

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
Wednesday, October 2, 2013**

The regular October Meeting of Borough Council was conducted on Wednesday, October 2, 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. David Jenkins, Mr. Dominic Scott, Recording Secretary Virginia Kehoe, Chief Joe Laguzzi, Solicitor Rogan, Jr. Council Greg Johnson and Jr. Council Matt Remus.

CALL TO ORDER: **President Carey**

MEDITATION: **Mayor Kelly**

PLEDGE OF ALLEGIANCE: **Mayor Kelly**

WHITE RIBBON CAMPAIGN PROCLAMATION **Mayor Kelly**

Mayor Harry Kelly read the White Ribbon Proclamation, Pat Williams handed out white ribbons to those present at the Council meeting.

OATH OF OFFICE FOR GREG JOHNSON **Mayor Kelly**

Mayor Harry Kelly read the Oath of Office for Jr. Councilman Greg Johnson.

PUBLIC COMMENT PERIOD FOR ORDINANCE 2013-04 PARKING AMENDMENT AND 2013-05 BORROWING **President Carey**

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

David Jenkins made the first motion to approve the agenda, seconded by Patty Lawler, motion was approved 7-0.

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

- **September 4, 2013 Regular Council Meeting**

David Jenkins made the first motion to approve the minutes, seconded by Patty Lawler, motion passed 7-0.

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

Rich Grenfeld, 302 Marion Street, discussed flooding issues. His concern is the drain box behind the "Krenitsky's" house which overflows. Mr. Grenfeld discussed the September flooding issue that the Borough had. The water crosses Center Street and comes up to his foundation. His point is that when the drain box is cleaned they hardly have a problem with the flooding. He was asking if there was a schedule where the DPW can come more often to make sure the drain box is cleaned. Herman Johnson commented that the Borough has to have a scheduled maintenance program for these catch basins. Mr. Johnson suggested a "clean out program". Roy Davis discussed the flooding issue and stated that these flash storms can catch you off guard, after the accumulation of leaves that come down. He agrees that if there is a storm coming, have high volume areas where the problems happen, keep an eye on them. Mr. Davis stated that so much blacktopping that has been done and there is less area for the rain to go. Patty Lawler stated that she and Mr. Grenfeld and the Krenitsky's all spoke after the flood and discussed the situation. Patty Lawler also discussed this area on Center Street. Virginia Kehoe stated that the trash racks are where the creek goes underground and there is a screen in front of it. There are trash racks in this area. Ms. Kehoe stated that the DPW was at Miles and Kost where the flooding was worse. We need to have steps and measures in place when these storms are happening.

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

- **2014 Trash Contract**

Sam Augustine, Director of Sales with J.P. Mascaro, also present was Al Degenarro as Deputy Council for the firm. Mr. Augustine discussed the legality with the trash contract. Mr. Augustine stated that they gave excellent pricing for the contract that they bid on. Mr. Augustine discussed the other bids. Commented on the excellent service and pricing that they are willing to provide. The issue is with a bid which is lower however the “consent assurity” is a financial document that is in many bids, it is a financial instrument that every Municipality should have because it protects the Borough. That guarantees the Borough if they are the low bidder they will bond this contract over 5 to 7 years, that they have the wherewithal to service the community for 5 to 7 years. Rates are guaranteed. They are the lowest responsible bidder that is what they have. Patty Lawler asked about the “consent assurity”, why is this so important. Consent Assurity is the bonding company saying that if someone is going to bid over many years, the bonding company is saying they guarantee that Mascaro is going to service this community. Al Degenarro stated that the bid specifications made it very clear that certain things had to be included in the bid. Read off the language in the bid specifications. County Waste did not include the consent assurity. A bid bond and consent assurity are two totally different things. Therefore, County Waste’s bid is not valid. Roy Davis stated that J.P. Mascaro has been great. Tony ? from County Waste, spoke to Council. Mr. ?? stated that when you are given a bid bond, they wouldn’t give you one if they weren’t going to give you the assurance bond. They felt that the language in the bond covered that and that is why the assurance bond wasn’t included in the bid. He discussed their credentials with Council. He stated that County Waste is more than qualified to do the job for the Borough. He stated that they are the lowest responsible bidder on this bid. Patty Lawler stated that there is no recycling fee. They are using one truck that is split. The split hopper truck picks up trash and recycling. They can take care of 600 homes a day with this equipment. Greg Johnson asked questions about the costs listed in the bids. Pat Williams stated that when the Borough was struggling J.P. Mascaro helped with a 2 year contract. Mr. Williams stated that they helped us financially in the community a few times. Herman Johnson stated that because there is a legal issue here that he doesn’t think that a lot of people reviewed the documents. David Jenkins stated that they did not get the complete bid forms. Virginia Kehoe stated that the bids are large, in binders. He stated that they want to make sure they are getting the right service for their residents. Herman Johnson stated that they need the Solicitors opinion. Pat Rogan stated that questions had been raised, and he is not ready to give his review on this. He will review the documents and tonight’s discussion was helpful. David Jenkins voted to table the trash contract decision and Roy Davis seconded the motion, motion passed 7-0. Council will not be voting tonight. Council decided to reconvene at 7pm on October 9, 2013.

More Public Comment: Terry Barrett, Ash Street, discussed water problems in the Borough. They have had a significant water problem. It is Clarks Green and South Abington’s water that is coming down the road. Work is being done on Abington Road and they were putting in the catch basins, and the catch basin at Ash and Park. The state is doing this work; she wanted Council to be aware. Herman Johnson discussed the work being done on Abington Road. Patty Lawler stated that she and Attorney Dan Mulhern looked at the situation and she is working on it and trying to be proactive on this issue. Mr. Johnson stated that the pipes need to be 10 inches. Discussed Kost tire and the pipe there were filled with silt, need bigger pipes and all three municipalities need to work together. The storms are coming and the ground can only take so much and we have had storms worse than this. Ms. Barrett stated that the creek comes down and it is collapsed on one side. Patty Lawler asked if the C.O.G may be a good place to start.

Janine Port spoke to Council, suggesting a schedule for cleaning the storm drains. She was a volunteer EMA who went out the evening of the storm and helped where possible. Pat Williams asked if we could set up a program where the drains can be cleaned. Water is such a big issue and a big problem. Do we have a program? Virginia Kehoe stated that they routinely go and check the trash racks. As the water gushes down brings debris down with it. One of the biggest problems is that there are 6 trash racks and 6 full time men and they cannot be there for everyone, all the time. Herman Johnson stated that Virginia Kehoe is right, but when you see the water coming out of the catch basins when the next storm comes. They cannot check them every week but between May and November, the rainy season they can. If they check the trash collection spots and the catch basins, that would alleviate some of the problem. Virginia agreed completely thinks that the trash racks are checked often. It all washed down with the rain; keep a team there to empty it. Checklists of every storm drain in town and go out at the beginning and end of the season. It is not that organized we do respond to phone calls. Virginia Kehoe welcomed any information concerning the storm drains. Patty Lawler discussed the tree on Lansdowne, Virginia Kehoe stated that would be brush and would be picked up once a month by the DPW. David Jenkins asked about the catch

basin behind his house. Virginia Kehoe stated that she would look into that. Mr. Jenkins stated that there are more storms forecasted for Monday and Tuesday.

- **EMA Vehicle** Verbal offer was made on the EMA Vehicle.
- **Summit Ave property** No bids available. David Jenkins made the motion to table the votes for the EMA Vehicle and the Summit Avenue property, Herman Johnson seconded the motion, motion passed 7-0.

5. BOROUGH TREASURER'S REPORT

President Carey

Herman Johnson made the first motion to approve the Treasurer's Report, seconded by Dominic Scott, motion passed 7-0.

6. COMMITTEE REPORTS:

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

Dominic Scott stated that they put together a preliminary budget for next year that is balanced and they will be meeting. Herman Johnson asked what the preliminary figure is. Virginia Kehoe stated that it is 2.679 million, balanced within \$150. Income is expected to be higher. Not ready for presentation yet.

- **Grant Committee** Patty Lawler, Chair
- **Recycling Committee** Patty Lawler, Chair

Patty Lawler stated that we will be receiving a 7600 check for recycling effort for 2012. Virginia Kehoe stated that the scale money was deposited today \$19,500.

- **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 stated that the television stations are reporting heavy storms for Monday and Tuesday. What is the status on the sewer bills? Virginia stated that the first bill is going to be delayed, they will go out mid-October. Mr. Jenkins stated that he had not seen anything in the local paper. Have been trying to get the message out to people it is on the billboard and the website. People are already making their October payments because they just know.

7. POLICE REPORT:

Mayor Kelly

- **Assault Rifle Policy and Training** Chief Laguzzi

Herman Johnson asked if the Chief talked to the seniors in the area about the fraud situation. The Chief stated he will present the information to the seniors and answer any questions they have. Herman Johnson asked the Chief about the assault rifles and how is the training. Chief Laguzzi stated that the training is complete. He will have the policy at the next work session and he will present this to Council. They are all set and just need a meeting on the policy and have everyone sign off on it. Pat Williams complemented the Chief on the good job they did during the storm. Herman Johnson asked if they did receive an EMA report. Virginia Kehoe spoke to Joe Krott about a report. Patty Lawler discussed the parking on Lansdowne during the football game. The Chief has 7 officers scheduled for the upcoming game.

8. VENDOR PAYMENTS TO BE RATIFIED:

President Carey

Patty Lawler made the first motion to pay the bills, seconded by Dominic Scott, vote was unanimous 7-0.

9. OLD BUSINESS:

President Carey

- **Sewer Authority - Replacement for Steve Evers**

Virginia Kehoe stated that Steve Evers gave his resignation. He made a recommendation that Cesare Lopez take over. David Jenkins made the first motion to have Steve Evers be replaced by Cesare Lopez, Herman Johnson seconded the motion, the vote passed 7-0.

- **Border Realty Pass-Through Agreement**

David Jenkins made the first motion to table the Pass through Agreement, seconded by Patty Lawler, vote was unanimous 7-0. Herman Johnson stated that he agrees with David Jenkins but how much more information to they need. What other questions are going to come up. Gerrie Carey stated that they still wanted to discuss issues such as the pass through fees and who will they be paying their sewer bill to. Virginia Kehoe stated that this is a contract with the three Municipalities, not the sewer authority. Virginia Kehoe stated that the Borough will bill Glenburn for the pass throughs, we do not bill them directly because they are not directly connected to us. David Jenkins discussed the flow meters stating that this is a priority. Virginia Kehoe stated that she does need to check with Co-Stars for pricing. We do have reads from a few years ago that could be a base line. Herman Johnson asked if the city of Scranton maybe would let us borrow their meters.

- **Ordinance 2013-04 – Parking Amendment**

Virginia Kehoe stated that they have advertised this amendment. David Jenkins made the first motion to adopt a \$35 penalty, if not paid in 10 days, it goes up to \$50, seconded by Patty Lawler, Herman Johnson abstained from the vote, vote was unanimous 6-0.

- **Resolution 2013-18 - Adopt-a-Meter fees**

David Jenkins made the first motion to approve the Adopt A Meter fees, seconded by Patty Lawler, Herman Johnson abstained from the vote, motion passed 6-0.

- **Ordinance 2013-05 – Borrowing**

Virginia Kehoe stated that she advertised the Borrowing Ordinance along with another ordinance in the same advertisement. The advertisement has to be forwarded to the DCED and it needs to be exclusive. We can run a new advertisement in Friday's paper, reconvene next Wednesday, and Virginia Kehoe is asking that this be tabled until then.

10. NEW BUSINESS:

President Carey

- a) **Resolution 2013-21 re: Police Pension Calculations**

Virginia Kehoe stated that AFG stated that Council needs to pass this for the records. David Jenkins made the first motion to pass Resolution 2013-21, seconded by Herman Johnson, motion passed 7-0. Pat Williams asked what "smoothing" means. Chief Laguzzi explains that when there is a loss in the actuarial number in the pension fund, the loss is spread out over time.

- b) **Security and Privacy Official**

Virginia Kehoe provided a job description for these two positions to Council, for Ms. Kehoe to add to her folder. David Jenkins made the first motion to approve Virginia Kehoe as the Security and Privacy Official, Herman Johnson seconded the motion, the vote passed 7-0. Herman Johnson asked if Ms. Kehoe is going to keep this information in a secured area. Ms. Kehoe has locked cabinets for the personnel information.

- c) **Security and Privacy officials / job description**

- d) **2013-24 Meter Suspension – scarecrow building**

The ABPA has asked for meter suspension. Herman Johnson made the first motion to approve 2013-24, seconded by Pat Williams, motion passed 7-0.

- e) **2013-25 Meter Suspension – ABPA Holiday Open House**

- f) The ABPA has asked for meter suspension. Herman Johnson made the first motion to approve 2013-24, seconded by Pat Williams, motion passed 7-0.

- g) **2013-26 Resolution re: Depot St – CDBG 2013 Monies**

This is for Resolutions that need to be passed for this year's monies to be put towards the Depot Street project. As an update, Ms. Kehoe stated Michelle Giovignoli is leaving. Herman Johnson suggested writing her a thank you note for all of her help. Ms. Kehoe stated that the Environmental Impact Study still has not been completed. Patty Lawler suggested writing a letter to the county to gently encourage progress. Ms. Kehoe also recommended a phone call from Council members may be helpful. Herman Johnson asked if Bob Naegele could do the work. Ms. Kehoe stated that Mr. Naegele could but he would have to be paid through the Borough, not CDBG money. Herman Johnson stated that the people on Depot Street really want this and we don't want to let them down. Pat Williams made the first motion to pass Resolution 2013-1-26, Herman Johnson seconded the motion, vote passed 7-0.

Virginia Kehoe stated that Gerard Hepman was not able to stay for the meeting but Mr. Kehoe read off information that Mr. Hepman left for Council.

11. SOLICITOR'S REPORT: Solicitor Rogan

12. CORRESPONDENCE:

- **None**

Pat Williams stated that at the last COG meeting Comcast was discussed, they want to lower what they are paying to Municipalities. Virginia Kehoe stated that we get 3% and we have had the option to raise the rate to 5%. Ms. Kehoe stated that the Borough receives about \$40,000 a year. If we increase the fee from 3% to 5% the increase will go directly to the customer's bill. Herman Johnson stated that he hopes all those at the COG meeting are aware of that.

Virginia Kehoe stated that Council will recess, not adjourn. Council will reconvene 7pm next October 9, 2013. Trash contract and vote on borrowing ordinance can be discussed. Do we have documents from County Waste. Yes the lawyer has the information. Patty Lawler would like to take a look at the information.

Roy Davis discussed the food truck in the community. Mr. Davis stated that legally they have a permit and are legal to be here. For residents and business people who are here day to day, it is their livelihood, it defies logic. This is a small community and the customers and owners of restaurants ask how we can allow this to happen. Virginia Kehoe stated that right now the Borough doesn't have an ordinance preventing the food trucks. There is no tool to prevent them. Roy Davis stated that he doesn't think the amount of money is relevant for the permit. That doesn't make a difference to the restaurant owners. Herman Johnson stated that when he had surgery there were around 6 food trucks around the hospital. Mr. Johnson's question is if you are charging for a permit wouldn't that come under some kind of ordinance. They need a permit to sell food in a CC zone which is the permit they obtained. Mr. Johnson stated that the city of Scranton came up with an ordinance for the parking. Mr. Davis stated that they are parking right in front of the businesses and livelihood that is people we should be defending. Mr. Davis stated he would like to see Borough Council come up with a way of protecting these businesses, by discourage the food trucks. David Jenkins disagreed with Roy Davis stating that if Mr. Davis wants to take that position that he is against the food trucks that is up to him but Mr. Jenkins doesn't think the rest of Council should be forced to take the same position. Mr. Jenkins is not against the food trucks. It's got to go before the Planning Commission then it will get to Council to vote. Virginia Kehoe stated that potential regulations are in the works and it will continue to be addresses. Our ordinance says if they are in business less than 180 days they don't need a business registration. The permit is one-time fee. Herman Johnson stated that he did think an executive decision would be helpful. The Solicitor doesn't have an opinion yet and we should wait for that.

13. EXECUTIVE SESSIONS: President Carey

- **Prior- None**
- **During-**
- **Subsequent- None**

14. ADJOURN: President Carey