

Jermyn Borough

Council Meeting

11/5/20

The Jermyn Borough Council held a council meeting on Thursday, November 5, 2020 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, Jennifer Schreiner, Cynthia Stephens, and Robert Hunt. Mayor Fuga, Attorney Aquilino, Amanda Rzucidlo, and Kathlyn Goodwin were also present. Bob Chase, Stanley Hallowich, KBA, and Jim Perry were absent.

**Minutes:** A motion was made by K. Napoli to accept the minutes of 10/1/20 as presented. Seconded by K. Dougherty. All in favor, motion carried.

**Treasurer's Report/Bills Payable:** D. Markey presented the Treasurer's Report:

**November 5, 2020**

**ASSETS**

<b>Capital Reserve - DPW</b>	<b>13,427.45</b>
<b>Capital Reserve - Police</b>	<b>2,565.76</b>
<b>Crime Watch Fund</b>	<b>921.75</b>
<b>General Fund - Community</b>	<b>43,370.31</b>
<b>General Fund - FNB</b>	<b>1,950.38</b>
<b>Holiday Lights Fund</b>	<b>543.90</b>
<b>Investment - General Fund</b>	<b>1.39</b>
<b>Investment - Liquid Fuels</b>	<b>34,291.59</b>
<b>Investment - Paving Fund</b>	<b>11.91</b>
<b>Investment - Recycling</b>	<b>1.33</b>
<b>Investment - Refuse</b>	<b>2,603.51</b>
<b>Liquid Fuels - FNB</b>	<b>35,760.53</b>
<b>Petty Cash</b>	<b>176.42</b>
<b>Recreations Fund</b>	<b>6,794.12</b>
<b>Recycling - Community</b>	<b>13,163.91</b>
<b>Refuse Checking - FNB</b>	<b>46,240.15</b>
<b>Total Checking/Savings</b>	<b>201,824.41</b>

## **Current Liabilities**

### **Accounts Payable**

**200000 · Accounts Payable**                      **20,979.28**

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

**Correspondence:** F. Kulick advised we received a copy of the permit application for R&L's DEP Water Encroachment. A copy of the application is on file at the borough office.

A letter was received from United Neighborhood Centers of Northeast PA. They will not be placing Feed-A-Friend barrels this year due to the pandemic, but ask the public to Support Feed A Friend with monetary donations at [www.uncnepa.org/one-time-donation](http://www.uncnepa.org/one-time-donation) and select Feed A Friend Thanksgiving Program. A gift of \$40 will sponsor one family. F. Kulick asked if we should kick in something? D. Markey stated that the borough cannot donate, but we can support through our website and FB pages.

**Public Comment:** None.

**Tax Collector Report:** Kathlyn Goodwin stated she is working on removing the time consuming issues from the job using new tax collection software. Regarding voicemails, she had to get a Trac Phone, because she was getting calls late hours, weekends, holidays, etc. on her cell phone. She stated there are many issues with people not following the written directions for receipts, then calling for receipts. She is working on a frequently asked questions form for residents. September had a big backlog due to mortgage and escrow companies asking for about 600 duplicate bills. She remits once per month, because it eases up on the bookkeeping. K. Dougherty asked if she can remit any more often than once per month? It can be a big strain on taxpayers. K. Goodwin stated she can increase to twice per month. As far as the phone issue, D. Markey stated that when people hit the option for the tax collector and the voicemail is full, they call back and hit the option for Council President or Mayor or Borough Office, then everyone else gets inundated with calls that we cannot field. D. Markey stated the tax collector submitted a receipt for additional Trac Phone time. Attorney Aquilino will speak to that in a moment. D. Markey advised that Verizon can add a line without a phone for \$25/month with unlimited voicemail, and she can answer the phone and check voicemails through her One Call app. W. Aquilino advised K. Goodwin he doesn't think there's a way to reimburse her for the Trac Phone, because then we'd be in a situation where borough employees or elected officials may be entitled to the same. K. Goodwin stated she need a solution. W. Aquilino states he thinks D. Markey is providing a good one. D. Markey asked for a motion to setup a Verizon line for the tax collector at \$25/month. A motion was made by K. Dougherty. Seconded by J. Schreiner. All members in favor, motion carried. K. Dougherty asked if we are receiving reports on what is taken in? D. Markey stated we are supposed to receive a report by the 10<sup>th</sup> of the month following the month collected, which he reviewed with the tax collector a few weeks ago.

**Police Report:** Chief Arthur reported there were over 5,000 incidents for the year. They just completed criminal history certification, to ensure compliance with criminal history file rules. The department did Operation Nighthawk with the Pennsylvania State Police. Some of the expenses were reimbursed through the DUI Association. This is a yearly program intended to stop DUI drivers. They are also finished up on qualifications for the year. The bear is back in town, and the game commission urges residents to remove food sources such as garbage cans and bird feeders. With hunting season coming up, if you see someone in orange carrying a rifle, they are probably headed to the woods to hunt; there's probably no need to contact

the police. Keep your vehicle doors locked, as people are going through unlocked cars again. This is not just a Jermyn problem; it's widespread. Sometimes residents obtain pictures or videos from their cameras. Chief Arthur attended a Chief's meeting as well, and they are trying to stay up on guidance of the use of force, etc.

**Fire Report:** K. Napoli stated Chief Hallowich is teaching a class tonight in Allentown. There have been a total of 58 calls this year, with 19 being in Jermyn Borough. Members of both companies have completed a fire prevention class through Zoom to the schools and daycares.

**Solicitor/Code Enforcement:** W. Aquilino stated we have a stop sign ordinance up for a vote tonight for advertisement. We are looking at the rental ordinance, and there are things to consider to perhaps make it more robust. We have received an email from Mayfield asking for more information regarding R&L Carriers. We will be meeting with R&L Carriers to have some of the questions answered, and we should be able to reply back to Mayfield by the end of the month. Mayor Fuga asked why are they concerned? Back when the ethanol plant was being discussed, Mayfield wanted Jermyn to get involved, and Jermyn refused, because it was a project related to their town, so why are they getting involved here? Attorney Aquilino stated we're trying to be kind to our neighbors and provide correct information, even though all the information regarding state statutes, etc. is available out there. F. Kulick stated most of the questions were already answered by R&L, but due to lack of due diligence, and the time to ask the questions was two years ago. K. Dougherty asked if we are required to answer their questions? W. Aquilino stated no, but we're trying to be kind to our neighbors.

For Code Enforcement, we had a second hearing for 706 Washington Ave. We have a complaint for 434-436 Delaware that someone finally signed, rather than being anonymous. 436 Delaware is in Archbald, and 434 in Jermyn, so the Jermyn and Archbald Code Enforcement Officers are working together on this one.

**Junior Council:** A. Rzucidlo stated there's a vehicle that's parked in front of a tree, so the vehicle is sticking out in the road, and can we do anything about that? W. Aquilino asked Chief Arthur if there's a law about parking within so many feet of the stop sign? Chief Arthur stated yes. K. Napoli stated this isn't by the stop sign, it's by the bridge. Mayor Fuga stated we will monitor it.

**Mayor:** Mayor Fuga had nothing at this time.

**Planning Commission:** K. Napoli reported there is nothing new at this time.

**Public Safety:** K. Napoli stated Officer Rivers was off orientation, but we never increased him to base pay. K. Napoli made a motion to move Officer Rivers from orientation pay to base pay retroactive to when he came off. Seconded by J. Schreiner. All members in favor, motion carried.

K. Napoli stated that James Perry wants to wait until all can gather at William Walker's to take the NIMS classes at once. K. Napoli stated that because of COVID-19, we are in no rush to complete this, and any funding due to an emergency would not be held up by this.

**Finance:** F. Kulick stated the finance committee had met, and he suggests all of council meeting for a budget hearing. Council will meet on Thursday, November 12<sup>th</sup> at 7pm for this. D. Markey will advertise and provide budget worksheets.

**Shade Tree:** R. Hunt stated he spoke with J. Wilson. They were going to get Shade Trees on the week of the 8<sup>th</sup> to plant, but R. Hunt advised Mrs. Wilson that D. Markey stated that the planting of trees needs to be advertised. F. Kulick asked R. Hunt about the banners? R. Hunt stated he hadn't heard anything about banners. F. Kulick asked about Veteran's Day. D. Markey stated that the American Legion is going to have a quick, private ceremony in front of the borough building. Just a quick prayer and 21 gun salute.

**Grants/MS4/DPW/Jermyn150:** No reports at this time.

**Borough Manager:** D. Markey wants to thank all that came out for the blood drive on 9/25. 25 pints of blood were collected, and that can save up to 75 lives. D. Markey is working on two blood drives per year in the future.

The borough parking lot is paved.

D. Markey brought up IT solutions, and showed council a cost analysis, where the borough can save roughly \$1438 per year by switching our current vendors to Icon Technology. Since Council failed to establish a quorum on the 10/15/20 meeting date, and due to time constraints, President Kulick permitted D. Markey to switch to Icon Technologies. A motion is requested tonight to ratify the decision. A motion was made by J. Schreiner to switch to Icon Technologies for IT. Seconded by C. Stephens. All members in favor, motion carried.

We have received all of our Walkworks signs and materials. We need to set a date for a kickoff event. D. Markey asked K. Dougherty, J. Schreiner, and C. Stephens to decide, as they are the Walkworks Committee.

D. Markey stated that through CARES Act funding, we are able to upgrade our website, and he has verified this with Lackawanna County Economic Development. The website must be up and functional by 12/30/20. Revize has given us a proposal to handle the website overhaul for \$7700. K. Dougherty asked what the changes were made already were? D. Markey stated we switched the web hosting, and that changed the look of the site. A motion was made by K. Dougherty to contract with Revize to redo website by 12/30/20. Seconded by C. Stephens. All members in favor, motion carried.

D. Markey stated that he will be preparing and sending the rental applications next week.

Rainey & Rainey, who purchased Foy & Murnoch are interested in putting in a bid to be the borough's auditor. D. Markey asked if council would like him to get bids for borough auditor? F. Kulick asked if we are obligated to get bids? D. Markey stated he doesn't think so, but bidding always helps to get the best price. K. Dougherty asked if we can ask Rainey & Rainey for a proposal? D. Markey stated yes. F. Kulick stated to ask them for a proposal.

**Washington Ave. Speed Reduction:** D. Markey read a letter from PENNDOT in which a traffic study was completed, and changing the state portion of Washington Ave from 35mph to 25mph is warranted. The state will assist the borough in changing the speed limit signs. D. Markey asked council to consider a motion to allow the solicitor to draft an ordinance to lower the 35mph portions of Washington Ave to 25mph. Seconded by K. Napoli. All members in favor, motion carried. Chief Arthur stated when this is re-posted, something needs to be done about the trees. Either the trees need to be cut or the signs need to be moved. Mayor Fuga stated we can work with PENNDOT to move the signs. D. Markey stated PENNDOT would cut the trees back or down. K. Dougherty asked if we would flag the signs once they're changed? D. Markey explained the ordinance process, and Mayor Fuga stated we would put up reflective orange diamonds above the signs.

**Resolution #16-2020:** F. Kulick read Resolution #16-2020 to extend the agreement between Jermyn Borough and the Lackawanna River Basin Sewer Authority to 2050. The current agreement is until 2040. A motion was made by K. Napoli to pass Resolution #16-20. Seconded by J. Schreiner. All members in favor, motion carried.

**Zoning Hearing Board Alternate Member:** D. Markey explained that Mr. Floyd Zabel of Madison Ave. has shown interest in becoming an alternate member of the Zoning Hearing Board. D. Markey thanked Mr. Zabel for his willingness to volunteer, and asked council to appoint him as an alternate member. A motion was

made by J. Schreiner to appoint Floyd Zabel as an alternate member of the zoning hearing board. Seconded by K. Dougherty. All members in favor, motion carried.

Mr. Zabel stated the Marlboro sign blocks his view of traffic at the corner of Franklin and Washington when he is trying to pull out onto Washington. Mayor Fuga stated we might all be used to it, but we will take a look at it. Council discussed other line of sight issues in the borough also.

**Jermyn Climate Action Plan:** F. Kulick stated we tabled this last time to be able to read it, and he hopes all the council members went through and read it. He stated, in his opinion, there's no reason why we shouldn't adopt it. He thinks it puts us a step ahead for in the future when we are forced to do it. K. Dougherty disagreed, and stated she thinks the plan makes a lot of promises and puts the borough in a position to do things that we are not financially capable of. K. Napoli asked what things? K. Dougherty stated resources and costs are a concern for her. Who is going to do all this, and who is going to pay for it? C. Stephens suggested tabling one more time until C. Tomaine is back, because he seemed more concerned about it. Mr. Mike Slager from Mayfield spoke about climate change, as he gave a handout to council. D. Markey stated he worked closely with Dr. Troy and her students from Wilkes University when they were putting the study and the plan together. He stated he believes the terms "climate change" and "global warming" are political and debatable, but we can agree that we have climate problems. He believes there are small action steps that residents and the borough can take that are cost saving, and help the environment, such as changing to LED lighting, which is a win-win. D. Markey asked if he should contact the Wilkes University students to come back to field any questions? K. Napoli stated that's not necessary. F. Kulick stated this topic will again be tabled.

**Rental Ordinance:** W. Aquilino stated he has been working with the borough manager regarding the rental ordinance, and the rental program is being tracked and enforced. We have been inspecting and investigating properties for people not getting permits, and the ordinance can use some extra teeth. Some things are too lenient. F. Kulick asked if we can gather additional information on renters, and can the borough make property owners use a specific application, asking questions like being convicted of a felony? R. Hunt stated that would be seen as discrimination. J. Schreiner stated we can't require property owners to ask questions that they don't want to ask. W. Aquilino stated another problem is that we don't know what we don't know. If tenants move out and new tenants move in, we're not notified about it. W. Aquilino stated that the property tries to protect against absentee landlords, but we will need to educate property owners when the new ordinance is written. Most property owners are not a problem, but there are some property owners that continually don't do what they should. D. Markey suggested for all the council members, solicitor, and Mayor look through the ordinance, and make recommendations regarding updates for the next council meeting. J. Schreiner asked what is the goal here? F. Kulick stated we're trying to make it better so we can get a little more control of knowing who is living in the rentals, and the property owners are taking the right steps. W. Aquilino stated during inspections, there are some safety issues that are violations of the property maintenance code, and others that are just landlord issues. K. Dougherty asked are we allowed to ask for information for renters? W. Aquilino stated yes, because there are times where the borough may need to get into direct contact with the tenants. K. Dougherty also asked if the renter has five other people moving in with them, how can we stop that? W. Aquilino stated that's a landlord issue, and should be handled in the lease. K. Dougherty asked what is the intent? W. Aquilino stated we want to know who the landlords are and who the tenants are. Mayor Fuga stated this stems back to awhile ago where there was a small apartment and there were fifteen people in there. F. Kulick asked if we ask if their taxes or garbage fees are paid? D. Markey stated no, we are not allowed to refuse a rental permit for tax or garbage delinquents. F. Kulick stated if garbage is piling up at a rental property, it should be unsafe to live there and be shut down. W. Aquilino said there is a different vehicle for enforcing that. K. Napoli stated the issue is the level of responsibility that the

property owner has. K. Dougherty stated we need to define what a responsible property owner is, and the penalties for not being a responsible property owner. D. Markey stated we also need to clearly define tenant. W. Aquilino stated that will define who will receive a letter.

R. Hunt adjourned at 8:51pm due to work purposes.

**Garfield St. Stop Sign:** A motion was made by K. Dougherty to advertise the Ordinance to place a stop sign at the second intersection of Raymond Dr. and Garfield Ave. from Bacon St. Seconded by K. Napoli. All members in favor, motion carried.

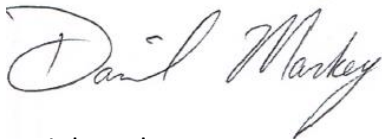
**Frank Constantine Issue:** W. Aquilino stated Frank Constantine has been very vocal regarding his feelings on parking, crosswalks, etc. at the daycare on the 600 block of Madison Ave. W. Aquilino asked if Mr. Constantine was in attendance. He was not. W. Aquilino stated council passed an ordinance 1-2020 to remove parking from between the entrance and exit of the daycare, which will alleviate any concerns, and this issue is closed.

**Social Media Protocol:** F. Kulick wants it to be on record that the only response from borough officials from questions on social media are questions directly posed to the Jermyn Borough sanctioned FB page, and asked officials to cease from commenting on other sites.

**New Business:** D. Markey wants to remind all that there most likely won't be a holiday parade this year. D. Markey also suggested to F. Kulick that we can probably go back to one meeting per month starting in 2021. F. Kulick agreed.

**Adjournment:** With no other business to come before the meeting, a motion was made to adjourn by K. Napoli. Seconded by C. Stephens. All members in favor. Meeting adjourned at 9:03 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