

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING MINUTES**  
**MARCH 10, 2020**

**CALL TO ORDER**

Vice Chairwoman Nutt called the March 10, 2020 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. She advised that all public meetings are recorded for providing accurate notes. After the pledge of Allegiance, a roll call was performed.

**IN ATTENDANCE:**

**SUPERVISORS**

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

**ALSO PRESENT:**

Christopher S. Christman, Township Manager  
Jon A. Yost, Township Solicitor  
Chuck Emerick, Director of Community Development  
Robert Piccolo, Assistant Director of Public Works  
Chief Garth Warner, Police Department  
David Sassaman, Hershey Volunteer Fire Company  
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  
Julie Echterling, Recorder

**ABSENT:**

E. Christopher Abruzzo, Chairman

**Public in Attendance:**

The following were in attendance: Teresa Peschel, Dave Buffington, Geoffrey Crout, Rich Gamble, Skip Becker, Doug Nicotera, Kate Toczek, Theresa Seaton, Dennis Trout

**VISITOR/PUBLIC COMMENTS:**

Mrs. Teresa Peschel, 48 Half Street, asked about the new language on the Agenda that states the first public comments should be limited to items on the agenda. Mr. Christman explained it is the way the law is written but it is up to the Board. The Board discussed this language and decided to leave it open for the first comment time but can change it when necessary.

**ADOPTION OF MINUTES**

Supervisor Zmuda made a motion to adopt the February 25, 2020 Board of Supervisors Public Hearing minutes and February 25, 2020 Board of Supervisors meeting minutes. Supervisor Wyckoff seconded the motion. **Motion carried 3-0-1.** Supervisor Cort abstained as she wasn’t present at those meetings.

**NEW BUSINESS:**

**ORDINANCE 2020-01-& RESOLUTION 2020-07-CHAPTER 201 (TREES):**

Mr. Emerick discussed Ordinance No. 2020-01 amending Chapter 201 (Trees) of the Code of the Township of Derry, Dauphin County, Pennsylvania, as enacted by Ordinance No. 712, entitled “Township of Derry Street and Public Tree Ordinance”, as it relates to interpretation, the composition of the Shade Tree Commission, and contractor licensing; and Resolution No. 2020-07 amending Appendix A (Recommended Trees for Derry Township) of Chapter 201. He noted that in October 2019, the Board adopted Ordinance No. 712 amending the prior tree ordinance which established a Shade Tree Commission which was to include two Supervisors. Upon further review by the Board, it has been determined that the Shade Tree Commission should first and foremost include members that have direct experience in forestry, horticulture, landscape architecture, planning, zoning, environmental science,

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arboriculture, or related fields. This amendment removes the requirement that two Supervisors are members of this Commission. He noted there were other sections of the Ordinance that had minor changes. He stated the Township of Derry Street Tree List was reviewed and updated.

Supervisor Zmuda made a motion to adopt Ordinance No. 2020-01 amending Chapter 201 (Trees) of the Code of the Township of Derry, Dauphin County, Pennsylvania, as enacted by Ordinance No. 712, entitled "Township of Derry Street and Public Tree Ordinance", as it relates to interpretation, the composition of the Shade Tree Commission, and contractor licensing; and adopt Resolution No. 2020-07 amending Appendix A (Recommended Trees for Derry Township) of Chapter 201. Supervisor Cort seconded the motion. **Motion carried 4-0.**

**CONDITIONAL USE APP 2020-01-GARG ENTERPRISES-759 MIDDLETOWN RD:**

Mr. Emerick stated there was a public hearing in February. The applicant, Garg Enterprise, LLC, proposes to use the facilities at 759 Middletown Road, Hummelstown, within the Stoverdale Commons Center, for the establishment of a Mathnasium franchise, which is a math learning center to support students in kindergarten through 12th grade. He noted the Derry Township Planning Commission recommended that Conditional Use Application No. 2020-01 be granted with the conditions.

Supervisor Cort made a motion to adopt Conditional Use Application No. 2020-01 with the following conditions:

1. The establishment of the Mathnasium use shall be in substantial compliance with the information presented with the Conditional Use Application and at the Derry Township Board of Supervisors' public hearing held on February 25, 2020.
2. The grant of approval of the Conditional Use shall not relieve the applicant from filing and having the Township approve any permit, land development, subdivision, or site plan which may be required by other Township regulations or from otherwise complying with all applicable Township regulations.
3. The grant of approval of the Conditional Use shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained within 12 months from the date of the grant of approval of the Conditional Use by the Board of Supervisors.
4. The Mathnasium use shall meet all other requirements of the Township that may apply.

Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

**FINANCIAL SECURITY – HEMLOCK COURT HERSHEY, LLC, S-2018-024:**

Vice Chairwoman Nutt made a motion to accept financial security in the form of Fulton Bank Letter of Credit No. STB288, in the amount of \$113,756.00, and enters into the Agreement to Provide Financial Security with Hemlock Court Hershey, LLC for the Stormwater Management Plan for Hemlock Court, S-2018-024. Supervisor Wyckoff seconded the motion. **Motion carried 4-0.**

**CORRESPONDENCE BOARD/COMMITTEE INFORMATION:**

Supervisor Zmuda spoke about Walmart and Sam's Club offering drug take back kiosks in the next few months. Supervisor Cort noted the next Diversity Event is tomorrow night at 6 p.m. and would be livestreamed. Vice Chairman Nutt stated she is going to a "boot camp" for the next two weekends for Supervisors. Supervisor Wyckoff noted the final savings for the DTMA refinancing, which was estimated at \$250,000, was \$439,000.

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**REPORTS:**

<u>Police</u>	Chief Warner spoke about an issue with East Derry Road speeding that was mentioned at a January meeting. They collected data and will be doing enforcement. He noted there were no site distance issues with Wood Road from vegetation, but they will check it again in the spring.
<u>Fire</u>	Mr. Sassaman spoke about their Iron Brewery event being held tonight.
<u>Library</u>	Mrs. O'Grady spoke about the continued construction with the exterior slated to be completed in April. She noted if there were concerns with book renewals to call the Library.
<u>Recreation</u>	Mr. Mandia spoke about the auction going live and the removal of items from the Center. The fences will be erected on Monday and noted Cocoa Castle and the basketball courts will be open during construction. He noted there will be a project team meeting Monday.

**ACCOUNTS PAYABLE and PAYROLL:**

Supervisor Zmuda made a motion to approve accounts payable in the amount of \$463,308.22 and Payroll of \$338,301.21. Supervisor Cort seconded the motion. **Motion carried 4-0.**

**VISITOR/PUBLIC COMMENTS:**

Mrs. Teresa Peschel, 48 Half Street, asked when the Shade Tree Commission will be set-up with members. Mr. Christman stated they received applications in January and hopes to have the Board appoint members at the next meeting.

Mr. Rich Gamble spoke about donations and how he would like to hear about the Capital Campaign. He would like to be updated on the total contributions in the weekly newsletter or meetings.

Mrs. Kate Toczek, 349 Cedar Ave., stated she is here tonight in support of the Shade Tree Ordinance.

Mr. Dennis Trout, 2010 Locust Lane, thanked Mr. Christman for the information he provided. He spoke about obtaining a report that was mentioned in the January 28 meeting by Supervisor Zmuda. Supervisor Zmuda noted it wasn't a report but rather an update. Mr. Trout discouraged the Board from allowing any connection with Gramercy Road because of the impact on Middletown Road. He noted the tax dollars from development being done does not pay for the infrastructure costs associated with the issues it is causing. He thanked the Board for reaching out on Middletown Road to PennDOT.

**ADJOURNMENT:**

Supervisor Zmuda made a motion to adjourn the meeting at 7:34 pm. Supervisor Cort seconded the motion. **Motion carried 4-0.**

**SUBMITTED BY:**

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Carter E. Wyckoff  
Township Secretary