

April 9, 2012

Derry Borough Council met in regular session Monday, April 9, 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 (speaker phone), Kristine Melville, John Patrick, and Barry Smith. Jim Ritenour was absent. Mayor Dave Bolen was present. Solicitor Lee Demosky was present. Jeanette Wolfe, Latrobe Bulletin and Jeff Himler, Tribune Review were reporting.

MOTION by Barry Smith to approve the minutes for the regular council meeting of March 12, 2012. Motion **SECONDED** by Jim Byers. All members present voiced “aye” in favor of the motion. Motion passed.

Jim Ritenour entered the meeting.

MOTION by John Patrick to approve the treasurer’s report for March 31, 2012 with a General Fund Balance Sheet totaling \$155,416.07. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

Council went into executive session at 8:10 p.m on Monday, April 2, 2012 for discussion of litigation. Executive session ended at 8:32p.m.

VISITORS

1. Kelly Tatone – Girls Scout Troop Leader – Girl Scouts Community Garden
Randy McCreary explained to Kelly, there was a discussion at the last work session to relocate the garden to another designated area. Council would like to sell the piece of property originally selected for the project with hopes that a business fills the vacant space. He doesn’t want to see the girls put forth all this effort to then have it torn down in the near future. Kelly explained the girls went to look at the alternative property suggested and they had some comments they would like to share with council. Veronica Tatone, Girl Scout explains their concerns.
2. Macy Kantor- 199 Utopia St. -Girl Scouts Community Garden
3. Colleen Colcombe – 417 Short St. – Girl Scouts Community Garden
4. Alice Bortz – 615 South Summit Street– Girl Scouts Community Garden
5. Veronica Tatone – 309 W. Keeling Avenue– Girl Scouts Community Garden
They understand the concerns of council, however the new location is more difficult to see, there is a lack of lighting, it’s more likely to be vandalized in that area, and of course there is the fire alarm which might be an issue. The area is also harder to access due to the alley way and a one way route. The garden wouldn’t be visible from any business district or residential windows, which was one of the goals of the project. Randy McCreary mentioned that a motion detector light to help protect the garden could be installed as an alternative.

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- John Patrick mentioned council would like to support the project and perhaps have a meeting regarding a resolution to come up with a better area for the project. The girl scouts would like to start their project by June 1, 2012. Veronica asked about donation of bricks needed for their project, and Barry Smith mentioned he would look into a few resources he may have for obtaining some for their project.
6. Heather Ramsey – 409 W. Keeling Avenue– Girl Scouts Community Garden
 7. Juliet Tatone – 309 W. Keeling Avenue– Girl Scouts Community Garden
 8. Kenzie Burd - 2352 Sandy Ave, Latrobe – Girl Scouts Community Garden
 9. Melinda Ramsey – 409 W. Keeling Avenue– Girl Scouts Community Garden
 10. Kathy Burd 2352 Sandy Ave, Latrobe– Girl Scouts Community Garden
 11. Joseph Morton - 215 W. Keeling Ave – He mentioned there are many violations that need reviewed within the Borough and would like to volunteer to help enforce the Zoning Ordinance with Zoning Officer.

Kristine Melville asked Bob if that would be feasible.

Bob Sieminkewicz explained that a person would need to be cognizant of how to conduct themselves in terms of private property owners' rights and seeking permission to be on private property. Identifying the violation is the tip of the process, but thereafter is when all the work begins. Bob explained the process he follows and he works with all residents who are making a good faith effort to remedy the violation. There can be written correspondence or even an enforcement notice at higher levels of violations, and at that point violations can reach the magistrate level, which would require litigation. Understanding the law is important, if one is doing a cursory inspection from a right away and not making contact with residents that could be one type of assistance; however, a person who is contacting a resident regarding a violation that is a separate and more involved task. Council would need to discuss in further detail.

12. Allen Skopp – W. 3rd Avenue – He is concerned about the old 4th Street Pizza building, which he observed is ready to collapse. Also, he asked which budget is being used currently for Derry Borough. Randy McCreary explained that the millage will revert back to the 27.75 millage passed in December. There will be an additional tax amount added to the fall tax bills. Lee Demosky explained that the lowered rate ordinance in February was vetoed.
13. Susan Bortz – 500 W. 3rd Avenue – Observing
14. Rose Churley – 618 W. 2nd Avenue – Observing

SOLICITOR'S REPORT

Lee Demosky will be discussing several items at the end of the meeting with an executive session.

MAYOR'S REPORT

Mayor Dave Bolen submitted the Mayor's report for March 2012 with receipts of \$1991.58 which included traffic receipts of \$1629.71 and non-traffic receipts of \$361.87. There were 109 complaint calls, 21 traffic citations, and two non-traffic citations with no parking tickets.

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ZONING OFFICER'S REPORT

The Zoning report for March 2012 included the following three permits: a demolition permit, temporary tent sale permit, and a shed permit for a total of \$206.40. The Buchanan property has been given a permit for demolition and has been cleared.

Bob has responded to a junk complaint on 4th Avenue which has been handled on an informal basis and should be remedied within 10 days.

COMMITTEE REPORTS

John Patrick – Pat Byers and Matt Smith will be out of town for a DEP conference regarding Flood Control April 10, 11, and 12, 2012.

Kristine Melville – Reported the Borough needs to keep both fax machines after review, one in the borough office and one in the police station due to necessity at minimal expense. Randy asked about the copier leases agreements and Kristine will continue to review and discuss at work session.

REPRESENTATIVE REPORTS

DARCEE – Heather Schroder reviewed new welcome signs for Derry Borough and presented the estimate to DARCEE. Lori Latta, Secretary presented the samples to council to see if there was any interest in placement of the new signage.

COMMUNICATIONS

MOTION by John Patrick to pay \$20 for an ad including ½ a page for the Grand March Program DAHS. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

- We received three estimates for maintenance work on the boiler located in the municipal building. Gregory Martin stated they could not give us a complete estimate for the boiler without disassembly; however, an estimate was given for the water heater at \$652.00. RJ's heating and cooling provided an estimate of \$2,434.65 for boiler maintenance and water heater without detail. Mullen refrigeration provided a detailed estimate of \$2,377.00 for the boiler and \$765.00 for the water heater including a one year warranty. Council will review the estimates more thoroughly and the committee will make a decision at a later time.

UNFINISHED BUSINESS

1. Occupancy Permits – Under review and preparation by Bob Sieminkewicz.

2. **MOTION** by Barry Smith to advertise the Solid Waste and Recycling Request for Proposal. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed. Lee Demosky has reviewed the request for proposal and found no concerns.

3. **MOTION** by John Patrick to approve Resolution 534-12 Act 44 Police Pension Plans. Motion **SECONDED** by Kristine Melville. There was discussion and the Resolution was presented by Solicitor at this meeting, but council needed time to review before approving. The item was tabled until next meeting.

4. Resolution 535-12 Approve the YMCA Agreement for Outdoor Community Pool – Is to be discussed in executive session later in the meeting.

5. **MOTION** by John Patrick to request Gibson Thomas to review and proceed with project specs and bid a 2012 paving project. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

6. Community Garden is to be discussed further with the Girl Scouts Troop 80405 regarding location.

NEW BUSINESS

1. **MOTION** by Jim Byers to sell the corner property located at S. Chestnut Street and 2nd Avenue. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

2. **MOTION** by Kristine Melville to have the police on 24/7 coverage. A discussion with council, the mayor, and public comment by Allen Skopp took place regarding the school contract offered by the Derry Area School District for \$11,000 to supply them with coverage as outlined in the agreement. Motion died due to lack of second.

MOTION by Kristine Melville was made to accept the proposal for \$11,000 for the police contract in the school year 2012-2013 for police coverage. Randy McCreary explained that a memorandum of understanding was approved, and that there has been no contract from the school district presented at this time, only a proposal. Kristine Melville renewed her **MOTION** to accept the proposal for \$11,000 for the police contract in the school year 2012-2013 for police coverage. Lee Demosky asked Kristine to clarify her motion. **MOTION** by Kristine Melville was made to accept the proposal for \$11,000 for the police coverage in the school year 2012-2013 for police coverage that the Chief of Police presented at the beginning of the year.

Jim Ritenour asked for discussion regarding past practice with the memorandum of understanding. Jim Ritenour **SECONDED** the motion. Lee Demosky asked for a discussion of the motion. Barry Smith conveyed that he feels the police protection of the school district is important, he also understands that there are areas in expenditures that we can cut costs. John Patrick stated before council can vote on the wage addendum of the memorandum of understanding council needs a written contract to review prior to approval. Lee Demosky has not received or reviewed this document. Jim Byers explained that the wage proposal discussed in February could be by the hour or an annual salary of \$11,000. Jim was concerned about gas prices and other expenditures that should be considered in an increase for an hourly amount which would cover expenditures. Kristine Melville felt council should accept the proposal for \$11,000 for the school year.

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There was further discussion among council members and visitors regarding expenses which can accrue and it may be beneficial to stay with an hourly rate among council members and visitors. Jim Friscarella explained that there was a substantial increase of income from the school district by accepting the \$11,000 annual proposal including additional fines that would be paid to the borough.

Barry Smith mentioned the concept is not to make money from the school district, but to be compensated for the services provided adequately.

After all discussion, Lee Demosky asked council how they would like to proceed with the motion. A roll call vote was taken Barry – No, Jim Ritenour – No, John Patrick – No, Kristine Melville – Yes, Charles DeRito – No, and Randy McCreary – No. The motion failed. Jim Byers is to have a meeting and discuss with Dr. Welling about the increase of the hourly rate to cover expenses.

3. Mayor Bolen explained that the Chief of police would like to hire two officers.

MOTION by Kristine Melville to advertise for part-time police officers. Motion **SECONDED** by Barry Smith. All members present voiced “aye” in favor of the motion. Motion passed.

4. **MOTION** by John Patrick to advertise the following Public Works Items for Sale requesting bids for purchase – 1971 Gravely Tractor, 1985 Simplicity Hydro 18 Horsepower Riding Tractor with Snow plow attachment, and 1985 Cub Cadet Lawn Tractor. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

Barry Smith mentioned he would like to have a sale of items which need to be inventoried from the house next to the Borough garage. Chuck DeRito explained that he had been looking into that. Pat Byers was to get a list of items together to request public bid of such items. Barry Smith made a **MOTION** to advertise materials are available that are no longer in use in Derry and he requests that a list be made available of those items. Chuck DeRito **SECONDED** the motion. Six members present voiced “aye” in favor of the motion. Kristine Melville was against. Motion passed. Lee Demosky asked Barry Smith to repeat the motion for record. **MOTION** by Barry Smith that the property adjacent to the Derry Borough Garage has housed materials accumulated over the years, and those items should be advertised for sale and a list will be provided upon request. Motion died due to lack of second.

The solicitor requested an executive session to discuss legal analysis of agreement with the YMCA for the Derry Borough Outdoor Community Pool, an update of the Derry Roundhouse Tax assessment, legal opinion of zoning litigation, legal opinion of volunteers assisting with zoning enforcement, and legal opinion of public meeting conduct. Council went into executive session at 8:36pm. Executive session ended at 9:03pm.

Kristine Melville made a **MOTION** to approve the YMCA agreement (Resolution 535-12). Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.

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PAYMENT OF BILLS

MOTION by John Patrick to pay the bills totaling \$41,995.61 and all outstanding bills through the end of the month. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

ADJOURNMENT

Meeting adjourned at 9:04 p.m.

Respectfully submitted,

Lori L. Latta
Secretary