

## July 12, 2022

Derry Borough Council met in regular session Tuesday, July 12, 2022 at 7:00 P.M. at AV Germano Hall, 100 West Second Street, Derry, PA with the following members present: Sara Cowan, Barbara Phillips, Al Checca, James Ritenour, Chad Fabian. and Rob White. Daniel Chaney was absent. Mayor Grant Nicely was present. Lee Demosky, Solicitor was present. Joe Wells was reporting for the Latrobe Bulletin.

**MOTION** by rob White to approve the minutes for the regular council meeting of June 14, 2022. Motion **SECONDED** by Al Checca. All members present voiced “aye” in favor of the motion. Motion passed.

**MOTION** by Al Checca to approve the treasurer’s report ending June 30, 2022 with the following balances:

\$755,309.44 -General Fund Balance Sheet

\$377,626.64 -Liquid Fuels Balance Sheet

\$46,667.74 -Garland Mills Project Fund

\$0- 2022 Paving Project Fund Check 101 Derry Construction \$264,568.73

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

### RECOGNITION OF VISITORS

1. Mark Cypher – Code Enforcement – He currently is working for Penn Hills, Youngwood, and a few other municipalities. He is interested in working as a Code Enforcement Officer part-time dedicating 8 hours a week to Derry Borough. He will be forwarding more information to council, including his salary request and a copy of his violation notices that he provides to the residents who are in violation.
2. Jerris Weller – 241 W. Owens Avenue – burning and Wastemangement concerns. There are a few residents who are repeat offenders of violating the burn ordinance by burning refuse. Derry Borough Council is discussed reaching out to the public utilizing the Latrobe Bulletin and Facebook. Secretary will create a warning letter to mail out to resident upon receiving complaints.

**SOLICITOR’S REPORT** No report for the public.

### MAYOR’S REPORT

The Mayor reported for June 2022 with total receipts of \$511.54, which included traffic receipts of \$186.32, non-traffic receipts of \$30.26, and \$ 295.22 in clerk of court and miscellaneous receipts. There were 45 complaint calls, 12 traffic citations, 2 non-traffic citation, and no parking ticket.

### K-9 REPORT

The K-9 balance is \$ 906.05 at the end of June 2022. There were no invoices paid in the month of June.

July 12, 2022

#### ZONING OFFICER'S REPORT

There were two (2) Zoning Permits, two (2) UCC Permits issued in the month of June 2022 by BIU, and they issued five code enforcement violations.

#### COMMITTEE REPORTS

*Public Works* – Garage Maintenance

*Buildings and Grounds* – Pea Gravel to be placed at Community Park and playground equipment installation to be completed.

*Police* – No report

*Finance/Budget* – EIT Collections are up 13.9 %, We are at 49% for expenditures for the year as of the end of June, including all the new equipment and maintenance expenses that have occurred. Revenues are at 76.44% which is a positive as well.

*Zoning/UCC/Code* – Mark Cypher presenting to council his abilities as a code enforcement officer.

*Parks and Recreation* –New sidewalk is complete on S. Ligonier Street.

*Fire Protection* – No report

*Pool Committee* – Slushi Machine – Sell or Retain Council decided to sell second machine.

**MOTION** by Al Checca to sell 2<sup>nd</sup> Slushi machine for \$700. Motion **SECONDED** by Chad Fabian. All members present voiced “aye” in favor of the motion. Motion passed. Council discussed facebook posts which have been negative posts regarding the pool staff singling out individuals and expressed a positive response regarding the pool staff in response.

A discussion regarding the dog swim that was to be hosted by Rodney Little was presented by Al Checca. There has been changes within the organization that was supposed to host the dog swim, and Rodney would not be organizing the event. Council discussed and chose to move forward with the Derry Community Pool staff to have their own event. Pool finances were discussed and payrolls have been at higher levels than normal. The Pool Committee will continue to oversee. A pool rental was requested for a daytime event in exchange for a large donation, council discussed if they should provide the rental and details that would need to be reviewed prior to approving.

*Grants* –CDBG Grant Application September 2022, Local Share Account Category 4 Facilities Program – W. 3<sup>rd</sup> Ave Bridge. Discussion of combining CDBG funds with Liquid Fuels and some ARPA funds to initiate a paving project for 2023.

#### ANNOUNCEMENTS

**Borough Council went into executive session at the Derry Borough Council Worksession on Tuesday, July 5, 2022 at 8:19pm for pool personnel discussion. Executive session ended at 8:28pm.**

DARce CAR Show will be held on Sunday, August 7, 2022 Noon – 4pm

Derry's Great Garage Sale will be held August 5<sup>th</sup> and August 6<sup>th</sup>, 2022

#### PLANNING COMMISSION

➤ Occupancy Permit Ordinance Review

July 12, 2022

- Nuisance Ordinance – Sgt Doug Sam requested an option to have a Nuisance Ordinance in Derry Borough to assist with repeat offenders, including rental properties that would affect the landlords and owners of the properties. Many operative hours are lost by the police department within our community for repetitive domestic and residential complaints especially with rental properties.

#### REPRESENTATIVES

- DARCee Meeting 4<sup>th</sup> Weds monthly- DARCee is to assist with painting and refreshing 3<sup>rd</sup> Ward Park by the Derry Community Pool upcoming.

#### COMMUNICATIONS

- Letter of interest for the planning commission from Noah Alter
- Letter of concern from Michele Palko- Neighbors Garbage
- Westmoreland Transit Authority Human Services Resource Fair at WCCC on Thursday July 14, 2022 from 11am-2pm
- Letter of concern from Sharon Zacur regarding neighbors burning garbage and other burning issues within the borough

Derry Borough Council discussed creating and sending certified letters or warning notices for the residents who are burning garbage.

#### UNFINISHED BUSINESS

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1. Board and Commission terms expiring 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, 2024 and (1) alternate board member.
  - b) Two (2) four-year term for the planning commission expiring December 31, 2025. Appoint Noah Alter to the Planning Commission. **MOTION** by Chad Fabian to appoint Noah Alter to the Planning Commission. Motion **SECONDED** by Al Checca. All members present voiced “aye” in favor of the motion. Motion passed.
  - c) Vacancy Board Chairman 2022
2. Porcelain Park- Demolition will be taking place soon for the Smith Building. RAWC is preparing for development activity in 2023.
3. Sewer Lateral Testing Ordinance Amendments
4. American Rescue Plan Budget - Expenditure Planning and Reporting- 2<sup>nd</sup> ARPA payment is to be received on July 15, 2022 according to communication from PSAB.

July 12, 2022

5. 2022 Paving Project – **MOTION** by Chad Fabian to approve Change Order #2 for asphalt adjustment in the amount of \$16,268.70 subject to Solicitor’s approval. Motion **SECONDED** by Rob White. All members present voiced “aye” in favor of the motion. Motion passed.
6. Garland Mills Project – **MOTION** by Al Checca to approve Pay Estimate #2 paying BCS Construction in the amount of \$73,703.89 for construction and Gibson-Thomas for engineering fees in the amount of \$6,537.00. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.
7. Police Pension Plan Amendments – Mayor Nicely mentioned that there is a new law in the state of PA regarding police pension plans to include part-time officers. Council discussed with Lee Demosky, he mentioned the rule is still in process.
8. Negotiate Police Contract – Discussion in Executive Session **MOTION** by Chad Fabian to approve the responses made by the Derry Borough Police Department’s bargaining unit to the terms and conditions presented by the Borough of Derry including: a \$100 monthly health insurance payment contribution; b) 1 year term; c) No overtime charged for training and court time. Officers paid overtime for hours worked in excess of 40 hours in a week period; d) Full-time officers who opt out of the Family Plan coverage shall be entitled to receive \$2,600.00 paid in per pay period installments. The collective bargaining agreement shall be reviewed and approved by the Borough Solicitor prior to execution. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.
9. Public Works Contract (open) Amendment to be drafted Laborer – Part-time Permanent Position/Seasonal Workers Discussion in Executive Session
10. Appoint Deputy Tax Collector – No letters of interest received
11. Appoint Administrative Assistant for the Borough Office – No letters of interest received
12. Vacant Parcel - High Street Property –WCLB – Meeting with Habitat for Humanity/Shelby

**NEW BUSINESS**

1. Part-time Code Enforcement Officer - Tabled
2. **MOTION** by Al Checca to have a pool party for the borough employees, volunteers, employees, and DVFD including their immediate family pool party to be held on Friday August 12, 2022 from 7-10pm. Motion **SECONDED** by Chad Fabian. All members present voiced “aye” in favor of the motion. Motion passed.
3. W. 3<sup>rd</sup> Avenue Bridge Project – Matt Burns reviewed to develop a cost estimate for submission for the Local Share Account Category 4 Facilities Grant Program

**July 12, 2022**

4. Update Public Works Policy/Safety Procedures and Job Descriptions- Demosky reported they are being reviewed by legal currently.
5. Kennedy Property – E. 1<sup>st</sup> Avenue Discussed in Executive Session
6. **MOTION** by Chad Fabian to purchase a blue tooth compatible projector for council meetings and the pool to display photos when necessary and movies in an amount up to \$500. Motion **SECONDED** by Al Checca. All members present voiced “aye” in favor of the motion. Motion passed.

**Derry Borough Council went into executive session at 8:10pm for personnel discussion for the police department and the public works department, as well as legal discussion regarding a residential property located on E. 1<sup>st</sup> Avenue. Executive session ended at 8:32pm.**

#### **PAYMENT OF BILLS**

**MOTION** by Al Checca to pay the bills totaling \$55,588.27 and all outstanding legitimate bills through the end of the month. Motion **SECONDED** by Rob White. All members present voiced “aye” in favor of the motion. Motion passed

#### **ADJOURNMENT**

**MOTION** by Al Checca to adjourn at 8:32 pm. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed

Respectfully Submitted,

Lori L. Latta  
Secretary/Treasurer