

**BOROUGH COUNCIL SPECIAL MEETING**  
**MAY 27, 2014**  
**7:00 PM**

The May 27, 2014, Borough Council Special Meeting was conducted on Tuesday, May 27, 2014 at 7:00 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. Vincent Cruciani, Mr. Dominic Scott, Mr. David Jenkins, Mr. Jim Klein, Recording Secretary Virginia Kehoe, Mayor Lawler and OIC Chris Yarns. Absent from the meeting was Mr. Pat Williams, Mr. Herman Johnson and Solicitor Mulhern.

**1. WORKSESSION: President Carey**

**2. PUBLIC COMMENT President Carey**

Mr. Bill Dempsey addressed Council stating he had sent a letter of intent for the open position on the Zoning Hearing Board. Virginia Kehoe stated that his letter included in the meeting.

- **Janine Port – Trolley Trail update**  
Janine Port introduced Cheryl Ellsworth who gave an update about the Trolley Trail. She passed around 4 photos of the construction. They are finally, after 15 years they are in construction. She explained the photos to Council and discussed the project at great length.
- **Border Realty Agreement/Glenburn Agreement:** Virginia Kehoe stated that since Solicitor Mulhern was not going to be here at this meeting, Mark Young didn't need to come either. Solicitor Mulhern did write a draft agreement, Mark Young wrote back with his comments. He thinks that there is more work to do on the agreement. Solicitor Mulhern was looking for a committee to work on the agreement. Herman Johnson, Gerrie Carey and Dominic Scott will be on the committee.
- **Highland Real Estate – Resolution 2014-23 and waiver:** Virginia Kehoe stated that there are two issues that need to be discussed. The first is Resolution # 2014-23. Until we hear otherwise from DEP we are still on the cap. We have applied for the elimination of the cap. Secondly, we had several conditions on them before they could get their permits. They have met every condition except for the sewage planning module from DEP which is something that is beyond anyone's control. Highland Real Estate is asking the Borough for a waiver. Ms. Kehoe's suggestion to Council is that if we do so, it should be in writing that they are moving forward at their own risk. Want it clearly stated and understood, they need approval from DEP. This can be voted on next week at the Council meeting. Gerrie Carey stated that as long as the Borough is protected. David Jenkins asked if the Borough Engineer is fine with yes. The answer was yes, no problem. Mr. Jenkins stated that this could be put on the agenda.
- **Policy re: police part-timers:** Gerrie Carey stated that they spoke with the Chief and the Mayor, concerning the procedure and how the scheduling is done, Chief Yarns feels confident that texting them works best for him. The officers don't always get their emails. If there is a change the discussion will come back to discussion with Council. David Jenkins stated that the Committee felt confident of the explanation that Chief Yarns gave them and left it go at that. He is running the department now, give him the leeway to do it any questions he can approach the Mayor and she can approach Council.
- **ZHB replacement:** Virginia Kehoe stated Bill Dempsey expressed a letter of interest. David Jenkins stated this should be on the agenda next week.
- **UCC seat:** Virginia Kehoe stated that there are still 2 seats open for the UCC.
- **PSAB alert – Radar Resolution 2014-22:** Chris Yarns fully supports the use of Radar.

- **Debt Service refinancing Resolution 2014-20:** Virginia Kehoe stated that the Finance Committee might want to update Council with the meeting with Wayne Bank. Dom Scott stated that it would be beneficial to the Borough. Vince Cruciani asked if it is beneficial as he reviewed the numbers. This will be on the agenda for next week.
- **Sign visibility (reflectivity):** Virginia Kehoe drafted a policy that the Borough needs. Working on all street signs, by June 13, 2015 through 2018. We will be honoring this request. Next week this policy needs to be voted on.
- **Depot Street plans:** Virginia Kehoe stated that the Depot Street Committee met, we need Council to vote on the plans before the County can bid them. Vince Cruciani asked if the lights can't be done next summer; they need to wait this summer. Virginia Kehoe stated that if we held off on the lighting for next year that is more beneficial not a necessity and that might not be funded. Vince Cruciani asked if the lights are really necessary. It is a daytime park, daytime project. Mayor Lawler stated that it is a safety issue; it is a very dark street. There has been unseemly behavior. Residents don't want to shop at Depot Street after the dark. Mayor Lawler stated that the lighting is not directed at the tenants, they are LED lights and they will be focused on the sidewalks. The 8 foot lights, 10 feet each would be helpful. David Jenkins stated that since they are LED's the light would be better than the incandescent. Mr. Cruciani stated that these lights are under our insurance. What is the deductible and what are the expenses. Know where we stand before making the decisions. Mayor Lawler stated would it be prudent to hold off this year, or will the costs increase over one year. Ms. Kehoe stated that CDBG won't pay for them if they are next year.
- **RC Associates – sewer billing:** Virginia Kehoe stated that the balance is with only 6 EDU's and without any late fees. David Jenkins stated that we ought to hammer them; they have been collecting money and not paying the Borough, they owe us money. Solicitor Dan Mulhern stated that since the Borough did only charge 6 EDU's for some time that set a precedent. Vince Cruciani stated that going forward they could be charged the 8 EDU's. They are asking to compromise for 7 EDU's. Mr. Jenkins asked why the taxpayers should be penalized by a corporation that has been collecting rent. They were invited to come tonight; they can't come tonight because it is golf night. When they developed the property, agreement with Bob Thorne, that they would only be charged 6 EDU's.
- **Thank you to Stumbers:** Virginia Kehoe stated that the Stumbers gave permission for the Borough to bring heavy equipment onto their property in order to work on a sewer issue. They were very cooperative and Ms. Kehoe suggested sending them a Thank You note from Council. Vince Cruciani asked if Ms. Kehoe got a temporary work space agreement signed. Ms. Kehoe stated that she would have that done without a problem. This is going to save the Borough a lot of money.

Vince Cruciani asked that a letter was sent out last month, favoring or not, one of the two options with the County changing government. Some people had signed their name, which is fine. What he was bothered by is that Roy Davis signed his name as though he was on Council. Mr. Cruciani didn't think that was appropriate. It may have been an oversight. He wants it on the record that he is sternly opposed to anyone representing themselves as being a member of Council or another elected position in this Borough that isn't. Mr. Cruciani stated that he does believe that this was an oversight by the other members of Council that did have their signatures on this information. He says that with total sincerity. Mayor Patty Lawler asked how Roy Davis should be on this letter with elected officials, who found him. Mr. Davis was contacted by those who wrote the letter. Many on Council agreed that having Roy Davis as a Councilman was incorrect and shouldn't have been signed by him. Those who signed were unaware.

Virginia Kehoe stated that Andrew Weinberger called regarding the Pizza Hut parking lot. Behind the Pizza Hut parking lot is the only way that the Borough can physically get access to some of the manholes that run between the railroad and the Weinberger property. The Borough had etched out a road there. With the heavy rains that the Borough has had recently they had some real serious washout from that access into the storm drains which plugged the storm drains up which they had just cleaned out. Andrew Weinberger asked if the Borough would put some gravel down. David Jenkins asked if we could use the millings that have been removed from elsewhere. The last time the millings were not shared with the Borough. Bigger stone might just wash down. Vince

Cruciani asked for an easement there. Mr. Weinberger suggested putting a gate there for safety. Until we have an easement we won't do anything there. Mr. Jenkins suggested removing the materials from Popple; it's been there too long. It is a liability issue. If we get the easement, we should go the extra mile and put up a gate. Mr. Jenkins agreed with putting up a gate.

Executive Session

**3. REVIEW OF JUNE 4, 2014 AGENDA**

**4. ADJOURN:**

**President Carey**