

Jermyn Borough

Council Meeting

8/1/19

The Jermyn Borough Council held a council meeting on Thursday, August 1, 2019 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.

On roll call, the following members were present: Frank Kulick, Kristen Dougherty, Kevin Napoli , Jennifer Schreiner, Cynthia Stephens, Carl Tomaine, and Joanne Wilson. Mayor Fuga, Attorney Aquilino, Dennis Kutch from KBA, Bob Chase (7:11pm), and Ann Marie DeSanto were also present. Stanley Hallowich was absent.

**Minutes:** A motion was made by K. Napoli to accept the minutes of 7/11/19 as presented. Seconded by C. Stephens. All in favor, motion carried.

**Treasurer's Report:** D. Markey read the treasurer's report as follows:

**Jermyn Borough**  
**Balance Sheet**  
As of August 1, 2019

	Aug 1, 19
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
2019 Revenue Anticipation Note	281,164.43
DPW Capital Reserve	30,036.55
General Fund - Community	22,320.95
Holiday Lights	3,877.20
Investment - General Fund	1.39
Investment - Liquid Fuels	45,186.12
Investment - Paving Fund	11.69
Investment - Recycling	1.33
Investment - Refuse	2,555.26
Petty Cash	162.01
Recycling - Community	10,644.24
Refuse Checking - FNB	70,918.38
Shade Tree Commission	8,901.44
100050 · FNB General Fund	863.45
100052 · Liquid Fuels - FNB	32,057.64
100053 · Refuse - FNB	0.01
100125 · Crime Watch Account	752.59
100800 · Jermyn Recreations Commission	17,470.95
<b>Total Checking/Savings</b>	<b>526,925.63</b>
<b>Accounts Receivable</b>	
11000 · Accounts Receivable	4,673.63
<b>Total Accounts Receivable</b>	<b>4,673.63</b>
<b>Total Current Assets</b>	<b>531,599.26</b>
<b>ACCOUNTS PAYABLE</b>	
200000 · Accounts Payable	379.92
<b>Total Accounts Payable</b>	<b>379.92</b>
<b>Total Current Liabilities</b>	<b>379.92</b>
<b>Total Liabilities</b>	<b>379.92</b>
<b>Equity</b>	

A motion was made by C. Stephens to accept the treasurer's report and pay the bills as presented. Seconded by C. Tomaine. All members in favor, motion carried.

J. Wilson asked about a check for the balance of the Shade Tree allotment. D. Markey stated there is a check ready tonight. J. Wilson asked about the check for Events Committee for \$500 for Concert in the Park. D. Markey stated he needed an invoice. J. Wilson stated she will provide paperwork.

**Correspondence:** F. Kulick stated we received a letter from an anonymous person. In the past, he stated he wasn't going to read them, however he will read this one. The letter showed concern with a property on the 400 block of Delaware St. W. Aquilino stated he's received a few complaints about that property. The street is narrow, so there's no parking issues. As for the property, there's no code violations; he's inspected the property on numerous occasions, and doesn't find a problem. If people would tell him who they are instead of sending anonymous letters, then he can explain the situation to that person.

We received a letter from Adams Cable regarding the channel realignment on August 6, 2019.

F. Kulick read correspondence from the official Jermyn Borough Facebook page from Mr. Andrew Whitiak, who feels there should have been more transparency on the matter of importance to everyone, referring to the possibility of a county-wide stormwater authority. The fears are that if Jermyn joins the stormwater authority, the stormwater fee will go up every year, and our money will go to problems that get fixed elsewhere in the county. F. Kulick stated he thinks this is a viable subject, but he takes exception to the transparency portion of the statement; there is no hidden agenda, it's been openly discussed, it's in the minutes. He stated there are issues with MS4, and Councilwoman Dougherty will address the issues later in the meeting, but no one is trying to pull the wool over anyone's eyes.

**Public Comment:** Richard Farrell, 384 Washington Ave. asked about information that the borough may have regarding a stormwater authority, and if a decision has been reached about joining a possible authority, and if no decision has been made, which way is the council leaning? K. Dougherty gave a background on the MS4 program. It's mandated by federal government, overseen by the DEP, requiring us to reduce our pollutants flowing into the Lackawanna River. There are a number of requirements, and they haven't been enforced until recently. The borough is working towards meeting requirements on all six minimum control measures. Some are minor, and some are major and costly. Back in May, K. Dougherty, T. Fuga, and D. Markey attended a very preliminary meeting covering the topic of the possibility of a regional approach to MS4. At first, we weren't very accepting of the idea, and wanted to try to solve all our MS4 issues inhouse. One thing that caught K. Dougherty's attention is that if/when an authority is created, the assessment will be county wide, regardless of membership in the authority. That brings us to either we pay and get nothing or we pay and get something. Most of the county commissioners are against it. As of the end of the meeting, the firm providing the information was going to have public meetings, create a task force, speak with all affected communities. Then commissioners would need to enact an ordinance, do a feasibility study, hold workshops, etc. K. Dougherty stated if it does happen, she doesn't believe it will be within the next few years, but if it does happen, we need to consider being part of it. She stated the council hasn't made a decision either way; it's just preliminary conversation right now. Jermyn is trying to avoid fines, so we are doing what we can right now to get into compliance. Mr. Farrell asked if the solicitor is looking into the legality of it? W. Aquilino stated that if the county assesses it, we don't have a choice. The federal government put this into effect years ago. This isn't something that this council has the power to change. We can decide to join or not join an authority if one is created, we can decide to try to handle MS4 minimum control measures on our own, or we can do nothing and face severe fines; those are our three options. Congress, through the Clean Water Act, passed the law, and the EPA has been empowered to control the regulations. F. Kulick stated if there's a federal mandate, we

have no choice but to comply. T. Fuga stated we cannot absorb a fine from the DEP or EPA, and that's why we're doing what we're doing now to try to keep in compliance. Mr. Farrell stated he's hoping no one has to lose their home because they can't pay the "rain tax". Attorney Aquilino stated someone was thrown around a fee of \$2000. That is not for a single family dwelling, but more for a 40000 square foot facility. K. Dougherty stated Scranton is considering a \$32/quarter fee. Mr. Farrell asked if Jermyn would have any say in the authority if/when it's created? K. Dougherty stated he would want to attend the county meetings, if there will be any, regarding that, because it will most likely be a county function. K. Dougherty stated the meeting happened in May, and we haven't heard anything. D. Markey stated all we received was a survey asking about our stormwater management needs and our ability to handle the functions on our own. D. Kutch stated KBA met about four years ago with their municipalities about everyone joining together. If an authority or a partnership was created, something done to help MS4 requirements in other municipalities would land us credit as well. As far as fees, what happened in Luzerne County was ridiculous. Mr. Farrell thanked the council for listening to him. J. Schreiner thanked him for coming to the meeting, and not just posting on Facebook, but coming down and talking to council.

Ray Rood, 403 Bacon St. asking about his sewer problem. He stated that he did cancel the project going through his property, but because the county came up and it was reported that his sewer problem was fixed. He is wondering what we're going to be doing about the sewer problem. T. Fuga stated we're going to have it put on a maintenance plan for now until we figure out what needs to be replaced. Mr. Rood said if we only replace the section in front of his house, it's not going to do anything because it's the lowest point of the sewer, and the whole line is screwed up. T. Fuga stated the sewer authority extended the pipe, and thought that fixed the problem, but there seems to be problems again. Mr. Rood asked if there is a maintenance contract setup yet? D. Markey stated no, not yet. F. Kulick stated he understands that the contractor showed up and they were told to leave. Mr. Rood stated that's incorrect. T. Fuga stated Rock Bottom got the contract. Mr. Rood stated he never chased them off the property, rather he called them off because he was advised the problem is fixed. F. Kulick stated we will get a maintenance plan in place. Mr. Rood asked if we got a report yet from All American Rooter yet? D. Markey stated not yet.

Kaitlyn English from Lackawanna County read flyers for Senior Health Fair, Family Fun Days, Car Seat Safety Check, Penn State Extension Grand Opening, Individual Assistance Workshop, Disaster Field Operations Center East.

**Census Presentation:** Patrick Tigue, Partnership Specialist with US Census Bureau prepared a presentation about the upcoming 2020 census. The Census Bureau is getting ready, hiring right now for 2020. Article 1, Section 2 of the US Constitution, the government is required to take a count of all living in the United States. The census is important; it's a civic duty, it's important for districting and funding. Many different funding sources are affected by census. It will be easy; for the first time ever, you can reply online. You can also mail or phone in your reply. It will be safe; the Census Act makes it illegal for the Census Bureau to share any confidential information with any other governmental or law enforcement agency. The Jermyn Borough low response rate is 18%, or around 391 people. There is a lot of funding citizens could be missing out on due to non-responsiveness. House checking will be done shortly; all police chiefs will be notified. In March, 2020, everyone will get their postcard and can reply. If no reply, there are three reminders. If still no response, the non-response team comes knocking on the door. The Census bureau is hiring. You must be 18, US citizen, and able to pass a background check. The key is to count everyone once, only once, and in the correct place. If the municipality wants to form a complete count committee, they may do so. F. Kulick asked about colleges and universities. If funding is based on college counts, those towns may get a disproportionate amount of

money. Mr. Tighe explained it's considered group quarters: colleges, prisons, nursing homes, etc. and you should get counted where you reside the most.

**Insurance Presentation:** Caleb Sheldon from the Kilmer Group, Wyalusing, PA prepared a presentation about the borough's insurance policies. He handed a packet out to all council members. The Kilmer Group is a member of the Keystone Municipal Program. Caleb provided an overview of the Kilmer Group's background and the companies they write for. They are risk management advisors, and specialize in training, loss analysis, etc. Through EMC, we are a part of a dividend program, which hasn't been paying out through DGK. The Kilmer Group's customers have been enjoying dividends of around 10% over the past 5 years. Dividends are not guaranteed, but have been paid out when available. Also, every 3 to 4 years, the Kilmer Group will shop the insurance out. Mr. Sheldon would like the borough to make him and the Kilmer group our agent. F. Kulick asked about the dividend program. Mr. Sheldon stated there is such a bigger pool to pull from with the Keystone Program than DGK has, which is why they are able to pool the risk and absorb losses better, leading to historical dividend payments. F. Kulick asked about premium? Mr. Sheldon stated that the Keystone Group is EMC's biggest program in the nation, so while the premium would be the same as DGK, they have a little more pull when it comes to EMC, so they may be able to do a bit better, premium-wise. C. Tomaine asked if the losses are non-assessable? Mr. Sheldon stated yes, they're non-assessable, and other's losses cannot affect us negatively. J. Schreiner asked if all the benefits we would get with Kilmer are automatic, or do we pay extra for those? Mr. Sheldon stated that the premium paid to the agency finances the free programs they offer, and the borough should be getting back in services what they pay in agency fees. D. Markey asked about the quoting process. One option is to vote to make Kilmer Group the agent of the borough, and the Kilmer Group can get the quote from EMC. Another option is to keep DGK right now, and Kilmer Group will get quotes from other companies. J. Schreiner asked if we keep DGK for now and they quote EMC, and EMC is the best price, can we go with the Kilmer Group under EMC? Mr. Sheldon explained yes, but would require a broker of record letter. C. Tomaine asked who else they represent? Mr. Sheldon stated EMC, Selective, McGowan, Argonaut, McKee. There are some other smaller ones, but these are the most competitive.

**Police Report:** Chief Arthur had no report at this time.

**Fire Chief:** Mayor Fuga read the fire report for July. The Jermyn Fire Department responded to 8 calls for the month of July. 2 in Jermyn Borough, 4 in Carbondale City, 1 in Carbondale Twp, and 1 in Scott Twp. 1 building inspection was completed at the Allied Building. Crystal Fire Company recently passed aerial ladder certification testing. Manpower is continuing to be an issue. Chief Hallowich is continuing to work with area fire companies to put together a plan.

**Zoning Officer:** Zoning Officer Chase reported he just received another permit application for new construction. This is the 3<sup>rd</sup> or 4<sup>th</sup> new house permit that has been issued this year.

**Tax Collector:** A.M. DeSanto has nothing at this time.

**Mayor's Report:** Mayor Fuga stated we have a shortage of part time officers. Chief Arthur is in the process of trying to bring some in. If anyone knows any good candidates, point them our way, as there are currently a lot of headaches with scheduling.

**Solicitor/Code Enforcement Officer:** W. Aquilino advised there are personnel issues we need to discuss tonight in executive session.

Code Enforcement – 106-118 Rushbrook St. – The rental permits have been pulled, and the tenants have been notified that they have to vacate the premises. District Justice action has been filed. 427 Washington Ave. is a repeat offender, District Justice action has been filed. The District Justice office called W. Aquilino and stated both have been accepted, and will be scheduled shortly. The property at 708 Madison Ave. went to a District Justice hearing, in which the property owner was found guilty. W. Aquilino thanked D. Markey for his preparation and participation on behalf of the borough. The site will be revisited in 15 days and if the property is not brought up to code, a new citation will be issued. 306 Gibson St. will have it's rental permit pulled due to numerous complaints. 517 Madison Ave. will be taken to District Justice as well. 99 Franklin St. was issued a warning. They will have 30 days to ensure the property maintenance code is maintained. If not, action with the District Justice will follow. 614 Washington Ave. rental permit will be pulled, and will file charges with the District Justice, probably tomorrow. 224 Hudson St. will be issued a warning for grass. 32 Old Mill Rd will be issued a warning for dangerous trees.

**Engineer:** D. Kutch reported the markouts were put in by utility companies for the Delaware St. Stormwater Project, and the county will bid out in late August, early September. Old Mill Rd. will be advertised on August 20<sup>th</sup>, and bids will be opened on September 19<sup>th</sup>.

**Planning Commission:** Basil Kleha reported that the Planning Commission met and is discussing with the Zoning Officer about updating the current zoning laws. F. Kulick asked if they are fully staffed. Mr. Kleha stated they have enough by law right now. Mr. Kleha asked W. Aquilino about 99 Franklin St. W. Aquilino stated a title search needs to be completed to find the rightful owner of the property.

**Public Safety:** K. Napoli reported that 604 Madison Ave. has been granted on-street handicapped parking in front of the residence.

**Recreations:** C. Stephens reported we are still awaiting Miller Flooring to come back and finish up. The grand opening is set for September 19<sup>th</sup>. C. Stephens invited Randy Parry to speak regarding the grand opening. Mr. Parry reported that he did a write up regarding the gym, as well as thank you's for all that contributed. He has been collecting pictures from various sources. They will be put to DVD and copies will be distributed to all the contributors. Mr. Parry stated that with everything being done in the gym, everything will be completed and the gym will be good as new. He had an idea of padded chairs for players with a scorer's table in between the chairs. He handed his write up to council to have proof-read. F. Kulick asked if we're being too aggressive with the September 19<sup>th</sup> grand re-opening date? Mr. Parry stated no, he doesn't think so. W. Aquilino asked if anyone has assessed the damage and given an estimate for repairs yet? D. Markey stated no, that's one of the reasons they're supposed to come out.

C. Stephens asked J. Wilson if the Shade Tree/Events was going to help with refreshments? J. Wilson stated we'll have to discuss what is needed. C. Stephens stated the bleachers have been shipped and will arrive shortly. She also reported that some picnic tables at the park have been destroyed and will need to be removed. DPW will handle. Also, we are looking for best options regarding cameras at the park, and received some expert advise from Stuart Wilson. Mr. Parry suggested that if we didn't have takers for the bleachers yet, he will put his feelers out. D. Markey stated he will run on Municibid first, and then if there are no takers, he will give to Mr. Parry to put out his feelers. Mr. Parry thanked Council and DPW for what has gone on so far in the gym.

**Grants Committee:** K. Dougherty asked for a motion to apply to apply for a LSA Grant (Monroe Gaming Grant) for Woodlands Sewer & Paving Phase II. J. Schreiner made a motion. Seconded by J. Wilson. All members in favor. Motion carried.

K. Dougherty announced that the Grants Committee met on 7/24/19 to discuss grant opportunities. We will be creating a calendar showing grant opening and closing dates to eliminate missed opportunities.

We will be submitting our CDBG application for the elevator for the borough building. K. Dougherty asked for a motion to allow the CDBG grant application to be submitted. A motion was made by J. Wilson, seconded by C. Stephens. All members in favor, motion carried.

We received information from Scranton Lackawanna Human Development Agency (SLHDA) regarding the head start playground. We have been given permission to submit CDBG grant applications for both the elevator and the playground. K. Dougherty asked for a motion to allow the CDBG grant application for the Head Start Playground. F. Kulick asked what's in it for us? D. Markey explained that some resident children that live on Henry Drive attend the Head Start there, so they would be beneficiaries of this equipment. C. Tomaine asked if we have to maintain the playground? D. Markey stated no. F. Kulick asked what happens if we get the playground but don't get the elevator? D. Markey stated he was advised by the county that one application has nothing to do with the other. C. Tomaine asked if we have any liability? D. Markey stated no, because it's not our property, it's just in borough limits. Mr. Kleha thanked Council, the Mayor, and the DPW for paving the 300 block of Johnson Ct. Back to the playground discussion, T. Fuga stated he thinks that the borough is just sponsoring the project because they need a sponsor. F. Kulick stated if we don't agree to apply for the grant, it possibly could negatively impact the borough down the road. A motion was made by F. Kulick to allow the borough to apply for the CDBG grant for playground equipment at Head Start on behalf of SLHDA. Seconded by C. Stephens. All members in favor, motion carried.

**Shade Tree:** J. Wilson reported money was donated to Shade Tree and they spent over \$10,000 last spring towards mulch, fertilizer, removal of trees. There is still more work to do at Scout Corner. Tree removal and mulching. There was a lot of work done at WWI park. The memorial garden at the borough building was updated. A new bicycle rack was installed in front of the borough building, and the flag poles were installed by the DPW at Scout Corner, paid for by Shade Tree. A sign has been posted at the entrance of Callahan park, paid for by Shade Tree as well. Shade Tree is sponsoring the town-wide yard sale on August 17<sup>th</sup> & 18<sup>th</sup>. J. Wilson thanked Council, Recreations, and Jermyn Youth Sports for the allowance of the Events Committee to use the concession stand for the Concert in the Park. She also stated she researched the hometown heroes possibility for the PPL poles. She received an agreement request form, and will give to W. Aquilino to review. She's also going to contact Bell Telephone (Verizon) regarding their poles. Her goal is to have them all up by Memorial Day of 2020. F. Kulick thanked her.

**Finance:** F. Kulick reported we will meet sometime in August, with the budget to council in October.

**DPW:** J. Schreiner reported we have some things to discuss in executive session regarding personnel. We received a preventative maintenance estimate from Northeast Signal for the traffic light. F. Kulick asked D. Markey if we should add to next month's bill list? D. Markey stated yes, if we want to do it, but all the equipment is brand new. C. Tomaine stated it's a reasonable cost, especially if we don't have a warranty. It was asked if it was the balance of the year, or for an entire year? D. Markey stated he can call and find out how long the agreement is for. D. Markey stated he will contact Northeast Signal and see how long it's for.

The pole building bids have been reviewed by KBA, and J. Schreiner asked for a motion to award the bid to Pioneer Pole buildings at a price of \$57,880. F. Kulick asked if we have financing available? D. Markey stated yes, we have financing, but we don't have a signed contract. J. Schreiner made a motion to award the pole building bid to Pioneer Pole Buildings, contingent upon financing.

T. Fuga received a message from Chris Stone regarding the 600 block of Johnson Court. Are we still paving that this year? F. Kulick asked if that was part of the last project? D. Markey stated that council approved up to \$10K for alleyway paving, beginning with the 300 block of Johnson Ct., which cost almost \$10K. F. Kulick asked if we can pave the alleyway this year? D. Markey stated we can move funds from the invest account back to the liquid fuels account to pave. A motion was made by F. Kulick to authorize ABC Construction up to \$7500 to repair the 600 block of Johnson Court. Seconded by K. Dougherty. All members in favor, motion carried.

**Borough Manager:** D. Markey reported the garbage bid was duly advertised and bids due September 5. So far, 2 companies have obtained bid specs. We are Working with the Lackawanna County Tax Office to update tax, garbage fee bills for 2020. Tomorrow, August 2<sup>nd</sup>, we will continue the Emergency Food Assistance Program from 9am – 1pm, and we will continue to assist the SLHDA as they continue to receive food. They anticipate receiving food quarterly. D. Markey found an old file folder in the cabinet with some receipts, and some envelopes from 2016. The envelopes contained cash and some checks. The checks are three years old, so he asked Council for guidance on how to proceed. After a discussion regarding the subject, it was decided to shred the checks and deposit the cash.

**Borough Flag:** J. Schreiner stated we have an empty flag pole at Scout Corner, and she stated we should have a contest for Jermyn residents to design a borough flag. Council thought it was a good idea. We will announce and receive submissions until December.

**Ban From Borough Property:** F. Kulick announced there was some vandalism in the building, and charges are currently pending. He thinks the person that did it should be banned from the use of borough property. The solicitor will send the parent of the juvenile a letter.

**Alternate Parking Ordinance:** D. Markey was speaking with Chief Arthur, who suggested we update the language of the Alternate Parking Ordinance 3-2014 showing we will produce notification on RapidCast. F. Kulick stated we need to inform everyone via every way we possibly can. Mrs. Flores suggested updating the language to state it will be put on RapidCast, as well as the various borough social media outlets. Chief Arthur stated we're not eliminating sources; we're looking to update the language of the ordinance. He had a case where someone asked if it was posted to Channel 7, and he couldn't testify as to whether it was or it wasn't, however when we put out a RapidCast notification, we have proof through a date and time stamp of when the notification was sent. A motion was made by K. Dougherty to allow the solicitor to update the language of Section 6, Paragraph B of the Alternate Parking Ordinance 3-2014 to include Rapid Cast. Seconded by J. Wilson. All members in favor, motion carried.

In honor of Mayor Fuga's birthday, Council recessed for birthday cake.

**Executive Session:** At 9:51pm, council adjourned into executive session to discuss personnel issues.

Council reconvened from executive session at 10:52 pm.

**New Business:** K. Napoli made a motion to move Anthony Fuga to DPW Supervisor, effective immediately, with the appropriate pay scale. Seconded by C. Stephens. All members in favor, motion carried.

A motion was made by K. Napoli to advertise for part time DPW employees. Seconded by C. Tomaine. All members in favor, motion carried.

**Adjournment:** With no other business to come before the meeting, a motion was made by K. Napoli to adjourn, seconded by C. Stephens. All in favor, motion passed. The meeting adjourned at 10:55 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Daniel Markey". The signature is written in black ink and is positioned to the right of the typed name.

Daniel Markey

Borough Manager