

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING MINUTES**  
**DECEMBER 15, 2015**

**CALL TO ORDER**

Chairman John W. Foley, Jr., called the December 15, 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 personnel issues before the meeting. 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:**

Jill Henry, Assistant Township Manager  
Chuck Emerick, Director of Community Development  
Thomas Clark, Director of Public Works  
Lt. Garth Warner, Police Department  
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  
Bob DiLello, Hershey Volunteer Fire Company  
Matt Bonanno, HRG Engineer  
Chris Brown, Planner  
Jon A. Yost, Township Solicitor

**Public in Attendance:**

The following were in attendance: Elvira Ebling, Kevin Sidulla, Dale Holte, Betsy Ruth, Ed Ruth, Bill Ogle, Bonnie Drobenak, Kevin Fox, Rayshiang Lin, Kyle Lorditch, Bill Shoop, Carol Johnson, Pam Wong, Pam Wiedeman, Beth Klinger, Brenda Berman, Anne Searer, Michael Milunic, Mary Averill, Sandy Cappelli, Trish Foster, Rich Cappelli, Ruth Miller, Fred Balating, Marie McAndrews, Sue Kellner, Julie Waldron, Susan Kelly-Dreiss, Jan Waybright, Denise Tant, Kathie Parsons, Joslyn Kirby, John Atella, Pat Foltz, Susan Edris, Rich Gamble, Chuck Gassert, Ro Zdrojewski, Peter Foltz, Jennifer Warner, Vince Farace, and Bettie Farace.

**VISITOR/PUBLIC COMMENTS:**

Julie Waldron, 1241 Coolidge Ave, thanked Supervisor Ballard for her service and her involvement in different areas including crosswalks and biking.

Marie McAndrews, 115 Oak Lane, thanked Supervisor Ballard for her service and her outreach to the community.

Chuck Gassert, 1345 Bradley Avenue, thanked Supervisor Ballard for her hard work and her energy with adding trees to the Township.

Doug Weaver, 1163 Galloway Court, stated he is here with friends to discuss their concerns about the Comprehensive plan. He stated some of the proposals in the plan will likely change the uniqueness of some neighborhoods. He spoke about undeveloped land areas being used by residents for sunsets, trails, and wild life. He doesn't think the plan will protect uncontrolled development the way it is written. He

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stated in the plan the open space west of Bullfrog Road is designated as 3.2. He is asking what is the rush to develop this area and expressed concern about the Middletown corridor, which is a disaster. He spoke about Vice Chairman Moyer's concern about Middletown Road corridor. He stated they understand development is necessary, but more input from stakeholders should be considered. He asked the Board to consider these concerns before taking action on any plans.

Supervisor Engle pointed out the open space he spoke about is zoned business office. Mr. Chris Brown stated the Comprehensive Plan is vision or framework for the Township versus a code or permit. The land use classification discussed in the comprehensive plan happens through zoning laws. He stated some of this land is open space, agriculture, and business office. He stated the Comprehensive Plan first objective is to strengthen the core areas. He stated the reason the 3.2 has so many uses is to plan for all future uses. He stated the plan addresses traffic and development. Supervisor Engle stated the discussion about 3.2 isn't over as he has discussed it with the residents. He stated the plan is about smart growth.

Michael Milunic, 113 Granada Avenue, stated Hershey Cares is here tonight to hear about the presentation about property maintenance.

**APPROVAL OF MEETING MINUTES:**

Vice Chairman Moyer made a motion to approve the minutes from the November 24, 2015 Board of Supervisors meeting. Supervisor Weir seconded the motion. **Motion carried 5-0.**

Vice Chairman Moyer made a motion to approve the minutes from the December 1, 2015 Board of Supervisors Public Hearing. Supervisor Engle seconded the motion. **Motion carried 5-0.**

**NEW BUSINESS:**

**AWARD**

Mrs. Henry presented Supervisor Ballard with a Commonwealth of Pennsylvania Township of Derry Community Service Award for her service from 2010 to 2015. She thanked Supervisor Ballard for her service to the Township.

**PRESENTATION: WALTON AVENUE PROJECT:**

Mr. Chris Bauer, HRG, discussed the Public Presentation of the Walton Avenue Project as a required portion of the Environmental Clearance. The scope of work includes improvements at the Intersection of Walton Avenue and Hershey Park Drive. He spoke about the traffic issues at this intersection. The cost of the project is \$175,000 funded through a Federally Funded Project following the Federal/PennDOT Project Development Process. He spoke about each of the following proposed safety improvements: Sidewalk improvements on Walton Ave. and Mae St., Guiderail relocation at Walton Ave. and Hersheypark Dr., The addition of a crosswalk across Hersheypark Dr. at Walton Avenue/Mae Street, Signal timing changes at Walton Ave. and Hersheypark Dr. with minor road construction, Walton Ave. pavement restriping between E. Main St. and Hersheypark Dr. Construction should start in fall 2016. He stated traffic operations will be maintained, but will be shifted slightly during construction. A display will be in the lobby with comment cards for the public.

Chairman Foley asked the public for any comments or questions. Julie Waldron asked about a cycling lane or signage in the area. Mr. Bauer discussed this option for future versus short term possibility.

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Jennifer Warner, 2002 Gramercy Place, asked if there would be a light for night time, barriers for pedestrian crossing, and will there be a crossing on the eastern side. Mr. Bauer spoke about the lighting at the intersection, stated there would be a curb and crosswalk for pedestrian crossing and spoke about the reasons why there would not be a crossing on the eastern side.

**FORECLOSED PROPERTIES:**

Mr. Emerick introduced Mr. Kevin Sidella of Community Champions (CC) to the Board. He stated CC provides services to municipalities dealing with foreclosed properties. They do the following: assist municipalities on drafting and passage of a vacant and foreclosed property registration ordinance, create the registration website and tracking system, research all properties, provide a high-end website for code enforcement to track properties, look up any problem properties and communicate directly with the bank through the website, follow-up with the banks every time we report a violation or code problem through their website and handle the collection of fees from the banks, and remittance of the municipalities' portion via check each month. He stated there is no out of pocket fees for this service.

Mr. Sidella stated they have over a million homes in their database. He spoke about his background including being a former Supervisor of Swatara Township. He stated an ordinance would need to be passed to charge a fee to the foreclosure company. He stated a \$200 fee is the normal fee charged. He spoke about the resources available to the Township for managing foreclosed homes. He spoke about the GIS database they would create for the all the homes in the Township. He stated the database would belong to the Township and would be color coded for helping the Township. Discussion ensued. Mr. Emerick stated it would be a good tool and would work with their system.

Supervisor Weir made a motion Board authorizes the final development of the Foreclosed Property Registration Ordinance and consider contracting with Community Partners to assist in administration of the program. Vice Chairman Moyer seconded the motion. **Motion carried 5-0.**

**UPDATE ON PROPERTY MAINTENANCE IMPROVEMENT PROGRAM:**

Mr. Emerick stated Community Development is tasked with addressing the majority of complaints regarding maintenance of properties in Derry Township. To date, enforcement of this program has been primarily complaint based. He estimates over the last 12 months, the Department issued 607 permits, performed 2,215 inspections, including about 400 code enforcement inspections.

He stated they have been looking for ways to deliver this service in a comprehensive, friendly, effective, and equitable manner. To that end, they have begun the development of immediate, short-term, and long-term implementation of tools, programs, and goals, and expect more ideas as things move forward. Below are the proposed improvements:

1. Immediate Improvements
  - a. Regular outreach through newsletters and website to inform residents of rules, programs, incentives, and expectations.
  - b. Improve complaint reporting process to facilitate web-delivered complaints.
  - c. Develop Community Partners program to address foreclosed property issues.
2. Short Term Improvements
  - a. Generating detailed information related to complaint.
  - b. Analyzing the granular data internally about the nature of the complaint to facilitate better outreach and preemptive programs.

