

Jermyn Borough
Council Minutes
August 17, 2017

The Jermyn Borough Council held a council meeting on August 17, 2017 at 7:00 p.m. at the Jermyn Community Center, 440 Jefferson Avenue, Jermyn, PA in the Council Chambers.

On roll call present were: Robert Parks, Dan Markey, Kevin Napoli, Joseph Smith and JoAnne Wilson. Also present were Atty. Moran, and Ray Rood and Bob Chase. Absent were; Mayor Smallacombe, Frank Kulick, John Mark, KBA, Evan Samuelson.

Mr. Smith requested for everyone to remain standing for a moment of silence for the attack that has happened in Spain.

Mr. Smith introduced Attorney Luke Moran, who is a part of our solicitor's law firm. Mr. Luke Moran is rejoining the firm and is a resident of Jermyn.

MINUTES:

A motion was made by Mr. Markey to accept the August 3, 2017 minutes and seconded by Mr. Parks; all in favor, motion carried.

TREASURER'S REPORT:

General Fund \$185,697.88, Recycling \$2,919.69; Refuse \$120,201.21, Investment Liquid Fuels \$86,116.51. Disbursements from July 28, 2017 to August 17, 2017 \$44,854.79. Deposits \$46,949.55.

PUBLIC COMMENT:

William Langman – Said it would be a good idea to put in the paper, regarding resident's garbage cans that leave them out for 3-4 days. They are empty but they leave them out. Mr. Smith said there is ordinance on that and he isn't sure if there is anything in the ordinance as to when they have to be taken back after being picked up. Chief Arthur said yes, they have been noticing them and telling them to take them in. There is a 24 hour period. Mr. Langman said they are out there for days and they are empty. Mr. Smith asked Chief Arthur to take note of that and to let the patrolmen know.

Ray Rood – Mr. Rood said one of the councilman actually drives around the block so they don't have to go by the trees on Bacon by his house. The trees will hit the whole side of your car. Mr. Napoli said it has to be taken care of because it is a safety issue, if there is someone coming the opposite way it is going to scratch your vehicle. Mrs. Wilson said she was going to address this tonight. She said Mr. Rood was supposed to contact Ann Boylan, herself and Mrs. Pidgeon, they were supposed to go out in the fire truck and go around certain routes. They were going to go around the streets and write down what has to be taken care of. Mrs. Wilson said she can go around. Mr. Rood said he did not have the time to do that but he was referring to the trees going by Kennedy's onto East Jermyn that they were supposed to go looking at. Mr. Rood said on Bacon by his house, you can't get through because of the tree and his car is going to get

scratched. Mrs. Wilson said she wants someone to go out with her to look at the trees. They have been lax about putting liens on people's property and fining them because they like a good neighbor policy. If they go and cut down the tree and put a lien against the property, they have to pay for it meaning the Shade Tree and the Borough if the Shade Tree runs out of money. You put a lien against their property and they live there for another 50 years, you never get your money until it gets sold.

Mr. Smith said it seems like we have a communication problem as far as getting together. Mr. Rood said getting together, he will take the blame for that he was busy and said maybe next week he can take them out and go look at everything. Mr. Smith said the problem has reached public safety and it has to be done sooner rather than later, we should get together as soon as possible. Mrs. Wilson and Mr. Rood should make the call to one another and get out and check this out. Mrs. Wilson said she is the liaison and she would like Ann Boylan to go out with them. Mr. Smith asked Mrs. Wilson to take the lead here and get in touch with Ann, Ray, Dan or Kevin and we should get this straightened out before next meeting. Mrs. Wilson said the reason she wants to get Ann Boylan involved because she is the new chairman. Mr. Markey suggested when they are out driving and look at the trees, to have the letters in hand and go ahead and put the letter on their door. Mr. Markey said give them a warning. Mr. Rood said something has to be done, it has been going on for years, and Al Nicholls addressed it when it was Newcomb's property.

