



TOWNSHIP OF DERRY

Board of Supervisors Meeting Minutes

Tuesday, September 12, 2023

CALL TO ORDER

Chairman Abruzzo called the September 12, 2023 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:05 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. An Executive Session was held before the meeting. 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
Chuck Emerick, Director of Community Development
Garth Warner, Chief of Police Department
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
Ryan Cummings, HRG Engineer
Robert Piccolo, Asst. Director of Public Works
Peter Nelson, Township Solicitor

Public in Attendance:

Mark Ovsak, Sandy Ovsak, John Wilt, Tony Roland, Rita Smith, Mr. & Mrs. Richard Morris, Prakesh Kandel, Meghan Walter, Joe Rabeng & Family, Yvonne Lessard, Earl Grove, Matthew Derry, Linda Dean, Stephanie Dedonatis, Dave Telcer, Rich Gamble, Dana Klinepeter, Andy Ruggiero, Peter Ruggiero, Ken Gall

VISITOR/PUBLIC COMMENTS

Mr. Mark Ovsak, 147 W. Governor Road, spoke about his concerns with trash that is being thrown around the town. He stated there were two bags of garbage he left outside next to the trash can that he collected September 3rd in the parking lot of the Hershey Story. There is a lack of respect from visitors for this town and a disregard for the rule of law. He is concerned about traffic and how dangerous it is to cross the street at Cocoa Ave. He spoke about a need for public transportation like the trolley that existed years ago.

Ms. Meghan Walter, 1669 E Derry Road, spoke about the empty building and parking lot next to her business (1715 E. Chocolate) and the concerns she has for safety. She has been working with Community Development, Police and the Manager on this issue. There are homeless people, tractor trailers, cars showing up for hours, cars coming and going from the parking lot of this property. This impacts her business, how she works with children, and the safety concerns it brings with the coming

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and going of cars. People are trespassing and grass is overgrown. She was working with an officer who has since retired. She asked for help with dealing with this property and for the safety of her business, clients and herself. Chairman Abruzzo encouraged her to continue to work with the Police on the safety issue and Mr. Emerick on the property maintenance issues.

Mr. Dave Weaver, 214 Java Avenue, would like to donate trees to the Township. He has some ideas for a vacant lot and could help provide the labor and design. He would like to connect with someone to work with in the Township. Chairman Abruzzo stated he could work with Mr. Jackson and Mr. Emerick on the trees. The aforementioned property is in the process of being sold to the Trust who have plans for it.

CONSENT CALENDAR

Adoption of the Board of Supervisors Meeting Minutes for the August 22, 2023 6 PM Public Hearing.

Adoption of the Board of Supervisors Meeting Minutes for the August 22, 2023 7 PM Regular Meeting.

Adoption of the Board of Supervisors Meeting Minutes for the August 24, 2023 6 PM Public Hearing.

Adoption of the Board of Supervisors Meeting Minutes for the August 29, 2023 6 PM Public Hearing.

Release of the remaining balance of the financial security provided for the Stormwater Management Plan for Hershey West End Medical Office Parking Expansion, S-2019-020.

Authorized the release of the remaining balance (\$402,541.00) of the financial security provided in the form of Hershey Trust Company Letter of Credit No. 2020-01 for the Stormwater Management Plan for Hershey West End Medical Office Parking Expansion, S-2019-020.

Release of the financial security provided for the Stormwater Management Site Plan for West Hershey Plant Trailer Storage Lot (1033 Old West Chocolate Avenue), S-2022-021.

Authorized the full release of financial security in the amount of \$2,791,302.00, which had been provided in the form of Travelers Casualty and Surety Company of America Bond No. 107710145 for the Stormwater Management Site Plan for West Hershey Plant Trailer Storage Lot (1033 Old West Chocolate Avenue), S-2022-021.

Approval of September 12, 2023 Accounts Payable of \$1,137,707.26 and Payroll of \$352,789.22.

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

NEW BUSINESS

Recognition of Top Readers for Hershey Public Library's Summer Reading Program:

Mrs. Jacobine spoke about the summer reading program. This summer 468 children read 324,725 minutes. Chairman Abruzzo read and presented a certificate to the top readers at the meeting. Below are the top readers for 2023:

1. Jameson Rabena
2. Jordan Rabena
3. Peter Ruggiero

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4. Maxwell Dean
5. Avee Kandel

Special Olympics Law Enforcement Torch Run September 15th and 17th:

Vice Chairwoman Nutt made a motion that the Request to permit the Special Olympics Law Enforcement Torch Run to traverse certain State and Township roadways within Derry Township on September 15th and 17th, 2023, be hereby approved. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

Update on Chocolatetown Park Veterans Memorial:

Mr. Christman spoke about the renovation plan for the Chocolatetown Park to include a new Derry Township Veterans Memorial. It will also be home for a new Court Yard of Honor for First Responders and 9-11 Pilot Michael Horrocks. Mr. Emerick showed the Board the proposed plan on the screen and spoke about the location of the memorials, plaques, flags and other items for this project. He stated the Township would take care of the stormwater and part of the sidewalk. Chairman Abruzzo spoke about some of the features of the plan including the new pavilion/band shell and keeping as many of the trees as possible. The first phase should be completed by Memorial Day 2024 and Phase two would be 2026. He spoke of the fundraising that would take place to help pay for the project. Vice Chairwoman noted donations could be made to the Township toward this plan. Mr. Cummings, HRG, spoke about the stormwater and power lines after being asked about it by Supervisor Zmuda. Discussion ensued.

Supervisor Corado made a motion to approve the plan presented this evening for the renovation of Chocolatetown Park and authorize HRG, Inc. to finalize all plans required to secure necessary permitting from other agencies as well prepare bid packages for the Veterans Memorial. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

Cooperative Services Agreement with the USDA for the mitigation of vulture activity:

Mr. Christman spoke of working with the USDA to mitigate the Black Vulture activity in the Township. He noted the agreement needs to be renewed and approved by the Board. \$18,000 has been allocated for this project. Mr. Tony Roland, USDA, provided a history of the issue including the zoo location for some of them. He spoke of tagging 500 in the last year and finding they have migrated as far as New York to West Virginia. The public can help by reporting them when they see them. They have tagged them with green tags and numbers. The public could also keep pet food inside including cat food.

Supervisor Zmuda made a motion to authorize the Township Manager to execute an agreement for \$18,000.00 with the United States Department of Agriculture for the purpose of mitigating vulture activity in Derry Township. Supervisor Corado seconded the motion. **Motion carried 5-0.**

Second time extension for conditional approval for Hershey West End – Final Phase J, Plat 1361:

Mr. Emerick spoke about the request to extend the time for the Hershey West End Project, Phase J. This phase is for 12 acres for 336 apartment units and 12 single family attached units. The plan was approved on December 6, 2022, an extension provided on May 2, and they are requested an extension until July 1, 2024. Mr. Ken Gall stated that this is a long term project, with many moving parts, and does not think they will need an additional extension.

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Supervisor Corado made a motion that the approval of the Final Land Development and Subdivision Plan for Hershey West End – Final Phase J, Plat 1361, is extended to July 1, 2024, subject to compliance with items ‘1’ through 13’ in the *Department Head Recommendation* section of this agenda item. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

Consideration of grant of right-of-way to PPL regarding electrical service to 150 West Chocolate Avenue and 156 West Chocolate Avenue:

Mr. Emerick stated TKS Hershey Realty, LLC, is proposing to renovate the existing building at 150 West Chocolate Avenue for use as a Tikka Shack restaurant. This restaurant will require new electrical service. PPL has reached out to the Township for a right-of-way to install a new pole and transformer bank on property that is owned by Derry Township. This parcel contains some parking spaces and a portion of Ridge Road. Tikka Shack requires a different voltage to run their equipment.

Vice Chairwoman Nutt made a motion to authorize E. Christopher Abruzzo, as Chairman, to sign the Grant of Right-of-Way to enable PPL to install the facilities. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

SUPERVISOR BOARD/COMMITTEE REPORTS

Supervisor Wyckoff stated at the DTMA meeting, they discussed construction updates and stormwater fees.

DEPARTMENTAL REPORTS

Police Department

Chief Warner spoke about receiving the MILO training system.

Public Works

Mr. Piccolo stated they took care of the hazardous trees last week. They will start leaf pickup next month. When asked about the lantern flies, he discussed the current situation for these flies.

Library

Mrs. Jacobine stated the Library will be closed Monday for strategic planning.

VISITOR/PUBLIC COMMENTS

There were no public comments offered.

ADJOURNMENT

Supervisor Zmuda made a motion to adjourn the meeting at 8:27 p.m. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Carter E. Wyckoff, Township Secretary