

## August 8, 2016

Derry Borough Council met in regular session Monday, August 8, 2016 at 7:00 P.M. in the Derry Station Community Room, 200 West Second Avenue, Derry, PA with the following members present: Al Checca, Presiding, Barry Holden, Jim Ritenour, Thomas Lipinski and Dave Fletcher. Chad Fabian and Allen Skopp were absent. Mayor position is currently vacant. Solicitor Lee Demosky was absent. Nick Cammuso was reporting.

**MOTION** by Dave Fletcher to approve the minutes for the regular council meeting of July 18, 2016. Motion **SECONDED** by Barry Holden. All members present voiced “aye” in favor of the motion. Motion passed.

**MOTION** by Tom Lipinski to approve the treasurer’s report with a General Fund Balance Sheet totaling \$225,861.70 for July 31, 2016. Motion **SECONDED** by Dave Fletcher. All members present voiced “aye” in favor of the motion. Motion passed.

**Derry Borough Council went into executive session for potential litigation involving Borough Code at the Derry Borough Council Worksession held on Monday, August 1, 2016 at 7:48pm. Executive session ended at 8:12pm.**

### RECOGNITION OF VISITORS

1. Don Ritenour - Owens Avenue, Derry – Owens Avenue Extension Project- Mr. Ritenour waiting to hear of the MTF grant.
2. Kevin Gross – 304 Broad Street, Derry – Letter of Interest read to council for Mayor’s position
3. Terry Gordon – 21 High Street, Derry – Letter of Interest read to council for Mayor’s position.

Al Checca summarized some of the Mayor’s duties and how council is working together to be proactive for the community and council would like a team member. Council is focusing on Porcelain Park and the goal of increasing small business within our community. Lori Latta read the duties of the Mayor from the Borough Code and explained that the Mayor is in charge of public safety, enforcing ordinances, and addressing nuisances.

4. Joan Reynolds – Owner of the Gem Theater on 1<sup>st</sup> Avenue and Sugar Bears on S. Chestnut Street, and a residential property on 4<sup>th</sup> Avenue. She said she was issued a violation notice that went to a warrant state, which she was unaware and found out by the magistrates office. The issues were resolved, but never received communication from BIU. She stated she wants to make businesses out of the buildings but the building code regulations are making it too expensive (BIU stated \$14,000) to move forward with sugar bears, and she has to have architectural drawings to move forward with renovations. She feels that is unnecessary and BIU is basing her construction on new building code vs. existing structure building code. She did not apply for an occupancy permit upon purchasing the building and it was purchased through a private transaction. Council explained there has been a lot of turnover with BIU employees and she was given the new code officials information, Lee Miller, BIU. She had not been in contact with BIU for several months. She stated she should be our code official and would like to apply for the position for the Borough of Derry, and she has plans of submitting a resume to council. Council wants to refer to BIU to see if there is a way to work with new owners with renovations while supporting positive growth.

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She is asking for a maintenance permit to repair sugar bears foundation wall. BIU information was given to her to contact them directly. Al Checca said he would look into it further.

**Derry Borough Council went into executive session for personnel matters 7:42pm.  
Executive session ended at 8:33pm.**

Al Checca requested a nomination for the vacancy of Mayor. A **MOTION** was made by Tom Lipinski to appoint Kevin Gross for the Mayor position ending December 31, 2017 next election. Motion **SECONDED** by Dave Fletcher. A roll call vote was requested by Al Checca. Barry Holden-Aye, David Fletcher – Aye, Thomas Lipinski - Aye, Jim Ritenour – Aye, and Al Checca – Aye. Motion passed.

Al Checca thanked Mr. Gorden for his letter of interest and asked him to please keep his interest by getting involved with committee functions and pursuing positive community goals.

**SOLICITOR’S REPORT**

The Solicitor provided a written report to Borough Council relating to public and attorney client privileged issues and attended the work session to discuss legal issues in executive session as reported above. Due to the moratorium Borough Council enacted to reduce expenses, the Solicitor was directed to not appear at the public meeting.

**MAYOR’S REPORT**

Mayor Dave Bolen submitted the Mayor’s report for July 2016 with receipts of \$1,558.72 which included traffic receipts of \$735.19 and non-traffic receipts of \$434.28. There were 154 complaint calls, 49 traffic citations, and three non-traffic citations.

**BUILDING INSPECTIONS UNDERWRITERS, INC. MONTHLY REPORT**

BIU reported for the month of July 2016 four (4) Code Violations.

Council still has concerns about follow up with issues in the Borough with permits and violations. The Secretary explained that Lee Miller stated he should be caught up with everything within a few weeks. Currently it seems there is a good line of communication.

**COMMITTEE REPORTS**

***Municipal Authority Review Committee*** – Barry Holden, Tom Lipinski, and Al Checca  
***Jim Ritenour*** – Public Works – Flower Box in Mossback Park needs repointed by a brick mason or it will not make the next season without separating. Storage Shed in Mossback has a birds nest and the public works department will need to address. All new street signs have been ordered for the streets discussed in earlier meetings. Public works has been filling pot holes as necessary.

***Allen Skopp*** – Grants- No report

***Al Checca***-Police Department – Department has been running well with no problems.

***Chad Fabian*** – Absent

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REPRESENTATIVE REPORTS

*Railroad Days- Lori Latta – Saturday, September 17<sup>th</sup> and Sunday, September 18, 2016*

**DARCEE -Lori Latta-** Car Show held on August 7, 2016 at the Derry Community Park was a huge success. There was about 40 more cars than last year. We had about 160 attendees.

Luau Derry Community Pool in August – Saturday the 20<sup>th</sup> – Kick off Fundraiser for Community Park Project

Al Checca mentioned that he wants council to attend Railroad Days, he has a tent available and will discuss with Pat about putting it up for them near the municipal building.

PLANNING COMMISSION

No report

COMMUNICATIONS

- Veterans Day September November 11, 2016 at 11am will be the dedication for the Rt. 217 Bridge Derry Veterans Memorial Bridge Representative Joseph Petrarca will be attending and there will be a small reception after the dedication at AV Germano Hall.
- Letter received for Mayor from Terry Gordon
- Letter received for Mayor Position from Kevin Gross

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**Public Hearings**

- **Ordinance 770-16 - REGULATION OF OPEN FIRES, OUTDOOR BURNING AND INCINERATOR USE**

Public Comment was requested by Al Checca. There were no questions or comments from visitors regarding the summary of Ordinance. President requested a motion. **MOTION** was made by Dave Fletcher to approve Ordinance 770-16 Regulation of Open Fires, Outdoor Burning and Incinerator Use. Motion **SECONDED** by Barry Holden. All five members of council present voted “aye” in favor of the motion. Motion passed.

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There was no public hearing, council is requesting the Solicitor to make some amendments. They have some concerns regarding details of our code.

- **Ordinance 771-16 – KEEPING OF ANIMALS – DEFINITIONS AND WORD USAGE MODIFYING DERRY CODE – ARTICLE II 128-6 KEEPING OF ANIMALS- DOMESTIC ANIMALS AND MODIFYING DERRY CODE – CHAPTER 425, ARTICLE VIII – TERMINOLOGY ANIMALS**

Tabled – Council will review again next month.

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**UNFINISHED BUSINESS**

1. Board and Commission Vacancies

- One (1) vacancy and one (1) alternate vacancy for the Zoning Hearing Board
- Civil Service Commission Vacancies
- Vacancy Board Chairman

No letters of interest received.

2. Owens Avenue N. Ligonier St. Bridge Removal Project – (MTF Grant applications on hold at State Level) Our HOP permit expires January 12, 2017. Thirty days prior to that date our engineer will receive a notice to that effect. If needed, he would then ask for an extension. There are no fees involved as the borough is exempt.
3. Approve Ordinance 770 - Regulation of Open Fires, Outdoor Burning, and Incinerator use. Approved earlier in meeting.
4. Approve Ordinance 771 – Amendment Keeping of Animals – Tabled for amended draft from Solicitor.

**NEW BUSINESS**

1. **MOTION** by Tom Lipinski to have the maintenance done on Ramsey Way and utilize Operating Reserves if necessary for payment. Motion SECONDED by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.

2. Council will not approve the sale at this time for Tax Map 06-01-10-0-197, 116 E. 1<sup>st</sup> Avenue - Unsold Property Repository due to the nature of where the building is located on beams sitting over McGee Run with no foundation, water & sewage, or other utilities known. They have concerns about the status of the structure and questions regarding the sale. – Council tabled.

3. CDBG Grant Application – Tabled

4. **MOTION** by Jim Ritenour to have the planning commission review the sign section in the Zoning Ordinance to see if it needs amended regarding digital and electronic signs. We are at a new level of technology for signage in this day and age, and we may need to update our Ordinance with the times. The Methodist Church applied for a new zoning sign and were denied due to a digital request. Motion SECONDED by Dave Fletcher. All members present voiced “aye” in favor of the motion. Motion passed.

5. **MOTION** by Tom Lipinski to approve up to \$1,000 for a new Speaker System for the Derry Community Outdoor Pool. Motion SECONDED by Barry Holden. All members present voiced “aye” in favor of the motion. Motion passed.

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PAYMENT OF BILLS

**MOTION** by Dave Fletcher to approve payment of bills totaling \$37,051.60 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 Jim Ritenour to adjourn at 9:10p.m. Motion **SECONDED** by Dave Fletcher. All members present voiced “aye” in favor of the motion. Motion passed.

Respectfully submitted,

Lori L. Latta  
Secretary