Mr. Chase asked if we are talking about someone's personal trees or the trees Shade Tree planted. Mrs. Wilson said the personal trees but the one with the fire truck by Kennedy's is the Shade Tree but the rest are the personal trees. Mr. Rood said to start fining them and having them maintain the trees a proper way. Mr. Markey said that is already in the Shade Tree ordinance that was the problem the ordinance was never enforced. Mr. Smith said we are on the right path now, we will send them a letter and keep progressing as far as the ordinance is concerned.

POLICE REPORT:

Chief Arthur said all our officers are re-certified now. The Federal Inventory for the surplus items we have, they came in and did an inventory audit and we passed, everything was good and accounted for. The road lines were painted on Bonnie Drive, Rushbrook down to Delaware. Those lines were donated by someone of interest in Jermyrn. Over the past several weeks, they arrested 4 juveniles for all the thefts that have been happening, thefts of 3 motorcycles, thefts from cars, windows that were smashed and burglary. 98% of the crime in town was from these 4 kids. One of them was placed in juvenile detention for a little while and is on house arrest now. There was another incident after they were arrested with them. Chief Arthur asks the public to be vigilant, keep your doors locked and if you see kids at night to call the police to see what they are doing. It is basically these 4 kids that are on a crime spree in town and their parents are not helping the situation. We arrest them and take them to the house and they are back out the next night.

Chief Arthur said they painted speed timing lines in different areas of town to increase their speed enforcement. They attended a gang meeting and it was pertaining to gang activity, specifically motorcycle gangs. We have 1 gang member in town and a rival gang member in

Mayfield that are potentially going to clash in the future. We are keeping an eye out on that. Chief Arthur sent a grant application to get an AED.

The police attended the Jermyn and Mayfield Night out. We are trying to get the community involved in the Crime Watch. We only have a couple of members and it is a real asset to the Borough. They are trying to deal with ATV violations the best they can, one of the officer's tried to stop one in East Jermyn on Delaware St.. Mrs. Wilson made them aware of other things and they fled from the police and they stopped chasing them. Chief Arthur said they do not want to expose the Borough to issues by chasing them. They try to identify them; it is a hard issue to deal with. The issues are the ones driving the ATV'S 60mph down the middle of the road and as soon as they see us they take off. Mr. Smith said a lot is thrown on the police department but you always come up to the plate and being proactive has kept Jermyn pretty well covered and safe as much as can be.

COUNTY WASTE:

Ernie Palmer from County Waste was present at the meeting – Atty. Moran said he didn't get a chance to discuss the issue with Michael Carr yet; they exchanged phone calls and kept missing each other. Mr. Markey explained the chipping/recycling issue to Mr. Palmer. He said when we first accepted the bid; we accepted the garbage and recycling. When the contract was being drawn up it was brought to our attention something we may have missed. We currently go around with our chipper and we will take care of resident's branches, leaves, twigs. Atty. Moran said he specifically talked to Jonas about this, as an oral representation. Mr. Markey said in the past, our previous contract, we chip and take everything down to the recycling center and we get weight slips. We would turn the weight slips in and we would get reimbursed by Waste Management. We started doing the same thing under the County Waste contract. Our secretary submitted the weight slips and we did not receive anything. We spoke to our solicitor before the contract was counter signed and we were advised that our solicitor spoke to Jonas and we would be reimbursed for our chipping. After submitting the slips, Michael Carr's response was that we chose option 2 on the bid which does not include reimbursement. The Borough secretary continued to send in slips and Michael Carr responded again so we asked our solicitor to remind County Waste what we had negotiated and talked about. Mr. Markey said right now we spend Monday's chipping and going down to the recycling center, basically making a donation to their compost pile. We are at the point where our chipper motor is going and we are either in need of a new chipper.

Mr. Palmer said he was unaware of all of this and he apologized. He said if that is what we agreed to then we will work something out. He said he hopes we are all happy with the service and continue working well together. Mr. Palmer said he does not know what we get charged for the weight. He suggested contacting him with the weight slips we previously sent to Michael Carr and he will get involved right away. He asked how it was done in the past. Mr. Markey said it was a reimbursement check we received in the past. Mr. Palmer said he will take care of it.

