

MEETING MINUTES
BOARD OF SUPERVISORS, TOWNSHIP OF DERRY
Tuesday, March 26, 2013
600 Clearwater Road, Hershey, Pennsylvania 17033

REGULAR MEETING

CALL TO ORDER

The March 26, 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*
Kelly C. Fedeli, Vice-Chairman - *present*
John Foley, Jr - *present*
Marc A. Moyer, Secretary - *present*

Also Present

Matt Bonanno, HRG, Township Engineer
Thomas R. Clark, Director of Public Works
Barbara S. Ellis, Director of Hershey Public Library
Charles W. Emerick, Director of Community Development
Cheryl L. Lontz, Manager of Payroll & Employee Benefits
Matthew J. Mandia, Director of Parks & Recreation
James N. Negley, Township Manager/Township Treasurer
Patrick O'Rourke, Chief of Police
Jon A. Yost, Township Solicitor
Brenda Van Deursen, Recorder

Public Present:

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 shared that he was pleased about the ordinance change on Hockersville Road. He mentioned the downtown redevelopment article that was in the paper. A lot of the people are concerned that the ordinances presented tonight are making the way for somebody who made a request. We have a comprehensive plan, but if we keep changing the existing comprehensive plan it leaves little for the redesign. Where do

you find a definition regarding fast/casual. Are we writing the ordinance to meet somebody else's needs or are we putting ourselves at a disadvantage.

Chairman Abruzzo said there is nothing being written that is not going through the normal public vetting process. Everything we have done is made so that we get as much input as we can from the community.

Vice-Chairman Fedeli said we are talking about two different ordinances, two different possible zoning changes. The one that is on our agenda tonight is not the fast/casual. The status of that is there is a public hearing, it will come before the planning commission and go through our normal process. Mr. Gamble said it appears to the general people that we are going back to the old way of doing things. Mr. Gamble said he is very proud of this Board and the people believe that we have a good Board representation. Vice-Chairman Fedeli said the fast/casual ordinance will have a lot of opportunity for public input. That ordinance is more about a vision for our downtown rather than one particular business.

Supervisor Foley said the timing may not happen to be the most ideal. The comprehensive plan was started about two years ago and this was part of the initiative. This has nothing to do with what a developer wanted or may have needed. As a Board, our comments haven't made it to the press like the negative comments. The community has been actively involved and we have had many public meetings. The process has started long before this specific request. The ordinance will also apply to the existing restaurants already in the downtown. Mr. Gamble said people are seeing one entity that comes in who is a controller in this community and gets what they want. He said the Board needs to communicate to the people by responding to the negative comments and set the people straight.

Chairman Abruzzo said we want to move forward in the right way. We want to tweak the ordinances just enough that we can get the kind of establishments people want to see downtown.

Mr. Emerick added that on April 2, the restaurant ordinance will be before the Planning Commission for their review and recommendation to the Board. On April 9, it will be before the Board of Supervisors in the form of a public hearing seeking public input. At that point, we will take the public comments and those from the planning commission and make any changes that are necessary. Then it will have to be re-advertised and go through the process again. We can't adopt an ordinance that has been modified during a public hearing.

Dennis Drobenak, 13 Hockersville Road – Mr. Drobenak was at a meeting last fall regarding a problem with hit and runs. Within a few weeks from the time he came to this meeting, he had discussions with the Township staff and came up with suggestions for improvements. A few weeks later, they quickly acted by putting the appropriate road signs in place. Mr. Drobenak was very impressed with how they cared about doing a good job, how efficiently they took the ideas, and how quickly everyone acted.

Mr. Drobenak said the signs have cut down about 65% of car traffic and about half of the truck traffic. He believes the GPS system and the maps indicate the road goes straight through. The

roads are not meant for 18-wheeler traffic that still comes through. He suggested maybe one more sign stating no trucks beyond this point placed at the no outlet sign. It would prevent the trucks coming one more block.

Chief O'Rourke said he read Mr. Drobenak's complaint he received about two weeks ago. The problem is the trucks are in there before they see the sign. He contacted the Hershey Company who is more than happy to cooperate. They were proactive by contacting their Logistics partner with the semi-trailer drivers to lay out the route of travel. Once the trucks get up in that area, it is a very hazardous situation to back out. The Hershey Company put out notification to all their drivers to inform them of the proper route of travel.

NEW BUSINESS

A1 Recognition of Ken Burd for 30 years of service on the Parks and Recreation Advisory Board.

Matthew J. Mandia, Director of Parks & Recreation - Mr. Mandia recognized Mr. Burd for his 30 years of service on the Parks & Recreation Advisory Board. Mr. Burd has been a steady force on the Board and provided a common sense approach over many years. His foresight and knowledge of community and care for others really shaped a lot of programs. Mr. Mandia thanked Mr. Burd for showing confidence in him when he was hired almost 19 years ago.

Chairman Abruzzo presented Mr. Burd with a plaque in recognition and appreciation of 30 years for his commitment, knowledge and dedicated service. Mr. Burd responded that his place on the Board gave him an opportunity to give back to community that he loves.

B1-23 The Preliminary Final Land Development and Stormwater Management Site Plan for the Select Medical Building Expansion, Plat No. 1222.

Chuck Emerick, Director of Community Development – The Select Medical facility presently exists with a footprint of 61,058 square feet. Plat No. 1222 proposes to add 38,150 square feet to the existing facility, mostly comprised of a 2-story addition. The stormwater that previously went to a former management facility will now be directed along with the stormwater from the new improvements to a larger stormwater management facility that is partially on the lands of The Hershey Trust Company.

The traffic report noted that the total average daily traffic generated by the expansion at 1,377 vehicles. The study went on to do an observation in the summer of 2012 to look at the existing trips from the site. It found that 80% of the existing traffic site entered Hersheypark Drive with about 55% of this traffic turning left towards the commercial center, and about 45% turning right heading toward the Giant Center. The remaining 20% of traffic traveled along West Chocolate Avenue toward Hockersville Road. Select Medical is in the process of establishing a traffic signal at the intersection of Old West Chocolate and Hersheypark Drive. The study that was done as part of this expansion will also serve to tweak some of the timing at this light to make sure it is programmed properly.

As part of this plan, the applicant sought waivers. In each case where the existing facilities were not affected by the new improvements, they recommended waiving those facilities. Mr. Emerick reviewed each waiver.

Chairman Abruzzo asked who would be responsible for the upkeep of the stormwater facility. Mr. Emerick said The Hershey Company is granting an easement, but Select Medical will be responsible for the maintenance.

Motion: A motion made by Vice-Chairman Fedeli and seconded by Supervisor Foley that the Preliminary/Final Land Development and Stormwater Management Site Plan for the Select Medical Building Expansion, Plat #1222, is approved subject to the following:

1. That the applicant reimburse the Township for costs incurred in reviewing the plan no later than April 2, 2013.
2. That performance security be provided to the Township to guarantee the completion of required improvements and the accompanying agreement signed no later than September 26, 2013.
3. That copies of any temporary construction easements necessary for work being proposed on lands of The Hershey Company be provided to the Township no later than September 26, 2013.
4. That data substantiating fire flow requirements, flow availability, recharge capabilities, and duration of flow be provided to the Township no later than September 26, 2013.
5. That the lighting plan (sheet C7.1) be signed and sealed no later than September 26, 2013.
6. That all of the comments in the March 19, 2013 HRG letter be satisfactorily addressed no later than September 26, 2013.
7. That the easement agreement for the stormwater management facilities on lands of The Hershey Company be recorded concurrently with the plan.
8. That the access easement over lands of The Hershey Company be recorded concurrently with the plan.
9. That the deed for right-of-way dedication be recorded concurrently with the plan.
10. That the Stormwater Best Management Practices Operation and Maintenance agreement be recorded concurrently with the plan.

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

1. From Sections 185-12.D.(2) and 185-13.E.(3) regarding plan scale for the Overall Plan (C1.2) and the Environmentally Sensitive Area Plan (C1.3).
2. From Sections 185-12.D.(3).(a).[7] and 185-13.E.(4).(a).[7] regarding metes and bounds for rights of way and easements for the areas documented on the previous plan with the exception of the area previously dedicated for West Chocolate Avenue right-of-way.
3. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding providing profiles for all existing stormwater lines that will be unaffected by the proposed work.
4. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding providing profiles for all existing sanitary lines that will be unaffected by the proposed work, with the

exception of providing a sanitary sewer profile between H122A-13 and H122A-14 to depict the new manhole and new sanitary sewer lateral.

5. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding providing profiles for all existing utility lines that will be unaffected by the proposed work with the exception of the area where the grading has been modified over the existing water later.
6. From Section 185-22.E.(5) regarding the installation of curbing along West Chocolate Avenue.
7. From Section 185-42 regarding the submission of a detailed traffic study.
8. From Section 174-13 regarding volume controls to not be required to provide infiltration and to instead provide various stormwater quality measures including parking lot sweeping, meadow plantings, a desiment fore bay, and a level spreader as per the DEP guidelines outlined in the Pennsylvania Stormwater Best Management Practices Manual.
9. From Section 185-34 as follows:
 - a. To allow the proposed sidewalk to be partially located outside of the public right-of-way as depicted on the land development plan.
 - b. To allow the proposed walkway to be 5 feet in width and constructed of pervious asphalt pavement in lieu of concrete or standard asphalt.
 - c. To defer the construction of the entire length of the walkway along West Chocolate Avenue for a period of one year beginning from the activation of the proposed traffic signal which is scheduled for spring 2013.
10. From Sections 185-27.B, 174-20.A.(18), and 174-27.D to allow the width of the stormwater easement to be 10 feet in both directions measured from the walkway centerline or until the easement abuts an existing public right-of-way in locations where the centerline is closer than 10 feet from the walkway centerline.
11. From Section 185-34.B.(2) to not be required to provide mid-block crossings at 800' intervals.

Motion carried, 5-Yes 0-No.

C1-5 Consideration of adoption of Ordinance No. 631 amending Chapter 225 of the Code of the Township of Derry to change the zoning classification of a portion of the property located at 19 East Chocolate Avenue, Hershey, from an Industrial classification to a Village Core classification requested by The Hershey Company, Petition No. 2012-02.

Charles W. Emerick, Director of Community Development – This was the subject of a public hearing on February 26 seeking public input for adoption. Prior to this request, The Hershey Company had requested to rezone an adjacent 7.07 acres of their property from Industrial to Village Core. The area subject to this request is 24.25 acres of land. The property is not necessarily owned by The Hershey Company, but they have some control of it. The present zoning districts adjacent to the area are Industrial, Commercial Golf, Village Residential, Downtown Commercial, and Village Core to the south and to the west. While we know The Hershey Company will occupy the western 7.07 acres of this tract, we can only speculate on what the future use of the 24.25 acres will be.

Rick Russell - The 19 East Parcel was actually transacted in full. The Hershey Company re-occupied the western portion, but the eastern portion was part of the transaction as well. About two months ago, Chocolate realty DST sold their interest to an entity called Westwood LLC. Westwood LLC did not assume any additional rights or obligations. They basically assumed the lease hold arrangement. They are fully supportive of this zoning change.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Moyer that Ordinance No. 631 amending Chapter 225 of the Code of the Township of Derry to change the zoning classification of a portion of the property located at 19 East Chocolate Avenue, Hershey, from an Industrial classification to a Village Core classification requested by The Hershey Company, Petition No. 2012-02, is hereby approved. ***Motion carried, 5-Yes 0-No.***

D1-5 Consideration of the adoption of Resolution No. 1363 to amend the Derry Township Comprehensive Plan.

