



TOWNSHIP OF DERRY

Board of Supervisors Meeting Minutes

Tuesday, February 11, 2025

CALL TO ORDER

Chairwoman Nutt called the February 11, 2025, Regular Meeting of the Township of Derry Board of Supervisors to order at 7:03 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 meeting 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:

Zachary Jackson, Township Manager
Garth Warner, Chief of Police Department
Chuck Emerick, Director of Community Development
Peter Nelson, Township Solicitor
Lynn Dawson, Recording Secretary

ABSENT:

Public in Attendance:

Stephen Whitaker, Randy Wright, Marybeth Lavery, Meghan Walter, Karl Miller

VISITOR/PUBLIC COMMENTS

There were no public comments offered.

CONSENT CALENDAR

Adoption of the Board of Supervisors Meeting Minutes for the January 28, 2025 6:00 PM Public Hearing.

Adoption of the Board of Supervisors Meeting Minutes for the January 28, 2025 Regular Meeting.

Release of the financial security provided for the Stormwater Management Plan for 606 Cocoa Avenue, S-2023-019.

The Board of Supervisors authorizes the release of financial security in the amount of \$37,281.00, which had been provided as cash for the Stormwater Management Plan for 606 Cocoa Avenue, S-2023-019.

Approval of February 11, 2025 Accounts Payable of \$1,047,970.04 and January 31, 2025 Payroll of \$432,561.85.

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

NEW BUSINESS

Requesting Authorization to Execute an Engagement Letter with Cohen Law Group to perform Verizon Cable Franchise Renewal Services

Mr. Jackson stated the Township has two cable operators, Verizon and Comcast. For many years, Derry Township has participated as an eligible municipality in the Capital Region Council of Governments to engage the services of the Cohen Law Group to negotiate a cable franchise renewal. This service also includes a franchise fee audit to determine whether or not Derry Township is receiving all of the franchise fee revenue that it is entitled to. Derry Township's agreement with Verizon is set to expire on February 22, 2026, and there are currently 19 municipalities that have joined this project, providing a 15% discount, making the cost \$10,625.

Supervisor Zmuda made a motion that the Board of Supervisors authorize the Township Manager to execute a Letter of Engagement with Cohen Law Group to provide Verizon Cable Franchise Renewal Services for an amount not to exceed \$10,625. Supervisor Giovanniello seconded the motion. **Motion carried 5-0.**

Consideration of an appointment to fill a vacancy to serve as Emergency Management Coordinator

Mr. Jackson noted Lt. Timothy Roche retired on January 31, 2025. He served as the Emergency Management Coordinator for Derry Township. Brian Blahusch has served as the Deputy Emergency Management Coordinator for many years and has notified Township Administration that he is interested in filling the vacancy. Chief Garth Warner expressed a willingness to serve as a new Deputy Emergency Management Coordinator. He further noted David Sassaman also serves as a Deputy Emergency Management Coordinator.

Supervisor Giovanniello made a motion that the Board of Supervisors appoint Brian Blahusch to fill the vacancy for the position of Emergency Management Coordinator, and Garth Warner as a Deputy Emergency Management Coordinator. Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

Presentation to propose a cooperative relationship with the city of Derry (Ireland) to become a "Sister City".

Rev. Stephen McKinney-Whitaker, from the Derry Presbyterian Church, provided a brief presentation explaining the benefits of Sister Cities and the potential 'twinning city' relationship with Derry, Northern Ireland. Rev. McKinney-Whitaker provided background and history of the connection between Derry, Ireland and Derry Church (Hershey) as well as noting the interest of a future connection from the citizens of Derry, Ireland.

Chairwoman Nutt asked about the organization, Sister Cities, with Rev. McKinney-Whitaker confirming Derry Presbyterian Church would pay the \$250 annual dues, if the relationship would move forward between the Township and Derry, Ireland.

Chairwoman Nutt thanked Rev. McKinney-Whitaker for sharing the information and stated the Board of Supervisors will take the request under advisement.

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The Preliminary/Final Subdivision Plan for Sponaugle Property, Plat 1390.

Mr. Emerick stated this plan proposes to subdivide a 60-acre parcel of land, located in the conservation zoning district into two lots. The proposed subdivision would create one vacant lot containing 10 acres, with the residual lot containing 50.18 acres. He noted Lots 1, 2, 3 and 4 would share a common driveway. Lots 1, 2, and 3 were created under Plat 770, which was recorded in 1995. He described the various waivers requested for the proposal, with the staff review suggesting waiver approval. Since no new development is proposed under Plat 1390, stormwater and traffic concerns do not exist. Future improvements will be subject to the requirements of the Stormwater Management Ordinance. Lastly, Mr. Emerick confirmed they do not have any development planned for the subdivision.

Suggested Motion 1 of 2 – WAIVERS:

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 Subdivision Plan for Sponaugle Property, Plat 1390. Supervisor Wyckoff seconded the motion. **Motion carried 5-0.**

Suggested Motion 2 of 2 - PLAN:

Supervisor Zmuda made a motion that the Preliminary/Final Subdivision Plan for Sponaugle Property, Plat 1390, is approved, subject to compliance with items 1 through 20 in the *Assistant Department Head Recommendation* section of this agenda item. Supervisor Giovanniello seconded the motion. **Motion carried 5-0.**

Consideration of the request of Swatara Station Partners, LLC (“Swatara”) to release the remaining performance security associated with the Woodland Hills Subdivision Plan, Plat 1203.

Mr. Emerick shared that the agreement was previously approved in 2014, as a five Lot subdivision, with two of the Lots (Lots 4 and 5) still vacant, but were purchased as a buffer for a neighboring property. He noted Swatara and/or the current owners of Lots 4 and 5, Michael David Federici and Elizabeth Holden Federici (“Federicis”), do not want to proceed with the stormwater management improvements depicted on the Plan for Lots 4 and 5, and Swatara is asking for the remaining performance security (\$27,134.57) to be returned to Swatara. He commented HRG has reviewed the request and recommended release of the performance security pending action by the Board of Supervisors. In addition, since the Township should not release all performance security associated with a development where new roads or other public improvements are also being dedicated to the Township until such time as maintenance security is posted to secure the structural integrity of said improvements, the release of the performance security should also be conditioned on the dedication of the public improvements and the posting of the maintenance security. Swatara is presently pursuing the dedication of the public improvements.

Supervisor Wyckoff made a motion to approve the request of Swatara Station Partners, LLC, to release the remaining security associated with the Woodland Hills Subdivision Plan, Plat 1203, for Lots 4 and 5, subject to Swatara and the Federicis agreeing to, executing and recording a declaration waiving all rights to proceed with the improvements on Lots 4 and/or 5 without securing any and all necessary approvals for future development of Lot 4 or 5; satisfying all outstanding fees and expenses of the Township; and further subject to Swatara finalizing the public improvements dedication and posting the required maintenance security associated with such improvements. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

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Briefing item for ordinance to amend the Subdivision and Land Development Ordinance (Chapter 185 of the Code of the Township of Derry) in its entirety and modify the Streets and Sidewalk Ordinance (Chapter 179 of the Code of the Township of Derry).

Mr. Emerick stated this item has been placed on the agenda to provide an opportunity for the Board of Supervisors to consider a comprehensive review and revisions to the Township's Subdivision and Land Development Ordinance (SALDO) and modifications to the Streets and Sidewalks Ordinance. He commented that the SALDO was adopted 28 years ago, and has not had any comprehensive review since, noting quite a bit within the ordinance could be updated. He shared 11 ordinances have been updated since that time, with the last update occurring in 2014. Mr. Emerick commented the potential option of having HRG review the ordinance draft. Supervisor Zmuda and Wyckoff agreed the ordinance should be updated but had concerns relating to the estimated expense of the review. Chairwoman Nutt and Mr. Emerick discussed the options of having legal review in lieu of a review by HRG, with Mr. Emerick sharing the engineering review would be helpful as well. Chairwoman Nutt suggested to put the request on hold until further discussion with HRG relating to the estimate for the ordinance review.

Chairwoman Nutt stated they will table this issue until further discussion with HRG.

Acceptance of financial security for the Stormwater Management Plan for The Hotel Hershey Parking Lot Expansion, S-2024-019.

Mr. Emerick stated this plan was submitted to detail the design of stormwater management facilities for a parking lot expansion on the Hotel Hershey property, with the applicant and property owner being Hershey Entertainment & Resorts Company. Per 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. HRG reviewed the cost estimate prepared by the applicant's engineer and recommended that financial security in the amount of \$254,116 be provided. The applicant has provided the security in the form of PNC Bank Letter of Credit No. 18140481-00-000 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 Giovanniello made a motion that the Board of Supervisors accepts financial security in the amount of \$254,116.00, in the form of PNC Bank Letter of Credit No. 18140481-00-000, and enters into the Agreement to Provide Financial Security with Hershey Entertainment & Resorts Company for the Stormwater Management Plan for The Hotel Hershey Parking Lot Expansion, S-2024-019. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

SUPERVISOR BOARD/COMMITTEE REPORTS

No report.

DEPARTMENTAL REPORTS

Community Development

Mr. Emerick requested to schedule public hearings for two conditional use applications. He suggested Tuesday March 25, 2025, at 6:00 p.m. and 6:30 p.m., for the public hearings.

VISITOR/PUBLIC COMMENTS

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No public comments offered.

ADJOURNMENT

Supervisor Zmuda made a motion to adjourn the meeting at 7:42 p.m. Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Michael P. Corado, Secretary