

February 14, 2011

Derry Borough Council met in regular session Monday, February 14, 2011 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, John McCreary, Curt Robbins, and Kristine Melville. Todd Krehlik, Chris Holnaider, and Barry Smith were absent. Mayor Susan Bortz was present. Marie McCandless, Latrobe Bulletin and Jeff Himler, Tribune Review were reporting.

MOTION by Kristine Melville to approve the minutes for the regular council meeting of January 10, 2011. Motion **SECONDED** by Curt Robbins. All members present voiced "aye" in favor of the motion. Motion passed.

MOTION by Curt Robbins to approve the treasurer's report for January 31, 2011. Motion **SECONDED** by Curt Robbins. All members present voiced "aye" in favor of the motion. Motion passed.

VISITORS

None

SOLICITOR'S REPORT

Nothing for the public but requested an executive session to discuss legal matters.

MAYOR'S REPORT

Mayor's Report for January 2011 was submitted to Borough office with receipts of \$1080.21 which included traffic receipts of \$609.43 and non-traffic receipts of \$334.61. There were 117 complaint calls, 19 traffic citations, and 6 non-traffic citations with 1 parking tickets

- DARCEE will be meeting on Wednesday at the Municipal Building on the 2nd Floor at 7pm.
- Lions Club will be meeting at 6pm at the High School in the Library.

ZONING OFFICER'S REPORT

Bob Sieminkewicz reported no zoning permits for January.

COMMITTEE REPORTS

- There was an accident with one of the Plow Trucks (F550) which hit into a raised manhole. There was damage to the plow, the front of the truck, and the undercarriage. The estimates were \$1,674 for body repair from Prah's Auto and \$1,236 for the plow and undercarriage. We submitted a claim with EMC.

REPRESENTATIVE REPORTS

None

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COMMUNICATIONS

- HA Berkheimer will be forwarding an agreement for council review and then the agreement will be signed by Derry Borough, Derry Township, Derry School District, and New Alexandria representatives at the next wage tax board meeting to be scheduled in the future for the Westmoreland County Tax Collection Agreement.
- Pat Byers is preparing a list of streets that are going to need paved in our upcoming paving project for this year or next year. Allen asked Lori to have him prepare for March's meeting.
- Nomination requests from Smart Growth Partnership awards for recognition of Smart Growth development projects at their annual awards banquet to be held on May 26, 2011.
- Lori Latta spoke with the manager of Latrobe City regarding properties which have been condemned due to fire loss. The information was forwarded to council in communications. The city of Latrobe budgets an amount of funds annually for condemned properties and they will demolish those properties after so many days if the owner has not taken action. Then the city creates a lien against the property to be reimbursed.

UNFINISHED BUSINESS

1. Recodification is in the final stages of review by General Code.
2. Occupancy Permits – Bob Sieminkewicz discussed enforcing the local law and the ICC which is in place. He would like to receive certification in the ICC code and to meet with Rachel to discuss the language contained in the new Occupancy Ordinance. He also suggested adopting the 2009 IPM Code which would update our current Ordinance which includes the 2006 IPM Code. He has done some research regarding criteria and tools needed to create the proper process for Derry Borough and enforcement of our Ordinance. He will continue working on and report his progress next month.
3. **MOTION** by Curt Robbins to approve Patrice Kebler to the four-year term on the Planning Commission term ending December 31, 2014. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed. No letters were received regarding the civil service commission vacancy at this time.
4. Committee List – New committee list was forwarded to council with some committee members listed to be announced.
5. Bill Board Donation The mayor requested a motion to utilize a bill board donated by a land owner in Derry Borough contingent upon liability resolution. The application for the art grant is due by March 10th, 2011. A **MOTION** was made by Curt Robbins to utilize the donated bill board contingent upon a liability agreement. Council discussed if the Borough of Derry applies for the grant and an artist would be working on the billboard, it may fall under the insurance of the Borough.

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Lori will check with our insurance agent and a waiver will be used for the artist who volunteers for the project. Rachel said she would prepare a basic agreement. Randy McCreary requested we defer the motion until we find out more details. Rachel suggested a motion to approve the creation of a simple agreement to allow for the billboard donation pending appropriate releases and waivers of liability. Curt Robbins made the **MOTION** again. The motion died for a lack of second.

Council went into executive session at 7:24pm. Executive session ended at 7:36pm.

NEW BUSINESS

1. **MOTION** by Curt Robbins to move forward with LUGUDA Proceedings with transfer of sewer plant to Municipal Authority approving Ordinance 738 to Incur Lease Rental Debt Evidenced by the Guaranteed Revenue Pennvest Revenue Notes. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.
2. **MOTION** by Kristine Melville to approve amendment to 2011 Budget amending Real Estate Valuation for 2011 from \$12,981.52 to \$12,686.20. Motion **SECONDED** by Curt Robbins. All members present voiced “aye” in favor of the motion. Motion passed.
3. **MOTION** by Randy McCreary to approve advertising Ordinance 739 to adopt 2009 Edition IPM Code for Rental Properties and approve purchasing access software and electronic IPM Code Manual for Bob Sieminkewicz as well as paying for testing fees for certification. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.
4. **MOTION** by Kristine Melville to approve Chris Holnaiser’s resignation from Borough Council and the Municipal Authority Board and advertise both positions. Motion **SECONDED** by Curt Robbins. All members present voiced “aye” in favor of the motion. Motion passed.
5. **MOTION** by Kristine Melville to approve Robert A. Shaw’s resignation effective January 29, 2011. Motion **SECONDED** by Curt Robbins. All members present voiced “aye” in favor of the motion. Motion passed.
6. **MOTION** by Curt Robbins to reject the petition requested by Marlboro US Realty Holdings, L.P. provided by Raymond P. Pepe. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.
7. **MOTION** by Kristine Melville to approve Liuna Rehabilitation Plan: Addendum B for Public Works supplement pension plan. Motion **SECONDED** by Curt Robbins. All members present voiced “aye” in favor of the motion. Motion passed.

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8. **MOTION** by Kristine Melville to approve correction to Zoning Section 425-86, G-I District Signs (original Zoning Ordinance Section 714). In the table, for Location on lot, the ordinance reads “No sign shall be closer than twelve (10’) feet to a property line...” should be corrected and written in ten (10’) feet. Motion SECONDED by Curt Robbins. All members present voiced “aye” in favor of the motion. Motion passed

There was a discussion regarding information sent to Mayor Bortz regarding Act 164 of 1984 regarding areas surrounding airports to develop or enact Ordinances to restrict the height of objects that could present a risk or interfere with airport operations. Currently we have in our Zoning Ordinance a maximum limitation of 50ft high structures which should be sufficient.

PAYMENT OF BILLS

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

ADJOURNMENT

MOTION by Kristine Melville to adjourn at 7:46p.m. Motion SECONDED by Randy McCreary. All members present voiced “aye” in favor of the motion. Motion passed.

Respectfully submitted,

Lori L. Latta
Secretary