

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
MAY 7, 2014**

The May 07, 2014 Borough Council Meeting was conducted on Wednesday, May 7, 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. Jim Klein, Mr. Dominic Scott, Recording Secretary Virginia Kehoe, and Chief Chris Yarns. Absent from the meeting was Mr. Pat Williams and Mr. David Jenkins, and Mayor Patty Lawler.

MEDITATION: **Mayor Patty Lawler**

PLEDGE OF ALLEGIANCE: **Mayor Patty Lawler**

OATH OF OFFICE – Chief Yarns **Mayor Patty Lawler**
Magistrate Gibbons read the Oath of Office to Chris Yarns and swore him in as Clarks Summit Borough Chief of Police.

1. APPROVAL OF AGENDA: **President Carey**
Herman Johnson made the first motion to approve the agenda, seconded by Jim Klein, motion passed 5-0.

2. APPROVAL OF MINUTES: **President Carey**

• **February 25, 2014 Work Session**
Vince Cruciani made the first motion to approve the minutes, seconded by Herman Johnson, motion passed 5-0.

3. PUBLIC COMMENT & INPUT: **President Carey**
Janine Port addressed Council. Updated Council on the Trolley Trail, and presented a newsletter. Gerard Hepman, Lackawanna County Communication Relations Department updated Council on happenings in Lackawanna County.

4. BIDS & QUOTATIONS: **President Carey**

- **Finish Shop Pocket Park – Fencing:** Virginia Kehoe stated that they have a grant so the Borough would apply for the reimbursement, the Borough does front the money on this and then submit the paid bill to the county. They received three bids the lowest is Higgins Construction for \$7,600. Vince Cruciani asked the time frame between the Borough paying out and the County reimbursement roughly. Virginia Kehoe was not sure; Gerard Hepman was looking into it. They are looking for \$2,500 payment in advance for materials. It does not say how quickly the turnaround is. Herman Johnson made the first motion to approve the Pocket Park funding as long as we are reimbursed by the end of the year that

needs to be in writing from the county as long as we submit bills by November 30, 2014, seconded by Jim Klein, motion was unanimous 5-0. Submit the expenses as we incur them. We should get the reimbursement for each payment. Herman Johnson stated we want to approve it but we want to make sure we are reimbursed; we want to make sure we are not hurting our citizens with the budget that is in place already this year.

- **Shopping Center Sewer Line Relocation:** Three bidders on this project. \$42,298 was the lowest bid from Popple Brothers. That is all performance payment, and the engineer would approve the payments. Herman Johnson made the first motion to accept Popple Constructions, seconded by Vince Cruciani, vote was unanimous 5-0. Vince Cruciani made the first motion to not start work until a signed easement is in place, seconded by Herman Johnson, vote was unanimous 5-0.

5. **BOROUGH TREASURER'S REPORT**

President Carey

Herman Johnson made the first motion to accept the Treasurer's Report, seconded by Dominic Scott, vote was unanimous 5-0. Herman Johnson asked about the Veteran's Park, exact figure of what we have for the Veterans Park. There have been donations. Vince Cruciani asked if the gazebo on Carol Drive is set in concrete, because if it isn't grounded it is in violation of PPL's easement, might want to put that on a skid and bring that down to Veteran's Park. PPL can come out and remove that gazebo at any time. Herman Johnson stated that it would be a cost savings to bring the gazebo to Veteran's Park.

6. **COMMITTEE REPORTS:**

- **Building & Plant**

Pat Williams, Chair

- **Finance Committee**

Dominic Scott, Chair

Dominic Scott stated that we are doing ok, we had some bills that we didn't anticipate but so far we are ok.

- **Grant Committee**

Jim Klein, Chair

Jim Klein stated that there is a meeting next Wednesday where Virginia Kehoe will make a presentation for Trolley Trail's grant. Virginia Kehoe stated that she has asked Highland Real Estate, CVS, and the Trolley Trail committee for letters of support. She will contact COLTS for a letter of support because of the safety of bus stops. If anyone has any ideas of anyone who can show support, let her know.

- **Recycling Committee**

Jim Klein, Chair

Jim Klein stated that Barry Kaplan of Everything Natural hosted an electronics recycling event, he was there with the Mayor. The Arbor Day event at the fire hall, he was also there with the Mayor.

- **Insurance Committee**

Vince Cruciani, Chair

Vince Cruciani stated that he is waiting for Hinkleman, Bill Burnell is getting a few quotes for us. We have been with MRM but he is reaching out to get some competitive pricing for us. We completed some applications and they have been submitted. We have until June 20, 2014. We should have something to discuss by the work session.

- **Personnel Committee**

Gerrie Carey, Chair

Gerrie Carey stated that we are proud and pleased to have Chris Yarns on board with us as the Chief of Police.

- **Public Safety/Safety**

Pat Williams, Chair

Virginia Kehoe stated that we get requests for maintaining creeks in town, as well as storm swales. Ms. Kehoe stated that traditionally there are a few spots where our guys go in and do some maintenance in creeks, but normally we don't do this, or we don't have a cycle on it. This is also referring to private property, not on public property. Storm swales on private property we don't go near, with the exception of the newer developments where they were dedicated over to us. Virginia Kehoe asked to meet with the Safety Committee and come up with a recommendation for Council, a policy. If there is something we need to do, it needs to be incorporated into the schedule and make it a routine. If not Ms. Kehoe needs a consistent policy to address to the residents. Ms. Kehoe stated she asked Solicitor Dan Mulhern to do some research to give a legal opinion if necessary. Herman Johnson suggested seeing what Solicitor Mulhern comes up with, and then Ms. Kehoe should give Mr. Johnson and Pat Williams call, than they can come up with a policy for Council review.

- **Public Works**

Herman Johnson, Chair

Herman Johnson commended the DPW for getting the streets swept, line painting and pothole filling. Virginia Kehoe stated that the state has a street sweeper, reached out to them, and asked if they would clean state street and Grove Street, as they are state roads. They have not confirmed yet. Vince Cruciani suggested asking for James May.

- **Recreation**

Dominic Scott, Chair

- **Sewer Billing**

Dominic Scott, Chair

Jennifer Basalyga Schmidt reported in September 2014 the aging was at \$134,987 and 893 people were delinquent. December 31, 2014, the amount went up because of accounts missing that were added, but the amount of people went down to 671. March 31, 2014 the aging was \$117,076 and 612 people delinquent. Vincent Cruciani asked what is the number of EDU's times \$47. Virginia Kehoe stated that there are 2200 accounts, about 2,600 EDU's. Dominic Scott asked how many people had water shut off. None were shut off because there were foreclosures. Ms. Kehoe stated that we are sending letters by the end of the week. What is the threshold, 6 months? The next quarter is done we can see who is behind. Herman Johnson stated that we can candy-coat anything and if it jumps back we need to watch. Vince Cruciani asked what ARWA charges the Borough. Virginia will find out. Dom Scott stated we are seeing an improvement and we have to keep after it and if some people get their water shut off that would help.

- **Depot St Project**

Herman Johnson

Virginia Kehoe stated that Borough Engineer Bob Naegele is almost done with the plans, by the end of this week should be done. Herman Johnson stated that he wanted to wait for the meeting to show what progress we are making and that we are still committed to the progress. We wanted start in May and finish in August. Need to set up a meeting next week so we can view this as a committee. Vince Cruciani stated that we need to vote as he believes the project exceeds the funds that are available. Virginia Kehoe stated that the last instruction to Bob Naegele was to design this in two phases. Vince Cruciani wanted to make sure that phase one is anticipated to have full funding.

- **Pass-Thru engineering study:** Virginia Kehoe stated that we received an email from David O'Neill saying that they were interested in meeting with us but Mark Young was going to be unavailable until the end of April. Both Clarks Green and South Abington are in agreement to meet.
- **Additional comments from Council**

7. POLICE REPORT:

Mayor Lawler

Herman Johnson commended the chief on the overtime. Vince Cruciani asked how does someone who wants to get on the part time list. Borough Council has to open the process of hiring someone. Then there is an extensive process. It is a personnel matter, it doesn't involve collective bargaining.

8. VENDOR PAYMENTS TO BE RATIFIED:

President Carey

Dominic Scott made the first motion to pay the bills, seconded by Herman Johnson, vote was unanimous. Vince Cruciani asked if Council could get a copy of this report a few days before the meeting. Virginia Kehoe stated she could.

9. OLD BUSINESS:

President Carey

- **Border Realty Agreement/Glenburn Pass-Through/South Abington Pass-Through:** Virginia Kehoe stated that at this point the holdup is the written agreement with South Abington; it's really drafting the agreement. Verbally they agreed with the pass-through agreement. Solicitor Dan Mulhern stated that he has the draft ready between Border Realty and Clarks Summit Borough. The Glenburn pass through will come after this is signed. The agreement between Clarks Summit and South Abington Township should also come before the pass-through.
- **UCC appeal board:** Virginia Kehoe stated that Dan Kontz and we need two more people. 2 gentlemen volunteered at the work session. Herman Johnson stated that we should wait one more month then advertise that we need someone with civil engineering or a construction background.
- **ARWA representative – Joe Bontrager, Don Huylo:** Vince Cruciani stated that he praised Joe Bontrager and he has nothing but positive things to say. Herman Johnson made the first motion to accept Mr. Bontrager, seconded by Vince Cruciani, vote was unanimous 5-0. Need to post that they need a volunteer for the ZHB. 3 members of the ZHB, we have two alternates. Jeff Brock can move up and get another alternate. We have until next month to think about it.
- **Sewer Payment Acceptance Policy:** Herman Johnson made the first motion to accept the Sewer Payment Acceptance Policy, seconded by Vince Cruciani, vote was unanimous 5-0.
- **2014-18 Resolution re: Capital Financing:** Herman Johnson made the first motion to accept 2014-18, seconded by Jim Klein, vote was unanimous 5-0.
- **2014-19 Resolution re: zoning fees:** Herman Johnson made the first motion to accept 2014-19, seconded by Jim Klein, vote was unanimous 5-0.
- **2014-20 Resolution re: Debt Service Financing:** Virginia Kehoe stated that to convert over to Wayne bank would save \$40 some thousand in interest and give

us the available money, coming out less than the pre-payment penalty. Have not even gotten an acknowledgement from PNC. Vince Cruciani stated that we pay 3.96% and have 60 thousand dollar flat rate penalty. Wayne bank is 1.99%. At the time we took this loan out, PNC had never charged a pre-payment penalty.

10. NEW BUSINESS:

President Carey

- **Highland Real Estate Development – Land Development Plan:** Virginia Kehoe stated that the Planning Commission reviewed this application and they are recommending approval. Had 4 conditions. Approval from the Lackawanna County Conservation District, letters from the utility suppliers regarding their intent to provide services and capacity for the proposed project, approval of the sewage planning module from DEP, and that the plans include an original seal and signature of a qualified professional. Herman Johnson made the first motion, seconded by Dominic Scott, vote was 4-1 with Vince Cruciani voting nay.

11. SOLICITOR’S REPORT:

Solicitor Rogan

12. CORRESPONDENCE:

- **Toney Kay:** Herman Johnson made the first motion to accept the payment plan, seconded by Dominic Scott, vote was unanimous 5-0.

EXECUTIVE SESSIONS:

President of Council

- **Prior-** April 2, 2014- personnel and potential litigation
April 29, 2014 – potential litigation and personnel
- **During-**
- **Subsequent-**

ADJOURN:

President of Council

Herman Johnson made the first motion to adjourn, seconded by Jim Klein, motion was unanimous 5-0. Adjourned at 8:32pm.