

## December 8, 2008

Derry Borough Council met in regular session Monday, December 8, 2008 at 7:00 P.M. in the Derry Station Community Room, 200 West Second Avenue, Derry, PA with the following members present: Allen Skopp presiding, Eric Tepper, , Todd Krehlik, Barry Smith, Curt Robbins, Kristine Snyder, and Chris Holnaider. Solicitor Rachel Riedel was absent. Mayor Susan Bortz and Marie McCandless, reporter of the Latrobe Bulletin was present.

**MOTION** by Barry Smith to approve the minutes for regular meeting of November 10, 2008. Motion **SECONDED** by Kristine Snyder. All council members present voiced “aye” in favor of the motion. Motion passed.

**MOTION** by Curt Robbins to approve the treasurer’s report for November 30, 2008. Motion **SECONDED** by Eric Tepper. All council members present voiced “aye” in favor of the motion. Motion passed

### VISITORS

1. Fred Goodman – 121 West Third Avenue, Derry- Concerned about the Occupancy Permit Ordinance, there were a few terms not defined and some details were missing. He asked that the Ordinance be reviewed again prior to adoption.
2. Vince Mastroroccos 133 East 1<sup>st</sup> Avenue, Derry – Observing.
3. Adam Buchanan- 110 East Third St., Derry – Would like to have a better understanding of the definition of a single family dwelling under old Zoning Ordinance. He would like to have a definite explanation of why he couldn’t convert his property into apartments.

### MAYOR’S REPORT

Mayor’s Report for November 2008 was presented by Mayor Susan Bortz with receipts of \$2,405.03 which included traffic receipts of \$1,790.57 and non-traffic receipts of \$258.66. There were 82 complaint calls, 72 traffic citations, and 10 non-traffic citations. The Click It or Ticket Program is now in place.

### COMMITTEE REPORTS

Barry Smith reported that some salt has been ordered for upcoming weather. Barry also addressed the issue regarding Mr. Derito’s alley way. Ed Schmitt had an opportunity to take a look at the alley, and he recommended taking the millings out at the end of the road way and build cold patch up in the spring. The curb should remain for water drainage. Pat Byers knows to address the issue in the spring. Secretary will contact Mr. Derito to let him be aware of solution provided.

4. Ed Schmitt – reviewed the 4<sup>th</sup> Ward project. The pump station is still to be completed for the Water Authority, but the line installment is complete in the 4<sup>th</sup> Ward area. The project on 5<sup>th</sup> Avenue has begun and the contractor will be working through the winter. Ed needs to take a look at the culvert and review the work. There was a paving issue on Chestnut Street where the material didn’t stick and needs repaired.

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The West Second Culvert bids should go out after the first of the year. The CDBG Planning Committee is reviewing the plans submitted by Gibson Thomas.

### REPRESENTATIVE REPORTS

The Back Hoe should be delivered in the upcoming week.

Chris Holnaider reported that the committee needs to talk with the school district to see if they may forgive the tax dollars of the property on the corner of E. 2<sup>nd</sup> Avenue and South Chestnut Street, so a new building may be looked at. Sol. Riedel recommended asking the owners to transfer the property to the Borough.

Krisine Melville will be holding a meeting with Smart Growth on Thursday, December 18<sup>th</sup>, 2008 with Merle Musick. The meeting will be held at the Municipal Building on the second floor. The topic of discussion will be downtown revitalization. The planning commission will be involved with this project. Todd Krehlik mentioned that the planning commission needs to create a plan for council to approve to move forward with the project. Kristine will bring back information from this meeting to council.

The Mayors office supports these efforts and hopes the planning is a success. This project would improve our community as a whole.

Derry Area Business and Professional Association will be meeting this evening to select their officers for 2009 at 7pm at

### COMMUNICATIONS

Letters have been received for the water authority position which will be read later in the meeting following the agenda.

### ZONING OFFICER'S REPORT

The Zoning Officer presented October 2008 report including \$220.80 in receipts and November 2008 report including \$325.60 in receipts. The permits included additions, sheds, fences, a pool, and two demolitions.

Bob Sieminkewicz responded to Mr. Buchanan's property questions and explained that he needs to apply for a permit and then he can always appeal the decision in accordance to the Zoning Ordinance.

Council went into executive session at 7:54p.m. Executive session ended 8:17p.m.

### UNFINISHED BUSINESS

1. Porcelain Park – A tax bill has been submitted to Marlboro Holdings Inc. for the year 2007.
2. **MOTION** by Curt Robbins to approve Ordinance #723 Creating Policy to Assure Compliance with Act 3 of 2008, The Pennsylvania Right to Know Law. Motion **SECONDED** by Kristine Melville. All members present voiced "aye" in favor of the motion. Motion passed.

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3. Ordinance #724 Establishing the Licensing and Inspection of all Rental Units – Tabled. **MOTION** by Kristine Melville for the planning commission to review Ordinance #724 prior to adoption. Motion **SECONDED** by Eric Tepper. All members present voiced “aye” in favor of the motion Motion passed.

4. **MOTION** by Curt Robbins to approve Ordinance #725 adopting and enacting new Zoning regulations, districts and map, administrative structures, and administrative procedures that constitute this Zoning Ordinance, while repealing any previous Zoning Ordinance. Motion **SECONDED** by Eric Tepper. All members present voiced “aye” in favor of the motion Motion passed.

5. **MOTION** by Curt Robbins to request the Planning Commission to review the specific comments in the Recodification and manuscript. Motion **SECONDED** by Eric Tepper. All members present voiced “aye” in favor of the motion Motion passed.

6. **MOTION** by Curt Robbins to pay \$25 to zoning hearing board members per monthly meeting attended effective in 2009. Motion **SECONDED** by Barry Smith. All members present voiced “aye” in favor of the motion Motion passed.

7. **MOTION** by Curt Robbins to approve 2009 General Fund Budget. Motion **SECONDED** by Eric Tepper. All members present voiced “aye” in favor of the motion Motion passed.

**MOTION** by Curt Robbins to move any unappropriated surplus at the end of 2008 to a 2009 Capital Improvement Account. Motion **SECONDED** by Chris Holnaider. All members present voiced “aye” in favor of the motion Motion passed.

8. **MOTION** by Curt Robbins to approve 2009 Sewer Fund Budget. Motion **SECONDED** by Kristine Snyder. All members present voiced “aye” in favor of the motion Motion passed.

9. Bids were received and read for 2009 Tax Anticipation Loan:

S&T Bank offered 2.74% with establishment of accounts or 2.91% fixed with no additional fees.

First Commonwealth offered 3.04 fixed rate with \$115 in fees.

Ameriserve Bank offered 5.50% and a commitment fee of \$575.00.

**MOTION** by Curt Robbins to accept bid by S&T Bank at 2.91% fixed rate for the 2009 Tax Anticipation Loan. Motion **SECONDED** by Barry Smith. All members present voiced “aye” in favor of the motion Motion passed.

10. Letters of interest were received for the Municipal Authority Board of Directors. Applicants were Ronald T. Bolen and Chris Holnaider. **MOTION** by Curt Robbins to appoint Chris Holnaider to the Municipal Authority Board of Directors for a five year term expiring December 31, 2013. Motion **SECONDED** by Eric Tepper. All members present voiced “aye” in favor of the motion Motion passed.

There were no letters received for the other positions available. **MOTION** by Kristine Melville to readvertise for the vacancies available. Motion **SECONDED** by Curt Robbins. All members present voiced “aye” in favor of the motion Motion passed.

Kristine Melville submitted a letter for the planning commission. **MOTION** by Curt Robbins to appoint Kristine Melville to the planning commission for a four-year term expiring December 31, 2011. Motion **SECONDED** by Barry Smith. All members present voiced “aye” in favor of the motion Motion passed.

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NEW BUSINESS

1. **MOTION** by Curt Robbins to approve Fourth Ward Project requisition No. 16 in the amount of \$64,452.44. Motion **SECONDED** by Chris Holnaider. All members present voiced “aye” in favor of the motion Motion passed.

2. **MOTION** by Eric Tepper to increase council wages to \$50 per worksession and regular meetings attended. Motion **SECONDED** by Chris Holnaider. Six (6) members voted “aye” Barry Smith abstained from voting. Motion passed.

3. **MOTION** by Curt Robbins to approve Hoffman’s Dog Contract for 2009. Motion **SECONDED** by Todd Krehlik. All members present voiced “aye” in favor of the motion. Motion passed.

4. Waste Roll Offs – Permit w/bond fee. Todd Krehlik requested Rachel draft an Ordinance for the Borough regarding this matter.

**MOTION** by Eric Tepper to approve and advertise council meeting schedule for 2009. Motion **SECONDED** by Barry Smith. All members present voiced “aye” in favor of the motion Motion passed.

PAYMENT OF BILLS

**MOTION** by Kristine Melville to pay the bills for December. Motion **SECONDED** by Curt Robbins. All members present voiced “aye” in favor of the motion. Motion passed.

**MOTION** by Todd Krehlik to increase council president’s salary to \$75 per meeting for each worksession and regular meeting attended. Motion **SECONDED** by Curt Robbins. Six (6) members present voiced “aye” in favor of the motion. Kristine Melville voted against. Motion passed.

ADJOURNMENT

**MOTION** by Kristine Snyder to adjourn meeting at 8:46p.m. Motion **SECONDED** by Eric Tepper. All members present voiced “aye” in favor of the motion. Motion passed.

Respectfully submitted,

Lori L. Latta  
Secretary