

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

CALL TO ORDER

Chairman Abruzzo called the November 23, 2021, Regular Meeting of the Township of Derry Board of Supervisors to order at 7:03 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 6:30 p.m. to discuss land, legal, and personnel 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
Patrick Rudisill, 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: Joseph Robinson Jr., Rich Gamble

VISITOR/PUBLIC COMMENTS:

Mr. Joseph Robinson, Jr. of Harrisburg, provided the following statement to the Board:

With the passage of the American Rescue Plan (ARP) Act of 2021 Dauphin County, the City of Harrisburg, and the Harrisburg School District have been allocated unprecedented sums of money in response to the COVID pandemic, particularly its disparate impact on communities of color. This is in addition to the millions previously received through the CARES Act Emergency Relief. All of this funding is a direct result of the strong turnout of Black and Latino voters. The American Rescue Equity Team led by African-American men in Dauphin County is seeking to ensure that the funding received by the County, and all its associated municipalities and school districts is distributed equitably among organizations and non-profits with a demonstrated capacity to deliver services to our communities. Also, we are calling for a County-wide Disparity Study to be conducted. Any municipality or school district receiving ARP funding with at least 25% of its population and/or service area identified as minority or non-white by the 2020 Census, must complete a Disparity Study. Certainly this applies to the County and several of its municipalities and school districts. A Disparity Study is an evaluation of the participation by black and brown businesses in contracting---compared to the availability of black and brown businesses in the marketplace. Based upon our past experiences we could justifiably insist that a designated percentage of municipal awards for construction, professional services, and goods and support services should be distributed to businesses of color. However, because of Supreme Court case law, specifically City of Richmond v. J.A. Crosson Co. (1989), the Court ruled that such a designation without proving the disparity would be unconstitutional.

So we are advocating for disparity studies that will document any evidence of historical inequity and provide justification for any targeted remediation. A Disparity Study led at the County level would begin the systemic change needed for fair and equal access to public funding. We solicit your support and

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request a meeting with representatives of the board and/or executive staff within the 1st or 2nd week of December. He provided his statement and contact information to the Mr. Christman.

CONSENT CALENDAR:

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

1. Adoption of Board of Supervisors Meeting Minutes for the November 9, 2021 Regular Meeting.
2. Authorize the full release of financial security in the amount of \$8,830, which had been provided in the form of cash for the Stormwater Management Site Plan for 1415 Sand Hill Road, S-2020-014.
3. Authorize the full release of financial security in the amount of \$6,078, which had been provided in the form of cash for the Stormwater Management Plan for Lawall Residence, S-2021-013.
4. Authorize the release of \$7,632 from the cash financial security provided for the Stormwater Management Plan for 403 Nye Road for S. Tyler Valoczki, S-2021-014, resulting in a new balance of \$2,809.
5. Approval of Accounts Payable \$1,047,457.01 and Payroll of \$286,216.70

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

NEW BUSINESS:

AFSCME AGREEMENT:

Mr. Christman stated the current AFSCME contract will expire on December 31, 2021. The proposed new contract will cover the period from January 1, 2022 to December 31, 2024. He highlighted the changes in the new contract including pay increases of 2.50% in 2022, 2.75% in 2023, and 3.0%.

Supervisor Cort made a motion to approve and execute the labor contract with the American Federation of State, County, and Municipal Employees Council 90 and Local Union Number 1086 for a term of January 01, 2022 to December 31, 2024. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

APPOINTMENT OF TOWNSHIP AUDITOR:

Mr. Christman stated on October 12, 2021, the Board of Supervisors authorized the Administration to advertise a request for proposals to solicit for new auditing services. He noted Auditing Services are an important function of local government ensuring the financial transparency between the Township and its constituents. Proposals were due November 8, 2021 and four proposals were received. His recommendation, after reviewing the proposals is Zelekofske Axlerod, LLC.

Supervisor Zmuda made a motion to appoint the firm of Zelekofske Axelrod, LLC to the position of Township Auditor consistent with Article IX, Section 917 of the Pennsylvania Second Class Township Code to conduct audits for FY2021, FY2022 and FY2023 as per their proposal dated November 05, 2021. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

AGREEMENT WITH USDA:

Mr. Christman stated the Township has been in consultation with USDA and ZooAmerica, is trying to mitigate North American Black Vulture activity within the Township. There is a separate contract for ZooAmerica and their property. Solicitor Armstrong had concerns about the language in asserting the mitigation would not be Township Property but private homeowners. He noted that \$17,618.41 is budgeted for the 2022 Budget for animal control for this issue, based on an estimate from the USDA.