Mr. Palmer asked if we are taking the wood, yard waste, leaves, grass clippings and there is some confusion as to what they are taking and aren't taking. Mr. Markey said we do not take yard waste; we take limbs, branches and things like that. Mr. Chase asked who takes the leaves. Mr. Markey said we have a leave vacuum; this will be the first fall that we will be able to use it

right, we customarily use it for the sides of the roads and storm drains; we haven't picked up residents piles. If they bag them and County Waste can pick them up. Mr. Smith said the agreement came down to that County Waste would pick up everything except for tires. Mr. Palmer said he knows it is one bulk item. Mr. Markey said no that is Mayfield, we are all items. Mr. Palmer said we have always taken everything anyway and now he knows it is all items. Mr. Palmer asked about paints, oils, TV's. Mr. Markey said paints and oils aren't specifically excluded from the contract; the only thing excluded is tires. Mr. Palmer said they had a problem that someone threw paint in the can and the road was striped because it ran out the back of their truck, it was trailing the truck and they caught it and contained it and sent it to the landfill, that is one of the things that happens with paint and his concern is that if it does go in a truck it will go down your street and there will be a problem. He asks if you are going to throw away paint put some cat litter in it to dry it up. They don't have a problem taking them as long as it is dried up and is no longer hazardous.

Mr. Markey said he received a message from a resident, 117 Moon Rd. said the garbage company has been turning around in their driveway and because of the heaviness of their truck the driveway has started to crack. Mr. Palmer said the trucks should not be turning around in anyone's driveway; they have no business turning around in anyone's driveway. If anyone sees any of the trucks on anyone's driveway, please let him know.

Mr. Markey said a resident said one of the trucks were on Delaware going pretty fast and were not stopping at the stop signs. Mr. Markey asked Mr. Palmer to remind his drivers of public safety. Mr. Palmer said he will let his drivers know and going forward next time if they can get a truck number that is located on the truck, he will be able to see which driver it is and he will handle it. They take safety very seriously. He said he will address this and if anyone can give him a truck number it will be taken care of immediately.

Mr. Markey said we had an issue with someone not paying their garbage fee and they called up County Waste and received garbage cans, they were not supposed to receive garbage cans. Mr. Palmer said they have had people calling up and saying they represent the Borough and it is hard to screen calls. He said we can make our account so that only one or two authorized people can only call for the account.

Council thanked Mr. Palmer. Mr. Palmer said he hopes everyone likes the service. Mr. Palmer said he has a couple of residents that downsized to the smaller carts but every week he sees bags next to the cans. Mr. Napoli said it might be the elderly because it is easier to handle the smaller cart. Mr. Markey asked if the bulk truck is the first one that comes through town. Mr. Palmer yes it is supposed to come through before the garbage truck. Mr. Markey suggests that residents should get their stuff out Thursday night. Mr. Markey said picking up the bulk first makes more sense. Residents are putting stuff out after the truck has already picked up. Mrs. Wilson suggested putting a notice on Channel 7 about bulk items and on our website. Mr. Markey said there have been things that we have put on Channel 7, website and newspaper and then we get hundreds of people saying they have no idea about this.

FIRE CHIEF:

Mr. Rood said everything is going pretty good with both fire companies. We had some calls for trees in the alleyway but we got that straightened out. We had some storm calls for the trees. The DPW came out and helped with the one bad storm we had. Mr. Rood said there is still one wire hanging by Battenberg's. He said he told comm. Center to inform every utility company. It could be a cable wire. It came from across the street when the tree went down. Mr. Smith asked if everything has been settled about the key for the DPW garage where the alarm is. Mr. Rood said the police have a key and if it goes off he cannot get in there he has to have the police go over there. If the siren gets stuck, he will have the police run over there. Chief Arthur said we were under the impression we were getting two keys. Mr. Rood said the owner was supposed to put a wall up so we would have access to just the one part. Mr. Markey said now that he gave the Borough a key he does not know if he is going to do that wall. Atty. Moran will have to talk to his lawyer about that and also request a second key.

ZONING:

Mr. Chase said he is working on two people that want to build houses in Jermyn and the lots are corner lots. One is over here and one is on the east side. He is trying to establish a route because they are corner lots; the setbacks are a little different. He has received a number of permits within the past two months, but they are not filling the permits out, there are no drawings. There are no dimensions filled out. Mr. Smith said he did get a call that complimented Mr. Chase. He helped out someone with a drawing and they said Mr. Chase was a pleasure to work with.

SOLICITOR:

Atty. Moran said the Shade Tree Resolution to modify the Shade Tree Ordinance has been advertised to reflect the reality. Mrs. Wilson made a motion, seconded by Mr. Markey pending Mr. Kulicks signature to pass #10-2017 Shade Tree. All in favor; motion carried.

DPW:

Mr. Markey said the DPW purchased a small chainsaw to use with the tree situation when they are up in the bucket. Mr. Markey thanked the Shade Tree for reimbursing us for most of that expense. Mr. Markey said we discussed the new DPW building out front. After last meeting, we spoke to Bob Chase to come look at it from a zoning perspective. Mr. Markey said unfortunately the trees that surround the police vehicles right now will probably have to go because the building has to come off the road another 17 ft. because of the setbacks. Mr. Markey said they asked to meet with John Marino from NEIC. Mr. Chase was in contact with him and told him we were looking to put up a 40x70 pole building. Mr. Marino said he just put up a 40x70 in Mayfield and they went to take a look at it. It was \$47,000. Mr. Markey asked him to come to the meeting but he was unable to make it tonight. He will explain who built it and the process also what he got for his money and what degree of construction it falls under. Mr. Smith asked if the \$47,000 included the concrete base. Mr. Chase said no, just the shell, no electric, plumbing, and heating. Mr. Smith asked Mr. Chase if he thinks it will fit well in this area. Mr. Chase said he has been thinking about that and you have to try and make everyone happy. He still has to go through zoning and make sure it is something we can put there. He said there is going to be steel building in front of an old school building, aesthetically what will that look like. Mr. Smith said he was surprised by the pictures and how nice it looks.

Mr. Smith thanked Mr. Chase for working with Mr. Markey on this project.

PUBLIC SAFETY:

Mr. Napoli said we are awaiting word from Penn Dot for the traffic study on Rushbrook. He said they can't stop trucks from coming on that road. He doesn't know how much satisfaction the citizens are going to get that live on Rushbrook.

A motion was made by Mr. Napoli and seconded by Mr. Markey to have officer Russo be moved from orientation pay to regular pay. All in favor; motion carried.

Mr. Napoli thanked Mr. Perry and Chief Pereschinsky from Mayfield for fixing the emergency lights for free on the unmarked car last week. Mr. Markey and Mr. Napoli will be meeting with Mr. Pidgeon in regards to the speed bump.

Mr. Smith said by old Mill where the road goes into the V, more and more there is people who are not watching that stop sign coming in Jermyn. There have almost been a number of accidents. Chief Arthur said that stop sign is in Archbald. Mr. Napoli said we would have to ask them to come out and look at it.

SHADE TREE:

Mrs. Wilson said she will take charge of getting everyone together. We did have a committee with Mr. Kulick, Ray, Mr. Napoli, herself and Ann Boylan. She asked if Mr. Markey wants to be included or he will take their recommendations. Mr. Markey said he will take their recommendations on it. Mrs. Wilson will try for next week so we have a report for next meeting. Mrs. Wilson will have the letters ready so when they go around they can deliver them. Mr. Rood suggested providing them with a copy of the ordinance when they go around and deliver the letters. Mrs. Wilson said she will keep a list of who the letters are sent to. Mr. Chase asked if they are given a warning first. Mrs. Wilson said yes. Mrs. Wilson said her recommendation is to give them 30 days. Mr. Smith said that is a fair enough time. Mr. Smith asked Mrs. Wilson to report back at the next meeting.

Mrs. Wilson received the report from the TCC Committee for the EIT taxes. Each member of council will get a copy for the next meeting and one copy will go in the office. A copy will be available for the public. Mrs. Wilson said we also received a check for \$500 for the grant for Municipal Arts & Culture. It was for the concert in the park, it will be distributed to the Events Committee.

Mrs. Wilson said she would like to attend a workshop for the culture and arts. She said it was discussed to do painting on the salt shed and that would fit into this workshop and there may be some other things in town we can use the culture and arts grants for.

Mrs. Wilson asked if anyone has contacted our Senator about Old Mill Rd. Atty. Moran said Senator Blake hasn't been discussed we talked to the County about the Community Reinvest. We are in the process of working that through. We don't know how much it would cost and there is also a sewer issue that is also being discussed with the County. We are getting some positive

feedback. Atty. Moran said Senator Blake is fine to pursue we just haven't discussed state money for it. The County has the money exactly for this through the Community Reinvest. We don't know how much it is going to cost. Our engineer brought up we can spend money and pave it but there is a chance we have to rip it up to get to the sewer system. Atty. Moran said he discussed doing what Luzerne County is doing, acquiring these stranded sewer systems that are a part of the Boroughs.

Mrs. Wilson said she doesn't want to overlap and ask for money of that important project but she would like to see the windows upstairs and something being done with the upstairs to facilitate the usage of it. She asked if she should look into it with Senator Blake. Atty. Moran said yes. Mr. Smith said the two issues should be addressed with Senator Blake. Maybe they will say we can't do one but we can do the second. She said she would like someone to go with her, it is greater in numbers. Mr. Smith said he would go with Mrs. Wilson.

FINANCE:

Mr. Smith said we hired Michael Barbetti this year as the accountant for the Borough. He sent up an accountant, Joe Garvey who has been working with us. We had a final report which was a good report on what we are doing and how we are spending our money. Under his guidance, this year so far it is going pretty well. Mr. Smith said that last meeting we had two weeks ago, we were charged \$2,500. Mr. Smith said he was under impression that the last meeting was free and it was mentioned it was free. The Secretary called Joe Garvey and it wasn't free. Atty. Moran said the bill reads for the period ending June 30, 2017. Mr. Markey said it wasn't the meeting, it was the report. It's basically a mid-year report card for the Borough. Mr. Markey said he thought he said anytime he is preparing things we are going to get charged. Mr. Smith said he thought the meeting we had was going to be free. Mr. Smith said he was under the impression we weren't going to be charged for this project. We didn't have that in the budget so we took it from different areas to pay for it and we will have to be careful for next year if we are going to do different reports. Mrs. Wilson said he is very good. Atty. Moran said if there wasn't a clear up front price, why not have that conversation with the professional and let them know there wasn't a clear understanding and maybe they will work with you. Mr. Markey said this year we were in a situation where we had to have a financial audit every time someone leaves the Borough and we had to have them do the DCED audit. We are probably in the type of shape now where we might not have uncovered all the stones but we uncovered a lot of them and maybe we don't need this midyear report next year and just do the DCED. Mr. Smith said he is in agreement. He thought it was very valuable this year to do this. It was a benefit to bring someone in and Joe Garvey did an excellent job for us. We knew where we stood and he just reiterated the things that were important.

JUNIOR COUNCIL:

Mrs. Wilson said acting superintendent will be contacted for a second Junior Council.

Mr. Markey said he thinks it is important we give the Junior Council something of value. It is a good experience for them. But giving them some type of responsibility is even better; it will be more valuable in the long run. Mr. Markey suggested it would be a good project for a junior council person to undertake, we have our 150th anniversary coming up in 2 ½ years. Jermyn does not have a flag, a flag of Jermyn. He suggested having a contest within the school and

community and see who can create a Jermyn Borough Flag that we feel best represents the Borough. Have a contest and maybe give a \$500 scholarship as a prize or something like that. It maybe something Evan can take the reins on. Mr. Smith said he likes that idea and said we should pursue this. We will have Evan here and are going to look for another member and they can work on that together. Council will discuss it with the Junior Council Members.

Lincoln Ave. Project:

We received bids to put the curb in on Lincoln Ave.

Andrew Baldan - \$200 when he is in town or \$350 if we need it done now.

Rock Bottom - \$450

A motion was made by Mr. Markey and seconded by Mr. Napoli to have Andrew Baldan do the project on Lincoln Ave. for \$200 when he is in town. All in favor; motion carried.

A motion was made by Mr. Markey and seconded by Mr. Napoli to adjourn the meeting at 8:25. All in favor; motion carried.