

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
DECEMBER 7, 2021

CALL TO ORDER

Chairman Abruzzo called the December 7, 2021, Regular Meeting of the Township of Derry Board of Supervisors to order at 7:05 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 legal matters.

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
Garth Warner, Chief of Police
Zach Jackson, Director of Parks and Recreation
Alison Trautmann, Director of Hershey Public Library
Brian Blahusch, IT Manager
Matt Bonanno, HRG Engineer
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Cliff & Sue Myers, Susan Fotos, John Foley, John Osmolinski, Michael Corado, Rich Gamble, Abigail Myers, Lori Mitchell, Bruno Bellucci, Katherine English

VISITOR/PUBLIC COMMENTS:

Mr. Bruno Bellucci, 354 East Chocolate Ave., expressed concern about traffic, including speeding and drag racing, in his neighborhood. He sent the Board a letter because he is concerned someone will get hurt. He has landscapers working on his front lawn and they will not put their backs to the road for fear of being hit. There does not appear to be enforcement in this area, and he understands there is a limited number of officers. He is hoping to work toward a solution and a deterrent to the speeding. Vice Chairwoman Nutt, a member of the Transportation Committee, offered to talk to him after the meeting.

Ms. Susan Fotos, 3 Spring Creek Lane, spoke about the traffic issues in her neighborhood. She is concerned and does not want there to be a fatality. She spoke about the speed signs in Palmyra that have helped slow down the speed. She would like to see the Township use tools to collect data to help. She spoke about how close the sidewalks are to the road and her concerns for pedestrians. Chairman Abruzzo thanked her for letting the Board know about the issue.

Ms. Lori Mitchell, 354 Chocolate Ave., spoke about a contractor that is currently installing fiber on the road. They received no notice of it. The vans are unmarked, and they are destroying part of their front lawn. She would like to know in advance when they are coming. She noted that while they are working, they have reduced the traffic to one lane which has helped the issue of speeding. Mr. Clark, Public Works, noted the only way they would know about this type of work is a One Call. They receive 30 calls a day. Chairman Abruzzo noted that if there is an issue with the utility, please let the Township know. In the past, Mr. Christman has reached out to the utilities and has been able to address specific issues with them.

CONSENT CALENDAR:

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

1. Adoption of Board of Supervisors Minutes for the November 16, 2021 Budget Meeting.
2. Adoption of Board of Supervisors Minutes for the November 23, 2021 Public Hearing Meeting.
3. Adoption of Board of Supervisors Minutes for the November 23, 2021 Regular Meeting.
4. Approval of Accounts Payable \$949,096.11 and Payroll of \$308,254.68

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

NEW BUSINESS:

ICOMPASS MEETING AGENDA SYSTEM:

Mr. Christman spoke about the system, iCompass, used for the meeting agenda preparation for the Township Authorities, Boards and Commissions. The current platform is no longer being serviced by the provider. The proposal and new agreement would allow the Township to upgrade to the most current version providing greater levels of efficiency. The cost (\$13,464.82) for this project would come from the ARPA account because this is an eligible expense.

Supervisor Zmuda made a motion to authorize the Township Manager to execute an agreement and order form with Diligent Corporation for the upgrade of iCompass services for an amount not to exceed \$13,464.82. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

ZONING MAP AMENDMENT-PSP:

Solicitor Armstrong stated there is a request to consider authorizing the Zoning Map amendment ordinance that will rezone a portion of the property of the Commonwealth of Pennsylvania (“Commonwealth”) from Conservation to Planned Campus North pursuant to the request of the Pennsylvania State Police (“PSP”). PSP is requesting that the Township rezone a portion of its property in anticipation of its expected land development plan. The Board authorized entering into a professional services agreement with the Commonwealth to ensure the Township is reimbursed for all professional consultant fees associated with the Zoning Map amendment. He showed the Board on the map the location of the proposed development. He noted that by rezoning the portion of the Commonwealth property, all of the uses and standards permitted in the Planned Campus North zoning district will be permitted on the subject portion of the Commonwealth’s property after the rezoning. It is anticipated that the ordinance will be advertised for a public hearing on January 25, 2022, at 5:30 p.m. and considered for adoption immediately thereafter at the Board’s regular meeting that evening. Chairman Abruzzo asked about the conservation easement. Solicitor Armstrong noted that in his discussions in regard to the plan, there would still be stables for the horses. Supervisor Zmuda noted that they verbally answered that they would not be building in this area.

Supervisor Zmuda made a motion to authorize the proposed Zoning Ordinance amendment rezoning the Commonwealth’s property to be forwarded to the County and Township Planning Commissions for review and comment and further authorizing it to be advertised for a public hearing and for adoption. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

CONDITIONAL USE APPLICATION 2021-04- FOR 731 EAST CHOCOLATE AVE:

Mr. Emerick stated at the public hearing on November 23, 2021, the applicants, Abigail Myers and Conrad Krawiec, are proposing to operate a short-term rental on the property located at 731 East Chocolate Avenue, Hershey. The property is in the Palmdale Mixed Use and East Chocolate Avenue Overlay zoning districts. The Planning Commission recommended the request be granted at their November meeting.

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Supervisor Cort made a motion to adopt Decision for Conditional Use Application No. 2021-04. Chairman Abruzzo seconded the motion. **Motion carried 5-0.**

ORDINANCE 2021-09-STOP SIGNS AT JOANN AVE & LOCUST STREET:

Chief Warner spoke about the residents' request, to make the intersection of JoAnn Ave. and Locust St. a multiway stop. They stated the intersection has become dangerous and that vehicles are not turning when they are required and are either going down private driveways or having to turn around at the dead-end street. During a traffic study of the intersection, there were two issues that were observed. One issue can be addressed with the property owner by having the shrubbery cleared and/or trimmed. The second issue can be addressed with the establishment of a multiway stop at this intersection. This would address left turn conflicts and would ensure the safe navigation of the intersection.

Vice Chairwoman Nutt made a motion to adopt Ordinance No. 2021-09 amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210 § 210-24. Stop intersections established by establishing a multi-way (3-way) stop sign-controlled intersection at the intersection of JoAnn Ave. and Locust St. Supervisor Cort seconded the motion. **Motion carried 5-0.**

CONDITION CHANGE – PLAT 1342-GROUP CHILD CARE FACILITY:

Mr. Emerick stated on July 27, 2021, the Board conditionally approved Plat 1342, which proposes to establish a Group Child Care Facility on the property located at the southwest corner of the intersection of Governor Road and Homestead Road. The proposed use is permitted as a Conditional Use by the Zoning Ordinance under Application No. 2020-05. One of the conditions is to provide a copy of the PennDOT Highway Occupancy Permit (HOP). Milton Hershey School (MHS) has satisfactorily addressed all but two of the conditions of plan approval and would like to record the plan as soon as possible. He received an e-mail from John Osmolinski, MHS Senior Director of Facilities and Technical Services, requesting a modification of HRG's administrative condition to provide a copy of the PennDOT HOP prior to recording the plan. He asks that the HOP be required prior to receiving a Certificate of Occupancy for the building in lieu of it being a condition of recording the land development plan. Mr. Bonanno is supportive of modifying the administrative condition, due to the length of time it may take to receive approval from PennDOT. The comment was included in the HRG conditions per the Township's Stormwater Management Ordinance. No other modifications are required regarding the other conditions. It will be necessary to amend some of the agreements that refer to the original conditional approval of Plat 1342 and to include a "hold harmless" agreement or clause with MHS. The "hold harmless" agreement or clause would state that MHS is proceeding with construction at their own risk. Mr. Osmolinski stated he has spoken to PennDOT and discussed how backlogged they are in processing HOPs. He stated they would like to record the plan and start construction without the HOP. Mr. Emerick showed the Board on the map the location for the HOP and stated it is for a minor issue.

Chairman Abruzzo made a motion to revise Condition 3 of the August 4, 2021 Township conditional approval letter for Plat 1342, as it relates to Comment 1 in the July 15, 2021 HRG letter, to require that the PennDOT HOP is provided to the Township Department of Community Development prior to issuance of a Occupancy Permit for the Group Child Care Facility, conditional upon Milton Hershey School accepting all revisions to all agreements related to the approval of the plan that are affected by this revision, including any "hold harmless" agreement or clause. Supervisor Cort seconded the motion. **Motion carried 5-0.**

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SECURITY: 2368 PULLMAN WAY, S-2021-020:

Vice Chairwoman Nutt made a motion to accept a cash financial security in the amount of \$7,919 and enter into the Agreement to Provide Financial Security with Tracy and Nicola Burke for the Stormwater Management Plan for 2368 Pullman Way, S-2021-020. Supervisor Wyckoff seconded the motion.

Motion carried 5-0.

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Zmuda thanked everyone for a great Holiday event. Supervisor Cort stated the next All Things Diversity will be January 12. She also thanked everyone and all those who donated for the event. Vice Chairwoman Nutt and Chairman Abruzzo attended the Library Board meeting. Chairman Abruzzo spoke of the help the Police provided a resident while they were moving. He also thanked the Public Works Department for the great job they did with leaf collection this year.

REPORTS:

<u>Recreation:</u>	Mr. Jackson stated the outdoor slide arrived. He provided an update on the Community Center Project that the contractors are doing including finishing walls, working on the indoor pools, roofing, lights in the gym, curbing, and soon they will go to permanent power for the building. He stated they have sold 300 memberships to date.
<u>Manager</u>	Mr. Blahusch showed the Board the new feature for the website whereby residents can contact the Township about issues. He went over the form and how it would work. The Board talked about when to implement it and response time. It was agreed to roll it out in January with a 48-hour turn around (when possible) and would be shared on social media. Mr. Christman thanked Veterans as today is the 80 th anniversary of the bombing of Pearl Harbor.

VISITOR/PUBLIC COMMENTS:

Mr. John Foley expressed concern about the disparity with the Milton Hershey School's Group Child Care Facility plan being able to record and start construction with an outstanding condition. He spoke about the Bears Creek plan which asked for a demolition permit which was proposed for safety and was denied because the conditions were not met. He asked someone to reach out to him because it seems like there are different rules. Solicitor Armstrong spoke of the outstanding issue for the school which is an HOP for the sidewalks versus access to the site. He noted the financials were posted and the agreements have been signed. He spoke about the settlement with Bears Creek plan and that there are outstanding issues and the conditions have not been met. Mr. Foley believes the demolition was outside the settlement and would like to have someone contact him. Solicitor Armstrong will follow-up with him and the attorney for the plan.

ADJOURNMENT:

Supervisor Zmuda made a motion to adjourn the meeting at 8:15 p.m. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary