

Jermyn Borough

Council Meeting

9/16/21

The Jermyn Borough Council held a council meeting on Thursday, September 16, 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, the following members were present: Frank Kulick, Kristen Dougherty, Kevin Napoli, Cynthia Stephens, Carl Tomaine, Robert Hunt, and Kyra Davey. Mayor Fuga and Attorney Moran were also present. Bob Chase, Jim Perry, KBA, NEIC, Nicole Stephens, and Stanley Hallowich were absent.

Minutes: A motion was made by K. Napoli to accept the minutes of 8/26/21 as presented. Seconded by K. Dougherty. All in favor, motion carried.

Treasurer's Report /Bills Payable:

D. Markey read the Treasurer's Report.

Checking/Savings

American Rescue Plan Fund	107,447.72
Capital Reserve - DPW	10,513.87
Capital Reserve - Police	4,486.82
Crime Watch Fund	805.44
General Fund - Community	180,339.24
General Fund - FNB	3,979.15
Holiday Lights Fund	940.14
Investment - General Fund	1,001.56
Investment - Liquid Fuels	33,815.19
Investment - Paving Fund	1,011.92
Investment - Recycling	5,003.59
Investment - Refuse	2,600.31
Liquid Fuels - FNB	49,312.33
Petty Cash	153.42
Recreations Fund	14,240.25
Recycling - Community	8,673.76

Refuse Checking - FNB	101,870.16
Total Checking/Savings	526,194.87
200000 · Accounts Payable	38,045.87

A motion was made by C. Stephens to accept the treasurer's report and approve bills payable. Seconded by K. Davey. All members in favor, motion carried.

Correspondence: F. Kulick read a message from Mrs. Gilgallon on Old Mill Rd. about water issues on Old Mill Rd. Mayor Fuga stated this will be addressed later this evening. F. Kulick read a thank you letter to council from Mrs. Zabel on Madison Ave. for council's approval on her putting together a First Responders Day. Unfortunately the plans did not work out.

Public Comment: Mike Bradley, 426 Garfield Ave. addressed council regarding the water pooling in front of his garage facing Bacon St. after the contractor paved the road. To rectify this, they cut a v channel three feet in front of his garage, and his vehicles will bottom out when he pulls in and backs out on the right side of his driveway. He discussed with the contractor, and one of the employees told him to only use the left side of his driveway. Mayor Fuga stated he was called this morning, and the contractor and engineer put together this solution. Mayor Fuga stated he didn't really like that solution, and we'll have to revisit this. Mayor Fuga asked if we put a 2x2 box drain in by his driveway and pipe into the storm sewer, this might alleviate the issue. The road runs uphill and tries to catch the drain, but can't, so that's why it pools. Mr. Bradley stated water also gets into his garage. Mayor Fuga stated he was there when they had everything opened up putting in the sewer pipes, and Mr. Bradley has a lot of ground water there, which is what is getting into his garage. Mayor Fuga stated we will contact the engineers tomorrow and advise that we want to put a 2x2 box drain there.

Police Chief: Absent.

Fire Chief: Absent.

EMA Director: Absent.

Solicitor: L. Moran looked at the roll off dumpster ordinance, and it is fine as written. It can be enforced.

Code Enforcement: Absent.

Zoning Officer: Absent.

Engineer: Absent.

Tax Collector: Absent.

Mayor: Mayor Fuga read a letter from Bianca's K9 Haven requesting fire police for their Chicken BBQ on Sunday, September 19th. Mayor stated this was discussed in the past and the OK was given, but the fire police captain wanted something in writing. Mayor Fuga also reported that we have the paperwork for the 2022 Ford Interceptor that we received a grant for \$45K. It has been ordered, however prices have increased. The total is \$62,371.54, so the \$17K difference will need to be accounted for in the 2022 budget. The vehicle will not be ready until spring or summer of 2022.

Planning Commission: K. Napoli stated he has nothing to report.

Public Safety: K. Napoli stated he has nothing to report.

Finance: C. Tomaine stated we have to get going on the 2022 budget. F. Kulick stated we need to set a finance meeting prior to the October council meeting.

Shade Tree: R. Hunt stated he has nothing to report.

Grants/MS4: K. Dougherty reported that she will be submitting the application for the LSA grant for the DPW garage floor. She asked Mayor Fuga if the floor will be an issue before the utilities? Mayor Fuga stated no, we can run conduit prior to the floor being put down, and the quote for the floor includes drains.

