

Jermyn Borough

Council Meeting

7/11/19

The Jermyn Borough Council held a council meeting on Thursday, July 11, 2019 at 7:00 pm in Council Chambers of the Jermyn Borough Building, 440 Jefferson Ave, Jermyn PA.

The meeting was called to order by President Frank Kulick with the Pledge of Allegiance.

President Kulick asked everyone to remain standing for a moment of silence in memory of former Junior Councilman Brian Swatt Jr.

On roll call, the following members were present: Frank Kulick, Kristen Dougherty, Kevin Napoli , Jennifer Schreiner, Cynthia Stephens, and Carl Tomaine. Mayor Fuga, Attorney Aquilino, Bob Chase, Stanley Hallowich and Tony Grizzanti from KBA were also present. Joanne Wilson and Ann Marie DeSanto were absent.

Minutes: A motion was made by K. Napoli to accept the minutes of 6/6/19 as presented. Seconded by C. Stephens. All in favor, motion carried.

Treasurer's Report: D. Markey read the treasurer's report as follows:

**Jermyn Borough
Balance Sheet
As of July 11, 2019**

		Jul 11, 19
ASSETS		
Current Assets		
Checking/Savings		
2019 Revenue Anticipation Note	▶	281,164.43 ◀
DPW Capital Reserve		30,036.55
General Fund - Community		59,012.55
Holiday Lights		3,777.20
Investment - General Fund		1.39
Investment - Liquid Fuels		45,096.08
Investment - Paving Fund		11.69
Investment - Recycling		1.33
Investment - Refuse		2,857.15
Petty Cash		126.01
Recycling - Community		10,320.41
Refuse Checking - FNB		81,373.85
Shade Tree Commission		9,937.94
100050 · FNB General Fund		863.45
100052 · Liquid Fuels - FNB		49,248.54
100125 · Crime Watch Account		752.59
100800 · Jermyn Recreations Commission		17,470.95
Total Checking/Savings		592,052.12

▼ Current Liabilities	
▼ Accounts Payable	
200000 · Accounts Payable	<u>27,765.69</u>

K. Dougherty inquired as to why sewer item didn't come out of revenue anticipation account? D. Markey explained it was paid out of the general fund because the general fund accumulates no interest, but the revenue anticipation account does, and when we need to transfer money, we will do so.

A motion was made by K. Dougherty to accept the treasurer's report and pay the bills as presented. Seconded by C. Tomaine. All members in favor, motion carried.

Correspondence: F. Kulick announced there was no correspondence at this time.

Public Comment: John Sheridan, 718 Lincoln Ave., stated that the borough wants to put a culvert through his yard. Water is coming through his yard because curbs were never put there during the project. He asked us to put 3" curbs there. T. Grizzanti from KBA stated everyone knows Buzz has been having issues forever. Water jumps sometimes and doesn't go through the catch basin, and sits in a depression between the houses and goes down into ground water, causing issues for Buzz. He suggested to have the land surveyed and if the depression is slight, to go through and put a swale there so that the water flows to the next catch basin in the back alley. Mr. Sheridan stated the water doesn't sit there. If we put a swale in, his backyard will become flooded. He said in the 2013 project, they were supposed to put curbs in front of his house and it never happened. He said the borough cannot go through digging up his yard. He said Mr. Hunt doesn't want that either. He said putting curbs in will catch the water. T. Grizzanti stated that Buzz asked about his water issue, nobody else complained until now. He stated the water coming from the other side is nothing compared to the water coming down Buzz's side. Buzz's issue is not from the pipe, nor the water going through the yard, and even if we put a curb there, Buzz's issue probably won't be fixed; rather his problem is ground water. Mr. Sheridan stated the water was running through the center of his carport. He had to put two triaxles of modified in and raise the foundation of the carport due to the water issue. Mayor Fuga stated the curb is something we can look into. T. Grizzanti stated that in a few months after the curb is put in, if the homeowners want a small swale still, it's something we can look into. Mr. Sheridan stated if they do that, it'll tear his yard up and all the water will go into his backyard and he'll have a swimming pool there. T. Grizzanti stated it would just be a slight swale, filled with grass, able to mow over, etc. Mr. Sheridan stated start with the curb before we go tearing his yard up. He stated we can even place sandbags there for now to see if a curb will work. He stated after the curb is in, if that doesn't fix the water issue, the borough is more than welcome to go through his yard. Mayor Fuga stated they will put delineators there to make sure it doesn't get hit with the plow.

Kaitlyn English from Lackawanna County read flyers for Farmers Market vouchers, Lackawanna County Family Fun Days, Lackawanna County 3 on 3 Basketball Tournament, Arts in the Park, Penn State Extension Events, FEMA Business Disaster Preparedness Workshop.

Police Report: Chief Arthur advised there were 579 calls for this reporting period. Annual firearms qualification took place, so all officers are up to date. Church traffic detail and house watch checks are ongoing. Chief Arthur and Officer Binner took place in Operation Nighthawk last month, in conjunction with Pennsylvania State Police. There were 100 local municipal officers involved, along with PSP. It was a DUI saturation patrol. Around 300 DUI arrests were made during the two night operation, and other citations and drug arrests occurred.

Fire Chief: Chief Hallowich stated we have a serious manpower issue during daylight hours. In the end of June, he met with area fire departments from Jermyn, Mayfield, and Carbondale Township to work together and form a phantom fire department to help in the daylight hours. He has more meetings scheduled, and will report back to council with the results. YTD through July 10th, there have been 51 calls.

Zoning Officer: Zoning Officer Chase reported he's been getting more permit requests for pools, fences, sheds. There's a current inground pool request, but there's issues with setbacks, etc., so he is working with the homeowner to try to resolve. He stated J. Schreiner went to speak with the property owner regarding his shed on Franklin & Madison. He will be moving it back within 30 days.

Mayor's Report: Mayor Fuga had no report at this time.

Tax Collector: Absent.

Solicitor/Code Enforcement Officer: W. Aquilino reported we will be speaking tonight about garbage specs. He and D. Markey have been going back and forth on the garbage specs, and then it was distributed to all of council for comment and approval.

He and K. Dougherty have been working on the handbook, which will be discussed later tonight. There are a couple executive session items for tonight.

Code Enforcement – 734 Washington was sent a letter to see if this is an ongoing business. 749 Jefferson was cited for abandoned vehicle. 306 Bacon has been contacted to see if this person owns property in the alleyway, in which the borough was having trouble with locating the owner. 520 Jefferson was re-inspected and is now in compliance. 122 Bacon is working on stairs and decking. W. Aquilino asked if he got permits. D. Markey stated he got UCC permits. B. Chase stated he needs zoning permits as well. W. Aquilino stated he will communicate with him. 427 Washington Ave was re-inspected and is in compliance. D. Markey asked if the back yard was checked? W. Aquilino stated yes, and it wasn't too bad. The Avery property next to Bubbee's Gun Shop was issued a letter for having water concentrating the alley, and destroying work done by the borough in the alleyway. 206 S Washington was re-inspected and cited. We're working on 99 Franklin St to find out more information, and they will be cited. 726 Jefferson and 730 Rear Jefferson were cited for lawn & property violations. B. Chase asked about Bubbee's properties, as there is a fence permit application. D. Markey stated both lots are his property, so he's ok to put the fence up. W. Aquilino asked if the properties were vacant? D. Markey stated he believes 642 Washington Ave is vacant, as they are still working on it, but unsure of 648 Washington. F. Kulick asked about Rushbrook? W. Aquilino stated the Black property at 333 Rushbrook is being worked on currently. F. Kulick stated he's talking about the Wright property. W. Aquilino stated he sent him a letter, in which has received no response, so the next course of action is to send a letter notifying all the tenants that there are structural issues preventing them from being able to live there any longer, and they will need to evacuate.

Engineer: T. Grizzanti stated he received a call from D. Markey the other day, asking about the Woodlands sewer & paving project. We originally asked for \$600K, and we were told to cut it up into smaller pieces. We re-applied for phase 1, and received \$140K, which some was used for videotape. He reviewed the videos and it doesn't seem all too bad. There are two to three sections that need to be replaced. For their age, the rest of the pipes are in great shape, and the broken ones have seemingly been broken since they were put in, probably by the contractor. He stated to fix from manhole 8 to manhole 7 and manhole 6 to 5, and to pave, would be about \$140K. He stated that with bidding, it would be done in September or October. K. Dougherty asked when the grant monies run out? D. Markey stated he believes it is a three year grant. K. Dougherty stated it's been long enough and we need to move on this. T. Grizzanti stated KBA will finish designing this,

and have it ready by August meeting. K. Dougherty asked if they can do design work for phases two and three so they're ready when we apply for the grants? T. Grizzanti stated yes, they will design all phases, but there is some sewer lines that weren't videoed yet either. D. Markey asked if council votes to go out to bid, can we bid all as one project? T. Grizzanti stated yes, it's all one bid. A motion was made by K. Napoli to put Phase 1 of the Woodlands Sewer & Paving Project out to bid. Seconded by K. Dougherty. All members in favor, motion carried. K. Dougherty stated the cones are still up on the manholes that were raised. T. Fuga stated we will fix those, but we didn't know where we needed to go yet. D. Markey asked about a timeline. T. Grizzanti stated we can put it out to bid now, the bids can be opened during the first September meeting, and even if a contractor cannot begin immediately, the sewers can be fixed and all except the top course can be finished before the snow flies. D. Markey asked if we can state that work must start within 40 days of bid award? He stated yes, however, a bidder, if decides to bid, may give a premium price.

Planning Commission: Nothing to report.

Public Safety: Nothing to report.

Recreations: Nothing to report.

Grants/MS4 Committee: K. Dougherty wants to schedule Grants, MS4 meetings on 7/25/19 at 6:30 pm. D. Markey played the current MS4 educational video.

Public Comment: Larry Moran Sr. stated he has to leave, but on behalf of his family, Dr. Thomas & her family, the Gilgallons, they are deeply thankful for the actions taken tonight. He is grateful for what he observed tonight.

Shade Tree: J. Wilson was absent.

Finance: Nothing to report.

DPW: D. Markey reported we completed the alleyway paving of the 300 block of Johnson Ct. Three new flagpoles have been constructed at Scout corners. The flags out front were replaced. Shields Ct. was rehabbed a bit from our building towards Gibson St. Some complaints have come in about why one alleyway got paved and another didn't, but we can discuss that later.

Borough Manager: Lackawanna County Human Development Agency is looking to construct a playground on Henry Drive, and was looking to Jermyn Borough to amend our CDBG application to include playground monies. C. Tomaine what's in it for us? D. Markey stated it's in the borough, and it would benefit borough residents. K. Dougherty stated we applied for Callahan Park upgrades too, so if we are awarded, we may be able to help. C. Tomaine stated he thinks it should be discussed, because it's the County, and not the borough. He stated they're in Jermyn, but they get different funding.

D. Markey stated it seems like a couple times per year, there's an issue with the Bacon St sewer. We have issues to fix down in the Woodlands. No one will take over, purchase, or receive them, and the borough is stuck with them. D. Markey recommended to council to either charge a sewer management fee, or create an authority. We have nothing in the budget for sewers, and no income to help with emergencies and proper maintenance. D. Markey stated the issue with 403 Bacon, he found the bid specs and bid results from October, 2013. This is when that project should have been addressed. Can anyone explain what happened? T. Grizzanti stated he thinks it was probably a monetary reason. He stated we were going through Mr. Rood's yard, which was going to take care of the issue. T. Fuga stated Rock Bottom, who won the bid, showed up on the job, and Mr. Rood stated there's no way they're bringing the excavator into his yard. B. Chase stated he

remembers Mr. Rood stating the excavator was huge. T. Grizzanti stated they needed that excavator for the job that needed to be done, because they had to dig way down, and restoring his yard was part of the project. T. Fuga states as he remembers, it was the size of the machine, and the project died right there, and nothing was ever done. F. Kulick asked how something like that can just die? D. Markey stated we just spent another \$1850 to jet the main line and jet his line, and run the camera through again. We're spending this money with no income...no maintenance fees, no hookup fees, etc. T. Grizzanti stated there's no borough hookup fees; they're all payed to the LRBSA. W. Aquilino asked how much we're spending on maintenance per year. D. Markey stated we should probably budget for about \$10K/year to effectively maintain the lines. W. Aquilino stated if the project was done in 2013, it would've been paid for already. He stated the current issue is private property right of way. C. Tomaine stated the borough must have some recourse. W. Aquilino asked T. Grizzanti what we would need to do on private property? T. Grizzanti stated the line is in the borough paper alleyway, but they would have to go onto Mr. Rood's property to lay the line. He stated we can look into a current cost for this. T. Fuga stated just fix the existing line, because even if we fix Mr. Rood's problem, there's many other people tied to that line, so we should just fix it. D. Markey stated we also own the other lines in town as well, we don't budget for the sewers, nor do we generate any income. He stated maybe we need to look at adding a line item for sewer just so we have maintenance planned for each year. T. Grizzanti stated the design would all be the same, but we would need to put out to re-bid.

F. Kulick stated he received a message from J. Wilson that she's absent tonight because Donna Stackel just had major surgery. D. Markey stated Mrs. Stackel is in our thoughts tonight.

D. Markey reported crosswalks by Battenberg's Funeral Home, and looking for an update from KBA. T. Grizzanti state he put in the plans for that from Phase 2 of the crosswalk plan. He stated PENNDOT stated they needed to do a mid-block crosswalk survey. D. Markey stated PENNDOT advised him that this situation is not considered a mid-block crosswalk, because of Maple St., despite not being a four way intersection. T. Grizzanti stated the person responsible for the survey will probably side in the borough's favor. D. Markey stated all he needs to do is come during the night of a funeral and he'll see the issues. T. Grizzanti stated PENNDOT will also make us update the ramps to today's ADA standards. Price will probably be around \$10K. D. Markey stated we can use liquid fuels funding, or even apply for a grant for this. K. Napoli asked T. Grizzanti about a crosswalk by the post office, and he's not sure if the proper channels were contacted the correct way. We have a large elderly population, and it's dangerous for them to cross. T. Fuga stated you need to be careful, because you will lose parking as well. D. Markey stated 20 feet on either side. T. Grizzanti stated for protection's sake, PENNDOT will hand out pedestrian signs for free. D. Markey asked if KBA still possesses the plans for the 2nd phase of Main St. project. T. Grizzanti stated yes, but the old funding has dried up, but there are also other grants like the PENNDOT multi-modal grant that we can try.

D. Markey stated that McGriff insurance was interested in our P&C book through PIRMA, and also the Kilmer Group contacted us about the Keystone program, recommended by PSAB. They would like the chance to quote our P&C also. D. Markey provided some more information regarding the program, however council asked for more information. D. Markey stated he will invite them to the August 1 meeting to address council.

The gym is almost ready. Council was shown pictures of the new gym floor. Miller Flooring has to come back in a couple weeks to install the baseboard vent, ADA doorways, and raise baskets. D. Markey asked if we want to have a dedication or grand re-opening of gym? Council stated yes. D. Markey asked when? Council discussed. It was agreed to hold the grand re-opening of the gym on September 19th at 6:00pm. D. Markey stated we still aren't finished; there are still some things to furnish. All lighting was converted to LED, and everything was painted.

D. Markey stated we will be opening bids tonight for the pole building, and we will need to go back to the banks to secure funding for the actual amount.

Jermyn Borough is teaming up with the Scranton Lackawanna Human Development Agency to have a low income food drive on Friday, July 26th from 9am-1pm, and needs volunteers. J. Schreiner and C. Stephens volunteered to assist.

D. Markey stated the borough is in good shape, and the borough DPW is doing a good job. He also reported that he's getting feedback from residents that the borough employees are present. They are seen throughout town. A question was asked about the new vehicle. D. Markey stated the cruiser is off the line, but now waiting on the upfitters to get the equipment made to upfit.

Finance Committee: F. Kulick stated the finance committee will meet within the next few weeks to work on the 2020 budget, which should hopefully be ready by August.

DPW Pole Building: K. Napoli asked how many bids we received? D. Markey stated five. The bids were as follows:

Company	Bid
Fetterville Sales	\$59,350.00
Dutchman Contracting	\$64,475.00
Pioneer Pole Buildings	\$57,880.00
CB Structures	\$72,012.00
Wodock Construction LLC	\$94,000.00

The two lowest bids will be given to KBA to review to ensure bid specs were met. Council will award the bid at the August 1st meeting.

Employee Handbook: K. Dougherty handed out the time off policy in the handbook. She asked for council approval on this section, so they can get the rest of the handbook finished. Time off hours accrued have not changed, however we have gone to 1 PTO bucket with maximum carryover hours, based on years of service. If an employee goes negative in PTO and separates from the borough, they will have to pay back negative time. K. Napoli suggested that all full time and part time employees working on a holiday are entitled to time & ½ holiday pay. A motion was made by K. Napoli to approve the new time off and LOA policy. Seconded by J. Schreiner. All members in favor, motion carried.

Alleyway Paving: F. Kulick stated he will skip over this because he had a crazy idea and knows it would just be a waste of time. We would just spend money to have it prepared and put on a ballot, when we know what the outcome would be. His idea is to have a referendum on the ballot to add a special tax for paving of alleyways and have the public vote. K. Napoli stated he'd like it on record that he has heard that roads and alleys of elected and appointed officials get paved. He would like to invite anyone to walk down his alleyway at the 500 block of Mellow Ct.

Rushbrook Creek Update: We met with Army Corps of Engineers & PA DEP on 6/11/18. We were notified that PENNDOT Highway Occupancy Permits need to be applied for, and once the Department of General Services provides Jermyn Borough with easement agreement language and a permit to obtain easements, we can begin obtaining easements. The solicitor would like to hold a public meeting at that time with all affected property owners to obtain easements. It's been confirmed that we are still looking at 2021 or 2022 bid dates,

but that is highly dependent on our ability to obtain easements. F. Kulick advised D. Markey to make sure to invite Larry West from Senator Blake's office to next meeting.

Trees: W. Aquilino stated there were trees that were cut by PPL that were cut in V shapes that are dangerous. He was advised to speak with Shade Tree. They were supposed to meet last night, but the meeting was cancelled. T. Fuga stated they should have the funds to have them removed.

Garbage Contract: W. Aquilino stated everyone has had a chance to see the bid specs. C. Tomaine recommended raising the Bodily Injury Liability limit requirement to \$3MM in Section 5A. F. Kulick stated under Section 30, we need to clarify that the payment is 1/12 of annual contract price, not overall price. C. Tomaine stated in Section 26, regarding collectors, there's not a 2 person crew. W. Aquilino stated that's not material. A motion was made by F. Kulick to put the garbage contract out to bid with the suggested amendments. Seconded by K. Napoli. All members in favor, motion carried.

W. Aquilino stated we examined the cat colony on Mellow Court, 700 block, and it's on private property. We're trying to figure out who owns it. They're trying to do a trap neuter release program. W. Aquilino stated if anyone sees the people around trying to help with the cats, have them call him.

Executive Session: At 9:11pm, council adjourned into executive session for personnel reasons. The Mayor and Borough Manager were asked to leave the room during executive session.

Council reconvened from executive session at 10:01 pm.

New Business: F. Kulick stated that if Shade Tree Commission doesn't come to council by September 5th meeting with a concrete plan to continue the Hometown Hero banner program and accept new applications immediately, we are taking it away from them.

K. Napoli asked if we took care of 737 Jefferson Ave with the hole that opened up? D. Markey stated yes, KBA took a look, and it was not a mine subsidence, but rather it was a trunk of an old shade tree that rotted.

Adjournment: With no other business to come before the meeting, a motion was made by K. Napoli to adjourn, seconded by J. Schreiner. All in favor, motion passed. The meeting adjourned at 10:04 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Daniel Markey". The signature is written in dark ink and is positioned above the printed name and title.

Daniel Markey

Borough Manager