

Jermyn Borough

Council Minutes

February 2, 2017

The Jermyn Borough Council held a council meeting on February 2, 2017 at 7:00 p.m. at the Jermyn Community Center, 440 Jefferson Avenue, Jermyn, PA in the Council Chambers.

On roll call present were: Messrs. Frank Kulick, Robert Parks, John Mark, Dan Markey, Kevin Napoli, and JoAnne Wilson. Absent were: Joseph Smith & KBA. Also present were Mayor Bruce Smallacombe, Fire Chief Ray Rood, Zoning Officer Robert Chase, Atty. Larry Moran Jr., Dylan Reeves & Evan Samuelsen; Junior Councilmen.

MINUTES: A motion was made by Mr. Markey to accept the January 12, 2017 minutes, seconded by Mr. Mark; all in favor, motion carried.

DPW GARAGE BID:

There were two bids for the DPW building.

- Peter & Paula Glass \$15,000.00
- Mark Shuta \$40,150.00

Mr. Shuta is aware of the stipulation with the siren being left on the premises for up to 5 years.

Mrs. Wilson asked if we want to refer it to the committee for discussion until all the legal aspects are drawn up by our solicitor. Mr. Markey made a motion to accept the bid of Mark Shuta \$40,150.00 with the stipulation the siren stays for a minimum of 5 years and contract will be drawn up by solicitor; closing to be determined, seconded by Mr. Napoli. All in favor; motion carried. Mr. Kulick asked Mr. Shuta when he wants to close, Mr. Shuta responded as soon as possible. Mr. Markey was told by the DPW that the DPW can have all their equipment out within 3 days.

COOPERATIVE AGREEMENT – RUSHBROOK CREEK PROJECT: Atty. Moran had asked to strike out certain language out of the agreement before it is signed. If the project goes wrong and certain expenditures that were unauthorized the borough would be responsible. That was taken out of the agreement and we will not be responsible. The shortfall will come out of John Blake's estate budget or the County re-invest.

ORDINANCES: Tax millage ordinance – A motion was made by Mr. Markey and seconded by Mr. Napoli to pass the ordinance establishing the 2017 tax millage of 29 mills. All in favor; motion carried.

An ordinance requiring accountability of organizations in the Borough using “Jermyn,” in the organizations name. On January 1st and July 1st of each calendar year, any Organization in the Borough using the Borough’s name as part of the Organization’s name must provide to Borough Council a list of officers and a financial report of the organization. Mr. Markey said the ordinance may need to be worded a little differently. It was brought to his attention that Jermyn Youth Sports has to comply with this ordinance but what about Lakeland Youth basketball that is using the gym regularly. Atty. Moran said those entities should come here and present their own certificate of insurance, they assume the responsibly and liability and the Borough disclaims that if it is an outside organization. If it is an internal organization there is no such requirement and we are responsible for any mishaps and want to know who the people are who is a part of the organization. Mr. Markey said the reason this originated is because there were parent’s within the Jermyn Youth sports organization that wanted a little bit more accountability towards financials, organization and making sure that proper meetings are being held, voting is taking place and there is an actual board or board members. Jermyn Youth Sports consist of Jermyn Youth Softball and Jermyn Youth Baseball; which are an entity inside Lakeland Little League. Mr. Rood asked how this will affect Jermyn Fireman’s Relief. They would just need to provide a list of officers and financials. Mayor Smallacombe asked if they are asking for an end of the year statement. It will be required for July and January financials. A motion was made by Mr. Napoli and seconded by Mr. Markey to pass the ordinance requiring accountability of organizations in the Borough of Jermyn using Jermyn in the organizations name. All in favor; motion carried.

RECYCLING TRUCK: Mr. Markey said we have to notify the DEP when we are no longer using the recycling truck. They asked what we intend to do with it. We paid 10% of the grant and the state paid 90%. As long as we are selling to another municipality for the purpose of recycling and/or waste reduction we do not have to pay the state back as long as we do not sell it for any more than the 10% that we purchased it for. Mr. Markey said there were about a dozen of municipalities interested. Mr. Markey said one of the problems is we cannot find the paperwork on the grant; we have to go to the state to find out exactly what our portion was. Mr. Markey said there are about 5 municipalities who are very interested in the truck, out of these 5 municipalities how do we decide who gets it. Mr. Parks said we keep 10% and anything over we would give back to the state. Mr. Mark asked if we can use the truck for anything else. Mr. Markey asked the DPW about repurposing it and it would not be cost effective. The state does not guarantee the municipality that wants to buy the truck that they get the money. Mrs. Wilson said we are supposed to be communities helping communities. Mr. Markey said Forest City and Moscow are the two closest that have expressed interest. Mr. Mark asked what the life expectancy of the truck is. Mr. Parks said definitely not more than 10 years. Mr. Napoli said we find out how much our 10% is and we give it to Forest City and Moscow being that they are the closest communities. If either of them cannot do it then we go through

the bid process. Lou Demarco asked what the money can be used for. Mr. Markey said it can be used for anything because it was our money put into that percentage. A motion was made by Mrs. Wilson and seconded by Mr. Napoli to put the recycling truck out for bid to all municipalities in the state of PA. 5 years, 1 no; motion carried.

ZONING HEARING BOARD:Mr. Kulick said we have a volunteer for the zoning hearing board. Mr. Domenick Delprete 542 Garfield Ave. Jermyn, PA. A motion was made by Mr. Markey and seconded by Mr. Parks to appoint Domenick Delprete to the Zoning Board. All in favor; motion carried.

PUBLIC COMMENT:A resident on 411 Washington asked if he can put a sign up for his business. Mr. Chase said there is a list of what you can and cannot do. Mr. Chase will follow up with the resident on the restrictions and guidelines regarding the sign.

Herb Black 563 Washington asked council if he can take care of his own garbage. Mr. Kulick said no it is in the ordinance.

Mr. Rood asked if he will still have access to the siren. Mr. Napoli said the buyer would be willing to build a partition wall and will have no problem working with us with having access to the siren.

Council went into executive session at 7:37 p.m.

Council reconvened at 8:30 p.m.

LETTERS TO REILLY & ZABOROWSKI:Mr. Kulick said we are sending letters that we feel they are no longer entitled to the fringe benefits they have been getting, unless they can prove otherwise they will not get them. Atty. Moran said they are discontinued effective immediately but the door is open if they can prove to us otherwise, council is willing to reconsider.

TAX COLLECTOR GUIDELINES:

Mr. Kulick said tax collector office is up for election this upcoming election and wants to make sure anyone who is interested in running including for the current tax collector understands that we are going to follow the rules on what the tax collector needs to be qualified for. All newly elected tax collectors including the incumbent if reelected must submit a criminal history report prior to be sworn in. Also be required to complete a 2 hour training course. Effective March 2017, require the tax collector to submit a written monthly report detailing the previous month activity and needs to be submitted by the 3rd Thursday of the month. Effective April 2017 the tax collector will be required to attend one of the two monthly meetings every second month to address council and address any concerns. Tax collector will need to establish set hours and keep those hours. They have the option of recommending someone to appoint a deputy tax collector so when

they post the hours on the door someone is there if the tax collector cannot be there. Mr. Kulick said part of the reason for this is because the Finance Committee met with the Auditor and we have over \$100,000 of delinquent taxes; some going back many years. A motion was made by Mrs. Wilson and seconded by Mr. Napoli to have the solicitor draw up an ordinance encompassing the suggestions of tax collector guidelines for the Borough of Jermyn. All in favor; motion carried.

Mr. Mark asked if the two hours and criminal history is at the tax collectors expense. Mr. Kulick said for the basic training it is \$250.00 no one has come and asked if they will pay for it. Mr. Mark said the previous tax collector did. Mr. Markey said he can see us paying for the continued education because it is required by the state. Mrs. Wilson said the \$250.00 would be a benefit to us to make sure they get that education. Mr. Napoli said for the fire companies they pay the fee upfront and upon completion they get reimbursed. Mr. Kulick said in this case if they do not take the course they cannot be the tax collector. A motion was made by Mrs. Wilson and seconded by Mr. Napoli to include reimbursement of up to \$250 for the basic training course for tax collector upon completion of the course. All in favor; motion carried. The tax collector gets \$3.75 per bill for the Borough Taxes.

MINUTES:Mr. Kulick said Mr. Markey went over minutes going back to 2010. There are some items that may have fallen through the cracks and action was not taken. Mr. Kulick provided a list to council members on some items that may have not been completed.

RESOLUTION:A motion was made by Mrs. Wilson and seconded by Mr. Markey to pass the MRM Workers Comp. Resolution. All in favor; motion carried.

REFUSE REIMBURSEMENTS:Mr. Kulick read aloud two affidavits for the garbage fees. They are done in the proper way; both notarized. A motion was made by Mr. Napoli and seconded by Mrs. Wilson to approve Mr. Robert Harvey of 12 Maple St. refuse affidavit of \$165.00. All in favor; motion carried. A motion made by Mrs. Wilson and seconded by Mr. Markey to approve Howard Young 121 Bacon St. Refuse affidavit of \$165.00. All in favor; motion carried.

RENTAL AFFIDAVIT:A motion was made by Mrs. Wilson and seconded by Mr. Napoli to accept the affidavit of Robert Wagner. All in favor; motion carried.

Mr. Kulick said we sent out about 30-32 letters to people that have not submitted the rental permit fee. The letter states they have 30 days to comply. Mr. Kulick said they have been given plenty of opportunity. They can submit a letter requesting hardship. There are some getting letters saying they are a rental but they are not and some refusing to pay. Mr. Kulick said they do have one letter and out of respect he will not read the letter or give out names. They are asking to be excused from the rental fee. They have offered to pay monthly until the \$40 fee is paid. Mr. Mark said if it is considered family living there it shouldn't be considered under the ordinance. Mrs.

Wilson made a motion to allow the resident be excused for this year for hardship, seconded by Mr. Mark. 4 yeas, 2 no; motion carried.

OTHER:

Mr. Markey made a motion to increase the contribution to both the Crystal and the Artisan Fire Co. for 2017 from \$5,000 to \$7,000, seconded by Mr. Parks. All in favor; motion carried.

Mr. Markey made a motion contingent upon verification of reinstatement of physical damage coverage for the fire apparatus for each company, contact the insurance company and drop the physical damage coverage for the fire apparatuses from the Borough's policy; only if the fire companies are paying for apparatus liability to remove that from our policy. Mr. Markey said we get a refund automatically once the coverage is canceled. All in favor; motion carried.

Upon meeting with the auditor Mr. Kulick suggested going forward we only accept check or money order for payments made to the Borough. A motion was made by Mr. Markey and seconded Mrs. Wilson going forward only payments of fines or permits will be made by check or money, no cash will be accepted. All in favor; motion carried.

Mr. Napoli thanked Mayor Smallacombe for having the AED'S donated to the Police Department and Borough.

Mr. Napoli said there have been some complaints about the tractor trailer traffic on Rushbrook. They want to know if there is any way they can reroute the trucks. Pen Dot has been contacted and they will need to do a study to see if it is necessary. Mr. Napoli also addressed the concern of having trucks enter through Bonnie Drive to get to Bardane's instead of using Bridge St. We will have to get the signs ourselves and Pen Dot will place them in the proper spots, we are waiting for Pen Dot's ok on this.

Lou Demarco asked what the Borough's cost may be for the flood control project. Atty. Moran said there has been confirmation that the grant money can be used to pay professional fees including the Borough's attorney and engineer. Atty. Moran said he was told there is no more engineer work that needs to be done. Atty. Moran said he wants there to be room for local labor. It is cheaper to use the local subs.

A motion was made by Mr. Napoli and seconded by Mr. Markey to adjourn the meeting at 9:20 p.m. All in favor; motion carried.