

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
APRIL 11, 2023

CALL TO ORDER

Chairman Abruzzo called the April 11, 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. He advised that all public meetings are recorded for providing accurate notes. After the pledge of Allegiance, a role call was performed. The Board met in executive session to discuss legal 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
Mitchell Baylarian, Solicitor
David Habig, Assistant Director of Community Development
Thomas Clark, 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 Stumpf, HRG Engineer
Becky Sweigart, Public Outreach Coordinator
Julie Echterling, Recording Secretary

Public in Attendance:

Chris Brown, John Foley, Frank Jones, Linda Jones, Tim Roche, Curtis Dubinsky, Randy McKillop, John Melham, Doug Jones, Eric Holt, Bryan Holt, Daryl Barry, William Elmer, Bob Gurt, Jonathan Crist

VISITOR/PUBLIC COMMENTS:

There were no comments offered.

CONSENT CALENDAR:

Supervisor Zmuda 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 March 28, 2023 7:00 PM Regular Meeting.
2. Adoption of the Board of Supervisors Meeting Minutes for the March 29, 2023 6:00 PM Public Hearing.
3. Approval of April 11, 2023, Accounts Payable of \$259,114.41 and Payroll of \$323,761.57.

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

OLD BUSINESS:

CHURCH ROAD TRAFFIC SAFETY STUDY:

Chief Warner stated last fall, they were tasked with studying and evaluating traffic safety conditions on Church Road. The main topic of concern was the speed of vehicles traveling on Church Road from Fishburn Road, south, to the Derry Township/Conewago Township line. Church Road is posted with a maximum speed limit of 25 mph, which was established in 1976. The road is well-posted with 25 mph speed limit signs. The Department's Stat Trak, a radar-based data collection device, was set out along Church Road in four locations. The lower or north end of Church Road has been collected in years prior and is a fairly straight roadway until after the intersection with Hilltop Road. The following things were

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noted in the data collected along Church Road at the four locations, south of Hilltop Road to the Derry Township/Conewago Township line.

- The average speed of vehicles at the highest recorded location was 36.44 mph. The average speed of vehicles at the lowest recorded location was 28.33 mph.
- The 85th percentile speed, which is normally used to determine the proper speed limit for a roadway, at the highest recorded location was 42 mph. The 85th percentile speed at the lowest recorded location was 33 mph.
- The average speed of vehicles were lower in the location where the most curves were located. A second concern of residents was the stop intersections established at Church Road/Hilltop Road/Lexington Avenue and at Church Road/McCorkle Road.

He noted residents asked for stop signs to slow traffic. He stated PA Publication 212, Official Traffic Control Devices, sets forth the requirements for the posting of stop signs, and multi-way or all-way stop sign locations. Stop signs are not permitted to be installed to address speeding issues. The Department's Traffic Safety Section conducted an Engineering and Traffic Study of the following intersections:

- Church/Hilltop/Lexington – There have not been any crashes, non-reportable or reportable, at this intersection within the last 5 years. The intersection sight distances for all approaches were well over the required 147 foot minimum.
- Church/McCorkle – There have not been any crashes, non-reportable or reportable, at this intersection within the last 5 years. The intersection sight distances for both approaches were well over the required 147 foot minimum.
- Signage and markings - Public Works Director, Tom Clark, looked at the entire stretch of Church Road and advised on placing pavement markings on Church Road just prior to the entrance into the left curve north of Valley Road to indicate the presence and approach of some of the tighter curves. That has been completed. There is some signage to indicate curves, such as the chevron signs on the first hard curve south of Hilltop Road and another curve prior to the Township line on the south end of Church Road. There are other signs to indicate curving roadways ahead.

The Board thanked him for the study and asked if it could be shared with the residents. Chief Warner will contact them and set up a meeting to discuss the findings. They agreed that this should be discussed at the Transportation Committee for further review of additional potential options for this road and others throughout the Township.

NEW BUSINESS:

COURTYARD OF HONOR AND PROJECTS:

Mr. Chris Brown provided the background for the Courtyard of Honor to be located at Chocolatetown Park. He provided a sketch plan and described the location of the memorials including six branches of the military, public safety officers and September 11 victims. He discussed the location of the trees, benches and landscaping.

Mr. Frank Jones, Senior Vice President for the Courtyard of Honor, is a Marine Veteran and spoke about the design committee. He spoke about the history of this court which was set up in the 1940's. He spoke about the Milton Hershey School graduates who are gold star members and honoring them. He also spoke of graduates of Hershey High School who died during their service to our country being honored. He noted that the American League and the Veterans of Foreign Wars logos would be displayed. He thanked everyone for their work on this project.

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Mr. John Foley spoke on behalf of the Milton Hershey School (MHS) alumni. He spoke of the history of the plaques including the fact that Mr. Hershey purchased them before his death in the 1940s. He spoke of the MHS alumni in the past and those who gave their life serving our country. He thanked all the contributors and the Board and spoke about this being such a great cause.

