

**BOROUGH OF CLARKS SUMMIT  
BOROUGH COUNCIL MEETING  
DECEMBER 5, 2012**

The regular December Meeting of Borough Council was conducted on Wednesday, December 5, 2012 at 7:02 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. Patrick Williams, Mr. Roy Davis, Ms. Patricia Lawler, Mayor Harry Kelly, OIC Chris Yarns, Mr. David Jenkins, Mr. Dominic Scott, Recording Secretary Virginia Kehoe, and Solicitor Patrick Rogan. Jr. Council Member Matt Remus arrived at 7:13pm and Jr. Council Member Greg Johnson was absent.

**CALL TO ORDER:**

**President Carey**

**MEDITATION:**

**Mayor Kelly**

**PLEDGE OF ALLEGIANCE:**

**Mayor Kelly**

**SELECTION OF POLICE CHIEF**

**President Carey**

Roy Davis made the first motion to nominate Joseph Laguzzi as the Clarks Summit Borough Police Chief, David Jenkins seconded the motion, the vote was unanimous 7-0. Patrick Williams commented that he is very impressed with Mr. Laguzzi's resume and the way he presented himself. Mr. Laguzzi stated that he is proud to serve the citizens of Clarks Summit.

**PUBLIC HEARING – Ordinances 2012-13 Parking Meter Permit Ordinance**

**2012-14 TAN**

**2012-15 General Fund Millage**

**2012-16 Sewer Billing**

**2012-17 Debt Service Millage**

Herman Johnson asked about Ordinance 2012-13, Section 7, enforcement of parking provision from the Police Department or other public official. Should this section be removed? Gerrie Carey asked OIC Chris Yarns about this. Herman Johnson stated that this could be arguable in court if someone other than a Police Officer enforces parking violations. Mr. Johnson stated that this should be enforced properly, and he wants "other public official" taken out of the Ordinance. Virginia Kehoe stated she crossed it out and it will not be in the official Ordinance if Council agrees.

**VISIT FROM ARWA REPRESENTATIVES**

**President Carey**

Mike Donahue is the Solicitor of the Abington Regional Wastewater Authority. He came to give Council a report on the major expansion of their plant. They are about to begin a plant expansion that they estimate will cost about \$35 million dollars. The reason for the plant expansion is the dictates of the Environmental Protection Agency and the Department of Environmental Protection, all sewer authorities whose effluent flows into the Chesapeake Bay are being required to remove and reduce nutrients, nitrogen and phosphorous, which are great for the plants, but not for the fish life. This is a national program. They have engineered the plant expansion in such a way that it will eliminate by-passes, hydraulic by-passes. Construction is expected to begin in April 2013. The request for bids has been advertised and in January 2013

the bids will be opened. They did secure a \$9,975,000 Penn Best loan. More than 25% of the project will be funded by a loan that will allow them to pay 1% in interest for the entire time of construction and for five years thereafter. Then the interest rate goes up to 1.8% for the balance of the loan. They have chosen a financial team, the remainder of the cost of the project will either be a sewer revenue bond or they did invite proposals from banks. They have already signed the commitment letter for the Penn Best loan and they are in the process of finalizing those documents. The Penn Best commitment letter is conditioned upon prorata Municipal guarantees of their three constituent Municipalities, Clarks Summit, Clarks Green and South Abington. The Clarks Summit Borough is only guaranteeing Clarks Summit's share which is 35%. The underwriters they spoke to say the interest rates are lower and the bonds more marketable if the Municipal Bonds issued by an authority are backed by the guarantees of their constituent Municipalities. This is a self-liquidating debt. The quarterly payments that the Borough makes to ARWA are the payments which pay the bond holders and which pay Penn Best. There is still another \$23million that has to be paid. They will be asking Council to enact a guarantee stating that Clarks Summit Borough supports this project. They are preparing and there has always existed a joint treatment agreement was first prepared in the 1980's. They are going to update that agreement and will give that proposal to Council to review for January 2013 meeting. Whenever a Municipality guarantees a debt of one of its Municipal Authorities, there is a debt proceeding before the Department of Community Affairs to ascertain that you're not exceeding your bid base, being that this is a self-liquidating debt; there should not be an issue. They have selected bond council and they asked for competitive proposals, and they chose a Philadelphia Law Firm. Roy Davis asked Mike Donahue about other Townships outside of Clarks Summit. South Abington especially is growing so rapidly, the 35% commitment that we would have to make would that change over the next 10 or 15 years? The Clarks Summit Borough population grows very slowly because there is not much room for expansion. Mr. Donahue stated that they do a calculation and it is paid by a prorata share, depending on the number of EDU's and every year they make that separate calculation. So, as South Abington expands, every year that calculation will show that their proportion will increase, their obligation to pay will increase and Clarks Summit will decrease. They also initiated a "tapping fee" so any newcomer who wants to build a home or even a development, they have to pay that "tapping fee" directly to ARWA. That reduces Clarks Summit's obligation going forward. Herman Johnson asked about the additional monthly fee that the residents will have to pay, \$22 in addition to what is being paid now which is \$43 a month. Mr. Donahue stated that the \$22 is an estimate and that will be phased in. When the financing comes into play for next year which is \$5.23 comes off of the \$22 estimate from last year. The next increases would be when the plant starts coming on-line. The major factor is where the bids come in, if they are lower than the overall \$34 million, costs are lowered. The good faith estimate is \$22. Herman Johnson stated that ARWA is coming to Council for a guarantee and the Borough is not sure where the additional fee will level out. Mr. Johnson is very supportive of the Sewer Authority, but it is getting more and more expensive and he is getting uncomfortable. When a guarantee is made, if there is not enough money what do we do? Roy Davis stated that by keeping the taxpayers informed using public relations, we don't want to underestimate the intelligence of our people. It is an easy explanation; we are part of building a \$35 million dollar facility that will serve us for the next 50 years. Council needs to keep mind the fixed incomes of our residents as there are many retirees. Virginia Kehoe stated that the \$5 increase for 2013 is included in the possible \$22 total increase so the actual number is around \$17 that Council will be voting on tonight. Patrick Williams asked where Clarks Summit stands in the construction. Clarks Summit Borough is grouped with Phase One. The compliance deadline is 2016. It is difficult to predict if there would be an increase to the original amount of

\$34 million. That is a worst case scenario. Mr. Donahue was not sure of the interest rates on Municipal Bonds. Gerrie Carey asked why the different rates for the different Municipalities. This can be addressed to the press at the meeting. The rates depend on the fees incurred to maintain the sewer system for each Municipality. This project is an unfunded liability; it is mandated by the state, not a judgment on the current Sewer Authority. Roy Davis asked if this would be a good time for the Sewer Authority to become a self-contained entity by turning over all the sewer lines to the Sewer Authority. Mr. Davis stated that the Borough's infrastructure is the oldest which means the Borough will have the most problem. The next 20 years this will create more conflicts with South Abington. Mr. Donahue stated that having the Sewer Authority become a self-contained entity could happen, but all the Municipalities would have to agree and the ARWA would have to agree. There is talk of taking additional Trunk Lines and if that is done it will eliminate pass-through agreements. It would be gradual if that change happens; there is resistance from South Abington for owning and responsibility of the entire collection system. Mr. Donahue stated that the cooperation with this new system has been excellent. The effort has improved communication. Virginia Kehoe stated that 100% of our lines are gravity fed and the mains are the size that they need to be. We don't have to deal with pumping stations therefore there is no cost and maintenance with pumping stations. Patrick Williams asked Mr. Donahue about the Assisted Living Facility on the Morgan Highway. Will our sewer lines be able to handle the pass through? There are also wetlands in that area. Where would they run the sewer line? This is in South Abington Township and Mr. Donahue did not have details on this. Virginia Kehoe stated that as part of the corrective action plan we had to assess the situation with all of our sewer mains and 500 feet radiating out from them, at that time Borough Engineer Bob Naegele was able to review this and determine our capabilities. The calculations say yes, the flow can be handled for the Teck 78 and the Assisted Living project.

**1. APPROVAL OF AGENDA: President Carey**  
 Patty Lawler made the first motion to approve the agenda, Herman Johnson seconded the motion, the vote was unanimous 7-0.

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

- **October 3 Council Meeting**
- **October 30 Council Work Session**

David Jenkins made the first motion to approve the October 3, 2012 and October 30, 2012 minutes, Herman Johnson seconded the motion, the vote was unanimous 7-0.

**3. PUBLIC COMMENT & INPUT: President Carey**  
 Jamie Kresge wanted to caution Council about the collection of the sewer bills, he is a member of the TCC. Mr. Kresge discussed having a representative from Berkheimer attend the January meeting. This way Council can ask questions about the public hearings and judgments that have been happening with Cintax. Virginia Kehoe was going to confirm the meeting is January 2, 2013 to invite the Berkheimer Representative.

Gerard Hetman: Lackawanna County Department of Community Relations  
 Mr. Hetman thanked Virginia Kehoe for the Christmas ornament for the Lackawanna County "Festival of Trees," which will be at the Electric City Trolley Museum. They

sponsored a tree that represents schools and every Municipality in Lackawanna County. Mr. Hetman discussed other happenings in Lackawanna County.

Pat Williams stated that Attorney Pat Rogan (Clarks Summit Borough Solicitor) made a generous donation to the Veteran's Park in the Clarks Summit Borough. Mr. Williams asked for a picture with Attorney Rogan. Herman Johnson stated that 2 years ago Veteran's Park was created and Council has asked citizens to make a donation to put a gazebo there also. Thanks to the VFW 7069 and the DPW, who helps maintain the park. This donation from Attorney Rogan has been very helpful.

**4. BIDS & QUOTATIONS: President Carey**

- **Vote Ordinance 2012 –14 TAN – vote to accept bid from PNC Bank for \$300,000.00 TAN at 1.78%**

Virginia Kehoe stated that sealed bids were opened last week for the Tax Anticipation Note the low bid was from PNC Bank. Herman Johnson made the first motion to adopt Ordinance 2012-14, Patrick Williams seconded the motion and the motion was unanimous 7-0.

**5. BOROUGH TREASURER'S REPORT President Carey**

Roy Davis was the first to make a motion to accept the Borough Treasurer's Report, Herman Johnson seconded the motion, the motion was unanimous 7-0.

**6. COMMITTEE REPORTS:**

- **Building & Plant** Pat Williams, Chair

Pat Williams stated that in order to ease the workload from sewer billing, we can see if residents would like to put their sewer bills in the mailbox in the front of the Borough Building. For the next 2 or 3 months we can put that information on the billing statement about the drop box. Possibly that message can be on permanently.

- **Finance Committee** Gerrie Carey, Chair

Gerry Carey stated that they have been working on the 2013 budget and later the budget will be voted on.

- **Grant Committee** Patty Lawler, Chair

Patty Lawler stated that through hard work on behalf of State Representative Sid Kavulich and Virginia Kehoe, the Borough has received grant for a new Police Vehicle. The new vehicle should be in sometime in January 2013. The grant awarded is about \$34,000. Ford Interceptor Sedan is the Police car. Herman Johnson gave kudos to Chris Yarns for his excellent work in the past 6 months as OIC of the Police Department. Mr. Johnson stated that Chris Yarns did a commendable job. Virginia Kehoe stated that the Monroe County Gaming Share Account will be reviewing the grant applications soon. This would be grant money for the 4 weight scales needed.

- **Insurance Committee** Roy Davis, Chair

Herman Johnson stated that a Pension Fund report was in the newspaper and the paper stated that Clarks Summit was breaking even. What worried Mr. Johnson is that when you have 1.3 million dollars, which is not considered a lot in a pension fund, when one or two people drawing from it. The more people retire the less

money will be in the pension. Roy Davis stated that the last pension report was very positive. It was indicated that the percentage was at 7%. Officers Orzalek and Shedlock are both very satisfied with the status of the pension. Herman Johnson would like to sit in on a Pension Board meeting and ask questions. Roy Davis stated that there is an actuarial study done every two years also. Mr. Davis suggest Officer Orzalek, Officer Shedlock and Mr. Johnson can get together to inquire more about this.

- **Personnel Committee** Gerrie Carey, Chair  
Police Chief Joseph Laguzzi was already voted in.

- **Public Safety/Safety** Herman Johnson, Chair  
Herman Johnson stated that there were 2 DPW workers out on sick leave. Neil Bartholme is also out on sick leave until January.

- **Public Works** Herman Johnson, Chair  
Herman Johnson stated that the DPW is just about caught up on leaf collection in the Borough. Mr. Johnson took rides through the Borough checking on the status, and especially considering the weather and the storms the Borough had, the cleanup looks good. Herman Johnson stated that he is concerned with the residents cutting up their own trees and leaving the DPW to do the cleanup. David Jenkins asked who should clean up the tree trimmings. Herman Johnson replied with cut the pieces up and put them in a box and JP Mascaro can pick them up. David Jenkins said that maybe the press to put the suggestions in the new paper. Herman Johnson suggested putting this information on the website and the billboard also. Patrick Williams also commented on the responsibility of the contractor to pick up the tree trimming once the work is complete. Make sure that is part of the contract, removing the debris. Virginia Kehoe stated that the Clarks Summit Borough cannot encourage residents to put tree trimmings in the trash for weekly pickup. State law says that the Borough has to encourage recycling. Patrick Williams disagrees, stated Sam Augustini (J.P. Mascaro) said picking up the brush and trees, with the regular garbage pick-up, is in line with the state. Virginia Kehoe stated she wants to speak with someone from the state before promoting this. Make sure it is legal. When the Borough applies for grants, documentation on how the Borough encourages and promotes recycling is crucial. This may affect the Borough's eligibility for grants.

