

## DERRY TOWNSHIP REGULAR MONTHLY MEETING

The Derry Township Board of Supervisors held its Regular Monthly Meeting, Monday, May 3, 2021 at 5:30 p.m., Township Municipal Building, 73 Reserve Lane, Lewistown.

### Present:

Chairman	Ronald E. Napikoski, Jr.	Manager	Kelly J. Shutes
Vice-Chairman	Donald R Warntz, II	Solicitor	Jeffrey L. Snook
Supervisor	John T. Sipe	Roadmaster	Justin Allen

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

J. Sipe made a motion to approve the Minutes of the Monday, April 19, 2021 Mid-Month Township Meeting. D. Warntz seconded the motion. Motion carried 3 - 0.

**SOLICITOR:** Atty. Snook noted that a Public Hearing to be held May 17, 2021 at 4:30 p.m. has been advertised to give notice and allow for discussion of the Proposed Omnibus Zoning Amendment.

### ROAD REPORT:

The Roadmaster reported that the Road Dept. is finished with the prep work for the paving project and the paving is set to begin tomorrow, May 4. The Street Sweeper is back in operation and the sweeping will be wrapping up in two weeks. Mowing will begin soon. The Road Dept. will be overlaying the pavement in the Midway at Kish Park prior to the Embassy Fair. Justin noted that he has reviewed the Ninth Ave. Rehabilitation Proposal received from Buchart Horn. He will meet with Karl Shellenberger to discuss what items in the proposal the Road Dept. can perform.

### VISITORS:

J. P. Quinn presented a signed lease for the Mifflin County Soccer League for 2021. He said that the League is not in favor of replacing the old chain link fence along Ferguson Valley Road with guide rails. The League would like to pursue grant funding to replace it with a new 4' high chain link fence. The Board said there may be funding available out of the ARPA Covid-19 Stimulus funding. J. Sipe made a motion to approve the Mifflin County Soccer League Lease for 2021. D. Warntz seconded the motion. Motion carried 3 - 0.

Deb Pallo, Dog Park Committee, gave an update on the status of the Committee and ideas/issues they are having at the Dog Park. She said there are 8 new committee members and will forward the list to the Township Manager. Deb reported that there are several problems ongoing at the Dog Park, including people bringing un-vaccinated dogs, which has resulted in an outbreak of kennel cough among the dogs, puppies are also being allowed in prior to their shots, patrons are found to be bringing alcoholic beverages and smoking in the Dog Park, as well as bringing in food, small children are coming inside the gates, and some users are not cleaning up after their dogs. The Committee has discussed purchasing a Card Reader Entry system and possibly charging a small fee for membership. The Committee feels this approach would allow for better policing of the park. She estimated the card reader system would cost from \$800 - \$1,000. Mr. Napikoski said that the Township has entertained the idea of a card reader in the past but felt that would be too restrictive since the Dog Park was established for everyone. He also said

it would create a problem with campers at Kish Park or any travelers that wish to use the Dog Park as well. He said the Board will discuss her proposal and Kelly will let her know if they reach a decision.

Sid Kaegel attended the meeting to enquire about a property at 501 Princeton St., Lewistown. He informed the Board that he is a mortgage holder of the property. He said that since COVID-19 has caused moratoriums on evictions and civil actions against individuals. Unfortunately, he was not able to move forward on the foreclosure until recently when the owner moved out. He has been mowing the property, but he is not allowed to remove any of the junk and debris that is on the property. The Township is in the process of having the property cleaned up and placing a municipal lien after the costs are incurred. Mr. Kaegel said that a Sheriff sale is to be held July 14, 2021 and he hopes to purchase the property. R. Napikoski made a motion to work out an agreement with Mr. Kaegel to clean up and maintain the property until the Sheriff Sale and the property is sold. J. Sipe seconded the motion. Motion carried 3 - 0. The Township will refrain from issuing enforcement notices until the situation is resolved.

PUBLIC COMMENT: None

#### OLD BUSINESS:

Discussion held on the Fetzer swimming pool encroachment issues. Atty. Colby, Berks Homes submitted a Tri-Party Settlement Agreement between Fetzer/O'Donnell, Berks Homes and Derry Township to settle the encroachment issue. The Board will discuss the agreement in executive session.

The Blossom Hill Stormwater revisions have not been submitted to our engineer by Berks Homes for review to date.

One proposal was received from the firm of Tucker/Arensburg in response to the RFP for Township Solicitor. D. Warntz made a motion to set up an interview with attorneys from Tucker/Arensburg. J. Sipe seconded the motion. Motion carried 3 - 0.

A budget estimate was presented by Ann Yost, YSM Architects, including two alternatives of funding. The self-funded estimate for preparation of a Scope of Work for development for a Master Site Development Plan for Kish Park would range between \$30,200 - \$34,000 and a DCNR Grant funded estimate would range between \$46,000 and \$49,000. The Township self-funded alternative could be started in mid-2021 and completed in 8 – 12 months. Procuring a 50/50 match DCNR grant to do the Scope of Work would not begin until spring of 2022 and take 8 – 12 months to complete. There is no guarantee that the Township would be awarded the grant. There would be an estimated \$9,000 higher cost for the self-funded project, but it could be completed about one year earlier. D. Warntz made a motion to commit to the self-funded alternative and direct YSM, Architects to prepare a Master Site Plan Development Plan for the estimated cost of \$34,000. J. Sipe seconded the motion. Motion carried 3 - 0. At the end of the project the Township will have a Master Site Development Plan to submit to DCNR and other funding sources for implementation grants.

Discussion was held on the request for security guards at the Embassy Fair. The Board suggested that they ask existing Fire Police organizations if they would be willing to provide their services. Mr. Fagley was made aware that the Fair will coincide with the last full week of Pony League games and is asked to coordinate parking/activities with the Pony League so there are no conflicts.

#### NEW BUSINESS:

D. Warntz made a motion to hire Lorraine Ritchey, Trey Shoemaker and Reese Cullen to work as Mini Golf attendants for the 2021 season. J. Sipe seconded the motion. Motion carried 3 - 0.

The Township Manager reported that she spoke with the County CDBG office and asked if the Township could implement a Housing Rehab Project involving on-lot sewage repairs consistent with the Township's Act 537 plan. They indicated that it is possible, but we may have to modify the application for the 2020 funds. D. Warntz made a motion to ask the County CDBG office to prepare the necessary documents to implement this sewage rehabilitation project in the Jack's Creek area. J. Sipe seconded the motion. Motion carried 3 - 0.

Jim Zubler explained that DLI has requested a Resolution to re-designate them under the Keystone Communities Program, including a designation as an Enterprise Zone as well as a regular Keystone Community. The Enterprise Zone targets manufacturing and industrial properties to enable them to get tax credits. D. Warntz made a motion to adopt Resolution 2021-6 stating that Derry Township agrees to support DLI's request for a Keystone Community Designation, collaborate with DLI in the Keystone Communities Program; approve a five-year strategy to be developed as a part of the application; and authorize DLI to represent Derry Township within the guidelines of the Keystone Communities Program. J. Sipe seconded the motion. Roll Call Vote: R. Napikoski, aye, D. Warntz, aye and J. Sipe, aye. Motion carried 3 - 0.

D. Warntz made a motion to issue a Proclamation by Derry Township designating May 16 – 22, 2021 as EMS Week. J. Sipe seconded the motion. Motion carried 3 - 0.

#### FYI

The April Zoning Permit Report was submitted by the Zoning Officer. The Supervisors reviewed the report and asked that specific permits be followed up by the zoning officer as regards the setbacks and completion status of each one. The Board asked to have the entire permit submittals, including drawings and sketch plans, provided to them so they can review. Discussion was held on how best we make sure the permits are being implemented as issued. The Board suggested that the Zoning Officer sets up certain status checks for permits that have been issued and make sure they have been completed on time and properly. The Board asked to set up a Workshop Meeting with Bureau Veritas, the Township's Building Code Inspection Agency, to discuss the best way to monitor final inspections of projects and location of structures on properties.

Comcast sent a letter notifying Derry Township of the commencement of the renewal process for the next Franchise Agreement. The Township must within six months of this letter dated April 30, 2021 conduct a public hearing, affording residents an opportunity to identify the

future cable-related needs and review Comcast's performance under the current agreement. After that Comcast will submit a renewal proposal with a draft cable television agreement and within four months of the Township's receipt of Comcast's proposal the public should be given adequate notice and opportunity to comment on the renewal proposal. The Township then chooses to renew or issue a preliminary denial of the agreement, which triggers a formal process.

J. Sipe made a motion to go into executive session at 6:55 p.m. to discuss legal matters surrounding the encroachment issues at Lot # 47 in the Blossom Hill Development. D. Warntz seconded the motion. Motion carried 3 - 0.

There being no further business, D. Warntz made a motion to end the executive session and adjourn the meeting at 7:20 p.m. J. Sipe seconded the motion. Motion carried 3 - 0.

DERRY TOWNSHIP BOARD OF SUPERVISORS

Kelly J. Shutes,  
Township Manager