

TOWNSHIP OF DERRY
BOARD OF SUPERVISORS MEETING MINUTES
FEBRUARY 12, 2019

CALL TO ORDER

Chairwoman Cort, called the February 12, 2019 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. She advised that all public meetings are recorded for providing accurate minutes. She announced the Board of Supervisors met in executive session before the meeting to discuss land, legal and personnel issues. After the Pledge of Allegiance, a roll call was conducted.

IN ATTENDANCE:

SUPERVISORS

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

ALSO PRESENT:

Christopher Christman, Township Manager
Jill Henry, Assistant Township Manager
Jon A. Yost, Township Solicitor
Chuck Emerick, Director of Community Development
Chief Garth Warner, Derry Township Police
David Sassaman, Hershey Fire
Robert Piccolo, Assistant Director of Public Works
Cheryl Lontz, Manager of Payroll and Employees
Matthew Mandia, Director of Parks and Recreation
Jeff Cothren, Hershey Public Library
Matt Bonanno, HRG Engineer
Lauren Zumbrun, Economic Development Manager
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: James Carter, Linda Crandall, Chuck Crandall, Gary Garver, Linda Eyer, David Kern, Jen Garver-Hayes, Skip Becker, Tonya Krushinsky, Carolyn Porr, Robert Naeye, D. Nicotera, C. Wyckoff, J Garver, Ken Scardino, Dale Holte, Steve Ramis, Trish Foster, Wayne Rivers, Brian Link, John Donald, Heath Donald, Rich Gamble, Tracy Brown, and Steve Seidl.

VISITOR/PUBLIC COMMENTS:

Mr. Dave Weaver thanked those working on the PPL issues. Chairwoman Cort spoke about the open house coming up with PPL.

Mr. Wayne Rivers asked about the delay in the Community Center he read about on Facebook. Mr. Mandia stated there was more work needed on the bid specs. He stated the bids went out today and they hope to have them back to the Board on March 26th. The demolition is scheduled to start in April and the Center would open in July 2020. Mr. Rivers asked about the Peer Review Report and Vice Chairman Engle said it should be received in the next two to three weeks.

Mr. Rich Gamble asked about the entertainment tax. Vice Chairman Engle stated that ICDA, Bond Counsel, PFM and HE&R are working on the refinancing of the Giant Center and are making progress.

Mr. Brian Link spoke about the PFM Budget projections to impact the Community Center. He believes the Township will not receive the SEPTA \$375,000 nor realize a cash flow positive with the \$250,000 bond refinancing with the hotel tax. He discussed the Hershey West End which will take 10-15 years to build up and realize the property tax increase. He doesn't believe they will see 50% of these monies and wagered a bet with the Board. Vice Chairman Engle stated he would take that bet and spoke about the

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process and confidence in receiving at least 50%. Mr. Link asked about where the bids are posted and Mr. Mandia stated they are in the Patriot News and Penn Bid.

ADOPTION OF MINUTES

Vice Chairman Engle made a motion to approve the minutes for the January 22, 2019 Board of Supervisor Public Hearing Minutes. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

NEW BUSINESS:

ORDINANCE 708- TO CHANGE THE ZONING CLASSIFICATION:

Mr. Emerick discussed Ordinance No. 708 which proposes to change the zoning classification of two properties in the Township. The first property is the Garver tract on Middletown Road which was recently subject to a rezoning petition and Conditional Use application relating to the proposed Carousel active-adult community. The property would contain a new Active-Adult Community Overlay district. The second property is owned by Hershey Trust Company and is located on East Main Street in Hummelstown. This property is currently zoned Planned Campus West but would have the Active-Adult Community Overlay added. The map change, if approved, would be consistent with the Township's Comprehensive Plan. The Garver tract was left out of the Planned Campus West zoning district under the 2017 Zoning Ordinance so that traffic improvements could become more realized along the Middletown Road corridor prior to development. He stated both the Derry Township and Dauphin Planning Commissions recommended rezoning for both properties.

Chairwoman Cort made a motion to adopt Ordinance No. 708 to ONLY provide for the rezoning of the 53.531 acres of land located south of East Main Street, adding the Active-Adult Community Overlay district to the property. Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

ORDINANCE 709- ACTIVE-ADULT COMMUNITIES:

Mr. Emerick stated under this text amendment, separate land uses are proposed for the Overlay zoning district which include an Active-Adult Community being permitted by Master Plan. In addition to Active-Adult Communities, landowners or developers of properties within the proposed Overlay district could develop any by-right nonresidential use that is permitted in the Planned Campus West zoning district, or they could develop from a separate list of Conditional Uses including mixed-use buildings and lifecare or skilled nursing facilities. Any use permitted by-right or by Conditional Use could be a standalone development on the property, or it could be a use developed as part of and in support of an Active-Adult Community. The amendment also proposes specific criteria for Active-Adult Communities. It is the intent of the Ordinance to promote active-adult living near commercial services. To ensure commercial uses within the development remain at an intensity compatible with mixed-use development, one of the criteria addresses a maximum floor area of 20,000 square feet for any building containing a commercial use within an Active-Adult Community.

Supervisor Weir made a motion to adopt Ordinance No. 709 which would amend Chapter 225 (Zoning) of the Code of the Township of Derry. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

AGREEMENT: SCHOOL DISTRICT AND TOWNSHIP FOR COMMUNITY CENTER:

Mr. Mandia discussed the proposed improvements to impact the School District's property. He showed the Board the outline of the campus with the driveways and pedestrian bridges. The repairs and maintenance of the bridges would be the Township's responsibility while the School District would take

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care of the driveways. He spoke about the control gate between the two parking areas. He spoke about the widening of the driveways and stormwater management. The School District approved the agreement.

Chairwoman Cort made a motion to approve the Easement Agreement between the Township and the Derry Township School District related to easements, improvements and maintenance in conjunction with the Hershey Community Center. Supervisor Weir seconded the motion. **Motion passed 5-0.**

AGREEMENT: SCHOOL DISTRICT AND TOWNSHIP FOR COMMUNITY CENTER-STORMWATER:

Mr. Mandia spoke about the stormwater facility that is located entirely on the School District property. They would assume all general maintenance of the facility (grass cutting and general cleanup of debris). The Township would assume full responsibility for repair of the pond if it experiences damage, doesn't function properly or needs repair such as a sink hole. The School District approved this agreement.

Chairwoman Cort made a motion to approve the Stormwater Operations and Maintenance Agreement with the Derry Township School District related to the Hershey Community Center. Supervisor Weir seconded the motion. **Motion passed 5-0.**

TIME EXTENSION- LSP INVESTMENTS, LLC, PLAT #1300:

Mr. Emerick discussed the request for a time extension for Plat #1300. The request represents two existing lots along Sand Hill Road located in the R-1 zoning district and the Sand Hill Road Overlay zoning district. The Board of Supervisors approved Plat #1300, conditional upon several outstanding items being addressed no later than February 14, 2019. The applicant has requested an extension of time until February 12, 2020 to address the remaining conditions.

Vice Chairman Engle made a motion to extend the conditional approval of the Preliminary/Final Subdivision and Land Development Plan for LSP Investments, LLC, Plat #1300 until February 12, 2020, subject to the following:

1. The applicant reimburses the Township for costs incurred in reviewing the plan no later than March 12, 2019.
2. A performance security is provided to guarantee the installation of required improvements for Lots 2 and 3, and the accompanying agreements are signed no later than February 4, 2020.
3. A signed and executed maintenance and access agreement for the driveway is provided no later than February 4, 2020.
4. The Stormwater Best Management Practices Operation and Maintenance Agreement is recorded concurrently with the plan.
5. The Agreement for the Deferral of Curbing Installation; Sidewalks, Walkways, and/or Bicycle Paths Installation; Cartway Widening; and Right-of Way Widening is recorded concurrently with the plan.
6. The Deeds for Lots 1, 2, and 3 are recorded concurrently with the plan.
7. The deed(s) of dedication for right-of-way along Sand Hill Road are recorded concurrently with the plan.

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

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PERFORMANCE SECURITY: POST CONSTRUCTION STORMWATER MANAGEMENT PLAN FOR 761 HILLTOP ROAD, S-2018-006.9:

Supervisor Zmuda made a motion to accept the performance security in the amount of \$14,418.00 in the form of cash and enters into the accompanying Agreement to Provide Financial Security between Tracey D. Ford and the Township for the Post Construction Stormwater Management Plan for 761 Hilltop Road, S-2018-006. Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY: SIDEWALK PLAN FOR TANGER OUTLETS, PLAT #1280:

Chairwoman Cort made a motion to authorize the release of \$18,658.75 from the performance security provided in the form of Travelers Casualty and Surety Company of America Bond No. 106819808 for the connecting sidewalk aspect of the Preliminary/Final Land Development Plan for Tanger Outlets, Plat #1280, resulting in a new balance of \$8,070.70. Supervisor Weir seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY - PLAN FOR TANGER OUTLETS, PLAT #1280:

Vice Chairman Engle made a motion to authorize the release of performance security in the amount of \$90,377.93, which was provided in the form of Travelers Casualty and Surety Company of America Bond No. 106819806 for the required site improvements represented by the Preliminary/Final Land Development Plan for Tanger Outlets, Plat #1280. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

ADVERTISE ORDINANCE NO. 553: PARKING PROHIBITED -MAPLE AVENUE:

Chief Warner discussed the request they received to conduct a no parking study on Maple Avenue between Cocoa Avenue and ðHö Street. He discussed the criteria which was met based on roadway measurements obtained and visual observation of the area in question. Parking restrictions can be established on Maple Avenue.

Supervisor Zmuda made a motion to authorize the advertising of an Ordinance amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210 § 210-38. Parking prohibited at all times in certain locations by establishing parking restrictions on both sides of Maple Avenue between Cocoa Avenue and ðHö Street. Chairwoman Cort seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

There were no updates provided.

REPORTS:

<u>Police:</u>	Chief Warner met with the local schools about starting the Safe program. He spoke of Lieutenant Ferree's recent graduation from leadership class and the Coffee with a Cop program.
<u>Public Works</u>	Mr. Piccolo stated they are ready for the next storm.
<u>Library</u>	Mr. Cothren spoke about the Circulation Desk project starting March 18 th .
<u>Recreation</u>	Mr. Mandia spoke about several street lights being removed for the Community Center project.

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<u>Community Development</u>	Mr. Emerick scheduled a public hearing on a revision to zoning ordinance for March 12 at 6:00 p.m.
<u>Economic Development</u>	Ms. Zumbrun stated she has received some questions about the Streetscape project and spoke about the next steps.

ACCOUNTS PAYABLE and PAYROLL:

Chairwoman Cort made a motion to approve accounts payable in the amount of \$488,593 and two Payrolls totaling \$793,850.88. Supervisor Moyer seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

Mr. James Carter asked questions about ordinance 708 and 709 and the status of the Middletown Road property. Mr. Emerick stated the Middletown Road wasn't tabled but that no action was taken on it.

Mr. Skip Becker offered some wisdom on the active adult community. He stated the people in these communities aren't always retired, have to time to help their communities, provide a revenue stream and would be paying taxes.

Mr. Garry Garver spoke about the history of his farm land. He spoke about the farmer who bought his land to farm and three years later sold it for the Southpointe development. He spoke about the over 55 aged community and the revenues associated with them. He understands Middletown Road has issues but they aren't as bad as downtown Hershey, 322, or Hockersville Road. He said the development would fix the road issues. He spoke about the Comprehensive plan from 25 years ago and how they attend all the meetings but the last one where his land was kept agriculture versus the economic development. He asked why Hershey was approved and not his property. He asked them to reconsider their position. He believes it is a good project for the community.

Mr. Steve Seidl asked about the library parking and the entrance into the library with all the Community Center construction. Mr. Mandia spoke about redoing the driveway and ensured him event parking wouldn't interfere with the Library's parking.

Mr. Brian Link stated the Board approved the 55+ community for Hershey Trust but not for a resident. He asked if they have the DEP permits for the bridges proposed for the Community Center. He challenged the budget again and mentioned only one of the four who voted for the budget took his wager and asked them if anyone else was confident of the 50%. Chairwoman Cort and Supervisor Zmuda are confident with at least 50%. He said these three items don't come true, there will be a \$1 million shortage on revenue. Chairwoman Cort spoke about how they make the most informed decisions based on the best information they have. Mr. Link stated this project is too important to the community. Vice Chairman Engle asked Mr. Link to call him to discuss the budget projections.

ADJOURNMENT:

Chairwoman Cort made a motion to adjourn the meeting at 8:10 pm. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

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Richard Zmuda
Township Secretary