

**TOWNSHIP OF DERRY**  
**BOARD OF SUPERVISORS MEETING MINUTES**  
**AUGUST 8, 2017**

**CALL TO ORDER**

Chairman John W. Foley, Jr., called the August 8, 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. After the Pledge of Allegiance, a roll call was conducted.

**IN ATTENDANCE:**

**SUPERVISORS**

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

**ALSO PRESENT:**

James Negley, Township Manager  
Jon A. Yost, Township Solicitor  
Garth Warner, Chief of Police  
Chuck Emerick, Director of Community Development  
Thomas Clark, Director of Public Works  
Laura O'Grady, Director of the Hershey Public Library  
Matthew Mandia, Director of Parks and Recreation  
Dave Sassman, Hershey Fire Company  
Terry Weinhold, Manager of Accounts Payable & Receivables  
Lauren Zumbrun, Economic Development Manager  
Matt Bonanno, HRG  
Chris Brown, Derck & Edson  
Julie Echterling, Recorder

**Public in Attendance:**

The following were in attendance: Elvira Ebling, Charles Huth, Rich Gamble, Larry Moyer, Ed Fetter, Steve Dayton, Kenny Hinebaugh and Judy & Bill Woodring.

**VISITOR/PUBLIC COMMENTS:**

Mr. Troy Brenner, 411 Bullfrog Road, spoke about the storm that washed out the shoulder. In 2011, he consulted his insurance company about the shoulder and they said it was the Township's responsibility. The Township brought out stone. He spoke about the situation he is in with the pond and road. He is asking the Township for help, maybe one truck of stone, to help with this situation. Supervisor Moyer asked Mr. Clark about the right of ways. Mr. Clark spoke about what had been done to stabilize the edge of the road. Discussion ensued. The Board asked Mr. Clark and Mr. Negley to talk about it and report back to the Board.

Mr. Larry Moyer spoke about the good job the Township did with cleaning up from the storm. He spoke about his opposition to the stormwater management fees and has papers showing it is not right. He spoke about the work he had done to his property and doesn't believe he should have to pay the tax. He spoke about having the state and federal guys out to see his property and they commented on how much work he did for stormwater. He spoke about his neighbor who has stormwater issues and how no one does anything about her property. Chairman Foley discussed the DTMA process and how he could go to a meeting and the appeal process.

Mr. Gamble spoke about focusing on the real issues. He spoke about how he believes the \$500,000 spent on the parking lot could have been used for other issues in the Township like these flooding issues. He would like to see the water issues be taken care of first. He spoke about his opposition about selling beer and liquor at Giant.

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**APPROVAL OF MEETING MINUTES:**

Vice Chairwoman Cort made a motion to approve the minutes from the July 11, 2017 Board of Supervisors Public Meeting. Supervisor Engle seconded the motion. **Motion carried 5-0.**

**NEW BUSINESS**

**AWARD PRESENTATION FOR POLICE:**

Chief Warner spoke about the following officers and how their actions exemplify the mission and values of the Derry Township Police Department:

- July 2016- Sergeant Eric Singiser, responded to the Townhouse apartments in Briarcrest Gardens where there was a report of an unresponsive female in the bathroom of the apartment. He administered Naloxone to the patient who was suffering from a heroin overdose. The patient regained normal breathing and pulse at the scene.
- July 2017- Officer Gregory Mowery responded to a report of an unresponsive female, suffering from a drug overdose. The patient had begun to turn blue from the lack of oxygen. He administered Naloxone to the patient. After receiving the Naloxone dose and being moved from the bathroom, the patient regained consciousness.
- August 2016 - Officer Kevin Leiss, who was off-duty at the time, entered the parking lot in Lower Swatara Township. He observed a tan sedan parked partially on the parking lot and partially into some shrubbery. He decided to investigate further and found a male in the driver's seat of the car, but appeared to be unconscious. He and a passerby were able to remove the driver and place him in a position where Officer Leiss could assess the patient and rendered care. Officer Leiss, was able to gain some minimal response from the male. It was later learned; the male was suffering from a heroin overdose.
- November 2016 - Officers were dispatched for a reported brush fire. Arriving units, upon assessing the scene, determined a need to evacuate several of the residences in the vicinity. Officers, were able to effectively notify nearby residents, and also provide vital information to responding Fire Department personnel to effectively combat the spreading fire. The actions of the following officers were instrumental in the preservation of life and prevention of property loss: Officer Tim Keister, Officer Jason Rode, Officer Sean Sargen, Officer Dennis Shearer, Officer Dennis Eckenrode, Officer Mike McCormick, Officer Kevin Leiss, Community Service Officer Ken Crane, and Sergeant Terry Ferree.
- April 2017- Officer Kenneth Shank, was dispatched to a residence for a reported drug overdose. He quickly assessed from the patient was suffering from an apparent drug overdose. He attempted to wake the subject and eventually administered two doses of Naloxone which resulted in a successful opioid overdose reversal and recovery of the patient.
- September 2016 - Officer Dennis Shearer responded to a reported cardiac arrest. The male was unconscious and was reported to Officer Shearer the male had injected heroin prior to his unconscious state. He administered a dose of Naloxone from his kit. The patient regained consciousness while in the ambulance.

**HERSHEY TOWN SQUARE -PLAT NO. 1275- DEVELOPMENT AND STORMWATER:**

Mr. Emerick discussed the plan with Hershey DTC, LP, is the developer for the Hershey Towne Square (a.k.a. the Post Office tract). The plan proposes three new 1-story buildings along West Chocolate Ave., a new 2-level parking structure, and the completion of a third floor on the existing stone structure on the property, as well as street and sidewalk improvements. The highest projected demands and times would be a weekday with 922 regular parking spaces being used. The plan proposes to join 9 parcels together

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to create a 4.64-acre tract. Access will be provided by way of one driveway on Ridge Road, and a connection to Linden Road. The applicant has proposed adding a right turn lane into Linden Road.

Stormwater control for this project is being addressed with a series of conveyance pipes leading to three separate underground facilities. Two of these facilities are proposed as infiltration basins and the one proposed under the structured parking is designed as a subsurface detention basin.

Supervisor Engle made a motion to approval of Plat #1275, conditional upon the following items being satisfactorily addressed:

1. The former plan for this site (Plat #1258) is withdrawn no later than August 15, 2017.
2. The applicant reimburses the Township for costs incurred in reviewing the plan no later than September 8, 2017.
3. The performance security is provided to guarantee the completion of required improvements, and the accompanying agreement is signed no later than February 8, 2018.
4. The "Proposed parking summary" table on Sheet C6 of the plans is corrected no later than February 8, 2018 to properly show required counts for accessible parking and remaining surplus from the shared parking agreement within the required parking totals.
5. A DXF or AutoCAD digital file of the final plans is provided no later than February 8, 2018.
6. A draft of the deed conveying the properties together is provided no later than February 8, 2018. The following language is to be included in the deed: "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." The approved deed shall be recorded concurrently with the plan.
7. The 2 originals of the signed and notarized Operation and Maintenance Agreement are provided no later than February 8, 2018.
8. A letter is provided from the Dauphin County Conservation District approving the erosion and sedimentation control plan no later than February 8, 2018.
9. The plans and stormwater management report are signed and sealed per HRG's July 27, 2017 letter (attached) no later than February 8, 2018.
10. The clarification is provided no later than February 8, 2018 regarding where the existing drainage system drains that collects stormwater runoff from the intersection of Ridge Road and West Chocolate Avenue. The existing system shall be televised if necessary to determine location.
11. A signed construction easement for work on the Township of Derry Industrial and Commercial Development Authority property is provided no later than February 8, 2018.
12. A signed agreement from the entity providing the street sweeping maintenance is provided no later than February 8, 2018.
13. The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.

With the following waivers being approved with the plan:

1. From Sections 185-12.D.(3).(a).[7] and 185-13.E.(4).(a).[7] "Metes and bounds of street rights-of-way, centerlines, and easements."
2. b. From Section 185-12.D.(3).(a).[9] "Features within 200' of tract."
3. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] "Stormwater profiles."
4. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] "Sanitary sewer profiles."
5. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] "Utility profiles."
6. From Section 185-22.D.(3) "Additional street right-of-way."

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

**RESOLUTION 1514-LIQUOR LICENSE TRANSFER TO GIANT:**

Supervisor Engle made a motion to adopt Resolution 1514 approving the transfer of the Restaurant License No. R-21351 into the Township. Chairman Foley seconded the motion. **Motion carried 4-0-1.** Supervisor Moyer abstained due to a potential conflict of interest.

**RESOLUTION 1512-LIQUOR LICENSE PRIMANTI CORPORATION:**

Vice Chairwoman Cort made a motion to adopt Resolution 1512 approving the transfer of the Restaurant License No. R-7059 into the Township. Supervisor Weir seconded the motion. **Motion carried 4-0-1.** Supervisor Moyer abstained due to a potential conflict of interest.

**HRG PROPOSAL-STAUFFER'S CHURCH ROAD CULVERT REPLACEMENT:**

Supervisor Engle made a motion to authorize the Township Manager to execute an agreement with HRG to provide engineering, construction phase and related project services for the replacement of the Stauffer's Church Road Culvert. Vice Chairwoman Cort seconded the motion. **Motion carried 5-0.**

**RESOLUTION #1151 SIDEWALK MAINTENANCE AGREEMENT FOR SR0422 OVER SPRING CREEK:**

Supervisor Weir made a motion to adopt Resolution #1511 and authorize staff to execute the year-round maintenance of the sidewalk, as proposed in the Sidewalk Maintenance Agreement #08A640 between the Pennsylvania Department of Transportation and the Township of Derry. Vice Chairwoman Cort seconded the motion. **Motion carried 5-0.**

**GYPSY MOTH SUPPRESSION PROGRAM**

Supervisor Weir made a motion to notify Dauphin County Conservation District of the Township's intention to participate in the Dauphin County Gypsy Moth Suppression Program for the year 2018. Vice Chairwoman Cort seconded the motion. **Motion carried 5-0.**

**ORDINANCE 691-SPEED LIMIT FOR CLIFTON HEIGHTS ROAD:**

Chief Warner spoke about speeding complaints received for the end of Clifton Heights Road. He stated there is currently no enforceable speed limit posted along the roadway. This ordinance would establish the speed limit to 25 mph. Supervisor Weir made a motion to adopt Ordinance No. 691 amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210 §210-12, Maximum Speed Limits Established on Certain Streets, by establishing a 25 mile per hour speed limit on Clifton Heights Road for the entire length. Supervisor Engle seconded the motion. **Motion carried 5-0.**

**FIREWORK DISPLAY – HERSHEY PARK SEPTEMBER 2<sup>ND</sup>:**

Vice Chairwoman Cort made a motion to approve the request from Hersheypark to display fireworks on September 1st, 2017; Rain date September 2nd, 2017. Supervisor Engle seconded the motion. **Motion carried 5-0.**

**PERFORMANCE SECURITY RELEASE – CAMA SDIRA, LLC- PLAT #1248:**

Chairman Foley made a motion authorizing the release of \$21,230.50 from the cash performance security provided for the Preliminary/Final Subdivision Plan for CAMA SDIRA, LLC, Plat #1248, resulting in a new balance of \$2,643.85. Supervisor Engle seconded the motion. **Motion carried 5-0.**

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**MAINTENANCE SECURITY RELEASE - WELLKEPT PROPERTIES, PLAT #1021:**

Chairman Foley made a motion approving the release of the remaining balance (\$250.00) of the maintenance security held as cash for the Final Land Development Plan for Wellkept Properties, Plat #1021. Supervisor Engle seconded the motion. Motion carried 5-0.

**14TH ANNUAL HERSHEY MIRACLE 5K RACE BANNER:**

Vice Chairwoman Cort made a motion authorizing the 14th Annual Hershey Miracle 5K Race banner to be placed in the grass area adjacent to The Hershey Company Technical Center building along Route 422, as well as at the east entrance of the 19 East Chocolate Avenue office building. Supervisor Weir seconded the motion. **Motion carried 5-0.**

**CORRESPONDANCE BOARD/COMMITTEE INFORMATION:**

Supervisor Moyer spoke about attending the UPS meeting in Lower Swatara. He spoke about the concerns with noise and lighting for the residents. He spoke about the National Night Out and what a great time it was for the community. Supervisor Weir spoke about the proposal to raise the occupation tax threshold from \$10,000 to \$12,000 and the impact it would have on the college students and poor. It would impact the Township a \$58,000 reduction. Mr. Negley suggested a resolution that would go to the school Board and he believes the School Board is interested in taking similar action.

Supervisor Weir made a motion to instruct staff to prepare an ordinance to facilitate the change in the tax base for the occupation tax. Vice Chairwoman Cort seconded the motion. **Motion carried 5-0.**

Supervisor Weir spoke about the public meeting for DTMA on August 21<sup>st</sup> at the Library from 6-8pm. Chairman Foley spoke about attending National Night Out, a Dauphin County opioid awareness meeting, and meeting with Public Safety. Supervisor Engle spoke about the ICDA Board working through the refinancing and transportation meetings.

**REPORTS:**

Police

Chief Warner thanked the Hershey High School Football team for helping with setup for National Night out and all those who helped make it a success. He spoke about the Coffee with a Cop program being well received and stated the next one will October 2<sup>nd</sup>. He spoke about an ordinance about extending parking that will be ready for action at the next meeting.

Hershey Fire

Mr. Sassman stated there were 86 calls in July and they participated in National Night out.

Library

Mrs. OGrady thanked everyone for helping make the Friends of the Library book sale a huge success.

Recreation

Mr. Mandia stated he hopes to receive the analysis for the new center at the end of August and update the Board in September.

Engineer

Mr. Bonanno stated the parking lot project has started.

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Community Development

Mr. Emerick spoke about the process of cleaning up the zoning ordinance and changes.

Economic Development

Mrs. Zumbrun spoke about looking into angled parking that would add an additional 20 spaces. She spoke about the DCIB and the 322/Stauffer's project which has a projected settlement date of October. She spoke to Mr. George today about possible bike sharing at HMC. She stated the Dauphin County grants will be discussed at the next meeting. She spoke about upcoming events downtown.

**ACCOUNTS PAYABLE and PAYROLL:**

Supervisor Weir made a motion to approve July 25<sup>th</sup> cancelled meeting's accounts payable in the amount of \$1,005,700.13 and a Payroll of \$422,298.69. Vice Chairwoman Cort seconded the motion. **Motion carried 5-0.**

Vice Chairwoman Cort made a motion to approve accounts payable in the amount of \$24,127.73 and a Payroll of \$391,854.88. Supervisor Engle seconded the motion. **Motion carried 5-0.**

**VISITOR/PUBLIC COMMENTS:**

There were no public comments offered.

**ADJOURNMENT:**

Supervisor Engle made a motion to adjourn the meeting at 8:00 p.m. 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