

**BOROUGH OF CLARKS SUMMIT  
BOROUGH COUNCIL MEETING  
Wednesday, November 6, 2013**

The regular November Meeting of Borough Council was conducted on Wednesday, November 21, 2013 at 7:00 P.M. The Meeting was held in Borough Council Chambers, 2<sup>nd</sup> 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, Ms. Patricia Lawler, Mayor Harry Kelly, Mr. Roy Davis, Mr. Dominic Scott, Mr. Pat Williams, Mr. David Jenkins, Recording Secretary Virginia Kehoe, OIC Chris Yarns, Solicitor Mulhern, Jr. Council Greg Johnson, Jr. Council Matt Remus

**CALL TO ORDER:**

**President Carey**

**MEDITATION:**

**Mayor Kelly**

**PLEDGE OF ALLEGIANCE:**

**Mayor Kelly**

**PUBLIC HEARING ORDINANCES 2013-06 ZONING AMENDMENTS AND 2013-07  
CURATIVE AMENDMENT**

**President**

**Carey**

Roy Davis stated that the improvement that Caregivers America made for that area of Clarks Summit has been wonderful. Mr. Davis stated that he can only congratulate Mr. Bartoletti for the work that has been done. It's a gateway coming into Clarks Summit; it was an eyesore at one time. Dominic Scott asked if he had any problem driving in and out of there. Mr. Bartoletti stated that because Knapp Road is also an exit, that is helpful if you want to go out the back way. Roy Davis stated that maybe PennDOT would consider putting a flashing light or something to slow the traffic down in that area. The police come with the portable meters that measure the speed. David Jenkins made a motion to approve Ordinance 2013-07, seconded by Roy Davis, vote was unanimous 7-0. Herman Johnson made the first motion to approve Ordinance 2013-06, seconded by Patty Lawler, vote was unanimous 7-0.

**1. APPROVAL OF AGENDA:**

**President Carey**

David Jenkins made the first motion to approve the agenda, seconded by Herman Johnson, vote was unanimous 7-0.

**2. APPROVAL OF MINUTES:**

**President Carey**

- None

**3. PUBLIC COMMENT & INPUT:**

**President Carey**

Dori Waters updated Council on the Gathering Place. Capital Campaign committee is raising funds and has a commitment of \$5,000 from one person. On 11/14/13 the Gathering Place is holding a media event, inviting local papers, TV, showing what they are doing to improve the first floor of the Borough Building. Ms. Waters invited Council to come, will be informative.

Gerard Hepman from the Lackawanna County Community Relations discussed happenings in Lackawanna County.

**4. BIDS & QUOTATIONS:**

**President Carey**

- **2013 SSES Bids (accept bid from National Water Main for \$169,621.00)**

Virginia Kehoe stated that last week they opened up the bids for the sewer cameraing and repair project. The low bid came from National Water Main. Bob Naegele reviewed the bid and it meets all of our standards and Mr. Naegele recommends we accept this bid. David Jenkins made the first motion, seconded by Dominic Scott, vote was unanimous 7-0. Herman Johnson asked how many lines we are doing. Virginia Kehoe stated she could print the bid specs out for him. The bid is in target with what Bob Naegele projected. They are a very large firm from Newark, New Jersey.

**5. BOROUGH TREASURER'S REPORT**

**President Carey**

Roy Davis made the first motion to approve the treasurers report, seconded by Patty Lawler, vote was unanimous 7-0.

**6. COMMITTEE REPORTS:**

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

Dominic Scott stated that the budget at this time is balanced 2.6 million. Herman Johnson asked about the capital reserve. Mr. Scott stated that they are trying to put more money in the capital reserve.

- **Grant Committee** Patty Lawler, Chair
- **Recycling Committee** Patty Lawler, Chair
- **Insurance Committee** Roy Davis, Chair - change in dental coverage (savings \$5,636.06)

Virginia Kehoe stated that Roy Davis had an update. Current dental provider Met Life and through Benecon we are able to go through United Concordia and have the same identical benefits for \$6,000 savings. Roy Davis made the first motion to accept the change and commend central office staff for this ongoing savings, seconded by David Jenkins, vote was unanimous 7-0. Dominic Scott stated that it is important to look into different insurance carriers from time to time. Herman Johnson stated that all of our policies should be reviewed every year. Virginia Kehoe stated that in the spring, the insurance agent checked out lowest rates. Benecon is self-insured, a trust, when they save money they pay it back in the form of dividends. We have gotten back dividends every year from Benecon since we have been with them. They had the lower rate to begin with then we get between \$2-\$20 thousand in dividends.

- **Personnel Committee** Gerrie Carey, Chair
- **Public Safety/Safety** Pat Williams, Chair
- **Public Works** Herman Johnson, Chair

Herman Johnson stated that the DPW is out there collecting leaves. Put leaves to the curb but not past the curb so the catch basins blocked up. If we get complaints be aware that leaves are still on the trees. Virginia Kehoe stated that they will continue through Thanksgiving. If we don't have snow after Thanksgiving they will continue. Weather

permitting; we need to prep trucks for snow. Virginia Kehoe stated that salt spreaders are on every truck but two.

- **Recreation**
- **Additional comments from Council**

Dominic Scott, Chair

**7. POLICE REPORT:**

**Mayor Kelly**

Overnight Parking ban is in effect. David Jenkins wanted to make sure people are warned. Do public service in the newspaper? It is ongoing every year but people may forget. It is on Facebook, bulletin board and the website. Discussed a man who was rescued from the Falls area, Clarks Summit Police Department helped in the search and found the man. Roy Davis asked if the family has done anything to prevent that from happening again with the man. Does he have to be watched? Chris Yarns stated that he doesn't know what his condition is at this moment. Herman Johnson commented the excellent police work also that he should be commended on the overtime being down. Patty Lawler asked about the Adopt a Meter, has that turned into a quagmire. Chris Yarns stated that it is a noble cause but there are some issues that have come up. There is an enforcement issue, they don't know if the person at the parking meter is at the store they are parked at. Patty Lawler stated she can stop by and talk to Chris Yarns and see if they can come up with something. David Jenkins discussed a card that would be a "get out of jail card" that they could include in a ticket. Roy Davis stated if it doesn't work out, Council should be up front enough to say the effort and interest is there. It is a pilot program. Patty Lawler stated change is hard to implement but that is why we want to push on the Depot Street parking improvement. We will revisit this. David Jenkins asked if there in any improvement on the Winola Road speeding. Chris Yarns put the speed sensor there and moved it because they needed it on Linden Street. Virginia Kehoe stated that residents are asking about Linden Street paving and we are getting information for the traffic count. Patty Lawler asked about liquid fuels money, Virginia Kehoe explained that the liquid fuels money goes to pay for the loan.

**8. VENDOR PAYMENTS TO BE RATIFIED:**

**President Carey**

Herman Johnson made the first motion to pay the bills, seconded by Patty Lawler, motion passed 7-0.

**9. OLD BUSINESS:**

**President Carey**

- **Depot Street – Engineer**

Herman Johnson discussed the cost situation and running into the unknown. Virginia Kehoe stated that the vote tonight is to take the engineering out of the project that would leave the additional money for the rest of the work. Mr. Johnson stated that he worries about the unknown costs. He doesn't want to hold up the project on Depot Street. Patty Lawler stated that there was a discrepancy with the grant funding. These issues with the utilities were never mentioned we were getting period lighting, new sidewalks and new streets. It is very dark on the North end on Depot Street. It might be best to work in stages. David Jenkins stated that Bob Naegele would work with us with his payment if we needed to stretch it out to the New Year. We will be able to trust Mr. Naegele. Roy Davis made the first motion to retain Bob Naegele and Colwell Naegele as the Engineers for the Depot Street project, seconded by David Jenkins, vote was unanimous 7-0.

Virginia Kehoe suggested a committee for this project. Roy Davis volunteered, Patty Lawler, Herman Johnson and Gerrie Carey all volunteered to be on the committee.

**10. NEW BUSINESS:**

**President Carey**

- a) **Ordinance 2013-07 Curative Amendment**
- b) **Ordinance 2013-06 Zoning Amendments**
- c) **Resolution 2013- 27 Returned Check fee policy:**

Virginia Kehoe stated that since the sewer billing has been brought in house, there have been checks with insufficient funds returned to the Borough. This resolution would assess a \$25 fee. David Jenkins suggested a \$50 fee. Roy Davis stated that the \$50 is punishing people. David Jenkins amended his suggestion to charge \$30 for bad checks. Dominic Scott asked if our predecessor had the same issue, and what did they do. Virginia Kehoe stated that they wouldn't have assessed a fee they would have just debited the account again. Herman Johnson suggested tabling this until we see how many bad checks we get. Don't jump to penalize something when there are only 2 checks that came back. David Jenkins stated he would rescind his motion so that is not an issue. Herman Johnson stated that there is such a problem with delinquency but we want to see if these checks coming back are a problem or just a circumstance. Resolution was tabled.

**11. SOLICITOR'S REPORT:**

**Solicitor Rogan**

- **Training session on Sunshine Law and Executive Sessions**      **Dan Mulhern**

Dan Mulhern stated that they are working on the parking ordinance a couple issues that need to be hashed out with private citizen purchase or business person. Patty Lawler stated that the last two parking spaces could be used in the employee parking for overnight parking. Herman Johnson stated that with the parking ordinance to give it more time to tweak it. The issue with businesses and overnight parking is what if someone has a handicap and parks in that area. We don't have handicapped parking on Depot Street. We want a level playing field for everyone; revisit this every time we meet to we can smooth this all out. Mr. Mulhern asked for more recommendations from Council. Chris Yarns stated that enforcement is 9am-5pm but one problem is overnight parking. When the plows come the cars are still there and that causes an issue with snow removal. Solicitor Mulhern stated that the neighborhood preservation, the nuisance and loitering issue can be worked on, but they are waiting for Planning Commission decision before they continue. Solicitor Mulhern discussed the Sunshine Law. He handed out information about the Sunshine Law. There has not been any perceived violation; this is just an informative session. Solicitor Mulhern stated he will present this information to the new Council when they come in January 2014. David Jenkins asked if there are penalties for those responsible for releasing confidential information given during an Executive Session. Solicitor Mulhern stated there is a penalty for that. Council discussed different scenarios with the Solicitor and what are proper and improper procedures. Herman Johnson stated that there is difference between the Sunshine Law and the Ethics Committee.

**12. CORRESPONDENCE:**

**13. EXECUTIVE SESSIONS:**

**President Carey**

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

**14. ADJOURN:**

**President Carey**

David Jenkins made the first motion to adjourn the meeting, seconded by Roy Davis, motion was unanimous 7-0.