

## Council Minutes – April 14 2016

Jermyn Borough Council met on Thursday, April 14, 2016 at 7: 00 p.m. On roll call the following members were in attendance: J.Mark, K.Napoli, D.Markey, J.Wilson, J.Smith, and F.Kulick. B.Parks was absent. Attorney Nicholls and Mayor Smallacombe were in attendance.

At this time President Kulick asked for a moment of silence for the passing of Shane Rivenburgh.

**MINUTES** – A motion was made by K.Napoli, seconded by D.Markey to accept the minutes of March 10,2016. All members were in favor.

**FINANCIAL REPORTS** – D.Morcom gave the financial report:

Beginning Balance	– \$143,400.78
Deposits	– \$ 39,440.21
Expenses	– \$ 42,823.61
Ending Balance	– \$ 140,017.38
Invoices	– \$ 3,542.27

A motion was made by D.Markey, seconded by J.Smith to accept the financial report and pay invoices in the amount of \$3,542.27, with the exception of the Refuse Balance. All members were in favor.

**GEO-SCIENCE** – Mr. M.Piepoli addressed council concerning the services of Geo-Science concerning a proposed change to the borough's pave cut ordinance. Mr. Piepoli explained that when a utility comes in to make a pave cut, Geo-Science would be there to observe the backfilling, do compaction testing to ensure the pave cut is done correctly. The borough can invoice the utility themselves with a 10% administration fee or have Geo-Science bill them. Mr. Piepoli said they work for Taylor, Old Forge and Moosic, Mr. Smith asked how long have they worked for these towns. Mr. Piepoli said Old Forge, 8 months, Taylor one and a half years and Moosic 6 months. Mr. Kulick asked what kind of permit fees do they have? Mr. Piepoli said \$10.00 or \$15.00, Mr. Kulick said ours is on par.

Mr. Markey said we can use the borough engineer for our paving project as we need to update our pave cut ordinance, we must have a solution to third parties, tearing up our roads. Mr. Kulick asked if we need a new ordinance or can we amend the one we have? Attorney Nicholls said we can do a new one, whatever council wants.

Mr. Napoli asked if we can retain Geo-Science to help us with the ordinance? Mr. Markey said there is an urgency he just had to put four new tie rods on his vehicle, Mellow Court was the best alleyway until UGI came in. The council has to act for the best interests of the residents, we need a good ,solid, pave cut ordinance and it must be enforced. Mr. Kulick asked the attorney about a time frame? Attorney Nicholls said it has to be advertised. Mr. Markey said we could always call a special meeting , before

the paving project , we need to protect the tax payers investment. Attorney Nicholls said probably a month and a half, timewise. Mr. Markey said we have to get the ordinance done first! Mr. Markey gave Attorney Nicholls a copy of the Honesdale ordinance.

**MAYOR**– Mayor Smallacombe congratulated the Lakeland Mock Trial Team. At this time Mayor Smallacombe proclaimed April 20, 2016 as Arbor Day in the Borough of Jermyn. He said there were two egg hunts and they were both very successful.

**ATTORNEY NICHOLLS** – Mr. DeMarco asked if Attorney Nicholls had his agreement? Attorney Nichols gave it to Mr. DeMarco, concerning his property line.

**PUBLIC INPUT** – Mr. R. Chase reported that he helped out the DPW with recycling and it is a very difficult job and asked all to please crunch the plastic and please sort as it is very difficult to stand on the road and sort it.

**POLICE CHIEF**– Chief Arthur said that a permit is required to solicit in the borough, the police just had an incident with aggressive people, they received 11 calls in one hour. Mr. Kulick asked if the permit was paper? The Chief said yes, Mr. Kulick said perhaps a copy could be put on social media.

**FIRE CHIEF** – Chief Rood said the siren was fixed, it was a contact in the controller. He stressed the importance of the council obtaining the NEIM certification.

**ZONING OFFICER**– Mr. Chase reported he has issued a lot of permits, garage, sheds, decks. He said he has been contacted by UGI to do work on Laurel Street, he said he has to do some research and get back to them. The Mayor said to use the pave cut ordinance. Mr. Markey said we have to wait for the new ordinance to use Geo-Science , council can make a motion to use GEO-Science on this project. Mr. Markey said what if we refuse UGI, Mr. Mark said you cannot. Mr. Chase said we have to be sure it is done the right way.

Mr. Kulick asked if council wishes to use GEO-Science for the Laurel Street cut? Mr. Markey asked if we can do it without the new ordinance. Mr. Kulick said yes. Mr. Markey said he is concerned we could be on the hook for it without the ordinance.

**LAUREL STREET** – A motion was made by D. Markey, seconded by J. Smith to retain Geo-Science to inspect the work done by UGI on Laurel Street and have Geo-Science bill UGI directly. All members were in favor.

**JUNIOR COUNCILMAN**– Dylan Reeves asked for access to web site, he was directed to Stuart Wilson.

**DPW** – Mr. Markey gave his report:

**MAIN STREET LIGHTS** – Mr. Markey said the DPW have started converting the lights to LED, they have run into a problem with wiring, should be 120 volt and they are

getting 5, they are going to contact J.Allan to assist them. He said the ballasts will be taken for scrap and the borough should get a couple hundred dollars for them. Hope to have the project completed by mid-summer.

**STREET SIGN PROJECT** – Mr. Markey said that federal law mandates certain specifications for street signs, lettering height, reflectivity and letter capitalization, all signs have to be replaced by 2018, if there was an accident the borough could be liable. Mr. Markey reported DPW is half done with the project.

**FACEBOOK PAGE** – Mr. Markey said a facebook page has been started for our DPW department, to let the public know what is going on.

**ALLEWAY MAINTENANCE** –Mr. Markey said we have used some millings from Franklin Street to improve some of the alleys in town and the parking lot. He said he contacted Stafursky and asked if they have any extra millings to keep Jermyn in mind.

Mrs. Wilson said F.Celli approached her concerning the alley behind his property. She said the alley is in horrible condition and that Rock-bottom did some work there but it did not correct the problem. She asked if DPW could put a catch basin back there? Mr. Mark said isn't there an elevation problem there? Mr. Markey said he will look at it with the DPW and report on it.

**LOW VOLUME ROAD PROGRAM** – Mr. Markey said the Borough will be participating in an Environmentally Sensitive Maintenance Course sponsored by Penn State's center for Dirt and Gravel Studies. Mr. Fuga will be attending a 2 day course in Montrose in May. After completion of the course we will be apply to apply for grant funds on low volume roads, 500 vehicles or less per day.

Mr. Smith said going back to the issue with the alley behind Mr. Celli's property if the borough paid RockBottom to grade the alley and it is not correct, RockBottom has some responsibility. Mr. Chase said that Walter and Bob were there when Rockbottom did the job, Mrs. Morcom said they were not, no one from the borough was present.

**CHRISTMAS LIGHTS** – The DPW is working with the Lights Committee and we found some on an auction but we could not get them, they were \$50.00 but sold for \$1300.00.

**ASPHALT HOT BOX** – Mr. Markey explained we are trying to get a hot box at a DGS auction, municipalities get first choice.

**BRUSH HOG** – Mr. Markey said we were unable to sell the brush hog and would like to try to sell it again. Attorney Nicholls said it has to be less than a thousand, you have to give it a new value. A motion was made by D.Markey ,seconded by J.Wilson to re-value the price of the bush hog at \$950.00 and put it out to sell. All members were in favor.

**PLOW** – Mr. Markey explained we need a new plow for the 2002 F550 truck, the current plow is too heavy and is causing severe damage to the truck, would like to sell it.

Attorney Nicholls said we need a valuation, we can do it in May. Mr. Mark asked if we could trade it in? Mr. Markey said possibly. Mr. Napoli believes when the specs went out on the 2002 truck, got the cheaper plow.

**PART TIME DPW EMPLOYEES** – Mr. Markey said the borough is in need of some more part time DPW workers especially for the day hours. Mr. Smith said to hire as many as you need, there is no increase in cost the budget is prepared for the part time employees. Mr. Markey asked if he should advertise? Mr. Kulick said to place it on the Facebook site.

**SURVEILLANCE SIGNS** – Signs have been placed on the building informing all, that the building is under surveillance.

**RECYCLING REPORT** – Mr. Markey said he received a voicemail from the county saying that our recycling report was late and incomplete, which was filed by Mrs. Morcom. He explained there is much more we can report from the businesses that recycle, bringing our totals up can help us in applying for a 902 Recycling Grant. Mr. Markey had a form that can be sent to the businesses to obtain their totals.

**BUSINESS RECYCLING FORM** – A motion was made by J. Wilson, seconded by K. Napoli to allow us to adopt a letter to be sent to all businesses with the recycling form, asking for their recycling totals. All members were in favor.

**ELECTRONIC RECYCLING** – Mr. Markey explained that most countys in Pa have stopped their electronic recycling programs. Lackawanna County will no longer pay the borough for volume but will begin charging \$1.00 a lb for them. Mr. Markey said The Electronics Booth in Eynon will take all of our electronic recycling for free. He would like to have a recycling Drive on Saturday May 14<sup>th</sup> from 9 to 1 at the borough building and The Electronics Booth will come with their truck and take them. A motion was made by D. Markey, seconded by K. Napoli to have an electronic recycling drive on May 14<sup>th</sup> from 9 to 1 and the Electronics Booth in Eynon will come with their truck and take all the recyclables. All members were in favor. Mr. Markey said he will advertise on Facebook, channel 7 and website.

**CHIPPING TRUCK** – Mr. Markey said we are behind on our chipping as our truck was involved in an accident, due to the fact that the insurance check was received but not cashed. Mr. Smith said to always notify the chair of the committee and put the ball in the chairperson's hand.

**BOROUGH GARAGE** – Mr. Markey said that we are in the process of obtaining estimates to get the borough garage up to code, roof, electric, insulation, etc. . Even with improvements, space will still be an issue.

J. Wilson said that the Historical Society has asked to use the garage, they need a place to call their own, a room upstairs cannot be used because it is not free of moisture. They need room in the garage for storage and to hold meetings, the DPW cleaned it

out. An agreement was presented to council, and a grant was submitted to Monroe Gaming for improvements at the garage and to erect a building for DPW. She said the grant was not approved because the state hasn't passed a budget, Mrs. Morcom said she contacted Monroe Gaming and they said the Board of Directors did not meet in January and did not know when they will meet. Mrs. Wilson said the Historical Society has no money and will have to do fundraisers. Mr. Markey asked if the agreement was signed? Mrs. Wilson said no. Mr. Markey asked if the Historical Society can apply for grants without the agreement signed? Mrs. Wilson said no. Mr. Smith said he is totally against the borough putting any money in this project, nothing against the Historical Society, the borough must be careful with their finances.

Chief Rood said he has concerns about the doors in the garage they cannot be closed, jeopardizing the siren tower.

## **PREVIOUS MEETING ITEMS**

### **OLD CRYSTAL BUILDING DEED**

Attorney Nicholls said the Borough owns the building there is no reverted clause.

**NEWSLETTER** – Mr. Markey distributed copies of the first newsletter. Mr. Kulick asked how they would be delivered? Mr. Markey said volunteers. Attorney Nicholls said they cannot be placed in mailboxes. Mr. Markey said he spoke to the businesses in town about advertising and got a positive feedback.

A motion was made by K.Napoli, seconded by J.Wilson to give D.Markey permission to go forward with the newsletter. All members were in favor.

**RECREATION** – Mr. Napoli said all the cameras have been installed, in the gym and outside the building.

**NEW FINANCIAL REPORTS** – Mr. Smith said he is pleased with the new financial reports they are easy to read and have detailed analysis, Chairpersons should start talking to employees to prepare for next year's budget. Mr. Markey said he is already forecasting the budget for 2017 and would like new categories.

Mrs. Wilson said that Norma Parri, Franklin Street, approached her about a cotton tree on the borough right of way, that gives her allergy problems. Mrs. Wilson said the borough did trim it last year for her and Mrs. Parri asked if they could cut it down? The Shade Tree Commission gave them permission. Mrs. Wilson said a tree will be planted on Arbor Day in memory of Paul Buchiniski, on April 20.

**NEIM** – Mr. Napoli told Mr. Smith and Mrs. Wilson to contact him concerning the NEIM class and he will sit down with them. Mr. Napoli said he has spoke to Ralph Bensing, the EMC, and all the paperwork was done correctly and it took the Mayfield's EMC three years to get a response from the Governor's Office.

**PAVING LOAN PROPOSALS** – The bank proposals for the paving project were given to Attorney Nicholls for review.

**DELINQUENT TAX LIST** – Mr. Kulick asked if Attorney Nicholls has looked into the publishing of the delinquent tax list, Attorney Nicholls said he has not.

**BUILDING DAMAGES CLAIM** – A motion was made by D.Markey, seconded by K.Napoli to have a claim filed with the insurance company for damages to the borough building. All members were in favor.

**SECOND JUNIOR COUNCILMAN** – Mr . Markey said he looked into it and PSAB said we can have two. At this time Junior Councilman Dylan Reeves is a junior in high school, he will have two years experience. A motion was made by D.Markey, seconded by J.Wilson to allow two Junior Councilman with the process starting in September. All members were in favor.

**ACTING CHIEF DANIEL ZELLERS** – Attorney Nicholls said there is a hearing on April 21 for a petition to terminate compensation benefits. There is a settlement which is confidential and at this time Mr. Zellers will be terminated and will hand in a letter of resignation. Mr. Zellers will waiver any all claims against the borough; he can never work for the borough again. At this time Attorney Nicholls needed President Kulick to sign the confidential settlement agreement. A motion was made by D.Markey, seconded by J.Wilson to give President Kulick permission to sign the confidential settlement agreement. All members were in favor.

**COMMISSION REVIEWS** – Mr. Kulick said that the members of the Planning and Zoning Commissions all wish to remain seated. There is an open seat on the Planning Commission and asked Mr. Markey to put it in the newsletter.

**COUNCIL COMMITTEE CHANGES** – Mr. Kulick said that Mr. Napoli will leave Recreation and head the Public Safety Committee and Mrs. Wilson will head the Recreation Committee along with John Mark and Bob parks.

**ORDINANCE REVIEW** – Mr. Kulick said the ordinances need to be reviewed and asked for volunteers? J.Wilson, B.Smallacombe and J.Mark agreed to take on the project.

**RECORDING EQUIPMENT** – Mr. Napoli said a new recorder are priced from \$50.00 to \$100.00, he would like to get a price on one with a USB port.

**EMPLOYEE HANDBOOK**– K. Napoli said that the handbook states that vacation time has to be taken in 5 day increments, with DPW employee A. Fuga he only gets one weeks' vacation and makes it hard to get a part timer to come in for a whole week. Mrs. Wilson said you could be opening a door, good records must be kept. The matter was tabled.

**ST. JOHNS REQUEST** – St. John’s Church in Mayfield asked for a donation in their ad book for the 125<sup>th</sup> Anniversary. Council declined.

**LIGHTING PROPOSAL** – A motion was made by K.Napoli seconded by D.Markey to allow Commonwealth Energy Group to give the borough a free estimate on lighting for borough building and field. All members were in favor.

**BOROUGH OFFICE** – Mr. Kulick said there are issues in the borough office with people coming in and walking around the counter, need a sign reading authorized personnel. A motion was made by J.Smith, seconded by K.Napoli to have a sign posted in the borough office reading ‘Authorized Personnel’. All members were in favor.

**POLICE ROOM KEY** – Chief Arthur asked about the issue of giving the Mayor a key to the police station, he said he recalled council talking about it and deciding not to give the Mayor a key. Chief Arthur said when he had his State Police Audit one of the first questions was “who has a key to this Office”? The Mayor is a civilian. Mayor Smallacombe said he only wishes to see the daily logs, to stay informed about what is going on in town. It was decided that the Mayor and the Chief should sit down and discuss the matter.

A motion was made to adjourn by k.Napoli, seconded by D.Markey. All members were in favor.