

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
JULY 10, 2018

CALL TO ORDER

Chairman Marc A. Moyer called July 10, 2018 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:04 p.m. in the meeting room of the Township of Derry Municipal Complex, 600 Clearwater Road, Hershey, PA. The Board met in Executive Session to discuss land issues. 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
Matthew A. Weir, Vice Chairman
Justin C. Engle, Secretary
Susan M. Cort
Richard D. Zmuda

ALSO PRESENT:

Jill Henry, Assistant Township Manager
Jon A. Yost, Township Solicitor
Chuck Emerick, Director of Community Development
Thomas Clark, Director of Public Works
Timothy Roche, Police Lieutenant
David Sassman, Hershey Fire
Matthew Mandia, Director of Parks and Recreation
Terry Weinhold, Manager of Accounts Payable & Receivables
Laura O'Grady, Director of Hershey Public Library
Lauren Zumbun, Economic Development Manager
Eric Stump, HRG Engineer
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Tim Holel, Holly Evans, Janet Nicholson, Micah MacColl Nicholson, Craig Smith, Bill Swegt, Darrin Robinson, Tanya Leonard, Brianna Leonard, Patrick Leonard, Kevin Schafer, Colton Leonard, Samantha Wilson, Janet West, Austin Crawford, Gordon Peters, Keith Ocker, Nathan Ocker, Greg Koussis, Robert Naeye, and Rich Gamble.

APPROVAL OF MEETING MINUTES:

Supervisor Engle made a motion to approve the minutes of the June 26, 2018 Public Meeting of the Board of Supervisors. Chairman Moyer seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

Mr. Rich Gable asked the Board about the entertainment tax and if there was an ordinance. He asked if the entertainment tax would include not just Hershey Park tickets, but hockey and the Escape Room. He spoke about the bigger cities entertainment tax and how it could offset costs. He asked the Board to setup a meeting with them.

EMPLOYEE PERFORMANCE AWARDS:

The following employees were recognized for their performance:

- Darrin Robinson ó Community Development ó Mr. Emerick spoke about his background and his certificates. He discussed his work ethic and meeting the deadlines on time sensitive items.
- Keith Ocker ó Police Department ó Lieutenant Roche stated Detective Ocker was nominated by his peers. He spoke about his dedication and working with the Dauphin County Drug Force.
- Micah Nicholson ó Parks and Recreation ó Mr. Mandia discussed her attention to detail, her customer service skills, and how she has helped in many ways.

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- Steve Ortenzio ó Library ó Mrs. O'Grady spoke about his dedication including going over the call of duty in the Library. She thanked him for his dedication.
- Josh Kleinfelter ó Public Works ó Mr. Clark spoke about his background including having a degree which has been helpful for the department. He has been able to help with the equipment and does a great job.
- Colton Leonard ó Hershey Volunteer Fire Department ó Chief Leonard stated he was chosen by his peers. He spoke of his knowledge and drive and how he has obtained certificates to be Captain. He is proud of his son.

EMPLOYEE SERVICE AWARDS:

The following employees were mentioned for their years of service:

5 Years of Service

Denise Grudi ó Parks and Recreation
Daniel Kelly ó Public Works

10 Years of Service

Rian Bell ó Police Department
William Pringle ó Public Works
Jacquelyn Sisco ó Library

15 Years of Service

Louise Speicher - Library
Karene Robinson ó Parks and Recreation

30 Years of Service

Garth Warner ó Police Department

20 Years of Service

Gregory Day ó Police Department
Darren Cotten ó Police Department
Robert Demmel ó Police Department
Michael Henry ó Police Department
Timothy Roche ó Police Department
Jenelle Stumpf ó Community Department

25 Years of Service

Marygrace Kepple ó Police Department
Brian Henise ó Police Department
Eric Singiser ó Police Department
Laura Pavone ó Police Department

SKETCH PLAN – COMMUNITY CENTER-PLAT #1302:

Mr. Emerick showed the Board the location of the Community Center. The site currently contains three separate tracts of land containing a total of 17.8 acres of gross lot area, with net developable area of 13.5 acres. This plan proposes to combine the three existing tracts into one. The development property is in the Hershey Mixed Use zoning district. In addition to combining the three tracts of land, this plan also proposes demolition of the building and outdoor pool, and construction of a new community center building, including an indoor competition pool, leisure pool, gymnasium, exercise/fitness areas, locker rooms, senior center and office space. Cocoa Castle playground will be retained. Access improvements are proposed on the Library property, including the extension of the existing access drive from Cocoa Avenue to the parking areas for the new community center. A driveway connection is also proposed onto the Derry Township School District property. Two macadam pedestrian paths are also proposed to connect to the School District property to the north and east of the community center building. Parking use will be provided at a rate of 3.2 spaces per 1,000 square feet of gross floor area. This rate was calculated using the Institute of Transportation Engineers (ITE) Parking Generation Manual, in accordance with the Zoning Ordinance allowance for determining parking for unique uses. Additional parking needs were also estimated at one space per swimmer for competition meets, with up to 500 swimmers anticipated for these special events. The parking demands for the site have been calculated at

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a total of 876 spaces with 383 parking spaces on-site and 506 spaces provided off-site on the School property. He stated off-site parking is permitted; however, a special exception would need to be granted by the Zoning Hearing Board to permit the off-site parking to occur. The plans indicate that 12 parking spaces are proposed to be added to the Library property. He spoke about some additional changes to parking that may bring them up to code with parking.

He stated three stormwater management facilities are on the plan; one on the School District property to the south of the community center, one to the east of the outdoor swimming pool, and the third located to the north of the building where two tennis courts will be removed to make room for the stormwater facility. These facilities will provide both runoff rate controls and water quality measures to meet Township and NPDES requirements. These designs will be finalized during land development plan submittals.

He stated HRG provided comments in a June letter. In addition, he discussed the following Staff comments:

Zoning:

1. Identify steep slope areas in excess of 20%.
2. Provide a flood study to demonstrate that the stream crossings for the improvements to the vehicle bridge and the addition of the pedestrian bridge will cause no rise to or otherwise impede the flow of floodwaters.
3. Provide impervious and vegetative coverage calculations for the School District and Library properties since improvements are proposed on both lots.
4. Clarify which off-premise parking spaces will be utilized to meet anticipated parking demands for the community center use.
5. Provide written justification for the number of parking spaces assumed for competition events. Studies and traffic counts from similar community center sites may be referred to for this justification.
6. Identify the loading/unloading areas required for the proposed community center or provide written justification that existing areas can be utilized to meet unloading/loading demands for the use.
7. Provide site lighting levels to the minimum Township standards to provide safety.

Subdivision and Land Development Ordinance:

1. Provide the name and contact information for the Derry Township School District since improvements are proposed on their property.
2. Show all adjacent zoning districts and overlays.
3. Provide all restrictions on the use of the land including easements, rights-of-way and covenants.
4. Provide lighting levels in accordance with Ordinance requirements.

General comments:

1. Change the zoning data for maximum building height to reflect the current Ordinance No. 705 proposal of 50-foot height allowances for permitted by right nonresidential uses in the Hershey Mixed Use zoning district.
2. Include owner names, sources of titles, and signatory blocks for tax parcels #24-032-019 (School District) and 24-032-050 (Library) on the cover sheet on the preliminary/final plans.

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3. Clarify the use of the access drive to the School District property. It appears that the access drive will be a restricted/gated access.
4. The School District will need to be party to the Operations and Maintenance agreement for Stormwater Management Facility #1 since the facility is located on School District property.
5. Show the complete limits of the floodplain boundary on Sheet 3.
6. Floodplain boundaries must be shown on the final grading plans of the land development plan.
7. Existing conditions must be shown within 200 feet of all development tracts on the preliminary land development plan, including the School District and Library properties. Prior to submittal, waivers may need to be considered for this requirement.

The Derry Township Planning Commission, at their July meeting, reviewed and commented on the sketch plan. Their draft meeting minutes were provided in the Board packet. He stated no formal action is required for this sketch plan.

Vice Chairman Weir asked about the parking and requirement with trees. Mr. Emerick stated they would have trees. Mr. Craig Smith, RGS was asked about the current tennis courts. They were planning on taking them out for stormwater. However, based on the usage and discussions with staff they are going to try and shift their plans. Mr. Greg Koussis spoke about the parking lots and trees and how they are going to try to preserve them. Mr. Emerick spoke about special events and parking. He would like to get special authorization for these swim meets with parking as a one versus coming each time there is a swim meeting.

PLAN- 19 EAST CHOCOLATE AVENUE – SOUTH LOT, PLAT NO. 1299:

Mr. Emerick discussed the Preliminary/Final Subdivision/Land Development Plan for 19 East Chocolate Avenue ó South Lot. This plan will combine the properties which are encompassed by East Chocolate Avenue to the north, Homestead Road to the east, East Caracas Avenue to the south, and Ceylon Avenue to the west. There are 11 tax parcels, as well as vacated South First Street and öFö Street, to be joined together. No new development is proposed by this plan beyond the demolition. As part of the lot consolidation of this property, the lot area will include vacated right-of-way for a portion of South First Avenue and öFö Street, which is on the agenda for tonight. He discussed the requested waivers and conditions of the plan.

Supervisor Zmuda asked about the future of the property and about the leveling off the property. Mr. Tim Leh, Hershey, stated they are going to offer it to Hershey Fire for training and then use it as green space. He stated they are looking at the site and will flatten it or keep it raised. Supervisor Cort asked if the neighbors have been notified of the training and Mr. Leh stated they would be notified. Supervisor Engle asked about parking and Mr. Leh stated it would be used for Hershey parking. Supervisor Engle spoke about the parking in this area and the increased demands. He asked about installing ADA type ramps with the sidewalks on Homestead. Mr. Leh stated they can consider this request.

Chairman Moyer made a motion to approve the Preliminary/Final Subdivision/Land Development Plan for 19 East Chocolate Avenue ó South Lot, Plat No. 1299 with the following waivers being granted:

1. Waivers from Sections 185-12.D.(3).(a).[7] and 185-13.E.(4).(a).[7] ó Metes and bounds of street centerlines.

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2. Waivers from Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] ó Stormwater, sanitary, and utility profiles.
3. Waiver from Section 185-18 ó Monuments and markers (Point Label 32 and 33).
4. Deferment from Section 185-22.D.(3) ó Roadway widening (Ceylon Avenue, East Caracas Avenue, and Homestead Road) and additional street right-of-way (Ceylon Avenue and East Caracas Avenue).
5. Deferment from Section 185-34 ó Sidewalks, walkways, and bicycle paths (Homestead Road). with the stipulation that the owner enters into an agreement with the Township that would allow the Township to require the installation of sidewalks, walkways, and/or bicycle paths in the future if deemed necessary

And subject to compliance with the following items:

1. The applicant reimburses the Township for costs incurred in reviewing the plan no later than August 10, 2018.
2. Monuments are installed and inspected no later than January 10, 2019 OR that performance security is provided to guarantee the installation of monuments and the accompanying agreement is signed no later than January 10, 2019.
3. The name, address, telephone number, and seal of the registered surveyor certifying the accuracy of the plan survey are provided on the plan no later than January 10, 2019.
4. The plans are signed and sealed no later than January 10, 2019.
5. The revised shared access and parking agreement is provided no later than January 10, 2019.
6. A combined deed is provided no later than January 10, 2019.
7. Two originals of the signed and notarized Agreement for the Deferment of Installation of Sidewalks, Walkways, and/or Bicycle Paths=Cartway Widening=and Right-of-Way Widening are provided no later than January 10, 2019.
8. A CD of a DXF or AutoCAD digital file of the final plan is provided no later than January 10, 2019.
9. The Agreement for the Deferment of Installation of Sidewalks, Walkways, and/or Bicycle Paths=Cartway Widening=and Right-of-Way Widening is recorded concurrently with the plan.
10. The deed of dedication for right-of-way along Homestead Road is recorded concurrently with the plan.

Supervisor Cort seconded them motion. **Motion carried 5-0.**

ORDINANCE #707-VACATE SOUTH 1ST AND F STREETS:

Mr. Emerick stated there was a public hearing held earlier tonight for the petition filed by The Hershey Company. The request is to vacate South First Street and F Street. Chairman Moyer made a motion to adopt Ordinance No. 707 and authorize the Township Manager to execute the necessary documents to accomplish the transfer of the alleys to The Hershey Company. Supervisor Zmuda seconded them motion. **Motion carried 5-0.**

ORDINANCE #705-AMEND CHAPTER 225-CODE OF TOWNSHIP OF DERRY:

Mr. Emerick stated there was a public hearing held earlier tonight to discuss the general revisions, corrections and clarifications. Supervisor Cort made a motion to adopt Ordinance No. 705 amending Chapter 225 of the Code of the Township of Derry. Chairman Moyer seconded them motion. **Motion carried 5-0.**

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TAX FORGIVENESS FOR TWO TAX PARCELS-WALTON SPRING HILLS:

Mr. Emerick stated in 2017 DTMA accepted Township-wide responsibility for Stormwater Management Program 6 (Tax Map Parcels 24-083-077 and 24-083-130). DTMA is willing to accept ownership of the parcels without requesting any further actions by the owner. Unfortunately, the issue of back taxes is creating an impediment to that property transfer process. He stated while the \$432.23 in taxes would be forgiven, it is a small price to pay for the improvements to the Township's stormwater management system. Chairman Moyer made a motion authorizing the Township Manager to execute a Tax strike-off letter for Tax Map Parcels 24-083-077 and 24-083-130 on behalf of the Township. Vice Chairman Weir seconded the motion. **Motion carried 5-0.**

DTMA MOU-US 422 STREETScape IMPROVEMENTS PROJECT:

Ms. Zumbrun discussed the Memorandum of Understanding (MOU) with the Derry Township Municipal Authority (DTMA) relating to the US 422 Streetscape Improvements Project. This MOU would outline responsibilities relating to DTMA's facilities in proximity to the Township's planned US 422 Streetscape Improvements Project. The MOU outlines that the Township of Derry will adjust manholes as necessary with the project ensure that new curbs do not conflict with DTMA's sewer as modified. If signal poles and/or the bus stop are impacted by future DTMA repairs, the Township will be responsible for those facilities. DTMA will be responsible for repairing and replacing crosswalks, sidewalks, curbs, ADA curb ramps and detectable warning surfaces if they are impacted by future repairs to their system. Mr. Stump, HRG, stated the signal poles reference should be removed. The Board agreed.

Chairman Moyer made a motion to enter a Memorandum of Understanding with the Derry Township Municipal Authority relating to the US 422 Streetscape Improvements project with the exclusion of signal pole references. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY-PLAT #1275 -HERSHEY TOWN SQUARE:

Supervisor Engle made a motion to authorize the release of \$708,394.94 from the performance security provided as Bank of America Letter of Credit No. 68135030 for the Preliminary/Final Subdivision/Land Development and Stormwater Management Site Plan for Hershey Towne Square, Plat #1275, resulting in a new balance of \$291,702.68. Vice Chairman Weir seconded them motion. **Motion carried 5-0.**

BANNER-5K-SEPTEMBER 29, 2018:

Chairman Moyer made a motion authorizing the 15th 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 Engle seconded them motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Chairman Moyer spoke about the downtown Hershey events.

REPORTS:

<u>Fire</u>	They responded to 56 calls in June with a total of 372 calls for the first half of 2018. Mr. Sonderman is in Colorado helping with the fires.
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<u>Public Works</u>	Mr. Clark spoke about the shortage of asphalt which has caused a delay in paving at Oakmont.
<u>Library</u>	The summer program has 762 children reading books.
<u>Engineer</u>	The notice to proceed for the 422/322 project will go out and completion of the project is projected for May/June.
<u>Community Development</u>	A public hearing is needed for B&B regulations. The Board agreed to an August 28 th hearing.
<u>Economic Development</u>	A meeting on bike/pedestrian issues will be held next Tuesday at 6:00 p.m. and is open to the public.

ACCOUNTS PAYABLE and PAYROLL:

Chairman Moyer made a motion to approve accounts payable in the amount of \$212,380.64 and Payroll of \$384,006.38. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

Mr. Richard Gamble stated Act 508 requires employee parking lot sidewalks be ADA accessible.

ADJOURNMENT:

Supervisor Cort made a motion to adjourn the meeting at 8:11 p.m. Supervisor Engle seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Justin C. Engle
Township Secretary