



TOWNSHIP OF DERRY

Board of Supervisors Meeting Minutes

Tuesday, August 22, 2023

CALL TO ORDER

Chairman Abruzzo called the August 22, 2023 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:13 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 announced there was a public hearing at 6 p.m. After the Pledge of Allegiance, a roll call was performed.

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
Patrick Armstrong, Township Solicitor
Chuck Emerick, Director of Community Development
Tom Clark, Director of Public Works
David Sassaman, Hershey Volunteer Fire Department
Alison Jacobine, Director of Hershey Public Library
Zachary Jackson, Director of Parks & Recreation
Julie Echterling, Recording Secretary
Becky Sweigart, Public Outreach Coordinator
Robert Demmel, Lieutenant, Police Department

Public in Attendance:

Rich Gamble, Kay Gorse, Connie Reitz, Kathy Campbell, Cindy Steger, John Osmolinski, Tracy Brown, Ambrose Heinz, Holly Evans, Jennifer Feldse

VISITOR/PUBLIC COMMENTS

Mr. Rich Gamble, 39 Hockersville Road, attended the public hearing and asked what is the true purpose of the plan. He spoke about his concerns with the length of stay and potential increase of downtown traffic. He believes there are a lot of questions that need to be answered in regard to the plan. He believes the entertainment tax needs to be revisited. He stated as a resident, we put up with a lot to live here in regard to the infrastructure, and arrests at concerts. This is costing the taxpayers money that continues to go up.

Ms. Connie Wrights, 539 Sandhill Road, spoke about the additional fees charged to those taking aquatic classes that are not charged for other classes in the Recreation Center. She spoke of some who need to take the aquatic classes for health conditions as opposed to other classes that are available. She noted she did not join to have to pay the aquatic fees to be in a class.

Ms. Cynthia Stager, 196 Crescent Drive, is a member and has to pay \$5 for a water class while other classes do not have a fee. When she asked the gentleman, she was told her she could take another

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class, which she cannot because of health reasons. She read the mission statement of the Recreation Center.

Mr. Jackson explained that they hired a consultant during construction of the building. It was recommended that they charge for the classes because of the pool expenses. He noted they have 32 fitness classes a week and 5,000 members and they offer six water classes. The Board noted this is the first time they have heard this complaint and asked that they give them time to discuss it and get back to them.

CONSENT CALENDAR

Adoption of the Board of Supervisors Meeting Minutes for the July 25, 2023 7:00 PM Regular Meeting.

Adoption of the Board of Supervisors Meeting Minutes for the July 31, 2023 6:00 PM Public Hearing.

Release of the remaining balance of the financial security provided for the Stormwater Management Site Plan for 285 Dunham Drive, S-2020-021.

Authorize the release of the remaining balance (\$5,508) of the financial security provided in the form of Link Bank Letter of Credit No. 742769 for the Stormwater Management Site Plan for 285 Dunham Drive, S-2020-021.

Reduction of the performance security provided for the Final Lot Consolidation and Land Development Plan for Hershey West End – Streets and Infrastructure Phase, Plat 1330.

Authorize the release of \$8,682,555 from the performance security provided as Travelers Casualty and Surety Company of America Bond No. 107507763 for the Final Lot Consolidation and Land Development Plan for Hershey West End – Streets and Infrastructure Phase, Plat 1330, resulting in a new balance of \$4,405,182.

Reduction of the performance security provided for the Preliminary/Final Land Development Plan for Troegs Independent Brewing, Plat 1341.

Authorize the release of \$195,701 from the performance security provided as The Hanover Insurance Company Bond No. 1088981 for the Preliminary/Final Land Development Plan for Troegs Independent Brewing, Plat 1341, resulting in a new balance of \$159,927.

Reduction of the performance security provided for the Preliminary/Final Subdivision and Land Development Plan for Mary's Health and Fitness, Plat 1366.

Authorize the release of \$261,618 from the performance security provided as Fulton Bank Letter of Credit No. STB820 for the Preliminary/Final Subdivision and Land Development Plan for Mary's Health and Fitness, Plat 1366, resulting in a new balance of \$275,599.

Approval of August 8, 2023 Accounts Payable of \$974,197.69 and Payroll of \$360,594.63.

Approval of August 22, 2023 Accounts Payable of \$207,801.57 and Payroll of \$381,858.55.

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

NEW BUSINESS

Ordinance 2023-06, amending Chapter 95 (Fireworks and Pyrotechnics) of the Code of Derry Township by removing the bonding requirements for pyrotechnics and further removing the annual permit exception for quarrying, blasting, or other industrial uses:

Mr. Emerick spoke about the changes to Chapter 95 in Ordinance 2023-06. He noted it is not typical or customary for permitting agencies to require bonding. This was discussed at a prior meeting and is ready for the Board's decision.

Supervisor Zmuda made a motion to adopt Ordinance No. 2023-06. Supervisor Corado seconded the motion. **Motion carried. 5-0.**

Acknowledging Years of Service of Township Employees:

Chairman Abruzzo acknowledged the following employees for their years of service:

5 years-Christopher Christman and Drew McCabe

10 years-Valerie Wood

15 years-Rian Bell and Daniel Kelly

25 years-Jenelle Stumpf, Tim Roche, Robert Demmel, Greg Day, Eric Salley, and Jeff Kawich

35 years-Garth Warner.

Resolution 2023- 14: Authorizing the Sponsorship and Submission of Requests for Funding for the 2023-2024 Dauphin County Local Share Municipal Grant Program:

Mr. Christman noted at the Board's July 25 meeting, applicants presented projects for Board consideration and ranking. The Administration is recommending the following ranking:

1. Hershey Volunteer Fire Company – Apparatus Debt Service - \$156,380.00
2. Township of Derry - Total Request - \$532,739
 - a. Hershey Public Library – HVAC Project - \$150,000.00
 - b. Police Department – Traffic Safety/Drone Unit Vehicle - \$144,082.00
 - c. Public Works – One (1) Dump Truck - \$238,657.00
3. Derry Township Community Cats – Shed Project - \$4,571.74

Vice Chairwoman Nutt made a motion to approve Resolution 2023-14 authorizing the Sponsorship and Submission of Requests for Funding for the 2022-2023 Dauphin County Local Share Municipal Grant Program. Supervisor Zmuda seconded the motion. **Motion carried. 5-0.**

Resolution 2023-15: Criteria for Sponsorship of Dauphin County Local Share Gaming Grants:

Mr. Christman spoke about the Board beginning to narrow the criteria for consideration of sponsorship of applications for the Dauphin county Local Share Gaming Grants. He noted the following requirements:

1. First priority shall be given to municipal and/or municipal related projects that enhance the health, safety and welfare of the residents and businesses of the Township of Derry.
2. Non-Profit, 501 (c)(3) entities, located within and serving only the residents of the Township of Derry may be considered. The said Non-Profit entity must demonstrate how its application for Local Share Gaming funds reduces the tax burden on Township of Derry property owners.
3. The Derry Township Board of Supervisors shall not consider any applications for Local Share Gaming Grant funds from “For-Profit” organizations.

Supervisor Corado made a motion to approve Resolution 2023-15 - Establishing Criteria for Sponsorship of Dauphin County Local Share Gaming Grant Applications. Vice Chairwoman Nutt seconded the motion. **Motion carried. 5-0.**

Resolution 2023-16, Agreement with PennDOT for the installation and maintenance of the improvements for the proposed Bachmanville Road Roundabout, together with the necessary deeds of dedication, drainage easements, temporary construction easements, and all other documents and/or agreements deemed necessary for the Bachmanville Road Roundabout Project in accordance with HOP Application Nos. 270225 and 297724:

Solicitor Armstrong discussed the agreements with the Milton Hershey School regarding the Bachmanville Road Roundabout Project. PennDOT holds the Township responsible for the maintenance and improvements. The Township has an agreement with Milton Hershey School for these requirements.

Secretary Wyckoff made a motion to pass Resolution 2023-16, authorizing the execution of the Agreement with PennDOT for the installation and maintenance of the improvements for the proposed Bachmanville Road Roundabout, together with the necessary deeds of dedication, drainage easements, temporary construction easements, and all other documents and/or agreements deemed necessary for the Bachmanville Road Roundabout Project in accordance with the HOP application Nos. 270225 and 297724. Supervisor Zmuda seconded the motion. **Motion carried. 5-0.**

Second time extension- for conditional approval for Hershey Square Proposed Outparcel Development, Plat 1353:

Mr. Emerick discussed the history of the plan including the December 2022 preliminary approval for the plan with outstanding items needing to be completed by June 2023. They requested an extension in May to be completed in August. They are requesting a second extension until October 3, 2023 to address the outstanding time sensitive conditions. Holly Evans, Evans Engineering, provided an update on the PennDOT HOP process. They are hoping to be completed with that process in October. Vice Chairwoman Nutt made a motion that the approval of the Preliminary Land Development and Stormwater Management Site Plan for Hershey Square Proposed Outparcel Development, Plat 1353, is extended to October 31, 2023, subject to compliance with items ‘1’ through ‘9’ in the *Department Head Recommendation* section of this agenda item. Supervisor Corado seconded the motion. **Motion carried. 5-0.**

The Sketch Plan for the Villas at Hotel Hershey, Plat 1377:

Mr. Emerick stated the plan, filed by Hershey Entertainment and Resorts Company (HE&R), represents the development of 10 new “villas” that were originally proposed as part of the Preliminary/Final Subdivision and Land Development Plan for Cottages at the Hotel Hershey, Plat 1139. It combined the two properties that now make up the Hotel Hershey site. Plat 1139 also includes a new grand entrance, upgraded recreation opportunities, a new restaurant building, reconstructed parking facilities, and 21 cottages. All of the improvements have been completed, except for 10 of the cottage buildings, which were noted in 2008 to not be built until 2017. They have revised the Stormwater Management regulations, requiring a revised stormwater management design. According to the sketch, one central stormwater management basin is proposed. The 10 cottages that were not built were proposed to be served by two small cul-de-sacs, whereas the present sketch plan proposes a loop road. The development will disturb about eight acres of land. Traffic is not anticipated to be impacted in any meaningful way. This site will be served by public water and sewer. He provided the Board the comments for the plan. He noted no one from HE&R is here tonight.

Chairman Abruzzo stated, in the future, the applicant should be here to answer any questions the Board may have. Mr. Emerick stated normally this type of sketch plan would not come to the Board, but wanted to provide it to the Board as a courtesy.

75th Annual Hershey Halloween Parade on Wednesday, October 18, 2023 at 7:00 p.m.:

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Secretary Wyckoff made a motion that the authorization to conduct the 75th Annual Hershey Halloween Parade on Wednesday, October 18, 2023 at 7:00 p.m. is hereby approved. Supervisor Zmuda seconded the motion. **Motion carried. 5-0.**

Permit-Ragnar Relay to traverse certain roadways within Derry Township on October 13th and 14th, 2023:

Lieutenant Demmel spoke about the request for the Ragnar Relay, which is a 200 mile running relay from Harrisburg to Philadelphia on Oct 13-14. He spoke about the race and where it would be going through the Township. Vice Chairwoman Nutt talked with Chief Warner about this and is concerned about safety since they will be using roads that do not normally have runners. She asked about HE&R providing their signs to alert residents of runners on this road. Mr. Emerick noted that October 14th is Choctoberfest and some roads will be closed for the event. Discussion ensued.

Chairman Abruzzo made a motion that the Request to permit the Ragnar Relay to traverse certain State and Township roadways within Derry Township on October 13th and 14th, 2023, be hereby approved subject to Township approval of a route satisfactory to the Police Department and Community Development. Supervisor Corado seconded the motion. **Motion carried. 5-0.**

Replacement financial security instrument and release of the original financial security instrument provided for the Hershey Square Shopping Center Stormwater Management Site Plan, S-2020-005:

Mr. Emerick provided the background for this financial security request. Earlier this year, Hershey Square 2014, sold its property to U & Me Hershey, LLC. They want to transfer the obligation of installing the remaining improvements to the new company.

Vice Chairwoman Nutt made a motion to accept financial security in the amount of \$74,953, as provided by Pond Construction Corporation in the form of The Ohio Casualty Insurance Company Bond No. 015221267; enter into the Agreement to Provide Financial Security with Pond Construction Corporation and U & Me Hershey, LLC; and authorize the release of the remaining balance (\$74,953) of the financial security provided by Hershey Square 2014, LP, in the form of Fidelity and Deposit Company of Maryland Bond No. CSB9353959, for the Hershey Square Shopping Center Stormwater Management Site Plan, S-2020-005. Supervisor Corado seconded the motion. **Motion carried. 5-0.**

SUPERVISOR BOARD/COMMITTEE REPORTS

Supervisor Zmuda met with the Hershey Lumberyard and spoke about road improvements and potential issues with the plan. There was a transportation meeting that he and Vice Chairwoman Nutt attended. During the meeting they discussed the summer concert traffic, DTMA projects, Chocolate Avenue pedestrian issues, and other projects. He mentioned that East Derry and Laudermilch will have lights done at no cost to the Township. They are working on a speed bump for the Township.

DEPARTMENTAL REPORTS

Hershey Volunteer Fire Department

Mr. Sassaman thanked the Board for the gaming grant approval. He stated National Night out was successful. We will have the Soup Cook Off on September 30. There were 83 calls for August.

Public Works

Mr. Clark stated they are wrapping up the paving on East Main street this week. He spoke of an insurance item with Waltonville Road and starting on the sidewalks.

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Library

Mrs. Jacobine stated the Library will be closed on Labor day and September 18. They will be having a costume exchange at the library for Halloween trick-or-treaters.

Parks & Recreation

Mr. Jackson stated the outdoor pool will be closing after Labor Day.

Township Engineer

Mr. Stump spoke of the flashing light at Cocoa Avenue and it is installed and operational. He stated they are providing guidance on speed bumps that can be edited and published.

VISITOR/PUBLIC COMMENTS

There were no public comments offered.

ADJOURNMENT

Supervisor Zmuda made a motion to adjourn the meeting to executive session to discuss a real estate issue at 8:33 p.m. Supervisor Corado seconded the motion. **Motion carried. 5-0.**

SUBMITTED BY:

Carter E. Wyckoff, Township Secretary