

October 8, 2012

Derry Borough Council met in regular session Monday, October 8, 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, Kristine Melville, Chuck DeRito, and Barry Smith. Mayor Dave Bolen was present. John Patrick and Jim Ritenour were absent. Solicitor Lee Demosky was not 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 September 17, 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 minutes for the special council meeting of September 24, 2012. Motion **SECONDED** by Jim Byers. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Barry Smith to approve the treasurer’s report for September 30, 2012 with a General Fund Balance Sheet totaling \$ 206,222.61. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

VISITORS

1. Barb Uschak – Blairsville – Inquiring if the letter written by Chuck DeRito to Janet Phillipi creates a liability for them as a home owner regarding her curb cut. Chuck DeRito explained that the curb cut is not up to Penn Dot specifications.
2. Janet Phillipi – 217 Keeling Avenue – Curb Issue and Letter received by Chuck DeRito
3. Shawn Melville – 217 S. Chestnut St. - Planning Commission Observing
4. Jared Crawford- 417 W. 1st Avenue – School Civics Class Project
5. John Crawford – 417 W. 1st Avenue – Observing
6. Verletta McClelland – 319 E. 1st Avenue – She did not agree with council’s decision to have contracted garbage service. She has not been satisfied with service provided by Waste Management in the past. Council explained there were many meetings held regarding this topic and decision and there was a delay in approving the contracted service which had created a time constraint with communication, but Waste Management will be reaching out to all the individuals in the Borough with written communications regarding the specifics of their services.
She also has a concern with a sidewalk that was recently installed by a contractor and feels the work was not completed properly creating a water problem and additional problems. She stated her contractor said the work was sufficient and unless he receives a letter from the Borough he will not repair her concerns. She is requesting the Borough create a letter on her behalf to support that the sidewalks are not to code specifications. Chuck DeRito stated he would review the issue.
7. Roy Love – 420 W. 3rd Avenue- Concerns with neighboring property with weeds and junk. Would like council to assist him in having the neighbor clean up the neighbors property.
8. Allen Skopp – 125 W. 3rd Avenue – Question
9. Heather Ramsey – 409 W. Keeling Avenue – School Project

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10. Keri Smith- 22 Polar Street – School Project
11. Derek Dimatteo- 453 Gray Station Rd – School Project
12. Norm DiMatteo- 453 Gray Station Rd- Observing
13. Sharon Schmucker – 745 E. 1st Avenue – Her mother who is a senior citizen has neighbors located at 216 E. 2nd Street which continually have high grass, trash all over the yard, and dog waste all through the yard which is creating an odor issue. A concern report was submitted to the police today to address the code issues.

SOLICITOR’S REPORT

Solicitor was not present at the public meeting and no report was submitted.

MAYOR’S REPORT

Mayor Dave Bolen submitted the Mayor’s report for September 2012 with receipts of \$1,044.47 which included traffic receipts of \$627.50 and non-traffic receipts of \$143.75. There were 90 complaint calls, 15 traffic citations, and 1 non-traffic citations with 5 parking tickets.

Mayor Bolen requested that council hire the part-time police officer suggested by the Chief and himself after the interview process.

ZONING OFFICER’S REPORT

The Zoning report was submitted for September 2012 included the permits for one residential manufactured home. The receipts totaled \$142.30. A Tax Abatement form was included with this permit.

COMMITTEE REPORTS

Police-Public Safety

Jim Byers asked council for a motion to approve that all of the police vehicles will remain in the Borough unless they would have an emergency call. Mayor Bolen is concerned about the Chief of Police and the Explorer which the Chief utilizes to transport the dog safely when answering calls. Jim Byers explained that the original purchase of the Explorer was for 4-wheel drive access for the police in the Borough during the winter months. Kristine Melville asked to table the issue until it can be looked into further.

Public Works

Chuck DeRito summarized the Bagster program with Waste Management. He mentioned the Borough could offer the Bagsters at a Derry Borough location for a minimal fee of \$15-\$20. This program could help assist residents who are working on clean-up or maintenance projects on their homes or property. He will email the information to all of council.

Kristine mentioned creating a specific day for spring clean up and the Borough could assist with removal of refuse if needed. Chuck explained that we could utilize the Bagster program all year round and eliminate the cost as a Borough expense.

Chuck DeRito discussed that the Derry Pool has some management and maintenance issues currently that need addressed. The public works has addressed some of the issues. The pump house has some specific issues which need addressed in the near future.

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Chuck DeRito would like to ask Dale Heinz to come to a meeting in the future to discuss the possibility of managing the pool in future years.

Chuck DeRito has asked the public works department to review the flood control areas with clearing debris, trees, brush, ect...

Chuck DeRito has someone reviewing Brown Way and the cost to replace or repair the current culvert. In the past we have received estimates from Gibson Thomas for Brown Way in the amount of \$346,920 and Kelly Way for \$310,200. He has reached out to Contech for their review to see if there are other alternatives available. Their representative stated they could provide other alternatives at a great cost savings, in which materials would be approximately \$20,000. He would like to get more information and then consult with our engineers to see if we can come up with a better resolution.

Jim Byers reported he has asked Ted Kopas to come out and take a look at our flood control projects. They are looking at the higher end of McGee Run to see if there is any grant funds available to improve the flood control in that area to reduce the cost of flood insurance requirements for homeowners along that area in the flood control.

Chuck DeRito reported the public works committee has taken 38 pages of photos of areas that need reviewed and maintained by the public works department including alley ways, the bridge bank area, and storm sewer management. They will be cleaning above and below the grates in the Borough by the public works department. Also, repairs are needed on some of our equipment, in which these issues are being addressed. The house sitting next to the Borough garage has been cleaned out and some materials were scrapped. Crosswalks and curb painting will be addressed next spring. Scrap pile near bridge will be cleaned up and we are working with another municipality in trade of some materials we are not using they will spray our weeds along the bridge.

The paving project will resume once all the maintenance work is complete by the gas company. The Municipal Authority has also been notified of the streets assigned on the paving list, in order to move forward with any repairs that may be needed prior to the paving.

Chuck DeRito had been asked to research Dollar General and their inquiry about obtaining additional property at the current location. In speaking with an individual they would really like to obtain the area where the cabooses are to build a new building. He explained that they would have to make an offer on the property, pay for the cost of relocating the cabooses, while also obtaining approval from council with advertisement of a public bid to move forward with a project of this nature.

Chuck DeRito mentioned residents asking about a Sheetz in town. There has been contact with Sheetz in hopes to obtain a location in Derry Borough along Rt. 217. Council is hopeful to add Sheetz as a business in our community; however, council has other ideas for businesses as well. Sheetz is reviewing the venture.

Police

Kristine Melville as a member of the fiscal administration committee stated she would be reviewing the budget with a report to council next month focusing on the police department in order to maintain 24/7 coverage. Kristine Melville stated she is working with April Kopas in hopes to obtain a Walmart Distribution Center at the Porcelain Park site in the future and still hopeful of the Sheetz opportunity in the Borough.

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REPRESENTATIVE REPORTS

None

An executive Session was held at 7:32pm for personnel reasons. The executive session ended at 7:52pm.

COMMUNICATIONS

- Liquid Fuels Allocation for 2013 is \$60,764.24.
- Thank you from Friends of Caldwell Memorial Library
- Letter from Ted Kopas Westmoreland Planning Commission regarding the upcoming Rt. 217 Bridge Project and their support for positive plans to enhance economic development at the current Brownfield site, while maintaining an open flow of traffic for emergency management and business access during the project.
- Volunteer Firemans's Workers Compensation Insurance Coverage will need to become a separate policy due to the new law passed including new coverage for exposure to carcinogens and cancer related incidents. We will have an estimate of any additional costs for the fireman's insurance by the end of the month from our agent as the application for coverage is reviewed. They will consider population, loss in claims with current modification rate, and specific criteria of fire department.
- Thank you – Rich Shandel for council response to overgrown properties located on W. 1st Avenue
- Sharon Shearer – Request for Temporary Storage. **MOTION** by Kristine Melville to permit Sharon Shearer a temporary storage unit to be placed on her property for 90 days during renovations to her home. Motion **SECONDED** by Chuck DeRito. All members present voiced “aye” in favor of the motion. Motion passed.
- Leaf Pick Up on Monday's beginning October 12th –November 19th.

UNFINISHED BUSINESS

1. Rt. 217 Bridge Project – Meetings are to be scheduled in the near future to discuss updated plans for the project.
2. Condemned properties – Letter from County regarding support for demolition, properties need reviewed. An email was sent to the planning commission to review possibilities for the grant application.
3. **MOTION** by Chuck DeRito to approve Resolution 539-12 Authorizing the President of Council to sign the approved loan agreement received by the Pennsylvania Infrastructure Bank for \$200,000 for upcoming Paving Project. Motion **SECONDED** by Jim Byers. All members present voiced “aye” in favor of the motion. Motion passed.

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4. **MOTION** by Chuck DeRito to approve the solicitor to draft and advertise Ordinance 747 the issuance of and awarding not in excess of \$200,000.00, principal amount, guaranteed revenue note, at a private sale. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.
5. Ordinances 749, 750, 751 Abatement Ordinances – **MOTION** by Kristine Melville to have solicitor review and amend Ordinance 751 to include language for penalties for industrial or commercial tax abatements if the owners decide to close right after the abatement period. Motion **SECONDED** by Jim Byers. All members present voiced “aye” in favor of the motion. Motion passed.

NEW BUSINESS

1. After receipt of a letter by Cheryl Reinard to withdrawal her request for appointment to keep a three person planning commission in place due to the history of struggling to maintain a five member commission, a **MOTION** by Chuck DeRito was made accept Cheryl Reinard’s resignation to maintain three members on the planning commission and to appoint Joe Morton to the Planning Commission. Motion **SECONDED** by Jim Byers. All members present voiced “aye” in favor of the motion. Motion passed.
2. Jim Byers had asked if multiple projects can be submitted. The secretary explained that in the past only one project has been submitted; however, you can submit multiple projects with plans in place. There was a discussion about a sidewalk project. **MOTION** by Kristine Melville to apply for the CDBG grant for sidewalk maintenance or alley paving which will be reviewed by the public works committee, Motion **SECONDED** by Jim Byers. All members present voiced “aye” in favor of the motion. Motion passed.
3. 2013 General Fund Budget – Preliminary numbers will be in place for next council work session.
4. Sidewalk Maintenance Agreement for the reconstructed Rt. 217 Bridge. Chuck DeRito requested it be tabled until further discussion of Penn Dot’s amended plans for the Rt. 217 Bridge Project.
5. **MOTION** by Kristine Melville to approve Halloween parade hosted by DARCEE at 3:00p.m. on Saturday, October 27, 2012 on S. Chestnut and 1st Avenue around Mossback Park and designate Trick or Treat hours in Derry Borough from 4pm-8pm on Saturday, October 27, 2012 after the parade. Motion **SECONDED** by Jim Byers. All members present voiced “aye” in favor of the motion. Motion passed.

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6. **MOTION** by Kristine Melville to approve Resolution 540-12 Authorizing distribution of 2012 State Aid for Fiscal Year in the amount of \$35,761.09 to the General Fund for the Uniform and Non – Uniform Pension MMO for 2012. Motion **SECONDED** by Chuck DeRito. All members present voiced “aye” in favor of the motion. Motion passed.

6. After resolution of a grievance from the public works department, Chuck Derito made a **MOTION** to accept the settlement agreed upon and to hire Matthew Smith as a full-time employee as approved in a previous meeting effective August 6, 2012. Motion **SECONDED** by Jim Byers. All members present voiced “aye” in favor of the motion. Motion passed.

8. McGee Run 1st Avenue to 5th Avenue Flood Control Project – Tabled

9. DAYAA Ball field – Kristine Melville has called Ron Hamacher, President of DAYAA and Bob Sieminkewicz, Zoning Officer to discuss this matter further.

PAYMENT OF BILLS

MOTION by Chuck DeRito to pay the bills totaling \$62,380.93 and all outstanding legitimate bills through the end of the month. Motion **SECONDED** by Jim Byers. All members present voiced “aye” in favor of the motion. Motion passed.

ADJOURNMENT

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

Meeting adjourned at 9:10 p.m.

Respectfully submitted,

Lori L. Latta
Secretary