



## **TOWNSHIP OF DERRY**

### **Board of Supervisors Meeting Minutes**

**Tuesday, November 26, 2024**

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#### **EXECUTIVE SESSION 6:00 PM**

#### **CALL TO ORDER**

Chairwoman Nutt called the November 26, 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. She advised that all public meetings are recorded for providing accurate minutes. An Executive Session was held before the meeting. After the Pledge of Allegiance, a roll call was performed.

#### **ROLL CALL**

##### **SUPERVISORS PRESENT:**

Natalie L. Nutt  
Carter E. Wyckoff  
Michael P. Corado  
Richard D. Zmuda  
Dominic V. Giovanniello

##### **ALSO PRESENT:**

Christopher S. Christman, Township Manager  
Patrick Armstrong, Township Solicitor  
Zachary Jackson, Assistant Township Manager  
Garth Warner, Chief of Police Department  
Chuck Emerick, Director of Community Development  
Tom Clark, Director of Public Works  
Alison Jacobine, Director of Hershey Public Library  
Amy Walker, Director of Parks & Recreation  
Becky Sweigart, Public Outreach Coordinator  
Rodney Sonderman, Hershey Volunteer Fire Company  
Lynn Dawson, Recording Secretary  
Ryan Cummings, HRG Engineer

##### **ABSENT:**

#### **Public in Attendance:**

Jerel Hopkins, Chris Brown, George Porter, Mark Brace, Holly Evans, James Hartman, Rich Gamble, Ray Brace, Mark Hackenberg, Craig Mellott, Jake Krieger, Wayne Pecht, Dan Clough, Melanie Boehner, Marybeth Lavery, Kevin Ferguson

#### **VISITOR/PUBLIC COMMENTS**

There were no public comments offered.

#### **CONSENT CALENDAR**

**Adoption of the Board of Supervisors Meeting Minutes for the November 12, 2024 5:30 PM Budget Hearing.**

**Adoption of the Board of Supervisors Meeting Minutes for the November 12, 2024 7:00 PM Regular Meeting.**

**Release of remaining balance of the financial security provided for the Stormwater**

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**Management Plan for Lenzo Property (820 Grandview Drive), S-2023-002.**

The Board of Supervisors authorizes the release of the remaining balance (\$14,183.00) of the financial security provided in the form of First National Bank of Pennsylvania Letter of Credit No. 3919 for the Stormwater Management Plan for Lenzo Property (820 Grandview Drive), S-2023-002.

Supervisor Zmuda made a motion to approve all items on the Consent Calendar.

**Reduction of the performance security provided for the Preliminary/Final Subdivision and Land Development Plan for Fox Glen Drive, Plat 1313.**

The Board of Supervisors authorizes the release of \$75,561.00 from the performance security provided as Harco National Insurance Company Bond No. 0768489 for the Preliminary/Final Subdivision and Land Development Plan for Fox Glen Drive, Plat 1313, resulting in a new balance of \$103,199.00.

**Approval of November 26, 2024 Accounts Payable of \$1,704,308.98 and November 22, 2024 Payroll of \$399,068.85.**

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

**NEW BUSINESS**

**Consideration of Adoption of Ordinance 2024 - 07 - Amending Chapter 189, Taxation, Article VII, Occupation Tax, of the Derry Township Code of Ordinances, Reaffirming and Levying an Occupation Tax and Amending certain provisions governing the Occupation Tax. (C. Christman/P. Armstrong)**

Mr. Christman provided background, stating the consideration of adoption was reviewed in a recent meeting and was approved to be advertised. It has since been duly advertised and is in now in a position for the Board to adopt. Both the Township Solicitor and Keystone Collections recommended the amendment for a stronger definition for "Occupation", as well as closing an existing exemption loophole in the ordinance.

Supervisor Corado made a motion that the Board of Supervisors adopt Ordinance 2024 - 07 - Amending Chapter 189, Taxation, Article VII, Occupation Tax, of the Derry Township Code of Ordinances, Reaffirming and Levying an Occupation Tax and Amending certain provisions governing the Occupation Tax. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

**Consideration of Resolution No. 2024-22 - Assessment of the cost and expense of the maintenance of streetlights for various streets within the Township of Derry. (M. Breckenmaker/C. Christman)**

Mr. Christman noted each year Derry Township is required to set the streetlight tax in the anticipation of the 2025 budget. The resolution before the Board sets the rate at 15%. He stated the final budget will be presented to the Board for approval at the December 10, 2024, Board Meeting.

