

October 10, 2023

Derry Borough Council met in regular session Tuesday, October 10, 2023 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, Chad Fabian, and Adam Cowan. Mayor Grant Nicely was present. Bernie Matthews, Solicitor was present. Joe Wells reporting for the Latrobe Bulletin.

MOTION by Al Checca to approve the minutes for the regular council meeting of September 12, 2023. Motion **SECONDED** by Adam Cowan. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Al Checca to approve the minutes for the special meeting minutes of October 3, 2023. Motion **SECONDED** by Barbara Phillips. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Al Checca to approve the treasurer’s report ending September 30, 2023 with the following balances:

\$719,233.90 -General Fund Balance Sheet

\$338,010.63 -Liquid Fuels Balance Sheet

\$35,360.90 – Street Lighting Fund

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

RECOGNITION OF VISITORS

1. Joe Wells – Latrobe Bulletin – Reporting as well as asked questions and statements regarding RTK requests. Filing an appeal for information requested.
2. Rita Hall – Observing
3. Ricky McCurdy – Smoke Observing
4. Lori Culley – Smoke
5. Mike Garufi – Derry – Smoke
6. Cindy Klimcheck – Latrobe- Smoke
7. Marcia Crog – Blairsville – Smoke
8. Chasity Welrs – Latrobe – Smoke
9. Vicky Zemba- Derry – Smoke
10. Greg Palmer – Derry Borough –Observe
11. Velvet Majorsky – Derry Borough – Observe
12. Shannon Cypher Hart – Derry Borough – Observe
13. Donal Hart – Derry – Observe
14. Bob Dempsey – Millwood- Observe DARCEE
15. Nathan Bundy – Derry Borough – Observe
16. Megan Bolts- Observe
17. Teddy Ehman Jr. – Observe
18. Wamt Johns- 401 High Street- Observe
19. B. Slivia- Ruby St. – Observe

20. Dom Dempsey – 110 Walters St. – Observe
21. Breannah Zajdel- 110 Walters St. – Observe
22. Patrick Varina- Tribune Review – reporting
23. Dee Blystone – Derry Borough – Observe
24. Tom Blystone- Derry Borough – Observe
25. Debbie Patz – Local Area – Observe
26. Renee Root – 205 W. Keeling Ave- Observe
27. Norma Moore- 401 N. Ligonier St. – Observe and inquired about the Ordinance for trailers and RV’s parking on streets
28. Sharon Ritenour- 729 E. 2nd Ave – Observe
29. Celia Rajokovich- 122 W. 5th Ave – Observe
30. Jerris Weller- 241 W. Owens Ave – Observe
31. Noah Alter- Derry Borough – Observe
32. Jasen Lentz- 309 W. Keeling – Justice for K-9 Smoke
33. Carmen Rose – Jennerstown – K-9 Smoke concerns and questions. Requested to carry item in parade for K-9 Smoke.
34. Cindy Gur- 129 Caldwell Lane – K-9 Smoke concerns and questions.
35. Marlene Gibb- Latrobe – K9 Smoke
36. Alanna Derito-Gaudiello – 608 W. 2nd Avenue – K-9 Smoke concerns and addressed the Mayor. Planning for a memorial for K-9 smoke.
37. Brenda Jelly- Coral PA – K-9 Smoke concerns
38. Yvonne Earhart- Derry – K-9 Smoke concerns and questions
39. Samantha Redfoot – Latrobe – K-9 Smoke
40. Stephanie Nace – 740 E. First Ave – Comments to support the Chief
41. Matt Wilson – W. 3rd Ave, Derry – addressed council supporting the process and asked council not to remove the K-9 equipment from the police vehicle. Promoted the upcoming election.
42. Lisa Kepple- W. 3rd Ave – K-9 Smoke and Camper Parking Code. Requested that police ease up at sitting near F & J Bow Club because it is affecting their business.
43. Pauline Bray – Penn Township – K-9 Smoke comments and questions
44. Shawn Olswiski – 538 Rt. 217 – K-9 Smoke addressed the visitors regarding respecting the process and stay off social media. (Redirected to address council and not the visitors) Would like to see a memorial for K-9 smoke.
45. Stephanie Nace – Requested to speak again requesting a storm water trench to be dug at the back of her property.

SOLICITOR’S REPORT

MAYOR’S REPORT

The Mayor reported for September 2023 with total receipts of \$511.92, which included traffic receipts of \$333.40, non-traffic receipts of \$15.94, and \$67.58 in clerk of court and \$95.00 miscellaneous receipts. There were 68 complaint calls, 14 traffic citations, one non-traffic citation, and four (4) parking tickets.

K-9 REPORT

The K-9 balance is \$ 3,295.06. On October 6, 2023, the K-9 account was closed and a bank check for the \$3,295.06 and submitted to the Borough. This is the final K-9 report.

ZONING /CODE/UCC OFFICER'S REPORT

BIU report for September 2023 - There were three Zoning Permits, three UCC permits, and four code enforcement violations reported in the summary.

COMMITTEE REPORTS

Public Works – No report

Buildings and Grounds – No report

Police – No report

Finance/Budget – No report

Parks and Recreation – No report

Fire Protection – No report

Pool Committee – Quote for plumbing for the pool house.

Grants – Local Share Account Category 5, T Mobile grant application for pool slide

New Municipal Building Committee – No report

ANNOUNCEMENTS

PLANNING COMMISSION

Occupancy Permit Ordinance Review – Planning commission is requesting written detailed information from council as to what to include and remove from the previous Ordinance.

REPRESENTATIVES

- DARCee meeting 4th Weds 7pm monthly
- 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. (derryareahistory)
- 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

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.
 - b) Vacancy Board Chairman 2023

2. Porcelain Park
3. Sewer Lateral Testing Ordinance Amendments – Draft provided by Solicitor
 - Approve to advertise the updated sewer lateral testing ordinance and advertise the ordinance for approval.
4. American Rescue Plan Budget
5. Appoint Deputy Tax Collector
6. Appoint Administrative Assistant for the Borough Office
7. Comprehensive Plan
8. Mossback Park Gazebo Maintenance
9. Police Contract
10. Camping Equipment and Utility Trailers – They are not allowed to be parked on the streets or alleys.
11. Sewer Plant on CAD System

NEW BUSINESS

1. **MOTION** by Chad Fabian to approve Resolution No. 676-23 Payment of MMO for Non-Uniform Pension Plan in the amount of \$18,222 and Uniform Pension Plan (Police) \$0 for 2023. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.
2. Approve _____ for vacancy on the Municipal Authority Board Term Expiring 2026 - No letters were received.
3. Approve _____ for vacancy on the Municipal Authority Board Term Expiring 2023 - No letters were received.
4. **MOTION** by Jim Ritenour to approve Brad Eaglehouse as permanent part-time. Motion **SECONDED** by Chad Fabian. All members present voiced “aye” in favor of the motion. Motion passed.
5. LERTA Tax Exemption Ordinances

MOTION by Chad Fabian to approve Ordinance 805 – Ordinance Authorizing Tax Exemptions from Property Tax for Certain Deteriorated Industrial, Commercial, and other Business Property, and for providing a procedure for implementation of such exemption.

Motion SECONDED by Rob White. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Chad Fabian to approve Ordinance 806 – Ordinance Providing Real Estate Tax Exemption for the Construction of New Dwelling Units. Motion SECONDED by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.

6. General Fund Budget/ Street Lighting Budget – An advertise budget meeting will be held prior to November worksession by the budget committee.
7. Electrical Supply Contract – Keytex – **MOTION** by Al Checca to approve the 24-month contract for electric supply for the amount of .07120//per Kwh. Motion SECONDED by Adam Cowan. All members present voiced “aye” in favor of the motion. Motion passed.
8. 3rd Ward Paving Project – **MOTION** by Chad Fabian to approve Resolution # 677-23 Subrecipient Agreement for Westmoreland County Community Development Block Grant for Street Reconstruction in Third Ward, Derry Borough. Motion SECONDED by Al Checca. All members present voiced “aye” in favor of the motion. Motion passed.
9. W. Third Avenue Bridge Project – **MOTION** by Jim Ritenour to approve Resolution 678-23 to request a Statewide Local Share Assessment grant of \$751,479 from the Commonwealth Financing Authority to be used for West 3rd Avenue Culvert Replacement Project. Motion SECONDED by Chad Fabian. All members present voiced “aye” in favor of the motion. Motion passed.
10. **MOTION** by Al Checca to approve Halloween Trick or Treat for Derry Borough to be held on Saturday, October 28th from 4pm-8pm. Motion SECONDED by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed
11. **MOTION** by Al Checca to approve to return K-9 vehicle to daily rotation with K-9 cage removed. Motion SECONDED by Chad Fabian. All members present voiced “aye” in favor of the motion. Motion passed.
12. **MOTION** by Chad Fabian to Table upon review of DASD Agreement
13. Amend Chief’s Contract to remove K-9 – Council will meet with Chief to withdrawal proper language.
14. **MOTION** by Jim Ritenour to approve Sgt. Douglas Sam under Article V to increase his pay effective August 28, 2023 with higher rate of pay. Motion SECONDED by Rob White. All members present voiced “aye” in favor of the motion. Motion passed.
15. **MOTION** by Chad Fabian to approve disbanding the K-9 Program. Motion SECONDED by Al Checca. All members present voiced “aye” in favor of the motion. Motion passed.

16. **MOTION** by Al Checca to approve the application for Heart and Lung Act benefits submitted by Borough of Derry Employee No.1 . Motion **SECONDED** by Adam Cowan. All members present voiced “aye” in favor of the motion. Motion passed

Derry Borough Council went into executive session for discussion regarding the collective bargaining agreement for the police department at 8:26pm. Executive session ended at 8:48pm.

PAYMENT OF BILLS

MOTION by Chad Fabian to pay the bills totaling \$ 29,591.99 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 Barb Phillips to adjourn meeting at 8:50pm. Motion **SECONDED** by Rob White. All members present voiced “aye” in favor of the motion. Motion passed.

Respectfully Submitted,

Lori L. Latta, Secretary