



## TOWNSHIP OF DERRY

### Board of Supervisors Meeting Minutes

Tuesday, June 14, 2022

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#### CALL TO ORDER

Chairman Abruzzo called the June 14, 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 minutes. After the Pledge of Allegiance, a roll call was completed. An Executive Session was held at 6:30 p.m. where legal matters were discussed.

#### ROLL CALL

##### SUPERVISORS PRESENT:

E. Christopher Abruzzo, Chairman  
Richard D. Zmuda, Supervisor  
Michael P. Corado, Supervisor

##### ABSENT:

Natalie L. Nutt, Vice Chairwoman  
Carter E. Wyckoff, Secretary

##### ALSO PRESENT:

Christopher S. Christman, Township Manager  
Peter Nelson, Township Solicitor  
Garth Warner, Chief of Police Department  
Chuck Emerick, Director of Community Development  
Tom Clark, Director of Public Works  
David Sassaman, Hershey Volunteer Fire Department  
Zachary Jackson, Director of Parks & Recreation  
Alison Trautmann, Director of Hershey Public Library  
Matt Bonanno, HRG Engineer  
Becky Sweigart, Public Outreach Coordinator  
Marie Sirkot, Administrative Assistant

#### Public in Attendance:

Tim Roche, Julia Shirk, Kyle Fink - Langan Engineering, Joanne Reed - PA State Police, David Narkiewicz - PA Dept. of General Svcs., David Tshudy - Troutman Pepper, Ken Gall - Hershey Trust Co., Dave Weaver - JavaPalooza, William Helmer, Bob Davis, Tom Gifford, Mark Ovsak, Rich Gamble

#### VISITOR/PUBLIC COMMENTS

Mr. Bill Helmer, Church Road, is concerned with cars speeding on Church Road and also spoke about this issue at a Board meeting last month. He shared a story where he saw that a mail truck had just delivered mail and backed out into Church Road when someone was speeding along that road and almost collided with the mail truck. We need some action now and one of our suggestions is a four-way stop at the intersection of Hilltop Road and Church Road coming out of Harvey Road and a stop sign at McCorkel Road.

Chairman Abruzzo said that we are in agreement with you and our transportation committee is looking at it and needs time to study the area and consider the recommendations before they come up with a solution. We are working on the issue.

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Mr. Bob Davis, Church Road, is here for the same reason, he is concerned with the speeding on Church Road. There is no reason for a delay. Something needs to be done now. If you take one step now and something else a little later that would be better.

### **CONSENT CALENDAR**

**Approval of Board of Supervisors Meeting Minutes for the May 24, 2022 Public Hearing, 5:30 PM.**

**Approval of Board of Supervisors Meeting Minutes for the May 24, 2022 Public Hearing, 6:00 PM.**

**Approval of Board of Supervisors Meeting Minutes for the May 24, 2022 Regular Meeting, 7:00 PM.**

**Authorize the full release of financial security in the amount of \$16,470.00, provided in the form of cash for the Stormwater Management Plan for 352 Elm Avenue, S-2021-003.**

**Authorize the release of maintenance security in the amount of \$5,831.00 provided in the form of cash for the Preliminary/Final Subdivision/Land Development Plan for TRU Hotel, Plat 1295.**

**Authorize the release of maintenance security in the amount of \$1,142.00 provided in the form of cash for the Revised Final Land Development Plan for East Point Trade Center – Building C, Plat 1314.**

**Authorize the release of performance security in the amount of \$155,956.00, which was provided in the form of Travelers Casualty and Surety Company of America Bond No. 107447762 for the Preliminary/Final Land Development Plan, for Milton Hershey School CTE Carpentry/Welding Building, Plat 1326.**

**Authorize the release of \$13,835.00 from the cash financial security provided for the Stormwater management Plan for 1502 Kaylor Road, S-2021-021, resulting in a new balance of \$9,264.00.**

**Authorize the full release of financial security in the amount of \$7,919.00, which had been provided in the form of cash for the Stormwater Management Plan for 2368 Pullman Way, S-2021-020.**

**Approval of Accounts Payable - \$1,911,904.25, May 27, 2022 Payroll - \$301,061.78 and June 10, 2022 Payroll - \$397,300.83.**

Supervisor Zmuda made a motion to approve all items on the Consent Calendar. Supervisor Corado seconded the motion. **Motion carried 3-0.**

### **NEW BUSINESS**

#### **Presentation of Police Department's 9th Award from the Commission on Accreditation for Law Enforcement Agencies (CALEA)**

Chief Warner shared that the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) was created in 1979 as a credentialing authority through the joint efforts of law enforcement's major executive associations. While obtaining accreditation can be difficult, it is even more difficult to maintain and prove the department is living up to those standards and putting them into practice. The award we are presenting tonight is our 9th Reaccreditation Award and is an Advanced Award of Law Enforcement Accreditation with Meritorious status for being accredited for 15 or more continuous years.

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The ability to maintain our commitment to hundreds of standards is a testament to the hard work of our Police Officers, Community Service Officers, Records Staff, but especially Lieutenant Tim Roche and our Accreditation Manager, Julia Shirk. We would also like to thank the Board of Supervisors and Staff throughout the Township for their support. After a photo was taken of the Board and members of the Police department, Chairman Abruzzo thanked the department and congratulated them.

### **Appointment to fill a vacancy on the Derry Township Municipal Authority Board**

Mr. Christman shared that there is currently a vacancy on the Derry Township Municipal Authority Board and historically, two supervisors have represented the Township on the Municipal Authority Board. I'm making the recommendation that Mr. Corado fill this position, which will expire December 31, 2023.

Chairman Abruzzo made a motion that the Board of Supervisors approve the appointment of Supervisor Michael Corado to the Derry Township Municipal Authority Board filling the unexpired term of Christopher Christman ending on December 31, 2023. Supervisor Zmuda seconded the motion. **Motion carried 3-0.**

### **HRG, Inc Proposal to Prepare a Grant Application to the 2022 Commonwealth Financing Authority Multimodal Transportation Fund**

Mr. Emerick stated that this proposal from HRG is a duplicate of a previous proposal. These are street enhancement projects through town. Each of these projects are bump-outs to facilitate pedestrian crossing.

Supervisor Zmuda made a motion that the Board of Supervisors authorize the Township Manager to execute the scope of services and proposal submitted by HRG, Inc. dated May 09, 2022 for preparing a grant application for the 2022 Commonwealth Financing Authority Multimodal Transportation Fund for the Downtown Hershey Gateway Improvements Project for an amount not to exceed \$6,000.00. Supervisor Corado seconded the motion. **Motion carried 3-0.**

### **Resolution No. 2022-12, Authorizing the Sale of Personal Property**

Chief Warner stated that they were approached by the school police department at the Lebanon County Career and Technical Center School District regarding the possible purchase of one of our decommissioned police cars. There were a few that had been decommissioned and one was chosen. The students will repair and maintain the car for their school police department.

Chairman Abruzzo made a motion that Resolution No. 2022-12 is hereby adopted, approving the sale of personal property, a 2008 Ford Crown Victoria, VIN-2FAFP71V88X127056, to the Lebanon County Career and Technical Center School District for \$1,000. Supervisor Zmuda seconded the motion. **Motion carried 3-0.**

### **Conditional Use Application No. 2022-01, as filed by Hershey Trust Company**

Mr. Emerick stated that Hershey Trust Company is proposing amendments to the Hershey West End Master Plan, as previously approved under Conditional Use Application No. 2018-01 on January 22, 2019. The amendments propose to re-assign the phasing boundaries to generally follow Unit Numbers for the condominium. The amendments also propose to eliminate about 400 feet of public roadway on Street D between West End Boulevard and Street B and to revise and relocate building types within Phases J and K while maintaining currently approved mix of housing types. Additionally, there are minor changes related to impervious coverage, parking and street trees.

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Chairman Abruzzo made a motion that the Decision for Conditional Use Application No. 2022-01 is hereby adopted.

Supervisor Corado seconded the motion. **Motion carried 3-0.**

### **The Preliminary/Final Subdivision and Land Development Plan, Plat 1352**

Mr. Emerick stated that the Commonwealth of Pennsylvania State Police academy is proposing the construction of new academy facilities and associated site improvements for a full modernization. They have existed in Hershey since 1924. The proposal includes construction of new Academy training buildings and dormitories, an outdoor training facility, a running track, a callout training village, a new BESO headquarters and kennel building, and a stable for the mounted unit.

Mr. Nelson made the recommendation that a condition of approval be made that all bills for professional services are paid. Mr. Narkiewicz, Department of General Services, agreed.

Supervisor Zmuda made a motion that waivers and deferments are granted from the Subdivision and Land Development Ordinance as noted as items 'a' through 'h' for the Preliminary/Final Subdivision and Land Development Plan for PA State Police Academy and BESO – Modernization, Plat 1352:

- a. Waivers from Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding providing profiles of existing, unaffected stormwater sewer facilities.
- b. Waivers from Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding providing profiles of existing, unaffected sanitary sewer facilities.
- c. Waivers from Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding providing profiles of existing, unaffected water and gas facilities.
- d. Waivers from Sections 185-12.D.(2) and 185-13.E.(3) regarding plan scale for plans detailing existing conditions.
- e. Deferment from Section 185-22.D regarding street right-of-way and cartway widths for all existing streets adjacent to the property, excluding the right-of-way dedication to be provided along the Swatara Road frontage of the former PSP- HEMC property.
- f. Deferment from Section 185-22.E.(5) regarding curbing installation for all existing streets adjacent to the property.
- g. Waiver from Section 185-34.A.(1) regarding sidewalk installation along all road frontages adjacent to the property.
- h. Waiver from Section 185-13.D(2) regarding providing financial security to guarantee installation of required improvements.

Supervisor Corado seconded the motion. **Motion carried 3-0.**

Supervisor Zmuda made a motion that the Preliminary/Final Subdivision and Land Development Plan for PA State Police Academy and BESO – Modernization, Plat 1352, is approved, subject to compliance with items 'a' through 'p' :

- a. The Applicant shall reimburse the Township for all costs incurred in reviewing the Plan no later than July 14, 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.
- b. If waiver "h" is not granted, the Applicant shall provide financial security to guarantee the completion of the proposed improvements depicted on the Plan in a manner and form acceptable to the Township no later than December 14, 2022, and the Applicant

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- shall agree to and execute a Development (and Financial Security, if waiver “h” is not granted) Agreement in a manner and form acceptable to the Township no later than December 14, 2022.
- c. The Applicant shall comply with and/or otherwise satisfy the comments in the Township Engineer’s review letter dated June 9, 2022, a copy of which is attached hereto and specifically incorporated herein by reference, no later than December 14, 2022.
  - d. The Applicant shall comply with and/or otherwise satisfy the stormwater management comment in paragraph 3 of DTMA’s review letter dated June 9, 2022, a copy of which is attached hereto and specifically incorporated herein by reference, no later than December 14, 2022.
  - e. The Applicant shall provide 2 originals of the signed and notarized Development (and Financial Security, if waiver “h” is not granted) Agreement no later than December 14, 2022.
  - f. The Applicant shall agree to, execute, and have notarized 2 originals of a Declaration of Covenants for the deferred improvements regarding additional right-of-way and/or cartway widening and curbing installation in a manner and form acceptable to the Township no later than December 14, 2022.
  - g. The Applicant shall agree to and execute a deed of dedication with the requisite accompanying exhibit for additional right-of-way along Swatara Road in a manner and form acceptable to the Township no later than December 14, 2022.
  - h. The Applicant shall agree to, execute, and have notarized 2 originals of a Stormwater Operation and Maintenance Agreement and Access Easement in a manner and form acceptable to the Township no later than December 14, 2022.
  - i. The Applicant shall agree to and execute a property Declaration referencing the Stormwater Operation and Maintenance Agreement and Access Easement in a manner and form acceptable to the Township and provide a copy of the same no later than December 14, 2022.
  - j. The Applicant shall comply with all outside agency requirements, including, but not limited to, PennDOT, PADEP, FAA, and EPA, if applicable.
  - k. The Applicant shall record the Development (and Financial Security, if waiver “h” is not granted) Agreement, or a Memorandum of the same, concurrently with the Plan.
  - l. The Applicant shall record the Declaration of Covenants for the deferred improvements regarding additional right-of-way and/or cartway widening and curbing installation concurrently with the Plan.
  - m. The Applicant shall record the Stormwater Operation and Maintenance Agreement and Access Easement concurrently with the Plan.
  - n. The Applicant shall record the property Declaration referencing the Stormwater Operation and Maintenance Agreement and Access Easement concurrently with the plan.
  - o. The Applicant shall record the deed of dedication and exhibit for additional right-of-way along Swatara Road concurrently with the Plan.
  - p. The Applicant shall record the Landscaping Plans (Sheets STE-L-001 through STE-L-511) and Lighting Plans (STE-L-601 through STE-L-611 and STE-E-102 through STE-E-113) concurrently with the Subdivision and Land Development Plan.

Supervisor Corado seconded the motion. **Motion carried 3-0.**

### **Second Time Extension for Conditional Approval of the Preliminary/Final Land Development Plan, Plat 1333**

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Mr. Emerick stated the property is located along the western side of Cocoa Avenue. The site is within the Hershey Mixed Use and Southern Core Overlay zoning districts. Currently there is a mixed-use commercial building on site which will be demolished to build a new medical practitioners office, specifically for a dentist. The site will also contain the necessary parking facilities to support the future use. The applicant has requested a second extension of time until January 4, 2023.

Supervisor Zmuda asked what the issue is with the project. Mr. Emerick was not certain why.

Supervisor Zmuda made a motion that the approval of the Preliminary/Final Land Development Plan for 1106 Cocoa Avenue for Nagillum Properties, LLC, Plat 1333, is extended to January 4, 2023, subject to compliance with items 1 through 12:

1. The Applicant shall reimburse the Township for costs incurred in reviewing the Plan no later than January 4, 2023. 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 provide financial security to guarantee the completion of the proposed improvements depicted on the Plan, in the amount of \$135,950.00 and in a manner acceptable to the Township, no later than January 4, 2023. Additionally, the Applicant shall execute the Development and Financial Security Agreement no later than January 4, 2023.
3. The Applicant shall revise Sheet C3.0 so that **all** occurrences of “Central Master Plan Approval Area” are changed to “Hershey Mixed Use Zoning District” no later than January 4, 2023.
4. The Applicant shall provide the Township administrative fee of \$26.00 for the sewage facility planning module application mailer request for sewage planning exemption no later than January 4, 2023.
5. The Applicant shall address and/or comply with the comments in the April 28, 2021 HRG, Inc. letter in a manner and form acceptable to the Township no later than January 4, 2023.
6. The Applicant shall provide the Township with a CD containing a digital file of the final plan in Auto CAD or DXF compatible format no later than January 4, 2023.
7. The Applicant shall provide the Township with 2 originals of the signed Development and Financial Security Agreement no later than January 4, 2023.
8. The Applicant’s attorney shall provide the Township with a draft Deed of Dedication for right-of-way along Cocoa Avenue no later than January 4, 2023, for review and approval by the Township Solicitor.
9. The Applicant shall provide title insurance no later than January 4, 2023 for the Cocoa Avenue right-of- way to be dedicated to the Township.
10. The Applicant shall comply with all outside agency requirements, including, but not limited to, PennDOT, PADEP, FAA, and EPA, if applicable.
11. The Applicant shall record the Development and Financial Security Agreement, or a Memorandum of the same, concurrently with the Plan.
12. The Applicant shall record the Deed of Dedication for right-of-way along Cocoa Avenue concurrently with the Plan.

Supervisor Corado seconded the motion. **Motion carried 3-0.**

### **Development of an Agreement for the Final Land Development Plan, Plat 1018**

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Mr. Emerick stated that financial security in the amount of \$60,296.77 was posted by the then-developer, James Nardo. In 2006 the lands associated with the plan was purchased by C & S Kray Real Estate, LLC, who also took over the financial security obligation. On June 2, 2022, that parcel, in addition to the rest of the property that comprises the Governor Crossing development, transferred to Linlo Governor Crossing, LLC, who intends to develop the land substantially differently from Plat 1018 and is therefore requesting release of the financial security.

Supervisor Zmuda asked how it will affect the project moving forward? Mr. Emerick explained that this new plan supercedes the other plan and encompasses much more land. Mr. Nelson added that they want the money back and are voiding the old plan.

Supervisor Corado made a motion that the Board of Supervisors hereby authorizes Grim, Biehn and Thatcher to prepare the documents necessary to extinguish the right to build as granted under the Final Land Development Plan for 636 Fishburn Road, Plat 1018, conditional upon Linlo Governor Crossing, LLC, reimbursing the Township for all costs associated with the development of the agreement and also recording of the document in the Dauphin County Recorder of Deeds office. Supervisor Zmuda seconded the motion. **Motion carried 3-0.**

### **Stormwater Drainage Easement for Stormwater Management Basin B in Deer Run Commons**

Mr. Emerick stated this is the 4th revised plan for Deer Run Commons. Plat 1245 depicts a plunge pool that is holding water and is a concern to the homeowner's association. The plan is to fill the plunge pool and grade a rock-lined swale to Township property. DTMA and HRG felt no specific approvals would be required by the Township or DTMA.

Chairman Abruzzo asked if there is any liability to the Township? Mr. Emerick stated that Grim, Biehn and Thatcher will remove any liability to the Township granting this easement.

Supervisor Corado made a motion that the Board directs the Township Solicitor to prepare an easement agreement for the stormwater easement from Deer Run Commons through lands of Derry Township, to be executed at a future meeting. Supervisor Zmuda seconded the motion. **Motion carried 3-0.**

### **Closure of Java Avenue**

Chief Warner stated that David Weaver is asking for permission to hold a block party on Java Avenue. The event is called JavaPalooza and the date is June 25, 2022 from 11:00 a.m. to 11:00 p.m.. They are requesting Java Avenue between East Areba Avenue and East Caracas Avenue be closed to traffic. Because this is a larger event and open to the community, we felt it was appropriate to bring this before the Board.

Chairman Abruzzo asked where can people park? Have you had any problem with parking. Mr. Weaver said that he does not think many people use the administration lot. I tell people to use the parking lot across from the high school and the private streets. A lot of people park in the corporate lots.

Supervisor Zmuda made a motion that the request to close Java Avenue from East Areba Avenue to East Caracas Avenue on June 25, 2022, from 11:00 a.m. to 11:00 p.m. for JavaPalooza 2022 is hereby approved. Supervisor Corado seconded the motion. **Motion carried 3-0.**

### **2022 Love INC 5K Race**

Chief Warner stated that this is the second annual Love Inc. 5K Race starting at 8 a.m. on Saturday, July 2, 2022. It starts and ends at the Spring Creek Church of the Brethren. All closing points will be manned.

Supervisor Corado made a motion that the request to conduct the 2022 Love INC 5K Race on Saturday, July 2nd, 2022, starting at 8:00 a.m., over various Township roadways on a route approved

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by the Derry Township Police Department is hereby approved. Supervisor Zmuda seconded the motion. **Motion carried 3-0.**

### **East Shore YMCA Troeg's Hop Dash**

Chief Warner stated that the East Shore YMCA is planning a 5K Run that will be held on Saturday, October 1, 2022 at 9:00 a.m. It starts and ends at Troegs Brewing Company. Roadways involved are Hersheypark Drive, Laudermilch Road, Swatara Road and Sandbeach Road.

Supervisor Zmuda made a motion that the request to hold the Troeg's Hop Dash 5K Run, on Saturday, October 1, 2022, starting at 9:00 a.m. is hereby approved. Supervisor Corado seconded the motion. **Motion carried 3-0.**

### **Acceptance of Financial Security for Stormwater Management Plan, S-2022-010**

Mr. Emerick stated this plan was submitted to detail the design of stormwater management facilities for a patio and sidewalk at 619 Glen Road. The applicants and property owners are Jarrett and Margaret Richards.

Supervisor Corado made a motion that the Board of Supervisors accepts cash financial security in the amount of \$7,461.00 and enters into the Agreement to Provide Financial Security with Jarrett B. and Margaret E. Richards for the Stormwater Management Plan for 619 Glen Road, S-2022-010. Supervisor Zmuda seconded the motion. **Motion carried 3-0.**

### **Bids and Award of Sale of Township Surplus Items and Equipment**

Mr. Clark stated that from May 25, 2022, to June 1, 2022, the Township accepted bids through an online bidding system, Municibid, for the sale of items and equipment the Township wishes to dispose of. The total amount of sale of the surplus equipment is \$51,829.00.

Supervisor Zmuda made a motion that the Board of Supervisors accept the highest bids from the bidders for the sale of items and equipment. Supervisor Corado seconded the motion. **Motion carried 3-0.**

## **SUPERVISOR BOARD/COMMITTEE REPORTS**

Supervisor Zmuda commended Zach for the opening of the brand-new Community Center. After the ribbon cutting, I spent the rest of the day at the pool. Come and see what your tax dollars are paying for. Today's young children will be the ones to determine the next facility. Happy Fathers day to all fathers this weekend.

Chairman Abruzzo thanked Zach and his whole team. Thank you for your leadership and many hours you have put into the first day of this facility. Thank you to Becky Sweigart for her efforts on the planning of the events. We ask the public at large to be patient. It is a beautiful facility and is still evolving. They are going to get it done and it will take time to make it perfect.

## **DEPARTMENTAL REPORTS**

### **Public Works**

Mr. Clark shared that they have started our building and paving projects.

### **Library**

Our summer reading program is off to a good start. We have 342 readers.

### **Parks & Recreation**



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Mr. Jackson is happy that there are no additional construction updates. Thank you to the Board of Supervisors and Mr. Christman for your support. Thank you to Brian Blahusch from IT who worked tirelessly to get things set up and configured. Thanks to Public Works for the landscaping. To the Police Department for monitoring the site. To the Fire Department for handling all of our calls and knock-box. Especially to my staff who have worked tirelessly to be ready for opening in a short 1 week time-frame from substantial completion. The support and attendance has been overwhelming. We are catching up. We are happy to be back and meeting the recreational needs of the community.

### **Community Development May 2022 Monthly Report**

Mr. Emerick shared that Governor Crossing has submitted their Conditional Use Application. We would like to set-up a Public Hearing on Tuesday, July 26 at 5:30 p.m. The Board approved.

### **Township Manager**

Congratulations to Zach on a great opening yesterday. I am excited for the community to enjoy this facility. The project came at the worst time in history but came through with flying colors - on time and on budget.

### **VISITOR/PUBLIC COMMENTS**

Mr. Mark Ovsak, 147 W. Governor Rd. has a complaint with Waste Management. He has been looking for the schedule for yard waste pick-up and their website is not helpful. They pick-up trash on Governor Road at 5 a.m. and they slam the cans and make as much noise as they possibly can. Can you ask them to stop making so much noise.

### **ADJOURNMENT**

Supervisor Zmuda made a motion to adjourn the meeting at 8:45 p.m. Supervisor Corado seconded the motion. **Motion carried 3-0.**

### **SUBMITTED BY:**

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Carter E. Wyckoff, Township Secretary