

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
DECEMBER 15, 2020

CALL TO ORDER

In order to ensure public safety during the COVID-19 crisis, the December 15, 2020 meeting was held by audio and video conferencing via a Zoom Virtual Webinar and shown live on the Derry Township YouTube page.

Chairman Abruzzo called the December 15, 2020 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:00 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 there was an executive session of the Board to discuss land, legal and personnel issues from 6 p.m. to 6:53 p.m.

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
Patrick Armstrong, 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 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:

Mr. Kevin Ferguson, 1338 Quail Hollow Road, spoke about his concerns with the Mohler Senior Center and the taxpayer paid Community Center. He looked at the two-year business plan and it shows a contribution from them, however there are no operational costs for the Mohler Senior Center. He understood Chairman Abruzzo was on the Board of the Mohler Senior Center when this deal was worked out. He is concerned with the taxpayers funding the Center and the Mohler Senior Center paying their own expenses. He believes this should be spelled out to the taxpayers. Supervisor Cort stated the Mohler Senior Center has committed to \$500,000 in donations toward the Center. She noted they would pay \$2,000 a month in rent plus a share of the utilities for the area they are using. She noted that the area they are using is for day use and can be rented for activities or used by the Center for programming in the afternoon and evening. Chairman Abruzzo noted the agreement was worked out with the Mohler Senior Center before he was on the Board of Supervisors.

Mr. Rich Gamble, 39 Hockersville Road, asked if the Mohler Senior Center could use the Granada Gym now that Power Train has moved out. It would provide access to the facility 24/7 and would provide rent of \$2,000 a month. He asked if there have been any discussions regarding the entertainment tax increase. He spoke about the School District open to discussions on the issue. He thinks it should be a percentage of the ticket instead of the \$.85 they receive now. He stated the Transportation study was for the benefit of the Hershey Entities. They are benefiting from the taxpayer paid roads and believes it is time to do something now.

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Mrs. Linda Eyer, 2321 Raleigh Road, spoke about the FSA business plan that was never owned or bought into by the Board. She stated there was not any feedback provided on the plan. She asked how the startup costs for the Community Center would be paid for as the Township has taken hits this year and in 2021 for COVID. She would like to hear how they will be funded.

Mr. Kevin Ferguson stated the plan he was talking about was not the FSA, but the one the new Board members put together to make changes to the Center.

CONSENT CALENDAR:

Supervisor Zmuda made a motion to adopt the November 24, 2020 Board of Supervisors Regular Meeting and the December 1, 2020 Board of Supervisors Regular Meeting. Vice Chairwoman Nutt seconded the motion. **Motion carried 4-0-1.** Supervisor Cort abstained because she was absent from the December 1, 2020 Board Meeting.

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

- Authorizes the release of \$39,929.00 from the financial security held as PNC Bank Letter of Credit No. 18129603-00-000 for the Stormwater Management Plan for the Hershey Medical Center Academic Support Building Parking Lot Expansion, S-2017-023, resulting in a new balance of \$125,701.00.
- Authorizes the full release of cash financial security in the amount of \$12,903.00, which had been provided for the Post Construction Stormwater Management Plan and Erosion and Sediment Pollution Control Site Plan for Kevin Walker, 1166 Sand Hill Road, S-2019-017.
- Authorizes the release of \$13,254.00 from the financial security provided in the form of Fulton Bank Letter of Credit No. STB283 for the Stormwater Management Plan for 1702 East Chocolate Avenue, S-2019-019, resulting in a new balance of \$2,386.00.
- Authorizes the release of \$20,351.00 from the cash financial security provided for the Stormwater Management Plan for Lot 7 at The Oaks, S-2019-021, resulting in a new balance of \$94,228.00.
- Authorizes the release of \$11,715.00 from the cash financial security provided for the Stormwater Management Plan for 931 Hill Church Road, S-2019- 025, resulting in a new balance of \$2,666.00.
- Authorize the release of \$7,201.00 from the cash financial security provided for the Stormwater Management Plan for Kenneth Taylor, Jr. for 1140 Jill Drive, S-2020-018, resulting in a new balance of \$1,735.00.
- Approval of Accounts Payable \$1,375,763.17, 11/25/20 Payroll of \$325,385.85 and 12/11/20 Payroll of \$292,660.28.

