

**DERRY TOWNSHIP REGULAR MONTHLY MEETING**

The Derry Township Board of Supervisors held its Regular Monthly Meeting, Monday, June 7, 2021, at 5:30 p.m., Township Municipal Building, 73 Reserve Lane, Lewistown.

**Present:**

Vice-Chairman	Donald R Warntz, II	Manager	Kelly J. Shutes
Supervisor	John T. Sipe		
Solicitor	Jeffrey L. Snook		

D. Warntz called the meeting to order at 5:30 p.m. R. Napikoski was not present.

**CDBG HEARING – FFY 2021 FIRST PUBLIC HEARING  
JUNE 7, 2021 @ 5:30 P.M.**

The purpose of this public hearing is to obtain public comment and input for the use of the 2021 allocation amount of \$129,448.00, including \$23,300 for administration fees and \$106,148.00 available for projects. Discussion held on what type of projects are permitted. Funds can be earmarked for demolition projects of blighted properties, paving streets, on lot sewage system updates and other uses as permitted.

A low-mod income survey is currently being conducted in Yeagertown area for a possible street paving project. Qualified streets that may be included would be Second St., Third St., Fourth St., Mann Ave, Locke Ave. and Greenwood Ave. An on-lot sewage system housing rehabilitation project is also being considered. A formal policy for the project will have to be developed.

Ms. Fultz informed the Board that the CDBG-CV Funds that had been ear-marked to purchase laptop computers for qualified students in MCSD was turned down by the School District. The Township must now come up with a new use of these funds which must be related to COVID-19 Mitigation uses. Discussion was held on using the CDBG-CV funds for a possible new HVAC/Ventilation system for the Derry Township Senior Center. Those funds amount to approximately \$69,660.

Ms. Fultz also noted that the East Walnut St. Extd. Paving project will go out to bids this month.

A second Public Hearing will be held September 20, 2021, at 5:30 p.m. at the Derry Township Municipal Building at which a Resolution will be up for adoption to approve use of the FFY 2021 Funds. The cumulative Resolution for FFY 2021 projects will be adopted by the Mifflin County Commissioners at the Mifflin Co. Courthouse on September 30, 2021, at 9:00 a.m.

Application is due to PA-DCED by October 28, 2021, and Competitive applications are due by February 3, 2022.

There was no public comment. There being no further comment the Hearing ended at 5:40 p.m.

J. Sipe made a motion to approve the Minutes of the Monday, May 17, 2021, Public Hearing and the Monday, May 17, 2021, Mid-Month Township Meeting. D. Warntz seconded the motion. Motion carried 3 - 0.

**SOLICITOR:**

Atty. Snook presented a Settlement Agreement between DGB/Berks Homes, Blossom Hill Homeowners' Association, Ryan D. Fetzer, Nicole O'Donnell and Derry Township settling and resolving all disputes, claims and differences between and/or among them arising out of or relating to the encroachment of the swimming pool and other improvements into the drainage easement as outlined in the "Settlement Agreement". J. Sipe made a motion to authorize the Vice-Chairman (in the absence of the Chairman) to sign the "Settlement Agreement" on behalf of Derry Township. D. Warntz stepped from the Chair to second the motion. Motion carried 2 - 0.

Atty. Snook presented a "Memorandum of Agreement/Contract for Clean-Up Services" allowing Sidney G. Kaegel, at no cost to the Township, to clean up the outside of the premises at 501 Princeton St., Tax parcel # 16, 30-0217--,000, remove debris and junk of no significant value and to cut the grass and remove vegetation, all so as to be in compliance with the Township Ordinances and to continue to do so at the direction of the Derry Township Codes Officer, all pending the resolution of the Action of Mortgage foreclosure and sale of the property concluding no later than July 31, 2021. Mr. Kaegel is a mortgage holder on the property and wishes to keep the premises free of debris and the grass and vegetation to the satisfaction of the Township to abate any violations of Township Ordinances. J. Sipe made a motion to authorize the Vice-Chairman (in the absence of the Chairman) to execute the "Memorandum of Agreement/Contract for Clean-Up Services" between Derry Township and Sidney Kaegel. D. Warntz stepped from the Chair to second the motion. Motion carried 2 - 0.

**ROAD REPORT:** Not present

**VISITORS:**

Claire Mulkey, 3 Rosemont Ave., Lewistown, was present to file a complaint with Derry Township regarding an incident at the Kish Park Dog Park. She stated that on Saturday, June 5, 2021, she took a dog at the Dog Park and had spoken to two other dog owners in the Dog Park about their dogs and about their aggressive behavior. The dog owners did not do anything to curtail the aggressive behavior of the dogs, so she decided to leash her dog and move to the small dog park. As she was getting her dog and walking towards the small dog park, the two dogs who had been playing aggressively earlier lunged at her and knocked her to the ground resulting in injuries including a concussion, bruised jaw, and bruised pelvis. She sought medical treatment at the Geisinger-Lewistown Hospital. The owners left the dog park without giving their names. Ms. Mulkey gave the Board a brief presentation about how to run dog parks safely. She pointed out her perceived deficiencies in the Kish Dog Park and asked the Board to take them under advisement to make the Kish Dog Park a safer place for both dogs and people. She stated her goal was to make others aware of the problems at the park and that she would be willing to serve on the Township Dog Park Committee. The Board expressed concern and regret for the experience she had at the Kish Dog Park and invited her to become part of the Dog Park Committee. She was advised that the Dog Park is posted with rules & regulations and those entering, enter at their own

risk. Any recourse regarding the injuries she sustained should be taken up in a civil proceeding against the offending parties.

Devon Warner, Berks Homes and Matt Harlow, ELA Group attended the meeting to present the newest revised stormwater plans for Blossom Hill Development. Mr. Fitzgerald did not like the fact that the new plan still puts his fence inside the storm swale. Mr. Harlow said he will try to make a slight change of the stormwater plan to pipe the water around the existing fence. The plans will be forwarded to the Township Engineer for review. A question was asked by residents of Blossom Hill regarding what happens if the storm swale/pipe becomes filled with debris. Mr. Harlow said the design and location of the swale should prevent that from happening. There is a stormwater agreement in place that would address any issues that arise.

PUBLIC COMMENT: None

#### OLD BUSINESS:

J. Sipe made a motion to authorize the Township Manager to sign the "Letter of Engagement" from Tucker/Arensberg Attorneys to provide legal services beginning June 1, 2021, to Derry Township. D. Warntz stepped from the Chair to second the motion. Motion carried 2 – 0. Attorney Searer was present and thanked the Board for the opportunity for his firm and him to serve Derry Township.

J. Sipe made a motion to approve payment of Invoice # 80548 to Glenn O Hawbaker Inc. in the amount of \$379,139.02 for the 2021 Township Paving Project. D. Warntz stepped from the Chair to second the motion. Motion carried 2 – 0.

#### NEW BUSINESS:

J. Sipe made a motion to approve the 2021 Junk Yard License for Junction Auto Wrecker's. D. Warntz stepped from the Chair to second the motion. Motion carried 2 – 0.

J. Sipe made a motion to execute a contract with Zelenkofske Axelrod LLC to assist Derry Township with application and implementation of the ARPA COVID-19 grant funds. D. Warntz stepped from the Chair to second the motion. Motion carried 2 – 0.


J. Sipe made a motion to approve installation of an ADA Parking Space at 515 Woodland Ave. D. Warntz stepped from the Chair to second the motion. Motion carried 2 – 0.

J. Sipe made a motion to authorize the Township Manager to consult with PFM financial services for a possible refinance of the Township current loan and to look for the best rates throughout the state. D. Warntz stepped from the Chair to second the motion. Motion carried 2 – 0.

J. Sipe made a motion to go into executive session at 6:55 p.m. to consult with counsel as regards information or strategy in connection with potential litigation and complaints about Shy Bear Brewery's operation and investigation thereof. D. Warntz stepped from the Chair to second the motion. Motion carried 2 – 0.

There being no further business, D. Warntz made a motion to end the executive session and adjourn the meeting at 7:05 p.m. J. Sipe seconded the motion. Motion carried 2 – 0.

DERRY TOWNSHIP BOARD OF SUPERVISORS

  
Kelly J. Shutes,  
Township Manager