

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
FEBRUARY 6, 2013**

The February Borough Council Meeting for the Borough of Clarks Summit was conducted on Wednesday, February 6, 2013, at 7:00pm. The meeting was held in Borough Council Chambers, 2nd floor, 304 South State Street, Borough of Clarks Summit, County of Lackawanna and Commonwealth of Pennsylvania. Council Members in attendance were Gerrie Carey, Herman Johnson, Patrick Williams, Virginia Kehoe, and Patricia Lawler, David Jenkins, Dominic Scott, Roy Davis, Mayor Harry Kelly, Police Chief Joe Laguzzi, Solicitor Pat Rogan, Junior Council members Greg Johnson and Matt Remus.

CALL TO ORDER:

President Carey

MEDITATION:

Mayor Kelly

PLEDGE OF ALLEGIANCE:

Mayor Kelly

PROCLAMATION – DONNA EBERSOLE

Mayor Kelly

Mayor Kelly read the Proclamation honoring Donna Ebersole who retired her business “A Stitch in Time,” which was in the Borough in Clarks Summit.

1. APPROVAL OF AGENDA:

President Carey

Herman Johnson made the first motion to approve the agenda, David Jenkins seconded the motion, the motion was unanimous 7-0.

2. APPROVAL OF MINUTES:

President Carey

- **December 5, 2012 Regular Council Meeting**
- **January 2, 2013 Regular Council Meeting**

David Jenkins made the first motion to approve the meetings minutes, Herman Johnson seconded the motion, the vote was unanimous 7-0.

3. PUBLIC COMMENT & INPUT:

President Carey

Donna Zarkowski, owner of Chloe & Co, spoke about the Arts Council. Discussed the Arts and Wine Festival scheduled for August 10, 2013. There is a concern about Depot Street which was not closed during last year’s festival. Apparently traffic was allowed to go through which made the situation difficult. Charlie Charlesworth told Ms. Zarkowski that wineries stated that they will not be back unless Depot Street is closed. Roy Davis commented that Council agreed to block the street off but the residents on Depot Street would not comply. No thru traffic was allowed, the traffic was from people that live on Depot Street; not more than 5 cars passed by on that street. In order to close Depot Street off there needs to be a signed petition from all the people that live on Depot Street. Maurie Walker asked for a template of the petition that can be passed around to the residents on Depot Street. Herman Johnson stated that if the Arts Council can give the Borough a “punch list” of what is being done and needs to be done, we will follow up to make sure everything is together. Mr. Johnson stated that this has been a very successful event and Council want to keep that going. Possibly Virginia Kehoe can help

if there is an issue and if she is not available Herman Johnson volunteered to help. Virginia Kehoe stated that Depot Street construction does not have a date yet to begin, and the Borough can work around that for the Wine Festival. Maurie Walker asked about a banner for the festival, asking if there a way of using a feather banner, is it under the flag ordinance etc. Virginia Kehoe stated that they can hang a banner on the front of the Borough Building. Lori Harris would be able to answer the questions about using a feather banner.

VFW # 7069 representative spoke to Council about the sewer billing and how EDU's are determined. The VFW building has been deemed a 4 unit building which costs \$188 a month in sewer billing. Sewer billing is not based on water usage. Herman Johnson stated that they referred this to the Solicitor Pat Rogan. Researching to see if the number of EDU's for the VFW was accurate. Virginia Kehoe stated that she spoke to the Engineer, Bob Naegele and he is looking into this also. Ms. Kehoe would provide that information as quickly as possible.

Mike Donahue is the Solicitor for ARWA and they are on the goal line for starting construction on the major plant expansion in April; which is mandated by the EPA and the department of environmental protection. They opened bids and they were 10% lower than expected. The financing looks good also. ARWA received a \$1,000,000 grant from the Federal Stimulus Project and all of the Municipalities in the past few years have adopted a "pay as you go" system of payment. Financing is through a Penn Best loan of 1% then to 1.65% for \$10,000,000. ARWA formed a Finance Committee and hired a financial advisor to work with the lending community to get the best offer. 20 million dollars is what was still needed. The rate on this 25 year, \$20,000,000 loan, starts at 2.5% and may rise to 3.5%. The Finance Committee recommended that this is a good deal. Both are guaranteed borrowings. We get guarantees from each Municipality. Municipal Guarantees is a self-liquidating debt, the loans and Penn Best will be paid this way. The authority enacts a budget, stating the amount of money residents have to pay based on the number EDU's and if they are made quarterly, there will be no default. David Jenkins was the first to make a motion authorizing upon state approval, the guarantee of the Penn Best Loan and the Penn Security loan, Roy Davis seconded the motion, vote was unanimous 7-0. Patrick Williams stated that he read an article about the loan. What would be a reason for a default by the authority? Herman Johnson stated that as long as the sewer billing is paid there shouldn't be a default. Mike Donahue stated that there is no reasonably possibility of default. It has only happened once back in 1967.

4. BIDS & QUOTATIONS: President Carey

5. BOROUGH TREASURER'S REPORT President Carey

- **January**
- **February**

Roy Davis made the first motion to accept the Borough's Treasurers Report, Herman Johnson seconded the motion, the vote was unanimous 7-0.

6. COMMITTEE REPORTS:

- **Building & Plant**

Pat Williams, Chair

Pat Williams stated that the Borough Building had a leak on the roof; Dunmore Roofing came and fixed the problem. They foyer lights will be fixed, Dick Scott will do that work he will be in tomorrow. The fuel pumps for the DPW yard are getting old; the Co-Stars program guarantees pricing which is locked in through the state. The vehicles will have a fuel/fleet card. The cost is over \$16,000 to replace the pumps. Check with Fire Department also so they are aware of this change. They would have a fleet card and just turn in their receipts. Virginia Kehoe will look into getting an estimate to remove the tanks, there may be an obligation, maybe not. Need the estimate first.

- **Finance Committee**

Dominic Scott, Chair

- **Grant Committee**

Patty Lawler, Chair DeNaples

Patty Lawler stated that the Borough has been approved for taking part in the local share account grant. \$19,000 was the amount of the grant given to the Borough of Clarks Summit to purchase the scales to monitor the weight of the trucks. Senator Blake, Larry West and State Representative Kavulich were very helpful. Ms. Lawler also stated that a letter was written by Sarah Dawgert to Mr. DeNaples, asking him to gift a parcel of land to the Borough for a park. There is a lot of grant money for parks that are handicapped accessible and have recyclable playground equipment. If we get the land, this would be a great asset to the Clarks Summit Borough. Ms. Dawgert is also an experienced grant writer.

- **Insurance Committee**

Roy Davis, Chair

- **Personnel Committee**

Gerrie Carey, Chair

- **Public Safety/Safety**

Pat Williams, Chair

David Jenkins stated that there is one car that parks incorrectly on Bedford Street. Mr. Jenkins asked if a patrolman could put a warning that the car has to park closer to the curb. The car is parked right by Powell Avenue. If an emergency vehicle has to come by this may be a hazard. Chief Joe Laguzzi discussed adding a “no parking” sign to that area. Herman Johnson asked about the fire hydrant in that area, Virginia Kehoe stated that the fire company stated that the access to the hydrant is not an issue. Herman Johnson asked Virginia Kehoe to double check the state law with that. Patrick Williams asked about two storm drains; Virginia Kehoe stated that Leeward construction would correct the work on the storm drains after the area is settled. Herman Johnson asked Virginia Kehoe about the workman’s compensation issue with the Clarks Summit fire fighter. Ms. Kehoe stated that she submitted the paperwork to the insurance company and the fire fighter is seeing a chiropractor and doing better.

- **Public Works**

Herman Johnson, Chair

Herman Johnson commended the DPW doing a commendable job with the snow removal in the Borough.

- **Recreation**

Dominic Scott, Chair

- **Recycling Committee**

Patty Lawler National Running Center

– January recycling leader

Patty Lawler stated that the owner of the National Running Center won the two free parking spaces for recycling the most for the month. This is their second time winning since August. Received a plaque and had picture taken.

Ms. Lawler also stated that the Borough didn't get credit for 2010 recycling efforts and there was a great amount of research done on that. The Borough has since received a letter stating that the Borough received the Act 101 Performance Grant for \$7,805. This reflects the 2010 recycling material, the Borough had to provide documentation and that the recycling was successful. \$6,000 was budgeted in already and it can be spent as general funds. That leaves an excess of \$1800 that wasn't budgeted. Virginia Kehoe stated that in 2011, the tonnage increased, when we went into single stream recycling. In 2012 we are 200 tons more and that is just residential not the commercial. So the number will even be greater. The money to the Borough is going to continue to increase.

- **Clarks Summit Emergency Management Coordinator** Herman Johnson
- **Junior Council Mentor** Herman Johnson
Herman Johnson stated that they are doing a commendable job and he did speak to Patty Lawler about their assistance with Earth Day which is coming up April 20, 2013.
- **Planning Commission** CVS Land Development & Subdivision
Kim Scanlon, Al Weinshank, and Sean McDermott and Drew Barton were at the meeting to ask for approval. They met with the Planning Commission, who has granted their recommendation for approval. Sean McDermott passed out pictures of the before and after of a conceptual rendering and a color site plan. They have made some provisions to the plan from the time that they first submitted the plan, which they wanted to discuss with Council. Virginia Kehoe stated that DEP has to approve their remediation plan; DEP will monitor it as they will be sending regular reports to DEP. They will include the Borough in the correspondence. Virginia Kehoe stated that this will be an added condition. They are at the stage of developing a site characterization. There will be trees and shrubs used as a barrier between the store and the street. Ms. Kehoe stated that while the grounds were open the Borough could camera the water and make repairs where needed. Grand opening is projected for the middle of 2014. Herman Johnson complimented the organization for excellent presentation, documentation and everything is in order. Mr. Johnson asked about the Fire Company's opinion on a fire hydrant close to the building. The response from the Fire Company is that there was not enough impact on traffic to warrant another fire hydrant. Donna Zagraban had a request for more trees in the front. They did incorporate this in and Ms. Zagraban is very pleased with the outcome. David Jenkins made the first motion to grant conditional approval, Herman Johnson seconded the motion, motion was unanimous 7-0.

Herman Johnson asked Junior Council if they had any questions. They asked about the other CVS in Clarks Green. They will close the property. We wouldn't be involved.

Execute Session 8:20pm recess
8:54 reconvene

- **AAJRB - name appointment** Gerrie Carey

Roy Davis made the first motion to appoint Mr. Yarmey as the Clarks Summit Borough Representative for the AAJRB, David Jenkins seconded the motion, the vote was unanimous 7-0. Roy Davis suggested that the AAJRB be present for more meetings so they can all be on the same page. Herman Johnson stated that Council should come up with a 5 year plan with the committees to let them know what Council expects out of them. Virginia Kehoe stated that all the committees will be coming twice a year during worksessions. Council discussed reorganizing the AAJRB's original ordinance.

- **Vacancy Board – name appointment** Gerrie Carey

David Jenkins made the first motion to appoint Dan Kontz to the Vacancy Board, Herman Johnson seconded the motion and the vote was unanimous 7-0.

- **Shade Tree Commission** Donna Zagrapan Shade Tree Ordinance

Donna Zagrapan was given ideas for ordinances, let the planning commission tackle this and then send a proposition to Council.

- **Additional comments from Council**

David Jenkins stated that the Fire Chief asked about burn permits. Virginia Kehoe stated that Ordinance says, residents could get a permit from the fire company or the code enforcement officer. The residents have to get burn permits.

7. **POLICE REPORT:**

Mayor Kelly

Chief Laguzzi stated that there will be more traffic enforcement in the area. There has been added police presence at the schools in the area, to address the concerns about the shootings at the Sandy Hook School. Also, the frequent snow fall has been a major reason for fender benders in the Borough and that has also taken up a great deal of time. David Jenkins stated that at Grove and State there have been many people going through the light. If more tickets were issued maybe people would be more aware and pay closer attention to the traffic light. Chief Laguzzi stated that he ordered the truck scales and they should be in at the end of March or the beginning of April 2013. Herman Johnson stated that the Chief is doing a commendable job. Their coverage during the Ice Festival is scheduled.

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

President Carey

- **January**
- **February**

David Jenkins was first to make a motion to ratify the vendor payments, Herman Johnson seconded the motion, the vote was unanimous 7-0.

9. **OLD BUSINESS:**

President Carey

- **Engineer for Depot Street Project**

Virginia Kehoe stated that a decision needs to be made regarding the Engineer for this project. There are two choices. Bob Naegele has done some of the preliminary work; we can continue to use him but the Borough would have to pay him for his time. The Borough can use CDBG money for and Engineer, then they have to bid out the job, and the low bidder gets the job. Herman Johnson suggested going through CDBG, and use the bidding. It could take a long time to get the work done by going through CDBG.

Herman Johnson doesn't necessarily agree. Don't know what the total costs would be, check with Bob Naegele and get an estimate.

10. NEW BUSINESS:

President Carey

A. Ordinance 2013-01 Sewer Authority Joint Treatment Agreement - vote

B. Resolution 2013-02 CDBG Allocation –vote

David Jenkins made a motion to pass Resolution 2013-02, Patty Lawler seconded the motion, vote was unanimous 7-0.

C. Resolution 2013-03 Parking Meter Suspension –vote

David Jenkins made a motion to pass Resolution 2013-03, Patty Lawler seconded the motion, the vote was unanimous 7-0.

D. Resolution 2013-04 Records Destruction – vote

David Jenkins made a motion to pass Resolution 2013-04, Herman Jenkins seconded the motion, the vote was unanimous 7-0.

E. Ordinance 2013-02 Amend Police Pension – preliminary discussion

There is a definition in the Pension Ordinance which refers to “school aged children” and it doesn't define it. Council needs to amend the ordinance to reflect that. Pat Rogan will write something up and advertise it.

F. Authorized Signers – Pension Funds

Virginia Kehoe stated that Council needs to sign a new form for AFT pension to represent who is authorized to sign on the non-uniform and the police pensions. Gerry and Virginia Kehoe are currently the authorized signers. David Jenkins made the first motion to keep Gerrie Carey and Virginia Kehoe as the authorized signers for the Pension Funds, Dominic Scott seconded the motion, the vote was unanimous 7-0.

11. BOROUGH SEWER OFFICE REPORT:

President Carey

12. SOLICITOR'S REPORT:

Solicitor Rogan

Patrick Williams asked about the newspaper boxes, can you regulate them or eliminate them. Pat Rogan stated that the Borough shouldn't remove them but can regulate them with a permit fee, or a placement fee. Construct an ordinance for the newspaper boxes. Patrick Williams asked about the police car advertising. Attorney Rogan said that it is legal to move ahead with.

13. CORRESPONDENCE:

• **Clarks Summit Fire Co – request for donation**

• **Griffin Pond Animal Shelter – request for donation**

Virginia Kehoe stated that she received fund raising letters. The Borough has not dedicated any funds to them and Ms. Kehoe wanted to make sure Council was fine with not donating. Virginia Kehoe will reply that the Borough cannot contribute.

• **Thomas & Helen McCullough – sewer payment late fees**

Virginia Kehoe stated that many people want the late fee waved from their sewer bill. Mr. McCollough did send the check late; he admitted that he mailed it 4 days after the due date. Ms. Kehoe stated that the Borough office has received approximately 100

phone calls to wave late fees and we cannot pick and choose who will receive them. Mr. McCollough was away in Florida and if he wants his bills sent to Florida that would be fine. Council has the right to override Virginia Kehoe's decision to deny removing the late fee. David Jenkins stated that they should not waive the fee because he admits that it was mailed late.

14. EXECUTIVE SESSIONS:

President Carey

- **Prior-**
January 2, 2013 – Personnel
January 29, 2013 – Personnel
February 6, 2013 - Personnel
- **During-**
- **Subsequent-**

15. ADJOURN:

President Carey

David Jenkins made the motion to adjourn the meeting, Roy Davis seconded the motion, the vote was unanimous 7-0. Meeting adjourned at 9:58pm.

These meetings minutes are respectfully submitted to you by Jennifer Schmidt.