



TOWNSHIP OF DERRY

Board of Supervisors Meeting Minutes

Tuesday, September 13, 2022

CALL TO ORDER

Chairman Abruzzo called the September 13, 2022 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:03 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. He noted the Board met in Executive Session at 6:00 p.m. to discuss legal and personnel matters.

ROLL CALL

SUPERVISORS PRESENT:

E. Christopher Abruzzo
Natalie L. Nutt
Carter E. Wyckoff
Richard D. Zmuda
Michael P. Corado

ALSO PRESENT:

Christopher S. Christman, Township Manager
Chuck Emerick, Director of Community Development
Tom Clark, Director of Public Works
Garth Warner, Chief of Police Department
David Sassaman, Hershey Volunteer Fire Department
Alison Trautmann, Director of Hershey Public Library
Zachary Jackson, Director of Parks & Recreation
Julie Echterling, Recording Secretary
Becky Sweigart, Public Outreach Coordinator
Peter Nelson, Township Solicitor

Public in Attendance:

Jolene Rabena, Jameson Rabena, Cindy Imhoff, Tim Imhoff, Julie Rabena, Tom DeDonatis, Matthew DeDonatis, Randy Wright, Matthew Dean, Rita Smith, Mark Hackenburg, Rich Olszewski, Anna McDowell, Deborah McDowell, Josiah McDowell, Christine Drexler, Rich Gamble, Ken Gall

VISITOR/PUBLIC COMMENTS

Mr. Dave Weaver, 214 Java Ave., spoke about supporting the Project Milton, understanding the jobs it will create. However, he voiced concerns with the increased truck traffic that will use the downtown as part of their route. He spoke about the look, work, and taxpayer's money used for the downtown. He hopes the business will be respectful of the community.

CONSENT CALENDAR

Adoption of the Board of Supervisors Minutes for the August 23, 2022 Regular Meeting.

Authorize the release of the remaining balance of \$2,809.00 of the cash financial security provided for the Stormwater Management Plan for 403 Nye Road for S. Tyler Valoczki, S-2021-014.

Board of Supervisors Meeting Minutes – September 13, 2022

Authorize the release of \$16,963.00 from the cash financial security provided for the Stormwater Management Plan for Kim Gorsuch and Coby Rudakewiz (506 Randall Circle), S-2021-026, resulting in a new balance of \$3,693.00.

Authorize the release of \$18,202.00 from the financial security provided in the form of Link Bank Letter of Credit No. 742769 for the Stormwater Management Site Plan for 285 Dunham Drive, S-2020-021, resulting in a new balance of \$5,508.00.

Authorize the full release of financial security in the amount of \$4,197.00, which had been provided in the form of cash for the Stormwater Management and ESC Plan for 2016 Church Road, S2022-006.

Authorize the full release of financial security in the amount of \$20,397.00 which had been provided in the form of cash for the Stormwater Management Plan for 45 and 47 Millard Street, S-2021-023.

Authorize the full release of financial security in the amount of \$13,107.00, which had been provided in the form of cash for the Stormwater Management Plan for 428 West Areba Avenue, S-2022-001.

Approval of September 13, 2022 Accounts Payable of \$708,163.74 and Payroll of \$341,726.10.

Vice Chairwoman Nutt made a motion to approve all items on the Consent Calendar. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

NEW BUSINESS

Hershey Public Library's Summer Top Readers:

Ms. Trautmann spoke about the Library's annual summer reading program. This summer, 515 readers read 274,230 minutes. The top readers were:

1. Jameson Rabena, 10 years old, Hershey Elementary
2. Anna Rose McDowell, 10 years old, Homeschooled
3. Maxwell Dean, 8 years old, Hershey Elementary

Recognition of Township Employees Milestone Years of Service:

Mr. Christman recognized the following employees for their years of service:

5 Years:

Julia Shirk - Police Department
William Leadbetter - Police Department
Gary Wagner - Public Works
John Fazzenbaker - Public Works

10 Years:

Michael McCormick - Police Department
David Ceresini - Public Works
Jason Mauser - Public Works

20 Years:

Dennis Shearer - Police Department
Marisa Weldon - Public Works
Linda Dunbar - Library
Max Hauck - Public Works
Dale Nelson - Police Department

25 Years:

Brian Blahusch - Administration
Robert Piccolo - Public Works

35 Years:

Peter Shearer - Library

Board of Supervisors Meeting Minutes – September 13, 2022

Advertise RFP - For Tax Collection Services:

Mr. Christman stated the second part of evaluating tax collection services for the Township of Derry is to solicit proposals for the collection of the Local Service and Occupation Taxes. If the RFP is approved for advertising, the Administration will look to make a recommendation at the October 25, 2022 Board meeting. The Derry Township School District has the same RFP under consideration as well; however, the Township's RFP is not contingent upon any action of the DTSD. The Board asked about the collection of the amusement taxes. Mr. Christman stated they could collect this tax internally. He noted they would need to look at the requirements including auditing of reported revenue for this tax.

Vice Chairwoman Nutt made a motion to authorize the advertisement of an RFP for the purpose of soliciting proposals for tax collection services for the Local Service Tax and Occupation Tax for the Township of Derry. Supervisor Corado seconded the motion. **Motion carried 5-0.**

Consideration of Resolution 2022 - No. 17 - Disposition of Public Records:

Mr. Christman stated per Local Government Commission Records Retention and Disposition Schedule, Derry Township is required to keep seven (7) years of financial documentation. Therefore, documents from the finance office from FY2013 and FY2014 are eligible to be shredded including: AP/AR, payroll, bank statements, receipts, check stubs and month end reports. These documents will be shredded at the Township Shred-It Event on October 15, 2022.

Supervisor Corado made a motion to adopt Resolution 2022-17, Disposition of Public Records in accordance with Township of Derry Resolution 319 and the Municipal Records Act of 1968, as amended. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

Plan for Chadds Ford East, Plat 1357:

Mr. Emerick stated the proposed land for development is located at the southwest corner of the Lamp Post Lane and Church Road intersection. The tract contains 2 acres of land and is improved with a three-bedroom dwelling and detached garage. The property contains a stream, some steep slopes, and a floodplain. The property is located within the Hershey Mixed Use zoning district. The developer proposes to construct eight duplexes and a single-family dwelling on the property, each on their own lot. All lots will be served by public water and sanitary sewer facilities. Each of the lots is designed to maintain the required minimum lot width of 40 feet; however, four of the units will share a driveway, a water lateral, and a sanitary sewer lateral. Each of the lots contain individual stormwater management facilities and each lot owner will be responsible for the continued maintenance of the facility. He noted that a fee in-lieu of park and recreation facilities and sidewalk installations will be paid by the developer. The subject tract is shown on FEMA FIS Maps for Derry Township as being within the approximated Special Flood Hazard Area. As part of the planning for development of the property, Hanover Engineering prepared a detailed floodplain study of the area. That information was submitted to FEMA with a request for a Letter of Map Amendment (LOMA). The floodplain study and approved LOMA were included with this submission. He reviewed each of the waivers and conditions for the plan. Chairman Abruzzo asked if there were any concerns raised by residents at the Planning Commission's review of this plan and Mr. Emerick stated there were none.

Vice Chairwoman Nutt made a motion to approve the following waivers and deferrals be granted from Subdivision and Land Development Ordinance and Stormwater Management Ordinance for the Preliminary/Final Subdivision and Land Development Plan for Chadds Ford East, Plat 1357:

1. Waiver from Section 185-12 regarding processing a separate Preliminary Plan.
2. Deferrals from Sections 185-22.D.(3) and 185-22.E.(5) regarding additional street width and curbing along Church Road, subject to and conditional on the property owner agreeing to and

Board of Supervisors Meeting Minutes – September 13, 2022

executing a Declaration of Covenants, in a manner and form acceptable to the Township, to be recorded against the property, that would allow the Township to require the installation road widening and curbing along Church Road in the future if deemed necessary.

