



TOWNSHIP OF DERRY

Board of Supervisors Meeting Minutes

Tuesday, July 11, 2023

CALL TO ORDER

Chairman Abruzzo called the July 11, 2023 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:00 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. After the Pledge of Allegiance, a role call was performed. An Executive Session was held before the meeting where land and legal issues were discussed.

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
Chuck Emerick, Director of Community Development
Garth Warner, Chief of Police Department
Alison Jacobine, Director of Hershey Public Library
Zachary Jackson, Director of Parks & Recreation
Julie Echterling, Recording Secretary
Becky Sweigart, Public Outreach Coordinator
Mary C. Eberle, ICDA Solicitor
Robert Piccolo, Asst. Director of Public Works
Eric Stump, HRG Engineer

ABSENT:

Public in Attendance:

David Romanoski, Ginger Lowe, Zane Geist, Matt Luttrell, Jeffrey, Bill Rehkop, Olivia Lewis, Rich Gamble, Meg Walter

VISITOR/PUBLIC COMMENTS

Ms. Ginger Lowe, Derry Township Community Cats, asked the Board for sponsorship for the gaming grant. She spoke of their local mission with helping to control the cat population. She stated they lease property from Milton Hershey School and Hershey Trust and have a private address. They would use the money to purchase an outdoor shed and lights for storage. She asked what the procedure is for applying. Mr. Christman will follow-up with her.

Mr. David Romanski, 243 Mill Road, spoke about his concerns with the concrete wall on West Chocolate Ave. He spoke of the responsibility the Board has for the safety of the residents and is concerned someone could fall and get hurt. In addition to the safety issues, it is an eye sore for the area. He noted this is in litigation and stated the Board is trying to get it dismissed. Solicitor Eberle advised the Board not to comment on this as it is in litigation. He asked the Board if they cannot help with the repair not to hinder him from trying to get it fixed.

CONSENT CALENDAR

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Adoption of the Board of Supervisors Meeting Minutes for the 3:00 PM June 7, 2023 Special Workshop Meeting.

Adoption of the Board of Supervisors Meeting Minutes for the 7:00 PM June 27, 2023 Regular Meeting.

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

Authorize the release of \$17,560.09 from the performance security provided in the form of Link Bank Letter of Credit No. 696883 for the Preliminary/Final Subdivision Plan for Woodland Hills, Plat 1203, resulting in a new balance of \$27,134.57.

Approval of July 11, 2023 Accounts Payable of \$1,423,162.01 and Payroll of \$363,992.36.

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

NEW BUSINESS

DTMA Update:

Mr. Bill Rehkop, DTMA, provided an update to the Board. He spoke of their construction plans, stormwater improvements and projects. He discussed the Spring Creek delays due to unmarked utilities that delayed paving. He spoke of the plant tour provided for attendees of a recent conference that was in town. The DTMA audit was completed and approved and will be sent to Mr. Christman. They are planning an open house for September 9. The High Meadow construction should start in the spring of 2024. He spoke of the connection with Londonderry Township and the extension and pumping stations. He provided updates on the stormwater projects for Bullfrog Valley & Deer Run, Forest Ave. and the capital improvement plan they are working on. The Ridge Road improvements are on pace to be completed at the end of the year. The Board thanked him for the update. Vice Chairwoman Nutt thanked him for the five-year plan which helps the Board answer questions about road paving questions they receive from the residents.

Update on FY2023 Budget - Second Quarter Results:

Mr. Christman provided a quarterly update to the Board. He reviewed the budget process, funds the Township uses, and the final numbers for 2022 and 2023 budget. At the end of June, most of the Township revenue categories are trending very closely to 2022 levels or have exceeded estimates. He noted that expenses were budgeted 6% higher for 2023 and at the end of June, 30 % of the budgeted expenses have been realized. He spoke of the amusement tax and how only \$500,000 goes toward yearly expenses. The rest goes into the operating reserve. He spoke of the budget strategy to monitor the revenues and expenses, close gaps, and staying the course.

Amendment-Parking Easement Agreement-150 and 156 West Chocolate Avenue:

Mr. Emerick spoke about the proposal for renovating the existing building at 150 West Chocolate Avenue for use as a Tikka Shack restaurant. In 2008, the Township allowed the development of parking on a portion of the Township's property at 156 West Chocolate Avenue, adjacent to 150 West Chocolate Avenue. TKS Hershey Realty, LLC, as part of their improvements, is proposing to reconstruct existing steps and a new ramp leading from the public sidewalk to their parking area and restaurant entrance. The existing Agreement allowed for the construction of six parking spaces and required the property owner to meet several conditions, which they have met.

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Supervisor Corado made a motion to authorize E. Christopher Abruzzo, as Chairman, to sign the Revised and Restated Parking Easement Agreement upon completion of the Agreement by Solicitor Armstrong. Supervisor Zmuda seconded the motion. **Motion carried. 5-0.**

Time extension of approval expiration date for Conditional Use Application No. 2021-01, as filed by Kevin Pauza-790 Stauffers Church Road:

Mr. Emerick stated in August 2021, the Board adopted a Decision approving Conditional Use Application No. 2021-01, as filed by Kevin Pauza, for a Residential Cluster Development to be located at 790 Stauffers Church Road. Mr. Pauza has obtained a variance from the Zoning Hearing Board to allow seven units to connect to a common driveway (this variance has expired), submitted a Preliminary/Final Subdivision and Land Development Plan. He is in need of an extension of time for the Conditional Use approval and is asking for it to be extended to August 31, 2024. He stated Condition ‘F’ in the written Decision reads “The authorization of the Conditional Use by the Board shall expire if an approved Subdivision and Land Development Plan for the proposed use is not recorded in the Office of the Recorder of Deeds for Dauphin County within 24 months from the date of the grant of approval of the Conditional Use, except as may be extended by applicable law or action by the Board.” Mr. Zane Geist spoke about the need for the extension because he just took over after the original designer resigned.

Supervisor Zmuda made a motion to grant the requested extension regarding Condition ‘F’ of the Decision for Conditional Use Application No. 2021-01, allowing the applicant until August 31, 2024 to record the approved Subdivision and Land Development Plan. Vice Chairwoman Nutt seconded the motion. **Motion carried. 5-0.**

Amendments to Chapter 95 (Fireworks) of the Code of the Township of Derry to remove the requirement for bonding for pyrotechnics/flame effects displays and to clarify requirements for explosives.

Mr. Emerick discussed the amendments to Chapter 95 which were adopted in April, 2023. Since that time, four permits have been issued for pyrotechnics/flame effects displays and one for a fireworks display. The pyrotechnics industry has indicated that it is not typical or customary for permitting agencies to require bonding for their displays. For this reason, he would like to remove the requirement for bonding pyrotechnics. In addition, Chapter 95 indicates that the Township regulates blasting and other explosive devices. He stated the state regulates explosives, unlike fireworks, issues permits and does not believe it is necessary for the Township to also issue a permit. He asked for permission to advertise the amendments to Chapter 95.

Secretary Wyckoff made a motion to authorize Community Development staff to proceed with advertising the Board’s intent to consider adoption of amendments to Chapter 95 (Fireworks), pending approval from the Solicitor, to remove the requirement for bonding for pyrotechnics and flame effects and to clarify requirements for explosives. Supervisor Corado seconded the motion. **Motion carried. 5-0.**

SUPERVISOR BOARD/COMMITTEE REPORTS

There were no reports provided.

DEPARTMENTAL REPORTS

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Police Department

Chief Warner thanked the Fire Department for use of their drone.

Library

Mrs. Jacobine spoke about their outreach and upcoming events.

Community Development

Mr. Emerick spoke of the need for a public hearing on August 22 at 6 p.m. for the text amendment for housing so that it can then go to the Planning Committee.

VISITOR/PUBLIC COMMENTS

There were no comments offered.

ADJOURNMENT

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

SUBMITTED BY:

Carter E. Wyckoff, Township Secretary