

November 30, 2012

Derry Borough Council met in regular session Monday, November 30, 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, Jim Ritenour, and Barry Smith. Mayor Dave Bolen was present. Jim Ritenour was absent. Solicitor Lee Demosky was not present. Reporter from Latrobe Bulletin and Jeff Himler, Tribune Review were reporting.

MOTION by Kristine Melville to approve the minutes for the regular council meeting of October 8, 2012. Motion **SECONDED** by Chuck DeRito. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Kristine Melville to approve the treasurer’s report for October 31, 2012 with a General Fund Balance Sheet totaling \$ 163,249.12 Motion **SECONDED** by Jim Byers. All members present voiced “aye” in favor of the motion. Motion passed.

VISITORS

1. Amanda Auckerman – 127 Don St. – Observing
2. Joe Morton – 215 W. Keeling Avenue – Planning Commission
3. Rose Churley – 618 W. 2nd Avenue – Observing
4. Susan Bortz – 500 W. 3rd Avenue – Observing
5. Michelle Henry – 403 S. Chestnut St. – Observing / Neighborhood Watch Program. Concerned who will be participating in the program and are there criminal background checks completed for the volunteers.
6. Bob Henry – 403 S. Chestnut St. – Observing
7. Barry and Traci Holden – 405 S. Chestnut St. -Observing
8. Patty Clark – 119 Park St. – Observing
9. Drew Steel – 429 S. Ligonier St. – Observing, Interest in Council Vacancy
10. Chad Fabian – 159 E. 3rd St. – Observing.

SOLICITOR’S REPORT

Solicitor was not present at the public meeting.

Solicitor’s written report provided:

I provided an opinion letter regarding proposed modifications to the proposed tax abatement ordinance.

I am in the process of coordinating with the PA DCED to obtain the proper documentation re: paving loan.

Ligonier Stone and Lime Company litigation- I submitted my recommendation for the necessary action that is required to be taken to properly protect the Borough of Derry. I contacted the Solicitor for the municipal authority, Rachel Riedel, to confirm that she entered her appearance with the court on behalf of the Borough. To date, I have not received confirmation. The issue of legal representation must be addressed forthwith. EMC has assigned Francis Disalle from Thomas Thomas & Hafer to the claim.

This office has been requested by the Municipal Authority to complete the documentation to coordinate the PENNVEST loans relating to the sewer project.

An Executive Session was held for personnel matters at 7:24pm at the Derry Council Work session held on Monday November 5, 2012.

MAYOR'S REPORT

Mayor Dave Bolen submitted the Mayor's report for October 2012 with receipts of \$506.04 which included traffic receipts of \$280.75 and non-traffic receipts of \$72.45. There were 104 complaint calls, 10 traffic citations, and 3 non-traffic citations with no parking tickets.

Mayor Bolen read a letter from the Ligonier Valley School District for the use of his services with Blade our K-9. Contract negotiations have been going well. The police department has recertified in CPR and first aid.

Mayor Bolen requested that council allow the police chief to interview for two part-time police officers and hire an applicant since coverage is so low and the Chief had to recently work 72 hours plus to cover for some shifts.

ZONING OFFICER'S REPORT

The Zoning report was submitted for October 2012 included the permits for a residential fence. The receipts totaled \$10.00.

Chuck DeRito asked if the Zoning Officer is required to be certified. It was his understanding that a Zoning officer is required to have a three year certification. The solicitor will be asked to review.

COMMITTEE REPORTS

Public Works

- Would like to discuss having the bagster program available for Derry Borough residents and requested it be put on the agenda for January to be discussed in preparation for spring clean-up
- Public Works has cleaned up our streams recently removing trees, limbs, debris, and junk clearing to support a clear flow from the ridge.
- Public Works radios will be updated before of the end of the year due to new regulations.
- Public Works has continued to clean up around the bridge area and dispose of unusable items.
- Public Works has agreed with the Municipal Authority to take care of everything on top of the storm sewer inlets. They are working on creating a monthly inspection of all inlets keeping them free from debris, especially after a storm event.
- A trip hazard was corrected near the post office removing some uplifted bricks.
- Holiday Banners have been put up and the committee would like to review the costs of this process.
- Mossback Park has some overgrown shrubs which need to be removed and the public works department will be removing them and planting a few new items in the spring.
- The Christmas lights that used to be placed on the bridge are no longer safe and that is why the program was abandoned.

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Kristine Melville – Reported that she is planning on working with the Derry School District regarding the Community Park in hopes to improve the recreation facilities bringing more activities to the community.

Chuck DeRito asked Kristine to discuss with the school district about the removal of the old cement stands that were erected for seating purposes, which no longer serve that purpose.

Jim Byers- Reported that he had a meeting with the Ted Kopas and some other employees from the county to discuss preventative maintenance of our streams coming off the ridge. There were ideas discussed and suggested that could be cost effective to improve the flow of Garland Mills Run and McGee Run. The county will assist us with acquiring the permits needed and help us to implement a program.

Chuck DeRito – Reported that the inquiry with Sheetz interest in Derry Borough for a location did not meet the criteria that they require such as an intersection light and a specific amount of traffic flow on the route of a store location. There are some other options being researched in hopes to find another business interested in that location.

Barry Smith – Reported on the neighborhood watch meeting and people have been reaching out to the police to work with this program. Signs have been erected and seem to working in two specific areas which they are located.

REPRESENTATIVE REPORTS

None

COMMUNICATIONS

- Police Department received a \$1,000 grant for general operating support from Norfolk Southern Corporation.
- Ryan Comar – Request for abandoned Right Away – Letter distributed to council- Needs to be discussed further at next work session
- Greg Menser – Request to have Alley Way opened (Vista) parallel to Walters St. – Needs to be reviewed further.
- Thank you from Girl Scouts Troop 80405 in support of their efforts for the Silver and Bronze Awards.
- Christmas Celebration in Mossback Park hosted by DARCEE on Friday December 7, 2012 at 5:15 pm. Approve Donation of \$100 for the event. MOTION by Kristine Melville to donate \$100 to DARCEE for Christmas in Mossback Park. Motion SECONDED by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.

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- Westmoreland Cleanways Municipal Membership 2013 - \$25 MOTION by Kristine Melville to approve membership for \$25. Motion SECONDED by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.
- The Railroad Days Committee will be having Santa at the Cabooses on Saturday, December 8, 2012 from 2pm-4pm.

UNFINISHED BUSINESS

1. Rt. 217 Bridge Project - Public Meeting to be held tentatively on January 9, 2012 at A.V. Germano Hall, DVFD Community Center. Council is hopeful for a positive turn out by community residents.
2. Condemned properties - Tabled
Allen Skopp asked if council could please look at the Derry Floral Shop and Greenhouse located on Y Street. It is falling down around the area and is to be said to need condemned. Merle Musick may be able to assist with the issue.
3. Advertise Ordinance for the issuance of and awarding not in excess of \$200,000, principal amount, guaranteed revenue note, at a private sale. - Tabled
4. Advertise Ordinances for Abatement - Solicitor Reviewing
5. Sidewalk Maintenance Agreement – Reconstructed Rt. 217 Bridge
Council would like to have more information regarding the project plans and confirmation of the next public meeting to help understand the agreement needs of what will need to be maintained.
6. Approve creating a letter of intent from council to Penn Dot for maintenance of sidewalks and lighting on the bridge. - Tabled
7. McGee Run 1st Avenue to 5th Avenue – Flood Protection Jim Byers met with Ted Kopas and other staff members at the county level to come up with some maintenance ideas that can assist the Borough with improvements to our current flows in McGee Run and Garland Mills Run.

NEW BUSINESS

1. **MOTION** by Chuck DeRito to approve Ordinance 747 Providing for the Vacation of certain streets and alleys enacted by council in past meetings. Motion SECONDED by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

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2. **MOTION** by Chuck DeRito to advertise to receive bids for 2013 Tax Anticipation Loan in the amount of \$80,000. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.
3. Zoning – Rt. 217 Corridor – Planning Commission to Review
4. Police Contract to be discussed in executive session.
5. Wage Negotiations for 2013 – Local Union No. 1451 Contract (Public Works) – Tabled
A counter offer was made to the union after receiving their first proposal.
6. **MOTION** by Kristine Melville to approve Hoffman’s Dog Kennel Contract for 2013 with no price increases for the 2013 contract. Motion **SECONDED** by Jim Byers.

All members present voiced “aye” in favor of the motion. Motion passed.
7. **MOTION** by Jim Byers to approve John Patrick’s resignation and advertise for a council vacancy. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.
8. **MOTION** by Jim Ritenour to approve 2013 Membership to 12th Congressional Region Equipment Company for \$300. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.
9. John McCreary thanked Jim Byers and Kristine Melville efforts to maintain the budget with no increases. **MOTION** by Chuck DeRito to advertise 2013 General Fund Budget. Motion **SECONDED** by Jim Byers. All members present voiced “aye” in favor of the motion. Motion passed.
10. **MOTION** by Kristine Melville to advertise Ordinance Establishing Tax Rate at 27.75 mills for Fiscal Year 2013. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION was made by Kristine Melville to advertise for two part-time police officers for the Derry Police Department. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Chuck DeRito to defer from accepting any applications from closing off any more alleys in Derry Borough. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Chuck DeRito to review banner program. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.

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MOTION by Chuck DeRito to advertise for a public grant writer. Motion **SECONDED** by Kristine. Barry Smith asked for this to be tabled for more review. There hasn't been enough discussion regarding this topic.

PAYMENT OF BILLS

MOTION by Kristine Melville to pay the bills totaling \$62,380.93 and all outstanding legitimate bills through the end of the month. Motion **SECONDED** by Jim Ritenour. All members present voiced "aye" in favor of the motion. Motion passed.

An executive Session was held at 7:49pm for personnel reasons. The executive session ended at 8:08pm.

MOTION by Kristine Melville to approve the terms discussed in executive session for the Five-Year Contract with the Derry Police Department. 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 Ritenour. All members present voiced "aye" in favor of the motion. Motion passed.

Meeting adjourned at 8:18 p.m.

Respectfully submitted,

Lori L. Latta
Secretary