Mr. Johnson also discussed Bedford Street improvements. Mr. Johnson stated that they just finished today pouring the concrete. One concern was that the street was too narrow. Engineer Bob Naegele showed Herman Johnson how the cars can fit comfortably and they need to slow down around the corner from Grove onto Bedford. Leeward Construction and Bob Naegele did a great job.

- **Recreation** Dominic Scott, Chair
- **Recycling Committee** Patty Lawler November winner – Lawler's Affordable Elegance

Patty Lawler followed up on Virginia Kehoe's response to not promoting residents to throw away the brush and tree trimmings in with the regular garbage pickup. Ms. Lawler stated that there is a large amount of information about recycling when it comes to grants that are available. Patty Lawler also announced Lawler's Affordable Elegance won the 2 free parking spaces for recycling the most for the month of

November. Herman Johnson made a motion to have Virginia Kehoe send a letter to the local papers, thanking the individuals who helped with the Christmas Lights.

- **Clarks Summit Emergency Management Coordinator** Herman Johnson
- **Junior Council Mentor** Herman Johnson
- **Additional comments from Council** December work session cancelled

Herman Johnson stated that Council has a lot to discuss. Work sessions should not be cancelled. Maybe meet on another day if needed. Decisions need to be discussed and reviewed. The original date for the work session would have been Christmas Day. We could have just rescheduled the meeting to resolve issues at hand. David Jenkins asked if there would be an Executive Session after this meeting. The answer was yes.

**7. POLICE REPORT:**

**Mayor Kelly**

OIC Chris Yarns read off the police report. Roy Davis asked about the Vascar and Enrad. They are both used. Mr. Davis inquired about Vascar. Chris Yarns stated that the Vascar/Enrad runs on battery and they are not waterproof, they cannot be permanently put out for those reasons. Not all police officers are certified also. Chris Yarns suggested using VSPEC. They are a better choice for speed enforcement. Patty Lawler inquired about overnight parking tickets. Residents cannot park on the streets from 11pm-7am from November–April. Warnings were written, letting residents know about the restrictions. Patty Lawler also commented on the overtime being much better. Herman Johnson asked Chris Yarns about the Vascar and other equipment, will he leave us with a plan, to put a new one into the vehicle. Chris Yarns discussed wanting to put in the VSPEC into the 2013 budget. Roy Davis thanked Chris Yarns for his dedication during the time he served as OIC Chris Yarns. Herman Johnson stated that with the equipment and training Chris Yarns provided in the short time that he was OIC, Mr. Yarns should be recognized with a certificate of appreciation in the near future.

**8. VENDOR PAYMENTS TO BE RATIFIED:**

**President Carey**

Herman Johnson made the first motion to accept the vendor payments to be ratified, Patty Lawler seconded the motion, the vote was unanimous 7-0. Herman Johnson discussed the Debt Service Fund, concerning the Grandview Street Settlement, what was paid and can we put down what the balance is. Virginia Kehoe stated that this is a 10 year loan that started February of 2010; the amortization schedule can be put on the payment schedule so Council is aware of the current balance.

**9. OLD BUSINESS:**

**President Carey**

- **Ordinances 2012-13 – 2012-17**

Ordinance 2012-13-Parking Permits: Herman Johnson made the first motion to adopt the Ordinance 2012-13, with the amendment to take out “Section 7, Official Representatives”, Patty Lawler seconded the motion, the vote was unanimous 7-0.

Ordinance 2012-14-TAN: Already voted on earlier.

Ordinance 2012-15-General Fund Millage: Herman Johnson made the first motion to adopt Ordinance 2012-15, Pat Williams seconded the motion, the vote was unanimous 7-0.

Ordinance 2012-16-Sewer Billing-David Jenkins made the first motion to adopt Ordinance 2012-16, Herman Johnson seconded the motion, the vote was unanimous 7-0.

Ordinance 2012-17-Debt Service Millage-David Jenkins made the first motion to adopt Ordinance 2012-17, Herman Johnson seconded the motion, the vote was unanimous 7-0.

- **Resolution 2012-24 Pave Cuts**

Virginia Kehoe discussed Council's decision to raising the Pave Cut fee from \$200 to \$300, the permits are to be made in advance of the cut, and in the event of a non-emergency pave cut being made before the permit is issued there would be an additional fine of \$200. All work must be inspected; it is the person doing the pave cut's responsibility to contact the Borough before closing the cut, the Borough will have 2 days to inspect the cut, the work must be guaranteed for one year. David Jenkins made the first motion to adopt Resolution 2012-24, Pat Williams seconded the motion, the motion was unanimous 7-0. On the question, Herman Johnson asked who is going to monitor and enforce this resolution. Virginia Kehoe stated that the Code Enforcement Officer is in charge. Site checks are made by Lori Harris. Virginia Kehoe stated that department heads have been also notified and the DPW has also been alerted to keep an eye out on any pave cuts being done in the Borough. Herman Johnson asked for a copy of the memo that Virginia Kehoe sent to the department heads notifying them if there are pave cuts.

- **Resolution 2012-25 – sale of property on Summit**

David Jenkins made the first motion to adopt Resolution 2012-15, Patty Lawler seconded the motion, the vote was unanimous 7-0. Pat Williams asked about the monetary bid, the minimum is \$40,000 but they are sealed bids and the Borough has the right to reject anything under \$40,000. The highest responsible bidder wins.

**10. NEW BUSINESS:**

**President Carey**

**A. Abington Assisted Living**

It has been requested that the Clarks Summit Borough accepts the pass through EDU's for the proposed Abington Assisted Living Facility that it has gone to South Abington and they have accepted the EDU's the Sewer Authority has also accepted the EDU's. Bob Nagele, the Borough Engineer had already done his evaluation as a part of the corrective action with DEP. The lines are capable of handling the flows. David Jenkins voted to accept the pass though for the Abington Assisted Living facility based on Borough Engineer Bob Nagele's recommendation, seconded by Roy Davis, vote was unanimous 7-0.

**B. Clarks Summit - South Abington Agreement**

Virginia Kehoe stated that this is the Inter-jurisdictional agreement between Clarks Summit Borough and South Abington Township. South Abington Township will be looking at this on Monday, December 10, 2012. There may be an issue with a few EDU's and they would end up in our favor. David Jenkins was the first to make a motion to accept the Inter-jurisdictional agreement with South Abington, Herman Johnson seconded the motion, the vote was unanimous 7-0. Herman Johnson asked, it seems like we have an open dialogue which will benefit both the Borough and the Township, need to start talking about Workman's Comp also.

**C. Amend Parking Meter Ordinance?**

Should meter parking rates in the Borough be altered? Herman Johnson said that the Police Department needs a chance to review this. They are the ones that enforce the meters. David Jenkins discussed raising the price from a 5c to 25c. As we look into the maintenance, order 5 meters a year and place them little by little until they are done. We did replace 1/2 of them then the budget ran out. One of the problems is that we cannot use electronic meters because of the truck traffic. The Borough is limited to refurbished mechanical meters because of this and they would have to be changed. Patty Lawler stated that Barry Kaplan and the ABPA do not want to see the fine increased for the parking meters. They do not feel it is commercial friendly. Ms. Lawler said that Council is working on different initiatives in order to appease the commercial district. If this is successful we can work on “adopt a meter.” Virginia Kehoe would look into raising the tickets to \$10 to \$15 for meter violations. Herman Johnson stated that the business people in Clarks Summit need to work with the Borough Council to maintain these meters. They need to meet us ½ way. There is a cost to these meters and this needs to be looked into. David Jenkins suggested using the newer electronic meters on the side streets. Virginia Kehoe stated she could get a proposal together to see what can be budgeted. A law abiding citizens is not penalized when they put money in the meters. This penalty is only for those who are not following the law and putting money in the meter.

11. **BOROUGH SEWER OFFICE REPORT:** **President Carey**  
Virginia Kehoe stated that the Sewer Report came in today and it wasn't printed, will forward the email and we can vote on it next meeting.
12. **SOLICITOR'S REPORT:** **Solicitor Rogan**
13. **CORRESPONDENCE:**
14. **EXECUTIVE SESSIONS:** **President Carey**
  - **Prior-** 11/7/12 personnel  
11/27/12 personnel
  - **During-**
  - **Subsequent-**
15. **ADJOURN:** **President Carey**  
David Jenkins made the first motion to adjourn, Roy Davis seconded the motion, the vote was unanimous 7-0. The meeting ended at 9:38pm.

These meetings minutes are respectfully submitted by Jennifer Schmidt