

Rochester Borough Council  
Special Meeting in Council Chambers  
December 2, 2019, 6:00 p.m.

Present: President Benjamin Rader, Marjorie White, Howard Howe, Ron Becker, Donna Short, Martin Knafelc, Don Brothers (arrived at 6:28pm), Mayor Keith Jackson, Manager John Barrett

Absent: Vice-President Brandy Dietrich, Solicitor Rabik

The meeting was called to order at 6:00 p.m. The purpose of the meeting is to meet with the Rochester Area Joint Sewer Authority (RAJSA) to discuss their sewage treatment plant upgrade and the disposal of excavated regulated fill and consider an amendment to the Service Agreement extending the term of the agreement to coincide with the 30 year term of the Pennvest loan they are obtaining to fund their project.

Persons in Attendance:

There were no public comments.

Attorney Douglas, Solicitor for the RAJSA, provided a proposed amendment to the Service Agreement. The amendment provided details for the cause of the amendment and that the Service Agreement would now be set to expire on January 30, 2050. The Pennvest Loan 30-year term will be January 30, 2020 through January 30, 2050. The extension to the Service Agreement was a requirement of Pennvest to bind the parties for the term of the loan. After some discussion, the proposed amendment was designated Resolution 2019-04. Mr. Becker motioned to approve and adopt Resolution 2019-04 as presented. Mr. Howe seconded and the motion carried. Roll Call: all voted yes, 6-0, Mr. Brothers was not yet present.

Attorney Douglas provide a draft agreement between the RAJSA and the Borough for the Borough to permanently accept the regulated fill generated by their treatment plant upgrade project. The fill will be placed on the Borough's property currently housing their Public Works facility. The RAJSA will assume all costs for the placement, grading and compacting of the regulated fill and provide for a gravel top coat. Specifics as to the placement, grading and site preparation will follow as provide for on a drawing developed and provided by KLH Engineering. The RAJSA will indemnify the Borough against any and all claims of any nature whatsoever arising out of, or in any way related to, the placement of the fill on the Borough's property. The RAJSA agrees to pay the Borough \$150,000 in consideration of the mutual covenants contained in the agreement. Attorney Douglas distributed a letter from SE Technologies discussing the soil samples and how the analytical data compared against the PA DEP Land Recycling Program, Act2, non-residential statewide health standards. The project is expected to take 2-years; however, the majority of the fill will be generated in the first 2 to 4 months of the construction phase which is anticipated to begin early in 2020. Attorney Douglas also informed Council that the RAJSA would be interested in purchasing the Borough's property if Council would like to consider that option as well. After some discussion, Mr. Howe motioned

to approve and execute the proposed agreement with the additional language establishing when the Borough would receive the compensation in relation to when the fill would start to be placed on the Borough's property and contingent upon review and consent of the Borough's Solicitor. Mrs. Short seconded and the motion carried. Roll Call: all voted yes, 7-0.

Meeting adjourned at 6:43 p.m.

Submitted by,

John M. Barrett  
Borough Manager