

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
APRIL 25, 2023

CALL TO ORDER

Chairman Abruzzo called the April 25, 2023 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:10 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 and land issues.

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
Patrick Armstrong, Solicitor
David Habig, Assistant Director of Community Development
Thomas Clark, Director of Public Works
Chief Garth Warner, Police Department
Rodney Sonderman, Hershey Volunteer Fire Company
Alison Jacobine, Director of Hershey Public Library
Zach Jackson, Director Parks & Recreation
Eric Stump, HRG Engineer
Becky Sweigart, Public Outreach Coordinator
Julie Echterling, Recording Secretary

Public in Attendance:

Dave Buffington, Christine Drexler, Matthew Bennett, Mike Angello

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 April 11, 2023 7:00 PM Regular Meeting.
2. Authorized the release of \$474,644 from the performance security provided as Members 1st Federal Credit Union Letter of Credit No. 1027442 for the Final Land Development Plan for Cacao Way, Plat 1331, resulting in a new balance of \$63,773.
3. Approval of April 25, 2023 Accounts Payable of \$665,267.84 and Payroll of \$325,828.69.

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

NEW BUSINESS

TREE REMOVAL-MEDIANS WALTON SPRING HILL SUBDIVISION:

Mr. Christman spoke about the meeting with homeowners in January and the limited maintenance of the median areas located within the Walton Spring Hills subdivision. Good's Tree and Lawn Care was contacted and conducted a site evaluation of the three median areas within Walton Spring Hills. Twenty-seven (27) trees were identified to be removed from the median areas. The total cost of the tree removal is proposed at \$14,700. The proposal includes the cleanup of limb debris and removal from the site.

Vice Chairwoman Nutt made a motion authorizing the Township Manager to execute a proposal (#:103678) with Good's Tree and Lawn Care for an amount not to exceed \$14,700 for the removal of

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trees within the medians of the Walton Spring Hills Subdivision. Supervisor Corado seconded the motion. **Motion carried 5-0.**

PROPOSAL FOR IMPROVEMENTS AT CHOCOLATETOWN PARK:

Mr. Christman spoke of the upcoming improvements to Chocolatetown Park for both the Courtyard of Honor and the Court of Honor memorials and the need for construction management services. Capital Construction Management can provide the services at an anticipated cost of \$25,000-\$35,000. He noted that a new line item within the Capital Reserve Fund will be opened for Chocolatetown Park.

Supervisor Zmuda made a motion to authorize the Township Manager to execute a proposal with Capital Construction Management, LLC in an amount not to exceed \$35,000 for construction management services as it relates to improvements within Chocolatetown Park. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

DAUPHIN COUNTY LOCAL SHARE MUNICIPAL GRANT AGREEMENT:

Mr. Christman stated Derry Township serves as a sponsor for the Dauphin County Local Share Municipal Grant program. There is no financial obligation on the part of the Township to execute the agreements. Solicitor Armstrong has some proposed revisions to the agreements for those non Township entities. Execution of the agreement acknowledges the Township's participation as the "Sponsor" or in the case of the Township projects - "Grantee". Below are the award agreements:

1. Agreement 2023-02 - Derry Township PWD - F550 Truck - \$123,500.
2. Agreement 2023-03 - Derry Township PD - Training Simulator - \$47,000
3. Agreement 2023-05 - The Vista School - \$12,392
4. Agreement 2023-06 - Hershey History Center - \$9,500
5. Agreement 2023-07 - Hidden Still - \$15,000.
6. Agreement 2023-08 - Mary's Training Center - \$50,000

Supervisor Wyckoff made a motion to authorize the Township Manager to execute Dauphin County Local Share Municipal Grant Agreements 2023-02 and 2023-03; and authorize the following agreements contingent upon successful revisions for agreements 2023-05 through 2023-08. Supervisor Corado seconded the motion. **Motion passed 5-0.**

ORDINANCE 2023-04, ADDING CHAPTER 95 (FIREWORKS):

Solicitor Armstrong spoke about the need for an ordinance to address fireworks in the Township. He stated this chapter will address both Consumer fireworks and display for professional events. He spoke about it mirroring the State law. Supervisor Zmuda was concerned about allowing consumer fireworks until 1 a.m. in Chapter 95-3 #7. He also asked about drought or burn bans and fireworks. Solicitor Armstrong stated most of the proposed changes come from the state regulations. Deputy Chief Sonderman stated that fireworks are banned when there is a fire ban.

Supervisor Corado made a motion to adopt Ordinance No. 2023-04. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

RESOLUTION 2023-11-REVISED FEE SCHEDULE BASED ON ORDINANCE 2023-04:

Mr. Habig stated the Township needs to revise the fee schedule based on the Ordinance 2023-04 permit requirements. This resolution addresses those permit fees.

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Vice Chairwoman Nutt made a motion to adopt Resolution 2023-11. Supervisor Corado seconded the motion. **Motion carried 5-0.**

HERSHEY SQUARE PROPOSED OUTPARCEL DEVELOPMENT, PLAT 1353:

Applicant's Attorney Charles Sur, Stevens & Lee, asked that the Township be the applicant for the HOP Permit for the road improvements proposed for the Hershey Square. They proposed a timeline so that the HOP would be submitted in June. A traffic study was performed. Mr. Stump and Mr. Creasy (Traffic Engineer for the Applicant) spoke about the traffic study and the data used for the study. The study was done on the Saturday before Christmas when the Park was open and a 15% increase was added. They looked at older studies and PennDOT's data to produce the results of the traffic study. The study did not review AM peak performance because the park is not open during those hours.

Chairman Abruzzo spoke about the Board's concern with the intersection now with the traffic backups without the development. He noted the West End Development and the impact it can have on this area. He knows that Starbucks will be successful at this location but is concerned about the traffic. He feels they need real life data about the traffic and spoke about increased development and traffic in the area in the past five years. Mr. Creasy spoke about the stop sign, new signs proposed, and access that would help with the traffic issues at the intersection. Chairman Abruzzo spoke about the summer traffic and tourists not understanding or complying with the proposed box and other traffic improvements. Discussion ensued. Solicitor Armstrong noted that the Board needs more information on the traffic study. Mr. Creasy has received the HRG response letter about the submitted traffic study and will respond to the letter. The Board agreed to table action on this request until they have had time to see the responses to the traffic study.

Supervisor Zmuda made a motion to **TABLE** action on the request for Charles W. Emerick, Jr. to sign the PennDOT M-950AA form (HOP authorization form), conditioned upon a positive review of the Traffic Impact Study and HOP permitting plans by HRG, and further conditioned upon the applicant agreeing to the HOP Agreement in a manner and form acceptable to the Township and signing the HOP Agreement. Supervisor Corado seconded the motion. **Motion carried 5-0.**

BANNER-HERSHEY MIRACLE 5K RACE:

Vice Chairwoman Nutt made a motion to authorize the 20th Annual Hershey Miracle 5K Race banner to be placed in the grass area adjacent to The Hershey Company Technical Center building along Route 422, as well as at the east entrance of the 19 East Chocolate Avenue office building. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Zmuda attended the Downtown meeting. The Transportation meeting was cancelled. He spoke about the invitation from Derry Township Community Cats' event on May 18. Supervisors Corado and Wyckoff attended the DTMA meeting where updates on projects were discussed.

REPORTS:

<u>Police</u>	Chief Warner spoke about the functional drill they had with the County and other municipalities. He stated it went well. He provided the Board with a spreadsheet of road closures for upcoming events. This list will be shared in e-news as the events are happening. He noted there are events that will need to come to the Board for approval with PennDOT permits being required.
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<u>Fire:</u>	Mr. Sonderman spoke about the Fire Company being busy this month. He spoke about the fire recently where they were able to save the other houses around it.
<u>Library</u>	Mrs. Jacobine spoke about the replacement library cards being available and over 200 cards have been issued. This week is National Library week.
<u>Recreation:</u>	Mr. Jackson spoke about the upcoming Fishing Derby on May 6. They are getting the outdoor pool ready for the summer.
<u>Manager</u>	Mr. Christman spoke about the PSATS Convention here in Hershey again this year and what a great event it is to attend and network. He spoke about the Downtown Hershey event called Let's Talk Trash on May 13. This event is to help clean up the town.

VISITOR/PUBLIC COMMENTS:

There were no comments offered.

ADJOURNMENT TO EXECUTIVE SESSION:

Supervisor Zmuda made a motion to adjourn the meeting to Executive Session to discuss a legal issue at 8:35 p.m. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Carter E. Wyckoff
Township Secretary