

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
MAY 9, 2017

CALL TO ORDER

Chairman John W. Foley, Jr., called the May 9, 2017 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:03 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 providing accurate notes. He 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

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

ALSO PRESENT:

Jill Henry, Assistant Township Manager
Jon A. Yost, Township Solicitor
Chuck Emerick, Director of Community Development
Robert Piccolo, Assistant Director of Public Works
Patrick Rudisill, Hershey Fire Company
Barbara Ellis, Director of Hershey Library
Matthew Mandia, Director of Parks and Recreation
Terry Weinhold, Manager of Accounts Payable & Receivables
Lauren Zumbrun, Economic Development Manager
Aaron Moyer, HRG Engineer
Chris Brown, Derck & Edson
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Charles Huth, Rich Gamble, Corey Bray, Elvira Ebling, Carolyn Stoner, Jay Ziegler, and Nicole Paul.

VISITOR/PUBLIC COMMENTS:

There were no public comments offered.

APPROVAL OF MEETING MINUTES:

Vice Chairwoman Cort made a motion to approve the minutes from the April 25, 2017 Board of Supervisors Public Meeting. Supervisor Engle seconded the motion. **Motion carried 5-0.**

NEW BUSINESS

MILTON S. HERSHEY MEDICAL CENTER UNIVERSITY TECHNOLOGY CENTER AND HEALING GARDEN INFILL, PLAT NO. 1274.

Mr. Emerick discussed the revised Preliminary/Final Land Development Plan for the Pennsylvania State University Milton S. Hershey Medical Center University Technology Center and Healing Garden Infill, Plat No. 1274. He stated the major change for the revised plan was the removal of the proposed 8,300 square foot infill in the hospital courtyard which would be added to the emergency room and healing garden infill areas. He showed the Board the location of the changes.

Supervisor Weir made a motion to approve the Revised Preliminary/Final Land Development Plan for the Pennsylvania State University Milton S. Hershey Medical Center University Technology Center and Healing Garden Infill, Plat #1274, subject to the following:

- A. The applicant reimburses the Township for costs incurred in reviewing the plan no later than June

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9, 2017.

- B. The performance security is provided to guarantee the completion of required improvements, and the accompanying agreement is signed no later than November 9, 2017.

Supervisor Cort seconded the motion. **Motion carried 5-0.**

PRELIMINARY/FINAL SUBDIVISION PLAN FOR FOX GLEN DRIVE, PLAT NO. 1268:

Supervisor Engle made a motion for approval of the Preliminary/Final Subdivision Plan for Fox Glen Drive, Plat #1268, be extended for one additional year, subject to the following:

- A. The applicant reimburses the Township for costs incurred in reviewing the plan no later than May 22, 2018.
- B. A performance security is provided to guarantee the completion of required improvements, and the accompanying agreement is signed no later than May 22, 2018.
- C. The full disclosure statement is provided (as a separate document) per Section 185-56 of the Subdivision and Land Development Ordinance no later than May 22, 2018.
- D. General Note 2 is completed on the plan no later than May 22, 2018.
- E. A letter is provided from the Dauphin County Conservation District approving the Erosion and Sedimentation Control Plan no later than May 22, 2018.
- F. A copy of the NPDES permit is provided no later than May 22, 2018.
- G. The \$5,290.20 fee in lieu of open space dedication for the 4 new dwellings is provided no later than May 22, 2018.
- H. The applicant provides the signed and notarized Operation and Maintenance Agreements for the Fox Glen Drive Associates, LP and Dinello properties no later than May 22, 2018.
- I. A document suitable for recording for the stormwater easement through the Township's property is provided for the Township's review no later than May 22, 2018.
- J. The completed BMP Inventory Form is provided digitally as an Excel file no later than May 22, 2018.
- K. The revised legal description and exhibit for the right-of-way dedication of Fox Glen Drive are submitted for approval by the Township no later than May 22, 2018.
- L. The Deed for the dedication of the Fox Glen Drive right-of-way is submitted for approval by the Township no later than May 22, 2018.
- M. A draft legal description is provided no later than May 22, 2018 for each of the 5 resulting lots. Each legal description shall include the following language: "UNDER AND SUBJECT TO the Operation and Maintenance Agreement dated _____, recorded in the Office of the Recorder of Deeds of Dauphin County, Pennsylvania, at Instrument No. _____, regulating the BMP associated with this lot."
- N. The agreement regarding the stormwater easement over the lands of Derry Township is recorded concurrently with the plan.
- O. The Stormwater Best Management Practices Operation and Maintenance Agreements for the Fox Glen Drive Associates, LP; Dinello; and Township properties are recorded concurrently with the plan.

Vice Chairwoman Cort seconded the motion. **Motion carried 5-0.**

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EXTENSION: THE HERSHEY DOWNTOWN CENTER, PLAT NO. 1258:

Supervisor Engle made a motion for the approval of the Preliminary/Final Subdivision/Land Development Plan and Stormwater Management Site Plan for the Hershey Downtown Center, Plat #1258, be extended for an additional three months, subject to the following:

- A. The applicant reimburses the Township for any new costs incurred in reviewing the plan no later than August 22, 2017.
- B. A performance security in the amount of \$1,887,837.62 is provided to guarantee the completion of required improvements, and the accompanying agreement is signed by Hershey DTC, LP no later than August 22, 2017.
- C. The fee in lieu of dedication of land for park, recreation, and open space for the 21 dwelling units in the amount of \$27,261.78 is provided no later than August 22, 2017.
- D. An executed agreement from the entity providing the street sweeping maintenance is provided no later than August 22, 2017.
- E. The PennDOT approval letter for the traffic impact study is provided no later than August 22, 2017.
- F. The Stormwater Best Management Practices Operation and Maintenance Agreement is signed by Hershey DTC, LP no later than August 22, 2017.
- G. A copy of the revised property deed, including language identifying the stormwater BMPs as a restrictive covenant, is provided no later than August 22, 2017.
- H. The Stormwater Best Management Practices Operation and Maintenance Agreement and the revised property deed, listing the stormwater BMPs as a restrictive covenant, are recorded concurrently with the plan.

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

SECURITY RELEASE - THE ENCLAVE IN DERRY, PLAT #1158:

Chairman Foley made a motion to hereby authorize the release of the remaining balance (\$36,969.82) of the performance security held as cash for the Preliminary/Final Subdivision Plan for The Enclave in Derry, Plat #1158. Supervisor Engle seconded the motion. **Motion carried 5-0.**

SECURITY RELEASE - MILTON AND CATHERINE HERSHEY CONSERVATORY AT THE HERSHEY GARDENS, PLAT #1250:

Chairman Foley made a motion to release \$136,292.36 from the performance security held as the May 4, 2015 Pennsylvania National Mutual Casualty Insurance Company Bond for the Preliminary/Final Subdivision and Land Development Plan for the Milton and Catherine Hershey Conservatory at the Hershey Gardens, Plat #1250, resulting in a new balance of \$104,234.74. Vice Chairman Foley seconded the motion. **Motion carried 5-0.**

CROWN CASTLE NG EAST RIGHT-OF-WAY USE AGREEMENT- USE OF THE PUBLIC RIGHT-OF-WAY ALONG NORTHEAST DRIVE:

Mr. Emerick discussed the Execution of a Right-of-Way Use Agreement with Crown Castle NG East, LLC, to provide terms for the use of the public right-of-way along Northeast Drive to construct a communications tower (distributed antenna node) on a new pole structure. He stated of the 29 proposed all were located on private property or within the PennDOT right of way except one. This agreement is needed for the one which has been reviewed by the Solicitor. The agreement indemnifies the Township

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and parties for any liabilities associated with it and proves yearly rent of \$500 plus 5% of the adjusted gross revenues (about \$200).

Supervisor Engle made a motion to authorize John Foley, Chairman, to execute the attached Agreement between Derry Township and Crown Castle NG East, LLC, which Agreement will be recorded at the Dauphin County Recorder of Deeds by an authorized agent of Crown Castle NG East, LLC. Supervisor Weir seconded the motion. **Motion carried 5-0.**

CORRESPONDANCE BOARD/COMMITTEE INFORMATION:

Supervisor Moyer attended the Parks and Recreation Stakeholders meeting along with Vice Chairwoman Cort and Supervisor Weir. Supervisor Weir attended the Kiss Hershey back event on Saturday and thanked Mrs. Henry for all her work with the Tree Vitalization grant. Chairman Foley attended the Kiss Hershey Back event, Public Hearing with Hummelstown on the M&H Railroad issue, Transportation meeting, and the Tri-County Planning meeting and luncheon. Vice Chairwoman Cort attended the Kiss Hershey Back event and reminded everyone about the bike to school event tomorrow. Supervisor Engle attended the Transportation meeting and spoke about the planning with stakeholders and the County.

REPORTS:

Fire

Mr. Rudisill stated they had 78 alerts for service in April and they are continuing to work on various projects and fundraising.

Public Works

Mr. Piccolo thanked Supervisor Weir and the volunteers for the tree vitalization program. He stated they collected 35 bags of trash during the Kiss Hershey Back event.

Library

Mrs. Ellis stated this would be her last meeting as she is retiring. She thanked Mr. Negley for his help during the years and thanked the volunteers and the Board. Chairman Foley thanked her for her service. Supervisor Moyer stated he hasn't seen anyone more dedicated and how lucky the Township was to have had her in the Library.

Parks and Recreation

Mr. Mandia stated there would be an agenda item for next meeting for the bid for Wood Road. Chairman Foley thanked him for his hard work on Cocoa Castle.

Community Development

Mr. Emerick spoke about the hearing earlier tonight and asked for adoption of the Official map with the two modification discussed for June 27th. The Board agreed. He stated there would be a public hearing on June 27th for a conditional use request.

Economic Development

Mrs. Zumbrun stated there would be 150 vendors at the Art on Chocolate this weekend.

Manager

Mr. Negley thanked Mrs. Ellis for her comments and thanked her for her hard work and dedication.

ACCOUNTS PAYABLE and PAYROLL:

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Supervisor Weir made a motion to approve accounts payable in the amount of \$181,196.45 and a Payroll of \$352,291.99. Supervisor Engle seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

Mr. Ziegler asked about the paving of Bullfrog Valley Road. He spoke about a sink hole near his property and suggested they take care of this issue before paving the road.

ADJOURNMENT:

Vice Chairwoman Cort made a motion to adjourn the meeting at 7:30 pm. Supervisor Engle seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Justin C. Engle
Township Secretary

Julie Echterling
Recorder