

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
OCTOBER 26, 2021

CALL TO ORDER

Chairman Abruzzo called the October 26, 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. He advised that all public meetings are recorded for providing accurate notes. After the Pledge of Allegiance, a roll call was performed. He announced the Board met in Executive Session at 6:00 p.m. to discuss legal issues.

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
David Habig, Assistant Director of Community Development
Thomas Clark, Director of Public Works
Garth Warner, Chief of Police
David Sassaman, Hershey Volunteer Fire Department
Zach Jackson, Director of Parks and Recreation
Alison Trautmann, Director of Hershey Public Library
Matt Bonanno, HRG Engineer
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Linda Eyer, David Narkiewicz, Geoffrey Crout, Michael Corado, Josh Hitz, 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 October 12, 2021 Regular Meeting.
2. Authorize the release of the remaining balance (\$3,164.00) of the cash financial security provided for the Stormwater Management Site Plan for Kremer Residence, S-2020-017.
3. Approval of Accounts Payable \$2,799,364.47 and Payroll of \$296,196.53.

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

NEW BUSINESS:

UPDATE ON FISCAL YEAR 2021 BUDGET-THIRD QUARTER:

Mr. Christman provided the Board with an update of the third quarter financial results. He reviewed how the funds are setup, the budgeting process, tax and expense revenues and trending for 2021. At the end of September, most of our township revenue categories are trending very closely to the 2020 levels. Amusement and Parking taxes were adjusted downward in 2021. Generally speaking, in a good year, combined revenue for amusement and parking taxes was at \$2.3 million. We adjusted downward to \$525,000 combined, which is a significant drop. This can go away at any time.

He is pleased that they have received 88% of the budgeted revenues through September 30 in the general fund. Conversely, we are showing 52% of our expended budget. He spoke about the PILOT payments not being paid this year by HE&R. They are projecting no PILOT payment for additional years. He spoke about the expenses being about 52% of budgeted and noted that will change with the MMO

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payment just made in October. Combined with other revenue losses, the Township should prepare for the potential of another budgetary shortfall, which may result in reduced community services for FY 2022 and beyond.

He stated the Township received \$1,321,396.47 from the American Rescue Plan Act of 2021. The Township should receive the rest of the \$2.3 million in May 2022. This money is in a separate interest-bearing account as they continue to receive guidance on how this money can be used from the US Treasury. He discussed the next steps which includes evaluating departments, services, collective bargaining agreement renegotiations and focusing on building reserve funds. They will continue to monitor revenues and expenses and close the gaps with targeted cuts across the budget.

TIME EXTENSION-HERSHEY WEST END- PLAT 1330:

Mr. Haig stated Plat 1330 represents the first final plan for the Hershey West End Master Plan. The Board of Supervisors initially approved Plat 1330 on March 23, 2021, conditional upon several items being addressed by the applicant no later than September 23, 2021. On September 8, 2021, the applicant, requested an extension until October 29, 2021 to address the conditions of approval. The Board granted the request on September 14, 2021. The applicant has requested a second extension of time until November 12, 2021 to address the remaining conditions of the September 14, 2021 extended approval. The second extension request proposes no changes to the details of the previously approved plan or to the waivers that were granted. He discussed the conditions for the time extension.

Vice Chairwoman Nutt made a motion to approve the time extension request for the Final Lot Consolidation and Land Development Plan for Hershey West End – Streets and Infrastructure Phase, Plat 1330, extended to November 12, 2021, subject to compliance with the following items:

1. The Applicant shall reimburse the Township for costs incurred in reviewing the Plan no later than November 26, 2021. The Applicant shall continue to satisfy and pay all outstanding Township Professional Consultant invoices in relation to the Plan in accordance with §503 of the MPC.
2. The Applicant shall provide financial security to guarantee the completion of the proposed improvements depicted on the Plan, in the amount of \$13,087,737.00 and in a manner acceptable to the Township, no later than November 12, 2021, and the Applicant shall agree to and execute a Development and Financial Security Agreement in a manner and form acceptable to the Township no later than November 12, 2021.
3. The Applicant shall provide deeds of dedication and accompanying exhibits for additional right-of-way along Bullfrog Valley Road, Wood Road, and Waltonville Road in a manner and form acceptable to the Township no later than November 12, 2021 for review/approval by the Township.
4. The Applicant shall agree to and execute a recordable document in a manner and form acceptable to the Township establishing maintenance and related requirements of the Applicant to ensure that the Applicant will maintain in perpetuity the “green island” within the roundabout no later than November 12, 2021.
5. The Applicant shall comply with and/or otherwise satisfy Comment 1 under ‘Required Agency Approvals’, and Comments 1 and 2 under ‘Subdivision and Land Development’ in the Township Engineer’s review letter dated February 25, 2021 no later than November 12, 2021.
6. The Applicant shall provide 2 originals of the signed and notarized Development and Financial Security Agreement no later than November 12, 2021.

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7. The Applicant shall agree to and execute a Stormwater Operation and Maintenance Agreement and Access Easement in a manner and form acceptable to the Township and provide 2 signed and notarized originals of the same no later than November 12, 2021.
 8. The Applicant shall agree to, execute, and have notarized and thereafter have recorded a Declaration of Covenants for Deferment of Roadway Widening in a manner and form acceptable to the Township no later than November 12, 2021.
 9. The Applicant shall agree to and execute a Declaration referencing the Stormwater Operation and Maintenance Agreement and Access Easement in a manner and form acceptable to the Township no later than November 12, 2021.
 10. The Applicant shall acknowledge and agree in writing in a manner and form acceptable to the Township no later than November 12, 2021 that the Township's instant conditional approval of Plat 1330 in no way, in and of itself, modifies any conditions, waives any rights, or extends any timelines that are related to and/or incorporated into the Master Plan Conditional Use approval granted by the Township on January 22, 2019. The Applicant shall not be entitled to any additional protection of its right to proceed with the future phases of the Master Plan Conditional Use approval solely because of the Township's instant conditional approval of Plat 1330. If the Applicant proceeds with the construction of the roads and infrastructure depicted on the conditionally approved Plan for Plat 1330, the Applicant shall still be required and obligated to satisfy and comply with the conditions and restrictions set forth in the Master Plan Conditional Use Decision and may not rely on the instant approval as a basis to proceed with future improvements and/or phases if not done in accordance with the Master Plan Conditional Use Decision. The Township's instant conditional approval shall not relieve the Applicant from filing and having the Township approve any permit, land development, subdivision, site plan, or other approvals which may be required by other Township, state, or federal regulations, or from otherwise complying with all other applicable conditions of the Master Plan Conditional Use Decision. The Applicant shall comply with all the conditions and requirements set forth within the Master Plan Conditional Use Decision.
 11. The Applicant shall submit the requisite application/submission to the Township for adjustments to the conditions noted in the January 22, 2019 Master Plan Conditional Use Decision prior to the submission of another phase of the Hershey West End land development. The anticipated adjustments are necessary due to existing timelines within the Decision, potential adjustments to the proposed phasing schedule, and any additional relevant issues.
 12. The dedication of the roads depicted on the Plan shall take place in a manner and form and within a timeframe acceptable to the Township.
 13. The Applicant shall comply with all outside agency requirements, including, but not limited to, PennDOT, PADEP, FAA, and EPA, if applicable.
 14. The Applicant shall record the Development and Financial Security Agreement, or a Memorandum of the same, concurrently with the Plan.
 15. The Applicant shall record the Stormwater Operation and Maintenance Agreement and Access Easement concurrently with the Plan.
 16. The Applicant shall record the Agreement for Deferment of Roadway Widening concurrently with the Plan.
 17. The Applicant shall record the Declaration referencing the Stormwater Operation and Maintenance Agreement and Access Easement concurrently with the Plan.
 18. The Applicant shall record the deeds of dedication for additional right-of-way along Bullfrog Valley Road, Wood Road, and Waltonville Road concurrently with the Plan.
- Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

