

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
DECEMBER 4, 2013**

The regular December Meeting of Borough Council was conducted on Wednesday, December 04, 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, 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. Absent from the meeting was Jr. Council Matt Remus.

CALL TO ORDER:

President Carey

MEDITATION:

Mayor Kelly

PLEDGE OF ALLEGIANCE:

Mayor Kelly

PUBLIC HEARING – Ordinances 2013-09 TAN

2013-10 General Fund Millage

2013-11 Sewer Billing

2013-12 Debt Service Millage

Virginia Kehoe stated that these four Ordinances are voted on every year and they deal with the taxes for the upcoming year. These Ordinances have been advertised, we offer a moment for public comment should there be any. There were no comments from the public.

VISIT FROM ARWA REPRESENTATIVES

President Carey

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

- **September 24 Council Work Session**
- **October 2 Council Meeting**
- **October 9 Council reconvene**
- **October 21 Council reconvene**

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

3. PUBLIC COMMENT & INPUT:

President Carey

David Gremelski was at the meeting as Special Sewer Solicitor for Glenburn Township to discuss the request for the pass-through. Solicitor Gremelski was at the meeting to discuss the pass through agreement between Glenburn Twp. and Clarks Summit Borough for the transportation of sewage from a “to be developed” property in Glenburn Township at the

border of Clarks Summit Borough. This is also known as the Border Realty Project. Border Realty proposed to develop a parcel into a mixed residential development of townhouses and single family homes. Glenburn Township is not in the sewage business, but Border Realty approached the Sewer Authority to treat the sewage that would be generated from this development. Glenburn Township is the one who has to take responsibility for the sewer system for the properties built by Border Realty, under a number of conditions. Glenburn Township would have to enter into an agreement with South Abington Township. They would have to get a pass through agreement from Clarks Summit Borough. They reached that agreement with South Abington Township, the next step is to get an agreement with the Clarks Summit Borough and ARWA. Solicitor Gremelski took the former agreement and modified that to put Glenburn Township in the agreement as Border Realty is not able to get a pass through independently. This would be an agreement between Glenburn Twp., Border Realty and the Clarks Summit Borough. There would be #175 units. David Jenkins had a series of questions for Solicitor Gremelski. Mr. Jenkins asked how much the pass through fees are and who collects it? Solicitor Gremelski stated that the pass through fee is the same as what the Borough is paying South Abington. Virginia Kehoe stated that Solicitor Pat Rogan had it arranged that it is \$36.10 and it is open for negotiations. David Jenkins asked who collects the sewer fees for Glenburn Township. Solicitor Gremelski stated that Glenburn Township is going to be the entity responsible for collecting the sewer billing because it is there system. At this point Glenburn Township may partner with South Abington Township or Clarks Summit Borough to take on the billing process for the 175 EDUs for a fee. That is a condition with the agreement they have to enter into a billing arrangement with another municipality and a repair and maintenance arrangement. The plans show a combination of townhouses and homes. David Jenkins asked about who would be the governing body that would fix liens. That would be the Township. David Jenkins discussed the issue with putting in flow meters in areas so we would be able to monitor what the flows are now and what the future flows are so we can generate a number that we can live with for the pass through fee. Solicitor Gremelski suggested asking Bob Davis for the use of flow meters. Virginia Kehoe has not spoken with Mr. Davis yet. This agreement calls for flow meters to be installed into South Abington and into the Borough lines, this being done by Border Realty. Not specific as to where they are to be installed. Solicitor Dan Mulhern stated that Solicitor Pat Rogan has reviewed the agreement and there was one section that was discussed where the EDUs are because it was outdated make sure they are up to today's changes and there were other minor changes. Herman Johnson asked the Solicitor to review the \$36.10 carefully as it would put it behind the eight ball. Mr. Johnson asked if in the agreement, would the Borough be responsible for the maintenance? No, Solicitor Gremelski stated that this agreement is for the pass throughs and fees. One of the conditions that would make the agreement with Border Realty effective is to partner with South Abington where they would agree to come out and do work that is needed. Herman Johnson stated that maintenance and service calls can be costly to the Borough. Solicitor Gremelski would not have the maintenance come through the Borough, would lean on South Abington. Patty Lawler asked about the flow meters. Solicitor Gremelski stated that Border Realty is going to responsible for the construction and they will install flow meters subject to the review and approval of the Borough. Pat Williams asked about the Apple Valley Pump Station. David Jenkins stated that the Apple Valley Pump station will be eliminated. Virginia Kehoe stated that the flow would come up old Lackawanna Trail and enable us to get Dickson Automotive and Bella Natura on to the system. They are not as of now. Herman Johnson stated that we talked about the sewer authority, Scranton sewer authority and if we couldn't get a flow

meter from them then we would rent one. Herman Johnson is surprised that hasn't been worked on. Virginia Kehoe stated that Scranton Sewer Authority hadn't gotten back to the Borough with information. Ms. Kehoe gave pricing to the finance committee and that was put on hold. Mr. Johnson stated that all council people should be informed so they are aware and have their questions answered. It's been three months since inquiring about flow meters. Virginia Kehoe stated that the Borough does have readings, from the flow meter from Noble Road where the flow comes into the Borough. We have a flow meter for a number of years and it has been moved around town which means we have a lot of base numbers. Now we are getting current numbers for comparison. South Abington is not willing to put in a flow meter in and give us a reading. The Borough cannot put our flow meters in in other communities. Herman Johnson stated that we are spinning our wheels; get a price for renting another flow meter. David Jenkins asked if there is any way to put a flow meter in down by the railroad. Their line doesn't come in by the railroad; the connection is on Noble Road. Mr. Johnson stated that at the previous meetings Council discussed three areas where they want to put flow meters. Ms. Kehoe asked what the other two locations are besides the Noble Road area. Ms. Kehoe asked Council to please advise her where else in town that they specifically want flow meters placed. South Abington would not allow flow meters there. Pat Williams discussed the shopping center where there is a sewer line problem. Virginia Kehoe stated that that is just maintenance of the lines. David Jenkins made the first motion to give Solicitor Gremelski permission to proceed, contingent upon the final approval from our Solicitor on the updated details and questions that he originally came to us with, and if we get all of our questions answered that we give conditional approval for the plan to move forward. Pat Williams asked if we should wait for final approval first from the Borough Solicitor. David Jenkins stated they can have a bearing on what direction this is going. Mr. Jenkins stated that if the numbers get worked out, they can work on their end. Virginia Kehoe stated she believes it is safe to say that we can give that conditional approval and let Solicitor make sure that all is in order. There was no second on the motion made by David Jenkins. Virginia Kehoe stated that this can be put on the agenda again next month.

Dori Waters handed out a brochure to Council members and those at the meeting.

4. BIDS & QUOTATIONS:

President Carey

- **Vote Ordinance 2013 –09 TAN – vote to accept bid from First Keystone Community Bank for \$300,000.00 TAN at 0.97%**

Virginia Kehoe stated that the Borough bid out for a TAN for 2014. The bids would have been opened at the work session but there was no work session for November. There is a \$350 closing cost but the percentage rate is below 1%. No prepayment penalty. Herman Johnson made the first motion to accept Ordinance 2013-09, seconded by Patty Lawler, vote was unanimous 7-0.

5. BOROUGH TREASURER'S REPORT

President Carey

Herman Johnson made the first motion to accept the Treasurer's 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 is complete.

- **Grant Committee** Patty Lawler, Chair
- **Recycling Committee** Patty Lawler, Chair
- **Insurance Committee** Roy Davis, Chair

Benecon changed providers and we received a cut in Group Life and Disability. Working on refinancing the Debt Service. Ms. Kehoe is going to recommend that with new Council in January.

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

The DPW did a great job on leaf collection and he wishes more leaves came down. Virginia Kehoe stated if there are a lot of leaves left and the weather cooperates, they can continue with leaf pickup. We cannot do leaf pickup and snow removal at the same time.

- **Recreation** Dominic Scott, Chair
 - **Additional comments from Council** December work session cancelled
- Virginia Kehoe discussed December work session which is scheduled for New Year's Eve. They will cancel the work session. Monday, January 6, 2014 will be the next Council meeting at 6pm.

7. POLICE REPORT:

Mayor Kelly

OIC Chris Yarns read off the police report. Herman Johnson asked about burglar alarms, is there an actual burglary or are they mostly false alarms. OIC Yarns stated that it varies; if the false alarms are continuous the business or home owner could be cited.

8. VENDOR PAYMENTS TO BE RATIFIED:

President Carey

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

9. OLD BUSINESS:

President Carey

- **2013-09 TAN**
- **2013-10 General Fund Millage**

Herman Johnson made the first motion to approve 2013-10 General Fund Millage, seconded by Patty Lawler, note was unanimous 7-0.

- **2013-11 Sewer Billing**

Reflects no increase in sewer charge and it reflects a 2% discount if the sewer bill is paid in full for the year of 2014, by January 20, 2014. Roy Davis made the first motion to accept 2013-11, seconded by Herman Johnson, vote was unanimous 7-0.

- **2013-12 Debt Service Millage**

Herman Johnson made the first motion to accept 2013-12, seconded by Dominic Scott, vote was unanimous 7-0.

10. NEW BUSINESS:

President Carey

A. Resignation – Patty Lawler

In order for our mayor elect to take her position she has to officially resign from Council. Herman Johnson made the first motion to accept the Resignation letter from Patty Lawler, seconded by Pat Williams, vote was unanimous 6-0.

11. BOROUGH SEWER OFFICE REPORT:

President Carey

Virginia Kehoe stated that Jenn Basalyga-Schmidt has completed the Quarterly October billing, with approximately 150 people using ACH. Ms. Basalyga-Schmidt sent out 75 letters that went out to residents whose sewer bill is over \$746. That is the first step. That can be followed up by phone calls. Pat Williams asked about the letter. Tells residents to contact us, shows entire bill, a formal letter that says this is what you owe, get in touch with us. David Jenkins wants to see a copy of the list. Make Council aware of who is receiving the letters. David Jenkins discussed putting the names of delinquents in the newspaper. Herman Johnson asked what the dollar number of delinquents needs to prepare that report and get this out to Council. Dominic Scott commented that we need to work on the delinquents; Mr. Scott asked how many liens we have. The Borough would place the liens. What happens if residents continue not to pay? There is a specific procedure to go through to start the clock on the delinquent procedure. Herman Johnson discussed the issue with the delinquents and we need to do something drastic. Set up a committee to work with Jenn Basalyga-Schmidt to get this going. There are a lot of good citizens paying their share and this has been broken for years. Dominic Scott volunteered to be on a Sewer Committee to address the issues. David Jenkins stated we don't need more than one liaison. David Jenkins suggested sending the letters out by certified mail, making the delinquent residents pay for the additional postage, stating that those residents should be paying for any legal advertisements etc. Virginia Kehoe stated Dominic Scott and Jenn Basalyga-Schmidt could work on that. Mr. Jenkins stated that anything should be sent certified mail and they should pay for that. It is their problem that they didn't pay their bill. That is our official certification that they are getting a letter. Virginia Kehoe stated that Solicitor Mulhern suggested an amendment to the sewer ordinance to incorporate that in order to be able to enforce it. Ms. Kehoe will put together an amendment which will then have to be advertised. That would be possible for the February meeting. There is a law that once a letter is sent and it didn't come back it is presumed that they received it. It is called the mailbox rule, certified letter is not necessary in the eyes of the law. Mr. Jenkins disagreed stating that he would rather be safe than sorry, stating that a certified letter also shows accountability.

12. SOLICITOR'S REPORT:

Solicitor Rogan

Solicitor Mulhern stated that he will be attending the Planning Commission Meeting as they will be discussing the Neighborhood Preservation Act, loitering ordinance, newsstand and food truck issues, waiting for their recommendations. Similar to Sunshine Act, what can be disclosed from Executive Session, better to go over in the New Year. Work with Dave Gremelski putting in some additions to the pass through agreement to protect the Borough.

Patty Lawler stated that our rate is \$36.10. Virginia Kehoe stated that the Borough charges our residents \$47 a month, the \$36.10 is the pass through rate. Ms. Lawler asked if this fee can that be raised. We are doing a huge favor, this requires agreement between the communities and the Borough should be the driving force on that. That is an annual fee not a monthly fee. Herman Johnson discussed the flow meters, and asked Virginia to put the most recent readings in his mailbox.

13. CORRESPONDENCE:

Roy Davis spoke to Council as this is his last meeting as a Council person who served the last 9 years. Mayor Harry Kelly said a few words to Council and that attending the meeting as this is his last Council meeting also.

14. EXECUTIVE SESSIONS:

President Carey

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

15. ADJOURN:

President Carey

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

Starting time for the reorganization meeting is January 6, 2014 at 6pm.