

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING MINUTES**  
**OCTOBER 13, 2020**

**CALL TO ORDER**

*In order to ensure public safety during the COVID-19 crisis, the October 13, 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 October 13, 2020 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:12 p.m. via video conferencing with a Zoom Virtual Webinar through the on-line Meeting Room. There were some technical issues getting everyone on Zoom to start the meeting. 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 6:30-6:45 p.m. to discuss personnel issues.

**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  
Peter Nelson, Township Solicitor  
Chuck Emerick, Director of Community Development  
Thomas Clark, Director of Public Works  
Chief Garth Warner, Police Department  
David Sassaman, Hershey Volunteer Fire Department  
Zachary Jackson, Assistant Director of Parks and Recreation  
Cheryl Lontz, Manager of Payroll and Employee Benefits  
Laura O'Grady, Director of Hershey Public Library  
Matt Bonanno HRG Engineer  
Brian Blahusch, IT Manager  
Julie Echterling, Recorder

**VISITOR/PUBLIC COMMENTS:**

Mrs. Colette Pameijer, 1565 Brookline Drive, spoke about noise coming from the Hummelstown Field and Stream Association Rifle Range. She shared a sound video of the noise. She spoke about hearing it and how it is affecting her life and her children when they do schoolwork. She believes it is time for the shooting range to put up some sound barriers. She and her neighbors believe something should be done since more time is being spent at home. Chairman Abruzzo asked Mr. Christman to look at this issue with Mr. Emerick. Supervisor Zmuda noted he can hear the shooting at his house on Cocoa Avenue.

**CONSENT CALENDAR:**

Supervisor Cort made a motion to approve/accept the following items on the Consent Calendar:

1. September 22, 2020 Board of Supervisors Public Meeting Minutes
2. The financial security in the amount of \$84,555.00, in the form of Centric Bank Letter of Credit No. 401, and enters into the Agreement to Provide Financial Security between Hershey Car Barn, LLC and the Township for the Stormwater Management Plan for Hershey Car Barn, LLC, S-2020-012.
3. Accounts payable in the amount of \$1,684,145.21 and Payroll of \$302,648.40.

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

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**OLD BUSINESS:**

**SEWER EASEMENT-DTMA-2132 SWATARA CREEK ROAD:**

Mr. Emerick provided background on this request including the failing septic system. He stated the Township was previously asked to grant the owner, Mr. Miller, the easement. The property is located at 2132 Swatara Creek Road. Mr. Miller dedicated the two-inch diameter low pressure force main to DTMA from his property line to the sewer main on the Township's property.

Vice Chairwoman Nutt made a motion authorizing Christopher Christman to execute the easement agreement with DTMA, with the condition that it is recorded by DTMA in the Recorder of Deeds Office of Dauphin County. Supervisor Cort seconded the motion. **Motion carried 5-0.**

**NEW BUSINESS:**

**SPECIAL COUNSEL-DERRY TOWNSHIP COMMUNITY CENTER PROJECT:**

Mr. Christman spoke about the need for an additional 20-hours of time for the continuation of the Township's engagement with McNeese, Wallace and Nurick, LLC for the purpose of providing specialized legal services as it relates to the Derry Township Community Center project. A new 20-hours of counsel would be \$387.00/hour. The Board asked if there would be a need for additional hours after this request. Mr. Christman said there could be. They asked if they could receive a discount for a larger block of time and Mr. Christman will inquire if it is possible.

Chairman Abruzzo made a motion to approve a 20-hour extension of time for the purpose of continuing the Township's engagement with the firm of McNeese, Wallace and Nurick, LLC to serve as Special Legal Counsel for the purpose of reviewing any and all matters associated with the Derry Township Community Center Project at an hourly rate of \$387.00 per hour. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

**RESOLUTION 2020-29-STREELIGHTS:**

Supervisor Cort made a motion to approve Resolution No. 2020-29, providing for the assessment of the cost and expense of the maintenance of streetlights within the Township of Derry, pursuant to Section 2003(a) of the Second-Class Township code, as amended, also providing for the collection thereof. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

**POOL & FENCE REQUEST – 366 CHOCOLATE AVE:**

Mr. Emerick stated per the Township's Zoning Ordinance, the Board of Supervisors has sole authority to approve any new construction of a principal building, principal structure, accessory building, or accessory structure located within the Downtown Core Overlay district. He showed the Board the location of the request. The applicant, Anthony & Sylvan Pools, on behalf of the owner of 366 East Chocolate Avenue, proposes to install a 15-foot by 30-foot inground concrete swimming pool, 90 linear feet of natural bluestone coping, 445 square feet of paver decking, and a 54-inch-high aluminum fence. The Downtown Core Design Board made a Recommendation of Appropriateness as the proposal is appropriate and consistent with the Zoning Ordinance.

Supervisor Zmuda made a motion to approve the design of the proposed inground pool, coping, pavers, and fence at 366 East Chocolate Avenue, as depicted on the information submitted to Derry Township on September 14, 2020, in the form of Downtown Core Design Board Application No. 454. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

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**TIME EXTENSION-647 & 653 SAND HILL ROAD-PLAT #1325:**

Mr. Emerick stated Plat 1325 represents the joining of the three properties. The subject property fronts on Sand Hill Road and is located in the Conservation zoning district. The Board of Supervisors initially approved Plat 1325 on February 11, 2020, conditional upon several items being addressed by the applicants no later than August 11, 2020. On July 1, 2020, the applicants, by way of their engineer, requested an extension until October 15, 2020 to address the conditions of approval, due to the Governor's COVID-19 Stay-At- Home order and its subsequent delays to the construction and banking industries. The Board granted the request on July 14, 2020. They are requesting a second extension of time until March 15, 2021 due to financing issues that have resulted because of new COVID-19 regulations for banks.

Vice Chairwoman Nutt made a motion to approval of the Preliminary/Final Subdivision Plan for 647 and 653 Sand Hill Road for Michael and Elizabeth Federici, Plat 1325, is extended to March 15, 2021, subject to compliance with the following items:

1. A performance security is provided to guarantee the completion of required improvements, and the accompanying Agreement to Provide Financial Security is signed no later than March 15, 2021 OR that the required improvements are installed, inspected by HRG, and approved no later than March 15, 2021.
2. The metes and bounds are provided on the plan for the 25-foot drainage easement along the northern side of the property no later than March 15, 2021.
3. The comments in the February 3, 2020 HRG letter (attached) are addressed no later than March 15, 2021.
4. Two originals of the signed and notarized Agreement for Deferment of Curbing and Sidewalk Installation are provided no later than March 15, 2021.
5. The Agreement for the Deferment of Curbing and Sidewalk Installation is recorded concurrently with the plan.
6. The deed of dedication for right-of-way along Sand Hill Road is recorded concurrently with the plan.

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

**FILING DISCONTINUANCE AND EXECUTING RELEASE:**

Mr. Nelson spoke about the need for the Board to consider and authorize the filing of a praecipe to discontinue and the execution of a release in order to resolve the case. He spoke about the accident which caused damage to Township property and now the insurance company has agreed to pay for the damage.

Chairman Abruzzo made a motion to authorize the filing of a discontinuance in the Derry Township v. Vazquez-Mulero, et al. case and further authorizes the execution of the General Release in exchange for payment of the amount due Derry Township. Supervisor Cort seconded the motion.

**Motion carried 5-0.**

**CORRESPONDENCE BOARD/COMMITTEE INFORMATION:**

Supervisor Cort spoke about the Shred it Event this Friday from 9 a.m. to 12 p.m. Supervisor Wyckoff spoke about attending the DTMA meeting where construction projects were discussed.

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**REPORTS:**

<u>Police:</u>	Chief Warner stated their conversion to Crimewatch is complete. He spoke about the interactive website which allows crime mapping and online reporting for non-emergency incidents.
<u>Fire:</u>	Mr. Sassaman stated they had 56 calls for September. They have 5 members receiving rope rescue class this week in Lancaster.
<u>Public Works:</u>	Mr. Clark spoke about the overwhelming response to their October 3 Shred it Event. Because of this, they have added another for this Friday from 9 a.m.-12 p.m. He stated leaf collection has started.
<u>Library</u>	Mrs. O’Grady spoke about the most recent library construction project being featured in the Library Journal for excellence award for the architect.
<u>Recreation</u>	Mr. Jackson stated construction is being done on the walkways to Cocoa Castle. He spoke about the backfill and soil removal happening next. He spoke about the progress with the outdoor pool with pouring and rebar.
<u>Engineer</u>	Mr. Bonanno spoke about DTMA projects to fix problems at 8 sites. He stated DTMA was able to submit the MS4 permit on time.
<u>Community Development</u>	Mr. Emerick stated there is a need to update Chapter 85 UCC building codes ordinance. He needs to advertise the meeting for November 9.

**VISITOR/PUBLIC COMMENTS:**

Mr. Rich Gamble, 39 Hockersville Road, read about the PowerTrain contract renewal not being successful and closure of the gym on October 16. He asked how this will impact the Township financially. Mr. Christman stated according to the agreement, any fees from the lease were to be used toward the debt service. This will expire in 2022 or 2023. The Township will have to absorb this additional debt service payment.

**ADJOURNMENT:**

Supervisor Cort made a motion to adjourn the meeting at 7:56 p.m. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

**SUBMITTED BY:**

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Carter E. Wyckoff  
Township Secretary