



TOWNSHIP OF DERRY
Board of Supervisors Meeting Minutes
Tuesday, August 27, 2024

EXECUTIVE SESSION 6:00 PM

CALL TO ORDER

Chairman Abruzzo called the August 27, 2024, Regular Meeting of the Township of Derry Board of Supervisors to order at 7:04 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. An Executive Session was held before the meeting where land and legal matters were discussed. After the Pledge of Allegiance, a roll call was performed.

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
Zachary Jackson, Assistant Manager
Robert Demmel, Lieutenant, Police Department
Chuck Emerick, Director of Community Development
Tom Clark, Director of Public Works
Alison Jacobine, Director of Hershey Public Library
Amy Walker, Director of Parks & Recreation
David Sassaman, Hershey Volunteer Fire Department
Becky Sweigart, Public Outreach Coordinator
Lynn Dawson, Recording Secretary
Eric Stump, HRG Engineer

ABSENT:

Public in Attendance:

Bruce Warshawsky, Mike Carlottey, Zachary Sivertsen, Geoffrey Crout, Matthew Bennett

VISITOR/PUBLIC COMMENTS

Tracy Brown commented that a hardcopy agenda or sign-in sheet was not available to the visitors. Chairman Abruzzo shared his copy of the agenda with Ms. Brown.

CONSENT CALENDAR

Adoption of the Board of Supervisors Meeting Minutes for the August 13, 2024 Regular Meeting.

Reduction of the performance security provided for the Preliminary/Final Land Development Plan for the Villas at the Hotel Hershey, Plat 1380.

The Board of Supervisors authorizes the release of \$713,792.00 from the performance security provided as PNC Bank Letter of Credit No. 18139054-00-000 for the Preliminary/Final Land

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Development Plan for the Villas at the Hotel Hershey, Plat 1380, resulting in a new balance of \$1,264,576.00.

Approval of August 27, 2024 Accounts Payable of \$417,809.26 and August 16, 2024 Payroll of \$407,221.61.

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

NEW BUSINESS

Acknowledging Years of Service for Township Employees.

Chairman Abruzzo recognized the following employees for their years of service with the Township, noting Derry Township has the best employees in local government.

30 Years

Denise Phillips – Library

Steven Kienzle - Public Works

25 Years

Anthony Clements -Police Department

Rebecca Kessler - Police Department

Tom Pavone - Police Department

20 Years 2004

Gregory Mowery – Police Department

Melissa Wallace – Crossing Guard

Karen Tropp – IT

Kevin Smith - Public Works

15 Years

Ashley Henning – Police Department

Zachary Jackson – Parks & Recreation

Rebecca Sweigart – Administration

Charles Emerick – Community Development

Doris Espenshade – Crossing Guard

10 Years

Charmain Houle - Police Department

5 Years

David Habig – Community Development

Jena Ginder – Finance

Earl Snyder - Public Works

Chad Sauers – Public Works

Tammy Soles - Public Works

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Requesting authorization to execute a bid proposal for HVAC Unit Replacement at Hershey Public Library.

Ms. Jacobine stated the Hershey Public Library's HVAC unit is ready for replacement due to age and condition. A design of a new unit and bid documents for that unit were previously approved by the Board of Supervisors. She shared on August 12, 2024, bids were accepted as advertised for the HVAC Unit Replacement at Hershey Public Library, with Moore Engineering receiving four requests for bid proposals. Three proposals were received from the following companies:

- Leibold Inc. in the amount of \$322,700
- Garden Spot Mechanical, Inc. in the amount of \$390,000
- Frey Lutz LLC in the amount of \$434,400

Ms. Jacobine recommended moving forward with the lowest bidder, Leibold Inc. in the amount of \$322,700.

Supervisor Corado made a motion that the Board of Supervisors authorizes the contract for the HVAC Unit Replacement at Hershey Public Library to be awarded to Leibold Inc. in the amount of \$322,700. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

The Final Land Development and Stormwater Management Site Plan for Hershey Square Proposed Outparcel Development, Plat 1353.

Mr. Emerick stated at the Board of Supervisors' meeting on August 13, 2024, the Board directed staff to notify the applicant that the Board intends to take action on the final plan at the Board's August 27, 2024 meeting. As background, he noted on December 6, 2022, the Board conditionally approved the Preliminary Land Development and Stormwater Management Site Plan for this project, deferring action on the final plan pending the results of a traffic impact study and the applicant complying with numerous other conditions as originally stated in correspondence from the Township to the applicant dated December 20, 2022.

Mr. Emerick recommended the rejection of the Final Land Development Plan based upon the following items not being satisfactorily addressed:

1. The Applicant has not reimbursed the Township for all costs incurred in reviewing the plan regarding all outstanding Township Professional Consultant invoices in relation to the plan in accordance with §503 of the MPC. The applicant has an outstanding balance of over \$7,000.00.
2. The Applicant has not provided financial security in the amount as approved by the Township engineer to guarantee the completion of the proposed improvements depicted on the plan in a manner and form acceptable to the Township.
3. The Applicant has not agreed to nor executed a Development and Financial Security Agreement in a manner and form acceptable to the Township.
4. The Applicant has not provided financial security in the amount deemed acceptable to the Township in order to guarantee the evaluation of the traffic signal timings at the intersection of Hersheypark Drive (SR 0039)/Walton Avenue/Mae Street after the outparcel is developed and opened, in a manner and form acceptable to the Township.
5. Per Article I, Section 1.01 of the June 12, 2023 Agreement for Highway Occupancy Permit Application, Design and Construction of Traffic Improvements, the Applicant has not determined if PennDOT will require financial security to secure the installation of the traffic improvements shown on the Plan and the "Plan Addition", nor has the Applicant posted the same with the Township in an amount and form acceptable to the Township.

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6. The Applicant has not complied with and/or otherwise satisfied the comments in the Township Engineer's review letter dated March 4, 2024, a copy of which is attached hereto and specifically incorporated herein by reference, including items related to maintaining the level of service of adjacent roadways.
7. The Applicant and DTMA have not developed and finalized an agreement or memorandum of understanding that defines a proportional capital contribution from the Applicant towards the upgrade of the High Meadow Pump Station.
8. The Applicant has not provided a CD of a DXF or AutoCAD digital file of the Final Plan.
9. The Applicant has not provided 2 originals of the signed and notarized Development and Financial Security Agreement.
10. The Applicant has not agreed to, executed, and provided to the Township 2 notarized originals of a Declaration of Covenants, in a manner and form acceptable to the Township, to be recorded against the property, that would allow the Township to require the installation of curbing along Hersheypark Drive and Route 422 in the future if deemed necessary.
11. The Applicant has not agreed to, executed, and provided to the Township 2 notarized originals of a Stormwater Operation and Maintenance Agreement and Access Easement in a manner and form acceptable to the Township.
12. The Applicant has not agreed to, executed, and provided to the Township a property Declaration referencing the Stormwater Operation and Maintenance Agreement and Access Easement in a manner and for acceptable to the Township.

Mr. Emerick also recommended that the Board of Supervisors does not take action on the waivers requested. The rejection of the Final Plan makes any action on the waivers moot.

Bruce Warshawsky, 2320 North Second Street, Harrisburg, PA 17110, stated he serves as counsel for U & ME, LLC, the developer of the plan described by Mr. Emerick. He stated the plan, before the Board of Supervisors, is the same plan that was presented in April 2024 and respectfully requests that the Board approve the plan. Solicitor Armstrong noted the reasons in the agenda memo as well as the HRG review letter dated March 4, 2024, as the conditions not met by the applicant.

Suggested Motion 1 of 2 – PLAN:

Supervisor Nutt made a motion that the Final Land Development and Stormwater Management Site Plan for Hershey Square Proposed Outparcel Development, Plat 1353, is rejected for the following reasons:

- Despite the proposed traffic improvements, in accordance with the HRG letter dated March 4, 2024, the applicant failed to mitigate the impacts of traffic to a level in accordance with Chapter 185, Section 185-43.J.(7) which requires “*Recommendations for transportation improvements needed to maintain traffic flow to, from and past the site at an acceptable and safe level of service.*”
- The outstanding items listed in the *Department Head Recommendation* section of this agenda item.
- The outstanding items listed in the March 4, 2024 HRG letter.

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

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Suggested Motion 2 of 2 – WAIVERS:

Chairman Abruzzo made a motion that waivers from the Subdivision and Land Development Ordinance and Stormwater Management Ordinance as noted in the *Explanation* section of this agenda item for the Final Land Development and Stormwater Management Site Plan for Hershey Square Proposed Outparcel Development, Plat 1353, are denied due to the rejection of the Final Land Development and Stormwater Management Site Plan for Hershey Square Proposed Outparcel Development, Plat 1353. Supervisor Corado seconded the motion. **Motion carried 5-0.**

Consideration of time extension for conditional approval of the Preliminary/Final Land Development Plan for MHS Family Center, Plat 1382.

Mr. Emerick stated the Board of Supervisors approved plat 1382 on March 12, 2024, conditional upon several items being addressed by the applicant no later than September 12, 2024. To date, only conditions 1 and 3 of the letter sent to the applicant have been addressed. He further explained the applicant has requested an extension of time until December 11, 2024 (90 days from the current deadline) to address the outstanding conditions of approval. The extension request proposes no changes to the details of the previously approved plan or to the waivers and deferments from the Subdivision and Land Development Ordinance that were granted.

Mr. Emerick recommended the Board approve the extension conditionally upon the 17 items noted within documentation submitted being satisfactorily addressed.

Supervisor Zmuda made a motion that the approval of the Preliminary/Final Land Development Plan for MHS Family Center, Plat 1382, is extended to December 11, 2024, subject to compliance with items 1 through 17 in the *Department Head Recommendation* section of this agenda item. Supervisor Nutt seconded the motion. **Motion carried 5-0.**

Consideration of time extension for conditional approval of the Preliminary/Final Lot Consolidation and Land Development Plan for Hershey Lumber Company, Plat 1381.

Mr. Emerick shared this plan was approved by the Board of Supervisors on March 12, 2024, conditional upon several items being addressed by the applicant no later than September 12, 2024. He noted only one condition has been addressed, with the applicant, by way of their legal counsel, has requested an extension of time until March 12, 2025 (6 months from the current deadline) to address the outstanding conditions of approval. Mr. Emerick confirmed the extension request proposes no changes to the details of the previously approved plan or to the waivers that were granted from the Stormwater Management Ordinance and the Subdivision and Land Development Ordinance.

Mr. Emerick recommended the Board approve the extension until March 12, 2025, conditionally upon the 29 items noted within documentation submitted being satisfactorily addressed.

Zach Sivertsen, Esq., on behalf of Hershey Lumber Company, spoke to the Board as to the conditions and the reasoning for the extension request. Mr. Sivertsen stated they have had delays in utilities, right of way access, and final approval for the HOP permit and kindly requested the extension.

Supervisor Nutt made a motion that the approval of the Preliminary/Final Lot Consolidation and Land Development Plan for Hershey Lumber Company, Plat 1381, is extended to March 12, 2025, subject to compliance with items 1 through 29 in the *Department Head Recommendation* section of this agenda item. Supervisor Corado seconded the motion. **Motion carried 5-0.**

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Request to permit the Special Olympics Law Enforcement Torch Run to traverse certain State and Township roadways within Derry Township on September 20th, 2024.

Lt. Demmel stated the Special Olympics Law Enforcement Torch Run will begin on Friday, September 20, 2024, at 7:30 am at the Cumberland County Law Enforcement Memorial. He said the Law Enforcement Torch Run is run by police officers, sheriff deputies, support staff, police volunteers and other law enforcement professionals from around the world, with the destination set for the Pennsylvania State Police Academy in Derry Township. He confirmed the run will enter Derry Township on Middletown Road at about 2:20 - 2:45pm, make a right onto Main Street in Hummelstown Borough and then into Derry Township on Walton Avenue and ending on Police Academy Drive. The run will be escorted by police motorcycles and officers, who will also temporarily direct traffic as the run traverses intersections through the multiple jurisdictions.

Supervisor Corado made a motion that the Request to permit the Special Olympics Law Enforcement Torch Run to traverse certain State and Township roadways within Derry Township on September 20th, 2024, be hereby approved. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

Request to close North Hockersville Road (SR2011) from Old West Chocolate Avenue to Hersheypark Drive from 7:00 am to 5:00 pm on Saturday, September 21, 2024, for the Annual PIAA Cross Country Invitational being held on the grounds of the Hershey Entertainment Complex.

Lt. Demmel requested the temporary closure of North Hockersville Road from Old West Chocolate Avenue to Hersheypark Drive from 7:00 am to 5:00 pm on Saturday, September 21, 2024, for the Annual PIAA Cross Country Invitational being held on the grounds of the Hershey Entertainment Complex. This closure has occurred for several years without issue. Lt. Demmel shared that Matthew Bennett, with Hershey Entertainment Safety & Security was present to answer any questions or concerns.

Supervisor Zmuda made a motion that the request to close North Hockersville Road (SR2011) from Old West Chocolate Avenue to Hersheypark Drive from 7:00 am to 5:00 pm on Saturday, September 21, 2024, for the Annual PIAA Cross Country Invitational being held on the grounds of the Hershey Entertainment Complex be hereby approved. Supervisor Nutt seconded the motion. **Motion carried 5-0.**

Request to close North Hockersville Road (SR2011) from Old West Chocolate Avenue to Hersheypark Drive from 11:00pm on Thursday, October 10, 2024, to 5:00pm on Friday, October 11, 2024, for the Annual Antique Automobile Club of America (AACA) Fall Meet being held on the grounds of the Hershey Entertainment Complex.

Lt. Demmel shared that the annual AACA Fall Meet is scheduled for October 8 - 11, 2024, on the property of the Hershey Entertainment Complex. During this time period, from October 10-11, an increase in pedestrian traffic will take place across North Hockersville Road.

Supervisor Nutt made a motion that the request to close North Hockersville Road (SR2011) from Old West Chocolate Avenue to Hersheypark Drive from 11:00 pm on Thursday, October 10, 2024, to 5:00 pm on Friday, October 11, 2024, for the Annual Antique Automobile Club of America (AACA) Fall Meet being held on the grounds of the Hershey Entertainment Complex be hereby approved. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

Request to close North Hockersville Road (SR2011) from Old West Chocolate Avenue to

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Hersheypark Drive from 7:00am to 5:00pm on Saturday, November 2, 2024, for the Annual PIAA Cross Country Championships being held on the grounds of the Hershey Entertainment Complex.

Lt. Demmel stated the Annual PIAA Cross Country Championships is scheduled for Saturday, November 2, 2024, on the property of the Hershey Entertainment Complex, with the overall design of the course having runners cross North Hockersville Road two times during each race.

Supervisor Zmuda made a motion that the request to close North Hockersville Road (SR2011) from Old West Chocolate Avenue to Hersheypark Drive from 7:00 am to 5:00 pm on Saturday, November 2, 2024, for the Annual PIAA Cross Country Championships being held on the grounds of the Hershey Entertainment Complex be hereby approved. Supervisor Corado seconded the motion.

Motion carried 5-0.

Acceptance of financial security for the Stormwater Management Plan for 710 Hilltop Road, S-2024-011.

Mr. Emerick shared this plan was submitted to detail the design of stormwater management facilities for a dwelling, patio, sidewalk, and driveway at 710 Hilltop Road, with John and Diana Breinholt noted as the applicants and property owners. He further detailed that HRG reviewed the cost estimate prepared by the applicants' engineer and recommended that financial security in the amount of \$31,762.00 be provided. The applicants have provided the security in the form of cash and have entered into the township's standard agreement to provide financial security to guarantee completion of improvements required by a stormwater management site plan and report.

Supervisor Nutt made a motion that the Board of Supervisors accepts cash financial security in the amount of \$31,762.00 and enter into the Agreement to Provide Financial Security between John and Diana Breinholt and the Township for the Stormwater Management Plan for 710 Hilltop Road, S-2024-011. Supervisor Corado seconded the motion. **Motion carried 5-0.**

SUPERVISOR BOARD/COMMITTEE REPORTS

Supervisor Zmuda stated he and Supervisor Nutt attended a transportation committee meeting on August 27, 2024, where in-depth conversations took place relating to the pedestrian crossings on Hersheypark Drive and the fatality that occurred several weeks ago. He confirmed Hershey Entertainment & Resorts will be looking into mitigation efforts for the future. He noted they were given a debrief of DTMA (Derry Township Municipal Authority) projects in the area, with a slight delay noted in the Ridge Road project as well as several sinkholes in the Jacobs Creek development to be addressed.

Supervisor Corado stated he attended a DTMA meeting on August 26, 2024. He shared the Spring Creek upgrade project has been completed and the West Chocolate Avenue sewer main replacement (in front of Towne Place Suites Hotel) will occur over the next few months, with UGI involvement in the paving restoration as they recently completed their gas main replacement in the vicinity.

Supervisor Nutt reiterated Supervisor Zmuda's comments relating to the transportation committee meeting. She also shared the ICDA (Industrial and Commercial Development Authority) recently met to approve several small capital improvements to the Giant Center, all of which were paid for with HE&R's capital improvement fund.

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DEPARTMENTAL REPORTS

Library

Mrs. Jacobine shared the library will be closed on Monday, September 2, 2024, for Labor Day. She also shared on Wednesday, September 4, 2024, at 6:00 p.m., the library will have the honor of having a Holocaust survivor speak to attendees, specifically of the importance of continued and ongoing conversation about this topic. Lastly, Ms. Jacobine noted the library is still accepting costumes for their upcoming costume exchange program.

Parks & Recreation

Ms. Walker stated this weekend (August 31 and September 1-2, 2024) will be the last weekend for the outdoor pool, with Saturday and Sunday scheduled hours of 12-6 p.m., and Monday (Labor Day), 12 - 4 p.m. Ms. Walker also shared on Friday, September 6, 2024, they will be having their last drive-in movie (Mario Brothers) for the season, beginning at dusk. Lastly, the Halloween parade registration is now available at derrytownship.org, under Parks & Recreation. Those interested can complete the application in order to submit a request to participate in the parade, scheduled for Wednesday, October 16, 2024.

Township Manager

Mr. Christman shared a follow-up to the last meeting discussing the vulture program within the township, stating 979 vultures have been removed, which was an increase from the earlier number noted. As the vultures have created damage to those residing in the neighborhood, Mr. Christman stated they were hopeful this removal will lessen the issues within the area.

VISITOR/PUBLIC COMMENTS

Tracy Brown, 319 Park Avenue, Hershey, thanked Mr. Christman for the update, efforts, and advocacy relating to the vulture issue in her neighborhood.

Ms. Brown spoke to the recent news release of the upcoming event at the Giant Center (Tucker Carlson Live Tour, Saturday, September 21, 2024) and the burden this will place on the township and taxpayers as far as expense for added security measures for political related events. Ms. Brown referenced the 2016 expense of approximately \$20,000 to the township and taxpayers for two political events in Hershey, along with the disruption due to road closures for the motorcade. She noted the Board of Supervisors (at the time in 2016) made the decision to gift the expense to the political campaign. Ms. Brown stated since the event is being billed as entertainment as opposed to a political rally it will still create an expense to the township. In closing, Ms. Brown asked the Board of Supervisors if they would be able to determine who will be covering the expenses associated with the upcoming event. Chairman Abruzzo noted he did receive Ms. Brown's email and shared that it spurred good conversation among the Board of Supervisors and we will work toward a policy that reflects the solution they came up with in 2020. He added that Pennsylvania will more than likely see these types of visits again in the future, especially since the Giant Center is one of the larger venues in central Pennsylvania.

ADJOURNMENT

Chairman Abruzzo publicly announced he will be relocating to the Philadelphia area, due to professional changes over the last nine months. He stated he has worked through commuting since February 2024, but with additional professional changes and demands, he determined he will need to live closer to work. He confirmed his home is currently under contract, with the closing scheduled for

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October 9, 2024, and on this day, he will no longer be a resident of Derry Township and will not be qualified to sit as an elected member of the board at that time. He will be submitting his formal resignation in the coming week, with an effective date of September 24, 2024, which will be the second Board of Supervisors meeting in September. He noted this was a bittersweet decision as he and his wife have lived in Derry Township for 25 years, have raised their children here and love the community. Chairman Abruzzo confirmed he will submit his letter of resignation over the next week, with the Board of Supervisors voting and accepting the resignation on the September 24, 2024 meeting, thus concluding his service with the board. This board will accept letters of interest and resumes for those interested in being considered for the vacant position. The municipal code requires that this position will come up for election, due to this, the current vacancy will be for a short-term appointment of 14 months. The township website will note details for those interested in applying, directing to send resumes and letters of interest to Mr. Christman, with a deadline of Friday, September 6, 2024, at 4:00 p.m. Chairman Abruzzo confirmed Mr. Christman will then disseminate candidate details to the four board members for review, as Chairman Abruzzo will not be involved in the process. The four board members, with Supervisor Nutt taking over the Chairmanship, will come to a consensus candidate and they will be invited to a special meeting immediately after the September 24, 2024, Board of Supervisors meeting in order to appoint the candidate to the board. Chairman Abruzzo confirmed they will not have a formal public interview process for candidates, as this will be a board decision and not a community or public decision. Solicitor Armstrong confirmed this process is consistent with the second-class township code.

Supervisor Zmuda made a motion to adjourn the meeting at 7:53 p.m. Supervisor Corado seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Carter E. Wyckoff, Township Secretary