

**TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING**

Tuesday, September 9, 2014
600 Clearwater Road, Hershey, Pennsylvania 17033

CALL TO ORDER

The September 9, 2014 Township of Derry Board of Supervisors meeting was called to order at 7:05 p.m. by John W. 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
Charles Emerick, Director of Community Development
Jill Henry, Assistant Township Manager
Matthew J. Mandia, Director of Parks and Recreation
James N. Negley, Township Manager/Township Treasurer
Patrick O'Rourke, Chief of Police
Thomas Clark, Director of Public Works
Terry M. Weinhold, Manager of Accounts Payable & Receivable
Jon Yost, Solicitor
Brenda Van Deursen, Recorder

Public Present: Maria-DeCarmine Bender, Maria Papp, Elvira Ebling, George Haverstraw, Tom Gifford, Rich Suminski, Mary Suminski, James Suminski, Kenny Hinebaugh, Amy Hallock, Terry Singer

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

Rich Gamble, Hockersville Road – Mr. Gamble referenced two properties that have overgrowth in their yards. One is on Reese Avenue and Hockersville Road, which has created groundhog problems. The other property is 24 Duke Street, which was repossessed by the bank.

Mr. Gamble noted in regards to the Weis Liquor License, Giant just renovated their store and eliminated the seating area and Karns took away their market café and just has coffee in the morning. He challenged Weis Markets to donate the first year's proceeds to the Hershey Volunteer Fire Company to help the community.

APPROVAL OF MINUTES

Chairman Foley called for a motion to approve the Minutes of the August 26, 2014 Board of Supervisors meeting. Supervisor Ballard made a motion to approve the Minutes. Vice-Chairman Moyer seconded. *The motion carried, 5-yes 0-no.*

NEW BUSINESS:

Added Agenda Item:

001 A request from Weis Markets, Inc. for an Intermunicipal Transfer of a Restaurant Liquor License into Derry Township, Dauphin County, Resolution 1395.

Motion: A motion made by Supervisor Engle and seconded by Supervisor Ballard that the request from Weis Markets, Inc. for an Intermunicipal Transfer of a Restaurant Liquor License into Derry Township, Dauphin County, Resolution 1395 be approved. A roll call vote was taken:

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

Resolution 1395 passes, 3-Yeas, 2-Nays.

A1-2 Request by the East Shore YMCA to hold the Troeg's Hop Dash on Sunday, October 5, 2014 at 9:00a.m.

Patrick O'Rourke, Chief of Police – The race will start and end at Troeg's Brewing Company at Hersheypark Drive. This agenda item was presented once before, but there is a change in two of the roadways on Laudermilch Road due to some unforeseen construction that is occurring. The East Shore YMCA is a non-profit organization and the proceeds will aid in subsidizing memberships to the YMCA and to provide childcare and other programs for people in the community who otherwise cannot afford the benefits.

Supervisor Ballard asked about the change in roadways. Officer Shank said it was originally going to go on Police Academy Drive off of Hersheypark Drive, but now it is going to go from Hersheypark Drive to Laudermilch Road and then onto Swatara Road.

Supervisor Ballard asked if the road closings are going to be intermittent. Officer Shank answered that Laudermilch Road will be the first road to open up within 10 to 15 minutes

and the race will proceed onto Swatara Avenue. There will be two roads that will remain closed the entire time for the safety of the runners and the motorists, Hersheypark Drive between Laudermilch Road and Sand Beach Road and Sand Beach Road from Boathouse Road to Hersheypark Drive.

Supervisor Ballard asked if there was any outreach to the churches regarding the new route. Officer Shank said the representative from the YMCA did have contact with the ministerium, but they have not heard back from them.

Tom Gifford, Race Director for the YMCA – Mr. Gifford did contact the ministerium and shared the alternate route. He explained to them what happened with the original route being detoured due to construction. He has not heard back from them.

Supervisor Engle confirmed with Chief O'Rourke that the Township would get reimbursed for police time.

Motion: A motion made by Supervisor Weir and seconded by Vice-Chairman Moyer that the request by the East Shore YMCA to hold the Troeg's Hop Dash on Sunday, October 5, 2014 at 9:00 a.m., is hereby approved. *The motion carried, 5-yes 0-no.*

B1-5 Consideration of a Scope of Services for HRG to provide professional traffic engineering services for a proposed crossing of Middletown Road.

Matthew J. Mandia, Director of Parks and Recreation – The Township has been planning, designing and constructing bicycle pedestrian trail on a consistent basis. As part of these efforts, a crossing of Middletown Road to connect the southwestern section of the Township to the core of the trail system has been high on the list of links to complete. The thought was the optimum crossing would be constructed when the 52 acre parcel south of Grove Street was developed, which would provide for a signalized crossing for pedestrians and bicyclists. That property has not sold. Various other crossing options have been considered including Grove Street and a privately owned roadway crossing area just south of Grove Street.

Recently, the Township was approached by Richard Suminski who requested that a reexamination of this area be completed. In order to more closely and professionally evaluate this crossing, a scope of services will be requested from HRG to study and identify whether pedestrians or bicyclists can safely be accommodated across Middletown Road. The study would also evaluate and develop anticipated engineering, right-of-way and construction costs associated with the crossing. The cost of the study is \$4,500. Mr. Suminski, through his efforts, has secured a grant from his employer that would fund this.

Richard Suminski – In the 15 minutes standing on Middletown Road, they saw 3 runners and 3 bicycle riders. People are using that road and it would be safer to have a crossing than doing nothing. This has been on the drawing board since at least 2003 and people are already crossing the roadway. We need to protect their safety.

Terry Singer, Hummelstown – Mr. Singer expressed his support to do something sooner rather than later because people are already crossing. He mentioned that his father deeded Bullfrog Valley Pond to the Township and it would make him proud to see what has happened in that area.

George Haverstraw, Brookline Drive – Mr. Haverstraw stated that he rides through the area very frequently and crossing is a hazard. Anything that can be done to improve it will be very useful.

Supervisor Engle stated that there are other areas in the Township as well that need addressed and if we decide to pursue this we should consider studying the bike path for the whole Township. Chairman Foley added that this will be one piece of a larger project and it will complete **one** component of the trail.

Supervisor Ballard reported they are in the final stages for finishing their first regional connections grant which looks at the missing links. As a result, each of the municipalities will get their own report of suggested connections. Supervisor Engle said that once the study is done there will be costs involved and we will have to decide what to spend the money on.

Mary Gregory Suminski, 764 Pine Tree Road – If this portion of Middletown Road is connected it will enable people from Southpoint, Stone Creek and Deer Run, and other areas to finally be connected to the downtown.

Amy Hallock – This request is a start and a springboard to look at other safety issues. She asked a group that came up from Washington, DC how they kept their statistics. They don't have morbidity statistics, but just mortality. She rode her bike on Sunday to Chocolate and many of the crossings that are already in place on the bike path are extremely dangerous. We need to make these areas safe.

Supervisor Engle asked about the abandoned road. Chairman Foley said it is a privately owned road (driveway) and not an abandoned road.

Motion: A motion made by Vice-Chairman Moyer and seconded by Supervisor Engle that the consideration of a scope of services for HRG in the amount of \$4,500 to provide professional traffic engineering services for a proposed crossing of Middletown Road, is hereby approved. ***The motion carried, 5-yes 0-no.***

C1-4 Consideration of the release of a portion of the performance security for the Preliminary/Final Land Development Plan for Jay Maruti, Inc. – Proposed Hotel, Plat No. 1196.

Motion: A motion made by Chairman Foley and seconded by Vice-Chairman Moyer that the Township releases \$52,281.19 from the performance security held as Members 1st Federal Credit Union Letter of Credit #442167-0001 for the Preliminary/Final Land

Development Plan for Jay Maruti, Inc. – Proposed Hotel, Plat #1196, resulting in a new balance of \$42,420.51, is hereby approved. ***The motion carried, 5-yes 0-no.***

D1-2 Consideration of acceptance of replacement performance security for the Preliminary/Final Subdivision Plan for Ian and Heather Carter, Plat No. 1174.

Charles Emerick, Director of Community Development – The plan was approved in 2009. Since then two of the lots were sold. The sellers supplied the security that the Township is currently holding. E.G. Stoltzfus has purchased the property and is taking over the bond. This is a bond transfer from the developer to the builder.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Engle that the Board of Supervisors accepts M&T Bank Letter of Credit No. SB1749950001 in the amount of \$25,217.14, provided by E.G. Stoltzfus Homes, LLC, as replacement performance security; and further that the Board releases Metro Bank Letter of Credit No. 1842 in the amount of \$25,217.14, provided by Ian and Heather Carter, for the Preliminary/Final Subdivision Plan for Ian and Heather Carter, Plat #1174, is hereby approved. ***The motion carried, 5-yes 0-no.***

E1-5 Renewal of the approval of the Preliminary/Final Subdivision and Stormwater Management Site Plan for 11 and 19 East Chocolate Avenue, Plat No. 1238.

Charles Emerick, Director of Community Development – This plan was approved March 11, 2014. The developer has not addressed all of the conditions of approval. They need to provide the operational maintenance agreement for the stormwater, the declaration of parking and access agreement, and the stormwater best management practices operation and maintenance agreement. The developer asked for an extension of time to allow time for them to get these documents.

Motion: A motion made by Supervisor Weir and seconded by Supervisor Ballard that the Board of Supervisors renew the March 11, 2014 approval of the Preliminary/Final Subdivision and Stormwater Management Site Plan for 11 and 19 East Chocolate Avenue, Plat No. 1238, subject to the following:

- a. That a signed Operation and Maintenance Agreement be provided no later than December 31, 2014.
- b. That the “declaration of parking and access agreement” and the “parking and access agreement” be recorded concurrently with the plan.
- c. 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.

The motion carried, 5-yes 0-no.

F1 Authorization to conduct the 67th Annual Hershey Halloween Parade on Tuesday, October 21, 2014 at 7:00 p.m. The severe weather make-up is on Wednesday, October 22, 2014 at 7:00 p.m.

Matthew J. Mandia, Director of Parks and Recreation – The proposed route of the parade will be the same as previous years. It will begin and end in the parking lot at the corner of Homestead Road and State Route 422.

Motion: A motion made by Supervisor Ballard and seconded by Supervisor Weir that authorization to conduct the 67th Annual Hershey Halloween Parade on Tuesday, October 21, 2014 at 7:00 p.m. The severe weather make-up is on Wednesday, October 22, 2014 at 7:00 p.m, is hereby approved. *The motion carried, 5-yes 0-no.*

G1 Authorization to Withdraw the Conditional Approval of the Subdivision that was approved on July 22, 2014, Plat No. 2013.

Chairman Foley said this request is due to the extreme tree removal by the developer at the Woodland Hills Project which is out of the scope of his approval. We have received numerous complaints from residents.

Motion: A motion made by Supervisor Engle and seconded by Supervisor Weir that authorization to withdraw the conditional approval of the subdivision that was approved on July 22, 2014, Plat No. 2013, is hereby approved. *The motion carried, 5-yes 0-no.*

H1 Proposed resolution regarding two properties, one located at Chocolate Town Square and the other property is adjacent to the Fire Company

Solicitor Yost said we have been trying to acquire two properties from the Hershey Trust Company. One property is known as Chocolate Town Square and the other is the property adjacent to the Fire Company. We adopted a resolution to acquire those properties but the resolution needs amended to clarify what properties are involved.

Motion: A motion made by Chairman Foley and seconded by Supervisor Engle to adopt a new resolution for the acquisition of the Chocolate Town Square property and the property adjacent to the Hershey Volunteer Fire Company, by eminent domain if necessary, is hereby approved. *The motion carried, 5-yes 0-no.*

CORRESPONDENCE/BOARD/COMMITTEE INFORMATION

Supervisor Engle reminded everyone that the Downtown Hershey Association is having their Sweetest Saturday event this Saturday, September 13 on Chocolate Avenue. It will begin at 11:00 a.m. and go until 7:00 p.m. and have live music, food, and represents the Downtown Hershey Association's first programming event. Sandy Ballard shared that there will be a booth for the Regional Connection Study.

Supervisor Ballard announced that October 8 is walk to school today.

Chairman Foley – Vice-Chairman Moyer and Chairman Foley met with the school board as they do quarterly and had some good discussions. In addition, the ICDA, the Township, and the Fire Company, through cooperative efforts continue to move things along with the fire station project.

REPORTS:

Patrick O'Rourke, Chief of Police – On September 22, the police department will host the International Police Mountain Bike Association who will be offering an instruction course in the Township. There are about 10 to 15 instructors coming from different states to be trained. This last weekend was busy with concerts and they could not have pulled off a successful incident/action plan without the cooperation of many different entities.

Bob DiLello, Hershey Volunteer Fire Company –The HVFC will also be participating in the Sweetest Hershey event.

Thomas Clark, Director of Public Works – The paving is done on Brookline and his crew will continue down to Oakmont to work with draining and water problems. They will move into the Village on the streets that have been recycled such as Cedar, Beech, Maple and Cherry Drive. The bike path crossing on Lucy Avenue and Governor Road was installed as part of the curb and sidewalk program.

Supervisor Ballard thanked Public Works for the beautiful plantings up to the recycling center as well as the markings on the road.

Supervisor Weir asked Terry Weinholt if she began collecting utility bills for the energy efficiency program. She has not had a chance yet, but will be working on it.

Matthew Mandia, Director of Parks and Recreation – As part of their 2014 approved capital budget, the repair, restoration and repainting of the Shank Park Barn is completed.

Matt Bonanno, HRG – Java and Locust Project: They started the SUE testing for the utilities on Monday and it should take about a week and half to finish it up. DEP approval has been received.

Supervisor Ballard acknowledged Parks and Recreation for opening up the pool for dogs – Drool in the Pool.

Charles Emerick, Director of Community Development – Mr. Emerick requested two public hearings be scheduled in October. One is for a text amendment for the zoning ordinance looking at automotive lubrication facilities to be scheduled on October 14, 2014 at 6:45. The second hearing which is a conditional use request from Jiffy Lube on Middletown Road that may be associated with the text amendment to be scheduled on October 28, 2014 at 6:30 p.m. Both public hearings were approved by the Board.

James Negley, Township Manager – Manager Negley said he met with Terry Weinhold the day after the last meeting to discuss the data collection for the utility efficiency program. She has been busy with the liquid fuels audit, but will soon get to the data collection.

APPROVAL OF ACCOUNTS PAYABLE (\$239,857.16) AND PAYROLL (\$321,515.29)
Supervisor Engle moved to approve accounts payable in the amount of \$239,857.16 and payroll in the amount of \$321,515.29. Supervisor Ballard seconded. ***The motion carried, 5-yes 0-no.***

VISITOR/PUBLIC COMMENT

No one came forward.

ADJOURNMENT

Vice-Chairman Moyer moved to adjourn the meeting at 7:50 p.m. Supervisor Engle seconded. ***The motion carried, 5-yes 0-no.***

SUBMITTED BY:

Justin C. Engle
Township Secretary

Brenda Van Deursen
Recording Secretary