

The regular monthly meeting of the Town Council of the Borough of East Rochester was held Wednesday, September 7, 2022 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 and roll call was taken.

**PRESENT:** John Drumm, Joyce Gordon, Joseph Seminick, David Wagner and James Simon

**ALSO PRESENT:** Solicitor Paul Steff, Chief Frank Mercier, Engineer Jeff Frye, Mayor Robert Knox, Sam Landis, Kathy DePace, Dennis Sutter, Mr. and Mrs. Robert Gibbs

**ABSENT:** Randy Morrow

**CITIZENS REPORT:** Dennis Sutter of 820 Second Street said he has been communicating with Team Fishel and Columbia Gas since November in order to get his sidewalk repaired from the Columbia Gas project. Columbia Gas had the curb and sidewalk removed from his property during the project. They removed the curb at his residence and also at 826 Second Street. Mr. Frye said he met with Team Fishel about this. Mr. Sutter said he has photos of before and after. He said team Fishel told him they have pre-video and Columbia Gas said they do not. Mr. Frye said he had reviewed the input reports. Mr. Sutter said that Team Fishel drove over his sidewalk with their heavy equipment and they have denied it, but the photos he has prove otherwise. Mr. Sutter said he spoke with Tony from Columbia Gas and Tony told him that Team Fishel was interested in making the situation right. Mr. Drumm said that Mr. Sutter is not the only resident that is having issues. Secretary will make copies of photos. Mr. Drumm said the borough will fight this.

Kathy DePace of 870 Spruce came to the meeting to ask council's assistance with regard to the citations she received from the police for the brush debris laying on the side of the road at Walnut and Spruce. She claims the brush is on her property. Chief Mercier previously requested that she remove the brush from the roadway and she indicated to him that they were on her property. Mr. Steff told Mrs. DePace that if she received a citation from the police, she has a choice to plead guilty or not guilty at the hearing before the Magistrate. He said she will be able to present a copy of her survey or whatever to the magistrate at the hearing. Mr. Steff said that council cannot help her as she has to appear before the Magistrate. He said that council meetings are not the forum to discuss citations. Mr. Frye said he will look at the pins on her property.

Mr. and Mrs. Robert Gibbs of 715 Second Street came to inquire about paying to have the scrub trees on the hillside behind their house topped so that the view can be improved. Mr. Drumm said they were cleared out many years ago and he has no problem with the trees being topped. Mr. Gibbs said the trees are on the hillside above where the Evergreen Restaurant once was located. Mr. Drumm said it is not the borough's property. Mr. Drumm said the limbs can be taken to the borough's dump. Mr. Gibbs can call the borough office about getting the limbs taken to the dump.

Mrs. DePace asked about cutting more trees on borough property. She specifically mentioned around Walnut where John Clay lives. Mr. Landis was instructed to look at this area.

Deborah Ahern, borough tax collector, said she is inquiring about the Mercantile Tax Ordinance. Our current ordinance does not state anything about collecting mercantile tax from nonprofit organizations. She said she is not collecting mercantile tax from Goodwill. Mr. Drumm said it is privately owned. Mr. Steff said he would send her the full copy of the borough's Mercantile Tax Ordinance. Mr. Steff said the school district is also allowed to collect mercantile tax. Mrs. Ahern said that according to her conversation with Mr. Steff, Goodwill should be paying mercantile tax. Mr. Steff said the issue is whether the borough is receiving the tax that it is due. Mrs. Ahern said she thinks council did not know that businesses are also paying school mercantile tax. Mrs. Ahern said she will review the ordinance before coming back to council about Goodwill. Mrs. Ahern said that East Rochester is the only municipality that has a mercantile tax.

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

**COMMUNICATIONS:** None

**MAYOR and POLICE:** Mayor Knox gave the report. In August there were 71 calls for service and 3 arrests.

Chief Mercier said there was issue at the bridge recently. There was no electric to the pole and Duquesne Light did not initially check that out. Chief suggested that the borough purchase temporary stop signs which can be set up at main roadways in the borough when the lights go out at the bridge. He said the generators are so heavy to lift and cannot be put into a police car. He said extra keys are needed to the electrical box at the bridge and not sure where they are.

Mr. Drumm suggested about having the generators in a secure location at the plaza. Chief Mercier said that at least 8 to 10 temporary stop signs would be needed. Mr. Wagner suggested purchasing 10. Mr. Wagner made motion to purchase 10 temporary stops signs. Mr. Simon seconded. Suggested that maybe purchase blinking stop signs. Prices to be obtained.

