

**TOWNSHIP OF DERRY  
BOARD OF SUPERVISORS MEETING MINUTES  
DECEMBER 20, 2016**

**CALL TO ORDER**

Chairman Marc A. Moyer called the December 20, 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. There was an executive session prior to the meeting. He advised that all public meetings are recorded for providing accurate notes. After the pledge of Allegiance, a roll call was conducted.

**IN ATTENDANCE:**

**SUPERVISORS**

Marc A. Moyer, Chairman  
John W. Foley, Jr., Vice Chairman  
Matthew A. Weir  
Susan Cort

**ALSO PRESENT:**

James N Negley, Township Manager  
Jill Henry, Assistant Township Manager  
Jon A. Yost, Township Solicitor  
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 Director  
Cheryl L. Lontz, Manager of Payroll and Employees  
Bob DiLello, Hershey Volunteer Fire Company  
Aaron Moyer, HRG Engineer  
Julie Echterling, Recorder

**ABSENT**

Justin C. Engle, Secretary

**Public in Attendance:**

The following were in attendance: Elvira Ebling, Melanie Boehmer, Michael Kushner, Barry & Mrs. Buck, Charles Huth and Rich Gamble.

**VISITOR/PUBLIC COMMENTS:**

Mr. Eric Spangler, Church Rd, spoke about the traffic backup at Sandhill Road coming onto Cherry Drive because of the new stop sign. He spoke about the backed-up traffic and wondered about the traffic study done for the stop sign. He also spoke about the tree limbs in the Township. He stated he was following a bus where the tree limbs were so low they were scraping the bus. He spoke about an issue near Bullfrog and Sandhill. He asked if they could be trimmed as they pose a danger.

**APPROVAL OF MEETING MINUTES:**

Vice President Foley made a motion to approve the minutes from the December 6, 2016 Board of Supervisors Public Meeting. Supervisor Cort seconded the motion. **Motion carried 4-0.**

**NEW BUSINESS:**

**OAK SPRINGS PHASE III BUILDING EXPANSION-PLAT # 1227:**

Mrs. Zumbrun discussed the upcoming expiration of the Oak Springs Phase III Building expansion plan to address the conditions of the Board of Supervisors June 2013 approval of Plat #1227. Under the terms of the Permit Extension Act, this approval was automatically extended until July 2, 2016. She stated for this plan, conditions of approval originally had to be addressed within 6 months of the approval. The 6-month time clock began again on July 2, 2016 and will end on January 2, 2017. The applicant is still not able to address the outstanding conditions of plan approval. However, the applicant is still interested in proceeding with the plan and has requested a 3-year extension of time to address the outstanding conditions. She went over the conditions of the three-year extension.

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Vice Chairman Foley made a motion to approve extension of the Preliminary/Final Land Development and Stormwater Site Management Plan for Oak Springs Phase III Building Expansion, Plat #1227 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.
- b. The comments in the May 30, 2013 HRG letter (attached) are satisfactorily addressed no later than January 2, 2020.
- c. The applicant drafts a Common Lateral Agreement for the six new units for approval by the Derry Township Municipal Authority no later than January 2, 2020.
- d. The applicant ensures the renewal of any expired approvals (Dauphin County Conservation District, DEP, etc.) or permits originally required for the project no later than January 2, 2020.
- e. The completed BMP Inventory Form is provided digitally as an Excel file no later than January 2, 2020.
- f. The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.
- g. A revised property deed referencing the Operations and Maintenance Agreement is recorded concurrently with the plan.

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

**RESOLUTION 1504-THE ENCLAVE PLAT #1158:**

Mrs. Zumbrun discussed the resolution accepting the public roadway improvements (Sophia Circle), and entering the 18-month maintenance security period for the Preliminary/Final Subdivision Plan for The Enclave in Derry, Plat #1158.

Vice Chairman Foley made a motion to adopt **Resolution No. 1504** accepting the public roadway improvements (Sophia Circle); accepting cash maintenance security in the amount of \$17,614.80; and executing the maintenance security agreement for a term of 18 months for the Preliminary/Final Subdivision Plan for The Enclave in Derry, Plat #1158. Supervisor Cort seconded the motion. **Motion carried 4-0.**

**SECURITY RELEASE-HERSHEY LODGE NATATORIUM REPLACEMENT PLAT #1242:**

Vice Chairman Foley made a motion to approve the requested waivers from Sections 185-18.C and 185-18.G of the Subdivision and Land Development Ordinance regarding the placement of iron pins and concrete monuments, and authorize the release of the remaining balance (\$27,739.55) of the performance security held as M&T Bank Letter of Credit No. SB1821620001 for the Preliminary/Final Land Development Plan for the Hershey Lodge Natatorium Replacement, Plat #1242. Supervisor Cort seconded the motion. **Motion carried 4-0.**

**MILTON HERSHEY SCHOOL SAFETY AND SECURITY FACILITY, PLAT #1262:**

Mrs. Zumbrun discussed the request to extend a conditional approval for the Preliminary/Final Land Development Plan for the Milton Hershey School Safety and Security Facility, Plat #1262. She discussed the conditions of the extension which would be until February 15, 2017.

Supervisor Weir made a motion to extend the July 12, 2016 approval of Plat #1262 until February 15, 2017, subject to the following:

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- a. The performance security is provided to guarantee the completion of required improvements no later than February 15, 2017.
- ~~b. The applicant provides a letter from the Dauphin County Conservation District, approving the Erosion and Sedimentation Control Plan, no later than February 15, 2017. This has been addressed.~~
- ~~c. The applicant provides a copy of the NPDES permit approval no later than February 15, 2017. This has been addressed.~~
- d. The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.
- e. A declaration, listing the stormwater BMPs as a restrictive covenant, is recorded concurrently with the plan.
- f. The Agreement for the Deferment of the Installation of Curbing and Sidewalk is recorded concurrently with the plan.

Chairman Moyer seconded the motion. **Motion carried 4-0.**

**RESOLUTION #1489-FEES AND CHARGES FOR COMMUNITY DEVELOPMENT:**

Vice Chairman Foley made a motion to adopt **Resolution No.1489**, which would revise, restate, and establish certain fees under the building codes, zoning codes, subdivision and land development codes, stormwater management codes, and other miscellaneous fees and charges for services provided by Community Development personnel. Supervisor Cort seconded the motion. **Motion carried 4-0.**

**RESOLUTION #1496-FEES/CHARGES FOR TOWNSHIP PLANNING CONSULTANTS:**

Supervisor Weir made a motion to adopt **Resolution No. 1496**, which would revise the schedule of reimbursable fees for services provided by the Township Planning Consultant (Derck & Edson) under the provisions of the Subdivision and Land Development Ordinance. Vice Chairman Foley seconded the motion. **Motion carried 4-0.**

**RESOLUTION #1497-FEES AND CHARGES FOR TOWNSHIP SOLICITOR:**

Vice Chairman Foley made a motion to adopt **Resolution No. 1497**, which would revise the schedule of reimbursable fees for the Township Solicitor related to review expenses under the provisions of the Subdivision and Land Development Ordinance. Supervisor Cort seconded the motion. **Motion carried 4-0.**

**ADVERTISE ORDINANCE NO 553 – STOP SIGNS AT CHERRY AND HOPE DRIVE:**

Chief Warner stated as part of the Route 322 short-term improvement, HRG conducted an evaluation of an all-way stop controlled intersection at Cherry Drive and Hope Drive. The study found the criteria for the establishment of a multi-way stop intersection at the intersection of Cherry Drive and Hope Drive was met. He stated there was a mix-up in communication and the stop sign was in effect for last week and since has been covered up. Based on the comments from the resident tonight, it seems as if there may be an issue with Sandhill Road. Mr. Moyer, HRG, stated there is modeling that they can do and look at that intersection. He will talk to his traffic department tomorrow about it. Chief Warner stated the modeling done by HRG could take a couple of weeks. Discussion ensued. The Board agreed to table action on the request until additional information and the impact on traffic can be reviewed.

**BOARD/COMMITTEE INFORMATION**

Supervisor Cort thanked the Township workers and Staff for a great year and is looking forward to 2017. Supervisor Weir spoke about the upcoming Stormwater bills coming out in January and the three public

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meetings held to inform the residents about it. Vice Chairman Foley spoke about the meetings he attended including TIF, ICDA, Recreation Center Stakeholders, Transportation, and Police. He thanked the Staff for their work through the year. Chairman Moyer spoke about the meeting for the post office parcel. He spoke about the possibility of a TIF involvement. He stated there are projects and an active agenda upcoming for the Township. He stated with the tax increase, the Board needs to ensure we pay off the debt services and work toward reestablishing the General Fund Balance to \$4 million. He would like to see more on the PFM forecasting and address any uncertainties there are. He would like to see a 5-year strategic plan for the General Fund.

**REPORTS:**

<u>Fire</u>	Mr. DiLello stated he will not serve as the liaison for the Fire Company for 2017. He thanked the Board as a firefighter and residents for their support. The Board thanked him for his service.
<u>Public Works</u>	Supervisor Weir asked about the tree limbs discussed earlier by a resident. Mr. Clark stated in the rural areas they can trim them and leave the wood. He stated he hasn't heard about the limbs scraping buses but will reach out and talk with them about it.
<u>Library</u>	Mrs. Ellis spoke about new programs becoming available next week.
<u>Engineer</u>	Mr. Moyer stated the crosswalk at Wood Road and the easements for Middletown Road are on hold for the easements.

Solicitor Yost spoke about the \$2 million provided from the Hershey Medical Center (HMC) for traffic improvements. 80% has been used so far. He spoke about the ability through a Memorandum of Understanding (MOU) to reallocate the funds for the Hockersville Rd. and Route 322 project. HMC has agreed to the reallocation of the funds and to the MOU.

Chairman Moyer made a motion to approve the Memorandum of Understanding (MOU) to reallocate the funds from Hershey Medical Center for traffic improvements to use toward the Hockersville Rd. and Route 322 project. Vice Chairman Foley seconded the motion. **Motion carried 4-0.**

**ACCOUNTS PAYABLE and PAYROLL:**

Chairman Moyer made a motion to approve accounts payable in the amount of \$882,894.64 and Payroll of \$324,986.94. Vice Chairman Foley seconded the motion. **Motion carried 4-0.**

**VISITOR/PUBLIC COMMENTS:**

Mr. Barry Buck, 242 Quarry Road, stated this is the third time he is before this Board to discuss the living conditions in his neighborhood. He spoke about the proposed new zoning ordinance and about the illegal commercial business being conducted in his neighborhood. He has reached out to Community Development about it. It has gone to the magistrate and their orders are being ignored. He spoke about other conditions in his neighborhood including issues with fences. He feels he is paying taxes and getting lip service. He spoke about having to pay for stormwater when not one drop of water comes off his property. He spoke about concerns with speed on Division and people running stop signs. He wants action to be taken on these issues. Chairman Moyer stated he will ask Mr. Emerick, who is absent tonight, to reach out to him.

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**ADJOURNMENT:**

Vice Chairman Foley made a motion to adjourn the meeting at 7:52 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