

**BOROUGH COUNCIL SPECIAL MEETING  
SEPTEMBER 24, 2013  
7:00 PM**

**The September Borough Council Special Meeting for the Borough of Clarks Summit was conducted on Tuesday, September 24, 2013, at 7:02pm. The meeting was held in Borough Council Chambers, 2<sup>nd</sup> 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, Roy Davis, David Jenkins, Dominic Scott, Virginia Kehoe, Patricia Lawler and Jr. Council Matt Remus. Absent from the meeting were Pat Williams and Jr. Council Greg Johnson.**

**1. WORKSESSION: President Carey**

**2. PUBLIC COMMENT President Carey**

Frank Wilensky, 713 Linden Street, discussed the rain storm in September which caused a lot of damage in the apartment buildings. Construction crew has been sent. Mr. Wilensky has a storm drain that goes through the middle of his yard; so far they had no problems with any damage or any subsidence etc. He is concerned with the storms in the future. There have been 3 bad storms where he was flooded through the middle of his yard. Virginia Kehoe stated that there is nothing to fear as of now. The question is whose responsibility is it to take care of the water issue. Ms. Kehoe stated that the water is coming down from Clarks Green through his yard and out to the street. In the middle of Mr. Wilensky's yard the two galvanized storm pipes connect. It's about 8 inches from the top of his yard; what happens if it rots through and collapses. He will let the Borough know if anything happens, but whose responsibility is it. Ms. Kehoe stated that we are trying to determine whose responsibility it is. There are different scenarios and the solicitors are looking into the responsibility at this time. Herman Johnson commented on being an EMA Coordinator, when you get notice of severe storms, DPW should be going around looking at catch basins. If you have silt or stone in the basin then the water has nowhere to go but to flood. Mr. Johnson stated that this would be Clarks Summit Borough's responsibility. The DPW has been doing a commendable job but we have to be proactive and have the catch basins cleaned out routinely. Mr. Johnson stated that he was surprised at how fast the water came down and we need to address the catch basins. Commended residents for clearing the catch basins but we all need to work together to do the right thing. The storms are more frequent and more violent. Virginia Kehoe stated that this storm drain is either on Clarks Green property or just in the Borough and it is on private property and the Clarks Summit Borough was not aware of this. We cannot go on private property until the lawyers decide on this. Patty Lawler went around town to discuss the storm damage. Many residents asked about DPW and where they were. They go wherever the worst problem is. David Jenkins stated that the DPW was doing everything that was in their limited powers and resources to do. They were doing their best. Mr. Jenkins disagrees with the Mr. Johnson and says that the storm drains need to be cleaned up on a routine basis not just on an emergency basis. Roy Davis stated that there was so much water that the catch basins couldn't handle the amount of water. The volume of water increases as more areas are paved etc. Patty Lawler stated that Kost Tire took a terrific hit because the water isn't managed coming from Clarks Green, South Abington into Clarks Summit and redirected. They replaced a small pipe with a large pipe and it still isn't able to handle the water. Herman Johnson stated that the catch basins need to be cleaned. David Jenkins stated that on Winola road by the pumping station here is a big pile of silt that has developed there that needs attention. If we clear that out, that is a result from the last storm. There are pictures of this damage already and it does need to be addressed.

Attorney Anthony Piazza spoke to Council representing Depot Street. Attorney Piazza discussed the parking problem that has developed. Employees and customers park for the local restaurants on Depot Street; the stores on Depot Street are closing and tenants are leaving also. One solution would be to limit the amount of time for the parking to be allowed in that area. Attorney Piazza discussed the enforcement of meters in a manner that people are aware so they know the amount of time, suggesting possibly ½ hour parking. Andy Summa is a business owner and Ray Mercado has A-1 Jewelry. They discussed limiting the parking to ½ hour as that

would solve the parking issue. Patty Lawler discussed the ½ hour parking with the police and the meter man George Karros. Virginia Kehoe stated that the cost to replace the meters is not cost effective. When the development continues on Depot Street there will be 13 new spots to park. Herman Johnson suggested taking ½ hour meters and switch them around. Virginia Kehoe stated that we have 2 hours or 10 hour meters. We have to stay with the same meters because the new electronic meters don't function well because of the truck traffic in the Borough. Herman Johnson asked about eliminating the parking meters all together, Council answered that this would probable allow for much longer parking. If businesses adopted the meters in front of the business, that might help. If someone parks there and they are not a customer in that business, just call the police department to address the situation. The meters in front should be for the businesses. Mr. Summa suggested parking signs instead of meters. He cannot keep businesses there for more than a year because of the difficulty with the parking.

**3. JUNIOR COUNCIL OATH OF OFFICE** **Mayor Kelly**  
**Mayor Harry Kelly swore in Matt Remus to the Junior Council.**

- **Trash Contract Bid Opening**  
Virginia Kehoe stated that the Borough received three trash contract bids today, they are sealed bids. Council can review the quotes and that can be awarded in one week. J.P Mascaro , County Waste and Waste Management are the three that presented a bid. Ms. Kehoe opened the bids in front of Council and read off the main quote. Ms. Kehoe will then put all of the information on a spreadsheet so the bids could be compared. Ms. Kehoe will scan bid specs and send them to all three bidders.
- **Shade Tree Commission update**  
Donna Zagrapan addressed Council on the happenings of the Shade Tree Commission. Ms. Zagrapan stated that the Shad Tree Commission has made some progress to increase the tree canopy. Ms. Zagrapan showed Council an example of tri fold brochures that they will put out for the public, for people to purchase a tree to plant in someone's memory, etc.. Whatever the person wants to plant a bare root tree, they will take care of it. They do not have evergreen trees as they cannot be planted in the right of way. There are 50 varieties that can be chosen from. They are trying to get as much tree coverage as they can. The more trees we plant the better coverage we will get for the rains. Trees help with the storms by letting the water drip better onto the ground. More trees, slow water and filter the pollutants, that's where it ties into the Chesapeake Bay initiative. David Jenkins discussed the Maria property and the potential for making that a "pocket park". There is a grant available and we could use the Maria property for that grant.
- **Border Realty Pass-Through**  
Virginia Kehoe stated that David Jenkins had questions for our solicitor about the pass-through agreement. Solicitors Dan Mulhern and Pat Rogan are reviewing this from a legal standpoint. As of now this is legal. Dave Jenkins stated this is something at will not be profitable for the Borough. We need to collect pass through fees from Glenburn Township, but we don't know the numbers for the flow. Mr. Jenkins suggested calling Roto-Rooter and get flow meters on those lines. That way we know what is coming through on the sewer lines. Herman Johnson stated that the bottom line is how much of an increase is coming through the Borough and if something breaks who is doing the maintenance on this. Virginia Kehoe stated that they are maxing out at 175 EDU's. Calculations have to be approved by DEP and the sewer authority got that information before the EDU's were accepted. Mr. Jenkins stated that we need three flow meters; one could be used as a backup. Need to know the initial amount and maybe in 6 months check the flow. Then we could make an adjustment with the cost if necessary. Herman Johnson stated that he feels they need to take time to go through all of the information and they cannot vote on something unless they understand all of the facts.
- **Ordinance 2013-04 Parking Amendment**  
Virginia Kehoe stated that they cannot do the Adopt A Meter program until Council adopts this amendment to the current parking ordinance. Right now the draft ordinance has specific spaces for the parking. By next week Virginia Kehoe needs to know what other specific spaces Council wants included. Patty Lawler stated that she will discuss this with Ms. Kehoe. Ms. Lawler picked certain meters which are available for the program. Herman Johnson suggests tabling both the

parking and Adopt A Meter as we have residents here at the meeting tonight with such parking issues. Roy Davis stated that this has been going on for thirty years. He wouldn't want the public to get the impression that a lot of the problems are because of our negligence. Herman Johnson stated that yes they have had problems for 30 years, let's check this one more time to make sure we reviewed this. We are coming up with a plan to help them out and the citizens out make sure that we are doing the right thing. Maybe we can get new meters from the OECD money. Virginia Kehoe stated that she would find out. Patty Lawler stated that this is our second try. We did try the parking permit for a few months and now we are trying Adopt-A-Meter as a pilot program. Roy Davis stated that we have to be real careful because the grants were very specific and they were geared towards handicapped accessibility. Patty Lawler stated that she thinks that the problem with the businesses on Depot Street is not all parking related. Virginia Kehoe would get the map of the traffic meters from George Karros for Council. David Jenkins suggested leaving this on next week's agenda and see where the program goes for six months as a pilot program.

- **Resolution 2013-18 Adopt-A-Meter fees**  
Virginia Kehoe stated that this Resolution for the fees associated with the Adopt a meter program.
- **Ordinance 2013-05 Borrowing**  
Virginia Kehoe stated that this is the final stage before we can close on that loan for the paving project; it's to adopt a borrowing ordinance. Ms. Kehoe has the Ordinance drafted, the Solicitor put it together for her, it's been advertised and they are going to vote next week.
- **Steve Evers replacement to Sewer Authority**  
Virginia Kehoe stated that they have to vote on Steve Evers being the replacement to the Sewer Authority.
- **Resolution 2013-22 NEIC Fees 20% administrative fees**  
Virginia Kehoe stated that there was a typing error in the last resolution, Council already voted on it, but the official document has to be corrected.
- **Security and Privacy officials / job description**  
Virginia Kehoe stated that HIPAA laws have changed effective this week. This is for privacy with medical records. We need to adopt a privacy officer and a security compliance officer. Then we need to include these duties in their job description. Ms. Kehoe stated that she would volunteer for it. David Jenkins asked why we need this. Ms. Kehoe stated that because she gets private medical information. She has to make sure she has control over who sees the records and file them properly.
- **2013-23 Resolution re: uniform procedures**  
Virginia Kehoe stated that the Borough just received this and that it needs to be an ordinance. Attorney Weinshank stated that this can be voted on as a resolution. This is for a set of uniform procedures for developers for sewer installation. Hopefully, this can be done by resolution, if it needs to be an ordinance it would have to be advertised first.
- **2013-06 zoning amendments**  
Virginia Kehoe discussed the fences and walls issue for the Borough. Ms. Kehoe stated the Planning Commission felt that a 6 foot fence is not an issue. They recommend adopting the amendment to reflect that. There should be a change the size of sheds. They have to meet our required setbacks unless they are 100 square feet or less. The only change that they feel necessary is they should make it 120 ft because it meets more of the standards. Herman Johnson asked if this is for business or residential. Mr. Johnson asked if this was fair for the business people. Virginia Kehoe stated that they have not heard of any issues from anyone but Taylor Sheds, who is asking the question of the Borough. Our noise ordinance has a mathematical problem, they are changing the table. The Planning Commission has also talked about the idea of regulating the news boxes is being discussed, they are not ready to make any recommendations. They are also discussing the Loitering Ordinance, the Nuisance and Abatement Ordinance and the Trash Can Ordinance are all still being discussed.

Roy Davis asked if the Secret Service letter to the Mayor commending the Police Chief has been made public to the media. David Jenkins stated that the situation was handled very well and they deserve a pat on the back and deserve a job well done. Virginia Kehoe showed Council the new sewer billing template. Ms. Kehoe reviewed the template explaining details about the new bill. Roy Davis asked about a discount for the sewer billing specifically. Herman Johnson asked if there is information available for possibilities of discounts with the sewer bill. Rates are adopted

at the beginning of the New Year. Ms. Kehoe asked what numbers Council wanted to use for a yearly discount. Herman Johnson thought Virginia Kehoe would have drafted up something for Council. Roy Davis stated that her advice to Council is very consistent; one recommendation was that we look into being consistent with a 2% deduction. Ms. Kehoe did not know that Council was expecting numbers on the deduction at this time. The bills will be out Mid-October we are aware of it, the due date of October 20<sup>th</sup> is not being implemented. There will be no late fee, but the October is due regardless. The bill is mailed quarterly and the payments can be quarterly or monthly. Council did agree to a 2% reduction for yearly payment.

David Jenkins discussed the orange light on the EMA truck being removed. Virginia Kehoe stated that she did get the message and it will be removed.

**4. REVIEW OF OCTOBER 2, 2013 AGENDA**

**5. ADJOURN:**

**President Carey**