

Jermyn Borough
Council Minutes
May 4, 2017

The Jermyn Borough Council held a council meeting on May 4, 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 JoAnne Wilson. Absent were: John Mark, Joseph Smith, Bob Chase, KBA and Ray Rood. Also present were Mayor Smallacombe, Junior Councilmen; Evan Samuelson, Dylan Reeves, and Atty. Moran.

MINUTES:

A motion was made by Mr. Markey to accept the April 20, 2017 minutes, seconded by Mr. Napoli; all in favor, motion carried.

Lincoln Ave. Project:

The work was supposed to begin. Mr. Robert Hunt said it did not begin. Mr. Kulick said they have 30 days to complete the project. John Sheridan 718 Lincoln Ave. the last storm we had he had 6 to 8 inches running through his yard. It took Mr. Hunt's grill down through the yard. He said the pipe that is in the ground there is too small, the water is coming up over the drain and it will not handle the water that is being taken in. He has a car port and the water is running right through his car port. Mr. Kulick said KBA came up with specs and it was bid out, we awarded the bids to the repairs to fix the problem. Mr. Sheridan said Mayor Smallacombe saw it and came up with a good solution for it. The pipe is too small to handle the water coming from the hill. It is running down through his yard and filling up Mr. Hunt's basement. He said something has to be done before it washes and erodes the ground. Mr. Kulick said hopefully the solution they came up with will correct the problem. Mr. Parks said they were supposed to work on the drain from the opposite side of the house and put the paved berm back to the original height it was supposed to be. Mr. Parks said he cannot say himself it will correct the problem but that is what the engineer came up with. Mr. Parks said when the project was originally done the berm was supposed to be higher and the people complained they cannot park there so it was not put that high to appease the people and now it is causing problems down the road. Mr. Sheridan said he does not think a berm will take care of it; the water coming down his yard is 6 to 8 inches high.

Mr. DeMarco said what happens if the solution doesn't work and we have to do it again. Mr. Kulick said KBA went and looked at it and developed a plan. It was put out for bid and we received 3 or 4 quotes. Mayor Smallacombe said if we are getting an inch of rain tonight it would be good chance for somebody from council to go there and see it, water is coming out of the catch basin and the pipe definitely cannot handle it. The catch basin is 8-9 ft. deep. If water is coming out of that then that pipe is not big enough. Mayor Smallacombe said he never saw the water come out of that. Mayor Smallacombe said if the water is coming out of the catch basin in front of Mr. Hunt's house after it comes through the other catch basin then that pipe definitely cannot handle the water. Mr. Markey read aloud minutes from April 6, 2017 to give them idea on

what KBA is doing. Mr. Sheridan said if you lower the catch basin it is still going to fill up. Mr. Hunt said Mayor Smallacombe offered to do the job and everybody ignores Bruce. It would probably cost a quarter of the money and he knows what he is doing. Mr. Hunt said we are wasting money. Mr. Sheridan said he thinks water is going around the pipe because it cannot handle it all and it's coming over and hitting his foundation. He put a new foundation under the one side of his house and now it is cracking and coming down again. Mr. Napoli said he has been at every meeting that this was discussed with your property and he never once heard Mayor Smallacombe say anything about the pipe being too big. Mayor Smallacombe did not say about the pipe being too big. He suggested contacting Mayfield. If water is coming out of the catch basin that pipe cannot handle it but he has never seen the water coming out of it. He offered to do the project that is being bid out. If water is coming out of the catch basin the project we are going to do will not correct the problem. Mr. Demarco asked who is responsible if this does not solve the problem. It seems like we are making little fixes that are creating and taking the problem from his property onto another. Mr. Markey said they were there with the big storm back in February, he never saw any water coming from the catch basin but he did see the water coming from the hill from Mayfield. We want to see if Mayfield wants to split the cost, the top of the hill is Mayfield and it is coming into Jermyn. Mr. Markey said no one else mitigates it and it ends up in Jermyn. Mr. Sheridan said we are now blaming Mayfield. Mr. Kulick said we are not blaming anyone but the water is coming from Mayfield. Mr. Sheridan said you cannot blame it on Mayfield. Atty. Moran said you can blame it on Mayfield, it is a trespass. Mr. Sheridan said it was the first meeting he ever came to and probably the last.

Atty. Moran said we have a procedure for public comment; we have to have some kind of structure here. We have been more than accommodating. Council is being available and transparent. We are trying to put a plan together and execute that plan. Mr. Hunt said he suffers until they figure out. Mr. Kulick said he is not the only resident in the town. We have an engineer, we rely on the engineer for information and we are taking action. Mrs. Wilson asked if it would be ok to contact Mayfield and get a meeting with the Mayor or the President of Council. Mr. Kulick said he believes KBA may have contacted them. Mrs. Wilson said maybe we can go one step further and see if a meeting can be arranged. Mr. Kulick said the project will be done by next week and we will find out if it works or not.

DPW Garage:

Atty. Moran has the agreement of sale. Closing date shall take place on or before May 24th the buyer will pay the Borough \$40,150.00 on or before that date. Mr. Kulick asked if everything is in place on the siren. Mr. Markey made a motion to enter into the agreement of sale with modification as it relates to the electric bill being paid by the buyer and us sharing the settlement costs, seconded by Mr. Napoli. All in favor; motion carried.

Property Maintenance Ordinance #7-17:

This ordinance is going to replace the property maintenance code and make it easier to enforce. A motion was made by Mr. Napoli and seconded by Mr. Parks to pass Ordinance #7-17 regarding Jermyn Property Maintenance Code. All in favor; motion carried. Mr. Kulick said we need to appoint a code officer. A motion was made by Mr. Markey and seconded by Mr. Napoli to appoint Dominick Calzola as the code officer with a rate of \$15.00/hr. Mrs. Wilson asked if we should advertise. Mr. Parks said he is already a full time employee of the Borough would that

be an issue. Atty. Moran suggested advertising when you absolutely have to, if there is an affirmative obligation to do it because otherwise you can expose yourself to liability. For example the civil rights act. He said it isn't like we are getting a lot of people coming and looking for this position this is one we actually lost people on, from a liability standpoint we are free and clear if we do not have to advertise. He recommended not advertising if we do not have to. Mr. Parks asked if it is double dipping because he is already a full time employee. Atty. Moran said no because he is not an elected official. Mr. Kulick said part of the reason why we think Mr. Calzola will do a good job because he knows the town, he is out there every night going through the streets and he will not be acting as a police officer but as the code officer. He does not live in the town, we want someone that is going to be objective and not worry about someone saying I know this person and this person's neighbor. Mr. Kulick suggested adding to the motion that it is a limited number of hours. Mr. Markey said limited to no more than 15 hours a week. Mr. Demarco asked if Mr. Rood was paid when he did it. How did we get to this where it is a paid position? Mr. Kulick said eventually Mr. Rood would have been paid if he stayed in the job, he was trying to jump start to a certain extent. He did speak to Mr. Rood about it and offered him numeration for what hours he put in prior. Mr. Rood said he does not want it because he felt he did not accomplish anything. He also said he does not have the time to do the job the right way. Mr. Kulick said it is something we feel we can't just do with volunteerism because there is too much to do. Mrs. Wilson asked if the motion was amended to no more than 15 hours a week at \$15.00 hour. Mr. Kulick said in the long run it should generate enough income to pay for itself; we are not in it to make money we are in it to clean up the town. Mayor Smallacombe asked if this position is to enforce the property maintenance code which is dangerous structures, buildings plus grass, weeds, snow, abandoned vehicles; he's not going to enforce anything to do with the UCC code or anything like that? Mr. Rood was more qualified to do stuff like that. Mr. Markey said as far as new construction and buildings that is still going to go through our BIU and NEIC. Mayor Smallacombe said he just wants an answer in case someone asks what his qualifications are. Atty. Moran said he will work with the 3rd party code enforcement officers. Mr. Demarco asked if he will be entitled to overtime already being a full time employee. Mr. Napoli said no, it is separate positions. A motion was made by Mr. Markey and seconded by Mr. Napoli to hire Dominick Calzola as part time code officer for the Borough of Jermyn at a rate of \$15.00/hr. not to exceed 15 hours per week. All in favor; motion carried.

Gym Doors:

Mrs. Wilson made a motion to award Art Tech Glass for their amount of \$5,740.00 to replace the 2 double doors in the gym, seconded by Mr. Markey. All in favor; motion carried. Mr. Kulick said if anyone thinks we are randomly spending money, we are not. The gym doors have to be fixed. If someone breaks in and does damage the insurance company will not cover the damage. We are being very cautious about following the budget. Mrs. Wilson said the \$5,740 is to be taken from Professional Fees from the Administration Budget. When we hopefully are reimbursed from the insurance company, it will go back to offset that.

Tractor:

Mr. Markey said the Finance Committee met last week and it is the opinion of the Finance Committee after he came to council with 6 different options for a new tractor last meeting. One of them being a brand new John Deere and 5 of them being used John Deere tractors. Mr.

Markey made a motion to purchase the 2017 John Deere X730 \$12,000, 60 months 0% financing, 2017 payments \$199.32/month from the Air conditioning budget. Seconded by Mrs. Wilson, all in favor; motion carried.

Re-assessment:

Mr. Markey read aloud a proposal he wrote to adopt a resolution that recommends that the Lackawanna County Commissioners to re-assess property values in Lackawanna County.

Proposal:

Our Borough, like many others in Lackawanna County, is struggling to make ends meet. While we have made attempts to increase revenue, expenses climb as well. Emergencies, unfunded federal and state mandates, and the like continue to chip away at our revenue stream. Local income taxes help; however with only 25-30% of the borough's population in the job force, this is a smaller source of income than required.

The biggest source of revenue for Jermyn is property taxes; however, taxes are currently assessed unfairly. With the last assessment being in 1968, there are some residents with newer homes in town, who rightfully so, pay roughly \$1000 in local property taxes per year. There are also residents with older homes in town who, unrightfully so, pay roughly \$50 in local property taxes per year. A 49 year run since property values were last assessed is far too long. So long that up until this year, Jermyn Borough had to instill a 30 mil property tax, which is the highest that the law allows without petitioning the courts or imposing special taxes.

It is for these reasons that I propose Jermyn Borough Council vote to adopt a resolution that strenuously recommends that the Lackawanna County Commissioners vote to re-assess property values in Lackawanna County. It is to my best knowledge that the county had ordered a re-assessment some five or so years ago, and when the project was nearing completion, was ordered to be stopped. I am unsure of the reasons, however, a few of us were told this firsthand by a borough resident who was on the reassessment job.

I understand that no one likes tax increases, and let me make it clear this would not be a tax increase. Upon reassessment completion, it is my opinion that the borough could lower property tax millage by 10 or 12 mils and still have enough money to operate the borough successfully. A reassessment, however, would give this municipality plenty of breathing room should the need arise to ask the residents to chip in a bit more to the borough coffers. I would assume that the same holds true for all other municipalities in Lackawanna County. In these instances, Jermyn Borough is one of the hardest hit due to the small area of the borough, the lack of businesses in town, and the low income tax paying population. Jermyn Borough is the smallest self-sustaining borough in Lackawanna County, and in my opinion, a property value reassessment would serve the borough well.

Much like the resolution adopted to amend the CDRA last month; this is an area where Jermyn Borough can become the flagship. We can show true leadership by adopting this resolution to let the county commissioners know that is time Lackawanna County came into the 21st century. The longer the county waits, the harder the sting will be on all the residents and property owners of the county once a reassessment finally comes to fruition.

Thank you, Dan Markey; Jermyn Borough Council

All council agreed. Atty. Moran said a lot of municipalities are doing this and you are exactly right. We can try to create pressure on the county government. Mayor Smallacombe said if we adopt the ordinance we can take it the LCAB. He said it was 2006 or 2007 this was passed, it was almost done and then they crushed it with the change of administration. Atty. Moran said the failure to reassess prevents and deters new construction. Until there is uniformity you will not see a lot of development. Mr. Kulick said he read they are reluctant because they would have to set a side millions of dollars in attorney fees. Atty. Moran said that is the pushback. He said they got 4 million dollars into it and the project was 8 million. Now they would have to start from scratch because the maps are not good any more. A motion was made by Mr. Napoli and seconded by Mrs. Wilson to direct the solicitor to prepare the resolution encouraging the County to move forward with reassessment. All in favor; motion carried.

Tony Cerminaro:

Mr. Napoli said Tony was one of the 3 main stories out of the Boston Marathon. Mr. Napoli suggested having Tony Cerminaro day the day of the Steamtown Marathon and having a banner in town for all runners to see. Mr. Napoli said it is a good idea and it is for everyone to see. Mrs. Wilson said the month before the marathon we can give him a proclamation in conjunction with putting up the banner. A motion was made by Mr. Markey and seconded by Mr. Parks to have the solicitor prepare a resolution proclaiming October 8, 2017 as Tony Cerminaro day in Jermyn and to secure and hang a banner in non- Penn DOT area.

Mayor Smallacombe said we would need approval from Penn Dot to hang the banner. It was suggested to have the banner on Bridge St. or down the trail.

Recreation Committee:

Mr. Kulick said the Recreation Committee in general is falling apart and it is an important part of the town. Mr. Markey and Mr. Napoli were on the committee before they were on council. Mr. Kulick said they are younger in age than some of us they have more contact with people who have more energy. Mr. Kulick took Mrs. Wilson off the duty of Recreation Committee and appointed Mr. Markey and Mr. Napoli as co-chair of the Recreation Committee to try and get more activity and people involved.

Public Input:

Savannah Stephens – 470 Jefferson Ave. said her and her husband were collaborating with some of the neighbors on Jefferson and Bacon. She addressed possibly having a block party for the 4th of July. Some of the residents on Jefferson Ave. already commented their concern about blocking the roads in case of emergency situations and inconvenience of getting in and out of their driveway. A lot of the neighbors and some people on social media offered approval and suggestions, it seems like we can possibly have a good turnout for the event. The Facebook page is Jermyn PA is Awesome. She suggested selling the Jermyn T-shirts and mugs at the party. Mayor Smallacombe said as long as the fire companies and 911 center are notified. She was going to see if Crystal Fire Co. will donate chairs and tables. Mr. Napoli said they will take care of making sure emergency personnel are aware. She said in the past someone tried to do something and they got criticism for blocking off the roads so they want to limit it to the Bacon and Jefferson intersection. Mr. Napoli suggested doing it on Bacon the same block as Crystal, there are no driveways. Mrs. Wilson said she agrees with Mr. Napoli, everyone can use the alley ways they are accessible in both areas. Mr. Napoli said thinking from a police, EMS and fire

service problem, doing it on Bacon there is the best place because there is nothing in and out of there other than the Crystal trucks getting in and out. Mr. Markey said unfortunately for this situation we are selling the DPW garage before the 4th of July so we cannot park there but we will find somewhere else to park them. A motion was made by Mr. Napoli to allow the residents of Jermyn to use Bacon St. from Jefferson to Madison for a block party on the 4th of July, seconded by Mr. Markey. All in favor; motion carried. Mr. Napoli said to make sure we know it is for all residents of Jermyn.

Mayor:

Mayor Smallacombe noticed the officers around town; they are doing a great job. The building on Washington has been boarded up; he thanked Mr. Rood for contacting the owners. The Crime Watch did a great job with the 5k, it was a huge success. He said Randy Parry did a great job and everyone who helped him. There were just over 60 people running.

Mayor said there will be some very talented people who will be at the concert; including Nashville Recording Artist Dani-Elle. His concern is making sure there is enough room in the parking lot for parking with all the stuff being moved. Mr. Markey suggested parking over at the park and walking thru the breeze way. The Arbor Day did really well. The Shade Tree Committee honored Mr. Pidgeon. It was a very nice ceremony.

Mayor said his offer still stands if they are looking to do the parking lot. Mr. Kulick said if you look at the grant we received it specifies you have to use license bonded contractors. Mayor said he does not know how much of that goes to the parking lot. He said he can save them a lot of money in preparing it to be paved.

Shade Tree:

Mrs. Wilson read aloud a Thank you card, thanking Shade Tree and all other volunteers in town for putting together the Memorial Service for Mr. James Pidgeon. The letter was from Mr. Pidgeon's family.

OTHER:

Mr. Markey said a resident called him the other day regarding the sound coming from the generator from the Verizon Building on Madison Ave. They want to know if they have a permit for it or if it is zoned appropriately. They want to know if the sound can be muffled at all. Mr. Parks said there is noise at Bardane's also. Mr. Parks said we have no way to measure the noise. Atty. Moran said it should be in the zoning ordinance. Mayor Smallacombe said it is in there but we do not have anything to measure it, we would have to get a meter.

Mr. Markey said the Crystal BBQ is having their Chicken BBQ this Sunday. Jermyn Youth Baseball is selling Baseball Mania Tickets they are \$10.00.

Someone inquired about a list of candidates either on the ballot or that have announced a write in, can we post that information on the Borough website. Mayor Smallacombe said it is public knowledge. Atty. Moran said there is no restriction. Mrs. Wilson said it would have to be all of them. Mrs. Wilson said you have to be careful. Atty. Moran said it would be on the ballot. Mr. Markey said we have more write in candidates than we have on the ballot. Atty. Moran said then we definitely cannot do it, we would get complaints from candidates who are on the ballot.

Mr. Markey said we asked this question when we had our previous solicitor. KBA had asked if they can rent our bucket truck from time to time because they do not have one and said it would come in handy if they can rent ours. Atty. Moran said it is probably a commercial policy and they must be added as additional insured. It is fine, they either have to give us their certificate of insurance or just add them as the additional insurer.

The town wide yard sale was advertised for this Saturday and Sunday. Mrs. Wilson said the businesses were notified and given a copy of what was sent to the Times. They were asked if they wanted to participate, if they wanted to do some type of special. They were thrilled with it because they said hopefully this will bring people into the town and they may get some business. Mrs. Wilson said we do not have a lot of businesses in Jermyn, but they said possibly if this would be an ad for them to come in and see what is being offered. Mr. Markey said he has a question, why the hours in the advertisement. Mrs. Wilson said Sunday it shouldn't be church morning. Mr. Markey said yardsalers are out at 6a.m. Mrs. Wilson said we just put times in but at least we will not have a church complaining to us saying we had them way before blocking entrances etc. It may be a very small number of people coming through, this is the first year and we set some parameters. If it happens again next year we will have some feedback. Shade Tree is paying for the ad for Thursday, Friday and Saturday.

Cooperation Agreement:

Atty. Moran said we were presented last year with a cooperation agreement from the County in regards to the creek project. We originally sent it back saying we did want to take the liability on how it was being worded in the agreement. It was sent back to the County and they said if we want the grant, the county is not taking the liability. It is our project, we take the liability. Atty. Moran said that is the position we are in and in a practical matter he doesn't see those issues every occurring. If we want to enter into the agreement we have to accept the liability. A motion was made by Mr. Markey to enter into the cooperation agreement with Lackawanna County, seconded by Mr. Napoli. Mr. Markey asked if we do not enter into it, do we not get the \$385,000. Council responded by saying no, if we don't enter into the agreement we do not get the money. All in favor with the motion; motion carried.

Public Safety:

Mr. Napoli said as everyone knows we lost Officer Sorensen on our part time list. There is an officer Anthony Russo who works with Officer Calzola at Carbondale Twp. and he also works at Scott Twp. A motion was made by Mr. Napoli to hire Anthony Russo as a part time police officer so he can begin his training. Mayor Smallacombe said he should be interviewed. Mr. Napoli said he was interviewed by Chief Arthur. Mayor said he should be interviewed by Council and the Mayor; all officers were in the past. Mr. Napoli asked even for part time. Mayor said all officers should be interviewed. Mr. Parks asked the solicitor if we are putting ourselves in a position if we do not do the council interview. Mayor asked if the part time officer should be interviewed by council and the Mayor. Atty. Moran said there is nothing that says that legally but practically yes. Under the Borough code the Mayor is in charge of the police force. Atty. Moran said we are putting this person in Jermyn uniform, you may want to do an interview process. There is no collective bargaining agreement saying we have to advertise it. Mayor Smallacombe said he feels you should have an application and it would be nice to have a little knowledge on who we are hiring. He understands it is a recommendation from the Chief. Mr. Kulick asked if

there is an overwhelming need. Mr. Napoli said just to get him trained and ready to go. Mr. Parks said he does not want to put us into a position where we hired this guy and someone else comes. Mr. Napoli said this is first time dealing with a part time officer, he did not think it was necessary for a part time. Mayor said we interviewed every officer. Mayor said we probably have 10 applications but he does not know if they are still valid. Mr. Napoli said we have 1 application. He feels we just interview and get a background. No second on the motion made by Mr. Napoli.

A motion was made by Mr. Parks and seconded by Mrs. Wilson to have the prospective officer be brought in for an interview with the safety committee and mayor. All in favor; motion carried.

Zoning Hearing Fee:

The fee was \$500, it cost us more than \$500. Atty. Lawler suggested we raise it for \$750. It says \$500 plus costs and attorney fees in the ordinance. Atty. Moran asked how did we have a shortfall when it says plus costs. We should have charged him \$500 plus costs. Mr. Kulick said there was some confusion as to what the charge was. Maybe we do not necessarily have to raise it.

Other:

Mr. Kulick asked Atty. Moran if a resident is on the VA tax exemption for property tax that does not necessarily mean they shouldn't be charged for garbage fee. Atty. Moran said correct it is just realistic taxes. The resident will be charged a garbage fee.

Randy Parry called Mr. Kulick and it is his understanding from Randy that the funds from the Crime Watch 5k will be distributed to the Fire companies and the police department. Randy asked Mr. Kulick if the Crime Watch can put signs on the current Welcome to Jermyn signs. He would like to add a sign to that. Mrs. Wilson said those signs were not cheap they were hand made. The other question he had was who maintains those signs. Shade Tree maintains them.

There is a sample resolution that needs to be turned into a Borough resolution. Opposing elimination of the Community Block Development Grant. A motion was made by Mr. Napoli and seconded by Mr. Parks to prepare a resolution opposing the elimination for the CBDG Program. All in favor; motion carried.

Mr. Kulick said there is a new law volunteer fire and EMS can get a 20% reduction in their property tax. Mr. Markey said the reduction is up to the borough, it is a maximum of 20%. Mr. Kulick said there has to be some kind of criteria; just because you belong to a fire company doesn't mean you can get the tax reduction. He suggested the president of the fire company to recommend the people. Mr. Napoli said you can tier it if you wanted to. Anyone that has their national certifications can get the 20% and basic 10%. Mr. Napoli will ask Ray and Bob Chase to get together and make a recommendation for council.

Mr. Markey said he received a text from Randy Parry he said the Moskowitz's paid for the Welcome to Jermyn signs and he received the approval to place Crime Watch signs on existing Welcome to Jermyn signs. Mr. Markey said the signs themselves were gifted in our Borough property. The Shade Tree commission owns the signs and they are a commission of the Borough. Mr. Markey asked Mrs. Wilson what her thoughts on this are. Mrs. Wilson said she is a non-

voting member of Shade Tree and she can take it back to the Shade Tree. A donation was made for the signs but we also paid the difference and we had them installed, landscaping done and lights. Mrs. Wilson said Shade Tree takes care of all the plants around the signs and when the plant dies, they replace it. She asked if Crime Watch will also help with some money when they are doing all of this. Mr. Markey said that is a question for the Crime Watch. Mr. Kulick said he would want to see what kind of sign they want to put there. Mayor Smallacombe said other commissions and committees will want a sign there too. Mr. Kulick said the sign right now says Welcome to Jermyn, Jermyn is going to be here; Crime Watch may not be here. Mrs. Wilson said the Moskovitz's have been wonderful to the Shade Tree. A motion was made by Mr. Markey and seconded by Mr. Napoli to keep the Welcome to Jermyn sign the way they are now. All in favor; motion carried.

A motion was made by Mr. Napoli and seconded by Mr. Markey to adjourn the meeting at 9:00 p.m. All in favor; motion carried.