

**TOWNSHIP OF DERRY  
BOARD OF SUPERVISORS  
PUBLIC HEARING MINUTES  
SEPTEMBER 8, 2015**

**CALL TO ORDER**

Chairman John W. Foley, Jr., called the September 8, 2015 Public Hearing of the Township of Derry Board of Supervisors to order at 6:00 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.

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  
Jon A. Yost, Township Solicitor  
Julie Echterling, Recorder

**Public in Attendance:**

The following were in attendance: Anne Newman, Charles Huth, Skip Becker, and Clara Hess.

**INTRODUCTION:**

Chairman Foley stated this hearing is regarding the proposed Ordinance No. 669, which would amend Chapter 185 (Subdivision and Land Development Ordinance), Article IV (Design and Construction Standards), Section 185-34 (Sidewalks, Walkways and Bicycle Paths) of the Code of the Township of Derry to make general revisions and to add a provision for a fee to be offered in lieu of sidewalk installation. This hearing is being held to provide a forum for the Board of Supervisors to receive public comment relevant to this proposed ordinance.

Mr. Emerick stated for years, the Board of Supervisors has required sidewalk installation in those areas of the Township that it made sense to do so, or have allowed agreements to be recorded to defer sidewalk installation in areas that it did not make as much sense to install at that time. Some of the agreements may be "called" when adjacent areas are improved with sidewalks while others will likely never have pedestrian facilities and therefore will never be "called." This two method system has created an inequitable condition where some developers have contributed to the overall walkability of the community, others may at some future time and still others have not and probably never will. Walkability, connections, pedestrian safety, and general health are promoted throughout the proposed Comprehensive Plan. Ordinance 669 is designed to promote these facilities in an equitable fashion.

This proposed revision to this section of the Subdivision and Land Development ordinance, along with the pending Official Map, will enable the Township to provide a more comprehensive and complete system of sidewalks. This revision will also allow developers to easily know what the Township desires and how that will affect their development costs. This ordinance makes provisions for the developer to offer, and the Supervisors to accept, a fee in lieu of a required sidewalk installation, under certain terms identified in Section 185-34.A.(4). It will not preempt or replace the present deferments, but it will allow the developer additional flexibility in determining how the project is going to be constructed. The

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proposed ordinance amendment would treat sidewalks in a manner similar to the dedication of land for park, recreation, and open space, where the developer has an opportunity to pay a fee in lieu of dedication if the developer is not providing the facility.

The ordinance proposes that any fee in lieu of installation is done consistently by all developers, and that is ensured by the use of the R.S. Means Construction Cost Data. Other portions of this ordinance amendment update antiquated construction standards for the bicycle trails and also provide consistent references between walkway systems, pedestrian walkways, and bicycle paths.

He stated there have been two fees in lieu of sidewalks collected to date. One in the amount of \$49,300 for the Hershey Lodge Project and second project was \$39,600 for the Kmart/Weis project. These are examples of times when the ordinance would be effective and beneficial for the Township.

The Derry Township Planning Commission, at their August 4, 2015 meeting, recommended that Ordinance No. 669 be adopted as written. The Dauphin County Planning Commission, at their August 3, 2015 meeting, also recommended that Ordinance No. 669 be adopted. Their letter is included with your information for this hearing.

He recommends the ordinance be adopted; however, no action is necessary tonight during the public hearing. He stated if the Board is in favor of the ordinance, the earliest action could be taken is October 13<sup>th</sup>.

**BOARD QUESTIONS/COMMENTS:**

Chairman Foley asked if there were any questions of the Board. There were no questions or comments from the Board.

**PUBLIC COMMENTS:**

There were public comments.

**BOARD ACTION:**

The Board directed Mr. Emerick to proceed with the required advertising for the proposed ordinance.

**ADJOURNMENT:**

Chairman Foley adjourned the public hearing at 6:06pm.

**SUBMITTED BY:**

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Justin C. Engle  
Township Secretary

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Julie Echterling  
Recorder