

September 19, 2016

Derry Borough Council met in regular session Monday, September 19, 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, and Dave Fletcher. Thomas Lipinski and Allen Skopp were absent. Mayor Kevin Gross and Solicitor Lee Demosky were present. Nick Cammuso was reporting.

MOTION by Dave Fletcher to approve the minutes for the regular council meeting of August 8, 2016. Motion **SECONDED** by Barry Holden. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Barry Holden to approve the treasurer’s report with a General Fund Balance Sheet totaling \$208,579.19 for August 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 personnel reasons at the Derry Borough Council Worksession held on Monday, September 12, 2016 at 8:30pm. Executive session ended at 8:47pm.

RECOGNITION OF VISITORS

Erin McClelland – Candidate for Congress – Introduced herself and summarized the issues she wants to address if she is elected. She explained our congressional district has the highest rate of opiate use in the state, and she wants to focus on this as her main issue. This epidemic is affecting all of our communities negatively. She wants to create good policy that will solve the problems in our area and feels she can make a difference. She wants to have a grant writer in her office that will assist communities like ours to apply for funding for good programs to improve our community. She will be running against Keith Rothfus this coming election.

1. Jeff Bateman – 237 W. Owens Avenue – Alley behind his home is in poor condition due to the Bridge project creating a large mud hole. Mr. Fabian explained that once the extra traffic is not utilizing the alley, the issue should be resolved. Mr. Fabian stated he would request the public works department to add some more stone.

Mr. Bateman also asked if we receive a high snow could the public works department plow the alley way. His wife is sick and he is concerned that they may have an emergency. Mr. Fabian explained to him the current policy for paving roads. They have to clear the main roads first, the side roads. Once those are cleared the public works department addresses alleyways, with understanding we usually only have a two man crew clearing after a snowfall.

2. Nita & Phillip McCurdy – Ms. McCurdy wanted to know why they can’t keep their chickens. She stated they did not know that they weren’t allowed to have chickens. She summarized the health benefits of having fresh chickens and eggs. She used examples of material from Seattle and Albuquerque. Mr. Fabian explained that the Ordinance is in place for a reason expressing health concerns and animal predators. The McCurdy’s stated they applied for a zoning appeal hearing.

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The borough secretary stated it was explained to her by some of the zoning hearing board members and a spouse of a zoning board member that the McCurdy's never applied to have the chickens; therefore the zoning hearing board can't hear an appeal on the chickens currently. She returned the fee received by the McCurdy's with their application for their appeal. It was then explained that Lee Miller, our Code Official from BIU will need to follow through with his process at the code enforcement level, which a hearing is to be continued. Lee Demosky, Derry Borough solicitor advised Mr. and Mrs. McCurdy to consult an attorney and have their attorney contact Mr. Demosky at his office.

3. Cindy & Rich Upholster- Pool Permit Application – They are concerned that they still have not received their permit for a pool application and a UCC electrical permit applied for a few weeks ago. Council will follow up with the code official Lee Miller to see where the permit is in process.

Mentioned that they have noticed children are entering the old 4th Street Pizza property and have been seen on the roof of the property, they are concerned for their safety. Council asked them to call the police when they see the children on the property.

4. Kathy Crowe – Roundhouse Pizza - Observing

5. Roy Love – 3rd Avenue - Neighboring Property Concerns – Contacted BIU, but feels there has not been a resolution to his problem and he doesn't understand why he get resolution to his problem for several years. He stated that he doesn't think anyone has ever received a fine for high grass from the code officer or the police department in the borough. He doesn't understand why we have ordinances if we don't enforce them.

6 Don Ritenour - Owens Avenue, Derry – Owens Avenue Extension Project- Mr. Ritenour waiting to hear of the MTF grant. Council is concerned with us waiting on this funding as the N. Ligonier Street Bridge continues to deteriorate. Rep. Petrarca's office continues to tell us we should hear something soon. Originally the grant funding was to be awarded in the spring/early summer.

7. Karen Ohi – address not specified - Parking Issue in the alley way and Broad Street has a difficult time getting to her house due to her disability. She wanted to know if she could get a handicapped parking space on the street. Chad Fabian explained council in the past tried to have handicapped parking by permit; however, it created an issue between neighbors and council decided to repeal the Ordinance. Her neighbors are currently parking in front of her house routinely sometimes three and four cars not giving her any availability to park near the front of her house. Council will review her request of residential handicapped spaces being available for disabled residents.

8. Joan Reynolds – Owner of 1st Avenue Property, S. Chestnut Property, and 4th Avenue Property - Observing

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Derry Borough Council went into executive session at 8:30pm for legal purposes regarding potential litigation for a Zoning issue, discussion of our current legal contract with BIU, and legal review of sale of a property listed in the Westmoreland County Tax Repository. Executive session ended at 9:12pm

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.

MAYOR'S REPORT

Mayor Dave Bolen submitted the Mayor's report for August 2016 with receipts of \$1,752.88 which included traffic receipts of \$696.49 and non-traffic receipts of \$178.87. There were 122 complaint calls, 32 traffic citations, and zero non-traffic citations.

BUILDING INSPECTIONS UNDERWRITERS, INC. MONTHLY REPORT

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

The new BIU Regional Manager, Keith Coll and BIU Administrative Assistant Denise Germanowski attended the meeting with our current code official Lee Miller. Mr. Coll explained the amount of turnover they have been through and asked council to give them another chance to provide better service to our community. Derry Borough Council voiced their concerns and have decided to research other options. BIU has had a lot of turnover and internal issues that have created a back log in Derry Borough, and their service has not improved the property issues in Derry Borough. There are many issues that have been left ongoing for months, one example mentioned was a property on Ramsey Way by Al Checca. They were to have a zoning and building permit processed by BIU, they have created a drainage issue for a neighboring resident and the issue still hasn't been resolved by BIU.

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. Ramsey Way to be repaved.

Allen Skopp – Grants- absent

Al Checca-Police Department – Speakers were purchased for movie night, they are indoor speakers which will need to be utilized for each event and stored accordingly when not in use. Pool management seemed to want a different system, but there wasn't enough communication. Dave Fletcher suggested we may want to look into a grant for the pool to have a small PA system for 2017.

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

REPRESENTATIVE REPORTS

Railroad Days- Lori Latta – Saturday, September 17th and Sunday September 18, 2016

PLANNING COMMISSION

Not present

They are reviewing the Sign section in our current Zoning Ordinance

COMMUNICATIONS

- ❖ Hallie Chatfield would like to schedule a meeting to discuss land bank properties possibly the last week of September.

Review with Solicitor

- **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**

MOTION by Al Checca to advertise the amended draft Ordinance 771-16. Motion **SECONDED** by Dave Fletcher. Four members present voiced “aye” in favor of the motion. Jim Ritenour voted “nay”. Motion passed.

Council agreed there will be a public hearing at October’s regular meeting to be held on October 17, 2016 prior to approval of the Ordinance in order to receive testimony before considering whether to enact the proposed Ordinance 771-16.

Lee Demosky will attend the meeting, and council agreed we should have a stenographer here for the actual hearing.

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 were received.

2. Owens Avenue N. Ligonier St. Bridge Removal Project – Pending

3. Zoning – Signs Section Amendment – Under Planning Commission

4. After review with our Solicitor, Council agreed to the sale at the county level of Tax Map 06-01-10-0-197, 116 E. 1st Avenue – from the Unsold Property Repository. Mr. Fabian signed the approval of sale form.

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5. Code/Zoning/UCC

NEW BUSINESS

1. **MOTION** by Al Checca to approve Westmoreland County Transit Authority 2016-2017 Agreement for our Local Share Assessment is \$880.00. Motion **SECONDED** by Dave Fletcher. All members present voiced “aye” in favor of the motion. Motion passed.
2. **MOTION** by Al Checca to approve Halloween Parade for Saturday, October 29, 2016 at 3:30 pm and Trick or Treat hours designated from 4pm-8pm. Motion **SECONDED** by Barry Holden. All members present voiced “aye” in favor of the motion. Motion passed.
3. **MOTION** by Jim Ritenour to approve Derry Construction to work at night for paving State Route 217 in Derry Borough. Motion **SECONDED** by Barry Holden. All members present voiced “aye” in favor of the motion. Motion passed.
4. **MOTION** by Jim Ritenour to rename 3rd Street Cul-de-sac to be known as Presby Way with all house numbers remaining the same. Motion **SECONDED** by Al Checca. All members present voiced “aye” in favor of the motion.
5. **MOTION** by Dave Fletcher to approve 2017 Minimum Municipal Obligations for Derry Borough’s Uniformed Pension in the amount of \$3,778 American National and PMRS Non-Uniformed Pension in the amount of \$12,182. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Jim Ritenour to advertise to hire two new part-time police officers. Motion **SECONDED** by Dave Fletcher. All members present voiced “aye” in favor of the motion. Motion passed.

PAYMENT OF BILLS

MOTION by Dave Fletcher to approve payment of bills totaling \$27,985.47 and all outstanding legitimate bills through the end of the month. Motion **SECONDED** by Al Checca. All members present voiced “aye” in favor of the motion. Motion passed.

ADJOURNMENT

MOTION by Jim Ritenour to adjourn at 9:42p.m. Motion **SECONDED** by Dave Fletcher. All members present voiced “aye” in favor of the motion. Motion passed.

Respectfully submitted,

Lori L. Latta
Secretary