

Jermyn Borough

Council Meeting

2/17/2022

The Jermyn Borough Council held a council meeting on Thursday, February 17, 2022, 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, Trish Dabney, Jeff Morcom, Carl Tomaine, Robert Hunt, Kyra Davey, KBA, Bob Chase, and Nicole Stephens. Mayor Fuga and Attorney Representative Brendan Fitzgerald are also present. Kevin Napoli, NEIC, Jim Perry, and Stanley Hallowich were absent.

Minutes: K. Davey made a motion to accept the minutes of 1/20/21 as presented, seconded by J. Morcom. All in favor, motion carried.

Treasurer's Report/Bills Payable: S. Lee read the treasurer's report:

Current Assets

Checking/Savings

Capital Reserve - DPW	10,725.94
Capital Reserve - Police	4,621.82
Crime Watch Fund	222.69
General Fund – Community	116,378.00
General Fund – FNB	4,505.77
Holiday Lights Fund	1,778.91
Investment - General Fund	1,001.61
Investment - Liquid Fuels	33,816.66
Investment - Paving Fund	1,011.97
Investment - Recycling	5,003.80
Investment - Refuse	2,600.41
Liquid Fuels - FNB	6,903.50
Petty Cash	231.00
Recreations Fund	17,597.98
Recycling - Community	8,673.76
Refuse Checking - FNB	25,195.82
Total Checking/Savings	240,269.64

Current Liabilities

Accounts Payable

200000 · Accounts Payable	30,046.21
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A motion was made to accept the treasurer's report and pay bills by C. Tomaine. Seconded by K. Davey. All members in favor. Motion carried.

Correspondence: F. Kulick read a letter from Jim Davis, dated January 23, 2022, addressed to F. Kulick, L. Moran, and the Council. To All Concerned, it has been brought to my attention that at the January 20, 2022, council meeting, L. Moran supposedly stated I am costing the borough a lot of money. Nothing could be further from the truth. It is F. Kulick and L. Moran who are responsible for all costs to the borough concerning my request for public information. Had they provided the public information that I had requested, the total cost to Jermyn Borough would have been the cost of a postage stamp. Instead, they stonewalled the requests at every opportunity. This gave me no choice but to appeal their decision, on some of the requests, to the Pennsylvania Office of Open Records. I will abide by their decision. If anyone wishes to have a copy of all documents concerning my request for public information, text me and I will forward the documents to you.

F. Kulick's response was to let it be noted that, in fact, the minutes of the January 20th meeting clearly state that Attorney L. Moran stated that if it was not settled, it would end up costing the borough and Mr. Davis money. He was not blaming Mr. Davis for extra costs, and at this time, the matter has been settled with Mr. Davis.

F. Kulick then read a letter from the Lackawanna County Conservation District. The District is providing notification that the low-volume road program is accepting grant applications, dead deadline for submitting grant applications is March 18th, 2022.

Rushbrook Creek Update: KBA- Dennis Kutch, and per his letter sent to the council. On 2/11/2022, I put in a call to Andy Malene at the DEP Bureau of Waterways Engineering. I received a return call from Shane Erdman, who advised that Andy has retired. Shane is the Project Coordinator for DEP, BWE, and Wetlands (new bureau name). Shane provided me with an update on the Rushbrook Creek Project as follows:

- 1 . Department of General Services reviews the right-of-way and easement plans for approval. These documents were approved, and a guidance letter on easement agreement acquisition and sponsor (Jermyn Borough) utility adjustments was sent to the Borough and dated 10/6/21.
- 2 The Borough solicitor will need to come up with the easement agreement for those property owners where we will need temporary and/or permanent easements. Sponsor adjustments can include such things as relocating a shed, water or gas line, fence, etc. This is generally handled by the Borough Engineer. These adjustments can be done before or during the construction of the Project.
- 3 The design is not yet complete. The DEP-BWE is working on the following items:
 - a. PennDOT Highway Occupancy Permit. There are some issues with the traffic control plan that are being addressed.
 - b. DEP-BWE is awaiting final approval of the waterway obstruction and encroachment permit from their agency but a different group. The design is being completed by the Project Development Group, and the permit will be

issued by the Project Inspection Group. Shane expects approval of this DEP 105 Permit within 2 — 3 months.

c. Approval by the Army Corps of Engineers (ACOE Permit 404) was received 2/22/21.

4. While it may be somewhat optimistic, assuming we can get the easement agreements and the sponsor adjustments addressed, we may be able to start construction in 2023.

I asked that Shane send me the latest Rights-of-way Acquisition plans, which he sent via email. I believe the time is appropriate for the Borough to initiate the easement agreements and the sponsor adjustments. It may be helpful for the Council, Borough Solicitor, and Borough Engineer to meet to coordinate the Borough's obligations.

Public Comment: C. Tomaine wanted to address the issue in front of Branzel Insurance on Washington Ave., from a water leak. They temporarily patched it, but it has created a large pothole, and how can this be addressed? T. Fuga replied that we may need to reach out to PennDOT about it, as it's not considered a borough road. They may be the ones required to reach out to the water company to see if it can be fixed.

Professional Reports:

Police: Police Chief-William Arthur wanted to advise that they have been addressing speed issues that they had gotten complaints about on Washington Ave., Rushbrook, Franklin, Gibson, and intersections. They are continuing to do the house watch checks while residents are away (on vacation, etc.) for those who have notified them. He also wanted to address that down valley and mid-valley, they have been seeing a lot of catalytic converter thefts, which could eventually make their way up here. The police department is requesting that if you see anyone suspicious walking around at night with a backpack on, or if you hear something odd to reach out to the Jermyn PD. In some cases, they will have a backpack to carry a reciprocating saw, as they are known to use them for removing the catalytic converters from a vehicle in less than a minute. So, the quicker they can respond, the better chances they will have at catching the culprit or culprits.

As for an update on the fire on Bacon St., that was ruled arson by the State Police, and they are still processing their investigation.

Fire: Absent

EMA: None

Solicitor: Rep B. Fitzgerald, in regards to the rental memorandum of understanding, in the last meeting council moved to do an advertisement for an amendment to the rental ordinance. After review we found it was not necessary to amend the ordinance the way it was written the only thing that needed to be changed was the memorandum.

T. Fuga also addressed the Solicitor to request an update about a bill from Powell's, for a truck that was purchased from them that ended up needing repairs and the previous owners of Powell's failed to address each time it was taken to them, but the new owners of Powell's repaired but the truck was no longer under warranty at that time. The Borough is hoping to work out some kind of agreement with them about the bill that was submitted.

Code Enforcement: Absent

Zoning: B. Chase advised that Rapid Pallet contacted him to request to have a meeting to have changes made to their egresses. He will get with Dennis Kutch on what needs to be done once he gets the plans on what they would like to do for review.

Engineer: None

Tax Collector: N. Stephens wanted to advise that she had a total of 71 taxes that were not paid and sent delinquent; the total of those taxes not collected was \$39,381.15. Also, in the former tax collector's account, there is still \$21,218.90. She would like to keep this account open for the next couple of months to see if anything comes up once the delinquent letters are sent out to the residents.

Mayor: T. Fuga wanted to address an issue we are having in the police office with electricity. Unfortunately, there is a shortage of electrical outlets, and as times have progressed with technology, they are requiring more equipment like computers, printers, and a server. He would like to ask the council if it would be possible to have an electrician come in to get a quote for what could be updated, and to have a few more outlets possibly installed, one for each desk would be ideal.

Council agreed to bring someone in to review and get a quote for what the project would cost before moving forward.

Committee Reports: C. Tomaine wanted to advise that we got a check back for \$118.00 from the workman's comp because of the audit, as we had paid in extra funds.

Regional Police Discussion: F. Kulick wanted to follow up now that he had sent everyone the link in regards to participating in the regional survey sent by Archbald Borough. If the council all agreed, he feels it necessary to participate in the survey to see what the outcome would be, to make sure we have gathered all possible information to decide how to move forward once completed.

A motion was made to participate in the Regional Police Study by K. Davey. Seconded by C. Tomaine. All members in favor. Motion carried.

Traffic Light follow-up at Rushbrook & Washington: S. Lee had advised that she reached out to North East Signal to have the traffic light checked for its timing. And that they confirmed they had done maintenance on it on February 2nd, and that there were some adjustments needed per our contract for the light, and the issue should be resolved.

Executive Session: Council convened into executive session at 7:35 pm for personnel reasons. Council reconvened from executive session at 7:53 pm.

A motion was made to hire Ashburn Advisors LLC as our grant seeker by J. Morcom. Seconded by T. Dabney. All members in favor. Motion carried.

Adjournment: A motion was made to adjourn by K. Davey. Seconded by J. Morcom. All members in favor. The meeting adjourned at 7:55 pm.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Shannon Lee".

Shannon Lee,

Secretary/ Treasurer