

UNOFFICIAL UNTIL July 10, 2014

Jermyn Borough Council met on Thursday, June 12, 2014 at 7:00 p.m. On roll call the following members were present: J.Wilson, W.Estile, J.Smith and K.Hosie. J.McDermott, B.Parks and J.Allan were absent. Mayor Smallacombe and Attorney Nicholls were in attendance.

MINUTES – A motion was made by W.Estile, seconded by J.Smith to accept the minutes of May 15, 2014 with correction. All members were in favor.

FINANCIAL REPORT – W.Estile gave the financial report.

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| Beginning Balance | – \$146,340.82 |
| Deposits | – \$134,796.11 |
| Expenses | – \$86,328.29 |
| Ending Balance | – \$194,808.64 |

A motion was made by J.Smith, seconded by J.Wilson to accept the financial report as presented. All members were in favor.

K.Hosie took this time to thank Bill and the Police Department for the great job on the drug bust.

REPORTS FROM ELECTED OFFICERS

MAYOR – Mayor Smallacombe also thanked the Police Department on the recent drug bust. He said there have been 255 investigations and 207 traffic stops so far this year and our police are keeping the town safe. He commended the Crime Watch on their pasta dinner saying it was a great success and the National Night Out will be on August 12 ,with a parade, a drug dog and demonstration. Concerning the Concert in the Park he is working on getting both of Scranton's dogs and the demonstration will be an hour before the concert starts. The Historical Society had a great meeting the Black Sage Band had a musical with immigration songs, an excellent presentation. Mayor Smallacombe said he is working on having a concert in the gym with the Black Sage Band with help from the County Arts and Culture Department.

ATTORNEY NICHOLLS – Attorney Nicholls said he gave Debbie a letter with a job description for Daniel Zellers from the Vocation Rehab people and asked Chief Arthur to review it and make any necessary changes and get it back to him. Chief Arthur said he will.

FIRE CHIEF – Chief Rood said he has not gotten the alarm box removed but will get to it soon.

PUBLIC INPUT

Floyd Celli, 642 Washington Avenue, said he is having issues with water at his property.

The problem in the rear of his property is through the years the water has created its own trough against the tree line and fence, all the water stays in the alley. The water is going in my garage and Mr. Avery's garage. Someone did come by, but I haven't heard anything. Mr. Estile said Mr. Parks and himself went over, but the message he received did not say the back, we checked out the front. Mr. Celli said that is his second problem, I'm at the low spot the water can't get over the hump and the water is not going to go back up hill. So my whole egress into my property has about 2 to 3 inches of ice on it and then it goes into my garage, than lower garage and through my building.

K. Hosie said Washington Avenue is a state road and you will have to take it up with Penn Dot. She asked Mr. Estile if he found out anything when he was there. Mr. Estile said not when we were there but he went back after it was raining and the side of your building has a gutter and it goes back to your garage, and the building on the left also has a gutter and that goes right into the driveway, that needs to be addressed. Mr. Celli said he was not talking about the issues his building creates, he is talking about the issues in the street and new sidewalks getting flooded. If someone slips on my sidewalk it is my responsibility. When I bought the building that's how it was, whoever designed that, there should have been some different engineering, because it is a low spot. Mr. Celli said the water has nowhere to go. As far as his gutters he is planning on putting some drains in. When there is heavy rains more comes from Main Street than his gutters. It is a problem. In the back alley there is 5 inches of dirt on the blacktop, water can't go anywhere, I have had tools frozen to the floor of the garage.

Mr. Estile said he will go back with Mr. Parks, they did not look at the back. Mr. Celli said that's fine.

Mrs. Hosie said Debbie will contact Penn Dot.

