

Jermyn Borough

Council Meeting

8/6/20

The Jermyn Borough Council held a council meeting on Thursday, August 6, 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.

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

Minutes: A motion was made by K. Napoli to accept the minutes of 7/2/20 as presented. J. Schreiner asked if everyone saw the correction? The council stated yes. Seconded by J. Schreiner. All in favor, motion carried.

Treasurer's Report/Bills Payable: D. Markey presented the Treasurer's Report:

**Jermyn Borough
Balance Sheet
As of August 6, 2020**

	Aug 6, 20
ASSETS	
Current Assets	
Checking/Savings	
Capital Reserve - DPW	13,426.77
Capital Reserve - Police	1,832.47
Crime Watch Fund	921.75
General Fund - Community	107,567.10
General Fund - FNB	61,132.74
Holiday Lights Fund	3,346.54
Investment - General Fund	1.39
Investment - Liquid Fuels	33,761.56
Investment - Paving Fund	11.89
Investment - Recycling	1.33
Investment - Refuse	2,600.87
Liquid Fuels - FNB	57,687.45
Petty Cash	162.01
Recreations Fund	4,910.78
Recycling - Community	12,642.68
Refuse Checking - FNB	93,641.06
Total Checking/Savings	393,648.39
Total Current Assets	393,648.39
Current Liabilities	
Accounts Payable	
200000 · Accounts Payable	80,740.67

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

Correspondence: F. Kulick reported that Council received a letter from the Crystal Fire Company dated July 9, 2020, stating they will be updating their bylaws regarding the zero tolerance policy for drugs and alcohol and consequences for violations. The updated bylaws will be ratified at their August meeting.

Public Comment: None.

Reports:

Police Report – Chief Arthur reported there have been 3,830 incidents to date this year. The police have arrested Aaron Cucura for over 100 felony counts of child pornography, Michael Porth under a criminal homicide warrant, and Christopher Nykaza under a fugitive from justice warrant. Jermyn PD assisted Carbondale Police in locating a child who wandered on the trail by using a side by side. The police received a prescription drug box on a grant, and is for residents in the community to drop off old prescriptions rather than throwing them out or flushing them. The drugs are weighed and turned over to the district attorney. The Jermyn PD is working on an accreditation program through the PA Chiefs of Police Association, and also updating policies. House watch checks are continuing as well. F. Kulick stated he heard a lot of very positive comments regarding the prescription drug drop off box.

Fire Report – Chief Hallowich had no report. He stated it was a very quiet month.

EMA – Absent.

Solicitor – Attorney Aquilino reported we filed eight district justice citations for violations of property maintenance code, rental ordinance, and one entity regarding the pave cut ordinance. We are contacting landlords who have not yet secured 2020 rental permits, and he is also working with residents regarding a dangerous tree at 706 Washington Ave.

Code Enforcement – W. Aquilino stated there were many issues regarding 455-457 Madison Ave. He asked Chief Arthur about the different calls at the building. Chief Arthur stated that the calls all come in under the same address, but he has had issues with many of the different apartments. W. Aquilino read off the list of police calls to the address: CYS Investigation, Theft, Domestic, Welfare Check, Domestic, Shoplifting, Theft, Service of Warrant, Disorderly Conduct, Threats, Criminal Homicide & Burglary, Fugitive from Justice Warrant, Threats. W. Aquilino stated the borough has a rental property ordinance, and the ordinance requires permits, which requires names and phone numbers of all tenants. The police cannot act as the landlords of the property. W. Aquilino invited Attorney Toczydowski to speak regarding the issues. Attorney Toczydowski stated the owner, Mr. Wagner, purchased the property in 2005, and before the arrest warrants, he had no idea of any police calls at any properties. The problem tenant has not paid rent since December, and they want that tenant out also. W. Aquilino stated this is a nuisance property, and the absentee landlord has a higher duty of care. Attorney Toczydowski stated the term "absentee landlord" has a negative connotation. W. Aquilino stated that he lives over an hour away, and a local agent is required. Attorney Toczydowski stated that this boils down to one tenant who the owner would like to evict, but he cannot, due to COVID-19 eviction moratoriums. W. Aquilino stated there are more issues than just the homicide warrant. Attorney Toczydowski stated the other issues are vague, and we're just learning about the other ones tonight. W. Aquilino stated the concern is that the police department is serving as the landlord and we're not collecting the rent; the property owner is. Attorney Toczydowski stated other people are committing crimes elsewhere and hiding out at the apartment, and that's not the landlord's fault. W. Aquilino stated the apartment needs to be checked on once in a while, and the owner needs to work with the police department. Mr. Pisanti, the

local agent, stated he got the letter and called a bunch of different times and never got a call back. Chief Arthur asked what number he called? He stated he called a number that Chief Joe (Mayfield, PA) son gave him. W. Aquilino asked Mr. Pisanti where he has been since January? Mr. Pisanti stated he is at the apartment every other day for the past twelve years. K. Napoli asked how he could not have known this is all going on? Mr. Pisanti stated he was there the other day, and he thought someone hit something up the road, and he walked around the property and left. Attorney Toczydlowski stated that the borough got the property owner's attention, but this is all due to one tenant. W. Aquilino stated it's more than one, it's at least three. This property qualifies as a nuisance property under the ordinance. Attorney Toczydlowski asked if anyone here tonight lives near the property? C. Stephens stated she lives right across the street and her grandkids live right across the alleyway, and she sees tons of stuff going on there. Mr. Wagner apologized, and stated due to COVID, he hasn't been around since December. Chief Arthur asked if there are exceptions for criminal activity? W. Aquilino stated yes; Attorney Toczydlowski stated only if she was charged with a crime herself, but no judge is going to evict anyone right now. He stated he believes we all have the same goal; to get the bad tenants out, but the outside of the property is very nice and well kept. K. Napoli stated he keeps hearing that the property is nice on the outside, and commented on Attorney Toczydlowski's attire, stated he was dressed very nicely, but if he ran out and started raping and murdering people, should those crimes be excused because he looks nice? Attorney Toczydlowski stated he will work with the borough to handle the issues. K. Napoli asked why he isn't answering the question. Attorney Toczydlowski stated he didn't think the question was very professional. He stated although he doesn't live in the borough, he lives in the community and has a business in the community. B. Chase asked if there is a protocol for the police to notify the property owner if there is a call at the rental? W. Aquilino stated he serves that role.

Zoning –B. Chase stated he is receiving a lot of zoning applications. There is an ice cream truck that wants to park on a property. He is looking into it to make sure it can be done. He stated Planning met about the Callahan Park grant application, and R&L Carriers. He stated he didn't have much time to review prior to the meeting, so they informed the engineers that they would look over everything and contact if they needed him. B. Chase also stated he wanted to speak with T. Grizzanti from KBA regarding water issues and then it's just a matter of reviewing and approving.

Engineer – Absent.

Junior Council Person – I. Brown stated she's been working on a replacement for herself, along with the guidance counselor. She stated she found two people who were possibly interested, but they're both seniors. There may be potential sports conflicts, but she is going to see what is happening.

Mayor – T. Fuga would like to thank Chief Arthur and the Police Department for all the arrests they've been making.

Committee Reports:

Planning Commission – K. Napoli reported the Planning Commission met on R&L Carriers, what Mr. Chase reported on earlier.

Public Safety – K. Napoli advised he has nothing. W. Aquilino stated under Public Safety – the cats and cat shelters are gone. After hours and hours of work – working with In Pursuit of Grace. W. Aquilino thanked Council, Mayor Fuga, Manager Markey, and stated the cat problem is finished.

F. Kulick asked if we should address Artisan under Public Safety also. F. Kulick asked Mr. McDermott if they have anything to say? Mr. McDermott stated F. Kulick wrote a letter advising them to be here tonight. Mr. Gene Hosie asked if there was any objection to having the meeting recorded with their recorder for their own

minutes? There were no objections. F. Kulick stated he was taken aback by the Facebook comments. He stated that if anyone has any gripes about him, Council, the Fire Chief, or anyone else, the place to do it is here, not on Facebook. W. Aquilino asked if Mr. Hosie was here? He stated he was. W. Aquilino invited him up, and stated he posted on Facebook on behalf of the department, then took the post down, so now that everyone is here, what does he have to say? Mr. Hosie stated he had a conversation with Mayor Fuga one night and he doesn't believe he received truthful answers from the mayor. Mr. Hosie stated that he asked the mayor about fire chief position opening up, and the mayor advised Mr. Hosie that everyone backed out. Is that true? K. Napoli stated that we received six letters of intent, and interviewed all six applicants. Stanley Hallowich was chosen because he was, by far, the most qualified candidate. Mr. Hosie stated he received a different story from the mayor. Mr. Hosie stated Mayor Fuga stated B. Chase dropped out of the running. Mayor Fuga stated he did not tell Mr. Hosie that. Mr. Hosie stated that he has an eye-witness. Mayor Fuga stated he can have all the eye-witnesses he wants; he didn't say it. W. Aquilino asked what other issues does the Artisan have with the borough? Mr. Hosie stated the money issue; the borough took \$2000 off of Artisan, and \$2000 off of Crystal, and gave to William Walker. W. Aquilino asked if Mr. Hosie knows why that is? Mr. Hosie stated no. K. Napoli stated he explained to Mr. Hosie, in detail, where the money went, and why. Mr. Joe Hosie stood up and asked where the money went, because it was never explained to him. K. Napoli stated that both fire companies used to receive \$7000 each and William Walker used to receive \$1000. Since William Walker is our first due rescue company and ambulance company, and they are staffing an EMT for 12 hours every day of the week, we are assisting to help Mayfield Borough handle the cost. Mr. J. Hosie asked don't they (William Walker) charge when the ambulance is dispatched? K. Napoli stated that doesn't mean they get paid. Mr. J. Hosie asked if K. Napoli used to be a firefighter? K. Napoli stated he still is; he was with Crystal and he resigned, but he is still a firefighter with William Walker. Mr. J. Hosie stated there's another connection. Mr. J. Hosie stated they're getting the same as the fire companies in Jermyn. K. Napoli stated no – they get a contribution, but the borough is not paying for workman's compensation insurance for William Walker, like it is for the Jermyn Fire Companies. Mr. J. Hosie stated it's harder to get members, and they feel like they're being penalized. The borough brought Artisan in tonight for a reason, what's the reason? W. Aquilino asked Mr. J. Hosie if the Artisan wants to continue to fight fires in Jermyn? Mr. J. Hosie stated it seems that the borough is trying to railroad the Artisan out. F. Kulick stated no one is trying to railroad the Artisan, and if Mr. Hosie already has his mind made up that the borough is, why are we having this discussion? Mr. J. Hosie stated the Artisan use to get called for every accident in case the car caught on fire, now they're not called. B. Chase stated everyone is upset because there was no communication that the budget was cut. There was no letter sent. There's a letter sent for everything else, but the budget cut was a surprise. Mr. J. Hosie asked why the fire companies must submit receipts to be reimbursed for the \$5000 now? W. Aquilino explained that the recommendation of the Department of Community and Economic Development was to reimburse after receipts were shown, or to pay the bills directly upon submission; but not to give a cash sum to the fire departments. B. Chase asked if he can get a copy of the paper recommendation? W. Aquilino stated that was given verbally by the DCED. Mr. J. Hosie asked W. Aquilino if he knows how a volunteer fire department works? W. Aquilino stated yes – he is a solicitor for a volunteer fire company. W. Aquilino stated he was given the Facebook posts and comments posted by Mr. G. Hosie. Mr. J. Hosie asked if there was any false information in that post or comments? F. Kulick read one of the posts about the fire chief. It stated why did Jermyn officials take \$4000 from local fire companies and give \$4000 to an outside Mayfield company; is it because our new chief belongs to William Walker and does not belong to a Jermyn fire department? And has two relatives on Jermyn council? Mr. G. Hosie stated that was a question, not a statement. F. Kulick stated the post was fabrication, and he's implying that Stanley Hallowich is chief because he has relatives on council and belongs to William Walker, and that's not true. F. Kulick stated he has one relative on council, a sister, and she abstained from the vote, and belonging to William Walker has nothing to do with it; he was picked because of

his qualifications. He was the most qualified person for the job. C. Stephens stated he's also a resident of Jermyn, and she abstained from voting because the chief is her brother. K. Napoli asked J. Hosie if he read all the Facebook comments, how does he not know where the money went? J. Hosie asked why would you give all that money to an ambulance company? He has belonged to an ambulance company in the past and knows how it works. K. Napoli asked if they always got paid? J. Hosie stated no, but William Walker comes in to back up the Jermyn fire companies when there's a fire in town. K. Napoli stated that's not how it works; they're out first due ambulance and rescue companies. J. Hosie stated the Artisan has a rescue truck that they were told they couldn't use. K. Napoli stated that is incorrect. B. Chase states they were told they couldn't roll it because they had to join William Walker for one year. K. Napoli stated that doesn't mean that they couldn't be a rescue; that means they just had to be properly trained. K. Napoli stated he and Chief Rood made that decision prior to Stanley Hallowich becoming chief, and he wanted them to get properly trained prior to running as a rescue on themselves. B. Chase said he can put the guys in his department up against any other company in the valley regarding taking cars apart and putting them back together, so why would they have to train with another company? J. Hosie asked all the council members to raise their hands and one at a time, tell him whether they thought the borough is trying to shut down the fire departments? All members present stated no. J. Hosie stated it seems to him that the Artisan is getting railroaded. F. Kulick stated he asked the Artisan members to come to the meeting because he didn't like the Facebook posts, and he felt they were implying that there was something shady going on with the hiring of the fire chief. F. Kulick then read a Facebook comment from G. Hosie that stated, "I'm not done with Jermyn's new regime." He doesn't know what that means, but they're here, so if there's any further issues, talk to us. G. Hosie stated he believes everything has been said.

Finance – C. Tomaine stated he's not aware of any items to report. F. Kulick stated we need to get started on next year's budget, so we need to meet soon.

Shade Tree – R. Hunt stated the Town Wide Yard Sale is August 15th & 16th and will be advertised in the paper. Shade Tree is working on the Veteran's Day Ceremony, and special guest speaker is slated to be Earl Granville. The Jermyn 150 celebration has been postponed until 2021. They are in contact with PPL for Hometown Hero banners on Rushbrook St. The Memorial Garden is having some trees and shrubs removed. The borough will reseed grass in killed areas. R. Hunt also reported that Joanne Wilson would like to meet with D. Markey to discuss a tax ID number for the Shade Tree Commission.

DPW – J. Schreiner asked D. Markey if we want to discuss the pothole paver tonight? D. Markey stated he can send Council information on it and it can be discussed at the September meeting.

Jermyn 150 – C. Stephens reported that the committee meets this Sunday at 7pm at the borough building.

Code Enforcement Continued – Scott Outman, 224 Hudson St. stated he was invited here, and doesn't know when to speak. W. Aquilino asked him what the violation is on the letter? Mr. Outman stated garbage, rental permit, dangerous garage, tall grass & weeds. Mr. Outman stated he doesn't put garbage out. W. Aquilino stated he doesn't have the photos on him, but he doesn't send violation notices without photos of the garbage being put out. W. Aquilino asked Mr. Outman if he paid his garbage fee? Mr. Outman stated he doesn't know how. D. Markey stated he needs to contact the Lackawanna County Tax Claim Bureau, and provided Mr. Outman with the phone number. Mr. Outman asked how he fills out an affidavit of non-rental? W. Aquilino stated it's on the website. D. Markey stated he will get Mr. Outman a copy. Mr. Outman stated he was calling the number and couldn't get through, but he was calling B. Chase by mistake. W. Aquilino asked about the 2020 fee? D. Markey stated 2020 isn't delinquent until December 31st. Mr. Outman stated the garage has been torn down for a year, grass has been mowed. B. Chase stated sometimes neighbors take

other neighbor's garbage cans and put them out when there is extra garbage. W. Aquilino told Mr. Outman that when the 2019 delinquent garbage fee is handled, he's got no further violations at his property.

Public Safety Continued – K. Napoli stated he forgot to mention during Public Safety that D. Markey is not the person to call when someone needs the police. He stated that calling the borough office and then having D. Markey contact the police is not going to turn out well. Dial 911.

Borough Manager - D. Markey stated he met with the workman's comp loss control specialist, and he is reviewing their recommendations and will get back to council next month. They want the employees to go through active shooter training. The borough flag has been on backorder due to the Coronavirus, and they will finally ship next week. There will be a blood drive on Friday, September 25th from noon-5pm at the borough building. D. Markey also pulled up the census numbers. Jermyn is at a 71.5% response rate right now, about 5% better than the state average. He wants to remind everyone that if they haven't filled out the census yet, please do so. It's easy to do so, and can go a long way to ensure adequate federal and state funding for our municipality.

F. Kulick asked K. Napoli if all the council members completed the required NIMS training? K. Napoli stated not yet, but he is working on it.

R&L Carriers – D. Markey spoke with Justin Doty, who is an engineer for R&L Carriers, who sent a written request for some SALDO waivers, including the possibility of a traffic impact study. The letter explained that the site was selected because it was on a local road, and not a state road. D. Markey explained that KBA was adamant on requiring the traffic impact study, but it could possibly be a deal breaker. D. Markey stated we obviously want to ensure everything is done right. B. Chase stated everything should come through to us first, then to the county, but everything came to the borough and the county at the same time. A traffic impact study is not required. D. Markey stated if there is ever an issue caused by R&L trucks, they will work with the borough, and state if needed, to facilitate a solution. Mr. Joe Hosie asked what we're doing for water protection? B. Chase stated he's working on that, looking at water supply, hydrant location, etc. Mr. Hosie stated the old mains on the east side will not suffice. Chief Hallowich advised that there are 12" mains over by Bardanes. A motion was made by C. Tomaine to waive the recommended requirement of a traffic impact study for the R&L property. Seconded by J. Schreiner. All members in favor, motion carried.

Greenways, Trails, and Recreations Grant Resolution – F. Kulick read a resolution to apply for the Greenways, Trails, and Recreation Program for the Callahan Park Health & Safety Initiative. A motion was made by C. Stephens to approve Resolution #13-20 for the Greenways, Trails, and Recreation Grant Program. Seconded by C. Tomaine. All members in favor, motion carried.

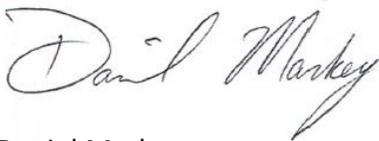
Towing – J. Schreiner explained that last month, we had ABC Construction give an estimate for two roads. We were going get quotes from other companies, but after ABC Construction's estimate was reported in the newspaper, we allowed ABC to proceed, so they wouldn't get outbid unethically. Around the same time, a police officer gave a tow to one company rather than Rock Bottom Towing, who was on the list for that week. The owner of Rock Bottom called Mayor Fuga very upset, and D. Markey overheard the conversation disparaging the council, borough manager, etc. It was decided to remove Rock Bottom off the towing list for the behavior. Later that week, there was dynamite blown off right next to D. Markey's house from property owned by the same owners of Rock Bottom. The police were called, and it is unknown who set it off. J. Schreiner explained that D. Markey was very concerned, and she was concerned also. She does not want to see D. Markey leave the position; she feels he does a very good job. She then heard that Rock Bottom was put back on the towing list, and was concerned about that. She feels it should be council's decision to decide who tows for the borough. A motion was made by J. Schreiner to cease doing business with Rock Bottom

Construction. Mayor Fuga asked to speak about the situation. He stated the owner of Rock Bottom did call him, and although he might have not gone about it the right way, he does understand the frustration, because there has been times in the past that Rock Bottom has greatly helped the borough, and they felt slighted about the paving and the towing. The mayor explained that accident towing usually carries a large bill due to storage, etc., and the police should not have known it was their week. F. Kulick asked about the quarter sticks? Mayor Fuga stated he didn't mention it, but there's no proof that he did it. Others in town have been blowing them off and not getting caught, so it very well may have been someone else. Mayor Fuga stated they have been friends for a very long time, and he doesn't mind being the outlet for people to vent. C. Tomaine asked if there is a possibility for a meeting to discuss? Mayor Fuga stated possibly a meeting would be good, as there's been some misunderstandings. J. Schreiner stated from what she understands, it's not the first time there have been issues regarding towing. D. Markey asked to speak. He stated that he would like to explain that the paving job to be done was under the amount to require three telephonic quotes, much less formal bids; it was a "go pick someone" job. At the July council meeting, we announced the estimate, which was reported in the paper. We were going to get three quotes, but when we realized the amount was reported, it wasn't fair to allow others to quote and possibly outbid ABC. When Rock Bottom called Mayor Fuga, D. Markey was with the Mayor, and heard the conversation. If he hadn't been with the Mayor, we wouldn't be having this conversation, because the Mayor would have let him vent and let it roll off his back. D. Markey stated now that he has had time to cool off and think about it, the quarter sticks could very well have been a huge coincidence that all of this happened within 48 hours of each other, and it just so happened to be on Rock Bottom's property that the dynamite was set off. D. Markey stated he is a forgiving person, and if people don't like him, so be it, but he has other family members at the house, and the dynamite shook his house. Now that he had more time to think about it, D. Markey doesn't think it was Rock Bottom, and maybe we should sit down and talk with them about it, rather than removing them. F. Kulick asked J. Schreiner what she would like to do with her motion? K. Napoli stated before we go any further, his suggestion is to sit down and speak with Rock Bottom one on one, discuss, and then come back to the table. J. Schreiner agreed, and rescinded her previous motion.

New Business: J. Schreiner stated there is a friend on Division St in Mayfield and stated there is a lot of speeding on Division St. She informed Chief Arthur about it.

Adjournment: With no other business to come before the meeting, a motion was made by K. Napoli to adjourn, seconded by C. Tomaine. All in favor, motion carried. The meeting adjourned at 8:48pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Daniel Markey". The signature is written in black ink and is positioned above the printed name and title.

Daniel Markey
Borough Manager