Supervisor Zmuda made a motion that Resolution No. 2024-22 - the assessment of the cost and expense of the maintenance of streetlights for various streets within the Township of Derry is hereby approved. Supervisor Corado seconded the motion. **Motion carried 5-0.**

**Consideration of Resolution No. 2024-23 - A Resolution of the Township of Derry, Dauphin County, Commonwealth of Pennsylvania, Establishing the Meeting Dates of the Board of**

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### **Supervisors of the Township of Derry for the Year 2025. (C. Christman)**

Chairwoman Nutt noted the scheduled 2025 Board of Supervisors meeting dates and confirmed the information would be shared online after approval.

Supervisor Giovanniello made a motion that the Board of Supervisors approve Resolution No. 2024-23 establishing the meeting dates for the Board of Supervisors for Calendar Year 2025. Supervisor Corado seconded the motion. **Motion carried 5-0.**

### **Consideration of Resolution 2024-24 - Authorizing Application to the Commonwealth Financing Authority - Statewide LSA Grant Program to Request Funding for ADA Ramp Improvements Throughout Various Areas of Derry Township. (C. Christman/T. Clark)**

Mr. Christman recapped that the Administration and Public Works are in the process of identifying and replacing ADA ramps throughout various areas within Derry Township. Funding has been made available through the Commonwealth Financing Authority's Statewide Local Share Account to help fund or offset project costs. Twenty-seven ADA ramps have been identified for rehab/replacement with a total project cost of \$182,477. The Township is not required to provide a match; however, providing some form of match will make this application more competitive for grant approval. Due to this, the Administration is recommending using estimated engineering costs for the project as its match, which exceeds 10% of the project cost or an amount equivalent to \$2,753.

Mr. Clark confirmed the ramps will be installed in Southpoint and Briarcrest Gardens. The ramps will be installed in 2025, which will be ahead of the 2026 paving project start date. He confirmed this is a similar plan for the next six years for ramp installation within the township, prior to paving coordination.

Chairwoman Nutt made a motion that the Board of Supervisors approve Resolution 2024 - 24 - Authorizing Application to the Commonwealth Financing Authority - Statewide LSA Grant Program to Request Funding for ADA Ramp Improvements Throughout Various Areas of Derry Township. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

### **Consideration of fourth time extension for conditional approval of the Final Subdivision and Land Development Plan for Hershey West End – Final Phase J, Plat 1361. (C. Emerick)**

Mr. Emerick spoke to the plan for Hershey West End – Final Phase J, Plat 1361, which is approximately 12 acres of the 245-acre Hershey West End site. This plan proposes the development of 336 apartment units and 12 single-family attached townhouse units. The single-family attached dwellings and multi-family apartments were authorized by conditional use application. He noted other amenities in Phase J include a dog park, an extension of the trail system, and a private swimming pool and pool house.

The Board of Supervisors originally approved Plat 1361 on December 6, 2022, conditional upon several items being addressed by the applicant no later than June 6, 2023. The Board granted the most recent extension request on May 14, 2024, subject to the outstanding conditions of approval being addressed no later than December 30, 2024. The applicant, by way of their consultant, has requested a fourth extension of time, until June 27, 2025, to address the outstanding conditions of the May 14, 2024, extended approval. Mr. Emerick stated the fourth extension request proposes no changes to the details of the previously approved plan or to the waivers that were granted.

Chairwoman Nutt discussed the issues from the previous discussion in May 2024, she noted many

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concerns and hesitations were discussed relating to the issues. She added, in recent months, open conversations took place, specifically relating to adding more green space, significantly increasing home ownership opportunities, and assuring any real estate opportunities align with community needs and provide opportunities for local business participation. She stated she felt confident in granting an additional extension. Supervisor Zmuda shared his hesitation at the time of the project discussion in May 2024, but agrees with Chairwoman Nutt relating to the current state of the project and the extension. Supervisor Wyckoff stated he's looking forward to seeing future concepts showing fewer rentals, more green space and overall decrease in density.

Supervisor Wyckoff made a motion for the approval of the Final Subdivision and Land Development Plan for Hershey West End – Final Phase J, Plat 1361, is extended to June 27, 2025, subject to compliance with items '1' through 13' in the *Department Head Recommendation* section of this agenda item. Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

### **Consideration of second time extension for conditional approval of the Preliminary/Final Land Development Plan for MHS Family Center, Plat 1382. (C. Emerick)**

Mr. Emerick stated this project will involve 2 acres of the 2,786 acres of land of the Milton Hershey School campus. Through the proposed addition and interior renovations, the Highland Student Home will be converted into a Family Center accommodating 8 employees and providing 11 visiting rooms and a 1,150 square-foot conference space, and accessible by an existing driveway from Meadow Lane.

The Board of Supervisors initially approved Plat 1382 on March 12, 2024, conditional upon several items being addressed by the applicant. The Board granted a prior extension request on August 27, 2024, subject to the outstanding conditions of approval being addressed no later than December 11, 2024. To date, Conditions 1, 3, 4, and 6 of the extended approval have been addressed. The applicant has requested a second extension of time until March 11, 2025, to address the outstanding conditions of approval. Mr. Emerick noted the second extension request proposes no changes to the details of the previously approved plan.

Chairwoman Nutt made a motion for the approval of the Preliminary/Final Land Development Plan for MHS Family Center, Plat 1382, is extended to March 11, 2025, 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.**

### **The Preliminary/Final Subdivision Plan for Crystal A Drive – Tract A, Plat 1386. (C. Emerick)**

Mr. Emerick stated Plat 1386 is being processed to further subdivide Tract A which was created by Plats 1283 and 1319. He noted Plat 1386 proposes to create two lots. Tract A1 will be 8.04 acres in area and will contain the 17,100-square-foot Global Customer Insights Center building owned by The Hershey Company. Tract A1 will maintain frontage along Sand Beach Road with vehicular access provided by Crystal A Drive, which is a private road. Tract A2 will be 44.22 acres and is presently vacant land, with the exception of the site's nature trail. Tract A2 will contain frontage along Sand Beach Road and Kieffer Road, with access provided by Crystal A Drive. No new development or improvements are proposed for either of the tracts represented on the plan at this time. He noted future improvements proposed on Tract A2 have been proposed on Plat 1392, which is also being reviewed by the Township at this time.

Mr. Emerick discussed the variety of waivers and deferments, along with the proposed recommendations moving forward. He finalized his comments with the recommendation of approval

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of Plat 1386, conditioned upon the 14 items listed within his staff comments.

Solicitor Armstrong spoke that the Board may not be able to act on the land development subdivision piece and will assume a time extension may be requested. He suggested having the applicant explain and present the subdivision and land development request, with the understanding that the Board will not be able to take action until December 10, 2024, but preferably after the holiday timeframe (early 2025).

Mark Hackenberg, RGS Associates, who is associated with the land development for SwimHershey, shared the background details of the project, initiating in July 2023. Holly Evans, Evans Engineering, representing The Hershey Company for the subdivision piece of the project, requested to move the subdivision portion forward with conditional approval. Solicitor Armstrong noted this request may be difficult as the waivers are connected within the two projects.

Chairwoman Nutt discussed the large number of unresolved issues associated with the project and asked for clarification as to why the Board was reviewing the plan at this stage in the land development plan. Mr. Emerick stated that the applicant has asked to be able to present to the Board in order to have a voice relating to the overall plan. Mr. Emerick provided a review of his staff comments on the project.

Supervisor Wyckoff made a motion that the subdivision plan for Crystal A Drive, Tract A, Plat 1386 is hereby tabled to February 11, 2025. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

### **The Preliminary/Final Land Development Plan for SwimHershey, Plat 1392. (C. Emerick)**

Mr. Emerick provided background stating Plat 1392, filed by SwimHershey, represents the development of an approximately 44.22-acre tract of land fronting Sand Beach Road and Kieffer Road and accessed by Crystal A Drive, a private road. The site is in the planned Campus North zoning district. Another plan being processed concurrently with Plat 1392 proposes to subdivide 8.03 acres to contain The Hershey Company's existing Global Customer Insights Center (GCIC) building, resulting in the 44.22-acre vacant tract on the north side of Crystal A Drive proposed for development by Plat 1392. Plat 1392 proposes the construction of a 34,565-square-foot structure to contain a 50-meter pool, with access to the SwimHershey site being proposed via a private access drive from Crystal A Drive. The applicant has proposed two emergency access connections to the property.

Mr. Emerick shared that the transportation impact study (TIS), last updated October 29, 2024, considers the full buildout scenario discussed during the sketch plan stage. The TIS study noted the following:

At full buildout, the facility is projected to generate 86 new trips during the weekday AM peak hour, 196 new trips during the weekday PM peak hour, and 185 new trips during the Saturday midday peak hour. The trip generation projections for the TIS were based on actual traffic counts at SwimRVA in Richmond, Virginia, which the consultant considered to be a similar facility.

Mr. Emerick summarized the 26 waivers and modifications.

Chairwoman Nutt shared her hesitation to grant approval with the large number of items that need to be addressed, but stated the Board would be more than willing to listen to the presentation.

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Mark Hackenberg (RGS Associates) provided background of the project and the involvement of Penn State Health and The Hershey Company to establish a shared access agreement along a front portion of Crystal A Drive. Penn State Health had an additional concern relating to gating and access but we have secured an agreement. Penn State Health will not sign an agreement until a conditional approval is in place, as well as SwimHershey (non-profit organization) needing a conditional approval in order to request donations and move forward with fundraising efforts within the community.

Chairwoman Nutt noted what they are seeing involves intricacies that will need to be addressed. In response to Board member questions, Craig Mellott discussed traffic study details and proposed roadwork would occur during Phase I of the project and explained comparisons completed with a similar facility (SwimRVA) in Richmond, Virginia. He reviewed the roadwork project with the Board of Supervisors and provided updates relating to PennDOT's position on roadway improvements to Crystal A Drive and Sandbeach Road. Chairwoman Nutt noted the comparison can be difficult to account for, due to the unique situation within the township. The project representatives and the Board discussed roadway safety as well as access and exit movements within the proposed project. Chairwoman Nutt discussed tax issues and the responsibility of SwimHershey, which is a non-profit organization.

Chairwoman Nutt expressed her concern over a large number of outstanding items at this point in the project and stated the Board is looking for additional time, with Mr. Emerick noting February 11, 2025, as a potential future date for the extension request. Mark Hackenberg and Holly Evans stated they would agree to the February 11, 2025 deadline.

Chairwoman Nutt made a motion that Plat 1392 is hereby tabled to allow the applicant time to address many of the outstanding items as noted in items 1 through 26 in the *Department Head Recommendation* section of this agenda item, pending the applicant granting a time extension (suggesting February 11, 2025). Supervisor Corado seconded the motion. **Motion carried 5-0.**

### **The Preliminary/Final Subdivision Plan of Lot 2 – The Pennsylvania State University Milton S. Hershey Medical Center and Lands of Pennsylvania American Water Company, Plat 1395. (C. Emerick)**

Mr. Emerick stated Plat 1395 is being processed to subdivide Lot 2A from the land of the Pennsylvania State University Milton S. Hershey Medical Center to be conveyed to the lands of Pennsylvania American Water Company (PAWC). He noted no new lots are proposed as part of this plan and no new development or improvements are proposed for any of the lots represented on the plan, with any future improvements requiring the filing of a separate land development plan for review by the Township. Plat 1395 is processed to accommodate PAWC's purchase of Lot 2A, this lot contains a portion of the Hershey Medical Center Trail System, a 10-mile mountain bike trail system established in cooperation with Susquehanna Area Mountain Bike Association (SAMBA). He shared that they want to secure the land first and come in later with a land development plan, with the plan being for a 2M gallon tank, unknown if it will be a water tower or a buried tank. He discussed the waivers requested by the applicant and noted the Planning Commission has requested that the waivers be granted. James Hartman, Honor Engineer Company, spoke to the Board relating to the planned process, explaining that the land development will come in after the land has been secured.

Chairwoman Nutt made a motion that waivers are granted from 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 of Lot 2 – The Pennsylvania State University Milton S. Hershey Medical Center and Lands of Pennsylvania American Water Company, Plat 1395. Supervisor

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Giovanniello seconded the motion. **Motion carried 5-0.**

Supervisor Giovanniello made a motion that the Preliminary/Final Land Development Plan of Lot 2 – The Pennsylvania State University Milton S. Hershey Medical Center and Lands of Pennsylvania American Water Company, Plat 1395, is approved, subject to compliance with items 1 through 9 in the *Department Head Recommendation* section of this agenda item. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

### **Acceptance of financial security for the Stormwater Management Plan for 1089 Beech Avenue, S-2024-016. (J. Stumpf/C. Emerick)**

Mr. Emerick explained this plan was submitted to detail the design of stormwater management facilities for a patio at 1089 Beech Avenue. The applicants and property owners are Charles and Rebecca Lupole. HRG reviewed the cost estimate prepared by the applicants' engineer and recommended that financial security in the amount of \$10,621 be provided. He noted the applicants have provided security in the form of cash and have 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.

Chairwoman Nutt made a motion that the Board of Supervisors accept cash financial security in the amount of \$10,621.00 and enters into the Agreement to Provide Financial Security between Charles J. and Rebecca E. Lupole and the Township for the Stormwater Management Plan for 1089 Beech Avenue, S-2024-016. Supervisor Corado seconded the motion. **Motion carried 5-0.**

### **Acceptance of financial security for the Stormwater Management Plan for 2335 Jo Ann Avenue, S-2024-018. (J. Stumpf/C. Emerick)**

Mr. Emerick explained that the plan was submitted to detail the design of stormwater management facilities for a dwelling, driveway, walkway, and future impervious area at 2335 Jo Ann Avenue. The applicant and property owner is Ketterline, Inc. He stated HRG, Inc. reviewed the cost estimate prepared by the applicant's engineer and recommended that financial security in the amount of \$21,530.00 be provided. He confirmed the applicant has provided security in the form of cash 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 Zmuda made a motion that the Board of Supervisors accept cash financial security in the amount of \$21,530.00 and enters into the Agreement to Provide Financial Security between Ketterline, Inc. and the Township for the Stormwater Management Plan for 2335 Jo Ann Avenue, S-2024-018. Supervisor Corado seconded the motion. **Motion carried 5-0.**

## **SUPERVISOR BOARD/COMMITTEE REPORTS**

Supervisor Zmuda provided a recap of the November 25, 2024, Downtown Core Design meeting and the November 26, 2024, Transportation Program Management meeting. He also shared a reminder of the Hamilton production at the Hershey Theatre, causing traffic concerns. He commented that DTMA noted the Ridge Road and Chocolate Avenue project is on schedule. He noted that Hummelstown proper will be connected with the Hershey trails along Waltonville and Quarry Road.

Supervisor Giovanniello provided a brief recap of the November 19, 2024, Library Board of Directors meeting.

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### **DEPARTMENTAL REPORTS**

#### **Police Department**

Chief Warner provided a recap of a recent event at the Hershey Tanger Outlets, where Cocoa Packs arranged a "Shop with a Cop" day for six children, who were able to shop with an officer for the holidays. He noted on December 22, 2024, Desserts Etc. will be hosting a holiday event and has invited the Police Department for the "Cocoa with a PoPo" segment of the event.

#### **Hershey Volunteer Fire Department**

Deputy Chief Sonderman noted the burn ban has been lifted. He also shared they had 77 calls last month, which is trending higher as far as the overall number of calls for the year. He commented that the Fire Department recently toured several projects in town, specifically the Pennsylvania State Police Academy and the Hershey Theatre. He shared the capital fund drive mailing went out within the past week and that the Fire Department will be escorting Santa through many areas of the Township from December 14 - 19, 2024.

#### **Public Works**

Mr. Clark noted the week of December 2, 2024, will be the last full week for fall leaf pick up.

#### **Library**

Mrs. Jacobine shared the revised holiday hours for the week of Thanksgiving and noted the December 6 & 7, 2024, Pop-Up Book Sale, as well as the December 7, 2024, event with the Patrick Kerssen Trio at 2 p.m.

#### **Parks & Recreation**

Ms. Walker noted the Community Center will be closed on November 28, 2024. They will be hosting the 3rd annual Santa Swimfest (registration required) on December 13, 2024, at 5:30 p.m., and reminded all of the option of purchasing gift cards from Parks & Recreation for holiday gift giving. Winter aquatic registration will open for members and residents on December 17, 2024, at 9 a.m., and December 18, 2024, at 9 a.m. for non-residents. Chairwoman Nutt discussed the updates relating to aquacise classes. Ms. Walker, noted the classes are now less expensive for members and residents. Lastly, the Community Center Facebook and Instagram pages (Derry Township Parks) are now back up and running after a recent 'hacking' incident.

#### **Community Development**

Mr. Emerick noted Santa will be visiting on December 7, 2024, at the new Chocolatetown Park.

#### **Township Manager**

Mr. Christman stated he would be resigning from the position of Township Manager, effective December 20, 2024. Mr. Christman has accepted a Manager position with Abington township within Montgomery County, effective January 6, 2025. He thanked the Board of Supervisors and expressed his appreciation of the department managers and all township personnel, during his six-year tenure with the township. Chairwoman Nutt noted her appreciation for Mr. Christman's efforts and excellent township management.

### **VISITOR/PUBLIC COMMENTS**

Dave Weaver, 214 Java Avenue, expressed his concern over the recent proposal of a medical marijuana dispensary and urged the Board not to give consideration to the zoning change request.

### **ADJOURNMENT**



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Supervisor Zmuda made a motion to adjourn the meeting at 8:48 p.m. Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

**SUBMITTED BY:**

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Michael P. Corado, Secretary