

October 17, 2016

Derry Borough Council met in regular session Monday, October 17, 2016 at 7:00 P.M. in the Derry Station Community Room, 200 West Second Avenue, Derry, PA with the following members present: Chad Fabian, Presiding, Barry Holden, Al Checca Jim Ritenour, Dave Fletcher, Thomas Lipinski and Allen Skopp. Mayor Kevin Gross and Solicitor Lee Demosky were present. Nick Cammuso was reporting.

MOTION by Thomas Lipinski to approve the minutes for the special council meeting of September 6, 2016. Motion **SECONDED** by Dave Fletcher. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Al Checca to approve the minutes for the regular council meeting of September 19, 2016. Motion **SECONDED** by Allen Skopp. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Al Checca to approve the treasurer’s report with a General Fund Balance Sheet totaling \$232,355.04 for September 30, 2016. Motion **SECONDED** by Barry Holden. All members present voiced “aye” in favor of the motion. Motion passed.

RECOGNITION OF VISITORS

1. Michael Geiselhart – Republican Representative Candidate – Introducing himself to Derry Council
2. Gina Scheller, Representative Petrarca’s Office – Wanted to congratulate Derry on receiving the MTF Grant for the Owens Avenue Extension Project. Expressed on behalf of Representative Petrarca his hopes to continue to work together with our local government and state government programs to assist with small boroughs such as Derry. Representative Petrarca would have been at the meeting himself but is currently in session in Harrisburg.
3. Fred Goodman – 121 W 3rd Avenue – Thanked council for the quick response regarding the tree limb that was broken by the logging trucks traveling through Derry. Also, wanted to know how Presby Way was named and when will the official change take place.
4. Don Ritenour – Owens Avenue – Happy to hear Derry Borough received the grant for the project. Thanked council and Representative Petrarca’s office for moving forward with the project and their work on receiving the grant funding.

SOLICITOR’S REPORT

The Solicitor provided a written report to Borough Council relating to public and attorney client privileged issues and attended the regular meeting to discuss legal issues in executive session as reported above. Lee Demosky provided council with the amended draft for review of Ordinance 771-16 in preparation of the public hearing.

Solicitor Lee Demosky began the hearing and summarized the Ordinance.

Public Hearing

- **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**

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Mr. Demosky requested testimony for the record. All witnesses who provided testimony were sworn in.

Chad Fabian – 159 E. Third Street – Mr. Fabian made statement that the safety and welfare of the borough is of importance to the borough council. Mr. Fabian explained that there were chickens running at large in the Borough of Derry. Mr. Fabian felt there are risks to have chickens in Derry Borough with close neighbors and children living in the borough. He feels the Ordinance supports the wellbeing and safety of the Borough residents and approves of the Ordinance.

Al Checca – 524 N. Chestnut Street – Mr. Checca made statement that chicken feces can be harmful for transplant patients or any suppressed immune system. He agrees with the statements from Chad Fabian and the Centers for Disease Control information reviewed by Mr. Fabian. Mr. Checca stated the houses are very close together in Derry Borough and chickens could be a potential hazard. He feels the Ordinance supports the wellbeing and safety of the Borough residents and approves of the Ordinance.

James Ritenour – 314 S. Chestnut Street – Our school district promotes agricultural programs at our school and feels it is doesn't support the agricultural programing by denying chickens in the Borough. He doesn't feel every resident in the Borough is going to go out and buy chickens to raise in the Borough creating a problem. He opposes the Ordinance.

Barry Holden – 405 S. Chestnut Street – Mr. Holden ran a survey on facebook and the majority of responders were in support of the Ordinance. There were approximately 80 residents who responded and approximately 75% of them agreed with the Ordinance. Residents were concerned about disease and noise. He ran a second small survey online and about 30 people responded and again approximately 75% of them agreed with the Ordinance. Mr. Holden supports the Ordinance on behalf of the results of the residents who have responded to the pole.

Thomas Lipinski – 413 Leo Street – Mr. Lipinski feels the town is too urbanized to consider itself farm territory. Homes are too close together and there is a potential for illness by allowing chickens in the Borough. Mr. Lipinski supports the Ordinance.

Solicitor Lee Demosky requested any testimony from the public. There was no response. Solicitor Lee Demosky closed the hearing.

MOTION by Tom Lipinski to approve of Ordinance 771-16 regarding the Keeping of Animals in Derry Borough. Motion **SECONDED** by Dave Fletcher. A roll call vote was taken. Allen Skopp – Aye, Al Checca – Aye, Barry Holden – Aye, Tom Lipinski – Aye, Dave Fletcher – Aye, Jim Ritenour – “Nay”, and Chad Fabian – Aye. Six members present voiced “aye” in favor of the motion. Jim Ritenour voted “nay”. Motion passed.

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Derry Borough Council went into executive session at 7:28 pm for possible litigation regarding the Dan Ritenour property, police personnel matters, legal discussion regarding the Municipal Authority of the Borough of Derry. Executive session ended at 7:48pm.

MAYOR'S REPORT

Mayor Dave Bolen submitted the Mayor's report for September 2016 with receipts of \$1,755.05 which included traffic receipts of \$1,080.06 and non-traffic receipts of \$70.82. There were 117 complaint calls, 20 traffic citations, and 3 non-traffic citations.

BUILDING INSPECTIONS UNDERWRITERS, INC. MONTHLY REPORT

BIU reported for the month of September 2016 two (2) Code Violations. BIU is currently caught up with outstanding applications. A summary report was emailed to council and the Zoning Hearing Board.

COMMITTEE REPORTS

Municipal Authority Review Committee – Barry Holden, Tom Lipinski, and Al Checca- Al Checca reported the committee is reviewing a second entity for potentially purchasing the MABD.

Jim Ritenour – *Public Works* –Maintenance to Ramsey Way has been completed. Leaf collections will begin November 1st through December 9th, 2016.

Allen Skopp – *Grants* *No report* Lori Latta reported they will be meeting on October 24th to review applications for the GRTP funding we applied for to improve our Derry Community Park.

Al Checca- *Police Department*

Chad Fabian – Thanked the Railroad Days Committee for their planning and efforts for the event.

Lori Latta – Safety Committee – Three items will need addressed in the future. - The location of the furnace at the Borough Garage needs reviewed and items of concern need to be separated from the area. Updates to the fire system need to be reviewed and planned for the Municipal Building and Fire Station. The front entrance of the Municipal Building needs to be replaced with current ADA accessible walkway and railing.

REPRESENTATIVE REPORTS

Railroad Days- Lori Latta – *Next meeting will be Thursday, October 20, 2016 at 6:30pm Derry Station.*

DARCEE –Lori Latta- *Next meeting 4th Wednesday September 28, 2016at 7pm in Derry Borough.*

PLANNING COMMISSION

Meeting Tuesday, October 18, 2016 for further discussion regarding the Sign section in our current Zoning Ordinance

COMMUNICATIONS

- Westmoreland County Boroughs Association will be held on Thursday evening October 27, 2016 at 7pm – Speaker Jim Pillsbury PE, Westmoreland Conservation District. RSVP with Lori by October 23, 2016 if you plan on attending
 - Halloween Parade – Saturday, October 29, 2016 at 3:30pm. Donations declared by Tom Lipinski and Chad Fabian from their council salary of \$50 each are to be donated towards the Halloween Parade.
 - DARCEE Membership Forms available for council
 - Derry Veterans Memorial Bridge Dedication will be held on November 11, 2016 at 11am. We will be having a meeting to discuss the event soon.
 - Westmoreland County Planning will be meeting several times in the future to prepare for their new comprehensive plan, they are receiving input from all municipalities in the county to assist with the process. They hope for our attendance at all meetings.
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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
2. Owens Avenue N. Ligonier St. Bridge Removal Project – Press Release Received by Representative Petrarca’s office. Derry Borough was awarded \$210,000 for the project by the Multimodal Transportation Funding. We will be waiting for official award letter to be received and we will meet with Gibson-Thomas.
3. Zoning – Signs Section Amendment – Under Planning Commission Review
4. Code Enforcement and Zoning- Position Advertised – Tabled for November

NEW BUSINESS

1. General Fund Budget – Preliminaries will be provided to council by the end of the month.

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2. Approve 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 VII – Terminology of Animals – Approved earlier in the meeting.

3. Approve Hoffman’s Dog Service Contract - \$90 per month for retrieval service (Emergency calls after 4pm and weekends an additional \$75 per incident) Jan 1, 2017-Dec 31, 2017. Council is requesting their presence at the next meeting and keeping the contract at the same amount. Dave Fletcher made a motion to keep the amount the same as last year with no increase. Motion died due to discussion. Item tabled until November.

4. **MOTION** by Tom Lipinski to approve Resolution 606-16 Authorizing Distribution of 2016 State Aid for Derry Borough Uniform and Non-Uniform Pension Plans. Motion **SECONDED** by Dave Fletcher. All members present voiced “aye” in favor of the motion. Motion passed.

5. **MOTION** by Allen Skopp to approve Don Shoup to assist the public works department with winter maintenance as needed for the 2016-2017 winter season and offer to pay him \$12 per hour to drive the pick-up with the plow. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.

Council discussed the pedestrian walkway and winter maintenance regarding keeping it open during snowfall. They discussed using a tractor with a plow or a snow blower. We have an agreement to maintain the sidewalks, so it’s important whatever method is used we need to try to preserve the concrete. Pricing needs to be reviewed.

6. **MOTION** by Allen Skopp to approve Derry Veterans Memorial Bridge Parade Route to be held on November 11, 2016 at 11:00am with a Dedication Donation for the Luncheon of \$200. Motion **SECONDED** by Dave Fletcher. All members present voiced “aye” in favor of the motion. Motion passed.

7. **MOTION** by Allen Skopp to hire three part-time Police Officers the following: Zachary Gustafson, Benjamin Smith, and Clinton McChesney. Motion **SECONDED** by Al Checca. All members present voiced “aye” in favor of the motion. Motion passed.

Council asked Lori to request Treasurer’s Reports from MABD via email. Minutes are available online.

PAYMENT OF BILLS

MOTION by Allen Skopp to approve payment of bills totaling \$61,358.48 and all outstanding legitimate bills through the end of the month. Motion **SECONDED** by Dave Fletcher. All members present voiced “aye” in favor of the motion. Motion passed.

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ADJOURNMENT

MOTION by Jim Ritenour to adjourn at 8:41p.m. Motion **SECONDED** by Allen Skopp.
All members present voiced “aye” in favor of the motion. Motion passed.

Respectfully submitted,

Lori L. Latta
Secretary