



## TOWNSHIP OF DERRY

### Board of Supervisors Meeting Minutes

Tuesday, June 25, 2024

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#### CALL TO ORDER

Vice Chairwoman Nutt called the June 25, 2024, Regular Meeting of the Township of Derry Board of Supervisors to order at 7:10 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. She advised that all public meetings are recorded for providing accurate notes. She announced there was a public hearing at 6 p.m to discuss a conditional use application on Bullfrog Valley Road. An Executive Session was held before the public hearing. After the Pledge of Allegiance, a roll call was performed. Chairman Abruzzo was absent with excuse.

#### ROLL CALL

##### SUPERVISORS PRESENT:

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  
Garth Warner, Chief of Police Department  
Alison Jacobine, Director of Hershey Public Library  
Zachary Jackson, Director of Parks & Recreation  
Tom Clark, Director of Public Works  
Lynn Dawson, Recording Secretary  
Corinne Cook, HRG Engineer

##### ABSENT:

E. Christopher Abruzzo

#### Public in Attendance:

Rich Gamble, Ken Gall, Meghan Walter, Amanda Riley, Chris Miller, Gerri Miller, Mike Taylor, Jennifer Taylor, Al Fricke

#### VISITOR/PUBLIC COMMENTS

Meg Walter, 1669 East Derry Road, discussed an unkempt property at 1715 East Chocolate Avenue, that she addressed previously in September 2023. Ms. Walter stated she previously presented photos showing a tree down and the overall state of the property, both through a Board of Supervisors meeting and an email to Mr. Christman. Ms. Walter asked if there were zoning ordinances relating to homeowners having their property in a state of disarray. She stated that the tree has been down since July 2023. Ms. Walter also shared the safety issues of the one-way road, Miller Avenue. Drivers are traveling against the one-way pattern on a consistent basis. Vice Chairwoman Nutt and Solicitor Armstrong responded that the Township will review the items Ms. Walter shared with the Board.

Barry Buck shared his concerns relating to Division Street, via a hardcopy account of details (included in these minutes) with Vice Chairwoman Nutt, just prior to the start of the meeting.

[06252004 BOS Resident Barry Buck detail](#)

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### CONSENT CALENDAR

**Adoption of the Board of Supervisors Meeting Minutes for the May 10, 2024 10:00 AM Special Workshop Meeting.**

**Adoption of the Board of Supervisors Meeting Minutes for the June 11, 2024 7:00 PM Regular Meeting.**

**Release of remaining balance of the financial security provided for the Stormwater Management and Erosion and Sediment Pollution Control Plan for 420 West Granada Avenue, S-2023-016.**

The Board of Supervisors authorizes the release of the remaining balance (\$1,347.00) of the cash financial security provided for the Stormwater Management and Erosion and Sediment Pollution Control Plan for 420 West Granada Avenue, S-2023-016.

**Approval of June 25, 2024 Accounts Payable of \$171,137.45 and June 21, 2024 Payroll of \$376,676.40.**

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

### NEW BUSINESS

**Swearing in of newest Police Officers. (G. Warner)**

Chief Warner introduced the following four new police officers with Derry Township Police Department. Vice Chairwoman Nutt swore in each of the four police officers:

- Adam Humphrey joins the department as a Police Officer after most recently serving the Derry Township Police Department as a Community Service Officer, a position he held for the past three years. Mr. Humphrey is a graduate of Susquenita High School in Duncannon and holds a bachelor's degree in criminal justice from Penn State.
- Austin Taylor joins the department as a Police Officer after most recently serving Dauphin County as a Probation and Parole Officer, a position he held for the past two years. Mr. Taylor is a graduate of Boiling Springs High School in Boiling Springs and holds a bachelor's degree in criminal justice from Shippensburg University.
- Trevor Myers joins the department as a Police Officer after most recently serving in the insurance industry for a year. Mr. Myers is a graduate of Middletown Area High School in Middletown.
- Kyle Hoffman joins the department as a Police Officer after most recently serving as an apprentice electrician in the construction business, a position he held for the past five years. Mr. Hoffman is a graduate of West York High School in York.

Chief Warner stated all four officers will be enrolled in the upcoming Act 120 Police Academy at Harrisburg Area Community College, starting in July 2024.

**Consideration of adoption of Ordinance No. 2024-04, approving the reconveyance and sale of the property located at 10 West Chocolate Avenue to Hershey Trust Company, and authorizing the execution of the deed of reconveyance associated therewith pursuant to 53 P.S. §66503(f) and in accordance with the February 20, 2024 Court Order. (P. Armstrong)**

Solicitor Armstrong provided the background of when the Township acquired the property at 10 West

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Chocolate Avenue (eastern portion of this property) from Hershey Trust Company in 2014 for \$36,000. It did so by way of a deed in lieu of condemnation, with the intent to use the property for a public area known as Chocolatetown Square Park East. The Township no longer has a desire to develop the property and, at the request of Hershey Trust Company, is following the necessary steps to convey the land back to them. In June 2023, the Board of Supervisors authorized the preparation and filing of a petition to secure approval to reconvey the property located at 10 West Chocolate Avenue to Hershey Trust Company, for an amount consistent with the appraisal of \$60,000. The reconveyance was approved by the Dauphin County Court of Common Pleas dated February 20, 2024. Ordinance No. 2024-04, if adopted, will permit the reconveyance of the property for the sum of \$60,000.

Supervisor Zmuda questioned whether the sale of the property had language included to keep the property in a 'park-like' atmosphere, with Solicitor Armstrong responding the reconveyance had this language included within the ordinance.

Supervisor Wyckoff made a motion to approve Ordinance No. 2024-04 approving the reconveyance and sale of the property located at 10 West Chocolate Avenue to Hershey Trust Company and authorize the execution of the deed of reconveyance associated therewith. Supervisor Corado seconded the motion. **Motion carried 4-0.**

### **Requesting Authorization to Advertise for the Solicitation of Bids to Replace the Hershey Public Library's Air Conditioning System. (A. Jacobine)**

Ms. Jacobine stated at the Board's June 13, 2023, meeting the Supervisors authorized the expense of an engineer to design the new air conditioning system for the library to replace the current system. A full public bidding package for the project was created. Ms. Jacobine shared the Supervisors would be authorizing the advertising and letting of bids if they did not have any changes to the proposed bid package. The documents will be posted on Moore Engineering's website on July 11, 2024, and following the public solicitation of bids, the Supervisors will review and award the project to the lowest qualified and responsible bidder. The funding for this project will be provided by two separate grants obtained by the library and the difference will be covered in previously earmarked budgetary funds in the capital line items.

Vice Chairwoman Nutt made a motion that the Board of Supervisors authorize the preparation of a legal advertisement for the solicitation of bids for the library's air conditioner replacement project. Supervisor Zmuda seconded the motion. **Motion carried 4-0.**

### **Consideration of Resolution 2024-16 - Supporting the Pennsylvania Commission for the United States Semiquincentennial (AMERICA250PA). (C. Christman)**

Mr. Christman shared details relating to the Pennsylvania Commission for the United States Semiquincentennial (known as America250PA). This commission was established by the legislature and Governor in 2018 to plan, encourage, develop and coordinate the commemoration of the 250th anniversary of the founding of the United States, Pennsylvania's integral role in that event, and the impact of its people on the nation's past, present, and future. America250PA hopes to engage all citizens of the Commonwealth, from all 67 counties, bring the Commonwealth's history into the conversation so Pennsylvanians can better understand the origins and multiple perspectives of issues facing our Commonwealth and nation today, use history to encourage and inspire future leaders, celebrate the contributions of Pennsylvanians to our Commonwealth's history but also to our Nation's

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history, leave a lasting impact on the next generation and to spark an interest in which will ignite the drive for them to appreciate all the triumphs, trials and tribulations to which contributed to the Commonwealth for which they are now writing their own history.

Mr. Christman further shared before the Board is a resolution establishing Derry Township's support of America250PA's mission to usher in the 250th Anniversary of the founding of the United States of America and Pennsylvania's part in that effort - past, present and future.

Supervisor Wyckoff moved that the Board of Supervisors adopt Resolution 2024-16 - supporting the Pennsylvania Commission for the United States Semiquincentennial (AMERICA250PA). Supervisor Corado seconded the motion. **Motion carried 4-0.**

### **Authorization to request placing an order for a new Western Star 47X Stainless Steel Dump Body Truck with snowplow and tailgate salt spreader for the department of Public Works. (T. Clark)**

Mr. Clark shared his request for authorization to place an order for a new Western Star 47X Stainless Steel Dump Body Truck at the cost of \$245,547 as well as the additional quote from Stephenson Equipment, Inc. for the upfit of the snowplow and tailgate salt spreader for \$113,450. This request is for the 2025 budget and we are requesting an early consideration in response to the current climate of the vehicle industry within the past four to five years, where order windows are needed. With the approval now, Mr. Clark shared the item requested will be available in the spring/summer timeframe of 2025. Mr. Clark further explained the Township went through a similar ordering window process last year with a successful final preparation date of the vehicle being ready for Township use. By having an additional dump truck, Mr. Clark confirmed they will be able to further divide snowplow routes within the township, to improve service levels. Supervisor Corado questioned when the vehicle will be paid, to which Mr. Clark responded it will be next year, 2025, and also confirmed a deposit will not be needed for the early window ordering process.

Supervisor Corado made a motion that the Board of Supervisors grant the request to place an order for a new Western Star 47X Stainless Steel Dump Body Truck with snowplow and tailgate salt spreader be granted to ensure receipt of the equipment in a timely manner in 2025. Supervisor Zmuda seconded the motion. **Motion approved 4-0.**

### **Consideration to authorize the advertisement to sell Township owned property. (T. Clark)**

Mr. Clark shared that the Public Works department has several vehicles and pieces of equipment (two mowers, a Chevy dump truck, an old police car utilized recently for Public Works transportation needs, and a Ford dump truck taken out of service last year) which they would like to advertise for sale and to allow consideration for the Public Works department to include additional equipment as discovered.

Supervisor Corado made a motion that the request to advertise for the sale of Township owned property by use of an online public auction is hereby approved by the Board of Supervisors. Supervisor Wyckoff seconded the motion. **Motion approved 4-0.**

### **Request to conduct the 33rd Annual Ben & Tim Day 5k race on Saturday, August 24, 2024, starting at 9:00 am. (G. Warner)**

Chief Warner requested approval to conduct the 33rd Annual Ben & Tim Day 5k race on Saturday, August 24, 2024, starting at 9:00 am, with the event starting and ending at Hershey High School, as

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per the initial request made by organizer, Al Fricke. Roadways involved in the race will be Homestead Road, East Caracas Avenue, Para Avenue, Meadow Lane, Homestead Lane and Red Oak Lane. Chief Warner shared roadways will be closed during this event for the safety of the participants and all closure points will be manned, with the route this year being the same as past years. Residents and others looking to access or leave places within the race route will be allowed when it is safe to do so. Chief Warner stated most assigned posts will be manned by on-duty Police, Community Service Officers, Special Fire Police and Milton Hershey School Security; however, overtime coverage may be needed, with the event organizer being aware of the Township's reimbursement policy and has indicated their understanding and acceptance of the policy. Chief Warner shared they have had only minor issues in the past relating to this event and event organizer, Mr. Fricke, was present to answer any potential questions/concerns.

Supervisor Zmuda made a motion that the request to conduct the 2024 Ben & Tim Day 5K race on Saturday, August 24, 2024, starting at 9:00 am, over various Township roadways on a route approved by the Derry Township Police Department be hereby approved. Vice Chairwoman Nutt seconded the motion. **Motion carried 4-0.**

### **Acceptance of financial security for the Stormwater Management Plan for 14 East Chocolate Avenue, S-2023-021. (J. Stumpf/C. Emerick)**

Mr. Emerick stated the applicant is Milton Hershey School and per Section 174-28.A of the Township's Stormwater Management Ordinance, financial security is required for the timely installation and proper construction of all stormwater management controls as required by the approved stormwater management plan. Mr. Emerick further explained that the plan was submitted to detail the design of stormwater management facilities for renovations to the property at 14 East Chocolate Avenue, with HRG, Inc. reviewed the cost estimate prepared by the applicant's engineer and recommended that financial security in the amount of \$1,391,816 was to be provided. Mr. Emerick confirmed the applicant has provided the security in the form of Travelers Casualty and Surety Company of America Bond No. 107944675 and has entered into the Township's standard Agreement to Provide Financial Security to Guarantee Completion of Improvements Required by a Stormwater Management Site Plan and Report

Supervisor Wyckoff made a motion that the Board of Supervisors accepts financial security in the amount of \$1,391,816.00, in the form of Travelers Casualty and Surety Company of America Bond No. 107944675, and enters into the Agreement to Provide Financial Security with Milton Hershey School for the Stormwater Management Plan for 14 East Chocolate Avenue, S-2023-021. Supervisor Corado seconded the motion. **Motion carried 4-0.**

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

Supervisor Zmuda stated he attended a Downtown Core Design Board (DCDB) meeting on June 24, 2024, where there were several items discussed. One item was Hidden Still requesting a concrete pad, grain storage, and signage, which the DCDB endorsed and passed on to the Board of Supervisors for review. Supervisor Zmuda also shared he attended a transportation discussion earlier in the day on June 25, 2024, where conversation was had relating to recent event traffic plaguing the Derry Township community and potential remediation efforts. Supervisor Zmuda commented on the Derry Township Municipal Authority (DTMA) work on the Ridge Road project, with recent bids being accepted and they will be involved in a future Board of Supervisors meeting to share further details and timing for the project. Supervisor Zmuda stated further review has been made relating to Church Road and speeding concerns, with the current plan of placing electronic speed signs in order to alert drivers of their current speed. The Waltonville roundabout was discussed with Supervisor Zmuda stating further truck signage will be improved, as well as further improvement to Route 743

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and Lingle Avenue with better visibility options during inclement weather. Lastly, Supervisor Zmuda discussed treatments to Chocolate Avenue to mitigate traffic flow concerns.

Supervisor Wyckoff discussed the June 24, 2024, Derry Township Municipal Authority (DTMA) meeting, where updates and upgrades to the storm water projects were discussed. DTMA recently received a \$4.2 million grant for the bio-solids facility. DTMA also received a \$10M loan with a 1.74% interest rate for five years. Their financial audit was recently reviewed and approved with no issues.

Vice Chairwoman Nutt commented on the newly sworn in officers and the future creation of the traffic safety unit.

### **DEPARTMENTAL REPORTS**

#### **Police Department**

Chief Warner further discussed the new officers sworn in during the meeting and how this will assist in the forward movement of the creation of the traffic safety unit. The majority of their work will be to address these concerns, but also will be utilized for educational purposes to educate young drivers, complete traffic safety studies and assist with crash incidents. The department currently has three crash reconstructionists, and we will be adding two additional to be certified in this area. Vice Chairwoman Nutt asked about the timeline for the initiation of the traffic safety unit. Chief Warner stated the new officers will finish the Academy training in December and will then begin eight weeks of field training. The department will work toward starting up the unit prior to the end of the field training.

#### **Public Works**

Mr. Clark shared outside contractors have been working on the roadways over the past two weeks on Northeast Drive, East Derry Road, and Clark Road, with milling and repaving completed. Another contractor took care of similar work on Boathouse Road, Kieffer Road, and Shopes Church Road.

#### **Library**

Ms. Jacobine shared a reminder that the library will be closed on Thursday, July 4, 2024. Ms. Jacobine also discussed their Teen Tuesday program, weekly at 3 p.m., as well as a program Thursdays at 10:15 a.m., where teens are trained to read to younger children.

#### **Parks & Recreation**

Mr. Jackson shared they will have their first drive-in movie on Friday, July 12, 2024, at Shank Park, showing DC League of Super Pets, beginning at dusk. Additional drive-in movies will be held on August 16 and September 6. All drive-in movies are free for attendance.

#### **Township Manager**

Mr. Christman stated they will be having a department head meeting on June 26, 2024, at 9 a.m. Mr. Christman shared his congratulations to the Hershey Bears for winning the Calder Cup the night prior to the Board meeting.

### **VISITOR/PUBLIC COMMENTS**

No comments.

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**ADJOURNMENT**

Supervisor Zmuda made a motion to adjourn the meeting at 8:09 p.m. Vice Chairwoman Nutt seconded the motion. **Motion carried 4-0.**

**SUBMITTED BY:**

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Carter E. Wyckoff, Township Secretary

## Deplorable Division Street.

Division Street, which splits Hummelstown Boro and Derry Township is one of the most deplorable streets in either jurisdiction. I have tried for two years now to have Derry Twp. repave that street with no actual results. Two years ago I contacted Tom Clark of Derry Twp. relative the possibility of having it repaved. That was in the late summer of 2022. This was also after several roads and streets in the township were in the process of being paved that were not in as bad a shape as Division St. He informed me there was no money in the budget at that time but he would bring it up for the 2023 budget. I again called after the 2023 budget was in the works and he told me it would be patched, NOT repaved, in the summer of 2023. In the summer of 2023 there was patchwork done at the intersection of Division St., Quarry Rd. and Waltonville Rd. Also, work done at the intersection of Prospect St. and Division St. where a large sink hole had developed around the sewer line previously that had been patched. The intersection of Division, Quarry, and Waltonville was no better as far as jarring passengers in a vehicle traversing that area than it had been before repaving.

I even suggested at a township meeting that perhaps the township could approach Lower Dauphin School District for monetary assistance since approx. 100 school buses travel through that intersection on a daily basis which greatly adds to the wear and tear on the roadway. If anyone takes the time to travel over Division St. at the appropriate speed limit (which by the way few really do) they are jostled around from beginning to end. Again, if anyone takes the time they can count at the very least 16 different patches to the roadway including two that run the entire two blocks from Water St. to Quarry Rd. One was for sewer over a dozen years ago and the other for water the line update several years ago. Now, with the advent of the roundabout out Waltonville Rd., Division St. has become a thoroughfare over to Hanover St. since people don't want to travel a half mile out of their way to come back to Hanover St. after traversing the circle.

Division St. was first open between Prospect St. and Quarry Rd. around 1958 when Lower Dauphin School District started building their middle/high school. Before that it was a gravel road that only went about 150 feet east from Prospect St. and dead ended. Since it was opened, not a single improvement has been made, only ruinous digging ups. The street actually is only about one-fourth to one-third in the borough since splitting it equally would have meant the borough side would have gone virtually up to the front doors of the homes in the borough so additional footage was taken from those homes on the township side. Perhaps the borough, township, and school district could get together and fund the needed repairs. Derry Township just advertised about nine new repaving projects in the township none of which are as old or in as poor condition as Division St.

Barry Buck