

UNOFFICIAL UNTIL MAY 8, 2014

Jermyn Borough Council met on Thursday, April 10, 2014, at 7:00 p.m. On roll call the following members were present: J.Wilson, J.McDermott, W.Estile, J.Allan, J.Smith, B.Parks and K.Hosie. Mayor Smallacombe and Attorney Nicholls were in attendance. D.Morcom was absent.

MINUTES – A motion was made by J.Allan, seconded by J.Smith to accept the minutes of March 13, 2014. All members were in favor.

FINANCIAL REPORT – W.Estile gave the financial report:

Beginning Balance – \$98,544.15

Deposits – \$ 92,931.70

Expenses – \$ 64,069.25

Ending Balance – \$ 127,406.60

A motion was made by J.Smith, seconded by R.Parks to accept the financial report as presented. All members were in favor.

REPORTS FROM ELECTED OFFICERS – The Mayor reported that the police report was excellent and he can see the lights from his home so he knows they are cracking down on traffic on Rushbrook Street and Main Street. The Police department will be having a drug drop –off on April 26 from 10:00 to 2:00 at the borough building. If anyone wishes to donate to the American Legion the money needs to be in tonight. The Legion will be having a program at Heart Lake Lounge on May 25 and will be taking ads until tonight. The mayor received a letter from Joann Spalnick concerning their annual walk for RSD-CRPS on June 8 at McDade Park, registration at noon. If anyone would like to walk the phone number is 876-4834 or to make a donation, write a check to RSD and mail to 36 Old Mill Road. The Historical Society had a great presentation on the Eckley Miners Village, the early history of the Hazelton area, it was very interesting and had a full house. The Shade Tree Commission will be having their Arbor Day celebration on April 28 at 6:00 p.m. at the borough building. The Jermyn-Mayfield Girl Scouts will be planting a tree on Bacon Street and afterwards there will be a pizza party in the Legion room.

ARBOR DAY PROCLAMATION – A motion was made declaring April 10, 2014 as National Arbor Day by J.McDermott, seconded by W.Estile. All members were in favor.

PUBLIC INPUT– Michelle Burns, Human Relations Coordinator for Lackawanna County, informed council there are funds for In-Home Care Options, such as meals, adult day care, etc. Also Lackawanna County Recreation has announced their clinics and are waiting for the weather to break to have the ribbon cutting ceremony at Aylesworth Park. There will be Family Fun Day on May 31, from 10 to 2 at PNC, May 17th will be the Armed Forces Parade, there will be an Emergency Management Meeting at the 911 center on April 16, beginning at 6:00 p.m.

Andy Whitak, 512 Garfield Avenue, residence and business at 669 Washington Avenue, addressed Council.

POLICE — He said he had some questions, he asked what is the DUI County Grant? Mrs. Hosie asked Chief Arthur to explain. Chief Arthur said that the County gets the funds from the state and when we want to put an extra guy on I call the Dui coordinator and say I want to put an officer on Friday night for four hours and they either approve or deny it. Mr. Whitiak asked if it was a check point? Chief Arthur said no.

BOROUGH EMPLOYEES — Mr. Whitiak asked about the vote that one person was assigned to talk to all borough employees? Attorney Nicholls said that it was broke down, one person on behalf of the police and one person on behalf of the regular employees, so the employees would know who to speak to. Mr. Whitiak asked what if someone wanted to talk about the police department? Attorney Nicholls said it would be the Acting Chief or the Chief of Police, it is for the public. Mr. Smith said it deals with legal matters too. Mrs. Hosie said if someone is applying for a job they don't call and talk to anybody, Billy for the police and Debbie for the Borough, this way they are given the correct information. Mr. Whitiak said when you hire full or part time police isn't there a vetting process, besides the Chief? Mrs. Hosie said yes we advertise, there is an interview process and that the Chairman of Public Safety makes a recommendation to Council, than we decide to hire or not. Mr. Whitiak said there was a breakdown a couple of months ago and the Mayor wasn't brought into the process? Mrs. Hosie said yes, but we are going to do it the way it's supposed to be done.

BUILDING INSPECTOR — Mr. Whitiak said he put up a sign and B.Chase responded in 72 hours, no problem. Then Bureau Veritas came in and disapproved the sign, he said he had to go to Dennis Kutch, an engineer, and it cost him \$3,000.00 more to put up a sign, he thought was grandfathered in. Mr. Kutch said in all his years as an engineer he had never seen this before. Creative Signs who has been in business forty years, licensed in Pennsylvania, New York, New Jersey, said it was the first time that had ever happened. Mr. Whitiak wants to know why it happened? A Councilperson (could not recognize the voice) asked why did they turn it down? Mr. Whitiak said concern about construction integrity, to my understanding. Mrs. Hosie was wondering if Bob Chase, Zoning officer could tell us? Mr. Chase said he has no input. Mr. Whitiak said he gave a reason, but a sign company with forty years of experience and it's the only one he has ever seen. B.Smallacombe asked if it was approved? Mr. Whitiak said yes, but it cost me \$3,000.00 plus it was a holiday. Mr. Smallacombe said it was denied because of structural integrity and then they allowed you to put the same thing in? Mr. Chase said his understanding was Bureau Veritas questioned the structural integrity and went along with everything else and if he could get an engineer to say its ok, he was fine with that. Mr. Whitiak said a couple months before that I thanked 2 or 3 people that were here, there were a half dozen complaints not only about that company but that guy Ty, how he treated people. Then you voted them back in again and had other options to get someone else. I don't know how you vote a guy in with five or six complaints and they were older people. Someone in the audience said most towns give options for building inspectors, they give the residents a choice. K.Hosie said a company from Mayfield had applied here and maybe we should look into that before the next contract by September. Mr. Whitiak said it doesn't seem fair and you did have complaints, not just me. K. Hosie said I am sorry you had that problem.

BUDGET— Mr. Whitiak addressed the \$9500.00 for ammunition in the budget and it just doesn't add up? K.Hosie said If I am not mistaken, Billy didn't you get a donation for half the ammunition? Mr. Whitiak said that was his question. Council appropriated \$9,500.00 for ammunition, thought it was quite a bit. He spoke to the county and they don't spend that. \$9,500.00 and \$4,500.00, which adds up to \$14,000.00, which then Billy gets paid \$3,080.00, supposed to be \$3,800 brings it down to \$10,020.00. What happened to the money that was appropriated originally the \$9500.00? J.Smith said that money is still in the budget. Mr. Whitiak said is it in the ammunition budget or was it moved? K.Hosie said part of it was moved to the Chief's salary. Mr. Whitiak said that was not put in the minutes. J.Smith said the money that was allotted for the police department is within the police department budget. Mr. Smith said "It is". Mr. Smith said \$9500.00 is allotted for ammunition, you are correct there. That ammunition is allocated within the police department, we have certain departments in the budget. The \$9500.00 was gathered through input of our Acting Chief of Police and we did put that number into it, then there was a donation of \$4500.00 and then I made an error on the Chief's salary, so I made that error there. So all that money is within the Police Department budget and that's where it is right now. We did not allocate it to anything else in the budget, still there right where it was, allocated to the police department, I guess I can say it was a line item, within the Police budget. Mr. Allan said when we had that borough meeting, we changed the Acting Chiefs' salary, we didn't mention we took it out of that. K. Hosie said I think we did, yes we did. Mr. Allan said no, we said we changed the Chiefs' salary, but we didn't say we took the money out of here to there. Correct? K. Hosie said its not mentioned in there but I know we did it, I stated it at the meeting. K.Hosie said she will listen to the tape.

Mr. Whitiak said the borough last year had \$354,000.00 in June or July and now were scratching our butts to make ends meet. K.Hosie said I understand that Andy, but a lot of people don't realize it takes nearly, between \$62,000.00 and \$72,000.00 a month to run the borough. People say you have \$354,000.00 but they do not realize that over the winter you use a majority of that for higher bills. Mr. Whitiak said being in business he understands that and you have to have paper trails in places you have to make cuts. K. Hosie said she will listen to the tape.

INSURANCE— Mr Whitiak said he wanted to go back to the budget, it makes him sick to his stomach and all of you must be worried. The boroughs' Workman's Compensation went from \$65,000 to \$85,000.00, that's a big increase and should be questioned. Mr. Smith said we did question it and they based that increase on the usage of that fund, the workers compensation fund and we have claims going against the borough for years and years. He asked Attorney Nicholls if he was correct in that and Attorney Nicholls said yes. And that is why it was \$30,000.00 because of the amount of usage with that fund. Mr. Whitiak said he has the same problem on a smaller scale and he contacted another company Man Levi and Nogi and they said they approached council to put a bid in. Mr. Smith said they did two years ago and I requested that they submit a bid. Mr. Smith said he asked them to come up because where I work they take care of the policies down there. Mr. Whitiak said to contact other companies, but you have to watch out for con artists. Attorney Nicholls said not just con artists, we switched our office building last August saving \$400.00 a month, then the bill went from \$600.00 to \$1,200.00, so what we saved we lost in one month. K.hosie said

Debbie did look around and contacted other companies the company we have now, came in with a really low price, beat them all. Mr. Smith said we had Debbie contact those other companies after you spoke at a council meeting. About that issue of controlling electric costs at that time. Mr. Whitiak said I was willing to help . Mr. Smith said yes you invited me and I forgot. Mr. Whitiak said I have my reasons for not going to that office anymore. Mr. Smith said "What Office" ? I could not hear Mr. Whitiaks' response.

POLICE Mr. Whitiak said I won't go into the police department. Mr Whitiak said I asked for meetings and I had one and I was lied to my face. Mr. Whitiak asked how many police stops and average cost of ticket. Mr. Smallcombe said we don't make a lot of money from tickets, it is to slow people down. Mr Whitiak said you are blocking off two businesses one that's been there since the 1850's, the Bottler and the Windsor, less than a quarter of a mile from each other. K. Hosie said I have to say something, you said a dishonest police department, I think our police department is honest. Mr. Whitiak said I didn't say they weren't, don't put words in my mouth. Mrs. Hosie said I thought you said you believe in an honest police department. Mr. Whitiak said I do, I didn't say you were dishonest, did I? K. Hosie and W. Estile said you implied it. Mr. Whitiak said no, absolutely not , I said I believed in a strong and honest police department. Mr. Whitiak said there are different ways of doing traffic. Mr. Parks said they do traffic on other spots besides coming down that hill, they are on 300 of Washington ,Rushbrook, Lincoln, Delaware. K. Hosie said the police are on Hudson. Mr. Parks said the police run traffic all over not just at the Windsor or not just at the Bottler they are in a bunch of different spots at different times. Mr. Whitiak said he strongly objects to when they do it and how they do it. The DEA was here five or six years ago and said that Jermyn per capita is one of the drug places in the county. Mr. Parks said don't you know that's how you get rid of the drugs? By pulling people over for speeding you find different things out. Mr. Whitiak asked whose in charge of the police department? Mr. Smith said this year, I am. Mr. Whitiak asked if he can talk to Mr. Smith, Mr. Smith said sure. Mr. Whitiak said you have an officer working for eight hours, \$30.00 an hour, times 8 hours, \$240.00 and who's patrolling the streets? Mrs. Hosie said we don't pay our officers \$30.00 an hour. Mr. Smith said I understand what you are saying, but I have to say I have complete confidence in the police department and they are not out to get people to make money for Jermyn, that's a definite. What we try to do is to try to create a place where safety is number one. That involves going around the streets, possibly having more walking patrols in the town, that involves traffic control whether its speeding or other dangerous things that we can prevent, so we can have a safe community. I can honestly say up to a couple years ago it was like the Indiannapolis 500 around here, cars were flying around, all over the place. Mr. Whitiak said they are like that on the side streets. Mr. Smith said I can't answer all those questions but I think councils' goal , I don't like to speak for council, but from our work sessions and how we address things , council's goal was to create a situation where we had safety within the community . And that would relate to our Chief of Police and I think the police department is doing a very good job by that. Now I do disagree with you as far as, we are not targeting the Windsor ,we would never do that. And we are not targeting Bottlers, we would like to promote businesses in our area. I know for a fact I have seen, I have come up Washington Avenue and there is a lot of times, I have to be careful of speed because the cops are

there. So when they are not on patrol ,they are patrolling the street, I can guarantee you that. Mr. Whitiak said maybe I implied that they were targeting Bottlers and the Windsor, but even I don't think there was a secret meeting and it was said lets get Bottlers and the Windsor. What I am saying is it is really affecting our businesses , we are the only two taverns in town. The Windsor has 10 or 12 state certified and you only need two in sanitation and in responsible alcohol management personnel ,we have every one over the age of 18 and I had a six hour class, to make sure. We still make mistakes, absolutely, we still have bad judgment ,absolutely. That's where we give 110% to the police department. Everybody makes mistakes, so we are certified but it still affects our business. B.Smallacombe said they were out there last night with a lot of lights that doesn't mean they are out there every single night. I live right there that's the first time I saw that much activity , they are not targeting an area. It was the first time they have been in that area really hitting it hard in awhile and it was overdue. Mr.Smallacombe said if they are patrolling the little league field who's patrolling than? They are doing their job. Mr. Whitiak said when I lived on Jefferson they were selling drugs at the little league field, everyone knows that, I hope the police know. That field and this whole town is drug infested , I said at a meeting Jermyn only had seven drug arrests last year, I don't understand. B.Smallacombe said we work in conjunction with the Drug Task Force which is run by the Mayfield Chief and our Chief works with him constantly. If our town was that infested with drugs, I think we would see more drug arrests. We do have a drug problem and I have called the Chief and other officers on duty and go and watch different places, people report things to me ,they report things to different people on council. Mr. Smallacombe said we try to stay on top of it, our officers are on top of it.

Michelle with Lackawanna County said lower rates are available at the parks with submission of the 501-C.

FINANCE– A motion was made by J.McDermott, seconded by B.Parks to pay the invoices in the amount of \$2,527.96. All members were in favor.

DEPARTMENT OF PUBLIC WORKS – Mr. Parks said there will be an e-cycling drop off on April 26 from 8 to 12, at the old Crystal Fire company. The DPW worked on the decorative main street lights and replaced a couple of bulbs , but there are 6 or 7 where it is not a bulb problem. Someone needs to look at them , it could be a ballast ,fuses , if we plan on using them someone needs to look at them. Mr. Parks asked if Mr. Allan might have time to look at them. Mr. Allan asked ,which lights? Mr. Parks said Debbie has a list. Mr. Parks said the Lincoln Avenue Bridge is closed and said Mr. Estile has details. Mr. Estile said when you are heading towards Rushbrook on Lincoln Avenue, on the right hand side ,a hole had opened up a day or two ago. He said that he and Chief Arthur went across the street and the Chief put his foot down on the ground and a big hole opened up, its about 16 inches wide . Chief Arthur called the County and they came down and they closed the bridge and are sending an engineer tomorrow in the morning , it will be closed until they decide what to do. Mr. Parks will call Larry from the county to see what time they will be coming.

PUBLIC SAFETY– J.Smith said I did want to mention, especially to Andy and he's not here now, I think the Lincoln Avenue Bridge, how the borough operates ,either the DPW patrolling or the police patrolling, the town of Jermyn. Finding these areas that are unsafe working together to get the problem solved. So it is not only traffic and speeding, I think the police department and the DPW are all on the same page and it's the public safety for all the citizens of Jermyn. I wish Andy was here ,I would of liked to have said that earlier. At this time Fire Chief R.Rood announced there will be a fire company class on April 30 for Clandestine Meth Labs. I believe everyone is trying to help with the drug issue. J.Smith said I am sorry I left the Fire Department out, it is a part of public safety and its' a joint effort. Maybe I am blind but I just see people working together, trying to make this Borough work. Mr. Rood said the years Acting Chief Arthur has been here, he has accomplished a lot. K. Hosie said he has accomplished a lot in the last couple years. Applause for Acting Chief Arthur. Not to keep giving credit to Billy, but he called me Friday about the first hole that we found there. I parked on the opposite side Walter was talking about today and there was no hole there, because I was kinda careful. So today he called me about the second hole. Mr. Parks said one happened right after the other. Mr. Smith said ,I see a lot of good things happening and we try to react to make the Borough a safer place. K.Hosie said every time I asked Bill to check Hudson Street or Delaware Street, I have always seen an officer out there. Mr. Smith said as Chairman of the Public Safety Committee, is that we had a meeting with Acting Chief Arthur and on the committee is J.Wilson and W.Estile. And we sat here and we went over a couple things. Bill informed us about a lot that was going on within the police department and around town and it was a very, very , informative meeting. The Public Safety Committee would like to recommend to council tonight, would be an establishment of an hourly pay rate for police officers who are called to work by other organizations, when they are off-duty. Right now we don't have anything and if someone called Billy and said I need two cops to work down here, at this affair, what is your hourly rate? Billy doesn't know what to say and sometimes he comes under fire because it might be too high or too low, so to prevent that from happening, I would like to make a motion tonight and this motion is made with the blessing of the Safety Committee. And the motion is going to establish a pay rate for off duty officers and the first part of that motion is an off duty officer are to receive a hourly rate equal to or greater than \$22.00 an hour, less payroll taxes and other expenses incurred by the borough. The Acting Police Chief will determine what those expenses are, other than taxes. That is one part there. When an off duty police officer is asked to work a job, such as the Steamtown Marathon, they really don't pay anything to our police officers. So in agreement with Billy and our safety committee, we thought that any off duty police officer would receive their regular pay rate ,when working for a non-profit group who offer no hourly rate and than of course payroll taxes would be deducted from that. In each instance a separate check would be issued, separate from their regular pay. So I would like to make that motion, motion made by J.Smith ,seconded by W.Estile. All members were in favor.

RECREATION– J.Allan said he got with Debbie and handed in my list for the 2014 recreational project . Its on the business tonight for the County Re-Invest Grant, we got together and applied for it.

ZONING OFFICER – B.Chase reported that he has issued permits for pools and sheds.

JUNIOR COUNCILMAN – B.Swatt said I know there have been some issues with the bids on the recycling truck .He said B.Smallacombe asked him to look up the website Munci-Bid. So he did some research and maybe we could put the recycling truck on there. There is no sales commission or contract ,so it would be 100% profit and it markets all municipalities ,all over the country. K.Hosie said we will be opening the bids tonight. B.Swatt said I don't know if you still have to put it in the paper and he thinks it would be a great idea. J.Smith asked if you can put anything on there ? B. Swatt said pretty much anything. Attorney Nicholls said he would have to check the borough code concerning advertising. Attorney Nicholls said the borough code says you must advertise over a certain amount. J.Wilson asked if that would be a good idea if you find there is something under a certain price, we can do that and help us with smaller items? Attorney Nicholls said buying is one thing selling is another. Attorney Nicholls will look into it.

RESOLUTION FOR COUNTY RE-INVEST GRANT – A motion was made by J.Smith ,seconded by J.Allan to accept the Resolution for the Lackawanna County Re- Invest grant for approximately \$10,000.00 for playground equipment and gym floor. All members were in favor.

COALITION OF GOOD GOVERNMENT –K.Hosie explained that a couple of boroughs', Al Chelik leading it, have set up this coalition. They are asking for help of all the leaders of the residents in Lackawanna County, to prevent this government takeover to a system that has worked for many years. They are asking that the boroughs go on record supporting the present three commissioner form of government. B.Parks asked if it comes down to a legal battle, are we tied in with money? B.Smallacombe said it is up to the voters to decide what they want to do, not the borough. A motion was made by J.Smith ,seconded by J.McDermott to pass the sample resolution in the packet. Copy of resolution on file in borough office. Upon roll call the motion failed. With J.Smith, K.Hosie and J.McDermott voting yes and J.Wilson, W.Estile, J.Allan and B.Parks voting no.

ORDINANCE CROSSING GUARD /LAKELAND – The ordinance allows Lakeland School District to assume the hiring and oversight of crossing guard, copy on file in borough office. A motion was made by W.Estile ,seconded by J.M cDermott to adopt the ordinance allowing Lakeland School District to assume the hiring and oversight of crossing guards in the borough. All members were in favor.

UNFINISHED BUSINESS

RE-APPOINT B.ARTHUR AS ACTING POLICE CHIEF – A motion was made by W.Estile seconded by J.Smith to re-appoint B.Arthur as Acting Police Chief. All members were in favor.

DELUCHY PROPERTY – K.Hosie said at the work session we talked about staying with Deecke Realty and perhaps putting in on Craigs List. A motion was made by B.Parks, seconded by W.Estile to contract the Deluchy property on Riverview Lane to Deecke Realty. All members were in favor.

CRAIGS LIST/ DELUCHY PROPERTY –A motion was made by W.Estile ,seconded by J.McDermott, to put the Deluchy property on Riverview Lane on Craigs List to sell. All members were in favor.

2002 RECYCLING TRUCK –The bids were opened for the Recycling Truck:

Denaples – \$2,800.00

Veneziano – \$4,106.00

Archbald Borough – \$12,001.00

A motion was made by B.Parks, seconded by W.Estile to accept the bid from Archbald Borough for the 2002 Recycling Truck in the amount of \$12,001.00. All members were in favor.

PLANNING COMMISSION REQUEST – K.Hosie said Floyd Celli , 642 Washington Avenue has a drainage problem .B.Parks said if the water is coming from Washington Avenue, that is a state road , if there’s something coming down the alley we may have to do something. Mr. Chase said the road between Mr. Celli’s property and the other one is not an alley. Mr. Parks said if the water is coming from Washington Avenue it is Mr. Celli’s problem. B.Parks will look into it.

DELEGATE TO LACKAWANNA COUNTY EIT COMMITTEE – A motion was made by J.Smith to appoint J.Wilson as a delegate to the county E.I.T. Committee, seconded by B.Parks. All members were in favor.

ALTERNATE TO LC EIT COMMITTEE – A motion was made by J.Wilson ,seconded by W.Estile to appoint A. Chelik as an alternate to the LCEIT Committee . All members were in favor.

ALTERNATE TO LC EIT COMMITTEE– A motion was made by J.Wilson ,seconded by W.Estile to appoint J.Smith as an alternate to the LC EIT Committee. All members were in favor.