

Jermyn Borough
Council Minutes
February 1, 2018

The Jermyn Borough Council held a council meeting on February 1, 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: Kristen Dougherty, Frank Kulick, Dan Markey, Kevin Napoli, Cynthia Stephens and JoAnne Wilson. Also present were Mayor Fuga, Atty. Fitzgerald, Ray Rood and Bob Chase, Bill Aquilino. Absent were: Joseph Smith, KBA and Evan Samuelson.

MINUTES:

A motion was made by Mr. Markey and seconded by Mr. Napoli to accept the January 18, 2018 meeting minutes; all in favor, motion carried.

Public Comment:

Katelyn English- Lackawanna County Community Relations Coordinator
Municipal Arts Grant for 2018 – Municipalities to apply for the Municipal Arts and Culture Grant. \$500 for arts and culture. Projects must be community oriented and arts based, funds will not cover fundraising activities. Funding requests must come from the municipality. Projects need to be completed by December 31, 2018. Requests must be submitted no later than November 21, 2018. Municipalities may collaborate with other municipalities.

Bob Chase- Artisan signed a contract to purchase a 2002 firetruck, it will replace 58-2, and they will take 58-2 out of service.

Potato Pancake and chowder sale – Artisan Fire Co- Feb 16, 2018 11am to 6pm

Andy Whitiak –512 Garfield Ave, Road and Sewer Issue -Mr. Whitiak asked if we can combine the sewer issue with public comment. Mr. Whitiak asked about the water issue in front of his house, it ices up and the kids from the school bus, there are 3 or 4 stops, he has no problem with that at all. It is a danger for those kids especially to come down and stand in water. Mr. Whitiak said to Mr. Markey he saw him walking the street last August or fall and he said he would help him take care of the problem, he hasn't heard back since the fall. Mr. Whitiak said he saw him walking by and he said hi. Mr. Markey asked if the issue is still on going. Mr. Whitiak said did you say you were going to get back to me yes or no. Mr. Markey said he doesn't remember, he was probably walking with his kids and dog. Mr. Whitiak said you were walking by yourself and actually tried ignoring me. Mr. Markey said he doesn't want to ignore you, he doesn't ignore people. Mr. Whitiak said you don't remember that, I do and you said you were going to get back to me, anyway we have a water problem and it's been there for years and it is owned by Jermyn. Mr. Kulick said he recalls going through the old minutes and he remembers reading about that and it was recorded in the minutes saying you were going to take care of it or someone that is related to you. Mr. Whitiak said because no one was doing anything about it and I mentioned about getting a saw. The issue is, it is Jermyn's problem, and it is cracking right across the street into the other water drain. He said it was his cousin that was going to do it for him and it was going to be at his expense. Mr. Kulick said he can't speak for what the Borough did back then.

Mr. Whitiak said no it's been the last two years. Mr. Kulick said it was well beyond two years ago. Mr. Whitiak said no absolutely not. Why did Mr. Markey say he doesn't remember and why did he say he was going to help me out, you guys got elected the same time. Mr. Whitiak said that is all he is doing is asking for help. Mr. Kulick said you are asking for help, we will certainly look at it but you are incorrect in saying it was brought to this council's attention since January of 2016. Mr. Whitiak said he didn't say January of 2016, he said this council. Mr. Kulick said the last that was in the minutes of council was that you were going to take care of the problem with one of your relatives. Mr. Whitiak said since Mr. Markey remembers it or not he said he was going to look into it. Mr. Kulick said we will look into it. Mr. Whitiak said lets help the kids out isn't that what we are all about in Jermyn, there are 4 bus stops, Archbald and Jermyn. Mayor said going back, we did mill that one section and it did seem to alleviate some but we may have to mill more out to get it to go to the drain. Mr. Whitiak said it settled down and if you cut that crack it will flow. Mayor said we don't have to cut it we can mill it and it will channel it to where it has to go. Mr. Whitiak said that drain does work. Mr. Markey asked where the bus stop on that street is. Mr. Whitiak said please don't do anything to stop that, he wants those kids there; he is asking to correct the issue because it is a danger. Mr. Markey said we wouldn't change the bus stop. Mr. Whitiak said there are at least 3 that he knows of.

Sewer: Mr. Whitiak asked council to explain what is going on. Mayor said it is a grease problem; we have pictures and a DVD from when they put the camera in. It is a buildup of grease, there are a few sags in the line but that is not the problem. The problem is the grease, when he first put the camera in he went in about 10ft and you can see it, it's all coating the pipe. It's not real thick by the manhole and the further he went in about 25ft. its necked right down. They are going to have to come up and jet it, they have a special tool they will put in there and it will clean the grease out. Mr. Whitiak viewed the pictures. Mayor said what it will entail is, the line is fine it does have some sags in it but it is nothing out of the ordinary. The grease is the problem, once its cleaned then every so often get on a maintenance program of having it flushed out to make sure. To give you a better idea as he was doing it, the grease was falling down. When you had your problem it must have let loose and made its way down to the manhole and blocked that up. Anytime that lets loose and gets caught then everything will pile up behind it and get blocked coming down Bacon. Mr. Whitiak asked on a timeline. Mayor said it is weather permitting but they will probably be here next week, they have to do it on a day when it is a little warmer. Mr. Markey asked where are we with getting Archbald on board with helping us out. Mr. Kulick said we cannot get them to respond to us, we are trying to set up a meeting with Archbald because a lot of the problem is there, they are not too anxious to meet with us. Mr. Whitiak said remember we were talking about the water flow, does that have an effect on it. Mayor said it could a little bit, if they are dumping large amounts of grease into the system it is going to do and might get into a little belly there and stick to the sides and it just keeps building up. There isn't enough flow to flush it out, that is going to be a maintenance issue, and we cannot create more flow because there are only so many houses on that line. He doesn't understand they did what they did. Ray Rood said because they couldn't get the pitch on it. Half of it goes to Franklin and half goes to Bacon. Mr. Whitiak asked if they are going to have a regular check on the manholes. Mayor said yes once it's cleaned, we will keep checking and get on a maintenance program.

Mr. Markey said he would like for KBA to give us the maps of everything we own as far as sewer lines go, we need to make this a regular maintenance type of thing. We own enough pipe

in the Borough that it will have to be a budget line item for preventative maintenance. We need to know what we are up against.

Robert Hunt 720 Lincoln – Water Issue:

Mr. Hunt said he appreciates what we did with the water but the problem isn't solved. Tony Grizzanti went over and he called Joanne. Tony came into his house. The trap that was put in was totally covered. He doesn't know what else we can do for him but he would like them to look at it. Mr. Kulick said he spoke to Tony Grizzanti and he told him what we did up there is working but the problem is that the water between your house and the neighbor's house is where it is coming from. Mr. Hunt said when they put the big line in there they didn't raise it back up so all the water comes and sits there. It comes down the hill and all the water comes right to his house. He doesn't think the county filled up the yard that's the only spot where there is a dip. Mrs. Wilson said we should contact the County and have them come up and look at it and tell them all this is happening after. Mr. Markey asked Katelyn English who she reports to. She said Jim Rodway. Mr. Markey asked her to tell Jim, we need to have someone whoever is in charge of Roads and Bridges to contact the Borough regarding the pipe at 720 Lincoln Ave. Mrs. Wilson said actually the whole road. Mr. Markey said this is where the problem stems. Mr. Markey asked when the job was done. Robert Parks said around 2005-2006. Mr. Markey asked when he bought the house. Mr. Hunt said in March of 2016. Mr. Markey asked if he knows if the previously owner had problems. Mr. Hunt said Mr. Rosemeila was here constantly about water problems that is why they did that project actually. Mrs. Wilson said your neighbor built a garage. Mr. Hunt said a car port. Mrs. Wilson said she noticed the other day it is a little higher than your property. Mr. Hunt said he put 2b stone there. Mrs. Wilson asked if that is causing some of the problem, does he have a rain gutter. Mr. Hunt said he has no rain gutters. Mrs. Wilson right between the two of you all that rain is coming into one spot. Mr. Whitiak said if John Sheridan's land is built higher, a drain pipe might help that. Mrs. Wilson said that would be a personal problem, neighbor to neighbor. Ray Rood asked when we are doing all this grease stuff since there a lot of ups and downs, is that going to affect that, what will the grease do when it comes down and lays in the low lying parts of Bacon. Mayor said with the amount of water they are going to use, it shouldn't be a problem once it breaks loose. Robert Parks said Archbald has a jetter, they have used it for us once before. Mayor said theirs is a smaller one.

Correspondence:

Mr. Kulick said we received an invoice going back from August 2016 from our Solicitor.

Tax Ordinance:

Mr. Kulick said the tax ordinance was advertised. A motion was made by Mr. Markey to pass the tax millage rate at 29 for 2018, seconded by Mr. Napoli. All in favor; motion carried.

Berkheimer Resolutions:

A motion was made by Mr. Markey and seconded by Mrs. Wilson to pass the resolution to allow Berkheimer to collect the LST tax. All in favor; motion carried.

Grant Awards:

Mr. Kulick said we were awarded two grants through the Monroe Gaming Money. One was for \$140,000, for the sewer/paving in Woodlands; the other is for \$81,000 for a DPW truck. We do have to pay the truck and we will be reimbursed. Mr. Markey said we also have a grant, at least in part to pave this mud pit of a parking lot out here, up to \$50,000. We have to use it by 2019. Mr. Markey said he thinks it might be a good idea if we took out a loan combining the new DPW truck and the paving project. We will be able to pay back the loan with the grant money. Is there anything that is stopping us from doing that? Atty. said it would be something he has to review. Mr. Markey said The way that we are going to attack the Woodlands is go down there and camera the system and see what is bad and what has to go and see what is ok as far as sewer lines go, fix the sewer lines and we can dedicate more money, especially if we get more money in phase 2 and 3, for the paving of the Woodlands. Mr. Markey said it might be a good idea to do it in separate loans. Mr. Kulick said we split into phases because we were told we would not get it if we put in for the full amount. There is no guarantee we would get phase 1 or phase 2, so we have to use the money wisely. Mr. Kulick thanked Senator Blake and Rep. Sid Kavulich. He also thanked former Councilman John Mark initiated the conversation with representative Kavulich with the truck. Mr. Markey said we would probably have to put it out to bid first before we apply for the loan so we know how much it is going to cost us. Mr. Markey said we could say we just want to borrow the \$50,000 we would pay the loan back.

Rental Permits:

Mr. Kulick said we have about 26 property owners that have not paid the rental permit fee. They had until today. They are now in default. Atty. said the letters indicated they had until 30 days to comply, the letter was sent out on January 4th, and they still have a day or two. At that time the Chief of Police and Code Enforcement officer, they can go forward and start issuing citations for being out of compliance. The ordinance does allow for a certain amount of fines per day and each day they are out of compliance is a new citation and fine.

Section 504 Home Repair Program:

There is a program available for low income for assistance to fix your house. Information is provided in the Borough office.

Sound System/Projector Screen for Council Chambers:

Mr. Kulick said Mr. Smith has a projector and screen he will donate to the Borough; we have to look at it to make sure it works. He said he used it before. Mrs. Wilson said yes he did for budget presentation. Mr. Kulick said we are struggling with the sound system; we have to look at some options.

Credit Card Acceptance:

Mr. Kulick said we are looking into having the Borough be able to accept credit cards. Right now they have to pay by check, last year we stopped paying by cash.

Washington Ave. Trash:

Mr. Markey said the Mayor is aware and the Chief of Police is aware. He was contacted several Sunday mornings about a trash bandit that is around. It is on Washington Ave. usually between the Dollar General and the Woodlands, it's usually a Sunday newspaper that they are throwing all over the road and every now and then, every other Sunday they are taking a bag of trash and

they are throwing it in the middle of the road so people drive over it and it goes all over the place. Mr. Markey said we have that issue currently outstanding, it happened currently this past Sunday. It is hard to plant an officer there because we cannot really pin down the time. They have looked through the garbage and there is nothing to identify someone. Mr. Markey said he went through and there was a whole bunch of newspapers and lunch meat. Mr. Markey said you have your regular littering but this is above and beyond. Mrs. Dougherty said the day she saw it, it was strange it wasn't something you would throw out of your window, and you would think it flew out of a back of a truck. Mr. Markey said it is consistent enough to know it is intentional.

Junior Council:

Mr. Kulick said his suggestion is to send our Junior Council a letter and tell him his services are no longer required. Mrs. Wilson said first before we do that we should ask him his intentions. Mr. Markey said we know his intentions. Mr. Kulick said he hasn't been here in 4 months. Mr. Kulick said there is nothing wrong with the Junior Council program when someone participates, just because they want to put it on their college resume, we don't need them. Mrs. Dougherty asked how long his term is. Mr. Markey said a year and a half. We found out we can have two junior council members, so we decided if we constantly bring one in their junior year then they would have a year and a half of experience. We had just started that two junior councilman program with the last one who is now in college. Since he has left for college last August we haven't seen our current junior councilman. Now all the college applications are filled out so he got what he wanted out of it. Mrs. Wilson suggested sending a letter to either resign, its professional instead of saying we don't want you anymore.

Yard Sale Permit Ordinance:

Mr. Markey said we have a lot of yard sales in town; sometimes we have yard sales that last 3 months. Sometimes we have yard sales where people leave their posters up all over town and never take them down and then the DPW or some concerned citizens go take down in front of their buildings. A lot of times it's up to other people and DPW. A lot of times with yard sales there is an increased police presence needed because of traffic and potential for accidents especially if there is one on Washington or Rushbrook on the weekends. Mr. Markey said he is going to propose an ordinance where you would have to obtain a permit from the Borough Secretary prior to having a yard sale, prior to hanging any signs for the yard sale. The permit in his book would be a 0 cost. Chief Arthur said make sure you write in the ordinance it is illegal to hang signs on telephone poles, it's a state law. Mr. Markey said we would issue the permit at no cost to the resident but then with the ordinance there would be certain things they would have to follow. No signs on telephone poles, no signs anywhere prior to obtaining the permit, if they don't take the signs down then there will be a penalty, if they don't obtain a permit and they have a yard sale there would be a penalty. The permit is free to get, its issued at no cost so there is no reason to not get one. Mrs. Stephens said how we will make people aware of this. Mr. Markey said we have a borough newsletter, Facebook, rapid cast. Atty. said the ordinance will be advertised. There are a lot of different channels of communication. We can put it on Adams Cable. Mrs. Wilson said last year we had a town wide yard sale and it rained. There were people that took advantage of it and there were people did come into town and naturally when it rains people do not put the stuff out, is it possible to have that again one weekend. Mr. Markey said and then the permit will be waived, that will be fine. Mr. Markey said he is not proposing any fee

to get the permit. Mr. Markey said you wouldn't be able to have a yard sale for more than 3 days straight.

Mr. Markey said we need to update our website so people can submit forms online. With all the forms that we have that people need to fill out, we should have some type of format that they can fill it out and submit it online and if there is a payment required, we are trying to get the credit card up and running.

A motion was made by Mr. Markey and seconded by Mr. Napoli to have the solicitor prepare a yard sale ordinance. All in favor; motion carried.

Code Enforcement:

Mr. Aquilino said they identified 7 or 8 properties; most of them are structural and safety issues.

Callahan Park Fine Update:

Mr. Markey said we updated these in 2016. He asked this to be on the agenda tonight. Currently Callahan Park, there are a couple different things. We updated the ordinance in 2016 to show smoking within Callahan park is prohibited. Pets are no longer prohibited but he would like it to be spelled out in the ordinance pets should be prohibited from the ball fields. We should also update our fine structure. Mr. Markey said we had talked about this before, if we catch someone violating an ordinance at the park, we hit them with a \$25 fine; they are probably more inclined to do it again than if we were to hit them with a \$100 fine starting off with the first offense. We had the picnic tables damaged, the back stops and graffiti on the swing sets. There is every single day we have someone littering over there; we have people smoking over there all the time. Mrs. Dougherty said as far as the ordinance goes, the park hours at 7am to 9pm instead of dawn to dusk, the majority of the really bad things are likely happening when it is dark. The summer 9 is fine, but now after 5:30-6, there are 3-4 hours where you don't really see anything. Mr. Markey said we do not have lights, we aren't playing baseball after 9 over there but at times we do have Borough sponsored events so I would put that exception in there, it's a Borough sponsored event, someone is going to be there. Mr. Kulick suggested about cameras. He said you can make the fines whatever you want if we don't catch them it doesn't matter. Mrs. Dougherty said if you open the park from dawn to dusk and the damage happens at night when the park is closed can you get them with two fines. Atty. said it would be spelled out in the ordinance. Mr. Markey said we did have someone that was interested in donating a DVR to put in the concession stand over there. Mr. Napoli suggested 1st offense \$100, 2nd \$250, 3rd \$500, motorized vehicle expense \$750. Atty. said he has to look into the amount for the cap on ordinances. Mr. Markey said he doesn't think its spelled out in here, we made a resolution to the ordinance, rather than changing the ordinance. Mr. Markey said we put supervised pets should be allowed, he would like to add no pets on the ball fields. We will get signs once the ordinance is passed and put it on the fences of the fields. Mrs. Dougherty asked if we have to spell out dugouts. Atty. said we will have to define it. A motion was made by Mr. Markey and seconded by Mrs. Dougherty to allow the solicitor to draft a new ordinance updating fines and fees and new rules for Callahan Park. All in favor; motion carried.

No Parking on Sidewalks:

Mr. Markey said we have an ordinance you cannot park on the sidewalk and people are parking on the sidewalk. He wanted to get it on the agenda so he can ask the chief of police and the mayor if they can pay special attention. Chief asked where they are parking on the sidewalk. Mr. Markey said Richards does it every single day, coming around the corner right before you come around the bend on Washington Ave. before Gibson, People Park on the sidewalk there. Those are two he noticed the most.

Resolution in support of SB251:

Mr. Markey said this was passed in the Senate already in November 2017. It's been referred to the transportation committee in the house. The Bill itself is to allow municipalities to use Radar enforcement for speed. The radar targeting for speed. The PSAB, they suggest each Borough pass a resolution in support of this as well. Right now, PA is the only state where local municipalities cannot use Radar to enforce speed. Our former Mayor was not in support of this. Mayor Fuga said he is 100% in support of it. The Police Chief is in support.

A motion was made by Mr. Markey and seconded by Mrs. Stephens to draft a resolution in support of SB251 for local municipalities to use radar for speed enforcement. All in favor; motion carried.

Municipal Arts Grant:

Mrs. Wilson said she has been asked by the Events Committee to do the proposal for the community concert this year for the \$500. Mrs. Wilson said they have been using that for quite a few years to pay for the band. It's usually in July because Mayfield has their concert in August. Mrs. Wilson asked if anyone wants to tag along, in the past Recreation was asked to have something earlier in the day or even later that night, a movie we would be more than happy to cooperate. Usually the band plays from 6-8pm, free hot dogs, soda and ice cream. Mr. Markey said Sunday July 15th is out, baseball already submitted their request for a home run derby. Mrs. Wilson said I think there are two Sundays after that. The 4th Sunday is the 22nd and the 5th is the 29th. Mrs. Wilson said its either one of those. Mr. Markey asked how does this work with the municipal arts grant. It has to be on municipal letterhead the request but the request doesn't have to come from the municipality. Katelyn English said she will follow up. Mr. Markey said the Events Committee isn't a borough sanction committee, he is wondering how that works. Mrs. Wilson said the money comes in to the Borough, we put out the money and the Borough receives the \$500, we get approval from the Borough to have this community event and we apply in the name of the Borough for this money. Mr. Markey said that he was wondering, he is trying to educate himself. The Events Committee, Mr. Markey asked if they have a tax ID. Mrs. Wilson said yes. Mr. Markey said so you are your own entity, so they can't apply themselves. Mrs. Wilson said they have been doing it for a good 8 years. Mr. Markey said we have been doing a lot of stuff for years in this town that we probably shouldn't have been doing. Mrs. Wilson said it's a non-profit organization and council approves it, to have this such as Mayfield the lions Club, they are their own identity they go through council and ask of them to approve the community concert. Mr. Kulick said the Borough has to apply for the grant. Mrs. Wilson said she has applied for it in the name of the Events Committee. It has gone through the Borough of Jermyn in conjunction with the Events Committee ask for the grant. Mr. Markey said the Events is not a Borough sponsored. Mrs. Wilson said in conjunction with approval for the Borough concert and it has always been approved unless you so desire not to approve it. Mr. Markey said

he got the letter in the other day too and thought that maybe if council approves maybe we would apply a \$500 grant to go towards Jermyn Day this year. Mr. Markey said it's up for discussion. Mrs. Wilson said we have time. Mr. Markey said he wants to make sure what we are doing is correct. Mrs. Wilson said it is, we wouldn't have been doing it if it wasn't correct.

Delinquent Tax:

61 properties that are delinquent in taxes \$16,101.79 - 69 Properties delinquent on garbage \$10,005. Mr. Kulick said for a little town like us that is a lot of money. The taxes go to the County for collection. Any garbage that is not paid for by the end of the first quarter the garbage collection will stop.

Ralph Bensing:

Mr. Napoli said Ralph Bensing handed in his resignation for fire police. Mr. Napoli wanted to thank Ralph for his service and everything he does in town. Council thanked Ralph.

TCC Meeting:

Mrs. Wilson said it is concerning act 30. Mrs. Wilson said she was appointed as a representative and Mr. Smith as a delegate and the third delegate is Mayor Chelik. There are a lot of things coming down the line that we must take care of now. Mrs. Wilson passed around a packet she was given at the meeting. The next meeting is the end of February and she will have more information. They only had one meeting in 2017 and that was December 7. There wasn't too much to report.

Radar Sign:

A motion was made by Mr. Napoli and seconded by Mr. Markey to purchase Evolis Radar Sign to be paid by Mayor's salary \$2,500, a donation from Crime Watch \$500 and the remainder \$250 to be taken out of Police Budget – ammunition. All in favor; motion carried.

Garbage – Recycling Ordinances for Recycling Grant:

Mr. Markey said we wanted to get a leaf vac. To handle residents leaf collections. Since its not regular recycling equipment we are asking for funds for yard waste equipment we have additional revisions that need to be made. The additions to the ordinance would need to be enacted by April 7, application deadline. They either put it out, compost it themselves or leave it on their own ground. Mrs. Dougherty asked what happens if we change the ordinance and we do not get the grant. Mr. Markey said we can change it back. Mrs. Wilson asked if they will accept a proposed ordinance. Mr. Markey said no the ordinance has to be enacted by April 7. Mr. Markey said what works to our advantage is that the changes to the ordinance have to be done in the spring time and if we find out we don't get the grant and we want to change it back we can revert back if we really needed to.

A motion was made by Mr. Markey and seconded by Mrs. Dougherty to allow the solicitor to amend the ordinances to be able to apply for a leaf vac. To apply for the 902 grant. All in favor; motion carried.

Mr. Markey asked the solicitor if we got anywhere with giving the fire chief a key to the old DPW building. Solicitor will look into it. Ray said while you are doing that can you have him

check into that wall that was supposed to be put up. This way we only have access to that area and don't have to worry about giving him notice to go in.

A motion was made by Mr. Napoli and seconded by Mrs. Wilson to adjourn the meeting at 8:55pm. All in favor; motion carried.