

Jermyn Borough

Council Meeting

1/20/2022

The Jermyn Borough Council held a council meeting on Thursday, January 20, 2022, at 7:00 pm in the Council Chambers of the Jermyn Borough Building, 440 Jefferson Ave. Jermyn, PA 18433.

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, Trish Dabney, Kevin Napoli, Jeff Morcom, Carl Tomaine, Robert Hunt, Kyra Davey, and Bob Chase. Mayor Fuga and Attorney Moran are also present. KBA, NEIC, Jim Perry, Nicole Stephens, and Stanley Hallowich were absent.

**Minutes:** A motion was made by K. Napoli to accept the minutes of 12/16/21 as presented, seconded by K. Davey. All in favor, motion carried.

A motion was made by C. Tomaine to accept the minutes of 1/3/22 as presented, seconded by K. Napoli. All in favor, motion carried.

**Treasurer's Report/Bills Payable:** S. Lee read the treasurer's report:

Current Assets

Checking/Savings

Capital Reserve - DPW	10,725.94
Capital Reserve - Police	4,606.82
Crime Watch Fund	222.69
General Fund – Community	111,977.72
General Fund – FNB	4,389.95
Holiday Lights Fund	1,778.91
Investment - General Fund	1,001.60
Investment - Liquid Fuels	33,816.37
Investment - Paving Fund	1,011.96
Investment - Recycling	5,003.76
Investment - Refuse	2,600.39
Liquid Fuels - FNB	16,482.23
Petty Cash	231.00
Recreations Fund	17,122.98
Recycling - Community	8,673.76
Refuse Checking - FNB	40,010.50
Total Checking/Savings	259,656.58

Current Liabilities

Accounts Payable

200000 · Accounts Payable	24,161.26
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A motion was made to accept the treasurer's report and pay bills by K. Napoli. Seconded by K. Davey. All members in favor. Motion carried.

**Correspondence:** F. Kulick read a letter from Steve Rusiniak, addressed to the respective Police Dept, Council Members, and Tax Collector. Please see attached copies of reconciled taxes, appropriate deductions made per garbage services or lack thereof, as the dwelling has stood vacant for 15 years. Also attached photo of a school bus in a “no parking zone”. I would like to thank the Police Department for correcting the matter. Another photo demonstrates autos parked on Hudson St. straddling the sidewalk, cars are positioned similarly during the alternate side winter rule. How one parks doesn’t concern me, only in that my fiancée’s car was towed during a record-breaking snowfall, at the behest of persons connected to the death of Robert Quinn, photo also included. Paradoxical, is it not, that while blood remains on their hands for all eternity, somehow they’re self-appointed directors of transportation. Unusual too in the fact that had my fiancée not staged her car (straddling sidewalk) at 424 Delaware, she would have passed Quinn’s death marker in a very risky attempt to reach Carbondale’s steepest street, Thorn, which spurs off heavily inclined Cannann. Kind Regards

F.Kulick then read a letter that was sent to the borough Mayor and Council from Jeffrey Nepa. He would like to make the Borough formally aware of what he perceives to be a dangerous condition, with the single traffic light in town located at the intersection of Rushbrook Street and Washington Avenue. He states he feels the danger lies in the fact that the present setting of the sensors causes the light to turn from green to red rapidly when there is traffic traveling on Rushbrook St.. This setting causes vehicles to have to travel through the rapid change to red quickly on Rushbrook St, and in turn nearly causing a collision with traffic traveling on Washington Ave. He states he has almost been hit by a commercial vehicle on three separate occasions. He would like to request that the traffic light sensor to possibly be adjusted so that the change from green to red is not so rapid, allowing traffic time to adjust their speed accordingly and to clear the intersection.

Council has agreed to reach out and have the traffic light looked at to confirm the timing/setting are correct and or corrected to help satisfy this concern.

**County Waste:** Sales Manager Pete Dattoli was present. He looked into any service-connected issues that were recurring, and he was not able to find anything abnormal with the weather or with the drivers related to COVID. He wanted to make everyone aware that they are mandatory to follow the state program with covid as they are in and out of hospitals, schools, jails so if anyone gets covid and they have been around any other drivers, them and any other drivers they where in contact with have to be sent home they have no other option. They also lost 13 employees after COVID, but have been able to hire 17 new employees in the last three months. But the main reason he was here was at the request of the drivers, as several homes put out an excess of garbage. Sometimes creating four dumps at one location, adding 10-12 minutes for each of these kinds of stops, when it should only take two and a half minutes at each stop. Based on our number of homes, it should only take them seven and a half hours to complete our town, however, there are days it takes them up to thirteen hours on average to complete their service to us. They are collecting 11 tons a week in just trash, not including bulk or recycling. The issue with this, then, also becomes that they are held at a DOT perspective where the drivers are held to drive only 55 hours a week; their drivers are now running out of hours by Wednesday afternoon or Thursday, not allowing them to work Friday or Saturday. His reason for reaching out to us was to see if there was any kind of professional documentation he could help provide to us and the residents to help make things easier and more understandable for us and our residents, so in turn it can help them serve our community more efficiently.

**Public Comment:** None

**Professional Reports:**

Police: Absent

Fire: Absent

EMA: None

Solicitor: L. Moran, wanted to give an update to the Right to Know request from Mr. Jim Davis without an executive session, as it is a transparency issue. The only litigation matter right now is that we are defending a right-to-know challenge brought by a resident, Mr. Jim Davis, who took an appeal with the Office of Open Records, saying we did not give him all the documents requested. Which is incorrect, as we did not have any of the other documents he requested, and the law does not require us to create them. One of the documents he is saying we did not give him is a document that specifically lists all the borough employees with their position and their salaries listed, but we do not have such a document. And for documentation for what we paid for Dan Markey's training, but we did not pay for Dan's training; all his training was done through the borough's PSAB membership. And thirdly, the borough debt, which we did we only had one loan, and he was given that information. At this point, I would just like to call this gentleman and be respectful, and say on behalf of the council, we are asking what we can do to satisfy you. So, we are not just needlessly wasting legal fees if the council is ok with it, and see if we can resolve it that way. Even offered to create a spreadsheet with just a list of the positions and their salaries to give him, and explain to him that we are just going to give the office of open records an affidavit from Dan Marky saying the borough did not pay for his training. And so, if he wants to continue to fight this, he is just going to cost the borough money. But rather than file our brief and our response, which is what we would have to do and give an affidavit, put a legal brief together saying the law says we do not have to create documents, and then we would have to litigate this with him. I would rather just call him and see if we can just settle this, by doing the two outstanding things, by creating a document of the positions and salaries, and then just explain to him that there is no documentation for Dan's training.

**Rental Memorandum of Understanding:** L. Moran, we redid the rental memorandum of understanding as it was becoming a hardship for Shannon to have to be present when the notary had to be present the way it was written in the initial ordinance and as a final kind of hammer, we asked that this agreement be record it with the recorder of deeds. And this was just too much to try and prevent fraud in the future, and the recorder of deeds will not accept them unless they are notarized or borough acknowledgements. It became too much going back and forth with the recorder of deeds trying to get this resolved so my recommendation is having the resident sign it and have it notarized and then just bring it into the borough and then just have Shannon counter sign it should be more than enough and we keep it on file at the borough. So, I propose changing the ordinance that we passed recently and changing the part about the recording with the recorder of deeds.

The Motion was made to advertise the amendment of the rental ordinance by K. Napoli. Seconded by T. Dabney. All members in favor. Motion carried

**R&L Fire Hydrant Issue:** L. Moran, The R&L fire hydrant issue, my recommendation is that the borough can proceed as the applicant. The only issue that someone brought up is that would the borough be

responsible then for the water bill, I am going to see if we have an ordinance on the books but if not, there is authorization by state law that allows local governments to pass ordinances allowing us to access the reasonably incurred cost of fire services to the resident. We are not going to put it on the backs of single-house residents, but there is a difference when it comes to a single-house structure fire and a warehouse/industrial structure fire. I mean, these hydrants are only going to be able to be used for a fire emergency at R&L carriers, and if such an incident should occur, we should have a piece of legislation on the books that allows us to give that bill to R&L carriers. I would proceed with the application as it is worded; it gives you all the protection and limits to just the use of emergency services, PAWC is asking us to do it, so we should. And if there is a big emergency in the future where we are going to get an expensive bill, an ordinance will allow us to pass that bill along to the business.

Code Enforcement: Absent

Zoning: None

Engineer: Absent

Tax Collector: Absent

Mayor: The Chief of police wanted to advise that on March 2<sup>nd</sup> will be a Prescription drug take-back at the Borough Building. Residents can bring these in at any time, but the state and county run a yearly one in March at this time so we wanted to help advertise and participate.

Also under Engineer, with the ongoing construction of the Elevator project. They are stating we need a phone line run for the elevator, and it needs to be a hard line, it cannot run off the internet in case the power goes out. So, we will need to set up a hard line with Verizon, and in turn, we will be adding a phone bill to the borough.

**Committee Assignments:** F. Kulick announced the committees.

**Finance:** C. Tomaine (chair), F. Kulick, and R. Hunt

**DPW:** F. Kulick (chair), R. Hunt, T. Dabney

**Public Safety:** K. Napoli (chair), J. Morcom, C. Tomaine

**Grants:** T. Dabney (chair), K. Davey, F. Kulick

**MS4:** K. Davey (chair), J. Morcom, K. Napoli, Richard Farrell

**Liaisons:**

**Employee Liaison:** F. Kulick

**Recreations Commission:** K. Davey

**Planning Commission:** J. Morcom

**Shade Tree:** R. Hunt

**Volunteers for Boards/Organizations:** F. Kulick, to try and get more interest for volunteers, I posted on Facebook that we were still trying to fill these positions. But unfortunately, I only got one response; I need to stress how important it is that we get more volunteers. We still have an open seat for the Civil Service commission, Vacancy Board Resident chairpersons, and I believe a zoning Hearing board position.

**Adjournment:** A motion was made to adjourn by K. Napoli. Seconded by J. Morcom. All members in favor. The meeting adjourned at 7:53 pm.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Shannon Lee".

Shannon Lee,

Secretary/ Treasurer