



TOWNSHIP OF DERRY
Board of Supervisors Meeting Minutes
Tuesday, January 23, 2024

CALL TO ORDER

Chairman Abruzzo called the January 23, 2024 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:28 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 were public hearings at 6 p.m. and 6:30 pm. After the Pledge of Allegiance, a roll call was performed. Supervisor Corado attended the meeting via phone.

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
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
Eric Stump, HRG Engineer
David Habig, Assistant Director of Community Development
Maria O'Donnell, Stenographer

Public in Attendance:

Jennifer Lee, Keith Heigel, Rich Gamble, Tom Petrisko, Andrea Lowery, Allison Hanna, John Osmolinski, Esch McGimble, Rich Ozarck, Tom Swavely, Jon Sheppard

VISITOR/PUBLIC COMMENTS

There were no public comments offered.

CONSENT CALENDAR

Adoption of the Board of Supervisors Meeting Minutes for the December 19, 2023 Regular Meeting.

Adoption of the Board of Supervisors Meeting Minutes for the January 2, 2024 Reorganization Meeting.

Release of the remaining balance of the performance security provided for the Preliminary/Final Lot Add-On and Land Development Plan for Goddard School of Hershey Expansion, Plat 1318.

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Approval of Accounts Payable of \$1,791,912.28 and January 5, 2024 Payroll of \$352,282.10 and January 19, 2024 Payroll of \$377,983.77.

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

NEW BUSINESS

Request of Shayona 11, LLC, d/b/a Zip-Zap (“Zip-Zap”), for an intermunicipal restaurant liquor license transfer from the Township of West Hanover into Derry Township:

Solicitor Armstrong opened the Public Hearing for the request to transfer Liquor License R-18024 to a convenience store at 638 West Chocolate Avenue in Hershey. Attorney Evan Papasus spoke on behalf of his client Zip-Zap and their desire to transfer a liquor license to their establishment. He described the transfer process and the need of the Board of Supervisor's approval. He spoke about the type of license (R) that they will use for their convenience store. They will have a walk in cooler and will only sell beer. As part of the requirement, they will be adding 30 seats and food as required by the law. The owner Anuklin Patel was sworn in by Stenographer O'Donnell. She stated the hours of operation would be 6:30 a.m. to 9 p.m. in the winter. They will be open until 10 p.m. in the summer during the week and on Saturdays. Sundays they will be open from 8 a.m. to 8 p.m. Attorney Papasus noted they would not sell beer before 7 a.m. as required by law. Solicitor Armstrong noted that approval of the license transfer does not include any zoning approvals and is strictly for the transfer of the license. He asked if there was any public comment and there were none. He closed the Public Hearing. Attorney Evan Pappus, Anuklin Patel, and Soyarn Patel were in attendance for this Hearing.

Supervisor Zmuda made a motion to approve the request of Zip-Zap to transfer restaurant Liquor License no. R-18024 into Derry Township and approve and adopt the attached Resolution No. 2024-09, specifically approving the liquor license transfer. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

Request of Shri Anjaneya Corp., d/b/a Bollywood Indian Fusion (“Bollywood”), for an intermunicipal restaurant liquor license transfer from the City of Harrisburg into Derry Township:

Solicitor Armstrong opened the Public Hearing and explained that this is for the transfer of Liquor License R-19033 from a restaurant in Harrisburg to Bollywood Indian Fusion restaurant located at 597 E. Main Street, Hummelstown. He explained the process for the transfer and the approvals needed. Stenographer O'Donnell swore in Dinesh Purohit. He spoke of their desire to move the liquor license to their establishment. He discussed the hours of their restaurant. He stated they would not be making any changes to their restaurant. Solicitor Armstrong asked if there were any public comments and there were none offered. He closed the Public Hearing. Dinesh Purohit and Avelino Furtado were in attendance for this Hearing.

Supervisor Zmuda made a motion to approve the request of Bollywood Indian Fusion Restaurant to transfer restaurant Liquor License no. R-19033 into Derry Township and approve and adopt the attached Resolution No. 2024-10, specifically approving the Liquor License transfer. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

Letter of Support for the Penn State Hershey Medical Center's Year-Two Application for a

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Dauphin County Opioid Remediation Grant:

Mr. Christman spoke of the opportunity for Hershey Medical Center (HMC) to apply for a grant from the drug company settlement money. Last year they received \$75,000. Dr. Taffy Anderson thanked the Board for their letter of support. She provided her background and how she works with maternal opioid issues and addiction. She spoke about the Center they opened in July and that it would include behavioral health therapy in their addiction treatment.

Chairman Abruzzo made a motion authorizing the Township Manager to prepare and execute a letter of support for the Penn State Hershey Medical Center's opioid remediation project as discussed this evening. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

Time & Material Contract with HRG, Inc.-completion of design work for Chocolatetown Park:

Mr. Christman spoke about the Chocolatetown Park project. HRG is working on the design work which included approval of \$131,000 of design. He noted that additional expenses will need to occur. This would be at an hourly billed rate. He noted there should be a cap of \$75,000 put on the additional work. He stated Harden Construction is partnering with the Township in this project.

Vice Chairwoman Nutt made a motion authorizing the Township Manager to execute the Time & Material proposal submitted by HRG, Inc. dated November 21, 2023 for the completion of design work for Chocolatetown Park but limit the scope to an amount not to exceed \$75,000 without further authorization from the Board of Supervisors. Secretary Wyckoff seconded the motion. **Motion carried 5-0.**

Resolution 2024-11 authorizing the sale and transfer of municipally owned property:

Chief Warner spoke about the process of selling equipment that is no longer usable by the Police department through Municibid. They had three items including a 2014 Ford Police Interceptor sedan, Pro-Gard brand vehicle prisoner seat system, and a Truck Vault brand SUV cargo area storage box. There were three bidders that can be awarded the equipment based on their bids being the highest.

Vice Chairwoman Nutt made a motion to adopt Resolution No. 2024-11 awarding the sale of a 2014 Ford sedan to Ron Elford of Ruffsedale, PA for \$5,301.00; a 'Pro-Gard' brand prisoner seat & partition to Victor Vega of Wilkes-Barre, PA for \$111.50; a 'Truck Vault' brand vehicle storage box to Lance Biesecker, Paradise Township, of Abbottstown, PA for \$975.00. Secretary Wyckoff seconded the motion. **Motion carried 5-0.**

Preliminary/Final Land Development Plan for the Villas at the Hotel Hershey, Plat 1380:

Mr. Emerick stated Plat 1380 was filed by Hershey Entertainment and Resorts Company, represents the development of 9 new “villas” that were originally proposed in 2007 as part of the Preliminary/Final Subdivision and Land Development Plan for Cottages at the Hotel Hershey, Plat 1139. He spoke about the history of the plan. Plat 1139 combined the two properties that now make up the Hotel Hershey site, which contains about 226 acres. He noted two changes between the prior and current plan. The new land development plan proposes three six-bedroom cottages in place of the three four-bedroom cottages that were previously proposed. This plan now also proposes a small mechanical/housekeeping building in the area of the cottages. The site is in the Commercial Recreation zoning district and is generally located north of the main hotel building. They will have public water and sewer facilities. He went over the waivers and noted there are 15 conditions to his recommendation for approval.

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WAIVERS:

Chairman Abruzzo made a motion that waivers are granted from the Stormwater Management Ordinance (Chapter 174) and the Subdivision and Land Development Ordinance (Chapter 185) as noted in the *Explanation* section of this agenda item for the Preliminary/Final Land Development Plan for the Villas at the Hotel Hershey, Plat 1380. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

PLAN:

Vice Chairwoman Nutt made a motion to approve the Preliminary/Final Land Development Plan for the Villas at the Hotel Hershey, Plat 1380, subject to compliance with items 1 through 15 in the *Department Head Recommendation* section of this agenda item. Supervisor Corado seconded the motion. **Motion carried 5-0.**

Resolution 2024-08 for Act 537 Plan Revision for The Villas at the Hotel Hershey, Plat 1380:

Mr. Emerick stated the Planning Commission reviewed the Planning Module at their January meeting and had no comments.

Vice Chairwoman Nutt made a motion to adopt Resolution No. 2024-08. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

Waivers from filing a land development plan, as requested by Milton Hershey School regarding the demolition and reconstruction of a staff home at 561 Crest Lane:

Mr. Habig stated Milton Hershey School is requesting a waiver from filing a development plan regarding their demolition and reconstruction of a staff home at 561 Crest Lane. He noted this project would disturb less than one acre of land and the new home will be in the same location as the current one. The new home will utilize the existing driveway. He noted that this activity is considered a land development in the Township's ordinances. This plan will not include the addition of any new roads, sidewalks, people or parking areas. The Derry Township Planning Commission recommended approval of the waiver at their January meeting.

Chairman Abruzzo made a motion granting the requested waivers from Sections 185-5.A and 185-5.B of the Derry Township Subdivision and Land Development Ordinance to not require a land development plan to be processed for Milton Hershey School to demolish the existing staff home at 561 Crest Lane and construct a new staff home generally in the same location as the prior home. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

Consideration of modification to the 60-foot buffer easement established by the Revised Preliminary/Final Subdivision Plan for Derry Woods, Phase II & III (Plat 894):

Mr. Emerick stated in 1999, the Township approved the Plan for Derry Woods, Phase II & III, Plat 894. One of the elements shown on the plan was a buffer easement prohibiting live tree removal along the eastern and southern sides of the development. The owners of Lot 40 (664 Meadow Rose Court) are proposing the construction of a detached garage approximately 36 feet from the property line and removal of the trees between the proposed garage and the property line as indicated on the attached stormwater management plan. They are also proposing to plant additional trees to act as a screen. Township Staff reviewed the plans, files, and meeting minutes of record for Derry Woods and could not find anything that would allow disturbance in the buffer area. In accordance with consultation with the Solicitor, the owners of 664 Meadow Rose Court obtained releases from the Derry Woods and Stoney Run Homeowners Associations. Mr. Jon Sheppard spoke about the trees and obtaining the consent of his neighbors and HOA. Discussion ensued.

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Secretary Wyckoff made a motion authorizing disturbance of the buffer area adjacent to 664 Meadow Rose Court to the extent shown on the attached stormwater management plan, conditional upon the owners of 664 Meadow Rose Court planting trees as indicated on said plan. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

Authorization to execute a bid proposal for Groundwater Sampling and Analysis for the Landfill for calendar years 2024 and 2025:

Mr. Clark spoke about the five bid proposals they provided for the advertised bid solicitation for Groundwater Sampling and Analysis. They received one bid back for \$26,816 from Suburban Testing Labs. For 2025 they proposed a possible price increase to be consistent with the Producer Price Index. The funding has been allocated for this expense through the 2024 Solid Waste Fund.

Chairman Abruzzo made a motion authorizing the contract for the Groundwater Sampling and Analysis be awarded to Suburban Testing Labs in the amount of \$26,816 for 2024 and pricing as proposed for 2025. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

SUPERVISOR BOARD/COMMITTEE REPORTS

Vice Chairwoman Nutt and Supervisor Zmuda attended the Transportation meeting today. They spoke about projects, events, Pedestrian items for Chocolate and Ridge, DTMA projects and ways to help with traffic. She and Chairman Abruzzo attended the Library Board meeting. Supervisors Wyckoff and Corado attended the DTMA meeting where they reorganized, were provided updates on projects and spoke of grants being applied for to help with the cost of projects. Chairman Abruzzo attended the Endowment Board where they approved projects, spoke of loaning programs including video games and household items.

DEPARTMENTAL REPORTS

Police Department

Chief Warner spoke about the February 3 Bears game where they will be honoring First Responders. There will be a Charity game where the proceeds will go to help families of fallen officers. He noted 124 officers were killed in 2023. Five of them from PA.

Public Works

Mr. Clark spoke about repairs from the snow events and the restocking of salt.

Library

Mrs. Jacobine spoke about upcoming events for the Library.

Parks & Recreation

Mr. Jackson stated they are preparing for hiring lifeguards for the summer.

Township Engineer

Mr. Stump and Vice Chairwoman Nutt spoke about the upcoming changes to Chocolate and Ridge Roads that include delayed light changes for pedestrian traffic and no turn on red.

Community Development

Mr. Emerick spoke about the physical therapy text amendment and if it could be forwarded to the Planning Commission for their February meeting and schedule a Public Hearing on February 27. The Board was okay with moving forward. He discussed two public hearings for each of the February

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meetings.

VISITOR/PUBLIC COMMENTS

Mr. Tom Petrisko spoke about his frustration with Waste Management. His trash was not picked up and when he called them he received a recording. He called into the Township about it and was told to come to this meeting. He thinks Waste Management should provide a rebate when they do not pick up trash. Chairman Abruzzo spoke about finding out issues with Waste Management's distribution of service and communicating through the eNews.

ADJOURNMENT

Supervisor Zmuda made a motion to adjourn the meeting at 9 p.m. Vice Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Carter E. Wyckoff, Township Secretary