

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING MINUTES**  
**JANUARY 26, 2021**

**CALL TO ORDER**

*To ensure public safety during the COVID-19 crisis, the January 26, 2021 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 January 26, 2021 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:09 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 from 5:30 p.m. to 6:00 p.m. followed by a public hearing.

**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  
David Sassaman, Hershey Volunteer Fire Department  
Zachary Jackson, Assistant Director of Parks and Recreation  
Cheryl Lontz, Manager of Payroll & 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. Rich Gamble asked for an update on the Township, School District and Hershey Company Amusement Tax Agreement. He also asked when a fiscal update would be given to the residents. Mr. Christman stated they would be done quarterly this year.

**CONSENT CALENDAR:**

Supervisor Zmuda made a motion to authorize action on the following items on the Consent Calendar:

- Adoption of Board of Supervisors Meeting Minutes for the January 4, 2021 Reorganization Meeting.
- Authorizing the release of performance security in the amount of \$763,591.95, provided as PNC Bank Letter of Credit No. 18129317-00-000 for the Preliminary/Final Land Development Plan for the Pennsylvania State University Milton S. Hershey Medical Center Children's Hospital Expansion, Plat 1285.
- Authorizing the release of \$3,402.85 from the performance security provided in the form of Link Bank Letter of Credit No. 696883 for the Preliminary/Final Subdivision Plan for Woodland Hills, Plat 1203, resulting in a new balance of \$76,855.39.
- Authorizing the release of \$4,502.00 from the cash financial security provided for the Stormwater Management Site Plan for 542 West Caracas Avenue, S-2020-016, resulting in a new balance of \$703.00.

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- Authorizing the release of \$5,672.00 from the cash financial security provided for the Post-Construction Stormwater Management Plan for 1108 Waltonville Road, S-2020-023, resulting in a new balance of \$11,218.00.
- Approving Accounts Payable of \$1,635,811.34, 1/8/2021 Payroll of \$289,712.86 and 1/22/2021 Payroll of \$314,020.49

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

**NEW BUSINESS:**

**CENTRAL PENNSYLVANIA AMERICAN RED CROSS PRESENTATION:**

Mrs. Laura Burke is the Executive Director of the Central Pennsylvania American Red Cross. She discussed the services they provide to the community and how they partner with organizations to help communities. She stated they provide the following services:

- Blood collection for hospitals
- Training – life saving skills including CPR, AED, and First Aid.
- Disaster Services – home fires
- Installing smoke detectors
- Military – emergency communications between soldiers and family
- Veterans – homeless, transitional living assistance with moving kits
- Resilience workshops – mental health support and training
- Assist communities with house fires, gas leaks and other such emergencies to help with emergency shelter and providing necessary services.
- Free preparedness training with school children

She spoke about the effects COVID has had on their services. They have provided some services by Zoom while others have been impacted. She spoke about cancelled blood drives and how they are always looking for partnerships for these drives. She spoke about the blood drive in honor of Officer Henry being held on February 2.

She spoke about how important partnerships are with the communities. She shared that Hershey Company, HE&R and PSU Board members have been great partners in Derry Township. They would like to connect with other partners in the community and assist the veteran groups. She thanked the Board for the opportunity to speak about the Red Cross.

**COHEN LAW GROUP- CABLE FRANCHISE RENEWAL AGREEMENT WITH VERIZON:**

Solicitor Armstrong spoke about the cable franchise agreement with Verizon in 2008 with a ten (10) year term. The proposed Agreement has been provided to the Township by the Cohen Law Group and is recommended for approval. He noted the draft agreement included a 3% franchise fee and it should be 5% to go along with Comcast's agreement. The Cohen Law Group will make that change. He noted this will be passed along to the customer. The 5% is for the cable service only and does not include phone or internet. The agreement is now a 5-year term since the future of cable is currently unknown. This Cable Franchise Renewal Agreement needs to be approved by ordinance pursuant to the controlling Act. Therefore, the Board of Supervisors needs to authorize the advertisement of the Ordinance stating that the Board will consider and possibly adopt the Agreement at a public meeting on February 23, 2021.

Chairman Abruzzo made a motion to authorize the advertisement of a public meeting on February 23, 2021 so that the Board of Supervisors can consider and possibly adopt an Ordinance approving and

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authorizing the execution of the Cable Franchise Renewal Agreement with Verizon Pennsylvania, LLC. Supervisor Cort seconded the motion. **Motion carried 5-0.**

**CONSULTING SERVICE - OPERATIONAL PREPAREDNESS - COMMUNITY CENTER:**

Mr. Jackson spoke about the work they are doing to prepare for the new organizational framework for their department and the opening of the Community Center. The new Center will be 90,000 square feet in comparison to the previous 19,000. The number of programs, program participants, variety of utilization, staff requirements and dynamics and overall facility responsibilities have significantly increased. They have put in place many policies and procedures, updated job descriptions to meet many of these new demands and began formulating new program menus. In the 2021 budget, \$5,500 has been placed for professional services, which they would like to use with Ballard King for consulting fees. He discussed the milestones that Ballard King would help develop with them regarding scheduling and operations. Vice Chairwoman Nutt asked if there would be any other consulting fees this year. Mr. Jackson said no.

