

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
JANUARY 25, 2022

CALL TO ORDER

Vice Chairwoman Nutt called the January 25, 2022 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. She advised that all public meetings are recorded for providing accurate notes. After the pledge of Allegiance a roll call was completed. She announced there was a public hearing at 5:30 p.m. An Executive Session was held before the meeting where land, legal and personnel issues were discussed. She noted Chairman Abruzzo was out of town for business.

IN ATTENDANCE:

SUPERVISORS

Natalie L. Nutt, Vice Chairwoman
Carter E. Wyckoff, Secretary
Richard D. Zmuda
Michael P. Corado
E. Christopher Abruzzo, Chairman-Absent

ALSO PRESENT:

Christopher Christman, Township Manager
Patrick Armstrong, Solicitor
Chuck Emerick, Director of Community Development
Thomas Clark, Director of Public Works
Chief Garth Warner, Police Department
David Sassaman, Hershey Volunteer Fire Company
Alison Trautmann, Director of Hershey Public Library
Zachary Jackson, Director of Parks and Recreation
Matt Bonanno, HRG Engineer
Julie Echterling, Recording Secretary

Public in Attendance:

Michael & Ruth Still, Joe Still, Marvin Smith, Cate Hayden, Joe Hoke, Colleen Tafara, Kieran Holley, Christine Corado, Rich Gamble

SWEARING IN CEREMONY:

Judge Pelino swore in Michael Corado as a Supervisor. Vice Chairwoman Nutt swore in David Still as a Derry Township Police Officer.

VISITOR/PUBLIC COMMENTS:

There were no public comments offered.

CONSENT CALENDAR

Supervisor Wyckoff made a motion to approve the following items on the Consent Calendar:

1. January 3, 2022 Board of Supervisors Reorganization Meeting Minutes.
2. Authorizes the release of maintenance security in the amount of \$425.00, provided as cash for the Preliminary/Final Subdivision and Land Development Plan for Middletown Road Site, Plat 1312.
3. Approval of Accounts Payable \$951,139.11 and Payroll of January 7, 2022 - \$294,576.96 and Payroll of January 21, 2022 - \$328,029.95.

Supervisor Corado seconded the motion. **Motion carried 4-0.**

NEW BUSINESS:

BID-COLLECTION AND DISPOSAL OF WASTE & SALE OF RECYCLABLE MATERIALS:

Mr. Christman stated the current Municipal Solid Waste and Recycling Collection contract expires on March 31, 2022. Under the Pennsylvania Second Class Township Code, the Township is required to bid this service for the community. Should the Board approve authorization to advertise this evening, bid packages will be available to qualified bidders on Wednesday, January 26, 2022. A mandatory pre-bid

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conference for prospective bidders will be held on Tuesday, February 08, 2022 and bids are due on Monday, February 21, 2022 at 10:00 a.m. A possible award of contract will be scheduled before the Board of Supervisors on February 22, 2022.

Vice Chairwoman Nutt made a motion to authorize the Administration to advertise a bid for the Collection and Disposal of Solid Waste, Yard Waste and the Collection, Processing and Sale of Recyclable Materials. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

BID-COLLECTION AND PROCESSING OF RECYCLABLE MATERIALS:

Mr. Christman stated the current Recycling Center contract expires on March 31, 2022. Under the Pennsylvania Second Class Township Code, the Township is required to bid this service for the community. Should the Board approve authorization to advertise this evening, bid packages will be available to qualified bidders on Wednesday, January 26, 2022. Bids are due on Monday, February 21, 2022 at 10:00 a.m. A possible award of contract will be scheduled before the Board of Supervisors on February 22, 2022.

Supervisor Zmuda made a motion to authorize the Administration to advertise a bid for the Collection and Processing of Recyclable Materials from Derry Township Recycling Drop-Off Center. Supervisor Wyckoff seconded the motion. **Motion carried 4-0.**

HRG SCOPE OF WORK -CONDUCT A ROUTE 422 SAFETY EVALUATION:

Mr. Christman stated HRG has prepared a scope of work for a safety evaluation in the 422 corridor between Homestead Road and Spring Creek Lane. He stated the budget impact would be \$14,300 to be billed against Engineering & Architectural Services.

