

Jermyn Borough

Council Meeting

1/21/21

The Jermyn Borough Council held a council meeting on Thursday, January 21, 2021 at 7:00 pm in the Council Chambers of the Jermyn Borough Building, 440 Jefferson Ave. Jermyn, PA 18433.

The meeting was called to order by President Frank Kulick with the Pledge of Allegiance.

President Kulick asked everyone to remain standing to have a moment of silence in memory of Walter Avery, lifelong resident of Jermyn, and active member of the community, especially the Jermyn Historical Society, who passed away recently.

On roll call, the following members were present: Frank Kulick, Kristen Dougherty, Cynthia Stephens, Robert Hunt, and Kyra Davey. Mayor Fuga, Attorney Aquilino, Bob Chase, Jim Perry, Kathlyn Goodwin, Stanley Hallowich and Amanda Rzucidlo were also present. Carl Tomaine, Kevin Napoli, and KBA were absent.

Minutes: A motion was made by K. Dougherty to accept the minutes of 12/17/20 as presented. Seconded by C. Stephens. All in favor, motion carried.

Treasurer's Report/Bills Payable: D. Markey presented the Treasurer's Report for January 21, 2021:

ASSETS

Capital Reserve - DPW	13,497.72
Capital Reserve - Police	3,375.05
Crime Watch Fund	755.44
General Fund - Community	85,101.81
General Fund - FNB	1,976.22
Holiday Lights Fund	543.90
Investment - General Fund	1,001.39
Investment - Liquid Fuels	33,808.80
Investment - Paving Fund	11.91
Investment - Recycling	5,002.66
Investment - Refuse	2,604.51
Liquid Fuels - FNB	22,036.47
Petty Cash	171.42
Recreations Fund	9,773.12
Recycling - Community	9,109.37
Refuse Checking - FNB	36,333.40

Total Checking/Savings **225,103.19**

Current Liabilities

Accounts Payable **26,943.88**

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

Correspondence: F. Kulick read a letter of appreciation from the US Census Bureau to Jermyn Borough.

Public Comment: Bruce Smallacombe, Rear 703 Madison Ave. is representing Aurora Lodge, asking about the rental permit ordinance. He states this is a commercial property, and there is no residential units. F. Kulick stated it was sent in error, and he may disregard.

Amy Pidgeon, owner of 603 Lincoln Ave. stated she has a home that her father lives in, and he does not pay rent. She is receiving letters about the rental permit. F. Kulick stated we will be discussing the rental permit later in the agenda, and she may speak at that time.

Police Chief: Chief Arthur reported that for 2020, there were 5,946 total calls. They are completing a CLEAN audit with the Pennsylvania State Police, which audits their filing system, juvenile record keeping, police access, etc. All officers are certified for the upcoming year, including firearms and mandatory service training. Chief Arthur had a Chief's meeting, and the county is trying to streamline procedures with all municipalities. The Chief asked everyone to make sure their car doors are locked. People are going to different towns up and down the valley, and checking for unlocked vehicles. The police are continuing house watch checks, so people who are going away for the winter can contact the police to have their homes checked on for safety.

Fire Chief: Chief Hallowich reported the Jermyn Fire Department was dispatched 67 times. 21 of those calls were within Jermyn Borough. We're very fortunate in the fact that property damage was limited to \$1000 last year. Chief Hallowich thanked all the volunteers that put their time in, especially Fire Police, who are very valuable to this town, and don't always get the accolades they deserve. There is still a manpower concern, and he has a meeting at COMM Center to review the boxes to make sure we have adequate coverage.

EMA Director: James Perry, President of William Walker, addressed council. He showed them the resolution passed by Jermyn Borough Council in 2015, making William Walker Ambulance the primary Basic Life Support for all residents, employees, and visitors in Jermyn Borough. Mr. Perry also stated that in 2020, William Walker Ambulance provided 227 EMS trips and 20 Rescue trips, for a total of 247 trips to Jermyn in 2020. In 2021 to date, there have been 19 calls to Jermyn. William Walker has a paid driver for at least 12 hours per day, and pays about \$100K per year just for the EMT and driver. Calls take 1-2 hours now, due to all hospitals being in Scranton, and COVID-19. D. Markey stated he has had people come in the office that don't understand the situation, and ask why we pay \$5,000 to a Mayfield Fire Company? D. Markey stated we don't. We pay \$5,000 to a Mayfield Ambulance Company that serves Jermyn Borough. D. Markey asked Mr. Perry to come tonight to present for council and the public who may not understand or may have a problem with the funds the borough provides. Mr. Perry explained that part of the \$5,000 goes towards worker's compensation as well. F. Kulick asked if William Walker sends a bill to Jermyn residents? Mr. Perry stated yes, but if someone is a subscribed member, the ambulance company writes off the patient portion. The subscription is \$35/person, \$50/household per year. Mr. Perry reviewed additional expenditures, and stated

the ambulance company doesn't make a profit, but provides the service to provide a service. F. Kulick asked what would happen to Jermyn residents if William Walker didn't exist? Mr. Perry explained there would be a truck coming from Blakely or Dunmore. Chief Hallowich explained that those companies are for-profit operations. F. Kulick asked about the subscription drive in Jermyn. Mr. Perry stated there are some people that have the subscription, but many do not. R. Chase asked about the difference between total calls and Jermyn calls. Mr. Perry stated that about ½ of the calls are Jermyn, because there were 500 calls out the door, and 227 to Jermyn. D. Markey stated one of the questions he was asked was "Why does the town pay money if I pay a subscription?" And these numbers easily explain that. Mr. Perry stated volunteer just means you volunteer your time, and you're not getting paid. It doesn't mean you don't incur all the other expenditures.

Solicitor: W. Aquilino stated he has been asked to review the non-owner occupied structures ordinance, and an unoccupied structures ordinance. These are both later in the agenda.

Code Enforcement: W. Aquilino stated we haven't had any hearings lately. The bulk of the work has been permit compliance and non-owner occupied structure compliance. W. Aquilino stated we are following up with non-compliance. W. Aquilino thanked D. Markey for being the administrative record keeping.

Zoning: B. Chase issued a permit for a new home that will be on a non-conforming lot. There is a planning commission meeting next week regarding R&L Carriers. He has a concern about the traffic study, and wants to have R&L obligated to remedy any issues incurred after the project is completed.

Engineer: Absent

Junior Council: Nothing to report.

Tax Collector: K. Goodwin reported the delinquent list is being prepared to be sent. A lot of lessons were learned this year; primarily that she needs a deputy tax collector. She is looking to move out of the borough in 2021, and wants to bring a deputy up to speed. We have a new software program that will be delivered shortly. She was having issues with the bank this year. She had an issue with a taxpayer who paid twice, and overdrew her account. She is looking for the borough or the tax collector to pay the \$60 NSF fees. W. Aquilino stated to send the taxpayer's information to him and he will address it. She stated she wasn't sure how office hours are going to go for 2021 yet, due to COVID-19. D. Markey thanked her for stepping up to help the town this year. It was a tough year, but we got through it.

Mayor: Nothing to report.

Planning Commission: F. Kulick stated the Planning Commission will meet Thursday, January 28th to discuss R&L Carriers.

Public Safety: Absent.

Finance: Absent.

Shade Tree: Nothing to report.

Grants: K. Dougherty reported we received enough CARES Act funding to redo the website, and also to purchase 2 Toughbook Computers for the Police vehicles. All funding has been received already. D. Markey is working on finishing parking lot paving reimbursement paperwork. We still haven't heard about Greenways, Trails, & Rec Grant application from last year, but state has been in touch for additional information, which is a good sign. D. Markey is applying for grant to reimburse the borough for ½ the costs of updating our floodplain ordinance last year. To date, our only costs have been the advertising of the ordinance.

MS4: We have been in contact with PA DEP regarding our MS4 Permit renewal. The DEP wants a target completion date from KBA for the Pollution Reduction Plan, and despite our best efforts, we have been unable to obtain a target date from KBA to date. There is a PSATS Virtual Class on 2/16/21 on Performing MS4 Outfall Inspections. D. Markey and Mayor Fuga plan to attend.

DPW: Mayor Fuga reported we ordered and received our VIBCO patch roller that was budgeted for in 2021. As the weather gets warmer, he'll be out filling holes and putting it to work.

Recreations: Nothing to report. D. Markey reported that we are receiving an estimate to replace the panel box over at the basketball courts so we can get the courts relit.

Borough Manager: D. Markey reported everyone got an ethics statement to fill out. Due back to him by 5/1. The next Blood Drive in Jermyn will be on 3/26. R&L Carriers' Engineer will be phoning into the Planning Commission meeting next week. D. Markey asked if the engineers should be here in person at the February meeting? F. Kulick stated yes. D. Markey reported 400 Hudson St is a split lot, with the house being in Jermyn, and the garage being in Archbald. Should we pursue this? K. Dougherty stated to contact the property owner and see if he would like to have the house changed over. T. Fuga stated their taxes should go down. D. Markey received an update regarding the Rushbrook Creek Project. The DEP received an initial proffered permit, and they are trying to work through some different permit issues and compromise. The new website is up and running and D. Markey gave Council and the audience a quick tour. There is still some work to do with the website, but it's currently up and running. D. Markey also stated that KBA advised the Bacon St. Sewer Project is ready to go to bid. A motion was made by K. Dougherty to put the Bacon Street Sewer Project out to bid. Seconded by K. Davey. All members in favor. Motion carried.

Rental Permit Ordinance: W. Aquilino stated there are issues with the current ordinance. It shouldn't be called a rental ordinance; it should be called a non-owner occupied structure ordinance, because that's what it is. The spirit of the ordinance is intended to protect the health, safety, and welfare of the Jermyn citizens. Amy Pidgeon of 603 Lincoln Ave. stated her 88 year old father lives in her house rent free, and they should not be subject to this ordinance. She was accompanied by a companion who stated that not only did Ms. Pidgeon have to pay the \$40 fee, but she was also forced by the borough to purchase insurance on the home. Since the home did not have a mortgage, she did not have it insured, but our ordinance requires proof of insurance. A lengthy discussion ensued back and forth between W. Aquilino and the gentleman in the audience regarding different definitions in the ordinance. W. Aquilino stated he is going to research different ways to write a new non-owner occupied structure ordinance, which takes parent-child relationships into account, as long as it is legal to do so. W. Aquilino stated that Ms. Pidgeon's situation, Mayor Fuga's situation, etc., will hopefully be addressed. He was asked how long until a new ordinance is passed? He stated it could be as early as March. R. Hunt had to exit the meeting at 8:35pm. Ms. Pidgeon stated it wasn't only the \$40, it was also the language in the letter that if compliance is not met, there can be additional fines, incarceration, etc. D. Markey stated that is standard language in every letter that the code enforcement officer sends out. D. Markey stated that also, underneath that language is language that reads it is not the intent of the Code Officer, Mayor, Council, or any other official to be punitive, but to reach a goal of a safe, beautified town. A motion was made by C. Stephens to allow the solicitor to draft an ordinance for non-owner occupied structures. Seconded by K. Davey. All members in favor, motion carried.

Washington Ave Speed Limit Reduction: F. Kulick stated the Washington Ave Speed Limit Reduction Ordinance has been duly advertised, and ready for passage. A motion was made by K. Dougherty to pass Ordinance 01-2021. Seconded by C. Stephens. All members in favor, motion carried.

2021 Fee Resolution: F. Kulick asked for a motion to pass the 2021 Fee Schedule Resolution #02-2021. A motion was made by K. Davey to pass Resolution #02-2021. Seconded by K. Dougherty. All members in favor, motion carried.

Lackawanna County Assistance Programs: F. Kulick stated the county is rolling out some assistance programs, and he asked D. Markey to coordinate the county coming to introduce the programs in person. There will be an informational session on Saturday, February 27th at 11am in Council Chambers. F. Kulick advised council members to spread the word to their constituents that may need assistance.

New Business: None.

Executive Session: Council convened into executive session at 9:03pm for personnel reasons. Council reconvened from executive session at 9:21pm.

Adjournment: A motion was made to adjourn by K. Dougherty. Seconded by K. Davey. Adjourned at 9:22pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Daniel Markey". The signature is written in black ink and is positioned above the printed name and title.

Daniel Markey
Borough Manager