

Jermyn Borough

Council Meeting

7/15/21

The Jermyn Borough Council held a council meeting on Thursday, July 15, 2021 at 7:00 pm in the Council Chambers of the Jermyn Borough Building, 440 Jefferson Ave. Jermyn, PA 18433.

The meeting was called to order by Vice President Kristen Dougherty with the Pledge of Allegiance.

On roll call, the following members were present: Kristen Dougherty, Carl Tomaine, Kevin Napoli, and Kyra Davey. Mayor Fuga, Attorney Moran, and Bob Chase were also present. Frank Kulick, Cynthia Stephens, Robert Hunt, Jim Perry, KBA, Nicole Stephens, and Stanley Hallowich were absent.

Minutes: A motion was made by K. Dougherty to accept the minutes of 6/17/21 as presented. Seconded by K. Napoli. All in favor, motion carried.

Treasurer's Report/Bills Payable:

D. Markey presented the Treasurer's Report for July 15, 2021:

ASSETS

American Rescue Plan Fund	107,442.95	Investment - Paving Fund	1,011.90
Capital Reserve - DPW	10,513.87	Investment - Recycling	5,003.51
Capital Reserve - Police	4,456.82	Investment - Refuse	2,600.27
Crime Watch Fund	755.44	Liquid Fuels - FNB	55,411.00
General Fund - Community	280,380.55	Petty Cash	153.42
General Fund - FNB	3,095.93	Recreations Fund	12,895.25
Holiday Lights Fund	550.14	Recycling - Community	8,168.01
Investment - General Fund	1,001.54	Refuse Checking - FNB	126,484.37
Investment - Liquid Fuels	33,814.61	Total Checking/Savings	653,739.58

Accounts Payable 108,348.48

A motion was made by K. Davey to ratify bills paid on 7/6/21. Seconded by C. Tomaine. All members in favor, motion carried.

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

Correspondence: K. Dougherty read a letter from the Jermyn Events Committee regarding the Concert in the Park on July 25th from 6-8pm. Events has requested approval for Events Committee to use the County Grant for Arts & Council. A motion was made by K. Davey to allow the \$500 Lackawanna County Arts & Council Grant to be used by the Events Committee. Seconded by K. Napoli. All members in favor, motion carried.

K. Dougherty read a letter from the Shade Tree Commission regarding the Town Wide Yard Sale on August 14th & 15th. A motion was made by C. Tomaine to allow the Shade Tree Commission to host the Town Wide Yard Sale. Seconded by K. Davey. All members in favor, motion carried.

Public Comment: Joanne Wilson, 156 Washington Ave., commented on the trash cans that are left out on the sidewalks at 571-577 Washington Ave and 511-513 Washington Ave. She stated they are an eyesore, and they are left on the sidewalk all week long. Mrs. Wilson stated she would also like to see the 511-513 Washington Ave building put out in the alleyway instead of in the front, although she understands that cannot be enforced. She stated if there is anything the council can do, that would be good.

Bob Chase stated he is selling raffle tickets to benefit the dive rescue team. All the proceeds will go towards the Dive Rescue Team building fund.

A gentleman stated he was specifically present regarding the rental permit ordinance amendment, and would like to save his comment for that portion of the meeting.

Police Chief: Absent.

Fire Chief: Absent.

EMA Director: Absent.

Solicitor: L. Moran stated there are some items on the agenda, and he will answer any additional questions as they arise.

Code Enforcement: Absent.

Zoning Officer: B. Chase stated he's continuing to get permit applications for different structures.

Engineer: Absent.

Tax Collector: Absent.

Mayor: Nothing to report.

Planning Commission: D. Markey stated the Planning Commission is looking for one more member.

Public Safety: Nothing to report.

Finance: Nothing to report.

Shade Tree: Absent

Grants/MS4: Nothing to report.

DPW: T. Fuga stated he repaired an issue on Madison Ave, and tomorrow, he will be removing a pipe that was put in by a resident on the corner of Madison and Gibson that is causing issues for other residents. C. Tomaine stated he was approached by a resident of Old Mill Rd asking if there is some type of temporary fix to take care of a portion of this road. T. Fuga stated there's a whole section that the entire road got washed out, and we are looking into some base asphalt repair at that location.

Recreations: K. Davey reported the next Movie Night will be on 7/24/21, showing the new Space Jam movie. The first movie night was a success and they made \$70 to give to the Jermyn Holiday Lights fund. D. Markey reported that we also purchased another vending machine from Duryea Fire Company.

Borough Manager Report: D. Markey reported that the auditors are still not finished with the 2020 tax collector reconciliation, and have reached out to him for help finding some payments.

The Scranton Lackawanna Human Development Agency has requested to utilize the Jermyn Borough building for training. C. Tomaine stated they should add Jermyn Borough as additional insured on their insurance policy. A motion was made by K. Napoli to allow the Scranton Lackawanna Human Development Agency to utilize the borough building space for training, given they add Jermyn Borough as an additional insured on their insurance policy. Seconded by C. Tomaine. All members in favor, motion carried.

Lackawanna County Land Bank: Attorney Moran stated he gave a recommendation last meeting about the Lackawanna County Land Bank, and why it would be beneficial for Jermyn Borough to join. He stated F. Kulick had a question about financial burden of the borough last month, and he looked into it, and the borough would not be financially responsible for upkeep on any of the properties that would enter the land bank. He presented Resolution 07-2021 to council regarding Jermyn joining the Lackawanna County Land Bank. A motion was made by K. Napoli to pass Resolution 07-2021 entering into agreement with the Lackawanna County Land Bank. Seconded by K. Davey. All members in favor, motion carried.

Rental Ordinance Amendment: Attorney Moran stated he was tasked with updating the Rental Registration Ordinance regarding occupancy by immediate family members of owners, without opportunities of abuse. The proposal that came up was to amend the ordinance to expand the exemption language to include immediate family members of owners. To curb abuse, a Memorandum of Understanding would be required by the property owner, at the owner's expense, to file at the courthouse. An audience member asked when he should expect a refund? Attorney Moran stated this is a prospective action going forward, and refunds were not discussed. The audience member asked if it has to be a yearly memorandum? Attorney Moran stated that it's just a one time memorandum, and runs with the occupants' tenancy. The audience member stated he was told by the former solicitor to pay the fee, and states he was threatened, so he'd like a refund. Attorney Moran stated he can ask council for a motion for refund, and if a motion is made and seconded, the vote would be on the floor. The audience member stated there are many other property owners that were in the same boat. Attorney Moran advised council not to get into the slippery slope of granting refunds for an ordinance that is just being changed now for the coming year. The property owner family members are getting the relief they were requesting, and non-owner occupied structures were within the contemplation of the rental registration ordinance prior to this, so Attorney Moran stated he would not recommend refunds, just update the ordinance going forward. A motion was made by K. Davey to advertise the Rental Registration Ordinance Amendment. Seconded by K. Napoli. All members in favor, motion carried.

Attorney Moran stated we should also advertise a curative ordinance giving enforcement power across the board to whosoever the council designates. He stated that every ordinance does not have to be amended, however the curative ordinance will give enforcement powers for local ordinances to any designee that council so designates. D. Markey asked Attorney Moran to draft the ordinance to give to council to review prior to voting to advertise.

Pension Assumption Recommendations: D. Markey read the Pension Assumption Recommendations letter to council, which acknowledges recommendations of changes in interest rate and inflation percentages. There are three options: 1. Accept the recommendations, 2. Pay for an additional study, 3. Have a pension rep contact us. Council agreed that the recommendations report is sufficient. A motion was made by C. Tomaine

to accept the Pension Assumptions Recommendations Report. Seconded by K. Davey. All members in favor, motion carried.

Police Coverage: K. Napoli reported we're still having trouble filling gaps in police coverage. There are some opinions that we should cancel overnight coverage and have PA State Police cover. K. Napoli feels we should continue to have full police coverage. We also have a proposal from Officer Rivers to become a 3rd full time officer in Jermyn. K. Napoli asked for a committee to review all avenues, including himself as head of Public Safety, Mayor Fuga, Chief Arthur, and C. Tomaine, as head of finance to head this committee. K. Napoli stated that he only left 2 council members on the full time committee so he can rotate in a 3rd council member each meeting to give input without violating the Sunshine Act. K. Napoli asked if he needs a motion? D. Markey stated K. Dougherty can appoint the committee. K. Dougherty appointed the following members to the Police Coverage Committee: K. Napoli, Mayor Fuga, C. Tomaine, Chief Arthur. D. Markey stated Officer Rivers is a very experienced officer, and has worked closely with Chief Arthur for years. Chief Arthur won't let just anyone work here; he needs to have trust with his officers. D. Markey stated no one is going through Act 120 right now. B. Chase states that no one wants to be a police officer right now. D. Markey stated if someone does go through Act 120, they are getting snatched up as full time officers right out of the Academy. Whenever Jermyn Borough hires another part time officer, they come and do a few shifts and go elsewhere for full time work or part time for \$23/hour to start, so there are many issues precluding us from achieving our coverage goals. Attorney Moran stated that the Borough Code and Police Tenure Act provide guidance for when a Civil Service Commission is required, and it would be after the 3rd full time hire. The commission is to provide civil service protection for officers, and acts as an additional layer of due process for grievances. The added expense would be the commission's solicitor, but they are not paid a salary or retainer, it's just when the civil service commission is empaneled. There would be 3 members serving 6 year terms, and the members just need to be a borough resident. One member could be a council member. This is not a problem Jermyn is facing alone. Attorney Moran states he has seen a lot of the same issues across other boroughs, and hiring a 3rd full time officer seems to be the best way to alleviate the problem. Based on the recommendation of the committee formed tonight, if a 3rd full time officer is the answer, he will assist in drafting the ordinance providing for the civil service commission. D. Markey asked if we had 3 full time officers, one left, and we had to hire another 3rd full time; is testing required? Attorney Moran stated yes, the first 3 officers are grandfathered in, but once a commission is established, the testing process would be the way to handle going forward. D. Markey asked Officer Rivers if he would like to address council since he's here? Officer Rivers stated he saw all the overtime being worked lately, and approached Chief Arthur and stated he would be willing to help out, but would need to leave other responsibilities. Chief Arthur advised him to come up with a proposal, which he gave to D. Markey, who gave to council. He loves the town of Jermyn, and said that people take pride in the small town that we have. D. Markey thanked Officer Rivers for having the dedication to Jermyn to want to come here. K. Napoli stated we'll get together and figure out what we need to do. K. Napoli stated that D. Markey sent a letter to council that was sent from the PA Attorney General to the PA Police Chief's Association stating the widespread issue of police coverage shortages. D. Markey stated the current full time officers are going to experience burnout from all the required overtime, and they're also racking up PTO that they cannot use, because they can't get officers to cover their shifts. Mayor Fuga stated the other problem is we can't plug holes with temporary fixes, because we could end up having the nightmares we had here before with police personnel. You want to try to build a police force that is cohesive, everyone gets along, and it's good for the town. K. Napoli states that people see the overtime numbers and panic, but police coverage is something we can't skimp on. Mayor Fuga stated you don't want the PSP to cover, because they're spread thin and they won't be able to respond in time. K. Napoli stated he would call the committee members early next week to setup the first meeting.

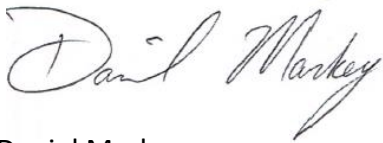
Executive Session: Council convened into executive session for personnel reasons at 8:16pm. Council reconvened from executive session at 8:31 pm.

New Business: K. Davey stated it was brought to her attention regarding the area along the Windsor parking lot on Rushbrook St. as it's getting very overgrown and becoming an eyesore. Mayor Fuga stated to the best of his knowledge, Shade Tree planted it, but the Windsor agreed to upkeep. K. Napoli stated that could have very well not been conveyed to the new owners.

D. Markey stated there was a Holiday Lights Committee meeting prior to this meeting. The Holiday Lights Committee will be holding a raffle to go off on Thanksgiving Eve at 4pm. Grand Prize of a Cuisinart Twin Oaks Pellet & Gas Grill, First Prize of a TCL 65" Roku 4K HDTV, Second Prize of a Hisense 43" Roku HDTV, Two 3rd prize drawings of a Kent 20" Girls 2 Cool Bike and a Huffy 26" Mountain Bike. Tickets are \$5 each.

Adjournment: A motion was made to adjourn by K. Napoli. Seconded by C. Tomanie. All members in favor. The meeting adjourned at 8:34pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Daniel Markey". The signature is written in black ink and is positioned to the left of the printed name and title.

Daniel Markey
Borough Manager