

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
FEBRUARY 23, 2021

CALL TO ORDER

To ensure public safety during the COVID-19 crisis, the February 23, 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 23, 2021 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 from 6:30 p.m. to 6:55 p.m. where land, legal and personnel items were discussed.

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:

There were no comments offered.

CONSENT CALENDAR:

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

- Adoption of Board of Supervisors Meeting Minutes for the February 9, 2021 Public Meeting.
- Adoption of Board of Supervisors Meeting Minutes for the February 9, 2021 Public Hearing.
- Approving Accounts Payable of \$893,062.90 Payroll of \$301,634.35.

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

NEW BUSINESS:

AUTHORIZATION - POOLED MUNICIPAL PENSION FUNDING PROGRAM:

Mr. Christman spoke about working with RBC on liabilities for the pension and evaluating options with the Act 205 money. He noted the preliminary numbers show that this could yield a \$440,000 annual savings in MMO costs for the next four years.

Mr. Louis Verdelli, RBC, stated they have partnered with the Commonwealth to work with municipalities with Police Pensions and the underfunding of them. He explained how the pledged Act 205 revenues would be pledged to debt service with no additional funds from the Township to support

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the bond. Mr. Stephen Flaherty, RBC, provided a detailed explanation of the Act 205 funds, bond offering, and how this could help reduce costs for the Township. He went over two charts in their PowerPoint presentation. The first chart illustrated the cost of the pensions to the Township as status quo and the second showed the costs after the proposed transaction. He spoke in detail about the amortization and how the bonds would cover the debt with Act 205 money. He went over a flowchart showing how the Act 205 funds are distributed today and the proposed way they would flow with the bonds. He spoke about the little risk there would be to the bond holders with the Act 205 money.

Vice Chairwoman Nutt asked about the savings in the first few years with costs for the Township in the years after. Mr. Flaherty spoke about front loading the savings in the first few years, the benefits and how it works with the amortization. He spoke about the debt service and the ACT 205 money. Chairman Abruzzo asked about the risk on a scale of 0-10 for the Township. Mr. Verdelli spoke about how the bond would work with the bondholders taking 100% of risk of the debt. Mr. Flaherty noted the risk to the Township is zero. He spoke about the Act 205 money being driven by a tax on homeowner's insurance and how this is a stable form of revenue which is spelled out by regulations. She asked if the lifetime savings of \$541,000 included the cost of the transaction with underwriting and other such costs. Mr. Flaherty stated it is the net and the cost of the transaction would be 2-3% of the total borrowing. She asked if others were offering this type of service or just RBC. Mr. Flaherty stated they are the only one offering with cooperation of the Commonwealth.

Supervisor Wyckoff asked if other municipalities are participating. Mr. Flaherty stated there are some that have full participation and others working toward getting on board. He believes the first offering will have 8-12 participants and be a \$100 million offering. Mr. Christman spoke of the issues in the past with the market declines and the pension funds. He stated an option like this was never available before. He noted that this can help grow the pensions and could reduce the MMOs.

Supervisor Cort asked about timing. Mr. Flaherty spoke about some requirements with PEDFA and agreements that would be needed for the Act 205 money to go directly to the bond holders and finalizing the bond process. He is hoping for April timeframe to go out with the first offering. Chairman Abruzzo spoke about this being a very technical issue and believes the Board needs more time to review the information and ask questions. He proposed tabling action on the item until next meeting.

Vice Chairwoman Nutt made a motion to **TABLE** action on authorizing the Administration to work with RBC Capital Markets to join the Pooled Municipal Pension Funding Program until the March 9 meeting. Supervisor Cort seconded the motion. **Motion carried 5-0.**

MAXIMUM PARAMETERS ORDINANCE-FINANCING OF THE COMMUNITY CENTER:

Mr. Christman discussed the request for authorization for the Township's financing team to proceed with preparing a maximum parameters ordinance for the financing of the Derry Township Community Center Project (DTCCP). As work continues to proceed with the DTCCP, the Administration is recommending the Board of Supervisors authorize the financing team to begin preparing a maximum parameters ordinance for the purpose of borrowing funds to complete the DTCCP. He noted there are other capital needs for the Township. He spoke about replacing the Police Department's leaking roof, the failing HVAC system in Public Works and the additional borrowing necessary for the landfill with the DEP requirements. Mr. Verdelli noted he was working with Mr. Mandia about the size of the final borrowing needed. He spoke about the low interest rates, recent changes and wanting to move sooner rather than later. He will prepare the documents and come back to the Board with the required ordinance.

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Vice Chairwoman Nutt made a motion to authorize the Administration to work with RBC Capital Markets, as bond underwriter, PFM as financial advisor and McNees, Wallace, & Nurick, LLC, as bond counsel, to prepare the necessary documents for the issuance of bonds. Supervisor Cort seconded the motion. **Motion carried 5-0.**

WASTE MANAGEMENT CONTRACT EXTENSION:

Mr. Christman stated the Township has a three-year contract with Waste Management. This is the second extension of the contract and would run from April 01, 2021 to March 31, 2022. Residential units will receive an increase of \$0.54 per quarter while multi-family commercial dumpster accounts will reflect a \$0.06 increase per cubic yard. He noted later this year they will need to do an RFP for a new contract for trash collection which would be effective for April of 2022.

Supervisor Cort made a motion to approval the second extension of the Contract with Waste Management of Pennsylvania, Inc. for the Collection and Disposal of Solid Waste, Yard Waste and the Collection, Processing and Sale of Recyclable Materials for a period commencing on April 1, 2021 and terminating March 31, 2022. Supervisor Zmuda seconded the motion. **Motion carried 4-0-1.** Vice Chairwoman Nutt abstained with a conflict of interest.

ORDINANCE 2021-01 -VERIZON CABLE FRANCHISE RENEWAL AGREEMENT:

Solicitor Armstrong spoke about the 2008 cable franchise agreement with Verizon agreement with a ten (10) year term. As discussed at a prior meeting, the Agreement has been revised to reflect a 5% franchise fee. The Cable Franchise Renewal Agreement needs to be approved by ordinance pursuant to the controlling Act. The Board authorized this ordinance to be advertised for a public hearing and possible adoption at your February 23, 2021 meeting.

PUBLIC HEARING: Solicitor Armstrong opened the public hearing on the Verizon Cable Franchise Renewal Agreement at 8:11p.m. He noted this hearing has been advertised. He spoke about the agreement which allows cable companies to operate in the rights of way in the Township. He noted this was not an exclusive right for just Verizon as there is an agreement with Comcast for the same access. He noted the agreement is proposed for five years. He noted that a change was made to the contract to be 5% franchise fee to match the agreement with the other cable company.

Solicitor Armstrong asked if the Board had any questions at this time. Chairman Abruzzo noted that the 5% fee is revenue to the Township. Solicitor Armstrong noted that the 5% fee is passed onto the customers. Solicitor Armstrong asked if there were any public comments at this time. There were no comments offered. He closed the public hearing at 8:14 p.m. Solicitor Armstrong noted that the hearing was closed, and the Board could act on the ordinance if they chose.

Chairman Abruzzo made a motion to adopt Ordinance No. 2021-01 approving and authorizing the execution of the Cable Franchise Renewal Agreement with Verizon Pennsylvania, LLC. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

TEXT AMENDMENT TO THE ZONING ORDINANCE-PETITION NO. 2020-01:

Mr. Emerick stated the Board held a public hearing to consider Zoning Amendment Petition No. 2020-01 on February 9, 2021. During the course of the hearing, Charles Courtney, Esq., provided information related to the proposed text amendment. He stated it appeared to be the direction of the Board that Staff,

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the Applicant, the Township Solicitor, and HRG should further review the requested text amendment, including consideration of public comment(s), and revise the draft ordinance amendment for further consideration of the Board. He has received two letters from the public regarding the proposed amendment. He noted once the revised draft ordinance is ready, the Board can do one of the following actions:

- If agreeable with the draft ordinance amendment as modified, wanting to proceed with possible adoption, the Board can direct staff to provide the revised amendment to the Township and County Planning Commission and advertise it for a public hearing for consideration and possible adoption at a future meeting.
- If the Board is generally agreeable with the draft ordinance amendment but believes that additional review and modifications are necessary, the Board can direct staff to further revise the amendment and bring it to a future meeting for Board consideration.
- If the Board does not see merit in pursuing the requested text amendment, in any form, the Board can simply indicate that it does not want to proceed with the requested ordinance amendment, in which case no further action would be necessary other than notifying the Applicant that the Board does not intend on moving the ordinance forward.

