

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
OCTOBER 3, 2012**

The October Meeting of Borough Council was conducted on Wednesday, October 3, 2012 at 7:01 P.M. The Meeting was held in Borough Council Chambers, 2nd 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. Patrick Williams, Ms. Virginia Kehoe, Mr. Roy Davis, Mayor Harry Kelly, OIC Chris Yarns, Mr. David Jenkins, Mr. Dominic Scott, JC Mr. Johnson and JC Mr. Remus. Ms. Patty Lawler and Solicitor Patrick Rogan were absent.

CALL TO ORDER: **President Carey**

MEDITATION: **Mayor Kelly**

PLEDGE OF ALLEGIANCE: **Mayor Kelly**

JUNIOR COUNCIL OATH OF OFFICE **Mayor Kelly**

Mayor Harry Kelly read the oath of office and swore in the JR Council Members.

1. APPROVAL OF AGENDA: **President Carey**
Roy Davis made the first motion to approve the Agenda, David Jenkins seconded the motion, the vote was unanimous 6-0

2. APPROVAL OF MINUTES: **President Carey**

- **August 1, 2012 Regular Council Meeting**
- **September 12, 2012 Regular Council Meeting:** Herman Johnson made the first motion to approve the August and September 2012 minutes, David Jenkins seconded the motion, the vote was unanimous 6-0

3. PUBLIC COMMENT & INPUT: **President Carey**

Jamie Kresge stated that on September 27, 2012 he attended a TCC meeting. In 2011 Clarks Summit Borough used Don Wilkinson agency as the tax collector. The Don Wilkinson agency is in default and probably going to file for bankruptcy. Berkheimer will be taking over the files estimating that there is \$7million dollars outstanding to different municipalities in Lackawanna County. Jamie Kresge stated that the Solicitor would need to notify the bond holder, which is Travelers Insurance, that is Cintax or Don Wilkinson's is filing for bankruptcy. The Borough Solicitor needs to implement a letter immediately to them putting them on claim. That is what the county TCC did to notify them. Herman Johnson stated that he asked the COG last year if they would do a forensic audit on them. They were skeptical on doing that. We didn't get more elected officials in different municipalities in on a forensic audit. Now Don Wilkinson is claiming bankrupt. Was there an audit by TCC or by an independent company to try to figure out where this money goes? Jamie Kresge stated that the current provider is now is required to have an audit. As for the years before, it will take time to figure out where the \$7 million goes. Jamie Kresge will get more information into an email and will give that to Virginia Kehoe. TCC was formed in 2012 and not responsible for the years before 2012. Herman Johnson stated that a forensic audit should have been done years ago. Mr. Kresge asked Council about taking out a loan to get through budgetary items in light of this situation. Roy Davis asked how the Clarks Summit Borough functioned without the tax revenue. Virginia Kehoe stated that it is difficult to anticipate the tax money that will be coming into the Borough. Herman Johnson stated that he agreed with Roy Davis that there should be a better check s and balance system. Virginia Kehoe stated that the Borough knew something wasn't right but they did not know how far off the amount should be exactly. At this point we don't know how much tax revenue is missing from the Don Wilkinson Agency. David Jenkins made the first motion to have the Solicitor follow up on this with a letter to

claim the taxes not yet distributed to Municipalities, Roy Davis seconded the motion and the vote was unanimous 6-0.

4. BIDS & QUOTATIONS: President Carey

5. BOROUGH TREASURER'S REPORT President Carey
David Jenkins made the first motion to accept the Treasurers Report, Herman Johnson seconded the motion and vote was unanimous 6-0.

6. COMMITTEE REPORTS:

- **TCC** Jamie Kresge (already discussed)
- **Building & Plant** Pat Williams, Chair
Patrick Williams was pleased with the Tire Recycling event that took place at the DPW in the month of September. He thanked the Lackawanna County Commissioners for approving the Tire Recycling event. There were over 130 tires recycled that day. Herman Johnson and Mr. Williams finished painting the Winola Street Bridge.
- **Finance Committee** Gerrie Carey, Chair
Gerry Carey stated that the Finance Committee has been working on the budget. The Committee is discussing the recommendation for paving next year, after meeting with Herman Johnson. Mr. Johnson asked how much is allocated for paving next year. Virginia Kehoe responded with \$116,000 for Liquid Fuels plus money from the General Account. Herman Johnson stated that many streets need to be black topped now because next year it will cost twice as much. Streets are in bad shape and we need to focus on this.
- **Grant Committee** Patty Lawler, Chair
Virginia Kehoe stated that in September the Borough applied for three separate grants. First is the Annual Recycling Grant that was submitted. Second was a submission with the Police Department for the Monroe County Gaming Share Account for scales to use for the truck inspections. Third grant was the Police Vehicle Grant. Final submissions were sent. Ms. Kehoe is waiting for results. Also O.I.C Chris Yarns received notification that Harley Davidson offers grants for police motorcycles. He did send an application on it in October.
- **Insurance Committee** Roy Davis, Chair
- **Personnel Committee** Gerrie Carey, Chair
Herman Johnson commented on Police Regionalization which was discussed back in March 2012. Mr. Johnson handed out a letter to Council stating his vision on Police Regionalization. Herman Johnson stated that back in March of 2012 Police Regionalization was discussed and a letter was to be submitted to the state to have them come and give us documentation, if it would be worthwhile. He hasn't heard of any updates on this, wants follow through. Mr. Johnson suggested setting up a committee for this to move ahead.
- **Public Safety/Safety** Herman Johnson, Chair
Herman Johnson stated that there was a request to remove brush that was blocking the stop sign on Melrose. He talked to the owner about this and the owner stated he would remove the brush as soon as possible. Otherwise Mr. Johnson didn't see a lot of brush blocking speed limit and stop signs. But as the complaints come in, DPW should be notified. If it becomes a safety issue, as something has already occurred, then it should be sent to the Safety Commission.
- **Public Works** Herman Johnson, Chair
Herman Johnson commented that the blacktopping. A lot of streets need to be blacktopped; there were two complaints this month. Herman Johnson asked Virginia Kehoe about the possibility of taking out a 1.2 million dollar loan to blacktop ½ the town or all the streets. The money that the Borough gets for Liquid Fuels can possibly be used to pay the loan over a 10 year period. Ms. Kehoe stated that she would have to research if that is possible. If you blacktop the majority of the streets and they are maintained they will last for 3 to 4 years. She has a ballpark number for the cost of milling and paving, and she will see if Liquid Fuels covers it. David Jenkins asked about what is being blacktopped currently. Ms. Kehoe stated that Atherton Street is the only area being paved. Council suggested that the Borough needs to start blacktopping around the month of July. The blacktop will not adhere or hold if it is done in the cold weather. Virginia Kehoe stated that traditionally the Borough has done the paving after the sewer/storm water work is completed.

The paving has to be done on Gladiola, the sewer and storm water work is complete. The road is scheduled to be paved next year. In the meantime it will be patched.

- **Recreation** Dominic Scott, Chair
- **Recycling Committee – Sole to Soul** Virginia Kehoe
The September Small Business Recycling Award was given to Dorothy O’Connor from Sole to Soul. They get 2 free parking spaces. DPW will put the signs for free parking in front of Kiddazzle. There is a lot of room for growth, the bulletin board states that the Small Businesses are obligated to recycle, it’s the law.
- **Clarks Summit Emergency Management Coordinator** Herman Johnson
Herman Johnson stated that three EMA Coordinators went to Montrose to a Methanol response class. Every mode of transportation carries Methanol and more of the pumping stations on the Turnpike are using pure methanol. The class taught the proper procedure if the Borough was responding to an incident.
- **Junior Council Mentor** TBD
Herman Johnson volunteered to be the Junior Council Mentor.
- **Additional comments from Council**
- **Planning Commission** Conditional Use application – 108 Stone Ave.
Attorney Buscarini was present at the Council Meeting for the final vote on the Conditional Use Application for a Professional Office at 108 Stone Avenue. Virginia Kehoe stated that the Planning Commission is recommending approval of this application, the one and only contingency that they put on it was finding a handicapped parking space which Attorney Buscarini has agreed to. 108 Stone Avenue is zoned RP. Professional offices are allowed under RP Zoning as a conditional use. Under recommendation of the Planning Commission, David Jenkins was the first to make a motion to approve the Conditional Use Application for Attorney Buscarini, Herman Johnson seconded the motion and the vote was unanimous 6-0. Patrick Williams asked about the handicapped accessible parking issue. Attorney Buscarini stated that there would be a handicapped spot designated at the end of the driveway, marked with blue paint, and a handicapped accessible sign, at the front of the driveway so it would be easily accessible.

Gerard Hepman is the Lackawanna County Community Relations Department.
Roy Davis had asked Mr. Hepman about setting up a tour of the new Baseball Stadium which is being built. The estimated completion is March 24, 2013 and Mr. Hepman would get information for the Clarks Summit Borough Council to let them know about a personal tour. Gerard Hepman provided Council with more information about events happening in Lackawanna County.

7. **POLICE REPORT:** **Mayor Kelly**
Herman Johnson discussed the importance of replacing Police Cars that have high mileage and Police Regionalization. Gerrie Carey discussed the permits for meters. The permits would be guaranteed revenue for the Borough. Also, business owners can adopt a parking meter for employees to use. The question came up about enforcement of the permits and parking. Chris Yarns stated that the permit should be something that is visible, so the police officer could see it clearly. It should be the responsibility of the driver to make the permit visible for the police. Herman Johnson asked Chris Yarns to read over the letter he gave out earlier, regarding the Police Regionalization.
8. **VENDOR PAYMENTS TO BE RATIFIED:** **President Carey**
Herman Johnson was the first to make a motion to accept the Vendor Payments, Roy Davis seconded the motion, and the vote was unanimous 6-0.
9. **OLD BUSINESS:** **President Carey**
Herman Johnson discussed getting a committee together to research Police Regionalization. Mr. Johnson suggested giving Virginia Kehoe authorization to call the state to see where the Borough stands because we filled out the information eight months ago and haven’t heard back. Council discussed putting Council members and the president of the police union on the committee also. Mr. Johnson made the recommendation that Council President forms a committee with those individuals. Gerrie Carey discussed that we are waiting for the response from the state first but Herman Johnson wants the committee earlier, so they can report at Council Meetings what the agenda and with the progress. Herman Johnson and Patrick Williams volunteered to be on the committee and we will ask

the union who they want to appoint as a representative for the police department. Mr. Johnson also suggested having someone from the Borough Office keep notes so that we can pass on to fellow Councilors the progress.

10. NEW BUSINESS:

President Carey

A. Ordinance 2012- 11 Stop Sign on Grandview

David Jenkins made the first motion to approve Ordinance 2012-11, Herman Johnson seconded the motion and the vote was unanimous 5-1, with Patrick Williams voting Nay. Patrick Williams stated that he believes this situation could have been addressed with signage and enforcement instead of stop signs.

B. Ordinance 2012 -12 Act 51 pension adjustment

David Jenkins was the first to make a motion to approve Ordinance 2012-12, Herman Johnson seconded the motion and the vote was unanimous 6-0.

C. Resolution 2012-21 Act 44

David Jenkins was the first to make a motion to approve Resolution 2012-21, Roy Davis seconded the motion and the vote was unanimous 6-0.

Herman Johnson asked about the auditing situation. Is the Clarks Summit Borough covered if there is ever a situation where money is not accounted for? Virginia Kehoe stated that the Insurance Company issued the bonds; she doesn't know what the exact amount is. Ms. Kehoe stated that the Borough has always had a set amount she will find out the details. Virginia Kehoe also stated that Council still required double signatures on all checks and the Borough does not have a credit card also. That is a procedure that Council implemented that is an excellent procedure.

11. BOROUGH SEWER OFFICE REPORT:

President Carey

Herman Johnson was the first to make a motion to approve the Borough Sewer Report, David Jenkins seconded the motion and the vote was unanimous 6-0. Herman Johnson asked about the new sewer payments. Virginia Kehoe stated that the new company will take care of the delinquent accounts also. Patrick Williams thanked all involved in this new system, feels it will all work out well.

12. SOLICITOR'S REPORT:

Solicitor Rogan

Solicitor Pat Rogan was not at the Council Meeting. Virginia Kehoe and Council discussed items that they want Attorney Rogan to address. Herman Johnson wanted to discuss the information about exactly what Liquid Fuels money can be spent on, also Police Regionalization should be looked at and Jamie Kresge's information from the TCC. Herman Johnson stated that the Solicitor needs a representative if he is not available for the meetings. Legal questions are asked and answers are needed quickly.

13. CORRESPONDENCE:

• **Beth Florey- road conditions Stoneridge and HedgeRow**

This subject was discussed at the Worksession. Herman Johnson commented that we should look into taking out the loan to see if that is one way to get streets blacktopped. There is presumably going to be more roads that require blacktopping.

• **MRM Trust – Volunteer Firemen's Worker's Compensation Coverage**

Virginia Kehoe discussed a letter from MRM trust that recommends sending letters to the state house members, Senator and Governor Corbett. Mayor Harry Kelly cannot act on this, as it is a conflict of interest. Virginia Kehoe said she would wait and see what Council wants to do.

• **Pa DEP – City Auto Mart**

There is a buyer for the land. The potential buyer had borings performed and low levels of contamination were found. They reported this to the DEP. The DEP sent the notice of violation to the Auto Mart. Herman Johnson stated that earlier, he knew there was contamination there and now his question is how much is considered a low amount. David Jenkins asked what the Borough's responsibility is. Virginia Kehoe stated that the Borough holds no responsibility; the letter is notification from DEP to the Borough. Herman Johnson interprets the letter as DEP putting the Borough on notice that there is contamination at the site. The state is supposed to

follow up on this. Patrick Williams asked Virginia Kehoe to discuss this also with Solicitor Patrick Rogan, as to what our responsibility is if any.

14. EXECUTIVE SESSIONS:

President Carey

- **Prior- 9/12/12 Personnel**
- **During-**
- **Subsequent- Immediately following**

15. ADJOURN:

President Carey

David Jenkins was the first to make a motion to adjourn the Council meeting, seconded by Dominic Scott, vote was unanimous 6-0.