

**BOROUGH COUNCIL SPECIAL MEETING
JUNE 24, 2014
7:00 PM**

The June 24, 2014 Borough Council Special Meeting was conducted on Tuesday, June 24, 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 Kline, Mr. Dominic Scott, Mr. Pat Williams, Mr. David Jenkins, Mayor Patty Lawler, Solicitor Dan Mulhern and Recording Secretary Virginia Kehoe.

- 1. WORKSESSION: President Carey**
- 2. PUBLIC COMMENT President Carey**

Warren Watkins - Abington Senior Center, the ABPA and our Sister City relationship with Ystradgynlais, Wales. : Bob Gilbert Annual report for the areas that he represents the borough. Sister City-1984 began He sends them information about our community, doesn't hear much for them. We had a sign and it was hit by a car and never replaced. He hopes sometime we can come up with the money and put that back up. APBA serves on their Council, he is under the impression that the ABPA and Borough Council are in better communication. The Summerfest is coming up in July, sales days, free parking is asked. Had two meetings on the Ice Festival, February 12-16. Abington Senior Center has @ 560 members, major expansion and activities. He invited Council to visit the Senior Center. Applied for a grant and it was turned down. Parking is a problem; they are parking in the grass etc. Need to replace the floors, getting bids out. The Borough's assistance is great. They plow the snow and take care of maintenance issues, the grass looks great also. The automatic doors are not working well. Herman Johnson stated that the sign was knocked down; he is in favor of making a motion at any council meeting to replace the sign. It is very important because we have a good relationship, now that we have so much construction; these areas are starting to really look good. Mr. Johnson asked the finance committee to look into replacing the sign. We did get insurance money for it. Virginia Kehoe stated that we had a \$500 deductible and did not get it replaced because of the deductible. Bob Gilbert, a resident at Carol Drive, spoke to Council. He writes the newsletter

for the Senior Center. Proud of the number they have with membership plenty of activities. People have mentioned the potholes at the entrance of the property. He is the treasurer also. Vince Cruciani asked how the Borough retained ownership back in the 80's. The Borough owns the Senior Center Building.

Insurance bids: Vince Cruciani stated that we did get a copy of the quotes but did not have a chance to review this. MRM has not dropped us from the disability/workers comp. They have dropped us from the property liability because of the number of claims that we have had. We have to have new coverage. Bill Burnell went out and searched the markets, put out 8 different applications. Put together picked two best and a comparison. Virginia Kehoe suggested that Argonaut seems like the best company to go with.

Open Grove Street Paving Bids: Virginia Kehoe stated that the Borough has received 5 bids for the sewer replacement project. Ms. Kehoe opened the bids publically. After opening the bids Ms. Kehoe stated that the recommendation would be for Linde Corporation as long as they meet all of the conditions of the bid. The Borough Engineer Bob Naegele will be given the three lowest bids as they are close. Vince Cruciani asked if the Treasurer, Melissa Jones would be able to get a break down of the finances comparing last year from the sewer budget, up to this point. Compare last year at this time against the current standings. Prioritize what has to be done by the end of this year. Herman Jenkins stated that is a good idea to keep us on track. We have sewer projects and emergency projects.

Border Realty Agreement/Glenburn Pass-Through/South Abington Pass-Through: Virginia Kehoe stated that there is a two page draft that Solicitor Dan Mulhern just sent out. He met with Mark Dougherty after they had met with the Committee. Council has in front of them a copy of the unsigned agreement. The Borough needs to sign first then South Abington would. A representative from Border Realty was there to answer any questions. There was a question with paragraph #9. Extinguish the old agreement when they get all of the other agreements done, not just the one. That was the only thing. They were present at the last work session and didn't have an objection. Solicitor Dan Mulhern stated that this will be ready to vote and sign on at the next meeting, he recommends that Council does sign the agreement at the next meeting. The next thing would be the Clarks Summit entering an agreement with Glenburn Township. Dominic Scott stated that the meeting went very well. Herman Johnson stated that the meeting was very helpful. Ask the right questions, they are answered the attorney drafts this and we are ready to go. Nothing was moving forward until that Committee worked together.

UCC appeal board: Virginia Kehoe reminded Council that we have Dan Kontz and Joe Guzek, still looking for one more. Herman Johnson asked if we could have two people instead of three. The ordinance says three people are needed. We have two for now. Take this off the agenda because we have two people.

