Rochester Borough Council

Regular Meeting in the Municipal Building

May 17, 2021, 6:30 p.m.

Present: President Benjamin Rader, Vice-President Marjorie White, Brandy Dietrich, Don Brothers, Marlin Robinson, Ron Becker, Donna Short, Wes Hill (arrived 6:39 p.m.), Mayor Keith Jackson, Solicitor Bernie Rabik, Police Chief Frank Mercier, Code Officer Peggy Griffith, Fire Chief Mike Mamone III, Manager John Barrett

Absent: None

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

Persons in Attendance:

Eugenia Priest asked Council for an update on the status of 515 Oregon Avenue. Mr. Rader stated that the Solicitor would be discussing this under his report.

Action Items:

Mr. Brothers motioned to approve the minutes of the April 19, 2021 Council meeting as presented. Mr. Becker seconded and the motion carried.

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

BILLS:

Gen. Fund – Ck# 10537–10586 – totaling $118,300.42.

Payroll (4/30, 5/14) – Ck# 4969-4990 plus Dir. Dep. and Elec. Pymts. – totaling $84,680.40.

Review Items:

Council received for their review, the minutes of the April 8, 2021 Rochester Area Joint Sewer Authority meeting.

Council received for their review, the 2020 Annual Audit Report for the Borough.

Council received for their review, the 2020 Annual Audit Report on the Beaver County Tax Collection Committee’s Tax Officer, Berkheimer Tax Innovations.

Council received for their review, a letter from the PA Department of Community & Economic Development (DCED) informing the Borough that DCED has approved a grant in the amount of $12,500 to be used to fund the Heart & Soul project.

Committee Reports:

Public Administration – Ron Becker, Chairperson

The Expense & Revenue report covering January 1, 2021 through May 12, 2021 was presented for Council’s review.

Public Safety – Don Brothers, Chairperson

Council received for their information and review, the Borough’s Ordinance 04-2015, Rochester Township’s Ordinance 458, and a draft Inter-Municipal Cooperation Agreement for the Support of the Rochester Fire Department. The Public Safety Committee met with representatives from Rochester Township to discuss the details of the Agreement. In reviewing these documents, the parties realized that while both ordinances were adopted by the respective governing bodies the agreement was never officially signed by the appropriate Municipal representatives. It was decided to get an opinion from the 2 Solicitors regarding the official status of the agreement. Mr. Rader stated that the Solicitor would discuss this under his report.

Rochester Township is asking the Borough that the 2 entities consider forming a regional police department in lieu of a contract arrangement. Staff from both entities are working on some preliminary information for the governing bodies to review. The preliminary information is intended to help the governing bodies determine if there is sufficient grounds to warrant moving forward with the goal of creating a regional police department. Manager Barrett distributed a spread sheet showing a side-by-side comparison of the Borough’s and Township’s 2021 Police budget and a third column showing a tentative 2022 budget for a regional police department. After some discussion, Council was agreeable to further explore the creation of a regional police department.

Public Works – Marlin Robinson, Chairperson

Mr. Robinson commended the Public Works employees for their efforts in maintaining the Borough’s streets and parks.

Recreation – Brandy Dietrich, Chairperson

Mrs. Dietrich noted the upcoming Memorial Day Celebration and discussed the tentative program for the day.

Mayor’s Report:

Mayor Jackson requested that Officer Farmer be promoted to Sargent. It was explained to the Mayor that Council must first declare an open position for Sargent. Once a position is open, then the Borough’s Civil Service Commission would open an application period for any eligible officer who is interested in becoming a Sargent to make an application for the position. The Commission would then set up a written and oral exam for the applicants. The applicant with the highest score would be provided to Council for their consideration for promotion. Mr. Rader stated that Council has not declared an open position for Sargent at this time.

Solicitor’s Report:

Solicitor Rabik provided the comments of Rochester Township’s Solicitor regarding the Intergovernmental Agreement between the Borough and Township for fire services. Solicitor Fedeles stated that it was his understanding that the Intergovernmental Agreement itself was never signed, however, both municipalities did approve and adopt an ordinance to enter into this Intergovernmental Agreement and referenced there-in. Solicitor Fedeles stated that he would be recommending that the Township Commissioners sign the agreement for record purposes at their next meeting. Solicitor Rabik stated that he concurred with Solicitor Fedeles and is recommending the agreement be signed by the appropriate Borough officials. The 2 municipalities would need to address item 4 in the Intergovernmental Agreement regarding the funding of future capital purchases for the fire department. Mr. Hill raised a concern about signing the agreement without addressing a capital purchasing plan. After some discussion, no action was taken.

Solicitor Rabik stated that promoting a police officer to Sargent was at the discretion of Council but if Council decides to declare an open position for a Sargent, then Council needs to follow the Borough Code and the corresponding requirements of the Borough’s Civil Service Commission.

Solicitor Rabik reviewed the status of 515 Oregon Avenue. Code Officer Griffith stated that the owner verbally agreed to consent to the demolition and also agreed to demolish the structure himself but has not followed through with either agreement. He has been cited, fined and taken before the Magistrate several times and pays the fines. Code Officer Griffith noted that the house has been condemned. After some discussion, Mr. Robinson motioned to authorize the Solicitor to file a complaint with the Common Please Court asking the Court to grant the Borough permission to have this condemned structure demolished. The property is owned by Sylvester Carlo who resides in the State of Georgia. Mr. Becker seconded and the motion carried.

Solicitor Rabik asked for an executive session to discuss union and non-union employees’ contracts.

Code Officer’s Report:

Council received for their review, the April 2021 Code Officer’s Report.

Code Officer Griffith noted that the Beaver County Mental Health have begun repairs to the retaining wall that collapsed over a year ago.

Code Officer Griffith also noted that a retaining wall recently collapsed off of Jackson Street across from the Post Office. She has been in discussion with the owner to resolve this matter.

Police Chief’s Report:

Chief Mercier presented the April 2021 Police Department Report and Code Report for Council’s review. Chief Mercier review several items from each report.

Chief Mercier stated that he finally received the new rifles for the police cars. The company he purchased them from provided for a trade-in value of $375 each for 5 of the old rifles and $275 for 1 old rifle. Chief Mercier asked for approval to sell the rifles for the respective trade-in value to the police officers who expressed an interest in purchasing them. He also asked that the proceeds from the sale of the rifles be used to purchase scopes for the new rifles. Mr. Hill motioned to approve the sale of the rifles to the police officers for the respective trade-in value and use the proceeds to purchase scopes for the new rifles. Mr. Becker seconded and the motion carried.

It was noted that vehicles have been running the stop sign at the intersection of Pennsylvania Avenue and Deer Lane. The Chief will have the officers watch the intersection.

Mr. Rader showed the Police Chief a picture of a banner hanging in town that had profanity on it. The Police Chief will address that with the resident.

Fire Chief’s Report:

The April 2021 Fire Department Report was presented for Council’s review. Chief Mamone reviewed several items from the report.

Chief Mamone stated that the Department was putting on a presentation for the students at the High School.

Chief Mamone stated that he has notified the neighboring fire departments that our ladder truck is no longer in service.

Manager’s/Treasurer’s Report:

Manager Barrett presented the April 2021 Treasurer’s report for Council’s review.

Manager Barrett stated that he has an appointment with the County Assessor tomorrow to purchase 313 Deer Lane from the Repository. Once the purchase is completed, demolition of the structure will proceed. It was noted that the neighbors, Mr. & Mrs. Ellis, are interested in purchasing the property after demolition.

Mrs. White stated that it might be worthwhile for the Borough to look into refinancing the current bond indebtedness given the low interest rates currently available. Mrs. White also noted the need for a new comprehensive plan for the Borough and that there are some grant opportunities to partially fund this project.

Old Business/New Business:

Mrs. Priest asked Council for permission to use the park for the Martin Luther King Day event they have every year. It is tentatively scheduled for August 7th this year. Council gave Mrs. Priest permission to use the park.

Mr. Robinson stated that he has had several people note that there is no hand railing at the Tax Collector’s house for them to get up her steps to pay their taxes. It was noted that she has handicap access in the rear. Code Officer Griffith will look into the matter. Mr. Robinson also noted that there are some portable basketball hoops in the street and it reduces parking for the neighborhood. The Police Chief will have the officers be on the look-out for those incidents.

Council went into an executive session at 7:47 p.m. to discuss the Police union contract, the Public Works union contract and the non-union employment contracts.

Council reconvened at 8:06 p.m.

Mr. Becker motioned to approve a 2.5% pay increase for the years 2021 and 2022 and change the employee’s health care contribution to 4% each month of the monthly premium for the Public Works union and 2 non-union employment contracts. Mr. Robinson seconded and the motion carried.

Mr. Brothers motioned to amend Article X of the Police Chief’s current contract to read – If Borough Council at a public meeting will have exercised its discretionary powers to terminate this Contract Agreement by two-thirds (2/3) vote of the full Council, the employee will automatically become a member of the employer’s full-time police department as a Sargent and retain his current hourly rate. The employee’s years of service as a police chief will become a part of the calculation constituting his seniority. Mr. Hill seconded and the motion carried.

The meeting adjourned at 8:20 p.m.

Submitted by,

John M. Barrett

Borough Manager