

Jermyn Borough

Council Meeting

12/17/20

The Jermyn Borough Council held a council meeting on Thursday, December 17, 2020 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.

President Kulick asked everyone to remain standing to have a moment of silence in memory of Donald Stephens, past president of Crystal Fire Company, and former member of the Jermyn Planning Commission, who passed away recently.

On roll call, the following members were present: Frank Kulick, Kristen Dougherty, Kevin Napoli, Cynthia Stephens, Carl Tomaine and Robert Hunt. Mayor Fuga, Attorney Aquilino, Bob Chase and Amanda Rzucidlo were also present. Kathlyn Goodwin, Stanley Hallowich, KBA, and Jim Perry were absent.

Minutes: A motion was made by C. Stephens to accept the minutes of 12/3/20 as presented. Seconded by K. Dougherty. All in favor, motion carried.

Vacant Council Seat Interviews: F. Kulick called William Price forward, who had sent a letter of interest since last council meeting. He asked Mr. Price the following questions, which were answered:

1. How long have you lived in the borough? **47 years.**
2. Are you a registered voter? **Yes**
3. Have you ever served on a borough council or township board of supervisors before? **No**
4. Have you been on any committees or organizations? **Recreation Committee, Crystal Fire Company, Jermyn Youth Sports – worked on getting grants, built the field, re-did the gym.**
5. What strengths do you feel you'd bring to council if appointed? **Spent a lot of time in town, there are a lot of things to be done, a lot of things that haven't been done that should have.**
6. Do you have any opinions on what the current council should be doing? **No, just personal opinions**

F. Kulick asked C. Stephens if she had any questions for any of the candidates, since she was not at the last meeting. C. Stephens stated no.

F. Kulick explained that the way the process works is that he will open the floor for nominations. Nominations do not require a second. Once all nominations are heard, a vote will be taken on the candidates in the order in which they were nominated. F. Kulick then opened the floor for nominations. K. Napoli nominated Kyra Davey. C. Stephens nominated Trish Dabney. No other candidates were nominated.

F. Kulick asked D. Markey for a roll call vote on Kyra Davey:

F. Kulick – yes

K. Dougherty – yes

K. Napoli – yes

C. Stephens – no

C. Tomaine – yes

R. Hunt – no

With a 4-2 majority vote, Kyra Davey is appointed as the newest council member.

F. Kulick thanked the other applicants, and reminded applicants that there is an upcoming election next year if they are still interested.

F. Kulick read Resolution #21-2020, appointing Kyra Davey as the council member to fill the vacancy of the seat of Jennifer Schreiner.

Mayor Fuga swore K. Davey into office, and she took her seat at the council table.

Mayor Fuga called Kristen Miller-Hahn forward, and read a proclamation to present her with the Mayor's 2020 Citizen of the Year Award. Kristen has organized thousands and community members and helped to raise tens of thousands of dollars to help thousands of citizens throughout Northeast Pennsylvania with meals, clothing, masks, etc. during the wake of the COVID-19 Pandemic.

Correspondence: None.

Public Comment: None.

Treasurer's Report/Bills Payable: D. Markey presented the Treasurer's Report for December 17, 2020:

ASSETS

Capital Reserve - DPW	13,497.05
Capital Reserve - Police	3154.28
Crime Watch Fund	755.44
General Fund - Community	181,584.93
General Fund - FNB	1,975.99
Holiday Lights Fund	543.90
Investment - General Fund	1001.39
Investment - Liquid Fuels	33,806.66
Investment - Paving Fund	11.91
Investment - Recycling	5,002.59
Investment - Refuse	2,604.51
Liquid Fuels - FNB	28,933.69
Petty Cash	171.42
Recreations Fund	8803.12
Recycling - Community	9,109.37
Refuse Checking - FNB	36,378.64

Total Checking/Savings **327,334.89**

Current Liabilities

Accounts Payable **127,250.81**

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

Police Chief: Absent

Fire Chief: Absent

EMA Director: Absent

Solicitor: W. Aquilino announced he has drafted an "Unoccupied Structures" Ordinance for Council's consideration. F. Kulick asked him how this differs from the Property Maintenance Code? W. Aquilino explained that as long as the property is maintained, there's not much we can do, but with an unoccupied structures ordinance, we can get these buildings on a schedule for rehabilitation.

Code Enforcement: W. Aquilino stated we have had two more successful hearings, and had an inspection of 521 Washington Ave. He stated in 2021, we need to do a better job explaining what some of the rules are for. For example, Joe Sweder had a problem with alternate parking with a two foot snowstorm. People need to understand that in most other municipalities that have alternate parking, it's all winter long, regardless of whether or not it's going to snow. Jermyn Borough only institutes prior to a snowstorm. People need to understand that these rules are enforced not only in Jermyn, but all over PA, for community benefits. He stated there was an issue with the Dabney's related to a UCC permit. W. Aquilino addressed Mr. Dabney, and said Mr. Dabney sent a shot to D. Markey. Mr. Dabney stated it wasn't a shot. W. Aquilino stated it was very curt. Mr. Dabney stated it was to the point. W. Aquilino stated he should be talking to the borough code enforcement officer; it doesn't have anything to do with D. Markey. Also, it's a state law. If you want to complain to someone, complain to Governor Wolf. We don't write those laws. Mr. Dabney stated that D. Markey addressed the permit to his wife. Mr. Aquilino stated it was as a courtesy. Mr. Dabney stated that he was just trying to say that any correspondence or communication should be brought through him. Mrs. Dabney asked where it was in the rules and regulations? W. Aquilino stated it's not a borough law; it's a state of PA law. W. Aquilino stated people feel very safe on Facebook making comments because there are no results from that. Mr. Dabney stated the message was not meant as a shot to D. Markey. W. Aquilino said call him up. When people want to have a productive discussion, they come down to the borough building or pick up the phone. Mrs. Dabney asked why they weren't sent a letter? W. Aquilino stated D. Markey called her as a courtesy. D. Markey asked if he could speak? He began to try to explain the process, when W. Aquilino interrupted, "these people are crazy." Mr. Dabney stated no, they're not crazy. Mrs. Dabney stated they are leaving. W. Aquilino stated the point is don't harass Dan about something that's not Dan's issue. Mrs. Dabney told W. Aquilino that he harasses everybody else in this town. She stated he harasses Jerry Bruno an awful lot; she sees it on Facebook. Mr. Dabney read the note he sent to D. Markey: "Not paying a permit, not construction, just plopped it down on our existing deck..... any further communications with this matter will go through me, not my wife..... thank you..." He asked what is threatening about that? W. Aquilino asked him to read it again. Mr. Dabney re-read the message, and exited the meeting. W. Aquilino stated one of the things he needs to do better in 2021...D. Markey interrupted, and said "be nice to people". D. Markey stated

that W. Aquilino should've let him talk to the Dabney's. W. Aquilino stated he needs to do a better job communicating with people regarding what the laws are about. Some of these are state laws, and the borough is just the enforcer. D. Markey asked if he can explain for the benefit of council? D. Markey explained that the Dabney's put in a hot tub, and it was on Facebook, and people were asking about it, inquiring about permits, etc. Because if one person gets caught doing something without a permit, or one neighbor calls on another neighbor, etc., it becomes the domino effect, and people are always watching and calling to complain. Usually, if he receives a complaint, he will contact NEIC, the borough's Building Code Official, to have them go to the property and check it out. They enforce the PA UCC code in our borough. If it's something that requires a permit, they will notify the people that permits are required, and if something still under construction, will issue a stop work order. D. Markey stated he considered himself friendly with the Dabney's, and he had their contact information, so he first contacted NEIC to inquire if a permit was required. After finding out an electrical and building permit were required, he contacted the Dabney's to give them a heads up. D. Markey stated he's not really on Facebook anymore, and he didn't know about it until he started receiving inquiries. He called Mrs. Dabney and advised her that permits were required, and advised her how to obtain the applications. Afterwards, D. Markey received a message from Mr. Dabney. D. Markey stated sometimes when there are messages, you can read into it or not read into it. Mayor Fuga stated one of the things he will agree with W. Aquilino on is that when there is an issue, you should pick up the phone or visit the office, because it's hard to relay emotions and thought in messages. D. Markey stated he was trying to extend a courtesy by giving a phone call, but if council doesn't wish for him to do that, he will just send NEIC out in the future. F. Kulick stated Mrs. Dabney asked why she wasn't sent a letter, and that she didn't appreciate the fact that D. Markey gave her a heads up. F. Kulick stated if you're a homeowner and a concerned citizen, you don't just do things; you call and inquire if a permit is required. Bob Chase stated that Mrs. Dabney called him and asked if a zoning permit is required. He advised her that the placement of the hot tub does not require a zoning permit, but he did mention that building and electric permits would be required. F. Kulick asked B. Chase when that was? B. Chase stated he thinks it was yesterday. W. Aquilino stated the reason the permit would be required is because hot tubs draw a ton of power, and it is filled with water. If not grounded properly, you could get electrocuted and die. Mr. Price asked who looks at the structure inside the house? B. Chase stated the homeowner would hire an engineer, but if they are required to obtain a permit, then the inspection company would need to come in. Mr. Price asked who is looking at it? Are they certified? D. Markey stated yes, they are certified inspectors.

Zoning: B. Chase stated he has nothing at this time.

Engineer: Absent.

Junior Council Person: A. Rzucidlo stated the snow storm was tough, and whoever was out plowing did a great job! C. Tomaine stated he took a drive around town today and everything looked great considering the amount of snowfall.

Tax Collector: Absent.

Mayor: Mayor Fuga reported that to some people, the alternate parking can be an inconvenience, but it's done for the safety of the borough. The police are trying to educate people; we're not out to give parking tickets. The alternate parking is first and foremost so emergency vehicles can get through, and the alternate parking is only instituted in big storms. Mayor Fuga thanked the citizens that cooperate with the ordinance. C. Stephens asked why the DPW doesn't push back all the way? T. Fuga stated that it's a balance, because many have already shoveled their sidewalks, and when he is pushing back, he is looking and trying to be very careful to push onto the greenway, or where a greenway would be. He doesn't want to burden people with

more snow to shovel. As time goes on, he would like to see if we can do more snow removal, with our loader we have, maybe we can get a snowblower attachment that we can blow it right into the back of a truck and then remove it completely. D. Markey stated after every snowstorm, there is a wave of people calling to sign up for RapidCast.

Planning Commission: Nothing at this time.

Public Safety: K. Napoli encouraged everyone to stay safe. Hopefully COVID-19 vaccines will be here shortly for our front line workers.

Finance: C. Tomaine reported we received a refund of our Workman's Comp premium, as a result of the audit. The payroll was lower than the projection. D. Markey asked C. Tomaine if he had a chance to look into the bond? C. Tomaine stated not yet.

Shade Tree: Nothing at this time.

Grants: K. Dougherty stated the county was here to take pictures for the elevator grant to send to DCED.

MS4: K. Dougherty explained that we received conflicting advice from the PA DEP and the US EPA on using our engineer for MS4 purposes. We received a letter from the PA DEP about our MS4 permit, specifically our pollution reduction plan. The DEP rep advised us to use our engineers for this plan. K. Dougherty stated we do need KBA's help to develop the plan, and we have advised them we will be using them again for our MS4 purposes. K. Dougherty advised we have to advertise the pollution reduction plan for comment for 30 days prior to submitting to DEP.

DPW: Nothing at this time.

Recreations: Nothing at this time.

Borough Manager: D. Markey reported he received a call from Mr. Corazzi, the father of Jason Corazzi of the Jason Corazzi Memorial Dog Park in Archbald. He advised that he needed to vacate his Archbald location, and someone had mentioned Jermyn. D. Markey advised him about the land on Division St, and Mr. Corazzi drove by and looked at it, and thought it would be an appropriate location. D. Markey asked B. Chase to look at it from a zoning perspective, and asked council what their thoughts were regarding moving the dog park to Jermyn? D. Markey stated the county advised them to take possession and we will deal with the paperwork at a later date, due to COVID-19. C. Tomaine asked D. Markey to look into insurance implications with DGK.

Delinquent Garbage Fees: F. Kulick announced that we found out that the 2019 delinquent garbage fees that were turned over to Lackawanna County were incorrectly stated as \$125/unit, instead of \$255/unit. That turns out to be a shortfall of around \$9,000. The three options we have are to let the difference go, bill the property owners for the difference, or go after the previous tax collector's bond. W. Aquilino stated he will look at the bond and report back to council.

Capstone Project: D. Markey stated this is not the Climate Action Plan, but it's to help implement solutions regarding climate. Mayor Fuga stated we had a Zoom meeting with them, and it sounds like they're very knowledgeable and can help us with a lot of our MS4 issues. K. Davey stated this is good because we're not bound to anything, and if we don't like what they suggest, we can do our own thing. C. Tomaine stated this is way better than the other thing, because that was aligning ourselves with a meaningless proclamation that is based on not really great facts – in some cases – non-facts, that just satisfies a professor to give their kids an A. This seems to have a practical outcome. Mayor Fuga stated there is a lot of expertise they can help us with, such as rain gardens, etc. C. Tomaine stated there's no real commitment, which is good. A motion was made

by K. Napoli to have Jermyn Borough partner with East Stroudsburg University in the Capstone Project. Seconded by K. Dougherty. All members in favor, motion carried.

Auditor Appointment: F. Kulick stated we only have one letter, and it is from Brian Kelly. F. Kulick read Resolution 22-2020 to appoint Brian Kelly, CPA as the independent auditor to conduct the 2020 audit at a rate of \$4750. A motion was made by C. Stephens to appoint Brian Kelly, CPA as the independent auditor. Seconded by C. Tomaine. All members in favor, motion carried.

New Business: F. Kulick asked if Don Stephens was still on the Planning Commission? D. Markey stated no, he resigned a few years back.

F. Kulick announced that there are Jermyn PA is Awesome masks that are available for a \$5 donation to the Holiday Lights fund.

D. Markey announced that the Washington Ave speed reduction ordinance will be on the January agenda.

F. Kulick wished everyone a Merry Christmas and Happy New Year. He stated the next meeting will be January 21, 2021.

Adjournment: With no other business to come before the meeting, a motion was made to adjourn by K. Napoli. Seconded by C. Stephens. All members in favor. Meeting adjourned at 8:02 pm.

Respectfully submitted,

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

Daniel Markey
Borough Manager