

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
DECEMBER 21, 2021

CALL TO ORDER

Chairman Abruzzo called the December 21, 2021, Regular Meeting of the Township of Derry Board of Supervisors to order at 7:06 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 and land issues. He stated Supervisor Wyckoff is on vacation and couldn't attend the meeting.

IN ATTENDANCE:

SUPERVISORS

E. Christopher Abruzzo, Chairman
Natalie L. Nutt, Vice Chairwoman
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
Lt. Timothy Roche, Police Department
Zach Jackson, Director of Parks and Recreation
Alison Trautmann, Director of Hershey Public Library
David Sassaman, Hershey Volunteer Fire Department
Matt Bonanno, HRG Engineer
Julie Echterling, Recorder

MEMBER ABSENT:

Carter E. Wyckoff, Secretary

Public in Attendance:

The following were in attendance: Michael Corado, Doug Nicotera, Marshall Cass, Mason Cass, Ken Gall, David Tshudy, Karla Farrell, Linda Eyer

VISITOR/PUBLIC COMMENTS:

Ms. Linda Eyer, 2321 Raleigh Road, spoke about the meeting three years ago where taxes were raised to support the Community Center. She stated the meeting tonight and budget without a tax increase is a testament to Mr. Christman who has guided the budget process with the Board for the past two years. She thanked him.

CONSENT CALENDAR:

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

1. Adoption of Board of Supervisors Minutes for the December 7, 2021 Regular Meeting.
2. Authorized the full release of financial security in the amount of \$9,298, which had been provided in the form of cash for the Stormwater Management Plan for Updegrove Pool Project, S-2019-015.
3. Approval of Accounts Payable \$1,518,336.44 and Payroll of \$299,937.33

Vice Chairwoman Nutt seconded the motion. **Motion passed 4-0.**

NEW BUSINESS:

RESOLUTION 2021-25-2022 BUDGET:

Mr. Christman provided the Board highlights of the 2022 budget. The budget is a no tax increase budget with proposed revenues of \$23,825,660, expenses of \$22,617,910 and a General Reserve Fund balance of \$4,139,898 proposed in the budget. He stated all the current services would continue and noted that a full recovery would be 3-5 years out from the effects of COVID.

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Vice Chairwoman Nutt made a motion to adopt Resolution 2021-25 adopting the Annual Operating Budget for the Township of Derry for fiscal year 2022 in accordance with Article XXXII of the Pennsylvania Second Class Township Code. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

RESOLUTION 2021-26-ESTABLISHING A TAX LEVY FOR FY2022:

Supervisor Cort made a motion to adopt Resolution 2021-26 which establishes a Tax Levy for the Township of Derry for fiscal year 2022 in accordance with Article XXXII of the Pennsylvania Second Class Township Code. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

RESOLUTION 2021-22-STREET LIGHTS FOR FY2022:

Vice Chairwoman Nutt made a motion to adopt Resolution 2021-22 which establishes an assessment for the cost and expense of maintaining streetlights within the Township of Derry, pursuant to Section 2003(a) of the Second-Class Township Code, as amended, also providing for the collection thereof. Supervisor Cort seconded the motion. **Motion carried 4-0.**

RESOLUTION 2021-24-FEE SCHEDULE FOR FY2022:

Supervisor Zmuda made a motion to adopt Resolution 2021-24 which establishes a fee schedule of planning, zoning, building and other fees for Calendar Year 2022. Vice Chairwoman Nutt seconded the motion. **Motion carried 4-0.**

LABOR CONTRACT-DERRY TOWNSHIP POLICE ASSOCIATION:

Mr. Christman spoke about the new proposed contract for the Derry Township Police Association. He highlighted changes in the contract and pay increases.

Chairman Abruzzo made a motion to approve the labor contract with the Derry Township Police Association for a term beginning on January 01, 2022 and terminating on December 31, 2024. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

PROPOSED NATIONAL OPIOID SETTLEMENT:

Solicitor Armstrong discussed the proposed national opioid settlement agreements with distributors, Amerisource Bergen, Cardinal Health and McKesson (Distributor Settlement) and manufacturers, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc. and Janssen Pharmaceutica, Inc. (J&J Settlement). He stated Dauphin County has circulated settlement agreements for the Distributor Settlement and J&J Settlement for qualifying municipalities in Dauphin County and is asking eligible Dauphin County municipalities to participate in those proposed settlement agreements. He noted signing the agreement does not automatically mean payment since the state needs to be awarded the money.

Chairman Abruzzo asked the Police to provide statistics of how this opioid epidemic has affected the Township. Lieutenant Roche stated that from 2018 to present they have deployed Naloxone 44 times and have had 12 deaths from overdoses. He noted that the numbers dropped in 2019-2020 but are on the upswing for 2021. He stated that overdoses that present at the Emergency Room are not counted in his numbers but he can reach out to find out how many they had.

Supervisor Cort made a motion for to Derry Township agree to, opt in, and execute the proposed Distributor Settlement and J&J Settlement circulated by Dauphin County, and further approve and authorize the execution of any and all other documents and/or agreements related thereto in order to

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proceed with participating in the national opioid settlement agreements, including but not limited to the proposed Pennsylvania Subdivision Intrastate Allocation Participation Form; and authorize Manager Christopher Christman to sign the required documents. Supervisor Zmuda seconded the motion.

Motion carried 4-0.

BID APPROVAL-UNDERGROUND WATERPROOFING SYSTEM

Lieutenant Roche spoke about the flooding issue they have had and the bids for the completion of an underground waterproofing system for the Derry Township Police Station. The Township received one qualified bid from Houck & Company, Inc. to install the underground waterproofing system at a total cost of \$29,990 for the project.

Vice Chairwoman Nutt made a motion to approve the bid of Houck & Company, Inc. to install an underground waterproofing system for the Derry Township Police Department for an amount not to exceed \$29,990 as outlined in their proposal dated December 08, 2021. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

RESOLUTION 2021-27-EMERGENCY OPERATIONS PLAN:

Chairman Abruzzo made a motion to adopt Resolution 2012-27 authorizing the adoption of the Dauphin County Emergency Operations plans for use as the Township of Derry Emergency Operations Plan. Supervisor Cort seconded the motion. **Motion carried 4-0.**

PROPOSED MODIFICATIONS TO DEVELOPMENT AGREEMENT-HERSHEY WEST END-STREETS & INFRASTRUCTURE PHASE, PLAT 1330:

Mr. Emerick stated Plat 1330 is the first final plan after the January 22, 2019 approval of Conditional Use Application No. 2018-01 for the Hershey West End Master Plan, as filed by Hershey Trust Company. One of the conditions related to the approval of the plan was that the developer enter into a Development Agreement. The Development Agreement addresses many aspects of development, including blasting.

Solicitor Armstrong went over the proposed submitted changes by the developer in regard to blasting for the already approved Developer's Agreement. The developer asked that the following conditions be removed/changed:

1. Before proceeding with any blasting approvals, Developer shall meet with the Township's engineer to review all alternatives reasonably available in lieu of blasting.
 - Developer wants this condition eliminated.
2. Developer shall provide at least ten (10) days prior written notice by first class mail, postage prepaid, to the owners of all property located within one thousand (1,000) feet of the proposed blasting site(s), at the property owner's address shown on tax assessment records. This written notice shall advise such property owners when blasting is expected to begin, the anticipated duration of such blasting activities, and the name, address, and policy number of the insurance company providing coverage for such blasting activity. Proof of service of this notice to each property owner shall be provided by Developer to Township.
 - Developer wants the condition to provide insurance information to property owners eliminated.
 - Developer wants to eliminate the requirement to notify property owners within 1,000 feet and change the language to *“the notice to the owners of nearby property to the extent and in the manner required by the regulations of DEP and other governmental bodies having*

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regulatory authority over blasting, which regulations are incorporated herein by reference.”

3. Developer shall provide the Township's Engineer with a plan showing the location of blasting activity at least seven (7) days in advance of blasting. All blasts taking place within five hundred (500) feet of any structure shall be monitored by seismic instrumentation, and the results thereof shall be provided to Township.
 - Developer proposes eliminating seismic instrumentation requirement.
 - Developer proposes contacting Department of Community Development with a notice of the period blasting activity at least seven days in advance of the initial blasting and 24 hours before each individual blast.
4. In the event any individual or entity makes a written claim for damage alleging arising out of the blasting activities, developer shall make contact with such individual or entity within 48 hours of receiving notice of the claim and thereafter developer shall promptly notify its insurance carriers providing blasting coverage for the claim with a copy of such written notification transmitted to the individual or entity by ordinary mail.
 - Developer wants to eliminate this whole condition and replace it with “*All blasts shall be conducted in accordance with Applicable Laws, and Developer shall provide Township with copies of all blasting reports submitted to DEP and other governmental bodies having regulatory authority over blasting.*”

Mr. Ken Gall, Hershey, stated their main issues is notifying neighbors within 1,000 feet of the proposed blasting. He apologized that they did not catch this in the development agreement prior to approval. He spoke about how the state had a requirement of 200 feet and it was dropped as DEP permits the blasting. He was requesting the agreement be changed to reflect current state and DEP regulations. He discussed the hardship this would be for them to notify the property owners. He spoke about the developer agreement needing to be changed for future development. Ms. Karla Farrell, Capital Construction, spoke about the DEP requirements for blasting and how there is not a requirement for notifying property owners. She spoke about the blasting that would occur as minimum (2.5 pounds of explosives in rock) and how they could call Mr. Emerick when they are blasting so he would know if he received calls. She stated the DEP removed the notification requirements because of erroneous claims by property owners.