Mr. Celli said about 5 or 6 weeks ago he submitted applications for work he is doing on his property, a deck and prints, electrical and Class 1 restoration. He said he called Bureau Veritas for four or five days and reached them and they said they need an actual print, they lost it. He did another sketch and 5 days later after playing phone tag, originally Bureau Veritas said since I was the owner, doing the work and a general contractor for 30 years, I could do the prints. Then the inspector comes in and says you have to get an engineer and an architect, that I have to get a stamped set of prints. The inspector suggested I call Labor and Industry to see if a Certificate of Occupancy was issued for the building. Since 1926 there has never been a certificate issued and the only building that has one on my block is the bank. I now have to spend \$5,000.00 and an engineer. I had two other companies, competition of the inspection company that is used in the area, and both came through my building, said it was a Class 1 restoration and I don't need this. Now I have got \$4 or \$5,000 for prints and an engineer and I have to put in a handicapped bathroom. I have to go through all this, costing me \$15,000.00 to \$20,000.00 extra, I already have \$100,000.00 in the building. I've been doing this for thirty years and I have never come across something like his. You try to get hold of these people, they don't call you back. They come down, they give you an inspection, for my boxes and he's giving me his opinion versus what code is. I appreciate his

opinion but don't make me due your opinion, if it says code I will do that. I don't know why you guys use a company that are up in Tobyhanna, they don't help anybody in the local community. You call somebody you want them to call you back. So know I bought this place in November, in six weeks I submitted plans and here I 'am, I have nothing done, and now it's going to be another month and a half or whatever. Isn't there a way we can get somebody that is local, to do our inspections? Why do I have two other companies that say I don't need this stuff and one company says I do? I could see if two said I needed it and one said I didn't, than I would say ok. The majority said I don't need it.

K.Hosie asked if B. Chase could address the issue. Mr. Chase said no it isn't zoning, he said he heard statements like this numerous times.

Mr. Celli said people don't want to do projects on their house. This is a problem, either there not doing the project ,which takes away improvement in town and takes away funding the town may get as a result of it .What it's doing ,your making liars out of the people ,they are sneaking the stuff in. That's what happens if you can't get something done, either you are not going to do it or they are sneaking it in.

Attorney Nicholls said our contract with Veritas runs through December 31st. We give them notice 90 Days ahead that we are not going to renew, we do that every year ,to give someone else the opportunity , this will happen again this year. In the meantime what I will have to do is see if there's anything in the contract that I can present to Council, where I believe we are on solid ground, to void that contract as it now exists.

Mr. Celli said he was not asking for special treatment. Attorney Nicholls said no, we have had people come in and complain before. Mr. Celli said you call this guy for an inspection, three weeks to come down so you can get paid or you can do projects on your own property. People are sneaking stuff in, not getting inspections, not doing this, not doing that because they don't want to go through the bs with this place. Mr. Celli asked what are your long and short term goals for Jermyn? You have burnt buildings, closed businesses, no one wants to buy them because you can't fix them up. You have the Convenient, the Windsor and he Bank, it's a place to drive through no one's stopping. You have nice sidewalks, lights and trees. I'am trying to beautify my building which is going to help Main Street, Jermyn. But all this unnecessary money, I'm not going to be able to make it happen, everybody has a budget

Mayor Smallacombe said he agrees with some of what Mr. Celli says but some of it he doesn't. The ADA, accessibility , that's not anything to do with the Borough that's the government.

Mr. Celli said that's based on a certain percentage or type of work I'm not at that, if I was at that I would not be here. I am not required to do that, in this guy's opinion, its write your own check policy. More permits, more fees, more fees, more inspections. It seems inappropriate to me.

Mayor Smallacombe said the government handed all this down to us, with the UCC code ,we have to abide by it and most of us did not want it.

Mr. Smith addressed Mr. Celli, he said that he thinks we understand what you are saying and I think the action the council favors, the steps that have been discussed here, in relationship to your complaints. Number one: As far as the back of the building is concerned, the water problem, Walter and Bob will go down and check that out. Mr. Celli said it is an easy fix, remove the dirt. Mr. Smith said they are fair guys and they know what they are doing. Number two: About the application, as was mentioned here, there have been some problems. An action that council is going to have to take over and the Solicitor said we will check into what is there. So what you said tonight made a lot of sense and on our part we will take care of that and Walter and Bob will go down and he asked Walter to report at our next meeting or if he would talk to Mr. Celli.

Mr. Celli asked Solicitor Nicholls that he mentioned you might be able to get out of the contract? Attorney Nicholls said he will read the contract to see what's in there and will report back to council. If he recommends there's enough in there so the borough does not get sued by voiding the contract, I will recommend that to council. Otherwise we will be stuck with them until December 31st. Mr. Celli said every time he contacted Mr. Chase or Debbie questions got answered quickly, if I knew all this it would still be sitting there vacant.

K. Hosie told Mr. Celli she was sorry for his problems.

Sandra Suey, Lincoln Avenue asked council what is going on with the bridge. Is something going to happen or are we going to leave it as it is?

K.Hosie said the County came down and looked at it and right now we are waiting for the flood project and it would be senseless to have the County put in a million dollars to fix the bridge when its' going to be torn down and that is what they are looking at right now.

Mayor Smallacombe said it's a county bridge, we don't control it, we don't have any say in it . The project we have going forward, the bridge will be replaced in that project. If the county can do repairs to open it, their engineer will have to do that and we have not heard anything back from them.

Ms. Suey said there was some guy there last week taking pictures of the bridge and creek, she stopped him and asked him what the story was? He took pictures of Jefferson, Madison and Washington, he told her this wasn't a priority so don't bank on it ever getting fixed.

Mr. Smallacombe asked did you get a name, find out who he was?

Ms. Suey said no, that's why I am asking because also, as you are aware my land by the creek is going down. And as you are aware they put a line on the bridge for me to

watch, it did move. Mr. Parks was there during the course of the year, after the winter and he claimed it didn't move anymore. He has pictures, I did not take pictures. Maybe it didn't, but my land between my fence and driveway is not level, it's falling in. I have a fence that was right down to my land now it's about six inches up from where it was. I don't have that much room with my garage. An engineer from Dennis Kutch's place was there and I showed him my garage because on one side the concrete is starting to crack and he said that's because the ground is moving and you're going to have a big problem. It's unsettled, the water is getting behind that concrete abutment, it's washing away. Ms. Suey said actually over the winter all that bamboo garbage fell into the creek, that's how bad it is, now there's all new stuff and it looks like a jungle.

Mr. Smallacombe said Dennis Kutch was there and said water is getting behind the abutment, if it is that's the county's problem. Because of their abutment they are responsible for so many feet above the bridge, where they can do work in. They can possibly go in and put in some rip-rap or something to keep the water from going behind them. We will have to contact the County and let them know it's happening, so they can take care of it.

Ms. Suey said she is just making us aware of it because she is having a hard time because of the fact even getting the grass cut, it's like a hill, so water is getting behind there somehow.

J. Smith asked Chief Arthur about when he contacted the County about the bridge. Chief Arthur said he was going to talk about it in his report. Mr. Smith asked that he speak about it now and leave it out of the report.

Chief Arthur said he spoke to Larry from the County DPW regarding Lincoln Avenue about the barriers we put up. Our DPW put up the snow fence to keep everyone out. Well I talked to a couple of residents over there and people are just bending down the snow fence and walking and climbing over it, instead of walking around the block. Chief Arthur talked to Larry again and he is going to speak to the County Engineer and his recommendation will be that they put up a six foot chain link fence, so no one can climb it and get on the bridge. Hopefully in the next week or two we will have an answer.

Mr. Smallacombe said it is something that should have been done immediately, should not take two or three weeks.

J. Smith said I think the problem is the barrier was put in by our DPW and you would think normal people would not try to get around the barriers.

Chief Arthur said the County put up the road closed signs, we did it temporarily. The county came up and put up signage and closed the bridge and then we have a pedestrian hazard. The signs stopped the vehicle traffic, but the holes they are by the sidewalks, it's to the point we don't want pedestrian's walking over it either. The police and Dpw were monitoring it and we would notice the fence was bent down or something

was moved. We thought it was the wind until I actually talked to residents and no people were actually moving the stuff and walking across the bridge.

K.Hosie asked if they will be putting up the chain link fence?

Chief Arthur said Larry will talk to the engineer and get back to him.

J.Smith said that is one issue with the bridge, the second issue is with Ms. Suey who appeared before council last year at sometime. I think we have to be a little more forceful in contacting the county engineers because we have a resident here complaining about her property and her property is not stable. Right now the evidence, her garage wall has cracks in it and whoever was out there Dennis Kutch or Lackawanna County, contributed those cracks to the water. So I think, Debbie would you make this call? The secretary said she would. Mr. Smith said you have to get to the right person so we don't have ten people before we get to the right person. The secretary said she will gladly call but you get more action if a council person calls. Mayor Smallacombe said it would behoove us to have a council person call the Commissioner's office, they will have someone from Roads and Bridges come. K.Hosie said she will call. Mayor Smallacombe said to find out if the bridge is safe so pedestrians can walk across the center, and put a little walkway in the middle of the road, put up a chain link fence, away from sidewalks.

J.Smith said he doesn't think they would approve the bridge to be safe, when Billy and he checked the bridge there was just a small hole, that hole has increased. But also the engineer went under the bridge and he said it was in real bad shape. I would not want anyone walking through there, because you never know what is going to happen, from one hole to three holes.

K.Hosie said when she calls tomorrow she will ask.

Pat Suey, Lincoln Avenue, said she has concerns about the winter time about how she will get out of her driveway? Mayor Smallacombe said they will have to push it around the corner.

R.Rood asking about the progress of the Rushbrook Creek Project? Attorney Nicholls said we have four pieces of property we could not identify. He gave the information to PAWC who got back and said that the deed is only for the water not the land. He said that he disagrees with that and will be setting up a meeting with PAWC and once he can identify the owners than the information will be given to the engineers, who will put in on their maps and send it out for easements. Than we can institute condemnation action if we have to, but I can't institute a condemnation action until I am pretty certain as to who owns it.

Mr. Rood said so it will be another ten years? Mrs. Hosie said no we are also waiting for a \$500,000.00 grant to come through which is our portion of the project. Attorney Nicholls said if PAWC is correct, what we will do is do a condemnation action against

PAWC and Nothern Coal & iron and put the burden on them to come back and say no, I transferred it. Mr. Rood asked about the design? Mr. Smallacombe said they were supposed to have a public meeting and keep everyone informed?

J.Smith said he doesn't know exactly what is going on as far as the engineers are concerned, but we had a meeting here with Lackawanna County and Senator Blake and the most important thing is the acquisition of the property. The government will not do anything until they know who owns the land and that's why Al is working on that part. R.Rood said instead of meeting with people, you should go for the acquisition, than force somebody's hand, instead of waiting another six months to a year. Let's spend the money to force somebody's hand and protect the people.

Attorney Nicholls said he will after he speaks to PAWC. Mr. Rood said the County Commissioners don't know anything above Archbald, that is only my opinion. J. Smith said from what I know from our meeting, that is not the case. Lackawanna County is delving into this project with us . To help financially and with other aspects of the project, Senator Blake has been involved heavily with it. But the basic thing is these properties have to be solved, once they are all gone, the project according to those meetings is supposed to take off.

Heather Carpenter said could they put up a chain link fence on Madison? There are a lot of kids coming from the daycare going to the bus stop. There were cones but kids knock them down, holes in the ground. K. Hosie said the county was supposed to come up? Mrs. Carpenter said they put cones in the holes. Mrs. Wilson said they know about the safety issue, the director was told face to face.

Chief Arthur said the Crime Watch Pasta dinner was a great success. He thanked all involved, Liuzzo's Catering and St. Michaels Hall. The Crime watch has been working very hard and expects the National Night Out to be even better than last year.

FINANCE – Mr. Estile reported invoices in the amount of \$2,790.00. A motion was made by J.Wilson, seconded by J.Smith to approve the invoices in the amount of \$2,790.00. All members were in favor.

PUBLIC SAFETY – J.Smith thanked Chief Arthur for doing a great job, the drug bust and to continue to the good job, have brought our police department up to standards

ZONING OFFICER – Mr. Chase said he has issued a lot of permits for decks, pools and sheds.

B.Swatt said he searched on line for grants to renovate the upstairs of the borough building. He found one called the USDA Facility Grant for communities with populations up to 20,000. K.Hosie asked if it was a matching grant, Mr. Swatt said the grant pays 75%.

NEW BUSINESS

K.Hosie said as you all know our roads are in bad shape. Attorney Nicholls was asked to check with the state to see if we could get a loan and Debbie faxed the figures to him. Mrs. Hosie feels if we could satisfy the paving loan, maybe we could get three more roads done. Debbie will be making a payment of \$49,466.94 on our paving loan leaving a balance of \$40,541.44. Mrs. Hosie said this is only a recommendation you can shoot it down if you want to. We have \$12,000 from the sale of the recycling truck and \$28,541.11 in the recycling account that will satisfy the paving loan that still leaves about \$5,000.00 in the recycling fund. So it is something to think about, we have to do something, we can't just be putting it off.

Mrs. Hosie reported that Debbie and herself went to a seminar for the gaming grants. She said she specifically asked if we could pave the 400 block of Jefferson with drainage and the parking lot. The representative said yes we could apply for the paving. The secretary said we applied for the paving project and the roof last year, and we were awarded the roof project. Mrs. Hosie asked for input. Mr. Smith said it is a great idea. Mrs. Hosie said what about satisfying the loan? Mr. Smith said I think that has to be discussed further, there's a lot of other things involved here. It's not only the two loans you want to satisfy, but there are other loans which will keep us from getting the maximum amount of money we possibly can for the roads. Mr. Smith asked how many loans do we have right now? K.Hosie said four. Attorney Nicholls said he doesn't think our problem is how much we can borrow it's how much we can afford to pay back. Because if we apply for loans for paving before we pay the last year off. My calculations do not come into play for that, the state uses a completely different set of calculations, on how much you can borrow to repay a loan. The way I calculate this your borrowing base is roughly \$573,000.00, take the last three years of revenue and divide it by three. Then take the borrowing base and multiply it by 2.5 or 3.5. Attorney Nicholls said he doesn't think we have a problem borrowing, the problem is how much we can afford to pay back.

K.Hosie said if we satisfy the loan and can borrow what we did last year. We get more money from Liquid Fuels, \$5,000.00 or \$6,000.00 more, we can still pay back \$50,000.00 a year. That's what we have been paying and we satisfy this loan and may be able to maybe get eight roads done.

Attorney Nicholls said he would not recommend to re finance without paying it off. It was a major nightmare to do the computations necessary last time.

K.Hosie said we borrowed \$225,000.00 and we got five roads paved. If we satisfy the loan we would be better off.

Attorney Nicholls said you need approval not only for what you borrow but also what you are paying off.

K.Hosie asked council to think about it.

MONROE GAMING GRANT

A motion was made by J.Wilson to have the secretary apply for a Monroe Gaming Grant to pave the 400 block of Jefferson Avenue and the borough building parking lot, both with drainage, seconded by J.Smith. On roll call all members present approved.

CRIME WATCH REQUEST – Mayor Smallacombe read a letter from the Crime Watch asking for a donation. K. Hosie said the first two years we gave the crime watch money, we have other organizations, and you may set a precedent. W.Estile said he does not think we can afford \$500.00. The matter was tabled to be discussed at the work session.

HUMANE SOCIETY DONATION – The secretary said the Police Department has been taking a lot of cats to the facility. J.Smith recommended we table it for the work session.

MAYOR REQUEST ART AND CULTURE GRANT

The Mayor said he would like to see if there are any funds available, he would not take it away from any other organization. He is also going to go to the Scranton Historical Society and pursue options. He would like to have the band in the gym like the Christmas Concert. J. Smith said anytime we bring culture into the borough it is a positive effect for everyone. A motion was made by J.Smith, seconded by J.Wilson to allow the Mayor to look into getting grant funds for a concert in the fall at no cost to the borough. All members were in favor.

RE-APPOINT WILLIAM ARTHUR – A motion was made by W.Estile, seconded by J.Smith to re-appoint William Arthur as Acting Chief until the next meeting or if Chief Zellers returns. All members were in favor.

ALTERNATE PARKING ORDINANCE

A motion was made by W.Estile, seconded by J.Wilson giving Attorney Nicholls authorization to advertise the Alternate Parking Ordinance for the next meeting. All members were in favor.

A motion was made by J.Wilson, seconded by J.Smith to adjourn. All members were in favor.