

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
JANUARY 26, 2016

CALL TO ORDER

Chairman Marc A. Moyer, called the January 26, 2016 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:00 pm in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. He advised that all public meetings are recorded for the purpose of providing accurate notes. Chairman Moyer announced the Board of Supervisors met in executive session to discuss land, legal, and personnel issues before the meeting. After the pledge of Allegiance, a roll call was conducted.

IN ATTENDANCE:

SUPERVISORS

Marc A. Moyer, Chairman
John W. Foley, Jr., Vice Chairman
Justin C. Engle, Secretary
Matthew A. Weir
Susan M. Cort

ALSO PRESENT:

James Negley, Township Manager
Chuck Emerick, Director of Community Development
Thomas Clark, Director of Public Works
Lt. Garth Warner, Police Department
Matthew Mandia, Director of Parks and Recreation
Bob DiLello, Hershey Volunteer Fire Company
Lauren Zumbrun, Economic Development Manager
Cheryl Lontz, Manager of Payroll and Employee
Barbara Ellis, Director of Hershey Public Library
Matt Bonanno, HRG Engineer
Chris Brown, Planner
Jon A. Yost, Township Solicitor
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Elvira Ebling, Dave Getz, Jim George, Wayne Schultz, Craig Lady, Alex Walker, Todd Pagliaralo, Jim Snyder, Brian Peda, Stephen Hinkle, Chuck Gassert, Sam Koda, Paul Myers, Susan Lertzell, Pete Weigher, Heather Weigher, Dave Weaver, Samuel Reed, Sharon Reed, Joe Eisenhower, Roy Michaelson, and Rich Gamble

VISITOR/PUBLIC COMMENTS:

Chuck Gassert, 1345 Bradley Ave, stated the Board will be considering the Comprehensive Plan tonight. He stated he believes future actions of the Board will be based on the plan. He spoke about the green policy in the plan. He spoke about the Gateway West plan and concerns he and other residents have about the plan/development with stormwater and increased traffic.

Dave Weaver, 1163 Galloway Court, stated he spoke a few meetings ago about concerns with Gateway West and the open space on the western side of town. He stated Mr. Brown spoke about how the comprehensive plan doesn't contain laws or have power, yet he feels it directs the direction of the Township. He is concerned about the direction/vision and would like to see and obtain more details about the plans. He believes the residents near the Gateway plan don't consider this a positive outcome of the plan. He is concerned about increased stormwater and traffic as a result of rushed development. He stated the Township requires the citizens to present detailed plans for development and he stated this plan doesn't contain those detailed plans for 3.2 designation. He feels the board should get more details for this area.

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Mr. Roy Michaelson, 1169 Galloway, agreed with Mr. Weaver's concerns. He stated the Supervisors should consider putting out more information about the plan which will be driving the Township. He stated zoning is such a large portion of the Township and he believes the process should slow down and know where this heading.

Supervisor Engle discussed the comprehensive plan. Mr. Chris Brown discussed the plan and stated it is not an entitlement process nor is it a Gateway West plan. He discussed how there are all kinds of plans around the Township but they need to be submitted. He agreed with Mr. Weaver that things shouldn't be rushed and explained how the Comprehensive plan tried to ensure plans aren't rushed and to allow more input from residents. He stated zoning is what allows things to happen in the Township not the Comprehensive Plan.

APPROVAL OF MEETING NOTES:

Vice Chairman Foley made a motion to approve the minutes from the January 4, 2016 Board of Supervisors meeting. Supervisor Cort seconded the motion. **Motion carried 5-0.**

SNOW STORM

Chairman Moyer, on behalf of the Board, thanked everyone who worked through this weekend's storm which resulted in two feet of snow. He spoke about the Public Works staff who worked the clock to clear the streets and to make sure emergency vehicles were able to get through the streets. He discussed the Police Department staff who put out real time communication and coordinated with the other departments. He spoke about the Fire Company about their phenomenal response and work for our volunteers. He praised the companies and community who helped the Township staff during the blizzard with food, snow mobile assistance, restaurants who opened to feed our staff working during the height of the storm and the Days Inn who provided free rooms for our staff to sleep. He thanked Supervisor Cort for pushing out the information through the media. He thanked Vice Chairman Foley and his assistance with this storm. Supervisor Cort read some of the positive comments from the public about the great job the Township did during the storm.

