

Jermyn Borough

Council Meeting

5/20/21

The Jermyn Borough Council held a council meeting on Thursday, May 20, 2021 at 7:00 pm in the Council Chambers of the Jermyn Borough Building, 440 Jefferson Ave. Jermyn, PA 18433.

The meeting was called to order by President Frank Kulick with the Pledge of Allegiance.

On roll call by President Kulick, the following members were present: Frank Kulick, Kristen Dougherty, Carl Tomaine, and Kyra Davey. Mayor Fuga, Attorney Aquilino, Bob Chase, and Amanda Rzucidlo were also present. Robert Hunt, Cynthia Stephens, Kevin Napoli, Jim Perry, Bob Chase, KBA, Nicole Stephens, and Stanley Hallowich were absent.

**Minutes:** A motion was made by K. Dougherty to accept the minutes of 4/15/21 as presented. Seconded by K. Davey. All in favor, motion carried.

**Treasurer's Report/Bills Payable:** F. Kulick presented the Treasurer's Report for May 20, 2021:

**ASSETS**

Capital Reserve - DPW	10,398.35
Capital Reserve - Police	3,690.18
Crime Watch Fund	755.44
General Fund - Community	315,600.38
General Fund - FNB	2,807.75
Holiday Lights Fund	516.14
Investment - General Fund	1,001.52
Investment - Liquid Fuels	33,813.98
Investment - Paving Fund	1,011.88
Investment - Recycling	5,003.42
Investment - Refuse	2,600.22
Liquid Fuels - FNB	63,409.54
Petty Cash	151.42
Recreations Fund	13,569.25
Recycling - Community	7,773.52
Refuse Checking - FNB	146,364.88
Total Checking/Savings	608,467.87

Accounts Payable 26,246.89

A motion was made by K. Dougherty to accept the treasurer's report and pay the bills as presented. Seconded by K. Davey. All members in favor, motion carried.

**Ratify Bills Paid on 5/5/21:** A motion was made by C. Tomaine to ratify bills paid on May 5, 2021. Seconded by K. Dougherty. All members in favor, motion carried.

**Correspondence:** F. Kulick read a letter from the Crystal Fire Company regarding their 1<sup>st</sup> Annual Golf Tournament. They are asking for hole sponsors for \$75, or donating items to be raffled off.

F. Kulick read an unsigned letter regarding a property owner collecting junk in East Jermyn. Attorney Aquilino stated we do not act on anonymous complaints. In addition, Attorney Aquilino stated that the house is in Jermyn, however the garage that is housing the junk is in Archbald Borough. The Archbald Code Officer is aware and is or will be addressing the issue. R. Chase stated he has dealt with the same issue last year.

F. Kulick read another unsigned letter regarding a complaint in which the author accuses a property owner of violating the dust ordinance. R. Chase asked if the author lived in Jermyn? F. Kulick stated we don't know because the letter is unsigned. R. Chase said he will speak to the property owner about it.

**Public Comment:** Judy Zabel of Madison Ave. addressed council about the possibility of having a First Responder Appreciation day. She needed a police officer last year, and was very impressed with the professionalism of the police, and have seen the fire, EMS, and police in action, and thinks they do a superb job. She stated we could string a banner across Main St., make a meal for each first responder, etc. She moved here from Nebraska, and stated Jermyn is a nice community, and she thinks people will be willing to pitch in. She is proposing a community fun day in the fall. The first responders would get free meals. We could have a bake sale, craft fair, flea market, etc. to raise funds for the first responders. She would like to be on a planning committee for this. There could be an essay contest on why Jermyn is a nice place to live. She would recommend that the Lakeland band perform. F. Kulick suggested maybe Mrs. Zabel would like to speak with the Events Committee regarding the idea. He stated she could speak with Joanne Wilson or Katie Hosie, who run the Events Committee. Mayor Fuga stated that Randy Parry would like to have a block party on the 700 block of Jefferson Ave, and maybe this could be incorporated. Mrs. Zabel stated this is a phenomenal community, and it deserves to be celebrated.

Arthur Dimoupolis stated he owns a home at 204 Bacon St. He is from Northern Virginia, and has been an attorney for 30 years. When he purchased the home, he remodeled it and purchased for his mother. He met with D. Markey to obtain roof permits to bring the building up to code. In 2019, he filed an affidavit of non-rental. He states the home has never been rented, and the ordinance states that it governs rental property, and this is not a rental property. He stated he received a letter from Mr. Aquilino stating that there is a bench warrant for his arrest. He had to drive 5 hours here, shortly after having surgery, had to fill out the same form twice, and it's not being rented. He asked W. Aquilino if the charges would be dismissed since he is compliant, and W. Aquilino stated no, we're seeking damages. Mr. Dimoupolis stated the case was dismissed. Mr. Dimoupolis asked if he is wrong that this is supposed to be a rental ordinance? F. Kulick stated the rental ordinance is to be updated. After Mr. Dimoupolis left, W. Aquilino stated much of what Mr. Dimoupolis said was incorrect; for example, his case wasn't dismissed, but rather he finally complied with the ordinance. W. Aquilino stated that people will get three or four letters before going to the DJ. This gentleman changed his address, and apparently never got the letters.

**Police Chief:** Absent.

**Fire Chief:** Absent. F. Kulick read a report from Chief Hallowich. The Jermyn Fire Department responded to the following number of calls this year: January – 6, February - 5, March -5 , April -8 , May to date – 6. One firefighter was injured with a weak spell during a fire at Scott Township, who was transported to the hospital and later released. From May 4 & 5, the Jermyn Fire Department assisted area departments with 6 responses,

pumping numerous basements, and a working structure fire. On May 18<sup>th</sup>, Jermyn F.D., Mayfield and Eynon departments assisted the Jermyn Police Department on an incident at the Jermyn Housing Project. Chief Hallowich stated a significant tragedy was averted, and gave a sincere thank you to fire and EMS personnel. F. Kulick asked R. Chase regarding the training required to be able to respond to a fire? R. Chase stated that there are minimum levels of firefighter training required by the state, and then each company requires specific training based on the task you're involved in. W. Aquilino stated we're looking at different things with insurance, and inquired about training required to be on scene? Is there any way to segregate or limit the people who can respond, in case there is an explosion or something? R. Chase stated there is a set of Jermyn SOPs setting forth the guidelines. He stated Chief Hallowich is very strict as to who is allowed on scene and who is not. C. Tomaine stated the question is well taken because of risk management. F. Kulick stated he just wanted to confirm that no untrained people will be going in to a burning building.

**EMA Director:** Absent.

**Solicitor:** W. Aquilino stated that D. Markey has asked him to write an ordinance to be able to accept donation of property at 701 Washington Ave. He just needs the deed. W. Aquilino also stated that D. Markey is on vacation next week and the borough office will be closed.

**Code Enforcement:** W. Aquilino stated we're going from snow to grass. If the grass is above his knees, he will send a warning letter, and if not handled, will file a citation.

**Zoning Officer:** R. Chase stated he's had several permit applications.

**Engineer:** Absent.

**Junior Council:** Nothing to report.

**Tax Collector:** Absent.

**Mayor:** Mayor Fuga addressed ATV's, loud exhaust, etc. He stated there hasn't been too many problems thus far with ATV's, however there's been complaints about loud exhaust. We don't have decibel meters, so the PSP would be more equipped to handle those complaints. The exhaust issue should actually be addressed during inspection, but that doesn't happen. Loud exhaust is not cause to pull over vehicles. Mayor Fuga stated the police are hitting Rushbrook St and listening for jake brakes. He did pull at least one truck over for the jake brakes. The police are out doing the best they can, and can't be everywhere at once. ATV issues have been mild in Jermyn compared to other neighboring towns.

**Planning Commission:** Absent.

**Public Safety:** Absent.

**Finance:** C. Tomaine has nothing to report.

**Shade Tree:** Absent.

**Grants:** K. Dougherty has nothing to report.

**MS4:** Nothing to report.

**DPW:** T. Fuga stated that with the past rain events in early May, by being proactive, we've been able to avert a lot of issues. The leaf collection program is huge in preventing flooding. We don't have the leaves caught in the catch basins anymore due to the leaf collection program. The water got to where it needed to go. He

thanked Council and the Borough Manager for being able to get equipment to provide services that help the residents. Things like this make a big difference.

**Recreations:** K. Davey stated we will be starting the movie nights shortly, hopefully beginning next weekend.

**Borough Manager:** F. Kulick stated that the tax collector reconciliation is almost complete. Some complaints were received after the very hard 2"/hour rainfall. A resident of Gibson St stated another catch basin needs to be put in. Mayor Fuga stated he looked at this, and even if we did put in another catch basin, there's nowhere to pipe it to, so there's not much we can do there, without it costing a lot of money. We had a lot of rain, all at once, and with a rainfall like that, a catch basin wouldn't even matter. Some other residents had complaints about flooded basements, backed up sewers, etc. There was a concern about a low spot around Laurel St and Davis Ct, that may cause flooding in big rain events. Mayor Fuga and R. Chase spoke about the issue for several minutes, and Mayor Fuga stated we can look into it and see if there's something we can do to raise the low spot. F. Kulick stated D. Markey's report states there are a lot of homes in town that illegally have their downspouts run into their sewer lines, that is probably contributing to these issues during heavy rains. F. Kulick read about a sewer issue on N. Old Mill Rd. Mayor Fuga explained that when he went down and pulled both manhole covers, and everything was running smoothly. The LRBSA was here and jetted as well. Mayor Fuga stated we need to have the sewer videotaped to see if there are any issues. F. Kulick stated Mrs. Truman at 248 Delaware St is asking if the grass in front of her home can be blacktopped because she's having issues with vehicles driving through it and it's getting very hard to mow. The council agreed that as long as the homeowner is paying for it, there would be no issue, although no formal vote was taken on the issue.

**Dwight Ave Paving:** F. Kulick stated D. Markey messed up the telephonic quotes, as the quotes last month were not apples to apples. He stated that some quotes were for equipment and labor plus material, and some were only equipment and labor. Upon obtaining new prices, the quotes were as follows: Rock Bottom Construction, \$10,500, ABC Construction, \$11,000, Collura Excavating, \$12,200. After consideration, the borough manager recommends to council to make a motion to repeal the motion made on 4/15/21 to award the quote to ABC construction, and he recommends to council to make a motion to award the bid to Rock Bottom Construction at a price of \$10,500. A motion was made by K. Dave to rescind the motion made at the 4/15/21 meeting. Seconded by K. Dougherty. All members in favor, motion carried. F. Kulick asked for a motion to award the Dwight Ave Paving Project to Rock Bottom Construction at a price of \$10,500. A motion was made by K. Dougherty to award the project to Rock Bottom. Seconded by C. Tomaine. All members in favor, motion carried. After the motion carried, Andrew Baldan from ABC Construction asked if they could go over the bid. W. Aquilino stated some of the bids included materials. Some did not. In order to make bids apples to apples, we had to re-bid. Mr. Baldan stated he came to his bid for a 2" mill & overlay, 490' long by 20' wide. When you mill a road, there will be a few low spots, so you have to go down 2.5" with the mill. That comes out to 148 tons. The Borough's COSTARS price was \$56/ton, at 150 tons came out to \$8400. His price was \$18,500 including blacktop, so his price without materials is \$10,100. Mr. Baldan stated his bid of \$11,000 was wrong, and he wasn't sure where it came from. K. Davey explained that at the last meeting, there were a few quotes, and then one sealed quote, which wasn't opened until the night of the meeting. Most of the quotes included the materials, and one didn't, which is where the problem lied. W. Aquilino asked Mr. Baldan if he had submitted a written quote? Mr. Baldan stated yes. W. Aquilino asked if he had a copy of it? Mr. Baldan stated he didn't have it on him. It was \$18,500, and backing out the materials would be \$10,100. He states he did all the legwork for council, so they weren't blindsided on anything. W. Aquilino stated we would have to table this until D. Markey gets back to be able to explain at the June 17, 2021 meeting. Upon the

solicitor's recommendation, a motion was made by K. Dougherty to not award the Dwight Ave Paving Project until the June 17, 2021 meeting. All members in favor, motion carried.

**Chestnut St. Ordinance:** F. Kulick read Ordinance 04-2021, as advertised, to rename Bonnie Dr. to Chestnut St. A motion was made by K. Dougherty to pass Ordinance 04-2021, renaming Bonnie Dr. to Chestnut St. Seconded by K. Davey. All members in favor, motion carried.

**Lackawanna County Hazard Mitigation Program Resolution:** F. Kulick announced Resolution #05-2021, adopting the Lackawanna County Hazard Mitigation Program. A motion was made by K. Davey to adopt the resolution. Seconded by C. Tomaine. All members in favor, motion carried.

**Delaware St. Dog Issue:** W. Aquilino stated there were two complaints regarding the Delaware St. W. Aquilino spoke with R. Chase, who is the landlord for the tenant who owns the dog, and stated the tenant is responsible for his pet. R. Chase stated he informed the tenants that the dog needs to be tethered, whether or not the gate is closed. R. Chase stated he wanted to make sure no one got bit. The person stated no one got bit, but her dog was close to getting bit. R. Chase apologized to the woman, and stated he's not happy at all that this situation occurred.

**Zoning Officer Pay:** W. Aquilino stated one of things that was discussed was how employees are paid, and council wants to switch over to a monthly fee for zoning pay. He asked R. Chase if anyone spoke to him about it? R. Chase stated he spoke with D. Markey, who deferred to W. Aquilino, and spoke with W. Aquilino, who couldn't answer any of his questions, and deferred to F. Kulick. R. Chase stated he was told the way he was paid is illegal, and he wants to see the law stating it's illegal. W. Aquilino stated we cannot pay based on permits, because it's disproportional to the amount of work involved. R. Chase stated it is proportional. W. Aquilino stated this is what we're going to do moving forward. He stated as the solicitor, he makes recommendations based on what's right. Even if there's not a law that states it's illegal, the wage per hour law is the correct thing to follow. F. Kulick stated the reason this came up is because D. Markey got information stating it's not legal. C. Tomaine stated we should ask D. Markey when he is back from vacation. F. Kulick stated that we tried to come up with a number that was fair, based on the historical average. R. Chase stated there are a lot of things he doesn't get paid for, such as drawing up a minor subdivision application, going to county planning commission meetings, etc. R. Chase stated D. Markey tallied up the numbers and came up with \$150/month. He asked D. Markey how he came up with those numbers, and D. Markey stated F. Kulick did it. F. Kulick stated he didn't do it. R. Chase stated that D. Markey asked if the \$75/monthly stipend for gas was included, and he stated that F. Kulick added it up. F. Kulick stated he didn't add it up, but if he was told it was illegal, we should be able to prove that. R. Chase stated he just wants what is right. He hasn't spoken with any borough that does less than \$360/month around here. K. Dougherty asked if she has spoken with any other zoning officers who were transactionally paid? R. Chase stated he's transactionally paid by two other towns. C. Tomaine stated we will speak with D. Markey when he gets back to see where he received the information. T. Fuga stated maybe there's a miscommunication somewhere. C. Tomaine stated R. Chase is entitled to an answer, but we won't have it tonight.

**New Business:** None.

**Adjournment:** A motion was made to adjourn by K. Davey. Seconded by K. Dougherty. All members in favor. The meeting adjourned at 8:31pm.

Respectfully submitted,



Daniel Markey  
Borough Manager