

The regular monthly meeting of the Town Council of the Borough of East Rochester was held Wednesday, October 5, 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, Officer Lizzi, Mayor Robert Knox, Carole Carland, Court Stenographer and Attorney Charles Caputo

**ABSENT:** Jeffrey Frye

The meeting with regard to the liquor license transfer of JGB Holdings LLC to East Rochester Shop 'N Save was advertised to begin at 7:00 PM. At this time Mr. Caputo, attorney for JGB Holdings has not arrived, therefore, the regular council meeting will begin.

**CITIZENS REPORT:** None

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

**COMMUNICATIONS:** Secretary indicated she received notice from the Commonwealth of Pennsylvania that the liquid fuel allocation for 2023 would be the amount of \$20,425.51.

**MAYOR and POLICE:** Mayor Knox gave the report. In September there were 61 calls for service, 8 arrests and 2 citations.

Mayor Knox indicated that he has had several conversations with Columbia Gas regarding the ownership of the hillside coming up Lacock from Route 65. There is an overgrowth of bushes and weeds on the hillside which is causing a safety issue for motor vehicles. Columbia Gas seems to think that the transmission company owns part of that area. In lieu of waiting to determine who owns the property, Mayor Knox cut the overgrowth himself.

Mayor Knox said he has been in contact with both Columbia Gas representative and the transmission company representative with regard to the overgrowth. He was advised that someone would come and stake the property to determine what is owned by Columbia Gas and what is owned by the transmission company. Mayor Knox indicated to Columbia Gas that this is a safety issue and needs to be addressed soon.

**STREETS & SEWERS:** Mr. Drumm said that Youngblood has starting street paving in the borough and has asked them to save the millings and put them at the dump.

Mr. Drumm said he will continue taking care of the pump station. He notices that there are diapers at the lift station and he has to dig them out. Mr. Drumm said something has to be

done about the debris he is pulling out of the lift station. He said sometimes there is so much. He checks the pump station every other day and he said sometimes the pipe is blocked.

Mr. Drumm said he asked the secretary to contact the water authority to see if a water connection could be installed at the lift station so we could hose off the lift station. Secretary said she called the water authority and they will be in contact with Mr. Drumm. Mrs. Gordon said Mr. Drumm can go ahead with that project because there is money in the sewer maintenance account. Mr. Drumm said so much money was spent to install the pump station that there has to be a better way to keep it clean. Mr. Drumm said we have been having trouble with the pumps because of the diapers and other debris getting caught in the basket. Mrs. Gordon said previously she knocked on doors on Oak Avenue and pulled catch basins to see where the diapers and other things were coming from. Mr. Simon made motion to have the water authority connect a water line at the lift station. Mr. Seminick seconded. By way of roll call vote, all in favor and motion was carried.

**BUILDING PERMITS:** Mr. Morrow submitted his resignation to the borough secretary. Mrs. Gordon made a motion to accept Mr. Morrow's resignation. Mr. Seminick seconded. By way of roll call vote, all in favor and motion carried.

Mr. Drumm said he spoke with Frank Mercier about taking the code enforcement position for the borough. Mr. Seminick made motion to appoint Frank Mercier as code enforcement officer. Mrs. Gordon asked if Mr. Drumm thought if Mr. Mercier would be fair and impartial. Mr. Drumm said "yes". He feels that Mr. Mercier will be fair and he works well with people. Mr. Steff said the code enforcement officer is an employee of the borough to enforce the ordinances of the borough. Mrs. Gordon said that in the past there were times that people should have been cited but it was overlooked. In the past people living in the borough would file complaints or complain about certain things and nothing ever was done about those complaints. Mr. Drumm asked if there is a complaint form completed by the complainant. Mr. Steff said having a complaint form is another way for the borough to keep track of complaints by having whomever makes the complaint submit a written complaint form and then turn it over to the borough office and then the office turns that over to the code enforcement officer. Mrs. Gordon said if she had a complaint and she called the borough office that should be enough. Secretary said when a complaint is received, she emails the code enforcement officer and copies of the emails are saved. Mr. Drumm said that is fine as long as there is a paper trail. Mr. Seminick continued to make his motion to hire Frank Mercier as code enforcement officer. Mr. Simon seconded. By way of roll call vote, all in favor and motion was carried. Mr. Drumm said he will contact Mr. Mercier.

At this time council went in to recess in order to conduct the liquor license transfer hearing. Mr. Steff said this hearing is in regard to the intermunicipal transfer of the liquor license from Rochester Borough to East Rochester. The request is made by JGB Holdings, LLC. The meeting was turned over to Attorney Charles Caputo.

Mr. Caputo said he represents JGB Holdings LLC who purchased East Rochester Shop 'N Save in May 2022 and is in the process of renovating the 50,000 square foot store. The new store will house a True Value Hardware area and a beer and wine area. He said 1,200 square feet will be liquor sales and have seating for 30 customers. Beer will be displayed in coolers as well as warm beer on shelves. The store will offer food and made to order type foods.

He said there is currently no liquor licenses available in East Rochester Borough. He conducted a search and currently there are only two licenses in the borough and so he found one in Rochester Borough and in order for JGB Holdings to have a liquor license they need to move the one in Rochester Borough to East Rochester and permission is needed by council then from the Pennsylvania Liquor Control Board. He said it is a 3-month process once East Rochester Borough approves. He said that the LCB will do an inspection of the premises and the area within a 500-foot radius of the store and then the LCB makes a determination whether the premises qualifies for a liquor license. There will be a limit on transactions at the store. They are only permitted to sell up to 192 ounces of beer per transaction. He said it will be restaurant license in a grocery store limited to 192 ounces of beer per transaction which is the equivalent of about a 12 pack of beer. He said transactions will be limited for the sale of beer and wine. Customers will only be allowed to purchase 4 bottles of wine per transaction. There will be seating in the store, mostly counter seating with some tables. There will be no outside seating. A customer will be able to sit and drink wine or beer in the store. There will be a limit of 2 beers per customer. It will be grabbing your beer and go business model. Mr. Caputo said he is happy to answer any questions council may have. Mr. Drumm asked if people can sit there and drink. Mr. Caputo said that under Pennsylvania law, you must require with a restaurant license to allow customers to order wine and or beer and drink on the premises. Mr. Caputo said you are permitted to put a limit on it, so there will be a two-beer limit for customers to drink on the premises.

Mr. Steff said this request requires passing of a resolution for approval of the liquor license transfer which is part of the application to the Pennsylvania Liquor Control Board. This resolution is required by the applicant because it becomes part of their application to the liquor control board. This is a necessary step in the process. This request requires a public hearing so the public can make comment before council makes their decision. He said we have no members of the public here today, but the borough has gone through the appropriate steps. He said if council has no questions, the hearing will be closed and the regular council meeting will be reconvened and this action can be taken up during the regular meeting. The public hearing was closed at 7:25 pm and the regular council meeting was reconvened.

**FINANCE & BUDGET TAX REPORT:** Tax Collection for September \$3,591.33; Tax Collection Commission for September \$179.57; Total bills paid in September \$35,998.77; Payroll for September \$3,729.46 (net pay - includes street, secretary, tax collector, zoning); Pennvest October payment \$1,024.95; September collection from Rochester Area Joint Sewer Authority \$\$,189.92.

Mr. Wagner made motion to pay tax collector's commission. Mrs. Gordon seconded and by way of roll call vote, all in favor and motion was carried. Mrs. Gordon made motion to pay the bills. Mr. Simon seconded. By way of roll call vote, all in favor and motion was carried.

**FIRE DEPARTMENT:** No report. Mayor Knox said he and Mrs. Gordon attended the informational meeting held at the Rochester VFW regarding fire protection. He said it was a very informative meeting. He said he will sit in on the contract renewal. Mrs. Gordon and Mr. Simon will also participate in the renewal process. Discussion was held about the current situation regarding the fire contract. Mayor Knox said he thinks the Township already has a draft of the fire contract prepared and he thinks something will be presented at the borough's next meeting. Mayor Knox said he and Mrs. Gordon looked at the amount of fire calls to date and he said based on the number of calls, the borough is paying about \$2,011 per call. So far, the borough has only had 7 calls to date. Mr. Drumm said he is not sure you can go by that

since it only takes one bad call. Mr. Seminick said what Mayor Knox is saying as far as wording, it is not getting out of the contract, it is if something would go bad and we need to get out of the contract, we cannot just say we don't like it anymore, that is not how it would be. Mayor Knox said it is if the price goes way up.

**SOLICITOR, ORDINANCE & LITIGATION:** Mr. Steff presented Resolution 10-5-22(1) approving the liquor license transfer of Restaurant Liquor License No. R-14412 into East Rochester Borough from Rochester Borough by JGB Holdings, LLC. Mr. Wagner made motion to approve and sign Resolution 10-5-22(1). Mrs. Gordon seconded. By way of roll call vote, all in favor and motion was carried. Mr. Steff will send a copy of the signed Resolution to Attorney Caputo's office.

Mr. Steff said the second Resolution was discussed at the last meeting and he updated the date of the Resolution. Mr. Steff then presented the Intermunicipal Agreement creating the Rochester Area Emergency Management Agency to service emergency management in Rochester Borough, Rochester Township and East Rochester. He said the county requires this agreement to establish the joint agency. Mr. Steff said we need the emergency management coordination in order to apply for state and federal monies. We need to have something in place. Can't imagine finding someone from East Rochester to do the job. Discussion was held about entering into this agreement. Mr. Steff said he thinks the borough feels the costs regarding this agreement may be more than what is stated in the agreement. We would only pay East Rochester's share of costs which would be divided if there was a mass catastrophe. Mr. Steff said the costs would be split three ways. He said this agreement is federally mandated under Title 35. Mr. Drumm said he wants to be very careful about this agreement. Mrs. Gordon said that Mr. Mamone should come to council and answer our questions.

Decided to table until next council meeting at which time will have Mr. Mamone present.

**BOROUGH ENGINEER:** Secretary read email from Mr. Frye regarding the fence installation at the ballfield around the retention pond.

**RECREATION:** Mayor Knox and secretary indicated that Rochester Area Baseball and Softball Organization had set up a GoFundMe page on Facebook and on their website. It indicates that the organization is hoping to raise money to purchase a fence for East Washington Street ballfield and also a tractor. A discussion ensued regarding this matter. It was mentioned that the baseball organization needs council permission to solicit donations for East Washington Street ballfield as the borough maintains the field with taxpayer monies.

Secretary was instructed to send a letter indicating that the ballfield is borough property and the organization has no right to ask for donations for said ballfield.

**UNFINISHED BUSINESS:** Mr. Landis' replacement needs to be found. Mr. Simon said he will set up interviews. In the meantime, the grass in the borough needs to be cut. Secretary said she had contacted a lawn service who was referred by Mr. Landis, but to date have not heard from them. She will reach out to another service.

**NEW BUSINESS:** Halloween Trick or Treat will be Monday, October 31, 2022 from 6:00 to 8:00.

Mr. Seminick mentioned about donating an air conditioner to the dwellings. No action was taken on this suggestion.

Mr. Drumm asked council about using the gazebo if he decides to have something for Christmas for the residents. Council approved use.

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 8:15 PM.

Respectfully submitted,

Janice Dunn, Borough Secretary/Treasurer