

## **Jermyn Borough**

### **Council Minutes**

**February 16, 2017**

The Jermyn Borough Council held a council meeting on February 16, 2017 at 7:00 p.m. at the Jermyn Community Center, 440 Jefferson Avenue, Jermyn, PA in the Council Chambers.

On roll call present were: Messrs. Frank Kulick, Robert Parks, John Mark, Dan Markey, Kevin Napoli, and JoAnne Wilson. Absent were: Joseph Smith, Robert Chase & Dylan Reeves; Junior Councilman. Also present were Mayor Bruce Smallacombe, Dennis Kutch; KBA, Fire Chief Ray Rood, Atty. Christopher Harrison & Evan Samuelsen; Junior Councilman.

**MINUTES:**A motion was made by Mr. Napoli to accept the February 2, 2017 minutes, seconded by Mr. Markey; all in favor, motion carried.

**TREASURER'S REPORT:**General Fund \$54,686.04, Liquid Fuels \$6,236.78, Refuse \$72,068.68. Total disbursements including 3 periods of payroll \$77,588.43. Total deposits \$33,341.37. A motion was made by Mrs. Wilson and seconded by Mr. Mark to accept the treasurer's report. All in favor; motion carried. A motion was made by Mrs. Wilson and seconded by Mr. Parks to accept the bills as presented. All in favor; motion carried.

**CERTIFICATE OF RECOGNITION:**Debbie's Floral Boutique was awarded a certificate of recognition for its demonstrated commitment to the business community of Jermyn. On behalf of council and the Borough of Jermyn we recognize the accomplishments and distinguished service on their 40<sup>th</sup> Anniversary of Successful Business. Debbie Kleha accepted the certificate. She started her flower business when she was 17 years old. Mayor Smallacombe said this is a very large achievement for anyone to be in business for 40 years in one community.

**PROCLAMATION:**A proclamation honoring Mary D'Elia Marrara. Jermyn Borough pays tribute to Mary Marrara of Jermyn, PA, who has spent her life dedicated to charitable causes and who magnanimously volunteers her time and profuse talents to the community. The Jermyn Borough Council on behalf of the citizens of Jermyn extend congratulations and best wishes to Mary Marrara-2016 UNICAN OF THE YEAR; UNICO Scranton Chapter. Mayor Smallacombe said Mary is being honored at a dinner on March 4<sup>th</sup> at 6:00 p.m. at Genetti's.

**MAYOR REPORT:**Mayor Smallacombe announced he will not be seeking another term as Mayor in this upcoming election.

Mayor received a Thank you letter from SCI Waymart and it was signed by all of the guards at the prison.

**POLICE:** There are 619 incidents so far to date. Mayor said our Police Dept. was very helpful in the bank robbery in Carbondale. He was up there that day and saw our police cars up there. Chief Arthur attended a gang seminar. There were people walking around town mapping out poles for a power grid.

Mayor Smallacombe wants to make all senior citizens aware of the scams going around on the telephone. People are calling senior citizens trying to get their credit card information. Also, there are calls being made saying "Can you hear me," When you respond "YES" they will use your response to try and get credit card information.

There were also people pretending to be workers for the power company that were going around other nearby Borough's trying to get access into your house. Mayor Smallacombe said he wants the senior citizens to know to check their badge and do not let anyone in your house. Call the police department and check with them.

The Historical Society met and they received a price quote for insurance for liability for \$700.00. Also the insurance costs for renters insurance and what they will have to pay to move into the Methodist Church. He said they highly doubt they will be able to move and it does not look like the Historical Society will have a home.

The Events Committee met and discussed their annual concert in the park. They also discussed their annual picnic. The concert in the park will be in July. The picnic will be in September at Aylesworth Park and is open to all organizations in the Borough. The show The Mayor is trying to put together to raise funds for all organizations in the Borough that agreed to go in with it is scheduled for May 21<sup>st</sup> pending approval from the Recreation Commission to use the gym. The show is in the works and it will feature Dani-elle Kleha; our local recording artist. Mayor Smallacombe said it will be a very good show, people are already responding to purchase tickets when they become available. 5 organizations in the Borough will benefit from the show.

The Crime Watch met and they are planning their 5k run. Mayo Smallacombe said it looks like it will be a very successful 5k run. Everyone is welcome to come to the meetings and participate. The more people involved in the Crime watch; the better. Mayor Smallacombe said the Crime Watch is the eyes of the community.

Chief Arthur said the people that are doing the power grid have been in town multiple days; he said if people see that someone is suspicious please call the police. He encourages residents to be vigilant.

**FIRE CHIEF:** Ray Rood attended the State Fire Academy classes.

**ENGINEER REPORT:** Mr. Kutch said we can put a low clearance sign on Bridge St. Pen Dot does not want one on Rt. 107

Mr. Kutch has plans from DEP for the additional right of way plan for the Rushbrook Creek Project.

**SOLICITOR:**Atty. Harrison said the ordinances for the fire co reimbursement and the tax collector requirements will be advertised tomorrow in the Carbondale News and will be ready for the March 2, 2017 meeting. They are in contact with Atty. Jeff Nepa to setup a meeting in regards to the red house. The deed is drafted for the DPW property. Mr. Kulick asked if there is a date on that for closing. Atty. Harrison said there is not a date yet.

**PUBLIC SAFETY:**Mr. Napoli made a motion for the on duty police officer to get paid 4 hours noon to 4 p.m. holiday pay on half day holidays, seconded by Mrs. Wilson. All in favor; motion carried.

Mr. Napoli said when a police officer is not on duty and they have a court hearing in Scranton they get a court fee. Right now it is \$35.00, they have called surrounding areas and it is up around \$80.00 in some places. A motion was made by Mr. Napoli to increase the fee from \$35.00 to \$50.00 to attend a court hearing in Scranton, seconded by Mr. Markey. All in favor; motion carried.

Chief Arthur is looking into getting suicide hotline signs made.

Mr. Napoli made a motion to move Officer Hayes from probationary to full time rate, seconded by Mr. Markey. All in favor; motion carried.

Mr. Napoli gave council a copy of the "Above and Beyond" form for the emergency services. They will be available in the police station as of March 1, 2017 for all.

**SHADE TREE/RECREATION:**Mrs. Wilson provided council with a Shade Tree Treasurer's report, bank statement and new officers. The new membership will take effect June 1, 2017. New Chair- Ann Boylan, Vice Chair- Paul Pidgeon, Secretary- Laureen Pidgeon, Treasurer, JoAnne Wilson (non-member), Publicity- Mary Perrault, Landscape Coordinator- Donald Miller, Volunteer Coordinator- John Coleman, Ex-officio- Nicholas Matise.

They are going to change their meeting dates. Mrs. Wilson said at times it does not warrant having a monthly meeting. Mr. Markey had a question on the staff of the Shade Tree. Mr. Markey asked Mrs. Wilson if Mr. Speicher is working for Shade Tree. Mrs. Wilson said he is paid by the Borough for the work when he works for the Borough, when they need tree cutting and trimming instead of hiring an arborist he is capable and knows what has to be done and he is paid an hourly fee. Mr. Markey asked with the Shade Tree being a Commission underneath the Borough is he also acting in the scope of an employee when he is working with Shade Tree. Mrs. Wilson said no he is paid hourly; he is a contracted service not an employee.

Mrs. Wilson said before she contacts Mr. Smurl for the air conditioner she needs the help of the DPW or she will have to hire someone with council's permission to find out about the auxiliary electric heat in council chambers. Mr. Markey said he has been thinking about this over the fall and winter and is rethinking about an industrial air conditioner for council chambers. He thinks if they were replaced and upgraded we would not have the noise. Mrs. Wilson said she talked about this before. Mr. Markey said we should rethink it. He said the Chief got a new air conditioner not too long ago and you cannot hear it and it keeps everything cool. Mayor Smallacombe said they replaced the air conditioner in the Mason building with a heating/cooling combination and it is very efficient. Mr. Kulick asked how much they were. Mayor Smallacombe will find out. Mrs. Wilson has a quote from Mr. Smurl for a heating and air conditioning unit for \$4,800. Since we have the baseboard heat it was suggested to make sure the baseboard works if we did need heat in the winter once the temperature goes down to a certain degree. Mr. Kulick said the problem with these air conditioners is the noise, if we can buy two \$1,500 air conditioners to replace these that are quiet we can save \$2,000 and accomplish the same thing. Mr. Kutch said you have to look at the operating costs too. The new units are a lot more efficient.

**DPW:**

*Davis Ct:* UGI returned to fix the busted pipes; DPW will continue to monitor water issued on Davis Ct.

*700 Lincoln:* Mr. Markey said there is a home that is taking on water that is coming down the hill from Mayfield. They purchased the house in April of last year. The owners were not aware of the water problems on the disclosure when they purchased the house. Mr. Mark said the County redid all the drainage there. Mr. Kutch said he will look into it.

*Trucks on Bridge St:* Mr. Markey asked if this ordinance was ever drawn up to put the signs up. He said he remembers voting on having the ordinance drafted. Atty. Harrison will check on this.

*Drains on 402 Delaware:* Still outstanding but DPW will make sure to get this completed shortly.

*Lane St.:* Will be filled with millings and rolled in the springtime.

*Old Mill Rd.:* They are working on plans to repair spots until we can get a possible paving project up and running.

*2002 Ford F550 Plow Truck:* Mr. Markey said they had an issue with the plow truck which uncovered DPW investigating the truck a little bit further and found more issues with the truck. Right now, the 2002 plow truck needs a new diverter valve and new lines, driver side floor replacement, driver and passenger rocker panels, new oil pan, box needs to be either replaced with stainless box or sandblasted and painted, frame needs

to be sandblasted and painted, dump body tailgate is rotted out, brake lines need to be replaced, front track bar mount is broken, two new rear rims, eventually need new clutch and tires and there is a power steering leak. Mr. Markey said we bought it new in 2002 and it served us well. There is only 15,000 miles on it. Mr. Markey said there are a couple things that are easy fixes and we can put it up for sale and possibly get \$8,000 to \$10,000 because of the low mileage. Depending on what the purchaser would use it for the low mileage will probably be a real eye catcher. Mr. Markey said we can either repair all these things or we can look at purchasing a new truck. He said the good news is that we are in mid- February and we have the 2012 truck up and running as our spare so we are back up to two trucks. Mr. Markey said this is something we have to talk about. Tony Fuga was out looking at some used and new trucks. He found one that is like the 2008 plow truck we have. The price was around \$35,000 which includes the plow and salt spreader but we have that equipment that we can retro fit onto another truck. Mr. Parks thinks we paid \$50,000 – \$55,000 for the truck. He said if we are looking for a new truck with a stainless box it would be \$70,000. Mr. Mark suggested talking to our representative to see if they can help us with a grant. Mr. Kulick said we should look at an estimate on what it will cost to fix everything compared to what is out there available. Mr. Mark said get the specs on a new truck and contact State Representative and State Senator and ask what they can do for us. Mayor Smallacombe said talk to the County and discussing joint purchase plans where you can get a better price. Mr. Markey said he will do more research and come back to council.

*2014 Freightliner Recycling Truck:* Mr. Markey said it's his opinion that council acted in haste to put the tuck out for bid. He thinks we should rescind the motion and sell it to a neighboring borough for what our cost was. If we put it out for bid we are losing out because now we have to pay the advertising costs and anything over \$10,466 we have to pay back to the state. Mr. Markey said he received a call from Archbald and they want it and will pay \$10,466 for it. If we put it out for bid who knows what is going to happen. Mr. Kulick said Archbald has been fair to us. Mr. Markey said we already have people who want it so why put it out for bid. Mr. Kulick said two weeks ago we did not know we had a firm buyer. Mayor Smallacombe said we had names of two Boroughs that were interested but did not have a definite number. Mr. Kulick said we also did not know what we owed. Mr. Parks asked if we had it in writing that Archbald is going to pay that. Mr. Markey said no. Mrs. Wilson made a motion to rescind the motion to put the recycling truck out for bid, seconded by Mr. Napoli. All in favor; motion carried. Mr. Kulick said to contact Archbald first and we are willing to sell it for that price and agree to it in writing. If they are not able to we should contact Moscow. A motion was made by Mr. Napoli and seconded by Mr. Mark to offer the DPW truck to Archbald for \$10,466. All in favor; motion carried.

*DPW Garage:* Mr. Markey said we need to meter off the siren. We are going to contact a few different electricians to give us prices on that. A trailer was donated to store the items from the DPW garage. Mr. Rood said it will probably cost \$4,000 – \$5,000 to meter it off.

Mayor Smallacombe would like to see if it would be possible to bring the glass cases back to the Borough Building because they have no place to put them. He said we used to have 3 cases in the back of the room to display artifacts and two in the Legion Room. The Historical Society has no place to put them. He said it would be nice to bring them back here until the Historical Society finds a home. They were taken out because there was an incident in the hallway and a boy fell and hit his head on one of the glass cases in the hallway. Mayor Smallacombe also asked if they can use the old Boy Scout Room downstairs. Mr. Napoli asked if he is looking for a place to store them. Mayor Smallacombe said yes until we find a home, we were approved by the Borough to display them and then council after that decided they would like to have them taken out so they were taken out. He said it is the history of our town. Mrs. Wilson said she thinks the Boy Scout room downstairs is the best place. Mr. Markey said the DPW took the cases over to the DPW garage and the DPW informed Mr. Markey that they were not comfortable taking them over there in the first place and they are not comfortable moving them out. Mayor Smallacombe said he will move them out. Mrs. Wilson made a motion to allow the Historical Society to move their display cases and their property into the Scout Room downstairs for the time being, seconded by Mr. Markey. All in favor; motion carried. Mr. Napoli asked if the items are owned by the Borough. Mayor Smallacombe said no the Historical Society. Mr. Napoli said it seems like everything that is going on with the Historical Society is falling back on the Borough to take care of things. Mayor Smallacombe said the Historical Society was formed to preserve the History of Jermyn. The Borough of Jermyn gave the Historical Society the room upstairs to bring in and display artifacts that they have accumulated from Borough residents on the History of the Borough of Jermyn. Mr. Markey said the history of the town is important but if you put cases along the back of the room in Council Chambers, you have people to view them only 4 hours a month. Mrs. Wilson said they need a place that is open to the public.

*Land:* Mr. Markey would like to get the DPW committee together in the near future to look at land that the Borough owns. If none of the parcels are fit for the DPW garage then maybe we can look into a possible land trade. There are a couple of spots over on the East Side. Mayor Smallacombe asked if they thought about the top of the hill by the field. Mr. Markey said he wants to stay out of a residential area if they can.

*Resident complaint Johnson CT:* Mr. Markey read aloud a letter that was sent by a resident. The resident wants to know why they plow the alley way and not the road that is alongside the house. When they plow the alley they plow everything in the backyard. The problem is the way the yard looks. They received a permit for a fence and shed. The fence is going where the DPW plows which they are saying is their property, before the resident puts a fence up they want to know if it is or is not their property. Mrs. Wilson would like to see that alley go all the way through. Mr. Mark said the driveway next to the house is a private driveway. Mayor Smallacombe said he does not remember it being an alley way that was ever used.

*Millings:* Once the weather breaks they will be taking some of the millings and filling in sides of the roads and also take care of some of the alley ways. They will make an

attempt to repair Shields Ct. if possible. Mayor Smallacombe said he will volunteer to grade it.

*Garbage Cans:* Mrs. Wilson said she is sick of looking at garbage cans on the Main St. Garbage should be picked up in the alley ways not on the Main St. The garbage trucks go through Johnson Ct. and also go through Main St. She said Davis on the 600 block those tenants should be using the alley to get in a parking area that the home owners have. They should have an area for cars in the back and there is enough land for all those apartments on the 600 block coming in from that alley. The garbage should be back there also. Mr. Napoli asked Mrs. Wilson why the garbage should be placed in the alley ways. Mrs. Wilson said because Saturday and Sunday the cans are out on the Main St. She said our police are doing a good job. Half the time the cans are sticking out and half between the sidewalk and their house and they are on the greenway. She said they should be picked up in the rear. Mr. Napoli said the front of his house is on an alley way for the last 15 years they had to walk their recycling and garbage cans down to Franklin St. Mrs. Wilson and Mr. Mark said it should be picked up in front of your house. Mrs. Wilson said if you go down Johnson Ct. some of them are in the rear and some of them are in the front; why not put all of them in the rear. She said where there is an alley way they should be placed in the alley. Mr. Rood said some of your apartments only have front entrances.

*Rapid Cast:* Mr. Kulick asked if Mr. Markey can give an update on Rapid Cast. The Borough secretary was trained on how to use it this past week. Mr. Markey said it is ready to be used. We currently have 117 residents signed up. Mayor Smallacombe said it was a great idea that came up and said it will be a good thing for the Borough.

*Tax Collector Requirements Changes:* A revised email was received correcting the tax collector requirements. The incumbent tax collector is considered qualified. They would have to take two hours of credits before the ending of the next term and does not have to submit a criminal history report. Any newly elected tax collector would have to take the course and have to submit a criminal history report.

*Trash Pickup Ordinance Review:* Mr. Kulick said we have ordinances we should follow them or we should change them. If we are not following them someone is going to point it out to us sooner than later. The ordinance states there will be one garbage company picking up the garbage in Jermyn, including businesses. There are businesses in town where someone else is picking up their trash; Mr. Kulick said they are not following the ordinance. A business should be allowed to negotiate their own garbage and should not be part of the ordinance but it is part of the ordinance right now. We have had two people request to get their own dumpster and it is against the ordinance but they can come back and say someone else is doing it. Mr. Markey said the two people requesting that are not businesses they are property owners. Mr. Kulick said we should amend that part of the ordinance.

*Zoning Board:* The ordinance says the zoning board should consist of 3 members; we currently have 5 but only need 3. Mayor Smallacombe said we should have 3 official

members and 2 alternates. Mr. Kulick said they are supposed to be appointed in staggered terms. Mr. Kulick said the fee is \$500 for a zoning hearing and may not be enough to cover the costs. It was suggested to increase the amount. The costs include a court stenographer, attorney fees and advertising. Mr. Mark said it has not been updated in a long time. Mr. Kulick said there has not been a hearing in a long time.

*MS4:* Mr. Kutch said KBA represents 9 municipalities in this year. There will be a meeting in regards to the MS4 on March 8<sup>th</sup> at 7:30 p.m. at the Falcon's Nest in Mayfield. All 9 municipalities are invited to discuss the MS4. Mr. Kutch said this is a non-funded mandate and it is important for everyone to come together and discuss it.

*Public Comment:* A representative from Neighbor Works presented council with information in regards to their program. July 21<sup>st</sup> – July 24<sup>th</sup> there will be about 300 volunteers to Jermyn and other parts of Lackawanna County to do repair on homes. For example – wheelchair ramps, painting, installing solar lights, etc. If you have any questions please call NeighborWorks 570-558- 2490 or [www.nwnepa.org](http://www.nwnepa.org) for an application.

*Resignation Letters:* A motion was made by Mr. Markey and seconded by Mrs. Wilson to accept the resignation of Randy Parry from the Planning Commission. All in favor; motion carried.

A motion was made by Mr. Markey and seconded by Mr. Napoli to accept the resignation of Ray Rood as the Code Official. All in favor; motion carried. Mr. Rood recommended one of the third parties be the inspector. Mr. Rood said there still isn't a fee schedule. He said the property owner with the red house should have been cited for the last 2 months because he is in default and has not contacted Mr. Rood. He said he is getting questions on things he cannot answer because no one has contacted him.

*Rental:* A letter was sent to council requesting a reduction in the rental permit fee for 610 Washington Ave. Mr. Napoli said if we do it for him we have to do it for everyone else. Mr. Markey said it is not fair to everyone else who has multiple units and pay the fee. Council did not approve the request.

Mr. Kulick said there are still 15 non-payers of the rental permit fee. Mr. Kulick said they have until March 1, 2017 to pay these and then we take the next step of fining them \$100/per day for up to 5 days. After 5 days we take them to the magistrate and we can shut them down. Mr. Kulick said we will send another letter out telling them they are still in violation and if it isn't paid by March 1<sup>st</sup> they will be cited.

*Garbage:* There are still 4 people that are on the delinquent garbage list from 2015. A new list will come out in March for those who did not pay in 2016.

*Crime Watch:*

The Crime Watch requested Bridge St. be closed from Main St. to the underpass from 8:00 a.m. to 3:00 p.m. for their 5k race. A motion was made by Mr. Napoli and seconded by Mrs. Wilson to allow Bridge St. to be closed 8:00 a.m. to 3:00 p.m. on April 29<sup>th</sup>, 2017. All in favor; motion carried.

*Garbage Affidavit:* 651 Washington – The Masonic Hall requesting a reimbursement for the garbage fee \$165.00. A motion was made by Mrs. Wilson and seconded by Mr. Parks to approve the Masonic Hall waste fee exoneration. All in favor; motion carried.

Mr. Kulick said Mayor Smallacombe will not be running in the upcoming election. Mr. Kulick thanked the Mayor for his many years of service. Mayor Smallacombe said he has a job coming up in Richmond, VA to work and his son lives in Richmond. He did not want to commit to something he would not be able to fulfill.

Mr. Markey reminded everyone that we should start talking about the parking lot shortly. It would be nice if we can get it paved.

Mayor Smallacombe said he has tickets for sale for the Events Committee and he also volunteers if they need any help with paving and grading.

A motion was made by Mr. Napoli and seconded by Mr. Markey to adjourn the meeting at 9:15 p.m. All in favor, motion carried.