



## **TOWNSHIP OF DERRY**

### **Board of Supervisors Meeting Minutes**

**Tuesday, June 13, 2023**

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#### **CALL TO ORDER**

Chairman Abruzzo called the June 13, 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. He announced there was a public hearing at 5:30 p.m. and an executive session was not held. Vice Chairwoman Nutt was absent with excuse.

#### **PLEDGE OF ALLEGIANCE**

#### **ROLL CALL**

##### **SUPERVISORS PRESENT:**

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

##### **ABSENT:**

Natalie L. Nutt

##### **ALSO PRESENT:**

Christopher S. Christman, Township Manager  
Chuck Emerick, Director of Community Development  
Garth Warner, Chief of Police Department  
David Sassaman, Hershey Volunteer Fire Department  
Alison Jacobine, Director of Hershey Public Library  
Zachary Jackson, Director of Parks & Recreation  
Julie Echterling, Recording Secretary  
Peter Nelson, Township Solicitor  
Ryan Cummings, HRG Engineer  
Robert Piccolo, Asst. Director of Public Works

##### **Public in Attendance:**

D. Troy Sellars, Ed Svirbely, Michael Milunic, Matthew Milunic, Mike Callahan, John Mamolinski, Ken Gall, John Anderson, Robin Platte, Zac Silvertsen, Christine Drexler, Olivia Lewis, Kevin Ferguson, Russell Knapp, William Dunne, Greg Rogalski, Chip Hitz

#### **VISITOR/PUBLIC COMMENTS**

Mr. Troy Sellars, 2030 Raleigh Road, discussed in detail the issues he has had with Keystone Collections. He spoke about the information they were asking him to prove that his daughter had moved out of state. He stated it took numerous calls, being put on hold, given different answers, until he was able to resolve the issue. They were overly aggressive, and he could never speak or hear from a supervisor to resolve the issue. He told the Board that when he asked why they need certain information they always said that Derry Township requires it. In the past they did not have to provide the information they were asking for. They may want to look into this before it becomes worse or a lawsuit. Chairman Abruzzo thanked him for coming in and asked that he contact Mr. Christman. Mr. Christman asked Mr. Sellars to email him because the school district bills will be coming out in July, and he wants to take care of this.

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Mr. Kevin Ferguson, 1338 Quail Hollow Road, spoke about his concerns with the public hearing he was not able to attend and the proposed amendment changes. He stated he was not able to compare the current versus the proposed online. He is concerned with language in the amendment including adding what seems like a private hotel downtown. The public has been clear that they do not want any more hotels downtown. He also asked why they would put students near the railroad and believes this needs to be in the West End development instead of downtown. He feels like there is something else going on here and has questions about the cost analysis.

Mr. Michael Milunic, 113 Granada Avenue, provided a picture to the Board and Chief Warner. He spoke about how traffic gets backed up when there is a concert. He noted that traffic gets stuck at the stop sign at the underpass. He counted the cars and congestion at the last concert and said because of the stop sign, only 10 cars a minute can get through there. He suggested posting someone there that would allow the traffic to flow for an hour without the stop sign. He said if someone is there, 30 cars a minute could get through and stop some of the congestion. Chairman Abruzzo asked Chief Warner to contact HE&R and see if this could help the traffic.

### CONSENT CALENDAR

**Adoption of the Board of Supervisors Meeting Minutes for the May 23, 2023 7:00 PM Regular Meeting.**

**Adoption of the Board of Supervisors Meeting Minutes for the May 31, 2023 6:00 PM Public Hearing.**

Authorized the full release of maintenance security in the amount of \$540, provided as cash for the Preliminary/Final Subdivision/Land Development Plan for Miller Oral Surgery, Plat 1294.

Authorized the release of financial security in the amount of \$8,298, which had been provided as cash for the Stormwater Management Plan for the John E. Antonuk and Virginia A. Lowe Living Trust for 453 Chestnut Avenue, S-2020-019.

Authorized the release of \$11,996 from the cash financial security provided for the Stormwater Management Plan for 8 Edgehill Drive, S-2022-016, resulting in a new balance of \$2,434.

Authorized the release of financial security in the amount of \$16,119, which had been provided as cash for the Revised Stormwater Management Plan for Tunnell Residence, S-2022-022.

Authorized the release of financial security in the amount of \$9,356, which had been provided as cash for the Stormwater Management Plan for 1410 Sand Hill Road, S-2021-024.

