



## **TOWNSHIP OF DERRY**

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

**Tuesday, September 24, 2024**

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#### **CALL TO ORDER**

Chairman Abruzzo called the September 24, 2024, Regular Meeting of the Township of Derry Board of Supervisors to order at 7:03 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 minutes. He announced there was a public hearing at 6:00 p.m. and 6:30 p.m. An Executive Session was held at 5:30 p.m. before the public hearings. 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  
Garth Warner, Chief of Police Department  
Zachary Jackson, Assistant Township Manager  
Tom Clark, Director of Public Works  
Chuck Emerick, Director of Community Development  
David Habig, Asst. Director, Community Development  
Amy Walker, Director of Parks & Recreation  
David Sassaman, Hershey Volunteer Fire Company  
Jeff Cothren, Asst. Director, Hershey Public Library  
Lynn Dawson, Recording Secretary  
Eric Stump, HRG Engineer

##### **ABSENT:**

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

Tamala Drayer, Dominic Giovanniello, Christine Drexler, Mike Leonard, Diane Leonard, Rich Gamble, Geoffrey Crout, Marybeth Lavery, Mike Pries, Bill Rehkop

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

There were no public comments offered.

#### **CONSENT CALENDAR**

##### **Adoption of the Board of Supervisors Meeting Minutes for the September 10, 2024 Regular Meeting.**

##### **Reduction of the financial security provided for the Stormwater Management Plan for Lenzo Property (820 Grandview Drive), S-2023-002.**

The Board of Supervisors authorizes the release of \$74,287.00 from the financial security provided in the form of First National Bank of Pennsylvania Letter of Credit No. 3919 for the Stormwater Management Plan for Lenzo Property (820 Grandview Drive), S-2023-002, resulting in a new balance

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of \$14,183.00.

### **Approval of Accounts Payable of \$708,987.61 and Payroll of \$409,705.94.**

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

## **NEW BUSINESS**

### **Consideration of a Resignation Letter from Supervisor E. Christopher Abruzzo, Esq.**

Supervisor Corado made a motion that the Board of Supervisors accept the resignation letter of Derry Township Supervisor E. Christopher Abruzzo, Esq. dated September 07, 2024 with an effective date of September 24, 2024 following the close of this Board's regular scheduled business meeting. Supervisor Wyckoff seconded the motion. Chairman Abruzzo abstained. **Motion carried 4-1.**

### **Requesting authorization to extend the contract with Waste Management of Pennsylvania, Inc. for the collection and disposal of solid waste, yard waste and the collection, processing and sale of recyclable materials**

Mr. Christman provided details of the current contract with Waste Management of Pennsylvania, Inc., noting the contract contains two (2) one-year extension options as part of the current three-year deal. He stated, in order to meet the deadlines within the agreement, the Township should consider whether it wishes to extend the current contract for the first of two one-year renewals as rates will be held flat at the current 2024 level for this extension. This extension would begin on April 1, 2025, and run through March 31, 2026. Mr. Christman noted should the Board not approve an extension; the Township will need to prepare bid specifications for a new solid waste/recycling contract and return to the Board to vet the bids for prioritizing, as timing has been prepared to allow for this option.

The Board had conversation relating to the realistic expectation that the rates would not decrease if deciding to request bids rather than extend the renewal on the current contract. There has also been an increase in rates in neighboring municipalities in recent years. For future planning, Mr. Christman recommended allowing an adequate timeline in the bidding process to ensure a competitive process.

Supervisor Corado made a motion that the Board of Supervisors approve the first extension of the contract with Waste Management of Pennsylvania, Inc. for the collection and disposal of solid waste, yard waste, and the collection, processing and sale of recyclable materials for the period commencing on April 01, 2025 and terminating on March 31, 2026. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

### **Requesting authorization to advertise two (2) ordinance amendments to Chapter 168, Solid Waste and Chapter 78, Burning, Outdoor.**

Mr. Christman noted that under the direction of PA DEP, Derry Township was requested to amend two chapters within the Code of Ordinances, specifically, Chapter 168 and Chapter 78 discussing the burning of leaf waste and adding leaf waste to the list of prohibited materials to be burned. He stated the changes will keep the Township ordinance consistent with Act 101 allowing the Township to meet eligibility requirements for all recycling grants. Mr. Christman noted in order for the Township to adopt these general ordinances, the Board must first authorize their advertisement for a public hearing to consider them for adoption, as the current request is to seek authorization to advertise a public hearing on October 8, 2024, for review and adoption of these ordinances.

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Supervisor Zmuda made a motion that the Board of Supervisors authorize the Administration to advertise a public hearing on Tuesday, October 8, 2024, for the purpose of considering two amendments to the Code of Ordinances of the Township of Derry specifically, amendments to Chapter 168, Solid Waste and Chapter 78, Burning, Outdoor. Supervisor Nutt seconded the motion. **Motion carried 5-0.**

### **Presentation of the 2025 Minimum Municipal Obligation (MMO) for the Non-Uniformed and Police Pension Plans.**

Mr. Christman stated that Act 205 requires that the Board of Supervisors are notified of the projected 2025 Minimum Municipal Obligation (MMO) for the Police Pension Plan and the Non-Uniformed Pension Plan. The MMO is \$1,035,012 and \$604,152, respectively, for a total of \$1,639,164. This calculation is based on the estimated wages to be paid during 2024. The projected State Casualty Insurance Reimbursement offset is estimated at \$875,000. If received, this reimbursement will make the actual cost of funding both pensions equal to approximately \$764,164. The total payment is due to the pension plans by December 31, 2025. No action needs to be taken, only notification to the public as required by Act 205.

### **The Preliminary/Final Land Development Plan for Leonard’s Plumbing, Plat 1388.**

Mr. Habig stated plat 1388 proposes the development of 1066 Old West Chocolate Avenue, which the Board of Supervisors conditionally approved on August 13, 2024, but noted on August 27, 2024, Community Development received revised plans and a letter from the applicant's engineer. The letter noted PennDOT had comments on the Highway Occupancy Permit application had necessitated site and stormwater changes. On August 29, 2024, the applicant, by way of a letter from their legal counsel, requested additional waivers from the Subdivision and Land Development Ordinance in conjunction with Plat 1388.

#### **Suggested Motion 1 of 2 – WAIVERS:**

Supervisor Zmuda made a motion that additional waivers are granted from the Subdivision and Land Development Ordinance (Chapter 185), noted as waivers 11 and 12 in the *Explanation* section of this agenda item for the Preliminary/Final Land Development Plan for Leonard’s Plumbing, Plat 1388. Supervisor Nutt seconded the motion. **Motion carried 5-0.**

#### **Suggested Motion 2 of 2 - PLAN:**

Chairman Abruzzo made a motion that the Preliminary/Final Land Development Plan for Leonard’s Plumbing, Plat 1388, is re-approved, superseding the approval granted by the Board of Supervisors on August 13, 2024, subject to compliance with items 1 through 15 in the *Assistant Department Head Recommendation* section of this agenda item. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

### **Sewage Facilities Planning Module - exception to the requirement to revise the Official Plan for Sponaugle Property Subdivision, Plat 1390.**

Mr. Emerick stated plat 1390 proposes to subdivide a 60.18-acre parcel of land, located in the Conservation zoning district and the Airport Safety Zone Overlay, into two lots. The proposed subdivision would create one vacant lot containing 10.00 acres for future development, with the residual lot containing 50.18 acres. He shared that due to the minor number of lots proposed, DEP allows the processing of a “Component 1 - Exception to the Requirement to Revise the Official Plan.” Mr. Emerick further explained that they are presenting Component 1 to the Board ahead of the subdivision plan since approval of Component 1 by DEP would be included in any conditional

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approval of the plan. The processing of Component 1 does not bind the Supervisors to subdivision plan approval.

Mr. Emerick noted Jeremy Bentz, the Township's Sewage Enforcement Officer, signed Component 1 on August 29, 2024, and the Derry Township Planning Commission, at their meeting on August 6, 2024, conditionally recommended the approval of the subdivision plan.

Mr. Emerick confirmed that the Board's approval of Component 1 does not bind the Board from approving the plan.

Chairman Abruzzo made a motion that the Board of Supervisors authorizes the Chairperson to sign Section K of Component 1 of the Sewage Facilities Planning Module for the Sponaugle Property Subdivision, Plat 1390. Supervisor Corado seconded the motion. **Motion carried 5-0.**

### **Acceptance of financial security for the Stormwater Management Plan for Kesler Residence (850 Grandview Drive), S-2024-013.**

Mr. Emerick shared that a plan was submitted to detail the design of stormwater management facilities for a dwelling, patio, walkway, and driveway at 850 Grandview Drive, the applicants and property owners are William Weaver Kesler, III and Jolene Kimberly Kesler. He noted HRG reviewed the cost estimate prepared by the applicants' engineer and recommended that financial security in the amount of \$38,297.00 be provided, which was provided by the applicants, and they have entered into the Township's standard agreement for the required stormwater management plan.

Supervisor Nutt made a motion that the Board of Supervisors accepts cash financial security in the amount of \$38,297.00 and enters into the Agreement to Provide Financial Security between William Weaver Kesler, III and Jolene Kimberly Kesler and the Township for the Stormwater Management Plan for Kesler Residence (850 Grandview Drive), S-2024-013. Supervisor Corado seconded the motion. **Motion carried 5-0.**

## **SUPERVISOR BOARD/COMMITTEE REPORTS**

The Board of Supervisors each thanked Chairman Abruzzo for his years of leadership on the Board.

Chairman Abruzzo thanked management and staff, the public and fellow members of the Board, as well as his family for their support.

## **DEPARTMENTAL REPORTS**

Each departmental director thanked Chairman Abruzzo for his years of leadership on the Board.

Chief Warner shared the Police Department will be hosting 'Coffee with a Cop' at Starbucks (Chocolate Avenue), on October 2, 2024, from 11 a.m. to 12 p.m., and 3 to 4 p.m.

Amy Walker, Parks and Recreation, noted they recently held a First Aid/CPR class for their staff and are currently working through swim lesson registration for residents and non-residents. Ms. Walker also shared that scuba lessons will be returning to Parks and Recreation.

## **VISITOR/PUBLIC COMMENTS**

Commissioner Mike Pries shared his appreciation of Chairman Abruzzo, his leadership and dedication

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to the Township, and presented him with a proclamation.

Rich Gamble thanked Chairman Abruzzo for his service to the Township.

Christine Drexler shared how proud she is to live in the Derry Township community and thanked Chairman Abruzzo for his service to the community.

**ADJOURNMENT**

Supervisor Zmuda made a motion to adjourn the meeting at 8:11 p.m. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

**SUBMITTED BY:**

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Carter E. Wyckoff, Township Secretary