

May 12, 2014

Derry Borough Council met in regular session Monday, May 12, 2014 at 7:00 P.M. in the Derry Station Community Room, 200 West Second Avenue, Derry, PA with the following members present: Joseph Morton, presiding, Chad Fabian, Allen Skopp, and Al Checca. Kristine Melville and Jim Ritenour were absent. Mayor Dave Bolen was present. Solicitor Lee Demosky was present. Nick Cammuso, Latrobe Bulletin and Greg Reinbold, Tribune Review were reporting.

MOTION by Allen Skopp to approve the minutes for the regular council meeting of April 14, 2014. Motion **SECONDED** by Al Checca. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Chad Fabian to approve the treasurer’s report with a General Fund Balance Sheet totaling \$276,021.10. for April 30, 2014. Motion **SECONDED** by Allen Skopp. All members present voiced “aye” in favor of the motion. Motion passed.

PUBLIC HEARING – Ordinance 763 and 764 Regarding Real Estate Tax Exemptions
Jim and Pat Clark requested a summary of the Ordinance from council and it was explained that these will provide tax exemptions for industrial, commercial, and certain businesses as well as new residential dwellings. The Ordinances are in place for a three year time period. Council explained these Ordinances are to enhance interest for industrial, commercial, and residential properties within the Borough limits. The Solicitor explained the Ordinances in more detail for all visitors.

There were no other public comments.

Joseph Morton, Council President closed the public hearing.

VISITORS

1. Deion Ortiz – 612 South Ruby St. – School Observation
2. Mary Landis – 153 E. Third St., Derry – Observation

Mary Landis inquired why Kristine Melville is still remaining on council after being convicted of a crime?

Lee Demosky addressed the public and explained Kristine Melville is a currently a member of council even though she is absent. She has been convicted of a misdemeanor, but council would need a court order to remove her from council or accept her resignation if she should resign. She was elected to be a member of council, and a misdemeanor does not constitute an automatic removal from council. At this time she has not submitted a resignation. If council would choose to pursue a court order to have her removed, it could result in a major expense for the Borough.

Al Checca, councilmember inquired with the State Ethics Committee to see if they could assist with her removal, but again due to the crime being considered a misdemeanor the ethics committee would not pursue at this level of a crime.

Solicitor Lee Demosky explained to the public of another situation that recently took place in Dauphin County, which resulted in major expenses with no guarantee that the court will honor in favor of the municipality continuing a lengthy court battle.

Solicitor Lee Demosky presented that another possible option is to request the District Attorney pursue the case, but they also have a tight budget and most likely will not choose to pursue such a case at a misdemeanor level.

Mr. Morton explained that he recently spoke with Kristine Melville to see what her intentions are for the future, but she hasn't decided on her plans currently. She has currently been removed from all committees.

3. Tracy Fabian – 159 E. Third St., Derry – Observation
4. Amy Meloy – 112 W. Third Avenue, Derry – Observation
5. Kevin Gross – 304 Broad St. – Lerta and RR Crossing

Mr. Gross inquired if we were able to have an at grade crossing on Chestnut St. to provide another alternative for pedestrian transportation from one side of town to the other.

Mr. Morton explained that this idea has been reviewed a few times previously by other councils with meetings including Norfolk and the PUC, and there are many risk factors with at grade crossings. After many discussions, the goal of those agencies appears to be to decrease the number of at grade crossings in the future due to many accidents with fatalities. It would be a very timely, costly, and long process to pursue such a goal, again with no guarantee of a positive end result.

6. Pat and Jim Clark – 119 Park St. – County Land Bank
Pat Clark inquired to see if Derry Borough is planning to participate in the County Land Bank program. Mr. Morton explained there is an expense to the program and council needs to review in further detail prior to participation.
7. David Fletcher – 410 S. Chestnut St. – Observation Council Vacancy

Derry Borough Council went into executive session for legal and personnel reasons at 7:25p.m. Executive session discussion was held regarding the following: Matt Smith labor issue, Kristine Platt litigation, and personnel issues regarding the police department. Executive session ended at 8:00pm.

SOLICITOR'S REPORT

The Solicitor had no additional report for the public and left the meeting.

MAYOR'S REPORT

- The new K-9 car has arrived.
- Click It or Ticket program will be restarting within the next few weeks. Mayor addressed the public to wear your seatbelts and travel the speed limit.
- The police will be enforcing parking in the downtown area.
- Derry Area School District raised \$806.00 which was presented to them at the last school board meeting.

Mayor Dave Bolen submitted the Mayor's report for April 2014 with receipts of \$945.59 which included traffic receipts of \$513.59 and non-traffic receipts of \$227.83. There were 128 complaint calls, 14 traffic citations, and zero non-traffic citations with 7 parking tickets.

ZONING OFFICER'S REPORT

BIU's April 2014 report has not been received at this time.

COMMITTEE REPORTS

Chad Fabian reported that Gibson Thomas estimated a cost of \$95,000 for a new bridge on N. Ligonier St. by Rt. 217. That is not including additional costs such as engineering fees, permit costs, and other additional costs. Another option discussed was opening the end of East Owens Avenue costing a minimum of \$20,000.

Al Checca wanted to publicly recognize Sgt. James Friscarella for a public presentation for the local cub scouts at the Derry Borough Police Station.

REPRESENTATIVE REPORTS

The Mayor and Borough Secretary attended the DARCEE visioning session along with approximately thirty other individuals. A summary has been posted on the Derry Borough website describing the outcome of the meeting. It was very successful and everyone is looking forward to the next meeting.

COMMUNICATIONS

- Mulch for playgrounds needs purchased and has been ordered. The mulch should be delivered within three weeks.
- Code Updates – General Code **MOTION** by Allen Skopp was made to move forward with updates for our Derry Borough Code Books. Motion was **SECONDED** by Chad Fabian. All members present voiced “aye” in favor of the motion. Motion passed.
- Quote for a new workstation for the Borough Office was provided to council. Council agreed to move forward with the purchase of the new workstation.
- Letter of interest for the council vacancy from David Fletcher was read to the public.

MOTION by Allen Skopp to appoint David Fletcher to the council vacancy. Motion was **SECONDED** by Chad Fabian. All members present voiced “aye” in favor of the motion. Motion passed.

David Fletcher was sworn in by Mayor David Bolen.

Reminder: Memorial Day Parade will be setting up at 10:30am and beginning at 11:00am on Monday, May 26, 2014. Graveside services will be conducted at Coles Cemetery at 9:30am.

UNFINISHED BUSINESS

1. Board and Commission terms expiring in the Borough:
 - a. One (1) alternate vacancy for the Zoning Hearing Board
 - b. Two (2) Civil Service Commission Vacancies one expiring December 31, 2016 and one (6) year term expiring December 31, 2018.
 - c. Two (2) vacancy for the Planning Commission
 - d. Vacancy (1) Municipal Authority Board expiring term December 31, 2018.
 - e. Vacancy Board Chairman.

No letters were received.

2. Council Vacancy – Appointed earlier in the meeting.

3. Community Pool – The community pool roof has been repaired. The interior of the community pool has been painted. The fire extinguishers have been inspected and updated. The committee plans on opening the pool for June 7, 2014. The Fire Department will be helping to remove the cover of the pool. They will be draining, repairing some cracks, and pressure washing the pool in preparation.

4. Rental Occupancy Permits – Remove from the agenda temporarily. Mr. Morton is to meet with BIU representatives to discuss further.

5. **MOTION** by Allen Skopp to approve advertising Ordinance 762 amending Street Restoration Ordinance. Motion **SECONDED** by Al Checca. All members present voiced “aye” in favor of the motion. Motion passed.

6. Municipal Authority - Tabled

7. N. Ligonier Street Bridge Maintenance - Tabled

8. **MOTION** by Chad Fabian to appoint Jim Ritenour as Pro-tem for Council. Motion **SECONDED** by Allen Skopp. All members present voiced “aye” in favor of the motion. Motion passed.

NEW BUSINESS

1. CDBG – Sidewalk Project (Business District) - Tabled

2. **MOTION** by Allen Skopp to approve Ordinance 763 An Ordinance Authorizing Tax Exemptions from Property Tax for Certain Deteriorated Industrial, Commercial, and other Business Property, and for Providing a Procedure for Implementation of such Exemption. Motion **SECONDED** by Chad Fabian. All members present voiced “aye” in favor of the motion. Motion passed.

3. **MOTION** by Allen Skopp to approve Ordinance 764 An Ordinance Providing for Real Estate Tax Exemption for the Construction of New Dwelling Units. Motion **SECONDED** by Al Checca. All members present voiced “aye” in favor of the motion. Motion passed.

4. **MOTION** by Chad Fabian to approve Resolution 571-14 Approving Maintenance Agreements for Rt. 217 Bridge for Sidewalks, Lighting, and Drainage. Motion **SECONDED** by Allen Skopp. All members present voiced “aye” in favor of the motion. Motion passed.

5. **MOTION** by Allen Skopp to approve Resolution 572-14 approving receipt of \$10,000 by the Derry Borough Council from the Westmoreland County District Attorney Office for the purchase of a police vehicle suitable for the transportation of the Borough's Canine Unit. Motion **SECONDED** by Al Checca. All members present voiced "aye" in favor of the motion. Motion passed.

PAYMENT OF BILLS

MOTION by Chad Fabian to pay bills totaling \$ 33,431.03 and all outstanding legitimate bills through the end of the month. Motion **SECONDED** by Allen Skopp. All members present voiced "aye" in favor of the motion. Motion passed.

ADJOURNMENT

MOTION by Chad Fabian to adjourn at 8:17 p.m. Motion **SECONDED** by Allen Skopp. All members present voiced "aye" in favor of the motion. Motion passed.

Respectfully submitted,

Lori L. Latta
Secretary