

January 8, 2007

Derry Borough Council met in regular session Monday, January 8, 2007 at 7:00 P.M. in the Derry Station Community Room, 200 West Second Avenue, Derry, PA with the following members present: Todd Krehlik presiding, Eric Tepper, Curtis Robbins, Kristine Snyder, Stephen Kozar, and Rick Watson. Mayor Susan Bortz was present. Also present: Solicitor Matthew L. Kovacik. Reporters present: Marie McCandless, Latrobe Bulletin.

MOTION by Curt Robbins to approve the minutes of the regular meeting of December 11, 2006. Motion **SECONDED** by Eric Tepper. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Stephen Kozar to approve the Treasurer’s report for December 31, 2006. Motion **SECONDED** by Kristine Snyder. All members present voiced “aye” in favor of the motion. Motion passed.

RECOGNITION OF VISITORS

1. William Ehman – Planning Commission Chairman - Presenting recommendation for the subdivision request for Matthew Urch, and is available to answer any questions of council regarding the subdivision.
2. Art Kromel – 708 Lincoln Avenue, Latrobe, PA - Surveyor for the Subdivision request for Matthew Urch.
3. Matthew Urch – 1004 West Third Street, Derry, PA - Requesting Subdivision of property.

ZONING OFFICER’S REPORT

Zoning Officer not present.

MAYOR’S REPORT

Mayor Susan Bortz presented the Mayors Report with receipts of \$1,894.46 for the month of December, which included traffic receipts of \$1402.31 and non-traffic receipts of \$288.57. There were 80 reported incidents, 76 traffic citations, and 10 non-traffic citations.

SOLICITOR’S REPORT

Nothing for the public.

COMMITTEE REPORTS

Eric Tepper announces there will be a meeting at 10:30am this Saturday for the Zoning Planning Committee. He is requesting another council member be appointed to this committee. Kristine Snyder volunteered to be on committee.

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REPRESENTATIVES'S REPORTS

Derry Area Business and Professional Association has reorganized for the year 2007. The new appointments are the following Amanda Hudson, President, Cindy Rowe, Vice-President, Sally Kattan, Treasurer, and Cindy Bush, Secretary.

Chuck Denunzio requested to remain on the Recreation and Community Development Committees.

COMMUNICATIONS

- Merle Musick has forwarded a copy of the letter he sent to Marlboro U.S. Realty Holdings regarding Porcelain Park and the violations of that property. All council members received a copy in their mail.
- Gibson Thomas will be holding a pre-construction conference on Wednesday, January 10, 2007 at 10 A.M. at the Derry Municipal Building, 2nd floor on the upcoming Sewer Projects.
- A new fee schedule was received by Gibson-Thomas for the year 2007 and distributed to all council members.
- Educational pamphlets have been forwarded to the Zoning Hearing Board and Council members for upcoming seminars.
- There will be a Penn Dot meeting on March 8th, 2007 at the Arnold Palmer Airport in the Community Room at 12:15. GIS map review and upcoming projects will be discussed.
- The Zoning Hearing Board will continue to meet the third Monday of each month when there is business to discuss in 2007.
- The Planning Commission will continue to meet the third Wednesday of each month when there is business to discuss in 2007.

Robert Sieminkewicz entered the meeting. He reported \$53.23 for receipts of permits for the month of December 2006.

Mr. Sieminkewicz researched the permit application for Mrs. Debra Goodman through the Labor & Industry. It is up to our Code Official to authorize the permit following the International Building Code statute and issue the occupancy permit, which Merle Musick will have to review. Act 95 was enacted in 2005. President Krehlik requested the Zoning Officer and UCC Zoning officer to get the proper forms in place and help move this process along for Mrs. Goodman.

UNFINISHED BUSINESS

1. **MOTION** by Curt Robbins to approve **Ordinance #713** adopting the 2006 edition of the International Occupancy Permits Property Rental Maintenance Code. Motion **SECONDED** by Kristine Snyder. All members present voiced "aye" in favor of the motion. Motion passed.

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Eric Tepper mentions that we should have Merle Musick at the February worksession to discuss implementing this Ordinance and the Internantional Property Rental Maintenance Code.

2. Porcelain Park Clean-Up. Merle Musick submitted a letter to Marolboro US Realty Holding Co. regarding the property and violations. Sol. Kovacik requested from Merle a letter regarding the violations so that he may contact the county in reference to the property and the violations that exist. He was unaware that Merle sent a letter directly to Marlboro US Realty Holding Co. until earlier today.

3. Abandoned Properties in Derry Borough. Curt stated we should have a list by the February worksession.

4. **MOTION** by Eric Tepper to approve Resolution #459-07 appointing Lauren L. Friscarella to the council vacancy expiring December 31, 2007. Motion **SECONDED** by Curt Robbins. All members present voiced "aye" in favor of the motion. Motion passed.

5. Hazard Mitigation Plan – Mr. Randy McCreary was the liaison to make sure the Borough received the information. He recommended that the Borough get in contact with Dan Stevens, Public Information Officer of 911 regarding this issue. Mr. McCreary explains that some potential hazards that were discussed between himself and Steve Kozar were two streams that run through Derry (from the ridge), the railroad, and the main highway (Rt. 217) which comes through Derry. He stated there may be some funding potential in the future for a program that would help prepare for certain hazardous situations.

6. **MOTION** by Steve Kozar to retain Hugh Shearer as a Zoning Hearing Board member, and Attorney George Love as Zoning Hearing Board Solicitor until replacements are hired. Motion **SECONDED** by Eric Tepper. All members present voiced "aye" in favor of the motion. Motion passed.

7. Appoint Board and Commission Terms expiring in Derry Borough
 - a. Five-Year Term expiring December 31, 2006, on the Zoning Hearing Board.
 - b. One (1) Vacancy (expiring 12-31-09) and one (1) alternate vacancy (one year term) available on Zoning Hearing Board.
 - c. Vacancy Board Chairman for 2007.
 - d. One (1) four-year term expiring December 31, 2006, on the Planning Commission.
 - e. Two vacancies available on the Planning Commission (expiring December 31, 2007 and December 31, 2009).
 - f. Five-Year Term on the Municipal Authority Board of Directors expiring December 31, 2006.

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There were no applicants for a through e. The Borough office received three letters of interest for the five-year term on the Municipal Authority Board of Directors. They were from the following individuals: Thomas McWherter, Todd Krehlik, and Fred Goodman. **MOTION** by Eric Tepper to appoint Todd A. Krehlik to the five-year term on the Municipal Authority Board of Directors expiring December 31, 2006. Solicitor Kovacik asked President Krehlik to step down and let Vice-President Robbins take the floor for the motion. Motion **SECONDED** by Kristine Snyder. All members present voiced "aye" in favor of the motion, with the exception of Todd A. Krehlik who abstained from the vote. Motion passed.

Solicitor Kovack explains that you can turn over some of the vacancies to the vacancy chairman, and or wait another month and then re-advertise the vacancies.

8. Position of Solicitor for the Zoning Hearing Board. The Board will choose their own solicitor.

9. Communication Tower with Crown Communications – Sol. Kovacik has corresponded with Crown and is waiting to hear back from them.

NEW BUSINESS

1. Subdivision request for Matthew Urch. Art Krommel explains the subdivision request to council. Mr. Urch is selling a back piece of his property to his neighbor. Westmoreland County and Derry Township has reviewed and approved the plans. Mr. Ehman asks how much of the property is in the Borough? Art Krommel explains that the taxing districts for both parties should remain the same, one is in the Borough and the other is in the township. Mr. Ehman then explains the property is a non-sewage property and the minimum requirements are met.

MOTION by Curt Robbins to approve subdivision request for Mattew Urch on the property located at 1004 West Third Street, Derry, PA. Motion **SECONDED** by Kristine Snyder. All members present voiced "aye" in favor of the motion. Motion passed.

2. Commercial Property Tax Assessment Appeals – President Krehlik wants to discuss this issue at the end of new business.

3. **MOTION** by Curt Robbins to approve Resolution No. 460-07 Eliminating contributions by police officers in the Borough to the Police Pension Fund for 2007. Motion **SECONDED** by Steve Kozar. All members present voiced "aye" in favor of the motion. Motion passed.

4. **MOTION** by Steve Kozar to approve William R. Woods Jr. as fire chief for 2007. Motion **SECONDED** by Eric P. Tepper. All members present voiced "aye" in favor of the motion. Motion passed.

5. **MOTION** by Eric Tepper to appoint Matthew Kovacik as Solicitor for the Borough of Derry for 2007. Motion **SECONDED** by Curt Robbins. All members present voiced "aye" in favor of the motion. Motion passed.

6. **MOTION** by Steve Kozar to approve Regis A. Tomsey, CPA to conduct 2007 Borough and Real Estate Tax Audits. Motion **SECONDED** by Kristine Snyder. All members present voiced "aye" in favor of the motion. Motion passed.

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7. **MOTION** by Curt Robbins to approve Gibson-Thomas Engineering Co. Inc. Proposal for 2007 Engineering Services to the Borough of Derry. Motion **SECONDED** by Kristine Snyder. All members present voiced “aye” in favor of the motion. Motion passed.

8. **MOTION** by Curt Robbins to approve 2007 Membership to the Indiana-Westmoreland County Council of Governments. Motion **SECONDED** by Kristine Snyder. All members present voiced “aye” in favor of the motion. Motion passed.

9. **MOTION** by Steve Kozar to authorize the Borough Secretary-Treasurer to pay bills between meetings to take advantage of discounts and prevent certain bills from becoming overdue throughout 2007. Motion **SECONDED** by Kristine Snyder. A roll call vote was requested by Sol. Kovacik due to the topic of financial matters. All six (6) members present voiced “aye” in favor of the motion. Motion passed.

10. Cat Licensing. Sol. Kovacik recommends that the Borough review the Ordinance he gave them from Blairsville Borough and discuss with them how effective the ordinance has worked for them, before advertising for Derry Borough. Curt Robbins wants to assure that the community residents have a way to protect their cats from being trapped and disposed of.

Mr. Krehlik asked Eric Tepper to contact Blairsville Borough and discuss how their Ordinance has impacted their community.

Steve Kozar mentions that there are residents in the community that have had 911 address changes. There has been poor communication between 911 and the post office regarding the changes. Ken Stevens is in charge of the address changes that took place. He has tried to communicate with Mr. Stevens, but hasn't been able to reach him. Residents are complaining and we need to come up with a solution.

Sol. Kovacik discusses the hearings for commercial tax appeals with council. He has spoken with the Derry Area School District and was informed that their Solicitor does attend such hearings when there is a significant reduction. This is the second appeal from Concord Associates. (Ref Item #2 under new business) Sol. Kovacik has tried to communicate with both the School Districts Solicitor and Concord Associates attorney to find out what amount of reduction they are looking for. Sol. Kovacik asks council if they want him to become involved in this appeal process. His recommendation is in the future that council looks at the amount of each individual case to determine the significance of tax dollars that would be affected, and compare with the costs of his involvement. At this time Sol. Kovacik is waiting to hear from either attorney regarding this matter and to find out the amount of tax dollars that Concord Associates is looking for in reduction.

Ed Schmitt, Gibson Thomas presents initial requisitions to council for both projects 3rd Street Sewer Replacement Project and 4th Ward Sewer Separation Project for approval from council. They included Gibson-Thomas Engineering fees, Sol. Kovacik fees, reimbursement for the Borough of Fees already paid out, Mentor Street Project Reimbursement, and payment to Borbonus Construction Company for Bond Costs.

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MOTION by Curt Robbins to approve processing of requisition #1 by Gibson-Thomas to PennVest for the 3rd Street/Mentor St. Storm Replacement project. Motion **SECONDED** by Kristine Snyder. All members present voiced “aye” in favor of the motion. Motion passed.

Ed Schmitt reviews with council that there will be a monthly job meeting on Borough property. The date will be communicated to the Borough office. Minutes will be kept on these meetings. Status reports will also be given to council consistently. A cut off date should be established for future requisitions so that council may review during the monthly worksession meeting as a routine.

MOTION by Curt Robbins to approve the processing of the requisition #1 by Gibson Thomas to Penn Vest for the 4th Ward Project. Motion **SECONDED** by Eric Tepper. All members present voiced “aye” in favor of the motion. Motion passed.

Steve Kozar requested a work schedule for street closings for communication purposes within the Borough.

President Krehlik requested that information be published in the paper regarding replacement of property for individual residents who may be affected by these projects.

A phone list will be given to the Borough secretary for communication purposes for any Borough concerns.

PAYMENT OF BILLS

MOTION by Steve Kozar to pay bills for January. Motion **SECONDED** by Kristine Snyder. All members present voiced “aye” in favor of motion. Motion passed.

ADJOURNMENT

MOTION by Eric Tepper to adjourn meeting at 8:44p.m. Motion **SECONDED** by Curt Robbins. All members present voiced “aye” in favor of the motion. Motion passed.

Respectfully submitted,

Lori L. Latta
Secretary