

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING MINUTES**  
**MAY 10, 2016**

**CALL TO ORDER**

Chairman Marc A. Moyer called the May 10, 2016, regular meeting of the Township of Derry Board of Supervisors to order at 7:02 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. He announced the Board of Supervisors met in executive session to discuss legal and personnel issues before the meeting. After the pledge of Allegiance, a roll call was conducted.

**IN ATTENDANCE:**

**SUPERVISORS**

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

**ALSO PRESENT:**

James Negley, Township Manager  
Jill Henry, Assistant Township Manager  
Chuck Emerick, Director of Community Development  
Garth Warner, Chief of Police  
Thomas Clark, Director of Public Works  
Matthew Mandia, Director of Parks and Recreation  
Lauren Zumbrun, Economic Development Manager  
Terry Weinhold, Manager of Accounts Payable & Receivables  
Barbara Ellis, Director of Hershey Public Library  
Matt Bonanno, HRG Engineer  
Jon A. Yost, Township Solicitor  
Julie Echterling, Recorder

**ABSENT:**

Susan Cort

**Public in Attendance:**

The following were in attendance: Elvira Ebling, Anita Mentzer, Anne Searer, Dale Holte, Craig Rayfuer, Melanie Boehmer, Susan Witzell, Peter Russo, Dave Weaver, and Massimo Rizzatto.

**VISITOR/PUBLIC COMMENTS:**

Mrs. Anita Mentzer, 1181 Wicklow Ct, spoke about an email she sent the Board over the weekend. She invited the Board to the screening of Groundswell Rising on May 22 at 2pm at the Hershey Library. She spoke about the making of the movie and how it shows a different perspective on fracking.

**APPROVAL OF MEETING MINUTES:**

Supervisor Weir made a motion to approve the minutes from the April 25, 2016 Board of Supervisors meeting. Chairman Moyer seconded the motion. **Motion carried 4-0.**

**NEW BUSINESS:**

**PLAN: MILTON HERSHEY SCHOOL STAFF HOMES ON CREST LANE, PLAT NO. 1266:**

Mr. Emerick stated this project would disturb approximately 9.95 acres and would be for the development of five staff homes. The project would produce about 50 new trips over the course of a day. Stormwater management will be handled on site by the use of two basins each accommodating three homes. He discussed a few of the conditions and waivers for the plan. He stated the Planning Commission and Staff recommended the sidewalk waiver be granted as a deferment with the stipulation that the property owner enters into an agreement with the Township that would allow the Township to require the installation of

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sidewalk in the future if deemed necessary. He showed the Board the location of the plan on the map. Chairman Moyer asked about the close location of the house and a subdivision close to the project with concerns about stormwater. Mr. Emerick stated it is upstream from the plan. Discussion ensued.

Vice Chairman Foley made a motion to approve the Preliminary/Final Land Development Plan for the Milton Hershey School Staff Homes on Crest Lane, Plat #1266, is approved subject to the following:

- a. The applicant reimburses the Township for costs incurred in reviewing the plan no later than June 10, 2016.
- b. The performance security is provided to guarantee the completion of required improvements, and the accompanying agreement is signed no later than November 10, 2016.
- c. The comments in the May 3, 2016 HRG, Inc. letter are satisfactorily addressed no later than November 10, 2016.
- d. The plans are signed and sealed no later than November 10, 2016.
- e. The fee in lieu of land for park, recreation, and open space is provided no later than November 10, 2016.
- f. The executed Stormwater Best Management Practices Operation and Maintenance Agreement, signed by an authorized representative of the Hershey Trust Company, is provided no later than November 10, 2016.
- g. The executed Agreement for the Deferment of the Installation of Curbing and Sidewalk is provided no later than November 10, 2016.
- h. The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.
- i. A Declaration, listing the stormwater BMPs as a restrictive covenant, is recorded concurrently with the plan.
- j. The Agreement for the Deferment of the Installation of Curbing and Sidewalk 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 Sections 185-12.D.(3).(a).[4] and 185-13.E.(4).(a).[4] regarding the location plan scale.
- b. From Sections 185-12.D.(3).(a).[9] and 185-13.E.(4).(a).[9] regarding providing all existing structures, wooded areas, watercourses, rock outcrops, culverts, utilities, fire hydrants, streets and their established grade and width, within 200 and 50 feet of the entire property.
- c. From Sections 185-12.D.(3).(a).[10] and 185-13.E.(4).(a).[10] regarding the location of sensitive environmental areas outside of the project area.
- d. From Sections 185-12.D.(3).(a).[12] and 185-13.E.(4).(a).[13] regarding providing adjacent owner information that is now older than one year.
- e. From Section 185-12.D.(3).(a).[15] regarding providing soil boundaries on the property.
- f. From Sections 185-12.D.(3).(a).[17] and 185-13.E.(4).(a).[15] regarding providing the names of existing and proposed streets and alleys.
- g. From Sections 185-12.D.(3).(a).[18] and 185-13.E.(4).(a).[16] regarding providing the width of existing streets, easements, and rights-of-way for the entire property.
- h. From Section 185-13.E.(4).(a).[18] regarding showing existing driveways on the entire property.

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- i. From Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] regarding profiles of existing stormwater sewer and conveyance systems, existing sanitary sewer systems, and existing gas and water systems for unaffected utilities only.
- j. From Sections 185-12.D.(3).(a).[35] and 185-13.E.(4).(a).[36] regarding providing contours at two foot intervals within 200 feet and 50 feet of the perimeter of the entire property.
- k. From Sections 185-12.D.(3).(a).[40] and 185-13.E.(4).(a).[43] regarding providing existing streets, name, cartway width, and right-of-way width for the entire property.
- l. From Sections 185-12.D.(3).(a).[47] and 185-13.E.(4).(a).[45] regarding providing the recording reference of recorded subdivision and land development plans of adjoining land.
- m. From Sections 185-12.D.(3).(a).[51] and 185-13.E.(4).(a).[49] regarding providing the location of all existing and proposed monuments and markers.
- n. From Section 185-22.D regarding street right-of-way and cartway widths for all existing streets on the property.
- o. From Section 185-22.E.(5) regarding curbing for all existing streets on the property and adjacent to the project. This waiver is granted as a deferment, with the stipulation that the property owner enters into an agreement with the Township that would allow the Township to require the installation of curbing in the future if deemed necessary.
- p. From Section 185-49 regarding a wetlands determination for the entire property.
- q. From Sections 185-12.D.(3).(a).[8] and 185-13.E.(4).(a).[8] regarding providing NAO 1983 PA Coordinate System numbers for all points on the property boundary.
- r. From Section 185-34.A.(1) regarding sidewalk installation. This waiver is granted as a deferment, with the stipulation that the property owner enters into an agreement with the Township that would allow the Township to require the installation of sidewalk in the future if deemed necessary.
- s. From Sections 185-12.D.(2) and 185-13.E.(3) regarding plan scale.
- t. From Sections 185-12.D.(3).(a).[37] and 185-13.E.(4).(a).[38] regarding identifying all restrictions on the use of the land not affected by the project.
- u. From Section 174-17.C.(15) regarding the requirement that stormwater trenches are to be constructed in accordance with PennDOT standards.

Supervisor Engle seconded the motion. **Motion carried 4-0.**

**RESOLUTION NO. 1468, 1469, 1470 and 1471 AUTHORIZING THE TOWNSHIP MANAGER TO EXECUTE AN APPLICATION FOR A TRAFFIC SIGNAL APPROVAL TO UPDATE THE SIGNAL PLAN ON CHOCOLATE AVENUE (RTE. 422).**

Vice Chairman Foley made a motion to approve Resolutions No. 1468, No. 1469, No. 1470, and No. 1471 authorizing the Township Manager to execute an Application for a Traffic Signal Approval to update the signal plans on Chocolate Avenue (Route 422) and the following roads: Homestead Road, Linden Road, Cocoa Avenue/PA743 and Ridge Road. Supervisor Engle seconded the motion. **Motion carried 4-0.**

**DAUPHIN COUNTY LOCAL SHARE MUNICIPAL GRANT PROGRAM FOR THE NEW HERSHEY VOLUNTEER FIRE COMPANY STATION:**

Vice Chairman Foley made a motion authorizing the Chairman of the Board of Supervisors to execute a Grant Agreement for the Dauphin County Local Share Municipal Grant Program for the new Hershey Volunteer Fire Station Project. Supervisor Weir seconded the motion. **Motion carried 4-0.**

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**DAUPHIN COUNTY LOCAL SHARE MUNICIPAL GRANT PROGRAM FOR THE M.S. HERSHEY FOUNDATION:**

Vice Chairman Foley made a motion to authorization for the Chairman of the Board of Supervisors to execute a Grant Agreement for the Dauphin County Local Share Municipal Grant Program for M.S. Hershey Foundation. Supervisor Engle seconded the motion. **Motion carried 4-0.**

**AWARD OF VOLUNTARY SIDEWALK AND CURB RECONSTRUCTION PROJECT AND BID LETTING, AND CONSTRUCTION OF HANDICAP ACCESSIBLE RAMPS:**

Mr. Clark discussed the bidding for the voluntary sidewalk and curb reconstruction project. He stated 75 property owners are included this year. Based on the two bids received, the project should be awarded to Doug Lamb Construction for a bid total of \$77,483.56

Supervisor Weir made a motion to authorizing Township Staff to award the sidewalk, curb replacement and handicap accessible ramps project bid to lowest responsible bidder. Vice Chairman Foley seconded the motion. **Motion carried 4-0.**

**EXTENSION OF CONDITIONAL APPROVAL HERSHEY DOWNTOWN CENTER, PLAT NO. 1258:**

Mr. Emerick discussed the conditional approval of Plat No. 1258 which was granted on November 24, 2015 for the Hershey Downtown Center. He stated they have completed eight of the eleven conditions and are asking for an extension on their May 24, 2016 date. They are asking for a year extension to address the outstanding conditions and record the plan. He stated construction has come to a standstill on the property. He believes the applicant needs to make a commitment to continue to maintain the security fence throughout the extension period.

Vice Chairman Foley made a motion to approve the November 24, 2015 approval of the Preliminary/Final Subdivision/Land Development Plan and Stormwater Management Site Plan for the Hershey Downtown Center, Plat #1258, is extended for an additional 12 months (until May 24, 2017), subject to the following:

- a. The applicant reimburses the Township for costs incurred in reviewing the plan no later than May 24, 2017.
- b. Performance security in the amount of \$1,887,837.62 is provided to guarantee the completion of required improvements, and the accompanying agreement is signed no later than May 24, 2017.
- c. The fee in lieu of dedication of land for park, recreation, and open space for the 21 dwelling units in the amount of \$27,261.78 is provided no later than May 24, 2017.
- d. An executed agreement from the entity providing the street sweeping maintenance is provided no later than May 24, 2017.
- e. The PennDOT approval letter for the traffic impact study is provided no later than May 24, 2017.
- f. A copy of the revised property deed, including language identifying the stormwater BMPs as a restrictive covenant, is provided no later than May 24, 2017.
- g. The Stormwater Best Management Practices Operation and Maintenance agreement and the revised property deed, listing the stormwater BMPs as a restrictive covenant, are recorded concurrently with the plan.

Supervisor Engle seconded the motion. **Motion carried 4-0.**

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**PERFORMANCE SECURITY: MILTON AND CATHERINE HERSHEY CONSERVATORY AT THE HERSHEY GARDENS, PLAT NO. 1250.**

Vice Chairman Foley made a motion to authorize the release of \$801,820.25 from the performance security held as the May 4, 2015 Pennsylvania National Mutual Casualty Insurance Company Bond for Plat #1250, resulting in a new balance of \$240,527.10. Supervisor Weir seconded the motion. **Motion carried 4-0.**

**FIREWORKS DISPLAY AT HERSHEY PARK ON MONDAY EVENING, JULY 4, 2016:**

Vice Chairman Foley made a motion to approve Hersheypark is authorized to display fireworks on July 4, 2016, with a rain date of July 5, 2016. Supervisor Weir seconded the motion. **Motion carried 4-0.**

**CORRESPONDENCE BOARD/COMMITTEE INFORMATION:**

Supervisor Engle stated the Board has received the Oakmont Crossing study and haven't agreed upon a solution as the project has a cost of \$20,000-\$30,000. He spoke about the seeking of a financial advisor for assisting with Capital projects including Jay Wenger.

Vice Chairman Foley stated he attended the following events/meetings: ground breaking at the hotel, ribbon cutting at HMC, Police Department meeting, fundraising for the Fire Company and a transportation meeting with HRG to review the projects in the Township.

Chairman Moyer attended the Kiss Back Event. He thanked everyone involved for helping making the event a success.

Chairman Weir spoke about the Stormwater Stakeholder meeting with the Authority. He spoke about the DTMA meeting he attended. He attended two business openings in the Township. He spoke about the Ash trees that are dying at this time of the year.

**REPORTS:**

Police Chief Warner discussed the law enforcement of the year award by the **American Society of Professional Security given to Detective Matt Gotz.**

Recreation Mr. Mandia spoke about the rescheduled Fish and Derby event to be held on May 21st.

Engineer He provided an update on the Java project and spoke about the curbing and sidewalk work. He stated they are working on piping on Homestead Road.

Community Development Mr. Emerick stated three vacant properties have been registered.

Economic Development Mrs. Zumbrun thanked the volunteers (Hershey Townies) who attended the are meeting on May 3<sup>rd</sup> meeting. She stated Art on Chocolate will be held on May 14<sup>th</sup> with 130 artists participating this year. The Farmer's Market will start next week. She spoke about the request for a letter of support for a grant to help with the promoting of the markets with the Downtown Association.  
Vice Chairman Foley made a motion to send a letter of support. Chairman Moyer seconded the motion. **Motion carried 4-0.**

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Assistant        Mrs. Henry stated the Summer Township News will be delivered tomorrow.  
Manager

**ACCOUNTS PAYABLE and PAYROLL:**

Vice Chairman Foley made a motion to approve accounts payable in the amount of \$1,209,815.00 and Payroll of \$326,366.36. Supervisor Engle seconded the motion. **Motion carried 4-0.**

**VISITOR/PUBLIC COMMENTS:**

There were no public or visitor comments.

**ADJOURNMENT:**

Vice Chairman Foley made a motion to adjourn the meeting at 7:43 pm. Chairman Moyer seconded the motion. **Motion carried 4-0.**

**SUBMITTED BY:**

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Justin C. Engle  
Township Secretary

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Julie Echterling  
Recorder