

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
FEBRUARY 9, 2021

CALL TO ORDER

To ensure public safety during the COVID-19 crisis, the February 9, 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 February 9, 2021 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:22 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 5:00 p.m. to 6:00 p.m. where legal and personnel issues were discussed. At 6 p.m. tonight there was 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
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
Laura O'Grady, Director of Hershey Public Library
Matt Bonanno, HRG Engineer
Matt Lena, HRG Engineer
Brian Blahusch, IT Manager
Julie Echterling, Recorder

VISITOR/PUBLIC COMMENTS:

Mrs. Vicki Caloiero, 840 Linden Road, stated she is on the Board of the Hershey Historical Society and is here tonight with Mrs. Nicki Soliday (Director) and Mr. Verdelli (Society President). They sent a letter to the Board last week. She spoke of their goal to preserve and promote the history and heritage of the community. They would like to see a panel that reviews and evaluates the properties of homeowners that propose significant changes, development, or demolition of properties in the Hershey Village Core. Their objective is to recommend actions or alternatives to keep their streetscape. They are asking the Board to define the scope of the proposed review panel. She asked the Board for a commitment and a contact and how to move forward with this. Chairman Abruzzo thanked her for her letter. He noted this would be similar to the Design Board. He suggested she meet with Mr. Christman and Mr. Emerick to work out the details with legality and then come back to the Board for further discussion.

Mrs. Teresa Peschel, 48 Half Street, spoke about the snow that covers the button to push at certain crosswalks in the Township. She spoke about the crosswalks being cleared but being unable to push the button to allow safe passage. She also spoke about the desire to see a crosswalk at Hockersville Road near Staples and CVS. She noted the hotels in the area and tourists need to cross there. Chairman Abruzzo asked Mr. Clark and Mr. Emerick to see what they can do to get the areas around the poles at the intersections cleared for pedestrians to use safely.

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Mr. Rich Gamble, 39 Hockersville Road, spoke about the crosswalk at Hockersville Road and it not being enough time to get across the highway. They may want to look at the timing. He asked about looking for a sensor to help with crossing. He also asked about the entertainment tax and any progress. Chairman Abruzzo stated his request is not falling on deaf ears. They are looking at all options for increased revenue for the Township. He spoke of the sensitivity of decreased revenue at this time.

Mr. John Foley, 238 Mine Road, is part of the MHS Alumni Association which has over 11,000 members. He stated they support the initiative being proposed tonight and will be watching for things that might go outside of Derry Township and the Trust.

CONSENT CALENDAR:

Vice Chairwoman Nutt made a motion to authorize action on the following items on the Consent Calendar:

- Adoption of Board of Supervisors Meeting Minutes for the January 26, 2021 Public Hearing.
- Adoption of Board of Supervisors Meeting Minutes for the January 26, 2021 Public Meeting.
- Approving Accounts Payable \$234,180.46 and Payroll of \$303,115.04

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

NEW BUSINESS:

PEDESTRIAN ACCESS IMPROVEMENT PROJECT:

Mr. Emerick stated Mr. Matt Lena, HRG, will be providing an overview of the Pedestrian Access Improvements Project located along Chocolate Avenue between Valley Road and Linden Road, and at the intersections of West Caracas Avenue/Valley Road, West Caracas Avenue/Ridge Road, and West Caracas Avenue/Linden Road. Mr. Lena stated the purpose of the project is to provide a sustainable pedestrian travel way that addresses pedestrian facility deficiencies. The need for the proposed project is based upon narrow (4.5- foot) sidewalks along the north and south side of SR 0422, ponding of water and ice along various portions of the SR 0422 sidewalk, non-compliant ADA ramps, and faded crosswalk markings. This project generally consists of replacement of the existing SR 0422 sidewalks with wider (6.5-foot) sidewalks, surface improvements to promote positive drainage away from the Chocolate Avenue sidewalks, replacement of ADA ramps at the intersections of Caracas Avenue/Valley Road and Caracas Avenue/Ridge Road, and replacement of the existing crosswalk markings along Caracas Avenue.

He showed the Board the project plan maps of the pedestrian access areas on a map. He stated the project is slated to start in the Spring of 2022 and have a cost of approximately \$500,000. Mr. Emerick spoke about the normal viewing process for these types of projects where they would have posters on easels in the Township building for display. However, because of COVID, they are doing this presentation to show the public the proposed improvements. He noted the Township would pay for the project design, pre-construction permits and clearances while the construction costs are fully funded by PennDOT.

CONDITIONAL USE-2020-05-MHS- EARLY CHILDHOOD EDUCATION CENTER:

Mr. Emerick stated a public hearing was held on January 26, 2021 for the Conditional Use Application No. 2020-05 for Milton Hershey School Early Childhood Education Center, as filed by Hershey Trust Company, Trustee for Milton Hershey School. The applicant proposes to establish a Group Child Care Facility on property located at the southwest corner of the intersection of Governor Road and Homestead Road. Within their application, they identify the use as an "Early Childhood Education Center." The

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Planning Commission recommended the application be granted at their January 2021 meeting. He read through the conditions for the application.

Supervisor Zmuda supports the proposed Center but is concerned with traffic. Mr. Emerick showed the draft Traffic Study. Mr. Lena spoke about a more technical review being done with the PennDOT scoping meeting. Chairman Abruzzo spoke about his concerns with traffic at the 322 intersection between 7-8 a.m. with the current backups in the area. Mr. Emerick stated this is for the conditional use which will allow them to move forward so that traffic will be more scrutinized in the land development plan and with PennDOT.

Supervisor Zmuda made a motion for Decision for Conditional Use Application No. 2020-05 be adopted with the following conditions:

1. The applicant shall process and secure all approvals of a subdivision and land development plan in accordance with Chapter 185 (Subdivision and Land Development) of the Code of the Township of Derry.
2. The final subdivision and/or land development plan shall provide a fifty (50) foot wide easement across Lot 3 for the purpose of allowing Lot 1 to have vehicular access to Homestead Road as depicted on Exhibit Applicant-2. The final subdivision and/or land development plan shall also provide a pedestrian trail as an extension of the Township's trail system across the Property as depicted on Exhibit Applicant-2, and shall grant the requisite easement associated therewith.
3. The facility operators shall meet all State and Federal licensing and registrations requirements and shall provide proof of compliance with the Commonwealth of Pennsylvania Code, Title 55, Chapter 3270, Child Day Care Centers, et. seq., to the Derry Township Community Development office prior to issuance of a final certificate of use and occupancy for the facility.
4. Indoor and outdoor play areas shall be provided for the Group Child Care Facility in accordance with State and Township requirements and the Derry Township Zoning Ordinance.
5. Outdoor play areas shall be provided for the Group Child Care Facility in accordance with Sections 225-501.52.B.1 through 3 of the Derry Township Zoning Ordinance as it relates to location and enclosures.
6. The Applicant shall construct, install, or modify the adjacent roadways and traffic facilities in accordance with the final approval of the Transportation Impact Study for the project.
7. Site development shall be in accordance with all applicable Federal, State, County, and Township laws and regulations.
8. The authorization of the Conditional Use request shall not relieve the applicant from filing for and receiving approval of any permit, land development, subdivision, or site plan that may be required in accordance with all applicable Federal, State, County, and Township laws, regulations and/or requirements or from otherwise complying with all applicable laws, regulations and/or requirements.
9. The authorization of the Conditional Use by the Board of Supervisors shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained for the proposed use within 24 months from the date of the grant of approval of the Conditional Use, except as may be extended by applicable law or action by the Board of Supervisors.
10. The Applicant shall construct the improvements in general compliance with the plans and specifications submitted to the Board of Supervisors during the hearing of this matter; provided, however, that if the improvements that are the subject of this hearing, as finally approved and permitted, require modifications not contrary to the Conditional Use requirements due to other approvals, permits, land development, subdivision, or site plan approvals that may be required in

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accordance with all applicable Federal, State, County, and Township laws, regulations and/or requirements, no additional action by the Board of Supervisors shall be required.

11. The Applicant shall comply with and/or satisfactorily address the comments and requirements set forth in the November 9, 2020 Township Engineer Review Letter submitted by the Applicant as Exhibit Applicant-6.
12. The Applicant shall comply with all other applicable regulations, ordinances, and resolutions of the Township of Derry and all applicable State and Federal laws and regulations.
13. Any violation of any condition imposed herein shall be a violation of the Derry Township Zoning Ordinance and shall be subject to enforcement as provided in the Ordinance.

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

PLAN-HERSHEY TRUST & COMMONWEALTH OF PA-PLAT NO. 1334:

Mr. Emerick stated the catalyst for this plan is that the Pennsylvania State Police Academy's need to update and expand their facilities. Hershey Trust Company controls the land to the north and south of the existing Police Academy that the Commonwealth of Pennsylvania (TCOP), needs to acquire in order to ensure the continued success of the Police Academy in Hershey. Hershey Trust Company is also taking this opportunity to establish proper property boundaries for their lands in the immediate area and to obtain subdivision approvals for the de facto subdivisions created when Hersheypark Drive was realigned and extended. He showed the Board the locations and the four lots on the map.

- Cemetery Tract (Lot 1)
 - The Hershey Cemetery deed contains two tracts of lands. Tract 1 contains the cemetery and was subdivided as Lot 3. Tract 2 contains a residential dwelling located at the northeast corner of the intersection of Laudermilch Road and Swatara Road. This plan proposes to convey a portion of Tract 2 to Lot 3 (Tract 1), creating a 3.745-acre residue tract of land around the dwelling. The majority of the tract is located in the Conservation zoning district. The portion of the Cemetery Tract 1 that crosses Swatara Road will be conveyed to TCOP.
- Hersheypark Drive Tract (Residue Lot 2B)
 - Tract No. 3-within this plan, two other portions of Tract No. 3 are being conveyed. Area "C" and Area "H" are also parts of Tract No. 3, which are being conveyed to TCOP. Residue Lot 2B is located in the Palmdale Mixed Use and Palmdale Future Development Area Overlay zoning districts.
- Lot No. 1 (Troegs Tract)
 - When Hersheypark Drive was extended to Lingle Avenue, Hersheypark Drive was relocated to the north, Tract No. 3 was severed by the relocation, which is to be joined with the tract containing the Brewery. All of Lot No. 1 is located in the General Commercial zoning district.
- Lot No. 4 (State Police Academy)
 - The existing Police Academy facility spans two separately deeded tracts of land located in the Planned Campus North zoning district. This plan proposes to join the two existing tracts together and add eight tracts of land to create a final lot area of 136.111 acres which will have frontage on public roads. The conveyance will result in the existing office building at the northwest corner of the intersection of Hersheypark Drive and Laudermilch Road becoming part of the Police Academy tract. The residue tract is located in the Conservation zoning district.

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The applicants are not proposing any construction on any of the lands as a part of this subdivision plan; therefore, no consideration for traffic or stormwater is necessary. He discussed each of the waivers including the waivers and deferment of sidewalks and showed the Board a map of the location of the waivers. He spoke about an agreement for the deferment of the sidewalks with the Trust. He discussed each of the conditions for approval and the removal of one condition because of the sidewalk agreement.

Mr. Ken Gall, Hershey Trust, spoke about the first objective of the plan is to keep the Police Academy in Hershey. He spoke about the land/easements that Hershey Trust provided for the relocation of Hershey Park Drive and the promised land for the bridge for 743. He stated the cost of what has been provided by the Trust was \$1.7 million including 9 acres provided for stormwater facilities on Hersheypark Drive. The Board and Solicitor discussed if a precedent is being set and noted this is a plan to clean up concerns and that no new development is being proposed.

Chairman Abruzzo made a motion to grant the requested waivers and deferments from the Subdivision and Land Development Ordinance for the Preliminary/Final Subdivision Plan for Hershey Trust Company and the Commonwealth of Pennsylvania, Plat 1334 outlined below:

1. Waivers from Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] – Profiles of stormwater systems, sanitary sewer systems, and gas and water systems.
2. Waivers from Sections 185-12.D.(2) and 185-13.E.(3) - Plan scale
3. Waiver from Section 185-34.A.(1) – Sidewalk locations- except along Hersheypark Drive and Laudermilch Road south of Hersheypark Drive, with the condition that the applicants offer the fee in-lieu of installation in accordance with Section 185-34.A.(4).
4. Deferment from Section 185-34.A.(1) – Sidewalk locations- with an agreement will memorialize the deferral of the sidewalk requirements under the Subdivision and Land Development Ordinance for all road frontages to the south of Hersheypark Drive and the east of Laudermilch Road. No financial security will be posted, but upon conveyance of any portion of those lands to any third party, notice must be provided to the Township and at that time the Township may, at its discretion, require the new owner to post financial security.
5. Deferments from Section 185-22.D.(2) and Section 185-22.E – Cartway widths and curbs-with the stipulations that the applicants revise Sheet 1 of the plan and the supporting information to also reference Section 185-22.E for curbs (Section 185-22.D.(2) only relates to right-of-way and cartway widths), and that the property owner enters into an agreement with the Township that would allow the Township to require additional cartway width and curb installation in the future if deemed necessary.
6. Waiver from Section 185-49.A – Wetlands determination
7. Waiver from Section 185-31 - Landscaping and shade trees.

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

Chairman Abruzzo made a motion to approve the Preliminary/Final Subdivision Plan for Hershey Trust Company and the Commonwealth of Pennsylvania, Plat 1334, subject to compliance with the following:

1. The applicants reimburse the Township for costs incurring in reviewing the plan no later than March 9, 2021.
2. Monuments are installed and inspected by HRG, Inc. no later than August 9, 2021 OR that financial security is provided no later than August 9, 2021 to guarantee the installation of the proposed monuments in an amount and manner acceptable to the Township.
3. The applicants/owners execute the Development Agreement (including financial security stipulations, if required) no later than August 9, 2021.

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4. The plans are revised to depict the 36-inch C.I.P. crossing the railroad along the southern line of Lot 2 no later than August 9, 2021.
 5. Sheet 1 of the plan under 'Waivers Requested' and the supporting information are revised to delete "185-12.D.(3).(a).[21], [22], [23] and 185- 13.E.(4).(a).[19] to" from the plan scale waiver request no later than August 9, 2021.
 6. All comments in the attached January 11, 2021 HRG, Inc. letter are addressed no later than August 9, 2021.
 7. 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 August 9, 2021.
 8. Three originals of the signed and notarized Development Agreement (including financial security stipulations, if required) are provided to the Township no later than August 9, 2021.
 9. Two originals of the signed and notarized Agreement for Deferment of Cartway Widening and Curb and Sidewalk Installation are provided to the Township no later than August 9, 2021.
 10. The Development Agreement (including financial security stipulations, if required) is recorded concurrently with the plan.
 11. The Agreement for Deferment of Cartway Widening and Curb and Sidewalk Installation is recorded concurrently with the plan.
 12. The deeds of dedication for right-of-way along Laudermilch Road, Swatara Road, Kieffer Road, and Peffley Road are recorded concurrently with the plan.
- Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

GROUNDWATER SAMPLING AND ANALYSIS FOR THE LANDFILL:

Mr. Clark stated on January 27, 2021 bids were opened for the Groundwater sampling and analysis for the landfill site. The groundwater sampling is a requirement of the Township's permit with DEP. Four requests for the bid proposal were received and one proposal was received from ALS Environmental at a cost of \$12,586.05 annually for two years.

Chairman Abruzzo made a motion to award the contract for groundwater sampling and analysis to ALS Environmental in the amount of \$25,172.10. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

LANDFILL SEED MIXTURE SEEDING FOR FINAL CLOSURE BID:

Mr. Clark discussed the bids received on December 1, 2020 for the Landfill Seed Mixture Seeding for Final closure. The seeding will be the final step in completion of the Landfill Cap Project. Three bids were received with Malco Landscaping being the low bid at \$22,610. The funds will come out of the 2021 Solid Waste Fund of the General Fund.

Chairman Abruzzo made a motion to award the Landfill Seed Mixture Seeding to Malco Landscaping in the amount of \$22,610. Supervisor Cort seconded the motion. **Motion carried 5-0.**

DTMA BOARD APPOINTMENT:

Supervisor Wyckoff stated DTMA Board member Mr. Mike Postick resigned from the Board because he has accepted a position with DTMA. This position needs to be filled and he nominated Mr. Christman to fill the position. Supervisor Wyckoff made a motion for Mr. Christman, Township Manager, to fill the position on the DTMA Board vacated by Mr. Postick for the remainder of his term, which will expire on December 31, 2023. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

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CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

The Board thanked Mr. Clark for the great job Public Works did with the snow removal. Supervisor Wyckoff attended the DTMA meeting and thanked Mr. Postick for his time on the Board. DTMA is working to become financially independent and achieved an AA- rating.

REPORTS:

<u>Police:</u>	Chief Warner spoke about the opportunity for the officers to be vaccinated through UPMC.
<u>Public Works:</u>	Mr. Clark stated they are busy with snow removal and salting.
<u>Library:</u>	Mrs. O’Grady thanked Public Works for clearing the Library of snow. She spoke of the success of the virtual time.
<u>Parks & Recreation</u>	<p>Mr. Mandia provided the following answers to questions asked at previous meetings:</p> <ul style="list-style-type: none"> • Approximately \$6.5 million has been spent on the Center as of February 2. • They will be reaching out to youth leagues in the spring when they start looking at schedules. This will be one year from their opening. • Below are the lanes that will be available in the new Center versus the old. He assured residents there will be lap lanes available for the public. <ul style="list-style-type: none"> ○ Winter - 14 lanes in the new facility versus 6 in the old center. ○ Summer - 20 lanes in the new facility versus 14 in the old center. • They have updated the website and will continue to update the site. <p>He showed the proposed outside of the building and the current pictures of the steel structures put into place at the site. He is working with his staff and Capital Construction to submit the required RACP grant information for the administration of the grant.</p>

VISITOR/PUBLIC COMMENTS:

Mr. Steve Seidl stated he is happy to see the crosswalks being added. He spoke about concerns with the crosswalk at Royers and the high-rise building. He believes this location is problematic since people go faster than 25 mph. He asked if it could be part of the project discussed tonight with crosswalks. He asked if they could consider a yellow flashing light to alert motorists that someone is crossing. He would like to see additional improvements to crosswalks at Cocoa and the Library and the new Community Center. Chairman Abruzzo asked about increasing speed enforcement in that area.

Mr. Rich Gamble noted that there are obstructions in the right of way with signs that make it hard for cars to see someone trying to cross especially at Valley. He suggested asking the businesses to move the signs back for the safety of the pedestrians.

ADJOURNMENT:

Supervisor Zmuda made a motion to adjourn the meeting at 9:05 p.m. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary