

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
JANUARY 23, 2018

CALL TO ORDER

Chairman Marc A. Moyer, called the January 23, 2018 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:00 p.m. 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

Marc A. Moyer, Chairman
Matthew A. Weir, Vice Chairman
Justin C. Engle, Secretary
Matthew A. Weir
Susan Cort
Richard Zmuda

ALSO PRESENT:

James Negley, Township Manager
Jill Henry, Assistant Township Manager
Jon A. Yost, Township Solicitor
Chuck Emerick, Director of Community Development
Thomas Clark, Director of Public Works
Lieutenant Terry Ferree, Police Department
David Sassman, Hershey Volunteer Fire Company
Matthew Mandia, Director of Parks and Recreation
Cheryl L. Lontz, Manager of Payroll & Employees
Laura O'Grady, Director of Hershey Public Library
Lauren Zumbrun, Economic Development Manager
Matt Bonanno, HRG Engineer
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: M. Ferguson, Mary Ann Kilpatric, Mary Beth Backhurst, Nicole Paul, Shauna Brace, Dan Clough, Sally Griffith, Matt Luttrell, Gregg Cook, Chad Blannett, Mike Seip, James Plag, Rob Wurwua, Chris Lutterell, David Kray, Chuck Kray, Chris Kalmbacher, Eli Kalmlacher, Christine Drexler, Dale Holte, Elaine Maloy, Sue Kellner, Jeff Horte, Jeanie Vey, Carol Gisselquist, John Payne, Michael Drexler, Dan Schiavani, RW, Kevin Ferguson, John Poff, Jonathan Crist, Ed Kalyor, Tom Polozynski, John Foley, Randy Fackler, Brett Jones, Kevin Blacker, Matthew Caples, Kathy Sicher, Songue Ural, Katu Fackler, Angela Woronko, Ben Chappell, John Tran, Charlie Fackler, Lizzy Jones, Claire Ryland, Ally Weller, Kathleen Ryland, Wendy Welles, Nick Wehl, Ny Futral, Cheryl Fackler, Caroline Fackler, Beth Wonds, Emily Clogh, Jason Cyernich, Todd Pagliaro, Philip Jurus, and Rich Gamble and Charles Huth.

APPROVAL OF MEETING MINUTES:

Supervisor Engle made a motion to approve the minutes of the December 19, 2017 Public Hearing of the Board of Supervisors. Supervisor Cort seconded the motion. **Motion carried 5-0.**

Supervisor Cort made a motion to approve the minutes of the December 19, 2017 Public Meeting of the Board of Supervisors. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

Supervisor Engle made a motion to approve the minutes of the January 2, 2018 Public Meeting of the Board of Supervisors. Vice Chairman Weir seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

There were no comments offered.

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NEW BUSINESS:

SERVICE AWARDS:

Chairman Moyer presented former Supervisor John Foley a plaque for his years as Chairman of the Board of Supervisors, plaque for his years as a Supervisor and a Community Service Award from PSATS. Chairman Moyer thanked him for his years of service, his leadership and noted the number of hours he worked.

Chairman Moyer presented Gary Wagner a plaque honoring his retirement. He worked in the department of Public Works from 1979 to 2017. Mr. Clark later noted the positive impact Mr. Wagner had in Public Works during his 38 years of employment. He spoke about how he took charge of the mulch and compost processing. He stated he was an asset to the Public Works Department. He noted he was also in the National Guard and retired as a Sergeant Major.

EMPLOYEE SERVICE AWARDS:

The following employees were recognized for their years of service:

5 Years of Service

Jason Mauser – Public Works

Leah Pearl – Library

Darrin Robinson – Community Development

20 Years of Service

Brian Blahusch - Administration

Robert Piccolo –Public Works

10 Years of Service

Rosa Pellegrini – Parks and Recreation

Nathan Cuba – Police Department

25 Years of Service

Keith Ocker – Police Department

15 Years of Service

Max Hauck – Public Works

Ashley Fanning – Parks and Recreation

Linda Dunbar – Library

DIRECTION -AQUATIC ELEMENTS OF THE COMMUNITY RECREATION CENTER:

Mr. Mandia stated the design team for the schematic design phase for this project has begun to finalize the location and relationships of spaces within the facility. One area that remains to be decided is the size of the indoor lap pool between a 25 yard or a 50-meter pool. A decision on this item would be extremely beneficial for the design and the capital campaign teams to move forward knowing the final building envelope leading into schematic design. Mr. Greg Koussis, Capital Construction Management, spoke about the operational analysis conducted in the fall of 2017 and the results. He stated the Board was presented with four options which included a 25 yard or 50-meter pool option and with and without fitness options. He showed the Board the potential operating costs and revenues for each of the four options. He stated there were questions on the revenue for a 50-meter pool with events/meets. The operational analysis was very conservative with their projects. He stated the projected revenue with a 50-meter pool is \$216,000 versus \$25,000 for the 25-yard pool. He stated the difference between the 2016 loss and the loss from a 50-meter pool with fitness center option is \$380,000.

Mr. Mike Seip, Middle Atlantic Swimming, stated there are only three pools that are 50 meters in their serving area. He stated a weekend meet could bring in \$18,000. He spoke about the differences in events for 25 yards versus 50 meters. He spoke about additional features that make a pool attractive for

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events including seating, warm up/down pool, and a larger deck. He stated a meet could bring 600 kids with parents. He spoke about the advantages of Hershey with the attractions and the services needed in the community including eateries, hotels, and shopping. Mr. Jamie Platt, Chairman of the Middle Atlantic Swimming, spoke about the excitement of a 50-meter pool. He spoke about LaSalle's seating which is 1,800 for meets. He stated when you compare 25 yards to 50 meter you can have five times the capacity versus double for events. He noted that a 50-meter pool with the right size deck and seating could attract nationwide meets to Hershey. Chairman Moyer asked if residents could swim on the weekends of a meet. Mr. Seip spoke about the meets having two sessions normally from 8-12 and 1-5 and spoke about the four-hour rule. He stated it would be a matter of scheduling with some lanes for lap swimming.

Supervisor Cort asked Mr. Mandia about what a 50-meter pool would do for the average swimmer. Mr. Mandia spoke about the biggest challenge being from 2:30-7:00 p.m. during the peak times for swimming, where no lap swimming can occur. He stated a 50-meter pool would allow more competitive swimming and other events. He believes it would be a huge benefit to the residents.

Mr. Gregg Cook, Hershey Harrisburg Sports and Events, spoke on the benefits of a larger pool. He spoke about the economic benefits for the community of Hershey with hotels, shopping, entertainment and restaurants. He stated families could extend their stay with the number of things to do in the area. He spoke about several organizations, including, PIAA that could schedule their events at the new pool. He spoke about the Dauphin County Commissioners being very interested and are willing to work with the Township with grant funding. Mr. Rich Gamble spoke about the increased costs with a 50-meter pool with having to have increased seating and deck space based on comments tonight. He asked the Board to build the pool for the residents not the outside events.

Supervisor Zmuda made a motion to move forward in the Community Center Project with a 50-meter pool. Supervisor Engle seconded the motion. **Motion carried 5-0.**

NO 2017-04-CONDITIONAL USE – C&S KRAY REAL ESTATE & SHEETZ:

Mr. Emerick discussed the conditional use for the development of a 'Major Fuel Service' establishment and regarding the development of a 'Large-Scale Retail' establishment on an assemblage of properties located at the southwest corner of the intersection of Governor Road and Fishburn Road. The Board of Supervisors conducted a public hearing regarding these requests on December 19, 2017. He read the conditions for both the retail and fuel service for approval of the conditional uses.

Mr. Jonathan Crist, attorney, believes the cart is being put before the horse with the way this was submitted. He questions why the conditional use is being approved before the plan. He believes an unbiased traffic study needs to be done before they start a project. Mr. Emerick stated HRG and Grove Miller have done traffic studies of the area. He stated they will need to obtain PennDOT's approval for their plans.

Mr. Phillip Jurus, 58 Locust Ave, stated he has read the zoning, examined the drawings, and met with Mr. Kray. He can see Mr. Kray's point of view and understands that this is a golden opportunity for Sheetz in the crossroads. He noted the Board of Supervisor's job isn't to help businesses and companies, but to make decisions for the residents. He read in the ordinance that a plan/applicant should not over

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burden services (stormwater, water, utilities, services) or make changes the neighborhood. He thanked the residents who voiced their opinions and thanked Mr. Emerick for answering his questions. Mr. Richard Gamble spoke about the current Sheetz and the issues, from traffic, there has been on the road and the changes needed for that road. He is concerned about adding another Sheetz, the impact it will have on traffic, and if there will be the same problems as experienced on Walton Avenue.

Matt Caples lives one block from this proposed development. He is very concerned with traffic. He is concerned about the number of gas pumps as there is a gas station across the street which could go out of business with the Sheetz. He doesn't want to see a vacant lot there. He spoke about the possible stores that would go in and the new development recently. He isn't against progress, but likes going to the fruit stand with his family during the summer. He reminded the Board that their job is for the citizens of the Township and nobody thinks Sheetz is a great idea. Supervisor Engle spoke about the 2011 survey where residents expressed concerns about traffic and especially for Cherry and Fishburn. He stated all the intersections are failing and one reason is the success at Hershey Medical Center and their growth. He spoke about studies done to fix these traffic issues and how people drive cars that need a gas station.

Supervisor Cort made a motion to adopt, a Conditional Use authorization 2017-04 for C&S Kray Real Estate, LLC to establish a Large-Scale Retail use on a portion of the subject properties, subject to the following conditions:

1. The applicant shall comply with the zoning regulations governing the uses and design of the property or obtain any zoning relief necessary to develop the plan in general conformance with the plans presented at the Conditional Use hearing.
2. Any and all comments offered by Township staff and Derck & Edson during the Conditional Use proceedings shall be adequately addressed at the time of land development plan approval.
3. All parcels subject to this hearing shall be consolidated into one parcel.
4. Building designs for all units shall be substantially in compliance with the plans presented as part of this Conditional Use request.
5. The development shall be in substantial compliance with the plans presented as modified to address the Township's review comments.
6. Parking shall be shared with other uses based upon a shared parking agreement as permitted by §225-402.4 of the Code of the Township of Derry.
7. The authorization granted herein shall not relieve the applicant from filing and having the Township approve any permit, land development, subdivision, site plan, or other approvals which may be required by other Township, state, or federal regulations, or from otherwise complying with all applicable regulations.
8. The authorization granted herein shall expire if a zoning permit, building permit, or certificate of use and occupancy is not obtained within 36 months from the date of the grant of approval of the Conditional Use or if a phase of the development is not under active land development plan review or active construction within 24 months from the date of the grant of approval the Conditional Use.
9. The use shall meet all other requirements of the Township that may apply.
10. The authorization granted herein is based on and is specific to the circumstances and evidence presented to the Board of Supervisors during the hearing of this matter. The authorization granted herein may not be expanded or otherwise substantially altered without further action by the Board of Supervisors.

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11. Any violation of any condition imposed herein shall be a violation of the Derry Township Zoning Ordinance and shall be enforced as provided in the regulations.

AND the applicant, Sheetz, Inc., is hereby granted a Conditional Use authorization to establish a Major Fuel Service use on a portion of the subject properties, subject to the above 11 conditions with the additional following conditions:

1. Music shall not be played over any outside loudspeakers.
2. There shall be no signs on the back of the building facing relocated Sand Hill Road. That building face shall be as shown on the elevations filed with the applications for the special exception and Conditional Use.

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

PLAT #1287 - PLAN FOR CAROL S. MEILY, 1635 AND 1645 CHURCH ROAD:

Mr. Emerick stated Plat #1287 represents the proposed two-lot subdivision of 1635 and 1645 Church Road. Presently, the two single-family detached dwelling units are on a single lot. This property was originally portrayed as two separate lots dating back to 1958. However, the deeds for the property have conveyed both dwellings as a single lot dating back to at least 1968. The owner and applicant would now like to sell one of the houses on the property and to do this, it is necessary to subdivide the property so that each dwelling is on its own lot. He discussed each of the waivers and conditions for the plan.

Vice Chairman Weir made a motion to approve Plat #1287, The Preliminary/Final Subdivision Plan for Carol S. Meily, 1635 and 1645 Church Road, with the following waivers

1. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] – Plans and profiles of proposed and existing stormwater systems.
2. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] – Plans and profiles of proposed and existing sanitary sewer systems.
3. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] – Plans and profiles of proposed and existing gas and water systems.
4. From Section 185-22.E.(5) – Existing adjacent streets abutting development sites shall be provided with curbing, with the stipulation that the 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.
5. From Section 185-34.A.(1) – Sidewalks shall be installed within the right-of-way of new and abutting streets, with the stipulation that the owner enters into an agreement with the Township that would allow the Township to require the installation of sidewalks in the future if deemed necessary.
6. From Section 185-22.D.3 – Additional cartway width, with the stipulation that the owner enters into an agreement with the Township that would allow the Township to require the additional cartway width in the future if deemed necessary.

Conditional upon the following items being satisfactorily addressed:

1. The applicant reimburses the Township for costs incurred in reviewing the plan no later than February 23, 2018.
2. A performance security is provided to guarantee the installation of concrete monuments, and the accompanying agreement is signed no later than July 23, 2018.
3. **All** references to “Church Street” in the title block are changed to “Church Road” no later than July 23, 2018.

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4. The name and seal of the registered surveyor certifying the accuracy of the plan survey is provided no later than July 23, 2018.
5. The certification of title showing the applicant is owner or equitable owner of the land is signed no later than July 23, 2018.
6. The statement dedicating streets, rights-of-way, and any sites for public uses is signed no later than July 23, 2018.
7. The wetland note is signed as applicable no later than July 23, 2018.
8. The following revisions are made to the dedicated right-of-way legal descriptions and exhibits no later than July 23, 2018:
 - 1635 and 1645 Church Road
 - The subdivision plan should be referenced in the preamble.
 - Monumentation should be noted in the legal description and exhibit to match the subdivision plan.
 - Existing and proposed right-of-way widths should be noted in the legal description and shown on the exhibit.
 - 1635 Church Road
 - Correct property owner name should be amended.
 - 1645 Church Road
 - Curve data shown on the exhibit should match the legal description.
9. A CD of a DXF or AutoCAD digital file of the final plan is provided no later than July 23, 2018.
10. Two originals of the signed and notarized Agreement for the Deferment of Curbing, Sidewalks, and Cartway Width are provided no later than July 23, 2018.
11. The Agreement for the Deferment of Curbing, Sidewalks, and Cartway Width is recorded concurrently with the plan.
12. The deed of dedication for right-of-way along Church Road is recorded concurrently with the plan.

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

PLAT #1289 - PLAN FOR LANE SCHIAVONI PARTNERSHIP:

Mr. Emerick stated this plan represents two existing lots along Sand Hill Road located in the R-1 zoning district and the Sand Hill Road Overlay zoning district (012). The purpose of the plan is to move the lot line between the lots to make Lot 2 more conforming. No improvements are proposed at this time. He discussed the waivers and conditions for the plan.

Chairman Moyer made a motion to approve the Preliminary/Final Subdivision Plan for Lane Schiavoni Partnership, Plat #1289, with the following waivers

1. Waivers from Sections 185-12.D.(3).(a).[21], (22) and 185-13.E.(4).(a).[19], [20] - Stormwater, sewer plans and profiles.
2. Waivers from Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).(21)-Water and gas plans and profiles.
3. Waiver from Section 185-22.E.(5) – Curbs -granted as a deferral, with the stipulation that the owners of both lots enter into agreements with the Township that would allow the Township to require the installation of curbing in the future if deemed necessary.

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4. Deferral from Section 185-22.D.(2) - Street right-of-way and cartway widths - with the stipulation that the owners of both lots enter into agreements with the Township that would allow the Township to require the widening of Sand Hill Road in the future if deemed necessary.
5. Deferral from Section 185-34.A.(1)- Sidewalks, walkways, and bicycle paths - with the stipulation that the owners of both lots enter into agreements with the Township that would allow the Township to require the installation of sidewalks, walkways, and/or bicycle paths in the future if deemed necessary.

Conditional upon the following being satisfactorily addressed:

1. The applicant reimburses the Township for costs incurred in reviewing the plan no later than February 23, 2018.
2. A performance security is provided to guarantee the installation of required improvements, and the accompanying agreement is signed no later than July 23, 2018.
3. A CD of a DXF or AutoCAD digital file of the plan is provided no later than July 23, 2018.
4. The comments in the January 15, 2018 HRG letter (attached) are addressed no later than July 23, 2018.
5. Two originals of each lot's signed and notarized Agreement for the Deferment of Curbing; Sidewalks, Walkways, and/or Bicycle Paths; and Street Widening are provided no later than July 23, 2018.
6. The Agreement for the Deferment of Curbing; Sidewalks, Walkways, and/or Bicycle Paths; and Street Widening is recorded concurrently with the plan.
7. The deed(s) of dedication for right-of-way along Sand Hill Road are recorded concurrently with the plan.

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

PLAT #1290 - PLAN FOR HERSHEY DEVELOPERS, LLC:

Mr. Emerick stated this plan affects three separately-owned properties. The main parcel of the development is owned by Hershey Developers, LLC. Also involved in this plan is a small subdivision of lands of Ezra and Patricia Grubb and Chateaux Hershey. The purpose of this plan is to create two new lots for residential development. He discussed the waivers and conditions for the plan.

Supervisor Engle made a motion to approve the Preliminary/Final Subdivision Plan for Lane Hershey Developers, LLC, Plat #1290, with the following waivers:

1. Waivers from Sections 185-12.D.(2) and 185-13.E.(3) – Plan scale.
2. Waivers from Sections 185-12.D.(3).(a).[21], [22] and 185-13.E.(4).(a).[19], [20] – Stormwater sewer plans and profiles.
3. Waivers from Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] – Water and gas plans and profiles.
4. Waivers from Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19] – Plan scale.
5. Waiver from Section 185-22.E.(5) – Curbs. This waiver be granted as a deferral, with the stipulation that the owners of the subject lots enter into agreements with the Township that would allow the Township to require the installation of curbing in the future if deemed necessary.
6. Deferral from Section 185-22.D.(2) - Street right-of-way and cartway widths- with the stipulation that the owners of the subject lots enter into agreements with the Township that would allow the Township to require the widening of Sand Hill Road in the future if deemed necessary.

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7. Deferral from Section 185-34.A.(1) – Sidewalks, walkways, and bicycle paths. with the stipulation that the owners of the subject lots enter into agreements with the Township that would allow the Township to require the installation of sidewalks, walkways, and/or bicycle paths in the future if deemed necessary.
8. Partial waiver from Section 185-22.D.(3) – Right-of-way dedication. Granting the waiver as a de minimis request. This plan will dedicate the right-of-way as proposed on the original development plan.

Subject to the following being satisfactorily addressed:

1. The applicant reimburses the Township for costs incurred in reviewing the plan no later than February 23, 2018.
2. A performance security is provided to guarantee the installation of required improvements, and the accompanying agreement is signed no later than July 23, 2018.
3. The fee in-lieu of the dedication of land for park, recreation, and open space use is provided no later than July 23, 2018.
4. The comments in the January 16, 2018 HRG letter (attached) are addressed no later than July 23, 2018.
5. The completed BMP Inventory Form is provided **via e-mail as an Excel file** no later than July 23, 2018.
6. Two (2) originals of the signed and notarized Agreement for the Deferment of Curbing; Sidewalks, Walkways, and/or Bicycle Paths; and Street Widening are provided no later than July 23, 2018.
7. The Agreement for the Deferment of Curbing; Sidewalks, Walkways, and/or Bicycle Paths; and Street Widening is recorded concurrently with the plan.
8. The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.
9. The deed(s) of dedication for right-of-way along Sand Hill Road are recorded concurrently with the plan.

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

PLAT #1280 - PLAN FOR TANGER OUTLETS:

Mr. Emerick discussed the purpose of plan for the Tanger Outlets is to depict the construction of a 2,196-square-foot free-standing restaurant with a drive-through. Although the Starbucks presently exists on the site, this plan proposes to relocate it and will also provide drive-through services. Since the Planning Commission's last review of the plan in November 2017, the building has been shifted approximately 5.7 feet to the west to avoid any structures being located over the Pennsylvania American Water easement. The largest result of this modification was the addition of 135 square feet of vegetative area.

Mr. Emerick discussed the shape and location of the sidewalks. Mr. Tom Polozynski, Tanger Outlets, spoke about the sidewalk configuration including trash cans and benches. Discussion ensued.

Supervisor Engle made a motion to approve the Preliminary/Final Subdivision Plan for Lane Tanger Outlets Plat #1280, with the following waivers:

1. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] – Stormwater plan and profiles.

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2. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] – Sanitary sewer plans and profiles.
3. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] – Water and gas plans and profiles.
4. From Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] – Plan scale.
5. Deferment from Section 185-34.A.(1) – Sidewalks along Hersheypark Drive and Northeast Drive. - deferment is granted for Hersheypark Drive and the north side of Northeast Drive, with the stipulation that the owner enters into a new deferment agreement with the Township; and that a waiver be granted for the south side of Northeast Drive, with the stipulation that the applicant offers a fee in lieu of sidewalk installation along the south side of Northeast Drive.
6. From Section 185-18.F – Concrete monumentation.
7. From Section 185-22.D.(2) - Street right-of-way and cartway widths.
8. From Sections 185-12.D.(3).(a).[9], [35] and 185-13.E.(4).(a).[9], [36] –Requirement to show topography and existing features within 200’ and 50’, respectively, of the land to be subdivided or developed.
9. From Sections 185-12.D.(2) and 185-13.E.(3) – Requirement that the plan scale be no smaller than 1” = 50’.

Conditional upon the following items being satisfactorily addressed:

1. The applicant reimburses the Township for costs incurred in reviewing the plan no later than February 23, 2018.
2. A performance security is provided to guarantee the installation of required improvements, and the accompanying agreement is signed no later than July 23, 2018.
3. The fee in lieu of sidewalk installation along the south side of Northeast Drive is provided no later than July 23, 2018. This fee is to be calculated by the applicant in accordance with Section 185-34.A.(4).(b) of the Subdivision and Land Development Ordinance.
4. A draft copy of the revised property deed is provided no later than July 23, 2018. The deed must be revised to include the following restrictive covenant 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 development project.”
5. A CD of a DXF or AutoCAD digital file of the final plan is provided no later than July 23, 2018.
6. Two(2) originals of the signed and notarized Operation and Maintenance Agreement are provided no later than July 23, 2018.
7. The completed BMP Inventory Form is provided via e-mail as an Excel file no later than July 23, 2018.
8. The comments in the January 11, 2018 HRG letter (attached) are addressed no later than July 23, 2018.
9. Two(2) originals of the signed and notarized Agreement for the Deferment of the Installation of Sidewalks are provided no later than July 23, 2018.
10. The Agreement for the Deferment of the Installation of Sidewalks is recorded concurrently with the plan.
11. The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.

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

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PERFORMANCE SECURITY - THE MILL RESTAURANT, PLAT #1267:

Supervisor Engle made a motion to authorize the release of the remaining balance (\$21,642.25) of the performance security held as BB&T Letter of Credit No. 9551362423- 00001 for Plat #1267, subject to maintenance security in the amount of \$1,540.50 being supplied in acceptable form and the standard Maintenance Security Agreement being executed. Supervisor Cort seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY - THE POINT, PLAT #1265:

Supervisor Engle made a motion to authorize the release of \$540,334.63 from the performance security provided as United States Surety Company Bond No. 1001047705 for the Revised Final Subdivision and Land Development Plan for The Point, Plat #1265, resulting in a new balance of \$561,256.47. Vice Chairman Weir seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY – DEER RUN COMMONS #1245:

Vice Chairman Weir made a motion to authorize the release of \$41,768.06 from the performance security held as SAFECO Insurance Company of America Bond No. 6603339 for the 4th Revised Preliminary/Final Land Development Plan for Deer Run Commons, Plat #1245, resulting in a new balance of \$25,815.80. Supervisor Cort seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY -FOR TROEGS BREWING COMPANY, NO. S-2016- 019:

Supervisor Engle made a motion to authorize the release of \$413,708.70 from the performance security held as The Hanover Insurance Company Bond No. 1051268 for the Post Construction Stormwater Management Plan for Troegs Brewing Company, resulting in a new balance of \$45,967.63. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

RESOLUTION NO. 1548 - PENNDOT HOP APPLICATION NO. 143299

Supervisor Cort made a motion to adopt Resolution No. 1548 authorizing Charles W. Emerick, Jr., Director of Community Development, to sign an application for the installation of pedestrian improvements at the northwest corner of the intersection of Chocolate Avenue (SR 0422) and Hockersville Road (SR 2011); and that the Board of Supervisors' Chairman and Secretary sign the agreement with the developer of Plat #1278, binding the developer to standards to be practiced throughout the completion of work approved under the HOP. Chairman Moyer seconded the motion. **Motion carried 5-0.**

BID FOR LANDFILL WELL AND GROUNDWATER TESTING

Mr. Clark talked about regulations set forth by the Commonwealth of Pennsylvania, Department of Environmental Protection and the requirement for the Township to follow within certain parameters for landfill groundwater and well testing. Sampling and analysis must be done on a quarterly basis and Form 19 must be prepared and submitted to DEP. A firm qualified and certified by DEP must perform this work. Ten bid specification packages were emailed out and four firms submitted a bid. The ALS bid was the lowest bidder in the amount of \$22,989.96 for the two-year period.

Supervisor Cort made a motion awarding ALS the bid for the Township's Landfill Well and groundwater Monitoring in the amount of \$22,989.96 for the two-year contract period. Supervisor Engle seconded the motion. **Motion carried 5-0.**

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ADVERTISE (ORDINANCE NO. 553) - PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS BY ESTABLISHING PARKING RESTRICTIONS ON MILLARD RD

Lieutenant Ferree stated a complaint was received from Derry Township Public Works about the ‘Stop’ sign at Millard Rd and Reese Ave. being struck several times by tractor trailers trying to turn from Reese Ave. on to Millard Rd. The tractor trailers are forced to make a tight turn because of vehicles parked on the east side of Millard Rd. resulting in the tractor trailers striking and knocking over the ‘Stop’ sign. Restricted parking on the east side of Millard Rd. would allow the tractor trailers to make a wider turn.

Chairman Moyer made a motion to authorizing advertisement of an ordinance amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210 § 210-38. Parking prohibited at all times in certain locations by establishing parking restrictions on Millard Rd. Supervisor Engle seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Cort thanked everyone who attended the Diversity meeting. Vice Chairman Weir spoke about the improvements in stormwater as they are doing long-term fixes. Supervisor Zmuda received a letter from Mr. & Mrs. Blitz who couldn’t attend tonight’s meeting but are in favor of the 50-meter pool.

REPORTS:

<u>Police</u>	Lieutenant Ferree stated the Hershey Police have been working to support the funeral services at the Giant Center for US Marshall Hill.
<u>Library</u>	Mrs. O’Grady thanked Parks & Recreation for working with them for rooms when they double booked an event.
<u>Recreation</u>	Mr. Mandia stated he is excited about the schematic design stage for the Recreation Center which begins tomorrow morning.
<u>Engineer</u>	Mr. Bonanno has met with Staff about starting the Chocolate Town Project and hopes to have the application submitted by April.
<u>Administration</u>	Mrs. Henry reported that a kick-off conference will occur on Thursday for the agenda management software.

ACCOUNTS PAYABLE and PAYROLL:

Chairman Moyer made a motion to approve accounts payable in the amount of \$596,257.65 and Payroll of \$359,834. Supervisor Cort seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

There were no public comments.

ADJOURNMENT:

Supervisor Engle made a motion to adjourn the meeting at 8:58 p.m. Supervisor Cort seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
JANUARY 23, 2018**

Justin C. Engle
Township Secretary