

**Jermyn Borough**  
**Council Meeting Minutes**

**12/20/18**

The Jermyn Borough Council held a council meeting on Thursday, December 20, 2018 at 7:00 pm in Council Chambers of the Jermyn Borough Building, 440 Jefferson Ave, Jermyn PA.

The meeting was called to order by President Frank Kulick with the Pledge of Allegiance

On roll call, the following members were present: Frank Kulick, Kristen Dougherty, Jennifer Schreiner, Kevin Napoli, Carl Tomaine, and Cynthia Stephens. Attorney Aquilino (joined at 7:10pm), Mayor Fuga and Bob Chase (joined at 7:03pm) were also present. Joanne Wilson, Ray Rood and KBA were absent.

**Minutes:**

A motion was made by C. Stephens to accept the minutes of 12/6/18 as presented. Seconded by C. Tomaine. All in favor, motion carried.

**Correspondence:**

F. Kulick read an email from Charles Beth, 518 Jefferson Ave. (email attached hereto as Addendum A)

**Public Comment:** None at this time.

**Reports:**

**Police Chief:** In Chief Arthur's absence, Mayor Fuga reported there has been an uptick in drug overdoses in which the drug Narcan had to be used to counteract the drugs. They brought back two or three people with Narcan thus far. There has been an increase in break ins in the community; the police urge residents to keep their doors locked. This time of year, packages on porches could be taken, please look out for your neighbors. Mayor Fuga stated this will also cover his Mayor's report.

**Fire Chief:** K. Napoli gave the fire report. Chief Rood is out of town. In his absence, Captain Chase and Captain Allan are in charge of the borough.

**Public Safety:** K. Napoli reported that as Jermyn Borough's EMS provider, William Walker notified us that Cottage Ambulance will no longer be providing a full time day shift EMT effective 12/29/18. In the short term, per diems are being looked into. Longer

term, they are looking for more permanent solutions. William Walker would like to speak with the Mayor, Head of Public Safety, and President of Council.

**Zoning:** Bob Chase reported there is a zoning application for a new home in East Jermyn.

**Tax Collector:** Absent. K. Napoli asked if council could draft a letter reminding the tax collector that she is to be present at least one meeting every other month.

**Engineer:** Absent

**Shade Tree:** Absent

**DPW:** D. Markey reported that All American Rooter began the video camera of the sewer at the Woodlands this week. A sewer backup happened last week in the North Old Mill Road section, and a resident has damage in their finished basement from backup. D. Markey called the solicitor and DGK immediately. Municipalities, with a few exceptions, are exempt from liability resulting from sewer backup issues. The resident will need to go through their own insurance first, then if their insurance denies the claim, they can file a claim through the borough, but that doesn't mean that the borough policy would pay. The borough had incurred a bill for emergency services due to root intrusion, and the sewer line needed to be jetted. D. Markey reported the video so far showed some root intrusion, however the sewer lines are in better shape than we originally thought them to be. DPW found the buried manhole, but cannot get the lid open, so they may need to break it. North Old Mill sewers are in good shape except for the roots. Mayor Fuga stated we can treat the sewers with Root-X, which we can dump into the sewer, add water, it will foam up, kill the roots, and coat the sewer line. We would like to treat that area rather than cut up the road when the pipe isn't that bad. Mayor Fuga explained the problems with the sewer lines and how roots intrude the pipe without breaking in. K. Dougherty stated they had considered changing where their sewer came out. Mayor Fuga stated the issue near C. Tomaine's house he believes is root intrusion also. C. Tomaine stated coverage for water backup of sewers and drains isn't automatic, but is available on most homeowner's policies. D. Markey stated when it's not snowing, the DPW is also working on the side stairwell.

**Treasurer's Report:** D. Markey gave the treasurer's report:

Expense disbursements for the timeframe were \$37,555.56, also 3 periods of payroll for \$41,068.07.

D. Markey sent bills payable on 12/19/18 to council.

Motion by J. Schreiner to accept Treasurer's Report and pay bills. Seconded by C. Tomaine. All in favor, motion carried.

**Solicitor:** Tonight's Solicitor's report will include discussion around a Feral Cat Ordinance, and the Business Ordinance as rewritten, which are separate agenda items.

**Code Enforcement :** W. Aquilino reported that he and K. Napoli had the opportunity to inspect the daycare at 626 Madison Ave. He's also reviewed twice, and reviewed with the Borough Manager. There are no code violations, however there are issues with residents parking on the street when they have their own driveways, so we may need to discuss parking restrictions on that part of the block. He will ask the daycare to place flexible barriers, and paint a sidewalk section by the parking lot. K. Napoli stated for the record, there are no safety or zoning issues on the property. B. Chase confirmed there have been no issues with the daycare. W. Aquilino stated the chain link fence over the Madison Ave bridge is the county's, and the borough has no jurisdiction regarding it. B. Chase stated it's a 15 MPH zone, and he's never heard anyone complain. W. Aquilino stated there were no poles with jagged edges, and the pictures floating around are old. Mayor Fuga stated it's wrong for the resident to call out officials on Facebook also. A discussion ensued about the origin of the complaint, and that the resident complaining is Frank Constantine, who resides across the street. W. Aquilino invited him to tonight's meeting, but he is not in attendance. K. Napoli invited any church parishioner, any parent of a student of the Lakeland SD, or any parent of the daycare that has an issue with the daycare, please come forward to discuss the issues. K. Napoli stated he asked in the past for anyone to come forward with any issues, and besides the one resident complaining, no one has come forward.

**Grants Committee:** K. Dougherty reported she researched the MS4 grant opportunities, and there will be a grant opening in the spring.

**Finance:** F. Kulick stated the budget for 2019 was presented at the last meeting and duly advertised. It's been available for inspection since 12/7/18. F. Kulick made a motion to pass the 2019 budget as presented and advertised. Seconded by C. Stephens. All in favor, motion carried.

**Tax Millage Ordinance:** A motion was made by K. Napoli to pass the ordinance setting the 2019 Tax Millage at 29 mills. Seconded by K. Dougherty. All in favor, motion carried.

**Real Estate:** The land was appraised at the property adjacent to the property that R&L Carriers just purchased. The land was appraised at \$6400, and the cost of the appraisal was \$525. F. Kulick stated council needs to make a decision on whether to gift or sell the land. He suggested gifting the land with the reimbursement of \$525 cost of the appraisal. C. Tomaine asked what the options were. D. Markey explained per the Borough Code, Council can sell the land for \$1500 or less without a formal bid process, however the appraisal needed to be finished first. If Council decides to sell the land for over \$1500, bidding is required. Council can also decide to gift the land. K, Napoli stated it may be in our best interest to gift the land, showing a sign of good faith and support from the borough. F. Kulick made a motion to notify R&L Carriers that we

will gift them the land in question in exchange for the cost of the appraisal once construction begins. Seconded by J. Schreiner. All in favor, motion carried.

**Auditor:** D. Markey explained that at the 12/6/18 meeting, council voted to retain Barbetti to complete the 2018 DCED audit. It was the only proposal we received at the time. The following evening, the borough manager and Mayor were approached by Brian Kelly, CPA, who explained that his firm could fulfill the DCED audit requirements for much less than what Barbetti proposed. The borough manager and Mayor advised President Kulick of the conversation, who stated to notify Barbetti that we are weighing our options and will make a decision at the 12/20/18 meeting. K. Napoli asked if our former solicitor recommended Barbetti to us? D. Markey advised once the former borough manager left, the borough code calls for an audit, and Council asked the solicitor if he could recommend an accounting firm, who recommended Barbetti. Barbetti's office completed the 2017 DCED audit for \$7500, and Kelly's firm quoted a price of \$5500 for the 2018 Audit. D. Markey advised that under Kelly's recommendation, he cancelled Sage and purchased quickbooks, and it will save the borough \$1500 in 2019 alone. D. Markey stated he contacted the borough's IT professionals as well, and they agreed with the switch. K. Napoli motioned to rescind his 12/6/18 motion to retain Barbetti for the 2018 DCED audit. Seconded by C. Stephens. All in favor, motion carried.

K. Napoli motioned to hire Brian Kelly, CPA, and Associates to compete the 2018 DCED audit. Seconded by C. Stephens. All in favor, motion carried.

**Rushbrook Creek Update:** F. Kulick reported that the borough meets quarterly by conference call with the DEP and Army Corps of Engineers to keep updated as to what is going on. They reported they are still working on legal documents, and are about 80% completed. They estimate about another 6 months until the documents are ready. The newest roadblock involves land owned by PENNDOT as it pertains to mitigation credits. If the borough started to obtain easements upstream, and different descriptions or language is used, DEP will not accept, so we need to wait until we get the go ahead regarding easement language, etc. F. Kulick stated within 1 year after the start of the project, the borough will need to have \$20,000 in an escrow account. Mr. Kleha asked didn't Senator Blake assure us that Jermyn Borough wouldn't have to worry about funds? F. Kulick stated that he believes Senator Blake was referring to construction costs, not the escrow account. F. Kulick stated that he thinks the start date of 2022 that we were given may be in danger.

**Holiday Light Fund:** F. Kulick reported that the "Light Up Christmas" event he sponsored on 12/15 was a success, and he thanked Dani-Elle for performing at a fraction of her normal cost, and thanked the Artisan Fire Co for hosting and donating a portion back to the light fund. F. Kulick also thanked the Mayor, Borough Manager, and Council Members that helped, as well as their spouses. We raised \$1143 that night towards the holiday lights.

**Business Ordinance:** D. Markey stated the business ordinance was advertised in April, and needs to be re-advertised. F. Kulick stated the original ordinance had a fee, and the revision removes the fee, but we have a need to pass the ordinance and keep a business registry. A motion to advertise the revised proposed Business Registry Ordinance was made by K. Dougherty, seconded by C. Stephens. All in favor, motion carried.

**Fees:** F. Kulick read resolution 22-18, amending and revising the schedule of fees for 2019. A motion was made by J. Schreiner to pass Resolution 22-18 setting 2019 borough fees, seconded by K. Napoli. All in favor, motion carried. D. Markey explained council simply needs to pass a resolution yearly setting fees, and if fees need to be changed, they can be changed by resolution also.

**Meeting Dates:** F. Kulick stated we need to advertise meeting dates. K. Napoli motioned to hold council meetings on the 1<sup>st</sup> and 3<sup>rd</sup> Thursdays of each month at 7pm in Jermyn Borough Council Chambers for 2019. Seconded by C. Stephens. All in favor, motion carried.

**Lackawanna County Land Bank:** F. Kulick stated that C. Tomaine asked this to be tabled at the last meeting, and wanted to bring it up again. D. Markey stated he contacted Ralph Pappas of the Land Bank to come and give a presentation and question and answer session, who informed him that Jermyn does not currently have any land in the repository, so there is currently no need for Jermyn to join, but we would be invited in the future if a need arises. D. Markey advised that we could still join, but one stipulation is that taxes collected on land bank properties for the first 5 years, 50% would go to the land bank, and the other 50% to the municipality and school district. W. Aquilino stated that he believes we should continue to table it. C. Tomaine agreed, after reading everything, he found some issues which he believes to be questionable and one-sided. D. Markey stated he will keep it off the agenda, and will put back on if needed or requested.

**Borough Manager Report:** D. Markey reminded the solicitor that once the Joinder Ordinance is passed, he needs the paperwork so he can return to the pension plan administrator. He already spoke about the financial software.

**Feral Cat Issue:** W. Aquilino stated he drafted a feral cat ordinance. F. Kulick asked how we're going to pay for this? He also stated that cats die when you put collars on them, due to getting caught on branches, etc. Quick release collars require 5lb of pressure to release, and cats can't exert that kind of pressure. F. Kulick stated he knows there's a cat problem, but he thinks an ordinance is ridiculous. K. Dougherty stated she has a dog and can't let it wander without a collar or a leash. F. Kulick stated dogs and cats are two different kinds of animals. W. Aquilino stated feral cats are everywhere, not just Jermyn, but was tasked with looking into the cat problem, and people feeding feral cats. The only way to prevent that is to have an ordinance. The ordinance he prepared is over-inclusive on purpose, so things can be stricken rather than having things added. W. Aquilino stated if council is interested in controlling feral

cats, there are trap neuter release programs, but the borough will incur a cost. K. Napoli stated he doesn't know how the ordinance will be enforced. W. Aquilino stated if you feed a feral cat so many times within a certain number of days, they become your cat, whether or not you buy it, name it, or shave it. It is your cat, and you are then responsible for that cat, and the feral cat ordinance has a nuisance clause in it. D. Markey stated there are current ordinances on the website stating that dogs and all other animals shall be leashed when outside. D. Markey stated there are also ordinances that limit households to 4 pets. K. Dougherty asked if we have cat problems in the entire town, or just certain spots? Mayor Fuga said just certain spots. D. Markey stated he found a copy of an ordinance in Old Forge, PA, which was filed away in the cabinets from 2016, which deals with feeding of feral cats. K. Napoli asked what you would do with the cats? D. Markey stated we can trap them, but the trap neuter release program costs money. D. Markey will distribute the Old Forge ordinance, and council would like to table this topic for now.

**Municipal Pension Plan Joinder Ordinance:** The 2019 pension plan joinder ordinance has been duly advertised and is ready to be voted on. W. Aquilino stated Council voted to not require police to contribute 5% for 2019, due to the well-funded status of the plan at the last meeting. A motion was made by F. Kulick to pass the Pension Plan Joinder Ordinance 23-19. Seconded by C. Stephens. All in favor, motion carried.

**MS4:** F. Kulick appointed an MS4 committee, and asked for volunteers. F. Kulick appointed Cindy Stephens, Jennifer Schreiner, and Kristen Dougherty to the committee, with Cindy Stephens as the chair.

**New Business:** None at this time.

**Adjournment:** With no other business to come before the meeting, a motion was made by K. Napoli to adjourn, seconded by K. Dougherty. All in favor, motion passed. The meeting adjourned at 8:43pm.

Respectfully submitted,

Daniel Markey

Borough Manager