

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING MINUTES**  
**MARCH 28, 2017**

**CALL TO ORDER**

Chairman John W. Foley, Jr., called the March 28, 2017 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 providing accurate notes. He announced the Board of Supervisors met in executive session to discuss land, legal and personnel issues before the meeting. After the Pledge of Allegiance, a roll call was conducted.

**IN ATTENDANCE:**

**SUPERVISORS**

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

**ALSO PRESENT:**

James Negley, Township Manager  
Jill Henry, Assistant Township Manager  
Jon A. Yost, Township Solicitor  
Chuck Emerick, Director of Community Development  
Thomas Clark, Director of Public Works  
Chief Garth Warner, Police Department  
Patrick Rudisill, Hershey Fire Company  
Barbara Ellis, Director of Hershey Public Library  
Matthew Mandia, Director of Parks and Recreation  
Cheryl Lontz, Manager of Payroll and Employee Benefits  
Lauren Zumbrun, Economic Development Manager  
Matt Bonanno, HRG Engineer  
Julie Echterling, Recorder

**Public in Attendance:**

The following were in attendance: Charles Huth, Rich Gamble, Dick Dougheny, William Fisher, Ed Fetter, Corey Bray, Dale Holte, Ken Gall, David Tshudy, Jeff Gelbaugh, Antionette Buck, Barry Buck, Betty Kautz, Carolyn Stoner, Jack Storm, Mike Wessen, Todd Pagliarulo, Nathan Buck, Marvin Smith, Jay Ziegler, Kyle D'Angelo, Dennis Trout, Tom Hay, and Steve Datton.

**VISITOR/PUBLIC COMMENTS:**

Mr. Barry Buck, Quarry Road, asked a question about bees for the new zoning ordinance. He provided pictures to the Board of his neighbor's bees using his pool as their water source. He spoke about changes that could be made including a conditional use or special exception for bees and acreage which should include public hearings. He stated he has been in contact with Mr. Emerick. He spoke about the issues he experiences with his neighbor including junk in their yard. He asked who would be monitoring the ordinance and believes there should be a system for checking versus neighbors turning in neighbors.

Mr. Bill Fisher, Quarry Road, spoke about his credentials for being a bee keeper. He spoke about the occasions he has been asked to assist with the relocation of bees including an overturned truck with over a million bees in it. He stated he supports the ordinance.

Mr. Nate Buck, 269 Grandview, son of Barry Buck, spoke about moving back to the area in the last year. He spoke about the issue with the bees at his father's house including swatting them away as they use his pool in the summer. He spoke about his father being stung and having to go to the hospital. He stated his neighbor doesn't have enough water for the bees. He stated he supports bee keepers but believes

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there needs to be enforcement. He believes there should be enforcement/triggers other than a letter from a neighbor.

**APPROVAL OF MEETING MINUTES:**

Supervisor Engle made a motion to approve the minutes from the February 28, 2016 Board of Supervisors Public Hearings (3). Supervisor Weir seconded the motion. **Motion carried 5-0.**

Vice Chairwoman Cort made a motion to approve the minutes from the February 28, 2016 Board of Supervisors Public Meeting. Supervisor Engle seconded the motion. **Motion carried 5-0.**

**NEW BUSINESS FROM MARCH 14 CANCELLED MEETING**

**BUILDING DESIGN FOR TWO NEW PRINCIPAL BUILDINGS WITHIN THE CHOCOLATE AVENUE PRESERVATION OVERLAY DISTRICT:**

Mr. Williams spoke about the building design for two new principal buildings at the northeast corner of the intersection of West Chocolate Avenue and Ridge Road, Hershey, within the Chocolate Avenue Preservation Overlay District. The Derry Township Design Advisory Board recommended approval on February 27<sup>th</sup> with four suggested conditions. He showed the Board the pictures of the proposed buildings. He stated the only outstanding issue/condition is the retaining walls which can be considered at a future meeting of the Design Advisory Board. Mr. Feder, RBG, thanked the Board and the Township for their support and assistance on this project. He stated the negative TIFF vote yesterday will send them back to the drawing board. He did ask the Board for their vote on their project tonight.

Chairman Foley made a motion to approve the building design for the proposed multi-tenant retail building and mixed-use retail/residential building as depicted on the revised information submitted to Derry Township on March 8, 2017, with the condition that the natural stone materials on the retaining walls as depicted in the revised renderings are provided for review at a future meeting of the Design Advisory Board. Supervisor Engle seconded the motion. **Motion carried 5-0.**

Chairman Foley spoke about his disappointment with the School Board and their vote against the TIFF project yesterday. He spoke about the TIFF for the hotel, parking lot, and medical center. He stated this lost opportunity results in a loss of a tax base. He spoke about the community's request for an exciting walkable downtown area and how this would benefit everyone. He stated of every \$1.00 of taxes 68 cents goes to the school district and seven cents goes to the Township. He believes they have a financial obligation to help and challenged them to rethink their decision. He believes this project/TIFF would benefit both the downtown and the schools.

**ORDINANCE NO. 688-2017 ZONING ORDINANCE:**

Mr. Emerick spoke about the process of coming to the zoning ordinance with the Comprehensive plan being adopted in January 2016. He stated the Board received public comments on the ordinance at the October 25, 2016 and February 28, 2017 public hearings. He stated only four comments were registered during the February hearing. The Derry Township and Dauphin County Planning Commissions recommended adoption at their February meetings. The Board thanked everyone involved including the residents for their work and comments on this ordinance.

Supervisor Engle made a motion to adopt Ordinance No. 688 which adopts the 2017 Zoning Ordinance. Supervisor Weir seconded the motion. **Motion carried 5-0.**

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**ORDINANCE NO. 684- AMENDING CHAPTER 185 (SLD):**

Mr. Emerick spoke about Ordinance No. 684, which would amend Chapter 185 (Subdivision and Land Development) of the Code of the Township of Derry regarding master plan processes, definitions, references to sensitive environmental areas, and removal of floor area ratio considerations. He stated there was a public hearing on this in February. He stated the Derry Township and Dauphin County Planning Commissions recommended approval of the ordinance.

Supervisor Engle made a motion to adopt Ordinance No. 684 amending Chapter 185 (Subdivision and Land Development) of the Code of the Township of Derry regarding master plan processes, definitions, references to sensitive environmental areas, and removal of floor area ratio considerations. Vice Chairwoman Cort seconded the motion. **Motion carried 5-0.**

**ORDINANCE NO. 685 – AMENDING CHAPTER 174 (STORMWATER MANAGEMENT):**

Supervisor Weir made a motion to adopt Ordinance No. 685, amending Chapter 174 (Stormwater Management) of the Code of the Township of Derry by deleting Appendix D and reference to Appendix D, and clarifying when an exemption of the requirements is possible. Vice Chairwoman Cort seconded the motion. **Motion carried 5-0.**

**RECYCLEBANK CONTRACT:**

Mr. Negley discussed the possibility of entering into a contract with Recyclebank to continue with this program to provide Township residents with a recycling rewards and education program. He stated they are offering to reduce the previous rate of 63 cents a month to 40 cents a month.

Vice Chairwoman Cort made a motion for the Township to enter into a contract with Recyclebank to continue with the program to provide Township residents a recycling reward and education program. Supervisor Engle seconded the motion. **Motion carried 5-0.**

**RESOLUTION NO. 1507 - ADOPTING POLICIES TO PROVIDE PROCEDURES, REGULATIONS, AND GUIDELINES FOR THE SAFETY OF TOWNSHIP EMPLOYEES:**

Mrs. Henry spoke about adopting policies to provide procedures, regulations, and guidelines for the safety of Township employees. She stated a general Employee Safety Manual was adopted by resolution in 1991. She stated employees would be required to sign that they have received and read the following policies: the cell phone use, drug, alcohol, and controlled substance and the sexual abuse and molestation prevention policies. Discussion ensued.

Vice Chairwoman Cort made a motion to approve Resolution No. 1507, adopting policies to provide procedures, regulations, and guidelines for the safety of the Township employees to be included in the Township of Derry Employee Safety Manual subject to Solicitor's review of the policies. Supervisor Engle seconded the motion. **Motion carried 5-0.**

**AGREEMENT OF SALE TO ACQUIRE A PORTION OF THE WEST CARACAS AVENUE PUBLIC PARKING LOT:**

Mrs. Zumbrun stated in January 2017, the Board approved moving forward with the related utility pole removal and the acquisition of a portion of the parking lot currently owned by the Hershey Trust Company. An agreement of sale was provided to the Board that evening and Solicitor Yost reviewed it. She stated the Board was provided a copy of the appraisal obtained by the Hershey Trust Company

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reflecting a value of \$130,000. The Board must approve the agreement of sale, a resolution and associated addendum for the Trust Board to consider the agreement at their April 19, 2017 Board meeting to keep the project on schedule for spring and summer construction.

Supervisor Engle made a motion to approve the agreement of sale for the acquisition of the portion of the West Caracas Avenue public parking lot currently owned by the Hershey Trust Company (Parcel No. 24-016-050) at a purchase price of \$130,000 subject to the Hershey Trust Board's approval. Chairman Foley seconded the motion. **Motion carried 4-1** with Supervisor Moyer opposing it for reasons previously stated.

Mrs. Zumbrun spoke about a required resolution from the Board to go along with the agreement to the Hershey Trust Board. She read Resolution 1508 to the Board.

Chairman Foley made a motion to approve Resolution 1508, a resolution of the Township of Derry, Dauphin County, Pennsylvania, authorizing the filing of a declaration of taking to acquire property located on the north side of west Caracas Avenue in the Township of Derry, Dauphin County, Pennsylvania, being identified as Dauphin County Uniform Parcel Identification Number 24-016-050. Vice Chairman Cort seconded the motion. **Motion carried 4-1** with Supervisor Moyer opposing it for reasons previously stated.

Supervisor Engle asked about the removal of the poles and the bidding for the parking lot. Mrs. Zumbrun stated the poles were taken out of the bid. Mr. Bonanno stated they received the bids for the parking lot and they were opened on March 13<sup>th</sup>. The average bid received was \$403,000 with the lowest bid for \$309,268.50 from Ebersole. He stated the bids were contingent upon the parking lot land sale. He intends to ask for approval to award the contract at the April 25<sup>th</sup> Board meeting. Supervisor Engle asked about the prior approval for the poles. Discussion ensued. Solicitor Yost stated the plan was approved with the poles and doesn't need to be approved again.

**2017 ARTS ON CHOCOLATE ON SATURDAY, MAY 13, 2017:**

Vice Chairwoman Cort made a motion to approve the request to hold the 2017 Arts on Chocolate on Saturday, May 13, 2017 which includes street closures during the event. Supervisor Weir seconded the motion. **Motion carried 5-0.**

**NEW BUSINESS MARCH 28, 2017**

**ORDINANCE NO. 686 - ADDING CHAPTER 89 - 'DOWNTOWN CORE DESIGN STANDARDS':**

Mr. Williams spoke about Ordinance No. 686, which would amend the Code of the Township of Derry by adding Chapter 89, entitled 'Downtown Core Design Standards'. He stated a hearing was held early tonight and there were no public comments from the hearing. The Derry Township Planning Commission recommended adoption of the ordinance.

Supervisor Engle made a motion to adopt Ordinance No. 686 which would amend the Code of the Township of Derry by adding Chapter 89 'Downtown Core Design Standards'. Vice Chairwoman Cort seconded the motion. **Motion carried 5-0.**

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**PENN STATE MILTON S. HERSHEY MEDICAL CENTER WAIVER REQUEST:**

Mr. Emerick discussed the waiver request from filing a land development plan, as requested by the Penn State Milton S. Hershey Medical Center. He showed the Board the location of the plan. They are proposing building an infill project of 2,622 square feet of new floor area intended to serve as support and storage space for existing operating rooms. Currently, much of the equipment necessary for operations is stored in the corridors on the operating wing. The Township's Ordinance requires that any time more than 2,500 square feet of new principal building is added to a property, a land development plan shall be processed.

Supervisor Weir made a motion approving a waiver from Article III of the Derry Township Subdivision and Land Development Ordinance, regarding the processing of a land development plan for the Penn State Milton S. Hershey Medical Center's proposed second floor operating room support and equipment storage additions. Vice Chairwoman Cort seconded the motion. **Motion carried 5-0.**

**PLAT NO. 1271: CONSIDERATION OF TIME EXTENSION - U-GRO LEARNING CENTRE:**

Supervisor Moyer made a motion to for the approval of the Preliminary/Final Land Development Plan for U-Gro Learning Centre Addition, Plat #1271, extension for an additional six months, 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 October 11, 2017.
- b. 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 October 11, 2017.
- c. The executed Agreement for the Deferment of the Installation of Curbing and Sidewalk is provided no later than October 11, 2017.
- d. A letter from the Dauphin County Conservation District, approving the Erosion and Sedimentation Control Plan, is provided no later than October 11, 2017.
- e. A copy of the NPDES permit is provided no later than October 11, 2017.
- f. The applicant provides a DXF or AutoCAD digital file of the final plans no later than October 11, 2017.
- g. 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.
- h. The revised Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.
- i. The revised Declaration, referencing the revised Operations & Maintenance Agreement, is recorded concurrently with the plan. The Agreement for the Deferment of the Installation of Curbing and Sidewalk is recorded concurrently with the plan.

Vice Chairwoman Cort seconded the motion. **Motion carried 5-0.**

**RESOLUTION NO. 1509 - TRAFFIC SIGNAL APPROVAL - GOVERNOR ROAD AT THE INTERSECTION OF HOCKERSVILLE ROAD AND FISHBURN ROAD:**

Mr. Negley stated this Resolution provides a legal document to make application with PENNDOT to update the traffic signal plan to reflect the addition of eastbound and westbound right turn lanes along Governor Road, signal improvements with right turn overlap phasing, pedestrian signal upgrades and timings.

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Supervisor Engle made a motion to approve Resolution No. 1509, an Application for a Traffic Signal Approval to update the signal plan along Governor Road (SR0322) at the intersection of Hockersville Road and Fishburn Road (SR2011). Chairman Foley seconded the motion. **Motion carried 5-0.**

**AUTHORIZATION TO PLACE A PUBLIC NOTICE OF ORDINANCE ADOPTIONS:**

Mr. Emerick discussed his request to authorize the placement of Public Notice in the newspaper for two successive weeks. He spoke about the number of ordinances adopted and believes this is a good idea.

Vice Chairwoman Cort made a motion to approve a Public Notice to be placed in a newspaper of general circulation for two successive weeks. Supervisor Weir seconded the motion. **Motion carried 5-0.**

**MEMORANDUM OF UNDERSTANDING (MOU) WITH WABANK ASSOCIATES:**

Mr. Mandia stated the Township has been in multi-year communication and negotiations with Wabank Associates, the property owner of the 52-acre parcel located on the west side of Middletown Road just south of Grove Street. The Township's desire to acquire an easement for establishing a safe crossing of Middletown Road for the Jonathan Eshenour Bicycle and Pedestrian trail. Wabank Associates has incurred costs associated with the review of various sketch plans, draft agreements and other costs associated with the negotiations, discussions and procurement of the easement. The MOU has been developed to provide a mechanism for the reimbursement from the Township to Wabank Associates for the costs incurred for this purpose not to exceed \$10,000.

Supervisor Moyer made a motion approving the authorization to execute the Memorandum of Understanding with Wabank Associates. Vice Chairwoman Cort seconded the motion. **Motion carried 5-0.**

Solicitor Yost spoke about a small section of land that needs an easement. He spoke about a survey being needed for boundary lines and the legal language for the easement agreement. He stated a Memorandum of Understanding is necessary to ensure if a survey is completed and if an easement isn't agreed upon with the Township, the Township is reimbursed for the costs associated with the survey.

Supervisor Weir made a motion to approve the Memorandum of Understanding for the survey to establish boundary lines for completing an easement agreement. Supervisor Moyer seconded the motion. **Motion carried 5-0.**

**CORRESPONDANCE BOARD/COMMITTEE INFORMATION:**

Supervisor Moyer spoke about the Kiss Hershey Back day scheduled for May 6<sup>th</sup>. Supervisor Weir spoke about training he attended on new regulations and rules on Authority. Vice Chairwoman Cort thanked Mr. Negley and Public Works for their work during the recent snow storm. She spoke about meetings with the Design Advisory Board and one at the Hershey Medical Center. She stated she will be out of town for the next Board meeting. Supervisor Engle spoke about a meeting with the Hershey Medical Center about their development. He spoke about working with them on traffic and planning.

**REPORTS:**

<u>Fire</u>	Mr. Rudisill stated they had 42 alerts for service in February. He spoke about the volunteers and their service during the recent snow storm including 22 volunteers who slept overnight.
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<u>Public Works</u>	Mr. Clark spoke about his memo about Bullfrog and Sandhill Roads and coming up with the best options. Supervisor Moyer asked if these improvements could be added to the Capital Planning Budget.
<u>Library</u>	Mrs. Ellis spoke about the student film festival.
<u>Parks and Recreation</u>	Mr. Mandia invited everyone to the Disc Golf Course on April 1 <sup>st</sup> at 10:00 AM.
<u>Engineer</u>	Mr. Bonanno stated they have received the easement for Oakmont and will advertise twice in April with a start date of May 29 <sup>th</sup> and a 3-4-week construction planned. He spoke about work being done at Walton which will include some road closures which will be done mostly at night during the 4-5-week construction.
<u>Economic Development</u>	Mrs. Zumbrun stated there would be a Downtown Association meeting on April 10 <sup>th</sup> .

**ACCOUNTS PAYABLE and PAYROLL:**

Supervisor Weir made a motion to approve accounts payable from the March 14<sup>th</sup> cancelled meeting in the amount of \$179,866.51 and a Payroll of \$326,775.17. Vice Chairman Cort seconded the motion. **Motion carried 5-0.**

Supervisor Moyer made a motion to approve accounts payable in the amount of \$348,099.39 and a Payroll of \$312,029.27. Vice Chairman Cort seconded the motion. **Motion carried 5-0.**

**VISITOR/PUBLIC COMMENTS:**

Mr. Gamble disagreed with Chairman Foley's admonishment of the School Board tonight. He believes most development doesn't need a TIFF. He stated the parking lot was supposed to cost \$90,000 and now it is \$130,000 for the poles. Chairman Foley stated it would be \$130,000.

Mr. Ken Gall, Hershey Trust, thanked the Board and Township for their work on the Comprehensive Plan and rezoning ordinance. He believes it is good for Smart Growth. Chairman Foley thanked the Trust for their part in the process.

Mr. Nate Buck thanked the Board and the Parks and Recreation for the disc golf course and supports it.

Mr. Bill Fisher thanked Parks and Recreation for the great job they do on the fields. He is looking forward to getting the youth out on the fields and using them.

**ADJOURNMENT:**

Supervisor Moyer made a motion to adjourn the meeting at 8:09 pm. Supervisor Weir seconded the motion. **Motion carried 5-0.**

**SUBMITTED BY:**

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Justin C. Engle  
Township Secretary

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Julie Echterling  
Recorder