Mayor Knox said with regard to Mrs. DePace's hearing, he will be required to attend as he is the one who made the initial complaint.

Chief Mercier said he is officially retiring from the police department with September 16 being his last day. He said it has been great working with the borough. Mr. Drumm thanked him for his service. He said Sgt. Dawn Shane will be in charge for now.

**STREETS & SEWERS:** Mr. Landis indicated that he and the summer help finished all projects that were on the list previously provided to council members.

Mrs. Gordon made motion to accept Mr. Landis' retirement resignation. Mr. Wagner seconded. By way of roll call vote, all in favor and motion was carried.

Mr. Drumm asked about the pump station. Mr. Landis said still getting wipes. Mrs. Gordon indicated that Mr. Landis has previously checked the catch basins on Oak as to where the wipes were coming from. Mr. Landis said there was an issue with the one pump at the lift station. He

contacted Reno Bros. They pulled the pump on the left side and checked the other pump and wipes were wrapped around the blades. He said the pump on the right side was previously replaced and the pump on the left side is not operating properly. Reno Bros. said that the pump could be rebuilt. Mrs. Gordon suggested ordering a new pump and then switch it out and have the old pump rebuilt. The pump installed in 2019 is not under warranty. Mr. Seminick made motion to purchase new pump and once received and installed have the old pump rebuilt. Mr. Simon seconded. By way of roll call vote, all in favor and motion was carried. It was also suggested to get an extended warranty for the new pump.

Mr. Simon and Mr. Seminick has been reviewing applications received for borough laborer position. Interviews will be scheduled. Mr. Steff said applications can be reviewed, schedule interviews and then make recommendations to council. Mrs. Gordon said in the past had meeting of council only and interviewed applicants.

Mr. Landis said he will train the new hire. Mr. Landis will show Mr. Drumm how to take care of the lift station.

Mr. Landis thanked council and said he enjoyed working for the borough. Council thanked him also.

**BUILDING PERMITS:** Report in folders. No permits issued for August.

**FINANCE & BUDGET TAX REPORT:** Tax Collection for August \$6,964.19; Tax Collection Commission for August \$348.21; Total bills paid in August \$21,381.48; Payroll for August \$4,532.97 (net pay - includes street, secretary, tax collector, zoning); Pennvest August payment \$1,024.95; Rochester Joint Sewer Authority for July \$3,944.77 and \$5,000.77 for August; received \$540.00 from Freedom Borough Collection and Conveyance Authority for resident on 6<sup>th</sup> Street who was paying Freedom since 2019 for sewer charges which should have been paid to East Rochester

The 2023 Minimum Municipal Obligation for the Pension Plan will be \$732.00. This is an amount calculated based on an estimate of the 2022 W-2 wages of the employees covered by the pension plan. The amount of \$732.00 is a bill for the pension plan and must be paid by December 21, 2023.

Mr. Seminick made motion to pay tax collector commission for August. Mrs. Gordon seconded. By way of roll call vote, all in favor and motion was carried.

Mr. Simon made motion approve 2023 Minimum Municipal Obligation for the Pension Plan of \$732.00. Mr. Seminick seconded. By way of roll call vote, all in favor and motion was carried.

Mr. Seminick made motion to pay bills. Mrs. Gordon seconded. By way of roll call vote, all in favor and motion was carried.

**FIRE DEPARTMENT:** No calls in August

**SOLICITOR, ORDINANCE & LITIGATION:** Mr. Steff said he reviewed Intermunicipal Agreement Creating The Rochester Area Regional Emergency Management

Agency. He said earlier in the year council passed a resolution naming an Emergency Management Coordinator for the Borough, Rochester Township and Rochester Borough. When that resolution was submitted to the County, the County decided they needed something more than the resolution. Mr. Steff said that Rochester Township and Rochester Borough have already signed the Agreement. He said that by law, the agreement requires that a board be created to govern spending and appointing coordinator. He said that the agreement states that each municipality shall contribute an initial amount of \$600.00 to get started. After that \$200.00 will be appropriated yearly. He said it is hard to find an emergency management coordinator if the borough does not participate in this agreement.

Mr. Simon asked if the training is something new. Mr. Steff replied “yes” that standards have changed. Mr. Steff said he spoke with John Barrett, Rochester Borough Manager, about this agreement. Rochester Borough has already signed it. He said that if the borough does not participate in this agreement, then we are obligated to appoint our own emergency management coordinator.

Mr. Drumm said he is opposed to this agreement. A lengthy discussion was held about whether the borough should enter into this agreement. Mr. Steff said it makes no sense not to enter into the agreement. He said this Intermunicipal Agreement is totally different from the agreement the borough currently has for fire protection. Mr. Steff said that the borough can cancel the agreement at any time by providing notice. Mr. Steff said this agreement goes by statute.

Mr. Drumm suggested tabling this matter until the next council meeting. Mr. Steff suggested that council members investigate and talk to other municipalities.

Mr. Steff said he had received correspondence from Caputo Law Office regarding the intermunicipal transfer of liquor license held in Rochester Borough to East Rochester. He said that first the borough must approve the transfer of the liquor license currently held by JGB Holdings, LLC to Shop ‘N Save in East Rochester. The license is currently being used at 416 Delaware Avenue, Rochester, PA. Mr. Steff said that a public hearing is required in order to facilitate the transfer. The costs for such public hearing will be paid by JGB Holdings. Advertisement for the public hearing is required twice. All fees incurred for the public hearing will be paid by JGB Holdings. Mr. Steff suggested that the hearing be held at 7:00 PM on October 5, 2022 before the October council meeting. He said that if anyone has public comment regarding the transfer, they can come to the meeting and voice their opinion. He said that after the public meeting, council can approve the resolution which will be attached to the application for transfer. Mrs. Gordon made motion to have the public hearing on October 5 at 7:00 with regard to the transfer of liquor license from Rochester Borough to East Rochester. Mr. Wagner seconded. By way of roll call vote, all in favor and the motion was carried. Mr. Seminick asked how this would affect JR’s and the state store. Mr. Steff said all questions can be asked at the public hearing.

**BOROUGH ENGINEER:** Mr. Frye indicated that Nicely Contracting had completed the catch basin repair work.

He said that the borough’s MS-4 Permit expires March 2023 but the waiver renewal needs to be filed by September 16, 2022. He will take care of filing the waiver.

Mr. Frye said he looked at Terry Mason’s issue. He said a debris catcher can be installed or put catch basin along 5<sup>th</sup> Street and take the water across and put into stream. Also, can take water

from JRs and move down Stewart Avenue.

Mrs. Gordon said that is private property. It seems that the water comes from Lacock Dwellings and goes into the borough system. The pipe below JRs is borough property.

Mr. Frye was asked to look into the sidewalk issue on Lyons Avenue and Second Street. Mr. Frye said he is getting pushed by Youngblood about the paving. He said that Youngblood will pave all of Lyons Avenue if the borough pays for it. Costs sheets were provided to each council member in their folders. Mr. Frye said the costs provided is for piggy backing. He said Columbia Gas has to do only what is required by borough ordinance and he said they are doing more than required. He said Columbia Gas told him that they are only responsible for the holes in the road on Lyons Avenue. A discussion was held about what streets Columbia Gas tore up. Mr. Frye said he will speak to Columbia Gas again about Lyons and Second. Council said the sidewalk on Lyons and Second Street needs to be repaired. Mr. Frye said the prices on the sheet is for the other part of what Columbia Gas is not having paved.

Discussion held about what streets to have paid and what funds will be used to pay for the paving. Mrs. Gordon said there is approximately \$17,000 in the Pennvest Escrow account which needs to be closed. She asked Mr. Frye where those funds came from. He will check into that. If the borough used \$30,000 from liquid fuels, would need to obtain a project number from Penndot. After discussion, it was decided to have Second Street paved at a cost of \$11,532.00; Third Street for \$8,946.60; Sixth Street Extension for \$4,166.40; Lyons Avenue for \$28,346.40 for a total of \$52,991.40. Mr. Seminick made motion to use Federal ARP Funds and Liquid Fuel funds for the street paving for Second, Third, Sixth Street Extension and Lyons Avenue. Mr. Simon seconded. By way of roll call vote, the motion was carried.

**RECREATION:** Gazebo has been installed. The rain garden work has begun and the location is not what council assumed where it would be. The work is being done in the parking lot of the ballfield. Mr. Frye said he has spoken with the engineer in charge of the project and has asked for the location of the rain garden to be refigured. The engineer told Mr. Frye that this would be discussed at the next board meeting of the Rochester Borough Sewer Maintenance Authority. Mr. Drumm said the fence was removed and will need to be reinstalled, together with the electric.

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:** Mr. Drumm asked Mr. Frye to convey to Youngblood Paving that the borough would like the millings from the paving project.

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 9:45 PM.

Respectfully submitted,

Janice Dunn, Borough Secretary/Treasurer