

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

CALL TO ORDER

Chairwoman Cort called the November 12, 2019 Regular Meeting of the Township of Derry Board of Supervisors to order at 7:00 pm 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. She noted there were three public hearings held earlier this evening. 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 Weir

ALSO PRESENT:

Christopher Christman, Township Manager
Jon A. Yost, Township Solicitor
Chuck Emerick, Director of Community Development
Chief Garth Warner, Derry Township Police
David Sassaman, Hershey Volunteer Fire Department
Robert Piccolo, Assistant Director of Public Works
Matthew Mandia, Director of Parks and Recreation
Cheryl Lontz, Manager of Payroll and Employee Benefits
Laura O'Grady, Director of the Hershey Public Library
Matt Bonanno, HRG Engineer
Lauren Zumbrun, Economic Development Manager
Julie Echterling, Recorder

Public in Attendance:

The following were in attendance: Linda Eyer, Jonathan Crist, Rich Gamble, Linda Crandall & CDC, Janet Weir, Doug Nicotera, Carlos Vega-Cortez, Kevin Wells, Robert Naeye, Carol Nye, Mike Leonard, Dennis Trout, Christine Drexler, Carter Wyckoff, Linda Edleman and Wayne Rivers.

VISITOR/PUBLIC COMMENTS:

Mr. Mike Leonard, 337 East Chocolate, spoke about the old Trolley building and his concerns with the alley. There are no stop signs and it is dangerous now without additional businesses. He noted that the Hershey Trust put a no trespassing sign up and questioned it with the right of way. Mr. Emerick asked Mr. Leonard to call him tomorrow so he could explain. Chairwoman Cort asked the Police to take a look at his concerns.

Mr. Jonathan Crist, 226 West Chocolate, stated he received a letter from HRG about the 422 Streetscape project, which will replace his sidewalks with 8 feet wide ones. He spoke about replacing his sidewalks about 10-12 years ago for \$7,000. He can't understand why they should be ripped up and replaced. He advised the Board they should be more concerned with traffic for the Township instead of walkability downtown since most residents and tourists drive. He believes the money should be spent on widening the roads instead of sidewalks.

ADOPTION OF MINUTES:

Supervisor Zmuda made a motion to adopt the minutes from the October 22, 2019 Board of Supervisors Meeting. Supervisor Weir seconded the motion. **Motion carried 5-0.**

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NEW BUSINESS:

ORDINANCE NO. 718, AMENDING CHAPTER 185:

Mr. Emerick stated at the public hearing earlier this evening, Ordinance No. 718 proposes a minor amendment to Section 185-31 of the Subdivision and Land Development Ordinance for consistency with the Township's revised Tree Ordinance. The amendment will remove specific requirements from the Subdivision and Land Development Ordinance regarding the placement and size of landscaping and shade trees and refer to Chapter 201 (Trees) instead. At their November meeting, the Derry Township Planning Commission recommended that Ordinance No. 718 be adopted as written.

Supervisor Weir made a motion to adopt the Ordinance 718 as written. Chairwoman Cort seconded the motion. **Motion carried 5-0.**

WAIVER REQUEST HERSHEY SQUARE SHOPPING CENTER:

Mr. Emerick stated this is a waiver request from Hershey Square Shopping Center for relief from processing a land development plan as required in Sections 185-5.A and 185-5.B. The property is within the General Commercial zoning district. The development proposed within this commercial center is demolition of 4,464 square feet of area to accommodate loading docks; demolition of 3,720 square feet of the former K-Mart garden shop, to be replaced with a 3,520 square-foot addition; and the construction of a 2,400 square-foot new food service building with a drive-through facility. This work will result in a 2,264-square-foot reduction in floor area. A land development plan is required when more than 2,500 square ft of floor area is added to an existing building or when an additional principal building is added to a property. This is why a waiver is requested. The plans presented with the waiver request show that only 0.01% of new impervious area is being added to the site. The applicant is presently pursuing an "off-ramp" into the center from PA Route 422. This activity will require the applicant prepare a Traffic Impact Study for PennDOT that includes the study of 6 adjacent intersections. He noted PennDOT is not thrilled with the additional off-ramp. Supervisor Moyer asked why PennDOT is concerned. Mr. Emerick explained their concern is the distance from the other off-ramp and reference the off-ramp for Sam's Club. Discussion ensued.

Supervisor Zmuda made a motion to grant the requested waiver from Section 185-5 of the Derry Township Subdivision and Land Development Ordinance regarding the processing of a land development plan for the redevelopment of Hershey Square Shopping Center. Supervisor Weir seconded the motion. **Motion carried 5-0.**

PETITION: AMEND AGREEMENT OF TRUST - LIBRARY ENDOWMENT TRUST:

Mrs. O'Grady stated the Hershey Library Endowment Trust is not taking in enough new public support to maintain its 501c3 non-profit charitable status. After consulting attorneys and accountants, it was decided that the best way to move forward was to become a supporting organization of the Friends of Hershey Public Library, an eligible 501c3 organization that meets the necessary requirements. The amended agreement will state: this Trust is created to devote and apply the Trust Fund exclusively for the welfare, benefit, support, advancement and perpetuation of Friends of the Hershey Public Library, an unincorporated non-profit association.

Chairwoman Cort made a motion to authorize the signing of a petition to amend the agreement of Trust for the Hershey Library Endowment Trust. Supervisor Moyer seconded the motion.
Motion carried 5-0.

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ADVERTISE ORDINANCE: MULTI-WAY STOP SIGN AT THE INTERSECTION OF PLUM STREET AND PEACH STREET:

Chief Warner stated a traffic study was conducted after receiving resident complaints about traffic volume and driver behavior at the uncontrolled intersection of Plum Street and Peach Street. The study looked at traffic volume, traffic speed and corner sight distance values. Based on the data obtained and the applicable study guidelines, it has been determined that a multi-way stop is justified.

Vice Chairman Engle made a motion authorizing advertisement of an ordinance amending the Code of the Township of Derry (Ordinance No. 553) Chapter 210 § 210-24. Stop intersections established by establishing a multi-way (4-way) stop sign controlled intersection at the intersection of Plum Street and Peach Street. Chairwoman Cort seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY – PLAT #1295-TRU HOTEL:

Chairwoman Cort made a motion to authorize the release of \$3,629.00 from the performance security provided as Bryn Mawr Trust Company Letter of Credit No. 1044 for the Preliminary/ Final Subdivision /Land Development Plan for TRU Hotel, Plat #1295, resulting in a new balance of \$71,388.00. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

PERFORMANCE SECURITY – 739 FISHBURN ROAD, S-2019-007:

Chairwoman Cort made a motion to authorize the release of the remaining balance (\$1,710.00) of the cash performance security provided for the Stormwater Management Plan for 739 Fishburn Road, S-2019-007. Supervisor Moyer seconded the motion. **Motion carried 5-0.**

CORRESPONDENCE BOARD/COMMITTEE INFORMATION:

Supervisor Zmuda spoke about writing a letter to Londonderry Township about the warehouse proposed and outline the issues of traffic it will cause the Township. The Board spoke at length about options with the letter including sending to PennDOT. Mr. Crist offered maps to the Board and spoke about the upcoming vote on the first of three warehouses and his concerns with Middletown Road being the only way for the truck traffic access to certain interstates. The Board agreed to discuss this and work together on a letter for PennDOT and the Township. Supervisor Weir thanked all those who volunteered to get 70 trees planted last weekend. He also thanked the donation of trees as the tree vitalization grant wasn't received. Supervisor Moyer praised Supervisor Weir for his work and dedication to the Township with trees and the difference it makes in the Township. He noted his contributions would benefit the Township for years to come. Chairwoman Cort noted the next Diversity meeting is tomorrow.

REPORTS:

<u>Police:</u>	Chief Warner thanked all the veterans for their service as yesterday was Veteran's Day.
<u>Fire:</u>	Mr. Sassaman stated they had 69 calls in October and, when done, Fire Prevention will have reached 4,000 individuals. He noted the Thanksgiving Dinner will be held at the Fire Hall from 11-2 again this year.
<u>Public Works:</u>	Mr. Clark reminded residents not to put sticks in their leaf piles. He reminded them that they are working and are falling behind because of the weather and wet leaves.
<u>Library</u>	Mrs. O'Grady stated the renovations are continuing and she thanked Public Works for their help with building issues they have been having.

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<u>Parks & Recreation</u>	Mr. Mandia stated the Arts and Craft Fair was successful with over 3,500 in attendance. He said they are waiting for the bids on the Recreation Center to come in.
<u>Community Development</u>	Mr. Emerick stated the items for the 2 public hearings held tonight will be on the November 26 agenda. He noted the Zoning ordinance hearing will be held on November 26 and he would like to advertise adoption of the ordinance for the December 3 meeting. He noted the Dauphin County and Derry Township Planning Commissions recommended approval of the ordinance.
<u>Economic Development</u>	Mrs. Zumbrun stated the Police and Fire were selected for interviews for the Dauphin County Gaming grant, which will take place tomorrow. She noted that the Hershey Company will be doing some pit testing on their property and Township and will be coordinating with PennDOT. She stated the next event for Downtown is Santa on December 7.

ACCOUNTS PAYABLE and PAYROLL:

Supervisor Weir made a motion to approve accounts payable in the amount of \$1,923,217.98 and Payroll totaling \$336,714.00. Chairwoman Cort seconded the motion. **Motion carried 5-0.**

VISITOR/PUBLIC COMMENTS:

Mr. Mike Leonard encouraged the Board to take a drive down the alley he spoke about when it is a busy time to see the traffic and site distance issues. He spoke about bushes at the one street where a bicyclist almost crashed into his truck.

Mr. Dennis Trout, 2010 Locust, stated he has been a resident of the Township for 65 years. He spoke about widening Middletown Road and the costs with buying houses and moving utilities. He suggested the Board look at a bypass which had been discussed in years past. He suggested working with PennDOT now and the potential options versus widening Middletown Road.

Mrs. Linda Edleman, 730 Whitetail Drive, spoke about her road being private and having to be plowed by her HOA. She pays taxes and doesn't understand why the Township can't just plow the street. Mr. Emerick spoke about the option the developer took not to comply with the requirements for her road to be a public street and therefore the Township doesn't pave or plow the streets. Vice Chairman Engle noted the Township could plow it and charge the HOA. He feels this is an injustice to the residents when the developer chooses this option.

ADJOURNMENT:

Supervisor Moyer made a motion to adjourn the meeting at 8:11 pm. Supervisor Zmuda seconded the motion. **Motion carried 5-0.**

SUBMITTED BY:

Richard D. Zmuda
Township Secretary