

February 11, 2013

Derry Borough Council met in regular session Monday, February 11, 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, Chuck Derito, Chad Fabian, and Joseph Morton. Mayor Dave Bolen was present. Solicitor Lee Demosky was present. Marie McCandless, Latrobe Bulletin and Jeff Himler, Tribune Review were reporting.

MOTION was made by Kristine Melville to approve the minutes for the regular council meeting of January 14, 2013. Motion **SECONDED** by Jim Byers. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION was made by Joe Morton to approve the treasurer’s report for January 31, 2013 with a General Fund Balance Sheet totaling \$180,530.47. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

John R. McCreary resigned as president of council.

MOTION was made by Kristine Melville to accept resignation of John R. McCreary’s seat as President of council. Motion **SECONDED** by Chad Fabian. All members present voiced “aye” in favor of the motion. Motion passed.

John McCreary requested nominees for president of council. Jim Ritenour nominated Kristine Melville. Motion **SECONDED** by Chad Fabian. A roll call vote was taken. Joseph Morton – Nay, Jim Byers – Nay, Chuck DeRito- Nay, and John McCreary – Nay.

John McCreary requested another nominee for president of council. Joe Morton made a **MOTION** to nominate Jim Byers. Motion **SECONDED** by Chuck DeRito. Kristine Melville requested discussion. Ms. Melville asked Mr. Byers what qualifies him to be council president. He explained he wants his role to be for the betterment of the community and to bring business into the town, clean up the town, and keep taxes from being elevated. Ms. Melville questioned his ability to be president and didn’t feel he had enough knowledge of municipal government to become council president. The Solicitor requested Mr. Byers summarize his abilities. Mr. Byers explained he has lived in the Borough all of his life and wants to see the town grow. He is a supervisor at Raven Industries and has worked there for fifteen years in quality control and his interest is in the community. A roll call vote was taken. Kristine Melville – Nay, Jim Ritenour – Nay, Chad Fabian – Nay, Randy McCreary – Aye, Chuck DeRito – Aye, and Joseph Morton - Aye. Jim Byers abstained. The solicitor explained that Mayor Dave Bolen would have to vote to break the tie. Mayor Dave Bolen voted” nay”.

Jim Byers asked for another nomination. Jim Ritenour made a **MOTION** to nominate Kristine Melville because of her experience. Motion **SECONDED** by Chad Fabian due to her experience. Roll call vote was taken. John McCreary-Nay, Joe Morton – Nay, Chuck DeRito – Nay, Jim Byers-Nay. Kristine Melville abstained.

Chuck DeRito nominated Chad Fabian. Mr. Fabian respectfully declined. John McCreary nominated Joe Morton. Mr. Morton declined.

Lee Demosky, Solicitor explained that Jim Byers will preside over the meeting as vice-president to continue on with regular business.

VISITORS

1. Nelie Smith – 502 S. Chestnut St. – Questioned why the police contract was not negotiated sooner by Mr. Byers?
2. Susan Bortz – 3rd Avenue - Asked Mr. Byers what he has done to educate himself as an elected official? She questioned his public safety experience as well. She questioned why Chuck DeRito was allowed to participate at council meetings by speaker phone without a vote from council?
3. Amanda Aukerman- 127 Don St. – Observing – DASD
4. Andrew Majorsky – 520 W. Seventh Avenue- Waste Management concern.
Expressed to council again that he had filed a complaint with the better business bureau again against Waste Management. They 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. He is requesting his service bill to be credited for the first four months since he was not using the service due to what they communicated to him. He wishes he had the ability to access the pay per bag service as he does need 90lbs of garbage waste hauled weekly. He feels Waste Management doesn't care about the resident's concerns due to them having secured a three year contract for our community and the fact that they are a national company we are not their concern. Also, he wanted council to request them to please close the lids on the containers after dumping the waste and recycling into the trucks. Mr. Byers explained that they have spoken with them on several issues which should be addressed.
Mr. Majorsky also wanted to know if council would consider having the end of West Seventh Avenue paved for three of the residents who live there which is now currently gravel. The residents have a hard time when it snows to reach their driveways. Mr. DeRito explained that council is continually reviewing roads that need paved and they would review W. 7th Avenue in the future. Mr. DeRito also explained there is much involved with paving due to storm drains and water run off issues that must be considered as well during planning. Mr. Majorsky requested the street at least be plowed when it snows. Chuck DeRito directed him to contact Patrick Byers at the public works garage when weather conditions create the need. The Mayor suggested we request a representative from Waste Management to come to the next work session to discuss any concerns with the Borough.
5. Robert Kauer – BIU- Mr. Kauer summarized their company and the services they could provide temporarily for zoning until a zoning officer is appointed or they could offer all services contractually which would include zoning, UCC, code enforcement, and occupancy/rental inspections. Council asked questions regarding their services they provide and he explained their services in more detail.
BIU offered a 45 day temporary service contract at 100% cost of fees for Zoning, until council reviews further.

Council went into executive session regarding personnel issues with Zoning at 7:58pm. Executive session ended at 8:22p.m.

Jim Byers requested a nominee for council president. Chad Fabian motioned for Kristine Melville to become council president. Motion SECONDED by Jim Ritenour. A roll call vote was taken Joe Morton- Aye, Chuck DeRito – Aye, Jim Byers – Aye, and John McCreary- Nay. Kristine Melville abstained.

Kristine Melville presided during the continuum of the meeting.

Kristine Melville asked to address the BIU proposal for zoning specifically at this time which is listed under new business. Jim Byers made a **MOTION** that council should move forward with the zoning aspect of the services temporarily for 45 days contractually with BIU. Motion SECONDED by Chuck DeRito. All members present voiced “aye” in favor of the motion. Motion passed.

James Byers asked Kristine Melville if she wanted him to remain as vice-president and she replied yes.

SOLICITOR’S REPORT

Nothing for the public at this time, he has something for executive session at a later time in the meeting.

MAYOR’S REPORT

Mayor Dave Bolen submitted the Mayor’s report for January 2013 with receipts of \$1,541.54 which included traffic receipts of \$ 237.27 and non-traffic receipts of \$505.53. There were 126 complaint calls, 20 traffic citations, and one non-traffic citation with four (4) parking tickets.

Mayor Bolen mentioned two of the three part-time police officers have begun working, and the other one should be starting soon. They have all officially been sworn in.

The mayor mentioned he is concerned with the current gas line maintenance project that is ongoing; it has been disruptive to our community. Chuck DeRito explained he would discuss this topic as committee chairman of public works later in the meeting.

ZONING OFFICER’S REPORT

There was no Zoning officers report for December.

COMMITTEE REPORTS

Chuck DeRito- Public Works Chairman

Public works has been doing extremely well with snow removal and a new process that has been implemented for notifying public works for call outs.

They have been working on some potholes that need repaired that has been enhanced from the salt and other road maintenance.

Mr. DeRito has spoken with some of the employees of the contracted company for the gas line maintenance. He explained to them some of the Borough’s concerns including some OSHA violations that he is witnessing. Mr. DeRito stated the public works department will discuss the issues further with Ken Cole and a letter will be written to follow- up which will indicate that proper inspections of the work should be completed. If necessary, the Borough will have our engineers inspect the work to confirm the work was completed properly.

Kristine Melville had mentioned she will have a new committee list for council by the end of the week.

Chuck DeRito made a **MOTION** that a Bagster Program be implemented so that bags can be available at the Borough office for a \$20 fee and then the cost for the bagster with pick-up by Waste Management. Motion **SECONDED** by Joe Morton. All members present voiced “aye” in favor of the motion. Motion passed.

Joe Morton reported the planning commission was unable to meet last month with nothing to report at this time.

COMMUNICATIONS

- **MOTION** by Jim Ritenour to pay for a membership for the Fire Chief to NFPA for \$165. Motion **SECONDED** by Chad Fabian. Randy McCreary, Jim Byers, Joe Morton, and Chuck DeRito voted “nay”. Motion not passed. **MOTION** by Joe Morton to pay \$100 towards the membership to NFPA. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.
- **MOTION** by Jim Ritenour to approve the transferring of 2012 excess General Funds and Act 13 Funds to Operating Reserve Accounts. Motion **SECONDED** by Joe Morton. All members present voiced “aye” in favor of the motion. Motion passed.
- DCNR Grant – Recreation Facilities/Programs Lori Latta explained she forwarded this information to all of council and the mayor for review to see if this grant may apply for the maintenance items of the pool that had been previously discussed at another meeting.
- Countywide Demolition Program- Tabled for council selection.
- Secretary read a letter from Cindy Frank regarding McCreary Way. Council discussed and asked for the planning commission to review the concern. Chad Fabian will also review the concern this week and take a look at the road.

UNFINISHED BUSINESS

1. Condemned properties – Tabled
2. **MOTION** by Chuck DeRito to approve Ordinance 749,750, and 751 for Tax Abatements in Derry Borough. Motion **SECONDED** by Joe Morton. All members present voiced “aye” in favor of the motion. Motion passed.
3. Sidewalk and Lighting Maintenance Agreement for Rt. 217 Bridge. – Under council review.
4. Bids for the 2013 Paving Project – Advertised to accept bids to be opened on March 11, 2013.
5. **MOTION** by Chuck DeRito to approve Ordinance 754 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.

6. Appoint Board and Commission terms expiring in the Borough:
 - a. One (1) vacancy fulfilling a term expiring December 31, 2016 on the Zoning Hearing Board.
 - b. One (1) Alternate Vacancy for the Zoning Hearing board
 - c. One (1) Vacancy Board Chairman for 2013
 - d. Two (2) Civil Service Commission Vacancies one expiring December 31, 2016 and one (6) year term expiring December 31, 2013.

One letter was received by Nelie Smith for the Council Vacancy Board Chairman for 2013.

MOTION by Jim Byers to appoint Nelie Smith to the vacancy board chairman position for 2013. Motion SECONDED by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed

7. **MOTION** by Jim Byers to have our engineers review the stop signs at Edith, 3rd St., and Braden Avenue. Motion SECONDED by Chad Fabian. All members present voiced “aye” in favor of the motion. Motion passed.
8. Police and Police Chief Contracts – Lee Demosky reported that Mr. Matthews, Jim Byers, and himself met with the Chief to discuss negotiations; and there will be a meeting on Wednesday, February 13, 2013 with Sgt. Friscarella to continue negotiations for the police contract.
9. Zoning Officer Position- Tabled

NEW BUSINESS

1. **MOTION** by John McCreary to approve 2013 membership to Indiana/Westmoreland COG. Motion SECONDED by All members present voiced “aye” in favor of the motion. Motion passed Chuck DeRito.
2. Junior Council Representative – Secretary will advertise at the school to see if there is any interest.
3. The BIU proposal was discussed earlier in the meeting.
4. **MOTION** by Chuck DeRito to approve 650 tons for the bid for the 2013-2014 Costars Salt Agreement Contract. Motion SECONDED by Joe Morton. All members present voiced “aye” in favor of the motion. Motion passed.
5. Mutual Aid Agreement with the City of Latrobe/Unity Township. – Council and Mayor will review. The Mayor expressed interest in reviewing more thoroughly. John McCreary had mentioned that one of the main reasons for a mutual aid agreement is to clarify workers compensation issues during responses to emergencies.

The Solicitor reminded council on their discussion previously and decide if they would like to open up the UCC, Code, and Rental Inspection positions.

MOTION by Chuck DeRito to advertise for the positions of UCC, Code, Zoning, and Rental Occupancy. Motion **SECONDED** by Joe Morton. All members present voiced “aye” in favor of the motion. Motion passed

The Solicitor asked council for an executive session regarding litigation. **Council went into executive session at 9:01p.m. Executive session ended at 9:13pm.**

PAYMENT OF BILLS

MOTION by Chuck DeRito to pay the bills totaling \$56,041.13 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.

ADJOURNMENT

MOTION by Chuck DeRito to adjourn the meeting. Motion **SECONDED** by Chad Fabian. All members present voiced “aye” in favor of the motion. Motion passed.

Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Lori L. Latta
Secretary