**Approval of June 13, 2023 Accounts Payable of \$470,467.43, May 26, 2023 Payroll of \$333,362.99 and June 9, 2023 Payroll of \$437,574.49.**

Secretary Wyckoff made a motion to approve the Consent Calendar as outlined on the agenda above. Supervisor Corado seconded the motion. **Motion carried. 4-0.**

### OLD BUSINESS

#### **Authorization to Execute Dauphin County Local Share Municipal Grant Agreements:**

Mr. Christman stated this was discussed at the last meeting. The changes the Solicitor wanted in the agreements have been made and the Board can take action on this request.

Supervisor Corado made a motion to authorize the Township Manager to execute Dauphin County Local Share Municipal Grant Agreements: 2023-04 through 2023-08 as noted this evening. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

**NEW BUSINESS**

**Ordinance No. 2023-05, amending Chapter 225 (Zoning) of the Code of Ordinances of Derry Township by permitting Dwellings for Employees and Students as a Conditional Use:**

Mr. Emerick stated as discussed at the public hearing earlier this evening, Ordinance No. 2023-05, if adopted, would amend Chapter 225 (Zoning) of the Code of Ordinances of Derry Township by permitting Dwellings for Employees and Students as a Conditional Use in the Downtown Core Overlay 9.1 of the Hershey Mixed Use zoning district and establish specific criteria and requirements for the same. The proposed ordinance amends Section 225501.56 of the Code of Ordinances of Derry Township by adding new specific requirements for Dwellings for Employees and Students within the Downtown Core Overlay 9.1 of the Hershey Mixed Use Zoning District. This ordinance has been properly advertised for adoption this evening. The Derry Township and Dauphin County Planning Commissions recommended and supported the text amendment be adopted as currently written. He noted this has been discussed at previous meetings and changes have been made.

Chairman Abruzzo spoke about the concerns they had about this change and how they are satisfied that the way it is written will take care of their concerns. Mr. Emerick noted that there are 23 conditions and that since this is a conditional use requirement, additional conditions can be made to any request.

Chairman Abruzzo asked if anyone from the public would like to comment on this amendment. Mr. Kevin Ferguson stated he made his points in the public comment portion of the meeting. He asked with the cost benefit analysis, was it fiscally positive for the Township. He stated the public has been clear about not wanting another hotel downtown. He believes it would be a good idea to have more time between a hearing and voting on this matter. Mr. Emerick stated he could reach out to him, and he can explain things to Mr. Ferguson. He also stated this is not approving any project but rather making changes to the ordinance.

Supervisor Zmuda made a motion to adopt Ordinance No. 2023-05 as written. Solicitor Nelson noted this was continued from the hearing at 5:30 p.m. Secretary Wyckoff seconded the motion. **Motion carried 4-0.**

**Authorize the Specification and Purchase of New Fire Apparatus - Replacement of Attack 48:**

Mr. Christman stated the Hershey Volunteer Fire Company (HVFC) wants to replace the current Attack 48, which was put into service twenty-five years ago (1998). He stated if the Board approves HVFC to spec and order a new Engine, through Piece Manufacturing, the lead time for the build is 31-months. The approximate total cost for the new Attack 48 is \$747,590. Yearly debt service payments would be structured as part of the Township's request for the annual Local Share Casino Grant Program managed by Dauphin County. He spoke about the line of credit and how this line would cover the cost of this purchase. The initial payment will be due within 12 months from the date of order.

Mr. Sassaman spoke about the features of the Attack 48 which has four-wheel drive and allows them to access driveways on the hills. Mr. Russell Knapp (HVFC) spoke about the features, longer ladder, and the advantage with the IOS, which helps keep insurance rates down. He spoke of repairing the current one to keep it going until the new one is received.

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Supervisor Corado made a motion to approve and authorize the specification and purchase of a new fire apparatus to replace Hershey Volunteer Fire Company Attack 48. Supervisor Zmuda seconded the motion. **Motion carried. 4-0.**

### **Library engineering design services proposal to create bid documents for replacement air conditioning units:**

Mrs. Jacobine stated The Hershey Public Library is in need of a new air conditioner system because the current one is over 20 years old. Moore Engineering estimates a cost of \$16,424 for the total project which includes such items as design drawings, technical bid specifications, attendance at a pre-bid meeting, answering technical questions during the bidding process, and reviewing the final bids. Moore was referred to us by NRG who holds the service contract for the current air conditioning system. The cost does not include travel costs, cost estimates, or site/civil engineering services that could result if the underground pipe from the current air handlers to the library need to be replaced. This could add 15% to the estimated cost. If approved today, the work would begin in mid-July of 2023 and be available for a bid period beginning in September of 2023. Approximately \$10,000 of the cost for this project is covered by an existing line item in capital improvements. Anything not covered by that line item will be covered by utilizing the existing fund balance to offset the individual line item. If the Keystone Grant we apply for is received, 50% of the engineering costs will be eligible for reimbursement.

Chairman Abruzzo made a motion to approve the proposal from Moore Engineering to design a replacement air conditioning system for the Hershey Public Library.

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

### **East Shore YMCA to hold the Troeg's Hop Dash on Saturday, September 30, 2023, at 9:00 am:**

Chairman Abruzzo made a motion to approve the request to hold the Troeg's Hop Dash 5K run, on Saturday, September 30, 2023, starting at 9:00 a.m. including road closures. Supervisor Corado seconded the motion. **Motion carried 4-0.**

### **Library-Memorandum of Understanding (MOU)-American Heart Association-Blood Pressure Cuffs:**

Mrs. Jacobine stated the Hershey Public Library is working with the American Heart Association to provide blood pressure cuffs for patrons to borrow from the library. This allows the library to take an active part in eliminating health disparities and improving the cardiovascular health of the Derry Township community through efforts targeting access to health blood pressure resources, and high-quality patron education. An MOU has been drafted to outline the responsibilities of both parties and recommendations from the Township Solicitor have been incorporated into the final document. A release form waiving the Township's liability for users to sign before checking out or using the blood pressure cuffs will be developed in consultation with the Township Solicitor before the cuffs are offered for patrons to borrow.

Supervisor Zmuda made a motion to authorize Alison Jacobine to sign the Memorandum of Understanding between the American Heart Association and the Hershey Public Library to loan blood pressure cuffs. Supervisor Corado seconded the motion. **Motion carried 4-0.**

### **Proposed roundabout at the intersection of Bachmanville Road and Homestead Road:**

Mr. Emerick stated the intersection of Bachmanville Road and Homestead Road has been a concern for the motoring public, with limited sight distances, irregular geometry, and high speeds. Milton Hershey School (MHS) is looking to improve safety at this intersection through the design and

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installation of a roundabout. Their design is nearly complete, and they are here tonight to present the design and move the project through the permitting process with PennDOT. They are also working with Solicitor Armstrong to develop an agreement related to the permitting and operation of the roadway improvements.

Mr. Greg Rogalski, Pennoni, spoke about the proposed roundabout, the location, and showed the Board drawings of how it would look once finished. He noted this roundabout would take the level of service from a B or C to an A once completed and would improve the safety of this intersection. He spoke of the process with the Township being the applicant for the HOP and the agreement which is a few words from being agreed upon. He spoke of the lighting and the truck radius. They would hope to start in July (once they receive the HOP and signed agreement) and work as fast as they can. There will be a need for a detour, but may have to wait until next spring, depending upon the end of the paving season. When asked about trail connectivity, he noted there is a pedestrian/bike consideration, but it does not connect to the trails. Mr. Anderson, Attorney, asked if they could approve the agreement and the PennDOT MP950AA subject to final approval from the Solicitor, because they would like to keep the project moving instead of waiting until the next meeting. Discussion ensued.

Chairman Abruzzo made a motion to authorize execution of the agreement for the Bachmanville and Homestead Road roundabout and authorize the PennDOT M950AA form be completed on behalf of the Township, **subject** to final approval from Solicitor Armstrong of the agreement. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

### **Resolution No. 2023-13, Highway Occupancy Permit (HOP) associated with the installation of pedestrian crossing signals at the intersection of Fishburn Road and Hartley Road:**

Mr. Emerick stated the Township received funding for a flashing pedestrian easement at the trail crossing located at Fishburn and Hartley Roads. As is typical with PennDOT projects, there are multiple agreements, easements, rights-of-way, and other related documents that will need to be executed during the course of this project.

Chairman Abruzzo made a motion to adopt Resolution No. 2023-13, authorizing the execution and submission of documents required for Pennsylvania Department of Transportation documents for the Highway Occupancy Permit Application and all other associated forms and documents related to the signalized pedestrian crossing located at the intersection of Fishburn Road (SR 0743) and Hartley Road (T-452). Supervisor Corado seconded the motion. **Motion carried 4-0.**

### **Fourth time extension for Plan - 106 Cocoa Avenue for Nagillum Properties, LLC, Plat 1333:**

Mr. Emerick stated this is the fourth request for an extension for the plan. It is located on the west end of Cocoa Avenue and has a gross lot size of 16,000 square feet. The plans include demolishing the building and creating a new dentist office. This plan was approved in January 2021 and the fourth extension would extend it until January 4, 2024. He noted there are no changes to the plan, conditions or waivers.

Mr. Greg Rogalski, Pennoni, stated the doctor is in the middle of a divorce, which has caused this delay. Mr. Emerick noted that one of the conditions of the plan is high security (over \$100,000) which increases each year. Chairman Abruzzo expressed concerns with so many extensions and if another extension is requested, they may look at the plan and impose additional conditions.

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Chairman Abruzzo 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, 2024, subject to compliance with items 1 through 12 under the Department Head Recommendation section of this agenda item. Secretary Wyckoff seconded the motion. **Motion carried 3-1 (opposed: Supervisor Zmuda).**

### **Unilateral Declaration of Covenants, Conditions and Restrictions and release of financial security for the Stormwater Management Site Plan for The Hershey Company West Plant Patio, S-2020-025:**

Secretary Wyckoff made a motion to accept the Unilateral Declaration of Covenants, Conditions and Restrictions and release financial security in the amount of \$28,823, in the form of Travelers Casualty and Surety Company of America Bond No. 107378953, for the Stormwater Management Site Plan for The Hershey Company West Plant Patio, S-2020-025, conditional upon The Hershey Company signing and recording the Declaration and providing proof of recording to the Township. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

### **Security and maintenance security period for the Final Land Development Plan for Cacao Way, Plat 1331:**

Secretary Wyckoff made a motion to authorize the release of the remaining balance (\$63,773) of the performance security provided for the Final Land Development Plan for Cacao Way, Plat 1331, in the form of Members 1st Federal Credit Union Letter of Credit No. 1027442, contingent upon the developer providing maintenance security in the amount of \$1,314. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

### **Financial security for the Stormwater Management Plan for 25 Hawthorne Drive, S-2023-005:**

Supervisor Corado made a motion to accept a cash financial security in the amount of \$7,772 and enter into the Agreement to Provide Financial Security between Michael J. Fedash and Karen J. Fedash and the Township for the Stormwater Management Plan for 25 Hawthorne Drive, S-2023-005. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

## **SUPERVISOR BOARD/COMMITTEE REPORTS**

There were no Board reports.

## **DEPARTMENTAL REPORTS**

### **Police Department:**

Chief Warner spoke of the letter they received regarding their participation in the Honor Guard in Washington DC where they honor fallen police officers. He spoke about the funding they received to perform enforcement downtown pertaining to pedestrian traffic. They hope to do this again.

### **Hershey Volunteer Fire Department:**

Mr. Sassaman thanked the Board for the vote and the Board's dedication to safety. They had 77 calls in May. He spoke about the three tools they received and put into service.

### **Public Works:**

Mr. Piccolo discussed the paving projects for this month that have been completed and those upcoming. He spoke of the Shank Park Barn roof being replaced. He stated the light at Wood and Middletown Road will be taken down this week. Chairman Abruzzo asked about the light and a possible left-hand turn at the intersection. He will take this to the Transportation Committee. Mr.

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Piccolo stated they have sprayed for poison Hemlock on Township property and cannot spray on private property where a lot of it can be seen.

### **Library:**

Mrs. Jacobine stated the summer reading program is going on. She spoke of two upcoming events in the Library including one with over 300 pre-registered.

### **Community Development**

Mr. Emerick stated they had about 400-500 people attend the music in the park. It is held the second Saturday of the month.

### **Township Manager**

Mr. Christman stated the Transportation Committee is discussing the Wood & Middletown Road intersection and has spoken to Mr. Stump about it.

## **VISITOR/PUBLIC COMMENTS**

There were no comments offered from the public.

## **ADJOURNMENT**

Supervisor Zmuda made a motion to adjourn the meeting at 8:56 p.m. Supervisor Corado seconded the motion. **Motion carried 4-0.**

## **SUBMITTED BY:**

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Carter E. Wyckoff, Township Secretary