

March 12, 2012

Derry Borough Council met in regular session Monday, March 12, 2012 at 7:00 P.M. in the Derry Station Community Room, 200 West Second Avenue, Derry, PA with the following members present: John McCreary, presiding, Jim Byers, Chuck Derito, Kristine Melville, John Patrick, and Jim Ritenour. One council vacancy exists. Mayor Dave Bolen was present. Solicitor Lee Demosky was present. Marie McCandless, Latrobe Bulletin and Jeff Himler, Tribune Review were reporting.

MOTION by Chuck DeRito to approve the minutes for the regular council meeting of February 13, 2012. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Kristine Melville to approve the treasurer’s report for February 29, 2012 with a General Fund Balance Sheet totaling \$153,613.04. Motion **SECONDED** by John Patrick. All members present voiced “aye” in favor of the motion. Motion passed.

Council went into executive session at 7:55pm on Monday, March 5, 2012 for legal matters to discuss Lee Demosky’s procedure in handling litigation matters, the Ritenour litigation, the Derry Roundhouse litigation, the DASD Memorandum of Understanding, the YMCA Agreement, and municipal liens regarding grass cutting expenses to be filed on behalf of Derry Borough. Executive session ended at 8:15p.m.

VISITORS

1. Alfred Young- 709 N. Chestnut St. – Concerned about a few properties which are or are in need of condemnation and considered as blighted properties in Derry Borough such as 216 N. Chestnut St. and one on Cecilton St. which were involved in fires and both have been sitting for at least one year. He addressed council over a year ago and it was explained that the solicitor would review the options for council to pursue demolition of the properties with the property owners. Randy McCreary explained that council is reviewing the situation and unfortunately it always comes down to finances and there are restrictions to private property rights. The county does have a program available for municipalities, which may help with one property per year at \$10,000 per year, which will be reviewed. Chuck Derito mentioned that he with another council member has recently reviewed 67 properties in our community with some type of violation which will be addressed by our police or zoning departments and possibly our solicitor if needed. Council will continue to review.
2. Barry Smith - 502 South Chestnut St. – Observing
3. Dylan Hamacher 221 Broad Street – School Mandatory Meeting
4. Yurika Blevins 145 Front Street – School Mandatory Meeting
5. Joseph Morton & Tony Morton- 215 W. Keeling Ave – Interest in council vacancy
6. Rick and Logan Johnston – 200 Old Rt 217, Derry – Eagle Merit Badge (Observe Meeting)
7. Duane Miller – 17 Carriage Rd – Lions Club – Would like to plant three trees in Derry Borough. Chuck DeRito stated he would follow up with him regarding where the trees could be placed after discussing with the public works department.

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8. William Ehman – 401 W. 6th Avenue – Supports the police department and doesn't mind paying extra taxes to maintain their services and not reduce their work time.

Randy McCreary addressed the public in support of the police department and stated that council has no intention of eliminating the police department. They are trying to review ways to minimize expenses, knowing that we have a \$35,000 revenue that will be eliminated after 2013, and they are trying to avoid having to raise taxes in the future to cover those expenses. Their goal is to provide the most police protection and the most efficient protection they can provide that will not negatively impact our annual budget. He assured the public that the state police will cover if and when necessary and they are reviewing all expenses in all departments to find ways to do better with our budgetary expenses.

9. Shawn Melville – 217 S. Chestnut St. – Supports police department
10. Kelly Tatone & Tom Tatone – 309 W. Keeling Avenue – Supports the police department and wants Derry Council to maintain 24/7 police coverage in our community. She wants to know her family has the ability to call our local police in case of an emergency with quick response time and feels that the state police will not be able to respond as quickly as our own. She has recently read that the state police will be reducing their force and our Comprehensive Plan supports regional police and hopes that we could move forward with such. She has no problem paying an extra \$28.70 a year to maintain our annual budget supporting the public works department and the police department.

She also is hopeful that the RFP for a Waste and Recycling contract will be advertised soon. She put forth a lot of hard work for this opportunity with the RFP and would hate to see it not followed through. This service would benefit our community greatly and reduce the cost of services for our community residents.

11. Susan Bortz – 500 W. 3rd Avenue – She mentioned that cutting the police budget by \$10,000 could have been made up by utilizing the agreement with the Derry School District for \$11,000, but it was not considered. A more positive approach would try to acquire a regionalized police force. She also stated police coverage needs maintained at 24/7 coverage to preserve Derry Borough especially from drugs such as heroin, our children are at risk. She wishes council would reconsider their cuts. Our Chief has worked hard to improve programming with the school district. The state police have limited officers on duty and their response time is not as efficient as a community police department.

Kristine Melville interjected and stated to the public that she reinforces Susan's opinion.

Mayor Dave Bolen interjected stating that he was not included in any executive session making decisions regarding police coverage.

12. Rose Churley- 618 W. 2nd Avenue – Supports the police department
13. Angus Oakes – 200 W. 2nd Avenue, Derry Station – Supports the police department
14. Patrice Lyle – 200 W. 2nd Avenue, Derry Station – Supports the police department
15. Joan Luff – 200 W. 2nd Avenue, Derry Station – Supports the police department

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16. Judy Miller – 200 W. 2nd Avenue, Derry Station – Supports the police department
17. Carol Dwire - 200 W. 2nd Avenue, Derry Station – Supports the police department but would like to see them walk the area more.
18. Alice Melville - 200 W. 2nd Avenue, Derry Station – Supports the police department
19. Jesse Sauders - 200 W. 2nd Avenue, Derry Station – Supports the police department
20. Sandra Luster – 610 Mowry Way- Supports the police department
21. Randie Miller 200 W. 2nd Avenue, Derry Station – Supports the police department

The seniors attending the meeting are asking that the police please walk the streets more often. Ms. Heacox mentioned that other municipalities have police walking the streets more.

SOLICITOR'S REPORT

No report

MAYOR'S REPORT

Mayor Dave Bolen submitted the Mayor's report for February 2012 with receipts of \$1,380.32 which included traffic receipts of \$623.00 and non-traffic receipts of \$536.63. There were 101 complaint calls, 15 traffic citations, and zero non-traffic citations with no parking tickets.

The Mayor stated that he supports 24/7 coverage and he wants our community to be safe.

ZONING OFFICER'S REPORT

There were no permits issued in February and Bob Sieminkewicz was absent.

COMMITTEE REPORTS

Jim Byers – He and Chuck DeRito reviewed the community properties finding many properties that are in violation of zoning or code ordinances. He hopes that the police and the Zoning officer can look at these properties.

Commented on the fact that the Derry Borough post office may be disappearing due to lack of availability of locations and the current location owner's negotiations are not appealing to the post office budget. There are petitions being distributed to support keeping a post office in Derry Borough. Council has also contacted our congressman for his support to maintain our Derry Borough post office.

Chuck DeRito – Wants to review a few stop signs in Derry Borough that he has received calls regarding, he asked if they could be added to the next work session agenda. Also, He has received many complaints about the Burning Ordinance and thinks council should review the ordinance at the work session.

Kristine Melville reported that the secretary is reviewing the land line phone bills as requested and the cell phone bills are currently at a minimum expense and can't be combined with a land phone plan.

REPRESENTATIVE REPORTS

None

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COMMUNICATIONS

MOTION by Kristine Melville to submit a \$50 donation for the DABPA for the Easter Egg Hunt to be held at the Community Park on March 31, 2012 at 1:00pm. Motion **SECONDED** by John Patrick. All members present voiced “aye” in favor of the motion. **MOTION** passed.

- A thank you received by Barb Henderson for repairing a portion of their gravel road to their home, which had a large hole making it difficult to navigate their travels.
- Letter submitted from the DAPBA for the request of donation of \$50 for the Easter Egg Hunt.
- Two letters of interest received for the council vacancy from Joseph Morton and Barry Smith.

UNFINISHED BUSINESS

1. Occupancy Permits – Tabled

Solicitor is reviewing the Ordinance.

2. Advertise the Solid Waste and Recycling Request for Proposal – Tabled

Solicitor is reviewing and will finalize for next month’s meeting. There is a 902 Grant available for recycling bins, once this process has been initialized.

3. Act 44 – Police Pension Plans – Solicitor is preparing a resolution.

4. Killed in Service Benefit – Solicitor recommended paying the insurance premium this year and when the police contract opens at the end of the year the contract language can be changed. It’s more cost effective to pay for this year. The Commonwealth of Pennsylvania provides this benefit currently and there will be no need for us to carry this benefit over to the new police contract.

5. **MOTION** by Kristine Melville to approve Resolution 532-12 the Memorandum of Understanding with Derry Area School District for Police Services. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.

NEW BUSINESS

1. 2012 Paving Project - Tabled

2. Vote on Tax Ordinance #745 The solicitor requested a roll call vote from council in response to Mayor Randy Bolen’s letter received at the regular council meeting on March 12, 2012 stating “I the Mayor of Derry Borough did not sign the Established Tax Rate for the Fiscal Year of 2012 due to the following reasons.

- Borough Council states that we are having financial issues and want to micro-manage but we cut taxes 1 ¾ mills.
- Council cuts \$10,000 from the Police Department and \$9,800 from the street department. In return the millage is lowered.

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- If the millage is kept at the old rate at 27 ¾ mills we can continue to have 24/7 police coverage.
- With the Mayor being kept out of the first two Executive Sessions how am I expected to sign off on the millage approval when I have no idea what is being said behind closed doors.

Roll Call Vote was taken to re-vote on Tax Ordinance #745 setting the millage at 26 mills for 2012. James Byers – Yes, Chuck DeRito – Yes, James Ritenour-No, Kristine Melville – No, John Patrick – No, Randy McCreary – Yes

There was a tie, in which the mayor must vote to break the tie and the Mayor David Bolen voted “no”. 4- No votes to 3-Yes votes. The vote is to keep the millage at 27.75 mills. Kristine Melville made a **MOTION** to keep the police department at 24/7 coverage. Jim Ritenour **SECONDED** the motion. John Patrick suggested that council needs to review this matter further before voting on such matters and make sure all of council has all of the facts. Randy McCreary mentioned that the last several years the police budget has been over budget, and the school district provides funding to support the police on duty on the school district premises, which is not providing services to Derry Borough.

Randy McCreary explained that the budget needs to be reviewed due to constant increases in expenses without increases in revenues. He assured the community that there will always be police responding in the Borough of Derry. After further discussion, Kristine Melville made a **MOTION** to amend her prior motion that 24/7 police coverage to be added to the agenda for next month’s meeting.

Motion was **SECONDED** by Jim Byers. All members present voiced “aye” in favor of the motion.

3. Girl Scouts Troop 80405 Community Project – Tabled

4. Randy McCreary explained two letters were received for the council vacancy and asked for a motion on the floor. Chuck DeRito suggested that Mr. Morton may want to address the public. Mr. Morton addressed the public. **MOTION** by John Patrick to appoint Barry Smith to the council vacancy Resolution 533-12. Motion **SECONDED** by Jim Ritenour. A roll call vote was taken. John Patrick – yes, Jim Ritenour – yes, Kristine Melville – yes, Randy McCreary-no, Chuck DeRito-no, Jim Byers-no. There was a tie. Kristine Melville made a **MOTION** to appoint Joseph Morton. Motion died due to a lack of a second.

There was a tie vote, in which the mayor must vote to break the tie and the Mayor David Bolen voted “yes”. 4- Yes votes to 3-No votes. Barry Smith was appointed to the council vacancy.

5. **MOTION** by Jim Ritenour to approve the resignation of Mark Castin. Motion **SECONDED** by Kristine Melville. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

6. **MOTION** by Kristine Melville to approve the resignation of Lisa Peters. **SECONDED** by John Patrick. All members present voiced “aye” in favor of the motion. Motion passed.

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7. **MOTION** by Chuck DeRito to approve the purchase of road work signs for the public works department with our Safety Award received, and apply for Penn Prime Grant for \$500 for the same. (Flagger Ahead and Road Work Ahead signs) Motion **SECONDED** by Jim Byers.

Kristine Melville questioned that laws regarding work on state roads require at least three workers at a time. John Patrick mentioned that the public works committee would address any work on Rt. 217 at that time with safety in mind. The public works department mainly works on all of our other roads more frequently. All members present voiced “aye” in favor of the motion. Motion passed.

8. **MOTION** by Jim Ritenour to approve Defensive Driving Training (4) hour program for all employees at no cost to the Borough. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

The Mayor requested council to advertise to hire two part-time officers to replace the ones who have resigned. John Patrick requested that the public safety committee meet and discuss with council at the next work session.

PAYMENT OF BILLS

MOTION by Kristine Melville to pay the bills totaling \$62,282.65 from the General Fund. Motion **SECONDED** by Jim Byers. All members present voiced “aye” in favor of the motion. Motion passed.

ADJOURNMENT

MOTION by Kristine Melville to adjourn at 8:31 p.m. Motion **SECONDED** by Jim Byers. All members present voiced “aye” in favor of the motion. Motion passed.

Respectfully submitted,

Lori L. Latta
Secretary