

**MEETING MINUTES**  
**BOARD OF SUPERVISORS, TOWNSHIP OF DERRY**  
**Monday, October 21, 2013**  
600 Clearwater Road, Hershey, Pennsylvania 17033

**REGULAR MEETING**

**CALL TO ORDER**

The October 21, 2013 Township of Derry Board of Supervisors meeting was called to order at 7:15 p.m. by Supervisor Marc A. Moyer

**ROLL CALL**

***Supervisors Present***

Sandy A. Ballard  
Kelly C. Fedeli, Vice-Chairman (*Note: Vice-Chairman Fedeli joined the meeting at 7:30 p.m.*)  
John Foley, Jr.  
Marc A. Moyer, Secretary

***Supervisors Absent***

E. Christopher Abruzzo, Chairman

**Also Present**

Matt Bonanno, HRG, Township Engineer  
Charles W. Emerick, Director of Community Development  
Jill E. Henry, Assistant Township Manager  
Cheryl L. Lontz, Manager of Payroll & Employee Benefits  
Matthew J. Mandia, Director of Parks & Recreation  
James N. Negley, Township Manager/Township Treasurer  
Robert Piccolo, Assistant Director of Public Works  
Timothy Roche, Assistant Chief of Police  
Jenelle Stumpf, Community Development  
Brenda Van Deursen, Recorder

***Public Present:*** Rich Gamble, Matt Weir, Ercoli DiVittore, Elvira Ebling, George Haverstraw, Melanie Boehmer, Juliet Waldron, Whitney Simmows, Ron Lucas, Keith Heigel, Mac Utsey

**Supervisor Moyer advised that all public meetings are recorded for providing accurate minutes.**

**Supervisor Moyer announced that the Board of Supervisors met in executive session to discuss land, legal, and personnel issues.**

**OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

**Rich Gamble, Hockersville Road** – Mr. Gamble thanked the Derry Township police for getting involved with some problems they are having on Hockersville Road with illegal parking and

basically harassment of parking. Hockersville Road has just been reduced to one side parking and those people who do park on that side are not the owners. When people build businesses and take over properties, they are required to provide off street parking. Most of the homes have been sold and turned into rental units. One house on the end of Hockersville Road has an average of 4 to 5 cars attached to that house and no off street parking is provided. These are the types of properties you want to change and preserve. A house at Whitman and Duke Street was repossessed and is overgrown with weeds. You cannot even come out of the road and look left because the hedge is actually grown out over the road. He has reported this but there has not been any change. Land that is supposed to be developed just sits there and no one takes responsibility.

Supervisor Ballard asked Mr. Gamble if he gave Mr. Emerick the addresses of the properties he is talking about. Mr. Gamble replied that he talked to Mr. Emerick several times about it. He is sure Mr. Emerick has made contact with the owners, but it doesn't mean anything; it is time to move forward.

Mr. Gamble mentioned that the patching on Governor Road during the car show created problems. Last week from Monday on there has been a back log of traffic due to poor management of traffic flow. Mr. Gamble said people coming from Fishburn and Hockersville were blocking the intersection. He called two different times about this.

Supervisor Ballard asked if this was caused mostly by the Governor and Cherry construction because she had several people contact her wondering if the work could be done at night. Mr. Bonanno explained that there were two crossings done last week on 322. They were supposed to be done by August 15, which is normally the last day for paving on a PennDOT Road, but the contractor got an extension from PennDOT to pave until October 31. The work on 322 is now completed. Hockersville Road will be paved this week and all the work on the PennDOT roads will be completed. Mr. Bonanno said this is only a two lane highway and they let 75 to 100 cars go at a time. It is just that much volume of traffic right there. Mr. Bonanno added that they brought in three additional workers to make this go as smooth as possible. Mr. Gamble said the number of cars they let go at one time was too many for the flow and safety of traffic on a major highway.

#### **APPROVAL OF MINUTES**

Supervisor Moyer called for a motion to approve the Minutes of the October 8, 2013, Board of Supervisors Meeting. Supervisor Foley made a motion to approve the Minutes as written. Supervisor Ballard seconded. ***The motion carried, 3-Yes 0-No.***

#### **NEW BUSINESS**

##### **A1-16 The Preliminary/Final Land Development Plan for East Point Trade Center – Building C, Plat No. 1234.**

**Charles W. Emerick, Director of Community Development** – This plan represents a 163 acre tract of land owned by Hillwood Palmyra LP located east of North Lingle Avenue and south of Norfolk Southern. Basically, it is the General Mills warehouse site. Of the 163 acres, there is about 24 acres in Derry Township, approximately 82 acres in North Londonderry Township, and

approximately 56 acres in Palmyra Borough. The land is mixed zoning because it is in different municipalities.

In 2003, there was a previous development on this property which created two buildings. Building A was 675,000 square feet and Building B was 725,000 square feet, which put 32.14 acres under roof. The 2003 plans provided for the construction of both buildings in Lebanon County with only an access driveway in Derry Township.

The present plan depicts a third warehouse called Building C which is proposed at 374,125 square feet. The building will straddle the Derry Township and the North Londonderry Township line which also puts it on the border between Dauphin County and Lebanon County. Along with the building, they will be proposing a new guard shack, employee parking for 110 vehicles, and 111 trailer storage spaces. The entrance to the site is slated to be widened and designed in such a manner as to deter trucks leaving the property from turning left and heading down to Chocolate Avenue.

Stormwater from the Derry Township portion of the property will be collected and conveyed to the Lebanon County side where it will be managed and collected into the quarries. That is presently how the existing buildings are handled. Sewage needs will be addressed through the use of a lift station tied to Derry Township Municipal Authority.

A traffic study was done and showed that there was going to be 3 new auto trips and 6 new truck trips in the AM peak hour and 10 new employee trips and 11 truck trips in the PM peak hour. This does not have much effect on our otherwise peak trips because of the main shifts of the warehouse are different from our AM and PM peak hours.

Since the proposal is in three municipalities, each municipality has its own zoning and its own impervious lot coverage. Derry Township is the most restrictive in that we allow 60% in the Industrial and we only allow 15% impervious in the Ag Conservation District. North Londonderry Township will allow a maximum 50% coverage, but they exclude vehicular and pedestrian ways from that calculation. Palmyra Borough is working on a new ordinance and once it is adopted they would allow 85% coverage. They started out blending the lands in Derry Township; the AG and the Industrial, and in doing that they could not meet the zoning impervious coverage in Derry due to the way the development pieces together with the quarries and the railroads. They developed an intermunicipal agreement that none of the other municipalities will allow more than 60% coverage on land within that municipality nor will we in Derry Township overall. That agreement has been tentatively approved through the other municipalities and our Solicitor is reviewing it. This will allow them to look at the property that is split by counties and municipalities and boroughs more holistically and develop it more appropriately.

This parcel is presently not assessed in Derry Township because up until this proposal the only improvement in Derry was the driveway back to the Lebanon County improvements. We are working on getting an agreement to seek tax dollars.

Mr. Emerick reviewed the waivers on the plan. He mentioned specific waivers pertaining to cartway widening and bicycle paths. The cartways were addressed to be well functional for this property. The applicant had originally asked for a waiver for sidewalks, walkways and bicycle paths. In negotiating with the developer, we have now proposed a bicycle path that will pick up along the southern portion of the property, across the driveway and come to a point where the guide rail for the railroad overpass would prohibit an additional lane. At that point we would be bringing the bicycle traffic or foot traffic back out to what is rather a wide shoulder. The hope is that as lands south of this would develop this would be a connector down into Palmdale.

**Discussion:**

Supervisor Ballard said the intermunicipality agreement would end up with us with the overall coverage of only 60%, which is our standard anyway. Supervisor Ballard asked where the bike path will go. Mr. Emerick indicated the path on the map.

Supervisor Moyer asked about the cartway widening. Mr. Emerick explained that it was recently widened and overlaid through a PennDOT project. It doesn't necessarily meet our width standards of our ordinance, but it serves the neighborhood adequately and there didn't seem to be any reason to tear something up that was rather new when we are not trying to take truck traffic to the south.

**Motion:** A motion made by Supervisor Foley and seconded by Supervisor Ballard that the Preliminary/Final Land Development Plan for East Point Trade Center – Building C, Plat No. 1234, is approved subject to the following:

- a. That the applicant reimburse the Township for costs incurred in reviewing the plan no later than November 21, 2013.
- b. That performance security be provided to guarantee the completion of required improvements and that the accompanying agreement be signed no later than April 21, 2014.
- c. That a signed Operation and Maintenance Agreement be provided no later than April 21, 2014.
- d. That a signed agreement from the entity providing the street sweeping maintenance be provided no later than April 21, 2014.
- e. That a digital file of the final version of the plan be provided in AutoCAD or DXF format no later than April 21, 2014.
- f. That the plans be signed and sealed prior to plan recording.
- g. That the inter-municipal agreement related to impervious coverage limits on the property be approved and recorded concurrently with the plan.
- h. That the Stormwater Best Management Practices Operation and Maintenance agreement and a revised property deed, listing the stormwater BMPs as a restrictive covenant be recorded concurrently with the plan.

It is further moved that the following waivers are granted from the Subdivision and Land Development Ordinance:

- a. From Sections 185-12.D.(2) and 185-13.E.(3) regarding Plan scale.

- b. From Sections 185-12.D.(3).(a).[21], [22], [23], and 185-13.E.(4).(a).[19], [20], [21] regarding providing profiles of existing, unaffected stormwater sewer, sanitary sewer, water and gas facilities.
- c. From Section 185-22.E.(5) regarding curb installation.
- d. From Section 184-34 regarding sidewalk and walkways, while maintaining the previous recorded deferment.
- e. From Section 185-22.D.(3) regarding cartway widening.

***Motion carried, 4-Yes 0-No.***

**B1-14 The Revised Preliminary/Final Land Development Plan for Milton Hershey School Capital Improvements, Plat No. 1237.**

**Charles W. Emerick, Director of Community Development** – This plan is proposing to remove improvements that were proposed in 2004 as part of the Milton Hershey School Student Housing Expansion, 6<sup>th</sup> Wave. The school has since taken different direction and these improvements will not be constructed. However, because it is a recorded plan, we had collected security for improvements. They asked that we release that security. In order to return their security we need to undo things. There are waivers listed, but we are not really doing anything. All conditions of the prior approval as it relates to improvements still stand. The waivers are strictly related to what is being deleted from what was approved.

Supervisor Moyer clarified that we have formally taken action to remove all plans that had previously been actionable. Mr. Emerick said this plan will go to record and will be recorded as a legacy document of what has been undone.

**Motion:** A motion made by Supervisor Foley and seconded by Supervisor Ballard that the Revised Preliminary/Final Land Development Plan for Milton Hershey School Capital Improvements, Plat No. 1237, is approved and that the following waivers are granted from the Subdivision and Land Development Ordinance:

- a. From Sections 185-12.D.(1) and 185-13.E.(1) regarding the standard Township title block.
- b. From Sections 185-12.D.(3).(a).[4] and 185-13.E.(4).(a)[4] regarding a location plan.
- c. From Sections 185-12.D.(3).(a).[7] and 185-13.E.(4).(a)[7] regarding metes and bounds.
- d. From Sections 185-12.D.(3).(a).[8] and 185-13.E.(4).(a)[8] regarding perimeter property line corner coordinates.
- e. From Sections 185-12.D.(3).(a).[9] and 185-13.E.(4).(a)[9] regarding showing existing features within 50' and 200' (respectively) of the tract.
- f. From Sections 185-12.D.(3).(a).[10] and 185-13.E.(10).(a)[4] regarding showing various sensitive environmental areas.
- g. From Section 185-12.D.(3).(a).[11] regarding area calculations and drawings.
- h. From Sections 185-12.D.(3).(a).[12] and 185-13.E.(4).(a)[13] regarding adjacent property owners.
- i. From Section 185-12.D.(3).(a).[15] regarding soil types and limits.
- j. From Sections 185-12.D.(3).(a).[16] regarding known sinkhole locations.

- k. From Sections 185-12.D.(3).(a).[17] and 185-13.E.(4).(a)[15] regarding names of existing streets.
- l. From Sections 185-12.D.(3).(a).[18] and 185-13.E.(4).(a)[16] regarding width of existing streets, easements, and rights-of-way.
- m. From Sections 185-12.D.(3).(a).[20] and 185-13.E.(4).(a)[18] regarding location of existing driveways.
- n. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a)[19] regarding profiles of existing stormwater sewers.
- o. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a)[20] regarding profiles of existing sanitary sewers.
- p. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a)[21] regarding profiles of existing gas and water systems.
- q. From Sections 185-12.D.(3).(a).[34] and 185-13.E.(4).(a)[34] regarding the one hundred year flood plan.
- r. From Sections 185-12.D.(3).(a).[35] and 185-13.E.(4).(a)[36] regarding showing topographic land contours within 50' and 200' (respectively) of the perimeter.
- s. From Sections 185-12.D.(3).(a).[37] and 185-13.E.(4).(a)[38] regarding restrictions on the use of land, including easements and rights-of-way.
- t. From Sections 185-12.D.(3).(a).[38] and 185-13.E.(4).(a)[42] regarding the purpose of existing rights-of-way and easements.
- u. From Section 185-12.D.(3).(a).[39] regarding statement from utilities indicating conditions attached to easements and rights-of-way.
- v. From Sections 185-12.D.(3).(a).[40] and 185-13.E.(4).(a)[43] regarding existing streets on and adjacent to the tract.
- w. From Sections 185-12.D.(3).(a).[47] and 185-13.E.(4).(a)[45] regarding recording reference of recorded subdivision and land development plans of adjoining owners.
- x. From Sections 185-12.D.(3).(a).[48] and 185-13.E.(4).(a)[46] regarding certification of title for property.
- y. From Sections 185-12.D.(3).(a).[51] and 185-13.E.(4).(a)[49] regarding the location of existing monuments.
- z. From Sections 185-12.D.(4).(b) and 185-13.E.(5).(b) regarding a Department of Environmental Protection sewerage and facilities planning module.
- aa. From Section 185-12.D.(4).(d) regarding stormwater control.
- bb. From Section 185-12.D.(4).(g) regarding the fire hydrant testing.
- cc. From Section 185-13.E.(4).(a).[22] regarding erosion and sedimentation controls approval.
- dd. From Section 185-13.E.(4).(a).[35] regarding wetlands.

***Motion carried, 4-Yes 0-No.***

**CORRESPONDENCE** – No correspondence to report.

**BOARD/COMMITTEE INFORMATION** – No information to report.

**REPORTS**

**Lt. Timothy Roche, Assistant Chief of Police** – Lt. Roche reported that the Hershey Half Marathon seemed to go well. There were no traffic complaints received from the citizens. He thanked the many outlying law enforcement agencies and fire police agencies for their support.

**Robert Piccolo, Assistant Director of Public Works** – Mr. Piccolo reported they are collecting leaves on a regular schedule and doing some clean up from the rain the other week.

Supervisor Moyer announced that a murder mystery dinner will be held on November 9 at the Library.

**Matt Mandia, Parks and Recreation** – Mr. Mandia reminded everyone of the Halloween Parade tomorrow evening. Based on pre-registrations there should be a good turnout. This Saturday is our first Annual Shank Park Spook Fest.

**Matt Bonanno, Township Engineer** – Mr. Bonanno reported:

- The contractors are installing storm sewer on Cherry and Sand Hill.
- The piles along Mill Street should be completely cleaned up by this Friday.
- The landscaping contractor is reseeding some of the areas that didn't take.

