

**BOROUGH COUNCIL MARCH 5 COUNCIL MEETING RECONVENE
AND SPECIAL MEETING
MARCH 25, 2014
7:00 PM**

The March 25, 2014 Borough Council Special Meeting was conducted on Wednesday, March 25, 2014 at 7:14 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. Vincent Cruciani, Mr. Jim Klein, Mr. Dominic Scott, Mayor Patty Lawler, and Recording Secretary Virginia Kehoe. Absent from the meeting was Mr. Pat Williams and Mr. David Jenkins.

RECONVENE OF MARCH 5, 2014 REGULAR COUNCIL MEETING

- Solicitor Dan Mulhern stated Council adopted a rule for public participation. The member of the public will raise their hand and Council will call you to stand at the podium. State your name then speak on the matter that is pertinent to the meeting. There is a five minute limitation, any other issues that the public would like to discuss can be handed in in writing, or you can ask the President of Council for more time.

- **Update on Glenburn Pass thru:** Virginia Kehoe stated that she met with David O'Neil and Mark Young at Solicitor Mulhern's request, to iron out some of the issues. Our concern is with the ownership of the line in the Borough. South Abington said they would consider the Borough owning the line and talk the supervisors into it without being able to commit to a vote. Then he asked why the Borough wants to own the sewer line. He stated it would be like any other utility running through the road, they would need a permit to do any maintenance, and they would have to pay any permit fees and they are accepting responsibility for maintenance up until it hits manhole # 166. The other issue is the connection of the four properties. Theoretically we could connect to that low pressure line the problem is that it is a pressure line, even though it is low pressure. If the property owner's check valve failed that could lead to raw sewage to be pumped into their building. The option is for a second line to be put in the trench. Virginia Kehoe's concern is that this wasn't budgeted for, if DEP would pressure us to get the four properties connected. Herman Johnson asked what the cost would be. The cost for just the line in the road, not the individual connections to be about \$61,000. To connect the individual property owners will have expense of about \$9,000. Mark Young stated that they have no problem with Clarks Summit running their own lines in the ditch. It would make sense to put it in at the same time. If the Engineer makes it a larger project that would be an issue, for them it is simple process. Borough Engineer Bob Naegele and Jack Shire should meet about this. Solicitor Mulhern asked what happens if the pipe bursts or there is a hole in the pipe and sewage begins seeping into property owners' in the Clarks Summit Borough. Who pays for that cleanup? Something built into the agreement that triggers this so it is not even a worry or concern to Council. Vince Cruciani stated that's all the Borough would want from South Abington if they took ownership. Mark Young stated that South Abington can add the Clarks Summit Borough to their insurance policy. Specific indemnity language. Or have a separate policy.

Herman Johnson made the first motion to adjourn the meeting from March 5, 2014, seconded by Jim Klein, vote was unanimous.

It is now 7:35pm and Council is now beginning the Worksession

1. WORKSESSION:

President Carey

Solicitor Dan Mulhern discussed some issues with the Story Slam being held at the Clarks Summit Borough. He looked into the social host liability and made some recommendations. The donation jar must be generic, and separate from the wine tasting. Wristbands will be used to designate who is of age. Solicitor Mulhern also

stated that he has modified the building use guidelines, which allows Council to have the discretion to allow different functions and provide specific guidelines.

Bob Bass's information was sent to the Public Safety Committee. Mr. Bass addressed council and stated that he was not representing the fire department. May 1st the Borough of Clarks Summit the Insurance Service Organization surveys and rates the community on fires, fire suppression to fire safety. We went from a 6 to a 4. He called the ISO as a citizen to make it better by implementing inspections, education and investigation, which we don't have here. For the first time that the national fire prevention association now includes public safety. He is interested in talking to the Public Safety Committee, and talking with Pat Williams who is the chair of that committee.

2. PUBLIC COMMENT

President Carey

Janine Port represented the Trolley Trail Committee which is a division of the Countryside Conservancy. The connection they are trying to make with the trail, as it is breaking ground at the end of Parker Bridge. The proposed idea is to connect it to Veteran's Memorial Park. What is needed is a sidewalk improvement project from Veteran's Park to the Parker Bridge. They have a site plan included but they can't be responsible for it. CSB has to facilitate the sidewalks. There is a grant available for the sidewalks. Vince Cruciani suggested what a perfect place to start the trail here at Depot Street, can we link this into the Depot Street project. Janine Port stated that is up to the Borough. It has to have parking and safe passage for people. Virginia Kehoe stated that she and Jim Klein can work together as he is chair of grant committee. The Borough itself needs to put in the sidewalks. From an easement standpoint Lackawanna Trail would be better because it is not a state road. Mr. Cruciani stated if he was a resident not a business owner, the owner would be responsible for that part of the sidewalk. Herman Johnson stated that would it be safe for someone to walk on Lackawanna Trail. Virginia Kehoe will look into this more.

- **7:30 Shade Tree Commission 2013 update:** Donna Zagrapan, the Chair of the Shade Tree Commission addressed Council. Discussed accomplishments for last year. Received 20 trees, from a grant, which were planted at United Methodist Church. Also gave them perennial plants. Project for this year will be for the pocket park on Depot Street. They like to use bare root trees, they do better over the long term. Residents are able to buy the bare root trees also. In memory of or in tribute of trees are also available. That is the tree, planting and a plaque.
- **8:00 Al Chelick discussion on Coalition of Good Government – Resolution 2014-14:** Al Chelick thanked Council for taking the time for him. Discussed the Coalition of Good Government with Council. This discussion will continue at the Council meeting. Later in the meeting Vince Cruciani suggested and Council agreed to not vote on Resolution 2014-14. That will not be on the agenda for the next Council meeting.
- **Dominic Provini request – Resolution 2014-15:** Virginia Kehoe stated that the recommendation for land development and subdivision came from Carson Helfrich and it has worked fine. When CVS came in their fees came to \$22,000 and they paid it, so far they have spent less than \$5,000. The fees as of right now are \$300 plus \$1.50 per square foot of building are and land area. Generally this is for commercial properties. Dominic Provini's calculation came to \$62,373. There is no way that the Borough is going to come close to spending that kind of money in the review and our ordinance says that they get back what they don't spend. Having to pay that much money seemed unreasonable. Dominic Provini has written a check for \$7320 and he is asking Council to accept that. That amount is 20% of the cost of the development. There is also a draft resolution to change the fees for the future. We have a resubmission fee so we are protected either way. If we change the resolution, then we don't have to go on the record giving Highland Associates the deal. Mr. Cruciani doesn't want to go on the record for giving them the deal. We also know about Highland Associates past and it wouldn't look good to do that, it is his opinion. Virginia Kehoe stated that this is Highland Real Estate that is making this request. Mr. Cruciani stated if you google Provini the Cordaro comes up. He doesn't want to give them the exception. Doesn't want it to appear that they are giving anything different than anyone else. If we change the fees, then his request becomes irrelevant. Virginia Kehoe stated she will put this on the agenda so Council will discuss and debate the Resolution.

- **Replacement of Cesar Lopez on ARWA:** Virginia Kehoe stated that Mr. Lopez is moving to Philadelphia. Need to find a replacement. He was one of our three representatives. They have to live in the Clarks Summit Borough.
- **Open financing bids:** Virginia Kehoe solicited 11 banks, 7 bids, asked for a bid to refinancing Grandview and a separate bid for financing the new DPW truck. When we open them, she will compare apples to apples as well as come up with the actual cost of closing out the old Grandview loan and make sure it is cost effective. Ms. Kehoe opened up the bids in front of Council. Herman Johnson asked how old the vehicle is that is being replaced for the DWP. Virginia Kehoe stated that the truck is 17 years old. Herman Johnson asked if we looked into leasing, Ms. Kehoe stated that PNC is a lease, she asked for a term payment, whatever was cheapest.
- **PALCB Liquor License Transfer, RBJI, Inc., d/b/a Rosario's Pizzeria:** Vince Cruciani asked where Rosario's is getting the liquor license from. Virginia Kehoe stated that it is not on the existing application. They just want a 6 pack license, for take-out. Mr. Cruciani stated that he nothing but excellent things to say about Rosario's. Rosario himself has been a pleasure to deal with. We just got the formal application, will need to post the property and have a public hearing before voting on it.
- **UCC Board of Appeals:** Virginia Kehoe stated that we have an application that has been approved by Duffy's, so we do not have an appeal from Duffy's. They picked up their permit today from the Borough. Vince Cruciani stated that it is good that worked out for everyone. Mr. Cruciani suggested the Borough have some kind of tutorial for new businesses. An education packet of some kind might be helpful. We still need three representatives.
- **Clean up day:** Mike Cowley stated he would help. Sweep sidewalks, clean up litter etc. Mayor Patty Lawler stated that this is something Council should be organizing. Herman Johnson suggested going to the businesses and see if they want to get a project to clean up the town, and get the street sweeper first. The street sweeper isn't available for rental. Hire companies to do this, Carbondale will do this for \$90 an hour and they will be cleaning the streets in the evenings. He hasn't contacted Virginia Kehoe back. 50 hours would be in budget.
- **Tire recycling event:** The County is doing a tire recycling event. We would collect the tires here at the DPW. May 31st is the event and we need a Councilperson to head up this project. Vince Cruciani stated he would have to see if he is available.
- **Rebekah White request:** Resident on our shutoff list. She owes over \$800 dollars. She is having financial difficulty. Vince Cruciani is concerned that the 18 year old daughter who is working. If we are getting our principal payment plus more towards the balance. Herman Johnson agrees but she has to report to us every month. Reassess this situation possibly in February 2015 to come back.

3. **REVIEW OF APRIL 2, 2014 AGENDA**

4. **ADJOURN:**

President Carey