

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING**

Tuesday, July 22, 2014
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The July 22, 2014 Township of Derry Board of Supervisors meeting was called to order at 7:00 p.m. by John W. Foley, Jr., Chairman.

ROLL CALL

Supervisors Present:

Sandy A. Ballard
John W. Foley, Jr., Chairman
Marc A. Moyer, Vice-Chairman
Matthew A. Weir

Supervisors Absent:

Justin C. Engle, Secretary

Also Present:

Matt Bonanno, HRG Engineer
Thomas Clark, Director of Public Works
Bob DiLello, Fire Company
Barbara S. Ellis, Director of Hershey Public Library
Charles Emerick, Director of Community Development
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
Jon Yost, Solicitor
Brenda Van Deursen, Recorder

Public Present: Lee Vasiliades, Jon Sheppard, Greg Koussis, Charles Huth, Rich Suminski, Anne Newman, Phil Friedrich, Rich Gamble, Betsy Gensemen, Steve Gensemen, Teresa Peschel, Chester Rose, Steve Feinour, Patrick Elter, Glen Hair, Michael Hair, Judy Woodring, Bill Woodring, Phil Guarno, Tyson Brown, Mary Suminski

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 matters.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Richard Suminski, 764 Pine Tree Road – Mr. Suminski asked his company to give a 10,000 grant for the bike path extension. He found out today that another \$1,500 grant was paid recently for the bike path. He paid \$500 which is another \$2,000. Once the Board approves the bike path extension, Mr. Suminski will pledge \$5,000 which will be matched by his company. This will amount to \$22,000 to use to help extend the bike path and also repair it. Mr. Mandia submitted a request for a study across

Middletown Road to PennDOT. It is a state road and while the Township supports this initiative, they do not have control on that stretch of the roadway.

Rich Gamble, Hockersville Road – Mr. Gamble referred to the ordinances being considered on parking restrictions and asked that they look at N. Hockersville Road. There has been considerable congestion on that road because the people who work at the new Hershey plant and Reese's Company use N. Hockersville Road as a short cut to bypass the other traffic on Hersheypark Drive. In any corner, you have to remain 30 feet back from any control device including a stop sign, but people are parking wherever they want. He asked that this area be enforced.

Teresa Peschel 48 Half Street – Ms. Peschel said the light that was installed at Friendly's was so that everyone coming out of the Reese parking lot would go to the light at Friendly's. Instead they are going down Reese's Avenue at top speed three times a day and zigzag through her neighborhood. They clip the cars and don't care that there are children in the street. She asked that this area be enforced and not allow cars to go up Half Street and through the alleys.

Phil Guarno, 109 W. Caracas Ave. & 454 West Chocolate Avenue – Mr. Guarno commended the police department and Lt. Warner for reaching out to the community and talking to the residents explaining what the police department's reasons are regarding the proposed changes. Mr. Guarno suggested the following revisions to the parking: 1) change the 2-hour parking to 3-hour parking; 2) instead of parking 8 a.m. to 6 p.m. extend it to 8 p.m.; and 3) enforce it 7 days a week including Sundays and holidays. Another suggestion would be to give the residents who live in that area a pass to park there. He also heard rumors that the police department will be enforcing a 12-hour parking limit at the church and he believes that is a good idea.

Phil Friedrich, 440 West Chocolate Avenue – Mr. Friedrich said resident passes area good idea for Caracas and Areba. This gives residents an opportunity to park at different hours for a small fee.

Lee Vasiliades, 212 Linden Road – Mr. Vasiliades has lived on Linden for approximately 24 years and the 2-hour parking has never been enforced. The signs need to be taken down. He met with Lt. Warner and pointed out that there are approximately twelve 1, 2, and 3 bedroom units from Caracas up to Areba within the two blocks. He questioned where people will park if you enforce the 2-hour parking? People working different shifts have to have a place to park.

Brendon Twaddell, 1175 Quail Hollow Road – Brendon understands there are some concerns about the areas in front of the Library and between the Library and Rec Center specifically the drainage system. He knows that the Derry Township Environmental Action Committee has worked very hard to promote the use of a buffer system around those drains to help prevent flooding and to protect the environment downtown. There also has been some concern that it doesn't look particularly nice. Some don't understand it is a developing meadow and a developing eco system and it takes time. Currently, Brendon is trying to get an Eagle Scout project approved to install a wild flower border surrounding this buffer zone. It would look similar to the buffer around the Med Center.

Chairman Foley shared that there is work underway with regard to the area in front of the library, out along the swale that borders the swimming pool, and around the back of the pool. Vice-Chairman Moyer and Chairman Foley have fielded some concerns from various folks in the community both Environmental Action Committee members and also residents. Chairman Foley began looking at some of the areas where we have meadows and good wild plant growth that is happening around the swale areas. The Milton Hershey School has done an exemplary job in creating some meadows. He and one of the individuals who was responsible for putting this together spent time walking those streams and the

buffer areas. They will be putting together a plan to incorporate students from Milton Hershey School and Hershey High School to help redevelop and replant that area into a more appealing, safe and environmental friendly area for our community.

Teresa Peschel – Ms. Peschel asked about the accountability of the outside company who planted the area at the Library. Mr. Bonanno said this area is the last outstanding punch list item for the contractor to come back and take care of. He is setting up a meeting in late August, early September to walk with the subcontractor of this project.

Greg Koussis, Capital Construction Management – Mr. Koussis sent the Board a written update on the new fire station project. Chairman Foley summarized the update which included that: a RCAP grant was completed, we are in redesign stage of the fire station, our capital campaign was initiated with our corporate donors, a number of contract agreements have been done, legal components have been put together, and the acquisition of the Cagnolia's parcels has taken place.

Mr. Koussis reported the project has gone through a number of phases of redesign in the last 45 days which is a normal process. It is looking at footprint, the exterior of the building and the site. In about two to three weeks the schematic phase of the project and updating the budgets to make sure we are still on track in terms of overall project cost vs. project design should be completed.

Supervisor Ballard asked if the project costs are still in line with what was looked at before. Mr. Koussis said the contractors are in the process right now of updating their estimate and we should have that by July 31. Supervisor Ballard asked what the ball park number is. Mr. Koussis said the construction cost at the last estimate was \$5.4 million dollars.

Supervisor Ballard mentioned that RCAP is state money. Chairman Foley added that it is economic development money earmarked for jobs and special projects. We were fortunate that Rep. Payne was able to secure \$2 million dollars.

Supervisor Ballard asked how soon the public could be updated. Mr. Koussis said after they complete the schematic design phase in two to three weeks it would be appropriate to share information about the design and what the building looks like.

Chairman Foley noted that the town planner that is engaged on behalf of the Downtown Hershey Association has been an integral part of the design of the fire station. Some nuance changes were made to the design to flow better.

APPROVAL OF MINUTES

Chairman Foley called for a motion to approve the Minutes of the July 8, 2014 Board of Supervisors meeting. Supervisor Weir made a motion to approve the Minutes. Supervisor Ballard seconded. *The motion carried, 4-yes 0-no*

NEW BUSINESS

A1-9 The Preliminary/Final Subdivision for Woodland Hills, Plat No. 1203.

Charles Emerick, Director of Community Development – A first submission was made to the Township in November 2010. It has been to the Planning Commission and to the Zoning Hearing Board three times. This plan was actually conditionally approved by the Board of Supervisors in September 2011. After the approval, one of the adjacent property owners that was going to be a party of this

development withdrew from the project. That took the project area from 16.56 acres to 15.64 acres, but it did not affect the fact that it is creating five new building lots. This property is located in the Agriculture Conservation zoning district and within that district if a property is in a single landholding and has not been changed since December 23, 1978, it may be subdivided into five lots if it has up to 25 acres and that is the exception being used to create these five lots.

This plan proposes a small extension of Hillside Road, which will terminate into a cul-de-sac. It will also access Woodland Avenue, but there won't be an extension, but a shared driveway serving two lots from Woodland Avenue. The Board of Supervisors had accepted a fee in lieu of a Parks and Recreation dedication because of the isolated nature of this project. That fee is \$6,349.76. Mr. Sheppard provided \$64,000 as a gift. There were many waivers associated with this project. Mr. Emerick is requesting approval of this project with the exception of only A and E in his report. The developer has addressed B, C, and D.

