

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
NOVEMBER 7, 2016

CALL TO ORDER

Chairman Marc A. Moyer called the November 7, 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 providing accurate minutes. He stated the Board met in executive session prior to the meeting to discuss land, legal and personnel issues. He stated the Board met on November 1st for an informational meeting with Mr. Mandia and the consultant for the Recreation Center. 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
Jon A. Yost, Township Solicitor-*arrived at 7:11pm*
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
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, Tim Leh, and Brad Kiscadden.

VISITOR/PUBLIC COMMENTS:

There were no visitor/public comments.

APPROVAL OF MEETING MINUTES:

Vice Chairman Foley made a motion to approve the minutes from the October 25, 2016 Board of Supervisors Public Hearing. Supervisor Cort seconded the motion. **Motion carried 5-0.** Vice Chairman Foley made a motion to approve the minutes from the October 25, 2016 Board of Supervisors Public Meeting. Supervisor Weir seconded the motion. **Motion carried 5-0.**

NEW BUSINESS:

ORDINANCE NO. 682- DEFINITIONS OF THE TERM ‘SIGN’ AND ‘ATTRACTION BRANDING.

Mr. Emerick stated there was a public hearing at 6:00 p.m., which was advertised. He spoke about how the definition of signs is all encompassing with exclusions for vegetation. The new language will allow murals.

Chairman Moyer stated the Board has very limited influence when things are outside the zoning ordinances. He is also concerned with the law of circumstances. He is concerned the Board maybe relinquishing a degree of influence for signs which could impact the quality of life for some residents as the park extends towards downtown. Mr. Emerick spoke about how broad the definition of signs is today with

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signs on roller-coaster needing to go to the Zoning Hearing Board. The new definition will exclude murals/legacy related work. He stated this will help reduce the number of trips to the Zoning Hearing Board. Discussion ensued.

Supervisor Engle made a motion to adopt of Ordinance No. 682, which would amend Chapter 225 (Zoning) of the Code of the Township of Derry by changing the definition of the term "Sign" and adding a definition for the term "Attraction Branding" subject to the Solicitor's review. Vice Chairman Foley seconded the motion. **Motion carried 5-0.**

RESOLUTION #1487-STREET LIGHT SERVICES AGREEMENT-PARK BLD & CHOCOLATE WORLD WAY:

Mr. Clark stated PPL now requires a Resolution for the installation of new street lighting at traffic signals. This resolution would allow the installation of 2 LED street lights at the intersection of Park Boulevard and Chocolate World Way. PPL will be responsible for installation, maintenance and operational costs associated with this signal.

Vice Chairman Foley made a motion to approve Resolution #1487 to install and service the street lights on Park Boulevard and Chocolate World Way. Supervisor Cort seconded the motion. **Motion carried 5-0.**

CONDITIONAL APPROVAL EXTENSION – PRELIMINARY/FINAL SUBDIVISION PLAN FOR GEORGE CVIJIC-PLAT NO. 1163:

Mr. Emerick discussed the Permit Extension Act of 2010. The Act was passed in 2010, but was retroactive to 2009. He spoke about how it allowed time for the economy to recover. He spoke about how the next three items on the agenda are affected by the Act.

He discussed Plat #1163, a proposed a subdivision of land at the intersection of Felty Mill and Bachmanville Road. He stated two of lots are proposed to be developed with single family dwellings. He discussed the timeline for this plan which started in September 2008 and was approved in 2009. He spoke about the need for this plan approval to be extended. He went over the conditions for the proposed three year extension.

Supervisor Cort made a motion to approve the Preliminary/Final Subdivision Plan for George Cvijic, Plat #1163 extending it for an additional 3 years, subject to the following:

- a. The performance security is provided to guarantee the completion of required improvements and the accompanying agreement is signed no later than January 2, 2020; OR, that the required improvements are installed to the satisfaction of the Township no later than January 2, 2020.
- b. The applicant applies for and receives a new NPDES permit from the Dauphin County Conservation District no later than January 2, 2020.
- c. The applicant ensures the renewal of any other expired approvals or permits originally required for the project no later than January 2, 2020.
- d. The right-of-way Deed of Dedication is recorded concurrently with the plan.
- e. The curb and sidewalk agreement is recorded concurrently with the plan.

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- f. The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.

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

EXTENSION OF CONDITIONAL APPROVAL FOR PRELIMINARY/FINAL LAND DEVELOPMENT AND LOT CONSOLIDATION PLAN FOR 1601, 1603, 1609, 1611 EAST CHOCOLATE:

Mr. Emerick showed the Board on the map the four tracts of land for this plan. Once the lots are combined, the residentially-used structures would be demolished to develop a 6,760-square-foot commercial office building. The building will have 35 standard and 2 handicapped-accessible parking spaces. The applicant has proposed the installation of a new fire hydrant at the southeast corner of the site. He discussed the timeline for this plan starting with the submission in 2010. He discussed the conditions for the extension. Supervisor Weir asked about the parking lots in the front versus the back with the Comprehensive Plan. Mr. Emerick stated this plan was approved prior to the Plan and the makeup of the village area is parking in the front. Discussion ensued.

Supervisor Engle made a motion to approval a five year extension of the Preliminary/Final Land Development and Lot Consolidation Plan for 1601, 1603, 1609, 1611 East Chocolate Avenue, Plat #1198, subject to the following:

- a. The performance security is provided to guarantee the completion of required improvements and the accompanying agreement is signed no later than January 2, 2022.
- b. A letter is received from the Dauphin County Conservation District no later than January 2, 2022 approving the erosion and sedimentation control plan.
- c. Two copies of the PennDOT Highway Occupancy Permit and the related plans are provided no later than January 2, 2022.
- d. The applicant ensures the renewal of any other expired approvals or permits originally required for the project no later than January 2, 2022.

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

EXTENSION OF CONDITIONAL APPROVAL FOR PRELIMINARY/FINAL LAND DEVELOPMENT PLAN FOR HERSHEY'S CHOCOLATE WORLD EMPLOYEE SATELLITE PARKING, PHASE 1, PLAT #1154:

Mr. Emerick stated this plan is Phase One of the proposal to build a parking facility with 500 spaces. Phase One would consist of 140 spaces and would be restricted to the employees of Chocolate World. He showed the Board the location on the map. He discussed the conditions that would be tied to the one year extension.

Vice Chairman Foley made a motion to approve the extension of the approval for Plat #1154 for one additional year, subject to the following:

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- a. The performance security is provided to guarantee the completion of required improvements and the accompanying agreement is signed no later than January 2, 2018.
- b. The comments in HRG's March 30, 2009 letter (attached) regarding the BMP plan are addressed no later than January 2, 2018.
- c. The applicant applies for and receives a new NPDES permit from the Dauphin County Conservation District no later than January 2, 2018.
- d. The applicant applies for and receives a new Water Obstruction and Encroachment Permit no later than January 2, 2018 for the proposed point source discharges to Spring Creek.
- e. The applicant ensures the renewal of any other expired approvals or permits originally required for the project no later than January 2, 2018.
- f. The Stormwater Best Management Practices Operations and Maintenance Agreement is recorded concurrently with the plan.

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

SECURITY RELEASE: ENCLAVE IN DERRY – PLAT No. 1158:

Vice Chairman Foley made a motion authorizing the release of \$37,620.91 from the cash performance security provided for the Preliminary/Final Subdivision Plan for The Enclave in Derry, Plat #1158, resulting in a new balance of \$36,969.82. Supervisor Cort seconded the motion. **Motion carried 5-0.**

SECURITY RELEASE: CENTRIC BANK – PLAT No. 1214:

Vice Chairman Foley made a motion authorizing the release of maintenance security in the amount of \$7,994.10, supplied as Centric Bank Letter of Credit No. 301 for the Preliminary/Final Land Development Plan for Centric Bank, Plat #1214. Supervisor Cort seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Weir spoke about the Stakeholders meeting on Stormwater. Chairman Moyer spoke about letters the Board received from Middletown Road residents. They were in opposition to the zoning changes for the planned campus west for Walton Road and Middletown Road.

REPORTS:

<u>Economic Development</u>	Ms. Zumbrun stated the Township wasn't selected for the Commonwealth Financing Authority's Green Trails, Ways and Recreation Program. She stated the Fire Company and Vicky's Angels have been invited to give a speech for the local share from the County. She stated the other applicants have been notified. The Township should receive the contract for the grant for parking lot through the DEP by the end of the year. The final design with scope and costs will need to be done.
<u>Manager</u>	Mr. Negley mentioned the letter the Township received from Representative John Payne.

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ACCOUNTS PAYABLE and PAYROLL:

Supervisor Cort made a motion to approve accounts payable in the amount of \$731,126.36 and two Payrolls of \$321,010.89. Chairman Moyer seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

There were no visitor/public comments offered.

ADJOURNMENT:

Vice Chairman Foley made a motion to adjourn the meeting at 7:48 pm. Supervisor Cort seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Justin C. Engle
Township Secretary

Julie Echterling
Recorder