

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
Tuesday, August 6, 2013**

The August Borough Council Meeting for the Borough of Clarks Summit was conducted on Tuesday, August 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, Roy Davis, Patricia Lawler, Mayor Harold Kelly, Chief Joe Laguzzi, David Jenkins, Dominic Scott, and Solicitor Pat Rogan. Pat Williams arrived at 7:18pm and Mayor Kelly arrived at 7:08pm

CALL TO ORDER: **President Carey**

MEDITATION: **Mayor Kelly**

PLEDGE OF ALLEGIANCE: **Mayor Kelly**

ABPA PRESENTATION **Diane Calabro**

Barry Kaplan presented Council with a check for \$1,000 which is a donation to the Clarks Summit Borough for Christmas Lights. Diane Calabro was the chair of the event; she stated that she was so happy to do something for the Borough. Barry Kaplan stated that the ABPA is a community partner and they wanted to give back to the community.

1. APPROVAL OF AGENDA: **President Carey**
Herman Johnson made the first motion to approve the agenda, seconded by David Jenkins, motion passed 6-0

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

- **June 5, 2013 Regular Council Meeting**
- **June 25, 2013 Council Work Session**
- **July 2, 2013 Regular Council Meeting**

Herman Johnson made the first motion to approve the minutes, seconded by Patty Lawler, motion passed 6-0.

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

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

- EMA vehicle: Two bids were opened them at the worksession. \$1300 from DeNaples was the high bid at \$1,300. The Borough does not have to accept the highest bid at this time. Gerrie Carey and Herman Johnson inquired about proceeding with advertising the bid on Craig's list or E-bay. David Jenkins asked how much the Borough has paid to advertise this vehicle up to this point. Virginia Kehoe did not have an exact number, but estimated the cost at about \$3500. David Jenkins suggested getting the official book value. Herman Johnson agreed that we

should get an idea of the book value is. Herman Jenkins made the first motion to table the EMA Vehicle vote, Patty Lawler seconded the motion, motion passed 6-0.

- Summit Ave property: Virginia Kehoe stated that the property was advertised a second time and didn't get any bids again. Solicitor Pat Rogan stated that the Borough can get three proposals from realtors.
- 2013 Paving Financing: Bids were opened at the worksession and the best two options are from Honesdale and Fidelity bank. Herman Johnson asked when liquid fuels money comes in. Virginia Kehoe stated that it comes in once a year March 1st. We should know by Sept-Oct 2013 how much the Borough will be getting. Herman Johnson stated that if the Borough deposited even half of the liquid fuels money into that account we'd be in good shape all the time. David Jenkins made the first motion to go with Honesdale bank, Herman Johnson seconded, motion passed 7-0.

5. BOROUGH TREASURER'S REPORT

President Carey

Roy Davis made the first motion to approve the Borough's Treasurer's Report, motion was seconded by David Jenkins, motion passed 7-0.

6. COMMITTEE REPORTS:

- **Building & Plant** Pat Williams, Chair
- **Finance Committee** Dominic Scott , Chair - sewer billing

Virginia Kehoe stated that the Borough is doing better than budgeted, side by side against last year the Borough is doing better than last year. EIC is ahead of budget. We are into the third quarter. The Finance Committee was to talk about the sewer billing. Gerrie Carey stated we are talking about bringing the sewer billing in house. Dominic Scott stated that the problem is that we get people calling the Borough questioning their bill, instead of calling the billing company. The billing company was not able to do the monthly billing with a part time staff member. The phone calls are not returned in a timely manner. The office at the Borough gets the answer and we call the people. The Borough is spending so much time as a go between; bring the billing back in house so we have the answers etc. David Jenkins has been asked, will the residents be able to use automatic withdrawal. Virginia Kehoe stated that automatic withdrawal is a decision that Council needs to make because we have to pay the bank for that. David Jenkins stated that it is to our benefit so residents don't go into arrears. Virginia Kehoe will follow up and see if they can do the automatic withdrawal. Herman Johnson stated that we have been battling this and decided to take this out of the office. Give the whole thing to the billing company. If our citizens have questions they have to call out there. Mr. Johnson is worried about getting behind on the billing. Doesn't want to go back with problems, talk to the billing company so everything will go there. Laurie Rosengrant (Billing Company Owner) has been asking to meet with Council. Virginia Kehoe stated that her preference is to keep the billing out of the office but it is unavoidable and therefor she wants to find the best way to handle it. Ms. Kehoe asked Council if they want to tell residents that they can't stop by the Borough to pay their bill or ask questions about their account. Herman Johnson stated the Borough didn't educate our people and maybe a bad decision was made. Herman Johnson stated that he also brings his bill in every month. Ms. Kehoe sent messages to the Finance Committee stating that Laurie Rosengrant wanted to meet. Council Suggested bringing her in to the worksession. Gerrie Carey also mentioned Smart Bill, they will be hired for the printing

and stuffing of the invoices and residents can pay quarterly or monthly. Late fee will be removed. David Jenkins stated that we have to do something about people in arrears. Decision has to be made. Patty Lawler stated that she spoke with Melissa Jones, the Borough Treasurer and where we save \$12,000 if it is done in house, also it is not bulk mail it would be first class. They would put in inserts also there is a lot of positives. Maybe Melissa Jones should come in. She is out of town. Meet with Automated Payroll to get details on Wednesday, August 14, 2013 at 6pm.

- **Grant Committee**
invest Grant

Patty Lawler, Chair - La. Cty. Re-

Patty Lawler compiling the numbers for the 902 performance grant. They think it will be better this year. They will be ordering the trash cans with wheels for our Senior Citizens. The county is offering to the Municipalities a grant called Reinvest Community Program Grants sponsored by Lackawanna County. Ms. Lawler went to a meeting and Chris Minora will work with the Borough. They suggested the Borough piggyback on what has already been started on Depot Street. Resolution 2013-14 indicates that we are interested in applying for the grant and it's naming an authorized signer which Virginia Kehoe recommends is Gerrie Carey. Roy Davis questioned the would an additional grant which would be supplemental to the grant we already have for Depot street, would that hinder, slow down, confuse the grant that we already have? Patty Lawler stated that that was the first question she asked George Kelly, she doesn't want to jeopardize what we already have. They had set aside the grant money for the sidewalks, also set aside money for the period lighting and paving. Roy's concern is that they actually do the work, if there is other money coming in, can they say let's wait until it all comes together. Virginia Kehoe stated that this is a separate grant, they are for the same project but they are targeting different things, and will work independently of each other. This is a separate grant for separate work. It is going to take more than 5 years of CDBG which will take a while. More money from the grant will help keep the job going. Herman Johnson suggested that we bring the CDBG people back up her to the Borough to answer these questions. Patty Lawler stated that she did go to them and asked the very same questions. This Grant has nothing to do with the CDBG money except to bring more money to it. The deadline is next week. If it is not passed tonight we can't apply. Explained the process and how close we are to getting the grant. They want to piggyback on a big project. Roy Davis stated that Patty Lawler is treading on dangerous ground when trying to tie in county with the state. Patty Lawler made the first motion to pass Resolution 2013-14 Lackawanna County Reinvest Grant, seconded by Roy Davis, motion passed 7-0.

- **Recycling Committee**

Patty Lawler, Chair – July Recycling

leader – Abington Family Dentistry

Patty Lawler discussed the trash contract with J.P. Mascaro, asked if they would be able to give us the same services for the same amount of payment. Dave Rinaldi, from Clarks Green reached out to the Borough and spoke to Patty Lawler. They had an idea, very premature; to possible work together regionally, Clarks Summit and Clarks Green. The committee also has to meet with Waste Management. Virginia Kehoe stated that she has draft bid specs that will have to be finalized so that they ready to get advertised. Good time frame to have actual numbers for 2014 budget Clarks Summit did win award for exemplary recycling going above and beyond the

duty of recycling. For Earth Day celebration, recycling stations recycled art bake and take center. Virginia Kehoe and Patty Lawler attended the award luncheon. Clarks Summit Borough is the only municipality that took the award and Clarks Summit Elementary also won for their recycling the phonebooks.

- **Insurance Committee** Roy Davis, Chair
- **Personnel Committee** Gerrie Carey, Chair
- **Public Safety/Safety** Pat Williams, Chair
- **Public Works** Herman Johnson, Chair
- **Recreation** Dominic Scott, Chair

- **Additional comments from Council**

David Jenkins asked about the intersection of State and Grove. Virginia Kehoe stated she wrote PennDOT and received no response. At the request of council Ms. Kehoe will resend the email.

7. POLICE REPORT:

Mayor Kelly

Herman Johnson inquired about the meter collection being at \$0. Didn't have the numbers yet from the bank but a deposit was made.

8. VENDOR PAYMENTS TO BE RATIFIED:

President Carey

David Jenkins made the first motion to ratify the vendor payments, seconded by Herman Johnson, motion passed 7-0

9. OLD BUSINESS:

President Carey

- **Policy re: building usage:** Virginia Kehoe added a bullet point stating that exiting users may be grandfathered with terms to be agreed upon individually with Council. Herman Johnson inquired about the building being only used with nonprofits. Virginia Kehoe stated that yes the building can only be used for nonprofit. Patty Lawler spoke to the Bridge Club about a building use payment and they stated that they found it difficult to meet the \$25 a game policy. More reasonable rate for them which was \$0 and make no payment. Heated exchange with Bridge Club, collecting \$1 per person, is that agreeable. Roy Davis stated that the bridge players offered to provide the Borough with a stipend. The building was originally to be available at no cost to members of the community for functions. Now Council has to go the other way understandably. Virginia Kehoe stated the whole point is to recoup our loss so this is not a burden on the taxpayers. David Jenkins made the first motion to approve the policy for the Borough building usage, second was made by Patty Lawler, motion passed 7-0. Pat Williams stated that the usage of the elevator is a big issue. It costs the Borough plenty. If the elevator breaks that would cost a lot of money for the Borough.
- **Border Realty Pass-Through Agreement**
Virginia Kehoe stated that Border Realty reached out to the Borough. There is no sewage station in Glenburn Township. They are asking if they could send their flow through Clarks Summit to the Joint Sewer Authority. Glenburn Township now states that they have to take ownership of the sewer line, therefore they are now saying the agreement needs to be with Glenburn Township not Border Realty. Glenburn's

Special Solicitor sent the Borough a letter stating that they have reworked the pass-through agreement. David Jenkins stated that Council could not make a decision on this tonight because South Abington Township's still has not moved on the resolution that they need to do, has a direct bearing on what happens here. Glenburn has to be included on this because DEP will not allow a private entity; it must be a Municipality to own the sewage system. Border Realty is going to put up a hotel, not housing units. David Jenkins suggested having South Abington Township put a flow meter on the sewage to see what the flow rates are before we even think about signing anything. Then wait a little put a flow meter on it again and see what the difference is. Solicitor Pat Rogan has to review this also. Flow meters are needed at the Apple Valley pumping station and on the Railroad Tracks at Noble Road. David Jenkins was the first to make a motion to table the vote on the Glenburn pass-through agreement, seconded by Pat Williams, vote was unanimous 7-0.

- **CVS HOP request**

Virginia Kehoe stated that this request would allow CVS to deal directly with PennDOT. David Jenkins made the first motion to accept the CVS HOP request, seconded by Herman Johnson, vote was unanimous 7-0.

- **AACC lease:**

Dori Waters handed out a new brochure for the fall semester of the AACC. They did get a copy of the proposed changes from Solicitor Pat Rogan to the Gathering Place contract. Ms. Waters ask if this Council has any changes to the changes. Solicitor Pat Rogan suggested deleting #7 as it is not a Lame Duck Council. Some points are just a matter of clarification. Roy Davis stated that he would hope that Council would not impede the progress with the Gathering Place. This will go to Ty Wells. Should there be a sub-committee or do they bring this back to Council. Herman Johnson stated that he believes Council supports this 100%. This is an Abington area project. With a little clarification to the contract we should be ready to go. What is next step, Ty Wells should get in contact with Solicitor Pat Rogan. There was a discussion over a 20 year lease vs. 5 year lease. They can't ask for major grants and doesn't make sense for what they are proposing if it is a 5 year lease. Consider 5 year lease with options. Solicitor will talk to Ty Wells about the lease. David Jenkins asked why we can't do a 20 year lease. Look at case law on binding future Council needs to be looked at. Case law needs to be reviewed.

10. NEW BUSINESS:

President Carey

- a) **Resolution 2013-15 TCC Representative replacement – Jim Burke**

Herman Johnson made the first motion to approve Resolution 2013-15, seconded by Pat Williams, vote was unanimous 7-0.

- b) **Resolution 2013-12 and 2013-13 NEIC as 3rd party inspector**

David Jenkins made the first motion to approved both Resolution 2013-12, and Resolution 2013-13, seconded by Herman Johnson, vote was unanimous 6-1.

Patty Lawler was opposed and voted nay to both Resolutions. Patty Lawler asked if this is a source of confusion having two choices. Should that be considered? This won't affect the financial situation, gives residents a choice

that they don't have now. Herman Johnson stated that he thinks a choice will better the system. Virginia Kehoe stated that Code Enforcement Officer Lori Harris has an excellent relationship with BIU as it stands now and we would like to keep that intact.

c) **Chief contract:** To be discussed in Executive Session.

d) **Resolution 2013-14 La. Cty. REINVEST Grant:** Already voted on earlier.

11. **SOLICITOR'S REPORT:** **Solicitor Rogan**

12. **CORRESPONDENCE:**

- **Valero – Letter from DEP:** We are just being alerted as a third party.
- **Thank you from The Moyer's:** Work done on Maple Street wrote a thank you to Tom Carter's group Lackawanna county drug corp.
- **Abington Bridge Club:** Been discussed

Recess at 9:09pm

Reconvened at 9:33pm

David Jenkins made a motion to recess and reconvene at 6pm on August 14, 2013, Seconded by Patty Lawler, motion was unanimous 6-1 with Herman Johnson voting nay.

13. **EXECUTIVE SESSIONS:** **President Carey**

- **Prior- July 30, 2013 Personnel**
- **During-**
- **Subsequent-**

14. **ADJOURN:** **President Carey**

These meeting minutes are respectfully submitted by Jennifer Schmidt.