

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING**

Tuesday, March 11, 2014
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The March 11, 2014 Township of Derry Board of Supervisors meeting was called to order at 7:05 p.m. by John Foley, Jr., Chairman.

ROLL CALL

Supervisors Present:

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

Also Present:

Matt Bonanno, HRG Engineer
Thomas R. Clark, Director of Public Works
Bob DiLello, Fire Company
Chris Gawran, Hershey Public Library
Charles W. Emerick, Director of Community Development
Jill E. Henry, Assistant Township Manager
Matt J. Mandia, Director of Parks and Recreation
James N. Negley, Township Manager/Township Treasurer
Patrick O'Rourke, Chief of Police
Terry M. Weinhold, Manager of Accounts Payable & Receivable
Jon A. Yost, Township Solicitor
Brenda Van Deursen, Recorder

Public Present: George Porter, George Porter, Jr., Steve Ballard, Dale Holte, Kenny Hinebaugh, Tim Anderson, Ken Gall, Wendy Palmer, Ken Sharp, George Haverstraw, Tim Leh, Maria Bender, Juliet W., Ross Willard, Jan Waybright, James George, Fred Richter, Mike Leonard, Rich Gamble, Tom Stang, Diane Krug

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.

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

Mike Leonard, 66 Cedar Avenue – Mr. Leonard extended a heartfelt appreciation for the Police Department and thanked them for the way they handled a situation regarding a family member. A letter was read expressing his gratitude.

APPROVAL OF MINUTES

Chairman Foley called for a motion to approve the Minutes of the February 25, 2014 Public Hearing. Supervisor Engle made a motion to approve the Minutes as written. Supervisor Ballard seconded. *The motion carried, 5-yes 0-no*

Chairman Foley called for a motion to approve the Minutes of the February 25, 2014 Board of Supervisors meeting. Supervisor Ballard made a motion to approve the Minutes as written. Vice-Chairman Moyer seconded. *The motion carried, 5-yes 0-no*

NEW BUSINESS

A1-2 Execution of an agreement with Tri-County Regional Planning Commission (TCRPC) for the award of the Regional Bike Connections Study Grant.

Charles W. Emerick, Director of Community Development – This item was originally presented at the Board of Supervisors meeting on February 11, 2014. The Board was concerned about the burden that was only to be shouldered by Derry Township. Since that time, efforts were made to resolve the concerns and we are near a final agreement with Tri-County Regional. This request is for the Board of Supervisors to conditionally approve the execution of the agreement pending the final concurrences of TCRPC and our solicitor.

Chairman Foley said there has been some confusion as to what the Board's concern was with regard to this grant. The Board of Supervisors is supportive of the actual study and the desire for a more healthy life style and bicycle paths. Their concern was related to the contract in which that financial burden fell solely on the taxpayers of Derry Township and not shared amongst the other municipalities that have joined us. He has had many phone conversations with Tri-County and they have affirmed our concerns. Solicitor Yost was asked to reach out and see if we can mitigate some of the liability that would be exposed to the Township.

Solicitor Yost said at this point our risk is minimal with respect to the concerns under the agreement. There has been some financial contribution as to the matching aspect of the grant, but liability beyond that still does rest with the Township of Derry.

Chairman Foley called on the public for any comment. No one came forward.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Weir that James N. Negley, Assistant Secretary, is authorized to execute the agreement between Derry Township and the Tri-County Regional Planning Commission once the final document is prepared, is hereby approved. *The motion carried, 5-yes 0-no.*

Discussion:

Marie DeCarmine-Bender, 1445 E. Caracas Avenue – Ms. DeCarmine-Bender asked the Solicitor why he thinks the risk is minimal. Solicitor Yost said in discussing with the TCRPC, he has concluded if we do what we are supposed to do under the terms of the grant, this project should move along smoothly and within 8 to 10 months be completed.

Richard Norford, Dauphin County, President of Bicycle South Central PA, a regional coalition – Mr. Norford thanked the Board for their support to make this a more bicycle friendly community.