NEW BUSINESS

INTER-MUNICIPAL WOOD WASTE DISPOSAL AGREEMENTS:

Mr. Clark discussed the agreement needed for the wood waste disposal with Lower Dauphin School District and the Borough of Hummelstown. These agreements are necessary for the DEP grant. Supervisor Weir made a motion to approve the inter-municipal wood waste disposal agreement, between the Township of Derry and Lower Dauphin School District and Township of Derry and the Borough of Hummelstown. Vice Chairman Foley seconded the motion. **Motion carried 5-0.**

RESOLUTION NO. 1444, THE NEW DERRY TOWNSHIP COMPREHENSIVE PLAN:

Mr. Emerick stated the Comprehensive Plan lays out the strategic direction for the future of the Township through achievable approaches and steps for implementation. He discussed the input from Staff and technical experts reviewing surveys, analyses and projections. He stated the resolution serves to note the following:

- The Township's use of a Comprehensive Plan to guide future development;
- The enabling law that allows for the creation of the Plan;
- Affirmation that the Plan does not change base zoning in the Township;

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- Those that prepared the Plan, Inclusion of public input in the Plan, Invitation to the County, school district, and adjacent municipalities to comment on the Plan; Township Planning Commission public review of the Plan; Public invitation to review the Plan either at the Township Building or on our website;
- That no substantial changes were received during the required review period;
- The dates of advertisement of the public hearing by the Board of Supervisors, the date of the hearing held by the Board of Supervisors;
- A determination that the Plan as attached to the resolution should not be substantially changed;
- An acknowledgement, statement of support, and short recital of the guiding principles of the Plan;
- A statement that the plan is beneficial to the health, safety, and welfare of the citizens of Derry Township; and the intent to adopt the Plan.

Supervisor Engle made a motion to adopt **Resolution No. 1444**, implementing the 2015 Comprehensive Plan. Vice Chairman Foley seconded the motion. **Motion carried 4-0-1.** Chairman Moyer voted against the resolution.

THE PRELIMINARY SUBDIVISION AND LAND DEVELOPMENT (SLD) PLAN- 515, 555 AND 565 EAST CHOCOLATE AVENUE AND FINAL SLD PLAN FOR PHASE 1, (LOT 1) PLAT NO. 1254:

Mr. Emerick discussed the plan that was approved on October 27, 2015 meeting. Since the approval, the developer recently discovered that it would be incredibly difficult to obtain bonding in this present banking environment for a "spec" medical office and parking garage. The developer has requested that they not be required to post the financial security for the office/garage portion of the project, and asked if they could still record the plan so the hotel could be built. He suggested, and the developer agreed, to modify the plan in such a way as to only receive preliminary plan approval for the office and garage, yet obtain final plan approval for the hotel so as to keep the project moving forward. The developer will still be obligated to complete all improvements within East Chocolate Avenue as part of the hotel project. He read each of the conditions of the plan. The Board complimented Mr. Emerick on working with the developer on this change.

Supervisor Engle made a motion That the Preliminary Subdivision and Land Development Plan for 515, 555, and 565 East Chocolate Avenue and Final Subdivision and Land Development Plan for Phase 1 (Lot 1), Plat #1254, is approved subject to the following:

- a. The applicant reimburses the Township for costs incurred in reviewing the plan no later than February 26, 2016.
- b. A revised cost estimate is submitted by the applicant's engineer for review by HRG; that performance security is provided to guarantee the completion of required improvements; and that the accompanying performance security agreement is signed no later than July 26, 2016.
- c. A signed copy of the PennDOT Highway Occupancy Plans and Permit is provided no later than July 26, 2016. – Mr. Emerick stated this has been addressed.
- d. Data is provided no later than July 26, 2016, substantiating minimum fire hydrant flow requirements, flow availability, recharge capabilities, and duration of flow.
- e. Written requests are provided by the landowner no later than July 26, 2016, formally withdrawing Plat #1179 and Plat #1204.

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- f. The plan is revised no later than July 26, 2016 to show the locations and profiles for water lines, fire service lines, and gas lines to the proposed buildings, including the location of manholes, valve boxes, fire hydrants, and other related structures.
- g. The lighting plan is supplemented to show that minimum standards are met within the "interim" parking area and is sealed by a professional engineer no later than July 26, 2016.
- h. The applicant provides a statement from the controlling utility company no later than July 26, 2016, indicating that the encroachment of the parking garage, and other improvements, within the utility easements are acceptable as proposed. Mr. Emerick stated this has been addressed.
- i. The applicant provides an executed Interim Parking and Stormwater Discharge Easement Agreement(s) that is acceptable to the Township Solicitor no later than July 26, 2016.
- j. All outstanding Township staff and HRG comments related to their review of the modified plans are satisfactorily addressed no later than July 26, 2016.
- k. The comments in the September 29, 2015 DTMA letter (attached) are satisfactorily addressed no later than July 26, 2016.
- l. The executed Stormwater Best Management Practices Operation and Maintenance agreement is provided no later than July 26, 2016.
- m. The plans are provided on a CD in AutoCAD or DXF format no later than July 26, 2016.
- n. The plans are signed by the owner no later than July 26, 2016.
- o. The Wetland Certification on Sheet 2 is signed no later than July 26, 2016.
- p. The completed Township of Derry MS4 Post-Construction Stormwater BMP Inventory form is provided no later than July 26, 2016.
- q. The applicant submits PennDOT Highway Occupancy Permit plans to the Township concurrently with the submissions made to PennDOT, for review and comment by HRG, Inc.
- r. The Stormwater Best Management Practices Operation and Maintenance Agreement and a revised deed (or deeds), listing the stormwater BMPs as a restrictive covenant, are recorded concurrently with the plan.
- s. The Interim Parking and Stormwater Discharge Easement Agreement is recorded concurrently with the plan.

Vice Chairman Foley seconded the motion. Motion carried 5-0.

THE PRELIMINARY/FINAL SUBDIVISION PLAN - TRIMBLE PROPERTY, PLAT1 NO. 261

Mr. Emerick showed the Board the location and lots for the Trimble Property located on the south side of McCorkel Road, in the area of the Jacobs Creek Development. The tract is located in the Agricultural/Conservation zoning district. The applicant proposes to subdivide the property into two lots, one containing an existing dwelling unit and the other as a new residential building lot. Since this property has been in the same configuration since October 13, 1960, it qualifies for the subdivision exemption in accordance with Section 225- 163 of the Zoning Ordinance. The Zoning Hearing Board granted relief for their requests. He read and explained each of the waiver and conditions of the plan. Discussion ensued.

Supervisor Engle made a motion to approve the Preliminary/Final Subdivision Plan for the Trimble Property, Plat #1261, is approved subject to the following:

- a. The applicant reimburses the Township for costs incurred in reviewing the plan no later than February 26, 2016.
- b. The performance security estimate is revised no later than July 26, 2016 to include the shed relocation to ensure removal of the nonconformity.

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- c. The performance security is provided to guarantee the completion of required improvements, and the accompanying agreement is signed no later than July 26, 2016.
- d. The fee in-lieu of dedication of land for park, recreation, and open space use, in the amount of \$1,299.65, is provided no later than July 26, 2016.
- e. The completed Township of Derry MS4 Post-Construction Stormwater BMP Inventory form is provided no later than July 26, 2016.
- f. The plans are signed and sealed no later than July 26, 2016.
- g. The name and seal of the engineer certifying the accuracy of the Post Construction Stormwater Management Narrative and Calculations Report are provided no later than July 26, 2016.
- h. A legal description and accompanying exhibit for the right-of-way dedication of McCorkel Road to the Township are submitted for review by HRG, and a corresponding deed of dedication is provided no later than July 26, 2016.
- i. The executed Stormwater Best Management Practices Operation and Maintenance Agreement (signed by the Trimbles) is provided no later than July 26, 2016.
- j. The deed of dedication for the additional McCorkel Road right-of-way is recorded concurrently with the plan.
- k. The Stormwater Best Management Practices Operation and Maintenance Agreement and a deed for the new lot, listing the stormwater BMPs as a restrictive covenant, are recorded concurrently with the plan.
- l. The Agreement for the Deferment of the Installation of Curbing and Sidewalk is 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. (3). (a). [21], [22] and 185-13. E. (4). (a). [19], [20] regarding stormwater sewer and sanitary sewer plans and profiles.
- b. From Sections 185-12. D.(3). (a).[21], [22] and 185-13.E.(4).(a).[19], [20] regarding plan and profile scale.
- c. From Sections 185-12.D.(2) and 185-13.E.(3) regarding plan scale to allow the Drainage Map on Sheet 3 of 5 to be shown at a scale of 1" = 80'.
- d. From Section 185-22.E.(5) regarding the deferment of the installation of curbs, with the stipulation that the owners enter into an agreement with the Township that would allow the Township to require the installation of curbs in the future if deemed necessary.
- e. From Section 185-34 regarding the deferment of the installation of sidewalks, walkways, and bicycle paths, with the stipulation that the owners enter into an agreement with the Township that would allow the Township to require the installation of sidewalks in the future if deemed necessary.
- f. From Section 185-22.D.(2) regarding street widening along McCorkel Road.

