

JERMYN COUNCIL MINUTES

JUNE 13, 2013

Unofficial Until July 11, 2013

The Jermyn Borough Council met on Thursday, June 13, 2013, in Council Chambers, Jermyn Community Center, 440 Jefferson Avenue, Jermyn, PA. The meeting was called to order at 7:00 p.m. by Vice President Robert Parks. Present were: Walter Estile, James Allan, Joseph Smith, and Robert Parks. Absent were: John Mark, A. J. Fuga, and Katie Hosie. Also present were Mayor Bruce Smallacombe, Solicitor Albert Nicholls, Esq., and JoAnne Wilson, recording clerk.

MINUTES – Mr. Allan moved, seconded by Mr. Estile, to accept the minutes of May 9, 2013 as presented. All members present voted in favor. Motion carried.

FINANCIAL REPORT – Mr. Smith presented the following financial report as of May 31, 2013:

Beginning balance	\$306,805.94
Deposits	90,488.47
Expenses	46,149.31
Ending Balance	\$351,145.10

Mr. Estile moved, seconded by Mr. Allan, to accept the Financial Report as presented. All present voted in favor. Motion carried.

MAYOR'S REPORT: Mayor Smallacombe stated the reports from Acting Chief W. Arthur are excellent. It keeps us well informed as to our police department activities and the security of our borough. It shows that the department's revenue is up, involvement in public events, such as, the Dare Program, Buckle Up program, and involvement in Lakeland's graduation and other events at the school. The Neighborhood Crime Watch met on Wednesday evening. The NCW are inviting all residents to become members. They are planning Jermyn's Night Out for Tuesday, August 13rd at the Artisan Hose Company grounds. It starts at 6:00 p.m. and include a parade at 7 p.m., face painting, finger printing, and various games for the children. Officer McMorro, police liaison, is looking into other educational activities, such as a smoke house. A basket raffle will be held, and they are looking for basket donations and donations to cover expenses. All food and activities are free to the public. Volunteers are needed to assist the NCW.

The Mayor also noted Mr. Mark Edwards of Lincoln Avenue at the State Bowling Tournament bowled a perfect 300. Congratulations! The Historical Society

is looking for artifacts, etc.; he brought in a 1830's circa gin bottle jug/crock to show the public. He also noted, Mr. Pepper Krenitsky of Hemlock Avenue has written a book on Edgerton, whose inhabitants migrated to Jermyn and Mayfield, after the mining town folded. The book is on sale in various shops in town for \$10.00.

He reported on Jermyn Committees: the Events Committee is sponsoring a Free Concert in the Park on Sunday, July 28th from 6 pm to 8 pm with free hot dogs and beverages. The Recreation Committee needs members. The Police Department – excellent job!

FIRE CHIEF: Mr. Rood reported on the Snipes property that burned (old Muldoon property) on Washington Avenue. There is a problem with the owner and the insurance company. The adjuster has made an offer, but the owner has not accepted it. The building was not fully engulfed; the fire was contained to one section. The fire departments made an awesome fire stop. He suggested the Jermyn Borough look into having a Fire Loss Ordinance. He stated Archbald and Carbondale City has the ordinance. He noted, stated in the ordinance, the insurance company holds in an escrow account a specified amount of money until the structure's owner either repairs or tears down the burned structure. It would protect the town against dilapidated unsafe buildings/structures. Mr. Rood noted he gave a copy to Attorney Nicholls to review.

PUBLIC INPUT:

Mr. Louis DeMarco of Gibson Street – He asked if the land surveys were done for his property. Attorney Nicholls replied they are being worked on. He asked for a time frame. KBA is reviewing the surveys. Attorney Nicholls will contact KBA accordingly.

Mrs. Gerri Flynn of Madison Avenue – She was very concerned about her cats being trapped by the borough. They are very expensive-approximately \$600.00; she keeps them inside and on a retaining leash. She would like the Borough to put something in the newspaper warning the residents of the trapping. She is afraid her cats might get away accidentally. She was informed by Mr. Parks and the acting Police Chief that the cats (animals) that are trapped are taken to the Humane Society. When there, the H.C. scans the cats for the owner's chip, license, collar ID. They then notify the owner. If your pet is missing and does not have any ID, notify the police department. All pets/animals are to be on leashes. The Borough has an ordinance ([available here](#)) relating to this and is available to all residents. The Acting Chief is responding to complaints made by borough residents.

Mr. Raymond Rood of Bacon Street – He stated after three (3) years he still has a severe sewer back-up problem in his home. What is Council going to do about it? There is a plan to have a sewer line go through the Rood property and hook into the sewer in the Park. Bids have been received for hook-up to the Park/Rood; Mr. Rood indicated he does not want that plan now. He wants a spur for his sewer line. A lengthy discussion ensued, points of interest: the developer(s) should have a large bond to cover items such as this; should be a suit against Raymond Development; the 8” manhole in the park was found to be backing up; Raymond Development’s attorney questioned who gave Mr. Rood permission to hook-up to the development’s sewer; Mr. Rood stated he received all approval permits to hook-up; all agreed Raymond Development has been difficult to work with on all problems occurring in the development; KBA was asked to re-evaluate the sewer problem and come up with a agreeable solution; Mr. Rood has already given KBA all the information with depths, etc. and video; Cost to hook-up to Bacon Street is approximately \$40,000.00; Suggestion made to have an ordinance for Jermyn infrastructure having an independent inspector; Council is concerned about future problems with the back-up of the sewer line on Garfield – Bacon Streets, if the park sewer line is used; Finally, Attorney Nicholls stated this must be settled in agreement with Mr. Rood and Council. A meeting between Ray Rood, KBA, and Attorney Nicholls must be set, at their convenience, to solve this problem. Action (solution) should be taken at the July council meeting. All parties are in agreement. Mr. Rood stated again, he wants a spur.

Mr. Louis DeMarco of Gibson Street – He asked if there has been any infrastructure updates. Attorney Nicholls stated no updates on Zoning and Building Codes.

Ms. Sandra Suey of Lincoln Avenue – She issued a complaint on the method of receiving zoning and building permits from the Borough of Jermyn. The building permit needs guidelines as to the completion of the application form. She completed the form, but then was informed it was lacking a drawing which was not indicated on the application. After one (1) week and \$154.00 later, finally, I got the permit. She also noted the Borough office did not give her any information. Also she was asked by KBA to watch a pink line on the Lincoln Avenue Bridge, which would indicate movement. KBA noted that the water is washing out under the bridge abutment and must be watched for future movement. Mr. Parks noted she should not have to watch the movement from the pink line. He will have the Jermyn DPW check on it, but if Ms. Suey sees movement please contact the Borough Office and report it.

Mr. Robert Speicher of Washington Avenue – He reported behind his home (Davis Court) the road ends are buckling. This is due to the movement of equipment used by Rock Bottom construction, who is building a home in that area. Rock Bottom will be contacted.

Mr. Andy Whitiak of Gibson Street/Washington Avenue – He distributed the “Rolling Thunder Ride XIV” flyer to inform and invite the Borough residents, fire companies, and council to participate in the special event for Veterans on July 21st at the Windsor Inn stop. The council will put it on the Borough’s website and post. He issued a compliant about the zoning and building permits. He questioned, why wasn’t the two (2) permit applications given at the same time. He received the permit approved by Zoning Officer Chase, and then told he needed the building permit. He stated that the Veritas inspector would not come in (Windsor Inn) to talk to him; he gave a message to one of the Windsor workers knowing I was inside. He contacted Veritas 4 or 5 times without a return call. Mr. Estile noted the council cannot speak for the Zoning officer; and he is not in attendance. Mr. Parks stated the council will address the situation with Veritas and Mr. Chase, and will rectify the problem of the distribution of permit applications. Mr. Whitiak requested a private meeting with Mayor Smallacombe and Acting Police Chief Arthur.

Mr. Arthur Wilson of Washington Avenue – He complimented the present Council, Mayor, Police Department, Fire Chief, and Zoning Officers for doing a good job. He noted a lot of the problems/issues/concerns are from the past councils, etc. The present council is doing the best that can be expected with budget constraints, codes, etc. They must deal with a flood project that happen ten years ago, which was blocked by the Federal and State departments’ inspections, especially the environmental department. They have accomplished and solved many problems that they inherited. Kudos and thanks should be given to them for their service to the Borough.

Public input closed. Mr. Parks called for reports from Standing Committees:

FINANCE: Mr. Smith asked for approval of current bills in the amount of \$16,675.76. Mr. Allan moved, seconded by Mr. Estile, to approve and pay the presented bills. All present voted in favor. Motion carried.

PUBLIC WORKS: Mr. Parks discussed the need for a line paint machine and a road cut saw for the DPW department; cost approximately \$2,000.00. Mr. Estile moved to purchase the road cut saw. There being no second, motion died.

Bardane Environmental Problem – Mr. Parks discussed his meeting with a local State Representative. The State Representative suggested a letter of compliant be drawn by the Borough concerning the environmental problem being caused by Bardane Manufacturing. Mr. Estile moved, seconded by Mr. Smith, to have Attorney Nicholls compose a letter of compliant against Bardane Manufacturing, Delaware Street, Jermyn. All present voted in favor. Motion carried. Attorney Nicholls and Mr. Parks will meet to confer on the compliant letter.

PUBLIC SAFETY: No report.

RECREATION: No report.

ROADS COMMITTEE: No report.

ZONING OFFICER: No report.

NEW BUSINESS:

Rushbrook Creek/Borough Building Roof – KBA working on both projects. The Borough has completed all forms awaiting further directions. The roof project bids will be opened at the July meeting.

Ford Explorer Cruiser – Action tabled.

Act 32 – Representative Appointment – Action tabled. Action to be taken at the July 11, 2013 meeting.

Wright Center request October 5, 2013 5K walk/run at 10:00 a.m. – Mr. Smith moved, seconded by Mr. Allan, to grant permission to the Wright Center for Primary Care to conduct a 5K walk/run on South Washington Avenue and Old Mill Road and Power Road, and approve the Police Department, and in conjunction with the Fire Police, to assist in the 5K walk/run. On the question, the Jermyn Police Chief and Fire should be contacted on the route, etc. The acting Police Chief Arthur will handle it. Question on the liability, Attorney Nicholls stated it is covered. All present voted in favor. Motion carried.

Solicitation Permit – Attorney Nicholls has drafted the permit in accordance with the old ordinance. Changes can be made, if it is found that updates have occurred. The permit has been given to Acting Police Chief Arthur.

Police Car Lease and Payment – Mr. Smith stated a phone (verbal) vote had to be taken to start the process of the lease. The phone vote (for the record) is as follows:

Yes – K. Hosie, J. Smith, W. Estile, J. Allan, J. Mark, and A.J. Fuga; No – R. Parks. Verbal vote approval was given to proceed with the paper work for a 5 year lease – 6 yes, 1 no. Ratification vote will be taken at the June 13th meeting.

Mr. Smith noted a five (5) year lease would give the borough budget some leeway, so we are not strapped financially. Mr. Parks noted he feels with the age of

the cars a three (3) year lease would be a better way to go. Mr. Smith stated if the monies are available, the five year lease can be paid off early.

Mr. Smith moved, seconded by Mr. Allan, to accept the five (5) year lease for the new police cruiser. Roll call: B. Parks-no, W. Estile-no, J. Allan-yes, J. Smith-yes; tied vote. Mr. Parks asked Mayor Smallacombe for his vote to break the tie. Mayor Smallacombe voted yes. Vote: 3-yes, 2 no. Motion carried.

Scranton Chamber of Commerce Membership – Action tabled until the July meeting.

PA Northeast Regional Railroad Authority Lease – Action tabled. Attorney Nicholls, after reviewing the lease, has many concerns that must be addressed before the lease can be executed by the Borough. He asked that action be tabled and wants concerns discussed at the next work session. The lease regards the railroad property located on Chestnut Street, which is being looked into for the purpose of building a rail station and museum.

Ordinance Line of Sight – Parking Restrictions – Mr. Estile moved, seconded by Mr. Smith, to grant permission to Attorney Nicholls to write an ordinance for line of sight and parking restrictions for Rushbrook Street in accordance with State guidelines for parking. All present voted in favor. Motion carried.

UNFINISHED BUSINESS:

Sewer Project – Mr. Raymond Rood – Mr. Parks noted 2 quotes were received by the Borough; \$4,400.00 and \$5,200.00 for the sewer line to go through the Rood Property. Mr. Rood feels it should not cost the residents to resolve the sewer problem. Mr. Estile moved to place the sewer line through Mr. Rood's property and hook-up to the Callahan Park's sewer line. On the question, Mr. Smith voiced concerns. During a discussion, Attorney Nicholls stated, he recommends council to make a decision at the next meeting, noting he would like to settle this problem as soon as possible. Mr. Rood does not want to wait another 3 years. Mr. Rood noted he does not want to be hooked up to Raymond Development any longer. He voiced he has had many problems with the Raymond Development owner. A meeting of R. Rood, KBA & Solicitor is to be scheduled to sit down and arrive at a suitable solution to both Mr. Rood's and the Borough's sewer problem at the sewer intersection of Bacon Street and Garfield Avenue. Revised motion as follows:

Mr. Allan moved, seconded by Mr. Estile, after the Rood/Borough sewer problem meeting with KBA, Mr. R. Rood, and Solicitor, a vote at the July 11, 2013

council meeting should be taken to resolve the problem. All present voted in favor. Motion carried.

Chief of Police – Mr. Allan moved, seconded by Mr. Estile, to appoint William Arthur acting police chief until the next meeting or the return of Dan Zellers. All present voted in favor. Motion carried.

July Work Session – Due to the 4th of July holiday falling on the 1st Thursday, it is apparent to move the work session. After a discussion, it was agreed that the July work session will be scheduled for Thursday, June 27, 2013 at 7:00 p.m.

Speed Limit-Bonnie Drive – At this time Bonnie Drive does not have a posted speed limit. After a discussion, Mr. Allan moved, seconded by Mr. Smith, granting permission to the Solicitor to compose an ordinance for a 25 speed limit on Bonnie Drive with subsequent posting. All present voted in favor. Motion carried.

LCAB Dinner – Reservations for the LCAB dinner/meeting on June 20th are due. Mayor Smallacombe will be attending.

L.Heritage Bike Tour – Mr. Allan noted the Lackawanna Heritage Bike Tour will be held on this Saturday, June 15, 2013. There is a stop in Jermyn sponsored by the Shade Tree Commission for the bikers.

Bridge Street Closure – It was asked how it is progressing. It was noted that it is progressing, the contractors are waiting for the caps to be delivered. They should be arriving in two (2) weeks.

Mr. Allan moved, seconded by Mr. Smith, to adjourn. All present agreed. Motion carried. Meeting adjourned at 9:05 p.m.

Respectfully submitted,

JoAnne Wilson, Recording Clerk