

**BOROUGH OF CLARKS SUMMIT  
BOROUGH COUNCIL MEETING  
JUNE 4, 2014**

The June 04, 2014 Borough Council Meeting was conducted on Wednesday, June 4, 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. Herman Johnson, Mr. Patrick Williams, Mr. Vincent Cruciani, Mr. Jim Klein, Mr. Dominic Scott, Mr. David Jenkins, Recording Secretary Virginia Kehoe, and Chief Chris Yarns. Mayor Patty Lawler would be arriving shortly.

**MEDITATION:** **Mayor Patty Lawler**

**PLEDGE OF ALLEGIANCE:** **Mayor Patty Lawler**

**OATH OF OFFICE – Junior Officer** **Mayor Patty Lawler**  
Special Guest Cam was honored by Council.

**1. APPROVAL OF AGENDA:** **President Carey**  
Herman Johnson made the first motion to approve the agenda, seconded by Dominic Scott, vote was unanimous 7-0

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

- **March 5, 2014 Regular Council Meeting**  
David Jenkins made the first motion to approve the minutes, seconded by Herman Johnson, vote was unanimous 7-0.

**3. PUBLIC COMMENT & INPUT:** **President Carey**  
Gerard Hetman from Lackawanna County Community Relations Department updated Council on happenings in Lackawanna County.

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

- **Debt Service Refinancing - 2014-20 Resolution re: Debt Service**  
Virginia Kehoe stated that two decisions had to be made. First, if the Borough wants to finance, which options will be chosen. Secondly, we would need to pass Resolution 2014-20. Vince Cruciani stated that he complete supports voting for option #2 and he respects the cushioning of the debt service account. Vince Cruciani made the first motion to go with option #2 and to refinance at the 1.75%, seconded by Dominic Scott, vote was unanimous 7-0. David Jenkins made the first motion to accept Resolution 2014-20, seconded by Herman Johnson, vote was unanimous 7-0. Thank Jim Burk with Wayne Bank.

- **Newton Township Police Coverage:**

Herman Johnson made the first motion to accept the proposal from Newton Township regarding the Police coverage, seconded by Pat Williams, vote was unanimous 6-1 with David Jenkins voting nay.

**5. BOROUGH TREASURER'S REPORT**

**President Carey**

Vince Cruciani stated that we do have 155 thousand sitting in debt service account, pay 50 of that. This money is supposed to pay off a debt. Mr. Cruciani stated that one of the main reasons he took an interest in this office was to get this debt line off of the Borough's bills. He thinks this should be paid off more aggressively. David Jenkins made the first motion to accept the Borough Treasurer's Report, seconded by Dominic Scott, vote was unanimous 7-0.

**6. COMMITTEE REPORTS:**

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

Dominic Scott stated that the Borough's finances are in order. Vince Cruciani stated that he wants the public to know that the refinancing of the debt lowered our rates substantially, and then we went with a more aggressive choice to increase our monthly payment to save a quarter point interest, which should save the Borough at a minimum \$21,000 in the long run, even more depending on our penalty from PNC. It will reduce the amount of time that the debt service will be incurred on the public. This will be a tremendous savings to our community. Our partnership with Wayne Bank benefits the community.

- **Grant Committee** Jim Klein, Chair

Transportation Alternative Program (TAP) was submitted, gave a presentation on that. Waiting on results.

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

Vince Cruciani stated that we received numbers, by July work session, we will have more information concerning insurance options. David Jenkins suggested making it a voting work session in July. Vince will make sure that it gets distributed electronically and that way it can be reviewed before the work session.

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

Pat Williams stated that he would like to thank the DPW for the line painting and the sweeping of the streets before the Memorial Day Parade. Thanked Dominic Scott for the good work on the parade. David Jenkins stated that the DPW extended the guard rail and they did an excellent job; thanked them for the speed and efficiency that was done.

- **Public Works** Herman Johnson, Chair
- **Recreation** Dominic Scott, Chair
- **Sewer Billing** Dominic Scott, Chair

Virginia Kehoe stated that we sent out about 30 shut off notices, we received payment from about 5 and we believe that 90% are foreclosures. Herman Johnson stated that the report should state how many foreclosures. Virginia Kehoe stated that there is a lot of foreclosure information from Code Enforcement. Jennifer Basalyga-Schmidt

goes over the lists of foreclosed properties. Treasurer put together billing from 3 quarters we invoiced 17% more dollars than the year prior and collected payments 30% more. Virginia Kehoe read the sewer report made by Jenn Basalyga-Schmidt and gave collection numbers. The complaints from delinquent residents have decreased; there are currently 56 payment arrangements. Ms. Basalyga-Schmidt has phone numbers and does contact the resident if no payment is received; she has been on top the delinquent residents. Pat Williams asked about the payment arrangements, Virginia Kehoe explained that residents on a payment plan have 3 months to pay and if they need more there would need to be special arrangements approved through Council.

- **Depot St Project**

Herman Johnson – approval of plans

Herman Johnson stated that they are trying to vote on the plan for approval. So it can be sent to the county. Commend Borough Engineer for the hard work he has done. Herman Johnson made a motion to approve the plans to forward to Lackawanna County just for the Bid Specs, we are not obligated until we review it agree. There are bid options on there, we can opt out of conditions, seconded by David Jenkins, vote was unanimous 7-0. Pat Williams asked if the angled parking is out of the picture, David Jenkins said yes it is not feasible.

- **Pass-Thru engineering study**

Virginia Kehoe stated that he has not gotten any feedback. Herman Johnson stated that he would be available. Ms. Kehoe stated that they need to pick a day and time to meet. Virginia Kehoe stated she will send an email to the other communities that we are available during certain time frames.

- **Additional comments from Council:** Jim Klein stated that he mentioned that Virginia gave a presentation and she did a great job. Ms. Kehoe stated that the Borough will probably receive an offer for some funding but we don't know until September. David Jenkins stated that he would like the Borough Manager to contact TowerCo. Since today is June 4<sup>th</sup>, 10 days past Memorial Day, the flag should have been put back to full staff and he doesn't like the size, it is undersized. Tell them that if they are going to service the flag, it needs to be done timely. Herman Johnson stated that all last week they were working on the wires at the tower, had big crane, and did they lower the flag to work. David Jenkins stated that they should remove it then. Vince Cruciani asked if there was a flag on it at night, the answer was no and Mr. Cruciani stated that that is also a problem.

**7. POLICE REPORT:**

**Mayor Lawler**

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

**President Carey**

David Jenkins made the first motion to pay the bills, seconded by Herman Johnson, vote was unanimous 7-0. Thank the Borough Manager for providing the information a day in advance.

**9. OLD BUSINESS:**

**President Carey**

- **Border Realty Agreement/Glenburn Pass-Through/South Abington Pass-Through:**

Virginia Kehoe stated that they will be meeting Tuesday the 10<sup>th</sup> at 2pm. Solicitor Mulhern, Gerrie Carey, Dominic Scott, Herman Johnson, Mark Young, Bob Naegele and Virginia Kehoe will meet in Council chambers.

- **UCC appeal board** – Virginia Kehoe stated that this is a reminder; the Borough is looking for volunteers.

- **Sign visibility (reflectivity) policy:**

David Jenkins made the first motion to adopt the policy, seconded by Pat Williams, vote was unanimous 7-0. Tracking and replacing street signs. We have to have a policy in place. It is federally unfunded mandate; we have to adopt this policy.

Herman Johnson stated that he wants to see a price for the signs. Virginia Kehoe was informed that this must be adopted by June 13, 2014 for the state. Vince Cruciani asked what would happen if we didn't replace all signs that are mandated.

Virginia Kehoe stated that she doesn't know if there is a legal arm or an enforcement arm attached to this. Liability comes in if there is an incident/accident and someone takes advantage of this with a law suit. Vince Cruciani wanted to look at replacement cost vs. dipping cost. Pat Williams stated that years ago, is it possible for DPW to paint the stop signs, and cannot because reflectivity is needed. This will be a line item in the budget.

## 10. NEW BUSINESS:

President Carey

- **2014-21 Resolution re: Highland Sewer:**

Herman Johnson made the first motion to accept Resolution 2014-21, seconded by Pat Williams, vote was unanimous 7-0.

- **Highland waiver:**

David Jenkins made the first motion to accept the waiver with the condition that if DEP turns them down, then they lose their permits, seconded by Herman Johnson, vote was 6-1 with Vince Cruciani voting Nay.

- **CVS waiver**

- **ZHB replacement:**

Virginia Kehoe stated that Bill Dempsey letter of interest, Jeoff Brock is an alternate on the ZHB, he would be interested in taking the seat. David Jenkins made the first motion to elevate Mr. Brock and Mr. Dempsey as alternate, seconded by Pat Williams, vote was unanimous 7-0. Pat Williams thanked Mr. Dempsey.

- **Sewer fee for shut off notices policy:**

Virginia Kehoe stated that the amount of time and effort that goes into the notification and shut off is a lot. A letter is sent, the DPW travels and posts home twice before shutoff, we send notification to water co. A \$40 fee is placed to shut off and turn on. More appropriate to charge \$10 for letters, and \$25 for positing. Vince Cruciani stated that it is too low. Pat Williams asked how much time, we are pulling the DPW off the job to post these houses. The answer is yes. Mr. Cruciani suggested that the second posting should be \$100. We have to let residents know about the cost factor, this information will go into the sewer bill which will be going out in July 2014. Mr. Cruciani wants to make the shut off \$50. Herman Johnson stated that he disagrees, the charges are too high. Mr. Johnson stated that we created this problem because this was not managed properly and we are now doing a commendable job. We can start off on an even scale so we can get this program working really well. There are people that don't have it. Mr. Johnson stated that he is not against how the program

is working, and this has been going on for over 8 years. Mr. Johnson doesn't want to kick residents when they are down. Virginia Kehoe stated that anybody that has communicated with us, to make a plan, we have worked with. We work with everyone and Council has worked with everyone who has written in with a request for a payment plan otherwise approved. Council has not rejected any payment plan put before them. Virginia Kehoe stated that we are talking about people who have ignored our attempts and they have not attempted to contact us to resolve the problem. Our goal is to give them incentive. Ms. Kehoe stated that Jennifer Basalyga-Schmidt is so user friendly, residents are not intimidated when discussing a payment or payment plan. Vince Cruciani stated that this is an expenditure of taxpayers' resources to conduct this process. Herman Johnson stated that we wouldn't be where we are today if it wasn't for mistakes in the past. Vince Cruciani suggested putting the largest fee at the end for turning water back on that way it is attached to the house. Herman Johnson feels better with that. Dominic Scott stated that we are looking for people to notify us, there is no response from some. Virginia Kehoe stated that whatever is decided can be revised at any meeting. Vince Cruciani made the first motion to adopt a Resolution where charges are as follows \$10 charge for a mailed delinquent notice, \$25 each time the property is posted, \$50 if the water company is advised to shut off water, \$250 plus payment of the entire delinquent balance to have water service resumed, seconded by David Jenkins, vote was 6-1 with Herman Johnson voting nay. Effective June 5, 2014.

- **Borough building use for weddings:**

Virginia Kehoe stated that Mayor Lawler asked if there is a policy at the Borough for weddings. There is no policy. Vince Cruciani made a motion to not charge for the building use as long as one of them is a former or current Borough resident; a \$25 charge will be set for Borough usage if neither getting married is a resident, seconded by David Jenkins, vote was unanimous 7-0.

- **PennDOT Agility Program:**

Virginia Kehoe will get more information for Council to put on the agenda.

- **2014-22 – Resolution supporting use of Radar:**

David Jenkins made the first motion to adopt the use of radar, seconded by Dominic Scott, vote was unanimous 7-0. Pat Williams asked if this is state wide. This is letting the state know that the Borough wants to use radar. Herman Johnson stated that the only ones allowed to use Radar are State Troopers. The other in the area is the Tobyhanna Army Depot. Mr. Johnson is for it as long as it is used property. Vince Cruciani has concerned about calibrations and quality of information and the revenue point.

- **2014-23 –Resolution Parking Meter Suspension:**

David Jenkins made the first motion to accept Resolution 2014-23, seconded by Herman Johnson, vote was unanimous 7-0.

**11. SOLICITOR'S REPORT:**

**Solicitor Mulhern**

**12. CORRESPONDENCE:**

- **Jim Colman:** Virginia Kehoe provided Council with correspondence Mr. Coleman has had with Lori Harris. David Jenkins stated that he is wondering if this isn't bordering on harassment for Lori Harris. There is only so much the Borough can do. Maybe he needs to go to the magistrate or the police and file a complaint. Vince Cruciani stated sometimes you have a civil tort matter where you need to sue. Virginia Kehoe stated that a lot of our citizens accuse us of not having code enforcement. There are legal requirements, Lori gives a warning then she has to file with the magistrate and if he deems it that she is correct. He may determine a fine or not. She can only do so much. When she gets a complaint, she will send a letter, a courtesy letter. Herman Johnson stated that the Code Enforcement and Borough Manager will go through these complaints and take care of what needs to be done. Vince Cruciani stated that he would initiate a schedule, have a response in a week from now for example, that way they are notified and don't keep calling. That way we can weed out who is harassing and those who are a little anxious. Pat Williams asked who determines the civil action. That would either be a private citizen or the Code Enforcement Officer.
- **Betsy Curtin/Anonymous:** Police Chief Chris Yarns responded to the email. David Jenkins stated that he agreed with the Chief's response. The dog is a pit bull and was rescued from the humane society, 9 surgeries because he was so severely beaten. The animal seems aggressive but in reality the dog is just starved for affection. Pat Williams is concerned with loose dogs.
- **Brenda Pardue:** David Jenkins made the first motion to approve the removal of the late fees, seconded by Herman Johnson, vote was unanimous 7-0
- **Rebecca Illian:** Concern about the fence at Hemlock Park. We don't have fences at any of our other parks. Vince Cruciani stated that it is the parent's responsibility to watch their child. A fence is not the answer.
- **Caroline Williams:** David Jenkins made the first motion to accept the terms, seconded by Herman Johnson, vote was unanimous 7-0.

**EXECUTIVE SESSIONS:**

**President of Council**

- **Prior-** May 7, 2014 - personnel
- **During-**
- **Subsequent-**

**ADJOURN:**

**President of Council**

David Jenkins made the first motion to adjourn, seconded by Herman Johnson vote was unanimous 7-0.