CALL TO ORDER

Chairman Marc A. Moyer called the December 4, 2018 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:06 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

Marc A. Moyer, Chairman Matthew A. Weir, Vice Chairman Justin C. Engle, Secretary Richard D. Zmuda Susan M. Cort

ALSO PRESENT:

Christopher S. Christman, Township Manager
Jill Henry, Assistant Township Manager
Jon A. Yost, Township Solicitor
Chuck Emerick, Director of Community Development
Robert Piccolo, Assistant Director of Public Works
Terry Ferree, Lieutenant, Police Department
David Sassman, Hershey Volunteer Fire Company
Matthew Mandia, Director of Parks and Recreation
Terry Weinhold, Manager of Accounts Payable and Receivables
Laura OøGrady, Director of Hershey Public Library
Lauren Zumbrun, Economic Development Manager
Matt Bonanno, HRG Engineer
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Robert Naeye, Alex Piehl, Scott Stein, Craig Reynes, John Osmolinsky, Jane Nicholson, Marvin Smith, Teresa Peshel, Dave Bowser, Jeanne Kandea, Brian Link, Janice Fowlston, Suzanne Owens, Tom Fowlston, Charles Smith, Adrian Best, Terri Abney, Ben Abney, Stephen King, Jess Baker, Chris Santay, Kurt Situman, Jim Owens, Jordan Yeagley, MaryAnn Curtain, Suzanne Moravetz, Mike Moravetz, Bridget Heinl, Paul Custo and Linda Eyer.

APPROVAL OF MEETING MINUTES:

Chairman Moyer made a motion to approve the minutes of the November 13, 2018 Public Hearing of the Board of Supervisors. Supervisor Engle seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

Mrs. Teresa Peshel, 48 Half Street, asked about the bump outs on the original driveways near the restaurants downtown if they would be changed. Supervisor Engle stated they will be changed in the Spring. She asked about a sidewalk missing off Ridge Road. Supervisor Engle stated looked at this site today and they are looking into it with the developer.

Mr. Brian Link is concerned that the Township is borrowing 90% of its capacity with the new Community Center. He stated there could be delayed costs and asked them to be cautious. He asked, since he wasnøt at the budget hearing, if there was any belt tightening done discussed during the PFM meeting. He is concerned that there could be an unforeseen event that could hurt the Township financially.

Linda Eyers stated the Township is borrowing 91% of it capacity and it going to be a burden on the taxpayers. She asked if the public would be notified of changes in the budget prior to the vote as the PFM model showed additional tax increases in the future. Mrs. Henry stated in the past the budget has been final before the hearing. She stated they could put the changes in the e-news. Supervisor Engle stated the first scenario was published in the budget and discussions will take place at the next meeting.

NEW BUSINESS:

DISCUSSION:PPL POWER LINE REBUILD:

Mr. Christman stated the Forest Avenue residents are upset about the new PPL poles installed in their neighborhood. The Board has limited opportunity to influence the project. Tonight, is an opportunity for the residents to voice their concerns. He hopes there will be discussions prior to the start of a project like this in the future.

Mrs. Jess Baker, PPL Regional Affairs Director, provided background and history on the wooden poles on Forest Avenue. She stated that transmission lines were built in the 1960s and are nearing the end of their life. She explained how they supply electricity to customers in the area. When there is an interruption in the service it has a great impact on customers. The poles on Forest Avenue were there before the development was built. Construction started last month and they hope to be done by Christmas. She spoke about the Hummelstown similar project. She understands they don't like the new look however they are steel and require less maintenance and do better in storms. All the costs associated with new polls are paid by the customers. Underground lines require more maintenance and have higher costs associated with them. She stated the polls look red now but will become brown. They will be able to provide double the power than the previous poles and will help provide power for more customers including Hershey Medical Center (HMC). She understands there are concerns about the intersection at Sandhill intersection. They had their engineer look at the site and they don't feel it will be an issue. She spoke with Derry Police about the intersection and they dong see an issue. She said there was a concerned on why they were not underground. Normally, only new construction gets underground lines, or if there is no other place to go. They normally stay above ground as it cost 10 times more to go underground. She said people ask about the easements behind their house. Most people don't want the poles in their backyard.

Mr. Tom Fowlston, 62 Forest Ave, thanked the Board for the opportunity to speak. Heß lived in the Township for 30 years. He is surprised that they didn't know about this until three weeks ago and is upset about the lack of communication. The poles are 70 feet high with eight lines on them. They assumed they were replacing the poles with the same size and shape. The more they complained about it the faster they went with installing the poles. He thinks they knew it was going to be an issue. He provided the Board with pictures. He is concerned about the property values with these poles in their front yard. He believes the large poles will have an impact on the intersection. He has worked in banking and knows sometimes the legal rights aren't necessarily the right thing to do. He asked if they could do it underground and did HMC say yes or no. He believes deep in their heart they know this is wrong.

Mr. Stephen King, 26 Forest Ave, stated he received two letters. One in July and the October 17th letter included photos from Cumberland County. He believes the intersection at Sandhill will be a safety issue.

They were never told the poles would be 70 to 80 feet high and 6-8 foot around. He believes the could go underground or in the field. He spoke about the outreach they did, which included speaking to the neighbors on the other side of the street Friday. He's upset about the lack of information and omissions. They've been unprofessional and arrogant. He's asking PPL to locate the poles somewhere else. He's asking the Board to be engaged and to know about future projects. He stated they are organized and are going to be reaching out other neighborhoods about this. PPL had the opportunity to do the right thing and he asked them to take the poles down.

Mrs. MaryAnne Curtain, 103 Forest Ave, is a professional engineer. She said that the issue with the intersection will be a Derry Township issue. She looked at their plans and noted all the neighborhoods including Founders Park and Homestead where they plan to replace the poles like Forest. She asked what type of perception these large poles will be to visitors. She believes they can be underground. She asked PPL for the measurements and sketches and was told they would be slightly higher and larger, which is untrue. She believes these poles should be a new scope of work and it should be looked at. She stated there will be more neighborhoods coming to the Board about this project especially when they get to Homestead. She also stated that the letter sent to the homeowners was not certified as she didn't receive the July letter and not everybody on the street was notified.

Mrs. Susan Owens, 54 Forest Ave, didn't have a problem with a 50-year-old poles needing to be replaced, but believe they could have been underground. She doesn't have an issue with having the poles but is concerned that they@re commercial grade. Their neighborhood has worked with Hershey Medical Center through the years on various issues. She believes there were other options versus coming through and destroying someone's neighborhood.

Mr. Jim Owens, 54 Forest Ave, thanked the Board for allowing them to have the time to do discuss this issue. He believes the Board is their advocate. He asked the Board to imagine seeing a brown, rusty, 70 foot poles on the street, with large yardarms 12 feet high. It's not a pleasant sight. He gave the Board a letter. He's been in customer service is whole life. The second letter that was sent had a different tone. He asked the Board for help. He asked the people to rally around them. This reminds him of the old western movies where when someone needed help, they blew the bugle and everybody came out to help. He said Forest Avenue is blowing the bugle and they need help. He spoke about how the downtown has a certain aesthetic, code and culture. Why can't they have that in the taxpayer community as it should be the same beautiful town.

Mr. Charles Smith, 78 Forest Ave, recently moved back to the area. They moved to Forest Avenue for the school system and avoided the big utility poles. His concern is for safety and in property values and he opposes it. He hopes the Board can help them.

Mrs. Bridget Heinl, 12 Forest Avenue, has had a daycare in her home for the last 20 years. She hears many accidents at the intersection. She reminded the Board of bike path that's not safe now. This is an accident just waiting to happen, as she sees many of the accidents not reported. She's looking for them to help them.

Mr. Brian Link stated he's looked at the site and said that it is 25 mph. He said they may want to consider putting in a 4-way stop, which may help. He stated these new poles do better in weather.

Mrs. Terri Abney, 15 Forest Ave, spoke about having small children and how dangerous the situation is now. She's concerned that people won't see the children in the crosswalk with a large pole. She loves Derry Township and believes the beauty of the street is gone.

Mr. Bob Heinl, 12 Forest Ave, said he was told it was a pole replacement but it's an infrastructure placement. He asked why they should shoulder all this on their street. The corner they've been speaking about is complicated as there's a crossway, a 4 way stop in addition to issues with the sunsets. He stated someone's going to hurt or killed. He asked the Board to help them as there needs to be other options.

Mr. Dave Bowser stated he has experience in building and construction. He stated core boring horizontally isn't as expensive and could be less expensive than the poles.

Mr. Matthew Moravetz has driven his whole life on Forest Avenue and has had to make a left out of there. The pole is at the worst place and it's a major safety issue. Making a turn is hard now and the new big pole will make it worse. Heat concerned someone's going to get hurt or killed at that intersection.

Mr. Marv Smith, VP of facilities at HMC, stated they did discuss the right-of-way with PPL. They didn't officially say yes or no. They did discuss challenges with the location with the storm water swale, the sewer easement, and concerns about future development. They did support the improvements to the grid that benefits the whole community. He stated this is not related to the current construction going on there.

Mr. Ben Abney indicated he is a PPL shareholder. He stated as a shareholder, he is okay with PPL stepping back and looking at this project.

Mr. Adrian Best, 15 Forest Ave, asked if they really considered doing it underground. He asked if the costs were really 10 times more for the poles to be underground or could it have been lower. He came to Hershey because of the good things in Hershey. He said he doesn't mind the taxes because they do things right and don't do it cheap. This small community is paying the price. He would like to see it underground and believes it is the best option

Mrs. Jess King, PPL, stated the voltage on the poles will be 69 KV as they are now. There will be a double circuit, which will help HMC. Maintenance has to be done with the poles and at times many can lose power. When this happens, with the double circuit, they can switch to another line on the new polls. She apologized that they didn't understand the size of the poles based on the picture they received. They don't include the size in the letter because there are different sizes used. She is sorry for the miscommunication on the sizes of the poles and will take that back to management.

Supervisor Engle thanked them for coming tonight and asked why it was handled this way. She stated anything over 138 KV needs a PUC approval, a public meeting for input and normally includes purchasing of right away. Supervisor Engle stated the Board needs to be advocates for the residents. It was promised that residents would be canvassed and he believes PPL dropped the ball. Mrs. King apologized that they weren't canvassed earlier. Supervisor Engle is concerned with the safety issues and

believes the traffic engineer should look at that intersection. Supervisor Cort echoed his comments and concerns. They should have had a public hearing where a lot of this could have been handled. Mrs. King said if there's another one they will. They can't do underground everywhere and if they make an exception for one, they'll have to make it for all the others.

Chris Santay, Construction Manager, spoke about the poles in Hummelstown through Shank Park going through Stoney Run. He stated they were working so that their construction vehicles would be gone by Christmas. Supervisor Engle asked if they could slow down the project so that they can evaluate the intersection that is a safety concern. Mr. Santay and Mrs. King stated they could hold off putting the poles at the intersection if the Township wants. Supervisor Engle said he'd like to know how much it would have cost to go underground.

Scott Stein said he'd love to see it go underground but there's a lot of neighborhoods and they still have a lot of issues underground for some neighborhoods.

RESOLUTION NO. 1566-AUTHORIZE FINANCING FOR FIRE TOWER TRUCK:

Mrs. Henry discussed the lease-purchase with PNC Equipment Finance to purchase a Pierce Arrow XT 100øMidmount Tower for the Hershey Volunteer Fire Company. The annual payments will be \$165,777.81 for 10 years and will be budgeted in the capital budget starting in 2020. Mr. Scott Stein, Hershey Volunteer Fire Company, spoke about their current tower truck and the repair issues they have had with it including down time. He spoke about the costs with the repairs and potential issues with it being out of service.

Chairman Moyer made a motion to adopt Resolution #1566 authorizing a lease-purchase with PNC Equipment Finance to purchase a Pierce Arrow XT 100øMidmount Tower for the Hershey Volunteer Fire Company. Supervisor Engle seconded the motion. **Motion carried 5-0.**

PLAT #1306- MILTON HERSHEY SCHOOL CENTRAL OPERATIONS FACILITY:

Mr. Emerick discussed the project for the Milton Hershey School campus which will disturb 9.3 acres. The plan is to construct a 27,734-square-foot addition to the Central Operations Facility, a 9,000-square-foot accessory storage building, and a 364-square-foot accessory equipment pavilion. This project will have a nominal impact on traffic in the area. Stormwater management will be handled on site. He discussed the waivers and conditions of the plan.

Chairman Moyer made a motion to approve the Preliminary/Final Land Development Plan for the Milton Hershey School Central Operations Facility Expansion, Plat #1306, is approved, subject to compliance to the following items:

- 1. The applicant reimburses the Township for costs incurred in reviewing the plan no later than January 4, 2019.
- 2. A performance security is provided to guarantee the completion of required improvements, and the accompanying agreement is signed no later than June 4, 2019.
- 3. The comments in the November 19, 2018 HRG letter (attached) are addressed no later than June 4, 2019.

- 4. Two originals of the signed and notarized Agreement for the Deferment of Curbing Installation and Sidewalk, Walkway, and/or Bicycle Path Installation are provided no later than June 4, 2019.
- 5. A CD of a DXF or AutoCAD digital file of the final plan is provided no later than June 4, 2019.
- 6. A final copy of a Declaration referencing the Stormwater Best Management Practices Operation and Maintenance Agreement is provided no later than June 4, 2019.
- 7. The Agreement for the Deferment of Curbing Installation and Sidewalk, Walkway, and/or Bicycle Path Installation is recorded concurrently with the plan.
- 8. The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.
- 9. The Declaration referencing the Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.

It is also moved that the requested waivers and deferments from the Subdivision and Land Development Ordinance are granted as noted below:

- 1. Waivers from Sections 185-12.D.(3).(a).[9] and 185-13.E.(4).(a).[9] 6 Providing all existing structures, wooded areas, watercourses, rock outcrops, culverts, utilities, fire hydrants, streets and their established grade and width, within 200 and 50 feet of the entire property.
- 2. Waivers from Sections 185-12.D.(3).(a).[10] and 185-13.E.(4).(a).[10] ó Location of sensitive environmental areas outside of the project area.
- 3. Waivers from Sections 185-12.D.(3).(a).[12] and 185-13.E.(4).(a).[13] 6 Providing adjacent owner information now older than one year.
- 4. Waiver from Section 185-12.D.(3).(a).[15] ó Providing soil boundaries on the property.
- 5. Waivers from Sections 185-12.D.(3).(a).[17] and 185-13.E.(4).(a).[15] ó Providing the names of existing and proposed streets and alleys.
- 6. Waivers from Sections 185-12.D.(3).(a).[18] and 185-13.E.(4).(a).[16] ó Providing width of existing streets, easements, and rights-of-way for the entire property.
- 7. Waiver from Section 185-13.E.(4).(a).[18] ó Showing existing driveways on the entire property.
- 8. Waivers from Sections 185-12.D.(3).(a).[21], [22], [23] and 185-13.E.(4).(a).[19], [20], [21] 6 Profiles of existing stormwater sewer and conveyance systems, existing sanitary sewer systems, and existing gas and water systems.
- 9. Waivers from Sections 185-12.D.(3).(a).[35] and 185-13.E.(4).(a).[36] 6 Providing contours at two-foot intervals within 200 feet and 50 feet of the perimeter of the entire property.
- 10. Waivers from Sections 185-12.D.(3).(a).[40] and 185-13.E.(4).(a).[43] ó Providing existing street names, cartway widths, and right-of-way widths for the entire property.
- 11. Waivers from Sections 185-12.D.(3).(a).[47] and 185-13.E.(4).(a).[45] ó Providing the recording reference of recorded subdivision and land development plans of adjoining land by plan name, date of recording, and recording reference.
- 12. Waivers from Sections 185-12.D.(3).(a).[51] and 185-13.E.(4).(a).[49] ó Providing the location of all existing and proposed monuments and markers.
- 13. Waiver from Section 185-22.D ó Street right-of-way and cartway widths for all existing streets on the property.
- 14. Deferment from Section 185-22.E.(5) ó Curbing for all existing streets on the property and adjacent to the project.
- 15. Waiver from Section 185-49 ó Wetlands determination for the entire property.

- 16. Waivers from Sections 185-12.D.(3).(a).[8] and 185-13.E.(4).(a).[8] ó Providing NAD 1983 PA Coordinate System numbers for all points on the property boundary.
- 17. Deferment from Section 185-34.A.(1) ó Sidewalk installation.
- 18. Waiver from Section 185-13.E.(3) regarding providing a minimum scale of 1ö = 50øon all plan sheets.

Vice Chairman Weir seconded the motion. **Motion carried 5-0**.

NEW PRINCIPAL BUILDING AT 102 REESE AVENUE, HERSHEY:

Mr. Emerick stated in June 2016 the Board reviewed and approved the applicant proposal for the demolition of the existing dwelling at 102 Reese Avenue and the design for a proposed mixed-use building consisting of a commercial use (day spa) on the first floor and a residential apartment use on the second floor. These improvements are also depicted on the Preliminary/Final Land Development Plan for 102 Reese Avenue, Plat #1278, which has been conditionally approved by the Board of Supervisors but not recorded. The cost of the improvements required by PennDOT have caused the applicant to reassess their original mixed-use proposal.

Supervisor Cort made a motion to approve the design of the new two-family dwelling proposed at 102 Reese Avenue, as depicted on the information submitted to Derry Township on October 15, 2018. Supervisor Zmuda seconded them motion. **Motion carried 5-0**.

TIME EXTENSOIN FOR 102 REESE AVENUE, PLAT #1278:

Chairman Moyer made a motion that the conditional approval of the Preliminary/Final Land Development Plan for 102 Reese Avenue, Plat #1278, is extended for an additional six months, subject to compliance with the following conditions:

- 1. A performance security is provided to guarantee the completion of required improvements, and the accompanying agreement is signed no later than June 4, 2019.
- 2. The \$3,865.75 fee-in-lieu of sidewalk construction along West Chocolate Avenue is provided no later than June 4, 2019.
- 3. Two originals of the signed and notarized Operation and Maintenance Agreement are provided no later than June 4, 2019.
- 4. Two originals of the signed and notarized Agreement for the Deferment of the Installation of Curbing and Sidewalks are provided no later than June 4, 2019.
- 5. The comments in the December 4, 2017 HRG letter are addressed no later than June 4, 2019.
- 6. A draft of the revised property deed is provided no later than June 4, 2019 to include the following language: õUNDER 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.ö
- 7. A draft of the deed of dedication for the Traffic/Pedestrian Easement is provided no later than June 4, 2019.
- 8. The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.
- 9. The deed of dedication for the Traffic/Pedestrian Easement is recorded concurrently with the plan.

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10. The Agreement for the Deferment of the Installation of Curbing and Sidewalks is recorded concurrently with the plan.

Supervisor Cort seconded them motion. Motion carried 5-0

EXECUTE KEYSTONE GRANT AGREEMENT – LIBRARY:

Mrs. Zumbrun stated the Township and Library were awarded funding for the Youth Services Redesign project in the amount of \$529,784. The project¢ main components are the Improved Americans with Disabilities Act access and the new family entrance, children area upgrades and a teen area. The total construction of phase one will be covered with this grant, library endowment and two bequests. The grant will only cover the construction cost.

Chairman Moyer made a motion to accept the Keystone grant award of \$529,784 from the Pennsylvania Department of Education for the Hershey Public Libraries Youth Services Redesign project and authorize the Chairman and Secretary to execute the grant agreement. Vice Chairman Weir second the motion. **Motion carried 5-0.**

ALCOHOLIC BEVERAGES IN CHOCOLATETOWN = HOLIDAY CELEBRATION:

Chairman Moyer made a motion to allow alcoholic beverages to be on the premises of Chocolatetown Square Park in conjunction with the holiday market that will be held as part of the downtown Hershey's Holiday Celebration. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

TIME EXTENSION: PLAT #1154 - CHOCOLATE WORLD EMPLOYEE PARKING:

Mr. Emerick discussed the request for the time extension for Hershey® Chocolate World Employee Satellite parking. He stated they have requested an extension which proposes no changes to the details of the previously-approved plan or to the waivers.

Chairman Moyer made a motion to approve the preliminary final land development plan for Hershey Chocolate World Employees Satellite Parking, Phase one, plat # 1154 is extended for an additional 12 months (counted from January 2, 2019), subject to compliance with the following items:

- 1. A performance security is provided to guarantee the completion of required improvements and the accompanying agreement is signed no later than January 2, 2020.
- 2. The comments in HRG March 30, 2009 letter regarding the BMP plan are addressed no later than January 2, 2020.
- 3. The applicant applies for and receives a new NPDES permit from the Dauphin County Conservation District no later than January 2, 2020.
- 4. The applicant applies for and receives a new Water Obstruction and Encroachment Permit no later than January 2, 2020 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, 2020.
- 6. The applicant obtains any other regulatory approvals or permits required for the project no later than January 2, 2020.
- 7. The Stormwater Best Management Practices Operations and Maintenance Agreement is recorded concurrently with the plan.

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

SECURITY RELEASE: HMC ACADEMIC SUPPORT BUILDING PARKING LOT EXPANSION:

Supervisor Engle made a motion to authorize the release of \$887,963.00 from the performance security held as PNC Bank Letter of Credit No. 18129603-00-000 for the Stormwater Management Plan for the Hershey Medical Center Academic Support Building Parking Lot Expansion, file no. S-2017-023, resulting in a new balance of \$165,630.00. Chairman Moyer seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Zmuda spoke to a St. Joan of Arcøs girl scout group as they were working on their life skills badge. He wished everyone Happy Holidays as he wonøt be at the December 18th meeting.

REPORTS:

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<u>Police</u>	Lieutenant Ferree stated he had discussions with PPL and stated it is very hard to judge the intersection without the poll. He stated it will need to be looked at.
<u>Fire</u>	Mr. Sassman stated Santa Claus will be in the Township starting over the weekend.
Public Works	Mr. Piccolo stated they are caught up with leaves and this is the last scheduled week for pickup.
Recreation	Mr. Mandia stated they are working on getting Chocolatetown Park ready for the Holiday celebration.
Economic Development	Mrs. Zumbrun stated the Downtown Association meeting will be Monday. She thanked those who helped clean the park.

ACCOUNTS PAYABLE and PAYROLL:

Chairman Moyer made a motion to approve accounts payable in the amount of \$41,611.48 and Payroll of \$356,281.42 Vice Chairman Weir seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

Mrs. Teresa Peschel asked about 102 Reese Avenue and the site issues there are with the garages. Mr. Emerick stated they arenøt required to have sidewalks. She would like to see something done as there is a lot of traffic with shift change.

Mr. Brian Link asked the Board if they had spoken to PPL to go beyond what is right and if the budget changes, allow the public time to review it. The Board asked PPL to come up with a solution and delay because of concerns at intersection. He feels they should do the same for the Recreation Center. He spoke about his concerns with the funding sources. This Center has an impact on all residents and they should step back and evaluate the project.

ADJOURNMENT:

Chairman Moyer made a motion to adjourn the meeting at 9:01 pm. Supervisor Zmuda seconded the motion. **Motion carried 5-0**.

SUBMITTED BY:		ED BY:	UBMITTED	SUB
Justin C. Engle Township Secretary	 	-	_	