

Jermyn Borough
Council Minutes
April 19, 2018

The Jermyn Borough Council held a council meeting on April 19, 2018 at 7:00 p.m. at the Jermyn Community Center, 440 Jefferson Avenue, Jermyn, PA in the Council Chambers.

On roll call present were: Kristen Dougherty, Dan Markey, Kevin Napoli, Cynthia Stephens and JoAnne Wilson. Also present were Mayor Fuga, William Aquilino, Tony Grizzanti, Ray Rood, Bob Chase. Absent were; Frank Kulick

MINUTES:

A motion was made by Mr. Napoli and seconded by Mrs. Stephens to accept the minutes of April 5, 2018. All in favor; motion carried.

TREASURER’S REPORT:

General Fund \$146,517.24, Recycling \$5,705.73; Refuse \$66,732.34, Investment Liquid Fuels \$43,804.22, Liquid Fuels Checking \$79,401.79. Disbursements from March 16, 2018 to April 19, 2018 including 2 periods of payroll \$91,000.03. Deposits \$142,530.03.

A motion was made by Mrs. Dougherty and seconded by Mrs. Wilson to accept the treasurer’s report and bills as presented, all in favor; motion carried.

Public Comment:

William Langman – He went away on December 4 and came back on April 11. He wanted to know if there was some way he can get a rebate on his garbage collection since he was not home at that time. Mr. Markey said the only way you per the ordinance that we give a rebate on the garbage is if no one resides in the household for the entire year and you pay the fee upfront and then we have an affidavit for you sign and get notarized and then we would reimburse the garbage fee.

Riley – Chickens in Jermyn- Chickens eat bugs that will harm your garden, such as slugs, ticks, beetles and more. We can also use chickens in Jermyn because they can provide eggs so we don’t have to waste energy with cars and use money to buy eggs. 3 million birds each year are crammed into cages, far too small and they will eat food scraps like fruit and vegetable peelings, bread, cooked beans and rice. Chickens are just perfect for gardeners. They will get rid of weeds, next year you will be amazed at your neat and tidy garden. They will also be a perfect pet. Please let chicken in Jermyn. Mr. Napoli thanked Riley for coming up and is to be commended because she did her homework and checked into details and statistics that one would like to know about chickens. Before we make any decisions, Mr. Napoli said he appreciates all the hard work she put into this. Mr. Markey said we will take your suggestion under advisement and it will be discussed.

Correspondence:

Mr. Markey said he received a letter, it's a complaint letter that was addressed to the council president, with him being absent tonight he asked Mr. Markey to address it. Mr. Markey said he would address it, however the letter is not signed so if the letter is not signed, he is not going to read it. If someone has an issue with someone else's property they can take it up with the code officer which is our solicitor, William Aquilino or they can sign their letter and it will be read at a council meeting. If you are going to submit a letter and not sign it then it will not be addressed, plain and simple.

Code Violations:

Mr. Aquilino said the Borough issued 6 or 7 initial code violations in related to the Borough code. He had the opportunity to speak with several people and some have been very cooperative. Joan Crawford 308 Franklin – Front stairs and back stairs have fully or partially collapsed and are structurally unsound, causing hazardous conditions to residents, visitors, and elderly female residing on premises. Right side of porch roof and right side of house roof, sagging and have structural deficiencies.

We received no response from James or Joan Crawford. They will be fined retroactive to the date of service of the notification. We will proceed to district justice court.

Mr. Markey said he is going to comment on that one, he is going to ask for input from the fire chief, police chief and engineers. Mr. Markey said anyone who has driven by this property probably knows which one we are talking about, without even seeing pictures. Mr. Markey said he wants some input as to whether you feel is safe, would you send your people in there? Would EMT's go in there? Mr. Markey said this might be one of the more severe cases that we might have to talk about eviction and possible condemnation. Mr. Rood said he has not seen the side back steps in a long time. He put a roof on that 30 years ago and the sides the way it is coming off now, it has to be leaking someplace inside. With the steps there, something has to be getting in there, how sound is it inside? To get somebody to even go inside would be a chore, he wouldn't use the steps probably a ladder to get somebody out. Mr. Aquilino asked if it would be a potential safety issue for fire personnel and EMT's? Mr. Rood said yes just from the exterior. Just the exterior to get into the building, never mind getting out of the building. Mr. Rood said he would never go on that front porch. Mr. Rood said he hasn't been in the back to see the back steps, he doesn't know how they get in and out of the house. Mr. Napoli and Mrs. Stephens said the side door.

Chief Arthur said he's not familiar with the inside but unfortunately our department isn't in the position to pick and choose what we do.

Chris Wendolowski 708 Madison Ave – Front steps have collapsed and area is a danger to occupants and visitors. Condition of front of residence is attractive nuisance to minors. Porch removed from front of home and has inadequate lighting. Boarded up windows make home unsecured. Mr. Aquilino said he has not heard anything from Mr. Wendolowski. We are going to have to issue further code enforcement proceedings and fines retroactive to notification. Mr. Markey said last year Officer Calzola caught some youths in the basement of the property. It is not secured, people can still get in. The bilco doors are also torn off. Mr. Rood asked if anyone knows if that building was cleaned out. Mr. Rood said he will not send anyone in that building. Mr. Markey said he thinks Mr. Wendolowski was warned before and when he gets warned he

comes and throws some things in his dumpster for a day or two and then disappears again. Mr. Markey said it's a vacant property as of right now.

Jason Ogozaly 709 Washington – Mr. Chase said he was contacted by an Ogozaly for permits. Mr. Aquilino said the permits will come from NEIC correct? Mr. Chase said correct, generally. Ken and John Marino from NEIC were present at the meeting. Mr. Markey said Jason was in this week to get permits. Mr. Markey asked if that house can be repairable. John Marino said anything can be if you have the money. Mr. Aquilino asked if it has to be shaved to the ground and start up from the foundation. Mr. Marino said no not necessarily, it depends on how much money you want to spend. Mr. Aquilino asked if this is a situation where they are going to spend twice as much as the property is currently worth. Mr. Marino said it's a possibility. Mr. Markey said we have two issues there. Do we still have violations the property that is actually being lived in right now? Mr. Aquilino said we have violations at 709, we may have not inspected the associated property. 709 is abandoned. Mr. Markey said it is not boarded up. It is not secured. Mr. Chase said Jason Ogozaly contacted him April 10 and asked him about process of restructuring the house and wanted to know if you can tear it down and build in the same foot prints. Mr. Aquilino will contact Mr. Ogozaly, depending on his response we will decide if we will move forward with the proceedings.

Richard and Theresa Edwards 200 Hudson – Theresa Edwards has been in contact via telephone, email and in person. They have made a lot of improvements to the property, including removing the construction material garbage. He spoke with her again this evening, she outlined her plan to get the vehicles off of the property. She indicated that her garbage fees were paid. The enforcement proceedings will be suspended until he has yet to reinspect the property. She has made significant efforts.

Charlett Mollis 614-616 Washington – Shirley McCeal was present, the daughter or Charlett Mollis. Ms. McCeal resides at 616 Washington. Mr. Aquilino said the address of the violation is 614-616 Washington Ave., we have the owner as Charlett Mollis. Mr. Aquilino asked if she was available to come today. Ms. McCeal said no she wasn't. Is she the sole owner of the property? Ms. McCeal said yes. Mr. Aquilino asked how many people reside at 614-616 Washington Ave. 14 people. Mr. Aquilino asked for the names of those at the property. Mr. Aquilino asked how many of those people are renting units, paying rent, subject to a lease or are unrelated to you? Ms. McCeal 3 apartments are unrelated and yes, they are all paying rent. Mr. Aquilino asked if she secured the required rental permits. Ms. McCeal said no she has not. Ms. McCeal said because stuff gets sent to Ms. Mollis. Mr. Aquilino asked if there are leases for the 3 other units? Ms. McCeal said yes. Mr. Aquilino asked if she has copies of the leases and provide them to the Borough Secretary when she comes in and pays her rental permit fees and fill out the applications. Ms. McCeal said the violations for the house, the only thing that didn't get done yet is the garage. Someone came out to look at that today and she will have an estimate for the garage tomorrow, he came and looked at it today. All the other violations have been taking care of. Mr. Aquilino asked if the taxes have been paid on the property and are up to date? Ms. McCeal said no. Mr. Aquilino said we cannot issue you a rental permit if the taxes have not been paid.

Mr. Aquilino said the violations included garbage and detritus in and around exterior of property and curtilage, repair roof of garage structure and remove tarps, or remove garage. Remove abandoned vehicle in rear or vehicle. Abandoned snowmobile in rear of property. Ms. McCeal said all of that other than the garbage fee has been taken care of. Mr. Aquilino asked if there was garbage around the exterior of the property at all? Ms. McCeal said no.

Mr. Aquilino said unfortunately, one of the things we will have to look into, he will communicate with her via correspondence after today. There are 4 families living in rental property without the required rental permits and you can not get a rental permit according to the applicable ordinance unless you have your taxes paid. He will have to look into that further and communicate with her about whether or not the renters can stay in the property.

Chief Arthur said as you know we cited her previously, she said she is responsible for that property. There seems to be some discrepancy on what she was telling us and what her daughter is telling us. Chief Arthur suggested whatever correspondence is sent out make sure its copied to her and her daughter. The magistrate told her she is responsible. Mr. Aquilino asked if she is the building manager. Ms. McCeal said she is purchasing it off of her daughter. Mr. Aquilino asked if there is a mortgage note? Ms. McCeal said yes. Mr. Aquilino asked her to drop a copy of that off when she comes to look into the permit for the taxes and provide the leases.

Frank Mangan Jr. 610-612 Washington Ave. – Roof structure being unsound, the deficiency has caused water damage in one or more of the apartments in that building. It's a concern because small children living in that building. Mr. Aquilino said back in March it was discussed of getting the property repaired. Is the roof repaired? Mr. Mangan, we talked after April 1, it wasn't in March. The date you asked to have the work done would be 60 days from March 15, 2018 – he became aware of it April 1, 2018. He had intentions to replace the roof long before this but he was waiting for the snow to get off the roof, he contacted a contractor and he gave him a date of about the end of this month. He since talked to him since he saw the first leak and saw some water coming through one of the apartments, only one of the apartments. It's the apartment with 1 or 2 children. He is at the top of the work list and is expecting probably to start work right after the weekend. He has to get a permit. This work will be started after the weekend.

Ron Dean- currently living in the rear with his children. Mr. Aquilino asked if his apartment is in a livable condition. Mr. Dean said no it is a not a safe environment especially for my children. Mr. Aquilino asked him to provide additional information. Mr. Dean said he has 8 leaks in 5 different rooms when it rains, it comes down 2 different walls and is near electrical outlets, the one area is right inside the light fixture on the ceiling. All these complications didn't arise until he had moved in after a couple of months. He did his actual inspection and everything was up to par for the most part besides for a little cosmetic work. He was told the major things would be taken care of in a timely manner. Mr. Dean said the timely manner has come and gone. Mr. Aquilino asked if there are open circuit boxes. Mr. Dean said there are maybe downstairs, it has a lock and key. The one tenant has the key. Mr. Aquilino asked if any of the ceiling material is coming down because of the water? Mr. Dean said it is, in his daughter's bedroom. Mr. Aquilino asked if he investigated the hung ceiling in one of the bathrooms. Mr. Dean said he found that the ventilation light fixture, the light itself only works the fan does not and the exhaust is not ventilating. Mr. Aquilino asked if that is a potential mold problem. Mr. Dean said it is.

Mr. Mangan said he looked in that very same place with a flashlight and it was as dry as a bone. He came into Jermyn about 15 years ago and picked up this piece of property that was falling apart, an eyesore and potential crack house. He said he has a vested interest in Jermyn and wants to keep everything looking well and up to date. Mr. Mangan said he also knows from experience, when tenants fall behind on their rent and this particular case with Mr. Dean, he's worked with him in the past to catch up with his rent and he came through once or twice. This time he did not and only paid half of the month, his experience is that the tenants falling behind on their rent look to get as much time with rent free habitat as they can and they do it by calling code enforcement officers, they go to the police. This is just his experience. All it is a stall for time for free rent, that is the case here. Mr. Mangan said he admits, he went through every apartment and there was some water leakage in his house and he wouldn't say it was dangerous, it is going to be fixed. His contractor said he could put up a tarp but why bother when he can start fixing the roof and he would fix his area first. Mr. Markey said none of your tenants contacted the code enforcement officer. The code enforcement officer was hired by Jermyn Borough council in January. The big hole in your roof is the reason. Mr. Mangan said you can't fix it with a foot of snow, only last week we saw it disappear. Mr. Markey said your accusations of your tenants calling the code enforcement officer and deduct rent are unfounded here and irrelevant. We are talking about the conditions of the home, not whose paying rent and who's not. Mr. Mangan said he is here to respond to the code notice he got and as the code enforcement officer explained to me. We are replacing the whole thing anyway. He was waiting for the snow to melt. Mr. Markey asked if he has a property manager for that property. Mr. Mangan said he is, he does the best he can, he has a tenant that has been there 7 years, he calls anytime something happens and its addressed right away. Mr. Mangan said he has to protect his investment and to do that is do good by the town of Jermyn, he doesn't want Wilkes-Barre or Scranton. Mr. Markey asked how long Mr. Dean has been there. Mr. Mangan said 6 or 7 months. Mr. Dean said 4 or 5 months.

Mr. Markey asked if there was a hole in the roof then. Mr. Dean said yes, he didn't notice it because of the angle. That particular hole does not cover his residence. Mr. Mangan said that hole has nothing to do with his apartment. Mr. Aquilino asked if he has rental permits for all 4 of the units. Mr. Mangan said yes. Mr. Aquilino asked if he can provide the rents to the Borough Secretary Monday or Tuesday. Mr. Mangan said sure. Mr. Mangan said the contactors have been delayed. Mr. Aquilino asked who the contractor is. Mr. Mangan provided Mr. Aquilino with the work order for the roof. Mr. Aquilino asked if people are paying rent for the damaged apartments. Mr. Mangan said the damaged apartment is Mr. Dean's and it has a water leak in 1 or 2 places, nothing he would call crazy but he wants to fix it anyway. Mr. Aquilino asked when is his rent paid through? Mr. Mangan said he paid half of the month, this month. It's paid through April 15, he is behind for April. It is due on the first of the month. Mr. Aquilino asked if he has a lease. Mr. Mangan said a written lease, no. Mr. Aquilino said what is the lease situation. Mr. Mangan said it is a verbal lease, month to month. Mr. Aquilino asked what a verbal lease. Mr. Mangan said a verbal lease is when you don't have a written lease. Mr. Aquilino asked what the terms for the verbal lease are. Mr. Mangan said month to month.

Mr. Aquilino asked about the notice to quit. Mr. Mangan said Mr. Dean advised him that he will be leaving in a month in a week or two, because of his history of falling behind in the past and his willingness to work with him, he knew he was having money problems somehow. He falls

behind and all of a sudden, he calls and makes complaints with the local government, said he will leave in a week or two. Mr. Aquilino said just to be clear, he is the one that cited the property based on visual inspection. Mr. Mangan said that is perfectly fine and you did the right thing. Mr. Aquilino said let's focus on the notice to quit. Mr. Mangan said that's why he got the notice to quit. Mr. Mangan said he works with the tenants as long as they pay their rent they stay there, they don't pay their rent he has to get rid of them. He tells me he is going to be out in a week or two. He was supposed to go see another landlord about getting a place and get back to me and he never did. Mr. Mangan said he presented him with the notice to quit, if you are going to leave like you said you are then this isn't a problem, otherwise he goes to court and cuts his losses. Mr. Aquilino said does the notice to quit say he was in violation of his lease. Mr. Mangan said yes. Mr. Aquilino asked what it said. Mr. Mangan said he didn't pay his rent. A verbal lease can be terminated. Mr. Markey said so you can put any terms in this verbal lease that you want to. Mr. Mangan said he doesn't have any terms in it, it's between him and I when he comes in, how much is the rent, you pay it you stay and if you don't you go. Mr. Markey said you said he violated his lease when he came to code enforcement officer and started complaining. Mr. Mangan said he did not say that. Mr. Dean said he never had to deal with any kind of situation like this and that is the only reason why he pursued contacting you because he had seen you already come prior for the problem. Mr. Dean said you gave me a notice to quite one day after this alleged rent would even be due. The first was a Sunday so therefore from the date that he paid it would be up until the 17th, since he paid on the 3rd. Mr. Mangan said this will all be settled in the magistrates, what does this have to do with code violations. Mr. Dean said after 2 weeks it would be the 17th not the 16th.

Mr. Aquilino said his concern is the code enforcement officer which relates to punitive measures against Borough residents for reporting violations of the Borough Code, that is his concern. Mr. Mangan said that is not what happened. Mr. Aquilino asked if Mr. Dean pays his rent for the end of the month and pays next month, is he going to be removed from the premises. Mr. Mangan said he already discussed that with Mr. Dean and he asked him if he wanted to stay. Mr. Aquilino asked Mr. Dean if the property is repaired in a timely manner and you have the rent money available would you like to stay in the apartment. Mr. Dean said no. Mr. Aquilino asked how much time he needs to move out. Mr. Dean said two weeks. Mr. Aquilino said we are probably going to inspect the property on Saturday, he will call in advance to let him know so he can be available. Mr. Mangan said he doesn't know if he can be there Saturday. Mr. Mangan said you advised me about the roof, its going to be replaced and we are going to do it ASAP, the contractor is moving him up because he is a priority. What is the purpose of the inspection so soon? Mr. Mangan said he doesn't want to live there anyway. Mr. Aquilino said we have a property that has a hole in the roof for a substantial amount of time and the information we got today, indicates the hole in the roof isn't even over the property that is leaking so it makes me wonder if any of the other properties are leaking, that is something we have to identify. He spoke with the fire chief who has provided additional information today about what happens to properties that have leaking roofs related to structural integrity and is concerned about the safety of the residents.

Lou DeMarco said some of the neighboring Borough's do yearly inspections on these properties. As a landlord, he is all for that because it maintains a record of safety. NEIC does the inspections for Mayfield. Mr. Markey said as you know we had some issues going back and forth since we

appointed a code officer, we put someone in that didn't know how to do it right, we learn as we go. It is already in our ordinance that the code officer is to go in and inspect every rental unit on when they apply for a permit. That is something that we are going to start doing. If it's not in there about every time there is a tenant change, then we will look to amend that as well. Mr. DeMarco asked what code or ordinance are they looking for? Is there a certain building code or Borough code? Mr. Aquilino said the property maintenance code. We rely on the expertise of the UCC codes. Mr. Markey said adopted the UCC code. For a short time, we adopted the International Property Maintenance Code. Mr. Markey said we wanted to adopt something that was recommended to us by the PSAB. We switched over to a Jermyn Property Maintenance Code in July of last year. It is not quite as comprehensive of the property maintenance code itself, we rely on the UCC code.

Mr. Markey said that was round one, we are not done yet. People who didn't care enough to show up tonight, we will be proceeding immediately with further enforcement whether its daily fines, going to the magistrate eventually per the code, shutting down properties and forcing people to vacate for safety reasons and eventually it could turn into a situation where the Borough has to demolish and take over. We do have safeguards in the property maintenance code to eventually get our money back. There is going to be a second wave, it is going to start very shortly, if you have a friend or neighbor whose property is not up to code and they have not been addressed tonight; they will be. We have people who just from the story from the Times today have contacted us to complain about other properties.

Mayor:

Mayor Fuga said this past weekend when we had our 75-degree weather and now it's snowing. Mayor said he noticed that there were some complaints on social media about quads riding up and down the streets. Mayor asks that if you do notice that stuff, please contact the police. Getting on social media and complaining is not going to take care of the problem, calling the police will. If you want something done, please do that and it will make a big difference. There are people that have quads that are just trying to go from point A to point B into the woods and then there are the other ones going around town that shouldn't be. They are the ones that are the problems and the once that should be taken care of.

Police:

Chief Arthur said we have issues with quads, every town does. It's a hard issue to solve. The good people, they are going to stop. The bad people that are creating the problems, they are the ones that run and cause accidents. If people call in and we have times and locations or they know who is doing it then we can watch their house and cite them that way when they come back or when they are leaving. We try to identify the riders or the machines, you will see them parked in the yard. Eventually they get cited and get caught.

Chief Arthur said so far this year they have had 915 incidents through the year, which is pretty high. Mayfield Police and our department have been doing random checks on Mayfield Elementary School. Currently we are involved in the blighted property with the code enforcement officer. We are enforcing the garbage ordinance, last week we had 7 violations of people on the delinquent list putting garbage out. We have a long list this week also. We are going to check today and tomorrow and cite the violators of that list.

Chief Arthur said we are doing ongoing speed checks with the Enrad system around town. We spoke to the Mayor and he is in agreement us and Mayfield police are jointly doing operations in the both towns which is better for both towns. We are making a bigger impact that way. Chief Arthur said in the near future, the Mayor is looking into getting the tape for the road, the thermoplastic tape for the timing. In the near future we will run speed in different locations with a stop watch also. We are still doing the bus stops, church traffic, house watch checks.

Chief Arthur said with the mass incidents around, shootings and bombings, he urges people to go out and take a first aid or CPR classes. If anything happens around here, a mass casualty incident, we will be able to use whatever help we can get. If people are trained in first aid and CPR it may make a difference of life or death. He urges people to get training. A lot of ambulance companies will do it for free. It could make a big difference. Mr. Markey said Jermyn's claim to fame is that we are the birthplace of first aid in America. Mr. Markey said as many as we could have first aid and CPR certified the better. Mr. Markey asked Cara if she can work with Kevin and research and find out any local areas that are giving CPR and first aid classes. Mr. Markey said to see if we can get a class together for the public, if there are any local classes that people may be able to attend, lets find them and get them listed on our website. Mr. Markey said RA at Cottage was kind enough to waive his fees, but we want to make sure we have enough money budgeted to have a class per month in 2020 to give free first aid and CPR classes for residents in Jermyn. Maybe 10-20 students per month for each month. He wanted to see how much interest there would be.

Zoning:

Mr. Chase said he received several permit applications this week. Mr. Chase said he has had a couple of messages and one person interested in opening a trucking company on Bonnie Dr. and another message in regards to a fence. The only permit he has that he is still working on is at the Windsor. Mr. Chase said he received an application today for the sign for the gun shop. Mr. Markey asked about the shed on the corner of Franklin and Madison. We did not receive any correspondence back. Mr. Chase said that is ready to go to the magistrate, we sent certified letters. Mr. Markey said we need to proceed there since he is not cooperating. Mr. Markey said Mr. Chase tried to talk to him. Mr. Chase said he refused to do anything and since then, we sent letters twice with no correspondence.

Mr. Markey asked about Mr. Bomba. Mr. Chase said he has to talk to him, the weather hasn't been cooperating. Mr. Chase said when the weather is cooperating we will find out when we can move it, he has been in contact with him. Mr. Chase said Mr. Celli filled out the paperwork. Mr. Chase received a call from the ATF and he is looking for some more information. He is looking to do different types of work there, that may require another permit. Mr. Markey asked Mr. Marino from NEIC if Floyd Celli applied for a building permit. He should have filled out his permits. He filled them out recently. Mr. Chase said he has been doing work for a long time.

Fire:

Mr. Rood said other than the smoke detectors we talked about before, people asked for 3 or 4 smoke detectors, it's not going to happen. We can't do it for two reasons, he gets a total of 24 and 12 goes to the Artisan and 12 to the Crystal. They gave out 10-year ones too, 3 to each

company. If you can afford to buy one, buy one. Save it for the people that can't afford it. He will not give them to apartment buildings. There was a problem over across from Rapid Pallet. He was notified two days ago. Mr. Rood asked if they are out of there now? Mr. Chase said it looks like they are cleaning up. Mr. Rood said they had a big bon fire at 1AM. He spoke to Chief Arthur and he talked to his guys to watch it. They might be all gone by now. Mr. Rood said its been a couple of meetings now, if we ever found out the solution for the old DPW building. Mr. Rood said to put up a wall. He was supposed to put up a half wall. When you first walk in the front door, you turn to your left there is a closet there. The closet has the electrical and the controls to the siren. Right now, police chief has a key to the building incase we need to get in there. What the fire chief is stating is that, during the original agreement when we sold the building to the purchaser is that they would put up maybe an 8ft. wall when you go in just so that we would have access to the siren controls and only the siren controls and nothing else. That didn't happen. Atty. asked if it's a written agreement. Mr. Markey said there is a sale of agreement. Mr. Rood said he doesn't know if that was the final agreement but it was brought up, it was a concern.

Mr. Chase said the Artisan had delivery of their new fire truck and the insurance information should be forwarded to us. Council congratulated the Artisan on the new truck.

Tax Collector:

Collected 157 garbage fees for a total of \$19,625.00; 163 tax bills \$53,101.80. for the month of March. Mr. Markey said if she needs any supplies to order them through the Borough secretary.

Secretary Report:

There were a few concerns about a resident regarding another resident, this will be addressed with zoning. The leaf vac. Grant was submitted, gym floor grant was submitted. Revised estimate for the Woodlands Sewer Grant was submitted to DCED, the grant will cover the camera work. One residents came in for a yard sale permit on Washington Ave. The last payment of the Bridge St. loan was paid. Shane from Wayco was provided with Tony's number to contact him to schedule a time to meet up regarding the cracks in the roads that were paved. PennDOT Maintenance of roads is supposed to come out and check John Gasper's curb. The delinquent garbage list is sent out to County Waste weekly. Recycling brochures are being sent out with the newsletter. We have to educate our residents twice a year on recycling to be in compliance with the submission of our leaf vac. Grant.

Solicitor:

Atty. said we have four resolutions and ordinances that council asked to draft for today. *Resolution #12-18 Revenue Anticipation Loan* to pay for the Ford 550 with plow and spreader in the amount of \$81,296.00. We have to pay for the truck and get reimbursed by the grant. A motion was made by Mr. Napoli and seconded by Mrs. Dougherty to allow the Borough of Jermyn to seek a revenue anticipation loan/note for \$81,296.00 for the grant for the 2018 F-550. All in favor; motion carried.

Resolution #13-18 Transfer of funds within Borough Accounts. It was recommended by our auditor to transfer the funds of the sale of the DPW garage out of the general fund into the DPW Capital Reserve Account. A motion was made by Mrs. Dougherty and seconded by Mr. Napoli

to transfer \$28,718.63 from the General Fund into the DPW Capital Reserve Account. All in favor; motion carried. Mr. Napoli said we are doing this to make sure we ear note this money for something we want to use it for. Just so we know where that money exactly is from the sale of the DPW Building.

Resolution #15-18 Sale of Borough Property with a value of less or equal to \$1,000. Permitting the Borough of Jermyn to sell tangible property with a value of \$1,000 or less without the vote or approval of Borough Council. Mr. Markey said we have some used equipment with the DPW, some unused and its been sitting around old. As of right now, we have to have a vote of council to sell anything that we value over \$50.00. It's a little tedious, go out to municibid and have to wait for a meeting and then have to wait for another meeting to approve the sale for something that is lesser value that's why he asked for this resolution tonight. Mrs. Wilson asked if council be notified after the sale? Mr. Markey said yes. It will all be in the treasurer's report. Mr. Napoli made a motion, seconded by Mrs. Stephens to adopt resolution #15-18 to allow the Borough council without vote of Borough Council to sell tangible property up to a value of \$1,000 or less. All in favor; motion carried.

Ordinance #14-18 Registration of Businesses operating within Jermyn Borough. Atty. said this was initially proposed at the April 15, 2018 meeting. One of the concerns raised by one of the residents was to what businesses it would apply, at the request of council to further define business. Mrs. Stephens asked if this is for businesses that are already here or just new businesses? Atty. said that had been raised earlier and what we had decided to do was initial compliance for current businesses would be 60 days after the official adoption of the ordinance and then for on going no later than January 31. Atty. said the purpose of the ordinance as it was written relates to the collection of information to assist not only the tax collector, council, code enforcement, fire dept, police dept and would necessarily exclude the majority of businesses who have an LLC with a registered address at their home for example contractors that work offsite. That is a person who has a job, not a person that has a business in Jermyn. Mr. Chase said when it was brought up about the rental agreements it was only made \$10.00 just so we know who the people are that own the apartments and was not supposed to be a money making thing and all of a sudden a year or two years later the fees get sky rocketed, when he asked why did the fees sky rocket the answer was, because they require more police presence and everybody else is doing it. Mr. Chase said that is the answer he got and he sees this as a stepping stone, its \$25.00 now but somebody tries to have a business is trying to start a business its just another permit fee, another tax. Mr. Chase said he understands why it is needed but thinks there are other avenues for that. Mr. Rood said he is an Inc. so he would be included in that. Atty. said he would have to know more about his business. Mr. Rood said he does house plans, he has people come to his house once in a while. Atty. said the intent of the ordinance is where there is constant foot traffic. Borough council has the opportunity to determine what the initial fee is in the ordinance, Mr. Kulick had initially suggested \$25.00 and that is what was put in the ordinance, it's a draft ordinance.

Mr. Markey said the rental unit ordinance and what was adopted in 2002 at \$10.00, from whenever until we hired a property maintenance code official, it was in the rental unit ordinance that the code official can and should inspect all rental units on a yearly basis. It was right around the same time that we hired a code enforcement officer. The increase of the fees coincided with the hiring of a code official and we had planned to the whole inspection thing. Mr. Chase said

that wasn't the excuse at the time. Mr. Markey said this is open for discussion if anyone has any comments or questions about it. Mr. Markey said we are only voting tonight whether to advertise it or not, we are not voting to pass it. Mr. DeMarco said do we need the fee? Can we just have the registration. You said the rental fee is going towards inspection, which makes sense that its explained that way. What is this fee going towards? Mr. Markey said this fee from his understanding goes towards the upkeep and maintenance of first of all the business registry. Mr. Rood said an administration fee. Mr. Markey said we are 1 square mile, we are not getting rich off of this ordinance. Mr. DeMarco said what if it doubles or triples. Mr. Markey said we have no bearing on what future councils would decide to do but we do not want to make this punitive and we understand and recognize that the businesses we do have in town are very good to the Borough and the residents of the Borough and different organizations, baseball and Shade Tree, Rec. committee, fire Co's, police dept. This is not to be punitive but its basically an administration fee, we would take his information that we acquire from here and we would make sure with the fire Co's, not just this tax collector and also Berkheimer who is our LST collector to make sure the taxes are being in collected in town as well and also with the police dept. Mrs. Stephens asked it has to be done every year? Mrs. Stephens said she doesn't see that, if its an established business that has been here for years, having to register every year to me is just crazy, the fee every year. Mr. Markey said a lot of these businesses that do business in the town, have to secure licenses and permits and things like that from other places and we want to make sure they are up to code with that as well. Mr. Markey said so that is why we are asking it on a yearly basis, we want to make sure this is an on-going thing not just a one and done type of thing.

Mr. Markey said he isn't saying necessarily that there is this type of business in town but if you're an auto mechanic and you have a lift and you employee people. If you have customers who are in your shop, they shouldn't be in the shop but if they are and one of these lifts fails or something like that, then we could possibly be liable. We want to make sure proper permits are secured and equipment is up to code and inspections are done. Mr. DeMarco said from a public standpoint, we are talking about a lot of fees. Last meeting a sewer fee was discussed. \$25.00 and \$40.00, it all adds up. Next meeting is going to be a sewer fee that is less than 10% or 5% of the Borough. Most of us aren't even on the sewer system, it's just one more fee and they all add up. He agrees with Mr. Chase, its additional revenue streams, not so much for you guys but the next council might increase fees. Mr. Markey said he understands that some of you may feel like you are getting nickel and dimed to death. Just from researching, other Borough in Lackawanna county, if you move to another Borough the chances are you are probably paying more money for more ordinances, different fee schedules. Jermyn doesn't really have that much in a way of fee schedules. If you are going to have rental units here in town, yes. If you have a business that meets these qualifications, yes. Mr. Chase said there are a lot of other towns that don't have any of those. Mr. Markey said that is true. And how are there roads? Mr. Chase they are actually pretty good. Mr. Rood said he went down to Old Forge/Moosic, Jermyn was like golden streets. Mr. DeMarco said Old Forge's rental unit is \$100.00. Mr. Rood said he understand the reason for the business registry ordinance. A motion was made by Mr. Napoli and seconded by Mrs. Dougherty to advertise Ordinance #14-18 The Business Permit Ordinance. 4-1 vote- motion carried.

Grant Committee:

Mrs. Dougherty said the grant was submitted for the floor in the gym, we did receive a message back that the cart system and covering we wanted to purchase to lay over the floor if someone wanted to rent it or be used for an event other than a sport, is not eligible for that grant program so that was deducted from our budget amount. The floor is still good to go. The only thing we had to remove was the cart and covering system. We will look into alternatives for that and possibly look into either another grant or additional funding sources for that, minimal costs as far as the overall scheme of the grant. We also received a letter that Senator Blake sent to the DCED showing support of the grant for us. Mrs. Dougherty wants to thank Senator Blake's office and Jeff Cavanaugh who was really great to work with throughout the process.

Shade Tree:

Mrs. Wilson said the Lazy Duck Race will be held Memorial Day. Mrs. Wilson said she was called by Bruce Smallacombe that the centennial committee for the 150th anniversary will be meeting this Sunday at 7pm. He was hoping that the doors to the building would be unlocked for their meeting.

The Shade Tree Commission with approval of council, had 3 DPW employees attend the pruning and trimming of trees at the University of Scranton by Penn State Program. They attended and the fees were paid by Shade Tree. Mrs. Wilson asked if it was informative. Mayor said it was, we learned a lot. It was very informative and we did learn a lot and we are going to put our new-found education to use down on Old Mill Rd. at the Newcomb property because we had a tree fall over and he informed us that they are our trees, so we will take care of them. All that fighting back and forth and he said they were his trees and he was going to take a heart attack if we cut them. One fell over and the Chief went down to take care of it and told him to cut it and all of a sudden it became our tree, we are going to take care of them. The Shade tree had also paid for your outfits, suits and some materials and equipment out of the Borough Shade Tree account. The Shade Tree will also be putting finishing touches on the garden for pollination of butterflies and bees over at Mellow Ct., it is all cleaned up and we will add more mulch to that.

The Shade tree commented on how wonderful the landscape looks over there with all the volunteers and everything. Mr. Markey said Mrs. Wilson helped out too and thanked her.

Mrs. Wilson said we will be doing the main St. trees in the greenway, we have to get good weather, it was scheduled to start the beginning of April. We will get rid of all the weeds and backfill with mulch. That will be done hopefully before Memorial Day.

The Events Committee has applied and wants to thank Council for allowing us to apply for the culture Arts \$500.00 grant.

Memorial Day- Shade Tree was contacted, American Legion and they are all fine with the ribbon cutting on Memorial Day with the council, legion and the Shade Tree, cutting the ribbon at the Windsor and then progressing down to the start of parade at the convenient.

The Shade Tree is respectfully requesting approval for the following annual spring activities scheduled as follows: Jermyn Arbor Day Monday April 23 at 6Pm at the Crystal Fire Co. The

Jermyn/Mayfield girl scouts have accepted the invitation to plant the tree in celebration of National Arbor Day. The Arbor day tree will be planted at the Crystal Fire Co., following will be held a pizza party at the fire company dept. All participants and guests are asked to come. We would appreciate the council membership and Mayor Fuga to proclaim April 23 Jermyn Arbor Day and execute the following forthcoming proclamation at the council meeting. The Mayor Council Membership are cordially invited to attend the ceremony and social afterwards. Mrs. Wilson said this tree is going to be planted in Honor of the Deceased Members of the Crystal Fire Company. It will be placed at the corner of Madison and Bacon.

Jermyn Clean Up Month – April 23 to May 25. This includes National Earth Day, April 22, 2018 and Arbor Day the 27th. Earth Day and Arbor Day pertain to the importance of recycling, clean air and clean environment. Jermyn clean up month would involve all organization and residents to clean up in front of their homes and businesses of the winters dirt and debris. The Shade Tree will advertise and place flyers announcing Jermyn Clean Up Month. The date for cleanup for rt 107 & Washington Ave, Scout Corner will be Saturday May 12, 2018 tentative with times to be announced. Shade Tree will travel to Lakeland School District 4th grade classrooms to instruct and share with the students these important dates and environmental activities, they will distribute booklets, recycling sheets and plants to the students in Scott and Mayfield

Jermyn Town wide Yard sale June 2-3 rain date June 9-10 – Jermyn Shade Tree Commission will sponsor in partnership with Jermyn Borough Council – first weekend of June. The yard sale continues the celebration of Earth and Arbor Day by focusing on recycling. Hours of sale Saturday 8am-6pm Sunday 11am-6pm. The Jermyn Shade Tree will post flyers and letters to the churches, fire companies and other organizations for their participation in their own way and notice of this activity. All yard sale items must be on the property of the owner and not interfere with pedestrian or traffic flow.

Mrs. Wilson said by this notice and its approval, we are hereby asking that the Jermyn Police, Fire and DPW departments be notified of the above town activities and approved for their future assistance if the need occurs.

Mr. Markey said just for clarification, the town wide yard sale; the residents do still need to obtain a permit and it is free. Mrs. Wilson said she has to disagree. Mr. Markey said you are sponsoring it which means your picking up the advertising costs. Mrs. Wilson said it was asked previously to this. Mr. Markey said it was never voted on. Mrs. Wilson said why would you have a town wide yard sale and have them do permits. Mr. Markey said for the reason you just said that you are going to request police. Mr. Markey said there was no vote. Mrs. Wilson said it was discussed. Mr. Markey said we said that night do the people still need a permit and you said yes they do. Mrs. Wilson said that was never brought up. Mr. Napoli said you just said it was brought up. Mrs. Wilson said we said we needed the permits when an individual on a specific place on their property, yes they need a permit. Mr. Markey said its free let them get it, they can get it off of the Borough website and mail it in. Mrs. Wilson said its just paper and she disagrees because we are sponsoring it so we do not have all these yard sales all year. We are sponsoring it for people to come into town. Mr. Markey said it should count towards one of their yard sales for the year. Mr. DeMarco asked if there is a maximum we are allowed to have? Mr. Markey said you can have 2 per year. Mrs. Wilson said she disagrees. Mrs. Wilson said if she knew the

people of Jermyn would have this yard sale town wide counted as one of their yard sales, Shade Tree could have brought it up but she would have never presented it. It's not fair. Mr. Markey said it is going to be in the newsletter that they are going to need a permit so if you want to go ahead and tell everyone differently, he will leave it up for the rest of the council. Mr. Napoli said he will meet halfway, it shouldn't be counted against them but they should still get a permit. Mrs. Dougherty made a motion that it does not count against 1 of their 2 permitted yard sales per year and permits are required, seconded by Mrs. Stephens to allow the town wide yard sale on June 2-3 rain date June 9-10 with a permit required however it does not count against their two yard sales per year. Mr. Markey asked are there set times. Mr. Napoli said he thought last year we said we weren't going to do that. Mrs. Wilson said she will just take it out when its advertised. Mr. Napoli said its usually sun up to sundown. All in favor; motion carried.

A motion was made by Mr. Napoli and seconded by Mrs. Dougherty to have Jermyn clean up month from April 23, 2018 to May 25, 2018. All in favor; motion carried

A motion was made by Mr. Napoli and seconded by Mrs. Dougherty to allow Shade Tree Commission Arbor Day Ceremony at the Crystal Fire Co. Monday April 23, 2018 at 6PM in memory of the deceased fire fighters. All in favor; motion carried.

Safety:

Mr. Napoli said the radio in the police car went down about a week in a half ago and it will be getting replaced, when the bill comes it will be about \$1,000 and it is in the budget.

Engineer:

Mr. Markey asked Tony Grizzanti if he has heard from the USDA. Mr. Grizzanti said no he thought he was supposed to come and meet with you guys. Mr. Markey said we were just wondering because he did tell us the same thing and he never contacted us. Mr. Markey said the question came up last meeting, when this sewer line was done that was just camera on Garfield, when that sewer line was put in, who is responsible for Borough oversight at that project? Mr. Grizzanti said there was no one that was there so he isn't sure who would be responsible. Mr. Markey asked if KBA was asked to go over? Mr. Grizzanti said no.

Finance:

Mr. Markey read a letter from Mr. Kulick-Finance Chairman- Finance group met with Joe Garvey from Barbetti to review the audits from 2017, the results of the audit are excellent with things in order and well accounted for. There is a suggestion by Mr. Garvey with capital accounts and he will do some preliminary work at no charge to the Borough and he will report that at a later date. Another suggestion was to remove the funds from the DPW sale from the General Fund to the DPW Capital Reserve. Finance will present a detailed report at the July meeting covering the 6 months of the year and will begin the budget process for 2019 in August. If anyone has any questions and would like to see a copy of the municipal audit and financial report that we report to the DCED, it will be available for inspection in the Borough office.

DPW:

Mr. Markey said we are still waiting to hear back from the USDA to schedule a visit to the jobsite regarding the DPW garage. We already made a resolution tonight for a revenue anticipation note to borrow to pay upfront for the 2018 F-550, which we will get reimbursed by the grant. That brings up our next item of business here. The 2002 F-550, which we are replacing with the 2018, we want to look to sell that as well. The Mayor did some research and is figuring a value right now for that vehicle, we are selling it with plow and spreader. We are going to value it between \$10,000 - \$12,000. Mr. Markey said we can't have an in between. A motion was made by Mrs. Stephens and seconded by Mrs. Wilson to allow the sale of the 2002 F-550 with plow and spreader valued at \$12,000. All in favor; motion carried.

Chicken Ordinance:

Mr. Markey asked if the ordinance committee could look into the chicken idea that was brought up tonight. Mr. Markey suggested to come up with pros and cons and if the pros outweigh the cons we will get with the solicitor to draft a sample ordinance. Mr. Chase said since it is a zoning issue can you run it by zoning. Mr. Chase suggested that we talk to Mayfield because they do have a good set of ordinances that dictate what you can and can not have in size and such. Mr. Chase said he's enforced people having chickens and there were problems and it was bad. As long as its done properly, it can work; he is not opposed to it. Mr. Markey asked the ordinance committee to get with the zoning officer as well and discuss the pros and cons and if the pros outweigh the cons and if its feasible for Jermyn to do it.

Wayco Roads:

Shane from Wayco was given Tony Fuga's number to coordinate a time to meet with him regarding the cracks in the roads. He did not make contact yet.

Vonage/Adams:

Mrs. Wilson said we have a committee meeting of the DPW and the grant committee the 2nd Thursday of the month and since she has brought it up and, on those committees, she asked Adams to send a representative down to those committee meetings on May 10 at 6:30 to discuss what we can do. Mr. Markey said we can table that until after the committee meets with Adams. Mrs. Wilson said she doesn't want to change anything that is already with Adams. Mr. Rood said in the agreement with Adams from day one, the fire companies always got free tv. We didn't have to pay for tv. Then Mr. Rood asked as fire chief because of having to send out reports, we were with Adams for so many years, if they would include the internet with it. They did, they put internet and now they charge us for tv now. Give us free tv because he can get the internet for free from skype. It is costing us more and the budget that we are on, let us go back to the original way. Mr. Rood asked if they would consider putting it in their package as a gift for Jermyn Borough as Adams being their supplier. Mr. Rood said the only thing the Borough pays at the Crystal's is the phone, there always was that because of the way the county had the system set up for reports. Now each company makes their own report, that's why he asked last time when Adams came about that they put the internet in each fire co. as goodwill a long with the tv. They put the internet and then took the tv out. He can get the internet for free from skype. Mrs. Dougherty said the internet is written into the franchise agreement at no cost. Mr. Rood said but the tv was at no cost before so now they wrote the internet in and charge us for tv. Mrs. Dougherty said the most recent agreement was signed 2-3 years ago maybe a little longer. She asked for the franchise agreement, it stipulates that there will be no charge for the internet and it

does include the fire co. in there. Mr. Rood said before we were getting cable. Mrs. Dougherty asked before the agreement? Mr. Rood said yes. He suggested they give us the tv back for free. Mrs. Dougherty said well unfortunately someone signed a 20 year agreement, that would be the solicitor's questioning. Mr. Markey said that date is fine and have them show up to the committee meeting, he said he has asked the solicitor to do some research in the meantime about Mrs. Dougherty's franchise fee idea. That is why she requested a copy of the franchise agreement. Mr. Markey said we can possibly see if we can find a way out of the agreement.

New Business:

Mr. Markey said this is new business but its actually old business. We got a grant for \$50,000 to pave the parking lot. According to KBA when they did the estimate for the grant and he thinks they did this to help us secure more grant funding, the estimate came in at \$106,000. We do have to have this done by June 2019. Right now, we already know the solicitor did his homework and we can take revenue anticipation notes for things like these. We have to know what we are looking at first. Mr. Markey said he thinks it's a good time to put it out for bid. Mr. DeMarco said you are going to pave the parking lot before you put the building up. Mr. Markey said no we want to put the building up before we pave the parking lot. Mr. Markey said we should at least put it out for bid. A lot of the building is going to be taken up with the greenspace anyway. Mr. DeMarco said but the trucks are going to run over a brand new lot. Good luck getting a bid now and someone is going to hold it to you for another year for a paving project. Mr. Markey asked if they hold? Mr. DeMarco said no because the index changes. You get a bid now and they won't hold it to you for a year. Mr. Markey said we have to table that because we want to do the building before we pave the parking lot. He didn't realize how long the bid would hold.

Mr. Rood said he has a comment that has to do with revenue, he saw in the paper that the county is going to want to put a \$5.00 tax on us for licenses. Council said it got defeated yesterday. It was a vehicle registration fee.

Mrs. Stephens asked if we heard anything back from the County. Mr. Napoli said about getting our meeting about the project. No one has heard anything. Mr. Napoli said Gary is the one that said the reason it is being held up is because we don't have easements.

A motion was made by Mr. Napoli to adjourn the meeting at 9:50pm, seconded by Mrs. Wilson All in favor; motion carried.