

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING MINUTES**  
**SEPTEMBER 8, 2015**

**CALL TO ORDER**

Chairman John W. Foley, Jr., called the September 8, 2015 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:00 pm in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. He advised that all public meetings are recorded for the purpose of providing accurate notes.

Chairman Foley announced the Board of Supervisors met in executive session to discuss land, legal, and personnel issues before the meeting. After the pledge of Allegiance, a roll call was conducted.

**The following were in ATTENDANCE:**

**SUPERVISORS**

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

**ALSO PRESENT:**

James N. Negley, Township Manager and Treasurer  
Jill Henry, Assistant Township Manager  
Chuck Emerick, Director of Community Development  
Robert Piccolo, Assistant Director of Public Works  
Lauren Zumbrun, Economic Development Manager  
Patrick O'Rourke, Chief of Police  
Bob Diello, Hershey Fire Company  
Matthew Mandia, Director of Parks and Recreation  
Barbara Ellis, Director of Hershey Public Library  
Eric Stumpf, HRG Engineer  
Jon A. Yost, Township Solicitor  
Julie Echterling, Recorder

**Public in Attendance:**

The following were in attendance: Anne Newman, Charles Huth, Pam Becker, R. Gamble, Larry Moyer, Elvira Ebling, Brenda Berman, Clara Hess, Sandy Cappelli, Rich Cappell, Michael Milunic, Brian Kreider, Sue Kellner, Phil Jurus, Jon Sheppard, Ruth Anna Miller, Susan Costa, and Kathie Parsons.

**VISITOR/PUBLIC COMMENTS:**

Mr. Mike Milunic, 113 W. Granada, spoke about the great job the Board of Supervisor does for the Township. He discussed a concern he has in recent years for properties being neglected or vacant. He stated in addition to being an eye sore they pose a danger for fires and safety issues with sidewalks. He asked what can be done to control these issues, asked what ideas they have, and what can residents can do. Chairman Foley stated this has been an ongoing issue and the Board would like to see more code enforcement. The Board has asked Mr. Emerick to work on this with rental registration and property maintenance including funding a position. They have asked him to work with Chris Brown and come up with a plan. Supervisor Engle noted since we are approaching budget process this may be the time to incorporate the position. Vice Chairman Moyer agreed but stated we need to ensure the position is revenue neutral with creative ideas on funding the position. He spoke about how important reporting mechanisms and protocols will be in this process to help report issues. Supervisor Ballard thanked the resident for voicing their concerns and agreed something needs to be done sooner versus later.

Mr. Larry Moyer, Stauffers Church Road, spoke about the milling done on his road. He is upset about the way the road was left, which isn't level and has dips. He believes it should be milled, leveled and then paved. He spoke about the beautiful inside of the recycling center but the outside could use some

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sprucing up especially with the mulch area. He spoke about a water issue he continues to have for his property from his neighbors. He spoke to the Chesapeake Bay folks and they agree there is an issue with his property and told him the Township should install water basins to help him with the water. He stated he would like something done before he passes away. The Board asked Mr. Emerick to take a look at this issue.

Mr. Skip Becker, 79 Almond, spoke about the Granada Gym and how useful the gym is for folks who use it. He stated there are all kinds of residents using the gym. He stated this is a service to the community that needs to stay. He recognizes it doesn't make a lot of revenue but believes it should stay. He spoke about the therapeutic atmosphere of the gym. He stated the staff cooperates with them and believes a change in management would not have the same atmosphere.

Phillip Jurus, Locust Ave, stated he hasn't received an update since he was at the meeting last month. He spoke about the issues the residents are having with the road and issues with delivery trucks. He spoke about how neighbors who wake up in the middle of the night and go down in their basement because of concerns with flooding during a heavy rain. He urged the Township to get the job done. Chairman Foley stated the delay in action was because the Township didn't have the funds to fix the road. A grant from the County was obtained, which delayed the process. He stated Public Works will be doing some preparing of the roads for winter and plowing. He spoke about the milling that was done to be proactive that didn't work out that way. He asked the Township Staff to send a letter to each resident on Locust Avenue with the timeline. Mr. Piccolo stated the manholes, driveways and bump would be taken care of for winter season.

Mr. Brian Kreider, part-time employee of Granada Gym, urged the Board to keep the gym the same for the community. He spoke about how Mr. Hershey was about making money for business but not on community things. He said there are gyms in the surrounding areas. He spoke about the downtown designation believes the property should be preserved.

**APPROVAL OF REGULAR MEETING MINUTES:**

Supervisor Ballard made a motion to approve the minutes for the August 25, 2015 Board of Supervisors meeting. Vice Chairman Moyer seconded the motion. **Motion carried 5-0.**

**NEW BUSINESS:**

**GRANADA GYM:**

Chairman Foley stated there are discussions taking place with the School District about the gym. He stated the challenge is economically. There are about 260 members and the gym has a deficit of hundreds of thousands of dollars. He stated they aren't looking to eliminate the gym, but to change the management of the gym. He spoke about the challenges of a government entity versus a business entity and the responsibilities that go along with them. He stated this is a legal matter and involves employees so they can't say what direction they are going toward.

Supervisor Ballard recognized many of the residents in the audience are here to support the gym. She stated it is possible to have a community feeling if it is outsourced and maybe ways to save the employees. She asked the audience to let them know the specific attributes they would like to see for the gym.

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**EXTENSION OF CONDITIONAL APPROVAL OF SUBDIVISION PLAN:**

Supervisor Engle made a motion to approve the extension of the October 14, 2014 approval of the Preliminary/Final Subdivision Plan for Tyrone J. and Cecelia C. Kreamer and Swatara Station Partners, LLC, Plat #1224, is extended for a second 6-month term, subject to the following:

- a. That monuments and markers are installed and inspected no later than March 24, 2016; OR, that performance security is provided to guarantee the installation of the monuments and markers, and the accompanying agreement is signed no later than March 24, 2016.
- b. That the waiver request for the dedication of right-of-way is removed from the plan no later than March 24, 2016, because the dedication is now being proposed.
- c. That the front setback line along Tice Road is revised on the plan no later than March 24, 2016, to start at the dedicated right-of-way line.
- d. That the legal descriptions representing Tract A, Lot 2, and the consolidation of Lot 1 and Tract A are updated to reflect the most recent revision date of the subdivision plan and to reference an Instrument number (rather than a Plan Book and Page number) no later than March 24, 2016.
- e. That legal descriptions for the deeds of dedication and accompanying exhibits for the right-of-way dedication of Clark Road and Tice Road to the Township are submitted no later than March 24, 2016, for approval by HRG; and further that the deeds of dedication are recorded concurrently with the plan.
- f. That a deed representing Tract A; a deed consolidating Lot 1 and Tract A; and a deed revising Lot 2 are recorded concurrently with the plan.
- g. That the curbing and sidewalk agreement is recorded concurrently with the plan.

Commissioner Weir seconded the motion. **Motion carried 5-0.**

**REQUESTED RELEASE OF PERFORMANCE SECURITY – PROPERTY:**

Mr. Emerick provided the background of the project.

Vice Chairman Moyer made a motion that the Township hereby releases the remaining balance (\$79,921.44) of the performance security supplied as Integrity Bank Letter of Credit No. 1285 for the Preliminary/Final Subdivision Plan for Property at Stoverdale and Middletown Roads, Plat #1101.

Commissioner Weir seconded the motion. **Motion carried 5-0.**

**REQUESTED RELEASE OF PERFORMANCE SECURITY – HILTON GARDEN INN:**

Supervisor Ballard made a motion to approve the Township hereby releases \$163,035.48 from the performance security held as Santander Letter of Credit No. 7871 for the Preliminary/Final Land Development Plan for Hilton Garden Inn Hershey – Building Addition, Plat #1244, resulting in a new balance of \$18,115.05. Vice Chairman Moyer seconded the motion. **Motion carried 5-0.**

**REQUESTED RELEASE OF PERFORMANCE SECURITY – WOODLAND HILLS:**

Supervisor Engle made a motion to for the Township to hereby release \$181,960.13 from the performance security held as People's Bank Letter of Credit No. 500015014 for the Preliminary/Final Subdivision Plan for Woodland Hills Plat #1203, resulting in a new balance of \$144,790.00.

Commissioner Weir seconded the motion. **Motion carried 5-0.**

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**APPOINTMENT TO DESIGN ADVISORY BOARD:**

Mr. Emerick stated the Zoning Ordinance requires the makeup of the Design Advisory Board is consist of one member nominated by The Hershey Company in addition to 7 other members. Ed Buchan has been serving as The Hershey Company's representative on the Design Advisory Board since 1991; and is retiring from The Hershey Company on September 25, 2015 and must resign from the Design Advisory Board. His term on the Design Advisory Board would have expired on December 31, 2015. Jennifer Harnden has been nominated by The Hershey Company to fill Ed's unexpired term. She is an engineer who has assisted Ed with all of the major downtown construction projects and is well versed in architectural and design requirements of building projects.

Supervisor Ballard spoke about the specific criteria for the Board. Mr. Emerick stated the requirements of having small business representatives from downtown. She asked that Mr. Buchan be recognized at a future meeting. Supervisor Engle asked about the requirements and possibly missing out on good candidates because they don't meet a criteria. Mr. Emerick stated they are working on the ordinances and this could be reviewed during those changes. Vice Chairman Moyer agreed with casting a broader net for candidates and believes the Board should make the decisions internally for the makeup of the Advisory Board. Discussion ensued.

Supervisor Engle made a motion to approve Jennifer Harnden appointment to fill the unexpired term of Ed Buchan to serve on the Design Advisory Board as The Hershey Company's representative until December 31, 2015. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

**SOLICITOR YOST: REQUESTED ADD ON FOR MCNEES, WALLACE and NURRICK:**

Chairman Foley stated Solicitor Yost asked for an add-on item to the agenda dealing with a waiver from the bond counsel. Solicitor Yost stated that McNees, Wallace and Nurrick has done the majority of the bond work for the Township over the last 10-15 years. They also have represented developers in the community. McNees, Wallace and Nurrick are tightening up their regulations and are asking for a waiver to ensure the Township knows about the work for the developer. He stated he doesn't see a conflict.

Supervisor Ballard asked if this is not a rush that this issue be put on the agenda for next meeting. Solicitor Yost stated it is not urgent. Vice Chairman Moyer asked if a representative from McNees, Wallace, and Nurrick should attend to discuss their internal protocols for these situations. The Board agreed to have this item on the agenda for next meeting.

**CORRESPONDENCE BOARD/COMMITTEE INFORMATION:**

Supervisor Engle asked for an update on the Hockersville and Areba intersection. Mr. Stumpf stated they obtained a survey which defined the center lane and sight distance as being acceptable for a crosswalk on the north side of the intersection. He stated they are looking at a crosswalk to be at an angle and recommended a letter being sent to PennDOT to inform them of this fact. He discussed the recommended signage. He suggested asking PennDOT to perform a speed test to possibly reduce the speed limit. He spoke about advanced signing with a possible speed reduction and pedestrian crossing. Supervisor Ballard suggested giving advance notice to residents through the newsletter and the Sun for these changes. Chief O'Rourke asked for urgency for this matter and stated their message board could

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be used as a warning when it's implemented. Mr. Stumpf stated the next steps include the two letters to PennDOT. Discussion ensued.

Supervisor Engle asked for an update on Grammercy intersection. Mr. Stumpf spoke about the meeting with pre-HOP meeting with PennDOT. He said the meeting went well. They spoke about flashing lights a passive system that would detect the pedestrian and the flashing lights would engage. They spoke to PennDOT about having signs overhead. PennDOT was unfamiliar with overhead lights and they will provide examples. Vice Chairman Moyer asked about Middletown Road. The Board and Mr. Stumpf discussed other options for appearance and safety for this issue. Supervisor Engle stated the east side easements haven't been procured.

Supervisor Engle asked about the study for Governor Road and pedestrian connection between Hockersville and Cherry. He spoke about immediate action for the pedestrian path in October. The consensus of the Board was to make this a priority.

Supervisor Engle asked about the clearing of the bike trail in the winter with snow. He stated a decision hasn't been made but one should be made soon. Mr. Mandia stated he has received one estimate and can put the proposal in the report for the next meeting. The Board agreed.

Supervisor Ballard suggested the comprehensive plan include senior citizen housing and it should be a priority. The public hearing will be on October 14<sup>th</sup> for the comprehensive plan. She shared a comment from a resident who was concerned that street cleaning and garbage day are the same day. Mr. Piccolo will look into the concern.

Chairman Foley discussed the Community event for the Fire House on September 13<sup>th</sup> from 5-6:30pm. It will allow residents to see the progress of the fire house and refreshments will be served. He thanked volunteer fireman Lieutenant Rob Ohliger who had saved a life on Sunday.

Vice Chairman Moyer spoke about ensuring the walkability of the downtown to include eating, walking, working, and playing for senior citizens.

Supervisor Weir spoke about the potential Storm Water Authority to help deal with the stormwater issues in the Township. He spoke about a letter he received from five residents concerned with the timing of the noise with the construction of the fire house. They asked if it could be limited to after 7am. Chairman Foley stated the majority of the work on the outside is done and understands they are starting early because of the weather. Supervisor Ballard suggested sending a letter to the neighbors inviting them to the Community Event and apologize for the noise.

**REPORTS:**

Library – Mrs. Ellis stated the fall programs are open to the residents.

Parks & Recreation: Mr. Mandia thanked his staff for a successful summer. The Board agreed his staff did a great job this summer.

Engineer - Mr. Stumpf discussed the Locust and Java paving project are out to bid and should be opened in October.

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Economic Development: Mrs. Zumbrun stated the TIFF meetings will be held on October 7<sup>th</sup> at 7:30am and October 28<sup>th</sup> at 7:30am. She spoke about the stormwater BMP application with DEP and said that it should be on the agenda next meeting.

**ACCOUNTS PAYABLE and PAYROLL:**

Supervisor Ballard made a motion to approve accounts payable in the amount of \$336,777.08 and Payroll in the amount of \$337,167.78. Supervisor Engle seconded the motion. **Motion carried 5-0.**

**VISITOR/PUBLIC COMMENTS:**

Richard Gamble asked for an update on the progress on the Recreation Center. Mr. Mandia spoke about the committee formed to help in this process and the consultants hired to help. They are providing requested information to the consultants. The next steps include public input and interviews with key stakeholders. He stated more information will be provided with updates and specific dates once received. Vice Chairman Moyer stated this process is very important and that residents should provide their input for direction of the center. Supervisor Engle stated they are hoping to complete the project in the next four to five years.

**ADJOURNMENT:**

Vice Chairman Moyer made a motion to adjourn the meeting at 8:20 pm. Chairman Foley seconded the motion. **Motion carried 5-0.**

**SUBMITTED BY:**

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Justin C. Engle  
Township Secretary

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Julie Echterling  
Recorder