

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING MINUTES**  
**NOVEMBER 24, 2015**

**CALL TO ORDER**

Chairman John W. Foley, Jr., called the November 24, 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 minutes. 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  
Thomas Clark, Director of Public Works  
Patrick O'Rourke, Chief of Police  
Matthew Mandia, Director of Parks and Recreation  
Lauren Zumbrun, Economic Development Manager  
Cheryl L. Lontz, Manager of Payroll and Employee  
Bob DiLello, Hershey Volunteer Fire Company  
Barbara Ellis, Director of Hershey Public Library  
Matt Bonanno, HRG Engineer  
Julie Echterling, Recorder

**Public in Attendance:**

The following were in attendance: Elvira Ebling, Marilyn Ferguson, Michael Ferguson, Susan Cort, Kenny Hinebaugh, Sandy Cappelli, Richard Cappelli, Marie McAndrews, Anne Searer, Tom Searer, Peter Foltz, Charleton Zimmerman, Gail Suttord, Phil Jurus, Craig Smith, Emmy Truckenmiller, Julie Waldron, Victor Peracchia, Edward Ruth, Betsy Ruth, Donald Dell, Rich Gamble, John Coleman, Jamie Pascoti, Mark & Linda Plevelich, and Brian Kreider.

**VISITOR/PUBLIC COMMENTS:**

There were no public comments.

**MEETING MINUTES**

Supervisor Engle made a motion to approve the minutes from the October 27, 2015 Public Hearing meeting. Supervisor Ballard seconded the motion. **Motion carried 5-0.** Supervisor Weir made a motion to approve the minutes from the October 27, 2015 Board of Supervisors meeting. Supervisor Engle seconded the motion. **Motion carried 5-0.**

**AGENDA ITEMS FROM CANCELLED NOVEMBER 10<sup>TH</sup> MEETING:**

**AGREEMENT -MID-ATLANTIC GREEN BUILDERS – ENERGY SAVINGS PROGRAM:**

Mr. Jay Franklin discussed the proposal to reduce long-term energy costs while incurring no debt or out of pocket costs for the Township. He discussed the bidding process for the best agreement for the Township.

Supervisor Weir made a motion authorizing the Township Manager to execute an agreement with Mid-Atlantic Green Builders for an Energy Savings Program is hereby approved upon a favorable review by our solicitor. Supervisor Ballard seconded the motion. **Motion carried 4-0-1.** Vice Chairman Moyer abstained.

**SUBDIVISION AND LAND DEVELOPMENT PLAN FOR THE POINT, PLAT NO. 1256:**

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Mr. Emerick stated the final subdivision and land development plan for the Point is consistent with the preliminary plan. He read the conditions the plan is subject to prior to recording. Supervisor Ballard asked about the maintenance agreements and the responsibility. He stated the discussions recently have been to have the Authority be responsible for the inspections. Supervisor Engle stated these type of issues are why they are looking to make changes with stormwater in the Township. Discussion ensued.

Supervisor Engle made a motion to approve Final subdivision and Land Development Plan for the Point, Plat No. 1256 subject to the following conditions:

- a. The applicant reimburses the Township for costs incurred in reviewing the plan no later than December 24, 2015.
- b. The performance security is provided to guarantee the completion of required improvements, and the accompanying agreement is signed no later than May 24, 2016.
- c. The plan is revised no later than May 24, 2016 to provide a 20'-wide easement for the proposed public water extension on the access drive to Units 74-76.
- d. The plan is revised no later than May 24, 2016 to include "SW" with lines in the legend on Sheet 3, or to label the water main on Sheet 38 to be consistent with other water mains.
- e. The plan is revised no later than May 24, 2016 to label the common drive as a lot, to be consistent with the other open space areas.
- f. The lighting design for the common drive is included in the plan set no later than May 24, 2016. (The sheet index identifies the sheets but they are not included in the set.)
- g. The lighting plan certification from the professional engineer is signed no later than May 24, 2016.
- h. The blanks on the coversheet of the plan regarding the date and status of the waivers are completed no later than May 24, 2016.
- i. A CD of the revised final drawings, in AutoCAD or DXF format, is provided no later than May 24, 2016.
- j. The legal descriptions and accompanying exhibits for the right-of-way dedication of Stoverdale Drive and Red Fox Drive to the Township are submitted for review by HRG, and corresponding deeds of dedication are provided no later than May 24, 2016.
- k. The executed Stormwater Best Management Practices Operation and Maintenance Agreement is provided no later than May 24, 2016.
- l. Three additional copies of the Erosion and Sedimentation Control Plan are provided to the Township no later than May 24, 2016, and that the E&S Plan (23 sheets) is recorded as part of Plat #1256.
- m. A recorded grading easement on the south side of Stoverdale Road over lands of Deer Run of Hershey and the Lot 37 DSG lands is provided no later than May 24, 2016.
- n. The developer provides a letter of intent regarding the traffic contribution no later than May 24, 2016.
- o. The fee in lieu of open space dedication is provided no later than May 24, 2016.
- p. The Stormwater Best Management Practices Operation and Maintenance agreement is recorded concurrently with the plan.

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 185-13.E.(3) regarding plan scale.
- g. From Section 185-13.E.(4).(a).[19] regarding plan and profile scales.
- h. From Sections 185-13.E.(4).(a).[19], [20], [21] 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.

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- 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.**

**THE SKETCH PLAN FOR FOX GLEN DRIVE, PLAT NO. 1260:**

Mr. Emerick stated the McNaughton Company submitted this sketch plan. It represents the combination of two existing lots into a single lot that will be subdivided to create five new lots. One of the proposed lots will contain an existing dwelling. A portion of Fox Glen Drive (approximately 460 feet) is presently a Township road.

The two lots being combined together were each entitled to the Agricultural/Conservation district lot criteria. However, the applicant proposed to join the two lots together prior to further subdivision which would have disqualified the property from the exemption and required a density of 1 dwelling unit per 5 net developable acres. The Zoning Hearing Board granted the relief necessary to allow this subdivision to move forward in its present configuration. One of the conditions from the Board was the developer not connect Fox Glen Drive to Greenhill Drive. This condition was made responsively to residents' concerns heard at the meeting. While connection is not essential for the development of Fox Glen, it certainly does hold other merits as noted in the Dauphin County Planning Commission staff comments. He believes it is far more prudent to allow for future connections as part of this plan than to take steps to forever prohibit it.

The traffic impacts will be minimal, with approximately 40 new average daily trips will be generated. This plan proposes to extend Fox Glen Drive by approximately 470 feet and to terminate it in a compliant cul- de-sac configuration. Originally, the applicant had proposed to reduce the cartway width of the cul- de-sac in order to provide a sidewalk along one side of the roadway. As a result of their presentation to the Planning Commission, the applicant proposes to maintain and extend the existing cartway width and has proposed sidewalk adjacent to the proposed curb.

He stated it's anticipated that this development will help solve some existing stormwater management deficiencies in this neighborhood. He discussed the upslope of Fox Glen Drive and the severe erosion on the eastern side of the property. He discussed the design to include a stormwater basin. He stated the stormwater entering Shank Park will be managed by pipes and swales that will ultimately discharge into an existing drainage way. He stated he agrees with the proposed plan.

He stated there are 11 waivers that if not granted would change the design of the plan. He discussed each of the requested waivers. He stated they are looking for input of the Board.

Supervisor Weir asked about the cul-de-sac. Mr. Emerick spoke about the issues with the land and the cul-de-sac. He suggested some right of way for future development and potential connections. Vice Chairman Moyer asked about the slope. Mr. Emerick discussed the issues with the slope and the cul-da-sac with construction. Supervisor Weir asked about the discharge of water and concerns for further erosion. Mr. Emerick showed the Board on the map the flow of the stormwater, inlets, basin and the Board asked questions about the stormwater plan. He mentioned that the final stormwater plan hasn't been submitted. Supervisor Weir asked about the wooded area. Vice Chairman Moyer expressed the Board's concern about land being cleared for homes versus preserving the trees. Mr. Emerick stated they would be asking for Woodland Preservation Plan. Supervisor Ballard asked about the path to Shank Park. Mr. Emerick stated it would be an eight foot paved path and discussed the potential of a second entrance for emergency services to the park. Mr. Emerick confirmed the homeowner would be responsible for the stormwater to discharge point. He stated there would be an operational maintenance agreement for the site/homeowner be sited on the face plate of the deed. Discussion ensued.

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**MUNICIPAL RECYCLING PROGRAM GRANTS:**

Mrs. Zumbrun discussed her request to submit an application to the Pennsylvania Department of Environmental Protection through their Municipal Recycling Program Grants under Section 902 of Act 101, the Municipal Waste Planning, Recycling and Waste Reduction Act of July, 1988 requesting \$267,050. She stated the grant would require a 10% match for the Township.

She stated the grant would fund the purchase of a new industrial tub grinder to support the woody waste collection and recycling program. The Township's existing tub grinder is nearly 25 years old, and is beyond its useful life, which has led to inefficiencies and excessive maintenance costs. In order to apply to this program, we will need to update our solid waste and recycling ordinance to include recycling at community events. DEP has provided a definition of community events as, "Events which include but are not limited to fairs, bazaars, socials, picnics, and organized sporting events that will be attended by 200 or more individuals per day regardless of the length of time of the event." In addition, the Township accepts yard waste from South Hanover Township, Hummelstown Borough, and the Lower Dauphin School District. DEP is strongly recommending that we enter into an agreement with these entities to document the intermunicipal nature of our request. Vice Chairman Moyer asked if the 10% match could be offset with charging those that benefit from the services with the machine. Mr. Clark discussed the exchange of mulch and services with the aforementioned entities. Discussion ensued. Chairman Foley asked Mr. Negley to look into this.

Supervisor Weir made a motion to ratify the submission of an application to the PA DEP's Municipal Recycling Program Grants under Section 902 of Act 101 and to authorize Jim Negley, Township Manager, to execute the documents and to authorize advertising the required ordinance amendment upon its completion. Vice Chairman Moyer seconded the motion. **Motion carried 5-0.**

**NEW BUSINESS:**

**LABOR AGREEMENT:**

Mr. Negley stated the existing AFSCME Contract will expire on December 31, 2015. The proposed new contract will cover the period from January 1, 2016 to December 31, 2018. AFSCME has ratified and executed the Contract document. He stated the contract document was negotiated amicably between the two parties. He discussed the involved parties in the negotiations. The highlights of the new contract call for wage increases of 2.75% in 2016, 3% in 2017, and 3% in 2018. The AFSCME Union in return agreed to increase their Health Care deductibles by over 200% for both in and out of network claims to \$500.00 for individuals and \$1000.00 for a family.

Supervisor Weir made a motion authorizing the Members of the Board of Supervisor and Township Manager are authorized to execute a labor agreement with the American Federation of State, County, and Municipal Employees Council 90 and Local Union Number 1086 for the period of January 1, 2016 to December 31, 2018. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

**RESOLUTION NO. 1442 - 2015 - DAUPHIN COUNTY ALL-HAZARD MITIGATION PLAN:**

Lieutenant Tim Roche discussed Section 322 of the Federal Disaster Mitigation Act of 2000 which requires a mitigating plan as a prerequisite to receiving post-disaster Hazard Mitigation Grant Program funding. The Dauphin County Hazard Mitigation Plan is a non-binding, policy orientated guidance document dealing with natural and man-made hazards that can and often impact Derry Township.

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Supervisor Engle made a motion to approve Resolution No. 1442, authorizing the adoption of the 2015 Update to the Dauphin County Hazard Mitigation Plan be hereby adopted. Vice Chairman Moyer seconded the motion.

**Motion carried 5-0.**

**SUBDIVISION/LAND DEVELOPMENT PLAN AND STORMWATER MANAGEMENT - HERSHEY DOWNTOWN CENTER, PLAT NO. 1258:**

Mr. Emerick discussed the proposed new 5-story building, a new 3-story building, new structured parking, and the addition of a third floor to the existing stone structure on the property. He stated a traffic study has been submitted. Stormwater control for this project is being addressed with a series of conveyance pipes leading to 4 separate underground facilities. Parking for this development will be partially provided by way of a 2-deck parking structure and 5 surface parking areas that are distributed throughout the site. Parking requirements are subject to the Shared Parking Agreement which was enabled under a conditional use granted by the Board of Supervisors. As this project proposes 21 dwelling units, the developer will provide a fee in-lieu of dedication of \$1,400 per unit. He stated the Zoning Hearing Board granted relief necessary to allow the expansion of the post office building as proposed. He read each of the seven requested waivers and 12 conditions for the plan.

Supervisor Weir asked about parking. Mr. Emerick stated they are reserving 42 parking spaces for the residents. Mr. Kenny Hinebaugh, representing the 169 Chocolate Group, stated the lower level of the deck has 94 parking spaces and the upper has 104 parking spaces. Supervisor Engle stated this plan has been a result of many meetings and working together with the group and Township and thanked them for working on such a good plan for an important piece of land.

Supervisor Engle made a motion to the Preliminary/Final Subdivision/Land Development Plan and Stormwater Management Site Plan for the Hershey Downtown Center, Plat #1258, is approved subject to the following:

- a. The applicant reimburses the Township for costs incurred in reviewing the plan no later than December 24, 2015.
- b. The performance security is provided to guarantee the completion of required improvements, and the accompanying agreement is signed no later than May 24, 2016.
- c. A signed copy of the PennDOT Highway Occupancy Plans and Permit is provided no later than May 24, 2016.
- d. Data is provided no later than May 24, 2016, regarding the proper design of the retaining walls.
- e. All drainage easements are revised no later than May 24, 2016 to provide a minimum width of 20 feet.
- f. The plan is revised no later than May 24, 2016 to show an acceptable detail for the pipe penetration into Basin a 1.
- g. The fee in lieu of dedication of land for park, recreation, and open space for the 21 dwelling units is provided no later than May 24, 2016.
- h. An AutoCAD or DXF compatible digital file of the plans is provided on a compact disc no later than May 24, 2016.
- i. The completed Township of Derry MS4 Post-Construction Stormwater BMP Inventory form is provided no later than May 24, 2016.
- j. The applicant executes the DTMA Right-of-Way Agreement and returns it to DTMA no later than May 24, 2016.
- k. The comments in the November 12, 2015 HRG letter (attached) are satisfactorily addressed no later than May 24, 2016.
- l. 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.

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).[7] and 185-13.E.(4).(a).[7] regarding metes and bounds of existing street centerlines.
- b. From Section 185-12.D.(3).(a).[9] regarding providing features within 200' of the subject tract.
- c. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding existing stormwater profiles that will be unaffected by the project.

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- d. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding existing sanitary sewer profiles that will be unaffected by the project.
- e. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding existing utility profiles that will be unaffected by the project.
- f. From Section 185-22.D.(3) regarding additional street right-of-way along Linden Road and Ridge Road.
- g. From Section 185-42 regarding the traffic study horizon year.

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

**PERFORMANCE SECURITY RELEASE - WOODLAND HILLS:**

Chairman Foley made a motion that the Township hereby releases \$46,204.12 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 \$98,585.88. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

**RESOLUTION NO. 1443 – 2016 BOARD OF SUPERVISOR'S MEETING DATES:**

Vice Chairman Moyer made a motion to approve Resolution No. 1443 establishing the Board of Supervisor's meetings for the year 2016. Chairman Foley seconded the motion. **Motion carried 5-0.**

**CORRESPONDENCE BOARD/COMMITTEE INFORMATION:**

Supervisor Ballard thanked everyone for the trees being planted this year. She spoke about the application for homeowner's to obtain a discounted tree planted by volunteers. She stated she normally submits the application for the grant in January.

Supervisor Moyer thanked Public Works for their work on the mulch along the walking trails.

**REPORTS:**

Police – Chief O'Rourke asked the public, as we enter the holiday season, to put their cell phones down and watch the increased traffic during this time of the year.

Fire – Mr. DiLello stated they hope to be in the new fire station in the next 90 days. He stated they are starting to plan for their Santa Claus runs.

Library – Mrs. Ellis spoke about the 25 volunteers helping implement their new system.

Recreation – Mr. Mandia spoke about the second meeting held last week soliciting the public's input for the new recreation building. He stated they received great input.

Community Development – Mr. Emerick stated public hearing on cell towers has been rescheduled for on January 26, 2016 at 6 p.m. He has met with Chris and developed a draft list of short-term and long-term improvements dealing with the property maintenance issues. He spoke about a company that partners with municipalities to deal with foreclosed properties. He would like to have them make a presentation at the December 15<sup>th</sup> meeting. He stated there are 49 foreclosed properties in the Township.

Economic Development – Mrs. Zumbrun spoke about the Holiday Celebration downtown event next Friday from 6-8 p.m.

**ACCOUNTS PAYABLE and PAYROLL:**

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Vice Chairman Moyer made a motion to approve accounts payable from the November 10<sup>th</sup> meeting, in the amount of \$463,151.69 and Payroll in the amount of \$316,064.63. Supervisor Weir seconded the motion. **Motion carried 5-0.**

Vice Chairman Moyer made a motion to approve accounts payable for the November 24<sup>th</sup> meeting, in the amount of \$549,591.21 and Payroll in the amount of \$322,582.10. Supervisor Engle seconded the motion. **Motion carried 5-0.**

**VISITOR/PUBLIC COMMENTS:**

Charles Zimmerman stated the Township is blessed to have Supervisors that care so much about the Township. He asked how far the TIF extended and asked if the street lights are going to be part of it. He believes the TIF monies should be spent on street lights on Chocolate Avenue.

Rich Gamble discussed the recent election and congratulated those who were elected. He thanked Supervisor Ballard for her service. He spoke about the last campaign and would like to see the Board be united and work together. He spoke about downtown restoration at 3 Hockersville Road which is the old Swatara old train station and that he is working on restoring it with others. He invited anyone to visit it.

**ADJOURNMENT:**

Vice Chairman Moyer made a motion to adjourn the meeting at 8:16 pm. Supervisor Engle seconded the motion. **Motion carried 5-0.**

**SUBMITTED BY:**

\_\_\_\_\_  
Justin C. Engle  
Township Secretary

\_\_\_\_\_  
Julie Echterling  
Recorder