

Jermyn Borough  
**Council Minutes**  
June 15, 2017

The Jermyn Borough Council held a council meeting on June 15, 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, Joseph Smith and JoAnne Wilson. Also present were Mayor Smallacombe, Robert Chase, Ray Rood and Atty. Christopher Harrison. Absent were; John Mark & KBA.

**MINUTES:**

A motion was made by Mr. Markey to accept the June 1, 2017 minutes, seconded by Mr. Napoli; all in favor, motion carried.

**Treasurer's Report:**

General Fund \$195,557.84; Liquid Fuels \$1,117.41; Refuse \$132,484.51; Recycling \$21,213.06. Disbursements are from May 19, 2017 to June 15, 2017 \$48,186.32 Deposits \$77,332.62

Mr. Kulick asked if it was typical in the past for us to pay for ink for the tax collector. Mr. Smith said he was not sure, he never heard of it. Mr. Parks said he does not remember that ever being brought up. Mr. Markey asked if it was ink for the printer. He asked if she is printing out tax bills at her house. Mr. Kulick said the county prints the bills. Mr. Napoli and Mr. Parks said maybe receipts. It should be done on the office printer. Mr. Smith said in our budget there is nothing for the tax collector except the salary. Mr. Markey said also postage. Mr. Smith said everything else is supposed to come from the Borough, if she needs ink, it should be at the office; everything is available at the office. A motion was made by Mr. Markey and seconded by Mr. Smith to accept the treasurer's report with the exception of the line item for \$31.77 for ink. All in favor; motion carried. Mr. Markey said if it is justified then we will bring it up at the next month's bills to be paid.

**PRESENTATIONS:**

Chief Arthur said on June 6, 2017 a concerned citizen observed two males passed out in a vehicle off of Franklin St. This citizen instead of ignoring it or minding their own business, they took action and called the police. The citizens are the eyes and ears of the police. There were two civilians involved in this incident. They both will be presented certificates privately because the nature of the case. Officer Calzola and Russo responded to the vehicle and at that point they found the two people in the car passed out and began to investigate the situation, at that time the third party fled from the scene, Officer Perechinsky responded from Mayfield to help us with the call. The information was relayed to officer Perechinsky, the description of the third party involved. Officer Perechinsky then located that person at Washington and Bacon. He stopped the individual and began interviewing him, and then the subject fled on foot. Officer Perechinsky began a foot chase down Washington Ave. onto Bridge St. This is where the second civilian came into play. One of our volunteer fireman that was on location saw what was going on, he came down with his vehicle and pulled into the driveway at Bridge St. and Officer Perechinsky and the citizen helped get the guy in custody. Later they found he was the actual drug dealer in the case. Chief Arthur said there was quite a bit of money and spice found in the backpack that

the individual was carrying. They had the court hearing and he will going away for 7 years because of his prior arrest records. This is all because a concerned citizen made the call. Chief Arthur said this is why we want to build up the Crime Watch and get citizen police interaction. This was the perfect storm of what is supposed to happen, the civilian saw something in their neighborhood, they called and the police came. Now this drug dealer is going away for over 7 years plus there is pending charges on the other two involved.

Mayor thanked Chief Arthur. Mayor said he can't say enough about the Crime Watch, it is something that is needed and we are hoping we can get more people involved. We are looking for more volunteers. Mr. Kulick has stepped forward and volunteered to start the Crime Watch once again and hopefully a lot of the people that are involved will stay involved and we will get some new people involved as well. Mayor called the Officers up for their certificates. The officers awarded were Officer Calzola, Russo and Perechinsky.

**PUBLIC COMMENT:**

Mike Cavazzaro from Childs, said he was at the County meeting on Wednesday and he understands they received our letter asking for reassessment for the whole county. The County reassessment, he understands the arguments for and against it. The big problem in Lackawanna County as a whole is more than 60% of the homes was built before 1980. Jermyn is a landlocked Borough and he said he believes our percentage of homes built before 1980 is closer to 65%. We are dealing with a large amount of properties with low assessment. The properties with the low assessments, the people who own these properties have been in these properties for 40-60 years. They have paid probably more in taxes than they paid for the property originally. The assessment has to be revenue neutral. He does not understand how we are going to make it revenue neutral when we have that much of a percentage of properties that are much older and much less of a percentage that are newer. He said the reassessment will also affect their school taxes and he asked if that was explained to people. It will be a raise in the county and school taxes. He said the solution to this is pretty simple and he has spoken about it to our County Commissioners and some of our state representatives and senators. For Lackawanna County, what they need to do is go to the state legislature and ask for a carve out for the county so that they can assess on the sale price of properties and what would happen is the assessment values will be brought up to the modern age and will not affect the people who have been in their homes for decades. Most of the people that have been living in their homes for decades are on a fixed income and any kind of tax increase will hurt these people. Lackawanna County has the 3<sup>rd</sup> largest per capita population of senior citizens in the Country. He said our purpose of sending this letter to County Commissioners, is this to start the process to sue the County to do a reassessment? Mr. Kulick said no, we feel since 1968 it has been long enough.

All the points you are making are valid but there is no equality. The majority of us think we need equality. Mr. Kulick said County Commissioner Cummings was here last meeting and she is opposed to the reassessment unless the House and Senate Bill 76 passes she would rethink her position. Mr. Kulick said he does not understand the fear that some people want to put into the elderly's minds that the taxes are going to go up and they will lose their homes. He said there are programs, unless you are making a fair amount of money as an elderly person, you can get a tax rebate. If you are over 65 years old making less than \$35,000 a year and half of your Social Security is excluded from that income then you get your taxes rebated. Mr. Cavazzaro said yes

but you still have to pay them to get the rebate. They are having a tough time now making ends meet. They may not have the money to pay them. Mr. Kulick said his point is the assessed value of the properties in this County is a joke and it is a joke in Jermyn. Mr. Cavazzaro said he is in total agreement, something has to be done. The fairest way to do this is to work through the State Legislature and have them to do a carve out for the County that you are assessed on the sales price on the property. Mr. Markey said wouldn't that encourage homes not to sell and get kept in the family? Mr. Cavazzaro said something like that if the homes changed from one owner to another there should be an appraisal done on the home. Mr. Kulick said there were two properties in this town sold almost at the same time for almost the same amount of money. One is now assessed at \$8,000 and one is assessed at \$17,000. Both properties sold within \$10,000 of each other. They are different because one of them is in a neighborhood that has a lot of new homes around it even though that house is not a new home and the other one is a neighborhood where homes have been there a long time. Mr. Cavazzaro asked if it is our intent to sue the County. Mr. Kulick said it is not our intent to sue the County. Mr. Cavazzaro said he is not here to insult anyone but he is just saying that he understands both sides of the argument and at some point something is going to have to be done but he still feels the fairest ways to do it is through the State Legislature instead of trying to do it through the Court system. He believes when people are talking about the reassessment they never speak about the school tax part of it. He said a lot of people do not understand that it is not just the County tax it affects; it is also the school tax. He asked if any other municipality signed off on this letter. Mr. Kulick said we sent it to the other municipalities. Mr. Markey said Dalton and Scranton are on board and had something before us. Mr. Cavazzaro said they did not send anything to the Commissioners. Mr. Kulick said at the end of the day it is up the Commissioners, we do not have the power to do our own assessment; it will be their call. Mr. Markey asked him if he mentioned his idea at the Commissioner's meeting. He said he spoke about it in public at their meeting and there was no feedback. Council thanked Mr. Cavazzaro. Mr. Cavazzaro thanked Council for their time.

Mr. Rood said what do we do with the people that pay \$56.00/year and some pay \$100+ a year and want the same services for people paying thousands a year. He said \$56.00 a year to the Borough compared to someone paying hundreds for the same service is ridiculous.

#### **CODE ENFORCEMENT:**

Code Enforcement Calzola said he took the webinar online to try and get better ideas in regards to code enforcement. Mr. Kulick and Mr. Calzola drove around and saw some property issues in town. He sent out letters and all the grass has been cut. The grass at Lincoln and Rushbrook has been taken care of. He is working on our bigger problems on Washington Ave. and also 700 block of Madison. Mr. Markey asked if Mr. Calzola saw 400 rear Lincoln on Mellow Ct. Mr. Calzola said the house is somewhere in between being owned by the family and bank. Mrs. Wilson asked about the project on Washington Ave. Mr. Markey said he received a permit and they are waiting for a highway occupancy permit. Mrs. Wilson said she hopes it does not open a can of worms because of the red house. Mr. Chase said it is a separate issue. Mayor said it will be addressed by Penn Dot, all driveways going into a property must have an entrance and exit to get a permit. Mr. Chase said he can do what he wants on his property but he cannot disturb the curb until he gets approval from Penn Dot. Mr. Chase said the Penn Dot part is out of his hands.

#### **MAYOR REPORT:**

Mayor said the Chief will have a police report. He received a bill for the police officer that helped us for the show; it will be paid by the Historical Society. It is for \$52.00. Mayor said he is getting good feedback from residents and other officers in other departments about our police officers in our department. He talked to officers in other departments and said they work very well together with the officers we have. There is a quad issue, it seems like it is early in the evening. He asked Chief Arthur if we can address that. The Historical Society has moved all of their stuff out of the DPW garage. Everything has been cleaned up in the gym and stage from the show with the exception of the back drop. It is not affecting anything as far as renting the stage and gym. The Events Committee has their flower pots out and the Bridges done. Everything looks beautiful on the Main St. and on the bridges. The concert in the park is coming up in July. It is an event that is sponsored by the County.

Mayor read aloud the two citizen awards and also one for William Walker 125 years in service recognition award.

### **POLICE:**

Chief Arthur thanked Mrs. Wilson and Cara for getting together the certificates. Chief Arthur said they have been pretty busy and they arrested someone every day for a week. They assisted the State Police again with another super load coming through Rushbrook. They have made multiple drug arrests in town and have several occurring drug investigations ongoing. Hopefully they will make some more arrests and in the near future they have some other investigations underway. They took one male into custody that was wanted by State Parole. They attended the Mayfield Kindergarten Graduation, they try to show up at school events and share responsibility with Mayfield of the security of Mayfield Elementary so they are very familiar with that building in the event of an emergency that they would have to respond. The police assisted Archbald in another bank robbery in Eynon and are preparing for a Federal Audit of the Surplus items. They will do an audit of some surplus items we have. Chief Arthur said they are prepared. The police assisted the State Police again on the Casey highway with wrong way drivers. Chief Arthur said they consistently have wrong way drivers on the Casey. Chief Arthur said to make sure your vehicle doors are locked, it is summer time now and kids are out of school. They are stepping up speed enforcement and also stop sign enforcement on side streets. They have received a lot of complaints for cars going through stop signs on the side streets. Chief Arthur said they have issued a lot of citations for stop sign issues on side streets and are continuing to watch the side streets. They are still doing house watch checks. If people are going on vacation they can let the police know and they will keep an eye on your house throughout their shifts. Chief Arthur said the ATV's are becoming an issue again since it is summer time and kids are out of school. Mrs. Wilson said she would like to compliment the Chief and his Officers for doing a great a job.

### **SOLICITOR:**

Atty. Harrison said he has the check for the sale of the DPW building. \$39,638.63 which accounts for the realty transfer tax that was taken out. Atty. Harrison said he went to the assessor's office and pulled some maps of the properties that were on the assessment record. Atty. passed around the maps of the land to council. He said one of the properties extends into the River. The next one is on the Peter Ryder Tr. It is at the end of Hudson St. Mr. Parks said that might be Hudson coming from Mayfield across Rt. 107. Atty. said there is another one near

Sacred Heart of Jesus Cemetery. Mayor said that is going up by Krenitsky's. It is the open area by the cemetery. Mr. Markey said that means we own land which is in Archbald Borough. Atty. Harrison said the only other property that the assessor would have are the ones on Jefferson and Madison. Mrs. Wilson said the one by the cemetery that has been reclaimed land; the state took the entire column dump down. Mayor said it is a good size piece of land. Mr. Chase said it is industrial zoned up there.

**RESOLUTION #9-17:**

There is a draft resolution for the House Bill 76 and Senate Bill 76. This calls for the elimination on school property tax. A copy of this resolution will be posted on our website. A motion was made by Mrs. Wilson and seconded by Mr. Parks to accept resolution #9-17 as read by the solicitor. 4 yeas, 2 no; motion passes. Mr. Kulick said Commissioner Cummings is an advocate of this. Mr. Markey said he was looking through this bill and said there has been talk about raising sales tax in PA in exchange for the elimination of school taxes, which he is fine with. However, what he is not ok with is the expansion of taxable goods and services. He is not necessarily against this and thinks it's a good thing as long as it is done intelligently. There might be a few things he feels needs to be re-written. Atty. Harrison said as proposed the sales tax would go up from 6% to 7%. Mayor said the first bill had that in and that is why it was voted down. Mr. Cavazzaro said this bill allows the school districts to impose an earned income tax if they have debt. His problem with the bill is it that you are going to eliminate the school tax or you are not going to eliminate it. In the city of Scranton the earned income is 3%. With the earned income tax you may be paying more than you are paying for your school taxes. Mrs. Wilson asked if they had to do that by ballot. He said with this law they are allowing the school districts to impose the earned income tax and he doesn't believe it has to go on the ballot. Mr. Markey said he voted no because even if everything in House Bill and Senate Bill 76 is good right now and it is going to do more good than harm to the residents and the citizens in the state of PA, it might not be the case by the time it goes for vote. Mr. Smith is opposed because he does not know much about it. Mr. Smith said as hard as we work on our budget we cannot control what the school district does so we try to cut as much as we can and our budget is bare bones budget but then Lakeland raises taxes. Lakeland sent out a survey a few years ago to all the citizens asking if they can raise taxes if the citizens would be in favor. Every time we sit down to do a budget we work hard at it and the next thing you know they are raising it at Lakeland so something has to be done somewhere, a higher authority has to do something because they are just smothering the Borough's.

**FIRE:**

Mr. Rood said as far as the Borough siren he does not have access to it. He received the buyer's phone numbers to get access in case something happens. He said the buyer was supposed to put a wall up and there would be a key to get to the siren and it was not in the deal that was made. Mr. Rood said if the siren starts blowing he does not have time to make a call and wait over there to turn it off. He does not have access to the building. Atty. Harrison said when the agreement was made it was understood that they did not need access unless it was for maintenance or to repair the siren. Mr. Rood said the buyer agreed to put a wall up to have access to the siren because there has been times when the siren keeps blowing and he has had to go over there and turn it off. Atty. Harrison said he did not know he needed access unless it was to repair the siren. Mr. Rood said that is correct if nothing ever goes wrong but if something goes wrong access has to be made immediately. The key was supposed to given to the fire chief and the chief of police.

Mr. Rood said it was talked about that when the buyer purchased the building it was part of the deal. Atty. Harrison said if there was a circumstance where it would require immediate access we would contact the buyer for access. Mr. Rood said the buyer had no problem putting a wall up there so we were able to get in. Atty. Harrison said he will talk to the buyer's attorney. Mr. Markey said he was there with him the night before closing and the buyer mentioned the wall and he thinks the buyer said when he was sitting here when we opened up the bids he said he would put a wall up. The buyer said that night when he was with Mr. Markey, he was going to put a wall up and then the attorney told him it was not necessary. Mr. Markey said that was news to him and he never heard where anyone said we do not need the wall anymore until the buyer told him the night before the closing. Mr. Rood said he wants council to be aware there is no access to that building.

Mr. Rood said he was asked by the Six County Committee if we can leave the flags up for the parade they would appreciate it. He was also asked if council would be willing to put an extra officer on for the nights of the convention. Mr. Rood said Friday night 6-7 pm until 11pm and then on Saturday 5pm to 11pm. Mr. Smith asked Chief Arthur if he would have availability for those days. Chief Arthur said he can try and cover the shifts. Mr. Rood said the chairman of the committee said we would have to pay for it ourselves. Mr. Markey made a motion to allow a second officer on Chief Arthur's ability to get a second officer in for 4pm to 12am shift for the Friday and Saturday of the convention to be paid for by the Borough as a donation to Six County; seconded by Mr. Napoli. All in favor; motion carried. Mr. Smith asked Mr. Rood to be specific on the times he needs the officers. Mr. Rood said Friday night is not as long as an event and Saturday from 3-4pm to midnight. Mr. Napoli asked Chief Arthur if it would be easier to fill the shift or for specific times. Chief Arthur said filling in the shifts. Mr. Rood thanked the Borough Council.

Mr. Rood said two meetings ago he talked to Mrs. Wilson about his tree that is in the Borough right of way and he asked Mr. Napoli about it last time. Mr. Rood said he is going to cut the tree down because it is interfering with his wires and is a danger to his property. He will pay to cut it down.

#### **ZONING:**

Mr. Chase said he has had quite a few permits, sheds, pools, fences. Mr. Chase said he handles 2 other towns he gets about 15 calls a day from real estate agents asking about zoning questions. Apparently there is a law going on where that if a mortgage company has somebody on the books they have to have slots filled and one of them is a zoning issue. They want to clarify what zoning classification it is. Mr. Chase said having the zoning information on our website has been a great help. Mr. Chase trimmed a tree on the Borough property in front of the Windsor; it was full of honey bees. Mr. Chase had to call a bee keeper to get them out of there.

#### **PUBLIC SAFETY:**

Mr. Napoli said he met with a group from Artisan and Crystal Fire Co. to discuss the tax credit. He said he read the proposal in detail and found out there is already a set of guidelines set forth by the governor. He is trying to find the guidelines and will write an email to ask for the requirements and get back with the fire companies and decide how we want to go forth. There was a lot of discussion and he thinks the group that got together will want to move forward with

this and try to see if we can set a goal for ourselves to follow through on. Mr. Kulick said someone asked him if it goes through and someone is a volunteer that lives in Jermyn but volunteers in Mayfield. Mr. Napoli said yes and that was one of the situations we spoke about. Mr. Rood said they would have to live in Jermyn. Mr. Napoli said it was a very good meeting and we will move forward with it.

**ENGINEER:**

Mr. Markey asked if anyone heard about the issue over at Verizon yet. Mr. Chase said Dennis met with somebody and stood on the property line and measured it. Mr. Markey said they were over the acceptable decibel level and Dennis went back to Verizon with some follow up questions and they were supposed to get back to him.

**DPW:**

The sale of the DPW garage finalized last week. Mr. Markey said they are still searching for land that the Borough may own and requested an executive session to discuss. The Electronics Recycling Drive will be held on Saturday June 17, 2017. Jerry Stiles from LCCD visited the borough today and has a few ideas of ways we can improve our alleyways. Grants can be applied for in the fall and it will not cover paving but can cover drainage and aggregate for alleyways. Mr. Markey said on Davis ct. if we put down millings we will still have the drainage issues and same thing for Lane St.

Lane Street: DPW laid down millings. Mr. Markey said they will eventually wash away. As far as Lane St. goes we are considering paving or putting drainage there. It is a small street and suggested getting some estimates on what it might cost to pave. The cost might be less than what is required for a bid; it is such a small area. If the DPW rented the equipment they can probably do it themselves. Since we adopted the Penn Dot 408 it is probably the best to go with a professional.

Millings: DPW is continuing the use milling in low spots on sides of roads, parking areas for residents.

Borough Parking Lot: DPW currently has all equipment in the Borough parking lot. They are going to clean up the area behind the salt shed and try to get many things back there for the time being. Mrs. Wilson said the trees by Mr. Coleman, he has asked to move and leave at least a 3ft. area that there is nothing leaning up against the trees.

Flags: The flags will be left up for the Six County Convention and they will be up through Independence Day. Mr. Markey said with the Six County Convention coming, at our meeting this past week, Captain Allen said there will probably be around 100 volunteer fire companies that will be represented in town here. Mr. Markey urges all residents to clean up their area and have the town looking nice for all of our visitors.

There was a hole down at the end of Lackawanna Ave. where the Artisans property begins in the borough right of away. There were ATV's going through that caused some water backing up. DPW dug a trench so the water will drain appropriately and put some millings there to try and stop the running of ATV's through that area.

Mayor said to have the resident's park in their off street parking during the days of the convention.

Mr. Kulick asked for the Recycling Drive if we are requiring identification. Mr. Markey said no.

**SHADE TREE:**

There was a Shade Tree meeting on Tuesday and they had two more nice donations from people associated in town. One of them was from the Pioneer City Christmas Ball. The family of the Mattise Family on his 92<sup>nd</sup> Birthday gave a donation in his honor. Mrs. Wilson said for the Six County, if Council does not mind they will do the whole Main St. for the green way. Mrs. Wilson said one of the past presidents for recreation asked the shade tree to give up maintenance of Mellow Ct. they wanted total control of the baseball area. Mrs. Wilson said the butterfly/pollination garden; they will be taking some of it and putting it over in the area here. The Shade Tree will meet four times a year and it will be advertised in the newspaper. They will have work sessions periodically. Mrs. Wilson said she has the Shade Tree agenda and treasurer's report for the files. Next month, council will receive a letterhead and their bank statement. In July they will have the new roster of positions for the Shade Tree. There are 7 members that vote. There are two additional and they are considered workers and they have not decided yet to put their names on the letterhead. Mrs. Wilson said the corner of Division and Shields Ct, the hedges has to be cut down. They have been cut but not enough to see.

**RECREATION:**

Mr. Markey said they had more officers' that were commended here tonight and awarded then we had people show up for the recreation committee reorganization meeting. He said we tried to hold it last Thursday at 7pm. There was not any interest at all. He said at this point we still need to find some interested parties and see what the best time and day to meet is. Jermyn Day is up in the air and we will probably have to make a decision on it.

**FINANCE:**

Mr. Smith said the time has come; our 6 month report will be coming up shortly. The Finance Committee will be meeting and should have a report for the 2<sup>nd</sup> meeting in July. They will be meeting with our auditor. Mr. Smith said we will probably go line item by line item. It will give all the council members a good idea of where we stand. Right now we are pretty much within boundaries as things we can control. Those we can't control are the snow storm.

**OTHER:**

Mrs. Wilson said she was at the Commissioners meeting and they did approve the Cooperation Agreement between Jermyn and Lackawanna County for the mitigation. They also approved the \$500 Jermyn Grant for the concert in the park.

Mr. Kulick handed the gavel over to Mr. Smith. Mr. Kulick made a motion to waive the \$52.00 police invoice for the Events Committee, seconded by Mr. Markey. All in favor, motion carried.

Council went into executive session at 9:05 p.m.

Council reconvened at 9:35 p.m.

A motion was made by Mr. Markey and seconded by Mr. Napoli to adjourn the meeting at 9:35 p.m. All in favor; motion carried.