The Board discussed the notification to residents and provided options including a notification with a website for owners and contacting HOAs in the area to help get the word out. They spoke about this being a good neighbor, a courtesy and do not see an issue with notifying property owners prior to the blasting. They spoke about avenues that property owners could know about the blasting. Extensive discussion ensued.

Chairman Abruzzo stated they are not comfortable to change all the language at this time. They would like to know how many neighbors are within 1,000 feet. They would like to discuss it further and find out why the 1,000 feet was added to the language of the development agreement. The Board did agree to remove one sentence of the language of the agreement.

Chairman Abruzzo made a motion to remove the language from the Developer Agreement for Hershey West End Master Plan Plat 330 condition Z(2) “the name, address and policy number of the insurance company providing coverage for such blast activity”. Supervisor Cort seconded the motion. **Motion carried 4-0.**

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UPGRADE PERMIT SOFTWARE TO MUNICIPALITY:

Mr. Emerick spoke about the current software for permitting. He proposes to move from their current system of CivicGov to Municipality at a cost of \$38,400. This cost would be covered by the ARPA account. He spoke about the improvements it would provide to their department. He stated to help pay the yearly maintenance fee, they will raise the cost of each permit application \$24.

Vice Chairwoman Nutt made a motion authorizing the Township Manager to execute the Software License and Service Agreement with Municipality for an amount not to exceed \$38,400. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

PARK BOULEVARD LIGHTS AGREEMENT:

Mr. Emerick spoke about how the lights on Park Boulevard came about with HE&R spending \$300,000 for the installation of the lights. An agreement is needed for the Township to take over the maintenance and ownership of the lights. The agreement will also include provisions for the temporary and permanent easements and banners on the lights. Mr. David Tshudy, Hershey, spoke about the agreement, and cooperating with the Township regarding banners on the lights when needed. The Board decided the language should be coordinated with the Township because the Township will have final say on what banners are displayed on the lights.

Supervisor Cort made a motion authorizing Christopher Christman to execute the Sidewalk Light Agreement, subject to the Solicitor's final review of the agreement. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

SECURITY: 64 LUCY, S-2021-25:

Chairman Abruzzo made a motion to accept financial security in the amount of \$7,203, in the form of Harco National Insurance Company Bond No. 0795419 and enter into the Agreement to Provide Financial Security with The McNaughton Company for the Post Construction Stormwater Management Plan for 64 Lucy Avenue, S-2021-025. Vice Chairwoman Nutt seconded the motion. **Motion carried 4-0.**

ACKNOWLEDGEMENT LETTER TO MOVE THE DERRY TOWNSHIP COMPOST FACILITY:

Mr. Christman stated the Dauphin County Conservation District Board of Directors raised concerns of having a composting operation within a floodplain along the Spring Creek. The land adjacent to the Township's existing landfill would be suitable for this operation and it is located outside of any floodplain area. There is a letter of acknowledgement from the Hershey Trust memorializing our mutual understanding under section 5(b) of the lease agreement for the landfill that composting operations are permitted under the lease. Moving the facility to the Gravel Hill Road site will allow the Township to remain compliant with DEP for the proper acceptance and processing of compost materials.

Supervisor Cort made a motion to authorize the Township Manager to execute the letter of acknowledgment for the processing of compost materials at the Gravel Hill Road landfill site. Vice Chairwoman Nutt seconded the motion. **Motion carried 4-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Zmuda and Vice Chairwoman Nutt attended the Transportation meeting today. He spoke about them catching up on old business, the Park Boulevard lights are now on, and working on a long term plan for the Greater Hershey Transportation Study. He spoke about the intersection at Governor

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and Homestead and about a left turn and the need for an HRG study at a cost of \$2,800. He asked if they could approve the study tonight. Solicitor Armstrong noted that the changes in the Sunshine Law that require notice and changes to the agenda. The Board agreed to add it to the January 3 meeting under New Business. Supervisor Cort stated the next All Things Diversity will be January 12. The Board wished the residents and Staff Happy Holidays.

Chairman Abruzzo noted this was Supervisor Cort’s last meeting after serving six years as a Supervisor. Everyone on the Board and Staff thanked her for her contribution and wished her well.

REPORTS:

<u>Police</u>	Lieutenant Roche spoke about the threats made against schools nationwide for December 17. He stated they provided a police presence in all the Township’s schools (both private and public). The schools have thanked them for their presence during that time.
<u>Fire:</u>	Mr. Sassaman spoke about the successful Santa run this year. At one time they had 902 followers on Sunday. He thanked everyone for a wonderful year and their continued support.
<u>Library</u>	Ms. Trautmann stated the Library would be closed December 24-25.
<u>Recreation:</u>	Mr. Jackson provided an update on the work the contractors are doing and will be working on next for the Community Center. He stated they have sold 400 memberships to date.
<u>Engineer</u>	Mr. Bonanno stated they provided 1,000 man hours for the year to the Township with 10 plans that went to the Planning Commission, 28 stormwater plans and 35 site inspections.

VISITOR/PUBLIC COMMENTS:

Supervisor Cort addressed the Board and Staff and spoke of her time as a supervisor over the past six years. “Tonight is my last meeting as Derry Township supervisor. It’s hard to believe that I have served the community in this role for six years. Time flies! I am grateful for having had this opportunity to shape and guide our community. It has been an honor to serve and make our township an even better place for our residents. It hasn’t always been easy. There have been plenty of challenges I have faced as a board member. But when things got tough, I remembered why I ran for this office in the first place. I wanted to take my passion for serving others to benefit the community that I love. I’m proud to have served on a number of boards and committees and to have led the township’s communications efforts. Throughout the years, I have made fair decisions (some of them tough ones), based on the facts, and the parameters of the position. I believe that I have served as a voice of reason and helped mitigate conflict on many occasions. Someone on staff recently told me that I helped him learn a lot about patience, generosity, and politeness as supervisor. If I did nothing else, I’m pleased to have had that kind of impact on people. A person who was recently considering running for supervisor, asked me what my greatest challenge and greatest joy was being a supervisor. I thought about that and quickly answered, “that’s easy - it’s the same thing. The Community Center project was my greatest challenge and greatest joy.” Perhaps it was both because I fought hard for this project against some incredible obstacles and because I believe so much in its value to our community. I dedicated much of my time as supervisor leading our capital campaign, and despite the challenges and changes with the project and the pandemic, we were able to raise 2.8 million dollars. My thanks again to all the generous donors for supporting our community center. I plan to buy my membership today in celebration! My thanks to my fellow board members for their passion for our community and their service. I wish you all luck in the years ahead. I’d also like to thank the entire staff, including former township manager Jim Negley and former assistant township manager Jill Henry. YOU have made my experience as supervisor really special.

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To Lt. Roche, Chief Warner and the DTPD, thank you for your partnership. I have enjoyed working with you communicating issues to the residents. Our community is so lucky to have you all keeping us safe each day. To Dave Sassaman and the HVFD, thanks for working together to share news with the community and for your undying dedication to protecting our community. To Tom Clarke, Bob Piccolo, and staff – thank you for all you do each and every day to keep our township clean, clear, and safe and for your friendship and partnership over the years. To Allison, while we have only worked together a short time, I'm grateful for all you do for the library and so glad you're a part of our Hershey Area All Things Diversity group so we can continue working together. To Zach Jackson, and former Parks & Recreation Director Matt Mandia – we have probably worked together most closely over the years. Thank you for your dedication, your calm demeanor, and your care for our community. I hope that you enjoy the new center and are proud of all you have done!

Matt Bonanno and HRG – you have always been great partners to our Township and provide solid guidance to the supervisors and our staff. To Chuck and the community development staff, thank you for keeping a watchful eye over the growth and feel of our township. Our community is extremely lucky to have you in this role, Chuck. It's apparent that you love this community and want the best for it and the residents. To Pat Armstrong and his team, thank you for your incredible knowledge and solid advice. Our township is well protected under your watch. A big thank you to our IT Manager Brian Blahusch. I had the pleasure of working with Brian on the weekly email newsletter, the website, and all the diversity events. Brian is an extraordinary asset to the township and I will miss working with him. Thanks to Julie to sticking with us through all the meetings and keeping things we said straight! Last but not least, thanks to our township manager Chris Christman. I appreciate your partnership and friendship, Chris. Our community is in great hands under your leadership. I would also like to say thank you to the residents who shared their concerns with the board over the years. You are all a part of the success of our township. To Mike Corrado, good luck as supervisor. You will be a steady voice on this board. And I would like to thank my dear friends and my wonderful husband for their support over the years. You grounded me in tough times and celebrated with me in good times. I could not have done this without you by my side! Finally, I encourage everyone – the board, the staff, and the public, to be kind, thoughtful and respectful. Listen to each other. Learn from each other. Build good lines of communication. Keep an open mind, think independently, and make the decisions that continue to make our community a place we're all proud to call home.”

Supervisors Zmuda thanked her for her counsel and her kindness and considers her a friend. He thanked her for looking after him when he first got on the Board. Vice Chairwoman Nutt spoke about coming on the Board and thanked her for her insight and for serving. Chairman Abruzzo thanked her for her service and presented her a plaque honoring her six years of service. She faced challenges and made it look easy, served with grace and dignity. He said she is a credit to our community.

ADJOURNMENT:

Supervisor Cort made a motion to adjourn the meeting at 9:07 p.m. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary