

MEETING MINUTES
BOARD OF SUPERVISORS, TOWNSHIP OF DERRY
Tuesday, April 23, 2013
600 Clearwater Road, Hershey, Pennsylvania 17033

REGULAR MEETING

CALL TO ORDER

The April 23, 2013 Township of Derry Board of Supervisors meeting was called to order at 7:05 p.m. by Chairman E. Christopher Abruzzo.

ROLL CALL

Supervisors Present

E. Christopher Abruzzo, Chairman - *present*
Sandy A. Ballard – *present by phone*
Kelly C. Fedeli, Vice-Chairman - *present*
John Foley, Jr. - *present*
Marc A. Moyer, Secretary - *present*

Also Present

Matt Bonanno, HRG, Township Engineer
Barbara S. Ellis, Director of Hershey Public Library
Charles W. Emerick, Director of Community Development
Jill E. Henry, Assistant Township Manager
Cheryl L. Lontz, Manager of Payroll & Employee Benefits
Matthew J. Mandia, Director of Parks & Recreation
James N. Negley, Township Manager/Township Treasurer
Robert Piccolo, Assistant Director of Public Works
Lt. Timothy C. Roche, Assistant Chief of Police
Jon A. Yost, Township Solicitor
Brenda Van Deursen, Recorder
Ed Svirebely , Representative of the Hershey Volunteer Fire Company

Public Present: Lee Freeman, Edward Ruth, Betsy Ruth, D. Daly, Bob Shellhorn, Sr., Elvira Ebling, Charleton Zimmerman, Rich Gamble, Sue Stough, Collin Stough, Jan Waybright, Thomas Royer, Matt Weir, Brian Shiflett, Jonathan Crist, Judi Hummel, Justin Engle

Chairman Abruzzo advised that all public meetings are recorded for providing accurate minutes.

Chairman Abruzzo announced that the Board of Supervisors met in executive session to discuss land, legal, and personnel matters.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Rich Gamble, 39 Hockersville Road – Mr. Gamble is still concerned about the transparency of communication to the public in regards to the post office and taxes. He recalled that Mr. Gall did comment at the last meeting about construction on that site was another entity.

Charleton Zimmerman, 119 N. Roosevelt Ave – Mr. Zimmerman is in receipt of documentation dated March 18 regarding the lease of the post office. He would like to have it available for public viewing at the Derry Township Municipal Building for 30 days. Asst. Manager Henry will place it for the public to view. He commented that the postal facility had 6.3 acres, but now has 1.5 acres. They are not responsible for the tax on the remaining acres. A reassessment was not done at 169 West Chocolate. Mr. Zimmerman said he objects if somebody is using a federal facility to get variances on their parcels.

Tom Royer, 1227 Quail Hollow Road – Mr. Royer explained he parks vehicles in front of his home because of a speed issue. He lives on a curve and when he pulls out, the speeding cars almost clip him. Eight years ago, he parked a van in front of his mailbox making vehicles go around it, which slowed them down. Mr. Royer said parking his vehicles on the road does help with the speed. He has three young children and fears they may get hit. He does not understand the suggestion for no parking in front of his home because that will not solve the problem. Mr. Royer said that the Derry Township Police Department told him he was not in violation of any ordinance. He also said he is not in violation of the Homeowners Association, but they are trying to change the bylaws.

Chairman Abruzzo thanked Mr. Royer for coming to present his side of the issue. The Board has a good understanding of the situation. He told Mr. Royer if there is speeding, the police should be called.

Mr. Royer said he agreed to remove his vehicles so the police could do a study. The Police Department notified the Homeowners and he believes because they were notified it could have tainted the speed study results. If they would put a speed bump to slow down the traffic, he would sell his vans and make a donation to the Township to help cover the costs. Chairman Abruzzo would like for Mr. Royer, the Homeowner's Association, and the Police Department to work together to come up with a solution that benefits all. Mr. Royer asked about a Neighborhood Dispute Resolution group to work with him and the Homeowners Association.

Edward Ruth, 356 William Drive – Mr. Ruth asked if a date has been scheduled for a traffic study on 743. Supervisor Foley said an Agreement was signed with HRG. Matt Bonanno reported that it is in their cue and he will find out the start date and let Supervisor Foley know. Mr. Ruth commented on the email from PennDOT dated January 24 stating PA 743 carries a large volume to 283 and Hershey. It is less than desirable services. The expansion of the Hershey Medical Center added 7,000 new trips per day.

APPROVAL OF MINUTES

Chairman Abruzzo called for a motion to approve the Minutes of the April 9, 2013, Board of Supervisors Public Hearing. Supervisor Foley made a motion to approve the Minutes as written. Vice-Chairman Fedeli seconded. ***The motion carried, 5-Yes 0-No.***

Chairman Abruzzo called for a motion to approve the Minutes of the April 9, 2013, Board of Supervisors Meeting. Supervisor Foley made a motion to approve the Minutes as written. Vice-Chairman Fedeli seconded. ***The motion carried, 5-Yes 0-No.***

Recognition of Public Works Employee, Eric Salley. Manager Negley recognized Eric Salley for his time and effort in refurbishing the iconic street sign that is placed in the lobby of the Municipal Building. It is a wonderful addition. The Board thanked him for his dedication and his time.

A1-3 Determination of the disposition of proposed Ordinance No. 632 to amend Chapter 225 (Zoning) of the Code of the Township of Derry by defining types of restaurants.

Charles Emerick, Director of Community Development – The ordinance addresses restaurant definitions and locations of the uses within all sections of Derry Township. The ordinance was reviewed by the Dauphin County Planning Commission and the Derry Township Planning Commission. There was discussion on the details of the ordinance and what policies and procedures should be set to see that the Township is developed in accordance with the goals of the 1991 Comprehensive Plan and the Vision and Mission Statements of the recent Comprehensive Study. At the public hearing, there was discussion regarding formula fast food restrictions. At the end of the public hearing, Mr. Emerick gave the Board three considerations for the ordinance. 1) Ordinance be adopted as written, 2) Ordinance be revised to include conditional use clauses, and 3) Ordinance be revised to incorporate the Chocolate Avenue Preservation Overlay district zoning requirements. Mr. Emerick recommends adoption of the ordinance as written to enable some progress in the development of the downtown area. This is accompanied by three other recommendations:

- 1) Extend the Chocolate Avenue Preservation Overlay district to include all the property within the Township that is zoned Downtown Commercial and Village Core, as well as the Silo Tract that is zoned Industrial. This will offer a layer of protection as to the design standards.
- 2) The Design Review Board standards should be revised to remove ambiguity, provide differing levels of approval based on the impact of each project and establish clear, measurable standards, allowing certainty in the design for those developing in the Chocolate Avenue Preservation Overlay district.
- 3) The Township should continue to evaluate the restaurant uses within the terms of our Zoning Ordinance and determine other safeguards that can be applied.

Supervisor Moyer stated that the fast casual zoning change is not and never has been driven to benefit a single sight or organization. This will provide a wide variety of eating establishments for the entire community. Protections are still in place. The Ordinance is not the final word on this subject, but a first step. The Board can continue to refine the ordinance.

Supervisor Ballard said we have an opportunity to direct the future of our downtown and how we want it to look. We need to build our downtown by strengthening our design standards to assure the downtown is a walkable downtown. In the future we could consider fast casual and

some type of restriction to design standard in our neighborhood commercial areas. This is not an easy decision, but we heard all the comments and considered them thoroughly.

Vice-Chairman Fedeli said when she became a member of the Board in 2007 people asked her where is Hershey's downtown. About 5 ½ years ago a restaurant owner in Derry Township said tourists would ask where the downtown is. We have an opportunity to grow our downtown. The Board is charged with how to best execute the Vision and it has not been easy. We have to have businesses that want to come to Hershey. There will be an opportunity to amend the ordinance, but we need to move forward in a solid way.

Supervisor Foley commended the Board for putting this out to the public for a very thorough review. The Comprehensive Plan Group worked to create a vision of the downtown and the current zoning does not allow it. All of us need to come together as we build our downtown.

Chairman Abruzzo acknowledged and thanked everyone for coming forward and making the Board aware of their concerns. It has not been an easy decision. The Comprehensive Plan Working Group began three years ago. The message from the survey indicated the people wanted a downtown that is walkable and provided things to bring the people downtown. This is the first step. Through this process we placed important safeguards in the Ordinance. The Board of Supervisors' job is to create an economic climate that expands our tax base. This is the right thing to do for the right reasons with the right safe guards in place.

Motion: A motion made by Supervisor Foley seconded by Vice-Chairman Fedeli to direct the staff to advertise the Board's intent to consider adoption of Ordinance No. 632 as presented at the April 9, 2013 public hearing and to pursue the expansion of the Chocolate Avenue Preservation Overlay district limits and to facilitate the revision of the Design Review Board standards, is hereby approved. ***Motion carried, 5-Yes 0-No.***

Mr. Emerick said this item will be on the agenda at the May 14 Board of Supervisor's meeting for their consideration.

B1-8 Approval of Resolution No. 1364, applying for a Permit to Install and Operate Traffic Signals on Park Blvd (T-591) and proposed Chocolate World Driveway.

James N. Negley, Township Manager/Township Treasurer – This resolution is for PennDOT to install and operate traffic signals on the proposed relocated Park Boulevard and the proposed Chocolate World Driveway. In addition, the intersection of Park Boulevard and the relocated Chocolate World Driveway is to be signalized. This resolution notifies PennDOT that we are proceeding with the process.

Motion: A motion made by Vice-Chairman Fedeli and seconded by Supervisor Foley that Resolution No. 1364 to install and operate traffic signals on Park Boulevard (T-591) and proposed Chocolate World Driveway, is hereby approved. ***Motion carried, 5-Yes 0-No.***

C1-2 Approval to hold a fireworks display at Hersheypark on Thursday evening, July 4, 2013.

James N. Negley, Township Manager/Township Treasurer – Hersheypark has requested to hold a fireworks display on July 4, 2013 with a rain date of July 5, 2013. They have provided a Certificate of Insurance naming the Township as an additional insured.

Motion: A motion made by Supervisor Foley seconded by Supervisor Moyer that Hersheypark is authorized to display fireworks on July 4, 2013; rain date of July 5, 2013, is hereby approved. **Motion carried, 5-Yes 0-No.**

D1-4 Consideration of releasing the performance security and entering the maintenance security period for the Preliminary/Final Land Development Plan for Central PA Equities 13, LLC., Plat No. 1207.

Motion: A motion made by Supervisor Foley and seconded by Vice-Chairman Fedeli that the Township releases performance security in the amount of \$463,652.54, supplied as Aegis Security Insurance Company Bond No. B10017371, provided that maintenance security in the amount of \$8,648.70 is supplied in acceptable form and the standard Maintenance Security Agreement is executed for the Preliminary/Final Land Development Plan for Central PA Equities 13, LLC, Plat #1207, is hereby approved. **Motion carried, 5-Yes 0-No.**

E1-2 Adoption of Resolution No. 1365 designating the Township of Derry's intent to suspend banners across SR 0422 announcing various events.

Jill E. Henry, Assistant Township Manager – Asst. Manager Henry is in receipt of three requests to suspend banners across SR0422.

Motion: A motion made by Supervisor Fedeli and seconded by Supervisor Foley that Resolution No. 1365 designating the Township of Derry's intent to suspend banners across SR0422 announcing various events, is hereby approved. **Motion carried, 5-Yes 0-No.**

CORRESPONDENCE – No correspondence to report.

BOARD/COMMITTEE INFORMATION – No information to report.

REPORTS

Lt. Timothy C. Roche, Assistant Chief of Police – The Township Emergency Management staff participated in the TMI emergency exercise. They met and exceeded all exercises by FEMA who was on sight.

Robert Piccolo, Assistant Director of Public Works – Mr. Piccolo reported that Kiss Hershey Back is this Saturday from 10:00 to 1:00. There is a pre-event at the Medical Center (tent) in the morning from 8:00 to 9:00. The Board will be there to assist. 414 people signed up.

Barbara Ellis, Hershey Public Library – Mrs. Ellis reported this coming Saturday the Library is hosting the Derry Township Police Drug Take Back program. She also reported that the Hershey Lions Club presented them with a check for \$3,000. They will use the money to purchase large

print books and other items in the children's area. On May 5th, there be a dedication of the Stan Ginder Memorial Reading Library. The Volunteer Luncheon was held last week.

Cheryl L. Lontz, Manager of Payroll & Employee Benefits – Ms. Lontz reported that the budget looks good for the first part of 2013.

Matthew J. Mandia, Director of Parks and Recreation – Mr. Mandia recognized Public Works on two projects they helped with. The first is Koon's Park Baseball Field and the second is the renovation and removal of the aged structures at Cocoa Castle. Last years fishing derby was canceled, but there will be one held this year on Saturday, May 4 at 8:00.

Matt Bonanno, HRG, Township Engineer – Mr. Bonanno reported that two crews are installing storm sewer on Mill Street. Work is being done at the Antique Barn. Final paving on 322 and Cocoa. The subcontractors are at Cocoa and Maple to replace the ADA ramps.

Supervisor Foley asked when the paving on 743 and Cocoa would occur. Mr. Bonanno said the ramps will be done at the end of this week, but he has no end time for the paving. He will continue pushing to get it done.

Chuck Emerick, Director of Community Development – Mr. Emerick reported that with the Quarry Mill project, the right of way got left behind. He would like to schedule a hearing to vacate any rights the Township may have. He suggested May 28 for a Public Hearing beginning at 6:45 p.m. The Board agreed to the date and time of a public hearing.

James Negley, Township Manager – Manager Negley is still getting asked about the increase in the Comcast fees. The Township has not raised their percentage for 40 years. Comcast is looking into it.

APPROVAL OF ACCOUNTS PAYABLE (\$586,362.62) AND PAYROLL (\$321,010.64).

Motion: Supervisor Foley moved to approve accounts payable in the amount of \$586,362.62 and payroll in the amount of \$321,010.64. Supervisor Moyer seconded. ***The motion carried, 5-Yes 0-No.***

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Elvira Ebling – Mrs. Ebling reported that the Women's League of Voters will hold a Candidates Night on May 2 at the Township Building. This will include six candidates contending for the four open positions on the School Board.

Rich Gamble, Hockersville Road – Mr. Gamble said he is impressed with the function of the Board tonight in discussing downtown Hershey. He realizes there are not a lot of entities wanting to get downtown, but we need to look at the business model Hershey represents. Hersheypark may need to expand, but should it overtake the downtown. He noted the ordinance for fast casual was generated by the landowners and Hershey Trust owns most of the land.

Mr. Emerick stated that the first draft of the ordinance was written by the Hershey Trust. If you look at what The Hershey Trust started with and what the staff wrote you would find it considerably different.

John Dunn, 712 Linden Road – Mr. Dunn said he would like some clarification on changing this ordinance as a result of Justin Engle's petition and the Trust. The Board should not decide what comes into this community by what these two want.

Betsy Ruth – Mrs. Ruth asked Mr. Foley to be specific as to what the procedures are for getting a test and studies done and the approximate time frame regarding the 743 issue. We started this in December and it is now April. What do we need to do to reach a conclusion? Supervisor Foley said on April 10 the order for the work was executed. The scope of services was drafted to determine short term, mid range, and long term for the traffic. As we know, the traffic speed request was declined by PennDOT. HRG is now cued up to start. We do not have a start date, but Mr. Bonanno will look into this and let us know. Mrs. Ruth asked what the standard length of time for this type of project. The intersections will be addressed and will take in the range of 30 to 90 days. Mr. Bonanno said he just emailed the manager and will have an answer tomorrow for Mr. Foley.

Rich Gamble – Mr. Gamble said that earlier Hershey was identified as a tourist town by mentioning the Hershey Medical Center, an employer, and the Hershey School, both of which are not tourism.

ADJOURNMENT

Supervisor Foley moved to adjourn the meeting at 8:20 p.m. Vice-Chairman Fedeli seconded.
The motion carried, 5-Yes 0-No.

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary