



## **TOWNSHIP OF DERRY**

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

**Tuesday, January 28, 2025**

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#### **CALL TO ORDER**

Chairwoman Nutt called the January 28, 2025, Regular Meeting of the Township of Derry Board of Supervisors to order at 7:08 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 6:00 p.m. An Executive Session was held before the meeting where land and legal issues were discussed. 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  
Patrick Armstrong, Township Solicitor  
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  
David Sassaman, Hershey Volunteer Fire Company  
Becky Sweigart, Public Outreach Coordinator  
Lynn Dawson, Recording Secretary  
Eric Stump, HRG Engineer

##### **ABSENT:**

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

Dave Getz, Meghan Myers, Rebecca Lupole, Bruce McKinney, Sally McKinney, Dale Holte, Holly Evans, Erik Hume, Craig Mellott, Ray Brace, Mark Hackenburg, Cait Clark, Amy Jo Heebner, Ken Scardino, Tom Scannell, Kevin Ferguson, Marybeth Lavery, George Porter, Rich Gamble

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

There were no public comments offered.

#### **CONSENT CALENDAR**

**Adoption of the Board of Supervisors Meeting Minutes for the January 6, 2025 Reorganization Meeting.**

**Reduction of the financial security provided for the Stormwater Management Plan for 7 Lucy Avenue, S-2024-005.**

The Board of Supervisors authorizes the release of \$35,160.00 from the cash financial security provided for the Stormwater Management Plan for 7 Lucy Avenue, S-2024-005, resulting in a new balance of \$6,958.00.

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### **Release of the financial security provided for the Stormwater Management Plan for 286 Elle Way, S-2023-013.**

The Board of Supervisors authorizes the release of financial security in the amount of \$10,244.00, which had been provided as cash for the Stormwater Management Plan for 286 Elle Way, S-2023-013.

### **Release of the financial security provided for the Stormwater Management and Erosion and Sediment Pollution Control Plan for 2167 Bachmanville Road, S-2023-015.**

The Board of Supervisors authorizes the release of financial security in the amount of \$17,690.00, which had been provided as cash for the Stormwater Management and Erosion and Sediment Pollution Control Plan for 2167 Bachmanville Road, S-2023-015.

### **Approval of January 28, 2025 Accounts Payable of \$796,340.75 and January 17, 2025 Payroll of \$414,935.94.**

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

## **NEW BUSINESS**

### **Approval of three-year extension for auditing services with Zelenkofske Axelrod, LLC for the years ending 2024, 2025, 2026.**

Mr. Jackson stated the Township was previously contracted with Zelenkofske Axelrod, LLC to provide auditing services for the years 2021, 2022, and 2023. The Township received an extension letter for another three-year period at a cost of \$25,500 for the 2024 audit, \$26,775 for 2025, and \$28,114 for 2026. He added, if a single audit would be required in any of those years, the additional fee would be set at \$5,500. The proposal was consistent with the requirements outlined in Article IX, Section 917 of the Pennsylvania Second Class Township Code. Mr. Jackson noted the Township administration has been satisfied with the services provided over the past three years and is recommending approval of the extension.

Supervisor Zmuda made a motion to approve the extension of Zelekofske Axelrod, LLC to provide auditing services for the years ending 2024, 2025, 2026 consistent with Article IX, Section 917 of the Pennsylvania Second Class Township Code. Supervisor Giovanniello seconded the motion. **Motion carried 5-0.**

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

Mr. Emerick stated this plan was on the November 26, 2024 agenda, but was tabled at that time. He noted the plan proposes to subdivide Tract A into two separate parcels, with tract A1 being 8.04 acres 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, a private road. Tract A2 will be 44.22 acres and is presently vacant land, with the exception of the site's nature trail and will contain frontage along Sand Beach Road and Kieffer Road. He confirmed no new development, or improvements are proposed for either of the tracts represented on the plan and reviewed the waivers and deferments associated with the plan, along with the various recommendations from the Planning Commission staff. Mr. Emerick recommended approval of Plat 1386, conditional upon the 14 items noted within the staff comments being satisfactorily addressed.

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### **Motion – WAIVERS AND DEFERMENTS:**

Supervisor Zmuda made a motion that waivers and deferments 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 Crystal A Drive – Tract A, Plat 1386. Supervisor Giovanniello seconded the motion. **Motion carried 5-0.**

### **Motion - PLAN:**

Chairwoman Nutt made a motion that the Preliminary/Final Subdivision Plan for Crystal A Drive – Tract A, Plat 1386, is approved, subject to compliance with items 1 through 14 in the *Department Head Recommendation* section of this agenda item. Supervisor Wyckoff seconded the motion.

**Motion carried 5-0.**

### **The Preliminary/Final Land Development Plan for SwimHershey, Plat 1392.**

Mr. Emerick stated this agenda item was reviewed during the November 26, 2024 meeting, but was tabled at that time. He noted this plan represents the development of approximately 44.22-acre tract of land fronting Sand Beach Road and Kieffer Road and accessed by Crystal A Drive as well as construction of a 34,565-square-foot structure (47,495 square feet of floor area) to contain a 50-meter pool. Access to the SwimHershey site is proposed to be via a private access drive from Crystal A Drive. He noted the applicant has proposed two emergency access connections to the property, with the emergency access from the eastern side of the proposed parking area to Crystal A Drive, although it does not necessarily allow access to Police Academy Drive, due to side agreements between the Police Academy and PennState Health. There is also a second emergency access proposed from the site's driveway to Sand Beach Road.

Solicitor Armstrong confirmed that the easements cannot be amended, adjusted and/or terminated without the advanced notice and consent from the Township, given that the emergency access ways are important in reference to the approvals.

Craig Mellott, with TPD, stated PennDOT has approved their transportation impact study and moving forward, they will need to finalize the detailed design to receive the HOP (highway occupancy permit). Mr. Emerick discussed Phase I and Phase II of the plan in relation to the traffic impact study being reviewed and updated prior to any future Phase II submissions. Supervisor Wyckoff questioned the status of the easement to Hersheypark Drive associated with Police Academy Drive. Mark Hackenburg (RGS Associates) noted PennState Health and the Police Academy have had challenges relating to the request, but they have two alternative emergency access points to the proposed facility. Mr. Hackenburg stated the issue will be discussed in the future during any potential phased growth development, as well as after receiving approvals from the Township.

Mr. Emerick reviewed the waivers associated with the conditional approval and discussed the plans for the trail as a follow-up to Chairwoman Nutt's concerns, with a final determination that the trail completion will be added to the 23 conditions for approval.

Mr. Stump, HRG Inc., provided background relating to pedestrian roadway issues and PennDOT requirements relating to potential modifications.

### **Motion for Conditional Approval – WAIVERS AND DEFERMENTS:**

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Supervisor Zmuda made a motion that waivers and deferments 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 for SwimHershey, Plat 1392. Supervisor Wyckoff seconded the motion. **Motion carried 5-0.**

### **Motion for Conditional Approval - PLAN:**

Chairwoman Nutt made a motion that the Preliminary/Final Land Development Plan for SwimHershey, Plat 1392, is approved, subject to compliance with items 1 through 24 in the *Department Head Recommendation* section of this agenda item. Solicitor Armstrong clarified that the certificate of occupancy will not be issued until the trail has been completed. Supervisor Wyckoff seconded the motion. **Motion carried 5-0.**

### **Consideration of sale of Township property along Lingle Avenue.**

Mr. Emerick stated this item was originally presented to the Board on July 23, 2024, with staff being directed to obtain appraisals for the properties prior to listing them for auction. The appraisal determined the following values:

- 1840 East Chocolate Avenue market value "as is": \$20,000
- 44 North Lingle Avenue market value "as is": \$40,000
- 40 North Lingle Avenue market value "as is": \$50,000
- 32 North Lingle Avenue market value "as is": \$40,000

Mr. Emerick recommended that the Board authorize the Township Solicitor to prepare the necessary documents to sell by auction in accordance with Second Class Township Code for the four tracts of land.

Supervisor Wyckoff made a motion that the Board of Supervisors hereby authorizes the Township Solicitor to prepare the necessary documents to sell, by auction in accordance with the Second Class Township Code, the four tracts of land. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

### **Consideration of authorizing a text amendment to the Zoning Ordinance related to veterinary hospital and veterinary office uses in the Township. (C. Emerick)**

Mr. Emerick stated The Township has received a request from David R. Getz, Esq. of Wix, Wenger and Weidner, on behalf of Hershey Animal Emergency Center, to amend the Township's Zoning Ordinance definitions for Veterinary Hospital and Veterinary Office.

As defined in the Zoning Ordinance, the major difference in the definitions is the number of veterinarians at each establishment. Currently, the ordinance allows a veterinary office to employ 3 veterinarians, and a veterinary hospital is allowed to employ more than 3 veterinarians. Mr. Emerick shared this was done to limit the size of such establishments in certain areas of the Township. The proposed amendment is requesting to change veterinarian offices to employ 4 veterinarians and a veterinary hospital to employ more than 4 veterinarians, with unrestricted hours.

Mr. Getz introduced Meghan Myers who provided background and detail of the Hershey Animal Emergency Center. Ms. Myers stated she co-owns the Palmdale center with Rebecca Lupole and Samantha Slenbaker, which is open 24 hours a day, 7 days a week. Ms. Meyers stated their business is especially busy from 8 - 10 p.m. Over the weekends, in order to cover the needed hours, they are

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requesting a fourth veterinarian to avoid sending clients to Harrisburg or Lancaster for veterinary care.

Chairwoman Nutt and Supervisor Wyckoff discussed the potential ramifications to a text amendment with Mr. Emerick and possible options to address the concerns.

Solicitor Armstrong confirmed the Board is not required to take action on the text amendment request at the meeting, stating the Board has the option to take it under advisement, give further direction, and/or suggest the requestor meets further with Mr. Emerick.

Supervisor Zmuda made a motion that the Board of Supervisors authorizes the Township's staff and Solicitor to work with Attorney Getz to develop a draft Zoning Ordinance amendment related to *Veterinary Hospitals* and *Veterinary Offices*, conditioned upon the applicant entering into a Contract for Professional Services to reimburse the Township for any professional fees incurred in developing the draft Ordinance. Once the draft Ordinance is completed, it shall be further reviewed by the Board prior to authorization to be forwarded to the Dauphin County and Derry Township Planning Commissions for review and comment and to be advertised for a public hearing and consideration of adoption. Chairwoman Nutt seconded the motion. **Motion carried 5-0.**

**Authorization to amend the Code of Ordinances of the Township of Derry at Chapter 210, Vehicles and Traffic, Section 210-42, Special Purpose Parking Zones Established; Parking Otherwise Prohibited, by establishing a designated pickup and drop off area in front of the proposed hotel in the West End project to facilitate shuttle and bus passenger services to and from the hotel.**

Chief Warner stated Hershey Entertainment and Resorts has submitted plans to build a hotel in the West End project area. As part of those plans, they intend to have a guest pickup and drop off area in front of the hotel along Westend Avenue allowing shuttle vehicles and buses to pull to the side of the roadway, into a designed cutout area, to facilitate the safe boarding and debarking of passengers to and from those vehicles.

On December 10, 2024, the Board of Supervisors, authorized the advertisement of this ordinance amendment, which occurred on January 2, 2025, via The Hummelstown Sun. The cost for posting this restricted area will be borne by Hershey Entertainment & Resorts during the construction and completion of the hotel property.

Supervisor Giovanniello made a motion to amend the Code of Ordinances of the Township of Derry at Chapter 210, Vehicles and Traffic, Section 210-42, Special Purpose Parking Zones Established; Parking Otherwise Prohibited, by establishing a designated pickup and drop off area in front of the proposed hotel in the West End project to facilitate shuttle and bus passenger services to and from the hotel be hereby approved and specifically adopting ordinance 2025-01. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

## **SUPERVISOR BOARD/COMMITTEE REPORTS**

Supervisor Zmuda provided an update from the January 28, 2025, Transportation meeting. Specifically, the Chocolate Avenue/Ridge Road improvements will require upcoming signage noting 'no turn on red' and the Hershey Chocolate Avenue gateway will not be completed until Fall 2025.

Supervisor Wyckoff attended a DTMA meeting on January 27, 2025, with the Board completing a reorganization. He noted the Ridge Road boring project is 50% complete, with Park Boulevard work

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scheduled for the week of February 3, 2025, creating the road closure until the end of March 2025.

Chairwoman Nutt noted she attended an ICDA meeting where they approved items through the Capital Improvement Fund. She also attended the recent Transportation Group Meeting and the Library Board meeting.

### **DEPARTMENTAL REPORTS**

#### **Police Department**

Chief Warner participated in a "Coffee with a Cop" event on January 27, 2025, at the Hershey Outlets Starbucks location, where the Derry Township Police attended along with the Pennsylvania State Police.

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

Mr. Sassaman shared the committee went to Wisconsin recently for review of the first piece of fire apparatus, scheduled for a Fall 2025 delivery.

#### **Public Works**

Mr. Clark shared information from the recent bad weather events.

#### **Library**

Mrs. Jacobine commented that the library will be hosting their first puzzle competition on Saturday, February 1, 2025. Also, Storytimes will resume on February 3, 2025, and the Friends Film Festival will be playing "The Founder" at 2 p.m.

#### **Parks & Recreation**

Ms. Walker shared the following updates:

- Meet The Instructor dates for free aquatics exercise classes on (pre-registration not required):
  - January 29 at 9 a.m.
  - February 3 at 6:15 p.m.
  - February 5 at 10 a.m.
- An update was provided relating to the February 7, 2025 transition to FitOn Health membership for previous Silver Sneakers members.

### **VISITOR/PUBLIC COMMENTS**

Caitlyn Clark provided an update on the feral cat population within Derry Township. Ms. Clark noted a recent rise in cats being trapped that do not meet the feral classification and likely are lost or abandoned cats within Derry Township. Ms. Clark cited another township's ordinance mandating cat owners to have their cats spayed/neutered, vaccinated, and microchipped. Ms. Clark urged the Board of Supervisors to consider a similar mandate for Derry Township. Chairwoman Nutt thanked Ms. Clark and suggested working with Mr. Emerick on potential next steps.

Rich Gamble asked if there was an update in potentially coordinating a meeting with the Derry Township School District and the Township relating to the entertainment tax.

### **ADJOURNMENT**

Supervisor Zmuda made a motion to adjourn the meeting at 8:30 p.m. Supervisor Wyckoff seconded the motion. **Motion carried 5-0.**

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**SUBMITTED BY:**

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Michael P. Corado, Secretary