

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
OCTOBER 11, 2016

CALL TO ORDER

Chairman Marc A. Moyer called the October 11, 2016, 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. He announced the Board of Supervisors met in executive session to discuss land and legal 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
Susan M. Cort

ALSO PRESENT:

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

Public in Attendance:

The following were in attendance: Charles Huth, Elvira Ebling, Paul Gross, Ann Whitmoyer, Marc Breckenmaker, Jay Ziegler, P & G Hollinger, John Wilburne, Patrick O'Conner, Lena Fure, Joanne Martinez, Tori Martinez, AJ & Deb Somma, Barry & Gina Garber, Amelia & Cheyenne Garber, Don & Caroline Fure, Anna Raudensky, Clem & Lois Fure, Donald & Anthony & Brandon Fure, Rich Gamble, James & Zoe Loncar, Samantha Leiss, and Peter Fure.

VISITOR/PUBLIC COMMENTS:

There were no comments from the public.

APPROVAL OF MEETING MINUTES:

Vice Chairman Foley made a motion to approve the minutes from the September 27, 2016 Board of Supervisors Public Hearing. Chairman Moyer seconded the motion. **Motion carried 5-0.** Vice Chairman Foley made a motion to approve the minutes from the September 27, 2016 Board of Supervisors Public Meeting. Chairman Moyer seconded the motion. **Motion carried 5-0.**

NEW BUSINESS:

RETIREMENT AWARD PRESENTATION - BARBARA NWOKE:

The Board recognized Barbara Nwoke for her 24 years of service as the Cataloging and Collection Development Librarian for the Hershey Public Library. Mrs. Ellis spoke about Mrs. Nwoke's dedication to the Library and how much her work was appreciated. Chairman Moyer presented Mrs. Nwoke with a plaque from the Township and thanked her for her dedication and years of work.

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SWEARING-IN AND INTRODUCTION OF THE TOWNSHIP'S NEWEST POLICE OFFICER:

Chief Warner stated the Police Department hired one new police officer to replace a vacancy created by a retirement at the beginning of this year. Earlier this year, testing was conducted to find a candidate to hire to bring the Police Department back to full compliment. After the hiring process was complete, a conditional offer of employment was made to Peter Fure on September 22, 2016. Peter Fure comes to the Department with a vast range of knowledge and experience in law enforcement. He was previously a Deputy Sheriff with the Dauphin County Sheriff's Office, an Officer in Middletown Borough, and most recently a Detective with Dauphin County Criminal Investigation Division. He has also served as a member of the Dauphin County Crisis Response Team. Chairman Moyer swore in Officer Fure with his wife and son by his side.

DISCUSSION ON THE POLICE DEPARTMENT'S COMMUNICATIONS CENTER:

Chairman Moyer stated the Board met with County 911 for the purpose of asking questions. He spoke about the public hearing held and the one cancelled. Supervisor Weir stated when this process started there were several questions. He stated the proposal from Dauphin County to take over the dispatch needs to be considered. He stated other municipalities have gone this way and have benefited with up to date equipment and have saved money in the process. He believes it is confusing for residents on what number to call in an emergency, as visitors always call 911. He stated the Police Department is 38% of the total budget. He stated he has heard about the uniqueness of Hershey, but listed other unique municipalities like Harrisburg with the Capital, Middletown with the airport and three-mile island. He believes the Township should step into the future and take Dauphin County up on their offer.

Vice Chairman Foley spoke about the flood of visitors the Township experiences for the summer and most recently the car show. He stated the total savings could be \$40,000 to \$100,000. He stated given the five million visitors a year, it isn't prudent to farm the dispatch out to Dauphin County. He believes the Township owes it to the employees that they go home safely each day and the dispatch helps every day. He stated the Capital has their own dispatch. Supervisor Engle believes the look at this process failed in that it wasn't looked at objectively, like with a third party. He stated when/if this is considered again, he would like to see an objective third party independently look at this issue. Supervisor Cort believes they didn't fail as they asked questions and learned about the processes. She spoke about the process and what was learned. She stated based on what was learned, things seem to be working well.

Chairman Moyer spoke about the process as the framework for understanding the current system. He stated based on some possible legislation that deals directly with this situation, there will be no action on this item and closed the discussion.

LAND DEVELOPMENT PLAN FOR U-GRO LEARNING CENTRE ADDITION-PLAT NO. 1271:

Mr. Emerick showed the Board the location of the plan. The area of development is located within the Business Office and Research Overlay zoning districts. The existing facility is at maximum capacity for a daycare for 144 children. The applicant now proposes to add 31,500 square feet of floor area to the facility. The addition will allow the daycare to serve a total of 308 students, corporate offices with a staff of 14, and provide a garage/storage area. The "lot," or more correctly, "unit" within Lot 2 is part of a condominium development, where fee simple ownership of the land is retained by the Hershey Trust Company. The site is presently accessed by a private drive connecting to the Cocoa Beanery access drive. The site will be served by public water and public sewer facilities. Adequate capacity exists in each case.

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Due to the underutilization of the Hershey Center for Applied Research (HCAR) Building 1 and the lack of development of HCAR Building 2, the applicant has suggested that this development is similar in nature to the full build-out of existing proposals connected to Research Boulevard. In support of the assumption, and to protect the continued functionality of the traffic signal at the intersection of Bullfrog Valley Road and Research Boulevard, the applicant has offered to enter into a memorandum of understanding (MOA). This MOA would require the Hershey Trust Company to monitor and adjust the traffic signal timing as may be required after the completion and operation of the U-Gro expansion. Stormwater management is proposed to be addressed in a variety of ways. Two stormwater management basins are supplemented by a forebay, rain garden, and vegetated swales. He discussed the waivers and conditions offered for the plan.

Supervisor Weir asked if there would be enough parking and Mr. Emerick stated there would be. Chairman Moyer expressed concern with storms/hurricanes if the stormwater and basin could hold the water or could there be runoff. Mr. Emerick stated the proposed pipe is an improvement to the current system and is in compliance with the regulations. Mr. Bonanno stated the applicant has gone above the requirements and spoke about the trenching and landscaping. Supervisor Engle asked about traffic. Mr. Emerick spoke about the previous traffic study and doesn't believe there will be any issues. Mr. Bonanno agreed with Mr. Emerick.

Supervisor Engle made a motion to approve the Land Development Plan for U-Gro-Plat #1271, subject to the following:

- a. The applicant reimburses the Township for costs incurred in reviewing the plan no later than November 11, 2016.
- b. The performance security is provided to guarantee the completion of required improvements, and the accompanying agreement is signed no later than April 11, 2017.
- c. ~~The applicant provides, for the Township's review prior to April 11, 2017, the Memorandum of Understanding Agreement between the Hershey Trust Company, Trustee for Milton Hershey School, and the Township regarding monitoring the traffic light at the intersection of Bullfrog Valley Road and Research Boulevard. This has been completed.~~
- d. The property owner concurs with the "repair" detail for the outfall of Basin 1 by way of a note on the plan, a Memorandum of Understanding, or an Agreement, no later than April 11, 2017.
- e. The executed Agreement for the Deferment of the Installation of Curbing and Sidewalk is provided no later than April 11, 2017.
- f. The Rain Garden Detail on Sheet PCSM-4 is revised no later than April 11, 2017 to more clearly reflect the pipe invert proposed for the outfall (it is located above the bottom of the rain garden per elevation).
- g. A letter from the Dauphin County Conservation District, approving the Erosion and Sedimentation Control Plan, is provided no later than April 11, 2017.
- h. A copy of the NPDES permit is provided no later than April 11, 2017.
- i. The applicant provides a DXF or Auto CAD digital file of the final plans no later than April 11, 2017.
- j. The Memorandum of Understanding Agreement between the Hershey Trust Company, Trustee for Milton Hershey School, and the Township regarding monitoring the traffic light at the intersection of Bullfrog Valley Road and Research Boulevard is recorded concurrently with the plan.

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- k. The revised Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan. The revised Declaration, referencing the revised Operations & Maintenance Agreement, is recorded concurrently with the plan. The Agreement for the Deferral 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. (2) and 185-13. E. (3) regarding plan scale.
- b. From Sections 185-12. D. (3). (a). [9] and 185-13. E. (4). (a). [9] regarding showing the location of all existing structures wooded areas, water courses, rock outcrops, culverts, utilities, above or below ground, fire hydrants, streets and their established grade and width, all within 200 feet and 50 feet (respectively) of the tract of land to be subdivided or developed.
- c. From Sections 185-12. D. (3). (a). [21], [22], [23] and 185-13. E. (4). (a). [19], [20], [21] regarding providing plans and profiles of existing stormwater sewer, sanitary sewer, and gas and water system lines for unaffected facilities only.
- d. From Sections 185-12. D. (3). (a). [35] and 185-13. E. (4). (a). [36] regarding depicting land contours at minimum vertical intervals of 2 feet on the tract of land to be developed and within 200 feet and 50 feet (respectively) of the perimeter.
- e. From Sections 185-12. D. (4). (c) and 185-13. E. (5). (a) regarding traffic impact studies for signs.
- f. From Sections 185-12. D. (3). (a). [51] and 185-13. E. (4). (a). [49] regarding depicting the location of existing and proposed monuments and markers.
- g. From Section 185-22. E. (5) regarding installing curbing, 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.
- h. From Section 185-34. A. (1) regarding installing sidewalks, 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.
- i. From Section 185-42 regarding providing a traffic study, with the stipulation that the Hershey Trust Company enters into a Memorandum of Agreement with the Township to monitor and/or adjust the traffic signal timing at the intersection of Bullfrog Valley Road and Research Boulevard if necessary after the completion of the U-Grow expansion.
- j. From Section 185-49 regarding providing a wetlands determination, unless a swale is proposed from the existing basin to the on-site stream. in which case a study is required for those areas of proposed disturbance.
- k. From Section 174-17. C. (15) regarding the requirement that all material and construction details for stormwater conveyances are to be built to PennDOT publication 72M.

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

SECURITY RELEASE-JAY MARUTI, INC.- PROPOSED HOTEL, PLAT NO. 1196.:

Chairman Moyer made a motion authorizes the release of maintenance security in the amount of \$4,151.70, provided as cash for the Preliminary/Final Land Development Plan for Jay Maruti, Inc. - Proposed Hotel, Plat #1196, contingent upon the removal of the silt sack from Inlet 1. Vice Chairman Foley seconded the motion. **Motion carried 5-0.**

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LOCAL STORMWATER BMP IMPLEMENTATION GRANT FROM THE DEP:

Ms. Zumbrun stated the Township applied for funding through the Pennsylvania Department of Environmental Protection’s Local Stormwater BMP Implementation Grant Program for the West Caracas Avenue Public Parking Lot Stormwater BMP project. The Township was awarded a grant of \$200,000 and must formally accept the award. In order to complete the project, the Township would need to provide matching funds of \$235,325. Moving forward with the project design, the Board should consider whether we complete two related initiatives in conjunction with the grant, including the acquisition of a portion of the parking lot (approximately \$130,000), and the removal of three utility poles and associated burying of lines, as identified in conjunction with the Hershey Volunteer Fire Company fire station construction project (approximately \$138,289). When the application was submitted, the existing line of credit for the fire company’s project would be used for this and the Township would be responsible for that portion. Mr. Verdelli is working to determine if the time within which those funds could be drawn down is able to be extended. If that option is not viable, the Township would look to borrow funds for the match. A draft debt service schedule is attached that reflects the costliest scenario. The first payment of about \$45,240 would be due in November 2017, if the project is constructed next summer. This figure is currently included in the 2017 draft budget that is in progress.

Vice Chairman Foley made a motion to accept a Local Stormwater BMP Implementation grant in the amount of \$200,000.00 from the Pennsylvania Department of Environmental Protection. Supervisor Cort seconded the motion. **Motion carried 5-0.**

FIREWORKS DISPLAY FOR THE TWELFTH ANNUAL NEW YEAR’S EVE CELEBRATION:

Supervisor Cort made a motion to grant the Community Celebration Committee permission to stage a fireworks display at 12:01 AM, January 1, 2017. Supervisor Weir seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Weir spoke about the October stormwater stakeholder’s and the Authority’s meeting.

REPORTS:

<u>Police</u>	Chief Warner will be awarding the grand prize at the next meeting for the Police’s Positive Ticket program.
<u>Fire</u>	Mr. DiLello spoke about fire prevention month (October), the soup cook-off and the Halloween parade.
<u>Public Works</u>	Mr. Piccolo stated they are working on leaf collection until the first week of December.
<u>Library</u>	Mrs. Ellis stated there are two new employees starting at the Library soon.
<u>Recreation</u>	Mr. Mandia spoke about the Halloween parade next week.

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<u>Community Development</u>	Mr. Emerick scheduled the hearing for the new zoning ordinance for October 25 th at 5:30 p.m. He stated the Planning Commission asked if the ordinance could come back to them for review. He spoke about the concerns about traffic on Middletown Road. He stated the traffic study will be posted on the website next week. He provided the Board with a property maintenance update including foreclosures. He stated he would like to talk about Middletown Road at the next meeting.
<u>Economic Development</u>	Ms. Zumbrun reminded everyone of Choctoberfest this weekend.
<u>Assistant Manager</u>	Mrs. Henry said that the chairman asked her to the topic of sending reminders out for special meetings of the Board. Discussion ensued. This discussion was tabled.

ACCOUNTS PAYABLE and PAYROLL:

Vice Chairman Foley made a motion to approve accounts payable in the amount of \$1,688,648.47 and two Payrolls of \$313,131.01. Chairman Moyer seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

There were no public comments.

ADJOURNMENT:

Chairman Moyer made a motion to adjourn the meeting at 8:15 p.m. Vice Chairman Foley seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Justin C. Engle
Township Secretary

Julie Echterling
Recorder