

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING MINUTES**  
**MAY 22, 2018**

**CALL TO ORDER**

Chairman Marc A. Moyer called the May 22, 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. The Board met in Executive Session to discuss legal issues. 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  
Susan M. Cort

**ALSO PRESENT:**

James N. Negley, Township Manager and Treasurer  
Jill Henry, Assistant Township Manager  
Jon A. Yost, Township Solicitor  
Chuck Emerick, Director of Community Development  
Thomas Clark, Director of Public Works  
Chief Garth Warner, Police Department  
David Sassman, Hershey Volunteer Fire Company  
Matthew Mandia, Director of Parks and Recreation  
Terry Weinhold, Manager of Accounts Payable & Receivables  
Laura O'Grady, Director of Hershey Public Library  
Lauren Zumbrun, Economic Development Manager  
Eric Stump, HRG Engineer

**Public in Attendance:**

The following were in attendance: Anish Patel, Kathy Yingst, Robert Naeye, Rich Gamble, and Matt Luttrell.

**APPROVAL OF MEETING MINUTES:**

Supervisor Engle made a motion to approve the minutes of the May 8, 2018 Public Meeting of the Board of Supervisors. Vice Chairman Weir seconded the motion. **Motion carried 5-0.**

**VISITOR/PUBLIC COMMENTS:**

There were no public comments offered.

**NEW BUSINESS:**

**PLAN – MILLER ORAL SURGERY - PLAT #1294:**

Mr. Emerick discussed the Preliminary/Final Subdivision/Land Development Plan for Miller Oral Surgery. He discussed the details of the impervious coverage, parking, stormwater management plan and traffic plans. He outlined the layout of the building, traffic and entrances for the building. He discussed each of the requested waivers and conditions for approval of the plan. Discussion ensued.

Supervisor Engle made a motion to approve the Preliminary/Final Subdivision/Land Development Plan for Miller Oral Surgery, Plat No. 1294 with the following waivers:

1. Deferments from Sections 185-22.E.(1) and 185-22.E.(5) - Curbs along new and existing streets.
2. Waiver from Section 185-34.A.(1) Sidewalk location relative to the right-of-way of abutting streets.

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3. Deferment from Section 185-22.D.3 regarding the requirements to widen South First Street.

With the following conditions:

1. The applicant reimburses the Township for costs incurred in reviewing the plan no later than June 22, 2018.
2. The performance security is provided to guarantee the installation of required improvements, and the accompanying agreement is signed no later than November 22, 2018.
3. A copy of the PennDOT Highway Occupancy Permit is provided no later than November 22, 2018.
4. Data substantiating minimum fire hydrant flow requirements, flow availability, recharge capabilities, and duration of flow is provided no later than November 22, 2018.
5. Two originals of the signed and notarized Agreement for the Deferment of Curbing Installation and Cartway Widening are provided no later than November 22, 2018.
6. The applicant provides a copy of the draft deed conveying the properties together no later than November 22, 2018. The deed is to include the following language: "UNDER AND SUBJECT TO the Operation and Maintenance Agreement dated May 4, 2018, recorded in the Office of the Recorder of Deeds of Dauphin County, Pennsylvania, at Instrument No. \_\_, regulating the BMP associated with the development project."
7. The Agreement for the Deferment of Curbing Installation and Cartway 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 consolidating the lots and listing the stormwater BMPs as a restrictive covenant is recorded concurrently with the plan.
10. The deed of dedication for right-of-way along South First Street is recorded concurrently with the plan.

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

**PLAN – RED ROOF INN SUITE - PLAT #1292:**

Mr. Emerick discussed the Preliminary/Final Subdivision/Land Development Plan for 1806 East Chocolate Avenue Red Roof Inn Site, Plat No. 1292. The applicant proposes to combine three lots. The first lot is 1750 East Chocolate Avenue, a single-family detached dwelling; the second lot is 1806 East Chocolate Avenue, an existing Red Roof Inn motel, a separate motel office building, and associated parking facilities; and the third lot is 1806 Rear East Chocolate Avenue, a self-storage facility. Lots one and two would be demolished to make way for construction of a new four-story, 60-room hotel building. The existing two-story, 24-room hotel building will be retained and expanded to include a two-story, 325 square-foot addition to serve as office space for the existing Red Roof Inn hotel. He discussed the traffic including the HOP with PennDOT, stormwater plan, the requested waivers and conditions for the plan.

Supervisor Cort made a motion to approve the Preliminary/Final Subdivision/Land Development Plan for 1806 East Chocolate Avenue Red Roof Inn Site, Plat No. 1292 with the following waivers:

1. Waivers from Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] - Profiles of existing storm, sanitary, gas, and waterlines and profiles of proposed gas and waterlines.

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2. Deferment from Section 185-22.D.(2)-Alley widening and right-of-way dedication.

With the following conditions:

1. The applicant reimburses the Township for costs incurred in reviewing the plan no later than June 22, 2018.
2. A performance security is provided to guarantee the installation of required improvements, and the accompanying agreement is signed no later than November 22, 2018.
3. The comments in the May 1, 2018 HRG letter (attached) are addressed no later than November 22, 2018.
4. Two originals of the signed and notarized Agreement for the Deferment of Street Widening are provided no later than November 22, 2018.
5. The applicant provides a copy of the draft deed conveying the properties together no later than November 22, 2018. The deed is to include the following language: "UNDER AND SUBJECT TO the Operation and Maintenance Agreement dated January 2, 2018, recorded in the Office of the Recorder of Deeds of Dauphin County, Pennsylvania, at Instrument No. --- regulating the BMP associated with the development project."
6. The Agreement for the Deferment of Street Widening is recorded concurrently with the plan.
7. The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.
8. The deed consolidating the three lots and listing the stormwater BMPs as a restrictive covenant is recorded concurrently with the plan.
9. The deed of dedication for right-of-way along the alley is recorded concurrently with the plan.

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

**CONSIDERATION OF REQUIRING: SIDEWALK -ALONG FRONTAGE OF THE PROPERTY LOCATED ACROSS FROM HERSHEY HEIGHTS ON MIDDLETOWN ROAD:**

Mr. Emerick discussed requiring the installation of sidewalk along the frontage of the property located across from Hershey Heights on Middletown Road. Derry Township has been negotiating with Wabank Associates for a considerable amount of time to obtain an easement to provide for the continuation of the Jonathan Eshenour Memorial Trail to a point where a signalized pedestrian crossing can be provided. Those negotiations have been unsuccessful and therefore an alternative path to serve the residents of the area must be found. He showed the Board an alternative route comprised of three segments. He discussed each of the segments and how it would connect. Mr. Stumpf discussed the location and how the sidewalks would connect. Discussion ensued.

Chairman Moyer made a motion directing Wabank Associates, the owner of parcel no. 24-055-103, to install sidewalk along the frontage of their property by December 31, 2018. Supervisor Engle seconded the motion. **Motion carried 5-0.**

**BID: ROUTE 422 STREETScape /ROUTE 322 CORRIDOR IMPROVEMENTS PROJECTS:**

Mr. Negley discussed the awarding of a bid for the Route 422 Streetscape Project and the Route 322 Corridor Improvements Project. On April 12, 2018, a bid opening was conducted for these projects at HRG's Corporate Offices. To maximize savings these projects were bid together. Three companies submitted proposals. HRG advised that the low bidder is reputable and a qualified contractor and recommends the Township award this bid to Rogele, Inc. in the Amount of \$3,363,341. These projects

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are funded by a Dauphin County Infrastructure Bank Loan, a PENNDOT Reimbursement Agreement and a reimbursement agreement with Hershey DTC, LP.

Supervisor Cort made a motion to approve the bid submitted by Rogele Inc., in the amount of \$3,363,341 for the Route 422 Streetscape Project and the Route 322 Corridor Improvements Project and authorizing the issuance of Notice to Award to Rogele, Inc., contingent upon the receipt of properly executed Agreements and Bonds from the contractor. Vice Chairman Weir seconded the motion.

**Motion carried 5-0.**

**BID: STAUFFER'S CHURCH ROAD CULVERT REPLACEMENT PROJECT:**

Mr. Clark discussed the bidding for Stauffer's Church Road Culvert Replacement Project. 12 bids were reviewed on May 9, 2018 at HRG, Inc. Custer Excavating Inc. bid was the low bid, \$210,000.00. The funding for this project is through a Dauphin County Infrastructure Bank (DCIB) Grant.

Supervisor Engle made a motion to award the Stauffer's Church Road Culvert Replacement Project to Custer Excavating Inc. for a unit price bid amount of \$210,000.00. Vice Chairman Weir seconded the motion. **Motion carried 5-0.**

**TIME EXTENSION: FOR FOX GLEN DRIVE PLAN, PLAT NO. 1268:**

Chairman Moyer made a motion to approval the time extension request for the Preliminary/Final Subdivision Plan for Fox Glen Drive, Plat #1268, is extended for one additional year (until May 22, 2019), subject to compliance with following items:

1. The applicant reimburses the Township for costs incurred in reviewing the plan no later than May 22, 2019.
2. A performance security is provided to guarantee the completion of required improvements, and the accompanying agreement is signed no later than May 22, 2019.
3. 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, 2019.
4. General Note 2 is completed on the plan no later than May 22, 2019.
5. A letter is provided from the Dauphin County Conservation District approving the Erosion and Sedimentation Control Plan no later than May 22, 2019.
6. A copy of the NPDES permit is provided no later than May 22, 2019.
7. The \$5,290.20 fee in-lieu of open space dedication for the four new dwellings is provided no later than May 22, 2019.
8. 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, 2019.
9. 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, 2019.
10. The completed BMP Inventory Form is provided digitally as an Excel file no later than May 22, 2019.
11. 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, 2019.
12. 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, 2019.

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13. A draft legal description is provided no later than May 22, 2019 for each of the five 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."
14. The agreement regarding the stormwater easement over the lands of Derry Township is recorded concurrently with the plan.
15. 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 Chairman Weir seconded them motion. **Motion carried 5-0.**

**SECURITY RELEASE – HMC -PLAT NO. 1243:**

Supervisor Engle made a motion to authorize the release of the remaining balance (\$185,273.29) of the performance security held as PNC Bank Letter of Credit No. 18122940- 00-000 for the Preliminary/ Final Land Development Plan for the Pennsylvania State University Milton S. Hershey Medical Center University Technology Center, Healing Garden Infill, and Original Hospital Courtyard Infill, Plat #1243. Chairman Moyer seconded them motion. **Motion carried 5-0.**

**AMERICAN CANCER SOCIETY’S PA HOPE RIDE - SATURDAY JUNE 23, 2018:**

Chairman Moyer made a motion to approve the request for traffic assistance for the American Cancer Society's PA Hope Ride scheduled for Saturday June 23, 2018 starting from the Hope Lodge at 7:00 a.m. Vice Chairman Weir seconded the motion. **Motion carried 5-0.**

**2018 CHOCOLATE TOUR 5K/10K RUN/WALK/BIKE EVENT - AUGUST 4, 2018:**

Chairman Moyer made a motion to approve the request to hold the 2018 Chocolate Tour 5K/10K Run/Walk/Bike event on Saturday, August 4, 2018 at 9:00 a.m. on Derry Township roadways. Supervisor Cort seconded the motion. **Motion carried 5-0.**

**12TH ANNUAL PIAA CROSS COUNTRY INVITATIONAL - SEPTEMBER 22, 2018:**

Supervisor Cort made a motion to approve the request to close N. Hockersville Rd. from Old West Chocolate Ave. to Hersheypark Dr. from 7:00 a.m. to 4:00 p.m. on Saturday, September 22, 2018 for the 12th Annual PIAA Cross Country Invitational being held on the grounds of the Hershey Entertainment Complex. Supervisor Engle seconded the motion. **Motion carried 5-0.**

**EAST SHORE YMCA TO HOLD THE TROEG’S HOP DASH - OCTOBER 6, 2018:**

Supervisor Cort made a motion to approve the request by the East Shore YMCA to hold the Troeg’s Hop Dash on Saturday, October 6th, 2018 at 9:00 a.m. Supervisor Engle seconded the motion. **Motion carried 5-0.**

**ANNUAL ANTIQUE AUTOMOBILE CLUB OF AMERICA FALL MEET - OCTOBER 12, 2018:**

Vice Chairman Weir made a motion to approve the request to close N. Hockersville Rd. from Old West Chocolate Ave. to Hersheypark Dr. from 11:00 p.m. on Friday, October 12, 2018 to 5:00 p.m. on Saturday, October 13, 2018 for the Annual Antique Automobile Club of America (AACA) Fall Meet

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being held on the grounds of the Hershey Entertainment Complex. Supervisor Engle seconded the motion. **Motion carried 5-0.**

**ANNUAL PIAA CROSS COUNTRY CHAMPIONSHIPS - NOVEMBER 3, 2018**

Vice Chairman Weir made a motion to approve the request to close North Hockersville Road from Old West Chocolate Avenue to Hersheypark Drive from 7:00 a.m. to 4:00 p.m. on Saturday, November 3, 2018 for the Annual PIAA Cross Country Championships being held on the grounds of the Hershey Entertainment Complex. Supervisor Cort seconded the motion. **Motion carried 5-0.**

**CORRESPONDENCE BOARD/COMMITTEE INFORMATION:**

No updates were provided.

**REPORTS:**

<u>Fire</u>	Mr. Sassman spoke about the rural water supply drill.
<u>Public Works</u>	Mr. Clark discussed the bidding process for Curb and Sidewalk project. Four bid packets were sent out. Two of the contractors didn't bid. He is going to try and rebid this in about a month and hopes to have a better response. Only one bid was received for the uniform contract. It was not reasonable. The expiring contract was extended for 6-months.
<u>Recreation</u>	The Memorial Day Parade will start at 10:00 a.m.
<u>Economic Development</u>	Ms. Zumbrun spoke about the downtown events starting in June.

**ACCOUNTS PAYABLE and PAYROLL:**

Vice Chairman Weir made a motion to approve accounts payable in the amount of \$645,184.81 and Payroll of \$333,317.93. Supervisor Engle seconded the motion. **Motion carried 5-0.**

**VISITOR/PUBLIC COMMENTS:**

No comments were provided.

**ADJOURNMENT:**

Supervisor Engle made a motion to adjourn the meeting at 8:00 p.m. Chairman Moyer seconded the motion. **Motion carried 5-0.**

**SUBMITTED BY:**

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Justin C. Engle  
Township Secretary