

DERRY TOWNSHIP MID-MONTH MEETING

The Derry Township Board of Supervisors held its Mid-Month Meeting, Monday, October 16, 2023 at 5:30 p.m., Municipal Building, 73 Reserve Lane, Lewistown.

Present:

Chairman	Ronald E. Napikoski, Jr.	Solicitor	Timothy Searer
Vice Chairman	Donald E. Warntz, II	Park Manager	Joshua Garver
Supervisor	John T. Sipe	Roadmaster	Justin Allen
Township Manager	Kelly Shutes	Zoning Officer	Chris Dobson

R. Napikoski called the meeting to order at 5:30 p.m.

J. Sipe made a motion to approve the Minutes of the Monday October 2, 2023 Regular Township Meeting. R. Napikoski stepped from the chair to second the motion. Motion carried 2 - 0.

SOLICITOR:

Atty. Searer requested approval to direct him to take action on the Cody Hunter, Greenwood Ave. property. D. Warntz made a motion to direct the Solicitor to file a motion for default judgement on the case. J. Sipe seconded the motion. Motion carried 3 - 0.

Brief discussion on Hummingbird Lane. The Township Solicitor provided a memo on the steps to begin the project. A public meeting will be planned with Hummingbird Lane property owners to discuss easements after research is completed on the needed rights-of-way on the street.

VISITORS:

Bill Wright, Wright Surveying, presented the Jonathan S., Jack C. & Amos J. Yoder Land Development plan. The lots involved are in Granville and Derry Townships. He explained that the actual land development will occur in Granville Township. D. Warntz made a motion to acknowledge that the land development will take place wholly in Granville Township and that Derry Township has no objections to the land development of the Yoder property. J. Sipe seconded the motion. Motion carried 3 - 0.

Gary Thorp, Curry & Associates, presented the 224 North Logan Associates, LLC Subdivision/Land Development plan for a property located in the Greater Lewistown Shopping Plaza. The plan will subdivide one parcel from the Shopping Plaza property located beside the Fraternal Order of the Eagles building. J. Sipe made a motion to approve the Subdivision/Land Development plan as presented. D. Warntz seconded the motion. Motion carried 3 - 0.

Todd Smith, ELA Group, presented the Mifflin Co. High School Athletic Fields Land Development plan for approval. Mr. Smith described the various Add Alternates included in the project bids. Vance Varner, MCSD Superintendent, stated that he does not expect the lighting plan alternate to be included in the final plans due to the high costs that came in with the initial bids. Mr. Smith said that the seating capacity would be 4,305 if the project was awarded including all add alternates. The Township manager and zoning officer met with Mr. Smith and Mr. Varner to discuss the proposed animated score board. Mr. Varner explained that the face of the score board would be directed towards the Open Hearth area. The distance from that area and the lower

elevation of the score board should not cause any excess light for surrounding properties. Mr. Smith reported that he will attend the Sewer Authority and Municipal Authority meetings to get capacity letters for the project. J. Sipe made a motion to grant conditional approval of the MCHS Athletic Fields plan pending inclusion of the recommendations of the D. T. Planning Commission and Township Engineer and receipt of the capacity letters from the municipal authorities. D. Warntz seconded the motion. Motion carried 3 - 0.

PARK MANAGER:

Josh gave a brief report about the pond project. He said that ProLawn, LLC has moved some excavation equipment into the park, and they are expected to complete the pond work starting October 18, 2023.

ZONING OFFICER:

The Zoning Officer reported that the property at 545 Woodland Ave, now owned by the Township and 547 Woodland Ave., owned by Jonathan Scott-Bey have high grass, weeds and junk on both properties. D. Warntz made a motion direct the Zoning Officer to notify the owner of 547 Woodland Ave. that the Township plans to mow overgrown vegetation and remove junk from the outside of the premises. J. Sipe seconded the motion. Motion carried 3 - 0. Mr. Dobson also noted that out of the sixteen Zoning Hearings held this year to date, six were held for variances for signs and five for the height of buildings. He requested that we address the repetitive nature of the requests and update our sign and building height requirements in the Zoning Ordinance. Discussion was also held on adoption of a property maintenance code.

ROADMASTER:

The Roadmaster reported that he has completed the small stormwater project in South Hills. Leaf collection begins next week and runs until December 8th.

PUBLIC COMMENT: None

OLD BUSINESS:

Nick Long, LivicCivil, sent a letter requesting that the Orchard Hills Storage Expansion Land Development be given an extension for approval by the Supervisors for an additional 90 days from the previously approved October 31, 2023 deadline. D. Warntz made a motion to extend the deadline for ninety additional days to expire on January 29, 2024. J. Sipe seconded the motion. Motion carried 3 - 0.

Discussion was held regarding the D. T. Planning Commission's recommendation to the Supervisors that the Board should not grant another extension on the Pleasant Acres W/16th Addition Land Development citing the fact that there have been at least six prior extensions allowed by the Board of Supervisors and that the plans that were submitted did not have the requested changes agreed upon at earlier meetings. The Board did not feel they were within their legal rights to deny the extension. It was made clear to Mr. Parkes, who was in attendance, that our Engineer has requested a geotechnical review addressing the construction of driveways on steep slopes and the proposed retaining wall/fence on the plan. The Board also reminded Mr. Parkes that he should refer the amended plan back to the D. T. Planning Commission for review prior to the Supervisors final review. Prior to a motion to approve a time extension, Mr. Curt Slick, of Pleasant Acres West, asked if a public meeting will be held prior to the approval of the plan.

Mr. Napikoski assured him a meeting will be held for public comment. Michael A. Buffington, Juniata Valley Group, sent a letter requesting that the Pleasant Acres W/16th Addition Land Development be given an extension for approval by the Supervisors for an additional 65 days from the previously approved October 16, 2023 deadline. D. Warntz made a motion to extend the deadline for sixty-five additional days expiring on December 20, 2023. J. Sipe seconded the motion. Roll call vote: R. Napikoski, aye, D. Warntz, aye and J. Sipe, aye. Motion carried 3 – 0.

NEW BUSINESS:

J. Sipe made a motion to approve the Park Use Application for the United Way Walk for Warmth to be held February 3, 2023. D. Warntz seconded the motion. Motion carried 3 - 0.

D. Warntz made a motion to approve the Dog Park Halloween event on October 29, 2023 from 3 p.m. to 4 p.m. J. Sipe seconded the motion. Motion carried 3 - 0.

D. Warntz made a motion to exonerate the Tax Collector, Bret Treaster from collecting the RE Tax on the following parcels, due to the parcels being placed in the tax-exempt repository in 2023:

- 1) RMBS Reo Holding 2018-PM 14 – Parcel # 16 ,43-0080, 000 - \$53.30
- 2) Jose M. Serrane Rios – Parcel # 16 ,10-0100-,020 - \$17.44

J. Sipe seconded the motion. Motion carried 3 - 0.

J. Sipe made a motion to approve the September Bills. D. Warntz seconded the motion. Motion carried 3 – 0.

D. Warntz made a motion to approve the CDBG Bills as follows:

EADS Group	CV Funds Fair Share HVAC-engineering	333223	\$1,723.45
Buchart Horn	Derry Twp Senior Center Improvements	121743	\$1,083.00

J. Sipe seconded the motion. Motion carried 3 - 0.

Discussion was held on the Shy Bear Brewing parking and occupancy numbers. Mr. Dobson noted that the parking diagram he was given to grant Zoning approval indicated different occupancy numbers in the Shy Bear complex as compared to the occupancy loads reported to the Bureau Veritas office on the building permit applications. There is a difference of over two hundred occupants between the two documents. Without accurate occupancy numbers, the proper zoning and ADA parking calculations cannot be made. It was also noted that Mr. Ufema has not applied for a Lot Addition to address the buildings that were built on a property line. He must either do a Lot Addition to eliminate the property line or install firewalls in the two structures that are on a property line according to the UCC Code. Kristin Fultz, Bureau Veritas reported that she has posted the Stage and the Outdoor kitchen at the Shy Bear facility as unsafe structures because Mr. Ufema failed to get the necessary inspections on the work.

FYI

611, 613 and 615 Woodland Ave. are going to the Judicial (Free & Clear) Sale. These properties were demolished due to a fire. The Township has a lien on 613 & 615 for demolition costs.

A settlement for restoration costs associated with the fire that occurred in the MCRPD kitchen area has been received from Selective Insurance Co. for \$15,772.39 plus an additional holdback retainer of \$2,376.76 that will be paid after the repairs are made. The insurance company will also issue a settlement for contents and inventory after it is calculated.

A brief executive session was held to discuss personnel matters at 7:00 p.m.

Executive session ended at 7:22 p.m and the meeting was adjourned a motion by J. Sipe and seconded by D. Warntz.

DERRY TOWNSHIP BOARD OF SUPERVISORS



Kelly J. Shutes

Township Manager