The regular monthly meeting of the Town Council of the Borough of East Rochester was held Wednesday, May 2, 2018 at 7:00 p.m. in the Lacock Dwellings Community Center, East Rochester, Pa.

PRESENT: Joyce Gordon, Kendra Hill, Joe Seminick, Cathy Hutsky and Mayor Bob Knox.

ABSENT: none.

ALSO PRESENT: Solicitor Paul Steff, Chief Mercier, Engineer Jeff Frye, John Clay, Zoning/Code Officer, Tax Collector Debra Ahern, Maintenance Worker Sam Landis

CITZENS: Debbie Pfeifer, Dan Sisco, Andre Wachenheimer, Charles & Maria Mayle, Tom & Marge Restak

CITIZENS REPORT:

- Dan Sisco, representing the Little Rams requested to use the East Washington ballfield for practice beginning in June. They will keep the infield mowed. Mr. Sisco was instructed to completed the paperwork and make the $100.00 deposit that will be refunded at the end of the year as long as the field is maintained. Council approved Little Rams usage of the field.
- Andre Wachenheimer of 816 7th Street reported to council that on 3/26/18 high winds took tree limbs down from a tree on 8th Street behind his property which also took power lines down. High winds also took branches down again on 4/4/18 doing damage to a privacy fence on his property. Mr. Wachenheimer would like the Borough to either consider pruning branches or eliminating 2 problem trees altogether. Zoning Officer Clay spoke to the situation and explained to Mr. Wachenheimer that he reviewed the property and the deed and that the trees are not owned by East Rochester Borough. The trees are in an area that Mr. Wachenheimer would have to speak to the adjourning property owner if he would like to pursue pruning or having them taken out altogether, because the Borough has no ownership.
- Charles Mayle of 112 6th Avenue addressed Borough Council in regards to hooking into the existing sewage system at 112 6th Avenue. He stated that he has already spoken to Gerard Plumbing – the company that put the existing line in. Mr. Mayle is the last house that doesn't have sewage, they have a septic system, and they want to connect prior to moving in because they want to avoid potential problems. They have contacted Gerard Plumbing, they were told it is a grinder pump they would need to purchase. Mr. Mayle said there is a pre-existing hook-in at the property. His father-in-law elected not to tap-in previously. Jeff Frye told Mr. Mayle to get back to the Borough with the plans from Gerard Plumbing and the Borough can approve those plans. They will have to complete a postcard mailer and submit it with DEP so they know what is being done. Jeff said they could contact him and he could get them the information and help them through that. That informs DEP that ERB is adding another customer into the system. Mr. Mayle asked who has control of the line? Jeff explained that ERB took over the line, but the homeowner owns the grinder pumps. Jim Simon confirmed that there is an existing connection at the property. Jeff explained that there will have to be a street opening permit obtained when Gerard gets ready to do the job, they will also have to have their materials approved prior to also. Jeff explained to Mr. Mayle if he wanted to go onto DEP's website he could get the postcard mailer on the sewage facilities planning module and complete it himself and get the process started. Jeff explained tap-in fees not only apply to ERB, but RAJSA will also probably have a fee to be paid also. He instructed Mr. Mayle he would probably have to write a letter to RAJSA with the request.
- Debra Ahern stated that through collecting taxes, residents asked that when dumpsters are

overflowing is it a code violation. Code Office Clay stated that the dumpsters are scheduled to be picked up every week so they are not in violation of not providing any sanitary services. The problem is that people from all over town abuse the dumpster. Code Officer Clay cannot force the land owner to get a larger dumpster. The dumpster he has should suffice for the 8 units he has – we know that this has been an on-going problem for years.

- Debra Ahern asked: the gate on 6th Street Ext. apparently that's not personal property? Code Officer Clay responded that it was installed by the owner. Mrs. Restak asked where does East Rochester property end? She was told the road is private property. Mr. Restak stated that the tax map shows differently and if that is the case then the Borough has abandoned the street. Mr. Clay stated from his understanding the Borough never claimed ownership because it was never built to engineering specifications. Marge Restak stated they were told they are not to call the police to come on to their road. Kendra Hill told Mr. & Mrs. Restak that 6th Street Ext. was never a public road. Jim Simon said there is a fire hydrant on 6th Street Ext. Mr. Restak said that East Rochester was destroying itself, that because of the construction of the Borough building no public meeting can be held there. No meeting can be held at the fire station and the Borough owns that building – Jim Simon corrected him and said the Borough does not own that building…. the fire department does. Mr. Restak asked why the Borough continues to pay for things at the FD then, and Jim Simon told him the Borough does not pay for anything at the FD anymore that's why they're in the condition they're in and that's why they're closing. Mr. Restak said to merge before they go bankrupt. Mr. Restak said people aren't being treated fairly, Mrs. Restak said. Safety first. Mrs. Restak said the potholes in the development are terrible and asked does code enforcement not pertain. Council told Mrs. Restak the developer needs to maintain the plan. The complaints are with the developer. Mrs. Restak asked again about the gate at the top of 6th Street Ext. and Kendra Hill explained that on private property the owner can do as he pleases. The Solicitor spoke to the situation and said, that he's been listening to this same conversation since 2008 of this erroneous land plan and Mr. & Mrs. Restak have been told that it is a paper street that has not been accepted by the Borough - it's not a Borough street – even though people live on it, it's not a Borough street there are certain things to make it a Borough street that was never done by the developer, but yet the Restak's continue to come and think the Borough owes them a street light, road maintenance…things that should be directed to the developer. The Restak's problems are all with the developer. The Restak's don't get along with the developer, the developer didn't spend the money to make things right, but yet you come here to the Borough. The Restak's complaints are with the developer. If the developer puts a gate on his property, that is not the Borough doing that. Mr. Restak started referencing tax maps again.
  Solicitor Steff informed Mr. Restak his reference to tax maps was incorrect in this matter – tax maps are for a different purpose - tax maps are for taxation not to determine ownership of a road – that is not appropriate. The solicitor told Mr. & Mrs. Restak that for the past 10 years that every time they have come to a council meeting with these same complaints they have been instructed to take these complaints to the developer because he is the only person that can help/change the issues they have. Coming to the Borough is not going to change the issue(s). At this point in the meeting the president of council used the gavel to end the conversation between the Restaks and council due to the time limit due to an individual. Mayor Knox spoke and said "they are residents, let them speak", he further stated that it would bad if something happened to block the only way in/out of 6th Street Ext. Kendra Hill reiterated that it is a private road. Mayor Knox said it's public safety, and he told Restak's he would go with them to meet with the developer if that's what they want. Mrs. Restak said the developer tells people East Rochester owns that road.
  Jeff Frye told Mrs. Restak that the developer is wrong and they are wrong, no action was ever taken by the Borough to take that street. It's a right of way for use for the people in that

development, but the Borough does not own that right-of-way. It was offered on the plan but not accepted. The street was never brought up to spec to the Borough so it was never accepted. Mr. Restak complained that the water running down 6th Street ext. from Lacock Ave. is causing a big rut on his property. Mr. Restak wants the water stopped from coming down and destroying the road.

Debra Ahern asked John Clay has he heard anything from G2 yet? She is receiving LST tax from Mr. Wachenheimer on 7th Street. Debbie said she would make calls to these if necessary, John Clay said he has called, he would follow up with a letter to attempt to make contact.

MINUTES FROM PREVIOUS MEETING: President Gordon asked if there were any additions or corrections to the minutes of the previous meeting. Motion was made by Kendra Hill to accept the minutes and seconded by Joe Seminick. By way of roll call vote, all in favor. Motion carried.

COMMUNICATIONS: The Secretary informed council the minutes from the April 12, 2018 meeting of Rochester Area Sewer Authority are in the Borough office for Council review. The Secretary updated council on the lights on Route 65 stating she has spoken with Keith Kuhn from DL, it has been determined the 3 lights have wiring problems and will have to be fixed by Sergeant Electric. Mr. Kuhn will be in contact. The Secretary informed Council that a letter was received in the office from Beaver County Council of Governments to join at no cost for the year 2018. A motion was made by Jim Simon to join the BC COG for the free period and complete the necessary paperwork electing Joyce Gordon as the primary delegate for ERB and Cathy Hutsky as the alternate delegate. Joe Seminick seconded the motion. By way of roll call vote, all in favor. Motion carried.

Sam Landis gave council a flyer that a representative from the conservation district dropped off at the Borough building regarding West Nile virus. They want to set traps, if the traps show positive – they will spray – the spray isn't harmful.

MAYOR and POLICE: Mayor Bob Knox presented the police report for April. There were fifty-nine total calls. Chief Mercier told Council that he stopped at the resident at the corner of 5th Street and Lacock and after some conversation with the owner, it was agreed that it would be cut down. Chief Mercier is hopeful the resident does indeed cut the bush down this time, because the last time this conversation was held, the owner didn't follow through, but the Chief told him there will be a citation to follow if he does not. Chief Mercier will discuss with Code Officer Clay and determine the fine in case it comes to that. The Chief said the owner is a littler older so he will give him a little time to get the bush cut – the Chief offered to help if need be because he's tired of hearing about the bush so it needs to be taken care of one way or another. The Chief says he won't be able to just go cut the bush down himself…. hopefully the owner will listen to what he's been asked to do. Mayor Knox explained that he spoke with the owner of 802 Spruce in regards to the tenants parking too close to the stop sign. The owner will take care of it. Motion was made to accept April's police report by Kendra Hill and seconded by Cathy Hutsky. By way of roll call vote, all in favor. Motion carried.

STREETS & SEWERS: Kendra Hill made a motion to ratify Sam Landis raise of $1.00 effective April 18, 2018, 6 holidays and 1 weeks' vacation. The motion was seconded by Jim Simon. By way of roll call vote, all in favor. Motion carried. Joyce Gordon asked Jeff Frye if he found what was causing the water problem on 5th Street and Jeff explained that the water is coming from 844 5th Street – he doesn't know if there's a spring, but the owner dug a little channel along the driveway and diverted the water out to the street. It's coming from the back of the property. Joyce asked about the

repair for where the water is going. Jeff explained water is getting under – with the freeze thaw and is blowing the road apart. To repair it, patch it, cut it out, diversion and repair. Joyce asked if the repair can be done within the Borough. Jeff said he will get with the maintenance worker and see if they can come up with a plan and if not and they need to bring someone else in, he will let council know. Joyce asked about 5th Street and the Gambian baskets by JR's. Jeff stated that the discussion was it would be re-bid in Spring. He asked does Council want the street repaved too because it's bad? Jeff guessed it's 60-70 feet that needs redone and ½ the lane. Jeff said it needs milled out and paved. Joyce asked for a guess to what the job might cost - Jeff guessed $100 / ton for asphalt plus cost of repair. Jeff to get bids on Gambian baskets. Jeff will get bids on the cost to repair the lower part of 5th Street also and bring both back to Council. Joyce asked Jeff to look at the area of 5th near Oak where there is a pipe sticking out – possibly from a previous road repair and also report back.

BUILDING PERMITS: Code Enforcement Officer, John Clay reported 7 complaints also had 2 pothole complaints on 5th Street. El Toro restaurant is waiting on their liquor license, was hoping to have it by the end of April. We issued 1 electrical permit to 1st City in the plaza for the new liquor store; had 5 zoning inquiries- the zoning officer believes they are pushing hard to get rid of the old video store, questions about what can go where etc. (medical company/gas station …)

FINANCE & BUDGET: The secretary reported the Schedule of Bills totaled $19,095.10 for the month.

TAX REPORT: There was $48,410.24 in taxes collected in April 2018 and the tax collector's commission is $1,473.30. Jim Simon made a motion to approve the bills and to approve the tax collector's report and commission. It was seconded by Joe Seminick. By way of roll call vote, all in favor. Motion carried.

FIRE DEPARTMENT: Jim Simon said he had nothing to report at this time. Cathy Hutsky asked if the Fire Department would consider donating the building to the Borough to be used as a Rec Center. Jim Simon said he would have to have ask the officers of the department to discuss it. Cathy asked if they would do that and get back to Council. Jim stated they don't have meetings due to the utilities going to be shut off at the building. Solicitor Steff spoke to the situation by saying this would have to wait until all is settled with the dissolution all the obligations are settled and see what is left. It would be premature to deal with that at this point not knowing where things will end up. Cathy Hutsky asked can't they sell anything from the Department, and Solicitor Steff replied "certainly not a large asset". Jim Simon explained small items and the Solicitor explained that even at that – those are being tracked and are being accountable, but certainly not a large asset. Cathy Hutsky asked "so are you still acting as their lawyer". Solicitor Steff replied: I just stated that as a general statement of law and fact, that cannot be done or should not be done.

SOLICITOR, ORDINANCE & LITIGATION: President Gordon authorized Solicitor Steff to advertise the army truck for sale. Solicitor Steff explained that if she wished to have the bids opened at the June meeting he can have it advertised he would need some general information to put in an ad what type of truck – what make and model – how many miles are on it – any special details. Solicitor Steff will do an ad then at the meeting he'll do a resolution.

BOROUGH ENGINEERING: Jeff Frye reported he got an email from DEP regarding the submitted GP11 for when we did our agreement with the plaza that we would install debris deflectors. DEP had some questions on that and after Jeff answered their questions they wanted to know if there

was an agreement. Jeff spoke to the solicitor who got Jeff a copy of the agreement who sent it to DEP. Engineer Frye hasn't heard back so he's hoping that means they're going to issue that GP11 then after that we have to get in there and build them. ER should have money in sewer maintenance to pay for the price of the deflectors set aside. The question was asked of the Solicitor if funds were needed for this project could it be taken out of the sewer maintenance account. Joyce asked what the cost estimate was, Jeff responded he thinks $20,000.00. The Solicitor thinks that in the PennVest loan this cost was anticipated, and ER could use those funds if necessary. President Gordon asked if all other fees (engineer fees included) were covered, Jeff said as long as DEP doesn't come back and ask for additional revisions. Jeff stated before any work would start we would have to contact the Plaza out of courtesy. Quotes may be needed depending on the dollar amount of the job. Joyce asked Jeff to explain to Council what Duquesne Light will be doing near the pump station – Jeff explained that DL will be changing the transformer and they will have to shut down the pump station on a Saturday or Sunday. Jeff told him he needs to check on the flows – he's guessing it will probably be better on a Sunday – the rep from DL said it will probably be shut down for 2 – 2 ½ hours. Jeff thinks we'll be ok as far as capacity goes – Jeff needs to call him back and tell him which day Council prefers.

Jeff explained that the Secretary received and email from Lisa Troiani from CDBG about our grant application and there was some additional information needed – the secretary will get the surveys and cost estimate for Landell to Lisa ASAP.

RECREATION: Cathy Hutsky discussed with Council that she was looking into a Go-Fund me page to help raise money for the playground. She is also looking into having a paper recycling bin put at the Borough building. She explained that it's free and the Borough can earn money on what the residents recycle. President Gordon asked the Solicitor if he had any experience with a Go-Fund me page, he said he had not, but he could research it and report back. The solicitor spoke to the recycling issue by explaining other municipalities he is involved with have tried this in the past, it can be a challenge – he advised Ms. Hutsky to research the situation carefully.

UNFINISHED BUSINESS: President Gordon revisited a discussion from the April meeting when Mayor Knox asked Council for permission to use the upstairs of the Borough building as a Mayors office. She expressed that she has concerns due to that not being ADA compliant and being worried that the stairs could be a hazard. Mayor Knox stated it is not an issue that the building is not ADA complaint for him using the upstairs, he has paperwork that confirms he can use it for his purpose. Jim Simon made a recommendation that any business the Mayor conducts with residents be done downstairs, but he can have his office space upstairs. A motion was made by Jim Simon to give Mayor Knox office space. The motion was seconded by Kendra Hill. Roll Call:

Joyce: Yes	Joe: Yes	Cathy:	Yes
Jim: Yes	Kendra: Yes		

By roll call vote. Motion carried.

NEW BUSINESS: Sam Landis brought a list of requests for discussion – the truck needs inspection by the end of the month and ask where he's allowed to take it – Council advised him to take it to Baldingers. He needs blades for the mower and was told to get them as AutoZone. He needs oil dry – Jim Simon told him he would get it for him. He said he needs spray for weeds and Joyce told

him that has been purchased by the Borough before and that vendor will be in the computer. He also needs a receiver for the truck.

Kendra Hill made a motion to allow the Conversation Department to put the mosquito trap for West Nile Virus in the Borough. The motion was seconded by Joe Seminick. By way of roll call vote. Motion carried.

President Gordon explained Council that the Borough has been contacted by Nationwide that the Borough Secretary needs to work 25 hours in order to keep the policy in effect so the Maintenance Worker will have life insurance, long and short- term disability. Jim Simon made a motion to add 1 hour a week to the Secretaries week work in order to keep the Nationwide policy in effect. Joe Seminick seconded the motion. By way of roll call vote. Motion carried.

Mayor Knox asked Solicitor Steff for Debra Ahern, since she had to leave the meeting, about the invoice from CNA Surety. Solicitor Steff said he is in contact with Mr. Keeling about getting that resolved and he will contact Debbie.

Sam Landis questioned 2 lawnmowers that are at the ballfields that he believes belong to the football organization – he mentioned scrapping them – he was told not to touch them because they are not Borough property. The Secretary is to mention them to the person who comes to the office to complete the application.

At 8:50 a motion was made by Jim Simon to go into executive session with no action to be taken and seconded by Joe Seminick. Meeting adjourned.

Respectfully submitted,
Jan Mohrbacher, Borough Secretary