

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
OCTOBER 27, 2015

CALL TO ORDER

Chairman John W. Foley, Jr., called the October 27, 2015 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:07 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. After the Pledge of Allegiance, a roll call was conducted.

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
Patrick O'Rourke, Chief of Police
Bob Diello, Hershey Fire Company
Matthew Mandia, Director of Parks and Recreation
Lauren Zumbrun, Economic Development Manager
Cheryl L. Lontz, Manager of Payroll and Employee
Barbara Ellis, Director of Hershey Public Library
Matt Bonanno, HRG Engineer
Chris Brown, Derck & Edsom
Jon A. Yost, Township Solicitor
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Philip Jurus, Anne Searer, Ruth Miller, Elvira Ebling, Sylvia Miller, Jack Storm, Michael Milunic, Brenda Berman, Sandy Cappelli, Rick Cappelli, Deborah Olson, Roger Olson, Rich Gamble, Dale Holte, Mark Hackenburg, Doug Gelder, Craig Smith, Bill Hoy, Jim Snyder, Brandon Harner, Stephen Dzurainin, Steve Todd, Richard and Mary Suminski, Trish Foster, Susan Cort, Mary Averill, and John Dunn.

VISITOR/PUBLIC COMMENTS:

Mr. Mike Milunic, 113 W. Granada, stated he was here to speak to the Board about the property issues as he did in the September's meeting. He stated Derry Cares is concerned about these properties with code property violations. He stated they have met with Mr. Emerick. He said it appears the current system isn't working. Derry Cares wants a proactive approach. He asked for three meaningful measurable actions. He asked that actions be taken within the next 90 days with updates being provided to Derry Cares and the Board.

Mr. Richard Gamble stated he attended the School Board meeting and asked them when they were approached by Power Train. They stated no one had approached them. He asked the Board of Supervisors if Power Train who owns it, will it be a franchise, who is signing the contract and asked for transparency. He asked Mr. Foley to respect the fire company and let them talk about their issues versus him. He asked about a rumor he heard that the taxpayers are on the hook for \$1.4 million dollars for the new fire station.

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APPROVAL OF MEETING MINUTES:

Supervisor Engle made a motion to approve the minutes from the October 13, 2015 Board of Supervisors meeting. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

Supervisor Weir made a motion to approve the minutes from the October 14, 2015 Board of Supervisors Public Hearing. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

NEW BUSINESS:

NEW BUILDING WITHIN CHOCOLATE AVENUE PRESERVATION OVERLAY DISTRICT

Mr. Emerick discussed the proposed construction of a 120 room hotel being proposed on East Chocolate Avenue. The applicant has provided two options for the building. Option two provides keystones above windows on all levels of the building, presents a more contrasting quoin (cornerstones) and carries the cut-stone look to the full height of the first floor. Option two is preferred by the applicant and the Derry Township Design Advisory Board. He showed the Board the renderings of both options. He discussed the differences between them with the construction and lighting. Discussion ensued.

Supervisor Engle made a motion to approve the design of the 120-room hotel as depicted in Option 2 of the presented renderings. Vice Chairman Foley seconded the motion. **Motion carried 5-0.**

THE PRELIMINARY/FINAL SUBDIVISION AND LAND DEVELOPMENT PLAN –PLAT 1254

Mr. Emerick discussed the lots of the former Miller Chevrolet site. He stated the properties are located in the Neighborhood Commercial zoning district. He stated the plan is to consolidate the existing 6 parcels of land and re-subdivided them into two lots. Lot one proposes a 120-room four story hotel. Lot two proposes a 12,684 square foot, two-story building with a three-story parking garage. He stated a traffic study was completed showing the existing conditions along East Chocolate Avenue can sufficiently handle the proposed development. He discussed how the plan would handle stormwater runoff. He discussed each of the four waivers approved by the Planning Commission. He showed the Board on the map the location of the proposed sidewalks and explained the reasoning for the waiver request.

Vice Chairman Moyer asked what would happen if the office building wasn't constructed with parking for the hotel. Mr. Jim Synder, Snyder, Secary & Associates stated the plan is for all three with the hotel construction to start as soon as possible. He stated they are looking for tenants for the office building. The hotel would require 130 parking spaces of which 100 would be on the hotel parking lot. The balance would be shared with the office building parking. Vice Chairman Moyer expressed concern about what is planned versus the reality years down the road where maybe all three aren't built. Supervisor Weir asked if this was in line with the Comprehensive plan. Mr. Brown discussed the mixed use areas and believes this is in step with the Comprehensive plan. Discussion ensued.

Supervisor Engle made a motion to approve the Preliminary/Final Subdivision and Land Development Plan for 515, 555, and 565 East Chocolate Avenue, Plat #1254, subject to the following:

- a. That the applicant reimburses the Township for costs incurred in reviewing the plan no later than November 27, 2015.

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- b. That performance security is provided to guarantee the completion of required improvements, and the accompanying agreement is signed no later than April 27, 2016.
- c. That a signed copy of the PennDOT Highway Occupancy Plans and Permit is provided no later than April 27, 2016.
- d. That data is provided no later than April 27, 2016, substantiating minimum fire hydrant flow requirements, flow availability, recharge capabilities, and duration of flow.
- e. That written requests are provided by the landowner no later than April 27, 2016, formally withdrawing Plat #1179 and Plat #1204.
- f. That the plan is revised no later than April 27, 2016 to show the locations and profiles for water lines, fire service lines, and gas lines to the proposed buildings, including the location of manholes, valve boxes, fire hydrants, and other related structures.
- g. That the lighting plan is sealed by a professional engineer no later than April 27, 2016.
- h. That the applicant provides a statement from the controlling utility company no later than April 27, 2016, indicating that the encroachment of the parking garage, and other improvements, within the utility easements are acceptable as proposed.
- i. That the applicant provides an executed Shared Parking Agreement that is acceptable to the Township Solicitor no later than April 27, 2016.
- j. That the comments in the September 24, 2015 HRG letter (attached) are satisfactorily addressed no later than April 27, 2016.
- k. That the comments in the September 29, 2015 DTMA letter (attached) are satisfactorily addressed no later than April 27, 2016.
- l. That the executed Stormwater Best Management Practices Operation and Maintenance agreement is provided no later than April 27, 2016.
- m. That the plans are provided on a CD in AutoCAD or DXF format no later than April 27, 2016.
- n. That the Stormwater Best Management Practices Operation and Maintenance agreement and a revised deed or Declaration, listing the stormwater BMPs as a restrictive covenant, are recorded concurrently with the plan.
- o. Mr. Emerick added the following condition during the meeting: Contingent on PennDOT's approval.

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).[9] and 185-12.D.(3).(a).[35] regarding existing physical and topographical features within 200 feet of the property.
- b. From Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] regarding preparation of profiles for unaffected existing storm sewer, sanitary sewer, water, and gas lines within the property.
- c. From Section 185.34.A.(1) regarding installing sidewalks 4 inches from the right- of-way line.
- d. From Section 185-27 regarding easements to allow an 11' easement width around the vegetative swale to the east of the parking structure.

Vice Chairman Foley seconded the motion. **Motion carried 5-0.**

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THE PRELIMINARY SUBDIVISION AND LAND DEVELOPMENT PLAN –PLAT 1255

Mr. Emerick stated the Point Development is commonly referred to as the Camp Stoverdale and Stover Farmhouse tracts. He spoke about the conditional use request granted by the Board for authorization to cluster 81 dwelling units. He stated track one's plan is for 17 single family dwelling units and 56 townhouse units. Tract three's plan is for three new single family homes and the retention of the Stover Farmhouse. He spoke about the open space requirement which will be met from the proposed 6.77 acres of open space. He said there is a dedication of land plus \$99,000 in a fee in-lieu of dedication.

He stated the Planning Commission recommended the Board look at the construction entrance plan and traffic plan during construction and work with the Deer Run Homeowners Association, residents, and the developer to make accommodations to ensure that the construction traffic accesses the site in a way that causes the least amount of disturbance to the residents, with consideration being given to having construction traffic move onto Whitetail Drive in accessing the site when at all possible.

Vice Chairman Moyer expressed concern about the retention of the trees in the area. Mr. Smith, RGS Associates, stated they are looking to limit the disturbance. Vice Chairman Moyer asked about a pedestrian crossing which would give greater access. Mr. Smith spoke about the difficulty with the land including a large slope, retention pond, and utility area near the area. He spoke about a potential bridge that could be built to connect the park. Supervisor Weir was concerned with the plan which had no indications of the existing trees on it. He is concerned that value isn't being given to those trees and asked that consideration be given to these older trees. Discussion ensued.

Supervisor Engle made a motion to approve the Preliminary Subdivision and Land Development Plan for The Point, Plat #1255, subject to the following:

- a. That the applicant reimburses the Township for costs incurred in reviewing the plan no later than November 27, 2015.
- b. That the applicant considers providing a public pedestrian access easement south and west of Unit 59 for access to Lot 2. If agreed upon, revise the plan no later than April 27, 2016 so that this area is graded to facilitate access for maintenance of SWMF No. 1 and the pedestrian access easement is documented on the plan.
- c. That the plan is revised no later than April 27, 2016 to provide a 20'-wide easement for the proposed public water extension on the access drive to Units 74-76.
- d. That the plan is revised no later than April 27, 2016 to label the common drive as a lot, to be consistent with the other open space areas.
- e. That the lighting design for the common drive is included in the plan set no later than April 27, 2016. (The sheet index identifies the sheets but they are not included in the set.)
- f. That the lighting plan certification from the professional engineer is signed no later than April 27, 2016.
- g. That the plan is revised no later than April 27, 2016 to include "8W" with lines in the legend on Sheet 3, or to label the water main on Sheet 38 to be consistent with other water mains.
- h. That the blanks on the coversheet of the plan regarding the date and status of the waivers are completed no later than April 27, 2016.

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- i. If the developer intends to build roads, sidewalks, walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers to the extent not secured directly with the Derry Township Municipal Authority, storm sewers, stormwater retention and detention basins, and other related drainage facilities, recreational facilities, open space improvements, buffer or screen plantings which may be required, parking facilities, and other required improvements, by virtue of the Preliminary Plan approval as permitted by Section 185-13.D of the Township's Subdivision and Land Development Ordinance and Section 509 of the Pennsylvania Municipalities Planning Code, this approval is also subject to the following:
 1. That a copy of the Water Obstruction and Encroachment Permit and PASPGP-4 for the proposed outfall to the Swatara Creek is provided to the Township no later than April 27, 2016.
 2. That the developer provides a letter of intent regarding the traffic contribution no later than April 27, 2016.

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

- a. From Section 185-22.D. (2) regarding minor street right-of-way and cartway width.
- b. From Section 185-22.E.(1) regarding curbs.
- c. From Section 185-22.G.(5) regarding cul-de-sac slope.
- d. From Section 185-25.A regarding driveway location.
- e. From Section 185-25.D regarding driveways at right angles.
- f. From Section 185-12.D.(2) regarding plan scale.
- g. From Section 185-12.D. (3). (a).[21] regarding plan and profile scales.
- h. From Sections 185-12.D.(3).(a).[21], [22], [23] regarding profiles of existing utilities.
- i. From Section 185-33.C regarding PPL lighting design.
- j. From Section 185-42.A regarding the submission of a traffic impact study, subject to the developer providing a letter of intent regarding the traffic contribution.
- k. From Section 185-18.C regarding monument and marker placement.
- l. From Section 185-34.A.(2) regarding sidewalk construction specifications.
- m. From Section 174-17.C.(15) regarding storm pipe trench construction.

Supervisor Ballard seconded the motion. **Motion carried 5-0.**

ADOPTION OF RESOLUTION NO. 1441 – STREET LIGHTS:

Mrs. Henry stated only five of the per foot rates are changing for 2016 which will result in a very minimal increase in the amount billed this year compared to last year.

Vice Chairman Moyer made a motion to adopt Resolution No. 1441, providing for the assessment of the cost and expense of the maintenance of street lights within the Township of Deny, pursuant to Section 2003 (a) of the Second Class Township Code, as amended, and also providing for the collection thereof. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY RELEASE – MILTON HERSHEY SCHOOL:

Supervisor Weir made a motion to release performance security in the amount of \$60,445.00, provided as Hershey Trust Company Letter of Credit No. 211 for the Preliminary/Final Land

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Development Plan for the Milton Hershey School Transitional Living Housing Project, Plat #1145. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY RELEASE-HILTON GARDEN INN HERSHEY:

Supervisor Weir made a motion to release the remaining balance (\$18,115.05) of Santander Letter of Credit No. 7871, and accepts the same amount in cash to serve as performance security for the Preliminary/Final Land Development Plan for Hilton Garden Inn Hershey - Building Addition, Plat #1244. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY RELEASE – HILL CHURCH GLEN:

Supervisor Weir made a motion to release \$26,425.85 from the performance security, held as Metro Bank Letter of Credit No. 2128 for the Preliminary/Final Subdivision Plan for Hill Church Glen, Plat #1175, leaving a remaining balance of \$34,319.45. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY RELEASE FOR GABRIEL J. PLEBANI:

Supervisor Weir made a motion to release cash performance security in the amount of \$15,288.79, which had been provided for the Preliminary/Final Subdivision Plan for Gabriel J. Plebani, Plat #1231. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY RELEASE - APPLE RETAIL PROPERTIES (CHIPOTLE):

Supervisor Weir made a motion to release the remaining balance (\$16,436.61) of the performance security supplied as People's Bank Letter of Credit No. 13-054, with the stipulation that maintenance security in the amount of \$4,750.80 is supplied in acceptable form and the standard Maintenance Security Agreement is executed for the Preliminary/Final Land Development Plan for Apple Retail Properties (Chipotle), Plat #1233. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Engle spoke about the crosswalk on Homestead and the school. Chief O'Rourke will check on it. He stated a resident from Stafford Heights asked if a light could be put on Harvey and Fishburn and discussed his concerns about traffic. Chairman Foley stated the recently installed signal at Fishburn will need to be evaluated to see if it is affecting traffic and speed. Supervisor Weir spoke about the traffic coming out of Church Road. Discussion ensued.

Supervisor Ballard asked about the pedestrian crossing at Hockersville. Chairman Foley stated it will be happening around the first week of November and the signs are being done. She thanked Public Works for getting the bike path extension built.

Chairman Foley stated the fire station project continues to be on budget and on time. Chairman Foley stated the \$1.4 million was a figure of what was needed to be raised for the project. Currently, it is at \$1.1 million as they continue to raise money in the capital campaign. He spoke about the debt services available to cover the costs in addition to the additional fundraising. Supervisor Engle stated the debt is the fire company's debt.

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Chairman Foley stated he received an inquiry about campaign activities happening in Township buildings. He asked if that should be occurring in Township Buildings. Supervisor Ballard stated the library room request policy doesn't restrict political use as it has been used like that in the past. She stated that the discussion is for future uses. Chairman Foley stated he did research and found it wasn't used in the past for it. Commissioner Weir stated everyone has full access to the library and he doesn't see a problem with it. Supervisor Engle stated he doesn't believe this is the time to bring this issue up and it could wait until another meeting. Supervisor Ballard stated the library committee should be involved with this discussion. Vice Chairman Moyer believes the Library Board should look at this issue and then submit a recommendation to this Board and then involve the public in this issue.

Vice President Moyer thanked everyone involved with the planting of 25 trees over the weekend. He stated there are 25 more trees to be planted this weekend and encouraged anyone interested in helping to come out to help. Supervisor Weir thanked Public Works for their help.

REPORTS:

Police – Chief O'Rourke spoke about using caution on Thursday for Trick or Treating.

Fire - Mr. Diello stated the fire station is on target for January 2016. He stated they are wrapping up Fire Prevention Month with the presentations at the schools.

Public Works – Mr. Piccolo spoke about the crews out collecting the leaf piles in the Township. He stated they will only pick up leafs and will not pick up branches or other such items in the piles.

Library – Mrs. Ellis spoke about the after school programs starting this week for teens. They will be doing a web seminar for their Radio Frequency identification system for the library.

Parks and Recreation – Mr. Mandia thanked Public Works, Police and the Fire Company for their help with the Halloween events. He stated the community public meetings about the new Recreation Center are scheduled for November 4th and November 19th at 6:30. Chairman Foley stated the tent went down for the Farmer's Market and he thanked Mr. Mandia for all his work and efforts.

Planner – Mr. Brown stated the Zoning Committee will be meeting November 5th.

Engineer - Mr. Bonanno stated they have the agreement and bonds for the Locust and Java Avenue stormwater project for Solicitor Yost for review and Mr. Negley's signature. He stated they need to verify their insurance and then he can issue the notice to proceed.

Community Development – Mr. Emerick stated he is working with Chris Brown on the property maintenance issues. He is working on plans as the solution needs to be budget neutral. Supervisor Ballard asked if there would be a draft available in the next 50 days. He stated he could provide an outline in 50 days. He stated Jody Hasbrouck has resigned and he will be working on replacing her position.

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Economic Development – Mrs. Zumbrun stated there is a TIFF meeting tomorrow morning. She attended a School Board meeting with Mr. Brown and discussed the downtown and TIFF. She spoke about researching two funding opportunities including one with DEP for recycling. She spoke about the Choctoberfest and the success with nearly 2,000 people attending. She thanked Public Works, Parks and Recreation, and the Police Department for a successful day.

Assistant Manager – Mrs. Henry spoke about increasing the subscribers for the electronic newsletter and enews. She stated there would be an ad in The Sun this week and asked the public to spread the word to sign up on the Township's website.

Manager – Mr. Negley is working on the budget and stated the budget hearing is scheduled for November 18th at 5:30 p.m.

ACCOUNTS PAYABLE and PAYROLL:

Supervisor Weir made a motion to approve accounts payable in the amount of \$435,615.08 and Payroll in the amount of \$308,704.92. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

James Carter, Raleigh Road, spoke about the animal life, including deer, feral cats, and coyotes near Deer Run. He is concerned that they have nowhere to go and they can over populate and is concerned with coyotes. He stated his house is 17 years old. He stated since they started blasting and he discovered new cracks in his basement floor, patio, and garage floor. He stated he lives on limestone, but is concerned and he may need to get an Engineer to look at the issue. He stated there are others who have cracks.

Richard Gamble stated that the questions asked of the Board during these meetings could be answered in the newsletter.

Ruth Miller, 1335 Harding, stated she doesn't have a computer and doesn't have a way to obtain the weekly updates or newsletters. Mrs. Henry stated they do send the newsletter out to those who request it and she can be added to the list.

ADJOURNMENT:

Vice Chairman Moyer made a motion to adjourn the meeting at 9:17 pm. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Justin C. Engle
Township Secretary

Julie Echterling
Recorder