



TOWNSHIP OF DERRY
Board of Supervisors Meeting Minutes
Tuesday, May 10, 2022

EXECUTIVE SESSION 6:00 PM

CALL TO ORDER

Chairman Abruzzo called the May 10, 2022 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 notes. He advised that all public meetings are recorded for providing accurate minutes. An Executive Session was held at 6 p.m. where legal and land matters was discussed.

PLEDGE OF ALLEGIANCE

ROLL CALL

SUPERVISORS PRESENT:

Chris Abruzzo, Chairman
Natalie Nutt, Vice Chairwoman
Carter Wyckoff, Supervisor
Richard D. Zmuda, Supervisor
Michael P. Corado, Supervisor

ABSENT:

ALSO PRESENT:

Christopher Christman, Township Manager
William Oetinger, Township Solicitor
Bob Piccolo, Asst. Director of Public Works
Chuck Emerick, Director of Community Development
Garth Warner, Chief of Police Department
Alison Trautmann, Director of Hershey Public Library
Zachary Jackson, Director of Parks & Recreation
Matt Bonanno, HRG Engineer
Julie Echterling, Stenographer
Becky Sweigart, Public Outreach Coordinator

Public in Attendance:

Jonathan Crist, Thomas Fosnacht, Tony Trust, Jeff Sinh, Darryl Barry, Doug Jones, Randy McKillop, Mark Jones, Frank Jones, Rich Gamble

VISITOR/PUBLIC COMMENTS

Mr. Robert Davis, 1768 Church Road, stated he wants something to be done about the speeding on Church Road. He spoke about the speeding (50-60 mph) that is going on and the dangerous situation they have crossing the street to get their mail. He provided the Board a picture of the speed bumps needed on the road to slow traffic. The Police have been out, but it is an ongoing problem. Chairman Abruzzo and Chief Warner stated this can be discussed in the Transportation Meeting.

Mr. Darryl Barry, Church Road, spoke about the safety issue involved with leaving his driveway. He spoke about irresponsible drivers and being yelled at or gestured by drivers. He wrote a letter to the Chief in August about the issues. It is dangerous for them and is a quality-of-life issue.

Mr. Bill Helmer, Church Road, has lived there since 1965 and is a retired PennDOT Civil Engineer. He noted that traffic has increased and is a problem. He spoke about backing in and out of his driveway and the dangers associated with that. He stated the road used to be 35 mph and is now 25 mph. He stated something has to be done. He believes speed bumps will work. He stated many of the residents on Church Road are elderly and have to cross the street for their mail and is concerned for their safety.

Mr. Jonathan Crist, 28 Church Road, shared with the Board the upcoming PennDOT event where 144 projects will be shared. He spoke about the three that would affect the Township. He spoke about the Chamber's Hill Intersection upcoming roundabout and lanes at a cost of \$25 million. The second was the widening of Middletown Road for \$17 million. The third was a study for the US 422/322 Hummelstown to Hockersville Road to widen 322. He spoke about why he thinks they are widening the road and about the Amazon warehouse being built in the old Saturday Market. It is the size of 20 football fields. He showed the Board the route the Amazon trucks and vans would take to get to the highway and turnpike. The most direct way would be to use Sandhill Road which will bring all the traffic through Derry Township. He asked if the Transportation Committee meetings could be open to the public and advertised. Mr. Emerick noted it is an Adhoc committee and it does not make decisions.

Mr. Rich Gamble, 39 Hockersville Road, spoke about the Lancaster black buzzards that contracted the bird flu and asked about the ones in Derry Township. Chairman Abruzzo stated they were made aware and the Township will be talking to the USDA about the situation.

CONSENT CALENDAR

Adoption of the Board of Supervisors Minutes for the April 26, 2022 Public Hearing 6:00 PM - Wireless Communications Facilities.

Adoption of the Board of Supervisors Minutes for the April 26, 2022 Public Hearing 6:00 PM - Hershey West End Master Plan.

Adoption of the Board of Supervisors Minutes for the April 26, 2022 Public Hearing 6:30 PM - Short-Term Rental.

Adoption of the Board of Supervisors Minutes for the April 26, 2022 Regular Meeting 7:00 PM.

Authorized the full release of cash financial security in the amount of \$21,012.00 for the Stormwater Management Plan for 212 West Areba Avenue, S-2021-012.

Authorized the release of cash maintenance security in the amount of \$12,346.50, for the Preliminary/Final Subdivision/Land Development and Stormwater Management Site Plan for Hershey Towne Square, Plat 1275.

Approval of Accounts Payable \$609,926.45 and Payroll of \$353,772.47. (J. Ginder)

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

NEW BUSINESS

Update on FY2022 Budget - First Quarter Results.

Mr. Christman went over a presentation of the first quarter results. He discussed how the funds are setup for the Township and the approved 2022 budgeted amounts for Revenues and Expenses. He stated the first quarter revenues and expenses are trending in the right direction. He noted last week HE&R stated they are hopeful that a full Pilot payment can be made this year. He discussed the revenues including the amusement and parking taxes collected. He spoke about the continued COVID situation and Ukraine crisis and how it could affect travel which could impact revenue. He spoke about the money received under the American Rescue Plan of 2022. They received \$1.3 million in 2021 and expect \$1.2 million next month. He spoke about the next steps with continuing to monitor revenues and expenses and staying the course on building long term savings through conservative budgeting principals of doing more with less.

Consideration of a Fireworks Request from Hershey Entertainment & Resorts for the Annual Fourth of July Celebration.

Supervisor Zmuda made a motion to grant permission for Hershey Entertainment & Resorts to hold its annual Fourth of July Fireworks display on Sunday, July 03, 2022 beginning at 9:30 p.m. with a rain date of Monday, July 04, 2022 beginning at 9:30 p.m. Supervisor Corado seconded the motion.

Motion carried 5-0.

The Preliminary/Final Subdivision Plan of Dilello Addition, Plat 1349.

Mr. Emerick stated Plat 1349 represents the subdivision of a portion of Lot 1 of the Woodland Hills subdivision, owned by the Mascaris, to be added to lands of Mr. Dilello (identified on the plan as Lot 2). Lot 1 fronts on Hillside Road and also has a limited frontage on Clark Road. The Dilello property is located entirely within the Hershey Mixed Use zoning district containing 2,299 square feet. Since no new development is proposed under this plan, stormwater and traffic concerns do not exist. The narrow segment of land contains a stormwater easement and facilities that serve Lot 1. He discussed the waivers and conditions requested.

Vice Chairwoman Nutt made a motion to grant the following waivers for the Preliminary/Final Subdivision Plan of Dilello Addition, Plat 1349:

1. Deferment from Section 185-22.D.(2) regarding right-of-way dedication along Clark Road (adjacent to Lot 2)-subject to the owner of the subject lot entering into an agreement with the Township that would allow the Township to require the additional right-of-way in the future if deemed necessary.
2. Deferment from Section 185-22.D.(2) regarding cartway widening along Clark Road (adjacent to Lot 2)-subject to the owner of the subject lot entering into an agreement with the Township that would allow the Township to require additional cartway widening in the future if deemed necessary.
3. Deferment from Section 185-34.A.(1) regarding sidewalks along Clark Road (adjacent to Lot 2). -subject to the owner of the subject lot entering into an agreement with the Township that would allow the Township to require the sidewalks in the future if deemed necessary.
4. Waivers from Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding providing plans and profiles of stormwater sewers.
5. Waivers from Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding providing plans and profiles of sanitary sewer lines.
6. Waivers from Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding providing plans and profiles of gas and water lines.
7. Waivers from Sections 185-12.D.(3).(a).[9] and 185-13.E.(4).(a).[9] regarding providing the location of all existing structures, wooded areas, water courses, rock outcrops, culverts, utilities above or below ground within 200 feet and 50 feet of site, respectively.

8. Waiver from Section 185-12.D.(3).(a).[35] regarding providing contours within 200 feet of site.
9. Deferment from Section 185-22.E.(5) regarding curbing installation along Clark Road (adjacent to Lot 2)-subject to the owner of the subject lot entering into an agreement with the Township that would allow the Township to require the installation of curbing in the future if deemed necessary.

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

Chairman Abruzzo made a motion to approve the Preliminary/Final Subdivision Plan of Dilello Addition, Plat 1349, subject to compliance of the following items:

1. The Applicant shall reimburse the Township for all costs incurred in reviewing the Plan no later than June 10, 2022. The Applicant shall continue to satisfy and pay all outstanding Township Professional Consultant invoices in relation to the Plan in accordance with §503 of the MPC.
2. The Applicant shall correct item 13 under the ‘Waivers/Deferments Requested’ heading on the plan to reference Clark Road (not Sipe Avenue) no later than November 10, 2022.
3. The Applicant shall agree to, execute, and have notarized 2 originals of a Declaration of Covenants for the deferred improvements regarding additional cartway widening; right-of-way dedication; curbing installation; and sidewalk installation in a manner and form acceptable to the Township no later than November 10, 2022.
4. The Applicant shall comply with all outside agency requirements, including, but not limited to, PennDOT, PADEP, FAA, and EPA, if applicable.
5. The Applicant shall record the Declaration of Covenants regarding additional cartway widening; right-of-way dedication; curbing installation; and sidewalk installation concurrently with the Plan.

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

Development of the Derry Township Courtyard of Honor on lands east of the Hershey Volunteer Fire Company building.

Mr. Emerick stated Randy McKillop has initiated a plan to develop a memorial area on lands controlled by the Derry Township Industrial and Commercial Development Authority located to the east of the Fire Company building. The project started with Randy seeking a 25th Anniversary Memorial tribute for Michael Horrocks. He was a graduate of Hershey High School and the First Officer (co-pilot) on United Airlines Flight 175, which was hijacked and flown into Tower 2 of the World Trade Center at 9:03 a.m. on September 11, 2001. I initially connected Randy with Supervisor Zmuda, who was interested in having a central “memorial” area in Derry Township, conceptually to include the Veterans Memorial previously located at 605 Cocoa Avenue, the “steel” that the Hershey Volunteer Fire Company possesses from the Twin Towers and the Solders’ Memorial administered by the Hershey Italian Lodge presently located at the intersection of West Chocolate Avenue with Old West Chocolate Avenue. As things progressed, Randy reached out to many organizations and businesses, seeking input, cooperation, and financial assistance. His goal is to create a memorial area to pay respect to the heroes of Derry Township and their sacrifices for our safety and freedom. I have included the latest sketch and logo for your consideration. He showed the Board pictures of the sketch which is still being finalized. He noted eventually this would be dedicated to the Township.

Mr. Randy McKillop spoke emotionally about his friendship with Mr. Horrocks and the impact his death has had on himself and others. He spoke about the partnerships created with this Courtyard with the community and Township. He spoke about the Courtyard honoring not only his friend, but veterans and Public Safety members. He spoke about the law firm that is helping setup everything

legally as a 501c3 charity and the Hershey students and teacher setting up the website for them. His plans are to be transparent about their financials and organization. They will be fundraising for all the funds to create this Courtyard. He showed the Township the logo they want to use for their fundraising. He spoke about the journey to get here and how they are working toward this goal to honor the heroes of the Township. He spoke about their upcoming fundraisers and how they would like to have the month of September be Hershey Heroes in the Township. He thanked Mr. Emerick and Supervisor Zmuda for helping them get to this point. Chairman Abruzzo stated the ICDA currently owns the property that the Courtyard is proposed and as it progresses, agreements and arrangements will need to be worked on between them. Mr. Emerick noted that tomorrow they start using the logo and launching publicly their intentions. They are working together on agreements with Solicitor Armstrong.

Reservation agreement with The People Movers for use of the Derry Township Community Center.

Mr. Jackson stated the Township has included an office space in the Derry Township Community Center for the People Movers to dispatch their transportation services to the Senior Citizens of Derry Township. The proposed agreement would take effect in June of 2022, with an expiration of December 31, 2023. The information contained in this agreement has been reviewed by the Township Solicitor and the terms have been agreed upon by The People Movers Board of Directors.

Supervisor Zmuda made a motion to execute a reservation agreement with The People Movers is hereby approved. Vice Chairwoman Nutt seconded the motion. **Motion carried 4-0.** Supervisor Corado left the meeting during this discussion and returned after the vote.

Advertise an ordinance amendment to allow for the possession or consumption of alcohol at the Derry Township Community Center.

Mr. Jackson stated currently, the consumption of alcohol is prohibited within the park system, with the exception of Chocolate Town Park that can be authorized with approval from the Board of Supervisors. The proposed amendment would allow the Township Manager to grant authorization for the consumption of alcohol for groups utilizing the banquet room at the Derry Township Community Center. All requests for the ability to consume and/or possess alcoholic beverages shall be made through the Parks & Recreation Department and shall be subject to the applicable conditions and restrictions established by the Township. Any alcoholic beverages consumed and/or possessed on Township property must be served by an approved vendor with the requisite licenses(s) and insurance. Vice Chairwoman wanted to verify that the events would be catered events and not individuals bringing alcohol into the event. Mr. Jackson confirmed it would be catered events where the outside company would be serving and have the required insurances.

Chairman Abruzzo made a motion to authorize advertising an ordinance amendment for the possession or consumption of alcohol at the Derry Township Community Center upon written permission from the Township is hereby approved.

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

Conditional Use Application No. 2022-03 for 1121 East Chocolate Avenue, as filed by Doors & Dreams REI, LLC.

Mr. Emerick stated at the public hearing on April 26, 2022, the applicant, Doors & Dreams REI, LLC, is proposing to operate a short-term rental on the property located at 1121 East Chocolate Avenue, Hershey.

Chairman Abruzzo made a motion to adopt Decision for Conditional Use Application No. 2022-03. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

Stormwater Management Plan for Sponaugle Properties (1016 East Governor Road), S-2021-015.

Mr. Emerick stated Glen Sponaugle submitted the stormwater management plan for 1016 East Governor Road to detail the design of stormwater management facilities for a proposed new dwelling, patio, and driveway. The plan was approved by the Township. Mr. Sponaugle posted cash financial security in the amount of \$14,699 and recorded the plan and a Stormwater Operation and Maintenance Agreement and Access Easement at the Dauphin County Recorder of Deeds office. Earlier this year, Mr. Sponaugle informed the Township he is abandoning the project, and he asked for the return of his cash financial security. Solicitor Armstrong prepared a Unilateral Declaration of Covenants, Easements, Conditions and Restrictions, which states that Mr. Sponaugle declares the stormwater management plan to be formally withdrawn and no longer a valid plan.

Chairman Abruzzo made a motion to accept the Unilateral Declaration of Covenants, Easements, Conditions and Restrictions and releases cash financial security in the amount of \$14,699 for the Stormwater Management Plan for Sponaugle Properties (1016 East Governor Road), S-2021-015, conditional upon Mr. Sponaugle signing and recording the Declaration and providing proof of recording. Supervisor Corado seconded the motion. **Motion carried 5-0.**

SUPERVISOR BOARD/COMMITTEE REPORTS

Supervisor Zmuda thanked Mr. McKillop for his hard work and dedication to this great project. Vice Chairwoman Nutt stated she saw a sign about the Walton Road trail crossing being closed on May 23.

DEPARTMENTAL REPORTS

Police Department

Chairman Abruzzo asked that the Church Road issue be discussed at the next Transportation meeting. Chief Warner stated they will continue enforcement on the road and refresh the data they have on this road. There have been individual incidents that they have dealt with and noted traffic has been increasing in this area.

Hershey Volunteer Fire Department

Mr. Sassaman was unable to attend the meeting tonight but provided this update: The company had one of its busiest months in recent years with 91 calls. We finished our annual two week HazMat Operations training with more than 25 members in attendance. This past Monday night we began a 4-week Truck Company Operations class with two weeks of lecture and classroom work and then two weeks of hands-on training. At our last company meeting, we welcomed one new member to the fire police division and accepted four new applications who are now going through the interview process with the company. The company is grateful for the continued support of the Township.

Parks & Recreation

Mr. Jackson said the fishing derby was rained out last weekend and will be held this Saturday, May 14. He stated they are starting to move into the Community Center. The three pools are being filled. Next week members will have their pictures taken for their membership cards. They are working on dates for community tours. Chairman Abruzzo thanked him and his team.

VISITOR/PUBLIC COMMENTS

Mr. Doug Jones, 30 Hillside, thanked the Board for listening about their Courtyard of honor project. He stated they go to the Township schools on September 11 and tell them about the events of the day and about Mr. Horrocks. He noted they now have kids who were not born when September 11

happened, and they are educating them about it. He spoke about Mr. Horrocks being a family man and serving in the Marines for 10 years. He spoke about the fireman and police that were lost that day also. He thanked Supervisor Zmuda for his help on this and thanked the Hershey Police and Fire for being part of the 20th anniversary ceremony they had.

Mr. Tom Fosnacht, retired Army Colonel, spoke about the project and honoring vets. He believes the location is perfect. He noted there are 1500 names of residents who served during armed conflicts with 56 who died in active duty. He said the VFW is behind this project and thinks it is a wonderful way to honor vets and Mr. Horrocks. He spoke about the previous memorial at the Community Center years ago which was paid for by a prior President of Hershey Foods who was a wounded POW vet himself.

ADJOURNMENT

Vice Chairwoman Nutt made a motion to adjourn the meeting at 8:50 p.m. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Carter E. Wyckoff, Township Secretary