

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
SEPTEMBER 13, 2016

CALL TO ORDER

Chairman Marc A. Moyer called the September 13, 2016, regular meeting of the Township of Derry Board of Supervisors to order at 7:00 p.m. 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. He announced the Board of Supervisors met in executive session to discuss land 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- *arrived 7:03pm*
Matthew A. Weir
Susan M. Cort

ALSO PRESENT:

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

Public in Attendance:

The following were in attendance: Charles Huth, Elvira Ebling, Randy Wright, Tom DeDonatis, Rich Gamble, and Jason White.

VISITOR/PUBLIC COMMENTS:

Mr. Larry Moyer spoke about his concern of his neighbor's water coming across his property. He showed the Board pictures of the water on his property. He believes the property owner should have to fix this and wants to know why this is allowed. His neighbor is selling their property in October. Mr. Emerick stated the pictures shown to the Board are from 2011. He doesn't understand how the Township and ordinances can't make someone do stormwater improvements to their property.

APPROVAL OF MEETING MINUTES:

Supervisor Cort made a motion to approve the minutes from the August 23, 2016 Board of Supervisors Public Hearing. Vice Chairman Foley seconded the motion. **Motion carried 5-0.** Supervisor Weir made a motion to approve the minutes from the August 23, 2016 Board of Supervisors Public Meeting. Supervisor Engle seconded the motion. **Motion carried 5-0.** Vice Chairman Foley made a motion to approve the minutes from the August 29, 2016 Board of Supervisors Public Meeting. Supervisor Cort seconded the motion. **Motion carried 5-0.**

NEW BUSINESS:

PLAN FOR MUSCALUS PROPERTY, PLAT NO. 1269:

Mr. Emerick showed the Board the location of the map. He stated the plan represents the combination of two existing lots into a single lot. The plan involves the demolition of the existing dwelling and the

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building of 32 dwelling units, which will include a parking garage. The design provides two access roads to Middletown Road with a one-way destination for one of them. They propose a fee in lieu of traffic study of \$641.00 per dwelling unit. They are proposing paying a fee in lieu of for recreation of \$40,700.

He spoke about the two basin designs for the stormwater management. He spoke about some evidence of channel scour on the west side of Middletown Road and the developer has shown a willingness to participate in some remediation efforts. He spoke about the proposed connection from their internal pedestrian circulation path to the Madison Heights trail. He spoke about the fee in lieu of for sidewalks. He went over each of the conditions of the plan along with the requested waivers.

Supervisor Weir asked if any improvements were being made to the 100-year flood plain. Randy Wright, Hanover, spoke about the flows to the swale. He stated the vast majority will be in two basins before discharged. He stated what they can control they are controlling as they can't control the farm property. Chairman Moyer stated homeowners have expressed concerns. Mr. Emerick spoke about the two homes that collapsed during Lee on Grove Street as there was nowhere for the water to go. He stated this swale is normally dry. If they don't cut down the flow, there will be more erosion, which is why their stormwater plan is designed this way. Mr. Wright stated all the grading is outside the 100-year flood plain and they are keeping the trees. He is willing to work with the Township on their concerns. Chairman Moyer is concerned about water flow combined with this property could create issues of erosion. He stated a MOA between the Township and Developer for addressing the concerns would be needed.

Chairman Moyer asked if PennDOT was okay with the access roads and asked about traffic and emergency vehicle accessibility. Mr. Emerick stated there would be 310 new daily trips. Mr. Wright stated they are working with PennDOT and doesn't foresee any issues with the roads as they work on their permit. He is hoping to have his PennDOT permit in 2 weeks. He stated the figuration of the road is in compliance with the ordinance of the Township for emergency vehicle access. Chairman Moyer asked about the traffic study for Middletown Road. Mr. Emerick stated the study will have recommendations.

Chairman Moyer asked for Mr. Emerick's input on the MOA. Mr. Emerick stated the MOA should include resources available for this issue and receiving these resources to help with the downstream issues with stormwater. Discussion ensued.

Supervisor Engle made a motion to approve the Preliminary/Final Subdivision and Land Development Plan for Muscalus Property, Plat #1269, subject to Board approval of a MOA and is subject to the following:

- a. The applicant reimburses the Township for costs incurred in reviewing the plan no later than October 13, 2016.
- b. The performance security is provided to guarantee the completion of required improvements, and the accompanying agreement is signed no later than March 13, 2017.
- c. The applicant provides a letter of intent regarding the \$641.00/unit traffic contribution no later than March 13, 2017.
- d. The applicant provides the traffic study necessary for the enforcement of the one-way driveway sign no later than March 13, 2017.
- e. The applicant provides deed(s) of dedication for the additional right-of-way for Middletown Road no later than March 13, 2017 for approval by the Township.

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- f. The applicant provides a copy of the draft deed conveying the properties together no later than March 13, 2017. The deed is to include the following language: "UNDER AND SUBJECT TO the Operation and Maintenance Agreement dated _____, recorded in the Office of the Recorder of Deeds of Dauphin County, Pennsylvania, at Instrument No. -----' regulating the BMP associated with the development project.
- g. The fee in lieu of open space dedication is provided no later than March 13, 2017.
- h. The applicant pays the \$4,996.60 fee in lieu of sidewalk installation no later than March 13, 2017.
- i. The applicant addresses all of the outstanding comments in the September 8, 2016 HRG letter (attached); and the first 3 comments in the September 8, 2016 DTMA letter (attached) no later than March 13, 2017.
- j. The deed of dedication for the additional right-of-way for Middletown Road is recorded concurrently with the plan.
- k. The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.
- l. The deed consolidating the two lots and listing the stormwater BMPs as a restrictive covenant 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 185-22.D.(3) and 185-22.E.(5) regarding providing additional street width and curbing along Middletown Road.
- b. From Section 185-34.A regarding installing sidewalks along Middletown Road, subject to the applicant providing a fee in lieu of installation.
- c. From Section 185-22.C.(14) regarding two street connections to Middletown Road.
- d. From Section 174-20.A.(18) regarding drainage easement width.

Vice Chairman Foley seconded the motion. **Motion carried 4-0-1.** Chairman Moyer abstained.

SECURITY RELEASE: PENNSYLVANIA STATE POLICE HISTORICAL, EDUCATIONAL AND MEMORIAL CENTER, PLAT NO. 1241.:

Vice Chairman Foley made a motion authorizing the release of the remaining balance (\$25,300.00) of the performance security held as Members 1st Federal Credit Union Letter of Credit No. 455655-0001, 0001 for the Preliminary/Final Land Development Plan for the Pennsylvania State Police Historical, Educational, and Memorial Center for Plat #1241. Supervisor Cort seconded the motion. **Motion carried 5-0.**

SECURITY RELEASE: PENN STATE UNIVERSITY MILTON S. HERSHEY MEDICAL CENTER UNIVERSITY TECHNOLOGY CENTER, HEALING GARDEN INFILL AND ORIGINAL HOSPITAL COURTYARD INFILL, PLAT NO. 1243:

Vice Chairman Foley made a motion authorizing the release of \$687,046.68 from the performance security held as PNC Bank Letter of Credit No. 18122940-00-000 for the Pennsylvania State University Milton S. Hershey Medical Center University Technology Center, Healing Garden Infill, and Original Hospital Courtyard Infill, Plat #1243, resulting in a new balance of \$185,273.29. Supervisor Cort seconded the motion. **Motion carried 5-0.**

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RESOLUTION 1483 - EXECUTION OF A SIDEWALK MAINTENANCE AGREEMENT:

Vice Chairman Foley made a motion adopting Resolution #1483 and authorize staff to execute the year-round maintenance of the sidewalk, as proposed in the Sidewalk Maintenance Agreement # 08A550 between the Pennsylvania Department of Transportation and the Township of Derry. Supervisor Weir seconded the motion. **Motion carried 5-0.**

PIAA STATE CROSS COUNTRY CHAMPIONSHIPS NOVEMBER 5, 2016:

Vice Chairman Foley made a motion to approve the request to close N. Hockersville Rd. (SR2011) from Old West Chocolate Ave. to Hersheypark Dr. from 0600hrs. to 1600hrs. on Saturday November 5th, 2016 for the PIAA State Cross Country Championships being held on the grounds of the Hershey Entertainment Complex. Chairman Moyer seconded the motion. **Motion carried 5-0.**

NATIONAL INTERCOLLEGIATE RUNNING CLUB ASSOCIATION (NIRCA) CROSS COUNTRY CHAMPIONSHIPS- NOVEMBER 12, 2016 :

Chairman Moyer made a motion to approve the closing of N. Hockersville Rd. (SR2011) from Old West Chocolate Ave. to Hersheypark Dr. from 0700hrs. to 1600hrs. on Saturday November 12th, 2016 for the National Intercollegiate Running Club Association (NIRCA) Cross Country Championships being held on the grounds of the Hershey Entertainment Complex. Vice Chairman Foley seconded the motion. **Motion carried 5-0.**

HERSHEY WINTER ARTS AND CRAFT SHOW BANNERS:

Chairman Moyer made a motion to grant authorization for the Hershey Winter Arts & Craft Show banners to be displayed along Homestead Road, Governor Road, Cocoa Avenue, and Hersheypark Drive for 30 days prior to each annual event, provided the banners are removed within 3 days after each event. Supervisor Cort seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Weir spoke about the August DTMA approval of stormwater fees.

REPORTS:

Public Works Mr. Clark spoke about the traffic changes on Newport Drive.

Library Mrs. Ellis stated Jay Paterno would be at the library on September 25th.

Recreation Mr. Mandia thanked Public Works for their work on Cocoa Castle.

Engineer Mr. Moyer spoke about the pipes being installed at Locust Lane.

Community Development Mr. Emerick scheduled the hearing for the new zoning ordinance for October 25th at 5:30pm. He asked for a public hearing for November 7th at 6pm for ordinance 628.

ACCOUNTS PAYABLE and PAYROLL:

Chairman Moyer made a motion to approve accounts payable in the amount of \$537,564.63 and two Payrolls of \$683,541.59. Supervisor Weir seconded the motion. **Motion carried 5-0.**

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VISITOR/PUBLIC COMMENTS:

There were no public comments.

ADJOURNMENT:

Chairman Moyer made a motion to adjourn the meeting at 8:00 pm. Supervisor Weir seconded the motion.
Motion carried 5-0.

SUBMITTED BY:

Justin C. Engle
Township Secretary

Julie Echterling
Recorder

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