

September 12, 2023

Derry Borough Council went into executive session at 6:30pm for personnel matters of the Police Department. Executive session ended at 6:45pm.

Derry Borough Council met in regular session Tuesday, September 12, 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, and Adam Cowan. Chad Fabian was absent. Mayor Grant Nicely was present. Lee Demosky, Solicitor was present. Joe Wells reporting for the Latrobe Bulletin.

MOTION by Al Checca to approve the minutes for the regular council meeting of August 8, 2023. Motion **SECONDED** by Rob White. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Al Checca to approve the treasurer’s report ending August 31, 2023 with the following balances:

\$698,723.45 -General Fund Balance Sheet

\$337,230.93 -Liquid Fuels Balance Sheet

\$37,326.23 – Street Lighting Fund

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

RECOGNITION OF VISITORS

1. Robert Dempsey – DARCEE – Observing
2. Joe Morton – No address listed – Observing
3. Andrea Palmer – No address listed – Requesting to know why there is no information regarding the K-9 being announced, and stated the public has a right to know what happened to the dog. She also inquired why there hasn’t there been a service for the K-9.
4. R Sheplar – No address listed – Observing
5. Yvonne Earhart – No address listed – K-9
6. Jerris Weller – 241 W. Owens Ave – Observing
7. Shawn Hilm – No address listed - Observing

SOLICITOR’S REPORT

The Solicitor reported that at the current time the situation with the K-9 is a confidential personnel matter and is under internal investigation with our legal department. Information will be released at the appropriate time.

No other report for the public.

MAYOR’S REPORT

The Mayor reported for August 2023 with total receipts of \$778.13, which included traffic receipts of \$438.85, non-traffic receipts of \$113.53, and \$145.75 in clerk of court and \$80.00 miscellaneous receipts. There were 71 complaint calls, 21 traffic citations, one non-traffic citation, and 5 parking tickets.

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Reporter Joe Well inquired what the executive session prior to the meeting was regarding. The Solicitor explained, it was a police personnel issue related to a medical matter.

K-9 REPORT

The K-9 balance is \$3,295.06 at the end of August 2023. Invoice for \$180 for veterinarian.

ZONING /CODE/UCC OFFICER’S REPORT

BIU report for August 2023 - There were three Zoning Permits, two UCC permits, and no code enforcement violations reported in the summary.

COMMITTEE REPORTS

Public Works – Street Sweeping recommended for scheduling by the end of October. Preparation for Railroad Days will be coordinated with Pat Showalter and Russ McKlveen. Trees that need looked at are being reviewed by a tree professional.

Buildings and Grounds – Preparation for Railroad Days

Police – Ongoing negotiations for the police contract.

Finance/Budget – Committee had the first preliminary meeting and will be meeting again the third week in September.

Parks and Recreation –DARCee wants to have a car cruise at the community park on October 14, 2023. Tree removal is necessary at both 2nd Ward Park and the Community Park. Chad Fabian reported estimate total cost at \$7,500.

Fire Protection – No report

Pool Committee – Barbara Phillips reported that they are working with Allegheny Pools to get a cost estimate for installation of a new slide at the pool. The estimated cost of the slide is \$19,600. Once we have a total estimate with installation, we can proceed with T-Mobile grant application. Pool employees initiated an idea of chair rentals for next year, so they purchased ten to start out and test to see if there will be use of them. Barbara Phillips reported a financial summary for the pool season to the public.

Grants – Local Share Account Category 4 and 5, T Mobile grant application for pool slide. Kevin Bitter Gibson-Thomas Engineer communicated the Statewide LSA Program may be a good resource for our W. 3rd Avenue Bridge Project.

ANNOUNCEMENTS

Derry Borough Council went into executive session at the Derry Council Work Session held on September 5, 2023 at 8:01pm for discussion regarding personnel of the police department. Executive session ended at 8:10pm.

PLANNING COMMISSION

Occupancy Permit Ordinance Review

REPRESENTATIVES

- DARCee meeting 4th Weds 7pm monthly

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- 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

- Westmoreland County 250th Anniversary Time Capsule – Deadline
- CSLFR Update of the Interim Final Rule – Lori Latta inquired with the Solicitor if he had reviewed the updated final rule and if the 30% maximum transportation rule would apply to municipalities who have taken the standard allowance. The solicitor said he would review the information.
- Railroad Days September 15th-18th, 2023 HOBBO Picnic on Thursday at Mossback Park
- Stormwater Management Workshop for residents Thursday, September 7, 2023 at 6pm located at AV Germano Hall RSVP to Borough office at derryborough@gmail.com
- St. Martin and St. Joseph annual Blue Mass welcoming all Police Officers, Firefighters, and Emergency Personnel and First Responders, including local county officials. Tuesday, September 26, 2023 at 6pm at St. Joseph Church on E. 2nd Avenue, Derry Pa.
- Westmoreland County Boroughs Association Meeting 6pm “Strategic Doing” Penn State Extension Community Development Education Speaker Hoss Steak House, Greensburg Location RSVP by 9/24/23 to Borough office
- PSAB Fall Leadership Conference Oct 13-15, 2023 Bayfront Landing, Erie PA
- Informational Flyer from WCLB for Purchasing property from the Westmoreland County Landbank – Information will be available at the Borough Building kiask
- Westmoreland Cleanways Household Hazardous Waste Collection held the 1st and 3rd Wednesday of the month from 8am-1pm at a cost of \$.80/per lb.

UNFINISHED BUSINESS

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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 – Approved by MABD Solicitor will have prepared for October
 - 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 - Letters of support for our District to be next in the County Planning Process.
8. Mossback Park Gazebo Maintenance – Public Works review
9. Police Contract – Negotiations ongoing
10. Nuisance Ordinance Approve to advertise amendment draft provided by Solicitor to support Code Enforcement and Zoning issues. The solicitor stated that BIU should be able to provide the proper citations as needed with the current ordinances in place.
11. Camping Equipment and Utility Trailers parked on streets – Solicitor reported the new ordinance on the books should allow the police to enforce the concerns of council.

NEW BUSINESS

1. New Municipal Building - Committee report
2. Approve _____ for vacancy on the Municipal Authority Board Term Expiring 2026.
A letter was received by Chuck Derito for one of the board vacancies. There was no motion given for appointment.
3. Approve _____ for vacancy on the Municipal Authority Board Term Expiring 2023.
4. Police Department – Body Cameras Council requested to be removed from the agenda due to the expense of \$70,000.
5. **MOTION** by Al Checca to approve purchase of New Ferris Zero Turn Lawnmower \$7,428 from Andrews Sales and Service utilizing CoStars pricing. Motion **SECONDED** by Adam Cowan. All members present voiced “aye” in favor of the motion. Motion passed.
6. Sewer Plant on the CAD system
7. LERTA Tax Exemption Ordinances

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MOTION by Al Checca to approve to advertise Ordinance 805 – An 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 Jim Ritenour to approve to advertise Ordinance 806 – Ordinance Providing Real Estate Tax Exemption for the Construction of New Dwelling Units. Motion **SECONDED** by Al Checca. All members present voiced “aye” in favor of the motion. Motion passed.

8. General Fund Budget/ Street Lighting Budget – Committee meeting scheduled for next week.
9. T-Mobile Account/Cameras Community Park – T-Mobile Account is currently closed and council agreed to remove from the agenda.
10. **MOTION** by Al Checca to approve purchase of trail cameras with Act 13 funds for the parks at the estimated expense of \$1,100 for eight cameras total. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.
11. **MOTION** by Jim Ritenour to approve 2024 Minimum Municipal Obligations for the Uniform Pension Plan in the amount of \$0, as there is no current minimal municipal obligation, and the Non-Uniform Pension Plan in the amount of \$18,504.00. Motion **SECONDED** by Rob White. All members present voiced “aye” in favor of the motion. Motion passed.
12. Electrical Supply Contract – Keytex – Wait for October rates
13. **MOTION** by Al Checca to approve resignation of Amber Noel as a part-time police officer. Motion **SECONDED** by Rob White. All members present voiced “aye” in favor of the motion. Motion passed.
14. **MOTION** by Rob White to approve DARCEE Car Cruise, October 14th, 2023 at the Derry Community Park. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.
15. **MOTION** by Al Checca to approve Family and Friends Memorial Celebration for Sgt. Earl Filmore at Derry Community Park on October 7, 2023 waiving rental fee. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.

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Joe Wells reporting for the Latrobe Bulletin, questioned the executive session according to the sunshine act that was held previously prior to the meeting, and read the details of the act regarding personnel. Solicitor Lee Demosky stated the executive session was properly recorded.

Sara Cowan summarized a current concern with social media and the Municipal Authority employees in the past week involving the candidate who submitted the letter of interest for the Municipal Authority Board vacancy previously in the meeting. No motion made for any action.

PAYMENT OF BILLS

MOTION by Rob White to pay the bills totaling \$ 38,678.10 and all outstanding legitimate bills through the end of the month. Motion **SECONDED** by Adam Cowan. All members present voiced “aye” in favor of the motion. Motion passed.

ADJOURNMENT

MOTION by Barb Phillips to adjourn meeting at 7:29pm. Motion **SECONDED** by Rob White. All members present voiced “aye” in favor of the motion. Motion passed.

Respectfully Submitted,

Lori L. Latta, Secretary