Chuck Emerick, Director of Community Development – On February 26, there was a public hearing held before the Board on amending the comprehensive plan of 1991, which is our current valid plan. The municipal planning code requires that the comprehensive plan and zoning ordinances be consistent with one another.

Motion: A motion made by Vice-Chairman Fedeli and seconded by Supervisor Moyer that the adoption of Resolution No. 1363 to amend the Derry Township Comprehensive Plan, is hereby approved. ***Motion carried, 5-Yes 0-No.***

E1-3 Consideration of the release of the remaining balance of the performance security for the Revised Preliminary/Final Land Development Plan for the Pennsylvania State University Milton S. Hershey Medical Center Parking Garage Expansion, Children’s Hospital, and Southwest Ground Floor Hospital Expansion, Plat No. 1140.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Ballard that the Township releases the remaining balance (\$47,753.69) of the performance security provided as PNC Bank Letter of Credit No. 18109376-00-000 for the Revised Preliminary/Final Land Development Plan for the Pennsylvania State University Milton S. Hershey Medical Center Parking Garage Expansion, Children’s Hospital, and Southwest Ground Floor Hospital Expansion, Plat No. 1140, is hereby approved. ***Motion carried, 5-Yes 0-No.***

F1-3 Approval of Ordinance No. 633, amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210, Article IV, Section 210-38: *Parking prohibited at all times in certain locations* by amending the current parking prohibition on Linden Road on the west side, beginning at the northwest corner of West Granada Avenue to a point 94 feet north, changing it to 84 feet north.

Patrick O’Rourke, Chief of Police – On February 26, 2013, the Board of Supervisors authorized the advertisement of this ordinance amendment. On March 14, 2013 the advertisement appeared in The Sun.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Ballard that Ordinance No. 633, amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210, Article IV, Section 210-38: ***Parking prohibited at all times in certain locations*** by amending the current parking prohibition on Linden Road on the west side, beginning at the northwest corner of West Granada Avenue to a point 94 feet north, changing it to 84 feet north, is hereby approved. ***Motion carried, 5-Yes 0-No.***

G1-3 Approval of Ordinance No. 634 amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210, Article IV, Section 210-38: *Parking prohibited at all times in certain locations* by establishing the west side of Hockersville Road from Swatara Avenue to Reese Avenue as a no parking area.

Patrick O'Rourke, Chief of Police – On February 26, 2013, the Board of Supervisors authorized the advertisement of this ordinance amendment. On March 14, 2013, the advertisement did appear in The Sun.

Motion: A motion made by Chairman Abruzzo and seconded by Supervisor Ballard that Ordinance No. 634 amending the Code of the Township of Derry (Ordinance No. 553), Chapter 210, Article IV, Section 210-38: ***Parking prohibited at all times in certain locations*** by establishing the west side of Hockersville Road from Swatara Avenue to Reese Avenue as a no parking area, is hereby approved. ***Motion carried, 5-Yes 0-No.***

H1 Authorization to conduct the Annual Memorial Day Parade on Monday, May 27, 2013 at 10:00 AM.

Matthew J. Mandia, Director of Parks & Recreation - The staging area and route will be the same as the last few years. The Memorial Day Ceremony will occur immediately after the parade.

Motion: A motion made by Supervisor Foley and seconded by Vice-Chairman Fedeli that authorization to conduct the 2013 Memorial Day Parade, is hereby approved. ***Motion carried, 5-Yes 0-No.***

I1-2 Request to conduct the Hershey Company/Children's Miracle Network 5K run scheduled for Saturday, June 15, 2013, starting at 8:00 AM on both State and Township roadways.

Patrick O'Rourke, Chief of Police – This request will result in closure of some roads and only local/residential traffic is permitted while the event is going on. The route is the same as in the past years. All expenses will be reimbursed by The Hershey Company.

Motion: A motion made by Vice-Chairman Fedeli and seconded by Supervisor Ballard that the request to conduct the Hershey Company/Children's Miracle Network 5K run scheduled for Saturday, June 15, 2013, starting at 8:00 AM on both State and Township roadways, is hereby approved. ***Motion carried, 5-Yes 0-No.***

CORRESPONDENCE – Vice-Chairman Fedeli received a request from a resident to look at putting some stop signs in on South Point Drive. There are a series of stop signs at South Point Drive, but in the residential area, it becomes a race track. She asked the Chief to look into it.

BOARD/COMMITTEE INFORMATION – Vice-Chairman Fedeli reported the Kiss Hershey Back clean-up day is April 27 from 10 to 1. She asked the other Board members to let her know if they are interested in participating. It is spearheaded by the Hershey Medical Center and supported by our Public Works Department.

REPORTS

Patrick O'Rourke, Chief of Police – Chief O'Rourke reported they are gearing up for the TMI exercise.

Vice-Chairman Ballard asked if there was any update on Quail Hollow. Chief O'Rourke reported there was a meeting held with the property owner who owned the vehicles that were parked in the gauntlet style. He was cooperative and removed the trucks and the speed sensory device is in place to obtain additional data on speed related violations. At the conclusion of that, the data will be abstracted and compared to the first study.

Thomas R. Clark, Director of Public Works – Mr. Clark reported that today, the contractor started installing the ADA ramps on Areba from Linden to Mill Street. The gas company is doing work prior to the company starting to recycle all the roads that were dug up last year. On Monday, we had a prebid for the cold and place recycling of all those roads. Next Wednesday, we will have a bid opening for the recycling of those roads ahead of our paving. He expected to see the pavers for the PPL job back in town the latter part of this month.

Barbara Ellis, Hershey Public Library – Ms. Ellis reported they held another successful blood drive yesterday resulting in a collection of 5 pints. We are now in a cloud instead of having a server in the library. The cloud is hosted by Polaris who is our provider. The Volunteer Appreciation Luncheon is on April 19. On April 14, Carolyn Levitt will be the guest author.

Cheryl L. Lontz, Manager of Payroll & Employee Benefits – Ms. Lontz reported as of the end of March, things are looking well with the expenditures. Revenues are under budget, but is to be expected this time of year until tax money starts coming in.

Matthew J. Mandia, Director of Parks and Recreation – Mr. Mandia reported they hosted their Annual Easter Egg Hunt this past Saturday at Shank Park and all 12,000 eggs are gone. He thanked The Hershey Company for their support. Summer registration is opened. He encouraged the community to get creative to get entries in the Memorial Day Parade.

Matt Bonanno, Township Engineer – Mr. Bonanno reported that the contractor started installing the 54 inch storm sewer pipe across 422 last Friday. They are working day and night. They are more than half way across the road and should be done by Friday morning.

Chuck Emerick, Director of Community Development – Mr. Emerick reported that the Chipotle Land Development Plan that was scheduled for review at the April 2 Planning Commission

meeting has been withdrawn. Many times when a plan is submitted for the first time, the applicant is asked to withdraw the plan after receiving our comments in an attempt to address the issues so that when the plan is submitted for approval at a meeting we are only talking about meaningful issues.

Mr. Emerick also reported that the walkway at Hotel Hershey was flagged today to verify the path.

James Negley, Township Manager – Manager Negley mentioned that Assistant Manager Henry is on a well-deserved vacation. The Township Office is closed this Friday for the observance of Good Friday.

Chairman Abruzzo noted for the record that we did not have the minutes from the last meeting to vote on. These will be voted on along with these minutes at the April 9 meeting.

APPROVAL OF ACCOUNTS PAYABLE (\$164,913.40) AND PAYROLL (\$284,665.08).

Motion: Supervisor Foley moved to approve accounts payable in the amount of \$164,913.40 and payroll in the amount of \$284,665.08. Supervisor Ballard seconded. ***The motion carried, 5-Yes 0-No.***

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one came forward.

ADJOURNMENT

Supervisor Foley moved to adjourn the meeting at 8:15 p.m. Supervisor Ballard seconded. ***The motion carried, 5-Yes 0-No.***

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary