

**BOROUGH OF CLARKS SUMMIT  
BOROUGH COUNCIL REORGANIZATION MEETING  
JANUARY 6, 2014**

The January 6, 2014 Reorganization Meeting of Borough Council was conducted on Wednesday, January 06, 2014 at 6:00 P.M. The Meeting was held in Borough Council Chambers, 2<sup>nd</sup> Floor, 304 South State Street, Borough of Clark's Summit, County of Lackawanna and Commonwealth of Pennsylvania. Council members in attendance were President Gerrie Carey, Mr. Herman Johnson, Mr. Pat Williams, Mr. Vincent Cruciani, Mr. Dominic Scott, Mr. David Jenkins, Recording Secretary Virginia Kehoe, OIC Chris Yarns, Solicitor Mulhern, Jr. Council Greg Johnson. Absent from the meeting was Jr. Council Matt Remus.

**MEDITATION:**

**Mayor Lawler**

**PLEDGE OF ALLEGIANCE:**

**Mayor Lawler**

**OATH OF OFFICE:**

**JUDGE GIBBONS -**

**Patricia Lawler:** Judge Gibbons swore Patty Lawler in as the Mayor of Clarks Summit

**Gerrie Carey:** Judge Gibbons swore in Gerrie Carey as Clarks Summit Borough Council President

**Kathy Drake:** Judge Gibbons swore in Kathy Drake as the Borough of Clarks Summit Tax Collector.

**Vince Cruciani:** Judge Gibbons swore in Vincent Cruciani as Clarks Summit Council Member.

**JUDGE MAZZONI -**

**Patrick Williams:** Judge Mazzoni swore in Patrick Williams as Clarks Summit Borough Council Member.

**MAYOR LAWLER -**

**Dom Scott:** Mayor Patty Lawler swore Dominic Scott in as Clarks Summit Borough Council Member.

**NOMINATION AND ELECTION OF COUNCIL PRESIDENT:**

**Mayor Lawler**

Dominic Scott made the first motion to nominate Gerrie Carey as Council President, seconded by Herman Johnson. Virginia Kehoe read off roll call to Council members and all voted yes to the above motion 6-0.

**NOMINATION AND ELECTION OF VICE PRESIDENT:**

**Mayor Lawler**

Gerrie Carey made the first motion to nominate Dominic Scott as Council Vice President, seconded by Pat Williams. Virginia Kehoe read off roll call to Council members, Gerrie Carey, Herman Johnson, Pat Williams, and Dominic Scott voted yes; Vincent Cruciani and David Jenkins voted no. Motion passed 4-2.

**NOMINATION AND ELECTION OF PRESIDENT PRO TEM:**

**President Carey**

Vincent Cruciani made the first motion to nominate David Jenkins as the President Pro Tem, Herman Johnson seconded the motion. Virginia Kehoe read off roll call to Council members and all voted yes to the above motion 6-0.

**APPOINTMENT OF VACANCY BOARD CHAIR:**

**President Carey**

David Jenkins made the first motion to nominate Dan Kontz for the Vacancy Board Chair, seconded by Vincent Cruciani. Virginia Kehoe read off roll call to Council members and all voted yes to the above motion 6-0.

**APPOINTMENT OF TWO 2 SEATS ON ABINGTON AREA JOINT RECREATION BOARD - Mike Hargrove, Greg Pascale:** Herman Johnson made the first motion to nominate Mike Hargrove and Greg Pascale to the AAJRB, seconded by Pat Williams. Vincent Cruciani asked for a point of discussion. Mr. Cruciani asked that in the future before reappointment is considered, that they provide a letter of interest or a resume so that it is available for Council since it is a renewal, not an automatic renewal. Herman Johnson stated that Councilman Cruciani is right and these appointments should be tabled for the simple reason that Council has not received resumes from the applicants. Virginia Kehoe stated that she has not received resumes but did receive confirmation from the individuals that were interested. Herman Johnson stated that Council should have been given that information in order to reappoint them or see if anyone else is interested. Virginia Kehoe did state that a month ago she did provide Council information as to who was up for reappointment and that each one asked to be reappointed. Vincent Cruciani stated that Virginia Kehoe was accurate that Ms. Kehoe did provide the information, it was the appointees who did not. Mr. Johnson took back his motion. The motion was rescinded. David Jenkins made a motion to table this vote until the work session. Herman Johnson stated he made the first motion, seconded by David Jenkins to table the nominations for all of the appointments except for the O.I.C..Gerrie Carey voted nay. Herman Johnson voted yes, Pat Williams voted nay, Vince Cruciani voted yes, David Jenkins voted yes, Dominic Scott voted nay. There was a tie, Mayor Lawler nay. Solicitor Dan Mulhern stated that Council may have to reconvene with in ten days then it would have to go to the court of common pleas. This is the initial interpretation that there would be a ten day limit. Every party did express interest in being reappointed. See if there is interest from other people. Traditionally if they are interested in reappointment they have done a good job. Virginia Kehoe reached out to every one whose term is expiring and she asked them if they could respond in writing letter her know if they were interested in being reappointed. Herman Johnson asked if there was an advertisement put out for these positions. Ms. Kehoe stated that there was not an advertisement. Mr. Johnson stated that, that is the whole problem because it was not advertised. Gerrie Carey stated that when you get good people that serve on a board and they are doing an excellent job. Herman Johnson stated that they need to provide their qualifications. See if someone wants to put in a letter of intent or a resume. Gerrie Carey stated we should go through the nominations one at a time. Pat Williams made a motion to reappoint Mike Hargrove and Greg Pascale, seconded by Gerrie Carey. Roll call vote Gerrie Carey, Pat Williams, Dominic Scott all voted yes. Herman Johnson, Vince Cruciani, and David Jenkins voted no. There was a tie, Mayor Lawler voted yes. Appointments passed with a vote of 4-3.

**APPOINTMENT OF ONE 1 SEAT ON ABINGTON REGIONAL WASTEWATER AUTHORITY - Wayne Miller:** Pat Williams made the first motion to reinstate Wayne Miller, seconded by Dominic Scott. Roll call Gerrie Carey, Pat Williams, David Jenkins, and Dominic Scott voted yes, Herman Johnson and Vince Cruciani voted no. Nomination passed with a vote of 4-2.

Virginia Kehoe stated that Mr. and Mrs. Marie were present at the meeting and she asked to acknowledge them. Darrin and Lisa Maria came to the meeting. Virginia Kehoe stated that the Maria's donated a piece of land, at the end of Depot Street, in conjunction with a grant application. That piece of land will be converted over to a park and we thank the Marias.

**APPOINTMENT OF ONE 1 SEAT ON CIVIL SERVICE COMMISSION - Dominic Scott:** Herman Johnson made the first motion to nominate Dominic Scott, seconded by Pat Williams. Roll call Gerrie Carey, Herman Johnson, Pat Williams, and Dominic Scott voted yes. Vince Cruciani and David Jenkins voted no. Nomination passed with a vote of 4-2.

**APPOINTMENT OF ONE 1 SEAT ON PLANNING COMMISSION - Len Wesolowski:** David Jenkins made the first motion to nominate Len Wesolowski, seconded by Herman Johnson. All Council members voted yes 6-0.

**APPOINTMENT OF ONE 1 SEAT ON ZONING HEARING BOARD - Geoff Brock – alternate:** Herman Johnson made the first motion to appoint Geoff Brock, seconded by Pat Williams. Gerrie Carey, Herman Johnson, Pat Williams, David Jenkins, and Dominic Scott voted yes. Vincent Cruciani voted no. Nomination passed with a vote of 5-1.

**APPOINTMENT OF ONE 1 SEAT ON THE SHADE TREE COMMISSION - Sally Mahady:** Pat Williams made the first motion to appoint Sally Mahady, seconded by Herman Johnson. Gerrie Carey, Herman Johnson, Pat Williams, David Jenkins and Dominic Scott voted yes. Vince Cruciani voted no. Motion passed with a 5-1 vote.

**APPOINTMENT OF TWO 2 SEATS ON LACKAWANNA TCC - Jim Burke, Virginia Kehoe – alternate:** Pat Williams made the first motion to appoint the 2 seats on the Lackawanna TCC, seconded by Dominic Scott. Gerrie Carey, Pat Williams, and Dominic Scott voted yes. David Jenkins, Herman Johnson and Vincent Cruciani voted no. There was a tie and Mayor Patty Lawler voted yes. Motion passed 4-3.

**APPOINTMENT OF MANAGER/SECRETARY - Virginia Kehoe:** Vincent Cruciani made the first motion to appoint the Manager/Secretary, seconded by Herman Johnson. All Council members voted yes. Motion passed 6-0.

**APPOINTMENT OF PART TIME ASSISTANT SECRETARY - Jenn Basalyga Schmidt:** David Jenkins made the first motion, seconded by Dominic Scott. All Council members voted yes. Motion passed 6-0.

**APPOINTMENT OF TREASURER - Melissa Jones:** Pat Williams made the first motion to appoint Treasurer, seconded by Herman Johnson. Gerrie Carey, Herman Johnson, Pat Williams, David Jenkins, Dominic Scott all voted yes. Vincent Cruciani voted no. Motion passed with a vote of 5-1.

**APPOINTMENT OF CODE ENFORCEMENT/ZONING OFFICER - Lori Harris:** Pat Williams made the first motion to appoint the Code Enforcement/ Zoning Officer, seconded by Dominic Scott. Gerrie Carey, Herman Johnson, Pat Williams, David Jenkins, Dominic Scott all voted yes. Vincent Cruciani voted no. Motion passed with a vote of 5-1.

**APPOINTMENT OF DPW FOREMAN - Neil Bartholme:** David Jenkins made the first motion to appoint the DPW Foremen, seconded by Herman Johnson. Gerrie Carey, Herman Johnson, Pat Williams, David Jenkins, Dominic Scott all voted yes. Vincent Cruciani voted no. Motion passed with a vote of 5-1.

**APPOINTMENT OF POLICE CHIEF - OIC Chris Yarns:** David Jenkins made the first motion to appoint Police Chief Chris Yarns, seconded by Herman Johnson. All Council members voted yes. Motion passed 6-0.

Herman Johnson made a motion to nominated Chris Yarns as Chief of Police. There was not a second to the motion, David Jenkins stated that is a personnel issue and Vincent Cruciani agreed.

**APPOINTMENT OF SEWERAGE ENFORCEMENT OFFICER S.E.O. - Walter Redel:** Vincent Cruciani made the motion to table this vote , David Jenkins seconded the motion. This could be tabled until the work session. All Council members agreed to table this until the work session. Herman Johnson suggested we reach out to people and advertise this. Mr. Cruciani also stated that is not voting no because he is against any of the people that he has voted no against, rather he feels uncomfortable using the power of the tax payer to commit the tax payer to something that he doesn't have enough information on. A no vote is not a vote of confidence, the people that he has voted yes for, he has had professional experience with. Mr. Johnson stated that he wants to know the person who is voted on. He has nothing against anybody just wants to make sure he does this right. Council voted to table this vote.

**APPOINTMENT OF GENERAL SOLICITOR – Rogan Law Firm:** Herman Johnson made the first motion to appoint Rogan Law Firm as Solicitor, seconded by Pat Williams. Mr. Cruciani made a point of order confirming that Dan Mulhern is a Solicitor from the Rogan Law Firm. Solicitor Dan Mulhern replied yes. All Council members voted yes. Motion passed 6-0. Vincent Cruciani stated that the Rogan Law Firm, not just Pat Rogan, should be appointed as the General Solicitor. David Jenkins made the first motion to appoint the Rogan Law Firm, seconded by Vincent Cruciani. All Council members voted yes. Motion passed 6-0.

**APPOINTMENT OF LABOR SOLICITOR - Jim Valentine:** Herman Johnson made the first motion to table the vote for Labor Solicitor, seconded by Vincent Cruciani. All Council members voted yes. Motion passed 6-0.

**APPOINTMENT OF ZONING HEARING BOARD SOLICITOR – Sheils Law Firm:** Herman Johnson made the first motion to appoint the Sheils Law Firm, seconded by David Jenkins. All Council members voted yes. Motion passed 6-0.

**APPOINTMENT OF PLANNING COMMISSION SOLICITOR - Mike Cowley:** Herman Johnson made the first motion to appoint Mike Cowley as Planning Commission Solicitor, seconded by David Jenkins. Gerrie Carey, Herman Johnson, Pat Williams, David Jenkins and Dominic Scott voted yes. Vince Cruciani voted no. Motion passed 5-1.

**APPOINTMENT OF BOROUGH AUDITOR - Murphy Dougherty and Co.:** Herman Johnson made the first motion to approve the Borough Auditor, seconded by Vincent Cruciani. Council all voted yes, motion passed 6-0.

**APPOINTMENT OF BOROUGH ENGINEER - Colwell-Naegele Assoc.:** David Jenkins made the first motion to appoint Borough Engineer, seconded by Herman Johnson. Council all voted yes, motion passed 6-0.

**THANK YOU TO MR. & MRS. DARREN MARIA**

**PRESENTATION FROM AAJRB:** Bill Risse updated Council on the AAJRB. Discussed a tax issue where the AAJRB and the Clarks Summit Borough were using the same EIN tax ID number. Patty Lawler asked how this impacts the Borough. There is no exposure to the Borough and the problem has been corrected.

Virginia Kehoe stated that every even year, historically the first January meeting Council has always re-voted on all of the Borough's bank accounts so she did not have that on the agenda, but she does have the resolutions 2004 through 2010 to be voted on. Ms. Kehoe stated when they vote on approving the agenda that includes the approval of the additional resolutions being brought up under new business.

**1. APPROVAL OF AGENDA: President of Council**  
David Jenkins made the first motion to approve the agenda, seconded by Herman Johnson, vote was unanimous 6-0.

**2. APPROVAL OF MINUTES: President of Council**  
**October 29, 2013 Work Session**  
**November 6, 2013 Regular Council Meeting**  
**November 18, 2013 Re-convene of Regular Council Meeting:** David Jenkins stated that these minutes need to be re written showing that he ran the meeting. And it states that Gerrie Carey ran the meeting. David Jenkins made the first motion to approve the motion with the change in 11/28/13 minutes, seconded by Herman Johnson, motion was unanimous 5-0 with Vincent Cruciani abstaining from the vote as he was not present for 2013 meetings.  
**December 4, 2013 Regular Council Meeting:**

**3. PUBLIC COMMENT & INPUT: President of Council**

**4. BIDS & QUOTATIONS: President of Council**

- None

**5. BOROUGH TREASURER'S REPORT: President of Council**  
Herman Johnson made the first motion to approve the Treasurers Report, seconded by David Jenkins, vote was unanimous 6-0.

**6. POLICE REPORT: Mayor Lawler**  
Pat Williams asked if there is one level of vehicle inspection that the police are more interested in, stating that level 2 may be the best. Chris Yarns stated that only Officer Orzalek is approved to do these inspections. He is able to perform a level one, two or three inspection. David Jenkins suggested Officer Yarns provide information as to what the definitions of abbreviations on the inspection sheets ate. Would help Council understand what these reports mean? Herman Johnson stated that they are doing a commendable job with the 44 citations that have occurred. For such a short period of time that they had the scales, this is a job well done and this is a safety issue. Vince Cruciani inquired about this being only for commercial vehicles. You do not need probable cause. Pat Williams asked about the placard load. Chris Yarns stated that this is being discussed with the PUC.

**7. VENDOR PAYMENTS TO BE RATIFIED: President of Council**  
David Jenkins made the first motion to pay the bills, seconded by Dominic Scott, vote was unanimous 6-0.

8. **OLD BUSINESS:**

**President of Council**

- **Resolution 2014-1 Sewer Uniform Procedures:** Virginia Kehoe stated that this goes back two years. As part of the SSES that we are working on with the Sewer Authority the DEP has asked that the three municipalities involved adopt uniform procedures. Those procedures were presented to Council close to two years ago. Our Engineer reviewed them and approved them and Council voted to accept the procedure. South Abington Twp. just got around to approving the procedures and voted last month. Ms. Kehoe stated that the Borough had to wait for South Abington to approve the procedures first. Herman Johnson made the first motion to approve the Sewer Uniform Procedures, seconded by David Jenkins, vote was unanimous 6-0. Vince Cruciani asked if anything in the proposal prohibit the installation of flow meters on entrance and exits for the Borough. Virginia Kehoe stated no there is nothing that prohibits meters.

9. **NEW BUSINESS:**

**President of Council**

- **Resolution 2014-02 Police Withholding:** Virginia Kehoe stated that this is the recommendation that came from the Police Pension Board. They recommended in their November meeting that Council adopt 2014-02 which is a 3% withholding for the officers to contribute towards their pension. Herman Johnson made the first motion to approve Resolution 2014-02, seconded by David Jenkins, vote was unanimous 6-0.
- **Replacement for Ms. Lawler on Council term (interest expressed by Mr. Robert Bennett and Mr. James Klein):** Dominic Scott was the first to make a motion to have James Klein replace Patty Lawler as Council member, seconded by Pat Williams. Gerrie Carey, Pat Williams, Dominic Scott voted yes. Vince Cruciani, Herman Johnson and David Jenkins voted no. There was a tie, Mayor Lawler voted yes. Motion was passed 4-3. Vince Cruciani stated that these two candidates did run for election, neither won. Mr. Klein received 467 votes; Bob Bennett received 481 leaving a difference of 14 votes. The voters did speak about which one they preferred by the majority. The counter argument is that a person of the Democratic Party was in the position, withdrew from the position which left a vacancy. The question is do we want to look at the will of the popular majority on an election that just occurred or do we want to look at party influence that occurred two years ago. The third option is allowing us to advertise the position for ten days and see if there is anyone that would be interested. Herman Johnson stated that Vince Cruciani is correct and this should be advertising this for 10 days because the voters already spoke. Mr. Johnson doesn't feel comfortable going against what the voters' wishes were. Mr. Cruciani asked Solicitor Dan Mulhern his opinion concerning the time constraints. Solicitor Mulhern stated that there are a few options. Council can vote tonight, or table the vote and between five and ten days and vote. If that vote is a tie, Mayor Lawler would have to vote to break the tie or it would go to the court of common pleas and they would appoint someone. Patty Lawler won on both parties. Both Democrats and Republics elected Mayor Lawler as a Council person.

Virginia Kehoe discussed Resolutions 2014-04 through 2014-10

- Resolution 2014-04
- Resolution 2014-05
- Resolution 2014-06
- Resolution 2014-07
- Resolution 2014-07
- Resolution 2014-08
- Resolution 2014-09
- Resolution 2014-10

Vincent Cruciani stated that Resolutions 04 and 06 requires an elected official to be one of the co-signers and Resolutions 05, 07, 08, 09, and 10 it does not and it should. He thinks it should be the Manager/Secretary or Treasurer and the President of Council or the Vice President of Council. An elected official should always have to sign these checks as a good check and balance. Virginia Kehoe stated that that is the policy, stating that it isn't clarified in the documents before Council. The Resolutions will be edited to reflect the above policy as that is policy followed already. Vince Cruciani made the first motion to approve all of the bank accounts with the amendment noted that in every case on every account at least one elected member of Council or in the applicable case of

the Tax Collector, be one of the co-signers, seconded by Herman Johnson, motion was unanimous 6-0.

#### 10. SOLICITOR'S REPORT:

#### Solicitor Mulhern

Dan Mulhern stated that Council can regulate news racks. Planning Commission is working on this and they don't yet have a recommendation for Council. Neighborhood Preservation Ordinance, Loitering and Food Truck and he is waiting for authorization to draft ordinances. Regulate food truck proximity to businesses, use of meters and safety, road safety. Comprehensive loitering to noise or anything not pleasing to the eye needs to break down the language. Vince Cruciani asked what was happening with the loitering. Virginia Kehoe stated that there are individuals in town that were using Sunrise Diners tables for hours on end when the business was closed. The property owner was not complaining to police because they were not there after the business was closed. Was this trespassing? Chris Yarns discussed the two homeless people that they know of. Herman Johnson stated that there are a couple people that are homeless and they have gone into unlocked cars to sleep. Mr. Cruciani asked isn't that trespassing, and they should be arrested if they are caught, it is the police officers call. Chris Yarns stated that they have been cited. Patty Lawler stated that the owner of Sunrise stated that this would happen when she was open, during the summer. Council suggested a NO loitering sign. It is an area of town where there are young people coming into dance class or art classes. This is where the question came up. This has been sent to the Planning Commission. We can wait for their proposal. Vince Cruciani is afraid of regulating people's ability to congregate on private property if the private property owner allows it. Solicitor Mulhern asked for guidance from Council as to whom, when and how a Council member can request work from him, just in the interest of saving the Borough money. Herman Johnson suggested looking into the Borough Code, every council member should have access but they should inform the president what they are doing. Mr. Johnson stated that they had a policy at one time. David Jenkins stated that we had a meeting and Pat Rogan stated that Council should feel free to call anytime if there are any questions. However is the Solicitors feel they are being annoyed by certain people it is up to them to contact the Council president. By limiting the access is an infringement on Council because there are times when they do have valid questions that only the Solicitor has the ability to answer. Solicitor Mulhern discussed the Sunshine Act and if the two new council members would like to be informed about it. Vince Cruciani stated he would be fine to read a copy of the Sunshine Act on his own time. Herman Johnson stated that he though some Council members were confused with the Sunshine Act and the Ethics Committee. Mr. Johnson suggested sending both the information and maybe Council should be re-briefed. This could be done at the work session.

- **Royce Violation:** Virginia Kehoe stated that the Royce's violated our lot coverage ordinance. The Borough cited them. They went before Judge Gibbons, the judge threw it out. So technically he didn't make a decision, he threw the case out. The neighbors called saying they want the Borough to cite them again. The work was done without a permit. Herman Johnson asked if the magistrate threw it out, did he have to write an opinion. The Solicitor answered no. He suggested to save money was to have the Code Enforcement Officer as to why he threw the case out. Vince Cruciani stated that perhaps our CEO can calculate out the coverage. Virginia Kehoe stated that we do have that calculation. He thinks why are we involved in this any longer, the residents have been calling and they are demanding that council reconsider. David Jenkins made a motion that we not pursue this due to the information that we have at hand and the ambiguity of pavers where they could be either plus or minus and it certainly seems that with the opinion of the Solicitor it could be minus; we would be in order to not pursue it, seconded by Vince Cruciani, vote was 5-1 with Pat Williams voting no.

#### 11. CORRESPONDENCE:

- **Jamie Jennings:** Vince Cruciani stated that his biggest concern here is if we are unwilling to levy a lien on a house for collection of a payment, what we can actually do to get the money out of the situation. Mr. Cruciani does not think the late fee is too high. In this situation there was one bill that was missed and this lead to an accumulation of fees due to the late fee on that one bill. That has to be looked at separately and distinct where perhaps compromise is available. As she is not chronically late, that should have a different penalty. David Jenkins stated that it is a good idea to split the difference with Ms. Jennings. Take the late fees and only cut the late fees ½. Herman Johnson stated that there are a lot of people delinquent and we have been arguing this for months and years and we have collected zero. Mr. Johnson stated that they have to clarify what they want to do and follow up, this is a sore subject. For this particular matter how do we get the money on

this particular issue? Vince Cruciani made the first motion to waive half of the, to settle out the balance of the delinquent fees at 50% upon payment within the next 30 days, seconded by David Jenkins, motion was unanimous 6-0.

Virginia Kehoe stated that she and Dominic Scott had met today, to go over the information. Council received a copy of the names of the residents who received a late letter for sewer. This listing is 30 or more days old. Mr. Cruciani asked if you miss your payment, do you receive a late fee, Virginia Kehoe stated that yes there is a new \$10 delinquent fee for every month. Virginia Kehoe stated that the aging report and explained the numbers and what they represented. Payment arrangements have been made. There is a direct deposit, ACH with 185 residents set up already. Can we put an insert advertising the ability to do this? It is on every statement as of now. David Jenkins stated that we are doing our due diligence on this. Herman Johnson stated that we have 299 people who owe 168,000 dollars, that is a shame and he doesn't blame the people he blames Council for not following up over the years. This is a shame and we should be embarrassed. What are our options, what can we do to address this. Mr. Johnson stated that it basically comes back on us. Virginia Kehoe explained that we have water shut off procedure that we can do. Jenn Basalyga-Schmidt sent the letters on December 6, 2013, as of tomorrow it has been more than 30 days. Those people who have not called and made a payment arrangement or made a payment, we will start the water shut off process. Herman Johnson asked how much money came in. Virginia Kehoe stated that we have to go through each individual to calculate who made a payment and don't have that number as of right now. Dominic Scott stated that we have not aggressively done these shutoffs until now. Liens are held off on because it could be years until we see the money. Vince Cruciani asked do we have greater recourse; can we prohibit the rental properties from renting if there is a balance? Pat Williams stated that that would be a fair thing to consider. Gerrie Carey stated that now that the sewer billing is in house, where we can make headway. Herman Johnson stated that he doubts that. Vince Cruciani asked Council to ask the Solicitor to examine whether or not we could have an owner longer be able to rent after due notice. They couldn't rent anymore unless their sewer bill was paid. It would also apply commercially. Mr. Cruciani stated we should publish the names of the commercial ones. People know where not to take their business to those who don't pay their taxes. We have a rental registration to cross reference. Pat Williams asked about the residential, asked Vince Cruciani his opinion. Mr. Cruciani suggested putting the information in the letter about the 2% discount if the entire year is paid. Vince Cruciani made the first motion stating we allow in the April mailer, as long as the first quarter has been paid in full, the 2% reduction would be available if paid by April 20, 2014, with the final \$, seconded by Herman Johnson, motion was unanimous 6-0.

Virginia Kehoe stated with the freezing weather, wind chill will be negative 35 tomorrow. Ms. Kehoe asked that except for an emergency she wants to keep the DPW working inside. David Jenkins suggested that every hour they make rounds in the Borough to make sure there are no issues. Herman Johnson stated that the Borough Manager should have the authority to make this decision without Council in the future.

Vincent Cruciani asked about publicizing the names of delinquent sewer bill. There is only a liability, not a privacy right. Solicitor Mulhern would email that information to Council. Solicitor Mulhern stated that are some privacy rights in it. There is not a clear legal answer but there were two sides. If we publish a notice stating that from here on forward anyone who has not paid is subject to public revelation of the delinquent bill. Then they wouldn't have any anticipation of privacy. In a way it is putting people on notice of this. Dominic Scott stated that it could be seen as harassment. Herman Johnson stated that we get a bill from the sewer authority, paid quarterly and we pay for the treatment of the sewage. Our sewer collection is actually at 90%. There is a lot of money out there. Herman Johnson stated that the delinquent amount is outrageous because it hasn't been managed right. It is our fault. Pat Williams stated that we have the right to turn the water off or impose a lien, we have power in that. Solicitor Mulhern was asked if we can shut off water in the winter. Virginia Kehoe stated that we have the agreement with the water company with the PUC's signature on it. As long as we meet the terms of the procedure and the shut off notice. House has to be posted first. The water company does shutoffs one day a week.

Vince Cruciani asked about the passage from the Glenburn development. Herman Johnson asked about the flow meters. Virginia Kehoe stated that the flow meter is at the end of Noble Road. Mr. Johnson stated that he though Council has direction to get quotes for more flow meters. Virginia Kehoe stated she has not gotten a motion from council to specifically do anything. There is a request from individuals and Ms. Kehoe researched it and gave that information to the finance committee. Mr. Cruciani asked how many passage points to we have, about 10 or 12. We have bids to rent b/w 1-12 or buy. Look at all the options. Even one is enough is it is moved weekly. Set up a pattern. Herman Johnson stated that we need more than one, but for check and balance, you can put it out there any given time. David Jenkins stated for the Borough and our size it is prudent to have three. Quote to purchase or rent three flow meters. Have information for cost savings. Ask the sewer authority where they rented theirs from. Vince Cruciani asked about the agreement with Glenburn, will they supply their own meters. We want to know the flow now and the flow in the future with 175 EDU's. What the flow reduction will be on Noble Road because we will have pickup two other locations. David Jenkins stated he has been asking for the flow meters for 5 months. Herman Johnson stated that having the meters is a good check and balance. Virginia Kehoe stated that we have a pretty good study of the flows at all the main interceptors already as part of the SSES. A couple of years ago the sewer authority rented meters and placed them strategically to see the flows in neighborhoods, and that is how they based the SSES program for the next ten years. Mr. Johnson stated that from one year to the other is there is a break in the paver. A cost benefit analysis is what is needed. David Jenkins suggested calling Bob Davis. Herman Johnson stated that when information is passed to the finance committee it should come back to council anyway. The committee should not be the only ones privy to that information.

**EXECUTIVE SESSIONS:**

**President of Council**

- **Prior-**
- **During-**
- **Subsequent-**

**ADJOURN:**

**President of Council**

David Jenkins made the first motion to adjourn, seconded by Herman Johnson, vote was unanimous 6-0.