B1-13 Execution of a professional consulting agreement with Alta Planning + Design in association with Sabra, Wang & Associates, Inc. (SWA) to provide professional services

for the Regional Bike Connections Study.

Charles W. Emerick, Director of Community Development – The consultants were selected by a committee. Alta has national recognition as a bicycle planning firm. We are looking at executing the contract with them once the connection grant contract is signed with Tri County.

Motion: A motion made by Supervisor Ballard and seconded by Vice-Chairman Moyer that James N. Negley, Assistant Secretary, is authorized to execute an agreement between Derry Township and Alta Planning + Design in association with Sabra, Wang & Associates, Inc. (SWA) to provide professional services for the Regional Bike Connections Study, upon the Township Solicitor's approval of the agreement and execution of the agreement with Tri-County Planning Commission, is hereby approved. *The motion carried, 5-yes 0-no.*

C1-6 Waiver from filing a land development plan, as requested by the Hershey Trust Company, Trustee for Milton Hershey School.

Charles W. Emerick, Director of Community Development –The Hershey Trust is seeking waiver of a land development plan for the replacement of the existing bank at Hershey Square Shopping Center with a full service sit down restaurant. This property has already been shown on two land development plans. A plan was done when the core development was built and another plan was done when Panera Bread was put into the Center. Typically, a land development plan is processed to look at zoning criteria, impervious areas, parking requirements, etc. In this case since it is a fully developed property, he believes these items can be addressed both during the permitting stage and according to our stormwater plan.

Last year's connection grant was for a study to look at improvements of the Walton Avenue-Hersheypark Drive intersection. Because of that study, Mr. Emerick had HRG look at what the change from a bank building to a full service restaurant would be. HRG estimated it would increase trips by 10-25 peak hours depending on the time of day. Our Subdivision and Land Development Ordinance would only require a developer's traffic study if they are developing more than 100 peak hour trips. The Subdivision and Land Development Ordinance does allow the Supervisors to grant relief for modifications of one or more provisions of this chapter in certain instances. In preparation of this agenda item, Mr. Emerick reviewed all of the other waivers of land development plans throughout the history of the Township and found this in line with those reliefs that were granted.

Supervisor Ballard asked if they will still have to go through a stormwater process or review because of the size of the project. Mr. Emerick said if they add more than 1,000 square foot of new impervious area they will have to provide stormwater controls. The stormwater plan will only be filed if they have over 1,000 square feet of new impervious area and the plan is just over 1,000. Our stormwater plans do get recorded so it would put a plan to record at the Courthouse.

Supervisor Ballard said her understanding is that The Trust or the owner is going to contribute to the improvements to the intersection. Mr. Emerick concurred.

Motion: A motion made by Supervisor Engle and seconded by Supervisor Weir that a waiver be granted from the Derry Township Subdivision and Land Development Ordinance to not require the Hershey Trust Company, Trustee for Milton Hershey School, to file a land development plan with Derry Township for the removal of a bank building and the construction of a 268-seat, full-service restaurant at the Hershey Square Shopping Center, is hereby approved. *The motion carried, 5-yes 0-no.*

D1-14 The Preliminary/Final Subdivision and Stormwater Management Site Plan for 11 and 19 East Chocolate Avenue, Plat No. 1238.

Charles W. Emerick, Director of Community Development – This project includes the closing of 19 East as production facility and the renovations of portions of 19 East for office space to house about 1,000 employees. Along with their other endeavors, they have it written in to protect both the Hershey Cocoa bushes and the smokestacks. The property is approximately 21 acres with 11 separate parcels. This plan proposes to reconfigure the lands to become 4 individual parcels. There are parking improvements proposed on the land for future development just to accommodate the office areas. The traffic assessment study indicated that the office use will provide a 423 average daily trips reduction, and a reduction of 51 AM peak hour trips and 91 PM peak hour trips. Standard waivers have been requested.

Discussion:

Rick Russell, - The Hershey Company – Mr. Russell explained that the entire parcel before demo was transferred to Net Lease Capital. Within the agreement, there was a lease back for the 400,000 square feet which they are improving on the west end. Upon this subdivision, that agreement will revert the eastern end back to The Hershey Company.

