

**TOWNSHIP OF DERRY
BOARD SUPERVISORS MEETING**

Tuesday, November 12, 2013
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The November 12, 2013 Township of Derry Board of Supervisors meeting was called to order at 7:10 p.m. by E. Christopher Abruzzo, Chairman.

Supervisors Present:

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

Also Present:

Matt Bonanno, HRG Engineer
Thomas R. Clark, Director of Public Works
Barbara S. Ellis, Director of 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: Elvira Ebling, Ashley Derr, Phil Friedrich, Matt Weir, Matt Silvis, Chris Silvis, Nick Silvis, Lynelle Murray, Jim Rafferty, Justin Engle, Tom George, Rich Gamble, Tom Stang, Tony Potter, Jessica V., Bill Fisher

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

Matt Silvis, 331 William Drive, Hershey – Mr. Silvis asked the Board to consider installing a crosswalk at the intersection of Harvey and 743 which links Harvey to Bachmanville Road. It is a high traffic road with runners, cyclists and neighbors using that intersection to get across the street. The bike path stops at Church Road and does not extend to his area.

Chairman Abruzzo shared that the Parks and Rec Committee discussed extending the path in different areas of the Township and this request is probably a good location. Chief O'Rourke agreed it is a difficult place to cross. It is a state highway and any improvements that we would make would have to be approved by PennDOT.

Vice-Chairman Fedeli said it is a very dangerous place to cross even if a crosswalk was installed and she would not encourage anyone to cross there. She agrees there is a traffic problem in that area and that is why a traffic light is going in at Homestead. Supervisor Foley said an unsignalized crosswalk area is a risk. It is 35mph there now and he is sure people are not going 35. He advocates alternative pathways but there are challenges.

Mr. Mandia said they are establishing a subcommittee for the future development of bike and pedestrian trails. He cautions that you have to make sure you have facilities on either side of the crosswalk to go to. Vice-Chairman Fedeli said she would like to see the bike path extended and would feel much better about people riding on a path than risking their lives in a crosswalk. Chairman Abruzzo said after the light goes in at Homestead they will take a look at the traffic flow.

Supervisor Foley added that the traffic signal that is going to be installed at Fishburn and Homestead is step one in a number of steps we hope to accomplish on that stretch of highway. We recognize it is challenging and we are looking at options with Bachmanville Road and means of ingress/egress from that road.

Vice-Chairman Fedeli said it would be good to restrict left-turn lanes out of Bachmanville. If you are coming out of Harvey then you know nobody is going to be turning left which would be a much safer situation.

Supervisor Ballard asked when the light at Homestead would be installed. Supervisor Foley said by next summer. Supervisor Ballard stated if we would consider extending the bike trail we would have to get easement agreements from all the property owners involved and it could take a couple of years. Mr. Mandia said the timing would depend on the requirements and the costs.

Rich Gamble, Hockersville Road – Mr. Gamble thanked Chuck Emerick for having action taken in cleaning up one of the properties in his neighborhood. At the last meeting, Mr. Gamble said he questioned who was going to benefit by making Swatara Station part of the overlay district and how are they going to benefit versus the residents who are concerned about being told what they can do with their properties. He spoke to one of the future supervisors who informed him it is a way of controlling the development of businesses within the residential area. In his research, he saw that Milton Hershey was not the founder of Swatara Station, so why would we want to preserve something in recognition of Hershey. He asked, if it would be easier to change that area from residential commercial to plain residential. Chairman Abruzzo said the intent of the overlay district was not to preserve any particular structure in its current state. It was an overall preservation of Chocolate Avenue. The Board is going to relook at that issue and allow more discussion with the community.

APPROVAL OF MINUTES

Chairman Abruzzo called for a motion to approve the Minutes of the October 21, 2013 Public Hearing. Supervisor Foley made a motion to approve the Minutes as written. Supervisor Moyer seconded. Chairman Abruzzo and Vice-Chairman Fedeli abstained as they were not present at the Public Hearing. ***The motion carried, 3-yes 0-no 2-abstentions.***

Chairman Abruzzo called for a motion to approve the Minutes of the October 21, 2013, Board of Supervisors Meeting. Supervisor Ballard made a motion to approve the minutes with one change on page 8, first sentence should say “south” instead of north side of Governor Road. Vice-Chairman Fedeli seconded. Chairman Abruzzo abstained as he was not at the meeting. ***The motion carried, 4-yes 0-no 1-abstentions.***

NEW BUSINESS

A1-11 The Preliminary/Final Subdivision and Land Development Plan for Curry Mill, Plat No. 1239.

Charles W. Emerick, Director of Community Development – A plan was conditionally approved for this project, but when the applicant went to obtain the final signatures from everybody involved, one of the parties decided they did not want to swap land. That caused the applicants to then refile a new plan. With the new plan, they had to revisit the Zoning Board for some additional relief. The stormwater facilities are still under the parking lot. Even though it is a little longer walk to the building, the parking lot lays out nicer with the newer plan. There was a small change in parking. The old plan had 69 regular spaces, which would allow for 207 seats and the new plan has 67 spaces which allows for 201 seats in the restaurant. The waivers are the same as what was previously submitted on the original plan.

Motion: A motion was made by Chairman Abruzzo and seconded by Supervisor Foley that the Preliminary/Final Subdivision and Land Development Plan for Curry Mill, Plat No. 1239, is hereby approved subject to the following:

- a. That the applicant reimburse the Township for costs incurred in reviewing the plan no later than December 12, 2013.
- b. That performance security be provided to guarantee the completion of required improvements, and that the accompanying agreement be signed no later than May 12, 2014.
- c. That the following plan revisions be made no later than May 12, 2014:
 - i. Indicate the size of the utility mains, service laterals to the site, and water meter pit assembly.
 - ii. Provide the proposed finished grade and water main pipe sizes for profiles on Sheet 13A.
 - iii. Continue the sidewalk to the western edge of the property.
 - iv. Provide a note on Sheet 5A stating that this plan revises the access easement recorded on the plan at Instrument No. 20090016476.
- d. That a concrete marker or drill hole be indicated on the plan and provided onsite at point “H” no later than May 12, 2014.
- e. That the applicant withdraw Plat #1223 prior to the recording of Plat #1239.
- f. That the date of approval for the requested waivers be completed in the appropriate block on the coversheet of the plan prior to recording.
- g. That the deed for right-of-way dedication be recorded concurrently with the plan.
- h. That the Stormwater Best Management Practices Operation and Maintenance agreement and a Declaration, listing the stormwater BMPs as a restrictive covenant, be recorded concurrently with the plan.
- i. That the curbing 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.(3).(a).[21] and 185-13.E.(4).(a).[19] to be permitted to show the storm sewer profile at a different scale.
- b. From Section 185-25.B. regarding driveway grade within 20 feet of the edge of adjacent street paving.
- c. From Sections 185-12.D.(2) and 185-13.E.(3) to be permitted to show the plan at a scale of 1” = 60’.
- d. From Section 185-22.D.(3) regarding providing additional right-of-way for West Chocolate Avenue.
- e. From Section 185-22.D.(3).(c) regarding street cartway widening of West Chocolate Avenue.

- f. From Section 185-22.E.(5) regarding providing curbing along West Chocolate Avenue, with the stipulation that the applicant/owner enter into an agreement with the Township no later than May 12, 2014 that would allow the Township to require the installation of curbing in the future if deemed necessary.
- g. From Section 185-42 regarding providing a traffic study.

The motion carried, 5-yes 0-no.

B1-4 Consideration of releasing the performance security and entering the maintenance security period for the Preliminary/Final Land Development and Stormwater Site Management Plan for Hershey's Chocolate World Building and Parking Expansion, Plat No. 1218.

Charles W. Emerick, Director of Community Development – The performance security is in the amount of \$1,049,530.02. With HRGs recommendation, we are requesting a maintenance bond be retained in the amount of \$2,938.50 which is 15% of the required improvements along the streets.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Ballard that the Township releases performance security in the amount of \$1,049,503.02, supplied as Travelers Casualty and Surety Company of America Bond No. 105868506, with the stipulation that maintenance security in the amount of \$2,938.50 is provided in acceptable form and the standard maintenance security agreement is executed for the Preliminary/Final Land Development and Stormwater Site Management Plan for Hershey's Chocolate World Building and Parking Expansion, Plat #1218, is hereby approved. *The motion carried, 5-yes 0-no.*

C1-4 Consideration of a reduction of the performance security for the Preliminary/Final Land Development Plan for U-Gro Learning Centre, Plat No. 1208.

Charles W. Emerick, Director of Community Development – The performance security is in the amount of \$209,151.31. HRG found a few items yet to be addressed. We are recommending the bond be reduced \$188,236.18, leaving a balance of \$20,915.13.

Motion: A motion made by Supervisor Foley and seconded by Supervisor Moyer that the Township releases \$188,236.18 from the performance security provided as Fidelity and Deposit Company of Maryland Bond No. 9040126 in the current amount of \$209,151.31 for the Preliminary/Final Land Development Plan for U-Gro Learning Centre, Plat No. 1208, resulting in a new balance of \$20,915.13, is hereby approved. *The motion carried, 5-yes 0-no.*

D1-3 Adoption of Resolution No. 1374 establishing the Board of Supervisor's regular meeting dates for the year 2014.

Jill E. Henry, Assistant Township Manager – Resolution 137 contains the dates for next year's Board of Supervisors' meetings. If the Board approves them tonight they will be placed in the newspaper next week.

Motion: A motion made by Supervisor Moyer and seconded by Supervisor Foley that adoption of Resolution No. 1374 establishing the Board of Supervisor's regular meeting dates for the year 2014, is hereby approved. *The motion carried, 5-yes 0-no.*

E1 Request from Hershey New Year's Eve Celebration Committee to hold the Ninth Annual New Year's Eve Celebration in the Square of Hershey on December 31, 2013 and will continue for approximately an hour to January 1, 2014.

Patrick O'Rourke, Chief of Police – The main roadways affected by the event is SR 422 from Homestead Road to Hockersville Road and SR 743 from Hersheypark Drive to SR311. It will also involve detours that will affect and have an impact on SR322 and SR39. If the Board approves this request, PennDOT will be contacted for permit approval. This event will last approximately 13 hours which includes set up time, start time, and time for clean up. The event is scheduled to start at 9:00PM. It will involve on-duty personnel and officers on overtime.

Motion: A motion made by Vice-Chairman Fedeli and seconded by Supervisor Ballard that the request from Hershey New Year's Eve Celebration Committee to hold the Ninth Annual New Year's Eve Celebration in the Square of Hershey on December 31, 2013 and will continue for approximately an hour to January 1, 2014, is hereby approved. *The motion carried, 5-yes 0-no.*

CORRESPONDENCE: No correspondence to report.

BOARD/COMMITTEE INFORMATION: No information to report.

REPORTS:

Barbara Ellis, Hershey Public Library – Mrs. Ellis reported that the murder mystery fundraiser was very successful thanks to the many Board members from the library who helped set up and greet the guests. This fundraiser along with other fundraisers throughout the year has resulted in a little over \$6,000. That money will be put towards a gift for the Library from the library staff. On December 29, their time capsule will be dedicated at 3:30.

Vice-Chairman Fedeli said the fundraiser was very nice and successful and complimented Mrs. Ellis for finding other ways to raise money without taxpayer dollars. She also advised that it is wise to save funding for future needs.

Terry Weinhold, Manager of Accounts Payable & Receivable – Ms. Weinhold reported that at the end of October revenues are under budget slightly and expenses are slightly over budget.

Matt Mandia, Director of Parks & Recreation – Mr. Mandia thanked the Police Department and Public Works for their assistance with this year's Halloween Parade. There was a tremendous turnout and it would be impossible to put on these types of community events without their assistance. Chairman Abruzzo thanked Mr. Mandia for his coordination with this event.

Matt Bonanno, HRG Township Engineer – Mr. Bonanno reported that the contractors are working on Sand Hill Road towards the Sand Hill/Clark intersection. That is the last piece of stormwater piping to go in. They are close to finishing up with the pipe installation. The contractors did a lot of base paving. They have paving in from 422 up Mill Street, through Cherry Drive, and past Hope Drive. The plan is to bring in a third crew to do the final wearing course on Mill Street weather permitting.

Charles W. Emerick, Director of Community Development – Mr. Emerick reported they are working on a revised restaurant ordinance through the Planning Commission. At their last meeting, they received a recommendation from the Planning Commission, but it was not a favorable recommendation. A public hearing needs to be held regarding this ordinance. After a brief discussion, it was decided to hold a public hearing on January 28, 2014 at 6:30 PM.

James N. Negley, Township Manager/Township Treasurer – Manager Negley, Supervisor Foley, Mr. Engle, and Professor Faidley will be going to Dauphin County for testimony for the gaming grant hearings.

APPROVAL OF ACCOUNTS PAYABLE (\$451,044.85) AND TWO PAYROLLS (\$586,362.26). Supervisor Moyer moved to approve accounts payable in the amount of \$451,044.85 and two payrolls in the amount of \$586,362.26. Supervisor Foley seconded. *The motion carried, 5-yes 0-no.*

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD
No one came forward.

ADJOURNMENT
Supervisor Ballard moved to adjourn the meeting at 7:50 p.m. Supervisor Foley seconded. *The motion carried, 5-yes 0-no.*

SUBMITTED BY:

Marc A. Moyer
Township Secretary

Brenda Van Deursen
Recording Secretary