

DERRY TOWNSHIP MID-MONTH MEETING

The Derry Township Board of Supervisors held its Mid-Month Meeting, Monday, December 18, 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	Zoning Officer	Chris Dobson
Township Manager	Kelly Shutes		

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

J. Sipe made a motion to approve the Minutes of the Monday, December 4, 2023 Regular Township Meeting. D. Warntz seconded the motion. Motion carried 3 - 0.

SOLICITOR:

Atty. Searer has finalized the Developer's Escrow Agreement and the Stormwater Maintenance Agreement for the MCHS Athletic Field project. D. Warntz made a motion to approve execution of both agreements pending insertion of the escrow amounts into the agreements after the Township Engineer provides those figures. J. Sipe seconded the motion. Motion carried 3 - 0.

Atty. Searer said that the Solar and Wind Ordinance has been prepared and will be forwarded to the Township Manager this week. A copy of the proposed Ordinance, along with a copy of the Memo outlining the procedure for adoption of the Zoning Ordinance Amendment, will be forwarded to the Derry Township Planning Commission for review and comments in time for their January 4, 2024 meeting.

VISITORS:

Bill Sarge, Sarge Engineering, presented the Michel Bigelow Lot Addition plan for approval. J. Sipe made a motion to approve the Michel Bigelow Lot Addition Plan. D. Warntz seconded the motion. Motion carried 3 - 0.

Lucas Parkes, Juniata Valley Group-Pleasant Acres West-16th Addition, submitted a letter requesting an extension for a decision to be made on approval of the Land Development plan for the Development. He indicated that a Conditional Use Hearing still needs to be scheduled with the Board of Supervisors. Discussion was held on the timeline for submissions of the Land Development Plan, the Geotechnical review and the Conditional Use Application to address the steep slopes. Since the Conditional Use Hearing will require proper advertising, the entire process takes on average sixty days. The JVG Land Development plan will need to be re-reviewed by the Derry Township Planning Commission prior to Board of Supervisors approval. J. Sipe made a motion to approve a ninety (90) day extension expiring March 19, 2023, to accommodate enough time for the required submissions. D. Warntz seconded the motion. Motion carried 3 - 0.

The Board of Supervisors also discussed the Shy Bear Brewing facility that has been in violation of building codes with Mr. Parkes, who is Jason Ufema's engineer. Mr. Parkes asked why the classification of the business was changed from "Restaurant" to "Nightclub." Ms. Shutes explained that the Township attorney reviewed the definitions of both uses within the Zoning

Ordinance. "Nightclub" is the definition that most closely corresponds to Shy Bear Brewing's present facility. Mr. Parkes asked why the use criteria has changed and Ms. Shutes explained that the additional facilities that were constructed since the initial Land Development Plan was approved include the features that are found in a "Nightclub" designation. She also noted that the zoning permits were issued for the new features to keep the process moving along for compliance with both the Zoning Ordinance and UCC codes, since they were originally constructed without Mr. Ufema seeking permits. The latest reviews during the review of a submitted parking plan have shown that a new designation should be made, and the Township attorney has concurred that this is the correct use for the facility. All of this was communicated to Mr. Ufema's attorney, Seth Moseby by multiple letters, the latest dated December 13, 2023 from Township Atty. O'Connor.

Mr. Parkes also asked for clarification on what needs to be submitted to the Board of Supervisors regarding a lot line adjustment to remedy the fact that two buildings at the facility are located on the property line. According to UCC code, this is not allowed unless there are adequate fire suppression measures installed in each building or the buildings are relocated to a safe distance from the property line. Again, Atty. O'Connor's letter dated December 13, 2023 conveys what is necessary for compliance on this issue as well.

Kristin Fultz, Bureau Veritas, commented on the Shy Bear Brewing complex. She submitted a list of UCC violations that outlines items that have been resolved and those that are not resolved. Bureau Veritas has agreed to delay any enforcement actions until December 29, 2023, the date provided to Mr. Ufema in Township Attorney O'Connor's letter dated December 13, 2023. She indicated that after that date if compliance with the UCC Code is not completed, Bureau Veritas will be issuing "Notices of Violation" for each infraction. She noted that any action by the Board of Supervisors regarding Land Development does not have any bearing on the UCC violation deadlines.

PARK MANAGER:

Josh Garver gave a brief report about the pond project. He said the concrete walls at the south end of the pond have been found to be 4" off level. This may result in overflow of the pond during heavy rain events that would flow onto the adjacent walking trail and area in front of the Stage. He has asked the Township Engineer to investigate the problem.

Josh said that volunteers have stocked the newly renovated pond with trout and feeder fish. Mr. Warntz indicated that he would like to see an aerator installed at the pond. The Township has had interest from volunteer organizations to provide one. Josh is checking with the Conservation District to find out what would be appropriate for the pond.

PUBLIC COMMENT: None

ZONING OFFICER:

Mr. Dobson reported that the Jonathan Scott-Bey property at 545 Woodland Ave has been posted as an Unsafe Structure, but the back door is not secured. He noted that it should be secured with plywood so no one can enter.

He reported that he sent a Notice of Violation to the property on Rosemont Ave. that had a Fifth Wheel Trailer located on a residential property that had occupants living in it and that was illegally connected to the public water and sewer lines. The property owner agreed to remove the trailer and has already disconnected the water and sewer lines. The trailer will be removed after the ground freezes to allow easier removal of the trailer.

Mr. Dobson also sent a Notice of Violation to a property owner on Jack's Creek Road that installed a travel trailer on a vacant lot and is advertising for rental as an Air BNB. The trailer's sewer line is connected to a sewer disposal system that has not been approved or inspected by the Township SEO. To date, the owner has not responded to the Notice.

OLD BUSINESS:

The Yeagertown Fire Company and the Chief Logan Volunteer Fire Department submitted a list of firefighters that qualified for the Township's Volunteer Firefighter Incentive Program. J. Sipe made a motion to approve disbursement of \$4,625.00 to Yeagertown Fire Co. to be distributed to its qualifying members and \$5,125.00 to Chief Logan Volunteer Fire Department for its qualifying members. D. Warntz seconded the motion. Motion carried 3 - 0.

D. Warntz made a motion to approve payment to Stake's Landscaping in the amount of \$2,650, for cleanup of debris/vegetation at properties located at 545 and 547 Woodland Ave. J. Sipe seconded the motion. Motion carried 3 - 0.

J. Sipe made a motion to purchase two Solar Radar Speed Signs from U.S. Municipal Supply in the amount of \$4066.67 each. D. Warntz seconded the motion. Motion carried 3 - 0.

NEW BUSINESS:

A memo was received from members of the Derry Township Planning Commission offering to review the Zoning Ordinance updates presently being considered by the Supervisors. A draft copy of the new Solar/Wind Ordinance will be given to them for review and comments.

D. Warntz made a motion to approve Change Order # 5 for the Kish Park Pond Improvement Project in the additional amount of \$3,113.00. J. Sipe seconded the motion. Motion carried 3 - 0.

D. Warntz made a motion to approve Payment App # 7 for the Kish Park Pond Improvement Project in the amount of \$83,680.75. J. Sipe seconded the motion. Motion carried 3 - 0.

D. Warntz made a motion to exonerate the Tax Collector, Bret Treaster from collecting the Real Estate Tax in the amount of \$129.92 for Parcel # 16 ,20-0623--,000. J. Sipe seconded the motion. Motion carried 3 - 0.

Discussion held on the Cooperative Service Agreement for Wildlife Management at Kish Park. Mr. Sipe asked if the park crew could not perform this work themselves. The Park Manager asked to keep the contract for at least one additional year, due to the pond being refilled and becoming attractive to ducks and geese again. J. Sipe made a motion to approve execution of the

Cooperative Service Agreement for Wildlife Services in the amount of \$ 19,834.24 for 2024. D. Warntz seconded the motion. Motion carried 3 - 0.

Officer Haines requested that the Township erect "No Parking" signs along the school zone on Back Maitland Road at the East Derry Elementary School. He reported that during school events and morning and afternoon student pickups, Back Maitland Road is impassable for larger trucks and vehicles. D. Warntz made a motion direct the Roadmaster to work in conjunction with MCRPD to place "No Parking" signs along the right-of-way in the School Zone at East Derry Elementary School. J. Sipe seconded the motion. Motion carried 3 - 0.

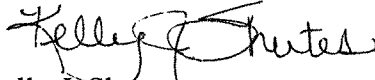
J. Sipe made a motion to appoint Leonard Moist to another five-year term on the Derry Township Sanitary Sewer Authority Board. D. Warntz seconded the motion. Motion carried 3 - 0.

D. Warntz made a motion to allow the Blossom Hill HOA group to use the Senior Center for its business meeting on January 16, 2024 at 6:00 p.m. J. Sipe seconded the motion. Motion carried 3 - 0.

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

There being no further business, the meeting was adjourned on a motion by J. Sipe and seconded by D. Warntz at 6:45 p.m.

DERRY TOWNSHIP BOARD OF SUPERVISORS



Kelly J. Shutes
Township Manager