

## May 14, 2012

Derry Borough Council met in regular session Monday, May 14, 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, Jim Ritenour, and Barry Smith. Mayor Dave Bolen was present. Solicitor Lee Demosky was present. 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 April 9, 2012. Motion **SECONDED** by John Patrick. All members present voiced “aye” in favor of the motion. Motion passed.

**MOTION** by John Patrick to approve the treasurer’s report for April 30, 2012 with a General Fund Balance Sheet totaling \$195,247.55 Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

### VISITORS

1. Rose Churley – 618 W. 2<sup>nd</sup> Avenue- Observing
2. Joe Morton- 215 W. Keeling Avenue – Requesting feedback regarding the water flow from curb issue on Keeling Avenue. John Patrick spoke with the engineers and wants to discuss with the solicitor. John will get back with Mr. Morton once discussion takes place and the issue is reviewed.
3. Helen Mavilla – 211 N. Chestnut Street- Her homeowners insurance is requesting she replace her sidewalk and is concerned that the current ordinance indicates that it needs to be 9 ½ feet wide. She is requesting that they review the Ordinance and allow her to make it 5 feet wide since it is no longer a major business thoroughfare. Bob Sieminkewicz had reviewed her request and understands her concern and suggested she address council with the issue. Chuck spoke with Pat Byers and he agrees it would be ok to reduce the sidewalk to 5 feet. Randy McCreary stated council will review and amend section 24 of the Ordinance in discussion. **MOTION** by Jim Ritenour to proceed with advertising to amend section 24 of the current sidewalk ordinance. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.
4. Susan Bortz – 500 W. 3<sup>rd</sup> Avenue –Wants to know why is council still trying to make a part-time police force after an agreement was approved with the school district for \$11,000 which would be incorporated into the budget for the police department to help cover their expenses. She stated the solicitor fees are at 85% of the budget and council doesn’t seem to have concern regarding that line item as much as the police department. Randy McCreary explained that they are trying to maintain the budget they passed earlier in the year.
5. Roy Love – 420 W. 23<sup>rd</sup> Avenue – Inquiring about the alley next to his home. John Patrick explained council is not able to abate the alley mainly because of snow plowing and public works utilizes that area for snow storage.
6. Allen Skopp – 125 W. 3<sup>rd</sup> St. – He is asking why at the last meeting council stated that they were going to maintain 24/7 coverage, but is hearing rumors that the police department is to be expecting cuts.

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- He feels public safety is important in the Borough and wants to know what the plan of council is currently. John McCreary explained that council is going to discuss the issue further this evening in executive session.
7. Jacob Feliciania- 234 Greenfield Rd – DASD Student – Class Project
  8. Wyatt Prentice – 417 Theo Street – DASD Student – Class Project
  9. Carol Dwire – 200 W 2<sup>nd</sup> Avenue Apt. 119 – Observing
  10. Ronna Hand - 213 S. Chestnut St.- Observing and wanted to let council know she will be having some construction work done in the future. She has a parking situation in front of her home, where the customers from the beauty salon are parking. She needs that area clear for the upcoming work to be done on her sidewalks. She wanted to know if they could block that area from public parking during the time of construction. John Patrick explained that he would discuss with the public works department.
  11. Judge Mark Bilik – He has been the magisterial judge in our area for 21 years, and wanted to express his respect and confidence in the Derry Borough Police Department, in hopes that Derry Council will continue 24/7 coverage in our area. Their involvement with the task force and the use of Blade for drug control has gained a lot of attention and respect throughout Westmoreland County. He commended the Chief for his current professional status in our community and surrounding communities in the area by providing a sound department. He is just asking council to review any cuts with caution, because once the cuts are made it is difficult to bring the 24 hour coverage back.

#### SOLICITOR’S REPORT

No report. Lee Demosky will address several legal issues towards the end of the meeting with an executive session.

#### MAYOR’S REPORT

Mayor Dave Bolen submitted the Mayor’s report for April 2012 with receipts of \$1991.58 which included traffic receipts of \$708.25 and non-traffic receipts of \$190.09. There were 112 complaint calls, 23 traffic citations, and two non-traffic citations with 3 parking tickets.

The mayor reported that the police are out walking more as requested and the Chief has been working more hours to cover shifts since we have limited part time hour coverage.

#### ZONING OFFICER’S REPORT

The Zoning report for April 2012 included the permit for two residential storage sheds totaling \$59.00. He has addressed a few complaints including the Prew violation, in which some improvements have been made. He has 30 days to comply in full, and Bob will address after the 30 day requirement.

## COMMITTEE REPORTS

Kristine Melville – Received information regarding phone service conversion to Verizon from the secretary. She will be reviewing the internet, fax machine, and copier further to see if any money can be saved.

## REPRESENTATIVE REPORTS

- ❖ DARCEE plans to erect a new Welcome to Derry Area sign incoming from Rt. 30, where an old sign was placed prior on Barchesky's property along Rt. 217, permission granted.
- ❖ DARCEE is hosting a Community Fishing Day Fundraiser on Saturday, June 16, 2012 from 6am-3pm at Ethel Lake in Derry. Proceeds are to benefit Derry Area Revitalization Corporation.
- ❖ DARCEE plans on holding Concerts in the Park at Mossback again this year, since it was well received last year for several Sundays during the summer months.
- ❖ Chris Koop from Congressman Critz's office attended the last DARCEE meeting and has pledged support with their trails initiative in the Derry Area, the Rt. 217 Bridge reconstruction in Derry, and the Porcelain Park Project in hopes to bring back business into our community.

## COMMUNICATIONS

- The Derry Railroad Days Committee is hosting a Spaghetti Dinner on Saturday, June 9, 2012 from 4pm-7pm to raise funds for Derry Railroad Days at the Derry Presbyterian Church.

## UNFINISHED BUSINESS

1. Occupancy Permits – Under review and preparation by Bob Sieminkewicz.
2. Solid Waste and Recycling Request for Proposals- Workshop Pre-Bid Meeting scheduled for 5:30 P.M, Monday, May 21, 2012.
3. **MOTION** by Kristine Melville to approve Resolution 534-12 Relative to the Procurement of Professional Services for the Municipal Pension Systems Based on the Requirements of Act 44. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye In favor of the motion. Motion passed.
4. Rt. 217 Bridge Project – Westmoreland County Planning (Pre-Bid Workshop Meeting scheduled 5-21-12)
  - Access to the Brownfield site adjacent to the bridge
  - Pedestrian mobility/design
  - Emergency response options during constructionCouncil plans on addressing all of these items at the upcoming meeting including a possible at grade crossing on Chestnut Street.

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John Patrick explained to the public the importance of focus to be on this upcoming bridge project, and the impacts it may have on our community. Council's goal is to have a route of continual flow of traffic to maintain the businesses within our community.

5. The 2012 paving Project is under committee review. The committee received estimates from Gibson Thomas pertaining to the list which was originally created by the committee with the public works supervisor.

6. **MOTION** by Kristine Melville to approve the Girl Scouts Community Garden at the location of the corner of S. Chestnut and 2<sup>nd</sup> Avenue. Motion **SECONDED** by Jim Ritenour. All members present voiced "aye" in favor of the motion. Motion passed.

7. Stop Signs- Council would like to review the stop signs at 2<sup>nd</sup> and 3<sup>rd</sup> Avenue on S. Chestnut Street.

8. Grass Cutting -John Patrick explained that citations will be issued to property owners who fail to comply with the current ordinance. Public works will continue to cut the properties which are vacant accumulating the cost with a penalty of 10%.

9. There was a discussion regarding grass clippings to be removed from the burning ordinance due to the smoke relative to such type of burning and the impact it has on neighboring property owners. This needs to be further reviewed.

10. A potential salt shed is under review, with goals acquiring funding.

11. Condemned properties. There are a few properties that council would like to see addressed and cleared.

#### NEW BUSINESS

1. Corner property S. Chestnut Street and 2<sup>nd</sup> Avenue – Appraisal to be completed for next meeting.

2. Hiring part-time police officers was discussed later in the meeting.

3. Bids were opened for the following equipment 1971 Gravely Tractor, 1985 Simplicity Hydro 18 Horsepower Riding Tractor with plow attachment, 1985 Cub Cadet Lawn Tractor, and a Tokheim Gas Pump.

There were five bidders: Guadino Brothers LLC, Municipal Authority of Derry Borough, Dan Dunlap, Jerry Short, and Susan Urchek.

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Bids were as follows:

<b>EQUIPMENT</b>	<b>MABD</b>	<b>A.GAUDINO</b>	<b>D. DUNLAP</b>	<b>S. URCHEK</b>	<b>J. SHORT</b>
Gravely Tractor		\$128.00	\$101.00		
Cub Cadet		\$162.00	\$201.00		\$151.00
Simplicity Tractor	\$780.00	\$263.00	\$201.00	\$921.00	
Tokheim Gas Pump		\$37.00			

Al Gaudino was awarded the Gravely Tractor. Dan Dunlap was awarded the Cub Cadet. Susan Urchek was awarded the Simplicity Tractor. Borough Council did not accept the bid on the Tokheim Gas Pump.

4. **MOTION** by Kristine Melville to table the approval of Resolution 536-12 Rules for Conduct & Decorum for Council meetings. She will be attending an upcoming webinar for the Sunshine Law. Motion **SECONDED** by Jim Ritenour.

Susan Bortz addressed a question to the Solicitor, how Rules of Conduct and 24/7 coverage can be discussed in executive session? Lee Demosky explained that any resolution can be discussed in executive session with possible legal ramifications, federal violations, and the borough possibly being subject to litigation. All personnel issues such as 24/7 coverage can be discussed in executive session for employees rights and confidentiality.

All members present voiced “aye” in favor of the motion. Motion passed.

5. Matt Smith – Public Works Department – Will be discussed in executive session

6. Sidewalk Ordinance Amendment – Ordinance 305 Section IV needs reviewed for a N. Chestnut St. Resident.

7. Flower house beside the Public Works Garage – Tabled (Still under review)

Mayor requested council discuss the \$11,000 salary offer from the Derry Area School District for the 2012-2013 school year for the police contracted services. Kristine Melville made a **MOTION** to accept the \$11,000 from the school as the negotiated wage for the 2012-2013 school year. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.

#### **PAYMENT OF BILLS**

**MOTION** by John Patrick to pay the bills totaling \$32,682.73 and all outstanding legitimate bills through the end of the month. Motion **SECONDED** by Barry Smith. All members present voiced “aye” in favor of the motion. Motion passed.

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Council went into executive session at 7:54pm. Executive session ended at 9:15pm. Executive session was held for legal and personnel reasons including discussion of the following: assigning an on call police officer to slow or non-essential hours in the police department to provide the 24/7 coverage, maintain walking dog patrols, review of the Keeling Avenue issue, and hiring two part-time officers.

John McCreary requested a motion on the floor to hire two part-time police officers for police coverage.

**MOTION** by Jim Byers to hire two part-time police officers named Jeremy Wynn and Brian Elliott. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

Lee Demosky continued to review discussions in executive session which included a possible third full time public works employee, a possible amendment to the Stop sign ordinance, and the advertisement of the Zoning officer position.

John McCreary, President requested a motion for the floor.

**MOTION** by Jim Ritenour to open the position of Zoning Officer. Motion **SECONDED** by Jim Byers. Six members present voiced “aye” in favor of the motion. Kristine Melville voiced “nay”. Motion passed.

**ADJOURNMENT**

**MOTION** by Jim Byers to adjourn the meeting. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the meeting.

Meeting adjourned at 9:20 p.m.

Respectfully submitted,

Lori L. Latta  
Secretary