

July 18, 2016

Derry Borough Council met in regular session Monday, July 18, 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, Allen Skopp, Thomas Lipinski and Dave Fletcher. Mayor Dave Bolen was present. Solicitor Lee Demosky was absent. Nick Cammuso was reporting.

MOTION by Al Checca to approve the minutes for the regular council meeting of June 13, 2016. Motion **SECONDED** by Allen Skopp. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Dave Fletcher to approve the treasurer’s report with a General Fund Balance Sheet totaling \$226,658.72 for June 30, 2016. Motion **SECONDED** by Al Checca. All members present voiced “aye” in favor of the motion. Motion passed.

Derry Borough Council went into executive session for contact issues with Municipal Authority of the Borough of Derry, litigation issues, and property enforcement issues at the Derry Borough Council Worksession held on Monday, July 11, 2016 at 8:18pm. Executive session ended at 8:46pm.

RECOGNITION OF VISITORS

1. Jane Burd – Keeling Avenue, Derry – Concerns regarding the sale of the Municipal Authority. She feels we currently have good service and rates are reasonable. She is concerned about the upkeep of the lake and who will maintain the grass, weeds, and walking path.

Chad Fabian and Al Checca responded that they are only in discussion with Westmoreland Water Authority to see if they still have interest in purchasing our water and sewage authority and what the offer would be to acquire them.

Al Checca stated he doesn’t necessarily feel the Authority is an asset with all of the costs of maintenance upcoming and the Borough isn’t receiving any monetary benefit or dividends from the Authority currently. Depending on the amount of the sale, it could sustain the Borough for another twenty years helping with infrastructure growth and keeping our police department intact. Council has hopes that the Porcelain Park can be redeveloped, but if it is not soon our community is economically fizzling and council needs to look at other options to keep our community viable. He stated council is looking at what is best for the residents and to secure the Borough’s future.

Chad Fabian addressed the public and stated that council is not selling the authority soon or even this year. They are researching their options. He agreed this is a public decision.

A discussion regarding our current water service efficiency took place. Some council members felt that the service was inadequate. Amy Forsha explained that some water breaks take time to diagnose and to repair; however, there has never been water service unavailable for days at a time to any customers.

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Amy Forsha addressed council and summarized a brief history of the water authority and how the Borough created the authority. The original water company was created due to the railroad community we created in 1913 and then sold the Authority to Westmoreland Water. In 1942 the Borough created our Municipal Authority to create bonds and financing to purchase the Water Authority back from Westmoreland Water Authority due to higher rates that were going to be established by the county authority, and the Borough wanted to have the opportunity to control our own water source and minimize fees established. Ms. Forsha explained that if Derry Borough Council sells back to Westmorland Water Authority we will be one of many in a pool of municipalities paying for all projects within the entire county, and doesn't feel our service will be resident friendly and our fees will increase. There are some maintenance projects upcoming but there are funds available from other resources. We are currently in compliance and studies are being completed for our upcoming projects. Also, Ms. Forsha mentioned the dam is part of a state road which Penn Dot will have to assist us with for the maintenance upcoming.

Tom Sylvester, Board Member of our Municipal Authority asked if council considered taking bids for the sale and Rich Thomas, Board Member of our Municipal Authority asked if council considered the possibility of combining with the Latrobe Municipal Authority. Mr. Thomas expressed that there are many factors to consider including past investments of pump stations, Derry Township Customers, and the option that would best suit our local authority. He feels it is important for council to show due diligence in any decision moving forward.

2. Bob Pryce – Concerned about the Sale of the Municipal Authority
3. Don Ritenour – Owens Avenue, Derry – Owens Avenue Extension Project- Mr. Ritenour stated it is important for our elected officials to knock on the doors of our higher officials to seek assistance to move forward with this project.
4. Roy Love – 3rd Avenue, Derry – Neighboring Property has become a nuisance. He wants to know why council won't address his issue after all this time. Mr. Fabian explained that our Code officer has addressed and reviewed his concerns. A violation notice was sent out to the owner of the property Mr. Love has concerns regarding. Violation Notice #138
5. Mr. and Mrs. Edie Albaugh – Concerns regarding the sale of the Municipal Authority- She had an experience with Westmoreland Water Authority and called their emergency number and was put on hold for a very long time. Then the recording came on for her to call an emergency number listed which was the same number she initially called.
6. Rich Thomas – Board Member of the Municipal Authority
7. Amy Forscha - Manager of the Municipal Authority
8. Tom Sylvester - Board Member of the Municipal Authority
9. Melody Rogowski – Planning Commission – Stated it is a resident's decision to sell the Municipal Authority and council needs to address the residents with such a matter. Ms. Rogowski mentioned that residents come to council for support and that it is important to respond to their issues and concerns.
10. Kevin Quinlisk - Board Member of the Municipal Authority – Concerned about monopolies and big business. He feels that Westmoreland County Water Authority will not look at us as an important entity.
11. Dave and Flo McNichol - Sale of the Municipal Authority - She is concerned about water quality and service quality.

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Residents attending wanted to know if a public meeting would be held and if residents would be included in the voting process. Council responded yes.

Chad Fabian requested when they set up a public meeting for our residents and Derry Municipal Authorities Customers regarding the Municipal Authority, if the Municipal Authority could send a public notice with the water bills.

SOLICITOR'S REPORT

The Solicitor provided a written report to Borough Council relating to public and attorney client privileged issues and attended the work session to discuss legal issues in executive session as reported above. Due to the moratorium Borough Counsel enacted to reduce expenses, the Solicitor was directed to not appear at the public meeting.

MAYOR'S REPORT

Mayor Dave Bolen submitted the Mayor's report for June 2016 with receipts of \$996.41 which included traffic receipts of \$680.22 and non-traffic receipts of \$184.73. There were 145 complaint calls, 25 traffic citations, and one non-traffic citation.

The Mayor made an official comment that he does not support the sale of the Derry Municipal Authority.

Mayor Bolen stated he had a meeting with the department and they are aware that he is resigning. The Mayor also reported the police department will be having qualifications upcoming. The Mayor is concerned about Huston Street and the line of site concern for traffic traveling on to Rt. 217. The secretary will send them a second letter.

BUILDING INSPECTIONS UNDERWRITERS, INC. MONTHLY REPORT

BIU reported for the month of June 2016 three (3) Code Violations.

Council still has concerns about follow up with issues in the Borough with permits and violations. Allen Skopp mentioned the Y Street residence he has concerns with for over a year still haven't been addressed. Lee Miller reported to the Borough office that he requested a permit be applied for with no response. Mr. Miller will probably need to take the case to magistrate level.

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. Storage Shed in Mossback has a birds nest and the public works department will need to address.

Allen Skopp – *Grants*- No report

Al Checca-*Police Department* – Mr. Checca asked if anyone can help at the concessions stand on Saturday, July 23, 2016 at the pool, because they are having a movie night. Also, he mentioned that they still need a new sound system at the Pool. Last year it was approved for them to spend \$600, however Jessica was not sure how to proceed, she has no knowledge regarding sound systems.

Chad Fabian – There will be a movie night on Saturday, July 23, 2016 from 8:00pm to 11:00pm for our community.

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REPRESENTATIVE REPORTS

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

DARCEE -Lori Latta- Car Show will be held on August 7, 2016 at the Derry Community Park at 12:00 noon.

Luau Derry Community Pool in August – Saturday the 20th – Kick off Fundraiser for Community Park

PLANNING COMMISSION

The planning commission wrote a letter to council supporting the plans of the Derry Federal Credit Union for the parking area expansion of their newly acquired property.

COMMUNICATIONS

- Blue Mass on Wednesday, July 20th, 2016 at St. Joseph Church Derry at 6:30pm
- Caldwell Library Thank you Letter
- Notice received Penn Dot will be doing maintenance on State Route 217 within the Borough.

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 received.

2. Owens Avenue N. Ligonier St. Bridge Removal Project – Announcing grant awards in July. (MTF Grant application) – No communication received as of yet.
3. **MOTION** by Tom Lipinski to advertise Ordinance 771-16 –Modifying Keeping of Animals Definitions and Word Usage. Motion **SECONDED** by Allen Skopp. All members present voiced “aye” in favor of the motion. Motion passed.
4. **MOTION** by Allen Skopp to advertise Ordinance 770-16 Regulation of Open Fires, Outdoor Burning, and Incinerator use. Motion **SECONDED** by Barry Holden. All members present voiced “aye” in favor of the motion. Motion passed.

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NEW BUSINESS

1. **MOTION** by Allen Skopp to provide active Life Insurance for Elected Officials only during their time served as elected officials for the Borough of Derry Council. The annual cost will be an estimated \$750 a year. Motion **SECONDED** by Al Checca. All members present voiced “aye” in favor of the motion. Motion passed.

Ramsey Way – After review of use of Liquid Fuels for this alley way and the required steps for the bidding process, council wants to review further if there any other emergency alley ways that must be addressed this year. Council wants Pat to look at the alley way behind Ligonier Street as well. We should get a cost for both alley ways together to see where we fall under requirements of the bidding process. If we utilize Liquid Fuels there are regulations on the use of those funds. If the project is under \$10,000 and we have no other emergency projects, we can proceed with telephone quotes. However if you need to do another emergency road or alley, they will look at it as one project and we have to follow the bid requirement for that level of a project. Also, any project we proceed with should have proof of workers compensation and have a performance bond.

There was a discussion of utilizing operational funds or liquid fuels funds. A new quote needs to be prepared with the same specs. Council requested to proceed with both alleys on a quote.

Tom Sylvester mentioned an alley way between Shade Street and Park Street has an area that needs repaired including a catch basin. He stated it wasn't an emergency. Council will address this alley with the next paving project.

2. Tax Map 06-01-10-0-197, 116 E. 1st Avenue - Unsold Property Repository – Council tabled to verify the property in question. They have concerns that it is the property sitting on steel beams with no utilities over McGee Run in the Business District.

3. CDBG Grant Application – Storm Drain Repairs, Sidewalks, Paving, Catch Basins are possibilities for the use of the grant. The current Porcelain Park Project will also be utilizing CDBG funding for the sidewalks on Third Street and possibly the landscape barriers as well. We need to review if those funds are considered in our three year allotment for our municipality.

4. The Mayor gave his resignation to council due to his relocation out of the Borough and personal reasons. **MOTION** by Allen Skopp to accept the resignation of David Bolen as the Mayor of Derry effective 7-16-16. Motion **SECONDED** by Dave Fletcher. Six members present voiced “aye” in favor of the motion. Thomas Lipinski voted “nay”. Motion passed.

Mr. Fabian explained that he will need to take over the Mayor's responsibilities and council has 30 days to fill the vacancy.

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5. **MOTION** by Tom Lipinski to advertise the vacancy of Mayor in the Borough of Derry. The Borough Council has 30 days to fill the vacancy. Motion **SECONDED** by Allen Skopp. All members present voiced “aye” in favor of the motion. Motion passed.

Derry Borough Council went into executive session at 8:21pm to discuss potential litigation. Executive session ended at 8:46pm.

PAYMENT OF BILLS

MOTION by Allen Skopp to approve payment of bills totaling \$37,051.60 and all outstanding legitimate bills through the end of the month. Motion **SECONDED** by Dave Fletcher. All members present voiced “aye” in favor of the motion. Motion passed.

ADJOURNMENT

MOTION by Allen Skopp to adjourn at 8:48p.m. Motion **SECONDED** by Thomas Lipinski. All members present voiced “aye” in favor of the motion. Motion passed.

Respectfully submitted,

Lori L. Latta
Secretary