for the financing of the project. He spoke about the delay in construction because of COVID and how the second phase is expected to start in Spring of 2021. He spoke about the actions needed tonight to extend the hedge and financing for the second phase. Supervisor Carter asked about the costs of the financing and transaction. Mr. Verdelli noted that the fees for the transaction is about \$20,000. He noted delaying the financing until Spring will reduce the interest paid. **The consensus of the Board was to move forward with the extension.**

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**“OPINION OF COUNSEL” LETTER FOR THE FORD MOTOR CREDIT COMPANY, LLC:**

Mr. Christman stated the Public Works Department requested the replacement of certain vehicles in the Township fleet. The FY2020 budget was approved with that intent to allow the PWD to lease new replacement vehicles for the fleet. The Ford Motor Credit Company, LLC requires the attached “Opinion of Counsel” letter as a housekeeping item for the lease agreement.

Supervisor Cort made a motion to authorize the Township Solicitor to execute an “Opinion of Counsel” letter for the Ford Motor Credit Company, ratifying the Master Equipment Lease Purchase Agreement dated August 1, 2012 and specifically approving Schedule 9079707 to the Master Lease Purchase Agreement for the two 2020 Ford F-550 Trucks which have a cash price of \$180,520 (\$90,260 each) with approximately \$14,124 in interest, and authorizing the applicable Township representatives to execute all documents needed to move the Lease Purchase Agreement and Schedule 9079707 for the two 2020 Ford Trucks to completion. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

**ORDINANCE NO. 2020-07-AMENDING CHAPTER 85-UNIFORM CONSTRUCTION CODES:**

Mr. Emerick stated Ordinance 2020-07 would amend Chapter 85 (Uniform Construction Codes). He stated housekeeping changes were made to the ordinance.

Vice Chairman Nutt made a motion to adopt Ordinance No. 2020-07. Supervisor Cort seconded the motion. **Motion carried 5-0.**

**EXTENSION-PLAN FOR GEORGE CVIJIC-PLAT NO. 1163:**

Mr. Emerick stated Plat 1163 proposes the subdivision of a 5.408-acre tract of land located at the southeast corner of the intersection of Felty Mill Road and Bachmanville Road, into three lots. Two of the lots are proposed to be developed with single family dwellings, and the third lot contains an existing single-family dwelling, two accessory buildings, and a pond. The improved lot is served with on-lot water and sewer, and the two vacant lots will be served with on-lot water and sewer systems.

He discussed the timeline for this plan including the September 2008 Zoning Hearing Board granted relief to the extension granted in August 2019. The applicant stated due to the COVID-19 pandemic, they will not be in a financial position to address the condition of plan approval regarding the completion of required improvements. However, he is still interested in proceeding and has requested a 3-year extension of time in which to address the remaining conditions of approval. The extension request proposes no changes to the details of the previously approved plan or to the waivers.

Supervisor Zmuda made a motion that the conditional approval of the Preliminary/Final Subdivision Plan for George Cvijic, Plat 1163, is extended until December 31, 2023, subject to compliance with the following items:

1. A performance security based on a revised (current) cost estimate as approved by the Township Engineer is provided to guarantee the completion of required improvements and the Agreement to Provide Financial Security is signed no later than December 31, 2023; OR, that the required improvements are installed to the satisfaction of the Township no later than December 31, 2023.
2. The applicant applies for and receives a new NPDES permit from the Dauphin County Conservation District no later than December 31, 2023.
3. The applicant ensures the renewal of any other expired approvals or permits originally required for the project no later than December 31, 2023.

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4. The right-of-way Deed of Dedication is recorded concurrently with the plan.
5. The curb and sidewalk agreement is recorded concurrently with the plan.
6. The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.

