

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
MARCH 8, 2022

CALL TO ORDER

Chairman Abruzzo called the March 8, 2022, Regular Meeting of the Township of Derry Board of Supervisors to order at 7:00 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 5-5:30 p.m. to discuss legal matters. He announced there was a Public Hearing at 5:30 p.m. for a Conditional Use Application. Supervisor Wyckoff was absent with excuse.

IN ATTENDANCE:

SUPERVISORS

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

ALSO PRESENT:

Christopher Christman, Township Manager
Patrick Armstrong, Solicitor
Chuck Emerick, Director of Community Development
Robert Piccolo, Assistant Director of Public Works
Chief Garth Warner, Police 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:

Jay Ziegler, Kevin Ferguson, John Foley, Steve Hines, Rich Gamble

VISITOR/PUBLIC COMMENTS:

Mr. Kevin Ferguson, 1338 Quail Hollow Road, expressed concern about the upcoming closing of Walton Road for eight months. He asked the Board to provide updates on the project and ensure that it is not closed longer than it needs to be. He spoke about all the people affected by this road closure. Chairman Abruzzo stated they will make sure updates are provided.

CONSENT CALENDAR

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

1. Adoption of the February 22, 2022 Board of Supervisors 5:30 PM Public Hearing Minutes.
2. Adoption of the February 22, 2022 Board of Supervisors 6:45 PM Public Hearing Minutes.
3. Adoption of the February 22, 2022 Board of Supervisors Regular Meeting Minutes.
4. Approval of Accounts Payable \$1,158,070.58 and Payroll of \$310,485.11.

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

NEW BUSINESS:

PLEAC PRESENTATION-POLICE -REACCREDITATION:

Chief Warner stated The Pennsylvania Chiefs of Police Association (PCPA) and the Pennsylvania Law Enforcement Accreditation Commission (PLEAC) are presenting the Derry Township Police Department with their most recent Certificate of Law Enforcement Accreditation through PLEAC. Accreditation is a progressive and time-proven way of helping institutions evaluate and improve their overall performance. The cornerstone of this strategy lies in the promulgation of standards containing a clear statement of professional objectives. Participating administrators then conduct a thorough analysis to determine how existing operations can be adapted to meet these objectives. When the procedures are in place, a team of independent professionals is assigned to verify that all applicable standards have been successfully

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implemented. The process culminates with a decision by an authoritative body that the institution is worthy of accreditation. The Derry Township Police Department has been involved in PLEAC since its inception, with Retired Chief of Police, James Negley, serving as one of the original Commission members. It was his vision to elevate the professional standards in the Derry Township Police Department that still leads us to this day and has instituted pride in our department who carry out our mission and values. He stated they have achieved Premier Agency Status with PLEAC, achieving re-accreditation five times without provisions or extensions.

Mr. Jim Adams, PLEAC, spoke about the culture of best practices of accreditation. He spoke of his experience of learning about accreditation. He spoke highly of Julia who does the accreditation for Derry Township. He stated there are 1,100 municipalities with police departments and currently, 142 agencies are accredited with only 17 being premier status. He spoke about the recent PA legislation called the “8 Can’t Wait” as a result of the Floyd police incident. He stated all the accredited agencies had policies and proofs in place for these eight items. He also noted accreditation can help prevent or minimize lawsuits. He presented the award to Chief Warner.

APPOINTMENTS TO DERRY TOWNSHIP TAX ASSOCIATION:

Mr. Christman stated under the by-laws of the Derry Township Tax Association, at-large seats to be considered by both the Derry Township School District and Derry Township must first come through the Derry Township Tax Association. There are three candidates: Linda Eyer, Robert Cerminara, and Kim O’Connell.

Vice Chairwoman Nutt made a motion to appoint the following individuals to the Derry Township Tax Association as follows: Linda Eyer - Term expiring December 31, 2024, Robert Cerminara - Term expiring December 31, 2023 and Kim O’Connell - Term expiring December 31, 2022. Supervisor Corado seconded the motion. **Motion carried 4-0.**

HRG-SCOPE OF WORK-CROSSWALK IMPROVEMENTS:

Mr. Christman stated the Township has been planning to make improvements to a number of crosswalks within the Township. A scope of work was prepared by HRG, Inc. for the installation of improvements at two intersections - Chocolate Avenue and Valley Road; Cocoa Avenue and Brook Lane. The total cost of this scope of work to complete the projects is \$4,800. Supervisor Zmuda provided an explanation of how the lights would work and how this was triggered by residents’ concerns.

Supervisor Zmuda made a motion to authorize the Township Manager to execute the scope of work identified in the HRG, Inc. letter dated March 03, 2022 for an amount not to exceed \$4,800. Vice Chairwoman Nutt seconded the motion. **Motion carried 4-0.**

RESOLUTION 2022-09 DAUPHIN COUNTY TAX COLLECTION DELEGATS:

Mr. Christman stated under Act 32, Derry Township is required to appoint a primary and alternate delegate to the Dauphin County Tax Collection Committee (TCC). The Administration is recommending the appointment of : Primary Delegate - Linda Eyer, First Alternate Delegate - Christopher Christman, and Second Alternate Delegate - Cheryl Lontz.

Vice Chairwoman Nutt made a motion to adopt Resolution 2022-09. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

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SUPPORT LETTER-HUMMELSTOWN BOROUGH- LOCAL SHARE GRANT PROGRAM:

Mr. Christman stated Hummelstown Borough is in the process of applying for the Local Share Grant program for pedestrian safety improvements within the borough's downtown business district. The Borough has requested Township assistance in its grant application with a "Letter of Support". Mr. Bonanno explained the improvements requested through Hummelstown's grant request. Chairman Abruzzo asked that in the future someone from Hummelstown come to the meeting to speak with the Board about the project and request for a support letter.

Vice Chairwoman Nutt made a motion to authorize the Township Manager to prepare and sign a letter of support for the Borough of Hummelstown for its application for a Local Share Grant. Supervisor Corado seconded the motion. **Motion carried 4-0.**

MAP AMENDMENT-FOR PLAN-PLAT 1347-971 BULLFROG VALLEY ROAD:

Mr. Emerick spoke about the "Official Map" being a tool in proactively planning for future growth in a municipality by helping to implement the elements of an adopted Comprehensive Plan that relate to transportation improvements, public land, stormwater management, and other facilities. The purpose of showing future improvements on an Official Map is to inform property owners and developers of municipal goals and intentions in advance of development plans. Any item shown on an Official Map does not constitute a taking in and of itself. It simply gives a municipality an opportunity to negotiate acquisition of property, or rights thereto, where a public use would be beneficial before development or redevelopment occurs. Once a property owner or developer notifies a municipality of their intention to build, subdivide, or perform other work on land that is located on an Official Map, Section 406 of the MPC, allows the Township one year to either purchase the land, come to a mutual agreement with the developer, condemn the land through eminent domain, or decide not to pursue the acquisition of the land.

He stated Mr. Ziegler has petitioned the Board to decide if a taking will happen. Mr. Ziegler has filed a plan titled "Preliminary/Final Subdivision Plan of 971 Bullfrog Valley Road for Jay Ziegler, Plat 1347", located at the intersection of Roush Road and Bullfrog Valley Road, into two lots. He notes the 2003 Sand Hill Road Conceptual Realignment Study that was done by HRG and the easement agreement for additional right-of-way dated May 11, 2005, which expired May 11, 2012. He spoke about the Greater Hershey Regional Transportation Study and noted that while they looked at the Roush Road, Sand Hill Road, and Bullfrog Valley Road area, intersection improvements are not among the 70 recommended improvements. He recommended that the Board agree to release these lands from any obligation created under the adoption of the Official Map. He spoke about the two ways this could be accomplished including an update of the official Map with an ordinance/hearing or amend the Official Map by approval of a Final Plan.

Mr. Jay Ziegler, 971 Bull Frog Valley Road, spoke about the issue with his land that he thought was solved in 2016. He noted this issue also affects his neighbors who are here tonight. He stated this issue is holding up his plans for the land and has created a financial hardship. Mr. Steve Hines, 918 Roush Road, stated he thought this had been taken care of also as he has lived at this address for 34 years. He spoke about the improved traffic in the area. Solicitor Armstrong explained to the Board the options with changing the official map, doing nothing, allow the plan to amend the map and the MPC requirements.

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The Board discussed the options and timing of this request. Mr. Emerick stated that the lines on the official map are not lines of design. He stated the approval of the upcoming plan for Mr. Zeigler would only affect his property not that of his neighbors. He noted with the Greater Hershey Study, there will be capital improvement recommendations and that would be the appropriate time to amend the official map. This amendment could take care of the line issues of Mr. Ziegler's neighbors during that time. Chairman Abruzzo asked that the affected neighbors are notified by letter.

Chairman Abruzzo made a motion based on the current intent of the Township not to proceed with the improvements, that the Preliminary/Final Subdivision Plan of 971 Bullfrog Valley Road for Jay Ziegler, Plat 1347, if approved, will amend Chapter 126 (Official Map) of the Code of the Township of Derry to remove the reservation for intersection alignment modification at Bullfrog Valley Road and Roush Road in accordance with the MPC. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

ORDINANCE 2022-02-WIRELESS COMMUNICATIONS FACILITIES:

Mr. Emerick stated there have been recent changes in the laws governing how municipal regulations apply to wireless facilities. Staff has worked with Grim, Biehn, & Thatcher to develop this Ordinance and design standards to bring the Township into compliance with the current regulations. Solicitor Armstrong noted that if this is sent to the County and their comments require a change to the proposed advertised ordinance, the ordinance will need to be readvertised. Discussion ensued.

Chairman Abruzzo made a motion to authorize Staff to forward Ordinance No. 2022-02 to the Derry Township and Dauphin County Planning Commissions for review and recommendation; to advertise Ordinance No. 2022-02 for a 6:00 p.m. public hearing on April 26, 2022; and to list consideration of adoption of Ordinance No. 2022-02 on the agenda for the regular Board of Supervisors meeting on April 26, 2022. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

AMENDMENT – HERSHEY WEST END PLAN-STREETS & INFRASTRUCTURE-PLAT 1330:

Mr. Emerick stated Plat 1330 represents 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.

Chairman Abruzzo made a motion for the Township to enter into the First Amendment to Development Agreement for the Final Lot Consolidation and Land Development Plan for Hershey West End – Streets and Infrastructure Phase, Plat 1330, and authorizes Chairman Chris Abruzzo to sign the Amendment on behalf of the Board. Supervisor Zmuda Vice seconded the motion. **Motion carried 4-0.**

FLASHING PEDESTRIAN LIGHT-WEST CHOCOLATE AVE/VALLEY RD INTERSECTION:

Mr. Emerick stated the Township has been working to provide an enhanced pedestrian crossing signal at the intersection of West Chocolate Avenue and Valley Road. The PennDOT permit for the installation has been received and HRG solicited phone bids for the installation of the signal. Supervisor Zmuda asked about using the ARP money for this improvement. Mr. Christman spoke of the requirements between funds and expenses and would have to check with the consultants about this expense. Vice Chairwoman Nutt asked if these lights would be installed before tourist season. Mr. Emerick will check and get back to her on the timing.

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Vice Chairwoman Nutt made a motion to award the installation of the rectangular rapid flashing beacons at the intersection of West Chocolate Avenue and Valley Road to Atlantic Transportation Systems at a cost of \$10,710, utilizing Liquid Fuels money. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

ALCOHOLIC BEVERAGES FOR DOWNTOWN LIFE ON CHOCOLATE EVENTS:

Mr. Emerick stated The Downtown Hershey Association (DHA) is planning its 2022 Life on Chocolate event series. The DHA would like to engage wineries, breweries, and distilleries in the events as it has done in past years. The DHA is committed to ensuring that any alcohol service provided at Life on Chocolate events is done so in a safe and responsible manner. The organization continues to coordinate the events with the Derry Township Police Department and works with local vendors who supply and serve alcohol to guarantee that proper licensing and Responsible Alcohol Management Program (RAMP) or Training for Intervention Procedures (TIPS), alcohol certified servers and bartenders are in place. This is an annual request.

Vice Chairwoman Nutt made a motion to allow alcoholic beverages to be on the property of ChocolateTown Square Park in conjunction with the Downtown Hershey Association's 2022 Life on Chocolate event series, including: Market on Chocolate, Saturdays, June through September, Music on Chocolate, Second Saturday of each month, June through September, Art Show and Culturefest, TBD, Choctoberfest, October, and Holiday Celebration, December. Supervisor Corado seconded the motion. **Motion carried 3-0-1.** Supervisor Zmuda abstained as he is a member of the Downtown Core Design Board.

ST. JOAN OF ARC FESTIVAL – JUNE 9-11 – ROAD CLOSURE:

Chairman Abruzzo made a motion to approve the request to close the 300 block of West Areba Avenue on the evenings of June 9, June 10, and June 11 of 2022 from 5:00 p.m. to 10:00 p.m. for the annual St. Joan of Arc Festival. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

FINANCIAL SECURITY-428 WEST AREBA AVE-S-2022-001:

Chairman Abruzzo made a motion to accept a cash financial security in the amount of \$13,107 and enter into the Agreement to Provide Financial Security with Kenneth C. Kremer for the Stormwater Management Plan for 428 West Areba Avenue, S-2022-001. Supervisor Corado seconded the motion. **Motion carried 4-0.**

FINANCIAL SECURITY-1426 Church Road, S-2021-028:

Vice Chairwoman Nutt accepts cash financial security in the amount of \$10,221 and enter into the Agreement to Provide Financial Security with Daniel and Hannah Smith for the Stormwater Management Plan for 1426 Church Road, S-2021-028. Supervisor Corado seconded the motion. **Motion carried 4-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Zmuda spoke about the Downtown Core Design Board meeting where two signs were approved. He met with the Middletown Road residents and asked them to work on their letter that will be provided to the Board. Chairman Abruzzo and Vice Chairwoman Nutt met with the School District and spoke about the Recreation Center and Tax Association. He stated there was good dialog during the meeting.

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REPORTS:

<u>Fire:</u>	Chief Warner appreciates the Board's support with their accreditation. He noted they would receive their CALEA accreditation at the end of the month.
<u>Library</u>	Ms. Trautmann stated author Fiona Davis will be at the Library April 2 and the \$20 tickets are on sale now.
<u>Recreation</u>	Mr. Jackson spoke about the finishing stages of the construction of the Community Center. He spoke about the Easter Egg Hunt on April 9 and thanked the Hershey Company for the candy, Mohler Center for stuffing the eggs and the Hershey Fire for the Easter Bunny transportation.
<u>Manager:</u>	Mr. Christman attended the DTMA meeting with Supervisor Wyckoff. They were provided updates on projects including a sewer revenue bond for capital projects. At the next meeting they will have an update from DTMA and on stormwater. He and Chairman Abruzzo had a discussion with HE&R regarding the PILOT program. There will be an April ICDA meeting where an update will be provided of the 2021 1 st quarter numbers. They asked that HE&R update their models and determine if a PILOT payment can be made.

VISITOR/PUBLIC COMMENTS:

There were no comments offered.

ADJOURNMENT:

Supervisor Zmuda made a motion to adjourn the meeting at 8:43 p.m. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary