

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
FEBRUARY 14, 2023

CALL TO ORDER

Vice Chairwoman Nutt called the February 14, 2023 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. She advised that all public meetings are recorded for providing accurate notes. After the pledge of Allegiance, a role call was performed. She noted that Chairman Abruzzo was away.

IN ATTENDANCE:

SUPERVISORS

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

ALSO PRESENT:

Christopher Christman, Township Manager
Patrick Armstrong, Solicitor
Chuck Emerick, Director of Community Development
Robert Piccolo, Asst. Director of Public Works
Chief Garth Warner, Police Department
David Sassaman, Hershey Volunteer Fire Company
Alison Jacobine, Director of Hershey Public Library
Zach Jackson, Director of Parks & Recreation
Eric Stump, HRG Engineer
Becky Sweigart, Public Outreach Coordinator
Julie Echterling, Recording Secretary

Public in Attendance:

Stephanie DeDonatis, Lori Harkaway, Dave Tiller, Kenny Hinebauch, Paul Schroeder, Marvin Smith

VISITOR/PUBLIC COMMENTS:

There were no comments offered.

CONSENT CALENDAR:

Supervisor Wyckoff made a motion to approve action on the following items on the consent calendar:

1. Adoption of the Board of Supervisors Meeting Minutes for the January 24, 2023.
2. Adoption of the Board of Supervisors Meeting Minutes for the January 31, 2023 Public Hearing.
3. Authorized the release of \$188,960.64, which is the remaining balance of the performance security provided as Hershey Trust Company Letter of Credit No. 2019-02 for the Preliminary/Final Land Development Plan for the Milton Hershey School Staff Homes on Crest Lane, Plat 1266.
4. Approval of February 14, 2023 Accounts Payable of \$605,151.70 and Payroll of \$344,804.94.

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

NEW BUSINESS:

MOU-HERSHEY CO, HE&R & HERSHEY TRUST-743 & US 422 IMPROVEMENTS:

Mr. Christman stated the Administration has been working toward a formal Memorandum of Understanding (MOU) with the Entities (Hershey Company, HE&R and Hershey Trust) to establish maintenance and repair responsibilities for improvements along SR 743 and US 422. He stated this has been worked on for years and is ready to be shared with the other entities. The final MOU will come to the Board for approval.

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Supervisor Wyckoff made a motion to authorize the Administration to release the Memorandum of Understanding between the Township of Derry and the Hershey Company, Hershey Entertainment & Resorts Company and the Hershey Trust Company for their review and consideration. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

AGREEMENT REVISIONS-PSU COLLEGE OF MEDICINE-PLAT 1360:

Mr. Emerick stated the Board conditionally approved Plat 1360. It represents the expansion of the Comparative Medicine Facility located on the main campus for Penn State Health Milton S. Hershey Medical Center. The expansion is to take place in two phases. The first phase has been completed. The second phase is to expand the building in two places, resulting in an increase of floor area of approximately 10,000 square feet.

The Pennsylvania State University is requesting revisions to their Development Agreement. The request is to allow work schedule flexibility in order to prioritize the critical biomedical research occurring within 10 to 100 feet of the construction work. They provided a letter dated February 6, 2023. Vice Chairwoman Nutt thanked them for including a map to show the noise and location of the residents.

Supervisor Zmuda made a motion authorizing the requested revision to the Development Agreement regarding permitted construction hours, as requested in the February 6, 2023 letter from Penn State Health, for the Preliminary/Final Land Development Plan for Penn State University College of Medicine Comparative Medicine Facility Expansion, Plat 1360. Supervisor Corado seconded the motion. **Motion carried 4-0.**

HERSHEY CO. AGREEMENT REVISIONS - PROJECT MILTON, PLAT 1362:

Mr. Emerick stated at the last meeting the Board was asked to consider revisions to the Development Agreement for Plat 1362, which was tabled. The Hershey Company is requesting revisions to Plat 1362's Development Agreement, regarding the restriction of construction hours to weekdays from 6:00 AM to 6:00 PM. He spoke about an additional request from Hershey to record the plan prior to the normal conditions met, including third-party approval from Norfolk Southern for the pipe crossing under their railroad. He spoke about the delays normally associated with approvals from Norfolk Southern. He spoke about location of the pipe crossing and conversations with the affected businesses. He suggested in his report waiving the requirements; however, a better solution would be the Hershey Company providing a no harm agreement.

Solicitor Armstrong spoke about their request to start building prior to recording and having all their approvals. He spoke about their request to move dirt and earth without a building permit. He reminded the Board they do not have to agree to this. He spoke about having a comfort level with the Board, Mr. Emerick, and HRG. He explained the requirements if they are comfortable and want to move forward. Mr. Greg Rogalski, Pennoni Associates, stated there are two requests before the Board tonight. He stated one is the hours of operation and the other is the building permit. He noted this is a complex plan and spoke about the process and working with HRG and waiting on the Norfolk Southern approval. They have received comments from Norfolk Southern and are waiting for the permit. He asked the Board to consider both.

Solicitor Armstrong suggested to separate them out. The Board could act on the hours tonight. Vice Chairwoman Nutt was pleased to see the conditions including notifying the drivers.

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Vice Chairwoman Nutt made a motion to amend the executed Development Agreement requested revisions outlined in the February 7, 2023 Hershey Company letter regarding the overall work schedule, the sewer relocation, and regarding the concrete floor pours respectful to the hours, for the Preliminary/Final Stormwater Management and Land Development for Project Milton, Plat 1362, in accordance with the time limits and notification requirements contained therein. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

Mr. Rogalski asked to discuss the other issue as they are only waiting on two comments from Norfolk Southern. He stated they posted their bond with the Township. Solicitor Armstrong stated this is not a normal request and they need to discuss with Mr. Emerick and HRG about the risks. Mr. Emerick stated they can work together for an agreement and asked that Solicitor Armstrong be part of those discussions. Vice Chairwoman asked for due diligence for reviewing this new request.

ROAD CLOSURES-ST. JOAN OF ARC FESTIVAL -JUNE 8-10th:

Supervisor Zmuda made a motion to approve the request to close West Areba Avenue between Glen Road and Valley Road on the evenings of June 8, June 9, and June 10, 2023, from 5:00 p.m. to 10:00 p.m. for the annual St. Joan of Arc Festival Supervisor Corado seconded the motion. **Motion carried 4-0.**

DHA REQUEST-ALCOHOLIC BEVERAGES FOR EVENTS:

Mr. Emerick stated the Board of Supervisors approval is needed for events requesting alcoholic beverages to be on the premises of ChocolateTown Square Park. The Downtown Hershey Association (DHA) is planning its 2023 Life on Chocolate event series. 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 venders are in place.

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 2023 Life on Chocolate event series. Supervisor Wyckoff seconded the motion. **Motion carried 3-0-1.** Supervisor Zmuda abstained because he serves on the Downtown Hershey Association Board.

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Vice Chairwoman Nutt and Supervisor Zmuda attended the Tax Association meeting. She spoke about the update provided during the meeting and how the transition appears to be going smoothly.

REPORTS:

<u>Police</u>	Chief Warner stated they will have departmental promotions at the next meeting.
<u>Library</u>	Mrs. Jacobine spoke about upcoming events in the library. A survey for the public to complete will be open until March 1.
<u>Engineer:</u>	Mr. Stump stated there are new funding and guidelines to be released March 1.
<u>Community Development</u>	Mr. Emerick stated they are ready to advertise the fireworks ordinance. He will ask for authorization to advertise at the next meeting.

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<u>Manager:</u>	Mr. Christman stated the RACP agreement will be finalized and the payment of \$2 million will be coming to the Township.
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VISITOR/PUBLIC COMMENTS:

There were no comments offered.

ADJOURNMENT:

Supervisor Zmuda made a motion to adjourn the meeting at 7:36 p.m. Supervisor Corado seconded the motion. **Motion carried 4-0.**

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary