

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
Wednesday, September 4, 2013**

The regular September Meeting of Borough Council was conducted on Wednesday, September 4, 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. Roy Davis, Mr. Dominic Scott Recording Secretary Virginia Kehoe, Chief Joe Laguzzi and Solicitor Rogan. Mr. David Jenkins was absent.

CALL TO ORDER: **President Carey**

MEDITATION: **Mayor Kelly**

PLEDGE OF ALLEGIANCE: **Mayor Kelly**

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

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

- **July 30 Council Work Session**
- **August 6 Regular Council Meeting**
- **August 14 Council Meeting Reconvene**
- **August 27 Council Work Session**

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

3. PUBLIC COMMENT & INPUT: **President Carey**
Gerard Hepman with the Lackawanna County Community Relation Department discussed programs and events that are available to the Borough.

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

5. BOROUGH TREASURER'S REPORT **President Carey**
Herman Johnson made the first motion to approve the Treasurers Report, seconded by Roy Davis, motion passed 6-0.

6. COMMITTEE REPORTS:

- **Building & Plant** Pat Williams, Chair
- **Finance Committee** Dominic Scott , Chair – Update on 2013 YTD

Dominic Scott stated that we have our budget through August and the Borough is doing better than anticipated. Expenses are those that they had anticipated, kept in line with those. Income has exceeded expectations, due to the Earned Income Tax which is greater than anticipated. Had been going down for the past several years but this year we were greatly surprised that it has increased tremendously. Virginia Kehoe stated that the expenses were as budgeted, our income is much better. The budget for next year, we don't know what to expect with EIT for next year, better to stay conservative. Roy Davis asked why more money came in for the first part up to August, do you think we will be that far ahead in December. Virginia Kehoe stated that part of the reason that our numbers were down is because of the issues with the Don Wilkinson agency. There were some issues with property lines, to make sure the properties are in the Borough or belong to other municipalities. Bernheimer is involved now and there is much more clarity with the tax issues. She has been working with them to make sure they are informed on all of the businesses in town. She thinks it will hold throughout the year. Roy Davis asked about the Don Wilkinson issue, have we received the appropriate funds. We received \$11,000 from the agency it is the final payment for what was held and un-cashed at that point. The issue is done though. Herman Johnson is concerned with the Borough's spending from every department because he doesn't want to give false hope that the Borough is doing well financially. It can change at any time.

- **Grant Committee** Patty Lawler, Chair

- **Recycling Committee** Patty Lawler, Chair

Patty Lawler discussed the new trash cans with wheels that will be available for the Borough's Senior Citizens. Ms. Lawler stated that in 2011 the Borough recycled 626.9 tons of residential and commercial recyclables get check for \$7,700 and we are having a pre bid meeting for the trash bid on Monday September 9th. Virginia Kehoe stated that 3 haulers stopped in the Borough to pick up bid specs so far. Patty Lawler stated that we have begun the beautification of downtown Clarks Summit. Ms. Lawler thanked Judge Barrassé's drug court which is headed by Tom Carter. The workers mulched, trimmed and planted. Rotary Club trash cans have been painted with a worker whose name is Raider. He has been very helpful.

- **Insurance Committee** Roy Davis, Chair

- **Personnel Committee** Gerrie Carey, Chair

- **Public Safety/Safety** Pat Williams, Chair

- **Public Works** Herman Johnson, Chair

Virginia Kehoe stated that the paving project is mostly done. American Asphalt is coming back to make adjustments for handicapped accessible ramps on Zimmerman and Barrett Streets. They are working with Bob Naegele on their punch list. DPW are working on Knapp Road for prep for next year's paving. Herman Johnson commended Public Works stated that they have done a lot of extra work and done a great job.

- **Recreation** Dominic Scott, Chair

- **Additional comments from Council**

Herman Johnson was informed by Junior Council members would like to be reappointed. Greg Johnson and Matt Remus are the Junior Council Members. Virginia Kehoe stated she would put their names back on the agenda if Council is amenable to that. Council agreed that is a good idea.

7. POLICE REPORT:

Mayor Kelly

Chief Laguzzi read off the police report. Herman Johnson asked about the overtime hours. Chief Laguzzi stated that there was vacation time and the extra time for DUI checkpoints which we will be reimbursed. Mr. Johnson discussed putting fliers and giving information to our senior citizens about the phone scams that are becoming more prevalent. The Chief will coordinate with the Scranton times to make sure they get the information out about the scams. Trying to keep our senior citizens informed. Patty Lawler asked about the truck scales. She stated that the truck traffic seems to have diminished. Officer Ed Orzalek is the one working with the scales and trucks are stopping before they head into the Borough. Word is out that trucks are being weighed in the Borough; the trucks are taking other routes also. Pat Williams discussed the situation in the Borough with the man that was arrested on Melrose who had a large amount of weapons in his apartment. Mr. Williams asked if Code Enforcement Officer Lori Harris could start on Melrose and check all the rental properties to make sure we know who is in the buildings. Make sure their registrations are current. It is helpful to have the names if available. The chief did work with Ms. Harris that morning and she did have all the information available. Mail something so the landlords can verify their tenants.

8. VENDOR PAYMENTS TO BE RATIFIED: President Carey

Herman Johnson made the first motion to ratify vendor payments, seconded by Patty Lawler, motion passed 6-0.

9. OLD BUSINESS: President Carey

- **Update re: Ordinances to be discussed by committee - Neighborhood Preservation, Loitering, Trash and Fences (Committee - Patty, Pat and Gerrie)**

Virginia Kehoe stated that the committee is planning on meeting very soon on this matter. Ms. Kehoe did get some information about setbacks and heights of fences and she forwarded that to the members. Patty Lawler wanted to wait until the middle of September to meet. Code Enforcement Officer Lori Harris will be available to meet with the committee also.

- **Border Realty update**

Solicitor Pat Rogan stated that he has talked to the other lawyer and it is just about done. Atty. Rogan wanted to get language in the contract for the EDU price. Virginia Kehoe did state that the contract does say it will mirror what South Abington pays. Want to make sure that Border Realty knows the rate will go up. Herman Johnson asked if we are agreeing to the 175 EDU's. That is correct. If they want more EDU's, they would have to come to the Borough and we would have to make a new agreement. South Abington has signed the agreement with Glenburn and the Sewer Authority does not need to sign the agreement they are fine with it. Herman Johnson stated that what he likes about our Council is that they can argue among each other but they come up with a solution to problems. Virginia Kehoe stated that Council can vote on this in the October meeting. David Jenkins also wants to be present for the vote.

- **Summit Ave Property**

We have for sale signs on the property. Finance Committee needs to return phone calls from people that are interested. Virginia Kehoe stated that she will get the specs for the Summit Avenue property for the finance committee.

- **EMA Truck**

Had one phone call from someone interested possibly. The Blue Book value is approximately \$4,200.

10. NEW BUSINESS:

President Carey

a) Resolution 2013-19 LSA – Lackawanna County Flood Project

Virginia Kehoe stated that Steve Armillay approached the Borough about being the lead on a multi municipal grant and specifically it is named the Lackawanna County Flood Project. It's to address storm water issues that he feels Clarks Summit Borough has the most to gain. We need to pass Resolution 2013-19 authorizing us to sign the paperwork on it. Herman Johnson made the first motion to pass Resolution 2013-19, seconded by Pat Williams, motion passed 6-0.

b) Realty Transfer Tax update

Virginia Kehoe stated that she researched this with other Lackawanna county communities. Scranton realty transfer tax is at 3.4%. Every other community in Lackawanna County is at 1%. Pat Williams was the one to make this suggestion for the increase for the Realty Transfer Tax. We are at par with every other community other than Scranton. Herman Johnson stated we would need to be researched much more. Do we want to ask our Solicitor to work on this if we feel this is workable? Pat Williams stated that he would like the Borough to look into this more. The 1% is split between the buyer and seller. It affects the bottom line cost of the house. Herman Johnson stated that he doesn't think this is worth looking into this anymore. This will be taken off the agenda.

c) Sewer delinquencies

Virginia Kehoe stated that the Borough Solicitors were looking into whether or not they felt it was appropriate for the Borough to advertise delinquent accounts. Solicitor Dan Mulhern stated that there is federal law which doesn't allow harassment or embarrassment of people this is where we would have a conflict. This can open the Borough up to class action law suits. Virginia Kehoe suggested letting Jenn Basalyga-Schmidt work on the sewer billing for a couple of months to see if we can find a successful way to do it. Herman Johnson asked how much is delinquent at this time. Virginia Kehoe stated it depends on how far into the delinquents you want to go. Herman Johnson stated that he came up with about \$120,000 in delinquencies and he agrees with the Solicitor that we as a Borough have the responsibility to go after the delinquents ourselves. The sewer bill is going up and we need to come up with a good solution. Dominic Scott asked about the Borough shutting off water services to delinquencies. Virginia Kehoe stated that after the billing is in house we can get a hold of the delinquents and by the end of October that we can start the process on. A letter goes out, later in the month and they have a certain amount of days to pay. Then we put a note on the door telling them that there is a pending shut off. There is a process for those with health issues. Roy Davis asked would the note on the door be construed as harassment. That procedure is approved by the PUC, plus we have this in our ordinance for years. Roy Davis stated that there is not much worse that you can do to a family than turn off the water. Plenty of people step up to pay their bill or make a payment plan so their services are not shut off.

d) Resolution 2013-20 - Fidelity Bank Account

Virginia Kehoe stated that Fidelity Bank is offering the Borough a bank account that is paying the same interest as PNC, except it is not a sweep. So we will get the amount on our full balance. They also have the best rate for the ACH, which we will be able to offer our sewer customers. It is \$10 a month and .15 cents per account. Additionally we are going to take advantage of remote deposit. Fidelity Bank will loan the Borough, at no charge a check scanner. The checks will then be automatically deposited. Will save a lot of labor in recording all of our payments and with making physical deposits and the money will be in the account a lot quicker. This came about because we were looking into ACH for our residents to pay their sewer bill. Roy Davis made the first motion to open the sewer account with Fidelity Bank, seconded by Herman Johnson, motion passed 6-0.

e) **Municipal Cooperation Agreement – AAJRB**

Solicitor Pat Rogan stated that he talked to Attorney Greg Pascale and it is ready for Council to approve. Patty Lawler made the first motion to accept the cooperation agreement, seconded by Dominic Scott, motion passed 6-0.

Roy Davis wanted the Depot Street to be a monthly topic under Old Business. Virginia Kehoe can give an update on where the Borough stands with Depot Street. Herman Johnson agreed with Mr. Davis good to keep people updated on projects.

11. SOLICITOR’S REPORT:

Solicitor Rogan

• **AACC Lease – Final Product**

Solicitor Dan Mulhern stated that he has spoken with Attorney Ty Wells. They clarified a few issues. Regarding the Borough’s liability, in section 7 of the user agreement they changed the term “indirectly” with “approximately” regarding the standard of care for the Boroughs liability for negligence which is now in line with public policy. They changed the amount in section 4 of the user agreement for the lease amount to \$100 per year instead of \$1. The utility meter needs to be installed so the Gathering Place can pay their own utilities. Otherwise it would be unclear as to what their usage is. Liability insurance needs to be determined they are working with Attorney Wells on that. Pat Williams asked about the amount of liability for the Gathering Place. Solicitor Pat Rogan stated that they will check with the current carrier and get input from Attorney Ty Wells also. Patty Lawler stated that we need to make more provisions for the water meter so it is separate. Herman Johnson stated that he agrees and he stated we need two meters one for them and one for us. Virginia Kehoe stated that the electric meter is already on a separate meter. Solicitor Dan Mulhern stated that Attorney Steve Evers and the 222 W. Grove street conditional permit and the outstanding balance. There is a check coming in this week for \$1,000 the other \$2,000 will be coming in the next few weeks.

Mary Ellen Nichols asked when the signing of the lease will take place. They just have to plug in the liability number. Everyone has agreed and they are good to go. They can start raising their funds.

12. CORRESPONDENCE:

- **American Cancer Society**

Virginia Kehoe stated that the American Cancer Society is asking if Council would mind if they hung flier tags and pole bows on our trees in September for their fundraising event. Pat Williams stated that as long as they take them down. Herman Johnson stated that as long as they are not on the utility poles.

Council can vote on the parking permits at the October Council Meeting.

Virginia Kehoe asked about the Council binders, it is cumbersome and time consuming.

Is it alright with Council if we prepare the information without use of the binders?

Council agreed stating this is fine.

13. EXECUTIVE SESSIONS:

President Carey

- **Prior- 8/6/13 Personnel**
- **During-**
- **Subsequent-**

14. ADJOURN:

President Carey

Herman Johnson made the first motion to adjourn the meeting, Patty Lawler seconded the motion, the vote was unanimous 6-0.