

Council Minutes – August 14 2014

Jermyn Borough Council met on August 14, 2014 at 7:00 p.m. On roll call the following members were present: J.Wilson, W.Estile, J.Allan, J.Smith B. Parks and K.Hosie. J.McDermott was absent. Attorney Nicholls and Mayor Smallacombe were in attendance.

MINUTES- A motion was made by J.Wilson, seconded by J.Allan to accept the minutes of July 10, 2014, with correction. All members were in favor.

FINANCIAL REPORT – W.Estile gave the financial report:

Beginning Balance	– \$198,490.56
Deposits	– \$29,599.19
Expenses	– \$ 35,838.20
Ending Balance	– \$ 192,251.55

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

MAYOR– Mayor Smallacombe reported there is not a police report because the Chief has been very busy with an investigation, doing an excellent job. He wished Officer Gabikian his best as he will be going to Mississippi to put time in with the Air Force for three months. He thanked all who came out to the National Night Out, it was very well attended, he thanked everyone involved, they all worked hard. The food and entertainment was fantastic. The Mayor said he will be giving the Crime Watch a check for \$50.00. The Concert in the Park was a great success and he thanked the Knights of Columbus for their help. He said the Historical Society will have a concert in the gym on October 18 with the Black Band performing. He said the Historical Society received a check for \$250.00 for the concert. At the monthly meeting of the Historical Society there was an Indian Presentation and a very good turnout. The Mayor said he received a bid for the property on Riverview Lane if council wishes to discuss it and get out from underneath it. Mr. Smallacombe said Skip Ward, a photographer has passed away and will be greatly missed.

K.Hosie wished Junior Councilman Brian Swatt “Happy Birthday”.

PUBLIC INPUT- R.Rood asked about his sewer project? Mr. Parks said he hopes the job will be done within the next couple of weeks.

Mr.Cellli asked that Councilman Parks speak now instead of under Public Works where Mr.Cellli's name was listed. K.Hosie said yes. Mr. Parks said he met with Rock Bottom this morning to have them grade the alley and put modified down. To get the water to flow towards Debbie's, where there is a catch basin and possibly behind Wayne's. Mr. Cellli said the dirt is against the fence and the fence is the problem, the dirt is stopping the water from flowing. Mr. Parks said also the alley is at a bad angle. Mr.Parks said they will shoot the alley to get the elevations so the water will flow away. Mr. Cellli asked if this is something that can be done before my stuff is frozen to the ground again? Mr. Parks said he is working the best he can do to see it gets done. Mr. Cellli said his concern is that it is unacceptable for him to go another winter with his personal belongings frozen to the floor.

K.Hosie said we have no control over Rock Bottom. Mr. Cellli said he was going to do it himself but was told not to.

Mr. Cellli said he feels a lot of stuff was missing in the last minutes and we have a 1972 tape recorder and it doesn't do the job properly. Mrs. Hosie said Debbie is only required to put down motions. I had asked her to please put down what leads up to any motion and if a resident brings anything up, to paraphrase it, she does not have to do verbatim minutes.

Mr. Cellli addressed the water problem at the front of his property. He said the plans were given to KBA, there was an inspector on the job. How could someone approve the project when it is wrong? He said he does not believe it is the state's problem, the borough hired an engineering firm. He does not feel the liability lies with the State, he said he spoke to someone and they said the engineering was approved. The Borough hired the engineers and paid them with the borough dollars, they okayed the job and it is not okay. Mr. Cellli said his driveway is eroded because of excessive water. Mr. Parks asked where the runoff is going from the roofs of the two properties that abut your driveway? Mr. Cellli said Mr. Staples runs down the rear of his property and Mr. Cellli's gutter on the left side ,which is down past where the driveway is eroded.

The Mayor said it was a state project, it is not our land, it is state land. The state might have hired the engineer instead of us, he was not in on the planning. The borough does not own the sidewalks or the road. Mr. Celli said if what you are saying is true anyone can come in here and do what they want.

Mr. Celli said back to his building, he does not need to talk to Bureau Veritas he knows where they stand. Mr. Nicholls said he was going to check on some contractual things with Bureau Veritas , we swapped phone numbers and was supposed to hear back in a couple of days and it was two and a half weeks later. Mr. Nicholls suggested a meeting with Mr. Burton that perhaps something can be done. Mr. Celli said he left a job in Taylor for nothing, if someone says they are going to do something do it, this is unacceptable. Mr. Burton has serious medical problems someone should have called me. Mr. Estile said he found out about five minutes before Mr. Celli arrived. Mr. Celli said that's very ironic and convenient. Mr. Estile said I am doing this for nothing, I have other things I can do also. You should be complaining to Bill Burton he set up the meeting not Mr. Nicholls. Mr. Nicholls said he did not set the meeting up, I called Mr. Burton to set the meeting up. Mr. Celli asked council to put themselves in his shoes. Mr. Parks said he is supposed to be at work, he is volunteering his time. Mr. Celli said why did you run for council than? Mr. Parks said because I want to see things get done. K. Hosie said we are all trying to help. Mr. Celli said to Mr. Parks you lost a couple hours, I have lost seven months.

Mr. Celli asked so what is going to happen? Mr. Nicholls said Bureau Veritas has the final say in this, not council. Mr. Celli said we are not moving forward on firing them with all the infractions they had. Mr. Nicholls said they did not show up for an hour or two a week here, that is there infraction. Mr. Celli said they do not return phone calls. Mr. Nicholls said I do not believe that is sufficient to fire somebody.

Andy Whitiak, 512 Garfield Avenue, Mr. Whitiak gave council pictures of a water problem at his home for 12 years. Mr. Whitiak feels the minutes are cherry picked. Cherry picked is going through and putting what is good for the borough and council and leaving stuff out that makes us look bad or wrong, that's what I believe. K. Hosie said nothing is done to make anyone look bad. Mr. Whitiak said it is not his job to fix the problem with his driveway. He allows children to wait in his driveway and in the winter it

is ice. Shame on the Borough for not taking over the road. But the run off starts at old Garfield which is the borough's responsibility. Mr. Whitiak said he put pipe in at the end of his driveway at his cost, and it is not working. The Mayor said that the swells were not put in right.

Mr. Whitiak said there was an accident in his parking lot and thanked the Chief and the police department for their help but they could not help a lot because it is private property, this is where my argument comes in when they pull people over. I don't want the police to stop the speed checks on Rushbrook with the school children and the buses, I want the kids protected. Please do not pull them over in our parking lot, ask them to move up on Madison.

Mr. Whitiak said I have had problems with Bureau Veritas, somebody's got to be in bed with this guy or friends with him. Just fire him what is he going to do to you? K. Hosie said we under contract. Mr. Whitiak said a lot of people complained back in October and November.

Mr. Whitiak addressed Councilman J. Smith he asked him how long he has been on council. Mr. Smith replied 3 or 4 years. Mr. Whitiak said I stopped coming to meetings, do you remember calling me? Mr. Smith said yes. Mr. Whitiak said Mr. Smith came to the Windsor and told him that we need more people like you that ask tough questions. Mr. Smith said I don't remember that exact phrase but I do remember talking to you about it.

Mr. Smith said there are a lot of issues that come before council, many different levels, many different problems. Mr. Celli has one, there are certain people on council who try to get to certain places, be it the bridge with holes or Mr. Celli's property and we try to make things right. And I think what Bob is saying, we are trying to do what is right, but council only has so much authority as far as the contract. Bob, Katie, JoeAnn and myself went down and looked at the property, we discussed it and Bob was going to Rock Bottom. I know there's a problem there so we are trying to fix that situation. But getting Rock Bottom on a time table, I don't think that is possible. I agree with you that you want the work done before wintertime. We try to address every situation, you (Mr. Whitiak) addressed the problem at your property along time ago and I remember that

we did not take the road over. We did not accept the road because the developer Mr. Raymond did not do it the way it was supposed to be done. We are addressing an issue that was done a long time ago. And to be honest it is tough, I just saw a picture it looks like the drainage system is above the road.

Mrs. Hosie said Bruce was saying ditches should have been put in. Mr. Smallacombe said there should have been a swell ditch all the way through and every driveway have pipes underneath to carry water to the catch basin. Mr. Parks said when he went over on a rainy day it was full of water where the stones are, some water was getting to the catch basin but most was overflowing onto the road. He said the pipe running under your driveway is not taking the water. Mr. Whitiak said there is heavy big truck traffic on Rushbrook. Mr. Parks said maybe the state can come in with scales. Mr. Whitiak suggested crosswalks.

Mr. Whitiak said we love the Shade Tree Commission and we help them. He said he donated property and flowers, but he cannot afford to keep cleaning up the flower beds. Trees need to be trimmed. Mrs. Wilson said the STC has a schedule, we got prices on trimming trees on Jefferson, Washington and in your area. We have to wait in line for people to do it. Our group is getting older, we can't do it. Last year we thanked the person who came forward and did it for us. We are also looking at disastrous trees, we have three, to take down five trees and two in another area on Washington. There's only so much money its on a time table, they will be done, we have to have fund raisers. The borough budget, I am not complaining about it as I am sitting on council, they had to cut it back, because everybody said we had too much money. But that money from the borough was there for disastrous trees and maintenance. Now there is some money there and that money will be gone by the end of the month. The STC doesn't want cookie or bake sales, the churches do that, we don't have barbeques the fire companies do that. We have bus trips, not too many people have them and that does bring some money in. We have the Variety Show, three groups put it on together and they get a share of that. So we are on a time schedule, but if the money is not there, we are going to have to have volunteers come forth.

Mr. Whitiak said he doesn't want to see any more vigilantes come, that tree must be \$300.00 to \$ 500.00 to replace. J.Wilson said the total cost to replace that tree is \$500.00.

Mr. Whitiak thanked everyone who was involved in the two drug busts the last couple of months, there are nine more houses in Jermyn. Jermyn is one of the big drug fields of Lackawanna County.

Ray Rood, said a long time ago he suggested an ordinance if work is being done on a borough right of way that the contractor be responsible for paying for a private inspector, that the borough would pick to make sure its done correctly, this was brought up by KBA and because of the situations these two gentleman are running into, it needs to be addressed. Also Mr. Rood said that at the corner of Bacon and Washington on the southwesterly side there is a tree there that is blocking traffic even for the fire trucks, it needs to be looked at.

Mr. Bob Chase said there is a tree at Maple and Washington, that is blocking the view for the firetrucks. Also the contractors for the power company are going through the stop signs in East Jermyn.

Mr. Whitiak said there was a truck alongside the creek taking water out of the creek. Mr. Smallacombe said they have to have a permit and asked Mr. Whitiak if he sees it again to get a name.

Mr. Celli asked about the re-hiring of Bureau Veritas. Attorney Nicholls said he will be asking for authorization to send Burea Veritas a letter that we will not be renewing, we have submitted the letter every year except for the first year.

FINANCE – A motion was made by J.Smith, seconded by J.Allan to approve invoices in the amount of \$2,117.82. All members were in favor.

PUBLIC WORKS – B.Parks reported Mark Kilmer has left as a full time employee and A.J.Fuga has been filling in. A motion was made by B.Parks, seconded by W.Estile to hire A.J. Fuga as a full time employee at \$12.00 an hour. All members were in favor.

Mr. Smith said everything he has heard has been very good and I know you will continue. I appreciate what you have done so far.

A motion was made by B.Parks to authorize advertising for part time fill in and snow plowing DPW employees seconded by W.Estile. All members were in favor.

DAVIS COURT – A motion was made by B.Parks, seconded by W.Estile to hire Rockbottom to shoot elevations, grade and put modified down and roll the 700 block of Davis Court at a cost of \$2,000.00.

K.Hosie asked for discussion? Mr. Smith said his question is that the Mayor had mentioned he could do this with our help as, we do not know when Rock Bottom will be able to get there. We have done everything we can do so far. Is the Mayor capable and willing to do it, and to give us a time frame? The Mayor said he can do it. K.Hosie said didn't you come up with a price? The Mayor said he did not come up with a price, he said about \$250.00 to \$225.00 to rent Rock Bottom's bulldozer, roughly \$200.00 for rental of roller and cost of delivering two loads of modified. Mr. Parks said we have to add time for the DPW employees. The Mayor said it will be a Saturday .so that will be overtime. Mr. Smith said right now we are not sure when the job will get done, hopefully by the winter. The Mayor said its up to council, I'm just volunteering, its no big deal. If you can't get somebody to do it, I can do it on a Saturday.

Mr. Smith said so you are capable of doing it? The Mayor said absolutely. Mr. Smith said shooting the elevations and a date when you will start it? The Mayor said whenever you want, if rock bottom is going to dig out all the blacktop and put modified down for \$2,000.00 you can't beat that. Mr. Smith asked Mr. Parks if Rock Bottom is going to take the black top down. Mr. Parks said they are going to dig out whatever needs to be dug out to make that a feasible area so the water will run off. Mr. Smith said we have the labor cost, the cost of removing the blacktop ,we have to bring in modified, the rental cost of the roller and grader and than if Mr. Celli still has problems, he will be before council again. Mr. Smith said his opinion is have Rock Bottom do it and if there should be a problem they will come back and fix it.

All members were in favor of above motion. Mr. Parks will notify Rock Bottom tomorrow.

Mr. Parks asked council to consider three or four Friday morning meetings because it is getting very difficult for him to get out of work. He said when he is not here he does not have a voice, perhaps it is time to resign. Attorney Nicholls will look into it. J. Wilson said it should be considered for the people who work second shift and cannot get to an evening meeting. K.Hosie asked that it be put on the agenda for the work session.

PUBLIC SAFETY – J.Smith suggested that the Mayor and himself have a meeting with the Police Chief.

ROADS COMMITTEE – K.Hosie said that B.Parks and herself went out and looked at the roads that should be considered first and she has a list. Mrs. Hosie asked Debbie to call Dennis for the next work session.

ZONING OFFICER – Mr. Chase said he found some signs in yards and gave the residents highlighted copies of the Zoning Ordinance with 7 days to apply for a permit or to remove the sign. Caught some people for sheds, decks. The new tattoo place has a recycling box which is not allowed. Mr.Smith asked if Mr. Chase has dealings with Bureau Veritas? Mr. Chase said once in a while, he rarely speaks to them. Mr. Smith asked if he hears a lot from the residents. Mr. Chase said yes, that it is difficult to get a permit and Bureau Veritas does not call them back. Mr. Smith asked Mrs. Hosie that when we discuss the contract with Bureau Veritas we should have Bob Chase present.

POLICE MMO – A motion was made by J.Smith seconded by J.wilson to adopt the 2015 Police Pension MMO in the amount of \$14,899.00. All members were in favor.

GENERAL EMPLOYEES MMO – A motion was made by B.Parks seconded by W.Estile to adopt the 2015 General Employees MMO in the amount of \$7,500.00. All members were in favor.

TAX ANTICIPATION LOAN –D.Morcom said the Finance Committee met and decided we may have some financial problems by January and recommended Council look into a tax anticipation loan. Attorney Nicholls said the year that you take the loan out it has to be paid off by the end of that same year. He said the process is not as difficult as a loan for a road, it could be done in a matter of two to three weeks. Attorney Nicholls said look into it at December meeting and pass a motion to start process in 2015.

RESOLUTION FOR LOCAL SHARE MONROE GRANT – K.Hosie said B.Parks and herself looked at OLD Mill Road and parts of it are washed out and it also needs drainage and sewer. A motion was made by J.Smith to pass a resolution to submit an application to the Local Share Account Monroe County for the paving and drainage structures for Old Mill Road, seconded by J. Wilson. All members were in favor.

LETTER TO BUREAU VERITAS– A motion was made by W.Estile seconded by J.Wilson authorizing Attorney Nicholls to send a letter to Bureau Veritas informing them that we are not renewing their contract. All members were in favor.

A motion was made by B.Parks, seconded by J. Smith to authorize Debbie to send letters to other inspection agencies asking for proposals. All members were in favor.

J.Smith asked about the offer of \$16,000.00 for the property on Riverview Lane. The Mayor said if the Borough would be interested, the gentleman would put a proposal together. Mr. Smith suggested the interested party contact Attorney Nicholls.

RE- APPOINT WILLIAM ARTHUR

A motion was made by W.Estile, seconded by J.Allan to re-appoint W.Arthur until the next meeting or if Chief Zellers returns. Mr. Smith asked the legal status of Chief Zellers' case. Attorney Nicholls said it is the insurance company's hands we have no recourse. All members were in favor.

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

One Reply to “Council Minutes – August 14 2014”

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October 12, 2014 at 3:06 pm

The zoning officer said he found “signs in yards” a violation of some sort,.. my question is what kind of signs? advertising? political? sports? Lakeland? etc. and the second question is,.. what about if your sign is on your house rather than the yard? please respond back on here, thanks,.. have a safe day,... F.C.

Comments are closed.