

February 13, 2024

Derry Borough Council met in regular session Tuesday, February 13, 2024 at 7:00 P.M. at AV Germano Hall, 100 West Second Street, Derry, PA with the following members present: Barbara Phillips, Sara Cowan, Al Checca, Jim Ritenour, Rob White, Nathan Bundy, and Jasen Lentz.. Mayor Grant Nicely was present. Joe Wells was reporting for the Latrobe Bulletin.

MOTION by Sara Cowan to approve the minutes for the regular council meeting of January 2, 2024. Motion **SECONDED** by Nathan Bundy. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Jasen Lentz to approve the minutes for the special meeting of January 26, 2024. Motion **SECONDED** by Rob White. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Rob White to approve the treasurer’s report ending January 31,2024 with the following balances:

\$543,143.31 -General Fund Balance Sheet

\$299,020.00 -Liquid Fuels Balance Sheet

\$27,712.12 – Street Lighting Fund

Motion **SECONDED** by Sara Cowan. All members present voiced “aye” in favor of the motion. Motion passed.

RECOGNITION OF VISITORS

1. Steve Schmitt, Gibson-Thomas Engineering – Explained the paving project upcoming can be advertised requesting one bid, Section A and Section B for the purposes of separate expenditure accounts. He will be sending the plans with bid specifications over to council for their review within the next week. He requested council make a motion to advertise for the RFP with bid specifications provided pending council approval.

MOTION by Jasen Lentz to amend the agenda to add approval to advertise the RFP for the 3rd Ward Paving Project pending council approval of plans and specifications. Motion **SECONDED** by Sara Cowan. All members present voiced “aye” in favor of the motion. Motion passed unanimously.

MOTION by Sara Cowan to approve advertising the RFP for the 3rd Ward Paving Project pending council approval of plans and specifications. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed unanimously.

Mr. Schmitt reviewed the plans from the estimates provided by the contractors to assist with creating the specifications and plans for the pavilion which he will be forwarding to council. He has another engineer from Gibson-Thomas reviewing the overhang and the plans needed for the replacement including the support joists.

2. Cindy Garris – No address – Thanked council for the location at the community park for a memorial for K-9 Smoke. Addressed the Mayor regarding K-9 Smoke.

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3. Joan Reynolds – Gem Theater – Theater Project with letter provided to council. Plans on developing a 501-C3. The next meeting for the project will be held at the Gem theater. The next meeting will be held Wednesday, February 21, 2024 at 6pm. Ms. Reynolds provided council with a letter of interest for the Borough Planning Commission.
4. Marissa Urban- Seton Hill College – Social Work students who would like to do a community outreach program in Derry Borough. Asking council members for ideas to help people.
5. Yvonne Earhart – Derry Township – K-9 Smoke
6. Daniel Lynch – Derry Township, DASD School Board – Observing
7. Bob Dempsey – Derry Township – DARCEE
8. Rick McCurdy – Derry Borough – Observing
9. Dominick Dempsey – Derry Borough – Observing
10. Bre Zajdel- Derry- Observing
11. Kate Pipilo – Seton Hill Student- Social Science Student Project
12. Luman Roach – Seton Hill Student – Social Science Student Project
13. Keirsten Johannes – Seton Hill Student - Social Science Student Project
14. Nancy Findish – Derry Township – DASD – Observing
15. Loretta Sanner – Derry Township - Observing

SOLICITOR’S REPORT

1. I have been in communication with Cody Wightman who serves as the President of the Derry Area Youth Athletic Association and he is to provide me with documentation regarding the 501(c)(3) Non-Profit Corporation status so I can reference the same in the baseball field lease previously authorized by Borough Council.
2. The advertisement of an amendment to Derry Code, Chapter 340 has been sent to the Borough Secretary to place on a public meeting agenda for hearing to consider the adoption of an Ordinance adopting the Sewer Use Rules and Regulations prepared by the Derry Borough Municipal Authority.
3. On January 1, 2024 a bargaining session took place at the Derry Borough Municipal Building between the negotiation teams of the Derry Borough

Police Department and Derry Borough.

4. Council members Nathan Bundy, Jasen Lentz and Borough Council President Al Checca met with the Solicitor and the Solicitor's special counsel, Thomas P. Pellis and Bernard P. Matthews, Jr. to receive a full update on legal matters.

MAYOR'S REPORT

The Mayor reported for **December 2023** with total receipts of \$380.42, which included traffic receipts of \$40.01, non-traffic receipts of \$158.75, and \$116.66 in clerk of court and \$15.00 miscellaneous receipts. There were 47 complaint calls, 1 traffic citation, 0 non-traffic citations, and no parking tickets.

The Mayor reported for **January 2024** with total receipts of \$258.17, which included traffic receipts of 161.33, non-traffic receipts of \$15.93, and \$ 30.91 in clerk of court and \$80.91 miscellaneous receipts. There were 54 complaint calls, 2 traffic citations, 0 non-traffic citations, and one parking tickets.

ZONING /CODE/UCC OFFICER'S REPORT

BIU report for January 2024 – One Zoning Permit, no UCC permits, and two code enforcement violations reported in the summary.

COMMITTEE REPORTS

Public Works – Cinta's uniform quote provided to council. Repaired ceiling at garage, replacing street signs, Christmas Banners removed. Snowplow maintenance.

Buildings and Grounds – Adam and Dominick changed out the entrance door to the police department correcting the way the door opens and adding a security lock on the door.

Police – Cintas uniform quote will be prepared. Server needed for body cameras acquired.

Finance/Budget – No additional report.

Parks and Recreation – Lions Club wants to donate another bench for Derry Community Park.

They were looking for council approval at the location of the Earl Filmore Memorial.

MOTION by Nathan to approve location selected for Lions Club bench. Motion

SECONDED by Jim Ritenour. All Members present voiced "aye" in favor of the motion.

Motion passed.

Pool Committee – Pool Grant expenditures must be spent in 2024 balance \$42,4730.70

CEAP Budget – New Construction \$19,000, Renovations/Maintenance - \$28,500 and New

Equipment- \$2,500 Wages for 2024 Season Planning for 2024 Season with 4 DJ Nights and review of wages for pool employees.

Grants -CDBG Grant – Paving, T-Mobile Grant App – Pool, Multi-Purpose Community Facilities Program Information- DCED Grant

Public Safety Committee- No report

Media/Technology- Introducing a Public Works Facebook Page, Information regarding updates for council emails will be provided at March's meeting.

Neighborhood Watch- No report.

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DASD/School- Teachers at Grandview Elementary School asked the DASD Board of Directors to consider approving the purchase of new science textbooks for kindergarten through grade 5 students. After looking at books from different publishers, elementary science teachers chose Amplify Science K-5 as the series they'd like to buy. A \$50,000 Math and Science Grant will be used to partially fund the purchase of the textbooks. The books are available at the school library for review. Nathan reported forwarding the potential art grant being offered by Westmoreland County to see if there is any student interest and ideas. Some areas of interest discussed were the pool area, the community park, or the borough maintenance garage.

ANNOUNCEMENTS

PLANNING COMMISSION

Occupancy Permit Ordinance Review – Summary of draft ordinance provided to council and minutes from the last planning commission meeting. Amendments needed prior to final draft for council review.

Vacancy Ordinance – Council review of draft ordinance modeled after Etna Borough's.

REPRESENTATIVES

- DARCEE meeting 4th Weds 7pm Quarterly
- Derry Area Historical Society – Board Meeting are held at the Fulton House on the 3rd Monday monthly at 6:30pm. Their website is derryhistory.org Please check out their facebook page for updated information.
- Derry Railroad Days Committee meets the 3rd Tuesday monthly at 6:30pm at AV Germano Hall (Alternative meeting place is the Fulton House in New Derry) Always looking for new members from Derry Borough!

COMMUNICATIONS

- ❖ Municipal Roundtable Westmoreland Conservation District – Friday, February 23, 2024
- ❖ Westmoreland County Parks & Recreation – Art Grant Program Up to \$1,000 Deadline March 26, 2024
- ❖ Downtown Playbooks- Need a detailed plan including goals and objections. **MOTION** by Nathan Bundy to amend the agenda to schedule an introductory meeting with Revitalize or Die for a fee of \$250.00. Motion **SECONDED** by Sara Cowan. All members present voiced “aye” in favor of the motion. Motion passed. **MOTION** by Nathan Bundy to schedule an introductory meeting with Revitalize or Die for a fee of \$250.00. Motion **SECONDED** by Sara Cowan. All members present voiced “aye” in favor of the motion. Motion passed.
- ❖ Letter from Ron Seich, Manager MABD support Grant Nicely for reappointment
- ❖ Westmoreland County Advisory Letter regarding Subdivisions, Zoning Ordinances, and Comprehensive Plans
- ❖ Letter of resignation from Noah Alter for the Planning Commission

- ❖ Derry Railroad Days Committee request for financial contribution
- ❖ Letter from Yvonne Earhart regarding the euthanization of K-9 Smoke
- ❖ Presentation Harvest Commercial Real Estate Services Dave Stevenson and Bob Lasser – Derry Business Park – Thank you sent to council for the introductory meeting.

UNFINISHED BUSINESS

1. Board and Commission terms available in the Borough:

- a) One five-year-term for the Zoning Hearing Board expiring December 31, 2025, and one vacancy of an unexpired term ending December 31, 2026 and (1) alternate board member.
 - Letter of interest received from Wayne Churley J. D. **MOTION** by Nathan Bundy to appoint Mr. Wayne Churly to the vacancy term expiring December 31, 2025. Motion **SECONDED** by Sara Cowan. All members present voiced “aye” in favor of the motion. Motion passed.
 - **MOTION** by Sara Cowan to approve Jerris Weller to five-year renewal term for the Zoning Hearing Board term expiring December 31, 2028. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.
- b) Vacancy Board Chairman 2023
- c) One mid five-year term for vacancy on the Municipal Authority Board Term Expiring 2026.
One mid five-year term for vacancy on the Municipal Authority Board Term Expiring 2024.

Eligible letters of interest for MABD

- Chuck Derito
- Madelyn Derito
- Rachelle Bodenschatz
- Grant Nicely
- Zachary Lockridge – No response with requested information.

MOTION by Sara Cowan to appoint Grant Nicely to the Municipal Authority Board. Motion **SECONDED** by Jim Ritenour. Roll call vote was taken: Sara Cowan “aye”, Jim Ritenour “aye”, Al Checca “nay”, Jasen Lentz “nay”, Barbara Phillips “aye”, Rob White “aye”, Nathan Bundy “aye” Motion passed 5-2.

MOTION by Nathan Bundy to appoint Rachelle Bodenschatz to the Municipal Authority Board. Motion **SECONDED** by Rob White. Roll call vote was taken: Nathan Bundy “aye”, Rob White “aye”, Jasen Lentz “aye”, Al Checca “aye”, Sara Cowan “nay”, Barbara Phillips “nay”, Jim Ritenour “nay”. Motion passed 4-3.

2. Porcelain Park – Article in Tribune Review dated 1-6-2024

3. Sewer Lateral Testing Ordinance Amendments – Draft provided by Solicitor

Approve advertisement of Ordinance 808 Updating Sanitary Sewer Rules and Regulations holding a public hearing.

MOTION by Jasen Lentz to table for further review and discussion with possible additional changes Motion **SECONDED** by Nathan Bundy. All members present voiced “aye” in favor of the motion. Motion passed.

4. American Rescue Plan Budget – Operational expenses to be expended by 12-31-2024.

5. 2024 Paving Project – CDBG Grant (LF and Reserves) Plans to be provided by Steve Schmitt from Gibson-Thomas for council review.

6. **MOTION** by Sara Cowan to approve advertising for Part-time Assistant (Secretary/Treasurer) for the Borough Office. Motion **SECONDED** by Nathan Bundy. All members present voiced “aye” in favor of the motion. Motion passed.

7. Update Comprehensive Plan – Review Downtown Playbook Services to enhance specific goals and objectives for Derry Borough Business District

8. Mossback Park Gazebo Maintenance

9. Police Contract – In negotiations

10. Crime Watch App – Estimated annual cost of \$1,200. - Tabled

11. **MOTION** by Sara Cowan to Re-advertise to appoint a Deputy Tax Collector. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.

NEW BUSINESS

1. **MOTION** by Jasen Lentz to approve a 2- year moratorium for future of K-9 Program. Motion **SECONDED** by Rob White. Roll call vote was taken: Jasen Lentz “aye”, Nathan Bundy “aye”, Al Checca “aye”, Barbara Phillips “nay”, Sara Cowan “nay”, Jim Ritenour “nay”, Rob White “aye”. Motion passed 5-3.

2. Pool Pavilion - 12 X 24 pavilion – Westmoreland Renovation Brothers Inc. at \$22,280.00 or Booher Construction, LLC \$20,860.00 Gibson-Thomas will assist with approval of UCC plans.

3. **MOTION** by Rob White to approve submission of T-Mobile Grant Application for a slide for the community pool. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.

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4. Approve Lease Agreement for DAYAA for the use of Derry Borough's property including one of the baseball fields utilized for their baseball program. Lee Demosky will prepare the agreement for the request from DAYAA officers. Tabled as Solicitor is still working on developing agreement.
5. **MOTION** by Nathan Bundy to approve Co-Stars Salt Contract for 625 tons for August 2024-July 2025 Season. Motion **SECONDED** by Jim Ritenour. All member present voiced "aye" in favor of the motion. Motion passed.
6. **MOTION** by Jim Ritenour to approve Resolution 681-24 updated Bank Signature Cards. Motion **SECONDED** by Jasen Lentz. All members present voiced "aye" in favor of the motion. Motion passed.
7. Social media – Facebook concerns and implications
8. **MOTION** by Nathan Bundy to Approve Easter Egg Hunt tentatively March 30, 2024 (weather permitting) to be hosted by Railroad Days Committee at the Derry Community Park. Motion **SECONDED** by Sara Cowan. All members present voiced "aye" in favor of the motion. Motion passed.
9. **MOTION** by Nathan Bundy to request Planning Commission to Review 424-45 Central Business Commercial Zone - Review of Theatre "Cultural Facilities". Motion **SECONDED** by Rob White. All members present voiced "aye" in favor of the motion. Motion passed.
10. **MOTION** by Nathan Bundy pending there is no current contract with Unifirst to approve Cintas updated Uniform Quotes for Public Works with wipers and mats. Motion **SECONDED** by Jasen Lentz. All members present voiced "aye" in favor of the motion. Motion passed.
11. Approve to donate the remaining funds from the K-9 account to Action for Animals in Latrobe, PA in the amount of \$3,295.06. Council discussion included other entities the money could be utilized for including the Westmoreland County Cart Team under Westmoreland County 911 Dispatch. **MOTION** by Nathan Bundy to add to the March agenda for approval. Motion **SECONDED** by Jasen Lentz. All members present voiced "aye" in favor of the motion. Motion passed.
12. **MOTION** by Jasen Lentz to approve purchase of a Mobile Speed Limit Sign 12" X12" Mobile Sign without the additional battery initially. Cost of \$3,200, and \$750 for an additional battery which may be purchased in the future. Motion **SECONDED** by Nathan Bundy. Roll call vote was taken: Jasen Lentz "aye, Nathan Bundy "aye", Al Checca "aye", Rob White "Aye" , Jim Ritenour "aye", Barbara Phillips "nay", Sara Cowan "nay". Motion passed 5-2.
13. **MOTION** by Jim Ritenour to approve to accept resignation of Noah Alter from the planning commission and advertise the vacancy. Motion **SECONDED** by Nathan Bundy. All members present voiced "aye" in favor of the motion. Motion passed.

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14. **MOTION** by Rob White to approve the DARCEE Car Show to be held at the Derry Community Park on Sunday, August 4, 2024. Motion SECONDED by Nathan Bundy. All members present voiced “aye” in favor of the motion. Motion passed.
15. **MOTION** by Nathan Bundy to approve placement of a Memorial Stone at the Derry Community Park for K-9 Smoke. Motion SECONDED by Jim Ritenour. Placement will be near the Community Dog Park. All members present voiced “aye” in favor of the motion. Motion passed.
16. **MOTION** by Jim Ritenour to approve hiring Bradley Eaglehouse as a part-time public works employee. Motion SECONDED by Nathan Bundy. All members present voiced “aye” in favor of the motion. Motion passed.
17. **MOTION** by Nathan Bundy to approve purchasing a server for the police department body cameras for data storage up to \$1,500. Motion SECONDED by Rob White. All members present voiced “aye” in favor of the motion. Motion passed.
18. **MOTION** by Sara Cowan to approve updated pool employee wages as follows for 2024 Summer Season: Manager \$16, Assistant Manager \$12, Head Guard \$11, 3rd yr. Guard \$10.50, 2nd yr. Guard \$10.00, 1st yr. Guard \$9.00, Senior Concession \$10.50, and Concessions \$9.00. Motion SECONDED by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.
19. **MOTION** by Jim Ritenour to approve DARCEE to add additional playground equipment at the community park and refurbish the 3rd Ward playground following appropriate playground safety standards. Motion SECONDED by Rob White. All members present voiced “aye” in favor of the motion. Motion passed.

PAYMENT OF BILLS

MOTION by Barb Phillips to pay the bills totaling \$ 38,933.44 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 meeting at 8:08pm. Motion SECONDED by Rob White. All members present voiced “aye” in favor of the motion. Motion passed.

Respectfully Submitted,

Lori L. Latta, Secretary