

November 17, 2020

Derry Borough Council met in regular session Tuesday, November 17, 2020 at 7:00 P.M. at AV Germano Hall, 100 E. 2nd Street, Derry, PA with the following members present: Grant Nicely, Presiding, Barbara Phillips, Matthew Clever, Al Checca, Sara Cowan, Jim Ritenour and Jeremy Stein. Lee Demosky, Solicitor was present. Nick Cammuso was reporting for the Latrobe Bulletin by speaker phone.

MOTION by Matt Clever to approve the Regular Meeting Minutes of October 13, 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 Treasurers Report with a General Fund Balance Sheet of \$399,835.42 for October 31, 2020. Motion **SECONDED** by Matt Clever. All members present voiced “aye” in favor of the motion. Motion passed.

RECOGNITION OF VISITORS

Art Krommel,, Surveyor attended meeting to review with council the Conner Subdivision located at 519 4th Street property affecting Map No. 06-01-06-0-001 and 06-01-06-0-002.

MOTION by Al Checca to approve the subdivision presented. Motion **SECONDED** by Jeremy Stein. All members present voiced “aye” in favor of the motion. Motion passed.

1. Jerris Weller – 241 W. Owens Avenue – Observing/Letter of Interest for Zoning Hearing Board

SOLICITOR’S REPORT

No report for the public.

MAYOR’S REPORT

The Mayor reported she will report October reports in December.

K-9 Report

The Mayor reported she will report October reports in December

ZONING OFFICER’S REPORT

BIU reported 4 violation notices for September 2020 and submitted copies of Occupancy/Zoning Certificates for 2020.

COMMITTEE REPORTS

Public Works –Adam received pesticide licensing for parks and recreation. ~ Lift truck needs radiator repair. ~Dog Park needs winterized. ~Latrobe will be bringing in the sweeper after Thanksgiving to clean the borough streets.

Buildings and Grounds

Police

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Finance/Budget Lori Latta Secretary reviewed budget and requested council to discuss any amount to add continue to have council meetings at AV Germano Hall for 2021. President Grant Nicely suggested \$1,000 annually. **MOTION** by Sara Cowan to insert \$1,000 annually into the budget expenses for the use of AV Germano Hall. Motion **SECONDED** by Barbara Phillips. All members present voiced “aye” in favor of the motion. Jim Ritneour abstained. Motion passed.

Zoning/UCC/Code- Lee Millers last day will be Friday, November 20, 2020. He will introduce the new representative this week before leaving.

Parks and Recreation –

Refuse/Recycling

Fire Protection

Pool – Pool Closed for Season

Grants- DCNR Pending for Play Equipment at Community Park – Correspondence was made with Adam Mattis to find out status of application, as no communication has been received.

ANNOUNCEMENTS

Derry Borough Council went into executive session at the Derry Borough Council Worksession held on Tuesday, November 10, 2020 for legal and personnel reasons at 8:05. Executive session ended at 8:30.

PLANNING COMMISSION

REPRESENTATIVES

DARCEE Brochure professionally printed and distributed. The Christmas celebration in Mossback Park will unfortunately not be scheduled this year due to COVID and most groups won't be available for performing. DARCEE will be decorating the park as usual and have asked our local businesses to do the same to help bring the spirit of the Holiday to our community.

COMMUNICATIONS

- Email received by Jerris Weller for a Zoning Hearing Board vacancy.
- **Derry Borough Public Service Announcement on Stormwater**

Derry Borough would like to remind all people who live and work within the Borough that our storm sewer inlets, curbs and gutters, drainage ditches and storm pipes discharge directly and untreated into McGee Run, Ethel Springs Lake, Garland Mills Run and other natural waterways within the Borough. In order to help keep our streams and lakes clean, we remind residents and businesses to please:

- ❖ Do NOT discard leaves, grass clippings, used oil, paints, solvents, pet wastes or other wastes into the storm drains, onto the street or into streams or other waterways.
- ❖ Clean up after your pet. Don't let pet wastes get washed into the street or down the storm drain

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- ❖ Wash your vehicle at a commercial car wash or if washing it at home, wash your vehicle in a grassy or gravel area. Or divert your washwater into the grass or gravel area.
 - ❖ Properly dispose of used motor oil, oil-based paints, solvents, household cleaners and other hazardous household chemicals. Go to www.westmorelandcleanways.org for more info.
 - ❖ If draining your pool, allow your pool to dechlorinate first by keeping it uncovered and waiting ten (10) days after its last chlorination to allow the chlorine to dissipate in the air.
 - ❖ Do NOT discard leaves onto the street, into the storm drains, streams or other waterways.
- Together, we can protect and preserve the streams and lakes of our community. Thank you.

- **Derry Borough Council will resume Zoom meetings in December on Tuesday December 1st and Tuesday December 8, 2020.**

MOTION by Jim Ritenour to resume Zoom meetings in December due to COVID-19. Motion **SECONDED** by Al Checca. All members present voiced “aye” in favor of the motion. Motion passed.

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 Al Checca to appoint Jerris Weller to a vacancy on the Zoning Hearing Board. Motion **SECONDED** by Sara Cowan. All members present voiced “aye” in favor of the motion. Barbara Phillips abstained. Motion passed.

2. Porcelain Park – KU Resources Planning – Email received by Hallie Chatfield regarding progress. Council needs to approve a letter of commitment to take on the main streets of the business complex. **MOTION** by Jeremy Stein to authorize the Borough Council President to execute a letter presented by Hallie Chatfield (KU Resources planning) confirming Derry Borough’s commitment to prepare and consider an ordinance adopting the main street within the new business complex within Porcelain Park. Motion **SECONDED** by Jim Ritenour. . All members present voiced “aye” in favor of the motion. Motion passed.

3. 2020 Paving Project – PIB Loan application for \$200,000 submitted, waiting for approval for DCED paperwork to be initiated.

4. **MOTION** by Sara Cowan to approve Resolution 649-20 Application for Loan Agreement with the Pennsylvania Infrastructure Bank for \$200,000 and DCED application for approval.

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

5. Stormwater Ordinance- Doug Siler, GTE – Review suggested to model Greensburg’s Ordinance. GTE to prepare draft.

6. 5th Avenue Culvert - Grant Award Letter and Authorization has been submitted.

7. Zoning and Code Enforcement Officer -Share agreement with the City of Latrobe for services.

8. Sewer Lateral Testing Ordinance – Sara Cowan provided a comprehensive review to council from the committee. (Atch. A)

NEW BUSINESS

1. **MOTION** by Matt Clever to approve advertising the General Fund Budget. Motion SECONDED by Sara Cowan. All members present voiced “aye” in favor of the motion. Motion passed.

2. **MOTION** by Sara Cowan to advertise Ordinance 792 Establishing the Tax Rate for 2021 Tax Rate remaining the same. Motion SECONDED by Matt Clever. All members present voiced “aye” in favor of the motion. Motion passed.

3. 2006 F250 Sale of Truck and Plow – Bids advertised and to be accepted on Municibid until Friday, November 20, 2020. Add to Borough Facebook Page

4. Approve drafting and advertising Ordinance791 an Ordinance increasing the Indebtedness of the Borough of Derry, Westmoreland County, PA by the issue of a General Obligation Note in the amount of \$200,000 for purposes of Street Resurfacing in the Borough of Derry. (DCED Requirement) – Tabled waiting for communication from PIB regarding our application.

5. Zoning Hearing Board Appeal Fee Increase – Tabled

6. **MOTION** by Matt Clever to approve renewing copier lease for the police department 60 months for \$56.00 per month with CCA Solutions. (same price as last 5-year lease). Motion SECONDED by Jeremy Stein. . All members present voiced “aye” in favor of the motion. Motion passed.

7. **MOTION** by Al Checca to approve Westmoreland County Transit Authority Local Share Assessment Agreement for 2020-2021 in the amount of \$924 (no change from last year) Motion SECONDED by Sara Cowan. . All members present voiced “aye” in favor of the motion. Motion passed.

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8. Business District Zoning - **MOTION** by Al Checca to have the planning commission review the section of zoning consisting of S. Ligonier, 1st Avenue, 2nd Avenue, and Doak Way due to the fact there are two properties located in that area that used to be a church/laundromat and the VFW Club and presently they are concerned they can't be utilized for commercial property as it is zoned single-residential. Al Checca suggested to review that section as a mixed-use village commercial. Motion **SECONDED** by Jeremy Stein. All members present voiced "aye" in favor of the motion. Motion passed.

9. Dumpster – Municipal Building **MOTION** by Al Checca to pay for a 10-yard dumpster (estimated cost of \$380) for the police department to remove excess old storage that needs to be removed. Motion **SECONDED** by Jeremy Stein. All members present voiced "aye" in favor of the motion. Motion passed.

Derry Borough Council went into executive session at 7:58pm to discuss litigation and personnel matters. Executive session ended at 8:24pm.

PAYMENT OF BILLS

MOTION by Matt Clever to approve payment of bills totaling \$40,184.28 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 Sara Cowan to adjourn at 8:25pm. Motion **SECONDED** by Jeremy Stein. All members present voiced "aye" in favor of the motion. Motion passed.

Respectfully submitted,

Lori L. Latta
Secretary

Attachment A

Sewer Lateral Committee Review of Ordinance (Ord 782-18)
Submitted to Derry Council 11-17-20

Page 1 Definitions

Pressure Testing should be removed completely or be more specific from/in this ordinance. DBMA has told me on several occasions that terra cotta should not be pressure tested as it would do more harm than good, and that they do not have the equipment to even do it.

Page 3 #2 Section A

This needs to be upheld. Being in my business I have seen first hand properties in the Boro being transferred without this first. I don't want to speculate but I have also seen favoritism being played on who needs it and who doesn't.

Section B

The form is not provided by the Boro, it is provided by DBMA.

Section D

The current fee for the Dye and Camera is \$150 with \$50 fee for each additional inspection. Committee spoke about increasing the fee to \$200 and not charging for additional inspections.

#3 Section A

This is vague and where the grey area starts to come into play. DBMA finds it their job to only say "Pass or Fail." The owner should receive a document from DBMA stating results of inspection, if and what the problem found is and necessary repair or replacement work. Document should be in a form that owner can contact plumber, excavator, whomever, and have simple clear direction on what needs done.

Page 4 Section B

This is the struggle we are having. How can we cut costs for our residents here. If jobs needing done are going to basically put them in the red upon selling.

Section D

Since this ordinance took effect in January of 2019, I have personally dealt with 2 properties who have "shared main" laterals. Obviously this is common enough that This should to be addressed on whether this is permitted and who takes care of what expenses to correct. If not allowed, should there be an additional tap in fee? Who will be responsible for costs of hooking new lateral to main? Digging up the road and repaving? Ect.

#4 Section A,B,C

There MUST be a repair estimate submitted. DBMA should have no authority to guess or estimate themselves how much a repair may cost.

Page 5 Section E

Water Service should not be able to be terminated as there would be a new owner of the property at this time who would have nothing to do with repairs. A violation or penalty fee could be added instead to not effect new owner's service.

#6 Section B

I noted this above on fees.

Additional Points:

- DBMA is also checking for storm water connections into the sewer upon these inspections. That should be added into this ordinance.
- Infiltration of storm water of any kind should be repaired and made part of this ordinance as our system is already over ran.
- Following Inspection-Written response from DBMA should be sent to owner of home, title,company, Boro, ect within 5 days of inspection.
- Once document is sent out from DBMA regarding repairs or remediation of sewage or storm water infiltration, any other repairs needed that were missed will be responsibility of DBMA and can and will not fall back on owner. All ordinances in violation involving sewage and storm water should be outlined and referenced in document sent out. Code Enforcement officer could come into play here.