

DERRY TOWNSHIP REGULAR MONTHLY MEETING

The Derry Township Board of Supervisors held its Regular Monthly Meeting, Monday, February 6, 2023 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
	Manager	Kelly J. Shutes
	Roadmaster	Justin Allen
	Solicitor	Timothy Searer

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

J. Sipe made a motion to approve the Minutes of the January 17, 2022 Mid-Month Township Meeting. D. Warntz seconded the motion. Motion carried 3 - 0.

SOLICITOR: Atty. Searer submitted his Solicitor's Report for January. He presented a Tolling Agreement to be entered into with Richard Royer regarding the zoning code violations on his property. Since he must now come into compliance with DEP Flood regulations, his attorney asked that the Township enter into a Tolling Agreement to postpone any actions on his zoning violations at the property for a period of time.

VISITORS:

Bill Wright, Wright Surveying submitted a subdivision plan for the Sandra Carolus property on Back Maitland Rd. D. Warntz made a motion to approve the subdivision plan as presented. J. Sipe seconded the motion. Motion carried 3 - 0.

Kristin Fultz, Bureau Veritas, presented a timeline table of the various UCC Code violations at the Shy Bear Brewing property owned by Jason Ufema. This table was shared with the Township attorneys as well as with Steve Snook, who has been helping Mr. Ufema with his submittals. The table outlines the numerous code violations identified by Bureau Veritas officials. It also gives a brief narrative on what each violation is, the dates of each infraction Notice that was served and the many comments, reviews and meetings held with Bureau Veritas and others. The table noted the multiple times the Township granted time extensions to allow Mr. Ufema to address the code violations. Ms. Fultz noted that she and her associates have been working with Mr. Ufema to come into compliance with the UCC Code. Mr. Napikoski said that Mr. Ufema says his intention is to make major renovations to the Restaurant to bring it into compliance with UCC Code. Mr. Napikoski asked her to try to work with Mr. Ufema and to try to accommodate him so he can keep his business running while the necessary work is being completed. Ms. Fultz said that she could not answer that request because there have been no drawings or plans submitted for review. The Board asked that all parties cooperate and help Mr. Ufema to get his permits issued in a timely manner. Ms. Fultz noted Mr. Ufema will need to file an appeal to the Derry Township UCC Appeals Board by February 10, 2023 for a variance or extension of time to come into compliance as noted in the Orders to Show Cause that were issued on seven structure violations on January 10, 2023. She would have to post them as unsafe structures if no action is taken by the deadline. If an appeal is filed before the deadline, any further actions would be stayed until the UCC Appeals Hearing is held and a decision rendered. Mr. Ufema will also need to re-apply for

zoning permit applications since they have expired (now over 90 days from submittal) and because they were incomplete when submitted.

Jim Zubler notified the Supervisors that there is a training class on digital topics available to them free of charge. He said it would help officials develop an online presence.

PUBLIC COMMENT: None given.

ROAD REPORT: J. Allen reported that the Road Dept. has been sweeping up cinders on Township streets. He is going to work with the Township Engineer to prepare a list of stormwater drains that need to be rehabilitated. Discussion was held on bringing Hummingbird Lane into compliance with Township specs. The Board asked that the Township Engineer be contacted and asked to start preparing the necessary plans to rehab the street.

OLD BUSINESS: None

NEW BUSINESS:

D. Warntz made a motion to table action on the Excess Maintenance Agreement for logging by Penn Lumber Co. noting that no financial security has been posted to date. J. Sipe seconded the motion. Motion carried 3 - 0.

D. Warntz made a motion to approve Payment Application # 2 on the Kish Park Pond Rehabilitation Project payable to Pro Lawn, LLC in the amount of \$22,274.23, noting that the Township Engineer certified pay App # 2. J. Sipe seconded the motion. Motion carried 3 - 0.

D. Warntz made a motion a motion to approve Inv. # E-40946 to George Ely and Associates for the new pavilion in the amount of \$45,008.00, noting payment is only for the pavilion and installation and that a separate invoice will arrive for the concrete work. J. Sipe seconded the motion. Motion carried 3 - 0.

D. Warntz made a motion a motion to approve Inv. # ESO39337 to Hooper, Inc. for the 2022 Kubota UTV in the amount of \$27,247.85. J. Sipe seconded the motion. Motion carried 3 - 0.

J. Sipe made a motion to approve the Park Use Application for the M-J Area Agency on Aging, Sr. Games on June 12, 2023 (rain date June 13, 2023) pending receipt of the necessary fees and insurance documents. D. Warntz seconded the motion. Motion carried 3 - 0.

J. Sipe made a motion to approve the Park Use Application for the Geisinger Walk in the Park for Arthritis on April 29, 2023 pending receipt of the necessary fees and insurance documents. D. Warntz seconded the motion. Motion carried 3 - 0.

D. Warntz made a motion to approve the Park Use Application for the American Cancer Society Relay for Life on June 9, 10 and 11, 2023 pending receipt of the necessary fees and insurance documents; and including approval to allow a Ferris Wheel to be installed during the

event as long as the appropriate liability insurance is provided. J. Sipe seconded the motion. Motion carried 3 - 0.

D. Warntz made a motion to approve the Park Use Application for the JV Behavioral & Development Agency for the Out of Darkness Walk for Suicide Prevention on October 1, 2023 pending receipt of the necessary fees and insurance documents. J. Sipe seconded the motion. Motion carried 3 - 0.

D. Warntz made a motion to approve the award to the apparent low bidders for the NuVisions Senior Net Equipment Project to be paid by the CDBG-COVID 19 funds. J. Sipe seconded the motion. Motion carried 3 - 0.

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

A to Z Builders	Housing Rehab-25% (2 nd Payment)	Inv 1172023-G	\$12,400
M. C. Commissioners	4 th Qtr. 2022 salary Reimbursement	Inv 12312023	\$ 6,430.29

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

J. Sipe made a motion to add the Approval of the Tolling Agreement with Richard Royer to the Agenda. D. Warntz seconded the motion. Motion carried 3 - 0.


J. Sipe made a motion to approve execution of the Tolling Agreement with Richard Royer by the Chairman. D. Warntz seconded the motion. Motion carried 3 - 0.

D. Warntz made a motion to add approval to re-invest the term account fund at PLGIT that matures on Feb. 13, 2023 to the Agenda. J. Sipe seconded the motion. Motion carried 3 - 0.

D. Warntz made a motion to approve investing the term account fund at PLGIT that matures on Feb. 13, 2023 in a new term account for 180 days. J. Sipe seconded the motion. Motion carried 3 - 0.

There being no further business, J. Sipe made a motion to adjourn at 6:00 p.m. D. Warntz seconded the motion. Motion carried 3 - 0.

DERRY TOWNSHIP BOARD OF SUPERVISORS


Kelly J. Shutes,
Township Manager