



## TOWNSHIP OF DERRY

### Board of Supervisors Meeting Minutes

Tuesday, June 11, 2024

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#### CALL TO ORDER

Chairman Abruzzo called the June 11, 2024, 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 minutes. An Executive Session was held before the meeting where legal and personnel matters were discussed. After the Pledge of Allegiance, a roll call was performed. Supervisor Nutt was absent with excuse.

#### ROLL CALL

##### SUPERVISORS PRESENT:

E. Christopher Abruzzo  
Carter E. Wyckoff  
Michael P. Corado  
Richard D. Zmuda

##### ABSENT:

Natalie L. Nutt

##### ALSO PRESENT:

Christopher S. Christman, Township Manager  
Peter Nelson, Township Solicitor  
Garth Warner, Chief of Police Department  
David Habig, Assistant Director of Community Development  
Greg Watts, Assistant Director of Public Works  
Zachary Jackson, Director of Parks & Recreation  
David Sassaman, Hershey Volunteer Fire Department  
Ryan Cummings, HRG Engineer  
Lynn Dawson, Recording Secretary

#### Public in Attendance:

Chris Koonz, Daryl Barry, Matt Connor, Beth Connor, Meg Walter, Rich Gamble, Bill Moffett, Jeff Stover, Bob Davis

#### VISITOR/PUBLIC COMMENTS

Megan Walter, 1669 East Derry Road, sent an email to Mr. Christman, Mr. Emerick and Chairman Abruzzo regarding zoning ordinances relating to a neighbor spraying graffiti on fencing, but at this point, did not receive an email response. Ms. Walter asked for a response to her concern with Chairman Abruzzo then having a discussion as to whether the situation was a criminal matter or a zoning ordinance issue. Chairman Abruzzo requested Chief Warner to discuss the concern with Ms. Walter outside the conference room for future follow-up as well as review reporting options.

Robert Davis, 1768 Church Road, discussed the speeding concerns on Church Road and his overall concern that the issue is not being addressed. Mr. Davis asked the Board to consider installing speed tables. Daryl Barry, 1769 Church Road, discussed his concerns with the speeding on Church Road and requested the Board to consider installing speed tables. Mr. Barry shared personal observations of speeding and unlawful driving activity during school bus pick-up on Church Road. Chairman Abruzzo stated Derry Township will be initiating a traffic safety enforcement unit in the near future and Church

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Road will get attention with this team. Chairman Abruzzo also shared that they have not ruled out speed tables but had hoped speeding behaviors would have changed prior to this.

### **CONSENT CALENDAR**

**Adoption of the Board of Supervisors Meeting Minutes for the May 28, 2024 6:30 PM Public Hearing.**

**Adoption of the Board of Supervisors Meeting Minutes for the May 28, 2024 7:00 PM Regular Meeting.**

**Release of the financial security provided for the Stormwater Management Plan for 333 Beech Avenue, S-2023-010.**

The Board of Supervisors authorizes the release of financial security in the amount of \$19,190.00, which had been provided as cash for the Stormwater Management Plan for 333 Beech Avenue, S-2023-010.

**Approval of June 11, 2024 Accounts Payable of \$301,034.43 and June 7, 2024 Payroll of \$457,482.60.**

Supervisor Wyckoff made a motion to approve all items on the Consent Calendar. Supervisor Corado seconded the motion. **Motion carried 4-0.**

### **NEW BUSINESS**

**Consideration of awarding a bid for the Chocolate Town Square Park Renovation Project (C. Christman)**

Mr. Christman shared details relating to the bid advertising for the renovation of Chocolate Town Square Park for the construction of a Veterans Memorial and Pavilion, which was approved at the Board's meeting on April 23, 2024.

The Township received six (6) bids ranked in the following order:

1. Harnden Construction Services, Inc. - \$1,056,650.00
2. Rogele, Inc. - \$1,095,590.00
3. Doug Lamb Construction, Inc. - \$1,163,857.00
4. Wickersham Construction - \$1,178,884.20
5. Shiloh Paving & Excavating, Inc. - \$1,212,965.00
6. Greenland Construction, Inc. - \$1,271,000.00

Mr. Christman stated Harnden Construction Services, Inc. was the lowest qualified bidder. The anticipated completion and dedication are set for Veterans Day - 2024, which is November 11, 2024.

Chairman Abruzzo asked Ryan Cummings (HRG) about donations received at this point and whether or not the funds will come out of the total expense for the project. Chairman Abruzzo shared Hershey Entertainment has interest in contributing to the project via a donation. Mr. Cummings confirmed that the donations received are not noted in the overall bid as far as a deduction in cost at this point. Chairman Abruzzo also asked to confirm the naming of the park, as the rendering shows, "Veterans Memorial Plaza" but asked to verify that the Township was going to continue with the name "Court of

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Honor” from the original plaza. Chairman Abruzzo asked Mr. Cummings to take this as an action item for follow-up.

Mr. Christman followed up on the discussion relating to donations for the project and stated any donations received would be used to offset the debt service associated with the project.

Chairman Abruzzo asked when the project would begin, with Mr. Cummings responding there would be a 15-day window for paperwork processing and review with HRG and the Township Solicitor. When both are in agreement, HRG will issue a notice to proceed with Harnden Construction. Chairman Abruzzo asked if it would be feasible to have an initial meeting in place within 30 days with the contractor. Mr. Cummings confirmed this would be appropriate as far as timing.

Supervisor Corado moved that the Board of Supervisors award the Chocolate Town Square Park Renovation Project to Harnden Construction Services, Inc. in the amount of \$1,056,650.00 as per the recommendation of the Township Engineer's letter dated June 06, 2024. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

### **Consideration of sixth time extension for conditional approval of the Preliminary/Final Land Development Plan for 1106 Cocoa Avenue for Nagillum Properties, LLC, Plat 1333. (D. Habig)**

Mr. Habig shared The Board of Supervisors initially approved Plat 1333 on January 4, 2021, conditional upon several items being addressed by the applicant no later than July 4, 2021. The Board granted the most recent extension request on December 19, 2023, subject to the outstanding conditions of approval being addressed no later than July 4, 2024. Mr. Habig further clarified, to date, only one of the ten conditions of the extended approval has been addressed and the applicant has requested a sixth extension of time, until January 4, 2025, to address the outstanding conditions of the December 19, 2023, extended approval, which proposes no changes to the details of the previously approved plan. Mr. Habig stated since the approval, the 2023 modifications to the Stormwater Management Ordinance may have required standardized details and some minor modifications but would not have changed the basic design. Recently adopted modifications to the Zoning Ordinance would change the side yard and rear yard setbacks from 5 feet to 10 feet, which would have a major impact on the proposed building and site layout.

Chris Koonz stated he is present along with the owners and are requesting an additional time extension. Mr. Koonz addressed the pending conditions stating they have been waiting on items from the Township since February 2024. Mr. Koonz further explained that one of the pending items from the Township is an item needed in order to move forward with the PennDOT HOP requirement, as PennDOT will not proceed until they have the signed right of way agreement.

Chairman Abruzzo discussed the setback change and if the Board will need to make an exception to this plan or if the wording in the fifth agreement would be sufficient as far as the amendments made at the time. Mr. Koonz agreed with Chairman Abruzzo, but wanted to reiterate that they made a request with the Township on February 16, 2024, to proceed with the agreements prepared by the Solicitor, with follow-up communication made in March and April 2024, but have not received the information and stated it was out of his control. Mr. Habig stated Mr. Armstrong is currently working on the review of the agreements in question. Mr. Koonz stated if he had the agreements/documents earlier, they would have been able to move forward with the current deadline of July 4, 2024. Chairman Abruzzo and Mr. Habig had conversation about the setback ordinance and that it was more applicable to residential properties and not commercial properties such as the one in question.

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Supervisor Zmuda addressed the overall three-year delay and his concern with the repeated extension requests. Owner, Bill Moffett, Lamp Post Lane, Hershey, shared personal issues during the timeframe of the extensions which prevented him from being able to finalize financial requests, but has since resolved the personal issues and would like to move forward with a new business partner. Chairman Abruzzo asked to confirm what was delayed at this point from the Township and the Solicitor. Mr. Koonz explained they are waiting on the financial security agreement and the deed of dedication. Mr. Koonz stated he would need one month from the time he received the items from the Township in order to finalize the financial security and title insurance. Chairman Abruzzo stated there are two current issues as to the approval of the extension and the new amendments for the zoning setbacks.

Chairman Abruzzo suggested allowing 45 calendar days from the date of receiving the documents from the Township in order to finalize all conditions of the agreement. Supervisor Zmuda shared his hesitation due to this being a sixth extension request.

Chairman Abruzzo made a motion of approval of the Preliminary/Final Land Development Plan for 1106 Cocoa Avenue for Nagillum Properties, LLC, Plat 1333, is extended to 45 calendar days from the date received the necessary information from the Township to move forward with the project, subject to compliance with items 1 through 10 under the *Department Head Recommendation* section of this agenda item. Supervisor Wyckoff seconded the motion. **Motion approved 4-0.**

### **Preliminary discussion regarding the vacation of East Granada Avenue from “H” Street to East Caracas Avenue. (D. Habig)**

Mr. Habig explained previously on August 27, 2002, the Township adopted Ordinance No. 509, vacating a portion of East Granada Avenue, after holding a public hearing for the vacation on June 25, 2002. The vacated portion of roadway is 50 feet wide and approximately 750 feet long. This vacation was requested by the then-owners of the former middle school property so they could utilize some of the right-of-way for parking to support the conversion of the middle school property to commercial uses. However, in review, it appears as though there is no record of the vacation request being recorded.

Mr. Nelson stated with the 22-year delay and the lack of recording, it was determined by the Township staff and Mr. Armstrong that the best course would be to redo the vacation in part due to the Township receiving Liquid Fuels funding for the past 22 years. Mr. Nelson stated by starting the process over again, it would involve an active ordinance, providing notifications to a variety of stakeholders and if it is then vacated, that the vacation is properly recorded with the appropriate county and state entities that need to be notified. Mr. Nelson stated they are requesting an approval from the Board of Supervisors prior to initiating the process of vacation.

Township staff is seeking permission to proceed with the vacation of East Granada Avenue from “H” Street to East Caracas Avenue. Chairman Abruzzo confirmed the Board of Supervisors is in favor of moving forward, as no formal motion is required.

### **SUPERVISOR BOARD/COMMITTEE REPORTS**

No items to report.

### **DEPARTMENTAL REPORTS**

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### **Police Department**

Chief Warner shared with the Board of Supervisors that they will have four new officers to swear in at the next meeting on June 25, 2024.

### **Hershey Volunteer Fire Department**

Mr. Sassaman shared they had 73 calls for the month and discussed an update on their apparatus timing.

### **Public Works**

Mr. Watts discussed control measures initiated this month in trees along Cocoa Avenue, in the vicinity of the Library and Parks & Recreation as well as spotted lantern fly hot spot treatments. We are working with NRG on a plan, timeline and price quotes for the replacement of aging rooftops for the Police Department and the Administration building. Maintenance roadwork is moving forward on Keefer Road, Boathouse Road, and Shopes Church. Mr. Watts shared an update on the roadway milling project, stating they are approximately a half day off schedule. Chairman Abruzzo stated he was notified by a citizen that a tree recently started to cover the stop sign at Beech and Glenn Roads and asked if Mr. Watts could check on this. Mr. Watts responded he would address this. Chairman Abruzzo thanked the Public Works team for their efforts relating to recent sinkhole activity in the Jacobs Creek area.

### **Township Manager**

Mr. Christman attended the recent St. Joan of Arc festival and shared it was a positive and fun experience for all attendees.

### **VISITOR/PUBLIC COMMENTS**

No comments.

### **ADJOURNMENT**

Supervisor Zmuda made a motion to adjourn the meeting at 7:54 p.m. Supervisor Corado seconded the motion. **Motion carried. 4-0.**

### **SUBMITTED BY:**

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Carter E. Wyckoff, Township Secretary