

Jermyn Borough
Council Minutes
September 21, 2017

The Jermyn Borough Council held a council meeting on September 21, 2017 at 7:00 p.m. at the Jermyn Community Center, 440 Jefferson Avenue, Jermyn, PA in the Council Chambers.

On roll call present were: Frank Kulick, Robert Parks, John Mark, Dan Markey, Kevin Napoli, Joseph Smith and JoAnne Wilson. Also present were Mayor Smallacombe, Atty. Moran and Ray Rood. Absent were; Bob Chase, Evan Samuelsen and KBA.

MINUTES:

A motion was made by Mr. Napoli to accept the September 7, 2017 minutes and seconded by Mr. Parks; all in favor, motion carried.

PROCLAMATION:

Mr. Kulick presented a proclamation for Tony Cerminaro. Jermyn council proclaims October 8, 2017 as Tony Cerminaro Day in Jermyn. October 8, 2017 will be the Steamtown Marathon. Council congratulated Tony on all his accomplishments. Mayor Smallacombe said Tony is the best athlete Jermyn has ever had. Mr. Kulick said we are having a banner made that will be placed in town so all the runners can see it.

GIRL SCOUTS- CHRISTMAS LIGHT PARADE:

Girl Scouts Troop 50440 presented council on their 7th annual Christmas Lights Parade. A motion was made by Mr. Markey to allow the Girl Scouts to have their Holiday lights parade on December 9, 2017, seconded by Mrs. Wilson. All in favor; motion carried.

TREASURER'S REPORT:

General Fund \$181,249.86, Recycling \$3,867.33; Refuse \$109,888.82, Liquid Fuels Investment \$86,116.15. Disbursements from August 18, 2017 to September 21, 2017 \$61,440.02. Deposits \$44,018.21. A motion was made by Mr. Markey and seconded by Mr. Smith to accept the disbursements and treasurer's report. All in favor; motion carried.

PUBLIC COMMENT:

Stephen Franchak – The last Friday in August, County Waste hit his garage and hit the canopy on his garage. The driver refuses to acknowledge they hit it. He had a police report filed and has an estimate for what the damages were and County Waste will not budge with it. The estimate is for \$765.00. Chief Arthur said he responded and the neighbor was out and they said there was no damage to roof area before the truck got there and when they lifted the arm on the truck, it hit the overhang on the garage. The garbage company said the drivers got out of the truck and the neighbors said they did not get out. Chief Arthur said the damage was done by them and doesn't know why they will not fix it. Mr. Markey asked who he spoke to at county waste. Mr. Franchak said Ernie and he was very rude. Mr. Kulick asked if he is looking to have it be repaired or be reimbursed. Mr. Franchak he will have it repaired but wants to be reimbursed for it. Mr. Kulick said they may not agree with the amount and he will call them tomorrow to see if they can be

more reasonable. Chief Arthur said it is very obvious that they did it and figure they would just take care of it. This happened on August 25, 2017.

POLICE:

Chief Arthur said they had 590 calls in this reporting period. He put in for an AED grant and was awarded an AED for the police vehicle. They only had 1 and it was really old. Chief Arthur said Pennsylvania Ambulance donated another AED for our other vehicle.

Chief Arthur said they located and returned the missing juvenile from New York. Sterling pharmacy had her picture up in the window and she was located a block away from there in an apartment. He located and arrested a wanted felon from Broome County; they were both taken back to New York. 2lbs of Marijuana was found on the 600 block of Washington through an eviction, there was word from good citizens. A marijuana plant was found on the 100 block of Rushbrook in regards to a PFA and eviction.

The 22nd annual Steamtown Marathon is coming through Sunday October 8, 2017. There will be traffic delays, a lot of people may not remember it is the day of the marathon and there are a lot of issues with people who cannot get across. The route will be the same as last year, coming from Main in Mayfield, crossing onto Washington, down Washington onto Bridge St and then going onto the trail. Chief Arthur asks everyone to make prior arrangements if they have to cross that area, when the main group of runners come through, we have to shut down.

Chief Arthur said we are still giving out ATV violations; it is an issue everyone knows about. They have been doing a lot of house watch checks, there has been an increase in house watch checks. It is a good idea if you are going on vacation.

Mr. Kulick asked about 614 Washington in regards to the dumpster. Chief Arthur said he went over there again and talked to them, the lady that lives there are the landlord and her one daughter owns the place. They said they own a trucking business so the dumpster is rented through the trucking company that she runs out of that apartment. Chief Arthur said he does not know the legality of that. The building itself is in a commercial zone but it is apartments, there is not an office that he is aware of for business. He is not sure if they can do that. Mr. Kulick asked if he saw a tuck there. Chief Arthur said no, they said this is a commercial property; we can have a dumpster just like a restaurant can. Chief Arthur explained the ordinance where they have to contract with the Borough's contractor. The residents pointed out that other places do not. Mr. Rood said there business is that she can be doing the billing and office work out of there. Chief Arthur asked if they have a business license then that is ok. Mr. Kulick said we have to look into it. Mr. Markey looked up the business and said it is listed under 614 Washington. Mr. Kulick said it was a matter of time before someone pointed out the ordinance. They are supposed to contract through county waste if they want a dumpster and no one follows it. He said even before County Waste, the commercial properties never followed it. We need to enforce the ordinance for everyone. Mr. Rood asked if owning the apartment building is a business. Atty. Moran said if it is income generating. Atty. Moran said there is a difference between commercial and residential. Chief Arthur said he does not think they are in violation of the ordinance. Mr. Kulick said unless their dumpster is through County Waste they are in violation. Mr. Smith said it is in violation of the ordinance. Mr. Markey said they are still putting their garbage out for collection

just not for County Waste but in their dumpster. Atty. Moran said they are in violation. Mr. Rood said it affects the other businesses in town to force them to go to County Waste. Mr. Smith said there is a difference here, there are 5 rental units, those units should be paying a garbage fee and they are getting around that. Mr. Rood said the other businesses in town are in violation if the ordinance says County Waste has to be the contracted company. Mr. Markey said there are people above Wayne's are they putting their garbage in the dumpster or out for County waste, we are slowly opening a can of worms here and we have to be careful. 614 Washington can come back and say why I can't do this when Wayne's does the same thing. Atty. Moran said we cannot assess it on a case by case basis and we have to look at the ordinance. Mr. Markey said that the businesses have to use the same company as the Borough uses, he thinks that portion of the ordinance is pretty dated and has been in there for a long time and does not know if it still fits the Borough's needs or not.

Mrs. Wilson said Officer Binner was wonderful, we had a very large funeral last week and he came out as soon as he was called and stayed there until it was over. Mrs. Wilson said everyone commented how wonderful it was that the police came out. He was very good with everyone.

MAYOR:

Mayor Smallacombe said the police do a good job. He wants to congratulate Tony Cerminaro on his accomplishments.

The Historical Society is planning a brochure on the churches. They are looking at bus trips for next year to do a wine tour. The Historical Society will have their open house will be October 22, 2017. They are putting the displays in the cases. They have a lot of stuff dating back to the 1800's of Jermyn.

FIRE:

The fireman that got hurt in Forest City will not need surgery. Within the next 2 weeks he should be released from the doctor. Mr. Rood said there was a gas leak in East Jermyn today. The water company busted the gas line, they cannot touch the leak or they can get fired. The fire co. cannot touch it either. Mr. Rood said if you see us just standing there for your protection, it's not that we don't want to do anything; legally we are not allowed to.

Mr. Rood said the new insurance will be coming up and he said last time there was a conflict between the insurances for the liability and collision on the trucks that the Borough covered before. With DGK, the Crystal does not have that anymore. It was almost a \$2,000 cost to us. The Borough always covered that for 30-40-50 years and if you are looking at the insurance again if there is anything that can be done. Mr. Markey said the contributions were \$7,000, we lowered it to \$5,000 and we were led astray by our insurance agent that we would have an exponential savings if we took the physical damage on the firetrucks. It turned out that they weren't saving that much so they wanted to take the physical damage back over and not only did The Crystal take the physical damage back over but they took the liability back over. They never told us they were taking the liability back over; you guys took the liability back over on your own. Mr. Rood said the insurance agent told us we were under protected and we didn't want that so we took it on ourselves. When there was the conflict between council and DGK and when we checked on ours, to protect ourselves we went and took it all over and now it's a cost to the fire

companies. Mr. Rood said everyone is struggling for money but it was something we had and was taken away from us. Mr. Markey said we lowered their contributions to \$5,000 for 2017 because we added their physical damage to our policy. When the physical damage was taken off we increased the contributions back to \$7,000. Mr. Markey said when the Crystal took the physical damage coverage for the fire trucks back over they also took the liability off of our policy and put it back on their own. Mr. Kulick said we gave you \$7,000 so what is the problem. Mr. Rood said you took off what you used to cover. Mr. Kulick said James Allan came here and said we did it without the fire company knowing. We went back and increased it to \$7,000. Mr. Rood said we got increased back to \$7,000 but physical and compensation damage was taken off the vehicles. Mr. Markey said we always covered the liability for the trucks not the physical damage. When you took the liability over that is why your price increased, we always assumed the liability and the fire company took it back over. Mr. Rood said in the new budget if they would consider taking over the liability of it or just leave it go the way it is. Mr. Markey said it was taken over on its own. Mr. Rood said we did it to protect ourselves. Mr. Kulick said we should find out what our premium would be if took the physical damage and liability back on. Mr. Markey said when Jeff Kyle was here last year, Mr. Markey asked him if he needs to speak with the Crystal and Artisan about this before you make the change and he Mr. Kyle said no because he has the president of the Crystal here and an officer of the Crystal here and the Captain of the Artisan here, if they don't have any problems with it at the meeting then let's go ahead and do it. Mr. Markey said there must have been a lack of communication there. Mr. Markey said if we only knew we would be saving you only \$500 and then dropping your contribution by \$2,000, we never would have done that in the first place. We thought we were saving the fire companies \$6,000 because that's what we were told. Mr. Kulick said we need to see what it would cost to add it back onto ours. Mr. Rood said we need to sit down with the same agent because we both deal with the same company. Atty. Moran said to contact the agents and ask why there is a discrepancy.

SOLICITOR:

A motion was made to accept the resolution #12-2017 CDBG grant Delaware Street Project, by Mr. Smith and seconded by Mrs. Wilson. All in favor; motion carried.

Mr. Kulick asked if we were supposed to have the ordinance for the truck brakes on Rushbrook. Atty. Moran said they will have it for next meeting.

SHADE TREE:

Mrs. Wilson said Mr. Smith and Mrs. Wilson are meeting with Senator Blake on Monday to go over the grants and ask for a little help with a couple of items. The Events Committee would like to store their pots over next to the gym in that one area, if there was room. The pots are empty. The dirt is out here in the parking lot, do we work with DPW where we can place the dirt. Mrs. Wilson said we are dumping it but we like to save it because it costs us money every time we replenish it. Mr. Markey said it shouldn't be a problem and asked what her timeline is. Mrs. Wilson said before the end of this month. Mr. Markey said it shouldn't be a problem, we can probably clear a spot behind the salt shed and they can cover it up for the winter.

The Shade Tree has a Woodloch Trip on October 11, 2017. It is \$80/per person. It is a themed show and a sit down dinner. November 11, 2017 Shade Tree has started plans for Veterans Day. Our speaker is Henry Stachura. Mrs. Wilson said we will need Bridge St. blocked off.

Mrs. Wilson said they had a meeting regarding the Hometown Heroes. Price wise they are trying to keep it down. She said we need a special bracket for the decorative lanterns so it blends right in. On the other poles they use the silver brackets for those so they are going to start as soon as possible. Mrs. Wilson said she has a picture and we are going to have a sample made up. Every town has to have something different on it; it cannot all be the same. We have made some decisions for them, once we get a sample we will bring it in. If someone has a purple heart, bronze or silver, that will be placed on the bottom. Mrs. Wilson said they decided they are going to go over all the applications, all the abbreviations and everything are the same as they are on the bricks, so we have a uniformed look. The banners will be both sides. The colors will be red white and blue. Mrs. Wilson said we will have them up for Memorial Day and we will have another round. They are only up for the summer and come down when the Christmas Decorations get put up. The price will be \$150-180 for one. Mrs. Wilson said if a business wants to have theirs specially made to honor the heroes in town, they can do that. Mr. Mark said when the Lions club put their banners up, they bought brackets and they were the wrong brackets and they took them up to the prison to be modified.

Mrs. Wilson suggested we ask Lakeland and the businesses if some of the art students can do the windows in town for the second week in December for the Light parade and the concert. Mr. Markey said we have some nice store fronts and some are eye sores, it's a great idea but we have a lack of store fronts, so you may only get 5 or 6. Mrs. Wilson said the first thing they will say is who is going to clean it up. Mayor said do it as a member of the Events Committee so council wouldn't be responsible for it. Mrs. Wilson said she is not doing it as a council person it would be done by the Shade Tree or Events. Mr. Markey said she should do it under the Events because Shade Tree is a part of the Borough.

FINANCE:

Mr. Smith said for the Tony Cerminaro banner, we were thinking about having "Welcome to Jermyn, PA home of the Marathon man – Tony Cerminaro." It costs around \$100.00. A motion was made by Mrs. Wilson and seconded by Mr. Markey to authorize \$100 for the banner for Tony Cerminaro. All in favor; motion carried.

October 12, 2017 6PM is the Finance Committee; we will have our first meeting. Mr. Smith requested the Borough Secretary be at our meeting.

Mr. Smith said we are releasing our funds to the fire companies early this year.

General Employees' Pension plan for 2018 – A motion was made by to accept the general employee pension plan minimum municipal obligation of \$3,366.00 by Mr. Markey and seconded by Mr. Napoli. All in favor, motion carried.

Police Pension plan for 2018- A motion was made to accept the police employee pension minimum municipal obligation of \$37,171.00 by Mr. Napoli and seconded by Mrs. Wilson. All in favor; motion carried. Mr. Markey asked if this is one we get assistance from the state. Mr.

Smith said yes, but not much. Mr. Smith said we can change the general employee's one but we cannot change this.

Mrs. Wilson said when the finance committee gets together; we have to do something about these doors; the front and side doors. Mayor Smallacombe said also the shades in the windows at the police department.

DPW:

DPW is almost finished with the new street signs, every time they go to hang new street signs; they see that they missed a couple. We have 3 more they have to order. There are some streets that never had signs before.

Mr. Markey said instead of ordering new stop signs because it costs a lot more money, we are re-facing the stop signs. They are reflective stickers, we are pulling down the stop signs and putting these new stickers on, which have the reflectivity and new colors. We have some of those done and have to order some more. All the snow emergency route signs are in and they will hopefully have all those placed before the snow comes.

The new DPW building – Mr. Markey has been trying to make contact with our representative at the USDA before we can do anything out there to get ready for a new building. We have to make sure we have all of our paperwork and applications in order for the USDA loan. Mr. Mark said there are many grants out there, if you contact any of our local representatives. There are some grants that are 80/20. Somebody has to contact these guys before we just go and borrow money. Mr. Markey said Mr. Smith and Mrs. Wilson have a meeting with Senator Blake and I am sure that is one of the things that will come up. Mr. Mark said check with the Federal representative, which is where the higher matches come from. Mr. Markey said we will continue to research but we are still going to obtain the USDA paperwork because it is still going to take a while to process some of that. Mr. Markey said the USDA is the federal. Mr. Mark said but it is a loan. Mr. Markey said they have grant programs and loan programs. Mr. Mark said to go through a representative and they will come back and tell you if you can and can't get it and how much money you can get.

RECREATION:

Mr. Markey said The Recreation Committee will be having Trunk or Treat on Thursday October 26, 2017 from 6:30 to 8:30. The location is yet to be determined because we are asking the Artisan to use their grounds; there is a lot more room for parking and cars. They have the request and they will bring it up at their next meeting. Mr. Kulick asked what exactly does someone participating have to do. Mr. Markey said someone that is participating, we ask members of the community to decorate their vehicles in a Halloween costume and then they will line up their vehicles and they will hand out candy to children who come to the trunk or treat event. Mr. Markey said after which, we have 2 or 3 prizes for best costume vehicle. Mr. Kulick asked how much candy does one bring. Mr. Markey said for year 1, we had someone trying to help us out which kind of hurt us more than helped us, their heart was in the right place but they advertised in a way that we got children from Forest City to Taylor showing up so we had 2,000 kids here the first year. The second year which was last year, it was rained out so they had to have a rain date and it hindered things, they had it in November after Halloween. That brought it down to about 600-700. Mr. Markey said he is estimating about 1,000 this year. Mr. Markey said in the

past the recreation committee would go and buy extra candy incase cars ran out of candy they would replenish them, the recreation committee has to get together and see if they are prepared to do that this year. We are probably going to ask everyone, if you are willing to participate to have enough for about 1,000 kids. Mr. Markey said if you decorate your car good enough and win that monetary prize, you mitigate some of that cost or all of it.

Mr. Markey asked if anyone has anything to go into the Jermyn Newsletter please let him know within the next couple of days.

OTHER:

Mr. Kulick said Randy Parry wanted to put some kind of banner up in the gym. He is doing a good job with the kids that are practicing with him.

Mr. Kulick congratulated Dani-Elle for coming home with an award from Nashville; she had the privilege of performing at Nissan Stadium.

Mr. Kulick wants to remind everyone next meeting October 5th is a very important meeting and hopes to have all these seats filled. He said to tell everyone that has things to say about the creek project to ask questions, the right people will be here to answer the questions. Mr. Mark said when he was talking to Representative Sid Kavulich, he asked that Mr. Mark would let him know when we are going to have meetings on this creek project so he is involved and he can do what he can to help. Mr. Mark will let him know it will be on October 5, 2017. Mr. Kulick said Senator Blake will not be here, he has a prior commitment but he may try to rearrange.

Mr. Kulick said if anyone is interested October 4th and 5th, the county is having their meetings about the reassessment; he contacted Commissioner Cummings today and chastised them for not including anything north of Dickson City.

Mr. Rood printed out Borough Code that states the borough has power in regards to the trees. Mr. Kulick said since the Borough established a Shade Tree Commission that turns the power over to him. Mrs. Wilson said we will be doing more trees; we have to go out to bid. Mr. Rood said not only it pertains to trees on Borough property but any other trees on anyone else's property. Mr. Kulick said the Borough has authority to make people do something with the trees that are hazardous. Mr. Rood thanked Borough council for taking care of those trees and hope we can continue with the rest of the places. Mr. Rood said on Jefferson, trees are growing over the wires and something has to be done to take care of them too. Mrs. Wilson said she met with the contractor who is contracted through PPL and he is trying to go through the whole town of Jermyn. He is marking only where the power lines are and there is a lot. She said before you do anything, they are to contact the Borough Secretary and the Shade Tree wants to meet with them because we will not go out to bid and then pay someone if PPL will do it for us that is even better. Mrs. Wilson said this will alleviate the problem and there is a problem here on Jefferson and he has it marked. Mr. Markey asked what time table do they have. Mrs. Wilson said they do not know, PPL is supposed to contact her with their scheduling. They are going out to bid, when they go out to bid and name the contractor, they will contact Shade Tree or the Borough secretary directly and give us their schedule. Mrs. Wilson said we are not going to go out and do something if they are going too. Mr. Markey asked what DPW has to do right now. Mrs. Wilson

said to wait, the ones that are not under PPL lines they can top. The ones that are by the lines they are going to do them and they may even take trees down for us. We have to work with them but the only thing is she does not know the schedule yet and before their contractor personnel puts a saw to the tree; we will have a representative from Shade Tree there. Mr. Kulick said didn't they say next year. Mr. Wilson said they may do it in the winter if the winter is mild because all the leaves are down and they have a clearer area.

Mr. Kulick said last meeting we talked about the possibility of resurrecting the Borough Manager position. He gave council 3 job descriptions and ordinances. He contacted the PSAB for this information. They told him a Borough our size does not need a Borough Manager. Mr. Kulick said just because we are small we still have a lot to deal with. If you just listen to ourselves talking at tonight's meeting some of the things that come up you can see why we need a Borough Manager. Mr. Kulick said these are for you to look at when you are going over the finances and try and see if we can figure something out.

Mayor Smallacombe asked Chief Arthur if he saw the guy driving around selling meat. Mayor said he told him he needed a permit and the guy left and went around the block selling at the next block. Chief Arthur said no but he cited two people soliciting for a mortgage company. Mayor Smallacombe said this guy has a freezer in the back of his truck, nothing is USDA inspected so you are at your own risk.

Mayor Smallacombe suggested we give Carl Yanowski a certificate. He is being honored by the state of PA through AARP for the highest award possible that they can give for volunteer of the year through AARP. He cannot attend the dinner so he contacted Mr. Kulick and he is able to go.

A motion was made by Mr. Markey and seconded by Mr. Napoli to adjourn the meeting at 8:45pm, all in favor, motion carried.