Supervisor Wyckoff made a motion to authorize the Township Manager to execute the Scope of Work for the Route 422 Safety Evaluation as outlined in the HRG, Inc. letter dated January 20, 2022 for an amount not to exceed \$14,300. Supervisor Corado seconded the motion. **Motion carried 4-0.**

ORDINANCE ADVERTISING -TOWNSHIP'S NON-UNIFORM EMPLOYEE PENSION PLAN:

Solicitor Armstrong stated the Board has before them a consideration to authorize the advertisement of an Ordinance approving the Township's Non-Uniform Employee Pension Plan Restatement/Amendment as proposed by PMRS (Pennsylvania Municipal Retirement System) for adoption. He noted the proposed Restatement/Amendment does not appear to significantly alter the existing Plan and/or contain significant substantive changes.

Vice Chairwoman Nutt made a motion to authorize a public hearing be advertised for February 22, 2022 so that the Board of Supervisors can consider and adopt an Ordinance approving and authorizing the execution of the proposed PMRS Defined Benefit Plan Adoption Agreement and related documents. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

RESOLUTION 2022-07-CPA TO AUDIT ACCOUNTS FOR 2021 FISCAL YEAR:

Mr. Christman stated on November 23, 2021 the Board approved the appointment of Zelenkofske Axelrod, LLC to perform the financial audit for the year ending December 31, 2021. A resolution is required to confirm this appointment.

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Vice Chairwoman Nutt made a motion to adopt Resolution No. 2022-07, appointing Zelenkofske Axelrod, LLC to examine and audit the accounts of the Township of Derry for the 2021 fiscal year for a sum of \$26,600. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

ORDINANCE 2021-08-ZONING DISTRICT CHANGE (POLICE ACADEMY DRIVE) :

Solicitor Armstrong noted there was an issue with advertising for the public hearing for this request. Additional advertising is needed with a hearing being scheduled for February 22, 2022. Supervisor Zmuda made a motion to **TABLE** action on Ordinance 2021-08 until February 22, 2022. Vice Chairwoman Nutt seconded the motion. **Motion carried 4-0.**

AGREEMENT FOR USE OF BRUWIN DRIVE:

Mr. Emerick discussed the background of Bruwin Drive and showed the Board the location on the map. He stated the Township holds an interest in a 55 foot wide right-of-way for an unopened street that extends northeast from Appenzell Drive approximately 155 feet. It is suspected that the Township wanted some control of the right-of-way to preserve the ability for a developer of the landlocked property (formerly owned by Winters) at the end of the right-of-way to have access to the public road. Additionally, evidence exists in the files that the Winters tract was granted an easement over the lands in 1986. He spoke of a proposed plan that was withdrawn and refiled to create a lot around an existing dwelling and to convey the remainder of the lands to the Milton S. Hershey Penn State Medical Center, negating the need for a full cul-de-sac. There is another 2.5-acre landlocked parcel near Bruwin Drive owned by Bradley E. Freet, that is also seeking access to Bruwin Drive. Mr. Freet is seeking use of Bruwin Drive and has obtained preliminary approval from all adjacent owners for its use and has provided a draft Access and Maintenance Agreement for consideration. He stated the Township was party to the last agreement. It makes sense that we are also party to any modification to the agreement; however, the Township's need to preserve the ability for Bruwin Drive to become a public road does not seem to exist anymore. After discussion with Solicitor Armstrong, it is the Board's decision to continue to be associated with Bruwin Drive. It may make sense to ensure that an appropriate agreement exists between the associated property owners and relinquish any standing we have in this or future agreements. The Board and Solicitor discussed options available for this request. Mr. Emerick noted that the Medical Center should be included in this agreement.

Supervisor Zmuda made a motion to authorize the Township Staff to participate in the revisions of the proposed Maintenance agreement in a manner that the Township reserves the right to enforce the obligations in the agreement, subject to all parties being in agreement. Vice Chairwoman Nutt seconded the motion. **Motion carried 4-0.**

SECURITY- PENN STATE COLLEGE OF MEDICINE PARKING DECK, S-2018-018:

Supervisor Zmuda made a motion that the Board of Supervisors enter into the August 25, 2021 Development Agreement with The Pennsylvania State University by authorizing Christopher Christman to sign the Development Agreement and authorize the release of the remaining balance (\$268,766.00) of the financial security provided in the form of PNC Bank Letter of Credit No. 18131088-00-000 for the Stormwater Management Plan for Penn State College of Medicine Parking Deck, S-2018-018. Vice Chairwoman Nutt seconded the motion. **Motion carried 4-0.**

AGREEMENT WITH THE SENIOR CITIZENS CENTER OF DERRY TOWNSHIP:

Mr. Jackson stated the Township has included space for the Senior Center in the new Derry Township Community Center. The proposed reservation agreement would take effect when the facility is available

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for occupancy, with an expiration of December 31, 2027. The information contained in this agreement has been reviewed by the Township Solicitor, and the terms have been agreed upon by the Senior Center Board of Directors. Supervisor Zmuda asked if the \$22,000 a year fee was sufficient to cover the costs at the Center. Mr. Jackson stated it is the rate they are currently paying at their location. He noted they would have a private entrance which would be staffed by their own members and not by employees of the Center.

Vice Chairwoman Nutt made a motion to authorize execution of a reservation agreement with the Senior Citizens Center of Derry Township. Supervisor Corado seconded the motion. **Motion carried 4-0.**

AGREEMENT WITH THE HERSHEY AQUATIC CLUB:

Vice Chairwoman Nutt asked for more time to review this agreement.

Vice Chairwoman Nutt made a motion to **TABLE** action on the reservation agreement with the Hershey Aquatic Club for use of the Derry Township Community Center. Supervisor Wyckoff seconded the motion. **Motion carried 4-0.**

SECURITY- RMJ LEGACY, LLC- S-2021-023:

Supervisor Zmuda made a motion to accept a cash financial security in the amount of \$20,397 and enter into the Agreement to Provide Financial Security with RMJ Legacy, LLC for the Stormwater Management Plan for 45 and 47 Millard Street, S-2021-023. Vice Chairwoman Nutt seconded the motion. **Motion carried 4-0.**

SECURITY- 1410 SAND HILL ROAD, S-2021-024:

Vice Chairwoman Nutt made a motion to accept a cash financial security in the amount of \$9,356 and enter into the Agreement to Provide Financial Security with Kevin E. and Beth A. Streeper for the Stormwater Management Plan for 1410 Sand Hill Road, S-2021-024. Supervisor Wyckoff seconded the motion. **Motion carried 4-0.**

SECURITY- 506 RANDALL CIRCLE - S-2021-026:

Supervisor Zmuda made a motion to accept a cash financial security in the amount of \$20,656 and enter into the Agreement to Provide Financial Security with Kimberly E. Gorsuch for the Stormwater Management Plan for Kim Gorsuch and Coby Rudakewiz (506 Randall Circle), S-2021-026. Supervisor Corado seconded the motion. **Motion carried 4-0**

SECURITY- 11528 SAND HILL ROAD, S-2021-022:

Vice Chairwoman Nutt made a motion to accept a cash financial security in the amount of \$38,720.00 and enters into the Agreement to Provide Financial Security with G. M. Leader Corporation for the Stormwater Management Plan for Providence Place (1528 Sand Hill Road), S-2021- 022. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Zmuda and Vice Chairwoman Nutt attended the Transportation meeting today. Supervisor Wyckoff attended the DTMA meeting where updates on the construction projects and tapping fees were discussed.

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REPORTS:

<u>Recreation</u>	Mr. Jackson provided an update on the construction this week and upcoming next week. He noted there are 550 memberships purchased to date.
<u>Community Development</u>	Mr. Emerick discussed the need for two public hearings on February 22. He spoke of the master plan for the West End project and noted the hearing could be continued depending upon how it goes.

VISITOR/PUBLIC COMMENTS:

There were no comments offered.

ADJOURNMENT TO EXECUTIVE SESSION:

Supervisor Zmuda made a motion to adjourn the meeting and enter into Executive Session to discuss a legal issue at 8:15 p.m. Supervisor Corado seconded the motion. **Motion carried 4-0.**

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary