

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING MINUTES**  
**APRIL 12, 2022**

**CALL TO ORDER**

Chairman Abruzzo called the April 12, 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. 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 6 p.m. to discuss legal and land matters.

**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  
William Oetinger, Solicitor  
Chuck Emerick, Director of Community Development  
Robert Piccolo, Assistant Director of Public Works  
Chief Garth Warner, Police Department  
David Sassaman, Hershey Volunteer Fire Department  
Zachary Jackson, Director of Parks and Recreation  
Mike Wood, HRG Engineer  
Julie Echterling, Recording Secretary

**Public in Attendance:**

Rich Gamble, Jay Ziegler, James Hartman, Dave Getz

**VISITOR/PUBLIC COMMENTS:**

No public comments were offered.

**CONSENT CALENDAR**

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

1. Adoption of the March 22, 2022 Board of Supervisors Regular Meeting Minutes.
2. Approval of Accounts Payable \$428,066.75 and Payroll of \$300,159.32.

Supervisor Zmuda made seconded the motion. **Motion carried 5-0.**

**NEW BUSINESS:**

**PROMOTION-DERRY TOWNSHIP POLICE:**

Chief Warner spoke about each of the officer's up for promotion. Below are the officers and comments made prior to them being sworn in by Chairman Abruzzo:

**Officer Michael McCormick-promoted to Sergeant** - He started in 2012 and has served as a K-9 Officer for seven years. He will oversee Patrol Platoon #2. He was sworn in with his two brothers standing with him, who are also Police Officers (Mechanicsburg and Maryland State Officer).

**Officer Dennis Eckenrode-Promoted to Sergeant** - He started in 2001 after being discharged from the Army. He is part of the Crisis Response Team with the County and Mountain Bike Team. He will oversee Patrol Platoon #4.

**Sergeant Robert Demmel-Promoted to Lieutenant** - He started in 1998 and was previously a Palmyra officer. He works in Criminal Investigations. He is on the County Forensic Team and was previously with the Mountain Bike Unit. He will oversee the Operations Division.

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**RESOLUTION 2022-11 AMENDING FEE SCHEDULE FOR 2022:**

Mr. Christman stated the trash collection fee was updated and errors were corrected on the fee schedule. Supervisor Zmuda made a motion to adopt Resolution 2022-11, amending the established fee schedule of planning, zoning, building and other fees for calendar year 2022. Supervisor Corado seconded the motion. **Motion carried 5-0.**

**NATIONAL OSTEOPATHIC MEDICINE WEEK – APRIL 18-24, 2022:**

Mr. Christman read the proclamation recognizing the Osteopathic Medical community. Chairman Abruzzo made a motion to approve the proclamation recognizing National Osteopathic Medicine week for April 18-24, 2022. Supervisor Wyckoff seconded the motion. **Motion carried 5-0.**

**PLAN-971 BULLFROG VALLEY ROAD PLAT #1347:**

Mr. Emerick stated Plat 1347 proposes to subdivide a 5.6-acre tract into two lots, owned by Jay Ziegler. The property on the north side of Bullfrog Valley Road, labeled as Lot 1, contains an existing single-family dwelling and gravel parking area used for the adjacent auction house. The property on the south side of Bullfrog Valley Road, labeled as Lot 2, contains a run-in, shed, fenced areas, and a stream that is a tributary to Bullfrog Valley Creek. Both lots have access to public water and sewer facilities. The purpose of this plan is to create two new lots. Lot 1 is proposed to contain 2.28 acres and Lot 2 is proposed to contain 2.23 acres. Lot 2 is likely to be developed in the future; however, no improvements are proposed as part of this plan. As a result, there is no transportation study or stormwater management plan. Due to the wide variety of uses permitted in the Sand Hill Road Overlay, and with the understanding that any future commercial development will be preceded by a land development plan that would address traffic and stormwater management concerns, he is fine deferring both of those items to the time when the lot is proposed to be developed.

He stated the intersections for this plan are discussed in two of the Township's planning documents. The Official Map provides for intersection alignment at the intersection of Bullfrog Valley Road, Roush Road, and Sand Hill Road. By law, improvements shown on an Official Map indicate a reservation for future taking. Mr. Ziegler has petitioned the Board of Supervisors to decide if a taking will happen and at the March 8, 2022 meeting, the Board determined that Plat 1347, if approved, will amend Chapter 126 (Official Map). Note 14 on Sheet 1 of the plan memorializes the Township's release of this reservation. The other planning document is the Greater Hershey Regional Transportation Study. This document suggests that the Township seek to improve pedestrian and bicycle connectivity from the area proposed to be developed to Shank Park. Understanding that no improvements are proposed as part of this plan and the future development potential of the lots, Mr. Emerick was comfortable deferring any of these types of improvements to future development. He discussed each of the waivers and conditions of the plan. Vice Chairwoman Nutt asked if this plan would take care of the issue Mr. Hines had expressed at a prior meeting about his property. Mr. Emerick stated it will not, but he plans to amend the Official Map of the Township in the next 7-9 months where that issue can be addressed. Supervisor Zmuda asked about the shade tree waiver and asked if it should be deferred for a plan. Mr. Emerick noted that if a plan is submitted it would be considered then. Mr. Jim Hartman, Honor Engineer Co., stated he was not in receipt of the HRG April 7 letter. Mr. Emerick provided a copy and went over the conditions. After discussion, Mr. Hartman did not see a problem with them.

Vice Chairwoman Nutt made a motion to grant the following waivers for the Preliminary/Final Subdivision Plan of 971 Bullfrog Valley Road for Jay Ziegler, Plat 1347:

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1. Waivers from Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] – Stormwater sewer plans and profiles.
2. Waivers from Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] – Sanitary sewer lines plans and profiles. .
3. Waivers from Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] – Water and gas lines plans and profiles.
4. Waiver from Sections 185-12.D.(3).(a).[9] and 185-13.E.(4).(a).[9] – Mapping within 200 and 50 feet of the subject parcel.
5. Waiver from Section 185-18.D – Property corner monumentation. The Planning Commission and staff recommended that the waiver be granted in part and denied in part. Concrete monuments shall be set at the intersection radius on each side of Bullfrog Valley Road (four total).
6. Deferment from Section 185-22.D.(3) – Cartway width, with the stipulation that the owner of the subject lots enters into an agreement with the Township that would allow the Township to require the additional cartway widening in the future if deemed necessary.
7. Deferment from Section 185-22.E.(5) – Curbing-with the stipulation that the owner of the subject lots enters into an agreement with the Township that would allow the Township to require the installation of curbing in the future if deemed necessary.
8. Waiver from Section 185-31 – Shade trees.
9. Deferment from Section 185-34.A.(1) – Sidewalks-with the stipulation that the owner of the subject lots enters into an agreement with the Township that would allow the Township to require the installation of sidewalks, walkways, and/or bicycle paths in the future if deemed necessary.
10. Deferment from Section 185-22.D.(2) – Right-of-way dedication-with the stipulation that the owner of the subject lots enters into an agreement with the Township that would allow the Township to require the dedication of right-of-way in the area of the buildings in the future if deemed necessary.
11. Waivers from Sections 185-12.D.(4).(g) and 185-36 – Data substantiating fire hydrant flow required, flow availability, recharge capability, and duration of flow. In granting the waiver, the Township reserves the right to require this information upon submission of a land development plan for either lot.
12. Waiver from Section 185-12.D.(3).(a).[35] – Providing contours within 200 feet of the subject parcel – sanitary sewer plans and profiles.

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

Vice Chairwoman Nutt made a motion to approve Preliminary/Final Subdivision Plan of 971 Bullfrog Valley Road for Jay Ziegler, Plat 1347, subject to compliance with the following items:

1. The Applicant shall reimburse the Township for all costs incurred in reviewing the Plan no later than May 12, 2022. The Applicant shall continue to satisfy and pay all outstanding Township Professional Consultant invoices in relation to the Plan in accordance with §503 of the MPC.
2. The Applicant shall comply with one of the following two options:
  - a. Install all monuments and markers, including the required four concrete monuments at the intersection radius on each side of Bullfrog Valley Road, and have them inspected by HRG, Inc. no later than October 12, 2022. Additionally, the Applicant shall agree to and execute the Development Agreement no later than October 12, 2022, OR
  - b. Provide financial security to guarantee the installation of the monuments and markers, including the required four concrete monuments at the intersection radius on each side of Bullfrog Valley Road, in an amount and manner acceptable to the Township no later than October 12, 2022. Additionally, the Applicant shall agree to and execute the Development

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and Financial Security Agreement in a manner and form acceptable to the Township no later than October 12, 2022.

3. The Applicant shall revise Sheet 3 of the plan no later than October 12, 2022 to identify the stream and the area 50 feet landward from the stream as a sensitive environmental area.
4. The Applicant shall comply with and/or otherwise satisfy the comments in the Township Engineer's review letter dated April 7, 2022, and specifically incorporated herein by reference, in a manner and form acceptable to the Township no later than October 12, 2022.
5. The Applicant shall comply with one of the following two options:
  - a. Provide 2 originals of the signed and notarized Development Agreement (if the Applicant chooses to comply with Condition 2.a above) no later than October 12, 2022;  
OR
  - b. Provide 2 originals of the signed and notarized Development and Financial Security Agreement (if the Applicant chooses to comply with Condition 2.b above) no later than October 12, 2022.
6. The Applicant shall agree to, execute, and have notarized 2 originals of a Deferment Agreement regarding additional cartway widening; right-of-way dedication in the area where the existing buildings protrude into the required Bullfrog Valley Road right-of-way; curbing installation; and sidewalk, walkway, and/or bicycle path installation in a manner and form acceptable to the Township no later than October 12, 2022.
7. The Applicant shall agree to and execute deeds of dedication with the requisite accompanying exhibits for additional right-of-way along Roush Road and Bullfrog Valley Road in a manner and form acceptable to the Township no later than October 12, 2022.
8. The Applicant shall comply with all outside agency requirements, including, but not limited to, PennDOT, PADEP, FAA, and EPA, if applicable.
9. The Applicant shall record the Development Agreement (if the Applicant chooses to comply with Condition 2.a above) OR the Development and Financial Security Agreement (if the Applicant chooses to comply with Condition 2.b above), or a Memorandum of the same, concurrently with the Plan.
10. The Applicant shall record the Deferment Agreement regarding additional cartway widening; right-of-way dedication in the area where the existing buildings protrude into the required Bullfrog Valley Road right-of-way; curbing installation; and sidewalk, walkway, and/or bicycle path installation concurrently with the Plan.
11. The Applicant shall record the deeds of dedication for additional right-of-way along Roush Road and Bullfrog Road concurrently with the plan.

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

**RECOMMENDATION FOR A TOWNSHIP TRANSPORTATION ENGINEER:**

Mr. Emerick stated in 2010, the Township appointed HRG as its Transportation Engineer following appropriate PennDOT procedures. For certain funding, the designation of the Transportation Engineer is valid for a period of not more than five years from the date of the appointment. They used the Modified Selection Process as outlined in PennDOT Publication 93 and Publication 740. The first step was to receive approval from PennDOT for the consultant selection process, which was completed late last year. They established the qualification selection committee, who were tasked with reviewing and ranking the four applications we received. The members of the committee are Christopher Christman, Township Manager; Tom Clark, Public Works Director; Zachary Jackson, Parks & Recreation Director; Charles Emerick, Community Development Director; and Marie Sirkot, Administrative Assistant. The statements of interest were reviewed and ranked based on the selection criteria utilized in the advertisement. He

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discussed the selection criteria included five qualifications ranked between 1 and 10 and weighted based on the importance of each qualification. Based on the criteria, the selection committee unanimously ranked the firms in the following order:

1. Herbert, Rowland & Grubic, Inc. (score: 9.25)
2. Wallace Montgomery & Associates (score: 8.8)
3. C.S. Davidson, Inc. (score: 7.45)
4. Barry Isett & Associates, Inc. (score: 4.5)

Supervisor Wyckoff made a motion to confirm the rankings of the qualification selection committee and authorizes the committee to move forward the selection to PennDOT for review and approval for a municipal Transportation Engineer. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

**RESOLUTION 2021-15-RENAMING THE CUL-DE-SAC PORTION OF HEIDEN DR TO HEIDEN COURT:**

Mr. Emerick provided the history of Heiden Drive, a Township Road, in the Village of Innsbruck that terminates in a cul-de-sac. Eight dwelling units are located on the cul-de-sac portion of Heiden Drive. Additionally, seven dwelling units are located on a private drive that intersects with the cul-de-sac portion of Heiden Drive and extends to Zurich Drive. The seven dwelling units on the private drive are also addressed as being on Heiden Drive. The Phase IV plan of the Village of Innsbruck, which was reviewed and approved by the Township in the early 1990s, indicated the name of the cul-de-sac as Heiden Drive but did not show a name for the private drive. When Township staff assigned addresses to the 15 units on the cul-de-sac and the private drive, all were listed as Heiden Drive. Recently, they were made aware that Dauphin County Tax Assessment's records show five of the eight dwelling units located on the cul-de-sac as having Heiden Court addresses (not Heiden Drive, as assigned by the Township in the early 1990s). Additionally, Dauphin County Emergency Management's records show all of the eight units on the cul-de sac and one of the seven units located on the private drive as having Heiden Court addresses. He stated the best way to resolve this issue while impacting the fewest residents is to "officially" name the portion of Heiden Road from the private drive to the end of the cul-de-sac Heiden Court. In doing so, only three properties will be affected. Letters were sent to these property owners at the beginning of 2022, informing them of the proposed Resolution and asking for responses with questions or concerns by no later than February 28, 2022. No responses have been received. If Resolution No. 2021-15 is adopted, the Township will send written notification of the change to all the appropriate residents and agencies.

Vice Chairwoman Nutt made a motion to adopt Resolution 2021-15, renaming the cul-de-sac portion of Heiden Drive to Heiden Court. Supervisor Corado seconded the motion. **Motion carried 5-0.**

**SECURITY: S-2022-004-1131 EDGEWOOD DRIVE:**

Chairman Abruzzo made a motion to accept a cash financial security in the amount of \$34,390 and enter into the Agreement to Provide Financial Security with DEKELO Properties, LP for the Post-Construction Stormwater Management Plan for 1131 Edgewood Drive, S-2022-004. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

**SECURITY: S-2022-006-2016 CHURCH ROAD:**

Vice Chairwoman Nutt made a motion to accept a cash financial security in the amount of \$4,197 and enter into the Agreement to Provide Financial Security with Mark L. and Dawn M. Yingling for the

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Stormwater Management and ESC Plan for 2016 Church Road, S-2022-006. Supervisor Corado seconded the motion. **Motion carried 5-0.**

**CORRESPONDENCE BOARD/COMMITTEE INFORMATION:**

Supervisor Wyckoff attended the DTMA meeting and updates were provided on the construction projects. He asked about the closures of Waltonville Road. Mr. Emerick confirmed a two-week sign notice is required and believes it is 3-4 weeks out. Chairman Abruzzo stated HE&R will be at the April 21 ICDA meeting to provide an update on PILOT payments. He is asking them to come to the Board to provide the update as well and share with the School District.

**REPORTS:**

<u>Police:</u>	Chief Warner thanked the Board for being part of the promotions tonight. He spoke about hiring an officer who will start at the Academy in May. They still have two slots to fill. He stated, 5-10 years ago they would receive 100-200 applicants for one officer position. With the two open officer positions, they have received 21 applications. 17 are eligible.
<u>Fire:</u>	Mr. Sassaman spoke about upcoming training for the fire department including hazardous materials and ladders. He thanked the Board for their continued support.
<u>Public Works:</u>	Mr. Piccolo spoke about planting 20 street trees. He also discussed the measures they would be using to rid the Township trees on Cocoa Avenue of locusts. This information would be in the Newsletter.
<u>Recreation</u>	Mr. Jackson provided a construction update. He is hoping to obtain their occupancy permit for the Staff to occupy the building starting in late April. He thanked the Mohler Center for stuffing 10,000 eggs for the Easter Egg hunt. The Fishing Derby will be May 7.
<u>Community Development</u>	Mr. Emerick asked to schedule two public hearings for May 24 starting at 6 p.m. The Board agreed and acknowledged that Mr. Zmuda will not be at the hearings/meeting. He discussed the three hearings that would occur for the next meeting. Chairman Abruzzo asked that a table be setup for the hearing applicants so they can sit together and spread out their documents much more comfortably.

**VISITOR/PUBLIC COMMENTS:**

Mr. Rich Gamble thanked Chief Warner for his notification of the fallen officer. He spoke about how the trucks are continuing to use the road as he mentioned in a prior meeting. There are signs notifying them of the road, but they are ignored. Chief Warner is working with HRG about additional signage including potential weight restrictions.

**ADJOURNMENT:**

Supervisor Zmuda made a motion to adjourn the meeting at 8:31p.m. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

**SUBMITTED BY:**

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Carter E. Wyckoff  
Township Secretary