

## DERRY TOWNSHIP REGULAR MONTHLY MEETING

The Derry Township Board of Supervisors held its Regular Monthly Meeting, Tuesday, September 3, 2024 at 5:30 p.m., Township Municipal Building, 73 Reserve Lane, Lewistown.

Present:	Chairman	Ronald E. Napikoski, Jr.
	Vice-Chairman	Donald R. Warntz, II
	Supervisor	John T. Sipe
	Solicitor	Timothy Searer, Esq.
	Manager	Kelly J. 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, August 19, 2024 meeting. D. Warntz seconded the motion. Motion carried 3 - 0.

SOLICITOR: Solicitor's Report presented for 9/3/24.

## VISITORS:

Nicole Ray and Leslie Sauer, members of the Relay for Life Committee, reviewed ideas they have for events at the next Relay for Life at Kish Park. They mentioned having antique car shows, a petting zoo, a health fair or crafts vendors. The Board told them to make sure any vendors or organizations they bring into the event have liability insurance and that any profits should include some donations of proceeds to Relay for Life or another charity. They were also asked to touch base with the Park Manager to review the coordination of each activity after they narrow down their event schedule.

Jason Daniels, ProLawn, LLC, attended to protest the recent letter he received from Buchart Horn informing him that the cost for raising the pond wall that is lower at the one side of the spillway compared to the other will be withheld from the funds being retained by the Township until the project is closed out. The Board told him that the costs to raise the walls will not be withheld from ProLawn's final payment and if all punchlist items have been completed, the final payment app may be submitted for approval. The Board also agreed to use Township funds to make the repairs to the pond wall as needed.

Trey Peters was present to ask what determination was made regarding his driveway and zoning permit applications. A review completed by the Township Solicitor, Zoning Officer and Manager concluded that the travel trailer and pavilion that was approved by a Zoning Variance as a Short-Term Rental cannot be classified as a single-family dwelling per the Township's Zoning Ordinance, Sec. 215-11- Definitions - Dwelling. That would mean he would have to meet the Non-Single-Family Dwelling driveway requirements found in Sec. 215-37 of the Zoning Ordinance. After discussion, the Board requested advice from the Township Solicitor on what variance Mr. Peter's could request to be able to have his zoning and driveway permits approved. Mr. Warntz stated that he would attend a Zoning Variance Hearing to give his support for the variance. The Zoning Officer will officially deny both Mr. Peters' existing driveway permit and zoning permit applications later this week.

## PUBLIC COMMENT:

Jim Zubler, DLI, Inc., made a statement as a follow-up to a letter submitted to the Board of Supervisors dated 8/28/24. The letter was not placed on the Agenda due to it just being received today, Sept. 3, 2024. He gave a brief synopsis of the letter and stated the intent of the letter. DLI, Inc. and the Juniata River Valley Chamber of Commerce co-wrote the letter. The organizations' Executive Directors, Jim Zubler and Rhonda Kelley, who signed the letter, wrote that, "...it has come to our attention that the current zoning and permitting process in Derry Township is posing significant challenges to business

owners, thereby stunting potential economic growth and development in our community.” Mr. Zubler noted that our area is developing rapidly, and it is their organizations intent, per the 8/28/24 letter “...to support the township in enhancing its zoning and permitting processes, as well as improving professional relationships.” When asked to provide names or contact information for the businesses that say they have been impacted by these challenges, Mr. Zubler noted that Jason Ufema, Shy Bear Brewing and Michael Buffington, Juniata Valley Group, were among those businesses complaining about delays and complexity of the permitting process. Ms. Kelley noted that the Chamber of Commerce has had five to six businesses file complaints with her office. Mr. Napikoski assured them that the Township will work to make the processes as easy as possible for business owners and noted that Derry Township wishes to accommodate developers and small and large businesses as best we can to allow for future expansion of growth in the Township.

ROAD REPORT: Roadmaster not present.

OLD BUSINESS: None

NEW BUSINESS:

D. Warntz made a motion to approve the Park Use Application for the Special Olympics event on July 19, 2025. J. Sipe seconded the motion. Motion carried 3 - 0.

J. Sipe made a motion to exonerate the Mifflin County Tax Claim Bureau from collecting the 2016 through 2023 delinquent Derry Township Real Estate tax bills for Parcel # 16 ,42-0131B-,000, owned by Scott Shreffler at the request of the Mifflin County District Attorney’s office. (Any proceeds from judicial sale of the property will be donated to the Drug Task Force.) D. Warntz seconded the motion. Motion carried 3 - 0.

D. Warntz made a motion to acknowledge receipt of the estimated 2025 MMO for the Derry Township Pension Plan Transmittal letter calculated to be \$30,793.00. J. Sipe seconded the motion. Motion carried 3 - 0.

Suggestions for alternates to serve on the Zoning Hearing Board and the Derry Township Planning Commission were submitted to the Supervisors. The Township Manager will reach out to the citizens whose names were submitted and find out if they are willing to submit letters for consideration to the Board of Supervisors.

D. Warntz made a motion to call for an Executive Session at 6:30 p.m. to discuss potential litigation regarding a driveway permit denial. The motion was seconded by J. Sipe and approved by unanimous vote.

The Board of Supervisors re-convened the meeting at 6:50 p.m. There being no further business, the meeting was adjourned at 6:50 p.m. on a motion by J. Sipe and seconded by D. Warntz.

DERRY TOWNSHIP BOARD OF SUPERVISORS

*Kelly J. Shutes*  
Kelly J. Shutes,  
Township Manager