The regular monthly meeting of the Town Council of the Borough of East Rochester was held Wednesday, May 1, 2019 at 7:00 p.m. in the Lacock Dwellings Community Center, East Rochester, PA.

Meeting was called to order and Pledge of Allegiance was recited.

PRESENT: Joyce Gordon, Joe Seminick, Cathy Hutsky, Kendra Hill, and Jim Simon

ALSO, PRESENT: Mayor Knox, Solicitor Paul Steff, Chief Mercier, Engineer Jeff Frye, James Dunn, Sam Landis, Sara Pannell, Richard Fehr, Sheila Hastings, Terry Mason, Bob Taylor, Tara Woodward, Daniel Sisco and James Seybert

ABSENT: Code Enforcement Officer John Clay

CITIZENS REPORT: Sarah Pannell introduced herself as running for Beaver County Controller. She has been going around to the meetings throughout the county. She passed out her card and has a website if we have any questions.

Jim Seybert from Little Rams came to request permission to use the East Washington Ballfield for Little Ram football practices for 2019. Would like to use the field from May to possibly November. Mrs. Gordon asked Cathy for her comment. Ms. Hutsky indicated that she had spoken to Mr. Seybert and that there is paperwork that needs to be completed at the borough building. Mr. Seybert said he is aware that $100 deposit is required and paperwork needs to be completed. Mr. Simon said the problem he has is that when he was a member of the Little Rams organization for a number of years and every year they had a bonfire there and promised to clean up after the bonfire and never did. It ended up being the borough man's job to clean up the area. He said the Borough was always promised that the area would be cleaned up and the firemen donated their time to be there during the bonfire. Mr. Simon said this happened about 5 years in a row, and the dumpsters were never cleaned up. Mr. Simon said he has no problem with Little Rams using the field as long as it gets cleaned up. Mr. Seybert that the organization has only been using the field for the last 2 years and the organization has not had a bonfire there during that time. Mr. Seybert said he makes sure that the trash is always cleaned up. Mrs. Gordon asked Mr. Seybert if he will assume responsibility for maintaining the cleaning up of the area including the restrooms. He said he would. Mr. Seybert apologized for not removing the equipment after the end of last season. Mr. Seybert said that the equipment is moved closer to the building now. He asked if he was responsible for cutting the field while Little Rams is using it. Ms. Hutsky said that is usually that is the practice. Mrs. Gordon said Little Rams organization will be responsible for cutting inside the fence that the borough takes care of outside of the fence. Mr. Seybert asked about cutting the hillside. He said in the past he and his wife have personally taken care of it. Ms. Hutsky and Mr. Simon both indicated that that area will be sprayed.

Richard Fehr – came to address the situation on 10th Street. The drain at the top of the street is plugged. He said he has addressed the situation previously and Sam Landis was kind enough to clean it out. The road is totally washed away and not passible. The mayor came up and looked at it and it is not passible. Mr. Fehr said he is tired of hearing about paper road. He said my address is 10th Street. It is not Lacock. I wish all of you would take a ride up there and see this road. Mrs. Gordon asked Mr. Frye about the road and Mr. Frye replied that Mr. Fehr will not like the answer he has. Mr. Frye said he has investigated it as far it being a paper street. I know there is a sign there, but everything Mr. Frye found in the deed for Mr. Fehr's property states it as an unknown street sometime referred to as

10th Street. Mr. Frye said we do not receive liquid fuels money for paper streets and the street is not recognized by PennDot. It is not a street. Mr. Fehr said the borough's drain damaged it and it needs fixed. Mr. Fehr said the road needs put back to the way it was before it was damaged. Mr. Frye said he agrees that the drain was plugged up there but not sure how long it was plugged up. Mr. Fehr said it is the borough's drain and should be maintained and that there are numerous drains in this borough that are plugged. Mr. Frye said there are many drains that are plugged and/or collapsing in the borough. Mr. Fehr asked why is he being penalized by not having access to his house on his road. Mr. Frye said that is not his road, it is 10th Street. Mr. Fehr said his road got destroyed by the borough. Mr. Fehr asked what is going to be done. Mr. Fehr said he will see us in court and that he will sue the Borough for damages. Mrs. Gordon said that road was put in by Mr. Patrick and Mr. Fehr said it was paved. Mr. Frye said it was paved and does not know by who. Mr. Fehr was told by Mr. Cable personally that the borough paved 10th Street. Mr. Fehr said his lawyer will be in touch and he will sue. Mr. Frye said that any street can be put out there and offered for dedication and I believe that may have been in the original town plan and the borough has to take action to accept that and as far as I know I could not find anything that 10th Street had been accepted by the borough, so therefore it is not a street. Mr. Frye also said that after 21 years if it is not opened up the borough actually loses the right to street.

Mr. Fehr said the borough of East Rochester's drain caused the damage because it was not maintained. He said he is asking for the road to be fixed so it is passible. Cannot understand why a trench was dug and left open. He said a pipe needs to be put into the ground and covered and the road needs to be made passible. Mrs. Gordon asked Mr. Simon why a trench was dug and Mr. Simon responded it was because the pipe was plugged at the end of the pipe on Mr. Cable's property. Mr. Frye said that he guesses that in the past it was probably a drainage ditch. Mr. Simon said his understanding is that Mr. Pedaline dug that and he stopped doing that. Mr. Fehr said the water came into his garage and there is a ton of gravel in front of his garage and he will not pick it up. He feels he did not damage it and it is not his responsibility to clean it up.

Mr. Frye said there is no other drain until you get to the bottom of 5th Street. Mr. Fehr said that road has always not been in good shape, but now it is completely impassible. Mr. Simon said he saw the damage. Mr. Fehr said even if the borough brings up some packable limestone and puts it down, it will help. If the drain is fixed then the problem should be over. Mrs. Gordon said there is still an issue that the pipe is going on private property. That is probably the way it has been for years. Mr. Fehr said he thought the pipe ran somewhere over the hollow. Mrs. Gordon asked Mr. Frye what can be down about this. Mr. Frye said again it is private property and what rights do we have. We need to figure out what to do because it is private property. I know Sam was directed to have the trench dug because of the situation, but we did not need to go any further. Legally we need to figure out what to do. Mr. Frye said you are talking a lot of pipe if you want to take it all the way down to 5th Street. Mrs. Gordon said that probably would be the right way to handle it. Mr. Frye said he had spoken to Mrs. Cable about this and she probably would agree to go along with running the pipe down 5th, but she does not want a big gully cut through her property. Mr. Frye said he thinks something can be worked out. Mr. Frye spoke to Mrs. Cable and that the borough will not put pipe in there right now because there are legal things we need to take care of first. If the property is private and we are discharging on private property, we may need to get an easement for right of entry in there to do this stuff and get a release to get there. Mr. Frye said he looked at Mr. Fehr's deed and Mr. Cable's deed and traced them back, some of them refer to it as 10th Street and sometimes referred to as an unopen street. Mr. Frye said he cannot find any ordinance that 10th Street was accepted. Mr. Simon said doesn't a street have

to be marked for 911 center. Mrs. Gordon answered "yes". Mr. Frye said he talked to Mrs. Gordon about that also.

Mr. Fehr said he appreciates what the borough did with the trench but he thinks that the road cannot stay that way. Mr. Frye said the borough wants to find a resolution to the situation. Technically after 21 years, the borough loses right to that and it goes back to the adjoining property owners. Mr. Fehr said the road is maintained and it has always been maintained. Mr. Elwain's garage also faces that road.

Mr. Fehr said he is a taxpayer and has lived on 10th Street for over 9 years. He is tired of hearing about the paper street issue. He just wants something done. He wants the road put back the way it should be. Not asking for a highway, not asking for the borough to spend a lot of money.

Mr. Steff said let me throw out about the drainage. He said we are talking about this pipe that is on private property. Mr. Frye said it is the storm water system of the borough. Mr. Frye said if we added pipe it would be on private property. Mr. Steff said something would have to be done, would need an easement right from the property owner and it would need to be recorded. Mr. Frye said there is property that is now part of Mr. Fehr's property that was acquired by Mr. Patrick basically by squatter's rights. There was a deed made for that and it does give them right to travel over an unopened street.

Mr. Fehr said the borough did cause the damage. We can argue about the street another time. If the borough wants to stop taking care of it, he will make other arrangements to take care of it.

Mrs. Gordon said council needs to take this under consideration and come up with a solution. Mr. Fehr asked when he can expect an answer. No reply was given.

Terry Mason of Oak Avenue – I think you know what happened. The debris in the creek dammed up the creek and the water from the heavy rain busted the wall in his house. Water came through house – whole basement was flooded. His insurance carrier will not cover that damage and he is here to ask council how to rectify all the water coming down there and also this town put $5,000 into 5th Street and they couldn't put $5,000 more and go all the way up the wedge. The whole point is all the debris came down and plugged the pipe and the water came up and flooded his house. I have to rebuild the whole foundation and replace my basement. Mr. Simon asked Mr. Mason if he knew who cut the trees. Mr. Mason said he did not know. Mrs. Gordon indicated she was told that Mr. Mason had cut the trees. Ms. Hutsky said she thinks some of the trees were just old and fell over. Mr. Frye said he walked through everything with Mr. Mason and there is debris and people throwing stuff over the hillside. Mr. Frye said that is a wooded area and he thinks some of the trees fell on their own, but there are stumps where he thinks someone had cut trees down. Mr. Frye said we got the heavy rain and a lot of that stuff came from Lacock Dwellings down the hill and all the debris in the pipe there came down and flooded the pipe down below. There were some trees there that did stop some of the water but there was too much. Mr. Mason said if you look at the top of the hill you can see where trees were cut and where do you think all those trees went – into the creek. Mr. Mason said he did not cut any of the trees down. Mr. Simon asked Mr. Mason if he knew of anyone who cut the trees down. Mr. Mason reiterated that he did not cut any of the trees done. Behind the wedge the water was very deep. Mr. Mason is here to see what can be done to rectify the situation. Mrs. Gordon asked Mr. Mason what he suggests. He said maybe cut the pipes off from Lacock Dwellings and run them down Stewart Avenue. Shoot the water down Stewart. Mrs. Gordon asked Mr. Mason why that was not done at the beginning; you were on council for 20 years. Mr. Mason previously showed Sam Landis the pipes at

the dwellings. Every catch basin in Lacock Dwellings is diverting water. He recommends that the borough shoot the water down Stewart and if you don't want to do that there are no water or gas lines coming up 5th. Can tap into pipes beside Ms. Hutsky's but it is going to cost money no matter what. Mr. Mason thinks it is all Lacock Dwellings water. JR's got flooded also, but never complained. Mr. Mason said there is a pipe at the very bottom of 5th and when that pipe floods his house will be gone. Behind Mrs. Mason's the drain comes out in front of his neighbor's garage and the pipe goes behind his house. But all the water is being diverted from Lacock Dwellings. It was nice that the wedge was put in. Mr. Mason said he is asking for an answer before it happens again because he said his insurance did not cover it. Mrs. Gordon said you can get a Rider on your homeowner's insurance to cover water damage. Mr. Mason said he sure is going to look into that. Mrs. Gordon asked if the Borough can come up with an answer. Mr. Frye said if there is a 12 in pipe that is way undersize to carry that stream, it is way, way undersize for what is coming down there, but that is behind Terry's house. But the Borough is back to the private property issue. Mrs. Gordon asked about the pipe that is facing Draganza property under the road and whether that is part of the issue. Mr. Mason said that is the Borough's. Mr. Mason said he does not know if fixing the wedge more will help. If we could get the water to go down Stewart or go down 5th. Mr. Frye said there is 2 catch basins down the street from JR's, one is on JR's property and the other is on the street, but Mr. Frye does not think they are very deep. Mr. Frye said when the town was created, the standard pipe size was 8 or 12 inch pipe and PennDot now will not let you put anything in under 18 inches. Most of the catch basins are brick. Ms. Hutsky said that during that rain there was water coming over the creek which never happened before.

Mr. Mason mentioned that the bridge over to the DeLanko property on Oak Avenue was washed away during the heavy rain. Mr. Simon said all the infrastructure in the borough is bad. The big pipe on Richko's property collapsed and they called FEMA, who offered them $150.

Mr. Frye said if council remembers they talked about putting a pipe in the stream to help the road but came down to only able to do 100 feet under an emergency permit with DEP, but again the properties above come down to the right of way of 5th. Ms. Hutsky asked who is supposed to maintain that. There have been tires thrown in there. Mr. Frye said nothing should be thrown in there. He said any stream is waters of the Commonwealth. The Commonwealth essentially controls what happens within a waterway, but you are not supposed to put anything in the waterway. Mrs. Gordon asked if we can get some kind of answer on this before the next meeting. Mr. Frye said "yes" do you want him to look at the whole town. Mr. Seminick asked about applying for an emergency grant and Mr. Frye's reply was "good luck with that". Mr. Frye said grants are pretty stiff and you usually do not hear about them for 6 months. Mr. Simon asked about removing the trees that Mr. Mason is referring to. Mr. Frye said removing the stumps would help. He said if that stump gets past it will plug that pipe for sure. There is stuff across there right now to stop some of – like a debris catcher. Mr. Seminick said the same thing happened down by Delanko property – a debris catcher built up and took out the bridge. Mr. Seminick said basically what we need to do is eliminate all stumpage, - Delanko's and by Mr. Mason's. Mr. Frye said it comes back to legal stuff– who put the pipe in – is it the Borough's or did the gentleman who built the houses. Mr. Simon reiterated that all the infrastructure in the borough is bad.

Mr. Frye was asked to provide options to council, namely: (1) divert the water coming from Lacock Dwellings; (2) divert the water onto 5th Street; or (3) divert the water coming from Lacock Dwellings onto Stewart Avenue which would possibly cost too much money to the Borough. It was mentioned that Lacock Dwellings has been diverting water into the catch basins on 5th Street for a long period of time. Mr. Frye said he is not sure how to deal with Lacock Dwellings. Again, it is a legal situation.

Mr. Mason asked about tapping in and going straight down right side of 5th Street. Mr. Mason said going down Stewart Avenue would cost too much money. Mrs. Gordon asked Mr. Frye if that would hold all that water going down the right side of 5th Street. Mr. Frye replied it is better than where it is going now. Mr. Frye said if it is actually 6 feet tall and is now 3 feet, we can get a permit to dredge it and get it back to its full capacity. Mrs. Gordon said we are talking about private property again. Mr. Mason said Mr. Cable put all that pipe across 5th Street already – so that pipe is all brand new at the corner of Oak and 5th. Mr. Cable put that other big pipe under 5th awhile back which is all brand new so all we would have to do is tie in at the corner of 5th all the way up the side of the road which would take Lacock Dwellings out of the picture. Mr. Frye said we may have to end up putting in under the road. Mr. Frye said there is a 50 foot right of way for 5th – you may have to put it at the edge of road. Can analyze that culvert and find out what the actual height is supposed to be. Mr. Frye said he walked it before. Mrs. Gordon asked Mr. Frye if he can meet before next meeting to talk about this. recommendation. Mrs. Gordon told Mr. Mason that council will get back to him about the situation.

Mr. Mason asked about getting the stumps out of the creek – they are huge. How can he get them out of there. Mrs. Gordon asked how many stumps and Mr. Mason said mainly only one real big one. It is near the bottom of his property. Mrs. Gordon said it is the private property issue again. Mr. Frye said if Mr. Mason would give the Borough a release to go on his property, it could be taken care of it. Mr. Mason said he does not have to give the Borough release because he can show his map. It is not my property it is Maple Avenue – there is the paper road issue again. Mr. Frye said again it is over 21 years, the Borough does not have any rights to it. Mr. Mason said he gives all right to the Borough to go on his property. He said if someone can come in with a chain saw and cut them up, he will remove them. Sam Landis is not capable of doing so due to the weight and large size of the stumps. Need to get someone with a wench and chain. It was suggested to contact Sully Towing to see if he could take the stumps out. Mr. Simon said he will contact Sully's and see if he can come over and remove the stumps.

Tara Woodward of 121 Atlas Avenue asked council about the home next to her that was destroyed by fire and is condemned. She said it is a hazard to her family and to the street. She said it is an eyesore and is concerned about someone getting hurt. It is the home that was owned by Mr. Yannachone – who passed away. Mr. Steff indicated that there is a county demolition program in which the owner of a property needs to consent to have the property demolished. He said usually the time frame is 18 months for the entire process. It was mentioned that the owner of the home is deceased and no one has come forward to claim the house – that no one wants to pay money to get legal right to the property in order to demolish the home. Mr. Steff suggested that Mr. Clay the Borough Code Enforcement Officer get involved and see what information Mr. Clay has on the property. Mrs. Woodward asked why is not the borough buying it and tearing it down and put a lien on the property. Because the borough cannot afford to buy the property and tear it down. Mr. Steff said we just indicated that there is so much issues with infrastructure. Mr. Steff asked for the address. It is on Pine behind 125 Atlas. Mrs. Woodward showed pictures of the property to Mr. Steff. Mr. Steff indicated that he would contact Mrs. Woodward.

Sheila Hastings asked about the vacant/abandoned home on Oak Avenue. She said people have been going in there to hang out and she has seen prescription bottles around the perimeter of the home. The owner passed away. She said there is a hole in the side of the house and the windows are busted out and the door is hanging open. Mrs. Gordon indicated that there is no will. Mr. Steff said Zoning Officer John Clay has been dealing with this matter for a long time. Mr. Steff is sure that Mr. Clay has records on this property. The address is 832 Oak Avenue. Mr. Mason indicated that the family of the

decedent lives in Maine and said he talked to a man going in the house and the gentleman indicated that the decedent's family lives in Main and that they intend to let the house go up for sheriff sale. The decedent's family wants nothing to do with the property. Mr. Steff indicated that he will discuss the matter with Mr. Clay. Ms. Hastings said she is concerned that anyone can go in there. It was mentioned that the Code Enforcement Officer needs to get the residence boarded back up.

Mr. Daniel Sisco asked about the home at 126 Atlas – the Martin Kanschat home. He was wondering about who owns the home now – is his son living there. Mrs. Gordon said she thought the nursing home owns it. Chief Mercier said if you found out who the owner of the property is, he can be cited. He said there are major issues with the home. He was told that Zoning Officer John Clay would look into it.

MINUTES FROM PREVIOUS MEETING: Mrs. Gordon called for a motion to accept the minutes of the previous meeting. Kendra Hill made motion to accept minutes of the previous meeting. Jim Simon seconded. By way of roll call vote, all in favor of accepting the prior month's meeting minutes.

COMMUNICATIONS: Secretary read email received from Beaver County Genological Society about their upcoming meeting. Mrs. Gordon submitted a copy of a diary of the dates and description of work performed at the lift station. Mrs. Gordon also read a letter from Reno Bros. in connection with the pump issue at the lift station. Reno Bros. found that the pump bearings were worn out which caused an overload to the pump and the cutter on the grinder was worn and would need replaced. Being that it is too costly to repair, Reno Bros. will cover the cost of a new pump.

Mrs. Gordon indicated that Sam Landis had prepared a drawing of a trash rack and sent it to Reno Bros. for their review. Reno Bros. determined that they could fabricate same and then install. Sam still checks the lift station every morning and removes any wipes found. Mrs. Gordon said we are still having problems with the pump and Bruce & Merilees determined that the relay on the new panel is bad. They talked to the manufacture and they did not have one in stock and ordered same. Bruce & Merilees will install once it comes in. There will be no cost to the Borough since it is still under warranty.

Mr. Simon asked about sending out a newsletter to those residents on Oak Avenue reminding them to not flush wipes into the system. But it was mentioned that if we only send a newsletter to those residents on Oak that we will be singling them out. Mr. Simon said we can put in the newsletter about No Burning in the Borough. Mayor Knox said it should be put in the newsletter that uninspected cars will be tagged. It was also mentioned to put something in the newsletter about residents need to keep their grass cut and to clean their properties clean of debris.

MAYOR and POLICE: Chief Mercier said that 2 reports will be ready for next month's meeting due to not having administrative help to prepare the reports for tonight's meeting. Chief Mercier indicated that while here at the meeting he received a message from his officers that the gentlemen who has been riding the quad around the ballfield at East Washington and tearing up the area has been arrested. He said the Borough will need to provide a damage report to him.

Chief Mercier stressed that if anyone sees or runs into something whether not sure if a crime or not to call 911 because if you wait it is harder to make arrest.

Chief Mercier said the bush owned by the resident on 4th Street needs to be taken down. The Borough's Code Enforcement Officer has to take care of it. A citation needs to be written. Code

Enforcement Officer John Clay needs to cite the resident. Council will look into whether Mr. Clay sent a letter to the owner on 4th who is allowing water to flow onto Mr. Bogolea's property. We were told that a certified letter was sent to the resident. Will follow-up with Mr. Clay.

Mayor Knox indicated that he has literature on tree grant program from Rep. Mattzie's office. We missed the deadline for 2019 but can be on top of it for 2020.

STREETS & SEWERS: Mrs. Gordon read the bids received to replace the lights out on the East Rochester/Monaca Bridge. There are four lights out that need replaced. A bid was received from Turney Electric which includes traffic control for the amount of $2,096.53. Another bid was received from GHH Electric which does not include the cost for traffic control and indicates that if there any wiring problems an extra cost will be imposed. The bid for GHH Electric was $1,952.77 which is not clear as it is mentioned in the bid that if there is any wiring issues they will be addressed which may cause the price to be higher. Mr. Steff said that at this price point, the Borough can choose either one. Mrs. Gordon said she recommends Turney Electric, which bid includes the cost of traffic control. Mrs. Hill questioned the amount for traffic control and wondered if Turney would remove that amount if we do not need the traffic control, would they lower their bid. Mrs. Gordon said their bid for traffic control in that they provide flaggers. Mr. Seminick said they may not drop their price if we did not use their flaggers. Chief Mercier said he can take care of traffic control. Mr. Simon said the Borough should still go with Turney Electric. After discussion, a motion was made by Mr. Simon and seconded by Ms. Hutsky to let Turney Electric take care of the lights on the bridge. By way of roll call vote, all in favor of accepting Turney Electric's bid. Motion carried. The Borough Secretary will contact Turney Electric.

BUILDING PERMITS: Nothing at this time due to Mr. Clay's absence.

FINANCE & BUDGET TAX REPORT: The Secretary reported the tax collector collected $33,949.44 with a commission of $1,018.48. The total bills paid for the month were $22,045.62; payroll was $5,123.97 and Pennvest loan payment was $1,604.54. Mrs. Gordon indicated that the real estate taxes are slow for this year and that we are approximately $20,000 behind this time last year.

FIRE DEPARTMENT: None

SOLICITOR, ORDINANCE & LITIGATION: Mrs. Steff asked to discuss a contract matter in Executive Session.

BOROUGH ENGINEERING: Mr. Frye indicated that the 911 address for Mr. Krepps had been taken care of. He said he will bet bids for bridge on 5th Street.

RECREATION: Ms. Hutsky asked about mulch for the playground. Mr. Simon said mulch is needed. Chief Mercier said he will ask the Rochester Borough Manager to call our Borough Secretary to discuss amount of mulch needed and how much it will cost. Mrs. Hutsky mentioned that Green Sweep clean-up took place on April 28, 2019 and it was a great success. She asked if something could be put on the Borough's website to thank all the volunteers who participated. Ms. Hutsky mentioned that someone offered to purchase a flowering cherry blossom tree or dogwood tree to be put in the triangle on 5th Street.

UNFINISHED BUSINESS: None

NEW BUSINESS: Mayor Knox mentioned that the work that Columbia Gas did on Railroad Street tore up the street and he has received complaints from truck drivers and other vehicle owners about the shape of the street. It seems that Columbia Gas never gets permission for street openings and never puts the street back to original state. The Borough Secretary was asked to send a letter to Columbia Gas to address these issues.

At 8:50 pm council went into Executive Session.

EXECUTIVE SESSION: Solicitor Steff and Mayor Knox presented to council the new Rochester Borough police contract for review and approval. Motion was made by Mr. Seminick to accept Rochester Borough police contract. Motion was seconded by Kendra Hill. By way of roll call vote, all in favor the motion was carried.

Discussion was held about pay increase for Borough Secretary from $14.50 to $15.00 per hour with one week vacation after one year of employment and six holidays after one year of employment. Motion was made by Ms. Hill to raise pay of Janice Dunn, Borough Secretary to $15.00 per hour with one week vacation and six paid holidays after one year of employment. Motion was seconded by Mr. Simon. By way of roll call vote, all in favor the motion was carried.

A motion was made by Ms. Hill and seconded by Ms. Hutsky to adjourn, all in favor. Meeting adjourned.

Respectfully submitted,

Janice Dunn, Borough Secretary/Treasurer