

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
SEPTEMBER 28, 2021

CALL TO ORDER

Vice Chairwoman Nutt called the September 28, 2021, Regular Meeting of the Township of Derry Board of Supervisors to order at 7:00 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. She advised that all public meetings are recorded for providing accurate notes. After the Pledge of Allegiance, a roll call was performed.

IN ATTENDANCE:

SUPERVISORS

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
Garth Warner, Chief of Police
David Sassaman, Hershey Volunteer Fire Department
Alison Trautmann, Director of Hershey Public Library
Matt Bonanno, HRG Engineer
Julie Echterling, Recorder

MEMBER ABSENT:

E. Christopher Abruzzo

Public in Attendance:

The following were in attendance: Thomas Stang, Linda Eyer, Rob Myers, Michael Corado, Tracy Brown

VISITOR/PUBLIC COMMENTS:

There were no comments offered.

CONSENT CALENDAR:

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

1. Adoption of Board of Supervisors Meeting Minutes for the September 14, 2021 Regular Meeting.
2. Approve Accounts Payable of \$999,168.88 and Payroll of \$319,933.05.

Supervisor Zmuda seconded the motion. **Motion passed 4-0.**

NEW BUSINESS:

UPDATE FROM WASTE MANAGEMENT:

Mr. Tom Stang, Waste Management, discussed the reasons behind the delay in collections in the Township. They are communicating the delays through robo calls and through notifications to the Township. They try to get the word out when trash will not be collected for a day as soon as they know. He stated residents should keep their yard waste out until it is collected. He spoke about the incentives and training available to new employees including sign on bonuses and educational benefits. Vice Chairwoman Nutt thanked him for coming and sharing. She stated residents understand as long as the communication is good. Supervisor Cort asked that a generic statement be provided so they can share with the residents. She also suggested a stuffer in the next bill. Supervisor Wyckoff thanked the employees who have been working so hard this summer.

ASSESSMENT SETTLEMENT STIPULATION AGREEMENT -ALL NK HERSHEY LLC:

Mr. Christman stated they received the tax assessment settlement stipulation for the property located at 1200 Mae Street (Comfort Inn). Both Dauphin County and the Derry Township School District have approved this stipulation agreement. The current assessment is \$5,561,600 which would be lowered to

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\$4,254,500 resulting in a \$3,673.30 loss in tax revenues. Solicitor Armstrong noted the hospitality industry took a hit during COVID. He noted the agreement is a tier approach with the value/taxes increasing over time. There will be an opportunity to reopen it in year three.

Supervisor Cort made a motion to approve the tax assessment settlement stipulation agreement with All NK Hershey LLC for the property located at 1200 Mae Street – Tax ID Parcel Number: 24-029-004-Docket #2020-CV-10377-TX. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

ASSESSMENT SETTLEMENT STIPULATION AGREEMENT -HERSHEY VACATIONS UNLIMITED VACATIONS SERVICE:

Mr. Christman stated they received the tax assessment settlement stipulation for the property located at 176 E. Hershey Park Drive (Bluegreen Vacation Suites). Dauphin County approved the agreement, and the Derry Township School District was considering it at their meeting. The current assessment is \$4,574,700 and would be lowered to \$3,111,500 resulting in a \$3,721.80 loss in tax revenues. The agreement would be a tiered approach.

Vice Chairwoman Nutt made a motion to approve the tax assessment settlement stipulation agreement with Hershey Vacations Unlimited for the property located at 176 E. Hershey Park Drive – Tax ID Parcel Number: 24-004-035-Docket #2020-CV-9635-TX. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

2022 MINIMUM MUNICIPAL OBLIGATION (MMO):

Mr. Christman discussed Act 205 which requires that each public pension plan inform the governing board of the municipality of the plan's expected financial obligation for the following year by the last business day in September. The projected 2022 Minimum Municipal Obligation (MMO) for the Non-Uniformed Pension Plan and the Police Pension Plan is \$397,778 and \$563,658, respectively, or a total of \$961,436. This calculation is based on the estimated wages to be paid during the year. Although the Township is required to prepare the 2022 MMO projection without consideration of the State Casualty Insurance Reimbursement, this offset is estimated at \$620,000. If received, this reimbursement will make the actual cost of funding both pensions equal to approximately \$341,436. The total payment is due to the pension plans by December 31, 2022.

APPOINTMENT TO SHADE TREE COMMISSION:

Mr. Christman stated there is a vacancy on the Shade Tree Commission. Mr. Louis Verdelli has indicated his interest in serving on the Commission. If the Board approves the appointment, he will fill the unexpired three-year term of Fred Wilcox. The term will expire December 31, 2022.

Vice Chairwoman Nutt made a motion to appoint Louis Verdelli to the Derry Township Shade Tree Commission with a term expiring on December 31, 2022. Supervisor Wyckoff seconded the motion. **Motion carried 4-0.**

DR. BATTISTA PROCLAMATION:

Mr. Christman stated Dr. Frank Battista is retiring from medical practice after 44-years of service to the Derry Township Community. The Board spoke about his dedication and service to the community.

Supervisor Wyckoff made a motion to approve the proclamation honoring the career of Dr. Frank Battista. Vice Chairwoman Nutt seconded the motion. **Motion carried 4-0.**

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RESOLUTION 2021-08-2021 ALL-HAZARD MITIGATION PLAN:

Chief Warner spoke about the requirements for municipalities to submit mitigation plans as a prerequisite to receiving post disaster funding. He provided the background and requirements for the plan to be approved every five years. He noted the plan has been forwarded to PEMA.

Supervisor Zmuda made a motion to adopt Resolution 2021-18, authorizing the adoption of the 2021 update to the Dauphin County Hazard Mitigation Plan. Supervisor Cort seconded the motion. **Motion carried 4-0.**

TRAFFIC SIGNAL AGREEMENT-PLAT 1342-CHS FOR EARLY LEARNING:

Mr. Emerick stated in July the Board granted conditional approval of the Preliminary/Final Subdivision and Land Development Plan for Catherine Hershey School for Early Learning, Plat 1342. As part of the development, Milton Hershey School (MHS) proposed the connection of the pedestrian walkway/bicycle path at the southwest corner of the intersection of Governor Road and Homestead Road, which requires an ADA ramp and modifications to the obsolete pedestrian signal equipment. A traffic signal permit must be issued by PennDOT who requires the permit to be in the name of the Township. PennDOT Form TE-160 will need to be executed by the Township, with the developer needing to enter into a Traffic Signal Agreement. In addition to other requirements and obligations, the Agreement also requires MHS to reimburse the Township for any costs associated with the improvements, and to indemnify, defend, and hold harmless the Township and its professional consultants, agents, servants, and employees from and against all suits, claims, actions, damages, workers' compensation claims, losses, and expenses associated with the improvement during the work and for two years after completion of the work. HRG has reviewed the applicable design documents and all their engineering comments have been addressed.

Vice Chairwoman Nutt made a motion that E. Christopher Abruzzo is authorized to sign the Traffic Signal Agreement and Charles W. Emerick, Jr. is authorized to sign the traffic signal application and associated documents. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

AGREEMENT-SECURITY-LOTS 4&5-WOODLAND HILLS – PLAT 1203:

Mr. Emerick stated Plat 1203 was approved by the Board of Supervisors in December 2014 and recorded in January 2015. The plan depicted the subdivision of a 15-acre tract of land, located at the ends of Woodland Avenue and Hillside Road, into 5 new lots for single family dwellings. Since that time, all lots have been sold. The Township is still holding \$76,855.39 of performance security posted by the developer, Swatara Station Partners (SSP). He discussed the portions of the security being held and what was being held for each lot.

He stated Lots 4 and 5 were purchased by the Federici's in April of 2019. The Federici's also own an approximately 10-acre lot adjacent to Lot 5, where they are presently building a home. The Federici's have no immediate intentions to construct a home on either Lot 4 or Lot 5 but want to preserve that right. As a result, SSP would like to be released from the performance security of \$25,331.94 and the obligation to construct the required improvements on Lots 4 and 5. Solicitor Armstrong, suggested an agreement between the Township, SSP, and the Federici's. It could be drafted to allow the release of the performance security for Lots 4 and 5 to SSP, and bind the Federici's or any future owner of Lot 4 and/or Lot 5 to certain obligations if they choose to build on the lot(s). At a minimum, those obligations would include:

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1. Continued responsibility related to the requirements of the Stormwater Management Best Management Practices (SWM BMPs) Operation and Maintenance Agreement dated September 19, 2011, recorded January 29, 2015 at Instrument Number 20150002226 for Lots 4 and 5.
2. Obtaining all permits and approvals required by the then prevailing Township, County, State, and/or Federal rules, regulations, codes, or requirements necessary prior to any construction on Lots 4 or 5.
3. Posting any required financial security related to any permits or approvals necessary prior to any construction on Lots 4 or 5.
4. Installation of the driveway column light that was required under Plat 1203 as part of the waiver of Section 185-33.C of the Township Subdivision and Land Development Ordinance regulations in lieu of providing public street lighting.
5. Future development of Lot 4 or Lot 5 would be required to maintain the limit of disturbance as depicted on Plat 1203.

Supervisor Cort made a motion authorizing Pat Armstrong to draft an agreement between the Township, SSP, and the Federici's to release SSP from the performance security related to Lots 4 and 5 as depicted on Plat 1203, and to bind the Federici's and any future owner of Lot 4 and/or Lot 5 to certain obligations related to continued ownership and future improvements to either lot. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

DERRY TOWNSHIP TRANSPORTATION ENGINEER:

Mr. Emerick stated in 2010, Derry Township appointed HRG as its Transportation Engineer following appropriate PennDOT procedures. For the purposes of certain funding, the designation of the Transportation Engineer is valid for a period of not more than five years from the date of the appointment. The first step in this process is to receive approval from PennDOT for the consultant selection process in a resolution naming the qualifications committee members who are tasked with reviewing and ranking all applications. The titles of the committee members remain generally the same as 2010, however some of the names have changed. They are: Christopher Christman, Township Manager; Tom Clark, Public Works Director; Zachary Jackson, Parks & Recreation Director; Charles Emerick, Community Development Director and Marie Sirkot, Administrative Assistant.

Vice Chairwoman Nutt made a motion appointing Christopher Christman, Township Manager; Tom Clark, Public Works Director; Zachary Jackson, Parks & Recreation Director; Charles Emerick, Community Development Director; and Marie Sirkot, Administrative Assistant to the Qualifications Committee to make recommendations for a Transportation Engineer. Supervisor Wyckoff seconded the motion. **Motion carried 4-0.**

SECURITY-STORMWATER-50 LAUREL RIDGE ROAD-S-2021-017:

Supervisor Wyckoff made a motion to accept a cash financial security in the amount of \$8,040 and enter into the Agreement to Provide Financial Security with Daniel and Leanna Lauria for the Stormwater Management Site Plan for 50 Laurel Ridge Road, S-2021-017. Supervisor Cort seconded the motion. **Motion carried 4-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Zmuda stated he and Supervisor Wyckoff met with the Governor Road Developer. He attended the Downtown Core Design Board meeting with Supervisor Cort. He attended the transportation meeting where they are working on pedestrian crossings. He thanked HE&R for listening to them and helping to mitigate traffic during the concert season. Supervisor Cort spoke about the

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upcoming All Things Diversity on October 14. She attended the Downtown Board and spoke about Choctoberfest on Saturday, October 16. She is working on wrapping up the Capital campaign. Vice Chairwoman Nutt attended the Transportation meeting. She welcomed Alison Trautmann to the Library and this meeting. She reminded everyone that Trick or Treat is being held on October 31 this year. Supervisor Wyckoff attended the DTMA meeting and Sketch Plan meeting.

REPORTS:

<u>Police:</u>	Chief Warner spoke about the Police reaccreditation process and the new format. They are getting ready for their virtual assessment on October 12 to 14 and holding video tours. He talked about the public comment sessions that would be taking place.
<u>Manager:</u>	Mr. Christman discussed the DTMA meeting where they received updates on projects and discussed the impact of COVID delays. They discussed capital project planning. They also discussed the new reorganization plan for the employees at the Authority.

VISITOR/PUBLIC COMMENTS:

Mrs. Tracy Brown spoke to the Board about the continuing issues they (she and her neighbors) are having with the black vultures. She stated there are about 1,000 of them in her neighborhood and the Zoo. She spoke about the steps they have taken including talking with the Zoo and the USDA, whose hands are tied because of the animal's status, and this Board. She spoke about the damage these birds are causing including roof and chimney damage that is not covered under any insurance (car or home). She spoke about the only ways to chase the birds away which is constant specific loud noise and the cost and concerns with that.

Vice Chairwoman Nutt stated this is an issue in other locations in the state. Mr. Christman stated he reached out and received the same information Mrs. Brown stated tonight. He stated the federal legislation would need to change for the status of the bird for something to be done. The Board discussed what they could do to help the residents. They will coordinate a letter to legislators with the Township and HE&R to see if the 100-year-old laws can be changed to help this situation.

ADJOURNMENT:

Supervisor Zmuda made a motion to adjourn the meeting at 8:22 p.m. Supervisor Cort seconded the motion. **Motion carried 4-0.**

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary