

## April 12, 2010

Derry Borough Council met in regular session Monday, April 12, 2010 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, John R. McCreary, and Kristine Melville. Chris Holnaider and Barry Smith were absent. Mayor Susan Bortz and Solicitor Rachel Riedel was present. Marie McCandless, Latrobe Bulletin was reporting.

**MOTION** by Todd Krehlik to ratify all motions approved at March 8, 2010 regular council meeting, due to typographical error in advertisement of scheduled meetings. Advertised schedule in Latrobe Bulletin listed March 18, 2010 in error and the correct date was March 8, 2010. Motion SECONDED by Eric Tepper. All members present voiced “aye” in favor of the motion. Motion passed.

**MOTION** by Randy McCreary to approve the minutes for the regular council meeting of March 8, 2010. Motion SECONDED by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

**MOTION** by Todd Krehlik to approve the treasurer’s report for March 31, 2010. Motion SECONDED by Eric Tepper. All members present voiced “aye” in favor of the motion. Motion passed.

Chris Holnaider entered meeting at 7:10pm.

### VISITORS

1. Brian McDowell – DVFD -Observing.
2. Jeff Miller – represents Todd Graham interested in purchasing property located on corner of Mentor and Rt. 217. Prior to purchasing the property he wants to ensure that the proposed use would be permitted in that area for a Laundromat before his client makes a commitment. Laundromats are not currently included in the Mixed Use Village Commercial classification. The plans include a Laundromat with a professional office space of approximately 1500 sq feet. Solicitor Riedel explained they could forward to the planning commission or vote on the issue this evening.

Robert Sieminkewicz explained the Zoning Ordinance has a section which explains that if a usage is not listed under a specific district, then council is to determine which district the use should be allowed. The use can be permitted by right or by special exception. He did recommend that council seek the advice of the planning commission since they were involved in the creation of the Zoning Ordinance. Solicitor Riedel explained that council could vote to approve the use under the Mixed Use Village Commercial District contingent upon the Planning Commission’s Recommendation.

**MOTION** by Randy McCreary to approve the use of Laundromats under the Mixed Use Village Commercial pending the approval of the planning commission. Motion SECONDED by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

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3. Francis Glasser – Concerned about the water run off at the intersection of E. 2<sup>nd</sup> Avenue and S. Ligonier Street. The issue has been ongoing for over four months and he wants to see the problem fixed.
4. Dave McMahan – 95 S. Ligonier St. – Requesting a parking space be allowed in the front of the residence. Council determined there wasn't enough room to allow for a parking area in front of the structure due to such a narrow street. They suggested that he pursue an easement with the Laundromat owner to see if he could have a space behind the actual residence. Robert Sieminkewicz explained that a parking space in the front of the property would interfere with the right away.

### SOLICITOR'S REPORT

Nothing for the public.

### MAYOR'S REPORT

The Mayor reported for March 2010 receipts of \$2216.23 which included traffic receipts of \$1,968.87 and non-traffic receipts of \$133.96. There were 152 complaint calls, 42 traffic citations, and 5 non-traffic citations.

The School Resource Officer report presented 1437 student contacts, 13 incidents including 2 theft, 1 bomb threat, and several fighting incidents. The school is working on some mock emergency situations during prom to promote awareness and two canines have been introduced to the student health classes.

The Revitalization Coordinator report presented 14 warnings issued with 2 outstanding. He is out there and receiving many calls from the public as well. Derry Clean-Up Days will be starting April 24 & 25<sup>th</sup> for the area along ICI property where the fence will be installed and Lake Ethel.

### ZONING OFFICER'S REPORT

Bob Sieminkewicz reported \$337.20 in zoning fees were collected for March 2010 including four e permit.

Mr. Sieminkewicz went up to the Durika property for follow up and he noticed Mr. Durika has moved all of the steel towards the front of the property, which looks like he is in preparation of having it hauled away.

Mr. Ritenour is still in violation as well.

Bob requested Gibson Thomas to survey the property off of E. Keeling Avenue near Cowan Way, before pursuing any violation of the junk steel lying in that area.

### COMMITTEE REPORTS

Eric Tepper attended the TCC meeting in March which they approved the by-laws. The next TCC meeting will be held on Tuesday, April 27<sup>th</sup>.

### REPRESENTATIVE'S REPORT

Todd Krehlik asked if Susan could remind the officers of the scheduled burn days so that they are all aware and can enforce if needed.

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### COMMUNICATIONS

Lori Latta reviewed the changes needed for the Local 1451 Contract for 2010-2014 with council. The solicitor reviewed the contract prepared by the Union and found no concerns with the amendments. The Contract approval is listed as number one under new business.

### UNFINISHED BUSINESS

1. Porcelain Park – Tabled
2. Recodification – Tabled
3. Housing Redevelopment – Tabled
4. Occupancy Permits for Residential Rental Units- A council discussion took place regarding moving forward with the Occupancy Permits. The importance of the occupancy permits are to serve several purposes such as tracking tenants with landlords, rental property inspections, and minimizing conversions of new rental properties from single family dwellings. Solicitor Riedel stated she would review the potential issues and advise the proper process that should be taken. She will also contact Merle to discuss further.

### NEW BUSINESS

1. **MOTION** by Kristine Melville to approve Local 1451 Contract Amendments which includes new amendment referring to Liuna Pension Plan for non-uniform employees and language change in 2010-2014 agreement to include amendment from 2005 contract regarding wage percentage increases during probationary period of one year. Motion **SECONDED** by Todd Krehlik. All members present voiced “aye” in favor of the motion. Motion passed.
2. **MOTION** by Eric Tepper to approve Ordinance #733 Amending Section 21, Traffic Regulations of Chapter XVI, Motor Vehicles and Traffic, (6 ton Weight limit sign to be placed on North Ligonier Street Bridge. Motion **SECONDED** by Barry Smith. All members present voiced “aye” in favor of the motion. Motion passed.
3. The original final map was to show the area to be changed as residential, which was agreed by the planning committee. Sutter and Associates made a typographical error in the final map created showing it zoned as Industrial. **MOTION** by Chris Holnaider to correct and amend the Zoning Map according to the original committee’s planning process and past Ordinances approved. Motion **SECONDED** by Todd Krehlik. All members present voiced “aye” in favor of the motion. Motion passed.
4. **MOTION** by Eric Tepper to approve Lori Latta as the voting delegate at the 2010 PSAB conference in Pittsburgh. Motio **SECONDED** by Chris Holnaider. All members present voiced “aye” in favor of the motion. Motion passed.

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5. Specify Laundromat use under Zoning Law – Submitted to planning commission by council. Motion made earlier in the meeting.

6. **MOTION** by Chris Holnaider to waive the Community Park Fee of \$75.00 for the Wilderness Survival Workshop to be held on April 17, 2010 requested by Kelly Tatone. Motion **SECONDED** by Todd Krehlik. All members present voiced “aye” in favor of the motion. Motion passed.

7. Council agreed that they were unable to approve the property owner of 95 South Ligonier Street to create a parking space in front of his property due to lack of space and the right away.

Allen Skopp suggested council skip down to item number ten.

10. **MOTION** by Chris Holnaider to approve Penn Prime Safety 50/50 match grant in which the amount the Borough will have to pay is estimated at \$750 towards equipment including Folding Barricades with flashing lights, wind sock for the sewer plant, and Class 3 reflective jackets for Public Works and Sewer Plant Employees. Motion **SECONDED** by Eric Tepper. All members present voiced “aye” in favor of the motion. Motion passed.

11. **MOTION** by Eric Tepper to approve donation for \$100 for Derry Area School Picnic supporting Derry Area Business and Professional Association Student Giveaway. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

12. **MOTION** by Chris Holnaider to approve Subrecipient Agreement 08-24 with Westmoreland County CDBG program amending the Project Budget for West Second Avenue Culvert to \$236,819.18. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

**MOTION** by Todd Krehlik to approve hiring Justin Susich as a part-time police officer. Motion **SECONDED** by Chris Holnaider. All members present voiced “aye” in favor of the motion. Motion passed.

9. Sewage Rates - Our debt service ratio is not being fully covered by our Sewer Revenues. After requesting our auditor to review and prepare the 2009 audit he stated that we could raise the monthly residential rate \$1.50 to \$2.00 which should cover our debt service ratio until 2013 which is when our Penn Vest Loan for the Sink Fund will be paid in full.

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Randy McCreary raised the issue that there are two areas which impact this debt service ratio such as delinquency of sewer fund receipts which are not collected (estimated at 25%) and employee salaries that are being paid from the sewer fund including the secretary's salary. If more delinquent receipts are collected and the secretaries salary will eventually be paid in full by the General Fund there will be no need for a rate increase.

Allen Skopp tabled the Sewage Rate issue.

There will be a public meeting regarding the pool tomorrow night Tuesday, April 13, 2010 at 7p.m.

Pool passes that were purchased and paid for will be honored for those families.

**MOTION** by Todd Krehlik to use the amount budgeted for the recreation board (\$9,500) to pay the loan payments for the pool. Motion **SECONDED** by Kristine Melville. All members present voiced "aye" in favor of the motion. Motion passed.

**PAYMENT OF BILLS**

**MOTION** by Chris Holnaider to pay the bills. Motion **SECONDED** by Kristine Melville. All members present voiced "aye" in favor of the motion. Motion passed.

**ADJOURNMENT**

**MOTION** by Kristine Melville to adjourn at 8:35 p.m. Motion **SECONDED** by Eric Tepper. All members present voiced "aye" in favor of the motion. Motion passed.

Respectfully submitted,

Lori L. Latta  
Secretary