

December 14, 2009

Derry Borough Council met in regular session Monday, December 14, 2009 at 7:00 P.M. in the Derry Station Community Room, 200 West Second Avenue, Derry, PA with the following members present: Allen Skopp presiding, Eric Tepper, Chris Holnaider, Todd Krehlik, Curtis Robbins, Kristine Melville, and Barry Smith. Mayor Susan Bortz and Rachel Riedel were present. Marie McCandless, Latrobe Bulletin and Jeff Himler, Dispatch Tribune-Review were reporting.

MOTION by Barry Smith to approve the minutes for regular council meeting of November 9, 2009. Motion **SECONDED** by Chris Holnaider. All members present voiced “aye” in favor of the motion. Motion passed.

MOTION by Chris Holnaider to approve the treasurer’s report for November 30, 2009. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.

Council went into executive session for legal purposes at 7:04 p.m. Executive session ended at 7:28.

VISITORS

1. Ed Schmitt – Gibson Thomas Engineering - Summarized the on going projects. He also explained that Borbonus has outstanding bills to his suppliers with the 4th Ward project. Ed had a discussion with Bill Borbonus discussing matter and recommended he contact the bonding company prior to written communication from Gibson Thomas, and Gibson Thomas will submit a letter to the bonding company. The final payment on the 4th Ward project will be held for direct payment to the suppliers owed.

The Third Street project will be submitting final request of payment including a portion of monies used for 4th Ward project paralleling objectives and hopefully the funds owed to the Sewer Authority will be forwarded from Penn Vest to replace funds outstanding.

West Second Culvert is almost complete with the exception that Dominion Peoples has to raise a gas valve and fill in some area with topsoil to level with sidewalk.

Eric Roble mentioned to Lori Latta that there are low interest loan funds available for Kelly Way and Brown Way Culverts if council wishes to act upon. Ed Schmitt stated Eric could set up a meeting with the loan institution and council if they are interested.

Heavy rains are causing significant water flow to the water plant which Ed Schmitt discussed with council explaining that the projects have helped to create a better water flow to the plant, which they may need to look at in the future. At times heavy water flow can create a plug in the system.

2. Chuck DeRito West 2nd Avenue – Observing.

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MAYOR'S REPORT

Mayor's Report for November 2009 with receipts of \$907.55 which included traffic receipts of \$698.08 and non-traffic receipts of \$126.16. There were 106 complaint calls, 82 traffic citations, and 4 non-traffic citations.

- Census bureau has contacted the mayor's office regarding people who would like to have a temporary employment position gathering information for the 2010 Census. Their contact number is 724-858-2130.
- Westmoreland Community Action would like to open a temporary office to help the public with income tax issues. They need an area with capability to connect computer systems.
- Jack Brown contacted the Mayor's office stating the contracts have come in for the Temporary positions of the Neighborhood Revitalization Coordinator (Code Enforcement Officer) and School Police Resource Officer, which they will be meeting on Friday.
- Susan had a conversation with Dr. Welling regarding pursuing the Safe Routes to School Grant assigning Chris Campbell to be in charge of potential project.
- Pennsylvania Department of Transportation is reviewing the current rail system and infrastructure. There is a website available to review and comment on the plan. This review may be an opening for Derry Borough to have an opportunity for a freight station with the inner city rail extension plan.
- Heritage Trail and Park planning will resume in January 2010.
- The next DARC meeting will be the third Wednesday in January.

ZONING OFFICER'S REPORT

Bob Sieminkewicz reported no zoning applications for November. He submitted his Zoning expense report for 2009.

He reviewed a couple of complaints on West Second Street which have been taken care of.

There was an \$8,000 judgment awarded to Derry Borough by the magistrate due to lack of compliance by Mr. Ritenour of the clean up required on his property by zoning law.

A permit application will be submitted for the fence erected on the property along the railroad to help with preventing pedestrian crossing of the tracks and council will waive the fee. **MOTION** by Chris Holnaider to waive the zoning permit fee for the fence application. Motion **SECONDED** by Kristine Melville. All members present voiced "aye" in favor of the motion. Motion passed.

REPRESENTATIVE'S REPORT

Barry Smith

- Robert Shaw is a great fit for our public works and sewer plant.
- Pat will be ordering uniforms_him with boots and a jacket.
- Work orders have been ordered and will be used for public works when given a directive to be signed by the chairman of public works. (Allen Skopp)

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- Residents have concern about plowing in the streets and leaving the snow in the downtown business district on the side where the businesses are creating a lot of shoveling needed for the owners. (Mayor Bortz)

Eric Tepper

- The Wage Tax Board will meet in February 2010.
- The next COG meeting will be held on January 25, 2010 at the Blairsville Municipal Building.

COMMUNICATIONS

April Kopas sent an email regarding upcoming plans for projects in Derry Borough. She is requesting municipalities to submit a plan for a project in need of grant funding. Lori Latta created a project summary for a Salt Shed, Brown Way Culvert, and Kelly Way Culvert Replacement. Brown Way and Kelly Way Replacement Projects have been submitted to CDBG for application of grant funding in 2008 for 2009-2011 funding. **MOTION** by Barry Smith to submit the salt shed plan to April Kopas for possible funding in the future. Motion **SECONDED** by Curt Robbins. All members present voiced “aye” in favor of the motion. Motion passed.

Boy Scout Troop 352 submitted a letter in request for a donation to help support their troop. **MOTION** by Chris Holnaider to approve a \$100 donation to the Boy Scout Troop 352. Motion **SECONDED** by Curt Robbins. All members present voiced “aye” in favor of the motion. Motion passed.

UNFINISHED BUSINESS

1. Porcelain Park - Tabled
2. Recodification – General Code should have final draft in April 2010.
3. Housing Redevelopment - Tabled
4. Occupancy Permits – Tabled for Code Enforcement Officer Position
5. **MOTION** by Curt Robbins to advertise Ordinance #731 amending Section 16 of Chapter XVI adding two additional stop signs for intersection of West Third and Utopia. Motion **SECONDED** by Barry Smith. All members present voiced “aye” in favor of the motion. Motion passed.
6. **MOTION** by Curt Robbins to accept and approve S&T Bank’s Tax Anticipation Loan Rate at 2.3% fixed tax free rate with no additional fees. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.
7. **MOTION** by Curt Robbins to deny permission for McDonald Land Services to test for natural gas in Derry Borough. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.
8. **MOTION** by Chris Holnaider to approve proposed 2010 General Fund Budget. Motion **SECONDED** by Barry Smith. Six members present voiced “aye” in favor of the motion. Kristine Melville opposed. Motion passed.
9. **MOTION** by Barry Smith to approve Ordinance #730 Establishing Tax Rate for Fiscal Year 2009 at 27.75 mills. Motion **SECONDED** by Curt Robbins.

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Six members present voiced “aye” in favor of the motion. Kristine Melville opposed. Motion passed.

10. **MOTION** by Curt Robbins to approve proposed 2010 Sewer Fund Budget. Motion **SECONDED** by Eric Tepper. All members present voiced “aye” in favor of the motion. Motion passed.

NEW BUSINESS

1. **MOTION** by Chris Holnaider to advertise the Board and Commission Terms expiring in the Borough:
 - a. Five-Year Term on the Municipal Authority Board of Directors expiring December 31, 2014.
 - b. Five-Year Term on the Zoning Hearing Board expiring December 31, 2014 and one alternate vacancy.
 - c. Vacancy Board Chairman for 2010.
 - d. Vacancy Planning Commission expiring 2011.
 - e. Four-Year Term on the Planning Commission expiring December 31, 2013.
2. **MOTION** by Curt Robbins to approve Forth Ward Project Penn Vest (Final) Requisition #25 for the amount of \$58,892.62. Motion **SECONDED** by Barry Smith. All members present voiced “aye” in favor of the motion. Motion passed.
3. **MOTION** by Curt Robbins to approve Third Street Culvert Project Penn Vest (Final) Requisition #24 for the amount of \$4,835.00. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.
4. **MOTION** by Curt Robbins to approve revised requisition #2 for West 2nd Culvert Replacement Project (changing the amount of payroll requisition to the amount of \$52,350.48) and Change Order #3 for the amount of \$4,000.00 for additional paving. Total Project Cost to date \$236,819.18. Motion **SECONDED** by Kristine Melville. All members present voiced “aye” in favor of the motion. Motion passed.
5. **MOTION** by Barry Smith to approved negotiated Non-Uniform Union Contract with corrections submitted to Dan Mazzoni. Motion **SECONDED** by Curt Robbins. All members present voiced “aye” in favor of the motion. Motion passed.
6. **MOTION** by Chris Holnaider to advertise Ordinance #732 Combining Water and Sewer Authorities of Derry Borough. Motion **SECONDED** by Curt Robbins. All members present voiced “aye” in favor of the motion. Motion passed.

PAYMENT OF BILLS

MOTION by Kristine Melville to pay the bills. Motion **SECONDED** by Barry Smith. All members present voiced “aye” in favor of the motion. Motion passed.

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ADJOURNMENT

MOTION by Chris Holnaider to adjourn at 8:30 p.m. Motion **SECONDED** by Eric Tepper. All members present voiced “aye” in favor of the motion. Motion passed.

Respectfully submitted,

Lori L. Latta
Secretary