



**TOWNSHIP OF DERRY**  
Board of Supervisors Meeting Minutes  
Tuesday, May 24, 2022

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**CALL TO ORDER**

Chairman Abruzzo called the May 24, 2022 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:11 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. After the Pledge of Allegiance, a roll call was completed. There were two Public Hearings held tonight starting at 5:30 p.m. The Board met in executive session from 6:55 to 7:10 p.m. to discuss legal issues.

**ROLL CALL**

**SUPERVISORS PRESENT:**

E. Christopher Abruzzo  
Natalie L. Nutt  
Carter E. Wyckoff  
Michael P. Corado

**ABSENT:**

Richard D. Zmuda

**ALSO PRESENT:**

Christopher S. Christman, Township Manager  
Patrick Armstrong, Township Solicitor  
Chuck Emerick, Director of Community Development  
Tom Clark, Director of Public Works  
Garth Warner, Chief of Police Department  
David Sassaman, Hershey Volunteer Fire Department  
Alison Trautmann, Director of Hershey Public Library  
Zachary Jackson, Director of Parks & Recreation  
Julie Echterling, Recording Secretary  
Becky Sweigart, Public Outreach Coordinator  
Ryan Cummings, HRG Engineer

**Public in Attendance:**

Melanie Boehmer, Terry Conner, Matthew Conner, Greg Rogalski, Ryan Cummings, Donald Fryer, Bret & Rachel Fryer, Paul & Joan Lindquist, Michael & Linda Leperce, Kaeli Quick, Holly, Andy Bryan and Zach Caprio, John Paul Harvey, Michael Bowser

**VISITOR/PUBLIC COMMENTS**

There were no public comments offered.

**CONSENT CALENDAR**

**Adoption of the Board of Supervisors Meeting Minutes for the May 10, 2022 Regular Meeting 7:00 PM.**

**Reduction of the performance security provided for the Preliminary/Final Subdivision Plan for Woodland Hills, Plat 1203.**

**Reduction of the financial security provided for the Stormwater Management Plan for Hemlock Court, S-2018-024.**

**Approval of Accounts Payable of \$886,373.60 and Payroll of \$299,196.92.**

Secretary Wyckoff made a motion to approve all items on the Consent Calendar. Vice Chairwoman Nutt seconded the motion. **Motion carried 4-0.**

**NEW BUSINESS**

**Swearing in of New Police Officers**

Chief Warner spoke about the two new officers. They will be attending the Academy starting May 31 and finish with their Act 120 certification in December. He stated Bret Fryer comes to the department with 14 years of service in the Dauphin County Adult probation office. He provided his background including graduating from Bloomsburg College. He stated Zachary Caprio comes to the department with experience in the Dauphin County Sheriff's Office and also graduated from Bloomsburg College. Chairman Abruzzo swore in both men and welcomed them to the Township.

**Dauphin County Local Share Municipal Grant Agreements**

Mr. Christman stated Derry Township serves as a sponsor for the Dauphin County Local Share Municipal Grant program. He stated the next step in the process is for the Board to approve the agreements. Solicitor Armstrong noted that for the Linlo agreement, they still need to come to the Board for a Conditional Use Application. Below are the award agreements for consideration:

1. Agreement 2022-17 - Derry Township PWD and Police Radio Project - \$157,070
2. Agreement 2022-18 - HVFC Radio Replacement - \$100,000
3. Agreement 2022-19 - DTSD Campus Safety Improvement - \$75,000
4. Agreement 2022-20 - Cocoa Packs - Food Distribution Program - \$50,000
5. Agreement 2022-21 - Linlo Governor Crossing LLC - Roadway Improvement - \$75,000

Chairman Abruzzo made a motion that the Board of Supervisors authorize the Township Manager to execute Dauphin County Local Share Municipal Grant Agreements: 2022-17 through 2022-20 as noted this evening. Vice Chairwoman Nutt seconded the motion. **Motion carried 4-0.**

Chairman Abruzzo made a motion to authorize the Township Manager to execute the Dauphin County Local Share Municipal Grant Agreement 2022-21 for Linlo Governor Crossing LLC conditional upon obtaining the required Township approvals and permits for the project. Secretary Wyckoff seconded the motion. **Motion carried 4-0.**

**Ordinance No. 2022-03 Alcohol Consumption - Community Center**

Mr. Jackson stated under the current ordinance, 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. He noted this hearing was properly advertised in the paper on May 15, 2022. Vice Chairwoman Nutt noted that the alcohol use will not be permitted by the general public to bring in and consume but will be controlled by outside companies and Mr. Jackson agreed. Vice Chairwoman Nutt made a motion to adopt Ordinance No 2022-03 to amend and allow for the possession or consumption of alcohol at the Derry Township Community Center upon written

permission from the Township is hereby approved. Supervisor Corado seconded the motion. **Motion carried 4-0.**

**Conditional Use Application No. 2022-01 - Hershey West End Master Plan.**

Solicitor Armstrong stated a draft decision for the Conditional Use Application 2022-01 for the Hershey West End was completed yesterday. He spoke to their attorney who wished for action to be tabled tonight and agreed to an extension until June 15 for a decision. This will allow action on the decision at the June 14 Board meeting.

Chairman Abruzzo made a motion to **TABLE** action on the Decision for Conditional Use Application No. 2022-01 until the June 14 meeting. Supervisor Corado seconded the motion. **Motion carried 4-0.**

**Final Land Development Plan - Plat 1351 - Milton Hershey School Paint and Sign Shop**

Mr. Emerick stated the Milton Hershey School (MHS) campus contains 2,785 acres of land with this project disturbing less than 2 acres. The campus land is in the Planned Campus South zoning district. The Central Operations Facility is located between Bachmanville Road and Fishburn Road. The facility is accessed from Bachmanville Road via Homestead Lane, which is a private access drive maintained by MHS. The applicant indicates two additional employees are to result from this project. Stormwater management will be managed on site. He discussed the waivers and conditions for the plan.

Vice Chairwoman Nutt made a motion to grant the following waivers for the Preliminary/Final Land Development Plan for Milton Hershey School Central Operations Facility Expansion for Paint and Sign Shop, Plat 1351:

1. Waiver from Section 185-13.E.(3) regarding plan scale
2. Waivers from Sections 185-12.D.(3).(a).[9] and 185-13.E.(4).(a).[9] regarding providing all existing structures, wooded areas, watercourses, rock outcrops, culverts, utilities, fire hydrants, streets and their established grade and width, within 200 and 50 feet of the entire property.
3. Waivers from Sections 185-12.D.(3).(a).[10] and 185-13.E.(4).(a).[10] regarding the location of sensitive environmental areas outside of the project area
4. Waivers from Sections 185-12.D.(3).(a).[10] and 185-13.E.(4).(a).[10] regarding the location of sensitive environmental areas outside of the project area.
5. Waiver from Section 185-12.D.(3).(a).[15] regarding providing soil boundaries on the property
6. Waivers from Sections 185-12.D.(3).(a).[17] and 185-13.E.(4).(a).[15] regarding providing the names of existing and proposed streets and alleys.
7. Waivers from Sections 185-12.D.(3).(a).[18] and 185-13.E.(4).(a).[16] regarding providing the width of existing streets, easements, and rights-of-way for the entire property.
8. Waiver from Section 185-13.E.(4).(a).[18] regarding showing existing driveways on the entire property.
9. Waivers from Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] regarding profiles of existing stormwater sewer and conveyance systems, existing sanitary sewer systems, and existing gas and water systems.
10. Waivers from Sections 185-12.D.(3).(a).[35] and 185-13.E.(4).(a).[36] regarding providing contours at two-foot intervals within 200 feet and 50 feet of the perimeter of the entire property.
11. Waivers from Sections 185-12.D.(3).(a).[40] and 185-13.E.(4).(a).[43] regarding providing existing street names, cartway widths, and right-of-way widths for the entire property.
12. Waivers from Sections 185-12.D.(3).(a).[47] and 185-13.E.(4).(a).[45] regarding providing the recording reference of recorded subdivision and land development plans of adjoining land by plan name, date of recording, and recording reference.

13. Waivers from Sections 185-12.D.(3).(a).[51] and 185-13.E.(4).(a).[49] regarding providing the location of all existing and proposed monuments and markers.
14. Deferment from Section 185-22.D regarding street right-of-way and cartway widths for all existing streets on the property- with the stipulation that the property owner enters into an agreement with the Township that would allow the Township to require the roadway or right-of-way widening in the future if deemed necessary.
15. Deferment from Section 185-22.E.(5) regarding curbing for all existing streets on the property and adjacent to the project- with the stipulation that the property owner enters into an agreement with the Township that would allow the Township to require the installation of curbing in the future if deemed necessary.
16. Waiver from Section 185-49 regarding a wetlands determination for the entire property.
17. Waivers from Sections 185-12.D.(3).(a).[8] and 185-13.E.(4).(a).[8] regarding providing NAD 1983 PA Coordinate System numbers for all points on the property boundary.
18. Deferment from Section 185-34.A.(1) regarding sidewalk installation- with the stipulation that the property owner enters into an agreement with the Township that would allow the Township to require the installation of sidewalk in the future if deemed necessary.

Chairman Abruzzo seconded the motion. **Motion carried 4-0.**

Chairman Abruzzo made a motion to approve the Preliminary/Final Land Development Plan for Milton Hershey School Central Operations Facility Expansion for Paint and Sign Shop, Plat 1351, subject to compliance with the following items:

1. The Applicant shall reimburse the Township for all costs incurred in reviewing the Plan no later than June 24, 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 provide financial security to guarantee the completion of the proposed improvements depicted on the Plan in the amount of \$82,773.00 and in a manner and form acceptable to the Township, no later than November 24, 2022, and the Applicant and Owner shall agree to and execute a Development and Financial Security Agreement in a manner and form acceptable to the Township no later than November 24, 2022.
3. The Applicant shall provide 2 copies of a completed Department of Environmental Protection planning module waiver mailer and the required supporting information no later than November 24, 2022.
4. The Applicant shall provide a letter from the Department of Environmental Protection approving the planning module waiver no later than November 24, 2022.
5. The Applicant shall comply with and/or otherwise satisfy Comments 3 and 4 in the Township Engineer's review letter dated May 3, 2022, a copy of which is attached hereto and specifically incorporated herein by reference, no later than November 24, 2022.
6. The Applicant and/or Owner shall sign the 'responsibilities' block on Sheet CS0001 of the Plan no later than November 24, 2022.
7. The Applicant shall provide a CD of a DXF or AutoCAD digital file of the final plan no later than November 24, 2022.
8. The Applicant shall provide 3 originals of the signed and notarized Development and Financial Security Agreement no later than November 24, 2022.
9. The Owner shall agree to, execute, and have notarized 2 originals of a Declaration of Covenants for the deferred improvements regarding additional right-of-way and/or cartway widening, curbing installation, and sidewalk installation in a manner and form acceptable to the Township no later than November 24, 2022.

10. The Applicant and Owner shall agree to, execute, and have notarized 3 originals of a Stormwater Operation and Maintenance Agreement and Access Easement in a manner and form acceptable to the Township no later than November 24, 2022.
11. The Owner shall agree to and execute a property Declaration referencing the Stormwater Operation and Maintenance Agreement and Access Easement in a manner and form acceptable to the Township and provide a copy of the same no later than November 24, 2022.
12. The Applicant and Owner shall comply with all outside agency requirements, including, but not limited to, PennDOT, PADEP, FAA, and EPA, if applicable.
13. The Applicant shall record the Development and Financial Security Agreement, or a Memorandum of the same, concurrently with the Plan.
14. The Applicant shall record a Declaration of Covenants for the deferred improvements regarding additional right-of-way and/or cartway widening, curbing installation, and sidewalk installation concurrently with the Plan.
15. The Applicant shall record the Stormwater Operation and Maintenance Agreement and Access Easement concurrently with the Plan.
16. The Applicant shall record the property Declaration referencing the Stormwater Operation.

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

#### **Access and Maintenance Agreement - Bruwin Drive**

Solicitor Armstrong stated the Board previously authorized proceeding with the access rights and maintenance responsibilities associated with Bruwin Drive. After discussions with the attorney representing the requesting property owner, it was determined that the proposed Access and Maintenance Agreement is appropriate and protects the Township's interests. The Agreement makes clear that the Township is not responsible for any maintenance of Bruwin Drive and that the participating property owners agree to indemnify, holds the Township harmless from any and all claims relating to the use and/or maintenance of Bruwin Drive. In addition, it states that the Township shall not be obligated to accept Bruwin Drive as a public road at any time.

Vice Chairwoman Nutt made a motion that the Access and Maintenance Agreement for Bruwin Drive is approved, as written, and authorized to be executed. Secretary Wyckoff seconded the motion.

**Motion carried 4-0.**

#### **Financial Security for 158 Oak Lane - S-2022-011**

Secretary Wyckoff made a motion that the Board of Supervisors accepts cash financial security in the amount of \$9,579.00 and enter into the Agreement to Provide Financial Security with Frank and Lonna Donaghue for the Stormwater Management Plan for Donaghue Residence at 158 Oak Lane, S-2022-011. Supervisor Corado seconded the motion. **Motion carried 4-0.**

#### **Financial Security for 344 Elm Avenue - S-2022-007**

Vice Chairwoman Nutt made a motion that the Board of Supervisors accepts cash financial security in the amount of \$15,329.00 and enter into the Agreement to Provide Financial Security with Navin and Mamta Verma for the Stormwater Management Plan for 344 Elm Avenue, S-2022-007. Supervisor Corado seconded the motion. **Motion carried 4-0.**

#### **Financial Security for 1092 Derry Woods Drive - S-2022-009**

Chairman Abruzzo made a motion that the Board of Supervisors accepts cash financial security in the amount of \$8,602.00 and enter into the Agreement to Provide Financial Security with Daniel R. Schauble, Jr. and Ashlie Schauble for the Stormwater Management Plan for 1092 Derry Woods Drive, S-2022-009. Vice Chairwoman Nutt seconded the motion. **Motion carried 4-0.**

#### **Civic Banner for the 19th Annual Hershey Miracle 5K Race**

Mr. Emerick spoke about the requirements for posting banners throughout the Township. He discussed the annual request for a banner for the 19th Annual Hershey Miracle 5K Race, taking place on September 17, 2022 at Milton Hershey School. The applicant would like to place the banner, in the grass area adjacent to The Hershey Company Technical Center building along Route 422, as well as at the east entrance of the 19 East Chocolate Avenue office building. The banner would be placed not more than 30 days prior to the race and removed within 2 days after the race.

Vice Chairwoman Nutt made a motion that the *19th Annual Hershey Miracle 5K Race* banner is authorized to be placed in the grass area adjacent to The Hershey Company Technical Center building along Route 422, as well as at the east entrance of the 19 East Chocolate Avenue office building. Secretary Wyckoff seconded the motion. **Motion carried 4-0.**

## **SUPERVISOR BOARD/COMMITTEE REPORTS**

Vice Chairwoman Nutt and Chairman Abruzzo attended the Library Meeting where they received updates on the upcoming projects and plans. She noted there was a transportation meeting today where they discussed the Waltonville Road closure. The Board expressed concerns to PennDOT about the proposed detour and now they are planning to install a temporary light at Wood and Middletown Road. The light will need to be installed prior to the Waltonville Road closure. She stated they learned of the Middletown Road widening at the last meeting and have concerns about the project regarding residential impact. Chairman Abruzzo asked Staff and Mr. Christman to send a letter detailing their objections/ concerns of this project to the Tri-County Planning Commission as public comments before the June 2 deadline. She noted that there may be events that the slip road will be closed during Hershey events of over 15,000 in attendance this summer.

Supervisor Wyckoff received updates on constructions projects at the DTMA meeting he attended. Chairman Abruzzo spoke about the open house held at the Community Center and how the Staff did an excellent job with the tours.

## **DEPARTMENTAL REPORTS**

### **Police Department**

Chief Warner thanked the Board for allowing the officers to be sworn in during the meeting.

### **Hershey Volunteer Fire Department**

Mr. Sassaman stated they are in their third week of training for pump operations.

### **Library**

Ms. Trautmann stated the summer reading program will start June 1. She stated blinds will be installed this week. She spoke about a book locker program that will be similar to Amazon lockers to pick up book requests.

### **Parks & Recreation**

Mr. Jackson spoke about the Open House and hundreds attended this past Sunday. The contractors are working on finishing touches for the June 13 Opening Day. The first drive-in at Shank Park will be June 10 and the movie will be Finding Dory.

### **Township Manager**

Mr. Christman spoke of the PA Municipal Management Conference that was held in Hershey and thanked Mr. Jackson and Chief Warner for providing tours for some of the managers from the conference. He spoke about the professional staff and highlighting the Township's facilities.

**VISITOR/PUBLIC COMMENTS**

There were no comments offered.

**ADJOURNMENT**

Solicitor Armstrong requested a brief executive session after the adjournment of the meeting.

Chairman Abruzzo made a motion to adjourn the meeting to executive session at 8:08 p.m. Supervisor Corado seconded the motion. **Motion carried 4-0.**

**SUBMITTED BY:**

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Carter E. Wyckoff, Township Secretary