3. Deferment from Section 185-22.D.(3) regarding additional street width along Lamp Post Lane, subject to and conditional on the property owner agreeing to and executing a Declaration of Covenants, in a manner and form acceptable to the Township, to be recorded against the property, that would allow the Township to require the installation road widening along Lamp Post Lane in the future if deemed necessary.
4. Waiver from Section 185-34.A.(4) regarding sidewalks along Church Road, subject to the applicant paying the fee in lieu of sidewalk installation, which fee shall be calculated in accordance with Section 185-34.A.(4).(b).
5. Waiver from Section 185-30.F regarding non-radial lot lines for Lots 6 through 9.
6. Waiver from Section 185-31 regarding planting shade trees along Church Road.
7. Waiver from Section 185-33.C regarding providing street lighting.
8. Waiver from Section 174-11 regarding the proposed loading ratio for stormwater management.

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

Vice Chairwoman Nutt made a motion to approve the Preliminary/Final Subdivision and Land Development Plan for Chadds Ford East, Plat 1357, subject to compliance with following items being satisfactorily addressed:

1. The Applicant shall reimburse the Township for all costs incurred in reviewing the Plan no later than October 27, 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 provide financial security in the amount of \$169,766.00 to guarantee the completion of the proposed improvements depicted on the Plan in a manner and form acceptable to the Township no later than March 13, 2023, and the Applicant shall agree to and execute a Development and Financial Security Agreement in a manner and form acceptable to the Township no later than March 13, 2023.
3. The Applicant shall revise the plans no later than March 13, 2023 to indicate that the water main serving Lots 6, 7, 8, and 9 is a public water main.
4. The Applicant shall comply with and/or otherwise satisfy the comments in the Township Engineer's review letter dated September 6, 2022, a copy of which is attached hereto and specifically incorporated herein by reference, no later than March 13, 2023.
5. The Applicant shall comply with and/or otherwise satisfy the stormwater management comments in DTMA's review letter dated September 8, 2022, a copy of which is attached hereto and specifically incorporated herein by reference, no later than March 13, 2023.
6. The Applicant shall provide the \$11,884.40 fee in lieu of sidewalk installation along Church Road no later than March 13, 2023.
7. The Applicant shall propose the dedication of land for park, recreation, and open space uses or provide payment of a \$14,279.49 fee in lieu of Township acceptance of such land no later than March 13, 2023.
8. The Applicant shall provide a CD of a DXF or AutoCAD digital file of the final plan no later than March 13, 2023.
9. The Applicant shall provide 2 originals of the signed and notarized Development and Financial Security Agreement no later than March 13, 2023.
10. The Applicant shall agree to, execute, and have notarized 2 originals of a Declaration of Covenants for the deferred improvements regarding road widening along Church Road and

Board of Supervisors Meeting Minutes – September 13, 2022

- Lamp Post Lane and curbing installation along Church Road in a manner and form acceptable to the Township no later than March 13, 2023.
11. The Applicant shall agree to and execute deeds of dedication with the requisite accompanying exhibits for additional right-of-way along Church Road and Lamp Post Lane in a manner and form acceptable to the Township no later than March 13, 2023.
 12. 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 March 13, 2023.
 13. 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 March 13, 2023.
 14. The Applicant shall comply with all outside agency requirements, including, but not limited to, PennDOT, PADEP, FAA, and EPA, if applicable.
 15. The Applicant shall record the Development and Financial Security Agreement, or a Memorandum of the same, concurrently with the Plan.
 16. The Applicant shall record the Declaration of Covenants for the deferred improvements regarding road widening along Church Road and Lamp Post Lane and curbing installation along Church Road concurrently with the Plan.
 17. The Applicant shall record the Stormwater Operation and Maintenance Agreement and Access Easement concurrently with the Plan.
 18. The Applicant shall record the property Declaration referencing the Stormwater Operation and Maintenance Agreement and Access Easement concurrently with the plan.
 19. The Applicant shall record the deeds of dedication and exhibits for additional right-of-way along Church Road and Lamp Post Lane concurrently with the Plan.

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

Sketch Plan for Cocoa Packs, Plat 1363:

Mr. Emerick showed the Board the location of the proposed plan. The plan, filed by Hershey Trust Company and Cocoa Packs, represents the development of a 40-acre tract of land fronting on East Main Street and Route 322. The site is in the Planned Campus West zoning district and the Active-Adult Community Overlay. The plan proposes the construction of a one story, 20,000-square-foot “retail” facility for Cocoa Packs on an approximately three-acre condominium tract and the creation of an approximately two-acre undeclared condominium tract. Access to the site is proposed by a 28-foot common access drive. The principal use will be the food market and clothing market, which are meant to support underserved children. Those two features are accompanied by a receiving, inventory, and processing area; a café serving visiting families and volunteers in addition to providing themed sit-down meals, cooking classes, special speakers, and other such activities (but will not be open to the public); an education center with a computer corner and lending library; and garden plots to support the café and educate families in gardening. There will be other events centered around Cocoa Packs’ mission that are also planned for the site. The applicants are proposing a sidewalk along the common driveway to accommodate foot traffic. They are also proposing a crosswalk to connect to the existing sidewalk in front of the Hilton Garden Inn.

He stated it is anticipated that the project will be served by public sewer and water facilities and will require extensions of both existing systems. The sanitary sewer facilities will be discharged to the Highmeadow Camp Pumping Station, which is being evaluated for upgrades. The application was accompanied by a draft Trip Generation Evaluation and TIS Warrant Evaluation (“Evaluation”). It is noted in the Evaluation that ITE does not have a land use code/evaluation on which to base trip projections for this use, so the projections used for the Evaluation were derived by Cocoa Packs’

Board of Supervisors Meeting Minutes – September 13, 2022

knowledge of the operation of their existing facilities. Based on the Evaluation, it is anticipated that the use will generate 29 AM peak hour weekday trips and 64 PM peak hour weekday trips. Similar to the Evaluation, parking for the site is projected based on Cocoa Packs' understanding of the operation of their existing facilities and is proposed to consist of 70 parking spaces, whereas a retail use under the Zoning Ordinance would be required to provide 100 parking spaces.

Mr. Mark Hackenberg, RGS Associates, spoke about collaborating with Staff on the plan. Based on the location of the land; a low-traffic business is needed for the area. They will be working on a second access to the property. They are looking at future uses and development of the land. They understand the operations of Cocoa Packs and noted that shopping will be by appointment and will not be open to the public.

Mr. Rich Olszewski, Cocoa Packs, provided the background and mission of their organization. He spoke about how they are operating among seven locations and this building will consolidate their operations to one building. He spoke about the impact on the community and volunteers with this new building. Chairman Abruzzo asked about truck traffic. Mr. Olszewski stated they would have one truck a day. Mr. Ken Gall spoke about the challenges of the property and the second access point for the property. He noted they have no immediate plans for the rest of the property and because of the location, it would need to be low traffic development.

Contract - Signal Service, Inc. for Maintenance of the Traffic Signals:

Mr. Clark stated that PA Percs, closed their business effective August 12, 2022. Bids were accepted and opened on August 31, 2022, at the Public Works facility for the provision of traffic signal maintenance throughout the Township. Bids were sent out to four companies. Only one was received from Signal Service, Inc. They have been providing the traffic signal maintenance during the interim of PA Percs closing their business. The contract is for three (3) years, beginning September 14, 2022 and ending September 14, 2024 in which the contractor will provide all required preventative maintenance, as prescribed by Pennsylvania Department of Transportation, Publication No. 191 of 1989 which is titled, "A Guideline for the Maintenance of Traffic Signal Systems." The cost is \$26,250.00 for the 3-year contract, or \$8,750.00 per year.

Chairman Abruzzo made a motion to authorize entering into a 3-year contract for the maintenance of traffic signals with Signal Service, Inc. for the cost of \$26,250.00 conditional upon Solicitor's review. Secretary Wyckoff seconded the motion. **Motion carried 4-0.** Supervisor Corado left prior to the vote and returned after the vote.

Close Roads - Annual PIAA Cross Country Invitational - September 24th:

Secretary Wyckoff made a motion to approve the request to close North Hockersville Road from Old West Chocolate Avenue to Hersheypark Drive from 7:00 a.m. to 4:00 p.m. on Saturday, September 24, 2022, for the Annual PIAA Cross Country Invitational being held on the grounds of the Hershey Entertainment Complex. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

Close Roads - Annual PIAA Cross Country Championship - November 5th:

Vice Chairwoman Nutt made a motion to approve the request to close North Hockersville Road from Old West Chocolate Avenue to Hersheypark Drive from 7:00 a.m. to 4:00 p.m. on Saturday, November 5, 2022 for the Annual PIAA Cross Country Championships being held on the grounds of the Hershey Entertainment Complex. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

Board of Supervisors Meeting Minutes – September 13, 2022

Close Roads - Annual Fall Meet - October 6th & 7th:

Chairman Abruzzo made a motion to approve the request to close North Hockersville Road from Old West Chocolate Avenue to Hersheypark Drive from 11:00 p.m. on Thursday, October 6, 2022, to 5:00 p.m. on Friday, October 7, 2022, for the Annual Antique Automobile Club of America Fall Meet being held on the grounds of the Hershey Entertainment Complex. Supervisor Corado seconded the motion. **Motion carried 5-0.**

74th Annual Hershey Halloween Parade - Wednesday, October 19, 2022:

Chairman Abruzzo made a motion to authorize the 74th Annual Hershey Halloween Parade on Wednesday, October 19, 2022 at 7:00 p.m. Supervisor Corado seconded the motion. **Motion carried 5-0.**

Security - Stormwater Management Plan - Tunnel, S-2022-022:

Vice Chairwoman Nutt made a motion to accept cash financial security in the amount of \$16,119.00 and enter into the Agreement to Provide Financial Security between Matthew and Colleen Tunnell and the Township for the Revised Stormwater Management Plan for Tunnell Residence, S-2022-022. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

Security - Stormwater Management Plan - 1806 East Chocolate Avenue, S-2022-017:

Vice Chairwoman Nutt made a motion to accept cash financial security in the amount of \$27,685.00 and enter into the Agreement to Provide Financial Security with Sweet Hotels, LLC for the Stormwater Management Plan for 1806 East Chocolate Avenue, S-2022-017. Supervisor Corado seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE/BOARD/COMMITTEE INFORMATION

Supervisor Zmuda spoke about the design of the Courtyard of Honor and including HE&R. He spoke about the process of nominating someone to the Courtyard and the individual organizations providing a written process. He stated there are two more Saturdays of Market on Chocolate this year and mentioned Choctoberfest which will be held on Saturday, October 15.

REPORTS

Police Department

Chief Warner noted that 175 Police Officers have been killed in the line of duty in 2022. He spoke about their special Autism patches and raising over \$1,000 for the Vista School.

Hershey Volunteer Fire Department

Mr. Sassaman stated they had 70 calls in August. He spoke about himself and Mr. Sonderman being called to help with a building collapse as part of a task force. He was in Florida for a fire conference for the fire department at the time.

Library

Ms. Trautmann noted that on October 1 there will be a book sale in Chocolate Park from 1-5 p.m.

Parks & Recreation

Mr. Jackson provided an update on the hiring of lifeguards and the ability to add more open hours of the pools.

Community Development

Mr. Emerick stated the request for demolition of 150 W. Chocolate Avenue has been withdrawn.

Board of Supervisors Meeting Minutes – September 13, 2022

Township Manager

Mr. Christman spoke about the Township being responsible for the underpass inspections every four years. HRG, Inc. is willing to do them for the Township at a cost of \$6,000. He stated a letter will be sent out this week to the residents of Walton Spring Manor about the maintenance of the medians. The letter will spell out the maintenance that will take place in the Spring.

VISITOR/PUBLIC COMMENTS

Mr. Rich Gamble, 39 Hockersville Road, spoke about concerns with the Courtyard of Honor being focused on one person who already has a memorial in the Township. He believes it should be about other veterans and that a criteria should be set up for it.

ADJOURNMENT

Supervisor Zmuda made a motion to adjourn the meeting at 8:38 p.m. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Carter E. Wyckoff, Township Secretary