

## December 12, 2011

Derry Borough Council met in regular session Monday, December 12, 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, Curt Robbins, John McCreary, Kristine Melville, and Barry Smith.

Marie McCandless, Latrobe Bulletin and Jeff Himler, Tribune Review were reporting.

**MOTION** by Barry Smith to approve the minutes for the regular council meeting of November 14, 2011. Motion **SECONDED** by Curt Robbins. All members present voiced “aye” in favor of the motion. Motion passed.

**MOTION** by Barry Smith to approve special meeting minutes for November 30, 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 November 30, 2011. Motion **SECONDED** by Randy McCreary. All members present voiced “aye” in favor of the motion. Motion passed.

### VISITORS

1. Jim Byers – 501 Mentor Street, Derry – Jim Byers is questioning if Allen Skopp is acting as Mayor, how can he act as council president? The solicitor Rachel Riedel explained that he is only acting Mayor when and upon an action of Mayor, in which at this time he is not in the process of any action of Mayor. Mr. Byers felt that the code book reflects that he is acting as an acting Mayor due to the fact there is no current Mayor and he can’t act as both persons.
2. Julie Anderson- 402 South Ligonier St – Observing
3. Trinity Malis – 306 W. 4<sup>th</sup> Avenue – Jr. Council Appointment
4. Charles DeRito – W 2nd Avenue - He asked if the thirty days is considered from the date of resignation? He agrees with Mr. Byers opinion that Allen should not be acting as council president and Mayor simultaneously.
5. Shawn Melville- South Chestnut St. – Observing

### SOLICITOR’S REPORT

The Ritneour’s have appealed their judgment from the Zoning Court Case.

Property owned by Concordia is appealing their tax payments decreasing their assessed value of the property. There has been a proposed settlement decreasing the assessed value by \$200,000. Derry Borough would have to refund them approximately \$16,000.00 if that settlement is finalized.

### MAYOR’S REPORT

Mayor’s Report was submitted for November 2011 with receipts of \$2,154.68 which included traffic receipts of \$1,283.60 and non-traffic receipts of \$747.64. There were 113 complaint calls, 36 traffic citations, and 5 non-traffic citations with no parking tickets.

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COMMITTEE REPORTS

None

REPRESENTATIVE REPORTS

None

COMMUNICATIONS

Letters of request for appointment of Mayor by David Bolen, Julie Anderson, and Chris Gerhart were provided to council. Lori Latta read the letter from Mr. Bolen to council. She read the other letters at the previous work session.

A letter of interest was received by council from Vince DeCario for the water authority board appointment.

The new maps have been distributed from PRINT and all residents and businesses in Derry Borough should receive one by mail.

ZONING OFFICER'S REPORT

Bob Sieminkewicz submitted November 2011 Zoning Report for four permits for two additions, car port, and a residential porch in the amount of \$197.20, with two tax abatement forms.

Bob is also working on some violations at this time.

UNFINISHED BUSINESS

1. Occupancy Permits – Tabled
  
2. Community Sidewalks – Tabled
  
3. Agreement with YMCA for Outdoor Community Pool – YMCA attorney is to prepare document.
  
4. Solid Waste and Recycling Request for Proposal - Council agreed to wait until 2012 and possibly put out for bid in February.

Kristine Melville asked if we are responsible to pay the monies back on the Concordia property, when would payment be required? The solicitor explained that once the negotiations are settled payment would probably be required within 90 days. She wanted to know if this would impact our budget, and it was explained we have to wait for final agreement before addressing payment and the budget can be reviewed at that time. **MOTION** by Barry Smith to approve 2012 General Fund Budget. Motion **SECONDED** by Curt Robbins. Roll call vote was taken and all members present voiced “aye” in favor of the motion. Motion passed.

6. Tax Anticipation Loan bids were opened. First Commonwealth offered 1.89 % tax free with an \$80 fee, S&T Bank at 1.74% tax free with origination fees of \$150, and Ameriserve at 2.9% tax free with no fees specified. **MOTION** by Curt Robbins to approve the 2012 Tax Anticipation Loan to S&T Bank at 1.74% tax free with origination fees of \$150.

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Motion SECONDED by Barry Smith. All members present voiced “aye” in favor of the motion. Motion passed.

7. **MOTION** by Kristine Melville to appoint Vince DeCario to the Five-Year Term on the Water Authority Board term ending December 31, 2016. Motion SECONDED by Curt Robbins. All members present voiced “aye”. Motion passed.

8. **MOTION** by Kristine Melville to appoint Chris Gerhart as Mayor, term ending December 31, 2013. Motion SECONDED by Randy McCreary. Roll call vote was taken. All other council members stated “nay”. Motion died. **MOTION** by Kristine Melville to appoint David Bolen as Mayor, term ending December 31, 2013. Motion SECONDED by Barry Smith. Roll call vote was taken. Randy McCreary voted “aye”, Curt Robbins “nay”, and Allen Skopp voted “aye”. Motion passed. 4 – yes to 1- no vote.

9. **MOTION** by Barry Smith to approve Ordinance 743 Authorizing the use of Dumpsters on Public Property upon receipt of permit. Motion SECONDED by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

10. **MOTION** by Curt Robbins to approve Ordinance 744 Establishing the 2012 Tax Rate at 27.75 mills (no increase from 2011). Motion SECONDED by Barry Smith. All members present voiced “aye” in favor of the motion. Motion passed.

11. **MOTION** by Curt Robbins to approve Non-uniform Employee Wage Modifier for the 2012 labor Contract Agreement to 1 ½ %. Motion SECONDED by Barry Smith. All members present voiced “aye” in favor of the motion. Motion passed.

## NEW BUSINESS

1. Randy McCreary mentioned tabling the advertising in order to have enough time to review applicants. There was a discussion regarding two of the elected positions will have to choose either the two year or four year terms by contacting the election office at the county courthouse. **MOTION** by Randy McCreary to advertise the following Board and Commission terms expiring in the Borough :

- a. One (1) Five-year term for the Zoning Hearing Board expiring December 31, 2016.
- b. One (1) Two-year term for the Zoning Hearing Board expiring December 31, 2013.
- c. One alternate vacancy for the Zoning Hearing Board.
- d. One (1) Four-year term for the Planning Commission Term Ending December 31, 2015.
- e. One (1) Civil Service Commission Term Ending December 31, 2016.
- f. Council vacancies.

Motion SECONDED by Kristine Melville. All members present voiced “aye” in favor of the motion . Motion passed.

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2. **MOTION** by Kristine Melville to approve the amendment to the police contract to decrease wage increase for 2012 to the amount of 1 ½% and decrease the full-time annual uniform allowance to \$200.00 per officer and part-time annual uniform allowance to \$75.00 per officer. Motion **SECONDED** by Barry Smith. All members present voiced “aye” in favor of the motion. Motion passed.

3. **MOTION** by Kristine Melville to transfer any excess revenues in 2011 to the capital reserve account. Motion **SECONDED** by Randy McCreary. All members present voiced “aye” in favor of the motion. Motion passed.

**PAYMENT OF BILLS**

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

**ADJOURNMENT**

**MOTION** by Curt Robbins to adjourn at 7:53 p.m. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

Respectfully submitted,

Lori L. Latta  
Secretary