

**July 13, 2020**

Derry Borough Council met in regular session Monday, July 13, 2020 7:00 P.M. in the Derry Station Community Room, 200 West Second Avenue, Derry, PA with the following members present: Grant Nicely, Presiding, Jeremy Stein, Jim Ritenour, Al Checca, Matthew Clever, Allen Hixson and Sara Cowan. Lee Demosky, Solicitor was present. Greg Reinbold was reporting for the Latrobe Bulletin by speaker phone.

**MOTION** by Sara Cowan to approve the minutes for the regular council meeting of June 8, 2020. Motion **SECONDED** by Jeremy Stein. All members present voiced “aye” in favor of the motion. Motion passed.

**MOTION** by Jeremy Stein to approve the minutes for the special council meeting of June 29, 2020. Motion **SECONDED** by Sara Cowan. All members present voiced “aye” in favor of the motion. Motion passed

**MOTION** by Sara Cowan to approve the treasurer’s report with a General Fund Balance Sheet totaling \$457,946.04 for June 30, 2020. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.

**RECOGNITION OF VISITORS**

1. Art Krommel – Typo Johnson Consolidation council originally approved on 10-21-2019 needs amended. **MOTION** by Sara Cowan to amend the paperwork for the Consolidation With the correct tax map numbers. Motion **SECONDED** by Allen Hixson. All members present voiced “aye” in favor of the motion. Motion passed.
2. Frank Denara – Received a citation for a chicken coop and is requesting council to change Ordinance suggesting a permit process to allow responsible owners to have chickens.
3. Judy Fennell – 355 Elizabeth Way – Supporting Pool Lifeguard raises.
4. Nancy Ottar – 369 Elizabeth Way – Supporting Pool Lifeguard raises
5. Kevin Calws – 503 w 2<sup>nd</sup> Avenue – Observing
6. Erin Oliver – 309 W. Keeling Avenue – Observing
7. Jasen Lentz – 309 W. Keeling Avenue – Burning, Chickens, and Pool
8. Ashley Hebenthal- E. 3<sup>rd</sup> Street – Observing, Pool Passes and Chickens
9. Leonard Shean – 504 N. Chestnut Street- Observing Burn Ordinance, Pool and Chickens
10. Chad Fabian – 159 E. 3<sup>rd</sup> Street – Chicken Ordinance Reviewed why they amended the Ordinance back in 2016 to confirm that chickens should not be allowed in the borough. He asked a few councilmembers if they would like their neighbors to have chickens and their feces in their yard or in the neighboring yards. Enforcement is an issue with most Ordinances and it would be very cumbersome to enforce residents having chickens. They can cause health issues and council should keep in mind it is what is best for the entire community including our elderly and our medically disabled residents. He pleaded with council not to change an Ordinance that is effective and not broken. We are a suburb community with the houses too close together and it will be burdensome to neighboring residents.
11. Daniel Chaney – 311 S. Chestnut St. – Chicken Ordinance Allowing chickens in the borough would be a concern with MS-4 regulations in the borough.

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12. Kristen Checca – 303 E. 2<sup>nd</sup> Street – Against having chickens in the borough in order to protect residents health concerns, our water, and our pets.
13. Mary Landis – 153 E. 3<sup>rd</sup> Street – Against having chickens in the borough, they are a nuisance, they can be dirty and create many issues.
14. Karen Chaney – 311 S. Chestnut St. - Observing
15. Dave Fletcher – 410 S. Chestnut St. – Observing
16. Joseph Shaulis – 198 Emert Road – Interested in the Code Enforcement/Zoning Position.
17. Ernie Menz- 310 Shade Street – Understands the concerns with having chickens regarding gardens, pets, and health concerns. However, he asked council to think about allowing our residents to live off the land with having chickens to have their own eggs. Most people take care of their pets and would take care of their chickens.
18. Barbara Phillips 241 W. Owens Avenue – Derry’s Great Garage Sale Has volunteered to assist with some organizing of the Great Garage Sale by creating lists of locations and items to advertise our upcoming sale to be held on August 7<sup>th</sup> and August 8<sup>th</sup>, 2020. Mastroccos’s is allowing people to set up in his parking lot for the event, wanted to make sure that was allowable.
19. Jerris Weller – 241 W. Owens Avenue – Observing Confirmed that campfires or recreational fires were allowed.
20. Kerstin Stephenson- 164 E. Third Street – Observing
21. Courtney Hixson – 201 Park Street – Observing
22. Celia Rajkovich- 122 W. 5<sup>th</sup> Avenue – Supports lifeguard raises and interested in the Chicken Topic.
23. Christine Luther – 105 Hillside Road – Farmers Market
24. Greg Reinbold – Latrobe Bulletin – Reporting and Applied for Zoning/Code Officer
25. Hope Fannie – 312 Watt Avenue – Loyalhanna – Support Lifeguard Raises
26. Dave McIlnoy – 690 Edith Street – Pool – Raises for Life Guards
27. Steve Kozar – EMC Derry Borough – 911 Address Change N. Ligonier Street

#### SOLICITOR’S REPORT

No report for the public

#### MAYOR’S REPORT

The Mayor reported for June 2020 with receipts of \$ 524.62 which included traffic receipts of \$176.47, non-traffic receipts of \$ 160.20, and \$ 187.95 in clerk of court and miscellaneous receipts. There were 50 complaint calls, 0 traffic citations, 0 non-traffic citations, and no parking tickets.

- Burn Ordinance- Mayor is requesting it to be changed to make easier to interpret the burn days to be specific, and mirror with Derry Township. Discussion among councilmembers

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**MOTION** by Jeremy Stein for the Solicitor to prepare an amended Ordinance for clarification purposes of the times mentioned by Mr. Stein as every Tuesday and Saturday weekly. Motion **SECONDED** by Allen Hixson. Six members present voiced “aye” in favor of the motion. Al Checca voted against Motion passed.

**K-9 Report**

The Mayor reported a K-9 Fund Balance of \$2,616.63. One invoice was paid on 7-7-20 for \$2,500 for narcotics training. On June 18<sup>th</sup>, 2020 Chief Glick and K-9 Smoke participated in the certification for Narcotics. Certification was received.

Maintenance training will continue on Tuesdays and he will participate in Patrol training this fall to make Smoke a dual purpose Patrol K-9.

**ZONING OFFICER’S REPORT**

BIU reported two violation notices and court time for June 2020.

**COMMITTEE REPORTS**

**Public Works** – Waiting on new Truck, Flag Pole installation Mossback Park, Pool Parking lot painted.

**Buildings and Grounds** - Sara Cowan discussed a partner community clean-up day possibly for the future with DARCEE in August possibly.

**Police**- Chief reported shorthanded staffing currently hoping to hire more part-timers.

**Finance/Budget**

**Zoning/UCC/Code**

**Parks and Recreation** – Community Pool (Adam)

2<sup>nd</sup> Ward Playground Park (Lori)

Community Park Bathrooms (Adam)

**Refuse/Recycling** - President Nicely requested that haulers in the area that are not Waste Management please be provided a letter by our Solicitor supporting our residential contract. 346-9 Garbage companies other than Wastemanagement providing non-commercial services or apartment complexes of more than 3 apartments will receive a letter provided by our Solicitor giving them a 30 day notice that they are in violation of our Ordinance.

**Fire Protection**

**Pool** – Allen Hixson gave a summary of the necessity of raises for our outdoor community pool to remain competitive and to provide deserving raises to the pool employees including lifeguards, concessions, and front desk help. **MOTION** by Allen Hixson to provide \$8.50 to returning lifeguards, \$8.25 to new lifeguards, and \$8.00 to concessions and front desk employees. Motion **SECONDED** by Jeremy Stein. All member present voiced “aye” in favor of the motion. Motion passed.

The slushie machine at the pool is broken a new slushie machine is estimated \$1900- \$2,000. **MOTION** by Allen Hixson to allow Hope Fannie to purchase a slushie machine for no more

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than \$2,000 for the pool concessions. Motion SECONDED by Jeremy Stein. All members present voiced “aye” in favor of the motion. Motion passed.

DJ 7pm-10pm Pool Parties \$3 admission DJ requesting only a family pool pass for his services for the pool party or parties.

Pool Volunteer Day – Spruce up the grounds

***Grants***

**ANNOUNCEMENTS**

**Derry Borough Council went into executive session at 8:18pm at the Derry Borough Council worksession held on Monday, July 6, 2020 for pending litigation. Executive session ended at 8:28pm.**

**PLANNING COMMISSION**

Will be having an upcoming meeting regarding review of our current Occupancy Ordinance. No report at this time.

**REPRESENTATIVES**

**DARCee Car Show** will be held on Sunday, August 2, 2020

**Railroad Days** we be held on Saturday the 19<sup>th</sup> and Sunday the 20<sup>th</sup> of 2020.

Parade Saturday 19<sup>th</sup> 10:00 AM

5K run/walk Sunday 20<sup>th</sup> 10:00 AM Route is set to avoid churches: map forthcoming. No

Hobo Picnic this year.

**Derry’s Great Garage Sale** August 7<sup>th</sup> and August 8<sup>th</sup>, 2020

**COMMUNICATIONS**

- ❖ 2019 Comprehensive Plan Annual Report – Reimagining our Westmoreland
  - ❖ EIT Report HA Berk reflects \$1,040.00 less collected compared to last year collections as of May 31, 2020
  - ❖ Westmoreland County Boroughs Association ad will be carried over to next year’s April banquet. There will be no more scheduled meetings for the remaining part of the year. Officers will remain on for another year.
  - ❖ Derry’s Great Garage Sale current dates August 7<sup>th</sup> and August 8<sup>th</sup> as the first Friday and Saturday held in August.
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OLD BUSINESS

1. Board and Commission terms expiring in the Borough:
  - a) Two (2) vacancies and (1) alternate vacancy for the Zoning Hearing Board

**MOTION** by Jim Ritenour to approve reappointment of Alfred Young as a zoning hearing board member term expiring December 31, 2023. Motion **SECONDED** by Sara Cowan. All members present voiced “aye” in favor of the motion. Motion passed.

2. Review of Maintenance Bonds for Derry Community Park Lori Latta Secretary will communicate with Gibson-Thomas to see where our status is with the outstanding punch list items that need taken care of with another inspection. Secretary will reach out to Gibson-Thomas to see the status of the outstanding punch list items.
3. Occupancy Permit Ordinance – Under Planning Commission review. Planning Commission meeting will be held on Tuesday, July 21<sup>st</sup>, 2020.
4. Porcelain Park – KU Resources Planning – Currently in the response to comments process for the planning phase and NPDES application for permit. No report.
5. 2020 Paving Project – Gibson Thomas preparing a cost estimate.
6. McGee Run Wall Collapse – Waiting for one temporary easement to be returned.
7. Stormwater Ordinance- Draft provided by Westmoreland Conservation District. **MOTION** by Sara Cowan to have Doug Siler at Gibson Thomas to review the draft Ordinance provided by WCD and make amendments needed to support in detail Derry Borough’s MS-4 program. Motion **SECONDED** by Allen Hixson. All members present voiced “aye” in favor of the motion. Motion passed.
8. 5<sup>th</sup> Avenue Culvert deterioration – Grant Application submitted, should hear something in August of award recipients. Discussion of possible use of hydraulic cement to fill some of the areas that have eroded.

NEW BUSINESS

1. N. Ligonier Street address change for portion from Rt. 217 to Walters Street for 911 purposes.

Approve changing name to \_\_\_\_\_ . (Suggested N. Ligonier Street Ext) Mr. Stephen Kozar is requesting N Ligonier Ext for the purpose of making it more convenient for the residents currently living there, so they do not have to change their numbers and addresses.

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It would only require a modification to their current address. **MOTION** by Sara Cowan to approve Solicitor to draft an amendment to support the changes needed for the address change and any regulation changes for the specified area. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.

Mayor Gaudillo inquired about the Derry Manor apartments and enforcing violations of fire safety codes. Mr. Kozar explained that our current code official would have to address those concerns.

2. Zoning and Code Enforcement Officer- Received two letters of interest. Mr. Hixson requested the two candidates to tell council about themselves and their interest in the position. Joseph Shaulis summarized his experience and how it might apply to the Zoning/Code official position. Greg Reinbold withdrew his name as candidate. The candidate needs to be able to interpret Borough Code in both Zoning and Property Maintenance Code. President Nicely noted to give another two weeks to receive more applications for the position and discuss at next meeting preparing for interviews of the applicants who have interest.

3. Community Park Sign - Tabled

4. Approve change of tax map numbers for the Johnson Consolidation originally council approved on 10-21-2019. – Approved earlier in the meeting.

5. Free admission to outdoor community pool for elected officials. President Nicely discussed having a policy for elected officials. **MOTION** made by Allen Hixson to approve fees waived for pool passes and discounted rates for family passes for the elected officials in 2020. Solicitor Demosky mentioned that this should be subject to Solicitor and Auditor approval.

Motion was withdrawn. Hope Fannie mentioned having a promotion for military and first responders for pool passes.

6. **MOTION** by Sara Cowan to approve Subrecipient Agreement Amendment for -\$3,000. Amended Budget \$52,000 for the use of CDBG Funding. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.

7. Approve Resolution 646-20 Winter Maintenance Agreement with Penn Dot 2020 through 2025. Information received today. Tabled until August meeting.

8. Chicken Ordinance – Discussion took place. Some residents were in support of chickens, keeping them as pets for children, they can be utilized for providing eggs for families, and noting it is a current trend. There was a recommendation of a permit process and with that permit process having neighbors approve their neighboring property owners allowing them to have chickens.

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Some residents were not in support of chickens due to cleanliness and maintenance of coops, health concerns, and proximities of property within Derry Borough. Most neighbors in Derry Borough are very close to each other.

A committee was developed with Sara Cowan, Al Checca, Celia Rajkovich, Chad Fabian, Frank Denara, and Jeremy Stein all volunteering.

#### **PAYMENT OF BILLS**

**MOTION** by Jeremy Stein to approve payment of bills totaling \$33,333.60 and all outstanding legitimate bills through the end of the month. Motion **SECONDED** by Sara Cowan. All members present voiced “aye” in favor of the motion. Motion passed

#### **ADJOURNMENT**

**MOTION** by Allen Hixson to adjourn at 9:09pm. Motion **SECONDED** by Sara Cowan. All members present voiced “aye” in favor of the motion. Motion passed.

Respectfully submitted,

Lori L. Latta  
Secretary