He recommended the Board direct Staff, the Township Solicitor, and HRG to review and revise the proposed text amendment, with the stipulation that the Applicant reimburses the Township for the cost of the associated Solicitor's and Engineer's review fees. Chairman Abruzzo spoke about the public comments about this request and Mr. Emerick noted they would be addressed.

Chairman Abruzzo made a motion to direct Staff, the Township Solicitor and HRG to review and revise the requested text amendment with the stipulation that the Applicant enters into a Professional Services Contract to reimburse the Township for the cost of the associated Solicitor's and Engineer's review fees. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

TIME EXTENSION-FOR 647 AND 653 SAND HILL ROAD, PLAT NO. 1325:

Mr. Emerick stated Plat 1325 represents the subdivision and/or joining of the properties. The subject property is located in the Conservation zoning district. In addition to the conveyances, the plan proposes the demolition of two existing dwellings. The demolition is proposed to occur prior to plan recording. The Board initially approved Plat 1325 in February 2020, with the applicant requesting additional extensions due to the Governor's COVID-19 Stay-At-Home order and its subsequent delays to the construction and banking industries. The applicants, by way of their engineer, are now requesting a third extension of time, until May 15, 2021. The letter states that the applicants now have financing in place but need additional time to demolish the two existing dwellings on the property prior to recording the plan. He outlined the requirements of an extension.

Vice Chairwoman Nutt made a motion approving the extension request for Preliminary/Final Subdivision Plan for 647 and 653 Sand Hill Road for Michael and Elizabeth Federici, Plat 1325, to May 15, 2021, subject to compliance with following items:

1. A performance security is provided to guarantee the completion of required improvements, and the accompanying Agreement to Provide Financial Security is signed no later than May 15, 2021, OR that the required improvements, including the demolition of the existing dwellings, are completed, inspected by HRG, and approved no later than May 15, 2021.

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2. A metes and bounds are provided on the plan for the 25-foot drainage easement along the northern side of the property no later than May 15, 2021.
3. The comments in the February 3, 2020 HRG letter (attached) are addressed no later than May 15, 2021.
4. Two originals of the signed and notarized Agreement for Deferment of Curbing and Sidewalk Installation are provided no later than May 15, 2021.
5. The Agreement for the Deferment of Curbing and Sidewalk Installation is recorded concurrently with the plan.
6. The deed of dedication for right-of-way along Sand Hill Road is recorded concurrently with the plan.

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

MOUs-DAUPHIN COUNTY'S CO-RESPONDER PROGRAM:

Chief Warner stated Dauphin County, through its Stepping Up Initiative, has implemented a Co-Responder Program with various police departments in Dauphin County. The Co-Responder Program imbeds a County-employed Co-Responder/social worker with officers within a jurisdiction to respond to calls for service which may have a mental health aspect to them. The Co-Responder may assist in things like de-escalation, obtaining information, and assisting a person in obtaining social services to help them. In some cases, it would act as a diversion program to help a person obtain social services in lieu of being placed in the criminal justice system. The Co-Responder would also have duties to follow-up with those who require it, to evaluate the need for social services available for them. The Co-Responder would be shared between Derry Township and Hummelstown Borough Police Departments. For FY2021, there would be an individual contribution of \$5,000 from both Derry Township and Hummelstown Borough. The program will be reevaluated after this year. He noted the MOUs were reviewed and adjusted by the Solicitor.

Chairman Abruzzo made a motion to approve the Memorandum of Understandings (MOUs) between The County of Dauphin, The Twelfth Judicial District Court of Common Pleas, Dauphin County District Attorney's Office, and the Derry Township Police Department, relating to the implementation of Dauphin County's Co-Responder Program in Derry Township. Supervisor Cort seconded the motion. **Motion carried 5-0.**

OPERATION UNDERGROUND RAILROAD-ELECTRONICS DETECTION DOG:

Chief Warner spoke about the Operation Underground Railroad (O.U.R), a non-profit organization that exists to protect children from sex trafficking and sexual exploitation. They work in conjunction with Jordan Detection K-9, whose company trains detection dogs to detect and identify pieces of electronic equipment and components often used in the transmission and storage of child pornography. Often, those associated with downloading such files will try to conceal storage devices and electronic equipment so others, including law enforcement, would not be able to locate them. The Derry Township Police Department has been active with the Internet Crimes Against Children (ICAC) Task Force to investigate, identify, and prosecute those involved in these heinous crimes. O.U.R. has offered to purchase and pay for the training of an Electronics Detection Dog for selected agencies to assist that agency, the ICAC Task Force, and other involved agencies in their investigations. We have been selected by Jordan Detection K-9 and O.U.R. for placement and use of an Electronics Detection Dog. In addition, we have received commitment from the Dauphin County District Attorney's Office to offset some of the food and veterinary costs associated with such a program.

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Chairman Abruzzo made a motion to Approve the Mutual Agreement Document (MAD) between Operation Underground Railroad (O.U.R.) and the Derry Township Police Department, relating to the acceptance of contributions from O.U.R. to pay for the purchase and training costs related to an Electronics Detection Dog for the Derry Township Police Department. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Zmuda attended the transportation meeting. He encouraged everyone to stay safe, sane, and sanitary. Supervisor Cort attended a Parks & Recreation meeting. She stated the next All Things Diversity is March 24.

Vice Chairwoman Nutt attended the transportation meeting. HE&R provided a summer event list starting July 4 which will only happen when capacity returns to normal. The park is scheduled to open April 2 at 50% capacity. Hockey games are open to 400 guests. During the meeting they discussed updates on sidewalks, speed limit signs and the lights to be installed in the fall. Mr. Emerick will be speaking with PennDOT with the proposed MSH Early Learning Center. Supervisor Wyckoff attended the DTMA meeting where they discussed project updates and the potential savings of \$450,000 for the bond offering. He noted Mr. Christman attended his first DTMA meeting as a Board member.

Chairman Abruzzo attended the quarterly School Board and Township meeting with Vice Chairwoman Nutt. They are working to find savings and revenue for both entities. He believes it was a good start and good meeting.

REPORTS:

<u>Police:</u>	Chief Warner spoke about the bias free policy and the tracking they will be doing with stops throughout the Township. He stated they are in the process of rolling out the body cameras and hopes to have them out in May.
<u>Fire:</u>	Mr. Sassaman stated they sent out their annual report for 2020 and a link will be included in the Spring Newsletter.
<u>Library</u>	Mrs. O’Grady thanked Public Works for their work to remove the snow for the Library.
<u>Parks & Recreation</u>	Mr. Jackson showed pictures of the work being done with the steel and stormwater connections. He showed the work on the lap pool, entrance, and the gymnasium. He stated they will continue with the installation of steel and start working on the sewer lines next.

VISITOR/PUBLIC COMMENTS:

Mr. Kevin Ferguson, 1338 Quail Hollow Rd, spoke about his previous conversations at meetings about the change order for the size of the pool and the ability for residents to access the pool. He asked how the new pool will allow residents to access the pool. He noted there are 10 lanes in the competition pool where eight will be used for swim teams leaving just two lanes or four residents time to swim. He noted the leisure pool is warmer and is not safe for exercising. He is still waiting for a presentation on how the 25-yard pool will meet the needs of the public.

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Mrs. Tracy Brown, 319 Park Ave, spoke about the large vulture birds that have made a home near Zoo America. She spoke about how they have grown in population and how they are naturally destructive. She spoke about the damage they do to cars and roofs which are not covered by insurance. The Board spoke about Zoo American reaching out and working with the Federal Government to remove them and mitigate the damage. They will have Staff follow-up and noted they were there last year, and a solution was worked out.

ADJOURNMENT:

Supervisor Cort made a motion to adjourn the meeting at 9:01 p.m. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary