

**JESSUP BOROUGH COUNCIL**

**MARCH 6, 2024**

**PUBLIC HEARING ON AN ORDINANCE ADOPTING  
THE LOCAL ECONOMIC REVITALIZATION TAX  
ASSISTANCE (LERTA) PROGRAM PROVIDING FOR  
TAX EXEMPTION FOR CERTAIN DETERIORATED  
AREAS WITHIN THE BOROUGH**

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**AGENDA**

**1. PUBLIC HEARING CALLED TO ORDER**

Pledge of Allegiance

Roll Call

Gregg Betti	Tom Fiorelli
Curt Camoni	Joe Mellado
Jeffrey Castellani	Roberta Galati
Jerry Crinella	

**2. PUBLIC COMMENT ON PROPOSED ORDINANCE**

**3. ADJOURN PUBLIC HEARING**

**BOROUGH OF JESSUP**

**LACKAWANNA COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 1-2024**

**AN ORDINANCE OF THE BOROUGH OF JESSUP, LACKAWANNA COUNTY, PENNSYLVANIA, PROVIDING FOR TAX EXEMPTION FOR CERTAIN DETERIORATED PROPERTIES WITHIN THE BOROUGH UNDER THE LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE ACT; DEFINING INITIAL ELIGIBLE DETERIORATED AREAS; PROVIDING FOR AN EXEMPTION SCHEDULE; AND ESTABLISHING STANDARDS AND QUALIFICATIONS FOR PARTICIPANTS.**

**WHEREAS**, the General Assembly of Pennsylvania passed Act No. 76 of 1977, 72 P.S. § 4722 *et seq.*, known as the Local Economic Revitalization Tax Assistance Act (“LERTA”), which authorizes local taxing authorities to provide tax exemption for new construction in deteriorated areas of economically depressed communities and for improvements to certain deteriorated industrial, commercial, and other business properties; and

**WHEREAS**, the Borough of Jessup, Lackawanna County, Pennsylvania (the “Borough”) is a local taxing authority authorized by LERTA to provide tax exemption in accordance therewith; and

**WHEREAS**, the Borough Council of the Borough held a public hearing on \_\_\_\_\_, 2024 for the purpose of determining the boundaries of the deteriorated areas in the Borough eligible for tax exemption under LERTA; and

**WHEREAS**, the Borough Council has determined that it is in the best interest of the citizens of the Borough to promote economic development through the creation of a LERTA program for the deteriorated areas within the Borough as set forth herein; and

**WHEREAS**, the Valley View School District (the “School District”) has enacted similar legislation on January 15, 2024 and Borough Council will request that the County of Lackawanna enact similar legislation to participate in the LERTA program.

**NOW THEREFORE, BE IT ENACTED AND ORDAINED** by the Borough Council of the Borough of Jessup, Lackawanna County, Pennsylvania, as follows:

**Section 1. Definitions.**

*Deteriorated Property* — any industrial, commercial, or other business property owned by an individual, association, or corporation, and located in a deteriorated area, as hereinafter provided, or any such property that has been the subject of an order by a government agency requiring the unit to be vacated, condemned, or demolished by reason of noncompliance with laws, ordinances, or regulations.

*Improvement* — repair, construction, or reconstruction, including alterations and additions, having the effect of rehabilitating a Deteriorated Property so that it becomes habitable or attains higher standards of safety, health, economic use, or amenity, or is brought into compliance with laws, ordinances, or regulations governing such standards. Ordinary upkeep and maintenance shall not be deemed an improvement.

**Section 2. Eligible Areas.**

The Borough determines that the area described in *Exhibit A* attached hereto shall be the areas that contain and consist of Deteriorated Properties that are eligible for tax exemption under this Ordinance. Additional eligible areas may be included from time to time by the Borough in accordance with the provisions of LERTA.

**Section 3. Exemption.**

1. The amount to be exempted from real estate taxes shall be limited to that portion of the additional assessment attributable to the actual costs of new construction or the Improvements to Deteriorated Property in accordance with the exemption schedule established by this Ordinance.
2. The exemption from real estate taxes shall be limited to that Improvement for which an exemption has been requested in the manner set forth in this Ordinance and for which a separate assessment has been made by the Lackawanna County Assessor.

**Section 4. Exemption Schedule.**

1. Any tax exemption granted hereunder shall commence upon the later of: (i) the first day of the first full tax year following the issuance of the new assessment in connection with the completion of the Improvements; and (ii) January 1, 2024; and such tax exemption shall continue for a term of 10 years from the date thereof. The schedule of real estate taxes to be exempted shall be in accordance with the below portion of Improvements to be exempted each year:

Length	Percentage Exempt
First Year	90%
Second Year	80%
Third Year	70%
Fourth Year	60%
Fifth Year	50%
Sixth Year	40%
Seventh Year	30%
Eighth Year	20%

Ninth Year	10%
Tenth Year	5%

2. Upon the completion of the 10-year exemption schedule term set forth above, the exemption from taxes shall end and the entire property (land and building) shall be fully subject to Borough property taxes.

3. The exemption from taxes granted under this Ordinance shall be upon the property and shall not terminate upon a sale or exchange of the property.

4. A recipient of a tax exemption granted hereunder shall continue to pay all non-exempt taxes on the land covered by the exemption.

**Section 5. Procedure for Obtaining Exemption.**

1. Any person desiring tax exemption under this Ordinance (an "Applicant") must apply in writing to the Borough Office at the time the Applicant requests a construction permit for construction or an Improvement. The Applicant shall forward a copy of the written application to the Lackawanna County Assessor and the business manager of the School District. The application must be in writing on the form(s) specified by the Borough, setting forth the following information:

- (a) Name and address of property owner;
- (b) Block and lot number of the Deteriorated Property or Properties to which the Applicant intends to make Improvements;
- (c) The initial assessed valuation of the Deteriorated Property or Properties;
- (d) The description of the Improvements that the Applicant intends to make;
- (e) The anticipated date of completion of the Improvements;
- (f) The actual or estimated costs of the Improvements; and
- (g) Such additional information as may be necessary to process the application for exemption.

2. The Applicant shall notify the Lackawanna County Assessor and the Borough of the completion of the Improvements within 90 days thereof. The Lackawanna County Assessor shall upon receipt of such notice assess separately the new construction or Improvement and calculate the amounts of the assessment eligible for tax exemption in accordance with the limits established by this Ordinance, and shall notify the Applicant, the School District, and the Borough of the reassessment and the amounts of the assessment eligible for the exemption.

3. Appeals from the reassessment and the amounts eligible for the exemption may be taken by the Borough as provided by law. Applicant waives the right to appeal any property tax assessment during the LERTA period unless the assessment exceeds \$ 20 million dollars. Applicant's tax assessment appeal rights shall be fully restored five (5) years after the LERTA period has expired.

4. The cost of the new construction or Improvements to be exempted and the schedule of taxes exempted existing at the time of the initial request for tax exemption shall be applicable

to that exemption request, and subsequent amendments to this Ordinance, if any, shall not apply to such exemption request.

**Section 6. Effective Date.**

This Ordinance shall become effective on \_\_\_\_\_, 2024, and its terms shall continue in effect without annual reenactment for a period of 5 years from the effective date and shall apply to any application filed at any time during that 5-year period by an Applicant in connection with a construction permit for a Deteriorated Property. Any exemption from property taxes granted hereunder shall be for 10 years and shall be determined in accordance with Section 4.

**Section 7. Repealer.**

Any ordinance or resolution, or part of any ordinance or resolution, that conflicts with the provisions of this Ordinance is hereby repealed.

**Section 8. Validity.**

The provisions of this Ordinance are severable. If any of its sections, clauses, or sentences shall be held illegal, invalid, or unconstitutional, such provisions shall not affect nor impair any of the remaining sections, clauses, or sentences.

**BOROUGH OF JESSUP  
LACKAWANNA COUNTY, PENNSYLVANIA  
ORDINANCE NO. \_\_\_-2024**

**EXHIBIT A  
Property Description of Eligible Areas for Exemption**

**PREMISES A (Parcel ID 11502010006)**

ALL OF THAT CERTAIN lot, piece or parcel of land situate in the Borough of Jessup, County of Lackawanna and Commonwealth of Pennsylvania bounded and described as follows:

BEGINNING at a point located near the intersection of Sunnyside Drive and Alberigi Drive; thence along said Sunnyside Drive, North twenty degrees fifty-one minutes thirty-seven seconds East (N 20° 51'37" E) a distance of six hundred thirty-three and sixty-two hundredths feet (633.62'), to a point;

Thence North nineteen degrees fifty-one minutes thirty-seven seconds East (N 19° 51'37" E) a distance of one hundred ten and sixteen hundredths (110.16') feet to a corner of lands now or formerly owned by Lackawanna Energy Center, LLC;

Thence along said tract line South seventy-eight degrees fifty-two minutes thirty-six seconds East (S 78° 52'36" E) a distance of seventy-two and ninety-seven hundredths (72.97') feet to a point;

Thence along said tract line South eighty-four degrees fifty-two minutes thirty-six seconds East (S 84° 52'36" E) a distance of one thousand two hundred four and fifty hundredths (1204.50') feet to a point;

Thence South sixty-five degrees fifty-two minutes thirty-six seconds East (S 65° 52'36" E) a distance of seven hundred twenty-four and ninety-four hundredths (724.94') feet to a point;

Thence South thirty-nine degrees forty-eight minutes thirty-five seconds West (S 39° 48'35" W) a distance of one thousand six hundred thirty-seven and twenty-three hundredths (1,637.23') feet to a point;

Thence North forty-nine degrees thirty minutes thirty-seven seconds West (N 49° 30'37" W) a distance of one thousand five hundred nine and fifteen hundredths (1509.15') feet to the place of beginning.

Containing 48.3 acres, more or less.

BEING Tax Parcel No.: 11502-010-006 (Part of)

**DULY ENACTED AND ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024,  
by the Borough Council of the Borough of Jessup, Lackawanna County, Pennsylvania, in lawful  
session duly assembled.

ATTEST:

BOROUGH COUNCIL OF THE  
BOROUGH OF JESSUP, LACKAWANNA  
COUNTY, PENNSYLVANIA

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
President, Borough Council

And now, this \_\_\_\_\_ day of \_\_\_\_\_, 2024, the foregoing Ordinance is hereby  
approved.

\_\_\_\_\_  
Joseph J. Buckshon, Jr., Mayor

DRAFT

**CERTIFICATE**

I, the undersigned, Secretary of the Borough of Jessup, Lackawanna County, Pennsylvania (the "Borough") certify that: the foregoing is a true and correct copy of an Ordinance that was duly enacted by the Borough Council of the Borough, in accordance with law, at a meeting duly held on \_\_\_\_\_, 2024, at which meeting a quorum was present; this Ordinance has been certified and recorded by me, as Secretary of the Borough, in the book provided for the purpose of such recording; this Ordinance, upon enactment, was assigned Ordinance No. \_\_\_\_; presently, the total number of members of the Borough Council of the Borough is 7; the vote of the members of the Borough Council of the Borough, upon enactment of this Ordinance, the yeas and nays having been called, was duly recorded by me as Secretary as follows:

Roberta Galati, President	Yea _____	Nay _____
Jerry Crinella, Vice President	Yea _____	Nay _____
Gregg Betti	Yea _____	Nay _____
Joseph Mellado	Yea _____	Nay _____
Thomas Fiorelli	Yea _____	Nay _____
Curt Camoni	Yea _____	Nay _____
Jeffrey Castellani	Yea _____	Nay _____

This Ordinance has been advertised as required by law, in a proper newspaper of general circulation in the Borough; and this Ordinance has not been amended, altered, or repealed as of the date of this Certificate.

I further certify that the Borough Council of the Borough met the advance notice and public comment requirements of the Sunshine Act, 65 Pa. C.S. Ch. 7, by advertising the time and place of the meeting, by posting prominently a notice of the meeting at the principal office of the Borough or at the public building in which the meeting was held, and by providing a reasonable opportunity for public comment at such meeting, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and official seal of the Borough, this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Secretary

(SEAL)