

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
FEBRUARY 22, 2022

CALL TO ORDER

Chairman Abruzzo called the February 22, 2022 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:02 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 completed. He noted the Board met in executive session at 5:00 to 5:35 p.m. to discuss legal matters. He announced there was a Public Hearing at 5:30 p.m. for Conditional Use Application and a Public Hearing at 6:45 p.m. for Amending the Official Zoning Map.

IN ATTENDANCE:

SUPERVISORS

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

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 Department
Allison Trautmann, Director of Hershey Public Library
Zachary Jackson, Director of Parks and Recreation
Matt Bonanno, HRG Engineer
Julie Echterling, Recording Secretary

Public in Attendance:

Mary Beth Backenstose, Pat Potter, Chro-Chuan Liao, Amy & Jeff Bye, James Strong, Jim Snyder, Doug Tilley, Lowell Gates, Paula Vonstein, Deepaw, Muper, Bob Welsh, Tom Stang, Rich Gamble

VISITOR/PUBLIC COMMENTS:

Mr. John Wilburne, 370 Harvey Road, spoke about the recent purchase of 174 Lamp Post Lane by a developer. He is concerned that the property will become high density rental properties (townhomes). He is concerned about the value of his home and does not want this property to become rentals. He spoke about the freedom we have but also communicating concerns. He asked the Supervisors to protect them and that all the laws are investigated and enforced.

Ms. Amy Bye, 171 Lamp Post Lane, said she and the residents of Chadds Ford oppose the development of 176 Lamp Post Lane. She knows there is not a plan submitted, however they oppose the development of the property. She spoke about the area being single family homes and want it to stay that way. She spoke the concerns of property values, safety, traffic, and other things with rentals. She quoted the requirement for a conditional use request is not to over burden existing public services. She noted the property is in the 100 year flood plan. She asked the Board to take into consideration their concerns as it is ultimately their decision.

Ms. Paula Vonstein, 443 Beach Ave, spoke about the sidewalk at her location not having curb cuts for her handicap husband to be able to use. Mr. Clark will reach out to her after the meeting.

Mr. Jose Carrasco, 315 Lamp Post, stated he is a homeowner and a businessman with rentals. He spoke of the upkeep of his rentals. He asked them to look at the rentals on Harley and aesthetics and mess. He spoke about the proposed development for Lamp Post Lane. He stated there are no single family homes

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for sale in Hershey and how the developer could sell them quickly. He spoke about traffic on Church with a left hand turn and is concerned with cut through for HMC. He stated there is plenty of other development in the Township for rentals. He is also concerned that the man wanting to build this is sitting on the Zoning Board. He asked them to be responsible, have a backbone, and to be fair to the homeowners.

Chairman Abruzzo thanked the residents for their comments but noted they do not have a project before them. He said they would reflect on these comments if and when a plan is presented.

Ms. Ghina Al Said, 170 Candlewick Lane, stated she lives opposite to the property and moved there two years ago. She spoke of spending \$10,000 to clean up the yard and property. She is concerned about her property being devalued with rental properties being developed. She is concerned with the safety for the children and would not have moved here if she would have known there was this possible development. She stated she is concerned with the letter she received today. She asked if it would affect her home and Chairman Abruzzo stated they do not have a plan. She asked what they will be developing.

Ms. Pat Potter, 832 Tallyho Dr., stated her fence abuts where the property is located. She stated when she bought this home, she was told they would never develop the property beyond her fence. She will be affected the most by this development based on the letter she received in the mail. She would recommend he develop them into single or double story houses with a master suite on the first floor.

Supervisor Zmuda asked about the letter the residents were speaking about. He was provided a copy of the letter the residents received. Mr. Emerick confirmed the Township has not received a plan for the mentioned property. Mr. Carrasco spoke about the letter and said there must be transparency. He reiterated the need for the Board to have a backbone. He applauded the letter because it is why they are here tonight. Ms. Al Said stated she is concerned and not sure she wants to be in the area if there will be rentals. She stated they came to Hershey for the reputation.

Mr. Rich Gamble, 39 Hockersville Road, stated the one agenda item states Sketch plan for Linlo Properties with no description. He was wondering why there was not more explanation on the agenda. He thinks if it would have said the development of Fishburn and Governor – more people would have been here. He asked that this item be tabled until the next meeting so more people can know about. He spoke of having five gas stations in the area.

Mr. Michael Graycar, Vice President M&H Railroad, wanted to ensure everyone that they are looking to upgrade the signals only. He stated their operation will not change or the crossings and if they have any questions to let him know.

CONSENT CALENDAR

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

1. Adoption of the February 8, 2022 Board of Supervisors Regular Meeting Minutes.
2. Authorizes the release of \$125,701, which is the remaining balance of the financial security held as PNC Bank Letter of Credit No. 18129603-00-000 for the Stormwater Management Plan for the Hershey Medical Center Academic Support Building Parking Lot Expansion, S-2017-023.
3. Authorizes the release of \$3,515, which is the remaining balance of the cash financial security provided for the Stormwater Management Plan for Scheib Residence, S-2020-008.
4. Approval of Accounts Payable \$948,856.08 and Payroll of \$306,117.44.

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

NEW BUSINESS:

SKETCH PLAN REVIEW FOR LINLO PROPERTIES:

Mr. James Strong, Attorney, stated they were here tonight to provide an update to the Board. He spoke about their previous plan, going through the two Planning Commissions, and receiving the Board's input. They have changed the height of the proposed building from four to three stories. They have relocated the Sheetz closer to the street. Mr. Jim Snyder, Snyder Associates, went over the changes they have made to the sketch plan. He spoke about changing the plan with Sheetz and the multi-purpose building. He outlined the site constraints with the underground utilities and the Sandhill Road relocation. Vice Chairwoman Nutt observed on the sketch plan that every car wanting to get back on Governor would have to make a left hand turn onto Sandhill Road where there is not a signal. Mr. Snyder stated that is correct or they could use the other exit which is a right hand turn only. Supervisor Zmuda asked about access to Karns and he indicated they are still working with the owners on this access.

Mr. Snyder indicated the apartments would be studio or one bedroom apartments and the rent would be market rates. The Board asked about traffic and the residents on Fishburn. Mr. Snyder indicated there would be an alley way for access. The Board asked about the next steps and Mr. Emerick noted that a master plan conditional use request would be necessary including the Sheetz. Mr. Strong stated they need to file a conditional use request as required and the building in the plans are permitted by conditional use approval. Since the site plan and building locations have moved, a new conditional use approval is necessary. Vice Chairwoman Nutt was concerned with the Master plan which gives the Board a view of what the site will look like and then things change, changing the view of the Master plan. Mr. Strong noted they have worked a long time on this plan, received feedback, and feel comfortable to file for the project.

Mr. Doug Tilley, TKS Architects, showed the sketch plan, location of the buildings, and streets to the Board. He noted all the materials and layout of the outside of the buildings match the downtown look. He noted there are no backs to the building facing the road. He stated the Dialysis, Kiddie Academy and Sheetz are done as the corporate prototypes. Vice Chairwoman Nutt asked about a buffer for the homes on the corner with the relocation of Sandhill Road. Mr. Snyder spoke of landscaping and open spaces for the location. Mr. Lowell Gates, Linlo Properties, spoke about stormwater and controlling the water off Sandhill Road.

Chairman Abruzzo noted they made a lot of adjustments based on their comments and concerns. He noted the Board wants to see the traffic study. He thanked those in attendance for coming and noted Mr. Gamble's concern about the wording of the agenda item and asked they be more descriptive for the public to be aware ahead of the meeting.

AWARD BID FOR TRASH/RECYCLING/YARD WASTE:

Mr. Christman stated the contract for Municipal Waste and Recycling collection expires on March 31. He discussed the bidding process with the Township receiving one bid from Waste Management. He noted Penn Waste and Republic did not return a bid. He spoke about the costs between the prior agreement and the bid. The most significant increase is the quarterly cost will increase to \$113 versus the current cost of \$60.

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Mr. Stang, Waste Management, spoke to the Board about the bid and the increased costs they have experienced these past few years. He spoke about the labor, recycling, and Harrisburg Incinerator costs increasing. He spoke about the contract and how in Year four they can bid out the contract or renew for each year until year five. He spoke about other municipalities and their increased costs. The Board understood the increased costs but were concerned for the residents and their reactions to such a high increase. They asked if there was an assistance program and the Township does have one. They discussed notifying the residents as soon as possible and multiple times especially for those who do not receive a bill and autopay. The Board and Mr. Stang are going to communicate this to the residents through e-news and the website.

Chairman Abruzzo made a motion to award the contract for the Collection and Disposal of Solid Waste, Yard Waste and the Collection, Processing and Sale of Recyclable Materials to Waste Management for the amounts denoted on the bid tabulation sheet. Supervisor Wyckoff seconded the motion. **Motion carried 4-0-1.** Vice Chairwoman Nutt abstained for a conflict of interest- business reasons.

AWARD BID FOR RECYCLING CENTER:

Mr. Christman spoke about the bidding process, how they received one bid, and the lowest bidder was Waste Management. He discussed the additional costs per the contract for the current services.

Chairman Abruzzo made a motion to award the contract for the collection and recycling of materials at the Derry Township Recycling Drop-Off Center to Waste Management for the amounts denoted on the bid tabulation sheet. Supervisor Wyckoff seconded the motion. **Motion carried 4-0-1.** Vice Chairwoman Nutt abstained for a conflict of interest -business reasons.

LETTER -M&H RAILROAD GRANT FOR IMPROVEMENTS FOR RT 322 CROSSING:

Mr. Christman discussed a request from M&H Railroad to seek grant funding from the Pennsylvania Department of Transportation for crossing improvements at the Route 322 Highway Crossing. The Middletown & Hummelstown Railroad (M&H) is requesting a letter of support from Derry Township for its replacement of the antiquated cantilevers and flashing lights over the Route 322 highway crossing. M&H has been told that funding for this project should be available through PennDOT. During a PUC site meeting on January 20, participants in the meeting expressed support for the project to solicit grant funding. However, the Board of Supervisors shall approve any support letters on behalf of the Township. M&H Railroad crossing is only for the continued limited use of the crossing, primarily to transport transformers to PPL's Harrisburg substation and for track maintenance equipment. If this crossing did not exist, the transformers would need to be taken through residential neighborhoods due to weight restrictions on the Fiddler's Elbow bridge and low clearances under other highway bridges. Usage of the Route 322 crossing is limited to 12 rail crossings a year, pursuant to a 1985 PUC Order. Installation of these warning devices would enhance safety when the Route 322 crossing is used, both for highway travelers as well as railroad employees who flag the crossing when used and state police, who are required to assist with traffic when transformers are transported. It will also ensure that the current antiquated cantilevers do not pose a hazard.

Vice Chairwoman Nutt made a motion to authorize the Township Manager to execute a letter of support for the M&H Railroad to seek grant funding from the Pennsylvania Department of Transportation for crossing improvements at the Route 322 Highway Crossing. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

RESOLUTION 2022-08-TOWNSHIP MANAGER AS SIGNATORY FOR FULTON BANK:

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Mr. Christman stated the Township has an account with Fulton Bank that has remained unused. The Administration is desirous to close this account; however, it cannot do so due to outdated signature cards. Resolution No. 2022-08 authorizes the Township Manager to become a signatory on the account to close the account.

Supervisor Wyckoff made a motion to approve Resolution No. 2022-08, a Resolution authorizing, designating, and appointing the Township Manager as a signatory for all Township accounts at Fulton Bank. Supervisor Corado seconded the motion. **Motion carried 5-0.**

ORDINANCE 2022-01- PMRS DEFINED BENEFIT PLAN ADOPTION AGREEMENT:

Solicitor Armstrong informed the Board that it needs to consider and adopt an Ordinance that approves and authorizes the execution of the Pension Plan Restatement/Amendment that has been proposed by PMRS. In particular, the Ordinance authorizes the execution of the proposed PMRS Defined Benefit Plan Adoption Agreement. He noted the Township was notified by PMRS a while ago that it needed to amend/clarify its Pension Plan for Non-Uniform Township Employees. PMRS has indicated that the Pension Plan Restatement/Amendment is necessary to ensure the Plan is consistent and in compliance with the applicable regulations. The Board previously authorized the Ordinance to be advertised for adoption at the February 22, 2022 meeting. He asked if there were any comments from the public and there were none.

Vice Chairwoman Nutt made a motion to adopt Ordinance No. 2022-01 approving and authorizing the execution of the proposed PMRS Defined Benefit Plan Adoption Agreement and related documents. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

STIPULATION & JOINT MOTION- TAX ASSESSMENT APPEAL OF SSN HERSHEY, LLC.:

Solicitor Armstrong discussed the recent tax assessment appeal settlement stipulations entered into in 2021, in the tax assessment appeal of SSN Hershey, LLC proposes a tiered approach from 2020 until 2026. This is for the property located at 84 Sipe Avenue, TMP No. 24-031- 060 (aka the “Inn at Chocolate Avenue”). Only the Board of Supervisors can authorize agreeing to the Stipulation. This resolution of the pending tax assessment appeal for the SSN Hershey, LLC property is similar to the tiered approach with other hotel/motel properties in 2021. This one is a little different because it is proposed as a Joint Agreed Upon Motion. The subject property was initially given an assessment of \$3,121,800.00. In this Stipulation, it is proposed to significantly decrease in 2020 and then gradually increase until 2026. The Stipulation also states that the Appellant may proceed with tax assessment appeals beginning in 2024. The School District and County have already agreed to and signed the Stipulation.

Supervisor Zmuda made a motion to approve and authorize the Township Solicitor to execute the attached Stipulation and Joint Motion for Agreed Upon Order in the tax assessment appeal of SSN Hershey, LLC for the property located at 84 Sipe Avenue, TMP No. 24-031-060. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

ORDINANCE 2021-08- AMENDING THE OFFICIAL ZONING MAP OF DERRY TOWNSHIP:

Mr. Emerick stated there was a public hearing earlier this evening, as well as at the hearing held on January 25, 2022. Ordinance No. 2021-08, if adopted, would amend the Official Zoning Map of Derry Township, as adopted in Chapter 225 (Zoning) of the Derry Township Code of Ordinances, by changing the zoning classification of a portion of the land identified as Dauphin County Tax Parcel No. 24-004-

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013, totaling approximately 42.5 acres, located north of Hersheypark Drive and south of Police Academy Drive, from Conservation to Planned Campus North.

Supervisor Wyckoff made a motion to adopt Ordinance No. 2021-08 as written. Supervisor Corado seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Vice Chairwoman Nutt and Supervisor Zmuda attended the Transportation meeting. She spoke about the public safety project for Chocolate Ave. that will come to the Board on March 8 along with the West end closures. She stated that Waltonville – 322 to Wood Road would be closed sometime in March through November. Supervisor Zmuda asked the Board if they had any issues with the HRG Greater Hershey comments, since there are grants closing soon, they would like to apply. He asked that they receive all comments as soon as possible. Supervisor Wyckoff thanked the residents for coming out tonight and voicing their concerns. He stated we are all neighbors and spoke of the courage it took to come out and thanked them.

REPORTS:

<u>Fire:</u>	Chief Warner stated Route 39 will be closed to clear debris.
<u>Library</u>	Ms. Trautmann stated they would have Neil Hartley at the Library this weekend and spoke about the mystery craft pickup event.
<u>Recreation</u>	Mr. Jackson stated the special membership price ends on Monday. Chairman Abruzzo asked about a pre-opening of the Center for sponsors and donors and the community before opening. He noted the project looks like it is on schedule and budget and thanked him.
<u>Community Development</u>	Mr. Emerick spoke about an item for the March 8 meeting for the flashing pedestrian light at Valley & Chocolate. He spoke about the 743 crossing trail with a spring 2023 grant.

VISITOR/PUBLIC COMMENTS:

Mr. Rich Gamble is concerned after hearing about the sketch plan on Fishburn. He is concerned about the smaller apartments. His main concern is with another gas station since there is one across the street from this proposed development. He spoke about air quality concerns and asked if they would be selling diesel fuel and asked if the pumps would be limited. He stated concerns for the houses on Fishburn and who would want to live next to this development. He is also concerned about traffic since it is a busy intersection already. He spoke of trying to get approval for a dialysis center years ago and it being rejected by the Kidney Foundation. Chairman Abruzzo spoke of it being an extension of HMC. Mr. Gamble is concerned with another daycare as Hershey Milton is building a new daycare center.

ADJOURNMENT:

Supervisor Zmuda made a motion to adjourn the meeting at 9 p.m. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Carter E. Wyckoff, Township Secretary

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CONFLICT OF INTEREST DISCLOSURE

I, Natalie Nutt, hereby disclose that I have a conflict of interest with regard to Waste Management. I am unable to vote on; discuss; or participate in any Township action with respect to Waste Management because of my relationship with the matter, as follows: I work with the company professionally

By: Natalie Nutt

Dated: 2/22/22

Received this 22nd day of February, 2022
Cathy Wyckoff
Township Secretary

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