

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING MINUTES**  
**JUNE 27, 2017**

**CALL TO ORDER**

Chairman John W. Foley, Jr., called the June 27, 2017 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:22 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. After the Pledge of Allegiance, a roll call was conducted.

**IN ATTENDANCE:**

**SUPERVISORS**

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

**ALSO PRESENT:**

James Negley, Township Manager  
Jill Henry, Assistant Township Manager  
Jon Yost, Township Solicitor  
Garth Warner, Chief of Police  
Brandon Williams, Assistant Director of Community Development  
Thomas Clark, Director of Public Works  
Laura O'Grady, Director of the Hershey Public Library  
Matthew Mandia, Director of Parks and Recreation  
Cheryl Lontz, Manager of Payroll and Employee  
Lauren Zumbrun, Economic Development Manager  
Chris Brown, Derck & Edson

**Public in Attendance:**

The following were in attendance: Elvira Ebling, Charles Huth, Rich Gamble, Brad Walker, Mike Wood, Clara Hess, Austin Crawford, Colton Leonard, Derrick Powell, Matt Svirbely, John Payne, Gordon Peter, Randy Fackler, Sherri Fackler, Nicole Paul, Steve Ramis, Jay Ziegler, Bill Woodring, Judy Woodring, Stacy Price, Chris Luttrell, Matt Luttrell, and Chris Drexler.

**VISITOR/PUBLIC COMMENTS:**

Ms. Calista Worley, 906 Briarcrest, spoke about swimming and using the Recreation Center. She spoke about the air quality of the current Center and her asthma and the effect on her health. She is in favor of the new Recreation Center with swimming pools which means a lot to her and her swimming.

Mr. Rich Gamble spoke about the survey approved by the Board and hasn't been done with the community. He also asked questions about the removal of the poles for the Firehouse and if they could be answered before the vote.

**APPROVAL OF MEETING MINUTES:**

Vice Chairwoman Cort made a motion to approve the minutes from the June 13, 2017 Board of Supervisors Public Meeting. Supervisor Engle seconded the motion. **Motion carried 5-0.**

**NEW BUSINESS**

**HERSHEY WASTEWATER TREATMENT PLANT RELOCATION, PLAT #1273:**

Mr. Williams spoke about the plan recorded in November, 2010, prior to the adoption of the current zoning regulations. The proposed wastewater treatment plant would allow the existing pretreatment plant to eventually be decommissioned. They have indicated they intend to maintain and operate the existing plant until they have achieved "repeatable performance" from the new pretreatment plant. They are hoping this will happen in late 2018, early 2019. He read the waivers and conditions for approval of the plan.

Supervisor Weir made a motion to approval the Preliminary/Final Land Development Plan and

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Stormwater Management Site Plan for the Hershey Wastewater Treatment Plant Relocation, Plat #1273, subject to compliance the following conditions:

- a) The applicant reimburses the Township for costs incurred in reviewing the plan no later than July 27, 2017.
- b) The performance security is provided to guarantee the completion of required improvements, and the accompanying agreement is signed no later than December 27, 2017.
- c) A DXF or AutoCAD digital file of the final plans is provided no later than December 27, 2017.
- d) The calculations for the \$25,360.00 fee in lieu of sidewalk installation is provided in accordance with the Subdivision and Land Development Ordinance requirements, and that the appropriate fee is paid no later than December 27, 2017.
- e) The signed and notarized Agreement for the Deferment of Curbing and Sidewalk Installation is provided no later than December 27, 2017.
- f) A draft of the revised property deed is provided no later than December 27, 2017. The revised deed must 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 the property." The approved revised deed shall be recorded concurrently with the plan.
- g) A copy of the PennDOT Highway Occupancy Plans is provided no later than December 27, 2017.
- h) DTMA's outstanding comments (as noted in their June 8, 2017 letter, attached) are addressed no later than December 27, 2017.
- i) The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.
- j) The Agreement for the Deferment of Curbing and Sidewalk Installation is recorded concurrently with the plan.
- k) The deed of dedication for the additional right-of-way along Old West Chocolate Avenue is recorded concurrently with the plan.

And the waivers be granted as outlined below:

1. From Sections 185-12.D.(2) and 185-13.E.(3) "Plan scale.
2. From Sections 185-12.D.(3).(a).[7] and 185-13.E.(4).(a).[7] "Metes and bounds of street rights-of-way, centerlines, and easements (North Hockersville Road).
3. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] "Stormwater profiles.
4. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] "Sanitary profiles.
5. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] "Utility profiles.
6. From Section 185-18 "Monuments and markers (Point Label 15).
7. From Section 185-22.D.(3) "Road widening.
8. From Section 185-22.E.(5) "Curbing (Old West Chocolate Avenue). - pending the offer and payment of a fee in lieu of sidewalk installation.
9. From Section 185-34 "Sidewalks, walkways, and bicycle paths (Old West Chocolate Avenue). - pending the offer and payment of a fee in lieu of sidewalk installation.
10. A deferral From Section 185-22.E.(5) "Curbing (North Hockersville Road) with the stipulation that the property owner enters into an agreement with the Township that would allow the Township to require the installation of curbing in the future if deemed necessary.
11. A deferral From Section 185-34 "Sidewalks, walkways, and bicycle paths (North Hockersville Road), with the stipulation that the property owner enters into an agreement with the Township that would allow the Township to require the installation of sidewalks, walkways, and bicycle paths in the future if deemed necessary.

In addition, this approval is made with the understanding that it is not meant to be an action taken by the Township to alter, replace, modify, supersede or void the terms and conditions of an agreement dated

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September 4, 1973 between the Derry Township Municipal Authority, the Township of Derry, and Hershey Foods Corporation (now The Hershey Company) related to the treatment of sewage from The Hershey Company's facilities; nor is this approval an indication that the site design meets the criteria for Conditional Use approval of a sewage treatment plant as cited in the 2017 Zoning Ordinance. Supervisor Engle seconded the motion. **Motion carried 5-0.**

**SKETCH PLAN FOR GOVERNORS SQUARE, PLAT #1276:**

Mr. Williams spoke about the sketch plan for Governor's Square. The 7.1-acre plan will be in the Hershey Mixed Use zoning district. The site is proposed to contain a pharmacy with Hershey Cares services; a convenience store with fuel pumps to service 12 vehicles, indoor/outdoor dining, and drive-through service; 6,500 square foot office building, and a 12,950-square foot of retail space. He spoke about the comments staff had after reviewing the plan. The Planning Commission reviewed the plan and their comments were provided to the Board. He stated no formal action is required; however, any comments from the Board may be offered so the applicant may consider them when preparing the formal plan.

Supervisor Engle asked about concerns with traffic cutting through. Mr. Jim Snyder, Snyder, Secary & Associates stated it was a concern and they will address it with raised crosswalks. He also spoke about the Karn's connection and how Karn's isn't interested in it now. Supervisor Weir asked if the building would be two stories and Mr. Snyder stated it would be.

**GRANT AGREEMENT FOR HERSHEY VOLUNTEER FIRE COMPANY STATION:**

Supervisor Engle made a motion to authorize the Chairman of the Board of Supervisors to execute a Grant Agreement for the Dauphin County Local Share Municipal Grant Program for the new Hershey Volunteer Fire Station Project (\$270,000). Vice Chairwoman Cort seconded the motion. **Motion carried 5-0.**

**GRANT AGREEMENT- FOR THE HERSHEY-DERRY TOWNSHIP HISTORICAL SOCIETY:**

Vice Chairwoman Cort made a motion to authorization for the Chairman or the Vice Chairwoman of the Board of Supervisors to execute a Grant Agreement for the Dauphin County Local Share Municipal Grant Program for the Hershey-Derry Township Historical Society (\$30,000). Supervisor Engle seconded the motion. **Motion carried 5-0.**

**ORDINANCE NO. 689 - ADDING CHAPTER 126 (OFFICIAL MAP):**

Supervisor Engle made a motion to adopt the Township's Official Map, dated June 2, 2017, and Ordinance No. 689, adding Chapter 126 (Official Map) to the Code of the Township of Derry. Supervisor Weir seconded the motion. **Motion carried 5-0.**

**WEST CARACAS AVENUE PARKING LOT PROJECT FINANCING:**

Mr. Lou Verdelli, RBC Capital Markets, spoke about the financing available for the project. He stated the best option would be a draw down bank loan with a fixed payback with a fixed rate for the \$550,000 General Obligation Note. He spoke about the schedule which included having a note and final approval for July 11<sup>th</sup> with final settlement being on August 11<sup>th</sup>.

Ms. Zumbrun provided an update on the project. She stated the deed would be recorded this week and construction should start in 2-3 weeks. The project should take 6-8 weeks. Chairman Foley stated this project was planned and budgeted for 2017. He stated this is for the serving of the debt and doesn't

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include the poles. Mr. Verdelli said that the Township is being removed as the guarantor on debt recently.

Vice Chairwoman Cort made a motion authorizing the administration to work with RBC Capital Markets, as bank loan agent, and McNees Wallace & Nurick LLC, as note counsel to prepare the necessary documents for issuance of Township of Derry, General Obligation Note, Series of 2017. Chairman Foley seconded the motion. **Motion carried 5-0.**

**EASEMENT AGREEMENT-JONATHAN ESHENOUR BICYCLE AND PEDESTRIAN TRAIL:**

Mr. Mandia spoke about the easement agreement which would create a safe crossing of Middletown Road. This connection is the final length of trail needed to complete the link from the Stone Creek Development to Middletown Road. The easement has been generously provided by Hershey Heights Apartment Associates, L.P. at no cost to the Township.

Supervisor Moyer made a motion approving easement agreement between the Hershey Heights Apartment Associates, L.P. and the Township of Derry. Vice Chairwoman Cort seconded the motion. **Motion carried 5-0.**

**GIR FLEET FUELING SYSTEM:**

Mr. Clark spoke about the need to replace their 25-year old fuel system. During the bid process, one bid was received by Careø Quality Services for \$22,650. Supervisor Engle made a motion to award the bid for the new GIR Fleet Fueling System to Care's Quality Services, LLC in the amount of \$22,650.00. Chairman Foley seconded the motion. **Motion carried 5-0.**

**ADVERTISE ORDINANCE NO. 553 - AMENDING CHAPTER 210 §210-12, MAXIMUM SPEED LIMITS ESTABLISHED ON CERTAIN STREETS:**

Chief Warner spoke about notices from residents on Clifton Heights Road. A traffic study was initiated and a safe running speed of 25 miles per hour was arrived at and is recommended.

Supervisor Moyer made a motion to approve the advertising an ordinance amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210 §210-12, Maximum Speed Limits Established on Certain Streets, by establishing a 25 mile per hour speed limit on Clifton Heights Road for the entire length. Vice Chairwoman Cort seconded the motion. **Motion carried 5-0.**

**CORRESPONDANCE BOARD/COMMITTEE INFORMATION:**

Vice Chairwoman Cort thanked residents who reached out by email about the Recreation Center.

**REPORTS:**

Police

Chief Warner spoke about the Police Survey and stated it would close on July 31<sup>st</sup>.

Public Works

Mr. Clark spoke about maintenance being done on the roads in Glen Acres.

Library

Mrs. OøGrady spoke about the number of minutes read so far in the summer reading programs and the afternoon childrenø programs

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Economic Development

Ms. Zumbrun spoke about the survey Mr. Gamble asked about. She said the survey was delayed as development needed to be made on projects prior to the survey. She announced the upcoming events for downtown.

**ACCOUNTS PAYABLE and PAYROLL:**

Supervisor Weir made a motion to approve accounts payable in the amount of \$575,624.18 and a Payroll of \$353,660.72. Chairman Foley seconded the motion. **Motion carried 5-0.**

**VISITOR/PUBLIC COMMENTS:**

Mr. Rich Gamble read the notes from the January meeting about the removing of the poles at the Firehouse. He asked why the amount of the loan was \$550,000. Mr. Negley stated the bank loan of \$550,000 is to pay for the project in case the Township doesn't receive the \$200,000 grant in time. The grant will be applied to the loan. He asked about the survey and Ms. Zumbrun stated she would speak to him after the meeting.

Mr. Chuck Craig thanked everyone for their input on the plan. He spoke about meeting with Hershey Medical Center soon and talking about connectivity. Mr. Engle spoke about the link between Fishburn and Cherry Drive.

**ADJOURNMENT:**

Supervisor Engle made a motion to adjourn the meeting at 8:08 pm. Vice Chairwoman Cort seconded the motion. **Motion carried 5-0.**

**SUBMITTED BY:**

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Justin C. Engle  
Township Secretary

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Julie Echterling  
Recorder