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Chairman Abruzzo made a motion to authorize the Township Manager to execute an agreement with the United States Department of Agriculture for the purpose of mitigating vulture activity in Derry Township contingent upon the satisfaction of the Township Solicitor. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

EXTENSION: PLAN FOR HERSHEY'S CHOCOLATE WORLD EMPLOYEE SATELLITE PARKING, PHASE 1, PLAT 1154.

Mr. Habig stated Plat 1154 represents Phase I of The Hershey Company's two-phase proposal to build a parking facility with 500 spaces for use in association with Chocolate World. This use is consistent with the 2015 Comprehensive Plan and the 2019 Zoning Ordinance, with the exception of bicycle parking. He showed the location on the map. He stated they are asking for a one-year extension for this plan that was submitted and approved in 2008.

Vice Chairwoman Nutt made a motion that the approval of the Preliminary/Final Land Development Plan for Hershey's Chocolate World Employee Satellite Parking, Phase 1, Plat 1154, is extended for an additional 12 months (counted from January 2, 2022), subject to compliance of the following:

- A. A performance security is provided in an amount equal to the original approved amount PLUS 10% for each one-year period beyond the first anniversary date establishing the amount (not to exceed 110%), OR that a new amount established in accordance with the requirements of the Subdivision and Land Development Ordinance is provided to guarantee the completion of required improvements, and the accompanying agreement is signed no later than January 2, 2023.
- B. The comments in HRG's March 30, 2009 letter regarding the SWM BMP plan are addressed no later than January 2, 2023.
- C. The applicant applies for and receives a new NPDES permit from the Dauphin County Conservation District no later than January 2, 2023.
- D. The applicant applies for and receives a new Water Obstruction and Encroachment Permit no later than January 2, 2023 for the proposed point source discharges to Spring Creek.
- E. The applicant ensures the renewal of any other expired approvals or permits originally required for the project no later than January 2, 2023.
- F. The applicant obtains any other regulatory approvals or permits required for the project no later than January 2, 2023.
- G. The Stormwater Best Management Practices Operations and Maintenance Agreement is recorded concurrently with the plan.

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

SECURITY: 1502 KAYLOR ROAD – S-2021-021:

Vice Chairwoman Nutt made a motion to accept a cash financial security in the amount of \$23,099.00 and enters into the Agreement to Provide Financial Security with Maksim Ryabyy for the Stormwater Management Plan for Maksim Ryabyy (1502 Kaylor Road), S-2021-021. Supervisor Cort seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Zmuda attended the Transportation and Tax Admin meetings. Supervisor Cort stated the video from All Things Diversity is online. The Holiday Celebration is on December 4. She stated there is a new website for the Downtown Hershey Association. She is finishing work on the Capital Campaign and will be handing it over to Mr. Jackson.

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Vice Chairwoman Nutt spoke about the Transportation Meeting. HE&R provided an update that no large events should be upcoming unless a local team makes it to the PIAA finals. She stated lighting for Park Boulevard will be done by year end. They are still working on the Greater Hershey Study and will providing it soon. She spoke about immediate safety changes including signage for Mansion Road. At the ICDA meeting, they were provided an update from HE&R on hotel tax and noted that the Township is not responsible for any of the debt payments on the Giant Center. Supervisor Wyckoff attended the DTMA meeting. Mr. Christman provided an update with the tapping fees study, RFP for Audit, Capital projects, change order, personnel change, and IDA damage claims. Chairman Abruzzo attended the ICDA meeting and noted that the Township may receive a portion of the PILOT Payments from HE&R based on taxes and improved projections.

REPORTS:

<u>Fire:</u>	President Rudisill spoke about fundraising that would be taking place online, not having their annual Thanksgiving dinner, Holiday mailer and Santa’s runs starting December 11.
<u>Public Works</u>	Mr. Clark stated they are on schedule for leaf picking but may fall behind with the three-day weekend.
<u>Library</u>	Ms. Trautmann stated the hours for the Library during the Thanksgiving holiday week.
<u>Recreation:</u>	Mr. Jackson spoke about the work being done with the contractors including pouring floors, tile work in locker rooms and having heat in the building soon. He stated the kickoff for memberships and gift cards started last week and he is pleased with the results.

VISITOR/PUBLIC COMMENTS:

There were no comments offered.

ADJOURNMENT:

Supervisor Zmuda made a motion to adjourn the meeting at 7:44 p.m. Supervisor Cort seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary