CALL TO ORDER

Chairwoman Cort, called the January 22, 2019 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:02 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 notes. 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, Police David Sassaman, Hershey Fire Thomas Clark, 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 Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Linda Eyer, Robert Wilhite, Brandon Harner, Jim Snyder, Lou and Kim Mione, Ron Lucas, Bin Hoy, Dave Getz, Derrick Skillings, Allen Takin, Robin Zellers, Ken Gall, Barbara Chestnut, Junita Sassan, Ben Lesher, David Horst, Teresa Peschel, John May, Sue Ann Hancock, Bruce Hancock, D. Nicotera, Robert Kline, Robert Naeye, Carol Nye, Jay Carr, Dennis Trout, Chris Painter, Mike Kearing, Anita Wood, Don Wood, Wayne Rivers, Todd Pagliarulo, John Amy, Kathy Memmi, Joan May, David Tshudy, Rich Gamble, Kathy Seidl, Steve Seidl, Tracy Brown, Xin Liu, Andrew Want, Alex Piehl, Bill Fredericks, Tony Potter, Mark Hackenburg, and Brandon Johnson.

VISITOR/PUBLIC COMMENTS:

Mr. Dave Weaver, 214 Java, spoke about the consultant¢ presentation where they discussed options to address policies that could negate tax increases. He asked if they could receive monthly updates. He stated in the last meeting they were told they must wait till March to know how much has been collected for the Capital Campaign. He felt that was ingenious and would like to have monthly updates as they know how much their taxes went up. He believes the hotel on the west end is ill-conceived in their design. He spoke about the neighbors who live in this area and how their neighborhood is being destroyed by these hotels. He stated he saw flags in his area and is hoping PPL isn¢ going to put the poles in his neighborhood. He asked the Board to foster the needs of the resident versus money and business.

Mr. Steve Seidel, 450 Granada, spoke about the changes in the zoning ordinance that has allowed these hotels to be built. He spoke about the setback differences being allowed for new versus old structures and how the streets will now have a zigzag look. He asked the Board to review and fix the zoning ordinances.

Mrs. Kathy Seidel, 450 Granada, stated she understands the Board must following the zoning ordinance but asked them to use every means available to not accept waivers from developers. She asked that they perform traffic studies that include the summer and when there are downtown events, not just the winter months. She believes the developer should fund and address the traffic and street issues. She spoke about the new hotels encroaching on their homes and neighborhoods having a negative impact on their property values and enjoyment of their homes.

Mr. Rich Gamble, Hockersville Road, asked the Board for the 12th time for an update on the entertainment tax. He would like to know when the meetings are happening to possibly attend or at least receive minutes from these meeting. He spoke about how much they pay versus what could be collected especially as they announce a \$159 million project.

Mr. Wayne Rivers, CARS member, asked the Board about the contract discussed last meeting for the procurement of grants and were the issues resolved. Solicitor Yost stated the issues were resolved. He asked about the West End Project on the agenda and Mr. Emerick spoke about the process including public hearings. Mr. Rivers spoke about the CARS meeting on Monday where 41 residents showed up. He encouraged the Board to come to their meetings and provided contact information to them as they are meeting every two weeks.

Mrs. Teresa Peschel, 48 Half Street, stated the Marriott project is too big for the location. She spoke about the holding tanks for stormwater management and asked if they would holdup for after 20 years. She asked if the developer could landscape the triangle. She spoke about how people come to visit Hershey because it is a small community which is changing.

Mr. Joe Bellissimo, 39 Elm Ave, commended the Board for their efforts to develop the downtown. He spoke about the residents and visitors coming downtown now. He spoke about it as being positive. He spoke about the developer for the hotel who will be sensitive to the needs of the community. He spoke of a study that indicates the need for more hotels. He asked the Board to approve the plan as it has followed the zoning ordinance.

Mr. John Christ, presenting AIS, spoke about the proposed hotel. He discussed the waiver for the alley as it isnøt a public street. The alley way is 15 feet and was never intended to be a street but a way for the residents to access their garages. He stated coming out of the hotel, you canot make a left which will increase traffic in the alleyway versus taking the long way. He stated only one car can travel down the alleyway at a time.

Mr. Ron Lucas, attorney, spoke about the plan and the purchasing of homes which started in 2009. He stated in the zoning ordnance a hotel is one of the 65 uses allowed. They have worked with the Township Staff and Planning Commission. He believes the waivers are reasonable and should be approved. He spoke about the design of the hotel meeting the requirements. He discussed how the hotel must be judged by zoning ordinance versus personal objections. He stated there are no legal objections. He asked that the plan be approved.

Mrs. Barbara Chestnut, 444 W. Chocolate Ave, spoke about how the hotel will affect their standard of living. She is concerned about traffic, lighting and the neighborhood. She stated just because someone can build something doesn¢ mean they should.

Mr. Lou Mione, 309 Cocoa Ave, stated he is the other owner of the property for the hotel. He spoke about his history with Hershey and how he has the best interest of the town in mind with this project. He spoke about the houses and how one was bought at a Sheriff s sale and they were the only ones interested. He stated no one wanted to buy or live in these homes with the noise, location and sizes of the rooms in the older homes. He asked that they be treated fairly, and the current zoning ordinances should be followed.

ADOPTION OF MINUTES

Supervisor Zmuda made a motion to approve the minutes for the November 27, 2018 Board of Supervisor Public Hearing Minutes. Supervisor Weir seconded the motion. **Motion carried 5-0.** Chairwoman Cort made a motion to approve the minutes for the December 4, 2018 Board of Supervisor Public Hearing Minutes. Supervisor Zmuda seconded the motion. **Motion carried 5-0.** Vice Chairman Engle made a motion to approve the minutes for the January 7, 2019 Board of Supervisor Public Hearing Minutes. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

NEW BUSINESS:

RECOGNITION OF 30 YEARS OF MEMBERSHIP ON THE PARKS AND RECREATION ADVISORY BOARD – MR. ROBERT "SKIP" WILHITE:

Mr. Mandia spoke of the 30 years that Mr. Wilhite served on the Parks and Recreation Advisory Board. He named the projects Mr. Wilhite had helped plan including Founders Park, Gelder Park and The Jonathan Eshenour Memorial Trail. He thanked him for his service to the Board and the Township. Chairwoman Cort read and presented Mr. Wilhite a plaque for his service.

EMPLOYEE SERVICE RECOGNITION:

Chairwoman Cort acknowledged the following employees for their years of service:

<u>5 Years</u>	<u>15 Years</u>
Valerie Wood, Police Communications	Chris Gawron, Library
Tammy Burkhart, Child Care	
Craig Schlupp, Public Works	<u>20 Years</u>
Cameron Espenshade, Public Work	Heather Knott, Child Care
Adrienne Eckenrode, Public Works	Eric Salley, Public Works
	Jeffery Kawich, Public Works
<u>10 Years</u>	
Sean Sargen, Police	<u>25 Years</u>
Barbara Clay, Library	Donna Small, Library
Kathleen Roberts, Parks and Recreation	Theresa Weinhold, Finance

PROPOSED DEMOLITION AND CONSTRUCTION OF A NEW HOTEL AT 554-574 WEST CHOCOLATE AVENUE:

Mr. Emerick spoke about the proposal for the demolition of existing structures and construction of a new hotel at 554-574 West Chocolate Ave. He spoke about the requirements for demolition in the Township and the Board of Supervisors being the sole authority for new construction. He showed the Board the current location and the renderings for the new hotel. He showed them the proposed parking, landscaping, buffer area and the look of the building coming into town. Chairwoman Cort asked that action on this be put on hold until the plan for this land be discussed as the next agenda item.

TOWNPLACE SUITES, PLAT #1309 PLAN:

Mr. Emerick stated Plat #1309 represents the subdivision (lot add-on) and land development of 554-574 West Chocolate Avenue. The land is located at the corner of Hillcrest Road and West Chocolate Avenue. The development tract is in the Hershey Mixed Use and Downtown Core Overlay zoning districts and the Central Master Plan Approval Area. The plan proposes to combine the six lots into a single 0.80-acre development tract. The property presently contains six existing dwellings and associated accessory structures, which will all be razed to make way for a five-story, 84-room hotel.

The parking on the property will be located behind the front face of the building. A total of 84 hotel rooms and six employees are anticipated on the maximum shift, a total of 89 parking spaces are required on the property. The applicant is proposing a total of 89 parking spaces comprised of 53 standard spaces, 17 compact spaces, 13 elevated spaces, 4 accessible spaces, and 8 bicycle spaces. The applicant has indicated that the use will not generate traffic at the threshold that would require a full traffic study (100 or more peak hour trips). The plans indicate that the hotel use will generate 38 AM peak hour trips and 43 PM peak hour trips. The applicant is proposing a subsurface stormwater management facility with an impervious liner beneath the proposed parking area to collect stormwater runoff from the roof of the building, as well as the parking lot. The maximum impervious coverage permitted on the property is 85% of the lot area, and the applicant is proposing coverage at 82.6%. He discussed the four requested waivers and the 15 conditions for the plan.

Vice Chairman Engle asked about the right of way versus dedication of the alleyway. Mr. Emerick explained the SALDO requirements versus the current alleyway. He spoke about the requirements for Chipotle and the access points. Vice Chairman Engle expressed concern about the alley as it is heavily used today. He is also concerned about the parking and the lift parking. Mr. Emerick explained the lift parking as valet parking, and he agreed it is a gray area. Chairwoman Cort asked about a traffic study and Mr. Emerick stated they aren¢t required but the Board could require one. She asked if the alley were to be widen how it would impact the plan.

Mr. Dave Getz, attorney for the Developer, spoke about how the paint would work with the lift parking. Mr. Jim Snyder, Snyder Associates, stated if they required the alley to be expanded it would change the plan and wouldnøt be desirable as it would change the parking. Supervisor Moyer asked Mr. Emerick if this type of waiver has been granted/denied before for a similar plan. Mr. Emerick stated he canøt think of a plan where there is a divided highway for access and this waiver being asked. Mr. Snyder noted that the Tru Hotel was given such a waiver. Mr. Emerick noted that Tru Hotel has full roads in either direction to access versus this plan. Discussion ensued.

Supervisor Moyer is concerned about making the right legal decision with the waiver and would like to obtain the Solicitor¢s opinion. Chairwoman Cort noted they need to follow the process but would like to get a legal opinion. Mr. Getz noted they need to act in good faith and how they presented something to a York Court, and they sent it back to the municipality and said they needed to act in good faith. Vice Chairman Engle stated they can redo the plan without the waiver in question. Solicitor Yost asked about the deadline and Mr. Emerick stated action needs to be taken by next meeting. Solicitor Yost noted it could wait until the next meeting.

Vice Chairman Engle made a motion that the waiver request from Section 185-22.D.(3) of the Subdivision and Land Development Ordinance as noted under the Explanation section of this agenda

item regarding additional street width (right-of-way and cartway) for South First Street [and Hillcrest Road] is hereby **denied** and as a result, the Preliminary/Final Subdivision and Land Development Plan for TownePlace Suites, Plat #1309, is **rejected** due to the substantial plan revisions anticipated by the denial of the requested waiver from Section 185-22.D.(3), in addition to outstanding items. Supervisor Zmuda seconded the motion. **Motion passed 3-2** with Chairwoman Cort and Supervisor Moyer voting against the motion. Supervisor Moyer noted he was a proponent to wait till the next meeting and follow the legal review.

<u>PROPOSED DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A NEW</u> <u>HOTEL AT 554-574 WEST CHOCOLATE AVENUE:</u>

Vice Chairman Engle stated since the plan for the hotel was denied, this plan should also be denied. Vice Chairman Engle made a motion to **disapprove** the demolition of the existing structures at 554-574 West Chocolate Avenue and the design of the new hotel, as depicted on the information submitted to Derry Township on November 12, 2018, November 26, 2018 and January 14, 2019. Supervisor Weir seconded the motion. **Motion passed 3-2** with Chairwoman Cort and Supervisor Moyer voting against the motion. Supervisor Moyer noted he was a proponent to wait till the next meeting following the legal review by the Solicitor.

PINEHURST SITE – PLAT #1311 – SKETCH PLAN:

Mr. Emerick stated this plan proposes to raze the existing former Milton Hershey School student home (Pinehurst) and construct a 4-story, 76-unit market rate apartment building. The lot contains 3.178 acres and is incumbered by utility and drainage easements. The lot has frontage on Northeast Drive, Derry Road, and õPö Street. They are proposing to relocate the existing driveway on Northeast Drive and the construction of a new driveway. The plan proposes 129 parking spaces which is the minimum requirement per the Zoning Ordinance. A traffic study will be required for this proposal. Stormwater is proposed to be addressed in the existing low area of the lot, although no formal design has been presented at this point. It is anticipated that either a fee in-lieu of park and recreation facilities will be paid, or potentially promoting the bicycle/pedestrian connection from downtown to the Outlet Center through a public/private partnership. He stated his comments on the plan were in the packet. The Derry Township Planning Commission reviewed the plan at their December meeting. The Derry Township Police department has reviewed the plan with regard to traffic concerns: õSomething needs to be done at the Northeast Dr./Park Ave. intersection.ö The Dauphin County Planning Commission, DTMA, HRG and Staff have reviewed the plan and provided their comments.

Mr. Mark Hackenberg, Consultant with Hershey Trust, spoke about the plan and the challenges with the property. He spoke about the access to Derry Road and they are working with the Historical Society. He spoke about the need for workforce employment as many work in Derry Township but live outside. Vice Chairman Engle asked if there would be public access to Derry Road and Mr. Hackenberg stated it would be private. Discussion ensued. Mr. Emerick noted this was a sketch plan and no action is required.

TIME EXTENSION: 19 EAST CHOCOLATE AVENUE – SOUTH LOT, PLAT NO. 1299:

Supervisor Moyer made a motion to approve the time extension request for the Preliminary/Final Subdivision Plan for 19 East Chocolate Avenue ó South Lot, Plat #1299, to be extended until February 28, 2019, subject to compliance with the following: The revised shared access and parking agreement is provided no later than February 19, 2019.

- 1. 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.
- 2. The deed of dedication for right-of-way along Homestead Road is recorded concurrently with the plan.

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

RESOLUTION 1578: PROCUREMENT CARD PROGRAM ADMINISTERED BY PFM:

Mrs. Henry discussed a program where the Township could earn rebates on purchases through a procurement card program. The program would require an agreement with PFM Financial Services to administer the program for the employees. It would be a web-based program which would allow the Township to reconcile payments. Mr. Christman used this program at his previous Township with great success.

Vice Chairman Engle made a motion to adopt Resolution 1578 authorizing the participation in a procurement card program administered by PFM Financial Services LLC for local government and schools in Pennsylvania. Supervisor Moyer seconded the motion. **Motion carried 5-0.**

REIMBURSEMENT AGREEMENT 08A753: WITH PENNDOT FOR THE SR 422 STREETSCAPE IMPROVEMENTS PROJECT AND RESOLUTION 1579 AUTHORIZING THE CHAIRMAN AND MANAGER TO EXECUTE THE DOCUMENTS.

Ms. Zumbrun stated with planning and engineering for the Chocolate Avenue (SR 422) Streetscape Improvements project, the Township and HRG, were able to coordinate with PennDOT to integrate PennDOTøs planned paving work on portions of SR 422 into the Townshipøs scope of work for the streetscape project. In order to move forward, the Township must execute a reimbursement agreement and pass a resolution authorizing the persons signing and attesting to the agreement to do so. Under the agreement, PennDOT will reimburse the Township for up to \$1,159,927 for the construction phase of the SR 422 Streetscape project.

Chairwoman Cort made a motion to approve Reimbursement Agreement No. 08A753 with the Pennsylvania Department of Transportation for the SR 422 Streetscape Improvements project upon approval from the Solicitor. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

Chairwoman Cort made a motion to adopt Resolution 1579 authorizing the Chairman and Township Manager to execute the agreement and associated documents. Supervisor Weir seconded the motion. **Motion carried 5-0.**

GRANT FOR TWO TOW-BEHIND LEAF COLLECTORS:

Ms. Zumbrun stated the Pennsylvania Department of Environmental Protection has approved a Recycling Development and Implementation Grant under Section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101) for the Township of Derry for two tow-behind leaf collectors. The grant will provide \$114,613, of the \$127,348 project. The Township will be responsible for providing the required 10% match, \$12,735.

Supervisor Moyer made a motion to approve a \$114,613 Recycling Development and Implementation Grant Agreement under Section 902 of the Municipal Waste Planning, Recycling and Waste Reduction

Act (Act 101) with the Pennsylvania Department of Environmental Protection for two tow-behind leaf collectors. Vice Chairman Engle seconded the motion. **Motion carried 5-0.**

<u>REDEVELOPMENT ASSISTANCE CAPITAL PROGRAM GRANT -HERSHEY</u> <u>COMMUNITY CENTER</u>:

Ms. Zumbrun stated the Redevelopment Assistance Capital Program (RACP) is currently accepting applications. She asked the Board to submit an electronic single application for the Hershey Community Center. The RACP scope would likely include the three pools and associated components, with the exception of a few related items which we are looking to align with other funding sources. The total cost of these improvements is estimated to be \$5,540,000. The program requires a 50% match, so we would be looking to request \$2,770,000 in grant funding and providing a 50% match.

Supervisor Zmuda made a motion authorize the submission of an application to the Redevelopment Assistance Capital Program to request up to \$3 million grant for the Hershey Community Center and an acknowledgement and agreement to provide the required matching funds, should the grant be awarded. Supervisor Weir seconded the motion. **Motion carried 5-0.**

SECURITY RELEASE: STORMWATER MANAGEMENT PLAN FOR TROEGS BREWING COMPANY, FILE NO. S-2016- 019.

Vice Chairman Engle made a motion to authorize the release of the remaining balance (\$45,967.63) of the performance security provided as The Hanover Insurance Company Bond No. 1051268 for the Post Construction Stormwater Management Plan for Troegs Brewing Company, file no. S-2016-019. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

SECURITY RELEASE: DEER RUN COMMONS, PLAT #1245

Vice Chairman Engle made a motion to authorize the release of the remaining balance (\$25,815.80) of the performance security held as SAFECO Insurance Company of America Bond No. 6603339 for the 4th Revised Preliminary/Final Land Development Plan for Deer Run Commons, Plat #1245. Chairwoman Cort seconded the motion. **Motion carried 5-0.**

SECURITY RELEASE: TRIMBLE PROPERTY, PLAT #1261:

Supervisor Moyer made a motion to authorize the release of the remaining balance (\$6,394.58) of the performance security held as First National Bank of Pennsylvania Letter of Credit No. 2921 and waives the requirement for maintenance security for the Preliminary/Final Subdivision Plan for the Trimble Property, Plat #1261. Vice Chairman Engle seconded the motion. **Motion carried 5-0**.

<u>APPOINTMENT OF A MEMBER OF THE BOARD TO THE DERRY TOWNSHIP</u> <u>MUNICIPAL AUTHORITY:</u>

Chairwoman Cort made a motion to appoint Supervisor Richard Zmuda to the Derry Township Municipal Authority for a term that will expire on December 31, 2019, replacing Justin Engle. Supervisor Weir seconded the motion. **Motion carried 5-0.**

DECISION FOR CONDITIONAL USE APPLICATION NO. 2018-01 - HERSHEY WEST END:

Mr. Emerick stated the Hershey Trust Company filed an application for a Master Plan Conditional Use, proposing the development of a new mixed-use community on approximately 245.79 acres situated within the Townshipøs Planned Campus West (PCW) zoning district. The application was filed on

September 4, 2018 and the public hearing was held on November 27 and December 4, 2018. He stated the project includes a pattern book. Traffic Planning and Design has been retained for the traffic study for the project. The Derry Township Planning Commission recommended approval of the conditional use application subject to conditions. Mr. Emerick stated there are 48 conditions to the conditions and read two of the conditions including the intersection concern with the traffic study and the tree requirements.

Vice Chairman Engle made a motion adopt the decision for the Conditional Use Application No. 2018-01. Supervisor Weir seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Chairwoman Cort spoke about the sold-out diversity event tomorrow which will be live streamed in the future. She stated they have met with HE&R on the entertainment tax but don¢t have notes as the meetings are not public. Vice Chairman Engle stated the ICDA met and are working on the Giant Center refinancing.

REPORTS:

Fire:	Mr. Sassman stated the station had 24-hour coverage during the storm.
Engineer	Mr. Bonanno stated they looked at the intersection at Sandhill and Forest with the site distance with the PPL pole. They put lines to help with the project.
Community Development	Mr. Emerick scheduled a Conditional Use Hearing for February 26 at 6:00 p.m.
Manager	Mr. Christman met with PPL. They are working with HMC and on right of ways. They are coordinating an open house for February 13 ^{th.} There will be more public notice once they have finalized the details. The corner structure at Forest has been removed. He hopes to have more of an update at the next meeting. Supervisor Engle noted how the Township has gone to bat for the residents in this issue.

ACCOUNTS PAYABLE and PAYROLL:

Chairwoman Cort made a motion to approve accounts payable in the amount of \$1,187,572.76 and Payroll of \$369,973.96. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

Vice Chairman Engle stated he wanted to address Mr. Seidløs comments. He said they changed the zoning ordnance after 25 years. He stated they didnøt get everything right and asked if a scope for changes to the zoning ordinance could start. Chairwoman Cort agreed and they asked Mr. Emerick to start. Mr. Emerick commented that he has somethings in draft as some items can wait, but others need to be done sooner.

Mrs. Teresa Peschel believes a traffic study needs to be done for the Marriott. She stated if the traffic from this hotel uses the streets discussed, these streets will have traffic from three hotels using it. She would like to see a study done.

Mr. Dave Weaver is glad to hear the Township is talking with PPL. He would like to see the electrical lines run underground.

Mr. Rich Gamble mentioned the planning that went into the four pharmacies and asked if this many hotels are needed. He asked if the Marriott project could be made into townhouses for the 55 and older population.

Mrs. Linda Eyers thanked Mr. Christman and Mrs. Henry for meeting with CARS and sharing information.

ADJOURNMENT:

Supervisor Moyer made a motion to adjourn the meeting at 9:28 p.m. Supervisor Zmuda seconded the motion. **Motion carried 5-0**.

SUBMITTED BY:

Richard Zmuda Township Secretary