The regular monthly meeting of the Town Council of the Borough of East Rochester was held Wednesday, July 10, 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 (arrived at 7:10). Jim Simon and Kendra Hill

ALSO, PRESENT: Solicitor Paul Steff, Officer Dawn Shane, James Dunn, Terry Mason, Fred Toth and Michael Kaminski

ABSENT: Engineer Jeffrey Frye, Chief Mercier and Code Enforcement Officer John Clay

CITIZENS REPORT: Fred Toth indicated to council that he had called Code Enforcement Officer John Clay on June 19, 2019 and never received a response from him re an issue that Mr. Toth has with neighbor's gutter on house causing water to run onto his property and the neighbor's debris on property that potentially could be a fire hazard. Mrs. Gordon asked Mr. Steff for a recommendation on how Code Enforcement Officer should handle this situation. Mr. Steff said Code.sys does inspections on new construction, but this situation the borough would have the code enforcement officer handle this. These are zoning violations that would be handled by the code enforcement officer either by warning or citation. Mrs. Gordon told Mr. Toth that she would contact Mr. Clay and then get back to Mr. Toth.

Mike Kamenski, owns property at 853 5th Street, said his neighbor, when excavating, removed the concrete drainage ditch between his property and the neighbors. Mr. Kamenski indicated that since the drainage ditch was removed, he is getting water on his property from the neighbor's property. Mr. Kamenski indicated that he has not talked to his neighbor about this situation. He said that when he purchased his property, he was told that there is a right-of-way between he and his neighbor, but it seems the right-of-way is gone and is now getting water on his property. Mr. Kamenski said that when he bought the house there was a right-of-way between his property and his neighbors and now that right-of-way is gone. Mrs. Gordon said she was advised that Mr. Kamenski neighbor was putting a basketball court in. Mr. Simon said he is not aware of any right-of-way on 5th Street. Mr. Kamenski said that is what he was told when he initially purchased the property. Not sure if there is or not. Mr. Steff said there is a difference if that is part of the borough's storm water system or if there is a drainage ditch on two private parcels. He said even on some plans there is a drainage easement that is recorded on the plan. However, if most often when someone does when there is a change, they come to the borough and again, there is a difference if it is the borough structure or drainage between two private properties. There is a cause of action but it is between two private properties. Mr. Steff said the best thing Mr. Kamenski can do is to consult with an attorney about what has happened with his property and his neighbor. If I am your neighbor, I am not able to gather water and shoot it at you or increase the flow onto your property. A court order can be obtained. If this in fact two private parcels, the borough does not enforce that since it is a civil matter between you and your neighbor. Mr. Kamenski asked if his neighbor obtained a permit to do the work. Mrs. Gordon replied "no" not that we are aware. Mr. Kamenski also that on Fourth Street there is storm drain on the bend which he assumes comes over to his property and that is where a lot of the water comes from. He said he gets water since the culvert is gone. Mrs. Gordon told Mr. Kamenski that she and the borough engineer looked at the property a few weeks ago. She said she and the borough engineer looked at all of the excavation that was done. Mr. Steff suggested that the borough engineer look again at the issue on

Fourth Street as to where the water is coming from. It was mentioned that the excavating by the Mr. Kamenski's neighbor was probably done without a permit. Mrs. Gordon said that the borough will look into the situation and get back to Mr. Kamenski.

Terry Mason said two more trees fell. He indicated that he had spoken with Mrs. Gordon and she indicated that the Borough does not have the money to fix the issue of the water running onto Mr. Mason's property from Fifth Street. Mr. Mason that he digs around the pipe to keep the water from overflowing when it rains. He said that Lacock Dwellings is moving forward with fixing the pipe issues of the water run-off from the Dwellings down onto Fifth Street. Mrs. Gordon said she talked to Michelle at Lacock Dwellings and requested that the Dwellings do nothing until the borough engineer has a chance to look at the situation and advises them of how to handle. Mr. Mason said he understands that the situation is not an easy fix. Mrs. Gordon said she needs to meet with Engineer Jeff Frye again to review. Mr. Mason questioned about the Cable property. Mrs. Gordon said every inch of the Cable property was surveyed by Widmer Engineering and metal pegs were put in by Widmer. Mrs. Gordon said the top of the tree came down and took shingles off of Mrs. Cable's shed. Ms. Hill asked where there is borough property. Ms. Hill said the tree fell beside the shed and not behind the shed. Ms. Hill told Mrs. Gordon the tree was on borough property and Mrs. Gordon knows that it was. Mrs. Gordon said the tree was not on Mrs. Cable's property. Mr. Simon said the tree is probably on the right-of-way (the paper street) but the way it fell, it was on private property. Ms. Hill said the tree fell on private property. Mrs. Gordon said you can look at the pegs, but Mr. Simon said he understands what she is saying, but what Ms. Hill is saying is that the tree fell on private property and it should have not been cut up by the borough because it was on private property. Ms. Hill said that Sam cut the tree on borough time and Mrs. Gordon said she will reimburse the borough. Mr. Mason said there are four trees on Maple Street behind his house. Mr. Mason said if a tree is dead and is going to fall and does fall and hits his house isn't the neighbor responsible. Mr. Steff said a person's homeowner's insurance would kick in and the insurance companies would handle. Mr. Mason asked if the trees fall on Maple Street will Sam take care of them. Mr. Mason said the trees are on private property. Mr. Mason said he is inquiring about any tree that falls on a paper street if the borough takes care of it. Mr. Steff said he assumes that they are trees that are in the right-of-way that are the borough or private property. Mr. Steff said that a paper street is not the same as the borough's road system. A paper street that is unopened is technically, depending on which one dealing with, is dedicated for public use but never accepted by the borough and never taken over that remains the property of the people of the property abutting it. Mr. Mason said "thank you so much for that answer. That is the best answer". Mr. Mason said the tree on Cable's property is not on a paper street, but fell on Cable's property. Ms. Hutsky said she was told at last meeting that Sam is too busy to cut the East Washington Street ballfield. Mrs. Gordon said he has cut the grass at the ballfield twice.

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

COMMUNICATIONS: Secretary read email she received from 911 Center about assigning a correct address number to Shop 'n Save since there was an issue with a 911 call they received. The 911 Center indicated that both Big Lots and Shop 'n Save both have the same address of 750 Ohio River Boulevard. The 911 Center suggested that Shop 'n Save be given the address of 752 Ohio River Boulevard. The only address that would be changed would be for Shop 'n Save. The Borough Secretary said that the 911 Center is asking for a motion to make the address change and that she would then notify them via a letter. Mr. Steff that the borough can assign addresses and he is not sure if the businesses are aware of anything like this and the engineer usually handles this. He said he

knows that Jeff has done this many time that he is aware of the county GIS system. He said it requires a letter from the borough to the 911 Center and that the property owner needs to be notified. Mr. Steff said he recommends that the borough get in touch with Mr. Frye. Mr. Steff said we do not want to do anything without notifying the business. Mr. Simon said that one time it was all one building and that is why there is only one address for Big Lots and Shop 'n Save. Officer Shane indicated that at the old K-Mart building the whole top part is addressed as 300 Brighton Avenue and there have never been any complaints about the address. She said every business on that part is all "300 Brighton". Mr. Steff said this has happened before and everything is fine until someone has an issue and they insist that you make all these changes. Officer Shane said when the police get an alarm call for Big Lots or Shop 'n Save the caller just specifies either Big Lots or Shop'n Save. Officer Shane said she is not sure why 911 is making a big deal out of this. Borough Secretary said she thinks it is the alarm company that is making a bid deal. Mr. Steff said what triggers this could be many different things, but once it happens you need to sort things out. Mrs. Gordon said that changing the address may be a problem for the store owner of Big Lots and Shop 'n Save. Mr. Steff suggested that the borough engineer talk to us about this and maybe drag our feet a little bit. Mr. Steff said this cannot be done without letting the businesses know. Borough Secretary was instructed to talk to the borough engineer about this matter. Mr. Steff said step one is to talk to Borough Engineer and Step 2 send out some letters.

Mayor Knox said that Ron Wagner of Valvoline has contacted him about Railroad Street. Mayor Knox said he will talk to Mr. Wagner again about Railroad Street being a state road.

MAYOR and POLICE: No police report prepared to this meeting. Mayor Knox indicated that cars are being tagged and that several cars have already been moved. If you know of any cars in the borough that need tagged, either call Chief Mercier or Mayor Knox.

STREETS & SEWERS: Mr. Seminick said that Sam would like permission to purchase from Tractor Supply a leaf blower at a cost of $199.99. All members of council agreed to the purchase of the leaf blower. Mr. Simon said that the truck has been repaired and is back in service. Mr. Simon asked about Dalton Sanitary pumping the lift station. Borough secretary indicated that job had been completed. It was mentioned that wipes are still being pulled from the lift station. Mr. Simon said not sure what else to do. It was mentioned in the most recent newsletter about the wipes. Mr. Seminick indicated that Sam needs good tools. Mayor Knox said that sometimes Sam uses his own tools. Borough Secretary was asked to pull the equipment inventory for Sam to review and see what he needs.

BUILDING PERMITS: Mrs. Gordon said that council will go into Executive Session at the end of the meeting to discuss the Code Enforcement Officer situation. She said a letter was sent to Mr. Clay on June 25, 2019. Mayor Knox said the borough is looking bad. Mrs. Gordon said she agrees. There is open storage everywhere. The subject of the bush at the corner of Lacock and Fifth was brought up and Mrs. Gordon said she reviewed prior minutes and the situation goes back to June 2018.

FINANCE & BUDGET TAX REPORT: The Secretary reported the tax collector collected $2,526.70 with a commission of $75.80. The total bills paid for the month were $24,728.95; payroll was $5,874.05; Pennvest loan payment was $1,604.54. The Sewer Maintenance collection for June was $3,539.49 (both residential and commercial). Mr. Simon made motion to accept finance report and pay bills. Mr. Seminick seconded. By way of roll call vote, all in favor. Motion carried.

FIRE DEPARTMENT: Mr. Seminick gave report. Fire Department answered 27 calls, 7 of which were in East Rochester. Most calls were for flooding issues. Mr. Seminick said that Station 23 recommends that an Emergency Management Coordinator be appointed by East Rochester. No one has held the position since Mr. Drumm was on council. Mrs. Gordon asked if Mr. Seminick is suggesting Mike Mamone from Rochester Borough. Mr. Steff said the borough should make a motion to appoint an Emergency Management Coordinator. Mr. Simon made motion to appoint Mike Mamone as Emergency Management Coordinator for the Borough of East Rochester. Ms. Hill seconded. Mr. Steff said if the borough is approached at a later date about a Resolution, then Mr. Steff will prepare a Resolution. As of right now the motion is sufficient. By way of roll call vote, all in favor, motion was carried.

SOLICITOR, ORDINANCE & LITIGATION: Mr. Steff has nothing to report.

BOROUGH ENGINEERING: Mr. Frye absent because on vacation, but indicated via email to borough secretary that he was accepting bids for the 5th Street bridge project. Mr. Frye indicated in email that he had contacted 5 or 6 contractors about proposals for the 5th Street bridge project and the Borough would be receiving them. Mrs. Gordon said to date we had received one proposal.

RECREATION: Ms. Hutsky said she heard that Little Rams are not going to use the East Washington Street ballfield. Borough secretary indicated that she had spoken to Mr. Seifert and he resigned from Little Rams. She was then contacted by the Secretary of the organization to let her know that Mr. Seifert had resigned. Mayor Knox inquired about who is cutting the grass at the playground now. The response was that Sam is. Mr. Simon said they came to a meeting and asked for the borough to help them out and the organization indicated that they had received bids for $75 to $100 to cut the grass at the ballfield. We are paying Sam to cut the grass at the ballfield now. With his wages and insurance, Mrs. Gordon figured Sam's rate to be $20.20 per hour and it takes about 4 hours each time.

It was mentioned that the ballfield is being vandalized and that maybe a trail cam could be installed. Mrs. Gordon suggested putting up barbed wire. Mr. Steff said he does not recommend barbed wire for a recreational area. Mr. Seminick suggested putting up security system sign. Mr. Simon said the borough could purchase a fake security camera system.

Mr. Simon asked about the mulch. Mrs. Gordon said right now the playground is so wet from all the rain. Ms. Hutsky suggested putting the mulch around the equipment.

Mrs. Gordon said that Saddle Your Donkey will be delivering 15-ton topsoil which will be used to fix up the area tore up by the quad rider at the East Washington Street playground. Mrs. Gordon asked where the topsoil should be delivered. Mr. Simon suggested to put the topsoil in the salt bin off to the side. It will not get wet in there.

Mrs. Gordon asked about sending Little Rams an invoice for $75.00 for Sam cutting the grass for them. Ms. Hill suggested calling them to see if they are going to use the field. Mr. Simon said to tell them they will be charged by the borough $75.00 per cut for taking care of the area and that part of their agreement is that they are responsible for the grass cutting. Mr. Steff said that when Mr. Seibert signed the agreement for use of the ballfield, he did so on behalf of the Little Rams Organization and not personally so the agreement is still in effect. It was discussed about holding the $100.00 deposit that the organization paid when completing the paperwork for use of the field. Mr. Steff said by keeping the $100.00 the borough is putting themselves in a whole different situation. He suggested

sending them an invoice for $75.00 for each grass cutting, since the organization is still party to the agreement.

Inquiry was made about the tree cutting at the ballfield. Secretary said she spoke with Gus and he said he has two more trees to cut down and will do clean-up. He has been very busy and is hoping to complete the job this coming weekend.

Mrs. Gordon asked Ms. Hutsky if John Drumm had repaired the fence at the East Washington Street ballfield and if John Drumm had installed the lights at the gazebo. Ms. Hutsky replied she did not think so.

UNFINISHED BUSINESS: Mrs. Gordon said the down street light pole on the bridge has been repaired and the borough has been reimbursed by the insurance company. PennDot donated a used pole for the repair. Borough Secretary said the repair was made on July 8th.

NEW BUSINESS: Mr. Simon said it looks like PennDot is replacing the lights on Route 65 with LED lights.

EXECUTIVE SESSION: Council went into executive session at 8:15 PM to discuss personnel matters.

Council reconvened after executive session.

Ms. Hill made motion to seek applicants for zoning/code enforcement officer. Mr. Seminick seconded. All in favor. Motion carried.

Mr. Simon made motion to adjourn meeting. Ms. Hill seconded. All in favor. Meeting adjourned. At 8:35 PM.

Respectfully submitted,

Janice Dunn, Borough Secretary/Treasurer