



TOWNSHIP OF DERRY

Board of Supervisors Meeting Minutes Tuesday, July 25, 2023

CALL TO ORDER

Chairman Abruzzo called the July 25, 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 roll call was performed. An Executive Session was held before the meeting where land and legal issues were discussed.

ROLL CALL

SUPERVISORS PRESENT:

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

ALSO PRESENT:

Christopher S. Christman, Township Manager
Patrick Armstrong, Township Solicitor
Chuck Emerick, Director of Community Development
Tom Clark, Director of Public Works
David Sassaman, Hershey Volunteer Fire Department
Alison Jacobine, Director of Hershey Public Library
Zachary Jackson, Director of Parks & Recreation
Julie Echterling, Recording Secretary
Eric Stump, HRG Engineer
Tim Roche, Lieutenant, Police Department

ABSENT:

Public in Attendance:

Michael Postick, Jill Clarke, Matt Fisher, Phil Jures, Jon Rankin, Mark Brace, Ray Brace, Trish Fisher, Craig Mellott, Andrew Tinsley, Ann Messner, Jake Kriger, Tracy Brown, Donna Cronin, Christine Drexler, Glen Rowe, Dan Clough, Mark Hackenburg, Olivia Lewis, Wayne Rivers, Connie Wagner, Adam McKinney, Phil Kafari, Rich Gamble, Marian Taylor, Kevin Ferguson.

VISITOR/PUBLIC COMMENTS

Ms. Connie Noll, Hershey Plaza, spoke about the crosswalk near her apartment. She spoke about the resident who was hit last week and one that was killed in the past. She asked the Board to do something to make the intersection safer so they can cross the street before someone else is hurt. She talked to the Police and they said they cannot make all the lights red at the same time, but something needs to be done.

Ms. Jill Clarke, Hershey Plaza, stated she is a friend of the person hit last week and he was in a wheelchair. She thinks the crossing is too dangerous to walk and people race to try and make the light as it is turning red.

Ms. Marian Taylor, Hershey Plaza, was not surprised by the accident because she has had close calls. She is always waiting to find the right time to cross safely. She would like to see a traffic study done

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to see how long it takes someone to cross that intersection: walking, walking with a cane, and a wheelchair. She stated a couple of extra seconds can make a difference. She begged the Board to do something.

Chairman Abruzzo stated they have looked at this intersection and two of the accidents at this location involved distracted drivers. Township Engineer Eric Stump stated they have met with PennDOT and they talked about the area with businesses, rides, signs, and attractions. He stated if you stop all the traffic for red lights, it will cause a backup and other potential safety issues. Chairman Abruzzo asked about enforcement. Lieutenant Roche stated they can do enforcement.

Ms. Adair McKinney, Hershey Plaza, stated she is concerned with the safety, especially with the crosswalk at Duck Donuts. She has witnessed unsafe conditions at Chocolate and Ridge. She stated four people have been hit at the intersection in the past four years, with one fatality. She is concerned with the increased traffic to come with the West End expansion. She stated it will only get worse. She asked if they could provide an additional 6-10 seconds at the light to allow pedestrians to cross safely. She suggested a tunnel that goes under the street to allow safe passage. She asked how many people need to die before something is done and asked them to think outside the box for a solution.

Mr. Rich Gamble, 39 Hockersville Road, spoke about another hazard, which is people not using the crosswalk and jaywalking. He spoke of those who do not use the crosswalk and the danger it is to them and the motorists. He drives downtown 20 mph because he is afraid to hit anyone who pops out and has motorists honking their horn at him because they want to do 40 mph. He spoke about Ridge and Linden on a Friday and Saturday night and the jaywalkers.

Mr. Phil Jurus, 58 Locust Ave, asked about the Governor's Crossing hearings. He spoke about the number of hearings they have had to date and the two remaining. He asked about public comment time and how questions would be answered. *After he sat down, Solicitor Armstrong spoke to him.*

Mr. Wayne Rivers, 18 Cypress Ct, asked the Board to look at the new roundabout and how the pavement is starting to show wear. He stated there are no signs about weight and has seen some of the trucks struggling. He asked them to look at the signage to help improve the roundabout.

Mrs. Christine Drexler, 1060 West Chocolate Ave, thanked the Board for the job they do. She spoke about last year's gaming grant round and she was told to apply to the County directly, since they help residents in multiple municipalities in the County. She spoke about Cocoa Packs and all the good they do for the residents of Derry Township. She asked if Derry Cats collects cats from other Townships and if the Fire Department has calls outside of the Township. She spoke of the partnerships they have formed with local businesses and how they provide volunteer opportunities for such businesses. She asked them to please reconsider supporting Cocoa Packs for the gaming grant.

CONSENT CALENDAR

Adoption of the Board of Supervisors Meeting Minutes for the 7:00 PM July 11, 2023 Regular Meeting.

Adoption of the Board of Supervisors Meeting Minutes for the 6:00 PM July 18, 2023 Public Hearing.

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Financial security-Stormwater Management Plan for 1502 Kaylor Road-S-2021-021.

Authorize the release of the remaining balance (\$6,839.00) of the cash financial security provided for the Stormwater Management Plan for Maksim Ryabyy (1502 Kaylor Road), S-2021-021.

Financial security-Stormwater Management Plan for 344 Elm Avenue, S-2022-007.

Authorize the release of financial security in the amount of \$15,329, which had been provided as cash for the Stormwater Management Plan for 344 Elm Avenue, S-2022-007.

Financial security-Stormwater Management Plan for 1061 Knoll Drive, S-2022-005.

Authorize the release of financial security in the amount of \$7,514, which had been provided as cash for the Stormwater Management Plan for 1061 Knoll Drive, S-2022-005.

Approval of July 25, 2023 Accounts Payable of \$281,047.19 and July 21, 2023 Payroll of \$435,404.12.

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

NEW BUSINESS

Applications for Sponsorship of Funding Requests for the 2023-2024 Dauphin County Local Share Municipal Grant Program:

Mr. Christman stated the Township is eligible to apply for gaming grant funding through the Dauphin County Local Share Municipal Grant program. Organizations wishing to apply for funding must seek sponsorship directly from Dauphin County or an eligible community that can serve as a co-applicant. He spoke about the Board's role in the grant process. In August of 2022, the Board directed Staff that future applications to this grant program be limited to municipal and non-profit projects that directly benefit residents of Derry Township. Below are the organizations that were eligible to apply this year, their requests and presentations.

Hershey Volunteer Fire Company – Apparatus Debt Service - \$156,380: Mr. Sassaman spoke about the two pieces of apparatus that they are replacing in the next two years - the 27-year old engine and failing engine 48-1. He spoke of the large lead times for building these (31 months) and the need to obtain financing. The money from the grants have helped pay the debt on previous purchases. He spoke about the 2025 Pierce they are purchasing and the capability to reach areas that other engines cannot in the Township. The annual debt payment for 15 years is \$156,380. He noted that their company is due first if there was a fire at the casino.

Hershey Public Library – HVAC Project - \$150,000. Mrs. Jacobine spoke of the services the Library offers the public including being a hub for the community. The air conditioning unit is 27 years old and needs to be replaced. She spoke of how they are a cooling center during heat spells and how humidity can damage their collection of books. She discussed the time line for the project, grants they are applying for to help with the \$286,424 total cost for replacement.

Police Department – Traffic Safety/Drone Unit Vehicle - \$144,082. Lieutenant Roche discussed their request for a new van that would be used in traffic safety, specifically with federal standard inspections with weights and measures. The van would also be used with accident investigations and

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with the drones and battery storage. He described the inspection process, the equipment used, and the special configuration inside that is required.

Public Works – Dump Truck - \$238,657. Mr. Christman stated this is the truck the Board approved that would be replacing a 20 year old truck.

Derry Township Community Cats – Shed Project - \$4,571.74. Mr. Jon Rankin spoke of the service they provide the Township with helping with the feral cat population. They are in need of lighting and a shed to help store their cages. Vice Chairwoman Nutt noted that the service they provide is a service that the Police Department was doing in the past.

Active Learning Center – start-up for non-profit - \$75,000. Ms. Donna Cronin discussed how important it is to educate students. COVID lowered the scores of testing for most PA students. She spoke of their mission, location, and how they would help students. She discussed the tutoring, remediation and homework support they would provide. Their requested funding would be used for operating, capital and school supply expenses. She discussed how higher test scores can help students receive scholarships to help them go to college. Vice Chairwoman Nutt appreciates her mission but spoke of the hard line they are taking with sponsorship to help lower the budget and benefit our taxpayers.

Hershey Partnership – Website, Social Media & Publications - \$40,900. Ms. Anne Messner talked about their Hershey PA Chamber of Commerce organization. She spoke of the members in the community and their mission to make the greater Hershey area a better place to visit and conduct business. There is a need for social media, website updates, and publication distribution. She spoke of their networking for local businesses, soup cook-off with the Fire company and the Hershey Food Bank.

Susquehanna Mountain Bike Association – Trail Improvements - \$55,000. Mr. Glenn Rowe spoke about their organization and how they would like to build and maintain 10 trail systems. He discussed mountain biking and the economical impact trail study and how it could positively affect the area with hotels, shopping, and restaurant business. He spoke about the land on PSUHMC and how PSU would pay for the trail, but they need help with building the ADA crosswalk and would use this grant to help fund those efforts.

Chairman Abruzzo noted that the Board received their presentations and read through them. Mr. Christman asked the Board to provide direction on who they would be supporting. The County deadline for support is due August 1 and the Township could provide a support letter for those who would need the County's support. Vice Chairwoman Nutt spoke about the Board's fiduciary responsibility to the taxpayers and they are looking at those that help the budget. Discussion ensued. The consensus of the Board was to support the Township requests and the Derry Township Community Cats.

Support Letter- PennDOT application -U.S. Department of Transportation Grant to replace the I-83 Bridge:

Mr. Christman stated PennDOT is seeking a U.S. Department of Transportation grant to help finance the replacement of the I-83 Bridge. The South Bridge serves as a major artery for Dauphin County and the Southcentral region and serves as the economic pipeline bringing tourism to the Township and, Hersheypark, specifically.

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Supervisor Corado made a motion to authorize the Township Manager to execute a letter of support for use by PennDOT for an application for a U.S. Department of Transportation grant to replace the I-83 Bridge in Dauphin County. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

PENNDOT Memorandum of Understanding (“MOU”) - Bachmanville Road Roundabout:

Solicitor Armstrong spoke of the requirement for the Township to enter into a MOU with PennDOT that will have the Township responsible for the installation and maintenance of the improvements associated with the Bachmanville Road Roundabout. The Board has already approved the MOU with the Milton Hershey School (“MHS”) on the installation and maintenance of the improvements. The MHS and Township are sharing the responsibility for the maintenance of the improvements. The proposed MOU with PennDOT will have the Township accepting all maintenance responsibilities for the improvements from PennDOT’s perspective. Ultimately, PennDOT will look to the Township for the maintenance of the improvements, and we will look to the MHS.

Vice Chairwoman Nutt made a motion authorizing the execution of the MOU with Penn DOT for the installation and maintenance of the improvements for the proposed Bachmanville Road Roundabout in a manner and form acceptable to the Township. Supervisor Corado seconded the motion. **Motion carried 5-0.**

Construction of sidewalk, curbing, and accessible ramps on Waltonville Road and Jill Drive:

Mr. Clark stated in May, initial bids were received for the construction of sidewalk, curbing, and accessible ramps on Waltonville Road and Jill Drive. These bids were rejected by the Board at their June 27, 2023, meeting since the bids were not made at the prevailing wage rate. At the same meeting, the Board authorized rebidding of the project at the prevailing wage rate. On July 19, 2023, a bid opening was held as advertised. Bids were received by Rogele, Inc. and Doug Lamb Construction, Inc., with Doug Lamb Construction, Inc. as the low bidder at \$56,082 and Rogele, Inc. at \$58,370.

Vice Chairwoman Nutt made a motion to award the contract for the construction of sidewalk, curbing, and accessible ramps on Waltonville Road and Jill Drive to Doug Lamb Construction, Inc. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

Road Closures-September 23-Annual PIAA Cross Country Invitational:

Chairman Abruzzo 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 5:00 p.m. on Saturday, September 23, 2023, for the Annual PIAA Cross Country Invitational being held on the grounds of the Hershey Entertainment Complex. Supervisor Corado seconded the motion. **Motion carried. 5-0.**

Orders for new police vehicles and new police utility truck for the Police Department:

Lieutenant Roche stated they are requesting authorization to place orders for three (3) new Ford Police Interceptor vehicles and one (1) Ford F350 utility truck with utility box body. This request is to jump start the ordering process so that the Police Department and the Township may receive the equipment in a timely manner in 2024. The funding will be allocated under the FY2024 Capital Budget for police vehicles and associated equipment for approximately \$266,000.

Vice Chairwoman Nutt made a motion to approve the request for the Police Department to order three (3) new Ford Police Interceptor vehicles and one (1) Ford F350 utility vehicle with utility box body for the Fiscal Year 2024 budget. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

Consideration of terminating the Township’s agreement with Property Registration Champions, LLC, d.b.a. PROCHAMPS, and entering into an agreement with HERA Property

Registry, LLC, to continue to register properties in accordance with Chapter 99 (Foreclosing Mortgaged Property and Vacant Property Registration) of the Code of the Township of Derry:

Mr. Emerick stated PROCHAMPS has been our contractor for the registration of foreclosed properties since we were first required in April of 2016. Unfortunately, they have recently filed an assignee for the benefit of creditors, also known as an ABC. The contract with PROCHAMPS included a termination for insolvency clause (Section 3.b). He looked into other third-party firms to offer the same services as PROCHAMPS. He recommends the services of HERA Property Registry, LLC, to register foreclosed and vacant properties in accordance with Chapter 99.

Supervisor Zmuda made a motion directing Solicitor Armstrong to correspond with PROCHAMPS to notify them of termination of their contract, and authorizes Christopher S. Christman, Township Manager, to sign the contract with HERA Property Registry, LLC, contingent upon Solicitor Armstrong's final approval. Supervisor Corado seconded the motion. **Motion carried 5-0.**

Plan for Derry Township Municipal Authority Garage Addition, Plat 1376:

Mr. Emerick stated this plan depicts a 4,843-square-foot addition to an existing 7,846-square-foot building located at the Derry Township Municipal Authority complex. The site is accessed from Clearwater Drive and contains 27.89 acres. Although the submission lacks a project narrative, it is not anticipated that the development will have any discernible impact on traffic in the area. Stormwater management for the addition to the building will be handled on site by modifications to an existing basin. He highlighted a few of the waivers and noted there are conditions for the plan.

Secretary Wyckoff made a motion to approve the Preliminary/Final Land Development Plan for Derry Township Municipal Authority Garage Addition, Plat 1376, subject to compliance with items 1 through 16 in the *Department Head Recommendation* section of this agenda item. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

RECESS & RECONVENEMENT:

The meeting recessed at 9:13 p.m. for a short break. The meeting reconvened at 9:20 p.m.

Sketch Plan for SwimHershey, Plat 1378:

Mr. Emerick stated this plan is for SwimHershey. The plan represents the subdivision and development of an approximately 52.33-acre tract of land fronting on Sand Beach Road and accessed by Crystal A Drive, a private road. The site is in the Planned Campus North zoning district. It is proposed to subdivide 7.84 acres to contain The Hershey Company's existing Global Customer Insights Center (GCIC) building, resulting in a 44.49-acre vacant tract on the north side of Crystal A Drive. The plan proposes the construction of a 47,495-square-foot structure to contain a 50-meter pool, an 8,100-square-foot entry pavilion, and an 11,850-square-foot building to contain a 25-meter warm-up/warm-down pool. Access to the SwimHershey site is proposed to be via a private access drive from Crystal A Drive. Although the access drive is skewed from Crystal A Drive, it is in alignment with the driveway that serves the GCIC building. The site would be developed in two phases. Phase One containing only the 50-meter pool building, which would accommodate 300 swimmers, seat 750 spectators at an event, and require 248 parking spaces. Phase two, anticipated to be constructed four to six years after sustained operation of the initial phase, would see the construction of the welcome pavilion and the warm-up/warm-down pool, which would allow up to 800 swimmers and 1,500 spectators, and would require 660 parking spaces. The submission indicates that "SwimHershey has initiated development of national partnerships with USA Swimming, USA Diving, US Water Polo, and USA Artistic Swimming." It also notes that "In addition, SwimHershey

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will not only accommodate local club teams, school district and adult wellness programs, but provide programming that will reach thousands of Special Needs children and adults.

He stated the traffic evaluation is underway and named all the streets affected and being studied for this plan. Public water and sewer facilities will be provided. The water connection is proposed to be to an existing 20-inch public water main that traverses the site. Sewer will require a rather lengthy gravity lateral that will cross the GCIC building site and is proposed to connect to a private sewer lateral that serves the GCIC site. There is no public sidewalk proposed on the sketch plan. He went over a few of his comments about the sketch plan.

Mr. Mark Hackenburg, RGS, spoke about the progress they are making on the sketch plan and working with Staff and PennDOT on the scope for the traffic study. They are talking with the utilities about their plan. He noted they will be in a lease to own with Hershey Foods for the land that they will use to build the facility. Their traffic study is for the full build out versus just phase one. He noted they would like to work with the Township and not compete with the Community Center. The competition season is September to March, which is off peak with the Park traffic. He discussed the sidewalk waivers, locations, and trail system. He spoke about the safety that is needed for pedestrians in this area. Chairman Abruzzo spoke about the recent development projects and how the studies are not what they see. He noted it seems like Hershey Foods is involved with this project since they are leasing their land for this facility.

Mr. Dan Clough, SwimHershey, serves on the US Swimming Foundation. He discussed their plan and how the pool would be for competition as it would be deeper and colder. He spoke about the community partnerships. Their non-profit is new and they are looking to fill a need in the area for swim competitions.

Chairman Abruzzo was concerned with their statements of hosting high school clubs, which is what the Township does with taxpayer's money. It seems like Hershey Company has their hands over all this. Vice Chairwoman Nutt spoke of the impact this Center would have on the infrastructure and Public Safety for the taxpayers of the Township. They are concerned with the potential revenue lost at the Community Center for this proposed Center.

Mr. Ray Brace stated they will not move forward until they have their funding. When they move forward, there would be a 9-10 month build out, which would allow them to be part of the 2025/2026 swimming competition season. They want to raise money to help the Township have the 50 meter pool instead of the proposed 35 meter, which went to a 25 yard pool. He spoke of the depth of water and the sports that could use this pool versus recreational programs. Other school districts in the area do not have a pool and it could benefit them. One of the Board of Supervisors, in 2019/2020, told him to do it himself, so they looked at it and decided they could do it. The Hershey Company did an appraisal of the land and they could not afford it so they are leasing it for now. He would like to team up with the Township to do events that they cannot. He spoke about \$20 million of economic impact this could have for the area with hotel stays, entertainment, and restaurant patronage. Everyone in the foundation is from Hershey and the Hershey name draws events into the area. Most competitors will come and go based on their meet times instead of staying all day. He explained that once Phase Two is completed, it will draw in events that have not been able to be in this area before.

Vice Chairwoman Nutt expressed concern about having only one way into the facility and that HE&R is extending their seasons, which will directly impact the competition season. Mr. Brace spoke about

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the emergency access road which would be used for emergency vehicles. Chairman Abruzzo pointed out an area that if there was an accident, no one could get in or out. Mr. Craig Mellott, Traffic Engineer, spoke about the day to day traffic versus competition traffic. He spoke of the YMCA model and the adjustments that would need to be made. Supervisor Zmuda asked about pedestrian traffic and the village near the proposed development. Mr. Mellott stated they will have to evaluate this in their study. Extensive discussion ensued. Mr. Clough offered to sit down with the Board and discuss their plans.

SUPERVISOR BOARD/COMMITTEE REPORTS

There were no Board, Committee or Department Reports provided.

VISITOR/PUBLIC COMMENTS

Ms. Connie Wagner appreciated the scrutiny the Board is giving to the SwimHershey plan. She is concerned about the waivers they are requesting. She is also concerned with the parties meeting and the possibility of violating the Sunshine law. Solicitor Armstrong stated they could meet with Staff and a Supervisor or two. This is permitted, but not the majority of the Board.

Mr. Wayne Rivers was here in 2019 for the discussions on the pool. He is surprised that the Hershey Company would lease the land and it seems like a back door deal, as it is a prime piece of land. He noted that the taxes on the land will be lost if owned by a non-profit. He believes this new facility would compete with the Community Center. They need to protect the Center because they have 27 more years of debt payments. He stated they may want to change the amusement tax to help with this situation.

Mr. Rich Gamble was upset that bike path sponsorship was considered over starving kids in the Township. He spoke of the Education request and noted they pay school taxes which should help the children. He was concerned that Cocoa Packs was not included for municipal sponsorship for two years. He noted 27% of the Township lives on food subsidies. Many residents need the items that Cocoa Packs provides including food and clothes for families and senior citizens as well as for children.

Ms. Tracy Brown, 319 Park Ave, spoke about the crosswalk near Hershey Plaza and how the traffic turns on red and misses the pedestrians. She lives in the village near the new proposed pool and noted that traffic stacks during the Sweet Lights event and this facility could compound that issue.

Mr. Kevin Ferguson agrees with the prioritization of sponsorship for the gaming grants to things that impact the taxpayers. He noted that Cocoa Packs is helping the community of taxpayers. He stated he was at the meeting in 2019 when Mr. Brace offered money to keep the pool at 50 meters and no one on the Board said anything. He spoke about the meeting in 2020 and how the pool was changed from 35 meters to 25 yards. He noted that HE&R, Linlo and the Hotel should all be treated the same way as this new proposed facility when it comes to traffic.

ADJOURNMENT

Chairman Abruzzo noted that the August 8, 2023 Board of Supervisor's meeting is canceled. The next meeting will be August 22, 2023.

Supervisor Zmuda made a motion to adjourn the meeting at 10:47 p.m. Supervisor Corado seconded the motion. **Motion carried. 5-0.**

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SUBMITTED BY:

Carter E. Wyckoff, Township Secretary