

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
May 1, 2013**

The regular May Meeting of Borough Council was conducted on Wednesday, May 1, 2013 at 7:00 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. Patricia Lawler, Mayor Harry Kelly, Mr. David Jenkins, Mr. Dominic Scott, Jr. Council Matt Remus, Recording Secretary Virginia Kehoe, Chief Joe Laguzzi. Councilman Roy Davis and Jr. Council Member Greg Johnson were absent.

CALL TO ORDER: **President Carey**

MEDITATION: **Mayor Kelly**

PLEDGE OF ALLEGIANCE: **Mayor Kelly**

ZONING HEARING BOARD UPDATE **John Kazista, Chair**

John Kazista spoke to Council about the role of the Zoning Hearing Board and gave a brief overview of their responsibilities. Herman Johnson asked if the Borough in general can make it better/easier for residents to understand their responsibility when it comes to presenting their case to the Zoning Hearing Board. Virginia Kehoe and John Kazista agreed that all of the information possible is given to residents at the present time. Council thanked Mr. Kazista for his time.

1. APPROVAL OF AGENDA: **President Carey**
Patty Lawler 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**

- **March 6, 2013 Regular Council Meeting**
- **March 26, 2013 Council Work Session**
- **April 6, 2013 Regular Council Meeting**

David Jenkins made the first motion to approve the three sets of minutes above, Patty Lawler seconded the motion, the vote was unanimous 6-0.

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

Gerard Hepman, from the Lackawanna County Community Relations Department, spoke to Council about events happening in Lackawanna County. Leon Veiera spoke on behalf of the Abington Arts Council, about the Wine Festival for 2013. Approval is needed for the Festival to take place on Davis Street and Spring Street. They will not be using Depot Street this year. Virginia Kehoe stated that the residents and businesses on that street will need to be contacted for their approval of the street closing. Patty Lawler asked about a possible later start time for the festival. No answers as of yet, they are still working on beginning details.

4. BIDS & QUOTATIONS: **President Carey**
None to report

5. BOROUGH TREASURER'S REPORT

President Carey

David Jenkins made the first motion to accept the Borough Treasurer's Report, Patty Lawler seconded the motion, the vote was unanimous 6-0.

6. COMMITTEE REPORTS:

• **Building & Plant**

Pat Williams, Chair

Pat Williams discussed putting in a new hot water heater in the Borough building. David Jenkins made the first motion to accept the purchase of a new water heater, Herman Johnson seconded the motion, the vote was unanimous 6-0. Mr. Williams discussed the clock tower, which is being painted by the Drug Treatment Court volunteers. The Rotary Club donated the supplies; Sherwin Williams donated the paint also. Herman Johnson suggested that the Borough send a thank you note to the individuals who donated their time and supplies etc. Virginia Kehoe stated that the Frontier to Comcast transition has been relatively smooth, emails have been changed over.

• **Finance Committee**

Dominic Scott , Chair

• **Grant Committee**

Patty Lawler, Chair

• **Recycling Committee**

Patty Lawler, Chair – April Recycling

leader – Sole to Soul, Earth Day stats

Patty Lawler stated that Earth Day was very successful. The phone book collection at CSE, Ms. Vogel's class won. They will receive t-shirts and have their picture taken for their efforts. Ms. Lawler gave many examples of what was recycled throughout Earth Day. The Borough will specifically benefit from this increase in recycling when it comes to grant applications. We get recycling rebates each month Sept-April was \$5,374 and that rebate will directly come right off of the Borough's bill. Sole to Soul is the April Recycling leader. The owner Dorothy O'Connor will be receiving two free parking spaces since Sole to Soul has its own free parking. Pat Williams suggested thank you notes to J.P. Mascaro for their Earth Day efforts. Patty Lawler stated that many people that were involved will be receiving thank you notes from the Borough.

• **Insurance Committee**

Roy Davis, Chair – MRM Rebate

Virginia Kehoe stated that the Borough did receive their dividend from MRM trust that amounted to \$32,000 of which \$28,000 is dividend reimbursement for workers comp from 2003-2011, and \$4,000 dividend rebate for property and liability insurance for 2007-2011. That was unbudgeted money that the Borough got back.

• **Personnel Committee**

Gerrie Carey, Chair

Gerrie Carey stated that Council will meet in executive session to discuss personnel matters.

• **Public Safety/Safety**

Pat Williams, Chair

Pat Williams thanked the DPW for the painting of the lines in the Borough. Virginia Kehoe stated that the DPW are almost done with the line painting. Mr. Williams stated that the town looks much cleaner with the newly painted lines. Herman Johnson asked about the availability of a street sweeper. Virginia Kehoe stated that Carbondale was available to do the work but it was very costly. Since it wasn't budgeted for it was not going to be possible this year.

• **Public Works**

Herman Johnson, Chair

Herman Johnson stated that DPW painted the lines and cleaned up the brush and they did a good job. They also helped set up for Earth Day. Virginia Stated that she met with

Tom Carter. There are storm water erosion issues on Winola and Electric, and his crew will come do the work. We need to supply them with 4 pairs of boots. That is huge project that will affect several residents.

- **Recreation** Dominic Scott, Chair
- **Junior Council Mentor** Herman Johnson

Herman Johnson stated that the Jr. Council members participated in Earth Day and Lackawanna County Legislative brunch. They enjoyed themselves and they were able to see how county government works.

- **Additional comments from Council**

David Jenkins inquired is there anything the Borough can do with the State St. and Grove St. intersection; Mr. Jenkins stated that it is despicable. Call PennDOT to fix the situation or can we put blacktop there. Virginia Kehoe stated that the Borough has patched the area but it doesn't stay for long. David Jenkins asked Virginia Kehoe to contact someone from PennDOT. Mr. Jenkins also stated that the 600 block of Center Street is in rough shape. Virginia Kehoe stated that she and Engineer Bob Naegele are finalizing the recommendation for paving for the Public Works Committee and Center Street would be included in that list. In the meantime, the DPW can do some patching on Center Street, before the actual paving begins.

7. POLICE REPORT:

Mayor Kelly

Chief Laguzzi read from the Police Report to Council. David Jenkins asked about enforcement at the intersections in town. Mr. Jenkins also stated that residents in town have commented about the traffic that goes through the red lights in town. Herman Johnson stated that the police have done a commendable job with public safety. The bridge on West Grove Street is closing sometime during the summer; it might take up to three months. The street will be down to one lane with a traffic light. David Jenkins asked about the light emitters on the fire trucks, ambulances and police cars will not work on this traffic light. Virginia Kehoe stated she can write a letter to the state with the major concern about the importance of the light emitters as a public safety issue.

8. VENDOR PAYMENTS TO BE RATIFIED:

President Carey

David Jenkins was the first to make a motion for Vendor Payments to be Ratified, Dominic Scott seconded the motion, the vote was unanimous 6-0.

9. OLD BUSINESS:

President Carey

- **EMA Coordinator – Joe Krott**

David Jenkins made a motion to have Joe Krott named as the EMA Coordinator, Dominic Scott seconded the motion, the vote was unanimous 6-0.

10. NEW BUSINESS:

President Carey

a) Resolution 2013-08 Records Destruction

Patty Lawler made the first motion to accept Resolution 2013-08, Herman Johnson seconded the motion, the vote was unanimous 6-0.

b) Resolution 2013-09 Route 6 State Byway

Virginia Kehoe stated that the Borough received a request to vote on a Resolution that would show that the Borough of Clarks Summit supports the states designation of a portion of State Route 6 as a By-Way. This is the first

step in achieving a National Scenic Route Designation which opens up grant money for maintenance of heritage sites, etc. Herman Johnson asked if this will assist with the Heritage Trail. Virginia Kehoe does not know for sure but that would make sense. Patty Lawler stated that she believes this would be a great opportunity for the Borough. We might be able to get money to improve store fronts etc. Step in the right direction. Pat Williams asked why there were only 7 out of 110 communities across the state participating with this. Why such a small amount. There is a contact number, talk to someone about this and find out more information. Grant committee should talk to George Kelly of Lackawanna County. Patty Lawler volunteered to call George Kelly and get more information. Virginia Kehoe stated that she would put this on next months' agenda under Old Business; Patty Lawler will give a report on the results of her conversation and based on that Council can then decide if further action should be taken. Herman Johnson made the first motion to accept Resolution 2013-09, Patty Lawler seconded the motion, the vote was unanimous 6-0.

c) **Resolution 2013-10 Meter Suspension for ABPA Customer Appreciation Day**

David Jenkins made the first motion to accept Resolution 2013-10, Patty Lawler seconded the motion, the vote was unanimous 6-0.

d) **Sale of EMA Vehicle**

Virginia Kehoe stated now that the old unmarked police car is available; this car can be used for EMA and/or other needs. The money to repair the EMA truck would be too costly at this time. David Jenkins suggested contacting Congressman Marino as he donated the vehicle to the Borough in the first place.

e) **ARWA Agreement**

Herman Johnson made the first motion to accept the changes to the ARWA Agreement, David Jenkins seconded the motion and the vote was unanimous 6-0.

f) **Assault rifles for Police**

David Jenkins made the first motion to accept the purchase of 3 Assault Rifles for the Police Department and have them installed in vehicles as designated by Chief Laguzzi, there was no second to the motion. The vote was 1-5 and did not pass. Pat Williams asked if the Chief researched this. Chief Laguzzi stated that he is trained to qualify the other officers with them. Herman Johnson inquired about having the money to finance the assault rifles do to the fact that this was not budgeted for. Is this legal for the Clarks Summit Borough to use these additional funds for the purchase of the assault rifles? Virginia Kehoe stated that there has been unbudgeted income this year; is this something Council wants to use the extra funds for. Virginia Kehoe stated for Roy Davis in his absence, Mr. Davis asked that Virginia Kehoe express his concern with this issue. Mr. Davis suggested that Council table this until the State police are advised. The vote would be contingent on the Finance Committee's decision.

11. SOLICITOR'S REPORT:

Solicitor Rogan

Pat Rogan stated that he prepared a draft ordinance for advertisement on the police pension which will be advertised next week. That will be on the June agenda for a vote and public comment will be available. Volunteer was sent to help with community service hours from Pat Rogan's office. He has been very helpful. Herman Johnson stated that he did a commendable job.

12. CORRESPONDENCE:

- **Patrick Lavelle & Stu Bailey – VFW sewerage billing**

Virginia Kehoe stated that in discussions with Borough Engineer, Bob Naegele, that the EDU's were calculated differently for the VFW. The first calculation was for the VFW as a non-profit. The second calculation was done this time taking into consideration the bar/dining area at the VFW. David Jenkins stated that Council had already made a determination and it should be left as is, as per the recommendation of the engineer. Herman Johnson stated that the VFW is not looking for a break but they want to make sure that it is fair, that is how Mr. Johnson is interpreting this. The confusion is with the two different interpretations from the Engineer. Virginia Kehoe stated that the Engineer gave two different answers to two different questions. It is up to Council to define the property. Herman Johnson suggested that Bob Naegele can come to discuss this with Council. Virginia Kehoe stated that she does not recommend Council ask Bob Naegele to come to discuss the situation because Mr. Naegele has answered the question, and Council needs to determine if this is a non-profit or a bar/dining area. Mr. Johnson was asking for more clarification from Mr. Naegele. Mr. Bailey asked how EDU's are determined. He asked why we don't go by water usage, saying that the Borough had done that before. Virginia Kehoe stated that sewer rates have never been determined by water usage. The Clarks Summit does not have water meters; we would have to buy that information from the water company. Mr. Bailey discussed the difference in water usage and the bill for the sewer being 4 times the water bill. Mr. Bailey would like to discuss this with the Engineer Bob Naegele.

13. EXECUTIVE SESSIONS:

President Carey

- **Prior-** none
- **During-**
- **Subsequent-** immediately following - personnel

14. ADJOURN:

President Carey

David Jenkins was the first to make a motion to adjourn the meeting, Herman Johnson seconded the motion, the vote was unanimous 6-0.