

## **Jermyn Borough**

### **Council Minutes**

**November 16, 2017**

The Jermyn Borough Council held a council meeting on November 16, 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: Frank Kulick, Robert Parks, Dan Markey, Kevin Napoli, Joseph Smith, and JoAnne Wilson. Also present were Mayor Smallacombe, Atty. Moran, Ray Rood and Bob Chase. Absent were; John Mark, KBA and Evan Samuelsen.

Mr. Kulick asked everyone to remain standing for a moment of silence for our former Council President Donald Edwards.

**MINUTES:**A motion was made by Mr. Markey and seconded by Mr. Napoli to accept the minutes of November 2, 2017. All in favor; motion carried.

#### **TREASURER'S REPORT:**

General Fund \$144,991.65, Recycling \$4,856.90; Refuse \$91,970.76, Investment Liquid Fuels \$73,266.55. Disbursements from October 20 to November 16, \$54,920.51. Deposits \$33,257.71. A motion was made by Mr. Smith and seconded by Mrs. Wilson to accept the finance report. All in favor; motion carried.

**PUBLIC COMMENT:** William Langman said the new lights in the parking lot helped him a lot.

**JOHN DEERE REPRESENTATIVE FOR BACKHOE:** Jeff from Five Star equipment – a local John Deere dealer presented council regarding a new backhoe. Our backhoe has some electrical issues. They do not make a machine the same size we have now. The smallest unit is a little bit bigger. He put together proposals so we have an idea on what costs would be and it depends how the machines are specified and there are different payments plans we can get. All of the equipment is now purchased through COSTARS there are special discounts governmental agencies get. Nothing needs to go out to bid, we can spec anything the way we want it and we can buy off the lot or order something.

Mr. Markey said there are a couple different things we are interested in and concerned about. From a financial standpoint we are concerned about finances. He asked Jeff to give a brief overview to the rest of council about how the financing works and if there are leasing options and what Five Star equipment will recommend in a situation for a Borough like ours. Jeff said John Deere has their own finance company which is John Deere credit and most government agencies purchase through Municipal Leases and we can set them up so we have an annual payment, we can do it in advance or if we

have a trade in like in our case, that would be our down payment so we can set it up. We would take a piece of equipment right now and trade ours in and not have a payment until a year from now, that is what most government agencies do. Jeff said he can give us an idea what it would be, we can do 2 years,3,4,5,6 and can even go up to 7 years. A rough idea on numbers on the machine that he priced for us is a machine that they have on order, it is pretty much a basic spec., and it has a cab, 4WD and has all the important features that we would need. The price of the machine is \$89,516. The trade in value on ours \$22,000. There is a filing fee of \$168, if we chose to finance with John Deere, financed amount would be \$67,684. On a 7 year term of an annual payment would be \$11,746 / yr. If we decide to make a payment upfront, it would be a little bit cheaper due to less interest. 6 year would be \$13,273. 5 year would be \$15,548. 4 year would be \$18,908. We can also do shorter terms too. Unfortunately a lot of this equipment in this environment it is corrosive with the salt and it causes problems. Most governmental agencies will update their equipment every 4 or 5 years to keep on top of that and keep warranties on their equipment. Mr. Kulick asked how old the equipment we have now is. Tony Fuga said he believes it's a 04-05. Mayor Smallacombe said these are purchase prices, not lease prices, and is there a lease program? Jeff said those payments are the annual lease payments. Jeff said with governmental agencies, at the end of the lease you own it. There is no balloon payment at the end, it isn't like a car. We will own it. Mrs. Wilson said if we want to purchase another one, can we use that as a trade in? Jeff said yes, you own it and you have equity in it, you can trade it in in 5 years if you took a 5 yr. payment plan and you own it out right, whatever the value of it is that's how much equity you would have to purchase new equipment. Mrs. Wilson asked about the total price? Jeff said \$89,516.06. The way it works right now through COSTARS you get a 39% discount off of the list price of the piece of equipment. It is all broken down on these papers. Five Star equipment is giving an additional \$2,500 off to get to that \$89,516. We are also getting a 5 year full machine extended warranty for 1,500 hours.

Mr. Parks said it is 5 years or 1,500 hours. Mr. Smith asked what the trade in value for our machine right now. Jeff said \$22,000. Jeff said this particular machine that he priced out would be a 2018 and it is one we have ordered for stock and it is scheduled to be in the middle of December. Mayor asked if it has a cab. Jeff said yes, 4WD, heat, AC, 24" backhoe bucket. It is a general spec. it's nothing crazy. Mr. Parks how much weight can the front end pick up. The lift capacity of this machine to full height is 6,800 lbs. That is the full height. Mr. Parks said if we wanted to drop a storm box in the ground, that's what he was looking at.

Donna Stackel asked what this machine is going to do. Jeff said to a lot of Borough's and municipalities when you have a machine like this and you do not have a big budget to have multiple machines, you can load, clean roads, clean intersections, put pipes in the ground, many uses you can use this machine for. Something like this for townships and municipalities you can use it for multiple things. Mr. Smith asked if there is something that is used but that is certified. Jeff said the problem is with townships and municipalities buying used equipment a lot of times they want low hour equipment, you are getting the governmental discount off of the machine, it doesn't make sense to buy

a low hour machine because you are going to pay retail price for it. A lot of the used machines with low hours are going to be very close to what you are paying for a brand new machine. Mr. Smith said very close in what sense? He asked if Jeff had any knowledge if he had something comparable that is certified. Jeff said he has some machines that are used but with used machines you are not going to be getting the 39% COSTARS governmental discount off of it. Whatever the market price is at the used machine it is going to be. Mr. Smith asked if he knew what a price would be like that. Jeff said it could be \$100,000 – \$90,000. Mr. Smith said he would think that type of machine would be a lot better than this type for something used that is going to be greater than this. Mr. Smith said you mentioned this would be a basic machine. Jeff said it's basic; it doesn't have options on it. It's a basic spec. Basic spec for general use. Mr. Smith said so when you say you have a used machine that might cost \$100,000, is that used machine better equipped than this one? Jeff said it could be, there are a lot of specs. Mr. Smith asked if we are comparing oranges to oranges, apples to apples or apples to oranges. Jeff said there are a lot of specs that go on a machine depending on how someone wants it equipped, you can go up to the next model, bigger tires on the machine, bigger loader bucket, you can get different controls in it, it all depends on the machine. Jeff said there are a lot of items you can add onto a machine, lights, and block heaters, etc.

Mr. Smith said he just having a hard time understanding that we have a new machine for \$89,516 and if we buy something he would think similar to this it would cost \$100,000 used. Mr. Kulick said with the \$89,000 machine you get the 39% discount off of the price. Jeff said each piece of equipment that is used, without picking one out and showing it to you, you can have a machine that has 500 hours and you can have one that has 2,000 hours on it, sometimes that machine with 2,000 hours is better condition than the machine with 500 hours. It depends on how it was taken care of and what environment it was used in. There are a lot of variables; it is not like a car. Mr. Markey said before the COSTARS discount, the retail price is over \$124,000. Mr. Markey said what he is saying he can get you one used for \$100,000 but then you do not get your 39% off. Jeff said a lot of times the used machine may not have the full warranty, they may just have the powertrain warranty, they come from the factory with 1 year full warranty and whatever is put on it after depends.

Tony Fuga said the machine that he is talking about now is 2x the machine that we have currently out there. It can do more to lift more. We have to think to the future when we get the creek project in and we have to clean it, we are going to need that capability to be able to reach in and grab things out so that is why we were looking towards that. Mr. Smith asked Tony Fuga if we need something 2x that machine. Tony said the one we have is a good fit for us but it is a little too small, it doesn't really have the lifting capabilities that we could use and a lot of times when we have to do things we have to call other people in to be able to lift because that machine just can't do it. It is an upgrade from what we have but it is still not too big. Mr. Parks said when we put the storm box catch basin in over by the Artisan on Maple St. that wouldn't lift it; we ended up getting Joe Cunningham to bring his over from Jermyn Supply to be able to place the box that one wouldn't pick it up. If it's something we want to do, drainage it would be a

plus to have. Tony said we also got a pallet of tar a couple years back and we actually had to unload half the pallet to get the rest of it off with that because it just wouldn't lift it, it doesn't have the capacity. It is a good machine for what we do but just to have a little bit more would be a better fit.

Council thanked Jeff for coming.

Mr. Smith asked Mr. Markey the price of this machine is pretty high, did you get 3 bids or estimates from different companies that would be similar equipment. Mr. Markey said with COSTARS we do not have to do that but we are not going to make any decisions, the next council meeting we are going to have a representative from JCB come and discuss about what machine will fit our needs. Mayor said F&S deals with New Holland and Kubota and now Kubota are now are as good as most machines out there. They have comfortable sizes too. Mr. Markey said we can call them too. Mayor said they make a pretty good machine now it isn't like it used to be when Kubota was a little farm tractor, now they make excavators and they do bigger backhoes and comparable to price wise they are cheaper than John Deere. John Deere and CAT, you are going to pay more for those. Tony Fuga said the only problem with Kubota is your biggest Kubota is the size of ours that we have now. Mayor said they bigger units. Tony said he already looked into it, they do not. Mayor said he was just down there and they said they have machines that are a lot bigger. Tony Fuga said New Holland does but Kubota, no. Tony said Kubota is not the way to go.

Mr. Smith said he does not know much about heavy equipment but \$90,000 for a machine is like a sticker shock. Mr. Smith said we just started the 2018 budget and he has no idea where we are going to fit a cost like this. Tony Fuga said the problem is, years ago if we did what we should have been doing is replacing this stuff we wouldn't be where we are right now and that is what happened, we let this get to far gone. The John Deere tech came up and fixed it and got it running. Mr. Smith said Mr. Markey explained all that. Tony said it's not like we want a new machine but we are on borrowed time. He agrees it is a lot of money but we do not want to buy something ok its \$50,000 and we can't do anything with it either, we are in that boat too. If you want to spend money at least spend it the right way and buy what we need. \$90,000 is a lot of money, absolutely. Mr. Markey said that is before the trade on. Mr. Smith said it is \$67,000 with the trade in and discount. Mr. Markey said we are having other representatives come.

**MAYOR REPORT:** Mayor congratulated everyone who won their elections, our new Mayor and new council. They put their effort forward to come out and help the Borough. He thanked all those who ran and did not win, they put their effort out. Mayor thanked Mr. Parks for his years and years of service, he did a lot for the Borough.

Mayor said we have a local in town he will be honored for entering the Northeast PA Bowling Hall of Fame – Mark Edwards. The ceremony is Sunday evening; tickets are still available it is \$20 for the dinner. He has been a Jermyn resident now for quite a few

years, he bought a house on the 700 block of Lincoln. Mayor said he has known him for a long time. It is a well-deserved award and congratulations to Mark Edwards.

The police department seems to be going well, we have a letter from Dominic Calzola, he is going to be taking a leave of absence, and he is looking for a new job. Hopefully everything works out for him in the right way. He still would like to stay here part time but he is looking to take some training to move on to bigger and better things for himself. Mayor congratulated Dominic Calzola for taking the effort and steps to improve his life and we will miss him as a full time officer, he did a good job he was very well liked. A lot of the people complemented him all the time, Mayor said he would be on the street and they would say what a great officer he was. He will be missed. Mayor said he doesn't know if we plan on keeping a full time officer or we are going back to part time, his recommendation still is to go back to part time until we can get that grant from the Federal Government. It comes out every year to help pay for that position. Mayor said it comes out in June or July and it comes from Cartwright's office every year and it helps pay the salary for 3 years and if we take that money and invest it we will be able to be able to pay that salary for 2 more years. We would have a 5 year officer paid for and it wouldn't cost us anything extra.

*The Historical Society*- They plan on opening their historical society museum at 520 Washington Ave. on Thursday evenings after the first of the year from 7pm – 9pm. They will try to open at least 1 day a week and maybe two depending on how much help they get. Mayor said you would be thoroughly impressed what they have in there. They are getting more and more every day. Last Thursday night, they scanned over 150 Veteran's pictures, articles from WWII alone where people were inducted into the Army, where they were stationed and pictures of them. There are articles on when they were awarded medals and when they came home from the service. All of it was donated by the Parry family. Mayor said if you need pictures because they are doing the flags in town, if you need pictures we are going to put those pictures on a DVD and have them available so if someone comes down and wants to research their relative they can have a picture they can print out.

Mayor said everything else seems to be going very well, the police dept. is doing a good job as always there are a few little hiccups, for the most part when he talks to other police chiefs and other Mayors in other towns, they cannot get over the fact that we have as few problems as we do in Jermyn. They always have problems, always personnel issues, issues between council and mayor, council and police depts., chiefs, mayors. They can't believe we can continue to work in Jermyn as well as we do between our council and Mayor and Police departments and Fire departments. Jermyn itself needs to be commended for that.

**Public Safety:**Mr. Napoli said the Taurus just came back from getting checked out, the small issue with the fuel pump was taken care of. The Humvee is over there now they are looking at tires just to make sure everything is taken care of. Chief Arthur went to the Federal Surplus and got a free 10 ton lift jack for the police cars. He was also looking into getting a winch to use for the Humvee. Mr. Kulick asked if we are covering

Officer Calzola's shifts without any issues. Mr. Napoli said he will request an executive session tonight to discuss personnel.

**Fire Chief:** Mr. Rood said tonight, Mr. Chase, Mr. Allan and himself were at Comm. Center, they set up a new CAD system. They reviewed it and went through it to show them how it is going to work and it is going to save time dispatching. Mr. Rood said both companies got new email addresses. Before they used to send an email out, that is how he would get his reports. Now you can go search your own reports, they won't send them out but you will have your password and you can go get them.

*Siren* – Mr. Rood said he is not complaining but just making council aware of it, when he went over to blow the siren for the Veterans Day Ceremony, the doors were closed on the closet that we would like to keep open for air. They really should be open for air. The idea that we said what we would do initially, the initial agreement was to put that wall up so just so we can get in and get to the siren and nothing else. Mr. Rood said just so council is aware of it. He was having trouble with text messaging. There was an accident the other day, fire police came out on Washington and he was out with them. One pager went off and the rest of them didn't and they do not think the siren blew. He is going to see if it something on our end or Comm centers end as to why the siren is not going off. Mr. Rood said he gave the keys back to Chief Arthur. Mr. Napoli asked if it is an overheating issue as to why the doors were always kept open. Mr. Rood said from when he became fire chief it was always something that the doors always had to be remained open. The doors were always to be remained open. Mr. Chase said there are a lot of transformers in there. Mr. Kulick said we will have to see if we can get a hold of the owner of the building. Mr. Rood said originally when it was sold they would put up a wall up across there so we can get in that one door only and not go into the rest of his building.

**Zoning:** Mr. Chase said he had a couple of permits for a shed and fences. There were some issues with someone that wants a garage and shed but they have some non-conformity that are kind of interfering that so he is working with them on that. Mr. Chase said he drove by Washington to look at that driveway that was mentioned about, he said he does not see anything there that regards to zoning because they are not building anything and not affecting the sidewalk, it's just someone redoing a driveway. However, he did not go in the back to see what repercussions it's going to cost to the alley way back there. Mr. Chase said obviously he is trying to take care of his water problem on his own but what it is going to do for everybody else. Mr. Kulick asked about the shed on Franklin. Mr. Chase said he drove by yesterday to get the house number so he can send him a letter. Mrs. Wilson asked about the Munley house, that ramp. Mr. Chase said he drove by there and he wasn't sure if somebody just left garbage on their sidewalk or if it was actually a ramp. Mrs. Wilson said it is a ramp. Mr. Chase said he will look into it. Mrs. Wilson said the day she saw it, kids were around there playing. Mr. Chase said the sidewalk comes back so far that is kind of a deep sidewalk so he is not sure if that interferes with the right of way or not.

Mayor asked if the owner of the property with the shed lives out of town. Mr. Chase said he lives there. Mr. Chase said it is Duffy's property. Mr. Chase said the resident told him that he owns that lot and can put it wherever he wants. Mr. Chase said it is in the line of sight and its 2ft off of the sidewalk and does not meet any setbacks and it cannot be on its own property. When Mr. Chase stopped and confronted him about it, it did not go well. Mayor said it is an eyesore; it is right at the edge of the sidewalk.

**Solicitor:** *Pension:* Atty. Moran said because of the size of Jermyn's Police force there is a lot of flexibility regarding the pension plan. We can opt into act 600 which spells out the requirements of municipal police officers to have fully funded pensions. It is optional for the Borough of Jermyn. Generally, the rule of thumb for the Borough the size of ours to have an employee contribute somewhere between 5%-8% of the monthly salary as pension contributions. 8% is the high end and 5% is the low end, the low end would be if the employer also contributes to social security. We have to first determine if any of our municipal police officers are also contributing to social security, if it's not the case then it can be the max of 8%.

*Refuse:* Atty. Moran said at the time he didn't have a problem as to what was being proposed he just wanted to double check. Atty. Moran said the law is that we can charge what the fee is authorized under the ordinance and we can use that for limitless purposes as long as it ties to the elimination of refuse. A chipper would fit that. We can use garbage money to purchase a new chipper and there is no restriction of putting that into an interest bearing account and it should be.

Atty. Moran said a letter was left for him for a request for reimbursement for a liability insurance policy deductible, it is a reasonable request except the news is news to him that it was a settlement of an employee. He suggested that the Borough requests a copy of the settlement agreement that we had to pay the deductible for. When and if we pay the deductible the public money being spent and that settlement is public record and the terms of conditions of that is also public record. Right now whatever happened here which he honestly does not have any insight to, could be very well be privileged and it can stay that way if we do not pay the deductible. If we pay the \$289 than that is public money that was spent. His advice is to follow up with EMC and ask them what the terms were and if we can have a copy of that settlement agreement. This might be a claim that we initiated about a year ago that we got a letter representation from a civil right attorney. Atty. Moran did not think it went anywhere.

*Paper Street:* Mr. Kulick asked about the paper streets. Atty. Moran said he would like to see a list of the paper streets, it was never provided to him. Atty. Moran said we need to know what they are identifying as a paper street and go to abiding property owners and that is how you secure the easement. A paper street is just that, it's something that appears on a map but it doesn't exist in reality. The Borough has no responsibility for it; we have no ownership unless we assured some kind of ownership or use of it. We have to know which paper street you are identifying and we have to look at the map and see who the property owners are and go and talk to them to obtain the easements that way. Atty. Moran asked if we had a list. Mayor said one is River St. the very end of it where it

goes in through the creek. Atty. Moran said we would need a parcel number so we can see who owns the adjoining property. Mayor said the other one is the alley that goes out to Rushbrook from Lincoln Ave, which doesn't exist. Atty. Moran said they are not looking to make use of the whole segment are they. Mayor said they want to know whether we are going to take control and ownership of or are we going to leave the ownership to the abiding property. Atty. Moran said no we are not considering ownership and it does belong to the abiding property owner.

*MS4:* Mr. Kulick asked if there was an MS4 permit ordinance. Atty. Moran will have it for next meeting.

**Shade Tree:** The Hometown Heroes banners started on November 11. We have a dozen applications already submitted with the checks so far. Mrs. Wilson said we have a few asking for certain poles and if it is possible we will do it but it will be on a first come first serve basis. Mrs. Wilson has contacted 4 businesses and told them they can have a banner honoring someone either from their business or their business themselves honoring part of the military. Mrs. Wilson said we want to do 53 banners which are the decorative lights. It will not be the silver harness it will be the black powder coated, it is costing the shade tree more money but we thought it would look better and a neater look to the decorative lights. We are not including that in the \$150.00, it will all balance out in the long run. The other poles will have the silver harness and so far the rate we are going, we may have more than 53 so we will continue with the 700 block and all the way down and on Rushbrook as far as we can go. Mrs. Wilson said may be she is overstepping but the only thing is the DPW, we have to work with the DPW and maybe 53 is all we can handle this year to put up.

Mr. Rood asked if these are going on the light poles or the telephone poles. Mrs. Wilson said they are going on the decorative light poles on Main St. Mr. Rood said the light poles that were put in when the sidewalks were put in. Mrs. Wilson said there will be two on the right side where there is parking and on the left side where there is no parking; there will be one banner over the sidewalk. Mr. Rood said as long as they are high enough that the fire trucks do not hit them. Mrs. Wilson said we will work with the DPW to make sure. Mr. Rood said as long as they are higher than 12ft. Tony Fuga said they will be over the sidewalks.

Mrs. Wilson said the concert is the 2<sup>nd</sup> Sunday in December and it is the 25<sup>th</sup> anniversary of the concert. We hope we have good attendance and a nice celebration for that weekend with the parade.

Mrs. Wilson said she had a lot of complaints about our doors, the front door and the side door. Mrs. Wilson said we have one estimate and will be getting some more prices from other people and at the Finance Budget she will present it then. Mrs. Wilson said she hopes we have some money that is in this budget that we can at least do one door before the winter months come in.



**Finance:**Mr. Smith said the Finance committee started the budget. There is a lot of work involved and there is a lot of homework involved. The next meeting will be Sunday evening and he thanked those that are on the committee, Mrs. Wilson and Mr. Markey. Mr. Smith also thanked the Borough Secretary. Mr. Smith said one of the discussions we had was about the police pension fund. We are required by law that we have to fund the pension for the two full time officers, even though there will only be one. We will probably get \$20,000 back from the state so it would cost the Borough about \$17,000.

**DPW:**Mr. Markey said that Tony and Joe installed the new LED lights in the parking lot and thanked them. Mr. Markey said we installed outlets in the back of the building. In 2018 we are going to work on a labeling project; we are going to take an inventory of all of our assets, large and small. We are going to put asset tags on everything, label everything so we know exactly what we have so we can get a valuation of all those things and get it over to the insurance company if anything should ever happen to the equipment. We will have everything accounted for.

Mrs. Wilson said incase people see us out and about, the trees have been ordered for some people for personal property that is next to the road that we allow. There will be trees that will be delivered and planted, hopefully this week.

**Fire Co. Liability Insurance:**Mr. Kulick said he was not at the last meeting but he understands that Mr. Jeff Kyle was here from DGK and explained it. The way he understands it is that we reverted back to the way it used to be with the Artisan. Mr. Chase said yes. With the Crystal that is not the case. Mr. Rood said he had a meeting so he could not be here at the last meeting, he talked to Mr. Kyle afterwards and as of right now all our insurance is on us at the Crystals. Mr. Rood said Mr. Kyle had one of the secretaries send him a liability cost. At our meeting it was brought up and Crystal would like to keep it the way it is as far as them having their insurance, we would get reimbursed for that cost for liability insurance. Mr. Kulick said wasn't there something if insurance goes through the fire co. they get better protection. Mr. Chase said he briefly spoke to Mr. Rood and he met with Jeff Kyle last Wednesday and he came to us and presented that the liability policy itself is going to revert back to the Artisan but the bill for it would still come to the Borough, it would create a savings for the Borough in that aspect we would get better coverage because of the umbrella policy.

Mr. Chase said it would just take the billing aspect of that liability off of us and onto the Borough. Mr. Smith said it was a win win situation. Mr. Chase said it was, he saw it on paper and it worked out. We brought it up to our meeting and we approved it pending council approving it. Mr. Smith said to Mr. Rood are you saying the Crystal does not want us to handle their liability policy. Mr. Rood said he was not at the meeting, when you say handle do we want you to pay for it, yes, the Borough always paid for it. We want it under our blanket policy, before it was under the Borough's policy. Mr. Markey said it was always covered until you guys took the liability on the trucks back and put it on your own last year. Mr. Markey said instead of just taking physical damage off ours, you went and took everything. Artisan kept the liability with us paying it and put the physical damage back on theirs. Mr. Rood said so the Borough is going to pay the

liability and the Crystal is going to be responsible for the physical damage. Mr. Chase said no what they are saying is, the policy is going back to you but they are just getting the bill. Mr. Smith said we are keeping the liability policy, which is cheaper if it comes to the Borough and we pay it but it's with you guys. Mr. Chase said before they had the policy, now we get the policy and they get the bill.

Mr. Rood said he agrees with that if it is a savings for everybody but he cannot make that decision. That has to be a body decision like the Crystal had to have a body decision. Mr. Rood said he has a meeting this Wednesday, so he can bring it up this Wednesday meeting and explained to them the way it was explained to me. Mr. Rood asked what does he do just call the Borough Secretary and let them know or let someone know. Mr. Kulick said if the policy stays under the fire co. policy and the bill comes to us you get better coverage and we pay less money. Mr. Smith said he does not think a phone call is sufficient in this case; he thinks the Crystal would have to write us a letter officially asking for us to reinstate their liability policy. A call is not going to be good in this case. Mr. Smith said we should have something in writing. Mr. Markey said for the Artisan, we are taking the Captain's word. Mr. Smith said he would take Ray's word any day but we would want something in writing saying they are officially asking us. Mr. Markey said he thinks there are other things that should be discussed too.

Mr. Rood said the liability insurance would stay in Crystal's name or the Artisan's. Mr. Smith said probably the best thing is to have the Crystal and the Artisans here together and have a discussion with them. Mr. Rood said we kind of did at our Firemen's Relief Meeting. Mr. Smith said you weren't at our last meeting and you didn't know exactly what was said and wasn't said because there are some conditions that have to be discussed. Mr. Rood said and that is what we do not know and that is why if there are conditions. Mr. Smith said it was discussed at the open meeting. Mr. Rood asked what the conditions are, he has to go back to the meeting and say what the conditions are. Mr. Smith said one of the conditions if the Borough pays for the Fire Co. Mr. Kulick said we can stipulate not who is going to drive the fire trucks but who won't drive the firetrucks, not by name, in other words if there someone that are currently under a DUI for example or have a traffic violations for moving traffic violations, we do not want them driving the fire truck. Mr. Rood said he can get him a copy of that and Mr. Napoli should have a copy of that and there should be a copy in the office. When he became Fire Chief they set up SOG's, which he brought to Jermyn Borough and it was approved by council and that is in there if you get an accident or something like that it has to be reported. Mr. Markey said in your SOG it says if someone gets into an accident driving the fire truck then they can be given a breathalyzer test but it doesn't say that if you are already have had a DUI even in your privately owned vehicle then you cannot drive the fire trucks. Atty. Moran said it would be good practice especially what is going on right now, there is confusion, put it in a letter and we will have a record of it, formally request and the Borough will respond back and we will have a file. Mr. Rood said he will have Jeff Kyle come down Wednesday night. Mr. Kulick said next meeting we can have a letter from both fire companies. Mr. Markey said what about possible additional insured stipulations. Atty. Moran said yes if we are covering the insurance than if there is a loss on your truck then we submit the claim and the Borough gets paid unless we indicate

that you are additional insured and a loss payee which means you are authorized to get the check from the insurance company. Mr. Rood said that is where some of the confusion came, if our truck is damaged, where does it come into play. Atty. Moran said it's the same concept of landlords who make tenants get insurance policies for their rented space and in the lease it would say you must add me the landlord as the additional insured because if something is damaged that the rented space I own, I don't want the check going to the tenant. It is a function of underwriting; we just have to make sure we are talking to the carrier since the Borough is paying for the policy then the Borough is a loss payee but so is the fire co. because if the fire co. experiences the loss the fire co. would want to be made whole with the compensation.

Mr. Markey said this last meeting that Mr. Kyle was here, not everyone was here so he wants to clarify and we have it on record to stipulate. DGK misinformed the Borough as to how much the fire co.'s would be saving, how much the Borough would be saving and he knows that happened at a fireman's relief meeting on Sunday and Mr. Markey was blamed for the whole thing. Mr. Markey asked why he was getting blamed at a fireman's relief meeting. Mr. Rood said he was not blamed; your name was brought up because you were a part of the negotiations being in insurance, and you did not get the blame.

*Council went into executive session at 8:16 pm*

*Council reconvened at 8:54 pm*

*Letter of Resignation:*

Mr. Napoli read aloud a letter from Dominic Calzola – To Chief Arthur, Mayor Smallacoombe and members of Jermyn Borough council. Formal resignation of full time patrolman for the Jermyn Police Dept. and Code Enforcement officer, he would like to remain part time status for the police department. Officer Calzola thanked council. Mr. Napoli regrettably made a motion to accept Dominic's Calzola's resignation for full time position with a stipulation he remains a part time officer and also resignation of code enforcement officer, seconded by Mr. Markey. All in favor; motion carried. Accepted with regret.

*Letters of Interest:* Mrs. Wilson made a motion to accept letters of intent or applications for the appointed positions of police chief, borough engineer, zoning officer, fire chief, code enforcement officer, LST collection and solicitor for the 2018 year. They should be received in the office by December 31, 2017, seconded by Mr. Markey. All in favor; motion carried.

Mr. Kulick said for the next meeting in December he would like all of council to look at some of the ordinances that require fines and also to look at the rental unit ordinance so we can review those for next year.

A motion was made by Mr. Napoli and seconded by Mrs. Wilson to adjourn the meeting at 9:00 pm. All in favor; motion carried.