Supervisor Cort seconded the motion. **Motion carried 4-1.** Supervisor Weir voted against the plan.

ORDINANCE NO. 675 - AMENDING CHAPTER 185:

Mr. Emerick stated this action is a result of the public hearing held this evening. The requested modifications to the Subdivision and Land Development Ordinance (SALDO) serves two rather simple purposes. First, the Derry Township Municipal Authority has established a fee schedule for plan and planning module reviews which became effective in January, 2016. Collection of their fees as a part of plan submission has been added to the regulations. The second change accomplished through this amendment is reducing the number of copies of plans to be submitted from 10 sets to 7 sets; reducing the

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number of copies of supporting data from 10 sets to 5 sets; and requiring a digital copy of the full submission. Supervisor Cort made a motion to adopt **Ordinance 675**. Vice Chairman Foley seconded the motion. **Motion carried 5-0.**

ORDINANCE NO. 674 - AMENDING THE ARTICLES OF INCORPORATION OF THE DERRY TOWNSHIP MUNICIPAL AUTHORITY TO PROVIDE FOR THE OWNERSHIP, OPERATION, AND MANAGEMENT OF STORM WATER SYSTEMS

Mrs. Zumbrun stated this ordinance is the next step in the process of transitioning stormwater responsibilities from the Township to the Derry Township Municipal Authority (DTMA). DTMA has passed a resolution approving an amendment to the Authority's Articles of Incorporation to also provide for stormwater system planning, management, and implementation. The Resolution requires that the Derry Township Board of Supervisors adopt an ordinance to also adopt and approve the amendment to the Articles of Incorporation. Vice Chairman Foley made a motion to adopt **Ordinance 674** amending the Articles of Incorporation of the Derry Township Municipal Authority to provide for the ownership, operation, and management of stormwater systems. Supervisor Weir seconded the motion. **Motion carried 5-0.**

PROPOSAL FROM HRG - VALUE ENGINEERED CHOCOLATE AVENUE (SR 422) STREETScape IMPROVEMENTS:

Mrs. Zumbrun stated this proposal for engineering and final design for the value engineered Chocolate Avenue Streetscape Improvements project. The focus has been on Chocolate Avenue between Old West Chocolate Avenue to just east of Mansion Road, and also focusing on the intersection of Cocoa Avenue and Caracas Avenue. The proposed improvements include a grass median west of Orchard Road, high visibility decorative crosswalks, resin bump-outs, and delineated parking spaces. In December, an application requesting funding for construction through PennDOT's Multimodal Transportation Fund program was submitted. The engineering fee totals \$305,000. HRG was authorized to proceed with engineering/design for this project in an amount not to exceed \$60,000. Earlier this month, the Board approved a request for County Liquid Fuels funding that would fund the balance of this proposal, or \$245,000. Vice Chairman Foley made a motion to approve proposal submitted by HRG for professional services for the Value Engineered Chocolate Avenue (SR 422) Streetscape Improvements Revised Scope of Work, contingent upon the receipt of the requested allocation of Dauphin County Liquid Fuels funding. Supervisor Engle seconded the motion. **Motion carried 5-0.**

PROPOSAL FROM HRG- MIDDLETOWN ROAD CORRIDOR STUDY:

Mr. Negley stated the study for the Middletown Road Corridor will assess the existing safety and mobility along this corridor and make recommendations for improvements. This will include an evaluation of signal timing and progression, as well as a conceptual evaluation of turn lane warrants at locations along the corridor. The cost for the proposal is \$14,850.00, which will come out of the Community Development's Traffic Contribution's budget. Vice Chairman Foley made a motion to approve that the Township Manager may execute an agreement with Herbert, Rowland & Grubic, Inc., to provide professional and related project services for the Middletown Road Corridor Study. Chairman Moyer seconded the motion. **Motion carried 5-0.**

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INTERGOVERNMENTAL ARRANGEMENT FOR POLICE PROTECTIVE SERVICES:

Acting Chief Garth Warner discussed the requested intergovernmental arrangement for police protective services with South Hanover Township and authorizing the adoption of the joint municipal agreement for law enforcement services to be provided within South Hanover Township for Milton Hershey School Venice campus (north and south) and Manada campus by the Derry Township Police Department. Vice Chairman Foley made a motion authorizing the advertise an ordinance authorizing the entering into an intergovernmental arrangement for police protective services with South Hanover Township and authorizing the adoption of the Joint Municipal Agreement for Law Enforcement services to be provided within South Hanover Township for Milton Hershey School Venice Campus (North and South) and Manada Campus is hereby approved. Supervisor Cort seconded the motion. **Motion carried 5-0.**

REQUEST TO IMPLEMENT A SEASONAL PAY SCALE FOR OUR SPECIAL SCHOOL POLICE (CROSSING GUARDS) FOR THE DURATION OF THE AFSCME CONTRACT:

Lieutenant Warner discussed the request to implement a Seasonal Pay Scale for our Special School Police (Crossing Guards) for duration of AFSCME contract. Vice Chairman Foley made a motion to approve the request to implement the Special School Police pay scale. Chairman Moyer seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Cort thanked the community for pulling together during the storm.

Supervisor Weir spoke about the DTMA positive initiatives other than stormwater management.

Supervisor Foley thanked the residents for their patience during the storm.

Supervisor Engle recognized the time and the amazing team who worked on the Comprehensive Plan. He believes it was a good team and it started six years ago and really ramped it up the last two years.

REPORTS:

Police – Lt. Warner thanked all the other departments who helped during the storm. He shared a story about the three kids who gave up birthday presents to donate \$615 to the Friends of Hershey Canine. He stated there was a photo and story of the boys and through their story their donation was matched.

Fire – Mr. DiLello spoke about the great job Public Works did with the storm which allowed them to respond to their calls.

Library – Mrs. Ellis thanked Public Works for the job they did with the library with the snow. She spoke about the children and adult reading programs that are in place for the winter months.

Planner – Mr. Brown spoke about working on the transportation street alignment and pulling plans together on Park Boulevard.

Engineer – Mr. Bonanno spoke about the DTMA second stakeholder's meeting tomorrow. He stated the Locust/Java project won't start until March/April.

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Community Development – Mr. Emerick stated he is working on the maintenance initiatives and is working on a quarterly newsletter for residents which will be called Informed Citizen. He stated he is working on a foreclosure ordinance with Solicitor Yost. He spoke about the first workshop for the official mapping as part of the Comprehensive plan. He spoke about reworking the zoning ordinance and former Supervisor Ballard was a representative of the Board for the committee. He asked the Board for a replacement. Supervisor Engle made a motion to nominate Supervisor Cort to serve on the committee. Vice Chairman Foley seconded the motion. **Motion carried 5-0.**

ACCOUNTS PAYABLE and PAYROLL:

Vice Chairman Foley made a motion to approve accounts payable in the amount of \$695,192.07 and Payroll of \$349,344.47. Supervisor Engle seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

There were no public comments.

ADJOURNMENT:

Vice Chairman Foley made a motion to adjourn the meeting at 8:11 pm. Supervisor Engle seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Justin C. Engle
Township Secretary

Julie Echterling
Recorder