



## **TOWNSHIP OF DERRY**

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

**Tuesday, March 25, 2025**

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#### **CALL TO ORDER**

Chairwoman Nutt called the March 25, 2025, Regular Meeting of the Township of Derry Board of Supervisors to order at 7:02 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. She announced there was a public hearing at 6:00 p.m. and 6:30 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  
Richard D. Zmuda  
Dominic V. Giovanniello

##### **ABSENT:**

Michael P. Corado

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

Zachary Jackson, Township Manager  
Patrick Armstrong, Township Solicitor  
Garth Warner, Chief of Police Department  
Chuck Emerick, Director of Community Development  
Alison Jacobine, Director of Hershey Public Library  
Amy Walker, Director of Parks & Recreation  
Greg Watts, Assistant Director of Public Works  
Becky Sweigart, Public Outreach Coordinator  
David Sassaman, Hershey Volunteer Fire Company  
Lynn Dawson, Recording Secretary  
Eric Stump, HRG Engineer  
Maria O'Donnell, Stenographer

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

Edward McHugh, Massimiano Randazzo, Charlie Beckley, Eric Hauser, Krupal Desai, Patrick Meister, Amy Lewis, Vicky Kretz, Dave Fisher, Chad Zimmerman, Jennifer Faust, Cait Clark, Kendra Daub, Tom Scannell, AJ Somma, Jacob Lemon, Zain Sidhiqui, Sean Guay, Jonathan Crist, A. Mark Winter, Rich Gamble, Mujahed Dauleh, Muhammad Fayaz, Sall Pikhit

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

Jonathan Crist, 2865 Church Road, provided details on an upcoming Dauphin County court case scheduled for Tuesday, April 8, 2025, which will be streamed to YouTube. Mr. Crist encouraged residents to attend the hearing online as it relates to a recent case involving Linlo Governor Crossing and Sheetz, Inc.

Charlie Beckley, attorney with Beckley & Madden, along with Eric Hauser and Krupal Desai, presented during the visitor comment section to answer any questions or comments from the Board of Supervisors. Mr. Beckley provided background of their November 12, 2024, Board of Supervisors presentation relating to their medical marijuana dispensary text amendment request. Solicitor

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Armstrong clarified that the Township, within the MPC guidelines, is not required to respond to zoning amendment requests, and confirmed the applicant was present solely as a way to potentially address any questions from the Board.

### **CONSENT CALENDAR**

#### **Adoption of the Board of Supervisors Meeting Minutes for the March 11, 2025, Regular Meeting.**

#### **Approval of Accounts Payable of \$374,707.66 and Payroll of \$421,145.18.**

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

### **NEW BUSINESS**

#### **Consideration of request of Old Coaly, LLC (“Applicant”) for an intermunicipal restaurant liquor license transfer from the City of Harrisburg into Derry Township.**

Chairwoman Nutt introduced the hearing and requested Solicitor Armstrong to update the Board of Supervisors.

Solicitor Armstrong confirmed the advertised public hearing was open for an intermunicipal restaurant liquor license (R-19248) transfer from the City of Harrisburg into Derry Township. The applicant, Old Coaly, LLC, address 131 West Chocolate Avenue, Hershey, PA. Solicitor Armstrong stated pursuant to the applicant moving forward with the Liquor Control Board, they need to receive a resolution approving the intermunicipal liquor license transfer from the Township.

Maria O'Donnell swore in Massimiano Randazzo.

Edward McHugh, attorney with Goldstein & McHugh, presented background to the liquor license transfer request, confirming Massimiano Randazzo has a lease at 131 West Chocolate Avenue and is intending to develop the location to an Italian restaurant. The planned restaurant would be 1,149 square feet, with forty table seating options and ten bar seats available. The proposed hours of operation would be Monday through Sunday 10 a.m. to 11 p.m. and will not be offering live entertainment. All servers will be trained and certified through the Responsible Alcohol Management Program (RAMP) offered by the Pennsylvania Liquor Control Board.

Mr. Massimiano Randazzo confirmed he will have a manager onsite. He will oversee the overall restaurant management. Mr. Randazzo responded that he was aware this meeting would not be providing land development approval and/or a zoning permit.

Solicitor Armstrong marked the following exhibits:

- A-1: copy of the February 12, 2025 application
- A-2: copy of the architectural depiction
- A-3: proposed menu for the property

After requesting and confirming no public comment relating to the hearing, Solicitor Armstrong

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closed the hearing at 7:27 p.m.

Chairwoman Nutt made a motion to approve the request of the Applicant to transfer restaurant liquor license no. R-19248 into Derry Township and approve and adopt the attached Resolution No. 2025-09, specifically approving the liquor license transfer (or a revised version thereof). Supervisor Wyckoff seconded the motion. **Motion carried 4-0.**

### **Flag Certificate presented to the Board of Supervisors by Harris Ferry Chapter, Sons of the American Revolution.**

Mr. Watts shared that Jacob Lemon, with the Harris Ferry Chapter of the Sons of the American Revolution requested to present to the Board of Supervisors a certificate for outstanding commitment to patriotism, specifically for the Court of Honor at Chocolate Town Park. Mr. Lemon confirmed and presented a certificate to the Board as recognition for their outstanding dedication to patriotism and respect for maintaining the colors in Hershey.

### **Replacement/Installation of roof top units #5 and #6 on the Police Department facility.**

Mr. Watts stated roof top unit (RTU) #5 which serves the main section of the police department including the administrative offices and RTU #6 serving the patrol officers and detectives on the first floor of the police department, were installed in 2006 and are now in need of replacement. The replacement of RTU #5 and #6 is part of a 25-year RTU preventative maintenance replacement schedule for the Administration and Police Department Complex, as well as the Public Works facilities.

Proposals were provided by the following:

- |                        |                                 |
|------------------------|---------------------------------|
| - NRG Controls, Inc.   | \$283,500.00 at prevailing wage |
| - HB McClure           | \$289,935.00 at prevailing wage |
| - Leibold Incorporated | \$299,750.00 at prevailing wage |

Replacement and installation costs will be paid for out of the Capital Improvement Fund. Mr. Jackson confirmed this was a planned expenditure.

Supervisor Zmuda made a motion that the Board of Supervisors award the proposal for the replacement/installation of the RTUs #5 and #6 to NRG Controls, Inc. Supervisor Giovanniello seconded the motion. **Motion carried 4-0.**

### **Site access discussion regarding the Preliminary/Final Land Development Plan for Hershey Islamic Center, Plat 1391.**

Mr. Emerick stated the plan represents the development of an approximately 9.54 acre tract of land fronting on Stoverdale Road. The site is in the conservation zoning district, with a plan to construct a 47,944-square foot building that comprises three major functions. One portion of the building is a three-story, K-5 elementary school to serve 210 students, which is connected to a large multi-purpose building, which is connected to a 300-seat worship center. As background, the plan was tabled at the Planning Commission's August 6, 2024, November 5, 2024, and March 4, 2025 meetings. The plan was last tabled in part because the applicant is still unsure how water service will get to the site. Concerns still remain regarding a single point of access to the property, especially due to the consideration of a 210 student school proposed on the site. The applicant requested being placed on this agenda to receive direction from the Board of Supervisors. The guidance relates to the proposed single point of access, as the subdivision ordinance states, "In situations involving the subdivision or

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development of land for nonresidential purposes, the Board of Supervisors may require at least two street connections, or if the land is to be accessed by driveways, two driveway connections to existing public streets where necessary to ensure safe and efficient traffic flow.”

Mr. Emerick further explained that the applicant did reach out to LMS Management (management company of the Sheetz location) requesting access on their property and they received written response of LMS Management not willing to comply with the request. Mr. Emerick also noted that the applicant, on the day of the Board of Supervisors meeting, provided two options to resolve the issue. The first option was to create an island in the road to separate the two lanes. The second option provided on the day of the Board of Supervisors meeting was to provide a reinforced 'green road' emergency access and still retain the main entrance to the property.

Chad Zimmerman, Dawood Engineering, and Mark Winter, JSDC Law Offices, introduced themselves to the Board. Mr. Winter explained the reason for being on the agenda was the issue of the Planning Commission not being able to require two driveways, but the Board of Supervisors can require the two driveways for non-residential lots. Mr. Winter further explained they're hoping to receive additional guidance as to what type of plan would be needed moving forward, and were hoping for feedback as to the second potential option presented by Mr. Zimmerman. In response to Mr. Winter, the Board of Supervisors expressed their concern as to receiving the details for review only just prior to the Board meeting. Mr. Emerick confirmed the 'green road' option was presented and emailed to the Township on the day of the Board of Supervisors meeting, March 25, 2025.

Chad Zimmerman, Dawood Engineering, provided background and an explanation to the 'green road' option. Chairwoman Nutt noted the requirement of a two entrance/egress option that would allow full emergency vehicle access. Supervisor Giovanniello stated his overall concern with only receiving the plan on the day of the meeting and the expectation of providing an opinion on the plan.

Solicitor Armstrong confirmed that the Board is not being presented with items for a review or voting, but rather looking for guidance as to steps needed moving forward. Mr. Winters asked if the second point of access could be a gated 'green road'. Solicitor Armstrong responded stating, due to the timing of receiving the documentation relating to the 'green road' the Board of Supervisors may not be in a position to provide feedback and/or guidance. Chairwoman Nutt confirmed the Board is looking for two driveways.

Public comments: Mr. Crist discussed the concern of having the Sheetz location next to the proposed location with the underground fuel tanks and agreed that two exits should be added on two separate road locations.

### **Consideration of authorizing a text amendment to Chapter 61, Animals, of the Code of Derry Township.**

Mr. Emerick stated Cait Clark attended the January 28, 2025, Board of Supervisors meeting asking that the Township's Animal Ordinance be revised to require microchipping of domesticated cats to help differentiate domestic cats from feral cats. She explained that often when trapping cats to manage the feral cat population, there is an increasing number of domesticated cats that are captured. The feral cat program would typically ensure that the captured cat is cared for, neutered, and returned to the colony where it was captured; however, capturing domesticated cats tends to exhaust unnecessary efforts in trying to identify the owner or to seek adoption of the cat. If domesticated cats that are permitted outside the home are microchipped, it would be much easier to reunite the cat with the

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owner. Mr. Emerick noted sample ordinance language stating a requirement of any cat owner who allows their cat to roam free outdoors, could do so only with a breakaway collar and a microchip. Solicitor Armstrong expanded that if the Board would allow them to move forward with finalizing the draft ordinance, they would edit the draft, as there would be some limitation as to what the Township could require, and this would be addressed in the final version if approved to move forward.

Chairwoman Nutt noted the Township relationship with the Derry Township Community Cats program. There is a potential cost savings if the program members are aware, in advance, of being able to differentiate between a domesticated and a feral cat.

Cait Clark briefly provided background and shared her appreciation of the Board relating to their program.

Supervisor Zmuda made a motion that the Board of Supervisors authorizes the Township's staff and Solicitor to work on an amendment to Chapter 61, Animals. Once the draft ordinance is completed, it shall be further reviewed by the Board prior to being advertised for a public hearing and consideration of adoption. Supervisor Wyckoff seconded the motion. **Motion carried 4-0.**

### **Proclamation proclaiming April 25, 2025, the observance of Arbor Day in Derry Township.**

Mr. Watts explained that as part of the criteria needed to meet the requirements to be granted Tree City, USA status each year, the Board of Supervisors must pass a proclamation establishing a day of Arbor Day observance. For 32 years, the Township has applied to the National Arbor Day Foundation for Tree City, USA status. The Township has been successful in obtaining this status due in part to the Board of Supervisors, as well as staffs' commitment to make every effort to preserve the urban forest and beautify Derry Township.

Supervisor Zmuda made a motion that the Board of Supervisors of Derry Township proclaim the last Friday in April, April 25, 2025, the official day for observance of Arbor Day in Derry Township. Chairwoman Nutt seconded the motion. **Motion carried 4-0.**

### **Request to conduct the 2025 Love INC 5K race on Saturday, June 21, 2025, starting at approximately 8:00 am.**

Chief Warner stated a request was received from Dale Forshey, of Love INC, to hold the 5th Annual Love INC 5k run on Saturday, June 21, 2025, starting at 8 a.m. The event starts and ends at the Spring Creek Church of the Brethren. Roadways involved in this race will be East Areba Avenue, Para Avenue, Meadow Lane, Crest Lane (Milton Hershey School property), and Golf Lane (Milton Hershey School property). Roadways will be closed during this event for the safety of the participants and all closure points will be staffed. Any of the involved Township roadways will be closed for approximately 30-45 minutes. Once all runners are on Crest Lane, any involved Township roadways will be opened. He noted the race route is easily managed, with residents and others looking to access or leave places within the race route, will be allowed to do so when it is safe.

Chief Warner confirmed all posts will be covered by Special Fire Police from local fire departments and Milton Hershey Security. If overtime coverage is required by the Derry Township Police Department, the event organizer is aware of the Township's reimbursement policy and has indicated their understanding and acceptance of the policy. He summarized if police assistance is required, it was requested that at least two weeks' notice be provided to the Derry Township Police Department.

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Chairwoman Nutt made a motion that the request to conduct the 2025 Love INC 5K race on Saturday, June 21, 2025, starting at 8:00 a.m., over various Township roadways on a route approved by the Derry Township Police Department is hereby approved. Supervisor Giovanniello seconded the motion. **Motion carried 4-0.**

### **Request for the closure of Reese Avenue from Millard Street to the west entrance to the Reese's Plant on Saturday, April 5th, 2025, from 9:00am to 12:00pm for the annual Reese's Employees Family Easter Egg Hunt.**

Chief Warner stated a request was received from Sabrina Frazier, Reese's Plant Operations Planner, to close a portion of Reese Avenue for the annual Reese's Employees Family Easter Egg Hunt. The event is to take place on Saturday, April 5, 2025, on the front lawn area of the Reese's Plant. He noted in order to protect the pedestrians, during the event, they are asking for the roadway to be closed from 9:00 a.m. to 1:00 p.m. Traffic interruption will be minimal and residents to the east still have ingress and egress via Hockersville Road and Swatara Avenue. Barricades will be setup and later removed by organizers of the event.

Chairwoman Nutt made a motion that the request to close Reese Avenue from Millard Street to the west entrance to the Reese's Plant on Saturday, April 5th, 2025, from 9:00 a.m. to 12:00 p.m. be hereby approved. Supervisor Wyckoff seconded the motion. **Motion carried 4-0.**

## **SUPERVISOR BOARD/COMMITTEE REPORTS**

Supervisor Zmuda congratulated the Hershey High School boys basketball team in advance of heading to the 5A State Championship on Friday, March 28, 2025, at 8 p.m. Supervisor Zmuda provided an update from the recent transportation meeting. The highlights of the meeting relate to: Hershey Entertainment & Resorts summer event scheduling within the Township, the Ridge Road project has been delayed to reopening in late April/early May, and two new lights will be installed along Chocolate Avenue.

Chairwoman Nutt noted her attendance, as well as Supervisor Giovanniello, at the recent Hershey Library board meeting.

## **DEPARTMENTAL REPORTS**

### **Hershey Volunteer Fire Department**

Mr. Sassaman stated the second piece of apparatus is moving forward relating to production, with the potential for delivery by the end of 2025 for both pieces.

### **Public Works**

Mr. Watts noted an upcoming small stormwater project at Brookside Park, starting Monday, March 31, 2025, requiring the park to be closed during this time in order to keep everyone safe.

### **Library**

Mrs. Jacobine noted the following upcoming events:

- On Saturday, March 29, 2025, at 2 p.m., discussion with local YA author, A.S. King
- On Saturday, April 5, 2025, at 2 p.m., author Grace Cho, will discuss her book, "Tastes Like War"

### **Parks & Recreation**

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Ms. Walker provided a reminder of the Saturday, April 12, 2025, Easter Egg Hunt (rain date of Sunday, April 13, 2025) at 10 a.m., for ages 8 and under.

### **VISITOR/PUBLIC COMMENTS**

There were no public comments offered.

### **ADJOURNMENT**

Supervisor Zmuda made a motion to adjourn the meeting at 8:20 p.m. Chairwoman Nutt seconded the motion. **Motion carried 4-0.**

### **SUBMITTED BY:**

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Michael P. Corado, Secretary