

March 11, 2013

Derry Borough Council met in regular session Monday, March 11, 2013 at 7:00 P.M. in the Derry Station Community Room, 200 West Second Avenue, Derry, PA with the following members present: Kristine Melville, presiding, Jim Ritenour, 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 by Joseph Morton to approve the minutes for the regular council meeting of February 11, 2013. Motion **SECONDED** by Chad Fabian. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Jim Ritenour to approve the minutes for the special council meeting of February 25, 2013. Motion **SECONDED** by Joseph Morton. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Joseph Morton to approve the treasurer’s report for February 28, 2013 with a General Fund Balance Sheet totaling \$140,936.12. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.

VISITORS

1. Nelie Smith – 502 S. Chestnut St. – Observing
2. Tom Fraicola, Keith Dolan, and Joe Zulisky – Paving Project Bid
3. Rich Hudock – Derry Construction – Paving Project Bid
4. Andrew Majorsky – 520 W. Seventh Avenue- Waste Management concerns. Wanted to know if he could get a supervisor’s phone number at Waste Management. Wanted to know if Waste Management will address the recycling containers which are being left open and would like to see if he can get his issues resolved which he addressed at last month’s meeting to council. Kristine explained that they have a system regarding pick up of recycling and leaving the lids open for a purpose. Mr. Majorsky then mentioned that his neighbors are having billing issues; Waste Management is tacking on extra charges that aren’t warranted. Mr. Majorsky is asking council to represent the residents with these billing issues and customer service concerns. He repeated that residents are frustrated with Waste Management’s customer service department and they are not serving the residents of Derry Borough in a proper fashion. Kristine explained to Mr. Majorsky that she would look into it.
5. James Castellano- 413 Charles Street- Concern about a neighboring property that is abandoned and full of garbage on the corner of Charles St. and Ridge St. Joseph Morton is going to review the situation and try to resolve the issue for him. We are between zoning officers at this time, once council makes a decision regarding our Zoning, Code, UCC, and Occupancy Positions, this situation will be reviewed.
6. Bonnie Rich – Derry Roundhouse- Observing
7. Taylor Byers-120 Circle Drive- Civics Class
8. Christine Barkley- 112 Hays St. Apt 303-Observing
9. Kimberly Barkley- 100 Hays St. Apt 403 – Observing
10. Bob Barkley – 100 Hays St. Apt 204 – Observing
11. Mary Landis- 153 E. Third St.- Observing
12. Nina Beatrice- 116 Brair Lane- Civics Class
13. Gaige Fraicola- 2226 Harrison Avenue- Civics Class

14. Maddie Deluca- 316 Traction Avenue – Civics Class
15. Kady Brown- 513 Stella St. –Civics Class
16. Kristinna Beyschan – 700 E. 2nd St.- Civics Class
17. Drew Steel- 429 S. Ligonier St. – Council Vacancy
18. Shawn Melville- 217 S. Chestnut St.- Observation
19. Phillip McKloskey- 411 E. 3rd St. – Civics Class
20. JimStruble - Observing

SOLICITOR’S REPORT

The Solicitor stated that all matters contained in his report involved personnel and litigation matter requiring the report to be presented to Borough Council in executive session.

MAYOR’S REPORT

Mayor Dave Bolen submitted the Mayor’s report for February 2013 with receipts of \$2,474.35 which included traffic receipts of \$ 336.26 and non-traffic receipts of \$379.09. There were 168 complaint calls, 34 traffic citations, and two (2) non-traffic citations with one parking ticket. Police department is running well. They are having some issues with the street lighting with lights being out and getting them repaired quickly. The Mayor addressed that if any suspicious activity is seen in the Borough the public should contact 911, please do not call the Police office as there may not be anyone in the office at that time.

ZONING OFFICER’S REPORT

BIU issued three permits for a fence, shed, and temporary tent sale permit.

COMMITTEE REPORTS

Chad Fabian- Public Works Chairman

A meeting regarding the gas line maintenance project was held this past week and the committee would like the ditch lines pressure tested by Gibson Thomas. They seem to be sinking quickly. We need to make sure this issue is addressed prior to the paving project, and to avoid having defective roads in the future.

Jim Ritenour – Police Department

No report.

REPRESENTATIVE REPORTS

S&T Bank hosting an Easter Egg Hunt on March 23, 2013 at Community Park at 1:00p.m. – Council approval is requested to permit S&T Bank to hold the annual Easter Egg Hunt at the Community Park and waive the fee for park rental.

PLANNING COMMISSION

- There has been a review of McCreary Way and all the information has been turned over to the Solicitor for review.

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- The planning commission has no recommendations for the Rt, 217 Corridor on zoning at this time.

Council went into executive session at 8:00p.m. for personnel reasons at the council work session held on March 4, 2013. Executive session ended at 8:22p.m.

COMMUNICATIONS

- Allen Skopp is requesting letter for exemption from Waste Management Services by council. They do not offer residential dumpsters to non-commercial customers. (1 c.y. dumpster)
- DCNR Grant – Deadline April 10, 2013 - Letter by Joe Petrarca
- Letter of interest Council Vacancy – Allen Skopp
- Letter of interest Council Vacancy – Nelie Smith
- Letter of interest Council Vacancy – Andrew Steele
- Ted Kopas - Resolution Supporting Transportation Funding Solutions
- Alex Graziani, City of Latrobe Manager – Shared Municipal Services (Chipper and Leaf Vacuum)
- Liquid Fuels April payment will be forwarded in the amount of \$62,580.57
- Dominion Foundation Grants – Terri Selembo
- Annual Community Outreach Meeting – Penn Dot April 4, 2013 at WCCC at the Commissioners Hall
- Refuse Bagsters are available at the Derry Borough office. Waste Management suggested selling bag at \$30 as other entities do and Derry Borough would receive \$12-\$15 dollars for each bag sold.
- Letter of interest Council Vacancy – Jim Struble

Council vacancies - Appointments

MOTION by Joseph Morton to appoint Jim Struble to a council vacancy (Res. 550-13). Motion **SECONDED** by Chad Fabian. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Jim Ritenour to appoint Nelie Smith to a council vacancy (Res. 551-13). Motion **SECONDED** by Joseph Morton. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Chad Fabian to appoint Andrew Steel to a council vacancy. Motion died due to a lack of a **SECOND**.

MOTION by Chad Fabain to appoint Allen Skopp to a council vacancy. Motion died due to a lack of a **SECOND**.

UNFINISHED BUSINESS

1. Abandoned and Condemned properties (Draft Ordinance distributed by Kristine) Kristine asked if council is interested in the ordinance. Council agreed to ask the Solicitor to review the ordinance before any advertising.

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2. Sidewalk Maintenance Agreement and Lighting Agreement– Reconstructed Rt. 217 Bridge Council wants to review the section requiring a 5 day response to any maintenance items and review contract agreement in further detail.
3. Bids for the 2013 Paving Project were opened and the bids were read as follows:

Bids Submitted

K Dolan Construction bid - \$319,355.00
A Folino Construction bid - \$263,527.38
Derry Construction bid - \$250,938.15
El Grande Construction bid - \$ 258,126.60
Morgan Excavating bid - \$263,770.25
Tresco Paving bid - \$247,665.20
Youngblood Paving bid - \$275,147.90

Council wants to review the bids further and have the Solicitor take a look at them as well.

4. Appoint Board and Commission terms vacant 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. Two (2) Civil Service Commission Vacancies one expiring December 31, 2016 and one (6) year term expiring December 31, 2018.

No letters of interest were received.

8. Stop signs at Edith, 3rd and Braden Avenue- Chad spoke with Ed Schmitt from Gibson Thomas to research, and Eric Roble is supposed to contact him upcoming to take a look at the intersection which needs reviewed.
9. Police Contract- Tabled
10. Police Chief Contract- Tabled
11. Zoning, UCC, Code Enforcement, Occupancy Rental Permits - Tabled
12. Mutual Aid Agreement with City of Latrobe /Unity Township – Lee Demosky and Council asked for secretary to contact Derry Borough’s insurance companies to confirm coverage for such an agreement, and the Solicitor suggested the document be rewritten.

Council went into executive session at 7:49p.m. for personnel reasons, contract labor issues, and legal opinion regarding McCreary Way.

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NEW BUSINESS

1. **MOTION** made by Chad Fabian to advertise a draft ordinance by PSAB regarding Stagnant Water in Pools. Motion **SECONDED** by Joseph Morton. All members present voiced “aye” in favor of the motion. Motion passed.
2. **MOTION** made by Chad Fabian to advertise a draft ordinance by PSAB regarding Amplified Noise in Motor Vehicles. Motion was **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed
3. **MOTION** made by Jim Ritenour to repeal Resolution Rules of Decorum (Res. 536-12) and utilize known Roberts Rules of Order to conduct council meetings. Motion was **SECONDED** by Joe Morton. All members present voiced “aye” in favor of the motion. Motion passed.
4. Community Pool – Kristine Melville explained that council is discussing with the YMCA a possible agreement in working with the Borough for the 2013 Pool Summer Season. There are some updated items that are needed for the pool including a new chlorinator device and a leak in the pool that needs repaired. There will be a meeting on Wednesday, March 13, 2013 to discuss a possible agreement with the YMCA.
5. Police Vests – Sgt. James Friscarella explained that the police department is in need of new protective vests which will cost an estimate of \$5,400 for six (6) new vests. The Department of Justice is offering a 50/50 grant for them which the Borough would have to pay for them up front and then be reimbursed. Derry Borough also received a \$1,000 for a Penn Prime Safety Award in which the monies can be used towards the expense, and there is a possibility of another \$500 grant from Penn Prime, which the safety committee is applying for. So the total cost to the Borough would be approximately \$1,200. **MOTION** made by Chad Fabian to approve the purchase of six (6) new vests for the police department. Motion was **SECONDED** by Joe Morton. All members present voiced “aye” in favor of the motion. Motion passed.
6. Speaker Phone Votes - Resolution 550-14 – Kristine Melville explained that council should make a determination by Resolution that a councilmember is allowed three speaker phone attendances to regular council meetings in a year **MOTION** made by Jim Ritenour to allow three speaker phone attendances to regular council meetings per year per council member. Motion was **SECONDED** by Chad Fabian. All members present voiced “aye” in favor of the motion. Motion passed
7. Junior Council Vacancy- Tabled There is a student interested from Derry Area School District for the junior council vacancy and he is going to come in to the Borough office to receive some information, and submit a letter of interest.

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8. Amend 425-98 under definition of Junk Vehicle, on page 425:130, to possibly include the word " Un-roadworthy" - Tabled

Kristine Melville requested a motion to waive the fee for the upcoming Easter Egg Hunt. A **MOTION** made by Jim Ritenour to waive the fee and approve the Easter Egg Hunt to be held at the Community Park. Motion was **SECONDED** by Joseph Morton. All members present voiced "aye" in favor of the motion. Motion passed.

Kristine Melville requested a motion to approve the fees for the Bagster Program. **MOTION** made by Jim Ritenour to approve a fee suggested by Waste Management in the amount of \$30 to pick up a Bagster at the Borough office. Motion was **SECONDED** by Joe Morton. All members present voiced "aye" in favor of the motion. Motion passed.

The swearing in of Nelie Smith and James Struble took place for their newly appointed council seats.

PAYMENT OF BILLS

MOTION by Joseph Morton to to pay the bills totaling \$29,617.28 and all outstanding legitimate bills through the end of the month. Motion was **SECONDED** by Jim Ritenour. All members present voiced "aye" in favor of the motion. Motion passed.

Mayor Dave Bolen gave a public Thank you to keeping our streets clear during these past few weeks of snowfall.

ADJOURNMENT

MOTION by Jim Ritenour to adjourn meeting. Motion was **SECONDED** by Chad Fabian. All members present voiced "aye" in favor of the motion. Motion passed.

Meeting adjourned at 8:44 p.m.

Respectfully submitted,

Lori L. Latta
Secretary