

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING MINUTES**  
**SEPTEMBER 22, 2020**

**CALL TO ORDER**

*In order to ensure public safety during the COVID-19 crisis, the September 22, 2020 meeting was held by audio and video conferencing via a Zoom Virtual Webinar and shown live on YouTube on the Derry Township YouTube page.*

Chairman Abruzzo called the September 22, 2020 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:07 p.m. via video conferencing with a Zoom Virtual Webinar through the on-line Meeting Room. He advised that all public meetings are recorded for providing accurate notes. After the Pledge of Allegiance, a roll call was performed. He stated an executive session of the Board was held tonight from 6:30 to 6:58 p.m. to discuss land and legal matters.

**IN ATTENDANCE:**

**SUPERVISORS**

E. Christopher Abruzzo, Chairman  
Natalie L. Nutt, Vice Chairwoman  
Carter E. Wyckoff, Secretary  
Richard D. Zmuda  
Susan M. Cort

**ALSO PRESENT:**

Christopher Christman, Township Manager  
Pat Armstrong, Township Solicitor  
Chuck Emerick, Director of Community Development  
Thomas Clark, Director of Public Works  
Chief Garth Warner, Police Department  
Scott Stein, Hershey Volunteer Fire Department  
Matthew Mandia, Director of Parks and Recreation  
Cheryl Lontz, Manager of Payroll & Employee Benefits  
Laura O'Grady, Director of Hershey Public Library  
Lauren Zumbrun, Economic Development Manager  
Matt Bonanno, HRG Engineer  
Brian Blahusch, IT Manager  
Julie Echterling, Recorder

**VISITOR/PUBLIC COMMENTS:**

There were no public comments offered.

**CONSENT CALENDAR:**

Chairman Abruzzo explained the new Consent Calendar on the Agenda. This will allow one motion to approve multiple items on the agenda. At any time, a Supervisor can ask for an item to be removed for discussion. Chairman Abruzzo asked if any Supervisor had a question, comment or change to any of the items on the Consent Calendar. There were no such requests.

Supervisor Zmuda made a motion to approve the following items on the Consent Calendar:

1. September 8, 2020 Board of Supervisors Public Meeting
2. \$142,063.00 reduction of the performance security provided for the Preliminary/Final Subdivision/Land Development Plan for 1806 East Chocolate Avenue – Red Roof Inn Site, Plat No. 1292 resulting in a new balance of \$203,542.00.
3. Release of performance security in the amount of \$22,716.38, for the Second Revised Preliminary/Final Land Development Plan for Rosemont Integrated Services, LLC, Plat 1188.
4. Release of maintenance security in the amount of \$11,694.90 for Lot 1 of the Preliminary/Final Subdivision and Land Development Plan for 777 Middletown Road, Plat 1216.
5. Release of the remaining balance (\$3,339.00) of the performance security provided for the Stormwater Management Plan for Morris Leasing, LLC, S-2019-028.

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6. Approval of Accounts Payable of \$334,472.73, and Payroll of \$321,845.11.  
Supervisor Cort seconded the motion. **Motion carried 5-0.**

**OLD BUSINESS:**

There was no old business discussed.

**NEW BUSINESS:**

**UPDATE ON FY 2020 BUDGET:**

Mr. Christman highlighted the current financial situation for the Township through August 2020. He stated 85% of the Township's revenues are from Act 511 Local Enabling Taxes (real estate transfer, earned income, local services, occupation, amusement, and parking taxes) and Real Estate Property Taxes. He stated \$2.3 million is budgeted in revenue for amusement and parking tax. He spoke about the entertainment taxes and the impact of the shorten season for Hersheypark. In addition, the Pilot Payments for the Giant Center will not be paid for 2020 and 2021 which will create an additional shortfall of \$230,000. Amusement and Parking tax revenues received for 2020 are \$211,676 versus \$1.2 million in 2019. He estimates an additional \$267,000 shortfall in the real estate transfer taxes compared with 2019.

He stated with an anticipated shortfall they have been and will continue to take the following actions:

- Continue Furloughing FT/PT Employees in non-essential roles to reduce personnel costs.
- Reduce PT Employee hours for all Township services.
- Eliminate Non-Essential Contracts & Evaluate Restructuring Contracts
- To-date, the overall Township workforce has been reduced by 18% with additional reductions totaling 27% before the end of 2020.
- Collective Bargaining Agreements will be impacted
- Continue to evaluate debt service restructuring opportunities
- Refocus on building reserve funds

**TIME EXTENSION: TOWNEPLACE SUITES HOTEL, PLAT 1328:**

Mr. Emerick stated the Plat 1328 represents plans that both the applicant (Bears Creek Hershey Hotel II, LLC) and the Board of Supervisors found to be an acceptable solution and reasonable compromise to settle the dispute surrounding the approval of the demolition of six dwelling units and the construction of a hotel in the 500 block of West Chocolate Avenue. The Board of Supervisors approved Plat 1328 as part of the approval of the Settlement Agreement for Towneplace Suites Hotel on April 14, 2020. The applicant stated part of the reasons for the time extension request are appeals by the neighboring properties, waiting to post the large security until construction can start, and the slowing of the hospitality industry because of COVID-19. Supervisor Zmuda expressed concern with maintaining the property. Mr. Emerick stated if the property is not maintained they will be under the Township's ordinances, and actions can be taken. Discussion ensued.

Supervisor Cort made a motion that the approval of the Preliminary/Final Subdivision and Land Development Plan for Towneplace Suites Hotel, Plat 1328 is extended until October 31, 2021, subject to compliance with the following items:

1. Performance security in the amount of \$362,458.00 is provided to guarantee the installation of required improvements, and the accompanying Agreement to Provide Financial Security is signed no later than October 31, 2021.

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2. The applicant provides calculations indicating that the fire hydrant flow rates satisfy the rates needed under the "Fire Suppression Rating Schedule" published by the Insurance Services Office, New York, New York, or the current National Fire Prevention Association standard which apply to the building type being considered, as may be applicable, no later than October 31, 2021.
3. A digital file of the final land development plan (Plat 1328) is provided in an Auto CAD or DXF compatible format no later than October 31, 2021.
4. The Stormwater Best Management Practices Operation and Maintenance Agreement, including Plat 1328, is recorded.
5. The property consolidation deed referencing the Stormwater Best Management Practices Operation and Maintenance Agreement is revised no later than October 31, 2021 to reflect Plat 1328 and the fact that no right-of-way dedication is proposed; and that the consolidation deed is recorded concurrently with the Stormwater Best Management Practices Operation and Maintenance Agreement.
6. The agreement regarding the operation and maintenance program for the Autostacker spaces, including information related to the anticipated method of loading and unloading the Autostacker, is recorded concurrently with the Stormwater Best Management Practices Operation and Maintenance Agreement.

Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

**2021 MINIMUM MUNICIPAL OBLIGATION (MMO) FOR THE PENSION PLANS:**

Mrs. Lontz stated the projected 2021 Minimum Municipal Obligation (MMO) for the Non-Uniformed Pension Plan and the Police Pension Plan is \$1,761,230. This calculation is based on the estimated wages to be paid during 2020. Although the Township is required to prepare the 2021 MMO projection without consideration of the State Casualty Insurance Reimbursement, this offset is estimated at \$645,000. If received, this reimbursement will make the actual cost of funding both pensions equal to approximately \$1,116,230. The total payment is due to the pension plans by December 31, 2021. She stated a vote is not required but she would like permission from the Board to send these calculations out tomorrow. The Board agreed with her request to send them.

**RESOLUTION 2020-08-POLICE PENSION CONTRIBUTION:**

Mrs. Lontz spoke about Act 600 which requires the Board to set member contribution rates for the Police pension. This was voted on and approved, however the resolution was not approved in January, due to an oversight.

Vice Chairwoman Nutt made a motion to adopt Resolution 2020-08 establishing the contribution rate for the Police pension fund for 2020 at 2% of wages retro-active to January 1, 2020. Supervisor Cort seconded the motion. **Motion carried 5-0.**

**RESOLUTION 2020-28-EXTENSION-COVID-19 BUSINESS SUPPORT PROGRAM:**

Mr. Emerick spoke about Resolution No. 2020-15 which instituted strategic measures in support of the Township's business community to operate safely and in a manner designed to prevent a resurgence of the virus while respecting and following the Commonwealth's restrictions. Resolution No. 2020-15 was originally slated to be effective for a 60-day period. Resolution No. 2020-17, adopted July 28, 2020, extended Resolution No. 2020-15 for an additional 60-day period, with the understanding that it could be extended again if the conditions in the Township warranted the extension. On August 31, 2020,

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Governor Wolf extended the State Disaster Declaration for another 90 days to November 29, 2020. He discussed two options:

- Option 1 continues to set a date certain when the Resolution would either need to be extended by the Board of Supervisors or would expire.
- Option 2 would allow Resolution No. 2020-15 to continue as long as the Governor's "Proclamation of Disaster Emergency" is in force. In light of the recent legal challenges to the Governor's orders, the present extension of the Disaster Declaration may not continue to November 29, 2020.

Supervisor Cort made a motion to adopt Resolution 2020-28 extending the term of Resolution No. 2020-15 enabling the Derry Township COVID-19 Recovery Flexible Business Support Program and guidelines to remain effective for an additional 60 days, or until such time as the Township repeals Resolution No. 2020-15 (*option 1*). Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

**VACANCY ON THE PARKS AND RECREATION ADVISORY BOARD:**

Mr. Mandia spoke about advertising for the vacancy on the Parks and Recreation Advisory Board. There were three applications received from Stephen Ampersand, Jordan Yeagley and Beth Shaw.

Supervisor Cort made a motion to appoint Beth Shaw to fill the unexpired term on the Parks and Recreation Advisory Board until December 31, 2022. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

**2020 TRICK OR TREAT:**

Chief Warner spoke about establishing trick or treat as October 31 in 2019. He spoke about COVID and how that has changed the normal event. The Board discussed concerns with keeping everyone safe and CDC recommendations for holding these types of events.

Supervisor Wyckoff made a motion that Saturday, October 31, 2020 between the hours of 6:00 and 8:00 PM is hereby established as the date and time for the Trick-or-Treat for Derry Township unless further restrictions from the Governor's Office, Department of Health, or CDC would prevent such activity. Supervisor Cort seconded the motion. **Motion carried 5-0.**

**FINANCIAL SECURITY-1140 JILL DRIVE, S-2020-018:**

Vice Chairwoman Nutt made a motion to accept a cash financial security in the amount of \$8,936.00 and enter into the Agreement to Provide Financial Security with Creative Touch Landscapes, LLC for the Stormwater Management Plan for Kenneth Taylor, Jr. for 1140 Jill Drive, S-2020-018. Supervisor Cort seconded the motion. **Motion carried 5-0.**

**FINANCIAL SECURITY- HERSHEY SQUARE SHOPPING CENTER, S-2020-005:**

Supervisor Cort made a motion to accept a financial security in the amount of \$417,348.00, in the form of Fidelity and Deposit Company of Maryland Bond No. CSB9353959, and enter into the Agreement to Provide Financial Security between Hershey Square 2014, LP and the Township for the Stormwater Management Site Plan for Hershey Square Shopping Center, S-2020-005. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

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**PERFORMANCE SECURITY-PLAT 1295-TRU HOTEL:**

Supervisor Cort made a motion authorizing the release of the remaining balance (\$71,388.00) of the performance security provided as cash for the Preliminary/Final Subdivision/Land Development Plan for TRU Hotel, Plat 1295, contingent upon the developer providing maintenance security in the amount of \$5,831.00 and executing the Township’s standard Agreement to Provide Financial Security to Guarantee the Structural Integrity and Functioning of Improvements Constructed as Required by a Subdivision or Land Development Plan. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

**CORRESPONDENCE BOARD/COMMITTEE INFORMATION:**

Supervisor Zmuda attended the Transportation meeting and stated the installation of the streetlights on Park Boulevard are delayed until 2021 because of COVID. Supervisor Cort spoke about the next All Things Diversity Zoom meeting on September 23. She attended the Transportation meeting today and the Parks and Recreation Meeting was rescheduled. Vice Chairwoman Nutt attended the Library Board and ICDA meeting. Chairman Abruzzo attended the ICDA meeting

**REPORTS:**

<u>Police:</u>	Chief Warner spoke in a forum on minorities and Police through the Medical Center. He answered a lot of questions about how the Police Department works. He spoke about moving to the Crime Watch portal and the services available through this move.
<u>Public Works:</u>	Mr. Clark gave an update on the PPL project and how some road closures may be necessary as they continue this project.
<u>Library</u>	Mrs. O’Grady stated the front parking spaces are now open.
<u>Recreation</u>	Mr. Mandia stated the Recreation Center is on schedule to open in the summer of 2022. They will be removing soil this week and then start working on the foundation. The outdoor pool will not open in the Summer of 2021 as many of the components for the pool to operate will not be ready.
<u>Economic Development</u>	Mrs. Zumbrun attended the Downtown Hershey meeting and they are awarding \$13,000 in grants to downtown businesses. The last Market on Chocolate for the season will be held this weekend. They are working on a tree lighting event with the state guidelines.
<u>Manager</u>	Mr. Christman spoke about the approval to refinancing of the Municipal building debt at the ICDA meeting. They went out to market today and settlement will be in October. He noted this transaction is saving a \$726,000 payment this year.

**VISITOR/PUBLIC COMMENTS:**

There were no public comments offered.

**ADJOURNMENT:**

Supervisor Cort made a motion to adjourn the meeting at 8:32 p.m. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

**SUBMITTED BY:**

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Carter E. Wyckoff, Township Secretary