Motion: A motion made by Supervisor Engle and seconded by Supervisor Ballard that the Preliminary/Final Subdivision and Storm water Management Site Plan for 11 and 19 East Chocolate Avenue, Plat No. 1238, is approved subject to the following:

- a. That the applicant reimburse the Township for costs incurred in reviewing the plan no later than April 11, 2014.
- b. That performance security be provided to guarantee the completion of required improvements, including the as-built plan required for the stormwater management facilities, and that the accompanying agreement be signed no later than September 11, 2014.
- c. That the seals of the engineer and registered surveyor be provided on the plans no later than September 11, 2014.
- d. That the certification of title, showing the applicant is owner or equitable owner of the land, be signed no later than September 11, 2014.
- e. That the discrepancies noted in the DTMA letter dated March 5, 2014 be addressed no later than September 11, 2014.
- f. That a letter be provided from the Department of Environmental Protection no later than September 11, 2014, approving the sewage facilities planning module waiver.
- g. That a signed Operation and Maintenance Agreement be provided no later than September 11, 2014.
- h. That a digital file of the final version of the plan be provided in AutoCAD or DXF format no later than September 11, 2014.
- i. That the “declaration of parking and access agreement” and the “parking and access agreement,” be 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.(2) and 185-13.E.(3) regarding plan scale.
- b. From Sections 185-12.D.(3).(a).[7] and 185-13.E.(4).(a).[7] regarding metes and bounds for all existing street centerlines.
- c. From Section 185-13.E.(4).(a).[7] regarding providing easements on the final plan deferring the metes and bounds until the as-built survey is provided, conditional upon the as-built plan being recorded.

- d. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding existing stormwater profiles for all unaffected facilities.
- e. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding existing sanitary profiles for all unaffected facilities.
- f. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding existing utility profiles for all unaffected facilities.

It is further moved that the following waiver from the Subdivision and Land Development Ordinance is denied, if not withdrawn:

- a. From Sections 185-12.D.(4).(b) and 185-13.E.(5).(b) regarding a sewage facilities planning module.

The motion carried, 5-yes 0-no.

E1-57 Authorizing the Chairman to execute two Dauphin County CDBG Disaster Recovery Subrecipient Agreements for the Locust Avenue and Java Avenue Projects.

James N. Negley, Township Manager/Township Treasurer – The Township applied for two grants to remedy stormwater issues on Locust and Java Avenues. Based on the requirements of the Community Development Block Grant, the Township pursued a Request for Qualifications (RFQ) process for engineering services. Two firms submitted an RFQ, Hanover Engineering and HRG. The Township determined HRG is the most qualified firm to handle this project. The two agreements we are requesting to be signed by the Chairman provide the sums of \$39,000 and \$55,000 to contribute to engineering costs associated with the projects. The total project costs are \$269,000 and \$398,000 respectively.

Motion: A motion made by Supervisor Weir and seconded by Chairman Foley that authorizing the Chairman to execute two Dauphin County CDBG Disaster Recovery Subrecipient Agreements for the Locust Avenue and Java Avenue Projects, is hereby approved. *The motion carried, 5-yes 0-no.*

F1-8 Approval of the 2014 Annual CPI Increase in tipping fees in regard to the Township’s contract with our solid waste provider, Waste Management.

James N. Negley, Township Manager/Township Treasurer – Effective January 1, 2014 the tipping fee at the Harrisburg Incinerator is \$80, an increase of \$2.91 per ton. The impact will be an increase of \$1.16 per quarter for residential customers and \$.14 per cubic yard for multi-family and commercial customers. Bag prices will increase from \$3.35 to \$3.50. This will raise the residential quarterly billing from \$55.35 to \$56.51 for basic service.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Engle that the 2014 Annual CPI Increase in tipping fees in regard to the Township’s contract with our solid waste provider, Waste Management, is hereby approved. *The motion carried, 5-yes 0-no.*

G1-4 Authorization to accept a Communications Messaging Plan for the Township.

James N. Negley, Township Manager/Township Treasurer – The Board of Supervisors received from Susan Cort, Communications Consultant, a plan to communicate regularly with residents through electronic and Social Media messaging. The plan will provide a way to better inform and educate the residents about what is occurring in the Township as well as enhance the existing communications

plan. Supervisor Ballard noted that the Township is limiting the total maximum billing to \$5,500 for this year.

Motion: A motion made by Supervisor Engle and seconded by Supervisor Ballard that authorization to accept a Communications Messaging Plan for the Township, is hereby approved. *The motion carried, 5-yes 0-no.*

H1-6 Approval of a Memorandum of Understanding between DSG Development Corporation and the Township of Derry.

Matt J. Mandia, Director of Parks and Recreation – Under this agreement, which is related to the Southpoint Meadows II development, the Township would acquire approximately 2.86 acres of land along Joann Avenue and would have DSG Development Corporation construct a portion of the bicycle pedestrian trail in a relocated location from what was on the original plan. This change would amount to approximately 59 lineal feet or 472 additional square feet of trail. It is estimated that the relocation and excess footage would cost approximately \$1,200, which they are recommending those dollars be allocated from the fee in lieu of funds that were collected from DSG for the Southpoint Meadows development. Supervisor Ballard added that the original path was to cut through a parcel of land and the new path is more of an L-shaped path so it would leave more of an open space area and more contiguous land.

Motion: A motion made by Vice-Chairman Moyer and seconded by Supervisor Ballard that a Memorandum of Understanding between DSG Development Corporation and the Township of Derry, is hereby approved. *The motion carried, 5-yes 0-no.*

I1 Permission to hold the 2014 Hershey 10K Race to be held on Sunday, April 13, 2014 at 7:30a.m.

Patrick O'Rourke, Chief of Police – Representatives from the Hershey Entertainment and Resorts Company (HE&R) are planning to hold their annual 10K Run. The net proceeds from the Run will be donated to the Ronald McDonald House and other local charities. Some roadways will need to be closed down and traffic detoured, but should be no longer than 1-2 hours. HE&R is aware of the Township's reimbursement policy.

Supervisor Ballard said the last time this was on the agenda the request was that in the future if events involve a Sunday the sponsor would first talk to the Ministerium. Chairman Foley said that he has been in discussion with Chief O'Rourke regarding the impact of Sunday races and encouraging Saturday races and also establishing a review process.

Supervisor Ballard said that for any race the people who are sponsoring the race should come to the Board before they advertise. Chief O'Rourke said an officer has been tasked to reach out to event promoters and tell them about our new policy.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Weir that permission to hold the 2014 Hershey 10K Race to be held on Sunday, April 13, 2014 at 7:30 a.m., is hereby approved. *The motion carried, 5-yes 0-no.*

J1-3 Approval of Ordinance No. 642, amending the Township's Motor Vehicle and Traffic Ordinance No. 553, Chapter 210, Section 210-39, PARKING PROHIBITED IN CERTAIN LOCATIONS CERTAIN DAYS AND HOURS, by establishing a No Parking restriction on the South side of West Areba Avenue between a point 96 feet east of Glen Road to a second point 211

feet east of the first point, Monday through Friday between the hours of 7:00-8:30 a.m.

Patrick O'Rourke, Chief of Police - This request results from recommendations to the Board of Supervisors from the police department following the study of issues originating from complaints by motorists, parents of students, St. Joan of Arc School officials, and our police officers that witnessed some of the events that occur in this stretch of roadway. West Areba is a two-way street with parking allowed on the south side and the current parking restriction is for parking along the north side of the roadway. This allows parents to drop their children off at St. Joan of Arc School during the morning hours Monday through Friday. When we allow parking on the south side of West Areba, it narrows the roadway considerably. Restricting parking on the south side at this location allows for a safer passage of vehicles on the two-way roadway. Two signs and two sign posts would be required to meet this ordinance.

Chairman Foley asked if the St. Joan of Arc School is on board with this. Chief O'Rourke said that the school is one of the parties that raised it to their attention. They talked to the neighbors in the area and they think it is a good idea as well.

Supervisor Ballard said in the paper it mentioned taking away someone's parking space in front of their house. Chief O'Rourke said the home due east of the church is actually owned by the school now and the residents east of there indicated they have off street parking in the back.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Weir that Ordinance No. 642, amending the Township's Motor Vehicle and Traffic Ordinance No. 553, Chapter 210, Section 210-39, PARKING PROHIBITED IN CERTAIN LOCATIONS CERTAIN DAYS AND HOURS, by establishing a No Parking restriction on the south side of West Areba Avenue between a point 96 feet east of Glen Road to a second point 211 feet east of the first point, Monday through Friday between the hours of 7:00-8:30 a.m., is hereby approved. *The motion carried, 5-yes 0-no.*

CORRESPONDENCE – No correspondence to report.

BOARD/COMMITTEE INFORMATION – No information to report.

REPORTS

Patrick O'Rourke, Chief of Police – The weather is warming up and they have ramped up their traffic enforcement. Motorists have been cited who do not yield to pedestrians in the crosswalk and many pedestrians have been cited who have entered the crosswalk prior to it being safe to do so.

Supervisor Ballard mentioned the two electronic signs warning the drivers about a detour on 322. She asked that something be put out on the website because people don't know what that is for. Chief O'Rourke said there is a little bridge on 322 down by Meadow Lane that is in need of replacement and requires a total road closure to accomplish that. On March 23, the construction company and PennDOT officials are going to have the equipment in place to have the detour deployed the following morning on the 24th. It is a 10 day total closure at a minimum and their target date to have the project completed is April 1. The police department has plans to get this information out on their website and PennDOT will be doing media blitzes to warn the public.

Thomas Clark, Director of Public Works - Mr. Clark said he received a press release on 322 this afternoon and he will pass it along to Jill and the Chief to post.

Chris Gawron Hershey Public Library – The Library Board of Directors has invited representatives from the Friends of the Library, the Endowment Trustee staff, and selected community members to

join in a strategic planning summit on March 22. Their goal is to develop a well-focused vision for the upcoming years at the Library. They will host a Film Forward Movie Screening in conjunction with the Friends of the Library student film festival. This is an initiative of the Sundance Institute, the President's Committee on the Arts & Humanities and the partnership with the National Endowment for the Arts, the National Endowment for the Humanities and the Institute Museum and Library Services.

Terry M. Weinhold, Manager of Accounts Payable & Receivable - Dianna Reid and her staff will start the preliminary work for the 2013 audit in the next couple of weeks.

Matt Bonanno, HRG Township Engineer – The contractor was in contact with HRG on the stormwater project about starting two weeks later in the spring due to the weather. They will be here in April to finish up.

Jill E. Henry, Assistant Township Manager – The test call for CodeRED was sent out on Monday. They reached 12,594 residents, which was 85 %, the highest they reached in any calls they sent out. 1,842 residents were not reached. Monday they will send out another call to them. If they do not reach them, they will remove those numbers which will speed up the process. They were able to send out 1,500 calls per minute.

APPROVAL OF ACCOUNTS PAYABLE (\$406,390.48) AND PAYROLL (\$323,899.04).

Supervisor Engle moved to approve accounts payable in the amount of \$406,390.48 and payroll in the amount of \$323,899.04. Supervisor Ballard seconded. *The motion carried, 5-yes 0-no.*

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one came forward.

Manager Negley said Chief O'Rourke circulated a memo on the traffic options for Stoney Run. He is waiting for direction on how to proceed. The Board gave direction for Chief O'Rourke to follow through with the advertisement and then a public comment will follow.

ADJOURNMENT

Supervisor Moyer moved to adjourn the meeting at 8:00 p.m. Supervisor Ballard seconded. *The motion carried, 5-yes 0-no.*

SUBMITTED BY:

Justin C. Engle
Township Secretary

Brenda Van Deursen
Recording Secretary