

January 14, 2013

Derry Borough Council met in regular session Monday, January 14, 2013 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, Jim Ritenour, Joseph Morton, and Chuck Derito (attended on speaker phone due to out of town business). Mayor Dave Bolen and Solicitor Lee Demosky were present. Marie McCandless, Latrobe Bulletin and Jeff Himler, Tribune Review were reporting.

Council went into executive session at 7:07p.m. for personnel reasons. Executive session ended at 7:16p.m.

MOTION by Jim Byers to approve the minutes for the regular council meeting of December 17, 2012. Motion **SECONDED** by Chuck DeRito. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Joe Morton to approve the treasurer’s report for December 31, 2012 with a General Fund Balance Sheet totaling \$126,970.90. Motion **SECONDED** by Jim Byers. All members present voiced “aye” in favor of the motion. Motion passed.

VISITORS

1. Terry Morton – 215 W. Keeling Avenue - Observing
2. Joseph Morton – 215 W. Keeling Avenue – Observing – Council Vacancy
3. Nelie Smith – 502 S. Chestnut St. – Observing – Council Vacancy
4. Susan Bortz – 500 W. Third Avenue - Vacancy, Voting, Miscellaneous matters. Ms. Bortz voiced her objections concerning the procedure used by Borough Council regarding the appointment to fill a Borough Council vacancy. Ms. Bortz voiced her objections and alleged that Mr. McCreary sent communications on his legal letterhead regarding Borough business. Ms. Bortz believes such communications is intimidating. Randy McCreary explained he is not required to answer Ms. Bortz’s questions and that she has the right to voice her opinions.
5. Amanda Aukerman- 127 Don St. – Observing – DASD Civics
6. Andrew Majorsky – 520 W. Seventh Avenue- Waste Management has given him conflicting information regarding the service in Derry Borough. He wants to know how residents can complain about their service. He has filed a complaint with the Better Business Bureau. Waste Management initially told him he was not required to have the service and they would remove him from their records, at a later date he then received a bill for the service. Mr. Majorsky is requesting his service bill to be credited for the first four months since he was not using the service due to what Waste Management communicated to him by phone that his account would be cancelled.
7. Chris Gerhard – 300 W. Sixth Avenue – DASD Civics
8. Ryan Maloy – 405 Park Street – DASD Civics
9. Caroline Cogan- 4808 Rt. 982 – DASD Civics
10. Sarah Sgro – 302 Matt Dales Road – DASD Civics
11. Katlyn Piper – 417 Stella St. – DASD Civics
12. Kaeleigh Hlause – 708 N. Chestnut St. – DASD Civics

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13. Leah Uncapher -5541 Route 982- DASD Civics
14. Jasmine Kubistek- 523 N. Chestnut St. – DASD Civics
15. Taylor Ross – 120 Cecilton St. – DASD Civics
16. Bob Henry – 403 S. Chestnut St. – Observing

SOLICITOR’S REPORT

1. Police contract negotiations are ongoing, hoping to have them completed within the next month.
2. I have been requested by the Derry Borough Municipal Authority to complete draft of DCED loan documents and complete the process to have the loans placed into the name of the municipal authority. I am requesting confirmation from Borough Council that I am permitted to proceed with this process on behalf of the Borough.
3. Per the request of Borough Council, I have sent a letter to the Ligonier YMCA requesting a copy of all the financial documents regarding the operation of the community pool in 2012. Upon receipt of the documents, I will proceed with meeting with the representatives of the YMCA and report to Borough Council thereafter.

The Solicitor asked for authority to proceed with the DCED paperwork for the transfer of Penn Vest Loans. Randy McCreary explained he spoke with the Derry Borough Municipal Authority manager and he is to complete the documents to effectuate the transfer of the loans.

MAYOR’S REPORT

Mayor Dave Bolen submitted the Mayor’s report for December 2012 with receipts of \$845.76 which included traffic receipts of \$ 472.05 and non-traffic receipts of \$213.71. There were 94 complaint calls, 12 traffic citations, and 2 non-traffic citations with no parking tickets.

Mayor Bolen stated one of the part-time hires is currently working assisting with scheduling. He reported negotiations are still ongoing with the police contract. He complimented the public works department on handling the snow removal recently.

Dave Bolen asked who the contact person is on council regarding the gas line maintenance, in case of an emergency. Randy McCreary stated Chuck DeRito, Jim Byers or Randy McCreary would address any issues if needed as they are on the street department committee.

ZONING OFFICER’S REPORT

There was no Zoning officers report for December.

Kristine Melville read a letter read by Bob Sieminkewicz. Mr. Sieminkewicz received an email by the Borough’s secretary on December 28, 2012 that council has decided that he will no longer receive a monthly salary and he is to fill out a time sheet and be paid hourly in the future, with no mention of an hourly rate.

Mr. Sieminkewicz’s letter to Kristine Melville explained in April 1998 that when he was hired by council he agreed to a salary of \$300 per month for up to 24 working hours a month with expense and mileage reimbursement. Council agreed that Mr. Sieminkewicz could invoice council for any hours over 24 hours worked in a month.

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Since the summer and fall months are the busiest construction months, Mr. Sieminkewicz explained he has used the slower winter months as an offset to the summer and fall months never invoicing for any overtime.

His current wage is at \$427 per month. He will not conduct any Zoning activity until this issue is resolved. Ms. Melville read the email sent to him by the secretary. Council would like Mr. Sieminkewicz to fill out a timesheet regarding his hourly time, and council would like to pay him as his time is accrued.

Kristine had explained that when council worked on the budget council was looking at the zoning wages and the occupancy permit wages and that was why nothing was put into the budget. Kristine requested council put the salary for the Zoning officer back into the budget. Kristine Melville made a **MOTION** to put the Zoning officer's salary back into the budget at \$427 per month. Jim Ritenour **SECONDED** the motion. Lee Demosky asked if there was any discussion of the motion. There was none. Chuck DeRito voted "nay". Joseph Morton voted "nay". Jim Byers voted "nay", and Randy McCreary voted "nay".

Ms. Melville stated that we have to have a Zoning officer. Randy McCreary explained that it is not viable to pay a salary. We are giving Mr. Sieminkewicz an opportunity to remain at an hourly rate. Kristine Melville explained Bob Sieminkewicz will not work at an hourly rate. Randy McCreary stated they will have to re-open the position. Ms. Melville replied that we have already opened the position and no-one applied.

COMMITTEE REPORTS

Chuck DeRito- Public Works Chairman

Public works has been cleaning up on a portion of the ICI property removing some small trees and they did a great job with the snow removal this past week and thanked Mayor Bolen for his compliment to the department.

Kristine Melville stated her concern that our public works department is working on Westmoreland County owned property and the Borough of Derry is paying for the public works employee wages and expressed concern regarding liability in the event an employee is injured.

Kristine Melville - Community Park Lease – DASD – Tabled.

COMMUNICATIONS

- Waste Management- We have had some calls with concerns regarding the senior citizen discounts, in which the Secretary has emailed a contact person in customer service to remedy the resident's needs. There was some confusion with the first recycling pick up; however, Waste Management put a notice in the newspaper and remedied the situation and Waste Management should resume the scheduled pick-ups as the schedule lists informed the residents which were mailed out at the beginning of the year.

UNFINISHED BUSINESS

1. Randy McCreary reported that the Meeting scheduled for January 9, 2013 at the A V Germano Hall (Derry Community Center) was well attended.

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Council has worked very hard on this issue to halt the plan of closing the bridge for demolition vs. the new plan that has been put into place. Mayor Bolen was happy to see an access road coming from the Porcelain Park Property to assist with marketing the property for future business. Everyone agreed that the new plan was much for feasible for our community and will assist us with future marketing of the Porcelain Park property.

2. Condemned properties – Merle has reviewed the green house property on Y St. and said that it may not be condemnable. He still is to take a look at the commercial/industrial property on Rt. 217 which used to be known as 4th St. Pizza.
3. **MOTION** by Jim Byers to advertise Ordinances 749, 750, and 751 for Tax Abatement. Motion **SECONDED** by Joe Morton. All members present voiced “aye” in favor of the motion. Motion passed.
4. Sidewalk Maintenance Agreement – Tabled
5. Waste Management Bagster Program. Chuck provided all the information to council and hopes to discuss it one more time at February’s work session before implementing the program.
6. Due to the project delay council needs to re-advertise the bids for the upcoming paving project. **MOTION** by Chuck DeRito to re-advertise for bids for the 2013 Paving Project. Motion **SECONDED** by Jim Byers. All members present voiced “aye” in favor of the motion. Motion passed.
7. **MOTION** by Kristine Melville to create a letter of intent from council to Penn Dot for maintenance of sidewalks and lighting on the new bridge. 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 Protection. Kristine Melville is waiting for FEMA to come and review the Flood Plain.
9. **MOTION** by Chuck DeRito to approve the 2013 Wage Negotiations addendum for Non-Uniform Contract at a 2% wage increase. Motion **SECONDED** by Joe Morton. All members present voiced “aye” in favor of the motion. Jim Byers abstained. Motion passed.

Lee Demosky asked if council could please indicate clearly “aye” or “nay” when voting to assist in creating a clear record for the minutes.

10. **MOTION** by Jim Byers to approve an addendum for the Waste Management Service Contract permitting for garbage toters to be available for residents at a \$2.00 monthly charge if they choose to rent them. Motion **SECONDED** by Joe Morton. All members voiced “aye” in favor of the motion. Motion passed.

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11. **MOTION** by Kristine Melville to advertise Ordinance for authorizing the issuance of and awarding not in excess of \$200,000, principal amount, guaranteed revenue note, at a private sale by Pennsylvania Infrastructure Bank. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.

NEW BUSINESS

1. Kristine Melville questioned Mr. DeRito why work was being done on Porcelain Park property prior to this resolution being passed. Chuck DeRito explained that there was a verbal agreement with council and the Redevelopment Authority in place. **MOTION** by Jim Byers to approve Resolution 545-13 Right of Entry Agreement between Borough of Derry and Redevelopment Authority of the County of Westmoreland. Motion **SECONDED** by Joseph Morton. Four members present voiced “aye” in favor of the motion. Kristine Melville and Jim Ritenour voiced “nay” against the motion.

2. Appoint Board and Commission terms expiring in the Borough:

MOTION by Kristine Melville to appoint Don Reinard to the Five-Year Term expiring December 31, 2017 on the Zoning Hearing Board. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.

There were no letters of interest for a vacancy and an alternate vacancy for the Zoning Hearing Board, Vacancy Board Chairman, and Civil Service Commission. **MOTION** by Kristine Melville to re-advertise for the positions that we received no letters of interest. Motion **SECONDED** by Jim Byers. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Jim Byers to appoint Cheryl Reinard to the Planning Commission vacancy. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Jim Byers to appoint Paul Funk for the vacancy board chairman. Motion **SECONDED** by Chuck DeRito. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Jim Byers to appoint Tom Sylvester to the Municipal Authority Board. Motion **SECONDED** by Chuck DeRito. Five members present voiced “aye” in favor of the motion. Kristine Melville voiced “nay” voting against the motion. Motion passed.

3. Four letters were received for the council vacancy by Robert Henry, Nelie Smith, Chad Fabian, and Joseph Morton. **MOTION** by Kristine Melville to appoint Robert Henry to the council vacancy. Motion **SECONDED** by Jim Ritenour. Randy McCreary requested a roll call vote. Jim Byers- no, Chuck DeRito-no, Randy McCreary – no, and Joe Morton – no. **MOTION** by Jim Byers to appoint Chad Fabian.

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Motion SECONDED by Chuck DeRito. Kristine Melville – no, Jim Ritenour- no, Chuck DeRito – yes, Joe Morton – yes, Jim Byers- yes, and Randy McCreary – yes. Motion passed.

4. **MOTION** by Chuck DeRito for Joe Morton to be President Pro-tem for 2013. Motion SECONDED by Jim Byers. A roll call vote was taken. Kristine Melville – no, Jim Ritenour – no, Chuck DeRito – yes, Jim Byers-yes, and Randy McCreary – yes. Motion passed.
5. **MOTION** by Kristine Melville to approve Brock E. Dwire as Derry Volunteer Fire Department Fire Chief. Motion SECONDED by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.
6. **MOTION** by Kristine Melville to open the position for auditor for the 2012 audit. Motion died due to lack of second. **MOTION** by Jim Byers to approve Rennie and Tomsey to conduct 2012 Borough and Real Estate Tax Audits preparing DCED reporting and GASB requirements. Motion SECONDED by Chuck DeRito. Four members present voiced “aye” in favor of the motion. Kristine Melville and Jim Ritenour voted “nay”. Motion passed.
7. **MOTION** by Chuck DeRito to approve Gibson Thomas Engineering proposal for 2013 engineering services for the Borough of Derry. Motion SECONDED by Joe Morton. All members voiced “aye” in favor of the motion. Motion passed.
8. **MOTION** by Jim Byers to approve Lee Demosky as Derry Borough Solicitor for 2013. Motion SECONDED by Chuck DeRito. Five members present voiced “aye” in favor of the motion. Kristine Melville voiced “nay” against the motion. Motion passed.
9. **MOTION** by Jim Ritenour to approve Fired Chief Permission to change 911 call outs as necessary. Motion SECONDED by Kristine Melville. Chuck DeRito asked for an explanation as to what this represents. Jim Ritenour and Dave Bolen explained that Brock can call out additional emergency personnel for coverage through 911. All members present voiced “aye” in favor of the motion. Motion passed.
10. **MOTION** by Kristine Melville to approve Resolution 541-13 Police Officers in the Borough of Derry shall not be required to make contributions to the Police Pension fund for the calendar year 2013. Motion SECONDED by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.
11. **MOTION** by Jim Ritenour to authorize borough Secretary-Treasurer to pay bills between meetings to take advantage of discounts and prevent certain bills from becoming overdue. Motion SECONDED by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

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12. Kristine Melville inquired if any changes were needed on the signature cards. The secretary explained that having a third person on the cards is a good idea. Additionally, it is necessary to update the signature cards as resigned council member Barry Smith is still listed as an approved signature. **MOTION** by Kristine Melville to approve Resolution 542-13 Signature Cards for First Commonwealth Bank. Motion **SECONDED** by Jim Byers. All members present voiced “aye” in favor of the motion. Motion passed.
13. **MOTION** by Jim Byers to appoint Randy McCreary as Primary Delegate and Lori Latta as Alternate/Secondary Delegate to the Westmoreland County Tax Collection Committee Resolution 543-13 effective January 14, 2013. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.
14. **MOTION** by Jim Byers to appoint Chuck DeRito as the COG representative. Motion **SECONDED** by Joe Morton. Five members present voiced “aye” in favor of the motion. Kristine Melville voted “nay”. Motion passed. The president of council will assign the remaining positions for Lake Ethel board and Wage Tax Board as necessary.
15. **MOTION** by Kristine Melville to approve Resolution 544-13 for the Tax Anticipation Note. Motion **SECONDED** by Jim Byers. All members present voiced “aye” in favor of the motion. Motion passed.
16. Stop signs at Edith, 3rd, and Braden Avenue – Tabled

MOTION by Kristine Melville to only authorize Borough Council members to attend six meetings per year via telephone. Motion **SECONDED** by Jim Ritenour. All four other members voted “nay”. Motion denied.

MOTION by Jim Byers to open the Zoning Officer Position as an hourly part-time position. Motion **SECONDED** by Chuck DeRito. Four members present voiced “aye” in favor of the motion. Kristine Melville and Jim Ritenour voted “nay” against the motion. Motion passed.

PAYMENT OF BILLS

MOTION by Kristine Melville to pay the bills totaling \$58,858.41 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.

MOTION by Kristine Melville to pay the remaining portion of the December 2012 invoice issued by Strubles Pro Auto Works for repairs on our K-9 unit. Motion **SECONDED** by Jim Ritenour. Discussion: Jim Byers explained that council never approved this work to be done. Kristine Melville explained that the mayor approved for this work to be completed and Chief Glick paid for a portion of the bill with grant funds that were received and personal funds for parts on the vehicle. Jim Byers, Chuck DeRito, Randy McCreary, and Joe Morton voted “nay” to pay the bill. Motion denied.

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MOTION by Kristine Melville to request the President, Vice-President, and Pro-tem resign because payment for these services needs to be rendered to Strubles Pro Auto Works. Motion was withdrawn by Kristine Melville. **MOTION** by Kristine Melville that Randy McCreary and Jim Byers as president and vice-president resign due to the fact they can't conduct themselves as elected officials and not pay the bills and there is a vote of no confidence on the floor. Motion **SECONDED** by Jim Ritenour. Roll call voted taken. Jim Byers- "nay", Randy McCreary- "nay", Joe Morton- "nay", and Chuck DeRito voted "nay". Motion denied.

ADJOURNMENT

MOTION by Jim Byers to adjourn meeting. Motion **SECONDED** by Chuck DeRito. All members present voiced "aye" in favor of the motion. Motion passed.

Meeting adjourned at 8:48 p.m.

Respectfully submitted,

Lori L. Latta
Secretary