

Jermyn Borough
Council Minutes
April 20, 2017

The Jermyn Borough Council held a council meeting on April 20, 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: Frank Kulick, Robert Parks, Dan Markey, Kevin Napoli and Joseph Smith. Absent were: Mayor Bruce Smallacombe, John Mark, JoAnne Wilson, Bob Chase and Ray Rood. Also present were Junior Councilmen; Evan Samuelsen and Dylan Reeves, Tony Grizzanti; KBA, and Atty. Christopher Harrison.

MINUTES:

A motion was made by Mr. Parks to accept the April 6, 2017 minutes with one amendment in regards to the Lincoln Ave. water issue, seconded by Mr. Smith; all in favor, motion carried.

Treasurer's Report:

General Fund \$97,665.27; Liquid Fuels \$9,974.22; Refuse \$101,733.56. Disbursements are from April 7, 2017 to April 20, 2017 \$56,239.27, which includes payment #3 of #4 for the Bridge St. Loan; Deposits \$76,520.33. A motion was made by Mr. Smith and seconded by Mr. Parks to accept the treasurer's report and disbursements as presented. All in favor; motion carried.

Police Report:

Chief Arthur presented council with a monthly police report. Chief Arthur said they have been pretty busy the last few months. He said having the Humvee was an asset during our snow storm in March; it worked out very well for getting something for free. Chief Arthur gave Mr. Kulick a flag that was sent to him. It is a flag that was sent from Keith Woodward, his relative is Charles McGinty who was one of the first Police Chiefs of Jermyn. He sent the flag to the Borough as a donation as a tribute to his relative.

Chief Arthur said they assisted in the Big Chief Market arrest and also stopped a car driving the wrong way on the Casey Highway. They have been addressing the garbage issues in regards to the delinquent garbage fees. When the first list came out for the delinquent garbage violators they were issued a warning if their garbage was out. If their garbage was out after they received a warning they were issued a citation. They have seen a lot of people who were on the list the first time either pay the fee or not put their garbage out the second week.

The police department is working on removing abandoned vehicles that have accumulated over the winter. Lately they have had some minor drug arrests and also arrests for domestics.

The Easter Egg Hunt had a good crowd and they had over 4,000 eggs.

Mr. Kulick asked when they issue a citation after the warning what does that do. Chief Arthur said the fine is \$150.00 plus court costs, by issuing a warning the first time; people caught on because some of the garbage fees were under \$200 but when we issue the citation the fine is \$150 plus court costs. Chief Arthur said he spoke with the magistrate's office and one of the things Blakely does is when they get to point of when they cite people for garbage; the way their ordinance is written is on the citation they can ask for restitution covering the garbage fee. When they come to court the fee would be paid up to date. What we are doing is fining them and they

still have to pay their fee any way. He suggested having the restitution built into the ordinance that way the garbage fee will be paid. Mr. Kulick said next year from what he understands the garbage bill will not be on the tax bill. Mr. Kulick thanked Chief Arthur for the Easter Egg Hunt. Mr. Napoli said Chief Arthur had 5 or 6 officers go with him to Mr. Fuga's viewing, Mr. Napoli said it was a very nice showing for the police department and very respectful. Mr. Markey thanked Chief Arthur for all the help he provided during the blizzard.

Engineer Report:

Tony Grizzanti said the contractors came and picked up the plans for the project on Lincoln Ave.

Andrew Baldan - \$1,500

Rock Bottom - \$2,250

Machiesky - \$4,800

Mr. Kulick asked why there is such a spread and did they have specifications to go over. Tony said yes they were given prints. Tony said he can talk to Andrew and he is sure he is capable of doing it. He said Rock Bottom and Andrew Baldan were competing against each other. Mr. Smith asked Tony if they all met the specs. Tony said yes they all went off the print we did and they all called and asked questions about it. Mr. Smith asked if this is Hunt's property. Mr. Parks said yes in that area. Mr. Napoli asked if we are going to discuss with Mayfield. Tony said this is for the section down below not up above. Mr. Markey said he doesn't think this is something we have to wait any longer on, Robert Hunt has been here since last October about the problem and has been consistently coming back to us for a solution and we can do this just for the money we saved with the air conditioners in this room. Mr. Smith asked Tony if Andrew can do the work. Tony said yes he can do it he has done other projects for them before. Mr. Smith said Robert Hunt has been here the last few meetings and has a serious problem with his property. A motion was made by Mr. Smith and seconded by Mr. Napoli to award the quote of \$1,500 to Andrew Baldan for the repair at the property on Lincoln Ave as per the specs of KBA to be completed within 30 days. All in favor; motion carried. Mr. Parks said the issue at the Riverview Ln Property in regards to the sewer pump was resolved.

Mr. Markey said 454 Madison driveway was never fixed from the paving project. Tony said he thinks they were on the list but he will look into it. Mr. Markey asked them if the paving company promised them a fix or anything and they said no they have not heard anything.

Solicitor:

Atty. Harrison did a draft ordinance for the property maintenance code enacting the Borough of Jermyn's property maintenance code and repealing the international property maintenance code. It makes preference to Jermyn Borough Property Maintenance Code. Mr. Kulick said the idea was to simplify it. Atty. Harrison said it did. It includes lawn, grass, vegetation, maintenance to exterior properties, storage of junk, snow and ice removal and dangerous buildings/nuisances. We would need to advertise the ordinance which would make preference to the code. The code would be available at the Borough Office for inspection. Mr. Kulick said he is a big advocate on doing this because we have to simplify it first before we can enforce it, once we simplify it which this does it gives all the teeth we need to go out and enforce it. Mr. Kulick said the next step after this is getting a code officer. It's already almost May and we have a bunch of rotten properties with rats and rodents. We talked at the last meeting, the Mayor asked Ray to talk to

Mr. Glass about properly boarding up the window at his property and as of this morning it is not. Mr. Smith asked if required maintenance on exterior property mean sidewalks in disrepair. Mr. Smith said he had a call from a Borough resident who was running and tripped over the sidewalk because the sidewalk was uneven. Mr. Markey said aren't most sidewalks in the Borough right away, which makes us liable. Mr. Kulick said the seminar he went to, if the ordinance said the property owners have to maintain sidewalks and someone falls on that sidewalk not only will they be sued for not fixing the sidewalk but we will be sued to for not enforcing the ordinance. Mr. Markey said it says in section 2b that a Borough employee can let someone know if their ice and snow has not bene removed and that they are in code violation. Mr. Markey asked if this spells out what the police can do, council and code enforcement officer; is this mostly just code enforcement officer. Atty. Harrison said mostly code enforcement officer. After the code enforcement gives a notice, there would be a fee that would be turned over to the Borough but after that if they remain in violation it would be a summary offence. Mr. Markey said as long as the police can still enforce the ordinances they are already enforcing or already given to enforce. Atty. Harrison said he does not see a problem with that. A motion was made by Mr. Parks to advertise the Ordinance Enacting the Borough of Jermyn Property Maintenance Code to protect the health, safety and general welfare of the citizens of Jermyn and general public; seconded by Mr. Markey. All in favor; motion carried. Mr. Smith said we will have to advertise for a code official. Mr. Kulick said we have someone in mind.

The agreement of sale was drafted for the sale of DPW Garage. They did add in there that the Borough will be responsible for half of the transfer tax and the owner will not seek compensation for the 5 years for the electricity of the siren.

Atty. Harrison received a copy of the certified letter for the one rental permit violator. He is waiting to hear back from Atty. Moran on if they can be served.

Mr. Kulick asked if we are required to pay the Lackawanna Heritage Trail Fee. Mr. Markey said we did not pay last year. Mr. Parks said we did not agree to maintain it. Tony said it is the Sewer Authority road, not Jermyn's property.

Mr. Napoli asked Atty. Harrison if they looked into any deeds along the Heritage Trail. He was looking at the properties that the Borough owns and it was not coming up Powder Mill Ln. Mr. Markey gave Atty. Harrison a copy of the deed for property owned off of Powder Mill Ln. Atty. Harrison said he will look at the deed and look into it.

DPW Report:

Mr. Markey said the 2002 F550 is in major disrepair so it is at the Lackawanna County Career and Tech center, they are doing an estimate to see exactly what they need to do. They will probably bring it in for a fall project, we would have to pay for materials but not for labor; it will be a good project for them. The 2008 is currently at Powell's; they are replacing the dump body with the new aluminum dump body we are purchasing. We are still awaiting feedback for new garage locations. Mr. Parks and Mr. Markey are trying to work with the guys over at Bardane's in regards to the land they own. Mr. Markey said we want to way all of our options. Mr. Markey said we were approved for a recycling grant in the amount of \$762.00 from the DEP for our 904 Performance Act 101.

Mr. Markey presented council with pricing on new and used John Deere tractors. He said he was hoping we would be able to have the finance committee meet prior to this meeting but unfortunately due to everyone's schedule conflicts it did not happen. One of the more immediate needs right now is a new tractor. We had 3 and we are down to 1 right now. Mr. Markey researched and printed out some options. The new one would be a 2017 John Deere close to \$12,000 and there is financing available 60 months no interest monthly payment of \$199.32. He said he would check if that is the COSTARS pricing. John Deere and Lindsey equipment are COSTARS authorized dealers. Mr. Markey said there were other options he looked up, a couple of used tractors. Option #6 is an X540 2014 with only 150 hours on it for \$5,500 which is less than half of what a new one would cost us. It comes with a 54 inch mower deck and a 48 inch plow. Mr. Markey said right now in the situation we are in, we are going to start cutting grass probably this week and we are down to one tractor; it is going to take us quite a while with everything we have to mow. Mr. Kulick asked if the used ones come with warranties. Mr. Markey said some come with warranties or the balance of the warranty that is left on them, he isn't sure if the 2014 is still under warranty or not. He said at the end of the day you are still buying a John Deere even if it is still not under warranty, they are usually pretty tough.

Mr. Smith said he would like to put this off until we meet. Mr. Kulick asked if they had a date on when they are going to meet. Mr. Smith said he is hoping for next Tuesday. Mr. Markey said he is going to put off mowing until we meet. It is going to take 2 days out of the week with one mower. Mr. Kulick asked where we mow. Mr. Markey said the entire park, baseball field, strip of land off of Jefferson, over Bonnie Dr. on the side of the road, Mr. Parks said across from Bottler's, out front here. Mr. Parks said on Bonnie Dr. it is by Bottlers because Rapid Pallet takes care of the upper end. Mr. Markey said the mowers that are broken are riding lawn mowers and they were using them for parts to fix the first one and it ended up being uneconomical, we were spending more time fixing the tractors a week more than we were mowing. Mr. Parks said they still have the tractor over there at the field. Mr. Markey said they have a riding lawn mower. Mr. Markey said may be we will continue to do the baseball fields for now and nothing else. Mr. Kulick asked whose mower is over at the field. Mr. Markey said it is baseballs. Mr. Kulick asked why they don't cut the grass. Mr. Markey said they don't have time to do it. Mr. Markey said we use it as a tractor to haul infield dirt and drag the field, not to mow. Mr. Markey said we could ask if we could use it as a mower capacity. Mr. Smith asked if one of the guys can use it. Mr. Markey said he does not want to speak out of term without asking, it is a tricky relationship between the Borough and baseball. They use at the end of the day what is our land but they are the ones using the field but they expect us to upkeep it; it is tricky. Mr. Parks said back a few years when someone else had control over little league; everything fell on recreation and the Borough. Mr. Smith said it would be nice if they would let us send a guy over there to cut the field. Mr. Markey said he will ask but the bottom line is we need to figure out a way to get something else. The Finance Committee can hopefully come up with a plan to figure that out. Until then he will ask baseball if we can use the tractor as long as the mower still works. Mr. Parks said to get the Finance Committee together and see what we can do and hopefully we can do it. If the money isn't there we can't do anything. The Finance meeting will meet Tuesday night.

Mr. Markey said we are getting some screened millings delivered and we will start milling for some residents who need them on the sides of their houses. Two residents on Gibson requested

them. Mr. Parks asked if we took care of Lane St. yet. Mr. Markey said we have not done any milling yet. Mr. Markey said between the milling and putting up new signs in town that is our summer. Mr. Smith said Old Mill Rd. is really bad, the holes are bad. Mr. Smith said suggested a temporary fix if anything. Mr. Markey said they can go over there with millings. Mr. Smith said that road has taken a beating.

Parking Lot:

Mr. Kulick said we talked at the last meeting at getting bids, it turns out we do not even have the drawings to get the bids. KBA did a drawing to get the grant but there aren't any specs or drawings to get bids. Tony said we need a book or quantities so they can bid on something. Mr. Markey said we do not need elaborate drawings or anything. Tony said we still need a plan showing the limits, we need a spec book to put in the paper because for \$50,000 it has to be bid. Mr. Kulick said we have until June 2019 to use the grant money. It is not something we have to do now or we lose the money, if we don't do it by June of 2019 we lose the money. Mr. Smith said as far as the finances are concerned, we met with our accountant Joe Garvey; we are ok but we have to be very careful moving forward. We have to learn how to live within the budget, when we do a budget we work as hard as we can trying to figure out what we are going to do for the remainder of the year and all these things as prop up and it just eats away. He said he learned that from doing this, especially in this Borough where there once used to be a pretty good sum of money that was there and every time they go into the budget and take the money out of funds and it goes down. Somewhere someplace council has to stop acting that way, we are the barriers of the money and it is a tough situation because there is always a need, we always have a need and they are good needs but yet the money isn't there.

Public Comment:

Alan Nelson – 500 Washington Ave. Mr. Nelson said when he has a question or something he wants to know about the town he tries to go to the website, he does not want to call for every small little issue. Trying to find information is pretty hard on the website. For example Mayfield had the issue with chickens; if you were to go on Jermy'n's website and find out if chickens are illegal there is nothing there. He asked if there is something we can do to get more ordinances more available or something he needs to do. Mr. Kulick said we have been trying to go through the ordinances and weed out the ones that are ancient. Mr. Nelson said if he can get a stack of ordinances and do it on his own. Mr. Nelson said he does computer programming, he wouldn't mind writing something to make searches a little easier. Mr. Markey asked if he was volunteering to help. Mr. Nelson said he does not know how much time and commitment but he can pick away at it.

Mr. Nelson asked wanted clarification on our Ordinance on Alcoholic Beverages. He said we have several breweries that do growlers that are refillable. Pennsylvania of Liquor Control Board considers them an open container. He said if he is going to spend \$15 - \$20 on beer he is not trying to break the law and does not want to get fined. For example if he purchases a growler and transports it in a vehicle, the growler is considered an open container and our ordinance prohibits that. Mr. Napoli said that would be digression of the officer. Chief Arthur said they would use common sense in that situation.

Council told Mr. Nelson the ordinances are available at the Borough Office. Council thanked Mr. Nelson.

Basil Kleha – Mr. Kleha asked Mr. Markey in regards to the lawn mower at the baseball field he asked who is in charge of the baseball. Mr. Markey said the president. Mr. Kleha asked who the president is. Mr. Markey said Pete Kawash. Mr. Kleha asked if he has hard times with them. Mr. Napoli said Mr. Markey was put in the middle because of being in council and part of Jermyn Youth Sports; it has not been a smooth back and forth. Mr. Kleha said it is a shame it has to be that way. Mr. Markey said as far as baseball goes everything he does over there he does for the kids and he keeps everything else out of it. Mr. Markey said we are actively trying to improve relations between the Borough and the baseball organization. He does not want to go and use the tractor without asking for permission. Mr. Kleha said the one property he cuts is Borough property he can't believe how someone can't do small stuff like that. Mr. Markey said if you tell 200 people you might get 5% to show up, at meetings you have 4 people showing up. He said one of the things he set out to do when he ran for council is help promote a spirit of volunteerism within the town. Mr. Kleha said there aren't too many people that are really involved in running the baseball. Mr. Markey said it is a small amount of people who do most of the stuff. The small amount of people that are doing large amount of the work get burnt out and they stop coming around. Mr. Kleha said he gives all council respect for being up there. Mr. Kleha said Jermyn is probably the only council that does not get paid in Lackawanna County. Mr. Smith said in the spirit of cooperation we are volunteering our guys who we are paying to do the field for them, when they play the field is safe and the grass is cut. We are not asking for any type of payment, we are just asking if we can us their lawn mower. Mr. Markey isn't saying there will be a problem if they ask them to use the lawn mower. He can be opening a can of worms if he takes the lawn mower without asking. Mr. Kleha said he doesn't seem why that would even be a problem. Mr. Napoli said we have people up here that are doing this for nothing and the seats are empty. He said he thought it was excellent to have Mr. Nelson come up here and have two items to talk about. Not having that but having 15 messages on his Facebook from people asking questions or people at convenient or in town when he's with his kids. He said they need to come to a council meeting to talk about it in front of other adults so we can make a difference. Mr. Markey said he went back the past 5-7 years and looked at old minutes twice to make sure the stuff that we had go on in the past that might have been tabled didn't stay there and got addressed. He went back and looked at them twice and asked what we have still not accomplished and what do we need to accomplish. Mr. Markey said if you come to a council meeting it is in the minutes and we have a record.

Mr. Kleha asked about the parking lot. He asked if we have to go major with drainage and everything there that will cost us a lot more that will take us away from that \$50,000. He said he sees big parking lots and they don't have big major drainage. Tony said we don't need major drainage. He said we would need a plan. A motion was made by Mr. Markey to allow KBA to draw up the bid specs and plans for the parking lot, seconded by Mr. Parks. All in favor; motion carried.

Mr. Kulick set up a committee for the CBDG funds consisting of Mr. Parks, Mr. Mark and Cara. Mr. Parks is the chairman. The deadline for the application is in June. Mr. Parks said he has a couple of ideas already. He suggested the drainage on the lower half of Delaware St.

Mr. Kulick said there is a crime watch 5k run/walk on April 29, our borough secretary signed up and since that happened there is a free all day seminar put on by the county that we would like

her to attend. A motion was made by Mr. Markey to reimburse borough secretary for the crime watch 5k, seconded by Mr. Napoli. All in favor; motion carried.

A motion was made by Mr. Napoli and seconded by Mr. Smith to adjourn the meeting at 8:27 p.m. All in favor; motion carried.