

August 10, 2020

Derry Borough Council met in regular session Monday, August 10, 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, and Sara Cowan. Alex Brown 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 July 13, 2020. Motion **SECONDED** by Matthew Clever. 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 \$406,430.37. Motion **SECONDED** by Matthew Clever. All members present voiced “aye” in favor of the motion. Motion passed.

RECOGNITION OF VISITORS

1. Mary Landis – E. Third Street – Observing
2. Jasen Lentz – W. Keeling Avenue – Concerns Chickens Presented Mayor and council with photos of Mayor’s facebook posts regarding purchasing a house outside of Derry Borough and wanted to know if she was going to resign or continue to hold her position.
3. Erin Oliver – Observing
4. Leonard Shean – Observing
5. Chad Fabian – E. Third Street – Chicken Committee
6. Dan Schall – Derry Railroad Days Committee
7. Pat Showalter – RR Days Committee
8. Frank Denara – Chickens Observing
9. Barbara Phillips- W. Owens Avenue – Chickens and Reported the Derry Great Garage Sale was a success
10. Debbie and Don Matteo – E. Third Street – Observing
11. Ashley Hebenthal – E. Third Street - Observing
12. Roy Love – W. Third Avenue – Observing
13. Sharon Shearer – N. Chestnut St. – Inquiring about street line painting and curb painting. She originally inquired last year regarding the same issue and public works said it was going to be completed.
14. Melanie Smail – W. Owens Avenue – Observing
15. Dean Hayes – 525 W. 2nd Avenue - Observing

President Nicely addressed the public regarding the goal of making positive and progressive changes for our community to make it a prosperous town.

SOLICITOR’S REPORT

No report for the public

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MAYOR'S REPORT

The Mayor reported for July 2020 with receipts of \$ 826.82 which included traffic receipts of \$525.76, non-traffic receipts of \$ 145.29, and \$ 155.77 in clerk of court and miscellaneous receipts. There were 39 complaint calls, 0 traffic citations, 0 non-traffic citations, and no parking tickets.

K-9 Report

The Mayor reported a K-9 Fund Balance of \$2,616.63 for July 2020. No invoices for the month. On July 19 the Chief Glick and K-9 Smoke assisted the State Police in Derry Borough with a search of a vehicle owned by a person of interest in a homicide in Derry Twp. K-9 Smoke did give a positive indication on the vehicle and then this K-9 unit did assist them with taking him into custody for questioning.

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

No report for July submitted.

COMMITTEE REPORTS

Public Works – Painting lines in 3rd Ward and Curbs (requested by Sharon Shearer) Patching pot holes, and stoning alleys. Zero turn needed some repairs. New truck should be here after September 14, 2020. Prepared the community park for the DARCEE Car Show.

Buildings and Grounds - Front of Municipal Building is being repaired by

Police – Personnel shortage

Finance/Budget

Zoning/UCC/Code

Parks and Recreation

Refuse/Recycling

Fire Protection – No report Inspection of hydrants are taking place.

Pool

Grants – DCNR Pending for Play equipment at Derry Community Park / Small water and Sewer Projects grant announcement should be in mid-August regarding Garlan Mills/W Fifth Avenue Project.

Chickens – Sara Cowan reported upon reviewing Latrobe's Ordinance and seeing the many regulations, the committee has decided to table at this time until we have the ability to have an in-house code official.

Richard McCurdy, resident expressed that chickens in our community will bring many issues including coyotes. He was passionately against chickens.

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Don Matteo, resident asked what will be the process for people to remove chicken waste? He also stated that we have many other violations that need to be addressed that are being left go. Junk, trash, abandoned cars, furniture outside.

Sara Cowan replied that there would be very specific guidelines to follow for any chicken owners if council would proceed with allowing chickens.

Leonard Shean, Resident explained that chicken feces can be very dangerous for health human health and contaminates soil. Also, he reached out to Waste Management and they will not accept chicken manure in the garbage. He spoke with a real estate agent who stated having chickens in a municipality will reduce real estate transactions, as many people will not purchase a house next to chickens. Mr. Shean expressed that it is not fair to change an ordinance because there has been a resident violating an Ordinance for four years, there is not enough enforcement of Ordinances in our municipality currently.

The topic has been tabled.

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

Report was emailed by Melodie Rogowski

REPRESENTATIVES

Railroad Days we be held on Saturday the 19th and Sunday the 20th of 2020.
Parade Saturday 19th 10:00 AM Pending Penn Dot approval
There will **not** by a 5K run/walk or Hobo Picnic this year.

Railroad Days - Pat Showalter explained to council that they were confident they would be following proper guidelines for the pandemic, and they wish to proceed with the event as long as the county is in the green phase of COVID-19. In years past, there weren't more than 250 at the festival at a one given moment.

The Mayor asked them to refrain from the use of the Municipal Building during the event to keep the employees, police, and the Volunteer Fireman safe. The Mayor asked questions regarding the entertainment and how they will address the public for that specific venue.

COMMUNICATIONS

- ❖ Derry's Great Garage Sale – Well received event

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- ❖ 2021 CDBG Block Grant Applications are due by September 30, 2020. Map of census track block groups is available at <https://arcg.is/19aiLX>
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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
2. Review of Maintenance Bonds for Derry Community Park
3. Occupancy Permit Ordinance – Under Planning Commission review.
4. Porcelain Park – KU Resources Planning – Spoke with Alisha Henry new marketing director for the IDC, she will be in contact with Rachel from KU Resources to see where we are in the process and if the NPDES application has been processed.
5. 2020 Paving Project – Steve Schmitt, GTE preparing a cost estimate. Meeting to be held next week for review.
6. McGee Run Wall Collapse – Wall has been removed.
7. Stormwater Ordinance- Emailed request to Doug Siler to prepare draft for our community. He suggested utilizing city of Greensburg’s Ordinance.
8. 5th Avenue Culvert deterioration – Awards are to be announced August 17, 2020.
9. **MOTION** by Jim Ritenour to approve to advertise Ordinance 789 – Modifying Vehicles and Traffic Stop Intersection established and establishing North Ligonier Street Extension as the Control Way. Motion **SECONDED** by Sara Cowan. All members present voice “aye” in favor of the motion. Motion passed.
10. Zoning and Code Enforcement Officer – Council would like to accept more applicants.
11. Community Park Sign - Tabled
12. **MOTION** by Jeremy Stein to approve to advertise Ordinance 790 – Regulating Days of Open Fires and Outdoor Burning. Motion **SECONDED** by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.

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NEW BUSINESS

1. **MOTION** by Jim Ritenour to approve Resolution 646-20 Winter Maintenance Agreement with Penn Dot 2020 through 2025. Motion SECONDED by Matt Clever. All members present voiced “aye” in favor of the motion. Motion passed.

2. **MOTION** by Jim Ritenour to approve Resolution 647-20 Agreement with VFW for the Memorial Flag Pole to be erected near the Veterans Memorial Bridge. Motion SECONDED by Jeremy Stein. All members present voiced “aye” in favor of the motion. Motion passed.

3. **MOTION** by Sara Cowan to approve resignation of Brenden Lineberger as part-time police officer. Motion SECONDED by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.

4. **MOTION** by Sara Cowan to approve resignation of George Allen Hixson as council member. Motion SECONDED by Jim Ritenour. All members present voiced “aye” in favor of the motion. Motion passed.

5. **MOTION** by Matt Clever to advertise the councilmember vacancy. Motion SECONDED by Sara Cowan. All members present voiced “aye” in favor of the motion. Motion passed.

6. **MOTION** by Al Checca to approve Railroad Days Parade conditionally and submit request to Penn Dot as long as Westmoreland County is considered in the Green Phase of COVID-19. Motion SECONDED by Sara Cowan. All members present voiced “aye” in favor of the motion. Motion passed.

7. **MOTION** by Al Checca (due to COVID-19) council will move our meetings to AV Germano Hall, and will be held on the first and second Tuesdays for the remaining part of the 2020 year through December and will be advertised in our local circulation newspaper. Motion SECONDED by Jeremy Stein. All members present voiced “aye” in favor of the motion. Motion passed.

8. **MOTION** by Jeremy Stein to promote Douglas Sam to Full-time officer effective immediately. Motion SECONDED by Jim Ritenour. Five members voted “aye” in favor of the motion. Al Checca voted “nay”. Motion passed.

President Nicely brought to the table the resident David Jones in reference to his property located on E. 1st Avenue. He has repaired the sewer lateral as a direct connection to the sewer system. Mr. Nicely requested council waive the second cap on the old line as it is located on the neighbor’s property.

Motion by Al Checca to approve waiving second cap of the abandoned line. Motion died for a lack of second.

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More discussion took place reviewing Mr. Jones' attempt to resolve all issues with his lines and the amount of money he has already spent on the repairs required.

Mr. Nicely requested another motion for the floor to waive David Jones from having to cap the portion of line on the neighboring property, as Mr. Jones has capped the portion on his property which was disconnected. **MOTION** by Matt Clever to waive the second cap on the lateral. Motion **SECONDED** by Al Checca. All members present voiced "aye" in favor of the motion. Sara Cowan abstained. Motion passed.

PAYMENT OF BILLS

MOTION by Jeremy Stein to approve payment of bills totaling \$8,559.31 and all outstanding legitimate bills through the end of the month. Motion **SECONDED** by Al Checca. All members present voiced "aye" in favor of the motion. Motion passed

ADJOURNMENT

MOTION by Al Checca to adjourn at 8:51pm. Motion **SECONDED** by Jim Ritenour. All members present voiced "aye" in favor of the motion. Motion passed.

Respectfully submitted,

Lori L. Latta
Secretary