For MS4, K. Dougherty stated the MS4 annual report is complete, and she emailed KBA about the pollution reduction plan so we can include with the annual report. She stated KBA advised her that with Jermyn being a smaller community, it's harder to come up with the required amount of lbs of reduction. There will be an MS4 inspection on 9/28. K. Dougherty requested KBA's presence to review PRP or discharge questions, and also asked the Mayor to be available. D. Markey stated he gave KBA everything needed for the PRP, and they told him that they just had to run formulas. He gave them drainage rates for rain gardens, square footage for porous pave for road shoulders.

Shade Tree Continued: F. Kulick asked J. Wilson about the Hometown Hero banners? Mrs. Wilson stated that Ann Boylan is handling it, and right now everything is at a standstill. She stated dealing with PPL is difficult. She stated every so many years, people can pay a fee to get their banner restored/reprinted. D. Markey asked if they charge a yearly fee for the banners? Mrs. Wilson stated no.

DPW: Nothing to report.

Recreations: K. Davey stated she's working on recruiting ideas, and the possibility of a job & volunteer opportunity fair. The Trunk or Treat will probably not happen, because it's difficult to plan on her own.

Borough Manager Report: D. Markey reported that the MRM premiums for workman's comp have decreased year over year from 2018 until now, which is a testament to borough employees and commitment to safety. D. Markey stated while he understands that council is responsible for approving all bills, he is proud to report that as treasurer over the past 3 years, the borough coffers have been very stable:

Account	September, 2018	September, 2021	Change
American Rescue Plan	Did Not Exist	\$107,447.72	\$107,447.72
Capital Reserve - DPW	\$59,441.73	\$10,513.87	-\$48,927.86
Capital Reserve - Police	Did Not Exist	\$4,486.82	\$4,486.82
Crime Watch	Unknown	\$805.44	\$805.44
General Fund - Community	\$26,209.84	\$180,339.24	\$154,129.40
General Fund - FNB	\$398.41	\$3,979.15	\$3,580.74
Holiday Lights	\$1,348.85	\$940.14	-\$408.71
Investment - General Fund	\$1.39	\$1,001.56	\$1,000.17

Investment - Liquid Fuels	\$43,994.79	\$33,815.19	-\$10,179.60
Investment - Paving	\$11.43	\$1,011.92	\$1,000.49
Investment - Recycling	\$1.33	\$5,003.59	\$5,002.26
Investment - Refuse	\$0.00	\$2,600.31	\$2,600.31
Liquid Fuels	\$69,271.69	\$49,312.33	-\$19,959.36
Petty Cash	Unknown	\$153.42	\$153.42
Recreation	Unknown	\$14,240.25	\$14,240.25
Recycling	\$7,546.69	\$8,673.76	\$1,127.07
Refuse	\$100,447.58	\$101,870.16	\$1,422.58
Total	\$308,673.73	\$526,194.87	\$217,521.14
Total Minus ARP Funding		\$418,747.15	\$110,073.42

D. Markey stated he was supposed to be a guest speaker at a stormwater conference at Villanova University next month, but after he announced his resignation, he had to decline. Regardless, he would like to see council pass a Climate Action Plan in the near future.

The 2022 Pension Minimum Municipal Obligations are as follows:

1. General Employees - \$10,123
2. Police - \$0

D. Markey reported that the R&L Carriers Site Plan has been signed off on and recorded at the County Recorder of Deeds office. D. Markey has invoiced Frederick, Seibert, & Associates for the recording fees.

After the 2020 tax collector audit was completed, the tax claim bureau sent us an updated list, including taxpayers who need to be refunded by 10% of delinquent taxes paid, as the former tax collector sent the incorrect tax amounts (penalty vs face).

Dwight Ave Paving – Rock Bottom just waiting for milling machine, then will begin. Probably within next couple weeks.

Lackawanna County is still applying for an elevator on Jermyn Borough’s behalf, and D. Markey advised council to keep an eye out for Keystone Innovative Zone (KIZ) opportunities, which would pay the borough to house remote workers without a space or computer, etc. In the past, it has been incorrectly stated that we cannot rent out property (gym, etc) to people making a profit. That is untrue. We can rent to anyone, but if collecting revenue where the tenant is making profit, the borough would need to pay sales tax to the state.

Mr. Markey stated he recently discovered that the retention pond on Garfield Ave is not owned by Jermyn Borough, however it's still owned by Kenny Powell. We do not have an obligation to cut this, as it is private property.

The railroad authority is still on board to lease land to the borough for a train station in Jermyn, however the former solicitor was uneasy about the lease language. Attorney Moran stated he will take a look at the lease. Mrs. Wilson stated the clauses in the lease is the reason the train station idea died.

D. Markey stated he would still love to see a town clock here someday. We have wiring ready for it on the island between the entrance and exit of Wayne's parking lot. A few years ago, the cost was around \$8K.

Tire recycling in Jermyn will be on October 19th and October 21st from Noon – 3pm in the parking lot. Private passenger auto tires only – no dealers or businesses. Proof of residency required, cash only. \$4/tire, \$5/muddy or dirty tires, \$10 tires with rims.

With Property Maintenance, it will become much more passive, as NEIC will only go out when called upon, so it may behoove the borough council to look into forming a blight committee.

D. Markey stated regarding Powell's, there hasn't been any further verbal communication. Attorney Moran stated he has been playing phone tag with the new owners.

D. Markey stated he has turned in all his keys to the borough office key box, and the Mayor has a key to it. He will have himself removed as treasurer at the banks tomorrow.

Mark Kilmer Property Issue: K. Dougherty stated that Mr. Kilmer had water coming into his basement again. Mayor Fuga took some pictures, and stated that this began when the neighbor paved his driveway and the swale in front of his house, so it creates a backlog of water onto Mr. Kilmer's property. Mayor Fuga stated if the neighbor didn't pave the swale, he would not have an issue. R. Hunt asked isn't there an ordinance that you can't divert water onto someone else's property? D. Markey stated that is a state law. Attorney Moran stated it's common law trespass. Mayor Fuga stated from here on out, whenever we do a paving project, we must pave curb to curb, and that will remove these issues. Attorney Moran stated Mr. Kilmer would have to take his neighbor to the magistrate or court of common pleas.

Resolution 10-2021 Accepting Land Gifted to Borough: F. Kulick read a resolution to accept the land gifted to the borough at 701 Washington Ave for the purpose of installing a miner's memorial and first aid memorial park. A motion was made by K. Dougherty to pass Resolution 10-2021. Seconded by K. Davey.

Parking on Bridge St. Ordinance: F. Kulick read a proposed ordinance limiting parking on the south side of Bridge St for an amount of 163'. A motion was made by C. Stephens to advertise the ordinance. Seconded by K. Dougherty. All members in favor, motion carried.

County Waste Performance: F. Kulick stated the performance has been dismal, but we're still in contract. Mayor Fuga stated it's industry wide right now, and the other haulers are all having issues. F. Kulick stated it gets frustrating when they stop in front of someone's house and take some things but not others. D. Markey stated he has invited County Waste to the meeting tonight, and they weren't able to attend, but they would be able to attend the October meeting.

Civil Service Commission Ordinance: F. Kulick stated the ordinance to establish a civil service commission has been duly advertised and is ready for passage. A motion was made by K. Dougherty to pass Ordinance #09-

2021, establishing a Civil Service Commission. Seconded by C. Tomaine. By a vote of six to one, the motion passes.

Police Pay: K. Napoli asked to table this until the next meeting. He stated it was just brought to his attention today, and he needs to research.

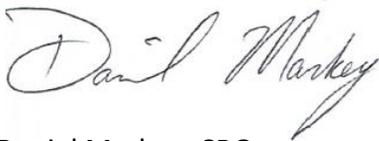
Old Mill Rd: D. Markey stated we received a complaint from Mrs. Gilgallon on S. Old Mill Rd regarding the water problem. There is a large pool of water on their property which runs off from other properties and also the road. One recommendation would be to ask Dr. Thomas to put a drain at the bottom of her driveway to mitigate water runoff. D. Markey also stated that the engineers, DPW, himself all looked at the issue, and the Mayor had Rock Bottom out there looking at the issue too. We received quote to fix South Old Mill Rd where road has washed away. Approx 150' from Rock Bottom Construction, \$10,500, which includes paving the road and a rock in swale. D. Markey stated this is below the threshold to obtain 3 telephonic quotes. A motion was made by C. Tomaine to award paving on S. Old Mill Rd to Rock Bottom Construction using American Rescue Plan Funding. All members in favor, motion carried.

Executive Session: Council convened into executive session for personnel and litigation reasons at 8:31pm. Council reconvened from executive session at 9:22 pm.

New Business: None.

Adjournment: A motion was made to adjourn by K. Napoli. Seconded by K. Davey. All members in favor. The meeting adjourned at 9:23 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Daniel Markey". The signature is written in dark ink and is positioned to the left of the typed name and title.

Daniel Markey, CBO
Borough Manager