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- c. Mapping of parcel information to tie complaints to geographical areas to identify concentrations or trouble areas.
  - d. Developing and fostering community or neighborhood-based efforts
  - e. Seeking grants from State and Federal agencies.
  - f. Developing a brochure for residents.
  - g. Continuing to meet with stakeholders and consultants for ideas and support.
  - h. Prioritizing violations and actions related to the violation, Type 1, 2, or 3 violations.
  - i. Develop friendly incentives and programs, "get out of jail free" concept for first offenses.
3. Long Term Improvements
- a. Partnering with local service organizations to create community engagement opportunities.
  - b. Developing "clean-up days" incentives like free tires, reduced cost for Freon appliances, etc.
  - c. Partnering with local businesses like Aumen's Paints, Wilhelm's Hardware, Sherwin Williams for coupons or discounts in support of "friendly incentive" programs.
  - d. Exploring adding a Property Maintenance Inspector.
  - e. Exploring landlord registration program.

Mr. Brown stated that organizing the maintenance issues in the GIS system will allow more effective problem solving and using resources more efficiently. He thanked Derry Care for coming out tonight. He spoke about identifying items before they are a problem using resources to help with these issues. Supervisor Engle asked how to prioritize the complaints or issues needing to be addressed in the Township. Mr. Emerick stated the foreclosed homes and working with Community Cares would be a first priority. He believes broken windows are a higher priority versus high grass because of safety issues. Supervisor Engle stated the community would be involved with the priority. Discussion ensued. Supervisor Ballard thanked everyone involved in this process. Mr. Emerick stated he would provide an update once a month.

**WAIVER FROM FILING A LAND DEVELOPMENT PLAN - KIRBYS:**

Mr. Emerick stated the Kirbys own a 6.6-acre parcel of land fronting on Hill Church Road located in the Agricultural/Conservation zoning district. The Kirbys desire to construct a new dwelling with an attached garage on the property while living in the existing dwelling. They then propose to demolish the existing dwelling. A waiver is required for their request. This type of waiver has typically been approved when the applicant enters into an agreement with the Township, citing a time of completion of the improvements and demolition of the dwelling, accompanied by performance security for the cost of demolition of the existing structures. The Kirbys have agreed to the terms of the proposed waiver including the security required (\$12,350).

Supervisor Engle made a motion to grant a waiver from Article III, Section 185-10 of the Derry Township Subdivision and Land Development Ordinance, regarding the processing of a land development plan, subject to the following conditions:

- a. That the applicants provide performance security in the amount necessary for the Township to take action on the demolition if the Kirbys fail to do so.

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- b. That the applicants enter into an agreement with the Township, including a timeframe for the completion of the demolition and authorization for the Township to demolish the existing dwelling if the Kirbys fail to complete the work within the agreed upon timeframe.

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

**ADJUSTMENT TO CONDITIONS PLAN FOR THE POINT, PLAT NO. 1256.**

Mr. Emerick stated Plat #1256 was conditionally approved at the regular Board of Supervisors' meeting held November 24, 2015. However, the Township would like to modify two of the conditions to enable the full amount of the traffic contribution to be paid at one time. The developer had agreed to pay a traffic impact contribution of \$641 per new unit (for a grand total of \$48,716.00). To facilitate the desires of the Township, the developer suggested paying the \$48,716.00 traffic contribution prior to recording Plat #1256, along with \$49,945.36 of the park and recreation fee, so long as the Township would defer the remaining \$48,716 park and recreation fee to be paid at the time of issuance of the building permits at a rate of \$641.00/unit. He consulted with Matt Mandia, and he has no issues with this approach. Vice Chairman Moyer asked if the payments from this be earmarked to the Middletown Road area. The Board discussed how recreation funds are spent and where for plans. Discussion ensued. The consensus of the Board was the recreation funds from this plan should be used in the Middletown Road area.

Supervisor Engle made a motion that the November 24, 2015 conditional approval of the Final Subdivision and Land Development Plan for The Point, Plat #1256, is amended in part to read:

- a. The developer provides a traffic contribution in the amount of \$48,716.00 no later than May 24, 2016.
- b. A portion of the fee in lieu of open space dedication in the amount of \$49,945.36 is provided no later than May 24, 2016, and that the developer enters into an agreement with the Township regarding payment of the \$48,716.00 balance of the fee in lieu of open space dedication by way of 76 equal payments of \$641, to be paid at the time of issuance of each of the building permits.

It is further moved that the following waiver is granted from the Subdivision and Land Development Ordinance, in addition to those waivers already granted as part of the November 24, 2015 approval of Plat #1256: From Section 185-46. A regarding when the fee in lieu of the dedication of land for park, recreation, and open space is paid.

Vice President Moyer seconded the motion. **Motion carried 5-0.**

**HRG PROPOSAL - THE FINAL DESIGN OF THE PARK BOULEVARD REALIGNMENT PROJECT, SUPPLEMENT A.**

Chairman Foley made a motion to table the proposal from HRG to provide additional services of the Final Design of the Park Boulevard Realignment Project. Supervisor Weir seconded the motion. **Motion carried 5-0.**

**RESOLUTION NO. 1458 - MULTIMODAL TRANSPORTATION FUND PROGRAM:**

Mrs. Zumbrun discussed the proposed application to the Pennsylvania Department of Transportation's Multimodal Transportation Fund Program for the Chocolate Avenue Streetscape Improvements Project. She showed the Board the proposed improvements including a grass median west of Orchard Road, high visibility decorative crosswalks, resin bump-outs, delineated parking spaces, and sidewalk improvements behind The Hershey Story museum, and east of Mansion Road.

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The total cost of improvements associated with this project is \$3,632,270, and the program requires matching funds in the amount of 30% of the grant award. We are proposing to submit an application requesting \$2,794,050, and to provide the required 30% match of \$838,220. She spoke about the benefits of this program. The 169 Chocolate Group, LLC is supportive of the application and has committed 30% of the cost of the improvements associated with their project. The Township match would be Township \$534,720. She stated she would seek other funding including loans for the match and construction costs would be in 2017 versus 2016. Discussion ensued.

Supervisor Ballard made a motion to approve Resolution 1458 authorizing the submission of an application to the Pennsylvania Department of Transportation's Multimodal Transportation Fund Program requesting \$2,794,050 and authorizing the chairman and secretary to execute the documents. Chairman Foley seconded the motion. **Motion carried 5-0.**

**ORDINANCE NO. 673, AMENDING THE SOLID WASTE AND RECYCLING  
ORDINANCE, ORDINANCE NO. 314 TO INCLUDE RECYCLING AT COMMUNITY  
EVENTS.**

Mrs. Zumbrun stated this request is in follow up to an application submitted to the PA Department of Environmental Protection requesting funding for the purchase of a new industrial tub grinder to support the Township's woody waste collection and recycling program. She stated the Township already does recycle at Community events but this is to formalize it.

Vice Chairman Moyer made a motion to approve Ordinance No. 673, amending the Solid Waste and Recycling Ordinance, Ordinance No. 314, to include recycling at community events. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

**RESOLUTION NO. 1455, REVISE AND RESTATE CERTAIN FEES:**

Vice Chairman Moyer made a motion to adopt Resolution No. 1455. Supervisor Weir seconded the motion. **Motion carried 5-0.**

**RESOLUTION NO. 1456, FEE SCHEDULE FOR THE TOWNSHIP ENGINEER:**

Supervisor Engle made a motion to adopt Resolution No. 1456. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

**RESOLUTION NO. 1457, FEES FOR THE TOWNSHIP PLANNING CONSULTANT:**

Supervisor Engle made a motion to adopt Resolution No. 1457. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

**2016 HERSHEY POLICE SERVICES:**

Vice Chairman Moyer made a motion to authorization to utilize the Hershey Special Fire Police, the Lebanon Auxiliary Patrol, Inc., and, on special occasions, other Special Fire Police from surrounding municipal fire companies, for traffic control and direction during various months in 2016. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

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**2015 NEW YEAR'S EVE CELEBRATION IN THE SQUARE OF HERSHEY:**

Vice Chairman Moyer made a motion to approve the request to hold the New Year's Eve Celebration in the Square of Hershey on December 31, 2015, along with the associated road closings. Supervisor Weir seconded the motion. **Motion carried 5-0.**

**CORRESPONDENCE BOARD/COMMITTEE INFORMATION:**

Supervisor Engle thanked Mr. Clark for the work on the crosswalk and signage.

Solicitor Yost spoke about the Chocolate World assessment appeal through the County tax office for their property. The tax office has the property assessed at \$12,360,000 and they believe the fair market value is \$10,900,000. The tax office would like to get the property appraised and asked the Township to share in the cost. The cost to the Township would be \$438.40. The consensus of the Board was to move forward with the appraisal.

Commissioner Weir spoke about the concerns on Millard and Reese Avenues. He asked if street signs could be installed. Mr. Clark will take a look at the area and discussed the concerns. Discussion ensued.

**REPORTS:**

Fire - Mr. DiLello stated the Fire company would like to wish everyone a safe and happy holidays.

Library – Mrs. Ellis spoke about the concern of libraries across the state with the budget impasse. She stated the library has received a gift from the estate of Jonathan Vanderwall in the amount of \$54,657. She spoke about the improvements taking place in the library over the next few weeks.

Recreation – Mr. Mandia thanked the Board and Staff for their work in 2015.

Planner – Mr. Brown spoke about the Grammercy intersection and the property owner easements and the ongoing progress.

Engineer – Mr. Bonanno stated they are waiting for the easements.

Community Development – Mr. Emerick scheduled a public hearing on January 26, 2016 6 p.m. for the cell tower ordinance. He asked to add an additional public hearing on January 26, 2016 at 6:30 p.m. for the SLD amendment for fees for DTMA. He believes it will be a short hearing. He stated the Comprehensive Plan needs more work based on discussions in this meeting and the Board agreed.

Assistant Manager – Mrs. Henry spoke about the \$42,795 dividend check from the Susquehanna Municipal Trust for the Township's experience with worker's compensation. She stated the Safety Committee has been certified for the 22<sup>nd</sup> year.

**ACCOUNTS PAYABLE and PAYROLL:**

Supervisor Ballard made a motion to approve accounts payable in the amount of \$291,792.16 and Payroll of \$317,582.53. Vice Chairman Moyer seconded the motion. **Motion carried 5-0.**

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**VISITOR/PUBLIC COMMENTS:**

Susan Endris, 26 Glasgow Court, stated Hershey Handbell Choir played at the Whitehouse tonight and they met the President and First Lady. She asked if maybe it could make The Sun paper.

Michael Milunic thanked Mr. Emerick for the property maintenance program.

Chairman Foley thanked Staff for their work this year and wished everyone a happy holiday and said that he looks forward for to 2016. The Board also thanked all the volunteers in the Community.

Richard Gamble spoke about the Mallard Road and how was named. He spoke about the trucks taking out the sign on that road. He thanked Supervisor Ballard for her service and work for the Township. He asked the Board to work together.

**ADJOURNMENT:**

Vice Chairman Moyer made a motion to adjourn the meeting at 8:45 pm. Supervisor Ballard seconded the motion. **Motion carried 5-0.**

**SUBMITTED BY:**

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Justin C. Engle  
Township Secretary

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