

BOROUGH COUNCIL SPECIAL MEETING
APRIL 29, 2014
7:00 PM

The April 29, 2014 Borough Council Special Meeting was conducted on Wednesday, April 29, 2014 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. Vincent Cruciani, Mr. David Jenkins, Mr. Jim Klein, Attorney Dan Mulhern, Mr. Dominic Scott, Mayor Patty Lawler, and Recording Secretary Virginia Kehoe. Absent from the meeting was Mr. Pat Williams.

1. WORKSESSION: President Carey

2. PUBLIC COMMENT President Carey

Mary Ann Nichols addressed Council. The Gathering Place has joined forces with The Downtown Go Around. On May 9th from 5-9pm they are honoring mothers for Mother's day. There will be a mother and daughter band, artwork, food, vendor's, and Ms. Nichols wishes to see Council attend. In June they are honoring Father's day on June 15th and they would like to close Spring Street. There will be Cigar sampling, as it is a Father's day event. There will also be beer tasting. The Gathering Place is at \$100,000 thanks to a grant for \$30,000. Vince Cruciani asked where the beer tasting is going to be. It depends how many they get. Need to work with Chris Yarns on that. There has to be some separation, police will require that. Spring Street isn't a problem to close. Mr. Cruciani asked how they got the other donation. Two grants come to \$50,000 and the rest is from donations.

- **UCC Officer:** Virginia Kehoe stated that we still need one more person for the third UCC Appeals Board Member. Volunteers should be from the Borough but not necessarily.
- **ARWA replacement:** Gerrie Carey stated that she will have more information by the Council meeting, she suggested Bob Hyulo. Vince Cruciani asked if this was to be put on our website. Yes it is on the website.
- **Border Realty Agreement/Glenburn Agreement:** Solicitor Dan Mulhern stated that he has a draft available for Mark Young. Dave Jenkins suggested Attorney Mulhern and Mark Young work out the logistics and bring a draft back to Council. Attorney Mulhern will email a copy to Mark Young. Mr. Young asked if it might be ready for the Council meeting in May. This is just the agreement between Border Realty and The Clarks Summit Borough. Then we will need an agreement with South Abington. That won't happen before the May Council meeting.
- **Police chief contract:** Virginia Kehoe stated that Chris Yarns signed the Police Chief contract and he was informally sworn in by the Mayor Patty Lawler. Officially, Judge Gibbons will be here for an official swearing in during the May Council Meeting.

- **Sewer Payment Acceptance Policy:** Virginia Kehoe stated that when they last met there were changes suggested for the policy. A committee was assigned but with the changes made during the last meeting, they felt there was no need to meet. Vote on this next week. David Jenkins stated we need to post the fee of \$35 in the office.
- **Highland Real Estate Development – Land Development Plan:** Traditional procedure is that an applicant for land development or subdivision goes before the Planning Commission and stays with the Planning Commission until the process is complete. With a recommendation it comes to Council. Officially we hope to have one next week, the Planning Commission is reconvening on Thursday to hopefully have everything addressed with Highland Associates and provide a letter of recommendation. Ms. Kehoe provided the information so Council can review this. If the Planning Commission votes Thursday, Friday a recommendation will be emailed to Council. Highland Real Estate Development submitted 4 copies of new plans after speaking to Code Enforcement Officer Lori Harris and Borough Engineer Bob Naegele. Most things are addressed that are possible, one or two conditions that have to be placed. Planning Commission would take a vote with conditions. This would be a second building on the property.
- **Resolution re: commitment on Wayne Bank:** Virginia Kehoe stated that we voted to accept Wayne Bank's bid based on final numbers working out in our favor. We have to pass a resolution next week at the Council meeting. PNC closing fees need to be considered. Vince Cruciani stated that we just need to see the numbers and then we can see where we stand. Virginia Kehoe stated that all of PNC's paperwork allowed for a possible pre-payment penalty at that time we had never been assessed on tans or anything. We didn't expect that to be an issue. The Borough always paid off tans yearly never had a penalty. Now they are charging the penalty.
- **Policy re: police part-timers:** Virginia Kehoe stated that Gerrie Carey asked her to draft to help schedule part time police officers. First it must show that every part timer gets the opportunity to put in hours, so we have proof that they are all getting asked to put in the hours. Secondly to make sure that they are all responding to Chris Yarns in a timely basis. This documents how this was offered to the part timers and how they responded. Herman Johnson suggested tabling this for the time being, let Chief Chris Yarns review it, then look at the Collective Bargaining Contract, because Mr. Johnson stated we are the lay people on their procedures. Let the Chief, the Borough Manager and the Mayor get together and then bring it to Council. Herman Johnson stated that for part timers, there is seniority but it doesn't guarantee them a certain shift. Make sure the contract is not being violated. David Jenkins stated every sentence should say part-timers. Some have been overlooked or slighted, they should have the opportunity. This would guarantee that no one is overlooked. It will go out to everyone and the response will be from everyone. Vince Cruciani asked if this goal is to produce data. Let's say in a year from now, we don't think certain officers are right for the unit, what is the mechanism for putting someone on or taking them off the list? That is up to the Mayor or the Chief to bring to Council. Shows the criteria it is an internal personnel issue. Vince Cruciani stated that the offering and acceptance of shifts should be documented. Mayor Patty Lawler

stated that certainly she will have the Chief spear head how it should read. Council wants to monitor who takes a shift or who doesn't. The problem is that the police officers don't read their emails and they prefer to use texting. We are driven by their contract. The first grab on the overtime, is the full time officers. Vince Cruciani stated that we can't make a record of texts. Email is a time stamped, word for word, black and white documentation and when they negotiate their contract this helps everyone. Mayor Lawler stated that Chief Yarns and she will work on this; Chief Yarns is a veteran of 23 years. Mayor Lawler asked who the part timer is saying he isn't getting called. Someone part time police officers are in another part time job somewhere else and at the last minute they can't take the shift. Mayor Lawler continued stating let us run the department, they want to bring that overtime in that is the concern of Council and Chief Yarns' concern also. For us to start out with second guessing how Chris handles it, if there are issues the Mayor and the Chief will handle it. Gerrie Carey and Vince Cruciani want this done through email. Mayor Lawler stated that Chief Yarns has told her that the officers don't read their emails. Maybe Barbara Blackledge can call and thereby document the call, Herman stated that she used to do that. Vince Cruciani stated that in an emergency he understands, maybe in an emergency situation everybody is able to look at Chief Yarns' notes and see the process. When the initial offering for the initial schedule comes out on such and such date, everyone knows that they can go to the library if they don't have an email, check it and make their response. The issue is the non-emergency schedule. We are looking to see the actual implementation of the broader schedule is done. Herman Johnson stated that Mayor Lawler and Chief Chris Yarns should get together and work this out, report back to us.

- **Representative on Cable Franchise negotiations:** Virginia Kehoe stated that Cohen Law Firm has been trying to arrange meetings; no one from Council has responded or attended meetings. The next one is Thursday at 10am which is a phone conference. Can dial in from any phone. One person needs to be involved and will report back to Council. Virginia Kehoe thought Pat Williams would be the one to do this, he was the most involved. She will call Mr. Williams.

Virginia Kehoe stated that a Boy Scout called and needs an Eagle Project. Vince Cruciani stated that a revamping of Carnation Park would be great. That was originally an Eagle Scout Project years ago. Vince Cruciani asked who owns the Sheridan Avenue Little League Park. The Borough owns the park and leases it to the Little League. They are repairing the dugouts and they have a volunteer who is doing most of the work.

Carbondale will be down with the street sweeper Sunday-Thursday from 11pm-7am, we will get it for 40 hours. They are charging an hourly rate and the Borough is saving money over renting one. Vince Cruciani stated that someone suggested repainting around the time of leaf pickup, and said first we should investigate the cost. The major cost is the labor not the paint. The idea was to paint in the high commercial area of Clarks Summit. Run this by Chief Yarns as to where the applicable place that he thinks would need to be painted a second time. David Jenkins stated that the speeds in the Borough are phenomenal. He thinks if they running Vascar every day would help. Herman Johnson stated that

it depends on manpower; he stated they have been out. Mr. Jenkins stated that he has many residents who talk to him about the speeding in the Borough. The spring is coming and that is a better time to monitor traffic. Winola has always been David Jenkins's pet peeve. It is Winola Road and State Street. Vince Cruciani asked if UCC and ARWA are personnel matter, who they choose. Attorney Dan Mulhern said he believes so, UCC definitely and ARWA not sure will look into it. Patty Lawler stated that Lansdowne is a speed trap too, not feasible to have a stop sign at every block, how about painting "Slow Down."

Pocket Park update: Mayor Patty Lawler stated they have 3 bids that came in for the fencing at \$7,600. The sides and the back will be surrounded by a 6 foot fence; she passed out a design for Council to see. There will be permanent fencing, no skateboards, no basketball, no balls, and it is for all ages. David Jenkins stated he doesn't think a 6 foot fence is high enough, needs to be 10 ft. Mayor Lawler stated that the fence is not on the property line, there will be trees past the fence. There is a place to go to eat, small children to play, a gazebo, it's a break point while downtown, not a destination. Vince Cruciani asked if dogs are allowed. The park will be lit at night and it will be locked at dusk. Our police lock Hemlock Park. They would like \$2500 to start the work for supplies. This is grant money, does that check sit in a special bank account, we spend the money and it comes back through reimbursement. We have spent \$12,000 and that is on target. Vince Cruciani stated a decision needs to be made is whether or not we are going to wait to do Depot Street when we have all of the funds available or take out a note with anticipation that the funds will get released next summer. Mr. Cruciani stated that he read an article in the Scranton Times regarding School Districts that had funds and they were to be reimbursed. They have not. This has made a significant outlook on the project. He will not be able to vote with taking a loan out for it. That is based on factual evidence describing the scenario where the taxpayers would be on the hook. Virginia Kehoe stated that right now the moneys are committed. They pay directly we are not reimbursed. If we have to take out a loan they will reimburse us but Vince Cruciani is saying that is a nice promise but there is nothing written. There is no reason to think that this money will be taken off the table at any point. Herman Johnson stated that his opinion is to take out a loan and then pay it. There is money in the bank waiting to be released. Mr. Johnson doesn't think that this is in the same category with the school district. Ms. Kehoe stated with the last discussion we were talking about two phases. When the parking was changed, that saved some money, Borough Engineer Bob Naegele hasn't recalculated yet.

David Jenkins would like to have the stop sign at Lewis lane and Grandview replaced with a real sign and put in place straight so you can see it. Three times he went through it; it is leaning to the right. We need to get a real sign one that is visible. Virginia Kehoe stated that she would send a Service Request to the DPW right away. Mr. Jenkins asked what else we are doing with the Abington Shopping Center area. Ms. Kehoe stated that the bid is out and we are expecting bids to back soon. Got the specs sent out to companies. Until directed otherwise by Council, she is going with Engineer's recommendation, will install new line and get rid of raised manhole and set it up. Do we have paperwork for Mr.

Weinberger, not yet. Virginia Kehoe stated that if we want to set up an emergency bypass of 5,000 gallons plus the rental of pumps, we will get that number, Borough Engineer Bob Naegele's concern is that there is 100 gallons leaching out through leak, if we bypass, and the line isn't supervised, and something happens to bypass, thousands of gallons would be gong it the businesses. We are hoping to have the work started by the beginning of next week. We can't do anything because we don't know what's going on; go on the advice of the engineer. Vince Cruciani stated we should not move forward without Weinberger. Virginia Kehoe stated that the majority of the work will be done on top; we get there through Pizza Hut. We have to clear it, but we have a path there. We will not be taking over the area, might be an inconvenience but nothing major. Herman Johnson stated we should get everything in place. Vince Cruciani suggests the Borough film everything before and after and while doing the work. ½ hour of manpower. David Jenkins Can we camera that line so we make sure it is a good fix. Virginia Kehoe stated she will talk to Bob Naegele about that. Vince said the problem is up towards floral park but is it the Borough or South Abington's property. Ms. Kehoe stated that the Borough owns the line until it gets to Rite-Aid. We had a line down to the Hampton Inn. As part of ARWA we kept ownership of the line up to that point. We have extended an offer to take ownership with the line from the shopping center down. ARWA hasn't had time to deal with this yet. Andrew Weinberger is repaving his parking lot, if our guys come in and we dig out the manhole, Mr. Weinberger volunteered to put a man hole riser and pave it around. Council agreed that this is a good idea.

3. REVIEW OF MAY 7, 2014 AGENDA

4. ADJOURN:

President Carey