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

NEW BUSINESS:

RESOLUTION 2020 – 33 – BUDGET ADOPTION:

Mr. Christman stated Resolution 2020-33 is for the budget to be adopted. The Board of Supervisors reviewed the Proposed Budget at its advertised Budget Hearing on Tuesday, November 17, 2020. The Board authorized at that meeting that the Proposed FY2021 Budget be advertised and put out for public inspection for 20-days as per Section 3202(b) of the Pennsylvania Second Class Township Code. The Proposed FY2021 budget proposed the following:

- Proposed \$19,300,175 spending plan for 2021. (reduction of 7.18% over the FY2020 budget)

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- Proposed FY2021 budget reduces personnel expenses by 13% over the previous year. *Total personnel Township-wide has been reduced by 27%.*
- Total proposed revenue is anticipated at \$22,982,936 and by 12/31/21.
- The projected year-end General Fund Balance is anticipated at \$3,682,761.
- Real Estate Tax millage remains at 2.5381 for FY2021. No Tax Increase Budget

Supervisor Zmuda made a motion to adopt Resolution 2020-33 to Adopt the Annual Operating Budget for the Township of Derry for fiscal year 2021 in accordance with Article XXXII of the Pennsylvania Second Class Township Code. Supervisor Cort seconded the motion. **Motion carried 5-0.**

RESOLUTION 2020-34 – TAX LEVY FOR FY2021:

Vice Chairwoman Nutt made a motion adopt Resolution 2020-34 setting a Tax Levy for the Township of Derry for fiscal year 2021 in accordance with Article XXXII of the Pennsylvania Second Class Township Code. Supervisor Cort seconded the motion. **Motion carried 5-0.**

RESOLUTION 2020-32-TOWNSHIP-WIDE FEE SCHEDULE, EFFECTIVE JANUARY 1, 2021:

Chairman Abruzzo made a motion to adopt Resolution No. 2020-32 to implement a Township-wide Fee Schedule, effective January 1, 2021. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

EASEMENT ENCROACHMENT AGREEMENT AND ACCESS EASEMENT AT 616 STOVERDALE ROAD:

Mr. Emerick stated Max Pell is the owner of the property located at 616 Stoverdale Road, Hummelstown. This lot was created as Lot 66 on the Revised Final Subdivision and Land Development Plan for The Point, Plat 1265, recorded in 2016, and is improved with a single-family dwelling. Mr. Pell desires to install a fence in his back yard; however, the yard is encumbered with a stormwater easement to accommodate an underground pipe. Consistent with the requirements of the Township’s Stormwater Management Ordinance (Chapter 174), the Plat 1265 plans contain a note that states: *“Easement conflicts prohibited, nothing shall be placed, planted, set, or put within the area of any easement that would adversely affect the function of the easement. No person shall place any structure, fill, or vegetation into a storm water management facility or within a drainage easement which would limit or alter the functions of the facility or easement in any way.”* He stated standard practice is not to issue permits for fences or other structures within easement areas and are especially cautious with encroachments in easement areas that contain surface features. He noted in this case, he does not believe that the fence will adversely affect the function or use of the easement since it contains an underground pipe, as long as access for maintenance can be retained. The encroachment agreement was drafted and reviewed by the Solicitor and gives a clear understanding of the conditions associated with the installation of the fence within the easement area. The agreement reserves the Township ability to access the easement area, assign any costs related to disturbance of the fence to the property owner, requires that any damage to the pipe by the property owner be repaired, and requires that the property owner indemnify the Township against any actions related to the fence. With the execution and recording of the easement encroachment agreement, a permit for the fence can be issued.

Supervisor Cort made a motion authorizing Charles Emerick to execute the easement agreement with the condition that Max Pell reimburses the Township for the Solicitor’s review time and that he records the Easement Encroachment Agreement and Access Easement in the Recorder of Deeds Office of Dauphin County. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

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ADOPTION OF A PROCLAMATION BY THE DERRY BOARD OF SUPERVISORS:

Mr. Mandia stated the Eshenour Family have given much to our community since 1997. As a result of their kindness and selfless contributions of time and resources, it is being proposed to proclaim a day during the year as Jonathan Eshenour Day in order to continue to keep his memory alive for decades to come. He read the full proclamation. He showed the Board the designed version of the proclamation with butterflies which has been a symbol of the Gift of Life Organ Donation Program and each of the Bike It Hike It For Jon Events. He will present it to Cheryl and her family.

Chairman Abruzzo made a motion to adopt the proclamation making the Second Saturday of May each year Jonathan Eshenour Day in Derry Township. Supervisor Cort seconded the motion. **Motion carried 5-0.**

RESOLUTION 2020-37, DONATION FROM THE JONATHAN ESHENOUR FOUNDATION:

Mr. Mandia stated the Eshenour Family and the Foundation is interested in making a contribution to the Township with the remaining funds held under the Foundation. The Foundation is asking that if the Township were to accept the remaining \$103,392.70 funds, that the funds would be utilized for the express purpose of construction, expanding and/or maintaining the Jonathan Eshenour Trail. Below are the conditions associated with the acceptance:

1. The donated funds will be designated to be used towards a project or projects by a public vote of the Derry Township Board of Supervisors and shall be restricted to be used for work related to constructing, expanding and/or maintaining the Jonathan Eshenour Trail.
2. The Township agrees to restrict the above-referenced donated funds to be used only for the construction, expansion and/or maintenance of the Jonathan Eshenour Trail.
3. The above-referenced donated funds will be placed in a separate interest-bearing account that can be tracked within the budget of the Township and will not be "rolled over" into the General Operating Fund.
4. A general accounting of the donated funds will be provided to the Jonathan Eshenour Foundation upon written request, not to exceed once per year, so the Jonathan Eshenour Foundation remains informed of the improvements being made to the trail system.
5. When the donated funds are completely depleted, a letter will be sent to the Jonathan Eshenour Foundation notifying the Foundation that the funds have been expended.

Mrs. Eshenour spoke about the impact a 12-year-old boy who loved to ride his bike has had on the community. She stated in the season of giving she was happy to present the money to the Township.

Vice Chairwoman Nutt made a motion to adopt Resolution 2020-37, accepting a donation from the Jonathan Eshenour Foundation. Supervisor Cort seconded the motion. **Motion carried 5-0.**

SECURITY- STORMWATER MGMT PLAN FOR 1108 WALTONVILLE ROAD, S-2020-023.

Supervisor Zmuda made a motion to accept the cash financial security in the amount of \$16,890.00 and enter into the Agreement to Provide Financial Security with Michael and Meagan Fernandez for the Post-Construction Stormwater Management Plan for 1108 Waltonville Road, S-2020-023. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

SPECIAL FIRE POLICE FOR TRAFFIC CONTROL DURING VARIOUS EVENTS IN 2021:

Chief Warner spoke about the request to utilize the Hershey Special Fire Police, the Lebanon Auxiliary Patrol, Inc., and, on special occasions, other special Fire Police from surrounding municipal fire

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companies, for traffic control and direction during various months in 2021. He spoke about the events they could help with, which could result in cost savings to the Police budget.

Chairman Abruzzo made a motion to approve the request to utilize the personnel of the Hershey Special Fire Police, the Lebanon Auxiliary Patrol, Inc., and other Special Fire Police from surrounding municipal fire companies, for traffic control and direction during various months in 2021. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Zmuda thanked everyone who showed up for the tree lighting event. He spoke about the projects the Transportation meeting discussed today including Ridge Road traffic issues. They spoke about the two options they have with the transportation study of doing nothing or creating a task force and how to approach it. They will work on it and present something to the Board next year.

Supervisor Cort attended the Parks and Recreation Board meeting this month. She thanked everyone who attended the tree lighting. She stated the Capital Campaign has under \$2.7 million and they continue to receive pledges. She spoke about mailings that would be going out and working on two grants. She noted the All Things Diversity next meeting would be January 13. Vice Chairwoman Nutt thanked the Fire Company for doing the Santa run this year. Supervisor Wyckoff thanked the Staff for their hard work and tough decisions made this year.

REPORTS:

<u>Police:</u>	Chief Warner spoke about the progress they are making on the grants for body cameras. He asked residents to stay home if they can with the snow emergency declared and the impending snow coming tomorrow.
<u>Fire</u>	Mr. Sassaman was unable to attend tonight. Chairman Abruzzo spoke about their Santa Run and that they are ready for the snow tomorrow. He thanked volunteer Steve Walls for his years of service to the Community as he passed away this past week. The Board honored him with a moment of silence.
<u>Public Works:</u>	Mr. Clark stated four of his more experienced employees are in quarantine and won't be on the roads to help tomorrow with the snow. He asked everyone for patience as they do the best they can with their employees and some part-timers helping.
<u>Library</u>	Mrs. O'Grady noted the Library is doing contactless delivery. They are offering curbside pickup and home delivery by volunteers.

