

Jermyn Borough
Council Minutes
January 18, 2018

The Jermyn Borough Council held a council meeting on January 18, 2018 at 7:00 p.m. at the Jermyn Community Center, 440 Jefferson Avenue, Jermyn, PA in the Council Chambers.

On roll call present were: Krysten Dougherty, Frank Kulick, Dan Markey, Kevin Napoli, Joseph Smith, Cynthia Stephens and JoAnne Wilson. Also present were Mayor Fuga, Atty. Fitzgerald, Dennis Kutch, Ray Rood and Bob Chase. Absent were; Evan Samuelson.

MINUTES:

A motion was made by Mr. Napoli and seconded by Mr. Markey to accept the minutes of January 2, 2018. All in favor; motion carried.

TREASURER’S REPORT:

General Fund \$125,412.33, Recycling \$5,410.08; Refuse \$68059.43, Investment Liquid Fuels \$63,407.72. Disbursements from December 22, 2017 to January 18, 2018 \$52,249.72. Deposits \$40,928.72.

A motion was made by Mr. Markey and seconded by Mr. Smith to accept the treasurer’s report and bills as presented, all in favor; motion carried.

Public Comment:

Kaitlin English – Lackawanna County Community Relations
Strength Training Classes Offered by Penn State Extension – Monday and Wednesday 10:30am-11:30am at West Side Active older Adult Community Center 1004 Jackson St. Scranton beginning Feb 7, cost is \$115.00. To register 1877-345-0691

Prescription Drug Take Back Program- Drop Off Locations – Lackawanna County Courthouse Sheriff’s Dept., Moscow Borough Police Dept., City of Carbondale Police Dept., S. Abington Police.

Commercial Tree Fruit Growers To Meet- Penn State Extension- Thursday Feb 15 at the Iron Skillet Restaurant in the Petro Plaza, Avoca Registration at 8:45am.

Pat Massino- Garfield Ave- Mr. Massino said he wanted to make council aware of situation that transpired today. Earlier today, we had the snow alt. parking in effect. Earlier today his car was impounded by Rock Bottom towing under the advisement of the Jermyn Police Dept. There is conflicting ordinances in that particular 400 block of Garfield. One says you must alternate the car on the proper side of the street according to date. The other ordinance states you cannot park on the one side of Garfield 365 days a year. You are in trouble if you do and are in trouble if you don’t. Mr. Massino said he is looking for a resolution to the issue that transpired earlier but also going further down the road what do we do on Garfield Ave. when it comes to parking. He is a

Jermyn resident for over 30 years and is familiar with the ordinance and has been a nuisance to a lot of people but understands it's necessary. We have our hands tied on Garfield ave, not knowing what ordinance to follow. If I had parked on the opposite side of the street where there is no parking I would have got a ticket either way.

What is the most troubling to him is, he has security cameras outside of his home and on 4 different occasions, the Jermyn police passed that vehicle in question without giving any warning or any citation at all and he has footage he would like to share with council to show them that. Mr. Massino showed council the footage. Mr. Massino said there were four opportunities for the Jermyn police to give him a warning of some sort and as they do to all the residents within the Borough, you get a warning on your car. Mayor said if he knew the ordinance was in effect, why didn't you move the car. Mr. Massino said there is no other choice on Garfield. Mayor said there is, you have a driveway. Mayor said you have off street parking on Garfield and the new development everybody has driveways. Mr. Massino said the car is having mechanical problems. Mayor asked what kind of problems. Mr. Massino said the transmission. Mayor said so you are saying you cannot get the car into the driveway. Mr. Massino said he does not know that. Mr. Masisno said we left it on the street for the past 8 years without an issue. Mayor said he believes there were issues before and it should have been taken care of, you can park on the street that is fine but you cannot abandon a car on the street. If you knew the ordinance was in effect you should have put it in your driveway.

Mayor said what you are saying is the police drove by 4 or 5 times should have gave you a warning, but you subscribed to the Rapid Cast, why didn't you take care of your car. Mr. Massino said you have one law that says you cannot park on one side of the street. Mayor said you have a driveway so you can move your car off street so you do not need to be on the street. Mr. Massino said what if I want to keep my driveway open. Mayor said that is not our problem that is your decision to do, you want to keep it open, keep it open but understand if you leave it there and this is in effect you will get a ticket or towed. Mr. Massino said he would have no problem moving it if he would have been issued some type of warning. Mr. Napoli said you just said your wife received the Rapid Cast. Mayor said that was your warning. Mr. Massino said everyone else gets a ticket on their car and I don't. Mayor said because you have a driveway, some of these other people do not. Mr. Massino said, if I had 3 or 4 cars in my driveway and couldn't park it in the driveway what would I do. Mayor said I don't know. Mayor said if I was in the same position and in some ways I have, I have a driveway and garage, I would make sure somehow someway that car would not be on the street; park it in the driveway, a friends driveway, another garage. The reality of it is, you were warned, you should have moved it and you didn't. Mayor said what you are telling me it is inoperable and you didn't want to try to move it because you were afraid what was going to happen, all you had to do was put the car in the driveway for one day. Mr. Massino said what do you do on Garfield Ave? Mayor said park in your driveway. Mr. Massino said what if you can't? Mayor said everybody can, everybody has driveways, and everybody parks in them. Mr. Massino said that is being selective. Mayor said no.

Mayor said when that development was put in, it was required to have off street parking and in town it wasn't because all of the houses are older. You have to understand when you have a driveway you should be in the driveway, if its sitting in the street and it's there for days, weeks,

months, that is not right, you have a driveway. Mr. Massino said it's a public street he can park there. Mr. Markey said unless there is alternate parking. Mr. Massino said it's a catch 22 on Garfield Ave, you have one side posted no parking on this side and there is an ordinance for odd/even parking. Mr. Markey said because everyone there has off street parking. Mr. Massino said that is nowhere in the ordinance. Mr. Napoli said you just said there were 2 ordinances, if I was to live up Garfield I would know I would have to park in my driveway or the one side. They are not conflicting. Mr. Massino said they are conflicting ordinances. Mayor said if you can't park on one side and you can't be on the other side then that car needs to be in your driveway. Mr. Massino said this is falling on deaf ears. Mayor asked how. Mr. Massino said you are being very vindictive. Mayor said he is not. Mr. Massino said he simply had the car parked on the street, so if he parked on the other side of the street where it says no parking he would get a ticket.

Mr. Markey asked if the vehicle is inoperable. Mr. Massino said he does not know. Mr. Markey asked when the last time he tried to start it. Mr. Massino said yesterday. Mr. Markey asked if it started. Mr. Massino said yes. Mayor asked why he didn't move it. Mr. Massino said there was no warning, no ticket, nothing. Mr. Massino said for 8 years, no issues, now there is an issue. Mr. Markey said there might be a piece of a puzzle you might not be aware of, we did elect a new Mayor, first new Mayor in this town in 16 years and the ordinances are going to be enforced from here on out, this is the starting point. When he got sworn in on January 2, 2018 the ordinances will be enforced. Mr. Massino said he has seen changes in this Borough.

Mr. Massino said the real reason he is coming here is for clarification, on Garfield even though the ordinance says you cannot park on the one side of the street, its either park on the other side or don't have your car on Garfield Ave. Mayor said not all the time but in this situation, you need to move it. Mr. Massino said Rapid Cast is fantastic but it would be beneficial for all the people who subscribe if we took the guessing game out of the equation and said the date by midnight you have to be on the even side. Mayor said we tried but we had people today that did not even know what the odd/even sides are. Mr. Massino said his biggest issue is that he did not get any type of warning; he just got the car towed. Mayor said there are a lot of warnings given out and people ignore them. Mr. Massino said if you pass the car 4 times to do their job, to issue a warning. Mr. Markey said do you know if any of those 4 times that the police were on their way to a call. Mr. Markey said it's unfair to come with footage and say hey look the cops passed by my car and didn't do anything, they could have been on there way to somewhere, they don't always go with lights and sirens. Mr. Massino said don't you think out of all those 4 times, shouldn't they have put a ticket on the car. Mayor said if it hasn't been moved they don't know what the situation is. Mr. Massino said if it's in violation, ticket me then. Mr. Massino said he will gladly pay the \$25.00 if he was in the wrong he won't sit here and fight he would move on but he at least should have got a ticket.

Mr. Massino asked if he should have got a warning like everyone else. Mr. Massino said he's not worried about the ticket, he at least should have had the opportunity to get a ticket, if he was in the wrong give him a ticket, and there was no ticket on the car. How can he pay a violation to the Jermyn Police Dept. for doing their job when they didn't do it, there is no ticket on the car. Someone should call up Rock Bottom, he will admit he was wrong and he will pay a \$25.00

ticket but not \$100.00 for the towing. Mayor said we will look into and find out why a ticket wasn't issued or a warning.

Chief Arthur said alternate parking fluctuates, one day you were legally parked, this morning at midnight you became in violation. The time starts at midnight you were in violation. If you look, there was your car and someone else's car, the whole road was plowed except for the two cars there and you can see them plowing out and around. You already admitted it was in effect but you chose to ignore it, that's not my fault. We didn't give you \$25.00 ticket, I can write you one right now if you want, and I figured maybe towing was enough, not towing and a \$25.00 ticket. Mr. Massino asked if he should have had the ticket not the towing. Chief Arthur said his job is the safety of the whole community, if the fire trucks can't get through your street that is his fault. Last year with the snow, the fire trucks couldn't get through certain intersections, we aren't going to risk people's lives because you didn't want to put your car in the driveway. Mr. Massino said you are seeing two different laws. Chief Arthur said the one side is no parking that is a constant it does not change you can never park on that side. The other side is alternate parking, when that is in effect, he believes that's the odd side, if it's an odd day you can park there, if it's an even day that street should be clear, there should be no vehicles on that street. Chief Arthur said in your interpretation of the law means that odd/even day means you can park where ever you want. We have other places in town that have no parking, you have to park legally. That ordinance doesn't trump the other ordinance. Mr. Massino said you have two conflicting ordinances. Chief Arthur said no they are not.

Mr. Massino said he commends them for enforcing the ordinances, he asked for a chance to fix the situation. Mrs. Wilson asked if we can look into this with the \$100 fee. Mr. Napoli said one day its even one day it's not, you are saying those were a couple days apart, some of those days your car wasn't in violation. Mr. Massino said one day it was in violation and I didn't get a ticket. Mr. Napoli said he has two questions, yes or no, all he needs to ask of Mr. Massino. Were you aware that the rapid cast said the alternate parking was in effect? Mr. Massino said yes my wife has rapid cast. Mr. Napoli asked if he was aware at no time during the year you are to park on the even side. Mr. Massino said absolutely that's where the confusion comes in. Mr. Napoli said Mr. Massino does not understand. Mr. Massino said the ordinance should say for streets that do not have alternate parking, driveway parking is required or alternate parking on an adjoining street is required.

LST COLLECTOR:

Mr. Kulick said we have a resignation letter from Joan Christian. A motion was made by Mr. Markey and seconded by Mr. Napoli to accept Joan Christian's letter of resignation from LST collector. All in favor; motion carried. Mr. Smith said to send Joan a letter to thank her for her service to the Borough.

NEW DOORS:

Brian from Art Tech glass was present at the meeting. Mrs. Wilson said we had two quotes, one from Mesko and they have drawn a door that was totally different from what we have originally asked. We gave specifications and the door measurements to Art Tech to give us a quote on that specific door, instead of doing apples to oranges. Mrs. Wilson said Brian presented a quote on that specific door that Mesko had sent with their quote. Mesko's was around \$8,000 and Art

Tech's quote is \$6,755. The front door with Mesko was \$3,555 the side was \$4,460. Total \$8,015. Ray Rood asked if they are the same doors. Brian said yes, he has a picture too he can show. There is 15 year warranty, panic bar, essentially the same door except there is a side light on the front door where now it's just a flat piece. Mr. Markey asked what the size of the tempered glass is. Brian said it is the same size as. There will be a 10 inch bottom rail on the bottom. Brian said on the Mesko quote, there was a 3 ½ inch rail for the middle of the door, we proposed a full glass but we can do either one, it wouldn't change the cost. Ray asked if the side panel will be stationary or active. Brian said active.

Mrs. Wilson made a motion to go with Art Tech Glass Co. for front and side door for the Borough building in the amount of \$6,755.00.

Mr. Markey said the side door, it would be an active door for ADA purposes right and it won't really open unless we open it. Brian said correct. Mr. Markey asked if we would have the same thing on the front. Brian said no, the front would be a side panel. Mr. Markey said but the doors are ADA compliant with the width, the side door over here can be glass if we wanted to. Can the side panel on the front be glass? Brian said yes. Mr. Markey said we should discuss if we want glass or aluminum and amend the motion so that we are all involved in the decision. Mrs. Wilson said in the front door, the one will have a half glass and the other side will be solid? Brian said yes. Mr. Markey asked if there will be a glass window in the door. Brian said yes. Mr. Markey said and the glass panel if we wanted the glass. Brian said yes, most times he recommends in case someone is coming in and out there is more visibility but it is your preference. Mr. Markey said it will bring in more natural sunlight it will be an improvement.

Mrs. Wilson amended the motion to include the glass panel and glass door and money to be taken out of the Capital Reserve DPW account. Seconded by Mr. Napoli. All in favor; motion carried.

Sewer Issue:

Mr. Kulick said if anybody wants to reach him as a council member, president of Council, he has an email fkulick@jermynpa.com or you can call the Borough building, from this point forward he will not in any way shape or form make a comment on Facebook that has anything to do with the Borough of Jermyn.

Mr. Kulick said he's not here to defend himself. Mr. Whitiak. He takes exception to his comments today on Facebook, which he did not comment on Facebook. Basically he is saying that we are not doing anything about his problem. Mr. Kulick said his first problem happened January 2 after our reorganization meeting. Mr. Whitiak decided to call John Mark about it, who's not on council. Mr. Mark called Mr. Kulick and Mr. Kulick called Mr. Whitiak at 10pm. Mr. Whitiak said he called Rossi-Rooter and they were coming to his house. Mr. Kulick called the Lackawanna Sewer Authority and said they would call him back, they did and said sorry it's not our problem. Mr. Kulick called Mr. Whitiak back and he was on the phone back and forth with him until 1AM. Mr. Kulick said at 1-130am they could not find the blockage, the next day they came back. Mr. Kulick said he took a half day off of work to make sure it got properly handled. He was there with Mr. Whitiak, for him to say no one from council was there. The council member he is referring to is me and I did everything I possibly could do to help him. Mr.

Kulick said he went back to the minutes of this town. Mr. Kulick said Mr. Whitiak said the second time it happened which was the other day he said he couldn't get a hold of anybody. Mr. Kulick said he called him back and asked what he was talking about. Mr. Whitiak said he has been trying to get a hold of him. He admitted he was sending texts to the wrong person. In the meantime he called the Borough building and the secretary took care of it, he then proceeded to say that our former retired DPW supervisor Mr. Parks called and offered his support and encouragement. He isn't retired, he wasn't re-elected. Mr. Parks was in charge of DPW, it was in the minutes in 2014 there was a motion made and money approved to do something and nothing happened. Why did nothing happen, he doesn't know, it was left with that we are going to do some kind of line, here are the bids that KBA put together. The bids were put in and nothing happened. Atty. Nicholls was going to sue Raymond Development, that didn't happen either.

Mr. Kulick said we did everything we could and it hasn't occurred one time since 2014 until January 2, 2018. Not once. What does he want us to do; we cleared the blockage up on January 3, 2018.

Mr. Rood said he received messages and phone calls. In 2011, when Mark Kilmer and Joe was here they would check it. They extended that pipe and he hasn't had any trouble. Mr. Rood said he doesn't know why he's getting him involved. Mr. Whitiak requested they check it every 4-5 days and he wants a meeting with council, he put on Facebook he can't come to the meeting tonight but can meet January 22. Mr. Kulick said if he wants to meet with council, come to the chambers during a council meeting.

Mayor said he's trying to include his problem with Mr. Rood's problem and they are two totally different things. The problem is that what he is having is grease build up. Your problem was taken care of by extending the pipe. Mr. Rood said the drawings KBA did, it was taking up part of my yard. It was going to come through my yard and to the park and hit the sewer that Powell's put in through there. Mr. Rood said he hasn't had a problem but still has concerns. When they put the cameras through there, there is an 8 inch pipe that there is 6 inches of water laying in it. Mayor said what was happening in your case when sewage was going out it was building up at the manhole and then eventually blocking the pipe and it would back up. The sewer authority does look at it all the time, they are usually there once a week. They go from Lincoln and down Washington. Mayor said his problem is that it's a buildup of grease and from what happened was it let loose and came down past his house and got to the manhole and it came around and there were big chunks. He wasn't there Monday when they cleaned it the second time but Joe was telling him they were taking chunks out of it. The weather maybe the pipe was expanding and contracting and let loose from the pipe and came down. If you open that manhole now there is all grease from the inside and grease on the steps. Everybody up above is dumping their grease into the sewer system and that is what caused it. Now that all of it is cleaned out, it is flowing fine we checked it today. It might pay to get the camera and see if there is more build up in there and does it have to be cleaned. I don't know what he expects; we are keeping up on it. There are so many variables there. We keep checking it and it is clean, it was flowing perfect today.

Ray Rood said his situation where it backed up into his basement, DPW used to check it at the end. Mayor said we still check but the sewer authority comes and they kind have taken it over. If they see us out, they tell us they checked it and it's good. When Rossi Rooter was up here, they

did it from the manhole up, there was no blockage, and it was in the manhole. When the sewer authority came up and took the rake and he got it flowing but more stuff came in and that really blocked up and when they cleaned it the second time is when they got all the grease out. It was chunks of grease. Mr. Markey asked why anyone would think its ok to put grease in the sewer. Lou Demarco said especially that much. Mr. Markey asked how do you get that much grease. It's a buildup. Mr. Markey asked if any of this problem stem from in part from Raymond Development. Mayor said he would assume because most of their sewer line runs into that. Ray Rood said all of it because from Andy Whitiaks, to Tony's down towards Rays house down. From Frank's house down it goes down Franklin. They couldn't meet the grade because the grade in front of Frank's house connects the rest of it. From there down is coming towards his house.

Ray Rood said all that stems from Raymond Development. Mr. Markey asked whose responsibility is the sewer in Raymond Development. Ray Rood said Jermyn Borough. Mr. Markey said why, we don't even own it. It's Archbald. Ray Rood said there was no bond for Jermyn Borough to fix it. Mr. Kulick said wasn't there a \$20,000 bond. Mayor said no, it was a line of credit or something. Mr. Kulick said Mr. Whitiak is suggesting this is a health issue and he spoke to someone at KBA. Mr. Kutch said he came down and met with him. Mr. Kulick said Mr. Whitiak met with Mr. Kutch and they said it was a dire situation. Mr. Kutch said he came down and met with him and explained to him what problem he had and that was it, he may have told him about the grease but he explained to him there was a problem on two days. January 2 and 15th. He also said that someone cleared up the grease in that manhole and everything started to flow after that. Mr. Kutch said he doesn't know what it has to do with a dire situation. Mr. Kutch said its unusual in a residential area, we have grease problems in a lot of places, Jessup, Dickson City especially where you have the businesses. What happens is they typically introduce the FOG at a higher temperature and start to coagulate and solidify and go down the line. He doesn't know of anybody in any residential setting unless someone is dumping in something that they shouldn't be, but under normal cooking operations and washing your pots and pans with dawn, that typically does not lead to a Fats Oils and Grease accumulation in the lines.

If there is that kind of grease then there is something else going on besides just people washing dishes that type of stuff. There is something else going on. Mr. Smith said the last time we had a grease problem was with the Woodlands. Mr. Kutch said right and that was the restaurant that happens. Mr. Napoli said does it have anything to do with it being so cold and then it felt like spring those two days and then cold, can that be releasing it. Mr. Kutch said normally the fats just cling to the sidewall of the pipe and as they do they restrict the flow and then when you get a storm typically you get inflow into the lines, it can accommodate the flow. When the pipe gets restricted it will back up. It will show up some place. Mayor said the 15th, it got cold but prior to that we had the rain. Mayor said this can be a one-time deal, he doesn't know, it might not happen again. Mr. Markey said with Gerald Raymond abandoning his development is there anyone that owns this sewer system right now. By default, us. Mr. Markey said what about Archbald Borough. By default them. Ray Rood said they don't have a problem because they are on the higher end of everything.

Mr. Kutch said his understanding is that there was a complaint that was going to be filed jointly with Archbald against Raymond. Ray Rood said that was when he didn't top the roads and they

were deplorable. Mr. Kutch said he thinks it's also pertains to that sewer line. Mayor said the sewer lines and roads, he topped the roads but that was it. Lou Demarco said the bottom line is we own that development now and what are you going to do to fix it. Mr. Markey said we own the part that has the problem. Ray Rood said we own the infrastructure. Lou Demarco asked who plows them. Ray Rood said Archbald. Mr. Markey said Archbald comes up to plow. Mr. Kulick asked what we do as far as the sewer problem. If this were done when Ray had the problem, would we still be having this problem. Ray Rood said yes because that project was coming down into his yard. Mr. Kutch said the issue was from that manhole at that intersection where Andy's house and Rays house down to Lincoln Ave. is as flat as this table top. It didn't have a pitch to get from one to another, the whole idea with that was if we went through rays yard the elevation difference between the manhole in that intersection, down to the field is like 4 or 5 ft. as opposed to 4 or 5 inches so we thought we can make that grade and it would be a substantial grade to that line and it would flow and the reason it doesn't flow down that part of Bacon is because its flat. When they put it in it wasn't put in right or it sagged afterwards. If it's a grease problem, it wouldn't have made any difference if you did that because that would have still plugged that manhole. Mr. Kutch suggested keeping an eye on it and seeing if the grease is going to continue to come there and if there is then you have to find out where it's coming from. Mayor asked if he recommends to camera it and see what's going on in there. Mr. Kutch said if you have chunks coming from that manhole it would be in that line, typically you have to auger them out of there. There is probably a lot of places where that pipe is restricted because of all that grease. We just did one in Jessup and it took 4-5 days to go 600ft just to get that stuff out of there but all of that came from manufacturing facility. He suggested to keep an eye on it and if we can get video it and find it's restricted you will have to do something.

Mr. Smith asked if Archbald has that equipment. Mayor said they have the jetter but doesn't have the camera. The county has it and years past they come up and help us, they will charge us but it will be cheaper than anyone else so we can talk to them and see if they come up and do it. Mr. Markey said we seem to be taking an awful lot of liability and a lot of aggravation here and really having minimal benefits or revenue. Mr. Markey asked the solicitor if there is any way we can approach Archbald and ask them for the rest of Raymond Development so we can put it on our tax bills. Solicitor said he would have to look into it and see who owns what portions. Mr. Markey said it starts somewhere and where it starts is Archbald, it's a horseshoe road. Jermyn owns maybe the first 2-3 houses on each side going up and Archbald owns the rest of the arch. Mr. Markey said that's a lot of houses there. Ray Rood said he doesn't know how it was put in Raymond Development. The west side of Callahan is Archbald Borough. He knows one time they did approach Archbald on some of that and give them something else. Maybe with the new council we have a chance. Mr. Markey said Al gave them the Wright center for nothing, the previous council or solicitor. Ray said no, where the bar was, that was given to Jermyn Borough to get on the tax rolls because he needed the liquor license. Once that was no longer a bar and the Woodlands was no longer there, Archbald wanted it back. Mr. Markey said we are small enough as it is but now we have these houses on the top of the hill and hes not saying the houses in Jermyn aren't contributing to the problem because I'm sure they are but it's almost like a contributory, Archbald borough is contributing to this problem. It's the same thing that we had up at Robert Hunt's problem, when all the Mayfield water was coming into Jermyn.

Mr. Kulick said we will contact the County and see if they can come up and camera that for us, we will keep monitoring it and for the record there is no pending health or dire situation at the moment. Mr. Kutch said there is not in his opinion.

Tax Ordinance- tabled until next meeting

Berkheimer Tax Resolution- it was advertised the same time.

Borough Engineer: KBA- BCM – KEILLY ASSOCIATES

Mr. Markey asked regarding the fees, BCM submitted their hourly fees and KBA submitted theirs and Keilly did as well but they are not here to speak on it. Mr. Markey said there is a pretty big discrepancy and he guesses the discrepancy comes in KBA's part because the other ones are kind of in line as far as the fees. Mr. Markey asked Mr. Kutch how the fees for Jermyn are so low and how do they compare with other municipalities you are an Engineer for. Mr. Kutch said we haven't changed our fees in Jermyn Borough for 15-20 years. We are here in town, we do work for the state, FAA, Federal Gov., and our rates are at least double that maybe more than the rates you see there. When we do third party billing we go back to our regular rates, you are not paying for it. Or if you get a contract to do some project in town that is funded by DGS or something else, they know what our rates are. Our fees were commensurate with any other engineering firm; they know what the fees are. If you had a \$300,000 grant and the engineering design fees are 11% that's what we would expect, whatever is acceptable to that agency that is providing the fund. Mr. Markey asked is it fair to say that outside of Jermyn Borough that your rates are more in line with BCM and Keilly. Mr. Kutch said he doesn't know what their rates are but if you tell him he will answer the question. Mr. Kutch said he doesn't have a problem if you want us to be in line with them, he's ok with that. Mr. Markey asked how he determines whether you are charging hourly fees vs. a contingency percentage on a project or something like that. Mr. Kutch said that is up to you guys, normally in day to day stuff, it's not like we bill a ton of hours to Jermyn, we don't get a call that often but if we do, whoever works on that project puts that time on their time sheet and that time sheet, if you call up about a particular project that is given a job number, its gets 4 digit job number and then that's posted. The only people working on that are the people assigned to work on that and typically in Jermyn it's me or Tony. Mr. Markey asked BCM if they had anything to say. A representative from BCM said he came from another firm, they do not charge retainers, you are billed for the work we do. Mr. Markey asked by law or by code are we required to have an appointed Borough Engineer or can we hire by job or problem. Atty. said the common practice is to have a township engineer. Mrs. Dougherty said she just took a class this past week and it not required but it is recommended.

A motion was made by Mr. Smith and seconded by Mrs. Wilson to hire KBA as our 2018 Borough Engineer. All in favor; motion carried.

Mr. Kulick said to Mr. Kutch he would like to have someone here at the meeting at least for the 2nd meeting of the month meeting (third Thursday), him or Tony. Mr. Kutch said that isn't a problem.

CODE OFFICER: Mr. Kulick said there were 6 applicants. Two were present at the meeting, Bill Aquilino and Jack Dougherty. Mr. Kulick said when we advertised we said to submit letters of interest but we didn't say they had to be at the meeting to be interviewed. Should we invite everyone to interview or can we interview the two people here. Mr. Markey said there are two people that cared enough to show up which is more than 1 person so he thinks we should probably interview whoever is here. Mr. Markey said would a company interview every single applicant they got. Mr. Napoli asked if we can interview the two here so they don't have to return.

Mayor Report:

Mayor said the police have been busy since the beginning of the year, real busy. A lot of arrests, different things going on. They have been doing a really good job as usually, they always do. As everyone knows the parking ban was in effect and they went out and did the job they were supposed to do, they did it well. It really made a big difference for the plowing, you can see the streets are wide, it worked out well. On that note, they have been doing a great job. One of the things he would like to propose to tonight – he would like to donate his Mayor's pay to this, if he can. A radar common device, you can put wherever you want where you are having a speed problem. There is many of them out there, what sets this one apart, it can actually log data and they can target hot spots by the data they get. It will take them coming and going, if they put it on Rushbrook we can get the traffic going and they can get a print out on what has actually happened. A lot of people say they are speeding but they aren't speeding and they assume. They do work. When people see them they have a tendency to slow down, it flashes the speed you are going. He did get a commitment from Crime Watch to also donate \$500.00. When it is all said and done, we would have to come up with \$250.00, whether it comes out of the police budget or wherever. You can move it to the side streets and Main Street; it would almost be like having an officer somewhere. If you are getting a lot of complaints somewhere they can put it there and get the data log and see what it is actually showing, they can target different areas by that data. It will give them a print out on what is actually happening. Mr. Markey said no subscription fees and lifetime updates to traffic analysis software, Bluetooth and smartphone applications. Mayor said we do get a lot of complaints for speeding. Mrs. Wilson asked what the total cost is. \$3,250.00

Fire Report:

Ray Rood said he texted Mr. Napoli and Mr. Kulick this morning, last night the call we had at 10pm, our siren didn't work. Our pagers went off and active 911. Around 11:30am, he tested it and he could hear it clicking and the 3rd or 4th time it gave a little siren blow so he had com. Center hit it again and it wound out. It was the cold weather. He had one request for smoke detectors which is taken care of. Channel 16 was supposed to do that again he talked to one of their camera men a while ago but he hasn't heard of getting anymore. If anybody knows of any one that is disabled in there house or has hazardous conditions, please let the fire chief know. Ray said his son can put it into the system so they will know ahead of time when there is a call.

Zoning:

Mr. Kulick asked about the gun shop sign. Bob Chase said he saw it this morning and it looks like a temporary sign until they get something made.

Engineer:

Mr. Kutch said he just has to report the letter from the Army Corp. of Engineers on Rushbrook Creek. He understands that DEP is going to respond to these comments by May 1. He hasn't talked to the guys at DEP but they sent the note. Council said it was March 15th. Mr. Kutch said they are not going to do that by May 1 he doesn't know how they will by March 15th. Mrs. Dougherty said March 1. Mr. Kulick said he doesn't know what to do anymore, he thinks we should have our solicitor contact DEP and have the county put the bridges in, and we are going to sit here forever with this. By the time it is done with the costs, we aren't going to be able to afford it anyway. Do we really need it? Mr. Kutch said I think we do. Mr. Kulick said I feel bad for the people affected by it, do we just need the creek cleaned out. Mr. Kutch said you need the project, you can dredge that creek every year but that's not a cheap solution either, his understanding is that grant money is coming to cover the Borough's contribution. Mr. Kulick said there is also a cost associated it in this letter beyond that. \$15,000 for maintenance. Mr. Kutch said he doesn't know if there is funding for that, typically there is with the levies. Mr. Markey said much like the Raymond Development problem; the root cause of this is upstream by a different municipality, Scott Township and down to Carbondale Twp. and then Jermyn gets flooded. Mr. Kutch said that's true but he doesn't think there is anything up there that somebody did some super development that increased the run off. All of that stuff gets into that ravine quick and it comes down here quick. Mr. Markey said it probably won't happen again in 200 years. Mr. Kutch said ya but it's happened 6-7 times since 1900. Mr. Markey said if you take a drive up 107 right now and they cleaned up that portion, how much better shape would Jermyn be in right now. Mr. Kutch said not that, that doesn't change anything, the restriction is still here. Ray said you go down on Madison Ave and stand on the bridge, you can hear those rocks. Mr. Markey said with the project in limbo, they won't let anyone in there. Mr. Kulick said what is going to happen is sooner or later there is going to be a big thaw and there is going to be another flood. Mr. Kulick said he doesn't know who else to talk to. Mr. Kulick said maybe we need to talk to the governor. Mr. Kutch said it's as frustrating to him. It's ridiculous. He understands the environmental issues and concerns. It sat because of the creek laws. This was discussed in this venue many times to take those lots and condemn them and get moving forward and we sat around, not saying you guys, he isn't saying its councils fault. It's just the consensus of opinion was not to condemn the properties but to see if we can find who ultimately owned it and that was a 4-5 year thing and nothing was happening down in Harrisburg, it was all here. Mr. Kutch said it looks to him, this is not easy to read and he's not sure how they are going to have this by May 1. Mr. Kutch said he will talk to Andy Malene from DEP. Mr. Kutch said he sees light at the end of the tunnel after 15 years.

Police Report:

4,284 calls last year. It is pretty high for a small borough. Chief Arthur thanked all the people that complied with the alternate parking. They had to tow some cars. We kind of targeted cars that were obviously defiant of the law; those were the ones we towed. We issued a lot of warnings. There were certain cars that we have known that essentially were abandon in the road, inoperable. We couldn't really prove it but they have been registered and inspected which that's all we can really tell if it wasn't registered or inspected we can start the abandon vehicle process but some were inoperable like he said transmission. We were keeping an eye on them and this is kind of how we can get rid of the junk on the streets. Chief Arthur said if you drove around town the second day you could see where the plows were, big portions of the street were cleared.

DPW did a good job and there were certain pile ups where cars were parked and they were beached. They were the specific cars we were targeting. Chief Arthur thanked the people that did comply. Chief Arthur thanked the fire police, it's very cold out, the fire police guys they come out and stand in the cold weather, its freezing, raining, snowing. They are a great asset to us, we have very good fire police in town, and they are always there when we need them. Chief Arthur said at one point the solicitor was supposed to contact the owner of the old DPW building. We can make a copy of the key but I think they wanted to officially ask him. The fire chief needs a key to the building. The fire chief is always around and that is his area of expertise. He should have a key.

Council went into executive session at 9:05pm for personnel reasons. Council reconvened at 9:55pm.

A motion was made by Mrs. Wilson and seconded by Mrs. Dougherty to rescind the motion allowing the Borough to pay officer Russo \$2.00 more in lieu of his health insurance. 6 yea, 1 no. Motion carried.

A motion was made by Mrs. Wilson and seconded by Mrs. Dougherty to give officer Russo \$4,000 paid quarterly in lieu of his health insurance. All in favor; motion carried.

Code Officer:

A motion was made by Mr. Markey and seconded by Mr. Smith to hire William J. Aquilino at \$15.00/hr. as part time code enforcement officer. 1 abstain – 6 yeas. Motion carried

Safety:

A motion was made by Mr. Napoli and seconded by Mr. Markey to accept the letter of resignation of Officer Hayes, he will be working in Scranton and cannot work anywhere else. All in favor motion carried.

A motion was made by Mr. Napoli and seconded by Mr. Markey to move officer Walters from probation rate to standard. All in favor; motion carried.

Shae Tree:

\$18,670.31 Balance for shade tree. Officers remain the same with an addition of Robert Parks as an associate- non-voting member. The Shade Tree met and Mrs. Wilson has more applications for the Hometown Hero Banners, it is going very well. Mrs. Wilson said the bank has already reserved, she doesn't know who they are going to honor or they may honor all 5 she doesn't know. Ray Rood asked if it's just for Veterans. Mrs. Wilson said yes but the businesses can honor someone, they pay the fee like everyone else. The bank will probably honor all 5 entities of the service and it will be placed in front of the bank. She has to contact a few businesses.

Mr. Markey said from the bottom of his heart and he speaks for his family as well, thank you Chief Rood, Basil Kleha, probably saved their lives. All of the police, firefighters, fire police. It's been a rough nine days and everybody in the house, we were sleeping, and you never expect someone that is going to run into your house at 80mph and take out your gas line and threaten

the safety of the entire block. Mr. Markey thanked Chief Rood, Stanley Hallowich, Cpt. Chase, Allan, all the firefighters from Crystal and Artisan, William Walker ambulance and Cottage Ambulance. Ray Rood said once Stanley called in that gas meter was broken it should have went from an accident call to a fire call also. He told comm. Center, which was a mistake on their dispatchers part, once that gas line was ruptured it should have went into a fire call to protect the surroundings and the house. Mr. Markey said it could have been much much worse than it was.

DPW:

Mr. Markey said the DPW have been doing a great job keeping the roads clean, both full time and part time. The plow schedule seems to work out really well. The new backhoe is still being built and we do not have an estimate. For rec. committee we were supposed to reconvene this past Tuesday night but weather and other factors played a part so we had to postpone that.

New Business:

Mr. Kulick said he was looking at the ordinance, the rental permit ordinance. Gary Philips, last year paid for 4 units, he has 4 people living there upstairs. This year he wants to pay for one unit. They all have bathrooms, they don't have a kitchen; just one big kitchen. Chief Arthur said two of the living areas have their own bathroom and two of them share a common bathroom. It was discussed that he should pay for 4 units, the building itself is a dwelling unit. Mr. Kulick said someone who has a rental property and if they are in violation of any ordinance in the Borough then they can be shut down. Chief Arthur asked who shuts them down. Mrs. Wilson said she would say code enforcement. It says in the ordinance if they are in violation of any Borough ordinance. Mr. Kulick said we have somebody that's in violation. Chief Arthur said the current violation is the littering ordinance, that's ongoing that violation. Chief Arthur said it's falling through the cracks because no one knows who enforces it. Mr. Kulick said the chief can enforce it, the mayor. Chief Arthur said he doesn't know if he has authority to shut down a house, as far as he knows he does not. That building has pending citations for putting out the garbage at one point and now they are in violation for keeping litter on the premises, which is pending a warrant right now because they failed to respond to the magistrate.

A motion was made by Mr. Smith and seconded by Mr. Napoli to adjourn the meeting at 10:30pm. All in favor; motion carried.