

Jermyn Borough  
**Council Minutes**  
January 2, 2018

The Jermyn Borough Council held a reorganization meeting and regular council meeting on January 2, 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, Joseph Smith, Cynthia Stephens and JoAnne Wilson. Also present were Mayor Fuga, Atty. Moran, Ray Rood and Bob Chase. Absent were: KBA and Evan Samuelson.

**MINUTES:**

A motion was made by Mr. Markey and seconded by Mr. Napoli to accept the December 21, 2017 meeting minutes; all in favor, motion carried.

**Swearing in of Council, Mayor and Tax Collector**

Council – Cynthia Stephens and Kristen Dougherty

Mayor- Anthony Fuga

Tax Collector- Ann Marie DeSanto

**Nominations:**

*Council President:* Mr. Markey nominated Mr. Kulick for Council President, seconded by Mr. Smith. All in favor; motion carried.

*Vice President:* Mr. Napoli nominated Mr. Markey as Vice President. All in favor.

*President Pro Tem:* Mr. Markey nominated Mr. Napoli. All in favor.

**Appointments:**

*Solicitor:* Motion made by Mr. Smith to retain solicitor Larry Moran and his firm for 2018, seconded by Mrs. Wilson. All in favor; motion carried.

*Police Chief:* A motion was made by Mr. Napoli and seconded by Mr. Markey to appoint William Arthur as police chief. All in favor; motion carried.

*Zoning Officer:* A motion was made by Mrs. Wilson and seconded by Mr. Napoli to appoint Bob Chase as zoning officer. All in favor; motion carried.

Mr. Kulick asked if we have a resignation letter from Joan Christian for the LST. She did not hand in her resignation yet. Mr. Kulick said she indicated she no longer wishes to be the LST collector.

*LST Collector:* A motion was made by Mr. Markey and seconded by Mrs. Wilson to appoint Berkheimer as our LST collector. All in favor, Motion carried

*Engineer:* We received 3 letters of interest for Borough Engineer. A motion was made by Mr. Napoli and seconded by Mrs. Wilson to table this matter and to compare all proposals for next meeting on January 18, 2018. All in favor, motion carried.

Council went into executive session at 7:15pm. Council reconvened at 7:32pm.

*Fire Chief:* Larry Moran asked for a motion to appoint Fire Chief and also to designate the elected captain of each fire co. in the Borough as asst. fire chief with the expectations that they will so serve as acting fire chief in the event of an incapacity or vacancy in the role of fire chief until council can otherwise fill that position. A motion was made by Mr. Smith and seconded by Mrs. Wilson to appoint Ray Rood as fire Chief with the expectation that the elected captains of each fire co will also be designated as asst fire chief for the Borough and be willing and able to serve in the event of a vacancy and incapacity. Mr. Markey asked if we received any letters from anyone showing an interest in fire chief. Mr. Kulick said just Ray Rood. All in favor; motion carried. The Assistant Fire Chiefs are James Allan and Bob Chase.

Mr. Lou Demarco asked what kind of advertising we did for these positions, just Facebook. Lou asked how we expect to get viable candidates with just putting it on Facebook only. If you want transparency, why not put it in the newspaper and allow all the people that read the newspaper, how many people read Facebook? Lou said he is wondering why it wasn't put in the newspaper. Mr. Kulick asked for what positions? Mr. Demarco said any of them, the ones that were appointed tonight; he understands the fire chief is in town. Why wasn't it advertised further than Facebook? Mr. Kulick said code officer we will probably have to advertise. It is word of mouth they were in the minutes. We got two other proposals for Borough Engineer. Mr. Markey said he agrees and made it no secret he told everyone up here, the old council that he thought it should be advertised in the paper. He understands Mr. Kulicks point as well, they are local. We can get an engineer, code officer and solicitor from anywhere. You want a local fire chief, police chief, zoning officer but he understands Mr. Demarco's point. Mr. Kulick said anybody that is in the soliciting business or zoning business they know every 2 years there is a reorganization meeting. Every two years those positions get appointed so why wouldn't they put something in. Mr. Rood said for the code enforcement the place to look is our 3<sup>rd</sup> part inspection agency. Mr. Chase said NEIC does it. Mr. Kulick said we are trying to do it on a shoestring budget. Lou Demarco said you have to look at what you are getting for what you are paying now. He said he brought other firms that can do better for half the price and hopes we are looking across the board for these positions. Lou asked why the Engineer was tabled. Mr. Markey said it is a big proposal and it's not fair to us and fair to everyone else, we just got it tonight. We need to go home and do our homework on it. Mr. Kulick said we have to look at the proposals at a financial standpoint; both of them are pretty detailed. Lou said he hopes we do not have history repeat itself.

*EMA Director:* Mr. Napoli appointed Ralph Bensing as the EMA director for Jermyn, seconded by Mr. Markey. All in favor; motion carried.

#### **Committees:**

Mr. Kulick said he changed a few things around and his goal was to create a couple other committees and to straighten some stuff out. He wanted to have each council member have a responsibility.

**Finance:** Joseph Smith – Chairman, Dan Markey and Kevin Napoli. He said he included Mr. Napoli because the two major expenditures for the Borough are DPW and the police.

**Public Safety:** Kevin Napoli- Chairman, Joseph Smith and Cindy Stephens.

**DPW:** Dan Markey- Chairman, JoAnne Wilson, Kristen Dougherty.

**Grants:** Kristen Dougherty-Chairman, Dan Markey and JoAnne Wilson

**Employee Handbook Review Committee-** JoAnne Wilson- Chair, Joseph Smith, Cindy Stephens.

**Ordinance Review-** Cindy Stephens- Chair, JoAnne Wilson and Kristen Dougherty.

**Employee liaison-** Joseph Smith

**Shade Tree liaison-** JoAnne Wilson

**Recreation Liaison-** Dan Markey

**Planning Liaison-** Kevin Napoli

Mr. Kulick said we do have an opening on the zoning board.

**Zoning Hearing Board:** Mr. Markey made a motion to appoint Lou Demarco Jr. to the zoning hearing board, seconded by Mrs. Wilson. All in favor; motion carried.

**Building Doors:** Will be tabled until next meeting. Mr. Markey asked why. Mrs. Wilson said because she did not talk to Tony Grizzanti yet and she wants to discuss with him what he has found out about the doors and if she needs more information she wants to be prepared to present it. Mrs. Wilson said we waited a year, one more meeting, at least this way we will get the doors that we want. There is only a \$60.00 difference. She wants to make sure because Mesko changed the doors, they are not like what we have now, and they changed them so she wants to make sure the change will fit in with what we have because they do not include masonry, carpentry or anything of that nature.

**Tax Ordinance:** A motion was made by Mr. Smith and seconded by Mr. Markey to prepare and allow the solicitor to advertise the 2018 tax rate millage at 29 mills. All in favor, motion carried.

**Garbage:** Resolution – reducing the garbage fee from \$145 to \$125. Mr. Kulick said two years ago it was \$200.00

### **Backhoe:**

Mr. Markey said we got a few different quotes. We got a quote for a John Deere, for the benefit of the new council members, a John Deere representative was here 2 meetings ago and they gave us a quote. Last meeting we had Stephenson give us a quote on JCB 3cx compact backhoe. Mr. Markey said the backhoe that we currently have is failing, we tried to use it to load salt the other day and it wouldn't start. It has an electrical problem and we need to get out from under it ASAP. The JCB which we feel, I believe as a collective DPW, that it will fit our needs more so as the John Deere which is bigger and bulkier and even more expensive. Stephenson came in with a price last meeting, first of \$94,000. Then, we told them there were some things we might not need and then they came in around \$84,000, before any trade-ins. Then they were giving us \$12,000 for the trade in. Mr. Markey called them this morning and he spoke with the representative. The Jcb 3cx compact didn't come standard with any lighting package. He asked her if there is anything they can do with the trade in or if they can give us some type of add on,

like a lighting package. They came back and did both and gave us the \$2,000 lighting package for free and gave us an extra \$5,500 on the trade in just this morning. Total sale after trade in will be \$63,582.76, which we can lease or purchase over a 5 year period. Mr. Markey said it less than what the John Deere would have been. Mr. Markey said if we wanted to we could use our trade in value as the first payment if we so choose. The other differences, John Deere had a 5 year 1500 hour warranty included; this has a 5yr 5,000 hour warranty included. We discussed it a lot over the past few months. A motion was made by Mr. Markey and seconded by Mr. Napoli to purchase a JCB 3cx Backhoe from Stephensen Equipment for \$63,582.76 after trade in to be paid for by liquid fuels and up to 5 years. All in favor; motion carried.

**Chipper:** Mr. Markey said our current chipper is also failing us. We have bad teeth and blown motor. We did get a few different quotes for chippers as well. We didn't go with the most expensive option. This would also be from Stephensen equipment. It would be \$18,228.80. This will be paid from the garbage fee, which we had the solicitor research and we are allowed to use garbage fee monies on chippers and other things for waste reduction. Also, the purchase of this chipper was also taken into account when the Finance Committee from 2017 met to put together the 2018 budget. After the chipper purchase we are still able to lower our garbage fee from \$145 to \$125, even taken this \$18,000 into account. A motion was made by Mr. Markey to purchase the chipper from Stephensen equipment for \$18,228.80 to be paid for out of the garbage fee. Mrs. Dougherty asked if there are other bids from different companies. Mr. Markey said there was another bid from the same company for a bigger chipper and we had a bid from a different company for a bigger chipper as well, one was \$29,xxx and there was another one a little bigger than this one. Seconded by Mrs. Stephens. All in favor; motion carried.

**Police:** Mr. Napoli made a motion to allow Officer Russo to exercise the option to not take the health insurance and get paid \$2.00 more at a rate of \$19.00 which is what we allotted the original officer. Mrs. Wilson asked if we are setting a precedent. Mr. Markey said no we set our precedent with Dominic. Mr. Napoli said when we started we gave them that option if they didn't take the insurance we would give them \$2.00 an hour more. Mr. Napoli said it comes out to half of the insurance if we were to pay the \$8,000 a year for the insurance; it comes out less than half of that. Mr. Markey seconded the motion. All in favor; motion carried.

Mr. Napoli said we wanted to discuss the last meeting, Mr. Smith had said there was a raise across the board for all employees. Mr. Smith said no the budget included raises as discussed, not across the board, whatever we talked about in the Finance meeting. Mr. Markey said the raises that were in the budget were \$.50/hr. for Tony and Joe and Cara. Those were the only ones. Mr. Smith said those were the ones discussed in the budget. Mr. Markey said the discussion was brought up after that meeting, it might have just been the verbiage and he thinks it was said in the meeting the new 2018 budget includes raises for all the employees. It may have just rolled off but then that brought up the question, did the part time police get a raise and the answer was no and the question was why. Mr. Markey said when he went back and looked at it and looked at the part time police officers pay, it is still rather low. Mr. Markey said we should at least discuss it and the possibility of increasing the pay. Mr. Markey said he understands it would have been a better discussion at the Finance meeting but it didn't come up until last meeting, we are in a reorganization meeting and we have the power to reopen the budget. Mr. Markey asked Atty. Moran if we decided to increase the pay of the PT officers would it require the budget to

reopen. Atty. Moran said you have the power to do a budget amendment. Mr. Markey asked if it would need to be advertised. Mr. Smith said it doesn't have anything to do with the budget; we can do it any time. Mr. Markey asked if anyone has the current police officers pay rates. Mr. Markey said most are paid the same. There are two that paid higher. Mr. Napoli said Officer Caljean and Brazen are paid higher. Mr. Markey said we have had this discussion many many of times that the police in our Borough aren't paid what they should be and what they are worth. Now that the year is over and we see a little bit of surplus in our 2017 budget begs the question, should we give them a little bump in pay for serving their time here or they can go somewhere else and get \$5.00/hr. more. Mr. Kulick asked what the current pay is now. \$14.00/hr.

Mr. Napoli said if you look up and down the valley and see what other Boroughs are paying and then you come back to Jermyn. Lou asked how many part time officers are there. Chief Arthur said 12. Mr. Kulick said they cover 1 shift per day and weekends. There is \$68,038 in the budget for 2018 for part time officers. Mr. Smith said not everyone is on the same pay. Mr. Kulick said it is \$14.00 average. Mr. Smith said he isn't sure on the salaries. Lou Demarco asked how much was there a surplus in the budget. Mr. Markey said after we ended the year, he isn't exactly sure the year just ended on Sunday but the last time we got a treasurer's report, keep in mind we carried over \$100,000 surplus from 2017 to fulfill the 2018 budget but the last treasurer's report above and beyond that \$100,000, he thinks was another \$33,000. Lou Demarco asked if that is all the Borough has surplus wise. Mr. Markey said there are other accounts but that is just the general fund. Mr. Kulick asked if there is anyone thinks they don't deserve it. Mr. Smith said it's not a matter of not deserving it but going back to finance committee and discussing it at a finance level and bring back a recommendation.

#### **New Business:**

Mr. Kulick said we have a copy of the 2016 prior not including 2017; we have \$20,000 in real estate and garbage fees not paid. That does not include 2017.

Mr. Kulick said we only collected half of the rental permit fees so far and they are due tomorrow. We are not taking it lightly, if they are not in and properly filled out we will take every action we can legally, which is substantial.

Mr. Kulick said his goal this year is to be as tough as we can possibly be for the garbage issue, rental, delinquent tax payers, and blighted properties. It has to stop. Lou Demarco said the Main St. is embarrassing.

Mrs. Wilson said she wishes we can have the garbage picked up in the alleyway for the 600 block of Washington. There is an alleyway back there. The majority of the people that use Johnson Ct. between 500 and 600 block, you go down that alleyway, the majority of people put their garbage in Johnson Ct., not on Main St. She understands some may be handicapped and they do put it out in front, which is ok and then they take it in. The 600 block on the one side, if we can get them to use that Davis Ct. in the back. Mr. Kulick said the one you are referring to, they can put it where ever they want, are we not picking it up. They are on the list since 2013. They still owe 2 years, now the garbage is sitting on the side of their house and we can fine them for littering. Mr. Markey said he doesn't think we can force people to put their garbage in the back of their home. Mrs. Wilson said she doesn't see why not, there is parking for the

businesses, it is a business district and there is an alley. There are huge pick ups in the back. Wayne's and Dominick's Pizza has one. It is a business district, there is only 2 hr. parking on the one side of the street, when these trucks come through it can be a safety hazard. Mrs. Wilson said the 500 block you can't because the one side does not have an alley and then you get into residential but in that one section we can do it. Atty. Moran said we have the power to regulate if we want to do something by ordinance or resolution. Mrs. Wilson said she would really like to look into that.

Mr. Markey asked if we can do anything to have Floyd Celli move his big truck out of the way. Chief Arthur said its 2 hour parking and he does move it. If it's legally parked, registered and insured we cannot do anything as long as it's moved within the 2 hr. period.

Mrs. Wilson said after our Shade Tree January meeting, she will go talk to Mr. Cerminaro to cut back the trees on his perimeter.

Mr. Kulick said in the ordinance, trash collection, states that commercial business has to have the same garbage company that the Borough contracts with. Atty. Moran asked if it something we want to maintain or enforce or amend. Mrs. Dougherty asked if it was an agreement made with County Waste. Mr. Markey said no it was an ordinance from 1981. Atty. Moran said he's not sure if it has changed but assumed it was legal in 1981, we can always take that out of the ordinance. Mrs. Wilson said if they can get it some place cheaper. Mrs. Wilson said we do not want to cost the businesses more money. Mr. Markey said the only thing he can think of when that ordinance was made was the increased truck traffic in town, which was almost 40 years ago. Mrs. Wilson said maybe we should revise that and delete it.

Mr. Kulick said Mr. Parks social security number somehow got tied into another employees and he got a letter from the IRS for unreported income for 2016. If there is some kind of cost occurred from the accountant we will cover it.

Mr. Markey said now that we have two new sitting council members, we are the only Borough in the county that has a council that does not get paid to serve. Mr. Markey asked why? Mrs. Wilson said this is a town of volunteers. Mr. Markey said not many volunteers; most of them are sitting in this room. Mrs. Wilson said it is 1 mile square and we all knew when we ran for election, there was no payment. The only thing we get is a subscription to the Borough magazine, meetings, etc. Mr. Kulick said even if we wanted to do that we would have to do it for the next cycle. Mrs. Wilson said it is volunteerism. We ask our solicitor to keep his prices down, our fire chief, our engineers, we have volunteer firemen, our DPW do a lot on their own when they are off the clock volunteering because people know they can call and ask them, this is volunteer, we ran knowing weren't getting paid and we should keep it that way. Mr. Markey said he respects her opinion, he always thought that too but people come up to him and said and one of the things you have to think about, what if someone comes up to you with a problem and you say "I don't get paid to do this, I don't care." Mrs. Wilson said then you do not belong on the council. Mr. Markey said he understands that but you can be having a bad day. Mrs. Wilson said even you are getting paid you can say "that's not my committee; I don't get paid to do this." Mr. Markey said he just wanted to know everyone's thoughts.

Mr. Kulick said he wants to officially welcome our new members and thank them for volunteering. We are looking forward to a great 2018.

Mr. Markey said there was a letter sent from DGK and it states the auto liability coverage was added to the Jermyn Borough policy. He does not think we agreed to do this. It doesn't sound right. We will follow up with DGK. We were supposed to get the bill for it but not the coverage.

A motion was made by Mr. Napoli and seconded by Mr. Markey to adjourn the meeting at 8:40pm. All in favor; motion carried.