

**Jermyn Borough
Council Minutes**
August 3, 2017

The Jermyn Borough Council held a council meeting on August 3, 2017 at 7:00 p.m. at the Jermyn Community Center, 440 Jefferson Avenue, Jermyn, PA in the Council Chambers.

On roll call present were: Frank Kulick, Robert Parks, Dan Markey, Kevin Napoli, Joseph Smith and JoAnne Wilson. Also present were Atty. Chris Harrison, Evan Samuelsen, Junior Councilman and Ray Rood, Fire Chief. Absent were; Mayor Smallacombe, John Mark, KBA and Bob Chase.

MINUTES:

A motion was made by Mr. Napoli to accept the July 27, 2017 minutes and seconded by Mr. Markey; all in favor, motion carried.

Public Comment:

Ray Rood said he cut his tree down and there is a pile of shrubbery in his yard. He paid to cut it down and he said he hopes the Borough will clean it up. Mr. Markey said it will be cleaned up.

Shade Tree Ordinance:

Atty. Harrison drafted the amended Shade Tree Ordinance, changing the members from 3 to 7 and also eliminating the terms. Mrs. Wilson said they do not go by terms unless anyone has a problem with us not going by terms, we are lucky to have 7 members. It was changed to members of the Shade Tree commission shall be appointed by Borough Council, instead of having terms. Mrs. Wilson said that will be fine because they are always appointed.

Lincoln Ave:

We received one bid for the project on Lincoln Ave. Mr. Kulick asked if this was the only bid. Mr. Markey said he spoke to Andrew Baldan and he was supposed to be calling with a quote. Mr. Kulick said we will table this to the next meeting.

Finance:

Mr. Smith said Mr. Markey, himself and the Borough Secretary met with Joe Garvey who represents Michael Barbetti's accounting firm. He has been with us for about a year and a lot of things he has recommended, we have put into effect. Last night, he gave the Borough a clean bill of health and thought the first part of the year we had done well and stayed within budget, although some items may be a little over. We were pretty good and pretty close; a lot of credit goes to the Finance Committee consisting of Mrs. Wilson and Mr. Markey. Joe Garvey gave us a packet of the 6 month review and the packet will be in the office for anyone who would like to see it. We are in a healthy position, the cash funds amount to \$471,288.00, other investments we had are \$106,408.00, totaling approx. \$577,696.00 as of June 30, 2017.

Expenses at this time were \$389,176.00 and with all the revenues coming in we had totaled revenue \$633,823.00 at the end of June 30, 2017. When we take the expenses away from the revenues we have \$244,647.00, included in that is \$124,000 that we will not see for the second part of the year which included the sale of the garage, truck and liquid fuels. We will be

operating without that extra money coming in, that was spread out over the course of the year and some money is invested in different accounts right now. There were some questions concerning personnel and one of the big things we talked about was the LST tax and probably tonight we might go into executive session to talk about that. Joe Garvey gave us different ways what other Boroughs are doing. He talked about, rather than getting a yearly fee for the LST, there is a company that breaks it up in quarterly fees, each quarter you get a different amount of money. If we start off with \$20,000 in the first quarter it can be broken up into quarters. Mr. Kulick said the employers that pay that are required to pay that quarterly. Mr. Smith said the other thing that was of interest to us and deserves discussion from the Finance Committee and council is as that money comes in should it go into a Borough account and the money receives interest. Mr. Smith said there were compliments given to the Borough secretary in regards to record keeping. Mr. Markey said he thinks it does because there is a copy of the check; it says Borough of Jermyn Earned Income Tax. At this point in time, we might argue about a lot of different things, money wise but in the end up to June 30, 2017, this council and the Finance committee has been doing an outstanding job when it comes to the budget and hopes it will continue to the end of the year. Mr. Kulick said this report is in wonderful format. Mr. Markey said even though it says Jermyn Borough Earned Income Tax, it still might be the LST collector's account. The Borough treasurer does not hold any responsibility over it and if that is the case then we should be getting quarterly payments. We will discuss further in executive session. Mr. Smith said he was very pleased to see us venturing into this good area.

Street Signs:

Mr. Markey asked Mrs. Wilson if she can speak to the rest of the Lions Club officers in regards to the street signs. Mrs. Wilson said she contacted Mr. Avery, who is the president. He contacted a few people and what he is concerned with is, they would like to have one sign for the Historical Society, with the Lion emblem on it. He also said if there is a lot of money, he doesn't want to take away from the organization of how they are selling them, if there is a lot of money handled, it would be nice because the Lions Club is dwindling in numbers that some type of donation be made to the Lions Club. Mr. Markey asked if they specified which sign they wanted; which street. Mrs. Wilson said no.

Speed Bump:

Mr. Napoli said he is trying to get together with Paul to go over there.

Chipping:

We did not receive a response from County Waste yet, Atty. Harrison said he is not sure if Atty. Moran received a response yet. The Borough secretary submitted slips again and a request for the reimbursement. We received two responses of the same kind and they said we chose option #2 on the bid which eliminates the reimbursement. Mr. Markey said per the contract, they are responsible for everything, all trash and all recycling except tires. Mr. Markey said right now what's happening is the DPW is chipping on Mondays and going down to the recycling center and basically making a donation to their compost pile down there. We are not receiving anything for it; it is costing us money and our chipper motor is dying again. If county waste isn't going to reimburse us then we are done chipping and county waste needs to handle the chipping in this Borough. Mr. Markey said he will go one step further and he would like County Waste to be here for the next meeting. Mr. Kulick said it is on his agenda. Mr. Markey said that Atty. Moran

would take care of it when the contract was taking place and he emailed me back saying it was taken care of and they will reimburse any recycling waste that we continue to do. Mr. Markey said until it came time to pay and now they are claiming they never said that.

Trees in alleyway:

Mrs. Wilson said we had a contact made by Mr. Wormuth on Lincoln about the alleyway and the trees overhanging the alleyway. She went there today and he was outside and they discussed it. It is trees of neighbor's that are overhanging the alleyway, the people who use the alley to park their cars, it is scraping the vehicles. We have the same problem with the fire dept. in some areas. Mrs. Wilson said she told him it will not be right away but it will be brought up. She said if she has to knock on some of the doors and tell them to trim their trees up, or the Shade Tree can bring it up. She said her and Mr. Markey will be working together with DPW on some things.

Davis Ct:

Mrs. Wilson said some work has been done on Davis Ct. there are two huge stones that if someone is not watching, can slice a tire. Mr. Fuga said the lower end before you get around the corner, they did not touch that, they only went so far because that is the area in question as if it is owned by us or someone else. Mr. Markey said he thinks it's a manmade alley that was made over time. Mr. Fuga said it was surveyed. Mr. Markey said if its private property, we do not want to touch it. Mr. Fuga said we went down and did most of it but didn't want to go any further because of that reason; we didn't want to cause any problems. He said it has been surveyed recently, there are pins and markings. Mrs. Wilson said it was very good, the work that was done back there.

Mr. Rood said when we had that bad storm last week; we had a lot of trees down at the entrance of Old Mill. When he went down to check he said by Newcomb's and past his house, it is like going through a tunnel down there. He also said by his house on Bacon is the same way. The trees down old Mill are planted on Borough property. Mrs. Wilson said they plant these trees that are not suitable and they feel it is their property; we are going to do whatever we can so they can get trimmed back. Mr. Rood said the trees are planted on Borough Property. What if you went in to put a sewer, he would lose all his trees anyway. He is causing a problem for regular vehicles and fire trucks. Mrs. Wilson said we will get to the bottom on how we are going to handle that. We may need council action to go the one step further. Mr. Kulick said it is within our power.

Resignation Letter:

Mr. Rood said he received a resignation from Walter Estile from Captain of the Fire Police. He did not resign from Fire Police but he resigned from Captain. A motion was made by Mr. Napoli and seconded by Mr. Markey to accept the resignation of Walter Estile as Captain of the Fire Police. All in favor; motion carried. Mr. Rood recommended Charlie Gardecki. A motion was made by Mr. Napoli and seconded by Mr. Parks to appoint Charlie Gardecki as Captain of the Fire Police. All in favor; motion carried.

Other:

Mr. Kulick said we have a variety of people on the no pick list to not pick up the garbage and we know there are people living in those buildings. Where is their garbage going? Atty. Harrison asked how many people are on the list. Mr. Kulick said about a dozen. One in particular has 4 or

5 units it is 614-616 Washington, where are they putting their garbage? We want to look into that and take some action. Mrs. Wilson asked if they have a dumpster. Mr. Kulick said no.

Letter from Mr. Jim Davis:

Mr. Davis said Borough council does an outstanding job, given that we are a very small community with limited resources. There is one avenue where council appears to be considering something that in his opinion is not the way to go. In August of 2002, council passed ordinance 3-02 to have a registration program for rental properties. Being an owner of a rental property, he has no problem with this ordinance. December of 2016, council passed 10-2016, amending 3-02, increasing the fee from \$10 to \$40, intended to establish a database. He believes at the time given it was because Mayfield has a \$60 fee, not a valid reason. Upon reading July 6, 2017, it appears council may be revisiting ordinance 3-02, there may or may not be problems with rental units in Jermyn. An approach would be having someone or agency inspect of all rentals is advised. This again would add an expense that would be filtered down to the tenants. Possibly just asking tenants if they have any major issues with their dwelling units would suffice. If they do, that unit or units may need to be inspected. Mr. Kulick said we did not increase the fee to \$40 because Mayfield is \$60.00; we had other reasons that were explained at that time. Mr. Kulick said Mr. Davis is right and he intends to bring this up later this year. He personally disagrees that if there may or not be a problem with rental units, there is a problem with rental units, we have the police going back to the same ones 3-4 times a week and that is a problem. Mr. Kulick said he has been looking into what other Borough's do and there is a lot more things we can do to clean this stuff up. We will have more information on this. Mr. Kulick said the ordinance we have already allows us to do a lot more things than we have done and we should probably start doing that.

Mr. Rood said a lady had some questions about 440 Washington. Her concern was a mold problem. He told her to get someone in there to check for mold, their lease is until January. She was also worried about only having one door. He said it would be one place to check and it is the building to the left side of the Allied building, they are on the upstairs, second floor apartment. Chief Arthur said in regards to that ordinance, 511 Washington is in violation of that, he is getting reports together and asked where they go for further action. Do they go to Atty. Moran? Mr. Kulick said to file papers with the magistrate. Chief Arthur said he believes it says they can be evicted from there. Chief Arthur said eviction process is a civil thing and he didn't know if Atty. Moran has to take action. Atty. Harrison will take a look at the ordinance.

Agenda Items for next meeting:

Mr. Markey said they have been discussing the new DPW Garage for a long time; they have been exploring all avenues. They have an idea, it's a pretty bold idea but we have an idea, where it is land we already own and its land that is very close to here. Mr. Fuga thought of it and talked it over with Mr. Esgro and then discussed it with Mr. Markey. Mr. Markey said he brought Mr. Napoli down to look at it. They are considering out here in the greenspace. The greenspace that is blocked off right now, that we have the police vehicles and the trees and we have the greenspace. If we started right at the other side of the entrance next to the Borough Building and we put up a 40x70 pole building, we still have enough room to get in this side and to get out the other exit. Most of the trees would be able to stay; we might have to take out the one tree that is in front of the greenspace. Mr. Fuga said maybe possibly relocating it if we can. Mr. Markey wanted to show everyone, an idea of what we have in our head here. He showed council a

40x70x16ft high pole building. The cost would be under \$40,000. We could make a lot of different modifications, we can make it our town, and it wouldn't look like a shack. We might even be able to get away with 40x60, Mr. Fuga said we really wanted a 40x80 but we trimmed it down to fit in the confines there. Mr. Markey said if we did that, we would be able to take all of our equipment that is out here and put it in the building and add more parking spaces rather than removing parking spaces. The trailer would be gone from the back of the building and we can put up angled parking spots. We would be able to fit all our trucks and equipment. This would come with 4 10x14 commercial garage doors, 3 panel windows, 1ft. gable overhangs, rooster weather vane, 3 ply 2x6 poles, siding, roofing, engineered sealed blue prints so we would get the stamped blue prints for this building so there would be little to no engineering costs. This is something we would have to bid it out; companies like this are usually competitive. The only thing that would be extra, they don't insulate. Mr. Fuga said they do but it is an option. You have to look at the options as you go, you can make this building whatever you want but you have to consider the budget. There are a lot of things you can do to it to make it not look industrial and fit in. Mrs. Wilson asked where the four doors would face. Mr. Markey said we don't have to get 4 we were talking 3 and they would face the front out towards Jefferson. If we had enough room, we would probably get one on the back and one on the front so we can have a drive thru.

Mr. Fuga said you would gain parking because right now with everything behind the salt shed is all dead space, you can work it so everything would flow easier, you can come in and park all along there and just go out the other side of the building. You may lose 2 or 3 on the side here where the building would be but you would gain more in other spots. Mr. Fuga said you can dress this up being that you have a neighbor right there. Mrs. Wilson said that is a concern. Mr. Fuga said you can create a nice wall of plants so he would not see that. He said we are not here that often and we are mostly on the road and it is just a place to store equipment. Mrs. Wilson said coming in, between the grass area and the memorial garden here, which is wide enough to have diagonal parking because the Shade Tree moved it wider, so you can have diagonal parking, would you overlap onto that road coming in? Mr. Fuga said no, we would be going the opposite way towards Coleman's. He said he thinks it would flow very nice. The challenges that we face, no matter where we want to put a building, we have this salt shed here. We spent a lot of money on the salt shed. It is not the most ideal thing, we want to be somewhere else but we keep finding every road block. We still have the facilities here, we have the bathrooms and offices, and we won't have to do much it is pretty much a building just for storage. Mr. Napoli said that was the biggest plus when going over it, the costs of the building, if we put it anywhere else we would have to pay for hookups for water, electric and everything else. Mr. Rood said to make sure we can hook it up to our electric here; you might have to use a separate meter. Mr. Rood asked if the footer is approved stamped prints too. Mr. Markey said the concrete floor would be the option. Mr. Rood said then you have wiring and you probably have to put a bathroom in there by code.

Mr. Napoli said they are going to look into that, to see what we have to do and what we do not have to do. Mr. Fuga said our utilities are right here. Mr. Napoli said other spots we looked at, we had to go hundreds of yards to get to the hook ups. Mr. Smith asked how far back it would be from the sidewalk. Mr. Fuga said it would be 20ft from the roadway. Mr. Smith asked if it would create an eyesore. Mr. Fuga said he does not believe so; it will be set back enough. Mr. Rood

asked if it will meet our zoning. Mrs. Wilson said the Shade Tree will help them, putting shrubbery in the front to make it blend in to make it look welcoming. Mr. Fuga said that is something we will strive for, we want a building that we are proud of. Mr. Fuga said we want to make it so it does fit in, it will be one of the nicer buildings in town. Donna Stackel suggested planting those big trees. Mrs. Wilson said she will bring this up with Shade Tree and council has to agree with everything as well, but as liaison she will bring it up with Shade Tree to help dress it up. Mr. Kulick said we will need to get more information on costs. Mr. Fuga said we can start getting some hard costs now because before we were bouncing around on where we were going to go. Mrs. Wilson asked if the building will be big enough so that there is nothing lying around outside, so that the grounds look neat. Mr. Fuga said yes. Mr. Rood suggested that the first thing council needs to do is go to NEIC and tell them this is what we want to do and what will we be required to do as the UCC codes of PA and ask if this is everything we need from them or something else we don't need and then we can get our pricing we need and overall bottom costs. Mr. Markey said he will contact NEIC. He understands we would have to bid but the first thing we would have to do after we talk to NEIC is talk to the USDA for possible building funding. The \$40,000 is before electrical, heating, poured floor with drainage. It doesn't come with all the essentials we need and we need to look into if we need restrooms. Mrs. Wilson said we have to remember that we have homes and families and want to keep it pristine.

Mr. Rood asked about the two spots on the corner of Madison and Bacon that are caved in, before we get torrential rains and flooding is there anything going to be done with them. Mr. Fuga said they have to dig them up. They have to get the pipe and cut the road. They have to get someone to cut the road.

Mr. Parks said with all the water and heavy rain may have gone in the basement and starting to smell like mold. Whenever we get a heavy rain it starts to back up. It is starting to smell. Mr. Parks asked if DPW can take a look at it. Mr. Fuga said they looked at it today. Mr. Fuga said with all the heavy storms, the system here can't take that kind of rain here that quick.

Mr. Napoli said Mrs. Carrighan over on Garfield asked if we can come over and look at her fence line, brush is pushing onto the property and is pushing the fence over. Mr. Kulick said we looked at that before. It is their property. Mr. Fuga said there is a paper road but it is still their property up until you get to the road. They are looking for someone to come in and cut it. Mr. Napoli said they said someone from the Borough used to come in and clean it. Mr. Fuga said no not since he has been here. Mr. Napoli said it's impossible for them to cut back there, they tried. Mr. Fuga said it would not be there Borough; we never cut back there since he has been here and talking to Mr. Esgro he doesn't think they ever cut back there.

Mr. Markey said we need to follow up with Mr. Kutch in regards to the resident that was complaining over at the Verizon building with the generator. We are still awaiting an answer.

Council went into executive session at 8:04 pm for personnel issues.

Council reconvened at 8:36 pm

A motion was made by Mr. Napoli and seconded by Mr. Smith to adjourn the meeting at 8:36pm. All in favor; motion carried.

