Jermyn Borough Council Minutes June 9, 2016

The Jermyn Borough Council held their monthly meeting on June 9, 2016 at 7:00 p.m. at the Jermyn Community Center, 440 Jefferson Avenue, Jermyn, PA in the Council Chambers.

President Kulick called the meeting to order and lead the Pledge of Allegiance. On roll call present were: Messrs Frank Kulick, John Mark, Dan Markey, Kevin Napoli, Joseph Smith, Mrs. JoAnne Wilson. Absent were Mr. Robert Parks and Dylan Reeves, Junior Councilman. Also present were Solicitor Al Nicholls and Mayor Bruce Smallacombe.

President Kulick, at this time, acknowledged a Jermyn resident, Mr. Andrew Whitiak. Mr. Whitiak, we would like to thank you and your business family for all your support given to the Borough in the past years, and to congratulate you on the sale of your family business. Mr. Whitiak was acknowledged with a round of applause from Council membership and the audience.

MINUTES

May 12, 2016 minutes are unavailable at this time, due to resignation of our Borough secretary/treasurer. May 5, 2016 and May 17, 2016 minutes of the special meetings are presented for acceptance. Mr. Smith moved, seconded by Mr. Napoli, to accept the minutes of May 5, 2016 special meeting (after work session) as presented. All present voted in favor. Motion carried. Mr. Markey moved, seconded by Mr. Smith, to accept the minutes of May 17, 2016 special meeting as presented. All present voted in favor. Motion carried.

TREASURER'S REPORT AND DISBURSEMENTS:

Mrs. Wilson reported disbursements from the period of May 16, 2016 to June 9, 2016 are \$55,617.51. President Kulick has questions on 2 bills from KBA. One is for the Street paving project (has no problem with the amount) and the bill for the engineering fee for the paving of Henry Drive. Discussion held on the engineering fees (invoices #7923 and 7922 a total of \$16,750.00) and should be paying...the County or Borough? Mr. Markey questioned the Rushbrook Stream invoice and the date of the invoice. Mrs. Wilson suggested that the monthly meeting agenda, which includes the disbursements (utilities and bills payable), be available to all council members the Monday before the monthly Thursday meeting. This action would allow council to review all disbursements before, and questions can be answered in a timely manner.

Mr. Markey noted that check #15262 to Stafursky in the amount of \$79.99 be reallocated to the Police Dept category. Mrs. Wilson will correct.

Mr. Napoli moved to accept all disbursements with the exception of KBA invoices 7923 and 7922 in the amount of \$16,750.00, seconded by Mr. Markey. All present voted in favor. Motion carried.

Mrs. Wilson presented the Treasurer's Report as of May 31, 2016, as per bank statements are as follows:

General Fund Account \$269,148.37, Crime Watch Account \$1,790.91, Dare Program Account \$28.10, Dept. of Highways App. Fund \$9,623.66, Fed. Tax & S.S. Contrib. Fund \$2,319.27, Recycling Account \$13,754.61, Refuse Fund \$144,851.71, Liquid Fuels \$75,565.68*, Paving \$42,160.20* (*as of April 30, 2016 Report)

General Fund account, balance June 1, 2016 of \$269.148.37, disbursements – May 16th to June 9th, 2016 of \$55,617.51 (less KBA invoices), June 9, 2016 bank statement balance of \$213,530.86. Mr. Markey moved, seconded by Mr. Smith, to accept the Treasurer's Report as presented. All present voted in favor. Motion carried.

MAYOR REPORT:

Mayor Bruce Smallacombe reported on community items. The one-way sign on Shields Court – 700 block is an improvement to the safety of the residents and motor vehicles. An IRS scam is going around the community, please be alert, and if you should get a phone call, hang up immediately. Police Department is doing a good job of speed enforcement on Washington Avenue, as well as Rushbrook Street. They assisted, along with the fire police, in the Memorial parade and they did a great job. Be advised, there is a law enforcement seminar on Friday, June 24th for drug abuse, drug and alcohol and crisis situations. Cost is \$10.00. I have received information concerning a CHP grant (Cops Hiring Program) deadline June 28, 2016. It is a grant to hire a full time re-entry level officer, funds salary and benefits up to 75%. Representative Cartwright's office stated they will assist us in completing the grant application. I will give this information to our Council President, Safety Committee Chair, and Police Chief for review and completion if warranted.

Thank you to all who helped the Events Committee get the town's flower pots planted and placed throughout town. Thank you to all who helped make the Lions Club fundraiser the Lazy Duck Race a success on Memorial Day. The Historical Society is planning 2 fundraising trips; one to Corning Glass and Rockwell Museums on August 20th, and one to the New York Finger Lakes Wine Country on October 1st.

Mayor Smallacombe would like to thank Mrs. Deborah Morcom for her years of service. She has spent a lot of time and effort in serving the Borough of Jermyn, some twenty plus years.

The Mayor presented a letter received from the NEIU #19, Dr. Cullen, to the Historical Society donating murals done by students in the Artist in Resident Program at the Lakeland School District Mayfield Center. It was a program "learning about the local industrial landscapes", Everhart Museum, Heritage Valley Trails, and Anthracite Museum, which was funded by the NEIU and the PCA These murals hung in an art display at the Everhart Museum. These four murals were done by 4th, 5th, and 6th grade students, showing First Aid and coal breakers, Dress factory workers, Locomotive, and Jermyn town and mines; all industries in the town of Jermyn.

SOLICITOR REPORT:

Solicitor Nicholls stated his report will be covered under Old and New business.

POLICE REPORT:

Police Chief reported on complaints from residents and police surveying the properties throughout town about overgrown properties, safety problems, etc. We will be issuing warnings and citations to those who do not comply with the Ordinance.

FIRE CHIEF REPORT:

Fire Chief Rood reported that the 300 & 400 courses will be offered and there is another course in October and he will inform all involved. By September we should renew our FCC license for the Borough's channel. Mr. Rood noted he thinks it will be around \$400.00 to renew the license. Mr. Napoli moved, seconded by Mr. Markey, allowing Fire Chief Rood to go through the steps to re-acquire the license for the radio band through the FCC before September, 2016. All present voted in favor. Motion carried.

ZONING REPORT:

Mr. Markey noted Mr. Chase the Zoning Officer is not present, but asked me to bring to the attention of council that Rapid Pallet installed an above ground bulk fuel storage tank. He is concerned about fire and zoning matters. Fire Chief Rood will contact Mr. Chase and they will look into the matter and report back to council.

PUBLIC INPUT:

Mr. William Langan of 515 Gibson Street – I would like to know if anything is being done concerning the eye sore, the old LaRosa building, on Washington Avenue across from the Pharmacy. The electric meters are gone. A lengthy discussion was held noting that is private property, and the borough cannot go on private property, such as Police, Zoning or the Fire Chief. Fire Chief Rood stated that he distributed the International Property Maintenance Code for review by council with an appointment of an overseer of the Code. Mayor Smallacombe stated the borough will continue to monitor the situation and look into the borough's ordinances and see what can be done or update said ordinances. Mayor Smallacombe asked the Police Chief to see if the properties are in violations of vehicle ordinance and any other ordinance that maybe violations.

Mr. Markey asked Mr. Rood if a Code officer needs to be appointed. Mr. Rood stated yes. You should have one person as Code Official with deputies, such as a fire chief, zoning, police to assist the Code official or anyone else.

Mr. Lou DeMarco of Gibson Street – asked if a company could be hired to review and update all the borough ordinances. Mr. Markey stated that sounds like an excellent idea, but it would cost the borough around \$30,000.00 for the service. Borough cannot afford it at the present time. We have a lot of organization to do and we do have a review committee working on that currently. We are streamlining and updating our ordinances and get our house in order. If we need the service in the future, we will review your suggestion.

Mr. Andrew Whitiak of Garfield Avenue – He wanted to note that if there is a problem with the ordinances — didn't Jermyn at one time approve ordinances established in Harrisburg for all communities? Some of those ordinances developed in Harrisburg do not fit a small town, but are geared to a larger population such as a City. They have to be curtailed to fit the needs of the community. Mr. Smith noted we are gathering the information to be more efficient.

Dr. Linda Thomas of Old Mill Road (Woodlands Estate) – Mr. Smith has invited me to attend the public meeting because I have been haunting for the last couple of years about the road in front of my home. We pay taxes for the upkeep of the road and repaying of the roads. We would like very much to our road paved, it is horrible. We have many neighbors who feel the same as I do. What do we have to do to get the paving of the road done for this year? We would rather short term rather than long term. How do we get on the list for paving? Mr. Markey stated that Mr. Smith has brought your concerns to me, I am the chair of the DPW committee. Dr. Thomas noted, she has to commend him. Mr. Smith has taken every call from me and spoken very professional and always has the public interest at heart. Mr. Markey noted that the DPW committee met last evening (June 8) and took a road trip throughout town. Currently the Woodlands Road - Old Mill Road is not on the list to be paved in 2016. I will be giving my DPW report, and there are a couple of things I have listed and Old Mill Road is one of the items on my report. Hopefully, we will have a short term solution, until we have a better long term answer. Mr. Markey noted various changes in the membership of council and the paving list of roads was established before he and others were on council. A lengthy discussion ensued. Mr. Smith stated your concerns have been brought before the previous council on numerous occasions. There are two problems, one is a sewer problem. The sewer in your area is the borough's problem not the Sewer Authority's problem. The second item is the road — there is no road. We have applied for a grant and we were denied. We will try, the council, to solve this situation.

Attorney L. Moran of Old Mill Road (Woodlands Estate) – He echoes everything that Dr. Thomas has stated. I am on Old Mill Road about 30 years, and I frankly do not recall, if at all, the road being paved. He has patched the road myself and put in storm water drainage. It enhances my property, but I did it due to the water collecting and freezing. Point is, we are supportive of the community, but. I have 2 questions; 1) how do you determine what are the roads that are a priority to be paved or patched? 2) What are the criteria? Mr. Mark explained the procedure. Mr. Smith noted that the Borough Manager applied for the State grant and this was the council's way of getting Old Mill Road completely taken care of – new sewer lines and new roads. They did not approve it. The State Department – gaming grant monies. Mayor Smallacombe stated it is a pool of money and divided among those communities that apply. Mr. Smith stated that we can reapply for the grant monies. Short term solutions – A. J. Fuga stated the bad spots, we can fill in and spot hot pave. We are planning to do that this year. Mr. Smith stated the unapproved grant was around \$500,000.00. Dr. Thomas stated the Wright Center has a grant writer available to Jermyn, Maria Edwards.

Fire Chief Rood stated it is very dangerous around the curve before the Dr.'s home with overhanging trees into the road. Attorney Nicholls stated we discussed this issue before. If the trees are in the right-a-way, the borough can cut the overhang due to safety.

Lou DeMarco noted attended the Planning Commission meeting and had a problem with the attitude of the Borough Engineer present. He presented sub-division plans. They asked questions and he said don't worry about it; we'll work it out in the field. We need accountability for taxpayers. At what point do we not hold the people representing the Borough accountable. I had a house appraised on Main Street and the value of it went down considerably over 2 years. I put \$30,000.00 into the house. I am upset. Some of the things you see, reminds me of the "good ole' boy" network. Mr. Napoli stated, the council is trying to eliminate that "good ole' boy" statement. I do believe our engineer should be more accountable. Discussion ensued concerning the issue. Mr. Mark stated that the firm of KBA has done jobs for the Borough and never asked payment, and no one in this room could equal the time, effort, and finances that he and his firm have generously given to the Borough. And did a good job with all their engineering tasks asked to do by the Borough. A lengthy heated discussion ensued. Mr. DeMarco wanted to say for the record that he never bashed Dennis Kutch and will never, never speak badly about him. President Kulick noted this is not a question of personalities, but accountability.

Andrew Whitiak of Garfield Avenue – This Sunday is a fundraiser run for Griffin Pond. There is construction along Casey Highway in Jessup and in the future in the Archbald borough. They are constructing a parking lot for 800 cars. Jermyn be wise, and benefit from these future constructions. The Jermyn businesses could benefit from this. I understand the Borough Manger has resigned. I favor hiring a person from Jermyn. Mr. Smith noted for clarification, the Council is not hiring a borough manager; it will be a part-time secretary. Mr. Whitiak noted he heard Jermyn Borough was moving all the accounts out of the Jermyn Bank (Community Bank, N.A.) is that true? President Kulick stated that is not necessarily true. When we went out for a loan for the paving project, banking establishments have a requirement that we maintain a percentage of funds in their bank. Solicitor Nicholls noted, this is the first time we have ever received a quote from the Community Bank, N.A. Mr. Whitiak stated he thinks this was kept under wraps. Council responded that this (loan) has been discussed openly at meetings. We have been very open about this paving project. We are looking out for the residents' tax dollar of the borough and if we can save a \$1.00 we'll do it. A lengthy discussion ensued.

Mr. Mark stated, he wanted to say thank you as owner of the Windsor Inn any time we had a disaster, fire, or anything and we went as asked you for food you kept your kitchen open to cook for people and you gave a tremendous amount to the Borough of Jermyn. Applause. All present voiced agreement with the statement made by Mr. Mark.

COMMITTEE REPORTS:

DPW Committee:

Mr. Markey stated the Main Street light project has been completed as of Monday, June 6, 2016. He thanked A. J. Fuga and Joe Esgro for all their work in re-wiring and cleaning of the lights, and also Chief Rood and James Allan for assisting in the electrical work. Mr. Mark and Mrs. Wilson also expressed their appreciation for a job well done. Everyone agreed the decorative lights look beautiful....job well done. Mr. Fuga thanked the council for purchasing all the equipment and the bucket utility van. He noted without the proper tools and van they could not have accomplished the task in a timely manner.

Davis Court – once the paving project begins, the borough will be receiving millings from the project and will use the millings to fill-in low spots on Davis Court, which should help reduce water issues in the alley. We will apply this approach with several other alleys in the borough.

Old Mill Road – There have been complaints about multiple issues on Old Mill Road. We have some paving and sewer issues. There are some bad spots in the road area that the DPW would like to test pave. County has a 4 foot milling machine, possibility of them allowing Jermyn DPW to use it. The sewer is a potential issue, but there may be some solutions without having to dig it up, move it, etc. We are currently looking into those solutions. Mr. Fuga explained the procedure that Archbald Borough used on their Main Street. Mr. Kutch noted we have pictures of the pipes inside. Mr. Smith stated if we are proactive on this issue, it would save money for the borough. The borough owns the Old Mill Road sewer lines.

Hudson Street – We have an issue where the pavement has washed away so low that the resident can no longer pull into their driveway and it is hard to park on the curb. DPW will use the rest of our old millings to fill this in for the resident.

Drainage Flairs – it was reported that some drainage flairs are breaking off on the corner of Walnut & Delaware streets. It appears vehicles are driving over them and cracking them. DPW will have these replaced before or during the paving of Walnut Street.

Jefferson Ave (front of borough parking lot) – There is a spot at the first parking lot entrance (coming from Gibson St) that is taking on water. DPW can install another catch basin which will solve most of the problem. It is also recommended that during the paving project, each parking lot entrance be paved and a swale put in at both entrances.

Brush Hog – Municibid auction closed today. Winning bid is \$950.00. We need to vote to accept the bid. Mr. Markey moved, seconded by Mr. Napoli, to accept the bid of \$950.00 for the brush hog. All present voted in favor. Motion carried.

Plow – With the success we had with the brush hog, Atty. Nicholls can we place the plow out for auction. No bids have been received after advertising the sale of the plow. Mr. Markey moved, seconded by Mrs. Wilson, to place the plow, valued at \$1,500.00,

on Municibid for auction with the notation, council have the right to accept or reject all bids. All present voted in favor. Motion carried.

Part Time DPW Employees – no new applicants at this time.

Borough Garage – Looked at weatherproofing and the rising costs of utilities in the winter time. Mr. Markey would like to get grants for a metal pole building for the DPW next to the salt shed. Mrs. Wilson noted that is in a grant already from the Gaming monies; also included in the gaming grant is the paving of the borough parking lot and the handicapped accessibility to the Madison Avenue garage for the Historical Society. The paving is needed for the aluminum pole garage to be placed on. DPW knows about this as it has been discussed and planned. We are waiting for approval. A lengthy discussion ensued concerning this matter. It was decided to table action for a later meeting after the long range plan committee reviews and discusses with departments involved.

Safety Committee:

Mr. Napoli reported, first, the unmarked car for the Police Department will be in service next week. Secondly, the MINS class will be scheduled for the last week in June for Joe and JoAnne. Chief Arthurs would like to discuss set up classes for the Police department after the meeting. Mr. Napoli stated we bid and won a radar speed limit sign for \$600.00. The signs range from \$4,500.00 to \$6,000.00 new. Chief Arthur will be setting up the sign in various locations in the borough. Chief Arthur will be utilizing the 8 hours previously appropriated for speed enforcement. Lastly, Dan and I will create a form to go out to emergency services. The form will be for above and beyond recognition in the field. It would be good for morale for emergency services; it is not a thankful job. It could be bi-monthly, monthly, or once or twice a year at a council year. It could be done at the Events Awards Dinner.

Finance Committee:

Mr. Smith reported that the finance committee met for the first time and we will be meeting again this Tuesday, June 14th. We all know about where we are going. We have to look at the needs and wants, and place some numbers in. Mr. Markey was very helpful with spreadsheets. We need numbers from the committees for 2017. We'll put it together; see where we are at and where we need some tweaking.

Recreation Commission and Shade Tree Commission:

Mrs. Wilson reported on receiving a letter from the Recreation Committee, indicating they will be looking for donations and services from businesses and residents to assist in Jermyn Day. Their financial report, June 1, 2016 was \$185.00 vending, \$160.00 gym usage, \$345.00 profit. They need volunteers to help with Jermyn Day. Their meeting is scheduled for the first Thursday evening of every month at 8:00 p.m. in the Lions/Legion Room in the Community Center.

Mrs. Wilson noted that WePay payroll company has done and excellent job. I cannot say enough about their assistance and professionalism. They have been extremely

nice, accommodating, and prepared for all problems or concerns. We are still making sure that all avenues have been addressed. We have direct deposit now, which we didn't have before, and the police department is taking advantage of this benefit. The rest of the checks are dropped off at the office and are either mailed or distributed on Friday of pay week. We will be adding onto the payroll checks vacation, sick time, personnel time, etc. This way the office and personnel will be aware of the remaining days. They, WePay, will handle all taxes, payments, etc., but we have to be concerned about the April and May taxes. Working together, we will sort it out and it will be taken care of.

Mrs. Wilson spoke with Tony Grazzanti of KBA and there is still time to put in for a grant, but the deadline is June 15, 2016, 6 days away.

Mrs. Wilson noted that the Shade Tree Commission has notified Mr. Speicher to trim up the trees by Mr. Wilcha's and Mr. Gasper's greenways. As far as tree removals, you cannot remove the trees and transplant them; those are bare root trees and they will die. The Shade Tree Commission will do the best they could in trimming them up and keeping low on top and up from the bottom. Discussion ensued on the State speed limit placed in front of those homes. Mrs. Wilson noted that the placement of all trees planted on Washington Avenue had been approved by the State PennDOT and also Rushbrook Street. PennDOT had approved more trees than we planted. The JSTC did not just plant trees without approval. It was noted that on Washington Avenue there are a couple of dead trees, Mrs. Wilson noted the Shade Tree Commission will be replacing those trees and others, which have been attached by a bug, come this fall ordering. Jermyn Shade Tree Commission is scheduling 3 fundraising trips: October 12th to Woodloch Pines, November 28th to N.Y. Radio City trip, and December 3rd to Brooklyn Christmas Lights Dykar Heights.

SOLICITOR REPORT:

Solicitor Nicholls reported on the submitted legal ads. Ad for the Ordinance for Abolishing the Borough Manager's position and thus read the ordinance. Mr. Markey moved, seconded by Mr. Smith, to accept the ordinance to accept the ordinance to abolish the borough manager position. All present voted in favor. Motion carried.

Solicitor Nicholls submitted another ordinance, which was advertised last week. The ordinance was advertised stating we are separating the borough secretary and borough treasurer into 2 separate positions. They can be held by the same person, but they are two distinct positions. Mr. Napoli moved, seconded by Mr. Markey, to accept the ordinance separating the secretary/treasurer into 2 separate positions of secretary and treasurer, which can be held by 2 separate persons or one (same) person. All present voted in favor. Motion carried.

Solicitor Nicholls submitted the ad invoice and advertisement for the bid sale of the plow. No bids have been received for the plow.

Solicitor Nicholls submitted ad invoice and advertisement for the pave cut ordinance. Mr. Grazzanti and Mayor Smallacombe have reviewed the ordinance which has the items needed for paving cuts. This *ordinance amends* the ordinance #4 of 2000 and #4 of 1986. It does not do away with them, it amends them. They are still in effect as of this date. Mr. Mark moves, seconded by Mrs. Wilson, to accept the Ordinance amending Ordinance #4 of 2000 and #4 of 1986. All present voted in favor. Motion carried.

Solicitor Nicholls submitted Ordinance for the Paving Project allows the Borough to borrow \$500,000.00 with five (5) payments Starting 2017 through 2021 with a financial payment each year 2.19% interest with the First National Bank. The note is attached with exhibit A. Mr. Napoli moved, seconded by Mr. Markey, to accept the Ordinance to borrow \$500,000.00 at 2.19% from the First National Bank for the Borough's paving project, subject to the approval of appropriate bid. All present voted in favor. Motion carried.

PAVING PROJECT BIDS:

Bids opened and recorded from:

Pennsy Supply \$404,700.00

Wayco Inc. \$396,309.19

Hazelton Site Cont. \$438,899.00

Hanson Aggregates \$504,795.40

American Asphalt \$446,178.00

E.R,.Linde-Leeward \$440,357.60

NES & L \$415,209.90

Mr. Markey moved, seconded by Mr. Napoli, to award the 2016 paving project and accept the bid of Wayco, Inc. in the amount of \$396,309.19, conjunct upon approval of the engineering firm after their review. All present voted in favor. Motion carried.

A discussion ensued about inspection and compaction of the new paving project. The GeoScience inspection and fees were discussed and they stated that there were 3 different options that we can choose on the payment of inspection. A call was never made to them nor a decision.

The keys to the Borough administration office and the council chambers will be changed and President Kulick will distribute. Mr. Art Wilson, Jermyn resident, suggested instead of keys why not install a keypad with access code to those who need access. It would better serve the borough and council, because when the need arises the code can be

changed instead of running out for locks and keys. Mr. Fuga will look into that option and cost.

Mr. Kulick stated a resident on Rushbrook Street noted that his sidewalks were damaged. It was discussed; he will have to go to the Scott Township, since it was their project and the State.

Mr. Napoli brought up vacation time and the set increments. Mr. Markey moved, seconded by Mr. Napoli, to repeal the vacation portion of the Employee Handbook, requiring vacation time to be taken in one (1) week increments, to allowing the personnel to take vacation time in no less than ½ day or full day increments. All present voted in favor. Motion carried.

Mrs. Wilson stated that grants are coming up. I would like to write a grant for an elevator. Mr. Grazzanti said that if we got a grant it would not be the whole amount, but a partial, and we can place it in an escrow or capital reserve account for an elevator. We would have 5 years to use it. We can then apply again for more money and place it in the account for an elevator. We were thinking of the Weinberg Foundation grants. You have to match their money, so we can match their money, if we get approved, with the capital reserve elevator account monies. We must get access to the upstairs and make it usable for the community. Can I have permission to go for the grant? A discussion ensured. Mayor Smallacombe stated years ago an elevator cost around \$85,000.00. Mr. Napoli moved, seconded by Mr. Markey, to allow Mrs. Wilson, in her capacity of assistant secretary, to pursue a grant from the County for the possibility of a handicapped elevator for the Borough building. All present voted in favor. Motion carried.

A discussion about grant writer and writing ensued. Mrs. Stackel suggested using grant writers.

Mr. Smallacombe brought up the 2B grade stone at the Rippy Callahan Field. He noted it is very difficult to walk and people with carriages have difficulty with movement. Mr. Markey stated something will be done in the future to correct it.

Mr. Mark noted the underpass to East Jermyn maybe need to be flushed out. Drainage is bad and is flooded when it rains. DPW will look at it. Mr. Mark also stated before the paving project begins a look at the Madison Avenue and Bacon Street water storm drains should be looked at. There is a water problem for the residents.

Executive Session was called at 1010:08 p.m. for personnel matters. Meeting reconvened at 10:20 p.m.

Mr. Napoli moved, seconded by Mr. Markey, to re-advertise for part-time secretary and/or part-time treasurer. All present voted in favor. Motion carried. Place ad in Scranton Times and Carbondale News.

Mr. Markey moved, seconded by Napoli, to adjourn the meeting at 10:23 p.m. All present voted in favor. Motion carried.

Respectfully submitted,

JoAnne Wilson

Borough Assistant Secretary