

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
DECEMBER 19, 2017

CALL TO ORDER

Chairman John W. Foley called the December 19, 2017 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:20 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 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 Moyer

ALSO PRESENT:

James Negley, Township Manager
Jill Henry, Assistant Township Manager
Jon A. Yost, Township Solicitor
Chief Garth Warner, Police Department
Chuck Emerick, Director of Community Development
Robert Piccolo, Assistant Director of Public Works
Matthew Mandia, Director of Parks and Recreation
Terry Weinhold, Manager of Accounts Payable & Receivables
Laura O'Grady, Hershey Library
Lauren Zumbun, Economic Development Manager
Alex Grennly, HRG
Dave Sassman, Hershey Fire

Public in Attendance:

The following were in attendance: Elvira Ebling, Charles Huth, Susan Kreider, Larry Moyer, Anne Searer, Patricia Griffin, James Carter, Marlene Kunuch, Lorena Brown, Carly Lucas, Aaron Hinkley, Staci Wishview, Brandon Harner, Bill Henschke, Mary Beth Bakenew, Ken Brown, Ed Fetter, Jonathan Crist, Theresa Wilkins, Tom Brown, Randy Haldeman, Jacob Haldeman, John Fugate, Rich Gamble, Ed Kaylor, Carolyn Stoner, Marvin Smith, Craig Raynor, Geoffrey Crout, Todd Pagliarulo, Dave Bowser, Fengxian He, and Rick Zmuda.

VISITOR/PUBLIC COMMENTS:

Mrs. Sandy Ballard spoke about increasing the notification of new developments to the public to allow more time and public input.

Mr. Larry Moyer spoke about the rain tax and his property. He stated his property doesn't have water issues and asked for the rain tax to be off his property. He spoke about the Sheetz and having choices of going where you want to go.

Mr. Rich Gamble thanked the Police Chief for reaching out to him. He spoke about issues with Hockersville Road and Second Street and the congestion and traffic being blocked. He suggested moving the white line at the light back to help stop the traffic being blocked.

APPROVAL OF MEETING MINUTES:

Supervisor Weir made a motion to approve the minutes from the November 28, 2017 Board of Supervisors Public Hearing. Supervisor Moyer seconded the motion. **Motion carried 3-0-2.**
Supervisor Weir made a motion to approve the minutes from the November 28, 2017 Board of Supervisors Public Hearing. Supervisor Moyer seconded the motion. **Motion carried 3-0-2.**
Supervisor Weir made a motion to approve the minutes from the December 5, 2017 Board of Supervisors Public Meeting. Vice Chairwoman Cort seconded the motion. **Motion carried 5-0.**

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NEW BUSINESS

ORDINANCE #699-GENERAL BOND \$7.5 MILLION:

Mr. Verdelli spoke about the preparing of the bond for the Authority. He spoke about the \$5 million that would be used for the Authority for capital projects. This bond will be bank qualified. He stated the Authority would make the payments on the bond. He hopes to lock interest rates in January.

Supervisor Engle made a motion to approve Ordinance Number 699 for the issuance of General Obligation Bond, Series 2018 in the estimated aggregate principal amount of \$7,500,000.00 on behalf of the Derry Township Municipal Authority and the Sixth Amendment to the Subsidy Agreement. Chairwoman Cort seconded the motion. **Motion carried 5-0.**

ORDINANCE 700 -NON-ELECTORAL DEBT \$1.5 MILLION:

Mr. Mandia stated at the November 14, 2017 Board of Supervisors meeting, authorization was granted to secure a draw down loan for funding professional services related to the Community Recreation Center Project and the Chocolatetown Park East Project. The Ordinance authorizes the Township to borrow up to \$1,550,000 to finance preliminary design and planning expenditures related to the new Township Community Recreation Center, as well as Chocolatetown Park East Park Project. Mr. Verdelli spoke about the proposals received for this financing. He stated the taxable loan will at a 3.83% fixed interest rate for 10 years and is prepayable. He stated settlement will be February 1st. He discussed the financing schedule.

Vice Chairwoman Cort made a motion to approve Ordinance No. 700 authorizing and directing the incurrence of non-electoral debt through the issuance of a Federally Taxable Line of Credit Note, Series of 2018 in the maximum principal amount of \$1,550,000. Supervisor Engle seconded the motion. Motion carried 5-0.

COMCAST FRANCHISE RENEWAL AGREEMENT – PUBLIC MEETING:

Mr. Negley stated the Franchise Agreement between the Township of Derry and Comcast has expired. The Township and Comcast would like to renew this agreement. Prior to the Board taking any action, a Public Meeting must be scheduled to receive public comment. The new agreement is for ten years and assesses franchise fees at 5% and requires Comcast to provide free services to community facilities. Solicitor Yost has reviewed this agreement and recommends executing the document.

Chairman Foley stated this is a public meeting of the Township Board of Supervisors regarding cable franchise renewal for the Township of Derry. This public meeting is held pursuant to Section 626 of the federal Cable Act, which sets forth the process for franchise renewal. The Township's current franchise with Comcast will expire soon, and the Township is beginning the process of renewing the franchise. This public meeting is part of the preliminary portion of franchise renewal in which the Township reviews the cable operator's past performance and identifies the Township's future cable-related community needs. As such, as part of this public meeting, we invite comments from any citizens who wish to speak regarding either or both aforementioned subjects.

Franchise renewal is the best opportunity for municipalities to assert their rights with respect to their cable operator and to obtain important benefits in return for granting the cable operator the right to use their public rights-of-way. These benefits include:

1. A State-of-the-Art Cable System now and in the future
2. Strong Customer Service Standards
3. Free Services to Community Facilities

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4. Better Reporting Requirements from the Cable Operators=
5. Maximized Franchise Fees=
6. Franchise Grant=
7. An Educational and Governmental (EG) Channel=
8. Legal Protections of the Rights-of-Way=and
9. Better Mechanisms to Enforce the Franchise Agreement.

These are just some of the potential benefits available through franchise renewal. Citizens may address these items or any other cable-related items that are important to them. We will now open the meeting up to citizen comments. He invited anyone of the public to come forward and speak.

Mr. Carter asked if there was a Verizon agreement or any other competition. Mr. Negley stated there is an agreement with Verizon, but it isn't up for renewal at this time.

Supervisor Weir made a motion to enter into a ten-year franchise agreement with Comcast for cable services. Supervisor Engle seconded the motion. **Motion carried 5-0.**

PLAT NO. 1154 -EXTENSION OF APPROVAL – HERSHEY CHOCOLATE WORLD:

Vice Chairwoman Cort made a motion to extend the approval of the Preliminary/Final Land Development Plan for Hershey's Chocolate World Employee Satellite Parking, Phase 1, Plat #1154 for an additional 12 months (counted from January 2, 2018), subject to the following:

1. A performance security is provided to guarantee the completion of required improvements and the accompanying agreement is signed no later than January 2, 2019.
2. The comments in HRG's March 30, 2009 letter (attached) regarding the BMP plan are addressed no later than January 2, 2019.
3. The applicant applies for and receives a new NPDES permit from the Dauphin County Conservation District no later than January 2, 2019.
4. The applicant applies for and receives a new Water Obstruction and Encroachment Permit no later than January 2, 2019 for the proposed point source discharges to Spring Creek.
5. The applicant ensures the renewal of any other expired approvals or permits originally required for the project no later than January 2, 2019.
6. The applicant obtains any other regulatory approvals or permits required for the project no later than January 2, 2019.
7. The Stormwater Best Management Practices Operations and Maintenance Agreement is recorded concurrently with the plan.

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

PLAT #1278 – PLAN FOR 102 REESE AVENUE:

Mr. Emerick stated Plat #1278 represents the construction of a new two-story, mixed-use building containing an 889-square-foot personal service establishment (day spa and beauty salon) on the first floor, and a 2,120-square-foot apartment dwelling on the second floor. The existing single-family dwelling and storage barn will be demolished. The Zoning Hearing Board granted relief for multiple aspects of this project and remained valid through July 2, 2017. The applicant is proposing sidewalk improvements to provide pedestrians easier access to the crosswalk at the intersection of Hockersville Road and West Chocolate Avenue. Per the recommendation of our Planning Consultant, and the Township Planning Commission, the sidewalk is also proposed to extend north and west along the Reese Avenue frontage, terminating at the eastern end of the building. The remaining sidewalk along Reese

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Avenue is recommended for deferral. Additional impervious coverage will bring the property to 77% coverage, which exceeds the maximum allowed of 60%. The cost of this improvement could be funded by contributions received in lieu of sidewalk installation. The Board had concerns about the sidewalks and Mr. Emerick discussed the deferment that is included with this plan. Discussion ensued.

Supervisor Weir made a motion to approve Preliminary/Final Land Development Plan for 102 Reese Avenue, Plat #1278, subject to compliance with following conditions:

1. The applicant reimburses the Township for costs incurred in reviewing the plan no later than January 19, 2018.
 2. A performance security is provided to guarantee the completion of required improvements, and the accompanying agreement is signed no later than June 19, 2018.
 3. The \$5,564.50 fee-in-lieu of sidewalk construction along West Chocolate Avenue is provided no later than June 19, 2018.
 4. The 2 originals of the signed and notarized Operation and Maintenance Agreement are provided no later than June 19, 2018.
 5. The 2 originals of the signed and notarized Agreement for the Deferment of the Installation of Curbing and Sidewalks are provided no later than June 19, 2018.
 6. The comments in the December 4, 2017 HRG letter (attached) are addressed no later than June 19, 2018.
 7. A draft of the revised property deed is provided no later than June 19, 2018 to include the following language: "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."
 8. A draft of the deed of dedication for the Traffic/Pedestrian Easement is provided no later than June 19, 2018.
 9. The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.
 10. The deed of dedication for the Traffic/Pedestrian Easement is recorded concurrently with the plan.
 11. The Agreement for the Deferment of the Installation of Curbing and Sidewalks is recorded concurrently with the plan.
- Additionally, architectural roofing shingles are permitted instead of the three-tab shingles required under the 2016 approval of the design of the building.

The following waivers and deferments are to be granted from the Subdivision and Land Development Ordinance:

1. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] regarding stormwater plans and profiles for existing systems.
2. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20] regarding sanitary sewer plans and profiles for existing systems.
3. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21] regarding utility plans and profiles for existing systems.
4. Deferment from Section 185-22.E.(5) regarding installing curbing along West Chocolate Avenue, as well as Reese Avenue, between the eastern end of the building and extending west to the property line, with the stipulation that the owner enters into an agreement with the Township that would allow the Township to require the installation of curbing in the future.
5. From Section 185-25.A regarding the driveway location being less than 60 feet from the point of intersection of the nearest street rights-of-way.

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6. From Section 185-34.A.(1) regarding sidewalk installation along West Chocolate Avenue, subject to the applicant paying a fee-in-lieu of sidewalk installation.
7. Deferment from Section 185-34.A.(1) regarding sidewalk installation along Reese Avenue, between the eastern end of the building and extending west to the property line, with the stipulation that the owner enter into an agreement with the Township that would allow the Township to require the installation of sidewalk along this portion of Reese Avenue in the future.
8. From Section 185-22.D.(3) regarding right-of-way dedication and roadway widening.
9. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19] to provide profiles for stormwater systems at a horizontal scale of 1" = 10' and a vertical scale of 1" = 2'.
10. From Section 185-24.A to omit the planting strip located between the curb and sidewalks.

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

PLAT #1280 – PLAN FOR TANGER OUTLETS:

Chairman Foley stated the applicant has asked for a time extension. Supervisor Engle asked about sidewalks near the Starbucks and across the street. Mr. Emerick will do a study of the sidewalks in the area for deferment and speak with the applicant about the request for sidewalk as discussed tonight. Discussion ensued.

Supervisor Moyer made a motion to table action on Plat #1280 for Tanger Outlets. Vice Chairwoman Cort seconded the motion. **Motion carried 5-0.**

PLAT #1285 – PLAN FOR HMC CHILDREN’S HOSPITAL EXPANSION:

Mr. Emerick stated discussed the Penn State Milton S. Hershey Medical Center campus. This plan is for a 3-floor addition to the Children’s Hospital. It will add 116,000 square feet of floor area, supporting 124 new beds and 174 new employees. Existing impervious coverage will not change with this project. Parking will be provided at the site utilizing an existing surplus in the parking garage. Ninety AM peak hour trips and eighty-seven PM peak hour trips will be generated from the expansion. The Medical Center has cooperated with the Township in the past to help solve some of the traffic issues in the area serving the Hospital, and a portion of the anticipated traffic was supplied by the Medical Center to be included in the Township’s U.S. Route 322 Corridor Transportation Evaluation Study. The applicant applied for and was granted relief by the Zoning Hearing Board related to the maximum height exception to allow the penthouse to be constructed as proposed.

Supervisor Weir made a motion to approve the Preliminary/Final Land Development Plan for the Pennsylvania State University Milton S. Hershey Medical Center Children’s Hospital Expansion, Plat #1285 with the following waivers being granted:

1. From Sections 185-12.D.(2) and 185-13.E.(3). Relief of plan scale for depicting the remainder of Lots 1, 2, and 3.
2. From Sections 185-12.D.(3).(a).[9] and 185-13.E.(4).(a).[9]. Waiver granted for previously recorded plan from showing existing features within 200' and 50' [respectively] of the tract.
3. From Sections 185-12.D.(3).(a).[10] and 185-13.E.(4).(a).[10]. Various sensitive environmental areas shown on previously recorded plan.
4. From Section 185-12.D.(3).(a).[16]. Known sinkhole locations shown on previously recorded plan.
5. From Sections 185-12.D.(3).(a).[21] and 185-13.E.(4).(a).[19]. Waiver granted for previously recorded plan from showing profiles of existing stormwater sewers.

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6. From Sections 185-12.D.(3).(a).[22] and 185-13.E.(4).(a).[20]. Waiver granted for previously recorded plan from showing profiles of existing sanitary sewers.
7. From Sections 185-12.D.(3).(a).[23] and 185-13.E.(4).(a).[21]. Waiver granted for previously recorded plan from showing profiles of existing gas and water systems.
8. From Sections 185-12.D.(3).(a).[35] and 185-13.E.(4).(a).[36]. Waiver granted for previously recorded plan from showing topographic land contours within 200' and 50'[respectively] of the perimeter.
9. From Sections 185-12.D.(3).(a).[38] and 185-13.E.(4).(a).[42]. Purpose of existing right-of-way and easements shown on previously recorded plan.
10. From Section 185-12.D.(3).(a).[39]. Statement from utilities indicating conditions attached to easements and right-of-way addressed with previously recorded plan.
11. From Section 185-12.D.(4).(c). Relief from a traffic impact study based on the attached Trip Generation Rates letter.
12. From Section 185-12.D.(4).(g). Fire hydrant testing is not required as three 30,000-gallon underground fire water tanks are proposed.
13. From Section 185-34.A. Relief from adding sidewalks along the existing abutting public streets.

And compliance with the following conditions:

1. Signed and sealed copies of the plan are provided no later than January 19, 2018.
2. The applicant reimburses the Township for costs incurred in reviewing the plan no later than January 19, 2018.
3. A performance security is provided to guarantee the installation of required improvements, and the accompanying agreement is signed no later than June 19, 2018.
4. A letter from the Dauphin County Conservation District approving the erosion and sedimentation control plan is provided no later than June 19, 2018.
5. A copy of the NPDES permit is provided no later than June 19, 2018.
6. A CD of a DXF or AutoCAD digital file of the plan is provided no later than June 19, 2018.

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

REVISIONS - WEST CHOCOLATE AVE & RIDGE ROAD -PARKING STRUCTURE:

Mr. Emerick stated the developer is proposing the following revisions to the exterior finishes of the parking structure:

- Stair Towers - Approved: Slate metal panels---Proposed: Charcoal pre-cast concrete.
- Upper Pre-Cast- Approved: Natural concrete---Proposed: Slate-colored concrete.
- Lower Pre-Cast- Approved: Thin red brick---Proposed: Natural-colored concrete.
- Columns - Approved: Thin red brick---Proposed: Charcoal smooth concrete.

The developer's justification for the revisions have to do with the visibility and cost. This was before the Design Board last night and they recommend all the proposed changes. He showed the Board the drawing on the screen.

Supervisor Engle made a motion to approve the revisions to the exterior finishes of the proposed parking structure at the northeast corner of the intersection of West Chocolate Avenue and Ridge Road, as proposed by Hershey DTC, LP. Vice Chairman Cort seconded the motion. **Motion carried 5-0.**

RESOLUTION 1544 - COMMUNITY DEVELOPMENT FEES:

Vice Chairwoman Cort made a motion to adopt Resolution 1544 which revises, restates, and establishes certain fees under the building codes, zoning codes, subdivision and land development codes,

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stormwater management codes, and other miscellaneous fees and charges for services provided by Community Development personnel. Supervisor Moyer seconded the motion. **Motion carried 5-0.**

RESOLUTION 1545 -TOWNSHIP ENGINEER REIMBURSEMENT:

Mr. Emerick stated this is required to set the reimbursement of the Township Engineer. He spoke about how projects are billed for pass through charges with the Engineer and the applicant. Supervisor Engle believes it better to have the Planner or Engineer from the beginning of plans/projects versus the end which can be costlier in the end. Solicitor Yost asked if these pre-meeting with the applicant are required and Mr. Emerick stated no.

Vice Chairwoman Cort made a motion to adopt Resolution 1545 revising the reimbursement fee schedule rates for the Township Engineer related to reimbursements under the provisions of the Subdivision and Land Development Ordinance and Stormwater Management Ordinance. Chairman Foley seconded the motion. **Motion carried 5-0.**

RESOLUTION 1546 – TOWNSHIP PLANNING CONSULTANT FEES:

Vice Chairwoman Cort made a motion to approve Resolution No. 1546, revising 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. Chairman Foley seconded the motion. **Motion carried 5-0.**

PLAT #1272 – PERFORMANCE SECURITY 555 EAST CHOCOLATE AVE:

Chairman Foley made a motion to approve authorizing the release of \$116,320.54 from the performance security provided in the form of S&T Bank Letter of Credit No. SB-004146 for the Final Land Development Plan for 555 East Chocolate Avenue ó Lot 2, Plat #1272, resulting in a new balance of \$241,561.24. Supervisor Weir seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY – PLAT #1269 MASCALUS PROPERTY:

Supervisor Weir made a motion authorizing the release of \$52,883.33 from the performance security provided in the form of Bryn Mawr Trust Company Letter of Credit No. 969 for the Preliminary/Final Subdivision and Land Development Plan for Muscalus Property, Plat #1269, resulting in a new balance of \$112,873.42. Vice Chairwoman Cort seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY – 890 HILL CHURCH ROAD HUMMELSTOWN:

Supervisor Moyer made a motion authorizing the release of performance security in the amount of \$2,350.00, in the form of Members 1st Federal Credit Union Letter of Credit No. 13-1222-2015, as provided by Matthew and Joslyn Kirby for 890 Hill Church Road, Hummelstown. Vice Chairwoman Cort seconded the motion. **Motion carried 5-0.**

2018 HERSHEY ART FEST AND FLOWER SHOW – MAY 12, 2018

Chief Warner spoke about the event and request for closing Chocolate Avenue. Supervisor Engle spoke about concerns with closing Chocolate and Cocoa Avenue and comments he heard last year. He spoke about how they work with events and close streets. Extensive discussion ensued about closing Chocolate Ave. Mr. Pagliaro, Historical Society, spoke about how they would plan their event. He spoke about the setup last year and stated Chocolate Avenue could stay open and they will plan around it.

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Supervisor Engle made a motion to approve the 2018 Hershey Art Fest and Flower Show on Saturday, May 12, 2018. Supervisor Moyer seconded the motion. **Motion carried 5-0.**

CORRESPONDANCE BOARD/COMMITTEE INFORMATION:

Vice Chairman Cort thanked Chairman Foley for his six years of service.

Library

Mrs. O'Grady spoke about an event for the *Christmas Carol* where you are encouraged to wear your pajamas.

Public Works

Mr. Clark stated they received the certificate of completion for the parking lot. He stated they received a great price on salt this year with COG.

Economic Development

Mrs. Zumbrun stated the Township's request for \$480,000 was approved through the transportation alternative program. She spoke about the improvements that would be funded through this program.

Manager

Mr. Negley thanked Chairman Foley for his six years of dedicated service on behalf of the Township Staff.

Chairman Foley thanked everyone. He spoke about continuing the mission of Milton Hershey. He thanked the staff for making the Board looking good. He spoke about the honor it has been to service the community.

ACCOUNTS PAYABLE and PAYROLL:

Vice Chairwoman Cort made a motion to approve accounts payable in the amount of \$287,166.42 and payroll of \$321,402.02. Chairman Foley seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

Mr. Larry Moyer asked the Township to live within its means versus going into debt and having the rain tax. He doesn't believe the Township should be going into debt.

Mr. Rich Gamble thanked Chairman Foley for listening and serving. He spoke about concerns with Reese Avenue and the new development. He spoke about the traffic with Hockersville Road and Reese Avenue.

Mr. Tom Stang thanked Chairman Foley for his service and said that he knows the hours it takes to serve.

ADJOURNMENT:

Chairman Foley made a motion to adjourn the meeting at 8:50 pm. Vice Chairwoman Cort seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Justin C. Engle
Township Secretary