Supervisor Moyer wanted to confirm that some reseeding may occur in the spring in the event the climate doesn't facilitate growth. Mr. Bonanno said we will pay for it once and they will have to come back in the spring and make sure it is all established. Supervisor Moyer asked about the square project. Mr. Bonanno said they still anticipate it to be done by the end of year.

Supervisor Ballard asked if it is possible for construction work that greatly impacts traffic to be done at night. She gave an example of the Cherry and Governor situation. Mr. Bonanno said it is possible, but you need PennDOT approval. It is typically something you write in the contract up front. It would cost the Township more money, but it is a possibility for future contracts.

Vice-Chairman Fedeli referred to the flooding last weekend and how our stormwater system performed. She was very concerned and was looking closely at how the new areas were functioning and found that in many respects they functioned well. Mr. Bonanno said when he drove around the areas on Friday between 8:30 and 9:30 a.m. everything looked pretty good as far as collecting all the stormwater. He drove through the Village area and there was no ponding. Vice-Chairman Fedeli asked about Memorial Field. Mr. Bonanno said our system ties into an existing box that is underneath Memorial Field, but that whole area is part of a flood control that the Army Corp did years ago. Vice-Chairman Fedeli said she was very pleased to see that Cocoa Avenue did not flood. She believes the flooding did reveal other areas of the Township that are in need of work; however, it will be up to future boards to take care of those areas as funding permits. She mentioned Locust was an area that was identified and we have been in touch with the County, but that funding has not been approved yet.

Supervisor Ballard suggested we have a public discussion or presentation on what the Stormwater project was intended to do and what it was not intended to do.

Supervisor Foley thanked our emergency services folks who spent most of the day at EOC as well as the volunteers, Public Works, and our Police Department for all that they did.

**Chuck Emerick, Director of Community Development** – Mr. Emerick reported that he submitted an application for rezoning a portion of land that is located between Sand Hill Road and Bullfrog Valley Road. It is going to be presented to the Planning Commission before he brings it to the Board in a form of a public hearing. It involves rezoning from Neighborhood and a little bit of Agriculture Commercial to Suburban Residential with a brand new Retirement Overlay.

Supervisor Ballard said The Sun had reported on the gas line coming through and wondered if the gas company reached out to us. Supervisor Foley has talked to some people about the emergency safety issue. The company is looking at higher risk areas and avoiding those.

Supervisor Ballard shared that some folks suggested a short connection on the bike path on the south side of Governor Road when you are at the intersection of Cherry and Governor. It would be an opportunity to connect the Medical Center with the downtown. Supervisor Foley said that stretch is part of a long term transportation initiative. If we can make some connection that utilizes the north side of the street, it may be more productive right now. We have been talking about the connectivity between the Sunoco and the north east corner of Cherry. It should have a dual purpose and make it both sidewalk and bike.

#### **APPROVAL OF ACCOUNTS PAYABLE (\$1,865,815.78) AND PAYROLL (\$288,193.24).**

**Motion:** Supervisor Fedeli moved to approve accounts payable in the amount of \$1,865,815.78 and payroll in the amount of \$288,193.24. Supervisor Ballard seconded. ***The motion carried, 4-Yes 0-No.***

#### **OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD**

**Rich Gamble** – Mr. Gamble said the flooding at Memorial Field is a product of our development. In 1954, the PA State Police Academy was located there and eventually we put the recreation center there and never had a problem. He believes some of the flooding is from the expansion of the Derry Township School District expanding their fields and parking lot. They should have a responsibility with this.

#### **ADJOURNMENT**

Supervisor Ballard moved to adjourn the meeting at 8:10 p.m. Supervisor Foley seconded. **The motion carried, 4-Yes 0-No.**

SUBMITTED BY:

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Marc A. Moyer  
Township Secretary

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Brenda Van Deursen  
Recording Secretary