

**Jermyn Borough
Council Minutes
July 7th, 2016**

The Jermyn Borough Council held a work session and special meeting on July 7, 2016 at 7:00 p.m. at the Jermyn Community Center, 440 Jefferson Ave. Jermyn, Pa in the Council Chambers.

President Kulick called the meeting to order and lead the Pledge of Allegiance. President Kulick at this time pointed out the major items for discussion at this meeting; 1) Curfew Ordinance, 2) Property Maintenance Code, 3) Update from Chief Arthur.

On roll call present were: Messrs. Frank Kulick, Robert Parks, John Mark, Dan Markey, Kevin Napoli, Joseph Smith, Jo Anne Wilson, Dylan Reeves; junior councilman. Also present were solicitor Al Nicholls, Mayor Bruce Smallcombe and Dennis Kutch; KBA.

Curfew Ordinance:

Solicitor Nicholls said he has looked at a few curfew ordinances and articles. They have built in exceptions; one is when you are traveling through the town and the other is the 1st amendment. This ordinance is patterned after the PA Bureau Assoc. Solicitor Nicholls said he did not include the siren for the reason being in case the siren goes down. It was stated he has not come across an ordinance with a 10 p.m. curfew time. Some of them had a sliding scale for the summer and weekends Mr. Markey expressed most of our problems are in the summer time.

Mr. Parks stated a scenario that if we get lights over the baseball park a lot of the games do not start until 8 8:30 and kids will not leave the field until 10 10:30, how do we give them lee way? Mr. Markey said we have to remember the intent of the ordinance, not to punish kids but to keep the kids away from abandoned buildings or hanging around convenient.

There was a lengthy discussion involving the level of degrees and fines for those violating the curfew ordinance. Chief Arthur stated they usually release juveniles back to their parents or guardian. In this ordinance 1st offense is a written warning after a citation if found guilty is \$100 dollars at 1st conviction, 2nd is \$200, 3rd is \$200 and or imprisonment not exceeding 90 days. The parent/guardian fines are as follows; 1st conviction is not more than \$150 fine, 2nd conviction is \$250 fine and 3rd conviction is \$500 fine and jail time up to 30 days. The 3rd conviction is not and/or.

A Motion was made by Mr. Markey, seconded by Mrs. Wilson for curfew time 11p.m. – 5a.m. for juveniles under the age of 18 years old. All were in favor. A motion was made by Mrs. Wilson and seconded by Mr. Parks to draft the ordinance and have it advertised for August meeting, all were in favor. Mr. Kulick suggested we move the July 14th meeting so we have enough time to advertise and draft the ordinance. A Motion was made by Mr. Mark and seconded by Mr. Napoli to move July 14th meeting to July 28th, all were in favor.

Property Maintenance Code Ordinance:

Solicitor Nicholls drafted a maintenance code ordinance. He asked Mr. Rood if we want to keep our construction code intact. Mr. Rood said some items in the property maintenance code are already built into and overlap into the UCC codes. Mr. Rood suggested we leave everything in Property Maintenance code because we have two different entities enforcing the UCC codes of PA. Mr. Mark asked if the UCC code and property maintenance code will be the same. Mr. Rood answered no; the UCC code does not cover maintenance of structures. Mr. Kutch said the UCC code does not include the property maintenance code. A code official officer will have to enforce the code. Maintenance code will not be involved with NEIC and BIU. Mr. Kulick said to appoint code officers. A Motion made by Mr. Markey to allow Solicitor Nicholls to advertise the International Property Maintenance Code, seconded by Mr. Smith, all was in favor.

Update on Vandalism:

Chief Arthur said we have had some vandalism in town and general mischief. The department has identified the possible suspects and currently interviewing them. Most are juveniles and 1 adult. They are still investigating and charges will be made next week.

Public Input:

No public input at this special meeting.

Paving Project:

There was a discussion regarding the hiring of Geoscience to inspect the paving project. Mr. Kutch from KBA said they will go out and do the inspections and are having a pre-construction conference. He had thought KBA was doing the inspection on paving project and Geoscience was doing the inspection of curb cuts. Mr. Kutch asked for clarification on the pave cuts and inspection regarding this paving project. He wanted to know if anyone had any questions or concerns with the inspections KBA has done in the past. Mr. Kutch stated that it is not necessary to have an inspector at the project full time, he feels it is a waste of the borough's money. He said his rates are the same as today as they were in 1992. Mr. Markey asked if there is material difference from what KBA and Geoscience would inspect. Mr. Kutch said no. Mr. Markey asked when Wayco comes in and does the pave and what happens if something is wrong. Mr. Kutch responded that most of it is 2 inch mil overlay and KBA is there when they are doing the milling. Mr. Kulick stated that on the contract for request of final payment KBA will have to approve the work.

Mr. Markey said they adopted Geoscience for the inspection of the pave cut ordinance. A motion was made by Mr. Smith and seconded by Mr. Mark for KBA to do the inspection on the paving project; all were in favor.

A motion was made by Mr. Mark and seconded by Mrs. Wilson in the event that there was a prior motion on hiring geoscience for the inspection of the paving project for resend; all in favor.

Mr. Kulick suggested someone from KBA should attend all meetings in case something on this matter does come up.

Henry Drive:

Mr. Mark stated there was paperwork that Jermyn Borough was supposed to take over the housing authority on Henry Dr. Solicitor Nicolls said we were not to take it over until the infrastructure was reviewed and corrected. Mr. Kutch informed us that it was reviewed but does not know if it was corrected. Mr. Kutch pointed out that one of the items was the fire hydrant to be replaced. Mr. Rood asked for the hydrant to be replaced and said the hydrant is useless because of the 4inch line; there should be an 8 inch line.

Raymond Drive:

Mrs. Wilson called Archbald Borough and they stated that they have not accepted Raymond Drive. They also said there is a list of things they have requested from Raymond Development. Jermyn Borough trucks do not go up to Raymond Drive. Mr. Markey said we only maintain the vegetation around the fire hydrant on the corner of Garfield and Bacon St.

Regarding Raymond Dr.; Chief Arthur suggested we type up a letter for court saying we did not accept Raymond Dr. A Citation was issued and the fine is accumulating daily. Chief Arthur needs a document showing we have not taken over Raymond Drive. Mr. Markey made motion to provide Chief Arthur a letter stating we have not taken over the property on Raymond Dr. seconded by Mr. Napoli; all were in favor.

Property Updates:

Mr. Kulick asked Chief Arthur on an update for the red house on Washington Ave. Chief Arthur stated he talked to the property owner and he will be issued a citation. The property next to parking lot on 500 block of Washington has been cleaned up. The property next to Battenberg funeral home; the company who maintain the property has sent in an estimate to the foreclosure company and the property will be cleaned up shortly. Mr. Napoli has concerns with the 700 block of Washington, the weeds are getting high and property is not maintained. Mr. Kulick said there is a hazardous porch on Franklin. Chief Arthur stated that if you see topics on social media about these properties please send them to him.

Mr. Kulick said we need to start the process on condemnation on the red house on Washington. The property owner had contacted is lawyer and the lawyer told him not to do anything to the property. Mr. Markey said he is violating current ordinances by not boarding up windows and not maintaining his property. Mr. Kutch asked if the property is in imminent danger. Mr. Rood stated it is in imminent danger of fire. Dennis Kutch said with the required documents and approval he would go on the property to inspect it. The house is structural unsafe, unhabitated for humans and a nuisance. The property owner never obtained a building permit but obtained a demolition permit. Chief Arthur asked if we can come to an understanding on whom is doing what with this matter regarding the red house on Washington Ave. Solicitor Nicholls said Mr. Kutch will have to go through the approval process to inspect the structure.

Resident Concerns:

Mr. Kulick received a letter from James Pidgeon regarding the Rushbrook Creek. There is vegetation growing in the creek and can cause damaging to occur and flooding to Lincoln Ave. Mr. Kulick asked if we are allowed to go in and clean the part of the stream where the tree is. Mr. Mark stated some of it might be private property. Mr. Kutch is assigned to go look at the tree to see if it is posing a threat in the stream by the Lincoln Bridge. Mr. Mark also suggested looking at the section of Madison Ave in the 600 block where there is overgrowth.

Part-Time Police:

Mr. Napoli had spoken to Chief Arthur about the part time officers having 4 holidays a year at time and half and Chief Arthur has 10 paid holidays at time and a half. Mr. Napoli asked if it is possible for the part time officers that are working on a holiday to have 10 as well because it is hard to get them to cover shifts where they can go elsewhere for holiday pay.

Resignation of Solicitor:

Solicitor Nicolls handed Mr. Kulick his resignation letter effective August 11, 2016. Solicitor Nicholls has been here 10 years and had enjoyed working with the Jermyn Borough. He made this effective August 11th because it is the next council meeting and to help get us through signing the loan documents. A motion was made by Mr. Markey and seconded by Mr. Napoli to accept the resignation of solicitor Attorney Nicholls on August 11th, 2016, with regrets; all in favor.

Mr. Mark had asked if we cannot find someone by the August 11th meeting would he stay until September. Attorney Nicholls said he cannot answer that right now. Mrs. Wilson asked about his firm taking over and he said they will not be able to. Mr. Rood asked Solicitor Nicholls if the new solicitor has question's regarding the creek project will he answer them. Solicitor Nicholls stated he is more than willing to share any information he has regarding the creek project. He stated we do not have to advertise the solicitor position; it can be done by word of mouth.

Mrs. Wilson called a 5 minute session to set hours for the borough secretary. Mrs. Wilson suggested 25 hours a week plus meetings. Office hours would be 10a.m. to noon with an hour lunch and 1 p.m. to 4 p.m. This would give the borough extended hours for the public. A motion made by Mrs. Wilson and seconded by Mr. Napoli for the borough secretary to work 25 hours plus meetings from 10 a.m. to 4p.m. with an hour lunch 5 days a week.

Public comment:

A resident stated we should replace the system that takes the minutes it was understood we haven't had minutes in a few weeks. Mrs. Wilson stated we had a donation from our president to record the minutes.

Respectfully Submitted,
Cara Frankosky
Secretary