

**BOROUGH COUNCIL SPECIAL MEETING
JULY 30, 2013
7:00 PM**

The July Council Special Meeting for the Borough of Clarks Summit was conducted on Tuesday, July 30, 2013 at 7:02pm. 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, Roy Davis, Patricia Lawler, David Jenkins, Dominic Scott, Virginia Kehoe, and Mayor Harry Kelly.

- 1. WORKSESSION: President Carey**
Herman Johnson asked for a moment of silence to remember Governor Scranton who just recently passed away.

- 2. PUBLIC COMMENT President Carey**

- **Sewer Authority Update – Steve Evers:**
Attorney Steve Evers and Wayne Miller were present. Attorney Steve Evers updated Council on the Sewer Authority. Financing is done, the construction has been started, they have a website up that will show the public the construction phase. An outstanding job has been done with the funding; the board has done a great job in helping to minimize the impact on the ratepayers in the 3 municipalities. Municipalities accommodated their suggestion of “pay as you go.” Increased rates a little bit each year and they financed a tremendous portion of the engineering and their part of their land acquisition legal fees, out of the “pay as you go.” With bank consortium financing, the “pay as you go” allowed ARWA to not pay interest on the money that they borrow. At this point money has not been borrowed, a couple months until they have to. The last bump up in the rates might not occur. Attorney Evers stated that the board should be complimented for working together and coming up with the plan. But, at this point money is being wasted because South Abington Solicitor, Bill Jones was going to participate in an ordinance for the 3 municipalities so we can get rid of this restrictive agreement with the DEP cap. Still hasn’t been done. Each month an Engineer and lawyers are paid to deal with this. Any influence to get the ordinance. Pat Williams asked for the reason why South Abington is they “dragging their feet.” Attorney Evers stated “No comment,” he continued that it is costing money and if anyone is going to benefit if they get cap removed from DEP it is South Abington. Herman Johnson asked about the ordinance, whose responsibility is it to get the ordinance. Virginia Kehoe stated that Clarks Summit and Clarks Green already approved the draft. South Abington has the largest impact by it. We’ve been waiting 2 years on South Abington. David Jenkins asked if our solicitor should contact South Abington’s solicitor, Attorney Evers suggested Borough Managers speak. Herman Johnson suggests that the Township Supervisors and Borough Managers hold a meeting to see where we are at. Virginia Kehoe stated she will talk to David O’Neill. Wayne Miller spoke to Council, reporting on various public relations activities. Mr. Miller spoke about

the brochures that were made for the public and were also sent out through the Elementary schools for the parents. They are currently updating the publication, due to the ground breaking. Getting the information to the communities has been vital; the Times Tribune has helped tremendously. Pat Williams suggested keeping Clarks Summit Borough residents updated would be helpful. The suggestion was also made, if there something that can go into the sewer billing envelopes to keep residents aware. Attorney Steve Evers informed Council that there will be construction on route 11 up to Burger King with the interceptor line. It is going to be an inconvenience and they will try to do this at night. Pat Williams asked if they considered having meetings as the progress moves along. They have board meetings at the site, would pass that suggestion along.

- **AAJRB - Mike Hargrove**

Mike Hargrove addressed Council as to the State of the Park. There has been substantial completion on the turf field, soccer, and junior comets football use the field too. The park is also a meeting place for people to get together and have fun. Mike Hargrove has been up there for 25 years. He said fishermen are up there, people are there the Wednesday night concerts at the pavilion, which is going great. Virginia Kehoe stated that the park is beautiful, the bands are great. Senator Blake's band is playing on Wednesday. Mr. Hargrove also stated that state consultant is going to walk the field so they can finally get the reimbursement money. The lights work great, the dog park had a fundraiser for companion dog for returning veterans, and the community garden received help from Lowes and looks like a great year for growing. Earth Camp has been going great. The AAJRB is in the process with help from Glenburn Township, of applying for another grant through Marcellus Shale. Ray Basalyga has cleared the trail along the road along with the Lions Club. It is a gravel trail and they are trying to complete that handicap walkway. Harvest Festival is in September. 2012 Audit was done without issues, save at about 1/3 of the cost. Pat Williams asked how the boundless playground, if it is being used. Parents can stay and enjoy the playground while kids are practicing. The only problem is with the dust as people drive by.

- **John Marino – Northeast Inspection Consultants – 3rd party inspections**

They are a locally owned and operated company uniform construction code and building inspections company located in Lackawanna County. They are also 30 year veterans of the construction business. Act 45 under #501 states that all Municipalities can have more than one agency as building inspectors. Zoning Officer is now able to offer two different inspection companies. Gerrie Carey asked about the other rates that other agencies bill. It is different for each agency. They are offering 70-30 for commercial or residential. Herman Johnson asked if there is a complaint, would they come to the meetings and explain their decisions. They said yes they would be glad to. Patty Lawler asked how long they have served Archibald. Three years. Pat Williams asked if there are any issues with them and BIU, as to who gets chosen. Mr. Marino stated that the best way is to leave it to the customer. Council would vote that they would be able to come on board, Code Enforcement Officer would give the option of which inspector to go with. Herman Johnson likes that the customer has an option. He read the mission

statement and was very impressed. Next week is Council meeting. Virginia Kehoe will get the pricing schedule and in comparison with this one.

- **Bid opening – Summit Ave:**

Virginia Kehoe asked about having a Realtor involved, at this point the Borough didn't get word back from Solicitor Pat Rogan. It has been bid publically. Patty Lawler suggested going to neighbors on either side of the property. Herman Johnson stated that would be a conflict. Council suggested going back to solicitor and for suggestions. Pat Williams suggested putting a modular home on the property as this would be additional revenue. David Jenkins commented that would be a huge liability for the Borough. Patty Lawler asked what the value of the property is. Virginia Kehoe stated it was appraised at \$40,000. David Jenkins stated that seems like a stretch as the land is not in a newer area and it is a small piece of the land.

- **Bid opening – EMA Vehicle**

Virginia Kehoe stated that there have been 2 bids made for the EMA vehicle. Denaples bid \$1,300 and Lewis Brothers bid \$585. We don't have to decide today. David Jenkins stated this sounds like a no brainer. Virginia Kehoe stated that she has received quotes for financing for the paving project. 7 banks are offering loans. Ms. Kehoe reviewed the various rates with Council. David Jenkins suggesting sending a letter back to the banks suggesting a lower rate. Virginia Kehoe will provide a summary of information at the next Council meeting.

- **Ordinance 2013-03 – Neighborhood Preservation**

Virginia Kehoe stated that at this point we have a draft ordinance and Council wanted to make changes. Ms. Kehoe stated that the Borough's Solicitor checked over the ordinance and didn't see any issues. Patty Lawler discussed certain parts of the ordinance that she thought were too broad. Ms. Kehoe stated that Solicitor Pat Rogan didn't have any major concerns but will look at it again. Dave Jenkins said he was "ok" with the ordinance. Ms. Kehoe stated that she would put this on the agenda for the next Council meeting, but if there is a problem we can table it. David Jenkins stated that the Borough didn't need to jump into it immediately. Gerrie Carey suggested putting it on the next worksession at the end of August.

- **Building Use Policy:**

Virginia Kehoe stated that the Building and Plant Committee did meet and there are some slight changes in it due to their input. Roy Davis's opinion is that groups that are already using the building should be grandfathered with some kind of term, possibly a stipend from the existing group. Virginia Kehoe stated that the Borough can't have every tax payer paying for groups that use the building with frequency. The bridge club stated they could give \$300 a year, when they use the building 3 times a week. Patty Lawler questioned how the Bridge Club would be grandfathered in. Virginia Kehoe gave an example stating that Dori Waters of the AACC had a dance group come in 1 hour a week for 4 weeks, 12 hours in all, and she made \$200 donation. Ms. Waters stated to Virginia Kehoe that if there is a

flat rate in advance, that might be difficult. Basing the price on a per person scale might be a better idea as it depends on how many people are attending the classes. David Jenkins stated that \$300 a year for the bridge players comes down to about \$5.76 per game and that is not enough to pay for the lights, paper materials, etc. Gerrie Carey stated that the bridge club mentioned paying \$25 an hour; Jack Burns stated that the club couldn't afford \$25 per meeting. Patty Lawler stated she talked to Lois Burns who also said the Bridge Club can't pay the \$25 per game. Virginia Kehoe suggested \$10 an hour. Dave Jenkins said \$25 a game/day sounds reasonable. The dog trainers are here Thursday nights. If we go with this policy, they are not a nonprofit group. Virginia Kehoe has tried twice to call and leave messages to let them know that they cannot use the building. Use can only be used for nonprofit event or group.

- **Adopt a meter:**

Patty Lawler stated that some businesses the main street complained about no available parking. Ms. Lawler has asked what people's commitment would be if the Borough came up with \$25 a month per meter in 6 month billing cycle. Assigned meters would be assigned to businesses; these would be for the meters which are barely used. The meters are way down on Depot Street, on Main Street, and in the back end of Davis Street, 12 meter possibilities. The meters that George Carros suggested that we would use, would be meters that would be broken meter with signage, which would eliminate repairing and batteries. This can be very complicated. The sign for the meter could read "Reserve for Company Personnel." Also drivers could have a sign on the dashboard so police know the proper people are parking there. This is also a Pilot program. The Borough can only ticket not tow cars away. Might have to amend the ordinance, also for parking tickets put something in there for unauthorized parking. David Jenkins suggested increasing the fine for parking there so that it would be a stiff enough penalty so the people paying for the meters are getting their money's worth. The fine/penalty could be on the sign. The business can have their own sign's made and give the Borough a copy. Virginia Kehoe stated that she would get a price for the cost of a sign.

Pat Williams inquired about the Maria property. David Jenkins stated that the Borough is on hold with that, we received a letter from the Maria's saying they had something else on their plate, so this is on the back burner. David Jenkins thanked Virginia Kehoe for taking the necessary steps to take care of The Memmelo property. Mr. Jenkins asked about the blacktopping which is being done, is that the state approved project. David Jenkins stated that they are milling, binding and putting top down and they are doing a great job. Virginia Kehoe stated that the top asphalt product which is being used is called Superpave and she has gotten a number of complements from the residents. Pat Williams asked when work will begin on the Grove Street Bridge. David Jenkins stated that the work has begun already but it has not disturbed traffic, they are working from underneath the bridge. Mr. Jenkins asked Virginia Kehoe about the work that was supposed to be done by PennDOT at the intersection of State and Grove, which was supposed to be finished by the end of July. Virginia Kehoe stated she will contact PennDOT to see where they stand on that intersection.

- **Draft AACC lease:**
Virginia Kehoe stated that she just received from Pat Rogan, suggestions on the existing lease. We are scheduled to talk about this at the August Council Meeting. Dori waters will be there also. Ty Wells and Pat Rogan are supposed to be discussing the terms. For funding they need proof of commitment of 20 years. Patty Lawler asked about that.
- **TCC replacement:**
Jamie Kresge stepped down as the TCC representative. The Borough needs a replacement, preferably someone with a financial background. Virginia Kehoe is the alternate and she will attend the meetings. The TCC has had a difficult time having a quorum. They didn't technically meet but they did talk about the agenda, but this a difference between meetings and qualified meetings. Earlier this year the State named a receiver did take action we did get a lump sum payment as Don Wilkinson went bankrupt and Berkheimer took over. Gerrie Carey mentioned Heath Goldstein. Pat Williams suggested Jim Burke.
- **Sewer Billing:**
Dominic Scott, Gerrie Carey and Virginia Kehoe discussed the rates which will be going up for the Sewer Billing. Numbers were compiled, regardless of who does the billing, switching to quarterly with a monthly option is necessary. There are a number of residents ask for the quarterly billing. Pat Williams discussed the issue with the delinquents with the quarterly option. Virginia Kehoe stated that financially, it is a better option to go quarterly. The discussed was what the cost savings would be to have the sewer billing done at the Borough as rates will be increasing with Automated Payroll. Ms. Kehoe stated that we dedicate a good chunk of our day, more than expected to sewer billing payments/questions and lookups. The Borough is paying another company and we are still dedicating time to work on this in house. Ms. Kehoe also stated that by using Smart Bill they would print, stuff and mail the envelopes. Can add 1 to 2 page inserts. David Jenkins had concern about bulk rate mail; if the address is incorrect it goes in the garbage. Need first Class mail. Herman Johnson wants to see it stay the same. Elderly residents may be confused. Gerrie Carey stated that negative feedback coming back as to why the Borough hired an outside agency. Virginia Kehoe stated that she is not an advocate on this and her personal preference is keeping the billing out of the office. But Melissa Jones, the Borough treasurer feels that it not the most cost effective way and she has excellent points worth presenting. Herman Johnson and Pat Williams both stated they were against the switch and would like an update on the aging report. Virginia Kehoe stated that she will get an update on that report. Pat Williams asked if Virginia Kehoe meets with Laurie at Automated Payroll the answer was yes. When the Borough switched to this company they were supposed to give us a status report on the delinquents. Herman Johnson stated that the Borough has had problems in the past when we did this in house, the company doing this, this is their job. Gerrie Carey stated we are looking at an increase with the current company and that is why the treasurer looked into options to see the benefits of how to save money. Virginia Kehoe stated that the office take at least 200 to 250 payments a month, as well as field phone calls etc. Pat Williams suggested telling the residents to leave

payments in the drop box, and have residents call the company directly. Virginia Kehoe stated the issue is residents like to come up and pay personally, if they have cash they would like a receipt. Also they will call the Borough when they don't get a return the call from the billing company. Ms. Kehoe stated that this is being mentioned because there is potential cost savings.

- **Stormwater Authority:**

Pat Williams wanted to discuss the editorial. Virginia Kehoe explained that the editorial is saying that we should regionalize storm authorities, each community has their own storm water controls and once it leaves our community it's gone. We definitely can see the problem with that as people continue to develop. Ms. Kehoe agrees that the next action should be to write to neighboring communities and form a committee that meets on a regular basis, who looks at Planning Commission applications and new developments; looking into the impact on the communities. Herman Johnson stated that all of that should be coming through the EMA. Mr. Johnson stated that the EMA should be a part of that because of the stormwater issues and because storms are getting stronger. David Jenkins stated that we have the county and that this is a redundancy. Herman Jenkins stated that it is not a redundancy; the chain of command goes up not down to the municipalities. Virginia Kehoe suggested mentioning this to the ACOG.

Pat Williams discussed the articles in the newspaper about James Cardimone who has been called a Clarks Summit resident. He lives at 202 Peaceful Valley Road. But the newspaper subtitled the article saying he is a Clarks Summit Resident. Pat Williams stated he called Talerico stating that this is unfair. Virginia Kehoe stated that The Times submits what it gets from the DA's office. This man should be listed as a Scott Township resident instead of Clarks Summit and that is giving us a black eye. This was mentioned it to Mike Iorfino at the Times but nothing was done. Mayor Harry Kelly suggested that every time we see something like that we can demand a retraction that would have to come from the editor.

The Mayor inquired about the evaluation of Chief Laguzzi. This is when Council went into an executive session

3. REVIEW OF AUGUST 7, 2013 AGENDA

4. ADJOURN:

President Carey