

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING**

Tuesday, January 27, 2015
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The January 27, 2015 Township of Derry Board of Supervisors Meeting was called to order at 7:30 p.m. by John W. Foley, Chairman.

ROLL CALL

Supervisors Present:

Sandy A. Ballard
Justin C. Engle, Secretary
John W. Foley, Chairman
Marc A. Moyer, Vice-Chairman
Matthew A. Weir

Also Present:

Matt Bonanno, HRG Engineer
Bob DiLello, Fire Company
Barbara 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 and Employee Benefits
Matt J. Mandia, Director of Parks and Recreation
James N. Negley, Township Manager/Township Treasurer
Patrick O'Rourke, Chief of Police
Robert Piccolo, Assistant Director of Public Works
Jon Yost, Solicitor
Brenda Van Deursen, Recorder

Public Present: Cate Wagner, Dale Holte, R. W. Smith, Dennis Trout, AJ Troncelliti, Rich Gamble, Elvira Ebling, Carolyn Stoner, Tania Reinaman, Marvin Smith, Greg Koussis, Joe D., Anne Newcomer

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

Chairman Foley announced that the Board of Supervisors met in executive session to discuss land, legal, and personnel issues prior to this meeting.

APPROVAL OF MINUTES

Chairman Foley called for a motion to approve the Minutes of the January 5, 2015 Board of Supervisors Reorganization Meeting. Supervisor Ballard made a motion to approve the Minutes. Supervisor Engle seconded. ***The motion carried, 5-yes 0-no.***

NEW BUSINESS:

Employee Performance Awards (July to December 2014)

Chairman Foley and the Board recognized the following for their years of service and dedication to the Township:

5-Years of Service: Jeff Fastrich, Parks and Recreation; Charles Emerick, Community Development; Kenneth Yoder, Police Department

10-Years of Service: Gregory Mowery, Police Department; Julie Brnik, Library; Debra Malaro, Parks and Recreation

15-Years of Service: Karen Neblock, Library; Rebecca Kessler, Police Department; Anthony Clements, Police Department

20-Years of Service: Denise Phillips, Library; Jill Henry, Administration

40-Years of Service: James Negley, Administration

A1-4 Consideration of adoption of Ordinance No. 651, amending Chapter 225 (Zoning) of the Code of the Township of Derry to define terms for 'Automotive Car Wash Facility', 'Automotive Lubrication Facility', 'Motor Vehicular Repair Garages', and 'Motor Vehicular Sales and Service' and to allow road tests as part of Pennsylvania State Inspection services.

Charles W. Emerick, Director of Community Development – This agenda item was the topic at the public hearing prior to this meeting tonight with much discussion.

Supervisor Ballard said part of the confusion is whether the phrase “and similar services” is in or out. The Planning Commission suggested it come out. Supervisor Ballard believes it should be taken away because it may alleviate the concern what is meant by “and similar services.” She referred to Vice-Chairman Moyer’s suggestion about specifically listing things and not leaving a catch all at the end.

Solicitor Yost said we are acting on something before we have received the County Planning Commission’s final vote. Mr. Emerick said he was not even sure the County would issue a second letter. There was further discussion regarding the impact of tabling this item and having to go through the process of readvertising and another public hearing.

Vice-Chairman Moyer thought perhaps the Board could consider language allocating the number and size of service bays for these type of facilities as well. He has concerns with the language specifically “and similar services.”

MOTION: A motion made by Vice-Chairman Moyer to table this decision for the purpose of addressing the language of the Ordinance. Supervisor Ballard seconded.

Discussion- Supervisor Engle said that in October we recognized we had deficient definitions. We charged our staff to create definitions and they did. Now we have decent

definitions. If we do end up tabling this then the people who have concerns about the language should work with the staff so we don't do this again.

Supervisor Ballard asked if there is a way to make minor changes that would accommodate some of the concerns. Solicitor Yost said anything substantial other than "and similar services" will require new advertisement and a new hearing. If you want to remove "and similar services" and Mr. Emerick is confident that the County would accept it, then you can adopt it. Otherwise, you will have to readvertise and go through the whole process again.

Motion to table failed, 2-Yes, 3-No.

Motion: A motion made by Supervisor Engle and seconded by Supervisor Ballard that consideration of adoption of Ordinance No. 651, amending Chapter 225 (Zoning) of the Code of the Township of Derry to define terms for 'Automotive Car Wash Facility', 'Automotive Lubrication Facility', 'Motor Vehicular Repair Garages', and 'Motor Vehicular Sales and Service' and to allow road tests as part of Pennsylvania State Inspection services, subject to the County Planning Commission's agreement to eliminate the words "and similar services", is hereby approved. ***The motion carried, 3-yes 2-no.***

B1-15 The Pennsylvania State University Milton S. Hershey Medical Center University Technology Center, Healing Garden Infill, and Original Hospital Courtyard Infill, Plat No. 1243.

Charles W. Emerick, Director of Community Development – This plan was tabled at the last meeting due to size of the project development and to allow the Board additional time to review it. The report tonight is the same as the original report with the exception of traffic. He had initially reported that 18 of the trips coming to the Technology Center are just moving from the other side of Sipe Avenue. However, the building on the other side of Sipe Avenue may later be occupied so we may not be able to discount those trips. The final impact would then be 36 new peak hour trips.

Supervisor Engle commented that over the past couple of weeks he understands better what the Medical Center has contributed to traffic improvements over the years since 2006. Since 2006, there was \$750,000 to \$850,000 dollars worth of traffic improvements on and off site by the Medical Center. Mr. Emerick said that was the bonded amount with a quarter of a million dollars still outstanding. Supervisor Engle added that it includes installation of two traffic lights and improvements to a lot of intersections. There is still about a quarter of million dollars that was committed for an installation of at traffic light at a relocated Sand Hill Road and Fishburn Road coordinated with a commercial project that is planned in that area. The Medical Center recently committed half of the funds required to do the traffic study for Governor Road which was \$25,000. At some point, a discussion will be warranted as to whether we reallocate that \$245,000 from the traffic light that could happen at some point in the future at Sand Hill and Fishburn Roads to the project that we are studying now.

Supervisor Engle asked Mr. Emerick about the traffic study that was just done. Mr. Emerick said there were traffic counters put down in the area of the Medical Center on Governor

Road as part of HRG starting to pave the way for some improvements to Governor Road. Mr. Emerick asked HRG for a general number of the amount of traffic the Medical Center contributes to Governor Road and they reported today approximately 45% of the traffic on Governor Road is from the Medical Center.

Motion: A motion made by Supervisor Engle and seconded by Supervisor Ballard that the Pennsylvania State University Milton S. Hershey Medical Center University Technology Center, Healing Garden Infill, and Original Hospital Courtyard Infill, Plat #1243, is approved subject to the following:

- a. That the applicant reimburses the Township for costs incurred in reviewing the plan no later than February 27, 2015.
- b. That a copy of the NPDES permit is provided no later than July 27, 2015.
- c. That the waiver for sidewalks is listed on the coversheet no later than July 27, 2015.
- d. That the Stormwater Best Management Practices Operation and Maintenance agreement and a revised deed or Declaration, listing the stormwater BMPs as a restrictive covenant, are recorded concurrently with the plan.

It is further moved that the following waivers are granted from the Subdivision and Land Development Ordinance:

- a. From sections 185-12.D. (3).(a).[23] and 185-13.E.(4).(a).[21] regarding profile existing gas and water lines.
- b. From sections 185-12.D. (3).(a).[21] and 185-13.E.(4).(a).[19] regarding profiling existing storm sewers that are located outside of the project area.
- c. From sections 185-12.D. (3).(a).[22] and 185-13.E.(4).(a).[20] regarding profiling existing sanitary sewers that are located outside of the project area.
- d. From sections 185-12.D. (2) and 185-13.E.(3) regarding plan scale for depicting the remainder of Lot 2 (the Winters addition).
- e. From sections 185-12.D. (3).(a).[9] & [35] and 185-13.E.(4).(a).[9] & [36] regarding topographical features and contours on and adjacent to the remainder of Lot 2 (the Winters addition).
- f. From Section 185-34 regarding sidewalks, walkways, and bicycle paths to not require the installation of concrete sidewalks.

The motion carried, 5-yes 0-no.

C1-5 Consideration of the adoption of Resolution No. 1421 to amend the Derry Township Comprehensive Plan.

This item is tabled with no further action until it comes back before the Board of Supervisors.

D1-4 Consideration of adoption of Ordinance No. 659, amending Chapter 225 of the Code of the Township of Derry to change the zoning classification of 7.91 acres of land located on the west side of Middletown Road from Village Residential and Agricultural/Conservation classifications to an Attached Residential classification.

This item is tabled with no further action until it comes back before the Board of Supervisors.

E1-3 Refund of a portion of fees paid in-lieu of open space dedication in conjunction with previously-approved plans for Deer Run Commons.

Charles W. Emerick, Director of Community Development – The Deer Run Commons Plan has gone through many revisions over the last nine years. It began with 117 units and it grew to about 173. Each time a plan was approved Park and Rec fees were paid for those additional lots. The last revision of the plan reduced the units from 173 to 155, a reduction of 18 units.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Weir that the Board of Supervisors authorizes the refund of \$23,691.78 to DSG Development Corporation, representing a reimbursement of the fees paid in lieu of open space dedication for the 18 units in the Deer Run Commons development that are no longer being constructed, is hereby approved. *The motion carried, 5-yes 0-no.*

F1-7 Consideration to enter into an agreement with Derck & Edson Associates, LLP, to provide planning services to the Township of Derry.

Charles W. Emerick, Director of Community Development – There is a lot going on in the Township today with 19 East, the realignment of Cocoa Avenue, the Downtown Hershey Association, and our Comprehensive Plan. We feel it is necessary to seek some professional planning consulting services on an as needed basis to help both the supervisors and staff with the decisions that we are making now.

We employed Derck & Edson as our comprehensive plan consultant leading the charge with environmental planning and design. They are about finished with the Downtown Hershey Association efforts and have been involved in other things such as the Jiffy Lube site. This is a validation of the work they continue to do with the Township that can be counted as outside of the comprehensive plan. We are looking at a fee not to exceed \$15,000 annually.

Discussion:

Supervisor Ballard asked if the fee would include expenses such as travel, mileage, etc. Supervisor Engle said it is \$15,000 plus expenses. Supervisor Ballard asked about the budget impact. Mr. Emerick said it is included in the general budget.

Motion: A motion made by Supervisor Engle and seconded by Vice-Chairman Moyer that James N. Negley, Township Manager, is authorized to execute the attached agreement between the Derry Township and Derck & Edson Associates, LLP, to provide Township planning services, is hereby approved. *The motion carried, 5-yes 0-no.*

G1-2 Authorization for the Chairman of the Board of Supervisors to execute relevant documents for the submission of a Redevelopment Assistance Capital

Project (RACP) Grant from the Commonwealth of Pennsylvania for the Township's Downtown Hershey Streetscape Project.

Chairman Foley said the Board has agreed that this should be moved over to the ICDA; therefore, there will be no action on this agenda item.

H1-21 Adoption of Resolution No. 1422, updating the job descriptions for all of the positions in the Township and establishing job descriptions for four positions.

Jill E. Henry, Assistant Township Manager - It has been seven years since we last updated our job descriptions. All the directors have reviewed and updated their areas to make them more accurate to the duties. There were four new descriptions: Economic Development Manager, part-time Technology Assistant, Adult Education Coordinator (changed from part-time to fulltime), and a part-time Laborer at the Library.

Motion: A motion made by Supervisor Engle and seconded by Supervisor Ballard that Resolution No. 1422, updating job descriptions and establishing four new job descriptions for the Township of Derry, is hereby approved. *The motion carried, 5-yes 0-no.*

I1-4 Consideration of releasing performance security and entering the maintenance security period for the Preliminary/Final Land Development Plan for Jay Maruit, Inc. – Proposed Hotel, Plat No. 1196.

Motion: A motion made by Supervisor Engle and seconded by Supervisor Weir that the Township releases the remaining balance (\$15,271.97) from the performance security supplied as Members 1st Federal Credit Union Letter of Credit No. 442167-0001, provided that maintenance security in the amount of \$4,151.70 is supplied in acceptable form and the standard maintenance Security Agreement is executed for the Preliminary/Final Land Development Plan for Jay Maruti, Inc – Proposed Hotel, Plat No. 1196, is hereby approved. *The motion carried, 5-yes 0-no.*

J1-3 Adoption of Ordinance No. 660, 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 Old West Chocolate Avenue on the north side from N. Hockersville Road, west for 325 feet.

Patrick O'Rourke, Chief of Police – Ordinance No. 660 was advertised in The Sun on December 11, 2014.

Supervisor Ballard asked if we received feedback from anyone. Supervisor Engle said we did not, but he did call the owner yesterday and the owner said he did not see any impact.

Motion: A motion made by Vice-Chairman Moyer and seconded by Supervisor Weir that Ordinance No. 660, 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 Old West Chocolate Avenue on the north side from

N. Hockersville Road, west for 325 feet, is hereby approved. ***The motion carried, 5-yes 0-no.***

K1-2 Adoption of Ordinance No. 661, amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210, § 210-38. *Parking prohibited at all times in certain locations* by extending the current parking restrictions on the south side of the first block of West Caracas Avenue from Cocoa Avenue and a point 300 feet west thereof to Cocoa Avenue and a point 372 feet west thereof.

Patrick O'Rourke, Chief of Police – Ordinance No. 661 was advertised in The Sun on December 25, 2014.

Motion: A motion made by Supervisor Engle and seconded by Vice-Chairman Moyer that Ordinance No. 661, amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210, § 210-38. *Parking prohibited at all times in certain locations* by extending the current parking restrictions on the south side of the first block of West Caracas Avenue from Cocoa Avenue and a point 300 feet west thereof to Cocoa Avenue and a point 372 feet west thereof, is hereby approved. ***The motion carried, 5-yes 0-no.***

CORRESPONDENCE/BOARD/COMMITTEE INFORMATION

Supervisor Engle mentioned that the Downtown Hershey Association has completed its master plan for the downtown area. There was great press coverage last week. It was a year long collaborative process and it is going to be a great help in moving forward as we plan for the future.

Supervisor Ballard reported that the Capital Area Council of Governments is offering training for stormwater facilities and municipal responsibilities following the final inspection. After the flooding we had, the Board discussed the need to get a handle on the inventory of our stormwater facilities and then ensuring that we inspect those on a regular basis. She does not want to lose track of that effort. March 18 might be a useful training to keep us moving in this regard.

At the tax meetin, an opportunity came up regarding doing another community census as part of the tax collection to make sure we know who is living here and is paying their fair share, and possibly being able to get a better handle on rental units.

Supervisor Ballard thanked the Board members and members of the public who came to the recent Bicycle Connection's meeting. They expected 15-20 to attend and was pleased to see about 60 people. That report should be coming out soon.

REPORTS

Patrick O'Rourke, Chief of Police – Chief O'Rourke reported that last week Officer Robert Bennett was presented with the Lions Club 2014 Officer of the Year. On February 4, the department will be going through their second round of re-accreditation assessment by the Pennsylvania Law Enforcement Accreditation Commission.

Supervisor Ballard thanked the police for their diligence when her house and other homes were broken into while she was on vacation.

Bob DiLello, Fire Company – Mr. DiLello thanked the supervisors and their spouses who were able to attend the Fire Company’s awards banquet. They recognized several of their members for the years of service. In particular, they welcomed three members to the Lifetime Membership status with our Fire Company. In order to become a lifetime member with the HVFD, you must serve the residents of Derry Township through volunteering as a member of the HVFD for the past 25 years. The three lifetime members are Burke Sachette, Scott Stein, and Brad Kiscadden. Also, Ian Memmi was awarded the Richard B. Rudasill Firefighter of the Year for 2014. Supervisor Ballard said it was wonderful to see so many young people interested.

Robert Piccolo, Assistant Director of Public Works – Mr. Piccolo reported they have been out doing snow removal for the past couple of weeks. The salt supply is getting low, but quite a bit has been ordered.

Chairman Foley asked if the overall inventories are dropping. Mr. Piccolo said we are getting it, but the two eastern storms are slowing it down.

Vice-Chairman Moyer shared that he has received positive feedback on Public Works’ outstanding job with the roads.

Barbara Ellis, Hershey Public Library – Ms. Ellis reported the Library is off to a great start in 2015 with programming. Last Friday was the last day for their maintenance and custodial person. She thanked Matt Mandia’s department and Public Works for getting things cleared away at the Library so that staff and our clientele could get into the building.

Matt J. Mandia, Director of Parks and Recreation – Mr. Mandia announced that the Recreation Center turns 52 years old this year. They have established a Community Center Long Range Planning Committee. Their first meeting was canceled due to the snow, but it was rescheduled for February 5 at 5:15. They have a great group of folks throughout the community who have an invested interest on what a future Community Center may look like in the future.

Matt Bonanno, HRG Engineer – Mr. Bonanno reported on the CDBGDR grants. This is the third round of the disaster recovery grants. It is a federal program with about \$1 billion to be given to places that got hit by natural disasters. Dauphin County is an applicant and they are one of 67 in the whole country to be eligible for this funding. Dauphin County is going to pursue the grant and they asked all municipalities to provide some unmet needs that happened throughout the storms. Mr. Bonanno and Mr. Emerick have compiled a list that includes 16 projects of unmet needs and will provide it to the County. The County should know by the end of the year if they get the grant. It is up to \$500 million dollars per applicant.

APPROVAL OF ACCOUNTS PAYABLE (\$557,209.87) AND PAYROLL (\$323,743.01).

Vice-Chairman Moyer moved to approve accounts payable in the amount of 557,209.87 and payroll in the amount of \$323,743.01. Supervisor Weir seconded. ***The motion carried, 5-yes 0-no.***

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Rich Gamble, Hockersville Road – Mr. Gamble asked the Board if they saw last week’s copy of The Sun and the letter to the editor published by John Dunn. He asked why Hershey would be considered a blighted area. He would consider Downtown Hershey prime real estate. We are looking at an investor that is going to take that piece of property estimated at \$50 million dollars and bring in a business at a very low tax rate for many years. Are we going to be generating enough cash revenue to support the needs of the Township? He would like to see the money going to the children of the community not in the pockets of the businessmen that are coming into Hershey.

Mr. Brown explained that there are six unique characteristics that make up a blighted area in terms of a redevelopment project like the TIFF district. Some of those things could be inadequate road networks, traffic issues, unutilized properties that sat vacant for many years, and unsafe hazardous conditions. You do not have to meet all the criteria just some of the criteria. When the Planning Commission reviewed it and made the determination of blight it was simply a mechanism to enable the TIFF to move forward. We had to meet some of the criteria, but not all of it. When you look at the overall approach to the boundaries of that redevelopment area you will find some undeveloped properties, some poorly configured roadway and transportation networks and some hazardous conditions. We felt through the process that proof was apparent throughout the district. The term blight in more modern times is used to define problem properties or nuisance properties.

Mr. Gamble said he would rather collect on \$50 million versus \$5 million. With the planning of the revitalization downtown there are people who will want to come and do business here. Why should the tax payers have to be the brunt of the burden? If you take that one section and not give it the blight criteria that would be a big chunk of money that would go back into the town.

Chris Brown explained that the taxes are not deferred in any way; they go to the taxing bodies. The taxing bodies have to choose the level in which they participate in reallocating that tax money. The School District, the County, and the Township have to make a determination on how much of their tax dollars they would like to contribute to public improvements.

ADJOURNMENT

Supervisor Ballard moved to adjourn the meeting at 8:30 pm. Supervisor Engle seconded. ***The motion carried, 5-yes 0-no.***

SUBMITTED BY:

Justin C. Engle
Township Secretary

Brenda Van Deursen
Recording Secretary