Lieutenant Roche stated he is an Army veteran and serves as Vice President for the Courtyard. He spoke about honoring the first responders and that memorial being closer to the Fire Company. He spoke about first responders and the sacrifices they make every day. He spoke of Officer Henry who recently passed away and honoring him. He is part of the American Legion and VFW and they are pleased about this. He thanked everyone. Chairman Abruzzo spoke of Pilot Michael Horrocks, who died on September 11, 2001 who was a graduate of the Hershey High School who is being honored.

Mr. Randy McKillop, President, and founder of the Courtyard of Honor thanked everyone for this project. He stated they are now an approved 501c.3 company. He spoke of honoring veterans of 6 branches, gold star recipients, First responders, and September 11 victims. He spoke of those who have made this project possible to be able to move forward. He spoke of donations, grants, contributions which will total over a half million dollars. He thanked the landscapers for their contribution. They are hoping to have the Veteran's part of the Courtyard completed and honored on Memorial Day 2024. They hope to have everything completed on the 25th anniversary of September 11 in 2026.

Chairman Abruzzo spoke about the project and noted the Township would pay the remainder of costs that are not paid by the Courtyard of Honor. He noted this area will be maintained like a park by the Township. Solicitor Baylarian stated there will be a need for a memo of understanding. Mr. Christman spoke of the next steps including appointing a Construction Manager for the project.

UPDATE ON FY2023 BUDGET - FIRST QUARTER RESULTS:

Mr. Christman provided a quarterly update to the Board. He reviewed the budget process, funds the Township uses, and the final numbers for 2022 and 2023 budget. He stated at the end of March, most of the Township revenues categories are trending very closely to 2022 levels or have exceeded estimates. He noted they would be receiving a PILOT payment this year from both HE&R and HMC. He noted that expenses were budgeted 6% higher for 2023 and at the end of March, 15 % of the budgeted expenses have been realized. He spoke of other factors, including global instability, the housing market and inflation that can affect the economy. He noted closing the tax office will save the Township and School District nearly \$400,000. He spoke of the budget strategy of monitoring the revenues and expenses, closing gaps, and staying the course. He thanked his Staff for their hard work that they do to maintain services and keep expenses in line. Vice Chairwoman Nutt noted that Mr. Chrisman moved Township money into an interest-bearing account to provide revenue for the Township.

NATIONAL OPIOID SETTLEMENT AGREEMENTS PHARMACY SETTLEMENT:

Solicitor Baylarian spoke about a new national opioid settlement agreement with Teva, Allergan, CVS, Walgreens, and Walmart (Pharmacy Settlement). It would be similar to the one with manufacturers. He noted the Township is being asked, as an eligible Dauphin County municipality, to participate in those proposed settlement agreements. Action is required to be part of the potential settlement. The deadline for this settlement is April 18.

Vice Chairwoman Nutt made a motion that Derry Township authorize and agree to, opt in, and execute the proposed Settlement Participation Forms for the Settlement Agreements with Teva, Allergan, CVS, Walgreens, and Walmart, and further approve and authorize the execution of any and all other documents

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and/or agreements related thereto in order to participate in the new national opioid settlement agreements associated with the above-referenced participating defendants. Supervisor Zmuda seconded the motion. **Motion passed 5-0.**

ARBOR DAY-APRIL 28, 2023:

Supervisor Zmuda made a motion proclaiming the last Friday in April, April 28, 2023, the official day for observance of Arbor Day in Derry Township. Supervisor Corado seconded the motion. **Motion carried 5-0.**

PLAN OF 208 CLARK ROAD, PLAT 1368:

Mr. Habig stated the Preliminary/Final Subdivision Plan of 208 Clark Road, Plat 1368 represents subdivision of an existing 0.6-acre lot, owned by Wei Jiang. The property is located in the Hershey Mixed Use zoning district and contains an existing single-family dwelling. The purpose of the subdivision is to create a new lot to contain a new single-family dwelling. He read the deferments, waivers, and conditions for the plan.

Vice Chairwoman Nutt made a motion to grant the following waivers and deferments from the Subdivision and Land Development Ordinance for Preliminary/Final Subdivision Plan of 208 Clark Road, Plat 1368:

1. Deferment from Section 185-22.D.(2) – Right-of-way dedication-subject to and conditional on the applicant 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 additional right-of-way along Clark Road in the future if deemed necessary.
2. Deferment from Section 185-22.D.(2) – Cartway widening-subject to and conditional on the applicant 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 cartway widening along Clark Road in the future if deemed necessary.
3. Deferment from Section 185-34.A.(1) – Sidewalks-subject to and conditional on the applicant 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 sidewalk installation along Clark Road in the future if deemed necessary.
4. Waivers from Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] – Plans and profiles of existing stormwater sewer, sanitary sewer, and gas and water systems and other related structures at a scale of one inch equals 50 feet horizontal and one inch equals 5 feet vertical
5. Waiver from Section 185-12.D.(3).(a).[9] – Providing the location of all existing structures, wooded areas, water courses, rock outcrops, culverts, and utilities above and below ground within 200 feet of the perimeter of the site.
6. Waiver from Section 185-12.D.(3).(a).[35] – Providing topographic land contours at minimum vertical intervals of 2 feet on the tract of land to be developed or subdivided and within 200 feet of the perimeter.
7. Waiver from Section 185-30.F – Requiring side lot lines to be perpendicular to the street.

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

Chairman Abruzzo made a motion to approve the Preliminary/Final Subdivision Plan of 208 Clark Road, Plat 1368, subject to compliance with following items:

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1. The Applicant shall reimburse the Township for all costs incurred in reviewing the Plan no later than May 25, 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 a manner and form acceptable to the Township no later than October 11, 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 October 11, 2023.
3. The Applicant shall provide data substantiating minimum fire hydrant flow requirement, flow availability, recharge capabilities, and duration of flow no later than October 11, 2023.
4. The Applicant shall revise the Plan to provide the Plan Book and lot number references associated with the lands of Dilello and the lands of Mascari no later than October 11, 2023.
5. The Applicant shall revise Sheet 1 of the Plan to remove Item 13 [Section 185- 13.A.(4)] from the 'Waivers/Deferments Requested' list no later than October 11, 2023.
6. The Applicant shall revise the Plan to propose the relocated propane tanks outside of the accessory use front setback no later than October 11, 2023.
7. The applicant shall address any comments of the Derry Township Shade Tree Commission no later than October 11, 2023.
8. The Applicant shall sign the ownership statement on the Plan no later than October 11, 2023.
9. The Applicant shall provide copies of the full disclosure statement for each lot for review by the Township no later than October 11, 2023.
10. The Applicant shall comply with and/or otherwise satisfy the comments in the Township Engineer's review letter dated March 24, 2023, a copy of which is attached hereto and specifically incorporated herein by reference, no later than October 11, 2023.
11. The Applicant shall comply with and/or otherwise satisfy the comments in DTMA's review letter dated April 3, 2023, a copy of which is attached hereto and specifically incorporated herein by reference, no later than October 11, 2023.
12. The Applicant shall provide payment of a \$1,610.46 fee in lieu of dedication of land for park, recreation, and open space uses no later than October 11, 2023.
13. The Applicant shall provide a CD of a DXF or AutoCAD digital file of the final plan no later than October 11, 2023.
14. The Applicant shall provide 2 originals of the signed and notarized Development and Financial Security Agreement no later than October 11, 2023. .
15. 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, cartway widening, and sidewalk installation along Clark Road, in a manner and form acceptable to the Township, no later than October 11, 2023.
16. 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 October 11, 2023.
17. The Applicant shall provide draft copies of new deeds for proposed Lot 1 and proposed Lot 2 for review and approval by the Township no later than October 11, 2023. The deed for proposed Lot 2 shall reference the Stormwater Operation and Maintenance Agreement and Access Easement by including the following language: "UNDER AND SUBJECT TO the Stormwater Operation and Maintenance Agreement and Access Easement dated _____, recorded in the Office of the Recorder of Deeds of Dauphin County, Pennsylvania, at Instrument No. _____, regulating the BMPs associated with this lot."

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18. The Applicant shall comply with all outside agency requirements, including, but not limited to, PennDOT, PADEP, FAA, and EPA, if applicable.
 19. The Applicant shall record the Plan.
 20. The Applicant shall record the Development and Financial Security Agreement, or a Memorandum of the same, concurrently with the Plan.
 21. The Applicant shall record the Declaration of Covenants for the deferred improvements regarding additional right-of-way, cartway widening, and sidewalk installation along Clark Road concurrently with the Plan.
 22. The Applicant shall record the Stormwater Operation and Maintenance Agreement and Access Easement concurrently with the Plan.
 23. The Applicant shall record the new deeds for Lot 1 and Lot 2 concurrently with the Plan.
- Supervisor Corado seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

There was no information shared.

REPORTS:

<u>Police</u>	Chief Warner spoke about an upcoming community outreach involving their drones and closed roads. This will be shared with the public.
<u>Fire:</u>	Mr. Sassaman spoke about how busy this month has been. He noted they had 35 members come out for a Monday drill.
<u>Library</u>	Mrs. Jacobine spoke about the replacement library cards available and an upcoming author coming. Tickets will be available.
<u>Recreation:</u>	Mr. Jackson spoke about the Easter Egg Hunt and the upcoming Fishing Derby on May 6.
<u>Engineer:</u>	Mr. Stumpf is compiling a list of all the improvements that have been made recently and upcoming ones to show the public.

VISITOR/PUBLIC COMMENTS:

Mr. Jonathan Crist, 2865 Church Road, spoke of where his house is located on the Township line. He spoke of the slope on the road to Giant Foods and how it is hard to maintain speed on that part of the hill. He spoke of spearheading a group in the late 1990s about installing a stop light to help the residents on Church Road. PennDOT and Representative John Payne said it was too close for a stop light as they like to see half of a mile between lights. He was surprised to see that they are allowing a light at Sandhill Road which is why he got involved with the Governor's Crossing plan.

ADJOURNMENT:

Supervisor Zmuda made a motion to adjourn the meeting at 8:46 p.m. Supervisor Corado seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary