

**Jermyn Borough  
Council Minutes  
October 13, 2016**

The Jermyn Borough Council held a council meeting on October 13, 2016 at 7:00 p.m. at the Jermyn Community Center, 440 Jefferson Avenue, Jermyn PA in the Council Chambers. On roll call present were: Messrs. Frank Kulick, Robert Parks, John Mark, Dan Markey, Kevin Napoli, JoAnne Wilson. Absent were: Joseph Smith and Dylan Reeves; Junior Councilman. Also present were Solicitor Larry Moran Jr., Mayor Bruce Smallacombe.

**MINUTES:**

A motion was made by Mr. Markey to accept the October 6, 2016 minutes, seconded by Mr. Napoli; all in favor, motion carried.

**CERTIFICATE OF APPRECIATION:**

The Mayor presented Dylan Kovaleski of Eagle Scout Troop 87 with a certificate of appreciation for recreating the World War II Jermyn Roll of Honor plaque as his Eagle Scout Project. Dylan was assisted by his advisors Scout Leaders Frank Ryczak Jr., Ronald Ryczak and Michael Polednak. Mayor commended Dylan on his job well done and also said it is quite an honor to become an Eagle Scout.

They gathered information from army reports generated after the war and also researched articles from the Scranton Times dating back to 1946. The plaque can now be viewed by all visitors and residents in the hallway of the Community Center.

**TRASURER'S REPORT AND DISBURSEMENTS:**

Balances are current as of October 13, 2016 and disbursements are from September 9, 2016 to October 13, 2016. General Fund \$199,300.21; Refuse \$115,463.25, Recycling \$19,136.16, Dept. of Hwy (Liquid Fuels) \$5,254.74. Deposits \$48,043.40 and Disbursements (including payroll) \$70,059.17. A motion was made Mr. Markey and seconded by Mrs. Wilson to pay all bills presented. All in favor, motion carried.

It was suggested that we pay off the 2016 tax anticipation loan. Mr. Markey said we are in a good spot right now where we can pay off the tax anticipation loan and not have to wait until December 31. A motion made by Mr. Markey and seconded by Mr. Napoli to pay off the 2016 tax anticipation loan a little bit early. All in favor; motion carried.

**CHIEF REPORT:**

Chief Arthur begin saying as a veteran himself it is a very honorable task that the Eagle Scouts had done. He said the leaders do an outstanding job molding the boys, the future leaders.

The Steamtown Marathon was held on Oct 9, 2016. Chief Arthur thanked the Crystal and Artisan Fire Co. William Walker Hose Co., Chief Rood and all the volunteers that

helped close off intersections and roads to make everything safe. It greatly helped them getting to the Heritage Trail.

The Police Dept. received Narcan first aid packs from the District Attorney's Office and Penn Ambulance. All the officers are trained on the usage of narcan. They can administer the narcan previous to the ambulance arrival in the occurrence of an overdose.

The police had their annual firearms qualifications, all officers qualified.

There were about 8 thefts from vehicles. The cars were unlocked. Chief Arthur encourages all residents to report suspicious activity.

Officer Sorenson and Hayes attended the Heroin Hits Home program in Mayfield.

Halloween is approaching and Chief Arthur stated it is very important to have reflective clothing or costumes on.

**FIRE CHIEF:**

There is an audit coming up for the fireman's relief. Mr. Rood reported they have been going to grade schools in Scott and Mayfield for Fire Prevention. They received a \$1,100 grant for material for fire prevention. There are smoke detectors available if anyone needs them.

**MAYOR:**

Officer Hayes was sworn in at the Heroin Hits Home presentation. Mayor attended the Heroin Hits Home Program, he stated many people are not aware of how readily accessible heroin is and how inexpensive it is. He hopes to get the Crime Watch up and running. If anyone is interested please contact Mayor Smallacombe, Kevin Napoli or Chief Arthur.

Mayor congratulated the Lakeland Chiefs Football on beating Riverside and Tony Cerminaro for completing the Steamtown Marathon first in his age group.

**SOLICITOR:**

Attorney Moran prepared a stop work order for the police to use to help enforce the pave cut ordinance.

He reviewed the garbage ordinance and the borough is permitted to notify delinquent garbage payers of their delinquency and give them an advance notice that the borough will stop the collection of garbage. We will issue these letters right away.

**DPW:**

The DPW purchased a leaf box. It will fit on any of the trucks we have now.

*Davis Court:* The drains on Davis Ct. are still not functioning properly. Mr. Markey said UGI may have damaged some storm drains when working and there will be a letter sent to UGI in regards to the drain to try and remedy any damage caused by them.

*700 block of Lincoln:* The home on 700 block of Lincoln, KBA has looked into it and we still have to plan a solution for that; the water is coming in from Mayfield.

*Trucks on Bridge St.:* When the ordinance to allow signs for trucks to use Bonnie Drive is ready we need to approach PenDot to request permission to place the signs on state road.

Mr. Markey asks the community to be careful when you see DPW out or Police directing traffic.

*Walnut St.:* The drainage flares on Walnut St. have been replaced.

*Paving on Old Mill:* DPW is currently working on a small paving project on Old Mill Rd. Mr. Markey thanked Collura Excavating for having the spots milled out. It is now milled and they have to get asphalt and roll it out. Mr. Kulick asked what the cost was. Mr. Markey said around \$1,500 – \$1,600. Mr. Parks suggested contacting the county for a milling head.

An anonymous donor donated an edger to the DPW.

*Security System:* Mr. Markey contacted Anthracite Electric regarding the security system. We can continue with our current cameras and upgrade to digital DVR which would increase our recording time from 6 days to roughly 30; cost would be between \$400-\$500. We can keep our current cameras and upgrade our DVR and move all components back to the police station; this would cost closer to \$1,000. Or we can upgrade all system from analog to digital and including wireless cameras for Callahan Park. Mr. Markey said we would probably have to bid out the third option.

*Projection Tube TV's:* Mr. Markey wants to remind all residents the garbage cannot take the projection tube TV's. The recycling center increased the costs on taking these TV's. Mr. Markey would like to do an electronic recycling in the spring. He would like all residents to take the TV's back onto their properties; if they do not we may have to get the police dept. involved to warn them to take them back onto their properties.

*Scoreboard:* Lakeland Youth Basketball had the new scoreboard delivered.

Mr. Kulick asked council to make a recommendation for the security system update so we can possibly fit it into next year's budget. Mr. Markey suggested we can upgrade the system in steps. He said we can keep the analog cameras with the digital DVR and go strictly digital over at the field. Mr. Markey stated the budget is tight for 2017, even though money is tight it may be worth it in the long run. Mr. Markey asked Chief Arthur if he has any input on moving the DVR back to the police station. Chief Arthur said they

can move it back over to the police station and lock it up in the cabinets. He said it would be better if it was in the police station office, for when he has to review tapes. Mr. Markey said at one point it was in the police office. There was a personnel issue on why it was moved to the borough office and since then the issue has been resolved. Mr. Mark said access to that unit should be very limited to one or two people because that was part of the issue before. Mr. Parks said it is password protected and only certain people should have the password, in the past the password was accessible on a computer. Mr. Markey asked if we foresee any issues with that going forward. Chief Arthur said no. Mayor Smallacombe asked if it can be accessible through a computer outside of the office by president or council. A few members responded yes but it is not set up that way now. Mayor Smallacombe suggested it would be a good idea for a second person to be able to look at it just in case there is an issue.

A motion was made by Mr. Markey and seconded by Mrs. Wilson to keep current cameras within the borough building, upgrade DVR from analog to digital and move all components from the borough office back to the police station. All in favor; motion carried.

A motion was made by Mr. Markey and seconded by Mr. Napoli to allow Anthracite Electric to prepare bid specifications for security cameras at Callahan Park. All in favor; motion carried.

Mr. Mark called KBA about the water problem on Madison, he said according to KBA's calculations the water should not flow onto their property. Mr. Mark said Mike Nichols approached him and asked if the DPW can put some milling down on Lackawanna/Lane. Mr. Markey said they are going to put some millings in, once in the fall and again in the spring.

*Henry Dr.: They should start paving the week of the 24<sup>th</sup>. Their contract expires on Nov. 7<sup>th</sup>; the project has to be completed by that date.*

#### **PUBLIC SAFETY:**

Mr. Napoli presented council with a proposal for a second full time police officer. The rate would be \$17.00/hr. at \$35,360/year. The proposal included an additional \$4,640 for approx. 22 days of 8 hour overtime shifts paid at \$25.50 in case of call offs, etc. If we offer up to \$8,000 for health insurance the total cost comes to \$48,000 per year, including benefits. The proposal also includes raising each part time officer's salary by \$1.00/hr.

Mr. Kulick asked what shift this officer would be. Mr. Napoli said 2<sup>nd</sup> shift and he would like it to be staggered throughout the week so we can have a weekend presence of one officer everyone will get to know. Mr. Kulick said it is an excellent proposal and it is something the town needs.

Currently for 2016 our budget for part time officers is \$100,000. With this proposal it would be a total of \$105,840. Mr. Markey said it is very nominal and we can probably

make this work. Mr. Kulick said we need to be proactive in taking steps to increase the efficiency and the overall presence of the police force.

Mayor Smallacombe asked how this would affect our current part time officers. They will not be able to get as many hours in and if we are going to have a hard time getting them to come in for 1 shift here and there. Chief Arthur does not believe it will affect the part time officers, he said everything will even out. Mayor Smallacombe said they will probably be required to work more weekends now and they will not get too many opportunities to pick up shifts. He stated it is a great idea but just wants to see how it would affect the part time officers now, they are great officers and he would hate to lose them. Mr. Markey suggested posting the job internally. Mr. Mark said by looking at the proposal it does not make too much sense and would like to go over the numbers with Mr. Napoli. He said by raising the salaries and hiring a full time officer and having a difference of only \$5,000 does not seem to add up.

A motion was made by Mr. Markey and seconded by Mr. Napoli to post an opening for a second full time police officer. 5 yea, 1 No. Mr. Mark said he would be in favor of doing it once we go through the numbers.

The above motion was amended. Mr. Markey amended his previous motion to post and hold interviews for a second full time officer in Jermyn pending verification of the numbers as illustrated in Mr. Napoli's proposal. Seconded by Mr. Napoli; all in favor, motion carried.

Mrs. Wilson suggested the safety committee to get together to verify the numbers on the proposal.

#### **SHADE TREE:**

Mrs. Wilson said the Shade Tree will cut back on Memorial Garden early November. The WWI Park will be cleaned up before November 11<sup>th</sup>. The Shade Tree is placing 12 trees in November, some residents asked for trees in front of their house and some trees have been eaten alive. Mrs. Wilson presented council with a letter for approval and arrangements to be made to have Bridge St. blocked off for thru traffic from 10 AM to 12:30 PM for Veterans Day Ceremony on November 11<sup>th</sup> 2016. A motion was made by Mr. Markey and seconded by Mr. Mark to allow Bridge St. to be closed on November 11<sup>th</sup>, 2016 from 10 AM to 12:30 PM for the Veteran's Day Ceremony. All in favor; motion carried.

The second weekend in December is our annual Jermyn Christmas Spirit Weekend. This includes the Girl Scouts with their light parade on Saturday and the Christmas Concert with Santa on Sunday. Mrs. Wilson suggested getting Lakeland to do some painting on the windows in the downtown area.

Mrs. Wilson wants to thank the DPW for all their hard work. They have gone out of their way to do tasks and they have been very wonderful.

**INSURANCE BIDS:**

Cummings Insurance – \$ 12,716.00 property/liability – no workers comp.

BB&T – \$ 51, 650.00 total

\$25, 384.00 workers comp (included in the 51,650.00)

DGK – \$50,058.00 total

\$29,367 workers comp (included in the \$50,058.00)

Mr. Guldin from BB&T said his main goal was to help with the comp. because that is where we are hurting the most. He asked if we would consider taking his comp. bid and DGK's property/liability bid. Mr. Guldin said the workers comp. is through a risk retention pool, which is a pool that is developed of about 250 members. The longer you are in a trust you get dividends back because your money is invested in that pool. Your goal is to keep your losses low and as time goes on your dividends get larger. If you have a loss then you do not get a dividend that year. Mr. Kyle responded to that by saying what happens if you an ongoing claim and the pool goes down. Mr. Guldin said the pool has million and millions of dollars in the pool and he can show council the financials. He said one little work comp. case will not drain the pool. The pool is designed for boroughs and municipalities.

Mr. Kyle said if you split the workers comp. up he is not a fan of risk retention pools. He said it is not an issue for him if we take the workers comps with the pool but there are issues you should consider when you are looking at making the decision other than just the monetary savings. Mr. Guldin said they serve 35 municipalities; they are with pools and trusts. BB&T is the 5<sup>th</sup> largest agency in the country, they started as Higgins insurance and they understand the difference between trusts and carriers and this is by the far the best way to go because there interest is you. The pools aren't as quick to pull the trigger because you are a member of the pool.

A motion made by Mr. Markey and seconded by Mr. Napoli to accept the bid of BB&T for workers comp and DGK for the remainder of the insurance, also to include Alt bid #2b for the fire company subject to approval of bids by solicitor. 5 Yea, 1 No; Motion passes.

**GARBAGE CONTRACT:**

Mr. Kulick said it is up to our solicitor to tell us whether or not they are responsible bids and in compliance and it is up to us to award the bid and we are bound to award it to the lowest bidder by borough code. Attorney Moran said all bids are in compliance. Mr. Kulick asked if we want to award the bid on garbage only or garbage and recycling. A motion was made by Mr. Markey and seconded by Mr. Napoli to award the bid based on garbage and recycling. 4 Yeas, 2 No; motion passes.

Mr. Degennaro from J.P. Mascaro said he doesn't see how County Waste's bid can be in order. He stated the toters are a marketing ploy. He said the most critical component of this contract is the equipment; we have the right to know what equipment is being used. County Waste did not identify the proper equipment as requested in the bid specs.

Solicitor Moran said County Waste did update the bid and provided us with listings, VINS and licenses of the equipment. He also stated he is comfortable saying all the bids are compliant.

Mr. Kulick asked County Waste how they are able to bid \$30,000 less for garbage and recycling. County Waste responded by saying they take the tonnage out of the stream and said the bid is the bid and they are going to do the job at that price and will do it correctly as per our specs. He said they are consistently 15-20 percent lower than other bidders.

A motion was made by Mr. Markey and seconded by Mr. Napoli to award the garbage and recycling bid to County Waste. 4 yeas, 2 No; motion passes. Mr. Markey confirmed the contract begins on November 1, 2016. Linda from Waste Management thanked the borough for their business and apologized they were not the successful bidder. Mr. Markey asked Solicitor Moran to make sure this contract is written to protect the borough. Mr. Parks said we have several businesses in town that recycle and wants to make sure they will be picked up.

***Police Dept. Tools:***

Mr. Markey said the police need the appropriate tools to be able to do their job including but not limited to an ordinance book or standard operating procedures for police as far as ordinances are concerned, also a stop work order for pave cuts that do not have permits. Since the discussion last meeting the police now have a stop work order that pertains to the pave cut ordinance.

***Delinquent Garbage Fees:***

Mr. Kulick said delinquent means you didn't pay for 2015 or earlier, come January 1st for 2016 you will be delinquent. There will be letters sent out notifying those who are delinquent saying you have 30 days to pay the fee or your garbage will not be picked up.

***Updating Fee Structures:***

**Garbage:**

Mr. Markey suggested a motion to allow the solicitor to amend the refuse ordinance to allow stoppage of service after the end of the first quarter of the following year after the garbage fee becomes delinquent. He suggested creating an appendix to the ordinance which includes fee and penalty schedules as listed below:

Garbage Fee: \$165 per calendar year, per dwelling unit

Delinquent Penalty: 15% of past due garbage fee

Penalty: Stoppage of service until fee paid in full

Penalty for placing garbage out for pickup, whether at resident's address or any other address within the borough of Jermyn: \$150 per occurrence, which each day being a separate occurrence.

Penalty for violating terms of affidavit for exoneration (untruthfulness about unit being unoccupied or if the borough receives evidence that garbage has been collected from that location): \$250.00.

A motion was made by Mr. Markey and seconded by Mrs. Wilson to amend the garbage ordinance as read. All in favor; motion carried

Rental Units:

The current fee for rental permits is \$10 per dwelling unit for buildings with 1-25 units and \$5 per unit with 25+ units. Mr. Markey suggests the following:

Rental Unit permit fee: \$40.00 per dwelling per year, regardless of number of units.

Penalty for not obtaining annual rental unit permits: \$100 per unit per day, up to 5 days. After 5 days of non-compliance, closure of the rental unit until permit fees and penalty are paid.

A motion was made by Mr. Markey and seconded by Mr. Napoli to amend the rental ordinance as read. 5 yeas, 1 abstain; motion carried.

Pave Cut Ordinance:

Mr. Markey recommends allowing the solicitor to amend the pave cut ordinance to add an addendum of fee & penalty schedule as follows:

All pave cut permits are required to be secured prior to any pave cuts. All pave cut permits will cost \$85.00 each and each cut will require a separate permit. Permit fees may be paid monthly in bulk after cuts are made, to be invoiced by the borough secretary; however, all permits must be secured prior to any cuts.

Any pave cuts made without first securing a permit are subject to \$500 penalty per business day until the proper permit documentation is issued by borough secretary. In addition, a stop work order shall be placed on the job requiring a permit.

In addition to the penalty for the permit not being obtained, a \$100 penalty per calendar day shall be issued for each day the road is in disrepair due to the initial pave cut. This can be remedied either by repairing the initial pave cut, or properly securing a permit, completing the required work, and complete repair of the road, in accordance with the ordinances of the borough of Jermyn.

A motion was made by Mr. Markey and seconded by Mr. Napoli to amend the pave cut as read with the stipulation emergencies have 2 days after.

Solicitation Permit:

Permit fee \$100 per person, \$25.00 per vehicle. Solicitation without a permit, charge \$500 penalty for first offense, \$1000 penalty and 30 days in jail for 2<sup>nd</sup> subsequent offenses.

A motion made by Mr. Markey and seconded by Mr. Napoli to amend the solicitation ordinance as read.

Callahan Park:

Mr. Markey suggested amending the ordinance to allow pets as long as other laws are followed (leashed, curbed, etc.) Ban smoking in the park and change park hours to being open from dawn to dusk. Current fines are \$75.00 for non-motor vehicles and \$300 for motor vehicle offenses. He suggested the non-motor vehicle offenses can be staggered, such as \$25 penalty for the first offense, \$50 for the 2<sup>nd</sup> and \$100 for 3<sup>rd</sup> & subsequent offenses.

Mr. Mark said he does not agree with the dawn to dusk and said in the winter time it gets dark early; residents may be playing basketball or walking. Mrs. Wilson also said if we are going to have lights at the park the kids can play there.

A motion was made by Mr. Markey and seconded by Mrs. Wilson to amend the Callahan Park ordinance as read with the exception of the dawn to dusk. All in favor; motion carried.

Alarm Registration:

Mr. Markey proposed a \$25 registration fee (borough secretary needs to keep a database of homes with alarm systems). False alarm is fine, raise false police alarm to \$100. Change ordinance to show that for false fire alarm fees collected should have 10% allocated to borough for tracking and collection, and 90% allocated to fire depts. in the borough that responded to said fire alarm.

A motion was made by Mr. Markey and seconded by Mr. Napoli to have the solicitor amend the Alarm Ordinance as read. All in favor; motion carried.

Dumpster/roll offs:

Mr. Markey proposes to increase permit fee to \$50.00, increase bond to \$1000.

A motion made by Mr. Markey and seconded by Mr. Napoli to have the solicitor amend the dumper/roll off ordinance. All in favor; motion carried.

Mr. Markey discussed the subject of allowing fire dept. charge insurance companies for responding to calls; this will be no additional risk to the policy holders. A motion was made by Mr. Markey and seconded by Mrs. Wilson to have the solicitor draw up an ordinance to allow the fire dept. to charge reimbursement fees for services rendered not to exceed \$500.00. All in favor; motion carried.

**AUDIT UPDATE:**

A proposal for an exit audit was submitted by Michael Barbetti in the amount not to exceed \$5,000. A motion made by Mr. Markey and seconded by Mr. Napoli to allow Michael Barbetti, CPA to audit the borough's finances effect immediately. All in favor; motion carried.

**RESIGNATION:**

A resignation letter from Art Wilson was presented to council, to resign from all committee's and boards due to health reasons. A motion was made by Mr. Markey and seconded by Mr. Napoli regrettably and with thanks to Mr. Wilson; to accept Art Wilson's resignation from all Jermyn Borough boards and committee's due to health reasons with regret. 5 yea's, 1 abstain; motion carried. Mr. Kulick thanked Art for all his service.

**ANONYMOUS LETTER:**

Mr. Kulick received an anonymous letter in the mail. He also noted any letters going forward that are anonymous will not be read. It stated that the writer had read about the police removing abandoned vehicles on Henry Drive. The letter addressed that there are more properties in town to remove junk and abandoned vehicles. The writer also thanked Mr. Kulick for the fine job he is doing as Council President.

A motion made by Mr. Markey and seconded by Mr. Napoli to adjourn the meeting at 10:27 p.m.