Supervisor Cort seconded the motion. **Motion carried 5-0.**

**MAINTENANCE SECURITY-MILTON HERSHEY-PLAT NO. 1262:**

Supervisor Cort made a motion authorizing the release of performance security in the amount of \$887,785.98, provided as Hershey Trust Company Letter of Credit No. 2018-01 for the Preliminary/Final Land Development Plan for the Milton Hershey School Safety and Security Facility, Plat 1262, contingent upon the developer providing maintenance security in the amount of \$150.00 and executing the Township’s standard Agreement to Provide Financial Security to Guarantee the Structural Integrity and Functioning of Improvements Constructed as Required by a Subdivision or Land Development Plan. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

**MAINTENANCE SECURITY-EAST POINT TRADE CENTER-BUILDING C-PLAT NO. 1314:**

Chairman Abruzzo made a motion authorizing the release of the remaining balance (\$105,375.00) of the performance security provided in the form of U.S. Specialty Insurance Company Bond No. 1001084077 for the Revised Final Land Development Plan for East Point Trade Center – Building C, Plat 1314, contingent upon the developer providing maintenance security in the amount of \$1,142.00 and executing the Township’s standard Agreement to Provide Financial Security to Guarantee the Structural Integrity and Functioning of Improvements Constructed as Required by a Subdivision or Land Development Plan. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

**CORRESPONDENCE BOARD/COMMITTEE INFORMATION:**

Supervisor Zmuda stated the Climate Action Committee met this week, via Zoom, and spoke about solar opportunities and there will be more information to follow. Supervisor Cort spoke about the upcoming Hershey All Things Diversity meeting tomorrow at 7 p.m. She spoke about the downtown Christmas activities for December 5 and keeping everyone safe with modifications for COVID.

**REPORTS:**

<u>Police:</u>	Chief Warner spoke about the \$2,400 raised for no shave/nifty nails November in the Police Department. He spoke about the move of the dispatch center and the learning curve. He thanked all former and present veterans a Happy Veterans Day tomorrow.
<u>Fire</u>	Mr. Sassaman stated they had 67 calls in October. They are having their Thanksgiving dinner this year as a drive-thru to go from 11a.m -2 p.m. They will be escorting Santa through the Township this year. He spoke about the honor bestowed on their company in 2019 Firehouse magazine for Valor/Community Service nationwide for a call they had where quick action saved a life.
<u>Public Works:</u>	Mr. Clark stated they are picking up leaves with their crews and trying to stay on schedule with the weather.

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<u>Library</u>	Friends of the Library President, Mrs. Carin Kaag showed a video outlining the history of the library, the features of the library and how important libraries are to the community. She discussed the funding of the library including the endowment, Township, and the Friends of the Library. The purpose of the Friends of the Library is to raise money to help with programming costs. She spoke about the library and the community feel it has for the Township. The Board thanked her and Mrs. O’Grady for their work in the Library and the video.
<u>Recreation</u>	Mr. Jackson spoke about the construction including the footers being worked on for the Community Center. They will start working on Storm Water basin. They are still anticipating a Spring 2022 opening.
<u>Community Development</u>	Mr. Emerick stated he is continuing to investigate the concerns toward the noise the Hummelstown Gun Club. He noted the club existed prior to the zoning ordinance. He spoke to the Solicitor and there is not much they can do. He is working with a Board member of the club and hopes to work toward a solution.

**VISITOR/PUBLIC COMMENTS:**

Mr. Rich Gamble, 39 Hockersville Road, stated he attended the Hershey School District Board meeting and asked about the amusement tax and they said it was on their radar. He asked if the Township was doing anything. Chairman Abruzzo asked him to follow up with Mr. Christman.

Mrs. Colleen Pameijer, 156 Brookline Drive, heard what Mr. Emerick said about the club. She read an article from the Hummelstown Sun providing a resident’s view from Dove Hill regarding the noise and an offer to help build a sound barrier. She said the club has excuses and would like them to move toward a resolution of this issue.

**ADJOURNMENT:**

Supervisor Zmuda made a motion to adjourn the meeting at 7:55 p.m. Supervisor Cort seconded the motion. **Motion carried 5-0.**

**SUBMITTED BY:**

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Carter E. Wyckoff  
Township Secretary