Chairman Foley asked what our issue is with trees and clear cutting. Mr. Emerick said in this subdivision there are two plan notes noting that the disturbed area will be limited to what is shown on this plan and noting what that disturbed area is. The wooded areas show a minimal yard area enough to cover slopes that are necessary to bring in the driveways. The trees are carved out to accommodate the roads, the building lot, the stormwater trench/stormwater basin and the driveway. Our subdivision and land development ordinance carries a clause stating that only trees that are necessary for the development of a lot can be removed. That is effective so long as you are within the Subdivision and Land Development Ordinance. If the trees are not cleared as noted on the plan then an order can be put out against the development of the lot for the activities.

Chairman Foley shared he received a complaint regarding erosion there and wondered if that is part of the construction. We need to make sure we don't end up with what occurred on Sand Hill Road.

John Sheppard, 243 Clark Road – The developer has removed some trees from Lot 4 and 5. There was an ice storm in January and some peripheral trees were lost around the side. The land was previously timbered 22 years ago and a lot of trees along the property line were oversized and dead. There has been no tree removal done so far on Lots 1, 2, and 3, however, almost the entire Lot #1 will get cleared because of the coverage of stormwater facility and the location of the house. It is important to keep trees, but at some point it becomes a risk to the homeowner when you leave a large tree.

Vice-Chairman Moyer asked Mr. Sheppard if he was planning on replanting trees once the oversize trees are removed. Mr. Sheppard said his intention is to plant a significant number of trees around the property because that helps in resale and sale of the properties.

Supervisor Ballard asked about planting a tree for every tree removed as stated in the ordinance. She asked Mr. Sheppard if he is willing to do that. Mr. Sheppard said he made a commitment back in 2011 that he would and he continues to stand by that commitment. Supervisor Weir asked if they would be replaced with the species of a beneficial tree. Mr. Sheppard said absolutely. Vice-Chairman Moyer asked Mr. Sheppard to coordinate this with Mr. Emerick.

Mr. Emerick wanted to be clear if we are asking for a 1 to 1 replacement for trees removed beyond the building pocket or for every tree within this development removed. Mr. Sheppard said he agreed to beyond the building. Mr. Emerick will make this a condition of the building stakeout.

Motion: A motion made by Chairman Foley and seconded by Supervisor Ballard that the Preliminary/Final Subdivision for Woodland Hills, Plat No. 1203 (as revised July 15, 2014), is approved subject to the following:

- That performance security is provided to guarantee the completion of required improvements and that the accompanying agreement is signed no later than January 22, 2015.
- That the Stormwater Best Management Practices Operation and Maintenance Agreement and Plan (Appendix A) is recorded concurrently with Plat #1203.

The motion carried, 4-yes 0-no.

B1-4 Consideration of a reduction of the performance security for the Preliminary/Final Land Development and Stormwater Management Site Plan for the Select Medical Building Expansion, Plat No. 1222.

Motion: A motion made by Vice-Chairman Moyer and seconded by Supervisor Weir that the Township hereby releases \$856,531.69 from the performance security provided as JPMorgan Chase Bank Letter of Credit No. TFTS-294957, in the current amount of \$951,701.88 for the Preliminary/Final Land Development and Stormwater Management Site Plan for the Select Medical Building Expansion, Plat No. 1222, resulting in a new balance of \$95,170.19, is hereby approved. *The motion carried, 4-yes 0-no.*

C1-3 Approval of Ordinance No. 646 amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210 Section 210-12. Maximum speed limits established on certain streets, by establishing a 25mph speed limit on Southpoint Drive between Middletown Road and Carter Cove. (T. Ferree/P. O'Rourke)

Motion: A motion made by Supervisor Ballard and seconded by Chairman Foley that Ordinance No. 646 amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210 Section 210-12. *Maximum speed limits established on certain streets*, by establishing a 25mph speed limit on Southpoint Drive between Middletown Road and Carter Cove, is hereby approved. *The motion carried, 4-yes 0-no.*

D1-5 Approval of Ordinance No. 647 amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210 Section 210-41. Parking time limited in certain locations, certain days and hours and Section 210-42. Special purpose parking zones established; parking otherwise prohibited by rescinding the restrictions as listed in the attached ordinance. (T. Ferree/P. O'Rourke)

Lt. Garth Warner and Sgt. Terry Ferree, Police Department – Lt. Warner said that Sgt. Ferree looked at what we were enforcing and not enforcing, and the zoning issues as far as residential and business. He came up with some recommendations to rescind and repeal some of the timed parking ordinances that we have and try to give some of the parking back to the residents.

With the addition of the parking garage and some other areas, they felt they could rescind some of the parking restrictions, especially the ones that are no longer in effect, and to give back areas to the residents on the side streets of Caracas, Granada, Linden, and Valley. There are some “no parking” areas due to sight distance issues as well as handicap areas. Regarding the 2-hour and 15 minute time periods, anything below Granada, restrictions will lift. The first two blocks on Linden are restricted to 2-hour parking unless they are already a “no parking” due to sight distances.

Chairman Foley said there was a study commissioned on parking downtown. The peak day for parking is actually Friday at 1 p.m. We should continue to encourage our residents and our visitors to use the

parking garage and the church parking lot. There is an availability of some 200 plus parking spaces downtown on any given day.

Phil Guarno asked about Chocolate Avenue on the south side where the apartment building is to the corner of Fenicci's. The 2-hour parking limit will remain.

Mr. Guarno asked the Board for their thoughts on some of the changes that have been recommended and how it impacts the police department. Lt. Warner said they can take a look at the recommendations and possibly draw up a new ordinance for the timed parking. They also thought about taking a look at it 6 months down the road and possibly peeling that rescindment back to Caracas. This is a work in progress and they want to take it in steps to see how it is going and how they can improve upon things.

Chairman Foley suggested giving this a try before we make any additional changes. Lt. Warner said they could convene another study and take a look at the recommended changes and maybe even include some areas that might not be in here.

Phil Guarno asked how the police department enforces 2-hour parking. Lt. Warner said if it is short in nature such as 15 minutes an officer is usually still in the area to issue a ticket. With two hours it is a little more difficult because other calls could have come in.

Chief O'Rourke said it will be beneficial if we keep the time to 8 a.m. to 6 p.m. because most of the workers will be on second shift and that frees the space up for restaurant clientele.

Motion: A motion made by Supervisor Ballard and seconded by Vice-Chairman Moyer that Ordinance No. 647 amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210 Section 210-41. *Parking time limited in certain locations, certain days and hours* and Section 210-42. *Special purpose parking zones established; parking otherwise prohibited* by rescinding the restrictions as listed in the attached ordinance, is hereby approved. ***The motion carried, 4-yes 0-no.***

E1-4 Approval of Ordinance No. 648 amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210 Section 210-38. *Parking prohibited at all times in certain locations, by amending the regulation for Chocolate Avenue East-North side – Beginning northwest corner of Homestead Road, west to a point 660 feet thereof to beginning northwest corner of Homestead Road, west to a point 1,085 feet thereof, and Section 410-41. *Parking time limited in certain locations, certain days and hours* by adding Chocolate Avenue East – North side – from a point 125 feet east of the northeast corner of N. Cocoa Avenue and E. Chocolate Avenue east to a point 150 feet thereof – all days – all times – 15 minute parking.* (T. Ferree/P. O'Rourke)

A resident who lives at East Caracas said she has parking but three to four homes do not. People who go to the Granada Gym park in front of their house because they do not like to walk the steps to the parking area. Lt. Warner said on East Caracas the main issue was with sight distance and pulling out from both Salon and East Granada onto East Caracas. They did not do anything on the east side of the intersection. Lt. Warner said they could talk about her issues.

