

Jermyn Borough

Council Meeting

6/16/2022

The Jermyn Borough Council held a council meeting on Thursday, June 16, 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, Kevin Napoli, Jeff Morcom, Kyra Davey. Mayor Fuga, Attorney representative Brendan Fitzgerald also present. Trish Dabney, Carl Tomaine, Robert Hunt, KBA, Bob Chase, NEIC, Jim Perry, Nicole Stephens, and Stanley Hallowich were absent.

**Minutes:** A motion was made by K. Napoli to accept the minutes of 5/16/22 as presented, seconded by J. Morcom. All in favor, motion carried.

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

Current Assets

Checking/Savings

Capital Reserve - DPW	10,726.47
Capital Reserve - Police	4,701.82
Crime Watch Fund	222.69
General Fund – Community	379,696.34
General Fund – FNB	5,265.62
Holiday Lights Fund	1,374.09
Investment - General Fund	1,001.93
Investment - Liquid Fuels	33,827.86
Investment - Paving Fund	1,012.33
Investment - Recycling	5,005.46
Investment - Refuse	2,601.28
Liquid Fuels - FNB	53,751.10
Petty Cash	231.00
Recreations Fund	19,991.24
Recycling - Community	10,063.44
Refuse Checking - FNB	144,962.25
Total Checking/Savings	674,434.92

Current Liabilities

Accounts Payable

200000 · Accounts Payable 29,722.62

Long Term Debt 328,205.09

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.

**Ratify Bill Paid on 5/31/22:** Motion was made to accept bills paid on 5/31/22 by K. Napoli. Seconded by K. Davey. All in favor, motion carried.

**Public Comment:** Resident John Mark, 429 Washington Ave. Wanted to bring to the council's attention the complaints he has gotten from his renters located at 431-433 Washington Ave about the loud music from the winery. He is not against the music or bands being played, but the sound volume coming from the winery and requests that they can turn the volume down to be considerate of those residents around them. As for himself, his tenants and other neighboring residents are not able to sit inside their homes and watch TV, etc., and the music cannot be heard.

**Comcast:** Representative Jenn Freez came to offer the opportunity to expand their network and offer a full platform of services to the borough residents. This would then give each resident the availability of another service provider for the area, with still the option for each resident to choose their service provider, as this would be a nonexclusive agreement as well like Adams Cable. There will be no cost to the borough or residents to have this service installed for the residents. Comcast will cover all project expenses.

A motion was made by K. Davey to have an ordinance drafted for Comcast to franchise with the borough. Seconded by K. Napoli. All in favor, motion carried.

**Correspondence:** F. Kulick read a letter from the Supreme Alliance LLC, offering pension plans for the borough employees. However, the borough already has policies through the state and is not able to make any such changes.

F. Kulick then read a letter from resident Jim Davis. In response to the borough's letter of May 20<sup>th</sup> about how meeting minutes are handled. You sent me a copy of an email from Shelly Houk of PSAB. I am not privy to questions you ask of Ms Houk, also, I do not know who she is or what her expertise is. What she has stated is irrelevant.

Comparing how minutes were handled in the past years and how they should be handled now is comparing apples to oranges. In this information age, almost everyone has a smartphone or computer or both, or has a friend or relative who does. The council needs to be 100% transparent. Borough residents have zero input concerning meeting minutes. They are approved by the council before being posted. Is that factual?

Again, I find nothing that prohibits the council from posting a draft copy of the minutes before official approval by the council. If there is a directive or regulation from PSAB or PA Borough Code that prohibits this, let me know.

In the past, minutes were posted, and residents could attach comments. This option mysteriously disappeared. I would like to know why this option was removed, and by whose authority? At this point, your refusal to be transparent amplifies your desire to shield information from the borough residents. The next round of council elections is a year away. At that time, we will see if Jermyn residents prefer a transparent borough council or not.

F. Kulick responded that Mr. Davis was advised that Ms. Houk is a Director of PSAB, so the information she provided is relevant. She stated, and I quote, " The draft minutes are not the public

record. It is considered pre-deliberation material under the right to know law and therefore not public. The written approved minutes of the council become the public record.

I will admit to being wrong that the previous council had handled the minutes in the same manner as we are currently. I had asked a couple of previous council members about this and was mistakenly given incorrect information. However, when I took office in 2016, myself and other council members took classes and found that the way some things were being handled in the past was incorrect and in some cases illegal, one of them being the way the meeting minutes were being handled. I also looked at a couple of by borough websites and found they are handling the minutes in the same manner as we are, as that's the way they are to be done following the sunshine law and by the advice of the PSAB. The public still can have an amendment made to the previous meeting minutes by attending a meeting and having any issues found addressed with the council.

Mr. Davis will be sent one more letter from me politely advising him that I have given you all the information he needed in regards to this matter. And that I will no longer address your letters in regards to this matter, as they are political, as that's not what this council is for. If he wishes, he will be able to address this matter going forward with the borough solicitor.

#### **Professional Reports:**

Police: Chief Arthur advised council that they have addressed 4,110 incidents year to date, and that they have completed updated tack training for the department. They have also been working with the borough office on permit checks, to make sure residents are following the borough code/ ordinance. We had just done the Jermyn Memorial Day Parade, and I would like to thank Mayfield Police and their Fire police for the assistance with traffic control for this event. They were a big help. There is also some ongoing drug investigation and house watches that they are still addressing.

Steam Town Marathon had reached out to him, the race will be Oct 9<sup>th</sup>, and it will be the same route as in the past. He advised that it is customary for them to send a letter to the council for approval of the race and the route, as in the past.

Fire: K. Napoli again wanted to thank Mayfield for their help with the parade.

EMA: Absent

Solicitor: B. Fitzgerald addressed an update to the Rushbrook Creek Project phase 1. Our grant writer submitted an application for a DCED Grant for the project, and so a resolution needs to be passed to finalize the application.

A motion was made by K. Napoli to pass Resolution # 03-2022 to authorize DCED grant submission for the Rushbrook Creek project, phase 1. Seconded by J. Morcom. All in favor, motion carried.

7:50- Zoning Officer Bob Chase arrived at the meeting

Code Enforcement: Absent

Zoning: B. Chase advised that he received an anonymous call about a rooster in town. He will review the ordinance and follow up with the council.

Engineer: Absent

Tax Collector: Absent

Mayor: Advised that we had a field trip from Tri Star Academy on Tuesday, June 14<sup>th</sup>. The kids came down and met with me, Chief Arthur, and Shannon as they were doing a community and me week. Also, Shade Tree came and helped and let the kids plant some flowers out front of the borough building as one of the many ways they can help in the community. And to show how much they appreciated it, they came down the next day with thank you posters made by all the students that will be hung in the hallway.

**Committee Reports:**

Planning Commission: below

Public Safety: None

Finance: None

Shade Tree: None

Grants: None

MS4: None

DPW: None

Recreations: None

**Police Study Update:** F. Kulick. We have provided and submitted all the information that was requested with the help of Chief Arthur and Shannon. We will give an update once any further information is reported from the study on the information that was collected.

**Jermyn Head Start Playground:** F. Kulick gave an update they we are still working with the county and the Head Start about the grant application, as the wording of the documentation states it would hold the borough responsible for any overages past the grant amount.

**R&L Site:** It was brought to the borough and council's attention that UGI had submitted a pave cut request for Chestnut St. to install a gas line for R&L, however, no plans had been submitted for this with the original documents. Council discussed and agreed that it was ok for UGI to continue with the gas line on Chestnut St., and that it would only be an issue if they continued onto the property of R&L without an inspection permit.

**Safety of Washington Ave Trees (Planning Commission):** Council would like to request that Shade Tree attend the next council meeting to discuss possible safety issues with some of the trees on Washington Ave, and about possible maintenance that can be done to help address some of these concerns.

**Vacancy Board Appointment:** We have gotten a volunteer for the vacancy board citizen seat, Cynthia Stephens, 216 Bacon St., Jermyn. PA

A motion was made by K. Napoli to appoint Cynthia Stephens, 216 Bacon St, to the Vacancy Board. Seconded by J. Morcom. All in favor, motion carried.

**New Business:** J. Morcom wanted to see if we could address the pavement cut on Madison Ave in front of the church. Shannon advised that she already has calls into UGI to have them come and refill the pavement cut.

Mayor Fuga also wanted to add to this his concern with the current pave cut inspectors, we seem to be having a lot of issues recently under the new inspection company. As we have had to reach out now multiple times to utilities to have them come back and maintain their pavement cuts after only a short period. He would like the council to consider the possibility of going back to using Geo Science, as we did not seem to have as many issues when we were using it.

Council agreed to check to see if there was a contract and have it reviewed to determine how we could move forward.

K. Napoli wanted to discuss the condition of the roadway in front of his property on the 500 block of Mellow Ct, as he currently is experiencing flooding issues inside his house do to the deterioration and slant of the roadway.

Council advised that this issue will be addressed, but that they will need to start with talking to KBA about the water that is pooling at the bottom of the hill, as well as maybe a retention pond. This way when once paved, there would be no concerns for the road getting washed away, and hopefully help the neighboring properties with any concerns they may have with the water creeping onto their properties when it rains.

**Executive Session:** Council convened into executive session at 8:28 pm for personnel reasons. Council reconvened from executive session at 9:01 pm.

**Adjournment:** A motion was made to adjourn by K. Napoli. Seconded by J. Morcom. All members in favor. The meeting adjourned at 9:02 pm.

Respectfully submitted,



Shannon Lee,

Secretary/ Treasurer