

**BOROUGH OF CLARKS SUMMIT  
BOROUGH COUNCIL MEETING  
APRIL 2, 2014**

The April 2, 2014 Borough Council Special Meeting was conducted on Wednesday, April 2, 2014 at 5:33 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, Mr. Vincent Cruciani, Mr. Jim Klein, Mr. Dominic Scott, Mr. David Jenkins, Mayor Patty Lawler, Recording Secretary Virginia Kehoe, and OIC Chris Yarns. Absent from the meeting was Mr. Pat Williams.

**MEDITATION:**

**Mayor Patty Lawler**

**PLEDGE OF ALLEGIANCE:**

**Mayor Patty Lawler**

**1. APPROVAL OF AGENDA:**

**President Carey**

Herman Johnson was the first to approve the agenda, seconded by David Jenkins, vote was unanimous 6-0.

**2. APPROVAL OF MINUTES:**

**President Carey**

- **January 28 2014 Council Work Session**
- **February 6, 2014 Regular Council Meeting**

David Jenkins made the first motion to approve both sets of minutes, seconded by Herman Johnson, vote was unanimous 6-0. Jim Klein noted the misspelling of his name which will be corrected.

**3. PUBLIC COMMENT & INPUT:**

**President Carey**

Natalie Crandle spoke to Council concerning the water runoff situation at her home which is on Grandview Street. Virginia Kehoe stated that the Royce's next door, were denied a variance from the Clarks Summit Borough and later went to the Magistrate and technically the Magistrate didn't rule on the case, he threw out the case stating there was dominium's infraction. Ms. Crandle was upset because she was not informed of the magistrate's hearing. Vince Cruciani stated that since it was brought to the arbitrary body and it was dismissed as a dominium's infraction, which means that the situation was so minimal that it didn't need enforcement. Ms. Crandle asked if it is possible for the Borough to look at the property. Mr. Cruciani stated that the Borough has pursued this and it went to the Magistrate and that ruling was made. Ms. Crandle asked if the Borough could refile again. Herman Johnson stated that the Borough lived up to its obligation and the magistrate made his ruling. Vince Cruciani stated that she was not an active party in the litigation at that time that is why she wasn't informed of the magistrate's hearing. Mr. Cruciani stated that she would need to talk to a plaintiff's attorney and sue her neighbor. Virginia Kehoe stated she would get any public information available for Ms. Crandle.

Gerard Hepman: Lackawanna County Community Relations Department informed Council about happenings in Lackawanna County.

Janine Port: Trolley Trail meeting this month and get updated on project. They are positive with the inclusion of Clarks Summit.

**4. BIDS & QUOTATIONS:**

**President Carey**

- **2014 Grandview Refinancing**
- **2014 DPW Dodge Ram Refinancing**

Virginia Kehoe stated she provided a summary of quotes of the refinancing for Grandview and a loan for the new DPW truck. Another page provided gives an assessment and a cost comparison of two leading bids. For the refinancing of Grandview, Wayne Bank is the leader. Financing for the DPW truck is has the best rates with First National Bank. But with the closing costs Wayne Bank may be the best with the DPW truck also. Jim Burke is the lending officer. David Jenkins made the first motion to go with Wayne Bank on both financing bids due to the lower rate and lower monthly payment contingent on PNC' final payment, seconded by Dominic Scott, vote was unanimous 6-0.

**5. BOROUGH TREASURER'S REPORT**

**President Carey**

Herman Johnson made the first motion to approve the Borough's Treasurer's Report, seconded by David Jenkins, vote was unanimous 6-0.

**6. COMMITTEE REPORTS:**

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

Dominic Scott stated that we are still in budget and after talking to DPW Foreman Neil Bartholme, we are still in budget with the salt.

- **Grant Committee** Jim Klein, Chair

Renovations and improvements will be made to the Senior Center; we are applying for a grant through Telespond. We are involved in this because we own the Senior Center. The other grant revolves around TAP to put sidewalks in on State Street to satisfy the ADA act. From Highland Avenue, they would go 6/10 of a mile to the end of the Borough. Virginia Kehoe stated that it is a continuation of Rails to Trails which is a DNR project and the state is funding that, this is only a logical continuation. Also, SAPA, the Scranton Abington Planning Association, this grant is in conjunction with them. It would tie in with a grant we are getting for Depot Street also. Lackawanna Trail Road was not doable for the sidewalks; we do have the room on State Street. Vince Cruciani asked about the easement situation. Virginia Kehoe stated that money for the easements would be included in the grant. All of the work would be in the rite away. We would have ownership of the sidewalks. Mr. Cruciani stated that this is an awesome opportunity to have this extend to the top of Depot Street.

- **Recycling Committee** Jim Klein, Chair
- **Insurance Committee** Vince Cruciani, Chair

Mr. Cruciani stated that he is waiting on the final design to have a meeting with Jim Hinkleman. Before the year is over he would have something.

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

Herman Johnson stated that the DPW has started blacktopping some potholes and the men are doing a pretty good job. David Jenkins asked about calling Penndot at State Street and Grove Street. Mr. Jenkins suggested calling on a daily basis; there is no excuse for the potholes there. There is a pothole that is about a foot deep. Ms. Kehoe stated that there have been many police calls to Penndot informing them of the situation on many potholes. David Jenkins also asked about public safety and residents have contact him about the guide rail extended past Greenwood Avenue. A car went over the embankment onto the tracks. Herman Johnson suggested Virginia Kehoe check with PENNdot or the rail road. It is not a state road so it wouldn't be PENNdot and the railroad doesn't own up to the road so it wouldn't be their responsibility either.

- **Recreation** Dominic Scott, Chair
- **Sewer Billing** Dominic Scott, Chair

Dominic Scott stated that there has been significant progress. Jennifer Basalyga Schmidt showed Council the amount of collection letters sent out, the amount of payment plans and payments. There are 30 extra names, of people who paid February not March. Vince Cruciani asked ballpark of how many delinquents there are. These people have been delinquent since November. The people who have not paid will be reposted with a shut off notice. Herman Johnson stated that there were 202 and now there are 80 or 90. How many are commercial properties are on the shutoff list. Rite Aid called and they would be over nighting the money today. How many are foreclosures? About 7 properties are in foreclosure. The Borough cannot post names; their water would be shut off instead. Dave Jenkins asked when a resident (not named) paid his sewer bill; the answer was 1:30pm. Mr. Jenkins stated that 12pm should be the deadline. Vince Cruciani stated that if we get the check that is what is important; with more deadlines we will cost ourselves \$200 a month. Mr. Jenkins disagrees with that theory wants him to pay by noon. Mr. Cruciani doesn't want to subject ourselves with liability by changing the time from by the end of the day instead of noon. Dave Jenkins stated that they can agree to disagree. Virginia Kehoe explained that she spoke with Ian today about the community service he would need a doctor's note before he works on the community service. He is willing to volunteer to do the tire pickup and he should be considered when we need more volunteers. Mr. Cruciani stated that he is going to go to jail if this doesn't get done. We should find a project for him before that date.

- **Depot St Project** Herman Johnson
- **Pass-Thru engineering study:** Right now Clarks Summit is amenable to meeting to talk about it. Meanwhile South Abington did reply back stating that Mark Dougherty is going in for surgery and he wants to be a part of this meeting; he is asking that we wait until he has recovered. Vince Cruciani asked when Dougherty will be recovered. Dave Jenkins stated that they can wait until Mr. Cruciani is back in town to discuss the situation with the committee.
- **Additional comments from Council:** Mayor Patty Lawler stated that she wanted to give an update on the Pocket Park. It has a name, the Finishing Shop

Pocket Park on Depot Street. With the County Reinvest Grant they will start to prepare the area for development. Bids were sent out and the lowest responsible bid came in at \$5,085 for the prep for the land. The fencing is the next bid and they are waiting for the third bid. Vince Cruciani asked is it a 6 foot plastic fence. Mayor Lawler stated that it is at least 6 foot chain link fence. On the backside it needs to be safe. The rest of the park will be funded through fundraising. David Jenkins asked Mayor Lawler to look at the little league park on Sheridan and check out the fencing that comes over the batter's box. Consider something like that. With small kids playing if they have a ball, 6 feet will not hold it. Maybe something similar so the ball is reflected back. Herman Johnson made the first motion to accept the bid, seconded by David Jenkins, motion was unanimous 6-0. Vince Cruciani asked where the money is coming from. Reimbursed from Lackawanna County, submit the expenses. Mayor Lawler stated that Johnson College will be helping also and they will render an architectural design. Masonry work and so on. Learning tool for them.

**7. POLICE REPORT:**

**Mayor Lawler**

David Jenkins asked about the driver's enforcement on Winola Road. There has been some enforcement on Winola Road, during the peak hour of when the kids are rushing to school. Carnation and Tulip has called because of the bus stop during the morning pickup. Only 2 police on at that time and it is hard to cover all of the area.

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

**President Carey**

Herman Johnson made the first motion to pay the bills, seconded by Dominic Scott, motion was unanimous 6-0.

**9. OLD BUSINESS:**

**President Carey**

- **Police Chief Contract:** Council will meet in executive session.
- **Glenburn Pass-Through: adding second line, addl' insured status?:** Borough Engineer Bob Naegele spoke with Jack Shire and yes they are in agreement that the two lines could be in the same ditch-18 inches apart. If we damage theirs we would have to repair theirs and visa-versa and South Abington would have to do pave cuts if necessary. The question is do we want a second line for the four properties and how are we going to fund it. Additional insurance on both lines for both Municipalities. David Jenkins stated that the Borough should pay for the main line but the Borough shouldn't have to pay for the hookups etc. The cost presented is to install a main line; the assumption is that the property owners will pay for their own connections. Solicitor Mulhern stated that the old contract is not binding. Vince Cruciani stated that the contract is not assignable at this point. Unless Glenburn Township or a PUC entity takes ownership of the property, the agreement is not assignable. Mr. Young stated that this will have to go to the courtroom if necessary. He doesn't want to sue the Borough. Solicitor Dan Mulhern stated that Clarks Summit Borough needs to have an agreement with a private company, Border Realty to ensure that the Clarks Summit Borough will be named as an additional name to insured. It will have to be defined as to how to dig a trench and how we will be able to put our materials in there and a time

frame, this is to cover our tracks. Herman Johnson stated that from the beginning the Clarks Summit Borough wanted a different agreement, wanted it updated to protect our residents. He needs to sit down with Solicitor Mulhern. Mr. Johnson stated that he was very offended and he took it as a threat when Mr. Young stated that he doesn't want to sue anyone. You should never come to a Municipality and say that you don't want to sue anyone, to him that is a threat. We are trying to work with you to get this agreement right and fit everyone's needs. He apologizes about the comment. David Jenkins stated that all of Council gets a copy of the draft and decide at the next worksession, if we want to vote it needs to be advertised. Vince Cruciani stated that we could wait another week and make a vote at the Council meeting.

- **UCC appeal procedure and officer – Joe Guzek:** Joe Guzek has agreed to be an officer and he does need to be appointed. Herman Johnson made the first motion to appoint Joe Guzek, seconded by David Jenkins, vote was unanimous 5-1 with Vince Cruciani voting nay. David Jenkins made the first motion to appoint Dan Kontz, seconded by Vince Cruciani, motion passed 6-0. Virginia Kehoe stated that we need one more person on the UCC appeal board.

#### 10. NEW BUSINESS:

President Carey

- **Replacement for Cesar Lopez on ARWA:** Virginia Kehoe stated that we need an engineer, finance, or legal representative as a replacement for Cesar Lopez.
- **PALCB Liquor License Transfer, RBJI, Inc., d/b/a Rosario's Pizzeria and Resolution 2014-17:** Virginia Kehoe stated that we didn't get the application in time to advertise it for tonight's meeting. The advertisement is for the worksession. In the meantime there is a resolution to approve to authorize the license transfer. David Jenkins made the first motion to authorize the resolution to authorize the transfer of the liquor license to Rosarios, seconded by Herman Johnson, motion was unanimous 6-0. Pat Williams asked about the license does it authorize the take out for alcohol. Rosarios stated that they can have a bottle of beer with their dinner if they are eating in. They are 6 packs for take-out sales.
- **Resolution 2014-15 PC fees:** Herman Johnson made the first motion to adopt the new fees, seconded David Jenkins, vote was unanimous 6-0.
- **Resolution 2014-16 – Returned Check Fee:** In November 2013 Virginia Kehoe presented a resolution for assessing a service charge for people whose checks are returned. It is an inconvenience, and the bank sends us fees. Vince Cruciani stated that the only problem is that the fee wasn't enough, the bank fee is \$10 and the amount is \$25. David Jenkins wants to bump up the fee to \$35. David Jenkins made the first motion to charge \$35 for returned check fee, seconded by Vince Cruciani, vote was unanimous 6-0.
- **Tire recycling event:** Virginia Kehoe stated that she reached out to Boy Scouts and has not heard back from them. Gerrie Carey said she would check into this tomorrow.
- **Sewer Payment Acceptance Policy:** Virginia Kehoe stated that Solicitor Dan Mulhern suggested something written from Council as to what is acceptable for sewer payment plans, etc. Vince Cruciani stated that three payments, no more than six payments for the payment plan. It must be paid by the 20<sup>th</sup> of the month.

With each case, if there is an issue that will have to go to Council. Monthly payments, if you are two months delinquent. Get a committee to work on writing this, Dominic Scott, Dave Jenkins, and Vince Cruciani.

**11. SOLICITOR'S REPORT:**

**Solicitor Rogan**

518 Waverly has obtained their sewer permit. They are hoping to connect this weekend. R.C. Associates' attorney has been contacted. Jump to 8 units in the third quarter. He will be working with Mark Young also.

**12. CORRESPONDENCE:**

- **Rebekah White**

Request for Payment Plan, letter was written. Could this be discussed in executive session? David Jenkins stated that she is trying to pay the bill we should help her out. David Jenkins made the first motion to accept the payment plan until February 2015 if her circumstances change, seconded by Herman Johnson, vote was unanimous 6-0.

**EXECUTIVE SESSIONS:**

**President of Council**

- **Prior-**            **March 25, 2014 – personnel and potential litigation**  
                         **April 2, 2014- personnel and potential litigation**
- **During-**
- **Subsequent-**

Vince Cruciani suggested that on the seven properties that are on the shutoff list, consider putting on liens on these properties. Virginia Kehoe stated that she is already in the process of placing the liens. Herman Johnson also stated that Valero is closing up this month, is there going to be a traffic jam because they are tearing buildings down, he wanted to make sure Council had a heads up on that. Virginia Kehoe stated that CVS is hoping to close on April 16, 2014; they submitted their permit requests for almost everything. Traffic will be down to one lane with construction being done by Popple Construction. They are working in 4 separate sections, making one way lanes. Virginia Kehoe and Chris Yarns are going to a meeting to discuss traffic control options.

**ADJOURN:**

**President of Council**

Recessed the meeting, no motion necessary.