Lt. Warner said 19 East Chocolate is “no parking” right now from Homestead up to an area of 150 feet east of Ceylon. There is an addition of median all the way down to Ceylon which has presented some problems because it narrows the lanes on the north side of the median. In the winter time there have been conflicts with PennDOT snow piles, and they have had to post that area “no parking” just to facilitate snow removal. There is also a concern with emergency apparatus due to the narrow streets. They have taken the “no parking” that is currently from Homestead up to near where Ceylon is and

extended it. There will be an area for 15-minute parking to drop things off for businesses. The PennDOT signal permit requires there to be “no parking” up towards the intersection. Sgt. Ferree contacted the Hershey Company and they signed off on this and thought it was a good idea. The elimination of parking in front will not impact their operations.

Motion: A motion made by Supervisor Weir and seconded by Supervisor Ballard that Ordinance No. 648 amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210 Section 210-38. *Parking prohibited at all times in certain locations*, by amending the regulation for Chocolate Avenue East-North side – Beginning northwest corner of Homestead Road, west to a point 660 feet thereof to beginning northwest corner of Homestead Road, west to a point 1,085 feet thereof, and Section 410-41. *Parking time limited in certain locations, certain days and hours* by adding Chocolate Avenue East – North side – from a point 125 feet east of the northeast corner of N. Cocoa Avenue and E. Chocolate Avenue east to a point 150 feet thereof – all days – all times – 15 minute parking, is hereby approved. ***The motion carried, 4-yes 0-no.***

Mr. Guarno offered to help Chief O'Rourke notify residents and businesses of these changes.

CORRESPONDENCE/BOARD/COMMITTEE INFORMATION

Supervisor Ballard said the COG met last night and one of the issues that came up was the resolution opposing the Sunoco pipelines request to be designated as utility. The COG voted to approve it and asked each municipality take it into consideration. She asked that it be put on the agenda for consideration at the next meeting. Chairman Foley said the Tri-County Regional Planning will be having their next meeting on Thursday and he would like to get their input.

Supervisor Weir commented on the upcoming book sale at the Library. It is very impressive to see 900 boxes of books well organized for the sale. Great job to the volunteers.

REPORTS

Bob DiLello, Hershey Fire Company – Mr. DiLello thanked Greg Koussis for updating the Board on the new proposed fire station. He invited everyone to attend National Night Out on August 5. This event is in conjunction with the police department.

Thomas Clark, Director of Public Works – The paving program is underway at Southpoint.

Barbara S. Ellis, Director of Hershey Public Library – Ms. Ellis was notified that the Hershey partnership wanted to do something special for the Library. On August 19, they will hold a golf tournament at the Country Club to benefit in part the Library. August 1st is the preview night for the upcoming book sale on August 2nd.

Matt Mandia, Director of Parks & Recreation – Mr. Mandia reminded everyone of the final drive-in movie at Shank Park on Friday, August 1. It has been a very busy and productive summer.

Matt Bonanno, HRG Engineer – The preliminary design for Locust and Java is completed. Mr. Bonanno thanked Tom Clark and his crew and DTMA that came out last week to help them televiser some existing lines. The preliminary designs were submitted to the utility companies to determine any potential conflicts. They also reached out to the School District to talk to them about the berm on their property.

Charles Emerick, Director of Community Development – Regarding URCD, a joint workshop meeting has been scheduled for August 7 at 6 pm at the Township building.

APPROVAL OF ACCOUNTS PAYABLE (\$1,141,842.82) AND PAYROLL (\$372,724.26).

Supervisor Moyer moved to approve accounts payable in the amount of \$1,141,842.82 and payroll in the amount of \$372,724.26. Supervisor Ballard seconded. *The motion carried, 5-yes 0-no.*

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Rich Gamble, Hockersville Road – Mr. Gamble expressed concern with the new installation of the lights separating Chocolate Avenue. There have been complaints about the brightness of the light at night time. He drove down and agreed the lights are too bright and affect your vision. He asked the Board to have the wattage changed.

Chairman Foley recognized Patrick Elter and Michael Hair, two scouts, working on their Communications Merit badge.

ADJOURNMENT

Supervisor Ballard moved to adjourn the meeting at 8:25 p.m. Vice-Chairman Moyer seconded. *The motion carried, 4-yes 0-no.*

SUBMITTED BY:

Justin C. Engle
Township Secretary

Brenda Van Deursen
Recording Secretary