The regular monthly meeting of the Town Council of the Borough of East Rochester was held Wednesday, August 4, 2021 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: John Drumm, Joyce Gordon, Joseph Seminick, Cathy Hutsky and James Simon

ALSO, PRESENT: Mayor Robert Knox, Solicitor Paul Steff, Engineer Jeff Frye, Chief Frank Mercier, John Clay, Charles and Linda Hoffman, Janice Cable, Debra Ahern, Ina Braddock, Tina Siaus, Brooke Burtner and Katie Prest

ABSENT: Code Enforcement Officer Randy Morrow

CITIZENS REPORT: John Clay asked to speak regarding the purchase from tax repository of 824 1st Street (the property owned by Stojan Brkovich). Mr. Clay said he talked to the county about purchasing the property out of tax repository. He would like to tear the property down and has the means to do so. Mr. Clay asked if council would forgive the back taxes on the property. Mr. Steff explained to Mr. Clay that the process is for council to sign the paperwork for purchase of the property out of tax repository. Mr. Steff said that after Mr. Clay follows through with the purchase, you go to the school district and the borough to ask for exoneration. When that is done, Mr. Steff will prepare a written resolution that you have to take back to the county, but is done after the purchase. Mr. Clay was told that he needed a letter from Borough that the Borough will exonerate the taxes. Mr. Steff asked to look at Mr. Clay's paperwork. Mr. Steff said the paperwork shows the amount owed to purchase out of repository. Mr. Steff said there is a bid amount and purchase amount and what is needed is the signature of the borough and school district. On the next page is the bid amount and then taxes from 213 to present due on or before 7/21/2022. There is nothing in the paperwork that would require a letter from the borough to exonerate the taxes at this time. If the deal does not go through the property goes back to the tax repository. Mr. Steff said he recommends that Mr. Clay follow through with the paperwork as he presented to the council. Upon completion of the paperwork, Mr. Clay can then come back to council to ask for the tax exoneration. Mr. Clay said he will go through the process only if council will exonerate the back taxes. Mr. Steff said that council's signature at this meeting on the paperwork only approves the sale and not the tax exoneration. Mr. Steff recommended that council approve the sale and sign the necessary paperwork presented by Mr. Clay. Mrs. Gordon made motion to sign the paperwork for Mr. Clay to purchase the property at 824 First Street out of tax repository. Mr. Seminick seconded. By way of roll call vote, all in favor and motion was carried.

Katie Prest of 868 Spruce Street came to the meeting to complain about the harassment she is experiencing from her neighbor at 870 Spruce Street. Her neighbor thought they called the borough regarding the grass and bushes on her property, but Ms. Prest that she did not report this to the borough. She said the police have been called several times. She said her neighbor screams at her and watches over at her house constantly. The neighbor walks along the guardrail near their property and hollers at them. Mr. Drumm asked Ms. Prest if the police are aware of what is going on. Chief Mercier said the police have records of the calls to the police and that Ms. Prest should continue calling the police. He said it is almost at the level

where charges will be filed. Ms. Prest asked if they can't install a fence if something could be planted along her property line where the neighbor can't look into their property.

It was discussed about a fence. Mr. Simon said the height of the fence allowed in the front yard is 4 ft. high (the same for shrubbery) and also 4 ft. high on the side yard. Allowed to have 6 ft. high in back. Have to have the fence in front see through. It was noted that the width of Spruce Street is 33 feet. Mr. Drumm said unfortunately this is not a borough issue. It was suggested that Ms. Prest continue calling the police. Chief Mercier said that every call is logged. She said that the resident at 870 is always dumping her grass clippings on her property. Mr. Drumm asked Ms. Prest if she installed the "No Dumping" signs on the borough property. She said "yes". Mr. Drumm said she can not install "No Dumping" sign on borough property (in the right-of-way).

Debra Ahern questioned about the firehall as still listed as the East Rochester Volunteer Fire Department as welfare and charitable services, whereby no property taxes are collected. Ms. Ahern said she did not see where the Fire Department changed hands and where a permit was issued for work done on the outside of the building. Ms. Ahern asked how long a charitable building that is vacant exists without paying taxes; if it is not being used for chartable and welfare services that it should go back on the tax records. Mr. Drumm said the Fire Department is not a borough issue that is a Fire Department issue. Ms. Ahern asked Mr. Steff if he knows how long a vacant building remains a non-taxable property. She asked if the fire department is dissolved and how many members. Mr. Steff said when you look at the assessment page, a municipality gets a notation done at the county. Ms. Ahern said that in Big Beaver Borough there was a church that was vacant for years and council got involved and if it was not going to be used as a charitable organization it had to go back on the tax rolls. The Borough can go to the assessment office and file an appeal and have the property put back on the tax rolls. Mr. Steff said the notation that she read about the charitable property that the language on that assessment notation is not the only language that makes something tax exempt. Ms. Ahern asked what makes it tax exempt. Mr. Steff said the status noted by the county. She asked if there is an organization called East Rochester Volunteer Fire Department or has that been dissolved. Mr. Steff said there is a corporation that exists and she asked how many members. Mr. Steff said he did not know. Ms. Hutsky said there is 5 – 3 of the members are present now. Ms. Ahern said if it falls to 5 members, the association shall apply to the local Common Pleas Court for dissolution. She noted that she saw this on the Attorney General's website. She feels this is a borough issue and she is asking the borough solicitor. What does the Borough do? Mr. Steff said this issue has risen before.

It was asked about the liability insurance and who pays that. Reply was the Borough. Ms. Siaus indicated that the borough was paying $13,000 a year for the liability insurance. Secretary indicated that is wrong and the borough is paying $145 per year for the property insurance. Secretary said she verified with Yorke Agency. Ms. Ahern asked if the borough pays the utilities. Mr. Drumm replied that he is paying the utilities and it is part of his lease he has with the fire department. Mrs. Hoffman asked who gave him the lease. Mr. Drumm said the lease is with the fire department. Mrs. Hoffman questioned that he is paying a lease to 5 firemen and where does the money go. Mr. Drumm replied that the money goes into the fire department fund. Mrs. Gordon said there is no fire department fund. Mrs. Hoffman said the borough contracts fire department with Rochester Borough. Mr. Drumm said the borough fire department was not dissolved. Mr. Drumm said he is not renting the fire department to make

any one mad. The fire department can do whatever they want with the rental money he is paying. They can give it to the borough, to the playground or they put back on the college fund. Mr. Steff reiterated that the fire department is a corporation that owns the building and the corporation still exists. Mrs. Gordon asked Mr. Steff is he is representing the fire department as this meeting. Ms. Hutsky made a motion that the fire department be dissolved here. Mr. Steff said that can't be done, because it is a corporation entity that is not the boroughs. Ms. Ahern thinks that the Attorney General's Office could actually force a dissolution.

Mr. Simon said that the information Ms. Hutsky said is wrong because there is more than 5 members. Ms. Hutsky said "no". She asked specifically at a meeting here and the number she was told was 5. Mr. Simon mentioned some of the names and Ms. Hutsky said that certain people did not live in the borough and Mr. Simon said the fire department opened up membership so that membership could be from any community. If the fire department has more than 5 members, it does not need to dissolve. Only dissolve if less than 5 members. Ms. Ahern said the borough is still paying for insurance on the fire department. It was mentioned that the fire department is leasing the building to Mr. Drumm.

Mr. Drumm said he rented the building not with the intention to upset anyone. Mrs. Hoffman said she has to listen to the noise every single morning at 7:00 AM. That is a residential building being used as commercial. Mrs. Hoffman asked if Mr. Drumm went through the zoning office. Mrs. Cable asked if he filed papers with the zoning office. Mr. Drumm said he is not running a business there. The only thing they do is back his trucks in and takes the trucks out. Mrs. Hoffman told Mr. Drumm that he is running a business out of the firehall. Mrs. Cable asked where Mr. Drumm runs his business out of. He responded that he runs his business out of his home. He said he does not have a phone connected at the firehall and rents the building just for storage.

Ms. Ahern said that since the firehall is not being used for charitable purposes, it should be on the tax rolls because it is a commercial building being leased. Mr. Drumm is not aware of this, that this is the first he heard about it. Will find out about that. Mr. Drumm said he is taking care of the insurance. Mrs. Cable mentioned that she was told the borough did not want the firehall. Was a vote taken. A vote was never taken. Mr. Drumm said it was offered to the borough but they did not want the building. Ms. Hutsky and Mrs. Gordon said "they were never offered the building".

It was asked if Mr. Simon discussed with Mr. Drumm about the renting of the firehall. Mr. Simon said "yes" it was discussed with he and Mr. Seminick. It was discussed by them of possibly using the rental fee toward fire protection. Mr. Simon said it was discussed when Mr. Drumm talked about renting the firehall to Mr. Simon and Mr. Seminick. It was suggested at that time to use the money Mr. Drumm is paying for rent toward fire protection of the borough. Ms. Hutsky asked what is the amount of rent being paid. Mr. Steff said that is not borough business and Mrs. Gordon said "it is when the borough is paying the insurance".

Mr. Steff said he is not here on behalf of the fire department. Mr. Steff said he represents several municipalities and has been asked time to time to do work for various fire departments any time he has been asked to do that. He knows that many solicitors would do that when asked to by the municipality to help the fire department. As far as this goes here the

corporation owns the building, the borough does not own that building. So, asking the terms of a lease, the borough is not a party to the lease.

Mrs. Hoffman asked if the firehall is zoned commercial or residential. Mr. Steff said someone can get back to her with an answer, but I am not the zoning officer. Mr. Drumm said the department is zoned residential.

Mrs. Hoffman played a tape of the noise coming from the fire department at 7:00 AM every morning. She complained about the noise so early in the morning. Mrs. Gordon said that at 6:10 in the morning the last thing she wants to here is someone through materials into the dump truck. She said the fire hall is not a place for a business.

Mrs. Gordon said Ms. Ahern has a call into the PA Attorney General's Office. It was mentioned that the fire department is decertified and that is why we went with Rochester Borough. Mr. Steff said being decertified is different than dissolution. The corporation is a legal entity in Pennsylvania. The firehall is an existing corporation. He said the borough has contracted with another department for fire services.

Ms. Ahern said since the fire department is not providing its own fire protection, the building should be put back on the tax rolls. She said the borough needs to get an appeal scheduled and put the firehall back on the tax rolls. She said the Borough representative would have to get it back on the tax rolls and that she as the tax collector would not be able to get the firehall on the tax rolls. Mr. Steff said taxing the fire department would have to go to the county and the proper paperwork would need to be obtained. Ms. Ahern asked if she could request a borough official to go to the courthouse and file an appeal and get on the appeals schedule to get the fire department put back on the tax rolls. Ms. Hutsky made motion for Mrs. Gordon and Ms. Ahern to go to the courthouse to obtain the necessary paperwork to file the appeal and get the fire department on the tax records. Mr. Steff said that an action of the council would have to be made for the paperwork to be completed at the county for the appeal process. Mrs. Gordon seconded. By way of roll call vote, all in favor and motion was carried. Mr. Drumm said he did not want to upset everyone. He went in to clean the building up and use it for storage and give the firemen some money.

Mr. Steff said the borough has a blanket insurance policy which includes the fire department. Mr. Drumm said he has insured the building. Mr. Steff said maybe the borough secretary should be instructed to look into the borough's insurance and state that the borough wants to take the borough's $150 off of the insurance and see if the borough gets the $150 off. Secretary was instructed to verify that the borough is not paying the insurance on the fire department and also confirm how the property is zoned. Mrs. Gordon said she does not want the business there. Mrs. Hoffman asked about a variance for the property. Mr. Steff said there is a separate zoning hearing board that would hear the request for a variance. Mrs. Hoffman asked who is on the board. Mrs. Gordon said Evelyn Reda, Jack Sullivan and Marie Knox are on the zoning hearing board. Mr. Steff said it does not happen often that the zoning hearing board meets. Mr. Steff said the zoning officer would be the point of contact. What is 4th Street and Lyon Avenue zoned according to the zoning map. Secretary was asked and she responded she did not know how it is zoned without reviewing the map. Mr. Drumm said he believes it is zoned residential. Mrs. Cable said the residents across from the fire department should have been consulted before he started renting the building.

Mr. Drumm said he is willing to sit down with the residents and discuss their concerns. Mrs. Hoffman said her concern is the noise and Mrs. Braddock said the junk and Ms. Ahern the real estate taxes.

It was questioned about the money being paid to the fire department for the rental by Mr. Drumm. Mr. Drumm said the money goes to the fire department's original account. Mr. Steff said the money goes to the corporation (fire department) and that the borough has nothing to do with that. Ms. Ahern said that the borough gets money from the Firemen's Relief Association and the money has to be forwarded to Rochester Borough. Mr. Simon said the fire department does not get the money anymore, it goes right to Rochester Borough. Mrs. Braddock asked what was done with the money received for the sale of the fire trucks. Mr. Drumm said that the money went right into the relief fund. When the firemen borrowed the money to buy the truck, there was a loan with the state relief. That loan had to be paid off. That is the reason the trucks and other equipment was sold. After the audit was performed, the state told the fire department to pay what is owed on the loan.

Mr. Drumm said he is currently paying the back utilities. After he pays the back utilities, then the money will go into the fire department. If the fire department wants to give the money to the borough, that is totally up to the fire department. Mr. Steff said it is not tax money. When money goes into the corporation, council has nothing to do with that. But if he is saying that they may choose down the road. Ms. Hutsky said the borough should not count on that. Ms. Ahern said they should start paying property tax.

Mrs. Cable asked why the fire department has not been decertified. Mr. Steff said the fire department was decertified when they contracted out fire coverage to Rochester. He said there is a corporation that exists only and a corporation that owns the building. It was said that the fire department has been decertified, but not dissolved. Ms. Ahern said that according to the Attorney General's section regarding volunteer fire fighters refers to dissolution if it falls to 5 members – should be dissolved. That is where everything becomes confusing. They may be decertified because they went with someone else, but this is a private corporation that reports to the Attorney General's guidelines. Mr. Hoffman asked what is the business of the corporation. Are taxes paid by the corporation? Mr. Hoffman asked who are the people who make up the corporation. The response was the firemen. Mr. Drumm said he went to the firemen and said the building is falling down and he would take care of the building – "will you rent it". Mr. Hoffman asked again what is the business of the corporation and Mr. Drumm responded that this would be the business right now that you are looking at – renting the building. Mr. Drumm said he is not aware if it is a non-profit entity.

Mrs. Hoffman said she feels there is a conflict. She said that Mr. Drumm is a member of the borough council, borough council president and renting the firehall. Ms. Ahern asked if the fire department has an attorney. Mr. Drumm said the fire department does not have a specific attorney. She said what about tax returns. Mr. Drumm said the fire department does not file tax returns. The state did the audits.

Mr. Drumm said he only wanted to take care of the building. It was mentioned that the garage door cannot be up to code. Mrs. Gordon asked about a permit for the garage door and

secretary responded that she did not know anything about a garage door. Mrs. Hoffman asked why Mr. Drumm did not get a variance or a permit for the garage door.

Mrs. Hoffman said the noise needs to stop.

MINUTES FROM PREVIOUS MEETING: Mr. Drumm asked if there were any corrections to the minutes of the previous meeting. There being none, Mr. Seminick made motion to accept minutes of previous meeting. Mr. Simon seconded. By way of roll call vote, all in favor and motion carried.

COMMUNICATIONS: Secretary indicated that she received an email from the PA State Association of Boroughs regarding an amendment to the Sunshine Act. The amendment is to Section 709 re the posting of the meeting agenda 24 hours prior to a meeting, post the agenda at the physical site of the meeting and distribute copies of the agenda to all members of the public in attendance at the meeting. This amendment becomes effective August 31, 2021.

MAYOR and POLICE: Mayor read report. July - there were 74 calls for service, 6 arrests and 4 citations. June – 82 calls, 3 arrests and 13 citations.

Mayor Knox indicated that there has been an issue about the tagging and removal of uninspected and unregistered vehicles in the Borough on private property. Previously the police handled. But it has come to his attention that we do not have the proper ordinance for the police to tag and remove vehicles on private property. Chief Mercier indicated that on borough streets, the police will handle the tagging and removal of uninspected and unregistered vehicles. But on private property, it will be up to the Code Enforcement Officer.

Chief Mercier asked that council revert back to zoning for private property. Mrs. Gordon asked Chief Mercier is the police contract states anything about tagging vehicles. The reply was “no”. Mr. Steff indicated that several municipalities have an old version like what6 the borough has. It is not a safety issue for vehicles to be unlicensed or unregistered. Need to verify the traits of vehicle nuisance. It was decided that the police will handle vehicles on the street and code enforcement officer will handle cars on private property.

STREETS & SEWERS: Mr. Landis is off work at this time because of an injury received when cutting grass.

Secretary indicated that she has been in communication with Bronder Technical regarding the replacement of the light pole on the East Rochester/Monaca Bridge. She said that the pole has been replaced, but there is no power due to the fact that the wiring was damaged and burned up, possibly when the pole was knocked down. She said she has communicated with the insurance company and they are requesting an exact estimate of the cost to repair the wiring. She said she is awaiting that information from Bronder Technical.

BUILDING PERMITS: A copy of Mr. Morrow’s report is provided to council in their folders. A permit was issued for a shed at 893 Oak Avenue.

FINANCE & BUDGET TAX REPORT: Taxes collected for June $303.20; Tax Collector Commission for June $11.92; Taxes collected for July $3,983.17; Tax Collector Commission for July $157.11; Total Bills Paid for June $18,295.07 (includes bills paid from sewer maintainence and liquid fuels; Total bills paid for July $11,702.87; Payroll for June $45,310.41 (includes street, secretary, zoning, tax collector, council and mayor); Payroll for July $3,753.82; Pennvest July payment $1,604.54; Pennvest August payment $1,604.54; $4,207.30 collected from Rochester Area Joint Sewer Authority for June and $4,543.05 collected for July.

Mr. Simon made motion to accept report and pay bills and tax collector commission. Mr. Seminick seconded. By way of roll call vote, all in favor and motion carried.

Secretary indicated that applied for the government grant under the American Rescue Plan Act of 2021. The application was submitted to the PA Department of Community and Economic Development and was approved. The borough is entitled to a total of $55,579.36. One-half of this amount, $27,789.68 has been received and direct deposited in the borough's general fund. The other half will be received in 2022. The borough has until the end of 2024 to use the funds. According to the guidelines, the funds will be used for infrastructure needs.

FIRE DEPARTMENT: Secretary read reports for June and July. There were 5 calls in June and 3 calls in July. Mr. Seminick said he was asked to mention about the ordinance for reimbursement for nuisance calls and cleanup. Mr. Steff said he has been in contact with the solicitor for Rochester Township and will talk to him again. Chief Mercier has Rochester Borough has a different fine schedule for nuisance calls and will provide a copy to Mr. Steff.

SOLICITOR, ORDINANCE & LITIGATION: Progress.

BOROUGH ENGINEER: Mr. Frye said that Youngblood Paving will do the paving project in the borough when they return to finish their project in Rochester Township, probably September or October.

Mr. Frye said that he and Mr. Landis tried to locate the manhole on Linton and Spruce. They were not successful in finding its actual location due to the high weeds.

Mr. Frye said he checked the plans at the courthouse and Spruce Street is 33 feet wide.

RECREATION: Ms. Hutsky asked about light on flag pole at Borough building. Mrs. Gordon suggested that the Borough hire someone to do the electrical work for the flag pole and gazebo. Mayor Knox said at least get the flag up. Ms. Hutsky made motion to contract an electrical company to install the electricity to the flag pole and gazebo. Mrs. Gordon seconded. By way of roll call vote, all in favor and motion was carried.

Mr. Drumm said he spoke to representative from Columbia Gas regarding installing a new cement pad at the playground. He said the Borough will purchase and install a new pavilion. Mr. Drumm said he has found a new pavilion at a business in Ohio. Mayor Knox said he also has the name of another contractor if Mr. Drumm wants it.

UNFINISHED BUSINESS: Ms. Hutsky asked about spraying at the ballfield. It was indicated that Mr. Landis has been spraying there already.

NEW BUSINESS: None

There being no further business a motion was made by Mr. Simon and seconded by Mr. Seminick to adjourn the meeting. The meeting was adjourned at 8:30 PM.

Respectfully submitted,

Janice Dunn, Borough Secretary/Treasurer