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PROFESSIONAL SERVICES CONTRACT-PSP ZONING ORDINANCE ADMENDMENT:

Solicitor Armstrong stated the Pennsylvania State Police (“PSP”) has requested that the Township consider a Zoning Ordinance and Zoning Map amendment for the property where the PSP academy is currently located. The purpose of the Professional Services Contract is to ensure the Township is reimbursed for any professional consultant fees related to PSP’s request, and also authorizing the Township and Township’s consultants to work with the PSP on a Zoning Map and/or Zoning Ordinance amendment. Mr. Dave Narkiewicz, Attorney for the Commonwealth, spoke about the front parcel owned by the PSP which is currently zoned Conservation. They will be seeking it to be rezoned to Planned Campus North. The main intent for this rezoning is for the increased height for the new building proposed by the PSP. The Planned Campus North Zoning District allows for a height of 60 feet for both principal and accessory structures. (The height restrictions in the Conservation District are 45 feet for a principal structure.) He noted there would also be some text amendments. He noted the proposed Police Academy will cost \$250 million and the height of the building makes a difference with costs. He noted the property in question is one lot versus two lots. He discussed the building design and some of the features which the Board would see in a future plan.

Chairman Abruzzo made a motion to approve and execute the Professional Services Contract to ensure reimbursement for any professional service fees associated with the PSP request and further to authorize the Township and Township professional consultants to work with the PSP on preparing a potential Zoning Map and/or Zoning Ordinance amendment for the Board to consider at a later meeting. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

ANNUAL PIAA CROSS COUNTRY CHAMPIONSHIPS:

Supervisor Cort made a motion to approve the request to close North Hockersville Road from Old West Chocolate Avenue to Hersheypark Drive from 7:00 a.m. to 4:00 p.m. on Saturday, November 6, 2021 for the Annual PIAA Cross Country Championships being held on the grounds of the Hershey Entertainment Complex. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Zmuda attended the Downtown Board meeting where they spoke about signs and outdoor dining. He attended the Transportation meeting. He thanked Hershey Company for their candy donation and stated the Holiday Celebration is December 4. Vice Chairwoman Nutt spoke about the Transportation meeting and the solutions they are working on. She stated the Park Avenue lights will be installed by the end of the year. There was an update on the safety issues downtown and they are starting to look at streetscape three. Supervisor Wyckoff spoke about the updates provided during the DTMA meeting. He thanked Mr. Jackson for their work on the parade this year and Hershey Company for their candy donation. He thanked Mr. Emerick and his wife Michelle for their work with Choctoberfest. Chairman Abruzzo attended the online Library Endowment meeting.

REPORTS:

<u>Police:</u>	Chief Warner will be putting out a safety reminder for trick or treat night. He spoke about the memorial at the National Peace Officer’s week. The honor guard escorted the family of their fallen officer this year.
<u>Library</u>	Ms. Trautmann stated there would be a pop-up book sale on November 1 and an edible book display on November 6.

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<u>Recreation:</u>	Mr. Jackson spoke about the work being done on the community center and the work of the contractors including dry wall and outdoor pool area. November 6 will be the Arts & Crafts show and there will be 150 vendors and some food trucks. Chairman Abruzzo praised Mr. Jackson and Staff for the great parade and the cleanup they do after the parade.
<u>Manager</u>	Mr. Christman spoke about his meeting with the USDA to discuss the black vulture issue. They are working on a service agreement with the Township, the Zoo, and the residents. Whatever is done must be sustained over time or they will return. This will come before the Board again for approval of a contract with the USDA. He spoke about the issues the South is having including the vultures attacking and killing calves in herds.

VISITOR/PUBLIC COMMENTS:

There were no comments offered.

ADJOURNMENT:

Supervisor Zmuda made a motion to adjourn the meeting at 8:02 p.m. Supervisor Cort seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary