



TOWNSHIP OF DERRY

Board of Supervisors Meeting Minutes

Tuesday, November 12, 2024

CALL TO ORDER

Chairwoman Nutt called the November 12, 2024, Regular Meeting of the Township of Derry Board of Supervisors to order at 7:02 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. She advised that all public meetings are recorded for providing accurate minutes. After the Pledge of Allegiance, a roll call was performed.

ROLL CALL

SUPERVISORS PRESENT:

Natalie L. Nutt
Carter E. Wyckoff
Michael P. Corado
Richard D. Zmuda
Dominic V. Giovanniello

ALSO PRESENT:

Christopher S. Christman, Township Manager
Peter Nelson, Township Solicitor
Zachary Jackson, Assistant Township Manager
Garth Warner, Chief of Police Department
Chuck Emerick, Director of Community Development
Greg Watts, Assistant Director of Public Works
Amy Walker, Director of Parks & Recreation
Alison Jacobine, Director of Hershey Public Library
Becky Sweigart, Public Outreach Coordinator
Lynn Dawson, Recording Secretary
Eric Stump, HRG Engineer

ABSENT:

Public in Attendance:

Rich Gamble, Samuel Procaccini, Diane Procaccini, Charles Berkley, Mark Tuiceo, Eric Hauser, Krupal Dersai, Eugene Bomar, Marybeth Lavery, Kathryn Byrnes, Audrea Loyd

VISITOR/PUBLIC COMMENTS

Prior to the opening of the visitor/public comments, Chairwoman Nutt noted representatives of Pennsylvania American Water (PAW) (Joe Woodward, Rob Banzaca, Robert Troutman and Jan Prawdzik) were present to share an update on the construction project in Derry Township. Joe Woodward, Senior Director of Operations, noted one resident issue has been forwarded to their insurance company for further review and final determination. He apologized to the Township for the overall inconvenience of the project. He provided background of the work being performed. PennDOT reached out to PAW two years ago relating to an upcoming paving project on Governor, Fishburn, Cocoa Roads, and Swatara Avenue, and it was determined it would be beneficial to replace water lines in the area prior to the road paving work. Mr. Woodward thanked the Township and the Police Department for their continued support and assistance. Rob Banzaca, also with PAW, commented on their project, specifically that they're in the process of replacing over 16,000 feet of water pipelines during night construction. He also noted heavy rock excavation has delayed the 200' a day goal to only ~20' per day, along with coordination with PP&L on issues and unmarked gas lines, as well as vehicle incidents during the construction work. He provided an update, confirming on

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Monday, November 18, 2024, water trench line paving will begin on West Governor Road and Cocoa Avenue, with East Governor Road to be completed afterward. Fishburn Road and Swatara Avenue are currently in the process of having the service tie over work completed. He shared the project has a goal of completion by the end of 2024. PennDOT is planning an April 2025 start date for the full road paving project.

Chairwoman Nutt shared her appreciation for the project and for providing an update to the Township.

Rich Gamble asked a question about the Swatara Avenue portion of the project. Pennsylvania American Water representatives offered to discuss the specific issue concerns offline with Mr. Gamble and any other resident concerns.

Diane Procaccini, 40 Hillside Road, Hershey, discussed her overall concerns with the AquaFit fees currently imposed at the Community Center. Ms. Procaccini noted that Chairwoman Nutt and Ms. Walker have been extremely helpful and professional. She expressed her concern relating to the online class payment requirement and suggested a card purchase process because many of the attendees of the class are senior citizens and may not have access to purchase the classes online.

CONSENT CALENDAR

Adoption of the Board of Supervisors Meeting Minutes for the October 22, 2024 Regular Meeting.

Release of the financial security provided for the Stormwater Management Plan for 2288 Jo Ann Avenue, S-2024-003.

The Board of Supervisors authorizes the release of financial security in the amount of \$18,378.00, which had been provided as cash for the Stormwater Management Plan for 2288 Jo Ann Avenue, S-2024-003.

Approval of November 12, 2024 Accounts Payable of \$940,516.53, October 25, 2024 Payroll of \$391,237.90 and November 8, 2024 Payroll of \$387,829.40.

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

NEW BUSINESS

Requesting authorization to execute Ameriprise Financial's "Corporate or Entity Resolution" form to obtain a donation for the Hershey Public Library. (A. Jacobine)

Ms. Jacobine provided detail relating to the Hershey Library recently being notified that it was named as a beneficiary of the estate of Susan E. Britting. She shared that the paperwork to finalize this generous donation requires a "Corporate or Entity Resolution" form be signed in order to make herself (Alison Jacobine) the authorized signer to obtain the funds on behalf of Derry Township/Hershey Public Library.

Chairwoman Nutt made a motion that the Board of Supervisors authorize the execution of the "Corporate or Entity Resolution" form from Ameriprise Financial and that Alison Jacobine be named as the Authorized Signatory on the account on behalf of Derry Township and the Hershey Public

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Library. Supervisor Giovanniello seconded the motion. **Motion carried 5-0.**

Consideration of authorizing a text amendment to the Zoning Ordinance related to medical marijuana dispensary uses in the Township. (C. Emerick)

Chuck Emerick shared the Township has received a request from Charles Beckley, on behalf of Terra Pharm, Inc., to amend the Township's Zoning Ordinance to allow Medical Marijuana Dispensaries as a permitted use, or special exception use, in the commercial zoning district. As background, Mr. Emerick noted in developing the 2017 Zoning Ordinance, the Township was aware that on April 17, 2016, Governor Wolf signed Pennsylvania's Medical Marijuana Act into law, which made medical marijuana legal for patients with qualifying conditions and also allowed and regulated the growing of medical marijuana.

Charles Beckley, representative for Terra Pharm, provided an introduction as well as background of Terra Pharm, a medical marijuana dispensary business. Eric Hauser, president and CEO provided a presentation of their business and mission.

Chairwoman Nutt thanked Mr. Beckley and Mr. Hauser for their presentation. The Board will take it under advisement.

Releasing performance security and entering the maintenance security period for the Preliminary/Final Subdivision and Land Development Plan for Mary's Health and Fitness, Plat 1366. (J. Stumpf/C. Emerick)

Chuck Emerick noted that a performance security was provided in the original amount of \$537,217, with the Board of Supervisors releasing a total of \$444,754 from the security, resulting in a current balance of \$92,463. The construction has been completed and the developer has requested the release of the remaining balance of the performance security. HRG determined that such a release is warranted. Per the Subdivision and Land Development Ordinance, 15% of this amount is required to be provided as maintenance security, which is \$2,182.00. If approved by the Board, the performance security will be replaced by the maintenance security to be held for the 18-month maintenance period.

Supervisor Zmuda made a motion that the Board of Supervisors authorizes the release of the remaining balance (\$92,463.00) of the performance security provided for the Preliminary/Final Subdivision and Land Development Plan for Mary's Health and Fitness, Plat 1366, in the form of Fulton Bank Letter of Credit No. STB820, contingent upon the developer providing maintenance security in the amount of \$2,182.00. Supervisor Corado seconded the motion. **Motion carried 5-0.**

SUPERVISOR BOARD/COMMITTEE REPORTS

Chairwoman Nutt updated the Board of the current concerns with the AquaFit classes held at the Community Center. Chairwoman Nutt noted Amy Walker will work with participants, who have concerns with online class registration, to provide an alternative option. Chairwoman Nutt also noted all participants will be made aware of future changes and modifications prior to the end of 2025, and shared she feels all participants will be happy with the changes to ensure all classes held at the Community Center are consistent.

DEPARTMENTAL REPORTS

Public Works

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Mr. Watts noted they are in the process of working through the annual leaf collection throughout the Township. He commented on the high community attendance at the Veterans Day event, held earlier in the week.

Library

Ms. Jacobine stated Storytime has returned for a six-week period, beginning the week of November 11, 2024. On Tuesday, November 19, a Dungeons and Dragons 101 class will be held for teens, as well as a true crime investigation presentation on November 19. A game room event will be held on November 23, 2024.

Parks & Recreation

Ms. Walker commented on the November 9, 2024, Arts & Crafts Fair at the Hershey High School where they had over 130 vendors and 2,700 shoppers.

Township Manager

Mr. Christman stated an Executive Session will be held after the Board of Supervisors meeting in order to discuss personnel matters. He also expressed his appreciation of everyone involved with the Veterans Day program held earlier in the week at Chocolatetown Park.

October 2024 Monthly Report

N/A

VISITOR/PUBLIC COMMENTS

Tom Patrisko, Fiddlers Elbow Road, spoke to the Board of Supervisors about his concern relating to speeding near the new UPS facility by the employees entering and exiting the facility. Chairwoman Nutt thanked Mr. Patrisko and shared they will take this under advisement.

Andrea Loyd shared her concerns relating to the AquaFit class fees.

ADJOURNMENT

Supervisor Zmuda made a motion to adjourn the meeting at 7:50 p.m. Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Michael P. Corado, Secretary