

Jermyn Borough

Council Meeting

8/26/21

The Jermyn Borough Council held a council meeting on Thursday, August 26, 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 President Frank Kulick with the Pledge of Allegiance.

On roll call, the following members were present: Frank Kulick, Kristen Dougherty, Kevin Napoli, and Carl Tomaine. Mayor Fuga, Attorney Moran, and Bob Chase (7:08pm) were also present. Kyra Davey, Cynthia Stephens, Robert Hunt, Jim Perry, KBA, Nicole Stephens, and Stanley Hallowich were absent.

**Minutes:** A motion was made by K. Napoli to accept the minutes of 7/15/21 as presented. Seconded by K. Dougherty. All in favor, motion carried.

**Bills Payable:**

F. Kulick asked for a motion to ratify bills paid on 8/4/21. A motion was made by K. Dougherty. Seconded by C. Tomaine. All in favor, motion carried.

F. Kulick asked for a motion to ratify bills paid on 8/17/21. A motion was made by K. Dougherty. Seconded by C. Tomaine. All in favor, motion carried.

**Correspondence:** None.

**Public Comment:** Lou DeMarco from IWDA Engineering approached council to consider hiring IWDA as the pave cut backfill inspection. The owner formerly worked for GeoScience, and was responsible for helping to get the ordinance passed in Jermyn originally back in 2016. Mr. Moran asked Mr. DeMarco if there is currently a contract between the company and the borough? Mr. DeMarco stated he does not believe there is contract. Mr. Moran asked if it is exclusive? Mr. DeMarco stated it doesn't have to be, but it would be very difficult to have two different companies. Mr. Tomaine asked if Mr. DeMarco can put a proposal together? Mr. DeMarco stated he can, but the pave cut inspectors have to operate within the confines of the borough ordinance. F. Kulick stated the rates are determined by our ordinance. D. Markey stated the ordinance is to have the pave cut backfills overseen, and the resolution is set the rates. Mr. DeMarco asked how the billing would work? Would IWDA bill the utilities directly, or bill the borough? D. Markey stated the inspection company currently bills the borough and the borough bills the utilities. Mr. DeMarco just asked that IWDA be responsible for making utilities maintain the 95% compaction. T. Fuga stated we wouldn't get involved. D. Markey stated the pave cut inspection company should be on the PA One Call also. A motion was made by K. Napoli to change from GeoScience to IWDA as pave cut ordinance inspector. Seconded by . All members in favor, motion carried.

Basil Kleha, 600 Washington Ave. stated the Planning Commission was looking for another member, since Don Stephens passed away, and D. Markey told him that we found someone to serve. Mr. Kleha stated it's fantastic, and wanted to thank the borough. Mr. Kleha asked Mr. Fuga about the children at play sign down on Laurel St, and T. Fuga stated he didn't forget and he will move it next time he is working on signs. Mr. Kleha welcomed back Larry Moran Jr. and stated he is a great asset to the town.

Angela Ceccerelli from 27 Bridge St. has a concern about parking on her side of the street. They have a hard time getting out of her driveway. She is wondering if, from tree to tree, at the residence, if that area can be made no parking? T. Fuga stated with the fire company right there also, it makes sense to make sure they are able to get out also. D. Markey advised her that council would need to pass an ordinance to restrict parking in that area. A motion was made by K. Napoli to have DPW measure the area and allow the solicitor to prepare an ordinance for no parking in front of 25-27 Bridge St. Seconded by K. Dougherty. All members in favor, motion carried.

Bob Chase stated on Chestnut St about 90 yards before the stop sign to Delaware, there is a huge pothole. Also, under the bridge, there is a tree hanging down causing line of sight issues. T. Fuga stated he will cut it back to alleviate line of sight issues.

**Treasurer's Report:** D. Markey read the Treasurer's Report.

Checking/Savings	
American Rescue Plan Fund	107,444.98
Capital Reserve - DPW	10,513.87
Capital Reserve - Police	4,486.82
Crime Watch Fund	805.44
General Fund - Community	153,863.07
General Fund - FNB	3,928.70
Holiday Lights Fund	940.14
Investment - General Fund	1,001.55
Investment - Liquid Fuels	33,814.89
Investment - Paving Fund	1,011.91
Investment - Recycling	5,003.55
Investment - Refuse	2,600.29
Liquid Fuels - FNB	49,307.27
Petty Cash	153.42
Recreations Fund	14,117.25
Recycling - Community	8,673.76
Refuse Checking - FNB	99,182.48
Total Checking/Savings	496,849.39

Current Liabilities	
Accounts Payable	
200000 · Accounts Payable	8,026.70

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

**Police Chief:** Chief Arthur reported year to date, there have been 2,997 calls for service in the borough. Some people on Facebook were complaining about Rushbrook St. He looked quickly today, and so far, year to date, there have been 153 traffic stops in town, 65 of which were on Rushbrook St. You can see by that number that there is a presence on Rushbrook St. One bear was trapped on Henry Dr and relocated to Wyoming County, but Chief Arthur wants to reiterate to remove food sources, bird feeders, etc, and secure your

garbage. Chief Arthur wants to remind everyone about the leash laws in town. There was an issue where a dog got loose and attacked another dog and a citizen. Many times, these are just instances of dogs getting out. Keep an eye on your dogs, keep them on a leash if they're out. That is a state law, and not a borough ordinance. The police try to take a common sense approach, especially if it's a one time issue, however, if there are multiple issues, fines have been issued.

In conjunction with the drug task force, there have been three meth arrests at Convenient. There are a couple more ongoing drug cases in town.

**Fire Chief:** Absent.

**EMA Director:** Absent.

**Solicitor:** L. Moran stated we have notice of a possible lawsuit under the Pennsylvania Tort Claims Immunities Act, which requires plaintiffs to notify any governmental entity of any potential personal injury lawsuit. We also have a notice of conditional renewal, excluding pandemics. L. Moran also stated that regarding the third full time police officer, there probably is no downtime in passing a civil service commission ordinance. It's state law if you want to hire a third full time officer.

**Code Enforcement:** D. Markey stated there were a few citations issued the past couple months regarding some complaints.

**Zoning Officer:** B. Chase advised that Cerminaro Construction is wanting to put in self storage units. Mr. Chase told Mr. Cerminaro that he will most likely need a zoning hearing, but he is reviewing the ordinance language. Mr. Chase stated that Mr. Glass on 536 Washington Ave. needs a zoning permit. He stated that Mr. Glass will most likely require a zoning hearing due to going from a 3 unit to a 4 unit building. Mr. Moran stated he can request a zoning hearing specifically for a variance without applying for a zoning permit.

**Engineer:** Absent.

**Tax Collector:** Absent.

**Mayor:** Nothing to report.

**Planning Commission:** F. Kulick stated Mr. Kleha already reported on planning.

**Public Safety:** K. Napoli stated everything is going well. He spoke with the fire chief last week. The Police Coverage Committee met last night going over options to mitigate coverage issues. A third full time officer is probably going to be the best bet in solving our overtime issues. The only other issue is going without coverage and relying on state police coverage, which K. Napoli doesn't believe is a good option. The committee's recommendation is to hire a third full time officer. Mr. Moran stated the borough code is silent on timing, so you can hire a third full time officer, but also need to have the civil service commission ordinance. A motion was made by K. Dougherty to allow the solicitor to draft an ordinance creating a civil service commission in the borough of Jermyrn. Seconded by C. Tomaine. All members in favor, motion carried. K. Napoli stated we have an offer from a current officer, Officer John Rivers. He stated he would accept the position for a pay of \$24.32/hour, with a pension after 20 years of service, which is already offered to full time borough police officers. L. Moran stated there shouldn't be anything stopping him from being hired now, but his recommendation is to delay starting until the ordinance is in effect, to be in compliance with the Police Tenure Act. You can continue to solicit applicants, conduct interviews, etc., however there is nothing stating you need to do that prior to hiring him, as there is not yet a civil service commission. F. Kulick stated we would need to approve the ordinance for advertisement at the next meeting, and pass the ordinance at the

October meeting. Mr. Kleha asked if that leaves 48 open hours for the part timers? D. Markey stated yes and no. You currently have 2 full timers right now that have racked up years of PTO that have not been able to take it, so some of the third full timer will fill in for some of these PTO hours, but yes, we will have six shifts that will not be covered by full time hours in a regular week. D. Markey stated we already have a Civil Service Commission ordinance drafted, and is ready for reading and advertising. K. Dougherty asked if we still need any further part time help after this? K. Napoli explained that Officer Rivers gave this proposal because he is able to fill in the gaps in the schedule, and this should hopefully be the fix to the problem with not being able to cover shifts except with overtime. F. Kulick explained that there was an ordinance already prepared providing for the establishment of the civil service commission, and asked for a motion to advertise the ordinance. A motion was made by K. Dougherty to advertise the ordinance to establish the civil service commission. Seconded by K. Napoli. All members in favor. Motion carried. A motion was made by K. Napoli to hire Officer John Rivers as a full time officer at the rate of \$24.32/hour, starting after the Civil Service Commission Ordinance is passed. Seconded by K. Dougherty. All members in favor, motion carried.

**Finance:** Nothing to report. F. Kulick stated we should begin meeting on the 2022 budget.

**Shade Tree:** Absent

**Grants/MS4:** K. Dougherty reported that D. Markey completed the 904 Performance Grant for Recycling. D. Markey reported he also submitted the Growing Greener Plus Grant for Stormwater Management funding, including rain gardens, retention basins, porous pave on road shoulders, and rain barrels.

For MS4, K. Dougherty stated she is finishing the MS4 annual report, and it will be turned in shortly. D. Markey showed a video on establishing rain gardens.

Mr. Kleha asked about the creek project. F. Kulick stated he wrote a letter the other night when it was raining hard and sent to Rep. Cartwright, Rep. Kosierowski, Senator Flynn, and Senator Casey asking for continued help in moving the project forward. Mr. DeMarco asked wasn't there a permit issued recently? D. Markey stated yes, by the Army Corps of Engineers, and we are now awaiting the PA Department of General Services to release the final easement language to the borough, which will then allow the borough to acquire easements from property owners. F. Kulick stated we are also going to talk to state and federal reps about funding.

**DPW:** T. Fuga stated he thinks we fared pretty well these past couple storms. We have contracted to have pipes flushed at Madison and Franklin. When the contractor comes back, we will take care of the underpass under the railroad on Delaware. DPW has taken care of the pipe issue on Gibson and Madison, and there hasn't been flooding issues since then. F. Kulick said he sees that Bacon St is getting done, but he's a bit concerned about Dwight Ave, because it looks like Rock Bottom is backed up in Dickson City. T. Fuga stated he thinks it will be done in the fall, and he will call them tomorrow to touch base with them.

**Recreations:** Absent.

**Borough Manager Report:** D. Markey stated he was asked to ask Council if they would like to go out to bid for insurance this year, or wait until next year, which will follow the three year cycle? C. Tomaine stated he believes the three years is reasonable. D. Markey stated the fire siren received one bid at \$250. The winner realizes that he is responsible for removal, and council has to vote to agree to the sale. F. Kulick asked when we have to have it out by? D. Markey stated we sold the building in 2017, and the caveat was allowing the siren to be there for at least five years. We are coming up on the fifth year next year. A motion was made by C. Tomaine to accept the bid of \$250 for sale of the fire siren. Seconded by K. Dougherty. By a vote of 3-1, the motion passes.

D. Markey asked Council if the borough wants to take part in the county tire recycling event? Prices would be \$4/clean tire, \$5/dirty tire, \$10/tires with rims. Private passenger autos only. Week of 10/18, and people would bring here, then DPW would take tires down to PNC Field in Moosic. Cash from residents, and proof of residency would be required. Council agreed, and public must pay.

Judy Zabel is planning a First Responder Appreciation Day on October 16<sup>th</sup>. She came to council previously to request permission. Mrs. Zabel needs help with securing donations for basket raffles, etc. If anyone is willing to help, please notify D. Markey and he will put you in touch with her.

D. Markey read a resignation letter, and stated his last day will be Friday, September 17, 2021. D. Markey thanked Council, Mayor Fuga, and his coworkers for making the last three years an enjoyable experience. Chief Arthur thanked D. Markey on behalf of himself and the police department. He has been a great help with everything from watching prisoners for him, to helping with computer issues, obtaining funds for new equipment, etc. He is a real asset to the police and the borough. Chief wants to thank him, and stated he's sad to see Mr. Markey go. F. Kulick stated the town of Jermyn will quickly realize and miss what we have. T. Fuga wanted to take a moment to thank D. Markey also. He stated Mr. Markey was instrumental in obtaining new equipment, which is making everything that much better for the residents. T. Fuga stated if he ever needed a hand with putting up flags, etc., no job was ever beneath him. Most people don't realize that as he was helping, he was also taking calls, answering emails, etc. and doing both jobs at the same time, saving the borough money, and stated he will be missed. F. Kulick stated he prepared an ad to be put in the Sunday newspaper and on Facebook and the website searching for a new borough manager. He states that if people want a detailed list of what the borough manager does in Jermyn, he will send it to them, and it is four pages long. Attorney Moran stated he does a lot of work on behalf of local governments, and he doesn't think he has ever come across a more dedicated and talented government official at the local level than Dan Markey. Mr. DeMarco asked what is the plan to fill his spot? F. Kulick stated we want to have letters of interest and resumes in by September 6<sup>th</sup> and interview on September 7<sup>th</sup>. Hopefully they will be able to hire someone in time to have D. Markey train them for a bit. Mr. Kleha asked D. Markey if he will still live in town? D. Markey stated yes, he's not moving. Attorney Moran stated he's surprised it took three years for someone to come and poach him away from the borough – he is underpaid for the talent and service he provides. D. Markey thanked everyone for their kind words. T. Fuga asked Council to consider bringing D. Markey on as a part time DPW employee, since he knows the jobs that the borough would need him for, and he would be available on some weekdays. T. Fuga stated it would just be as needed, when flags need to go up, etc. A motion was made by K. Napoli to accept the resignation of Dan Markey from borough manager, with regret, effective September 17, 2021. Seconded by K. Dougherty. All members in favor, motion carried.

**Jermyn 150:** F. Kulick stated there will be a Jermyn 150 Dinner on Saturday, October 9<sup>th</sup>. It has been suggested that Council should spring for a table. A table of 8 is \$200. There will also be a walking tour on Sunday, September 19<sup>th</sup>, and they were looking for police coverage. Mr. Marino's Chicken BBQ is on the same day, in which he already requested to hire police or fire police for the event. B. Chase said they are also talking about a parade on the same day as the dinner.

**Dumpster Ordinance:** F. Kulick stated the former mayor pointed out to him that we're not enforcing our dumpster ordinance, because we are not collecting bond for the permit when someone is dropping a dumpster on the street. F. Kulick stated the ordinance is in place, and it should be enforced. C. Tomaine stated it's on the back of the dumpster provider. D. Markey stated it's a gray area – who is responsible? The property owner, the contractor, or the dumpster provider? F. Kulick stated he thinks it's the resident. D. Markey stated the ordinance states "the party", but doesn't state who the party is. F. Kulick asked Attorney Moran to research and follow up at the next meeting.

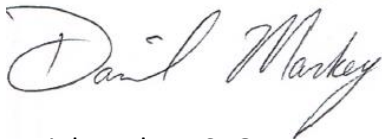
**Rental Ordinance Addendum:** Attorney Moran stated that Ordinance #8-2021, amending Ordinance #3-02 has been duly advertised and is ready for adoption. F. Kulick read the ordinance amending ordinance #3-02, providing exemptions, including a recordable instrument for family members of property owners. A motion was made by K. Dougherty to pass Ordinance #8-2021. Seconded by K. Napoli. All members in favor. Motion carried.

**Executive Session:** Council convened into executive session for personnel and litigation reasons at 8:31pm. Council reconvened from executive session at 9:22 pm.

**New Business:** None.

**Adjournment:** A motion was made to adjourn by K. Napoli. Seconded by C. Tomaine. All members in favor. The meeting adjourned at 9:23 pm.

Respectfully submitted,

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

Daniel Markey, CBO  
Borough Manager