Rochester Borough Council

Regular Meeting in the Municipal Building

September 21, 2020, 6:30 p.m.

Present: President Benjamin Rader, Vice-President Marjorie White, Brandy Dietrich, Ron Becker, Martin Knafelc, Donna Short, Don Brothers, Solicitor Bernie Rabik, Police Chief Frank Mercier, Code Officer Peggy Griffith, Fire Chief Mike Mamone III, Manager John Barrett

Absent: Howard Howe, Mayor Keith Jackson

The regular meeting was called to order with the invocation, pledge of allegiance and roll call.

Persons in Attendance:

Emily Palmer, Rochester Borough Sewer Authority’s Engineer, provided Council with their annual MS4 Program update training. Mrs. Palmer distributed a handout with an overview of the MS4 Program, permitting requirements, annual tasks, other items as well as the Sewer Authority’s activities. Mrs. Palmer reviewed the items with Council and noted that the stormwater management ordinance will need updated before the end of 2022 to incorporate recent changes to that law. Mrs. Palmer thanked Council for their time and asked them to call her if they ever had any questions regarding the MS4 Program and or the Sewer Authority’s activities.

A resident from Oregon Avenue asked Council what the reason was for making Deer Lane a one-way street and making the intersection of Deer Lane and Oregon Avenue a 4-way stop intersection. Mr. Rader stated it was for safety purposes. Since Deer Lane was recently paved, cars are using this road to bypass busier areas, their speed is increasing, and there are numerous families with younger children playing outside. The residents on Deer Lane petitioned Council to make this a one-way street for the safety of the children playing outside. The 4-way stop intersection was for the same reasons.

Action Items:

Mrs. Dietrich motioned to approve the minutes of the August 17, 2020 regular meeting as presented. Mr. Becker seconded and the motion carried.

Mr. Brothers motioned to pay all approved bills as submitted. Mrs. Dietrich seconded and the motion carried.

BILLS:

Gen. Fund – Ck# 10036–10098 – totaling $127,529.00.

Payroll (8/21, 9/4, 9/18) – Ck# 4773-4803 plus Dir. Dep. and Elec. Pymts. – totaling $135,055.49.

Dane and Shannon Lee requested that Council give their consent to them so they could purchase 390 Coolidge Way from the Beaver County Repository. Mr. Lee stated that they would be utilizing the property for themselves to build a garage for their use. It was explained to the Lees, that since the property did not abut their property at 415 Ohio Avenue, they would not be able to consolidate the two lots. 390 Coolidge Way would still remain a stand-alone lot and accessory buildings could not be built there without a primary structure being present. The Lees still wanted to purchase the property and would consult the Code Officer for future use. After some discussion, Mrs. Short motioned to approve the consent as requested. Mr. Becker seconded and the motion carried. Roll Call 7-0, all yes.

Ordinance 04-2020 – establishing a one-way street on Deer Lane from Harmony Avenue to Oregon Avenue and establishing a 4-way stop intersection at Deer Lane and Oregon Avenue. The ordinance has been advertised for Council’s consideration. After some discussion, Mrs. Dietrich motioned to approve the ordinance as presented. Mr. Brothers seconded and the motion carried.

Draft revised Lease Agreement – between Rochester Borough and the Rochester Borough Sewer & Maintenance Authority to lease the old Municipal garage was presented for Council’s review. After some discussion, Mr. Becker motioned to approve the draft revised agreement and forward it to the Sewer Authority for their consideration. Mr. Brothers seconded and the motion carried.

The Manager presented the 2021 MMO for the Municipal Employees Pension Fund and the 2021 MMO for the Police Pension Fund for Council’s review and consideration. After some discussion, Mr. Brothers motioned to approve the 2 MMO’s as presented. Mrs. Dietrich seconded and the motion carried.

The Manager stated that Mike Lucci, Public Works employee, will be finishing up his 1-year probationary period on September 30th. Mr. Lucci has exceeded expectations. He worked well independently, directed and oversaw summer employees, and has proven himself a valuable employee for the Borough. The Manager is recommending Council retain Mr. Lucci as a permanent employee and to promote him to Foreman beginning October 1, 2020. After some discussion, Mr. Brothers motioned to make Mr. Lucci a permanent employee and promote him to Foreman on October 1, 2020. Mrs. Short seconded and the motion carried.

Review Items:

Council received for their review, the minutes of the August 13, 2020 Rochester Area Joint Sewer Authority meeting.

Council received for their review, the meeting notes of the August 11, 2020 Rochester Borough Development Corporation meeting.

The vacant lot at the corner of Reno Street and Ohio Avenue. Mayor Jackson would like to know what Council is planning on doing with this lot. After some discussion, Council felt it was in the best interest of the Borough to continue to own the lot.

Committee Reports:

Public Administration – Ron Becker, Chairperson

The Expense & Revenue report covering January 1, 2020 through September 16, 2020 was presented for Council’s review.

Mr. Becker noted that the Rochester Community Heart & Soul’s next meeting is scheduled for September 22nd at 5:30 p.m. in the auditorium. All Council members are encouraged to attend.

Public Safety – Don Brothers, Chairperson

Mr. Brothers asked about the progress on enforcing the no grass in the sidewalk ordinance. Code Officer Griffith stated that she has begun the inspections and is sending out notices as required.

Mr. Brothers asked if there was something the Borough could do to stop the residents from putting their trash out too far in advance of the Friday weekly pick-up. Some residents are putting it out as early as the following Saturday or Sunday. The Police Chief discussed the procedure and timeline for enforcement. After some discussion, the Police Chief stated that he would begin informing the residents as to when they can put their trash out and that they will be cited for future violations.

Public Works – Howard Howe, Chairperson

There was nothing to report in Mr. Howe’s absence.

Recreation – Brandy Dietrich, Chairperson

Mrs. Dietrich had nothing to report.

Mayor’s Report:

 There was nothing to report in the Mayor’s absence.

Solicitor’s Report:

 Solicitor Rabik noted that he was in the process of setting up the first negotiation session with the police union.

 Solicitor Rabik stated that he was still in discussions with the Rochester Township Solicitor regarding the False Alarm ordinance the municipalities are considering.

Code Officer’s Report:

Code Officer Griffith presented the August 2020 Code Officer’s Report and Rental Inspection Report for Council’s review.

Code Officer Griffith stated that she recently condemned the Riverview Apartments due to structural deficiencies. The residents have until tomorrow to remove their belongings then the building will be closed until the deficiencies have been abated.

There was discussion regarding the status of 313 Deer Lane and the need to demolish the structure. Solicitor Rabik will work with the Code Officer to determine the best course of action.

Police Chief’s Report:

Chief Mercier presented the August 2020 Police Department report and code enforcement report for Council’s review. Chief Mercier reviewed several items from the reports.

Chief Mercier informed Council that the Mayor has brought up to him several complaints about the Police Officers using racial slurs on calls. The Mayor refuses to tell the Chief who the complaintents are, when the acts took place or where the acts took place. The Chief stated that he explained to the Mayor that he needed this information to corroborate the complaint and to begin an investigation into the allegations. The Chief told Council that he has discussed this with the Department but until a person files a complaint with him there is nothing he can do to address this with any specific individuals.

Fire Chief’s Report:

 Chief Mamone presented the August 2020 Fire Department report for Council’s review. Chief Mamone reviewed several items from the report and noted the urgency for the communities to enact the False Alarm ordinance.

Manager’s/Treasurer’s Report:

 Manager Barrett presented the August 2020 Treasurer’s report for Council’s review.

 Manager Barrett stated that there is a grant opportunity to partially fund the purchase of body cameras for police officers. He asked if Council had an interest in pursuing this. The Manager stated that he and the Chief would get more information and costs if Council was interested. Council was interested in reviewing this in more depth.

 Manager Barrett stated that he received an email from William Emerick, Principal at Adelphoi Education, asking if Council would be interested in collaborating with them to build a park on the empty lot beside their school. The park could be used by their students and the residents of the Borough. Council was agreeable to discuss this further with the school.

 Manager Barrett stated that he just received the Act 205 Recovery Program Election Form, Distress Level II, for the police pension. The form provides an Election of Remedies Under the Moderately Distressed Recovery Program. One of the voluntary remedies available to the Borough is to utilize the Special Municipal Taxing Authority pursuant to the provisions of Section 607(f) of Act 205 of 1984. This special taxing authority allows the Borough to increase the tax rate imposed on earned income tax above the maximum limit established under the Local Tax Enabling Act. Manager Barrett has discussed the possibility of increasing the earned income tax several times with Council to address the funding needs of the police pension. Now is the time for Council to consider moving forward with this. After some discussion, Council agreed to have the Manager elect the voluntary remedy to utilize the special municipal taxing authority to increase the earned income tax rate. The Manager will submit the election form and prepare a draft ordinance for Council to review at the next meeting.

Old Business/New Business:

 Mr. Bothers asked about the lease agreement needed with Martino to run his fuel business. After some discussion, the Manager will ask Mr. Martino to provide a draft agreement for Council to review and consider. The Manager will also get copies of the utility bills Mr. Martino is currently paying.

 Mr. Becker noted that he saw several kids skate boarding on the new concrete in the parks being renovated. The Manager will look into getting “No Skate Boarding” signs made for the parks. It was also noted about some curb damage by Buzzi’s Pizza.

 Mr. Rader noted that there was another meeting of the 3 Rochester’s to discuss the possibility of merging communities or consolidating services. Each representative was asked to see if their respective governing bodies were interested in pursuing a study through the DCED Municipal Services Program. If all three bodies agreed, then an application would be submitted. Council was in agreement to move forward with the study.

 Manager Barrett stated that Beaver River Blvd will be closed to the general public sometime this week or early next week. Safety concerns have been raised by the contractor completing the sewage treatment plant upgrade project. They are constantly moving material, digging in the roadways, and using big pieces of equipment and with the volume of pedestrian and vehicular traffic, they are afraid someone is going to get injured. There was a meeting with the Sewer Authority’s Engineer and several boat club representatives regarding access to the boat docks on the Beaver River. After some discussion, everyone agreed to have the contractor put up a fence with a gate across the road to the Ohio River’s edge on the west side of the intersection of Water Street and Center Avenue. The Boat Clubs, Borough and emergency services would be given a key or code for the gate lock. The closure will continue through late spring or early summer in 2021.

 Mr. Rader presented a plaque that will be given to Mr. Bob Goehring for his many years of dedicated service and commitment to maintaining the River Front Park for the Borough. Mr. Goehring was not able to attend the meeting to accept the plaque. Manager Barrett will present it to Mr. Goehring on Council’s behalf.

The meeting adjourned 8:31 p.m.

 Submitted by,

 John M. Barrett

 Borough Manager