Supervisor Cort made a motion authorizing the execution of an agreement with Ballard King for the services outlined within their proposal in the amount of \$5,500. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

**REVISION TO TRAIL EASEMENT FOR FOX GLEN DRIVE PLAN, PLAT 1313:**

Mr. Emerick stated Plat 1313 represented the combination of 2 existing lots into a single lot that was then subdivided into 6 new lots. The property is located along Fox Glen Drive, east of Waltonville Road, west of Shank Park. The approved plan was recorded in February 2020. Since that time the developer, The McNaughton Company, has been working on the public improvements necessary for the development. The approval of this plan provided many benefits to the Township. Fox Glen Drive is being extended into a true cul-de-sac, and the extension of the road with curbing and storm pipes provides better control of the upland stormwater. In addition, this plan proposed a pedestrian connection from Fox Glen Drive to Shank Park. On October 28, 2020, a request, or construction modification, from the owner/developer to relocate the trail to the south of the originally proposed location was received. HRG's review asked for a revised Easement Agreement and a commitment from the owner/developer to record the Agreement. Although the trail has been constructed in the new location, the revised Easement Agreement was recently received. It has been reviewed by Solicitor Armstrong and HRG and has been executed by the owner/developer. It is presented for acceptance by the Board of Supervisors. Once signed, the easement will be recorded by the owner/developer.

Vice Chairwoman Nutt made a motion authorizing Chairman Chris Abruzzo to execute the Easement Agreement for the revised pedestrian trail location. Supervisor Cort seconded the motion. **Motion carried 5-0.**

**EASEMENT ENCROACHMENT AGREEMENT AND ACCESS EASEMENT AT 616 STOVERDALE ROAD:**

Mr. Emerick showed the Board the location of this plan on the map. He stated the plan by the Ronald McDonald House Charities of Central Pennsylvania (RMH) was submitted as a subdivision and lot consolidation plan. The plan shows the subdivision of approximately 0.99 acres from the lands of the Crest of Hershey for transfer into the property holdings of RMH to create an approximately 2.9-acre tract. The property being subdivided contains two dwelling units and a tennis court. The properties are located in the Hershey Mixed Use zoning district. The existing RMH parcel contains uses approved by

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three prior land development plans and a few Zoning Hearing Board (ZHB) decisions. The existing homes being acquired by RMH may only be used as long-term rentals until such time as RMH may seek to expand their nonconforming use to those structures or to other development on that portion of property. There are no stormwater or traffic concerns related to this plan since it proposes no new development. He discussed each of the waivers and conditions of the plan. He noted the original plan requested a deferment from the road widening requirements and changed it to a waiver request.

Chairman Abruzzo made a motion to approve the following waivers from the Subdivision and Land Development Ordinance for the Preliminary/Final Subdivision and Lot Consolidation Plan for Ronald McDonald House Charities of Central Pennsylvania and Parcel 'D' of The Crest of Hershey, Plat 1335:

1. Waivers from Sections 185-12.(D).1 and 185-13.(E).1 - Plan Sheet Size.
2. Waiver from Section 185-12.D.(3).(a).[9] - Existing Features Within 200 Feet of the Tract of Land to be Subdivided.
3. Waivers from Sections 185-12.D.(3).(a).[21], [22], and [23] and 185- 13.E.(4).(a).[19], [20], and [21] – Plans and Profiles of Proposed and Existing Storm Sewer or Conveyance Systems, Sanitary Sewer, Gas, and Water Systems at a Scale of 1" = 50' Horizontal and 1" = 5' Vertical.
4. Waivers from Sections 185-12.D.(2) and 185-13.E.(3) - Plan scale not smaller than 1" = 50'.
5. Waiver from Section 185-12.D.(3).(a).[35] - Topographic land contours at minimum vertical intervals of two feet on the tract of land to be developed or subdivided and within 200 feet of the perimeter.
6. Waiver from Section 185-13.E.(4).(a).[36] - Topographic land contours at minimum vertical intervals of two feet on the tract of land to be developed or subdivided and within 50 feet of the perimeter.
7. Waiver from Section 185-22.D.(2) – Road widening.
8. Deferment from Sections 185-22.D.(3) - Right-of-way dedication, with the stipulation that the property owner enters into an agreement with the Township that would allow the Township to require additional right-of-way width in the future if deemed necessary. This deferment would be limited to the Briarcrest Road frontage only as Hillview Lane and Governor Road meet our minimum right-of-way width standards. Briarcrest Road is substandard by 5 feet.

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

Vice Chairwoman Nutt made a motion to approve the Preliminary/Final Subdivision and Lot Consolidation Plan for Ronald McDonald House Charities of Central Pennsylvania and Parcel 'D' of The Crest of Hershey, Plat 1335, subject to compliance with the following items:

1. The applicant reimburses the Township for costs incurred in reviewing the plan no later than February 26, 2021.
2. Monuments and pins are installed and inspected by HRG, Inc. either:
  - a. No later than July 26, 2021 OR,
  - b. A financial security is provided no later than July 26, 2021 to guarantee the installation of the proposed monuments and pins in an amount and manner acceptable to the Township.
3. The applicant/owners execute the Development Agreement if the applicant chooses to comply with Condition b.1 above, OR that the applicant/owners execute the Development and Financial Security Agreement if the applicant chooses to comply with Condition b.2 above, no later than July 26, 2021.
4. All comments in the attached January 14, 2021 HRG, Inc. letter are addressed no later than July 26, 2021.

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5. A CD containing a digital file of the final plan in Auto CAD or DXF compatible format is provided to the Township no later than July 26, 2021.
6. Two originals of the signed and notarized Development Agreement (if the applicant chooses to comply with Condition b.1 above) OR Development and Financial Security Agreement (if the applicant chooses to comply with Condition b.2 above) are provided to the Township no later than July 26, 2021.
7. Two originals of the signed and notarized Agreement for Deferment of Cartway and Right-of-Way Widening are provided to the Township no later than July 26, 2021.
8. The Development Agreement (if the applicant chooses to comply with Condition b.1 above) OR the Development and Financial Security Agreement (if the applicant chooses to comply with Condition b.2 above) is recorded concurrently with the plan.
9. The Agreement for Deferment of Cartway and Right-of-Way Widening is recorded concurrently with the plan.

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

**RESOLUTION 2021-08- COVID-19 RECOVERY FLEXIBLE BUSINESS SUPPORT PROGRAM:**

Chairman Abruzzo made a motion to adopt Resolution No. 2021-08 extending the term of Resolution No. 2020-15 enabling the Derry Township COVID-19 Recovery Flexible Business Support Program and guidelines to remain effective for an additional 90 days, or until such time as the Township repeals Resolution No. 2020-15. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

**CORRESPONDENCE BOARD/COMMITTEE INFORMATION:**

Supervisor Zmuda attended the transportation meeting with Vice Chairwoman Nutt. He stated HE&R provided event dates and they will be working with traffic on Ridge Road. Park Boulevard lights will be installed this year. Sand Hill extension has no new date. The Greater Hershey Study will be reviewed with himself, Mr. Emerick and Vice Chairwoman Nutt and how to approach the study results. He encouraged residents to continue to use masks as the vaccinations are rolled out as he lost a member of his family from COVID.

Supervisor Cort's Board meetings were cancelled and she attended the All-Things Diversity Meeting which is available online. Vice Chairwoman Nutt attended the transportation meeting, ICDA did not meet, and she attended the Library meeting. Supervisor Wyckoff attended the DTMA meeting where they provided an update on projects, the bonds and the restructuring of their debt.

**REPORTS:**

<u>Police:</u>	Chief Warner spoke about the blood drive for Officer Henry. He also noted that Officer Henry's name will be added to the memorial in Washington DC. He spoke about their bias free policing and how they will be capturing data on each stop to ensure transparency and that they are not profiling. This will start on Feb 3.
<u>Library</u>	Mrs. O'Grady spoke about the outdoor book return they have and how they are providing services for book deliveries.

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<u>Parks &amp; Recreation</u>	Mr. Jackson went over a presentation about the status of the Community Center. He showed the Board maps of the internal structure and pictures of the proposed outside of the Center. They are working on the footings and foundations and will start the steel framing soon. He showed pictures of the foundation work completed in December. He spoke about the progress and provided a three week look ahead of completing the framing and the steel framing beginning in February.
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**VISITOR/PUBLIC COMMENTS:**

Mrs. Linda Eyer asked as the construction of the Community Center moves forward are there any updates on the costs. She asked about the costs with opening the Center and where they would be coming from. Chairman Abruzzo asked for an update at the next meeting.

Mr. Wayne Rivers spoke about entities needing space to play sports including a basketball league he is involved with. He would like to see the Township reach out to leagues outside the township for youth basketball. He would like to hear how they are reaching out to them.

Mr. Kevin Ferguson noted that at the last meeting they passed a resolution for the 2020 accounts to be audited. He asked about the entertainment tax audit three years ago and was told it is self-reporting and that an audit has never been done. He would like to see this audited. He noted on the Township's website, the business plan for the Community Center was removed. He noted there is no financial information about the Center on the website including change orders. He believes since this is a resident funded Center, there should be information available. Chairman Abruzzo believes there needs to be information including up-to-date information. He asked Mr. Christman to speak to Mr. Mandia to address these questions.

**ADJOURNMENT:**

Supervisor Zmuda made a motion to adjourn the meeting at 8:39 p.m. Supervisor Cort seconded the motion. **Motion carried 5-0.**

**SUBMITTED BY:**

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Carter E. Wyckoff  
Township Secretary