

**Jermyn Borough
Council Meeting
12/6/18**

The Jermyn Borough Council held a council meeting on Thursday, December 6, 2018 at 7:00 pm in Council Chambers of the Jermyn Borough Building, 440 Jefferson Ave, Jermyn PA.

The meeting was called to order by President Frank Kulick with the Pledge of Allegiance. President Kulick asked everyone to remain standing for a moment of silence in memory of President George H.W. Bush, and Michael Tripus, a Zoning Officer in the Poconos who was gunned down in his municipal building.

On roll call, the following members were present: Frank Kulick, Kristen Dougherty, Jennifer Schreiner, Kevin Napoli, Carl Tomaine, Cynthia Stephens, and Joanne Wilson. Also present was Attorney Aquilino, Mayor Fuga and Dennis Kutch from KBA. Ray Rood and Bob Chase were absent.

Minutes:

A motion was made by K. Napoli to accept the minutes of 11/15/18 as presented. Seconded by C. Stephens. All in favor, motion carried.

Bills Payable:

A motion was made by J. Wilson to pay the bills as presented, seconded by K. Dougherty. All in favor, motion carried.

Correspondence:

F. Kulick read an email from Jerry Bruno sent to the webmaster of the Jermyn website, regarding alternate parking (email attached hereto as Addendum A)

Public Comment: Katelyn English from Lackawanna County read different flyers regarding different events, including: Lackawanna County Winter Market, Festival of Trees 2018, Trolley Special, Angel Trees, and Ice Jam Training.

Basil Kleha from the Planning Commission spoke about his training seminar on Municipal Planning. He and William Langman from the Planning Commission went and they learned a lot of information. He states there will be future training as well. Mr. Kleha also stated he has plans for Old Mill Road where the Moran family is planning a subdivision of the Moskovitz property. The county planning commission already approved it. The Jermyn Planning Commission approved as well, and Mr. Kleha is sending to Officer Chase for approval. He also states that 573 Washington Ave. is starting to look nice, and Mr. Sheridan had 4 dumpsters in already. He said things look to be going well, and they are doing things the right way. He also thanked J. Wilson and Shade Tree for replacing the tree in front of his property, and he stated that the council is doing a great job, and things are interesting, because there's always something new going on. He commended the new full time officer, Jack Binner, as well as Chief Arthur. He also commended Councilwoman J. Schreiner, and stated she speaks well and has the ability to calm people when they're upset.

MS4 Presentation: Dennis Kutch from KBA Engineering spoke about the Municipal Separate Storm Sewer Systems (MS4) as a requirement of our yearly permit is public information regarding MS4, as well as a question and answer opportunity. Jermyn has a separate storm sewer system from the sanitary sewer system, and is bound by MS4 laws. We have an obligation over the next 5 years to reduce pollutants by 10%, as sediment is having an adverse effect on the Chesapeake Bay system. The state has given us minimum control measures to meet. #1 is Public Education, #2 is Public Involvement and Participation, #3 is Illicit Detection Program. All outfalls in Jermyn have been detected, and they must be monitored throughout the year, especially in dry climates. #4 is Construction Site Stormwater Runoff Control, #5 DPW Good Housekeeping, managing spills, etc. The borough can get credit towards the 10% reduction in sediment by doing things such as planting trees, building rain gardens, etc. There are programs that can be attended and education to be gained. D. Kutch passed around a sign in sheet also for all attendees. D. Markey asked if Jermyn can get credit for trees already planted? D. Kutch said yes, that's possible going back five years or so, but credits aren't huge, but we can get credit for things done since the permit was obtained. T. Fuga stated that the DEP is more inclined to give credits for rain gardens. J. Wilson stated there is a Shade Tree meeting coming up, and asked if she should put rain gardens on the agenda? T. Fuga stated the park across the street from the borough

building and where the old PPL station was are good areas for rain gardens. D. Kutch stated KBA will work with Shade Tree regarding next steps. J. Wilson stated they will have to work with Recreations, because there were plans to put in a bocce ball court. D. Markey asked if they give credits for rain barrels? D. Kutch stated he thinks they do. D. Markey stated we have a few hundred left over recycling barrels from when we used to throw recycling, and maybe we could convert them to rain barrels. D. Kutch states that tons of sediment comes down through the Rushbrook Creek to the Lackawanna River from above Jermyn Borough, so it's not going to be easy to reduce the sediment rate by 10%, so credits will go a long way. F. Kulick asked if we formed an MS4 committee to educate the public, would we get credit? D. Kutch stated it's part of the permit requirements.

Code Enforcement : Code Enforcement Officer Aquilino stated there were two people present for code enforcement purposes, but before we hear from them, there are other items to review: 20 Evergreen Drive – This citation is being withdrawn pending closing of property sale. 122 Bacon St – The owner has communicated and provided a plan, so code enforcement is being suspended pending completion of the issues. Laurie Shimo – 746 Jefferson Ave – house without house number. She states she has house number decorations. W. Aquilino states ordinance requires 3" high numbers affixed to building. Ms. Shimo asked about a deadline? W. Aquilino stated to get stick on numbers for now until she can find a more permanent solution. Ms. Shimo stated the vehicle in her backyard is not registered. W. Aquilino states it needs to be garaged or tarped. She asked why she needs to take care of weeds? W. Aquilino stated it is due to attracting wildlife, etc. Ms. Shimo states she's had many problems with feral cats on her property and she's taken many steps to remedy them. W. Aquilino asked her to correct the house number, tarp the vehicle, remove the weeds, remove junk from backyard, and contact borough manager regarding her feral cat issue. Ms. Shimo states she's very frustrated because she purchased this home in 1989 and the only time the borough ever contacts her is about bad things, namely a deck, a shed, etc. Why didn't the borough knock on her door instead of sending a letter. W. Aquilino advised her to get house #s on by the end of the year, and complete the rest by the 2nd week of January. She agreed. He stated to contact us for help with the cats. Chief Arthur stated she contact the police, and they contacted the humane society, which couldn't really help. He stated the borough doesn't have any ordinances to cite people for feeding strays, and Griffin Pond will no longer take

feral or stray cats. Chief Arthur stated there were 80 cats trapped out of one yard over a period of a couple years. W. Aquilino will research the cat issue more.

Alphonso Wright, 187-23 Sullivan Rd., St. Albans, NY – W. Aquilino states we've sent mail to him that has been returned for a bad address regarding 106-118 Rushbrook St. W. Aquilino stated he needs a local agent. Mr. Wright states he now has Henry Houser as a local agent. W. Aquilino states the properties were inspected, and the report states there are issues to be corrected. Mr. Wright states he didn't want to bother his tenants over the holidays. W. Aquilino asked how many apartments are currently vacant. Mr. Wright stated none; they are all rented. W. Aquilino asked for a timetable for repairs. Mr. Wright stated most of the work will be completed in January. W. Aquilino stated he will schedule a follow up inspection at the end of January, and also to touch base with NEIC regarding required permits.

2019 Budget: F. Kulick presented the 2019 budget on behalf of the Finance Committee. He explained that if council was ok with the budget tonight, council would need to vote to advertise the budget, then vote to accept at the next meeting. F. Kulick highlighted amounts of the budget, including continuation of the summer activities program, rotating in a new police vehicle, a new dump body for the 2012 plow truck (to be paid out of liquid fuels). Total revenue projections: \$653,571. Total expense projections: \$800,870. Adjustments: Liquid Fuels Carryover \$88,350., General Fund Carryover \$37,000., DPW Capital Reserve Contributions \$30,000. After adjustments, total surplus of \$8,051. Lou DeMarco asked about permit fee income. F. Kulick explained line items for permit fees. Mr. DeMarco asked about budgeting for the DPW garage loan. D. Markey advised that the 2019 budget must be passed prior to the beginning of the year, but council can make adjustments to it at any time, and also there are funds in the budget to account for utilities for the garage. J. Wilson asked if DPW received an increase. D. Markey advised DPW is holding steady, and explained budget line items for DPW, Police Department. F. Kulick made a motion to approve the 2019 for advertisement and open for inspection during borough business hours until the next council meeting. Seconded by K. Napoli. All in favor, motion carried.

Tax Millage Ordinance: A motion was made by K. Napoli to advertise the ordinance setting the 2019 Tax Millage at 29 mills. Seconded by C. Tomaine. All in favor, motion carried.

Fees: D. Markey explained that council is supposed to pass a resolution each year naming all the permits and fees for each, including garbage, dumpster, rental permits, solicitation, etc. He will have a resolution ready for the next council meeting. Meeting dates will be advertised after next meeting. Planning Commission will meet on the fourth Thursday of each month, or as needed, and Shade Tree Commission will meet on the second Wednesday quarterly, or as needed, at 7pm at the Borough Building. The Recreations Commission will meet as needed.

Records Retention Resolution: F. Kulick read Resolution 20-18, adopting retention records requirements set by the State of Pennsylvania. Motion made by K. Napoli to adopt Resolution 20-18, seconded by C. Stephens. All in favor, motion carried.

Right to Know Act Fees Resolution: B. Aquilino explained the new Right to Know Act (RTKA) fee schedule set by the State of Pennsylvania, and Resolution 21-18, adopting the schedule. Motion by J. Wilson to adopt the resolution, seconded by J. Schreiner. On the question, K. Napoli inquired what the fees were. F. Kulick read the fees per the RTKA fee schedule. All in favor, motion carried.

Municipal Pension Plan Joinder Ordinance: W. Aquilino explained that our pension plan administrator met with him and the borough manager, and council must vote to adopt the 2019 pension plan joinder ordinance. A motion was made by J. Wilson to advertise the Pension Plan Ordinance. J Schreiner questioned the Police Contribution. D. Markey explained that due to the currently well funded status of the plan, police currently do not contribute, however it should be a yearly vote of council to have police contribute either 5% towards the pension plan, or not contribute towards the pension plan due to the well-funded status of the plan, but that is a separate topic than the ordinance. F. Kulick reminded council of the motion on the floor by J. Wilson to advertise the Municipal Pension Plan Joinder Ordinance. Seconded by C. Stephens. All in favor, motion carried.

Police Pension Contribution: A motion was made by K. Napoli to not require the police to contribute towards the Police Pension Plan in 2019, seconded by J. Wilson. All in favor, motion carried.

2018 DCED Audit: F. Kulick states we have a proposal from the office of Michael

Barbetti to complete the 2018 DCED audit for an amount not to exceed \$8,000. A motion was made by K. Napoli to allow Michael Barbetti's firm to complete the municipal annual audit at a cost not to exceed \$8,000. Seconded by C. Stephens. All in favor, motion carried.

Business Permit Ordinance: F. Kulick stated we may need to table this again. W. Aquilino stated that council needs to decide on fee or no fee, and also when he and the borough manager were doing property inspections, we don't know the owners of some businesses, and we need a business ordinance for that purpose alone. D. Markey stated he can send council a new copy of the ordinance as currently written. W. Aquilino stated that this ordinance is important for fire and police personnel as well, so they know what they're getting into. D. Markey stated council had previously voted to advertise the business ordinance, but after advertised, it didn't go anywhere due to concerns over the fee. He stated it would need to be voted to be advertised again, and this time it could be advertised without the fee. D. Markey stated that council could table until everyone has read the ordinance. F. Kulick motioned to table the ordinance, seconded by K. Napoli. All in favor, motion carried.

Lackawanna County Land Bank Resolution: F. Kulick read the resolution for Jermyn Borough to enter into agreement with the Lackawanna County Land Bank. W. Aquilino stated that he and the borough manager attended the press conference and seminar for the Blight to Bright project, and explained the initiative. He explained the land bank coalition, and D. Markey explained we can work together with the land bank for action on blighted properties. C. Tomaine states this removes us out of the equation, we give up all control over blight. C. Tomaine stated he would like to table this vote, and asked the solicitor to make a list of pros and cons. C. Tomaine made a motion to table the resolution, seconded by K. Napoli. All in favor, motion carried.

Email Accounts: K. Dougherty stated she has an issue with the email account space. She would like to consider moving to Gmail, which has unlimited space. J. Wilson asked if we could purchase more. K. Dougherty stated there's no reason to purchase when we can get gmail for free. K. Dougherty stated council can setup a gmail account and bounce to another email address. D. Markey stated if council didn't want to setup new emails, they may be able to have them bounced to an existing email. J. Wilson asked about legality of private emails. W. Aquilino stated that wherever official email is

delivered to, it's open for possible subpoena. D. Markey stated whoever creates a new email address for their borough email, to advise him of the new email address, and he will make sure the webmaster creates the bounce.

K. Dougherty asked if anything ever happened with the chicken ordinance. F. Kulick stated there wouldn't be a passing of a chicken ordinance. K. Dougherty asked if we ever notified the requestor. F. Kulick stated she never came back to a meeting, and if she does, we will notify her.

Adjournment: With no other business to come before the meeting, a motion was made by K. Napoli to adjourn, seconded by K. Dougherty. All in favor, motion passed. The meeting adjourned at 8:59pm.

Respectfully submitted,
Daniel Markey
Borough Manager

Addendum A: That would have worked IF the other side of Madison Ave was plowed in the 700 block. Since it wasn't done, some of us were forced to park on the WRONG SIDE while we cleared our driveways. It was also nice to see the BOROUGH is in such need of REVENUE that a ticket was given to a young man on Gibson St. getting ready to deploy overseas. It is easier to FINE residents than to STOP the Traffic on Rushbrook St. Keep it up. I am also looking for the signs along our Streets warning about PARKING RESTRICTIONS. Oh, that's right, they DO NOT EXIST.