

Jermyn Borough

Council Meeting

6/17/21

The Jermyn Borough Council held a council meeting on Thursday, June 17, 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, and Cynthia Stepens. Mayor Fuga, Attorney Moran, John Marino and Anthony Mengoni from NEIC and Amanda Rzucidlo were also present. Robert Hunt, Kyra Davey, Carl Tomaine, 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 5/20/21 as presented. Seconded by K. Napoli. All in favor, motion carried.

A motion was made by K. Napoli to accept the special meeting minutes of 6/7/21 as presented. Seconded by C. Stephens. All members in favor, motion carried.

**Treasurer's Report/Bills Payable:** A motion was made by K. Napoli to ratify bills paid on 6/2/21. Seconded by C. Stephens. All members in favor, motion carried.

D. Markey presented the Treasurer's Report for June 17, 2021:

**ASSETS**

Capital Reserve - DPW	10,398.35	Investment - Recycling	5,003.47
Capital Reserve - Police	4,326.82	Investment - Refuse	2,600.25
Crime Watch Fund	755.44	Liquid Fuels - FNB	59,621.03
General Fund - Community	312,990.00	Petty Cash	151.42
General Fund - FNB	2,808.07	Recreations Fund	13,591.25
Holiday Lights Fund	516.14	Recycling - Community	7,814.58
Investment - General Fund	1,001.53	Refuse Checking - FNB	136,908.70
Investment - Liquid Fuels	33,814.33	Total Checking/Savings	593,313.27
Investment - Paving Fund	1,011.89		

Accounts Payable 52,145.40

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

**Correspondence:** F. Kulick stated we received a complaint letter about a property, but since it is unsigned, he will not read it. We have no way of knowing who to respond to.

**Public Comment:** John Marino, owner of NEIC, introduced himself to those that might not know him. His company is the borough's UCC code permitter and inspector, and now they are also the borough's International Property Maintenance Code enforcers. He introduced Anthony Mengoni, who will be taking the lead on that in Jermyn. Mr. Marino stated to call them if there are ever any issues that need to be addressed.

**Police Chief:** Absent.

**Fire Chief:** Absent.

**EMA Director:** Absent.

**Solicitor:** L. Moran stated there are a few different things he has gotten to work on right away upon being appointed solicitor. One of them is on the agenda for later regarding the transferring of ownership of a small piece of land to R&L Carriers. Another is the Lackawanna County Land Bank. Mr. Moran educated council on what the land bank does, and how it would benefit Jermyn Borough. He stated that in Lakeland School District, there are still a couple municipalities that aren't on board yet, but others already are, as well as the school district. F. Kulick asked about the section stating that the borough would have to maintain properties? L. Moran stated he will have to re-read that section, however, it would only be for a short amount of time until the land bank sells the property. This will be on the July agenda.

**Code Enforcement:** A. Mengoni of NEIC stated they have gotten to work, specifically with the property at 620 Washington. The owners were issued a violation notice, and upon reinspection, all violations were corrected, so there will be no condemnation at this point. A citation was sent to the new owners of 361 Washington Ave for high grass, and Mr. Mengoni stated it looked like the lawn was being taken care of today. Mr. Mengoni also spoke about a lawn issue at 607 Jefferson Ave. The owners state they're putting in a natural fence, however, natural fence descriptions include shrubbery, bushes, arbor vitae trees, etc, not just grass. A neighbor, Mark Kilmer, was in the audience, as the natural fence abuts his property, and stated it wasn't a fence, but a nuisance. F. Kulick suggested that the property owners apply for a zoning permit for a natural fence, and if they are denied, apply for a zoning hearing. Council asked D. Markey about the zoning permit. D. Markey stated the zoning permit was obtained on 6/4/20, so it would have expired on 6/4/21. Council instructed NEIC to notify the property owners to mow it. Mr. Marino stated the zoning officer should follow up on the expired permit. Mr. Mengoni stated he will stop by again tomorrow to follow up.

**Zoning Officer:** Absent.

**Engineer:** Absent.

**Junior Council:** A. Rzucidlo reported that there is a stop sign on Washington Ave by the Dollar General that is unable to be seen due to tree branches in the way. T. Fuga stated it's a county road but he will go cut the tree back.

**Tax Collector:** Absent.

**Mayor:** Mayor Fuga read a proclamation and presented to Borough Manager Dan Markey. Mr. Markey has obtained his Certified Borough Officials Designation from the Pennsylvania State Association of Boroughs. He has also earned the designation of Administrative Road Scholar from PENNDOT's Local Technical Assistance Program. Mr. Markey has also been named to the General Code's Municipal Clerks Honor Roll, a nationwide

listing of municipal clerks who go above and beyond in their work every day. Therefore, Mayor Fuga has proclaimed today, June 17, 2021 as “Daniel Markey Day” in the borough of Jermyn. Mayor Fuga presented Mr. Markey with the Proclamation and his awards. Mr. Markey thanked Mayor Fuga, the borough council, and the residents of Jermyn.

**Planning Commission:** Nothing to report.

**Public Safety:** Nothing to report.

**Finance:** Absent

**Shade Tree:** Absent

**Grants/MS4:** Nothing to report.

**DPW:** T. Fuga reported that there is something going on in an unofficial Facebook page right now stating he didn't take care of a problem on the shoulder of a resident's home regarding some rock that washed away. He stated he was going to get to it, and he informed the homeowner of this twice, but there are more pressing issues that affect more than just one resident, like filling potholes, etc. He wanted to explain to council that he prioritizes his work so that the most urgent and important issues are handled first.

**Recreations:** Absent. D. Markey showed pictures from the new cameras that went up at the park. He also stated the electrician working with the poles at the basketball court stated the old electric was run on the top of the fence. There are some options that we can do, but some of them could be costly. One option is to dig a trench to put down conduit and run the conduit along the outside of the poles. Mr. Marino stated that can be safely done. That seemed like the least expensive option.

**Borough Manager Report:** D. Markey reported that the auditors should be finished with the 2020 tax collector reconciliation shortly. There will be a pop-up food distribution on Thursday, June 24 from 1-2 pm at the St. James/St. George Episcopal Church. D. Markey also brought up local ordinance code official duties, and told council that we have some different options here. D. Markey explained NEIC can handle under separate contract. Mr. Marino stated they would handle under the same contract, they just need to know the ordinances to enforce. D. Markey stated Judge Turlip also informed him that he could handle in one of two ways: either by filing private criminal complaints, or if council names him local code enforcement officer. Other options would be hire someone else, have the police handle, or do nothing, but he thinks its unwise to have ordinances that are unenforced. L. Moran asked if we can gather the ordinances by the next meeting and we will make sure that enforcement is uniform across the board.

**R&L Carriers Land Deal:** L. Moran explained that quite awhile ago, council passed a motion to sell a small amount of vacant, unusable land to R&L Carriers in exchange for the cost of the appraisal. There is a resolution tonight to be voted on to pass the resolution to sell the vacant land to R&L Carriers, and then also he recommends a motion to authorize the borough manager to sign the deed as a designee of council. A motion was made by C. Stephens to pass Resolution #06-2021, allowing the sale of the vacant land to R&L Carriers. Seconded by K. Dougherty. All members in favor, motion carried. A motion was made by K. Napoli to allow the Borough Manager to sign the quit claim deed as designee of council. Seconded by C. Stephens. All members in favor, motion carried.

**Dwight Ave Paving:** D. Markey explained that at the April Council meeting, three quotes were presented, two were telephonic, one was in writing, in which council voted to award the job to ABC Construction. ABC and Collura excavating gave prices including material. Rock Bottom Construction gave the quote for just equipment and labor, which is what was asked for. The different companies have different opinions about

how much material would be needed. The day after the April meeting, D. Markey was contacted about the discrepancy, and went back to all three contractors to ask for prices for only equipment and labor, in a vacuum, without any job combinations, etc. Rock Bottom was still \$10,500. ABC Construction was \$11,000, and Collura Excavating was \$12,200. D. Markey suggests that based on the quotes for just equipment and labor, council award the job to Rock Bottom Construction. He wasn't here to explain to council at the May meeting to explain to council, but Mr. Baldan was here at the meeting, starting with 150 tons of material, and backing that out from the total job cost. Mr. Baldan requested to speak. He stated when he gave the \$18,500 up to 150 tons of material, backing out the 150 tons at \$56/ton, he's at \$10,100. He figured it out for 2.5" of materials, because of all the potholes. He stated there is no way that 124 tons of material gets this done. D. Markey stated the following day, he gave a best price of \$11,000. K. Napoli stated we put it out with just equipment and labor, and Rock Bottom was the only company that gave us what we asked for, so they were the only responsible bidder. L. Moran stated we have procurement rules, and to K. Napoli's point, we open ourselves to liability if we don't follow the rules of the borough code procurement process, and he doesn't recommend that council stray from that. A motion was made by K. Napoli to award the Dwight Ave paving job to Rock Bottom at a price of \$10,500. Seconded by K. Dougherty. All members in favor, motion carried.

**New Business:** C. Stephens stated there is a house on the 500 block of Madison Ave that have their garbage and recycling cans in the middle of the sidewalk, and they need to be moved. D. Markey stated once a local code enforcement officer is named, they will address the issue.

Mr. Marino, as the owner of 410 Washington Ave., stated between Bridge St. and the borough property, where the guard rail is, it is starting to wash away. He is going to repair it with gabion stones.

F. Kulick stated we never came to a resolution on zoning officer pay. F. Kulick explained that the zoning officer gets paid by permit, and we were under the impression that it may not be legal, so it was suggested that it be changed to a monthly salary. The zoning officer wants to see where it is illegal, and no one has been able to answer his question. L. Moran stated it doesn't make sense that it would be illegal. F. Kulick stated payroll taxes are deducted. J. Marino asked if it is a percentage of a job, or if the fees are flat? D. Markey stated the fees are flat, per the zoning ordinance. L. Moran stated it may be atypical, but he doesn't believe it's illegal.

Mr. Marino stated his winery is almost ready, they are in negotiations with Dunmore Candy Kitchen, and they are looking at an opening date of August 1. There will be a Chicken BBQ event on Sunday, September 19<sup>th</sup>, as a fundraiser for Bianca's K9 Haven. He is going to ask the borough to be able to employ police or fire for traffic control. The winery and chocolate store should be ready to go by August 1<sup>st</sup>, along with Janan Loomis' "Sugar Babies" store as well. The parking spots have been increased to 14. Only 3 were required. At the opening, he would like to have borough officials and state officials there for a ribbon cutting ceremony.

**Adjournment:** A motion was made to adjourn by K. Napoli. Seconded by K. Dougherty. All members in favor. The meeting adjourned at 8:14pm.

Respectfully submitted,



Daniel Markey  
Borough Manager