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<p><u>Community Development</u></p>	<p>Mr. Emerick stated the Hershey Trust would like to do an early childhood education Center and received an application for a conditional use. He has scheduled a January 26 hearing for 6 p.m.</p> <p>He spoke about Stumpy’s Hatchet House. He spoke about the conditional use with the BYOB. He noted the business was originally for 21 years or older. The company has changed their policy and now have areas for 18-20-year-olds where no alcohol would be allowed including those who brought them. In addition, adults over the age of 21 would be able to bring anyone over the age of 13. Everyone under 21, will be wearing a special wrist band. Solicitor Armstrong noted the conditional use did not specifically state it was for 21 years or older but the notes from the meeting did. This is more to make the Board aware of this change and no action is required.</p>
<p><u>Manager</u></p>	<p>Mr. Christman noted there is a snow emergency. He stated it allows the snow emergency routes to be clear and access to PEMA/FEMA funds if necessary. He thanked Mr. Clark as he gets ready for this large snow, especially being understaffed. He asked everyone to be patient and keep their cars off the emergency route. He thanked the Board and Staff for their assistance during a difficult year.</p>

Recreation: Mr. Mandia stated the Mohler Senior Center contribution in the report was the rent they would be paying each year. He stated they would be covering their own Staff and office supply costs. He is working on a separate fee schedule for participation in non-Mohler Senior Center activities. He stated he is willing to sit down with Mr. Ferguson and answer his questions.

They have finalized 3 of the 5 contractor credits for the redesign. They have a savings of \$633,037.47. He noted they are still waiting on the electrical and mechanical credits and once received, he will report it to the Board. There is an additional estimated \$20,000 savings with the bleacher changes. The cost for the redesign with the engineers and architects is \$76,786.20 with an additional \$16,900 in legal fees with the credits. He noted the change in the foundation cost an additional \$289,614. They have hit rock, which was expected. This has cost an additional \$64,000 which is part of the contingency plan.

Supervisor Wyckoff asked Mr. Mandia that if the foundation and pool size options had been put into the initial bid process as bid alternates last year, could we have avoided the cost of the change orders. Mr. Mandia agreed if they had been included as bid alternates. He also noted that Mr. Mandia had stated multiple times, including on September 8, the estimate of cost savings and thanked him. He stated the \$633,000 savings with the redesign is almost the equivalent to a .35 mill increase and adds up to a lot of money. Supervisor Wyckoff noted there would be a \$100,000 yearly operations and maintenance cost savings which is almost \$4 million over 30 years. It sounds like we are saving a lot of taxpayer money with that change. He asked if the new pool would still be PIAA sanctioned and if they could still host events. Mr. Mandia said yes, high school events will still be sanctioned in the new natatorium. He also asked if the changes that they made to the foundation were made because of the recommendations of our engineering consultant that we could not really avoid. Mr. Mandia answered yes. The changes to the project will save us money but is also under budget as of now. Mr. Mandia noted it was too soon to tell at this time if it will be under budget because of unknowns, but as of now, yes. Supervisor Wyckoff noted that he and Vice Chairwoman Nutt do not remember presenting a business plan regarding the changes. Mr. Mandia explained that there was a plan presented from Ken Ballard and the SFA Study. After that, Mr. Mandia believes they were referencing the internal 2-year Pro-Forma that we did as a department. Supervisor Wyckoff believes we made the decisions based on what our paid expert

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consultants told us that we would estimate \$1 million savings up front and \$100,000 each year, so I think we were wise to listen to our expert consultants.

VISITOR/PUBLIC COMMENTS:

Mr. Kevin Ferguson thanked Mr. Mandia for the explanation about the Mohler Senior Center. There was concern when not seeing the information in the plan. He spoke about the interest change in the size of the loan for a Community Center that will be used for the next 40-50 years. He spoke about the hybrid model of foundation proposed by ARM in April, which was contradictory to the one presented by them in November of the year before. He feels it is suspect. He is concerned about the taxpayers being able to use the pool during the hours of 3-7 p.m. since there were issues before. He noted all the programs including the swim team that need to use the pool in addition to the residents, which he believes will cause issues. He stated the Center will need the rent money from the clubs while the taxpayers have a right to use the pool. He stated taxpayers need to know they have access to the pool.

Chairman Abruzzo thanked everyone for all the efforts put forth this year. He stated each Supervisor put in long hours for this unusual year. He spoke about the teamwork of the Board as they faced many challenges and hard decisions. He thanked the Board and the Staff for all their hard work this year.

ADJOURNMENT:

Supervisor Cort made a motion to adjourn the meeting at 8:41 p.m. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary