The regular monthly meeting of the Town Council of the Borough of East Rochester was held Wednesday, October 2, 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, Jim Simon and Kendra Hill

ALSO, PRESENT: Mayor Robert Knox, Solicitor Paul Steff, Engineer Jeff Frye, Chief Frank Mercier, James Dunn, Kathy DePace, Brian Brkovich, Brooke Burtner and Katie Prest

ABSENT: Cathy Hutsky, Code Enforcement Officer Randy Morrow

CITIZENS REPORT: Kathy DePace of 870 Spruce Avenue inquired about tearing down her house on property at 833 Walnut Street. She indicated that she found a program online that Beaver County offers in connection with demotion of buildings. Mr. Steff asked if she had been contacted by the Borough's Code Enforcement Officer, Randy Morrow and Mrs. DePace indicated that she had not been contacted by anybody. She said she found out about the program that the county offers and that she can have a building torn down and would like to know how to start an application and what it all entails. Mr. Steff said her contact information would be provided to Mr. Morrow who will contact her. Mr. Morrow will contact you and get you signed up. Mr. Steff basically explained that it is a program through the county through community development and you consent to the demolition of the property. There is an agreement that the property owner signs and the structure is put on a demolition list with the County. The cost of the demolition is then paid out of HUD funds. The County in return puts a lien on the property which comes off 20% per year; so in 5 years you own it free and clear. The Borough Secretary was instructed to contact Mr. Morrow and provide the contact information so he can call Mrs. DePace and explain more about the County program.

Mrs. DePace also indicated that she is wondering why the borough worker cannot pick up the bags of garbage lying on the street on Spruce Avenue. Mr. Seminick explained to Mrs. DePace that Sam has been off work due to an injury and recently just returned to work.

Brooke Burtner of 868 Spruce Avenue came to council to inquire as to whether she could purchase the grassy area on the side of her property from the Borough. Mrs. Gordon asked Brooke if the property was surveyed when she purchased it and she responded "no". Ms. Burtner said she is not 100% sure where the property lines are. Mr. Steff indicated that he is not sure if the property is Borough property. Ms. Burtner asked if the property in question is borough property could she purchase it. Mr. Steff said the answer would probably be "no" because if the Borough would decide to sell any Borough property it does not necessarily go to any one person; the process involved is to advertise in the paper for the highest bid. Mr. Steff said if the Borough was desirous to sell any property, but if the Borough would like to unload some property the Borough cannot enter into an agreement with a certain individual it has to go out with an ad in the paper and it has to be available to all individuals. Chief Mercier asked if she owns the garage and she said "yes" and Chief Mercier said that actually she is inquiring about the property on Walnut that comes up to Spruce. Mrs. Gordon said that the property the Borough is maintaining is Walnut. Chief Mercier said the Borough is not sure whether it evens owns the property. Mrs. Gordon said the Borough would have to investigate since there is more than one name on the lots. Chief Mercier said there was a red Jeep liberty on the property. He wants to make sure that she owns the property where the Jeep was located and she said "yes". Mrs. Gordon asked Katie Prest if she and Mrs. Burtner are operating a business at the residence on 868 Spruce Avenue. Ms. Prest responded

that "no" they were not – that painting the cars was just a hobby. Mrs. Gordon indicated to Ms. Prest that the El Camino sitting on the property has a 2006 registration on it. Ms. Prest said she just received the vehicle and she would take care of getting the vehicle up to date with registration.

Brian Brkovich of 818 First Street inquired about the house next to him which is owned by his late grandfather. He said he was told to put the house in his name several years ago and his concern is that if he puts it in his name and something happens, he will get blamed for it and there is no guarantee as to when the house will be torn down. As soon as he puts it in his name he could be in trouble and he said that has always been his point of concern. Also, he said when his family, the Brkovichs, lived there all the taxes were paid. The last seven years the Draganzas lived in the house and they are the ones that did not pay the bills and taxes and left the house the way it is. Mrs. Gordon asked what Draganza lived there. Mr. Brkovich said Nancy Draganza lived there and the bills were never paid. He said when George Brkovich lived there the bills were paid. Mrs. Gordon asked if the bills were in Brian Brkovich's name and he said "no". The outstanding taxes when his family lived there were paid and kept up. He was the last one to pay the taxes on it and he could not get her to move or do anything about it. He is interested in having the property torn down. It is in the County Tax Repository now and he knows the amount that they want. Mr. Brkovich indicated that he had conversations with the Borough's Code Enforcement Officer about getting the house torn down and feels their conversation was positive. Mr. Steff said he had spoken to Mr. Morrow about this property and Mr. Morrow will be able to work with him to get things done.

Mr. Brkovich inquired about Right to Know matters. He said he had asked for council members' telephone numbers and was not provided the information. There was an incident regarding a herbicide sprayed on his property and he inquired as to what type of herbicide was used by the Borough but was not given the information. Mr. Brkovich said that all the grass at the top of his yard was dead. Officer Farmer came out and took a good look. He said that when he asked for the information about the name of the herbicide used by the Borough he felt that he was stone walled. Mrs. Gordon said no one sprayed on his property. Mr. Brkovich said that he never said that Sam sprayed near his property. All he said was that the same time that the herbicide was sprayed that the next day his grass was dead. He never said that Sam did it or that he saw him do it. Mr. Simon asked if Mr. Brkovich was asking about the council's phone numbers. It was indicated that they were on the door of the Borough building. Mrs. DePace said she also had previously asked for council member's phone number and was not provided that information. Mrs. Gordon said the information is on the door of the Borough Building and has always been on the door. Mr. Brkovich said he was told that he would not be given the phone number information or the name of the herbicide that the Borough uses. Mrs. DePace started to speak again and Chief Mercier said she had already stepped out of line and it is Mr. Brkovich's turn to speak.

Mr. Brkovich also inquired about Right to Know regarding public knowledge. If someone is in our Borough and there is a warrant for their arrest how come the residents are not being told. Mr. Brkovich said this has happened a few times. Mr. Brkovich said he would ask an officer and was told that if he saw the person to notify police. Mr. Brkovich asked if warrants are public knowledge and Chief Mercier responded "no not necessarily". Chief Mercier said the officers will not tell you if they are looking for someone. Chief Mercier asked if Mr. Brkovich is referring to the incident that happened by his house. Chief Mercier asked if Mr. Brkovich if the person was staying in the house next to him. Mr. Brkovich replied he did not know where he was staying. Mr. Brkovich said he saw someone in the neighborhood. Chief Mercier asked Mr. Brkovich how he knew there was a warrant for the man the police apprehended. Mr. Brkovich said he made phone calls to the Sheriff's office and the county jail because he wanted to know. Chief Mercier asked that when he called the Sheriff's office if they said there was a warrant out and Mr. Brkovich said they did not tell him anything. Chief

Mercier asked Mr. Brkovich that when he called the jail if they said there was a warrant out and Mr. Brkovich said he was told by the jail that the man had been arrested. Mr. Brkovich said the jail told him the man was being detained because of charges from another state. The discussion continued between Mr. Brkovich and Chief Mercier as to how Mr. Brkovich obtained the information. Chief Mercier said the information Mr. Brkovich received was all incorrect. Chief Mercier indicated to Mr. Brkovich that he would like to speak with him after the meeting about this matter and a few other things. Chief Mercier asked Mr. Brkovich who owns the house next to him and Mr. Brkovich replied the house is in his grandfather's name who is deceased. Chief said he was given other information which is confusing. Chief thought the house next to Mr. Brkovich was owned by John Clay. Chief Mercier said he needs more information. Mr. Brkovich said better communication is needed. Mrs. Gordon said John Clay's house is 24 Linton Street. Chief Mercier asked for the address of the house next to Mr. Brkovich's house. Mr. Brkovich said 824 1st Street. Chief Mercier asked if there is an executor to the estate. Mr. Brkovich replied that the will is still in probate and that he probably owns 51% and there would be a whole bunch of other people who would own 49% and they have expressed no interest in the property.

Mr. Brkovich feels that if someone bad is hurting the neighborhood and the police need any help whatsoever all the police need to do is ask. Mr. Brkovich said if someone misses a hearing and there is a bench warrant out shouldn't the police let the public know. Chief Mercier said the discussion will continue about this outside after the meeting. Mrs. Gordon said Mr. Brkovich's time is up and the meeting needs to continue.

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

COMMUNICATIONS: None

MAYOR and POLICE: Mayor Knox read the September police report. There were 220 calls, 5 arrests and 38 citations. Chief Mercier indicated that an accident on Route 65 under the old toll bridge was fatal. A motion was made by Mr. Simon to accept the September police report. Mrs. Hill seconded. By way of roll call vote, all in favor of accepting the September police report.

STREETS & SEWERS: Mr. Seminick indicated that Mr. Landis is back to work and the pump station was maintained during Sam's absence. Mr. Seminick said the flag pole was fixed but not sure if the spotlight is working. Mrs. Gordon said the light was supposed to have been installed and the supplies were purchased but the supplies are still at the Borough building and the light was never installed. Mrs. Gordon said she would like to hire someone to have the light around the flag pole installed. Mr. Simon made motion for Borough to hire an electrician to install light around flagpole. Mrs. Hill seconded. By way of roll call vote, all in favor. Motion carried.

Mrs. Gordon said the Borough's current ordinance permits 10-ton trucks on borough streets and she asked if the Borough could consider lowering the weight limit to 7 ½ ton. Mr. Steff questioned as to whether the Borough has an ordinance that sets the weight limit at 10 ton on every street. Mr. Steff said he would like to see the ordinance that has the designation because the code book does not include that. Mr. Steff said that from the time the code book was prepared there may have been a subsequent ordinance. Mr. Steff asked Mrs. Gordon if she is referring to the ordinance that says the weight limit on all Borough streets is 10 ton and she said "yes". Borough Secretary was instructed to provide copy

of such ordinance to Mr. Steff. Mr. Steff indicated that when you want to change a weight limit on a street you have to have an accompanying engineer study and the ordinance would reference that engineer study. Mr. Steff said you have to know what the current weight limit is and then if you want to specifically change certain streets there is a cost involved. Mrs. Gordon asked Chief Mercier about the discussion she had with him about the weight limit especially when the big trucks were coming up Lacock Avenue to Rochester Township with loads of dirt and she complained about that to him, did she not discuss with him about the 10-ton weight limit. Chief Mercier said Mrs. Gordon mentioned to him that there were 7 ½ ton on the streets and those trucks should not be on the streets, but if there is a local delivery that has to go to a particular location and if there is no other access, then the trucks have to be permitted because it is going to a certain place. Mrs. Gordon asked then what is the point of a weight limit and Chief Mercier said that if you do get tractor trailers coming off the road and you have an ordinance, then the trucks are taken to a scale and weighed and there is a hefty fine if they are overweight. Chief Mercier said let Mr. Frye talk about this, but there is a lot involved. Chief Mercier responded that the amount of violations for overweight trucks in the Borough is almost none, when a tractor trailer goes off line they are charged with another vehicle violation and there is usually a hearing and attorneys involved. Mr. Frye responded that the Borough would have to have an engineering traffic study done for a base and structural analysis of the road. If there is a blanket ordinance, he is sure a traffic study was never done. If a question arose in court and someone asked for the traffic study which was not done, the Borough would lose the case. Chief Mercier said there are four areas of access in the Borough to have an engineering and traffic study done.

BUILDING PERMITS: A copy of Mr. Morrow's report for September is provided to council in their folders. Mr. Seminick made motion to accept report. Mr. Simon seconded. By way of roll call vote, all in favor. Motion carried. Mrs. Gordon said she had a recommendation to increase the fees for demolition and excavation and she asked Mr. Steff if he had talked to Mr. Morrow about that. Mr. Steff said that Mr. Morrow had indicated to him about increasing the fees for excavation and demolition permits but Mr. Steff said that is not for action today. Mr. Steff said he had a discussion with Mr. Morrow about the various permit fees. Mr. Steff said he wanted Mr. Morrow to go through everything he is using and what the Borough has and make a recommendation on certain things. Mrs. Gordon asked if he wants a blanket recommendation before anything is done. Mr. Morrow knows that if we change anything a resolution is needed. Mr. Steff said he would like Mr. Morrow to make recommendations of increases before anything is prepared since council sets the fees. Mr. Steff said the fees are what they are and have not been updated for a very long time. He said the purpose of the any of the fees is to offset administration costs. Mr. Steff said he will contact Mr. Morrow and discuss with him further.

FINANCE & BUDGET TAX REPORT: The Secretary reported that tax collections were $548.13 with a commission to the tax collector of $27.41. The total bills paid for the month were $28,900.49; payroll was $1,588.91; Pennvest loan payment was $1,604.54. The Sewer Maintenance collection for September was $4,013.24 (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 that the fire department was called to accident on Route 65. Mrs. Gordon she would like to have paper reports provided to council for the monthly meetings.

SOLICITOR, ORDINANCE & LITIGATION: Mr. Steff apologized for not having drafted the Street Opening Ordinance. He got tied up in litigation deadlines for a client and was not able to get new ordinance drafted. He said he will update and get a draft to council.

BOROUGH ENGINEER: Mr. Frye said he spoke with Mr. Spolarich of Lacock Dwellings and Mr. Spolarich indicated that the Dwellings has no desire to tie into the Borough's system. Mr. Frye said he spoke with Mr. Drumm about the 5th Street project and Mr. Drumm indicated that he hopes to start the work within the next two weeks.

Mr. Frye said in regard to the Reda sewage complaint, he had a camera scope done, which he presented a disk of the test to council. He said according to the photos, cannot tell if there are any breaks in the line. It was noticed that the pipe is cheap and very thin and can see dimples but cannot tell if there are cracks. Mr. Frye said the lateral line is in bad shape. Mrs. Gordon asked what is the answer to the issue. Mr. Frye said a dye test can be performed to see if anything leaches out. If there is an issue, the Borough would have to go after the homeowner for a violation. He said the sewage is coming from the same area as before and said there could be a break in the line. Mr. Frye said he cannot verify that there is a broken lateral but can say that the lateral is cheap and was improperly installed, not sure if the Borough has any ordinances which say this is the way the lateral is supposed to be installed. Mrs. Gordon asked if the lateral needs to be replaced would that be at the homeowner's expense and Mr. Frye said if so he would go after the homeowner. Mr. Frye said a meeting could be set up with the homeowners. He said the camera went in clean out and downstream toward manhole and then upstream. Mr. Frye said the Borough can have a dye test performed.

RECREATION: None

UNFINISHED BUSINESS: None

NEW BUSINESS: Mrs. Gordon read letter from state indicating that the Borough's 2020 Liquid Fuel allotment would be $21,489 and that the amount would be received sometime in March, 2020.

Mrs. Gordon called for a motion to adjourn the meeting. Mrs. Hill made motion to adjourn and Mr. Simon seconded. Motion carried and meeting was adjourned at 8:00 P.M.

Respectfully submitted,

Janice Dunn, Borough Secretary/Treasurer