Newton Township Police Coverage: Virginia Kehoe stated that on July 9, 2014 is Newton Townships next meeting. They got the bid; they didn't have a chance to discuss it. Herman Johnson stated that our Chief should make a presentation, he has to sell it and he is the only one who can do that. Answer their questions if they have any. In the past, we never had a good presentation. Virginia Kehoe stated that she will ask to be put on the agenda. Vince Cruciani asked about cell phone monitoring, he sent an email to Virginia Kehoe. Herman Johnson stated that this is in the early stages.

PennDOT Agility Program: Virginia Kehoe looked for information about this. She sent links to council members. Gerrie Carey and Patty Lawler are interested in discussing this for the water issue behind Mayor Lawler's house. David Jenkins stated that private property work has been done, we own that line, and this is different because this line has not been dedicated to us. We will then assume responsibility from that point on. He feels bad for the property owners and Penndot should take some responsibility for that. Feels more comfortable for having policy in place and money budgeted before we start. Herman Johnson agreed with Virginia Kehoe. Does not like going on private property there are too many liabilities that can happen, whether we have the easement or not. This agility program is a good program. But he thinks the working relationship with Penndot and what we are asking them to do, stay away from private property. Gerrie Carey stated that Steve Armillay, go with this to get more money from the state. We have the option to say it's not for us. David Jenkins wants to move forward to look into this. Herman Johnson stated that a lot of the problem is South Abington and Clarks Green, not Penndot. He is understand that we do have a signed agreement with Penndot for this program, whatever we add to it, look at this to make sure that we are not going to be caught in the middle. Be cautious; make sure we are doing the right thing. Mayor Lawler stated that this is unfortunate that it is her property but they replaced last fall a small corroded pipe with a large pipe. She has discussed with top of Penndot. When did this occur, following easement in 1937 that must have been a small pipe when there wasn't even water running? How do you legislate good custodian of your own land? It is a neighbor issue, not as much a Borough issue. Mr. Roberts suggested the agility program. The state has the huge pipe bringing the water to her home. David Jenkins asked if there are pictures of the old pipe compared to the new one. Herman Johnson stated that Ms.

Lawler refers to Penndot putting the pipe in, it is not their problem. It is South Abington and Clarks Green, they built homes, blacktopped and the water is just running down. As a Council Person he hates dealing with private property and we are caught in the middle with other Municipalities. The others are not following storm water management. Ms. Lawler is stuck in this situation. Virginia Kehoe stated that when she sent information that Solicitor Dan Mulhern had gotten together. Ms. Kehoe gave an example of another area who taxes their residents for storm water. Need a Committee to sit down and explore all the possibilities and options. Dan Mulhern stated that he went to a conference. There are new developments-the Chesapeake Bay initiative, managing pollutants. 2017 is a hard deadline, where they are going to do an evaluation on whether municipalities are actually controlling these pollutants. Act 68 of 2013, authorizes the regional storm water authority. If Penndot has an easement, but if we have a storm water system set up, anywhere water is passing from one Municipality to another, if we put a valve in where they would have to pay the Borough. Where is our control of the sewer? Virginia Kehoe stated that with the MS4 we are going to have to map the storm water. Herman Johnson suggested getting the EMA Director and a Storm water committee together to manage this. Every year the requirements are greater and greater. Mr. Johnson suggested maybe we need to hire another Engineer to work on this. Vince Cruciani stated a Civil Survey Crew is what is needed.

Resolution 2014-24 Records Destruction: The recommendation came from the PSAB. The recordings of the meetings are public record but once the official minutes are adopted, we can destroy the recordings. It is urged that we do that because if you have the recording and someone asks for it, you have to give it to them and things that were said that could be misinterpreted or misconstrued are there but not on the minutes. Recommendation set up a resolution only pertaining to the recording minutes. David Jenkins stated that he fully didn't understand the email that he received, he didn't understand the situation. Herman Johnson asked what the procedure. They will not be erased until the minutes are approved. Times that we come to a meeting and everyone is ready to adopt it but there are a couple of errors. What is the procedure to make sure it is correct. Virginia Kehoe stated that after the meeting, corrections are made to any minutes. Herman Johnson is asking for a check and balance. If someone votes with a change, the recording will not be deleted until the change is made. Vince Cruciani asked if the minutes are not all voted on unanimously. Exception if there is someone who does not vote to accept the minutes.

Bridge club parking: Patty Lawler stated that the Bridge players have come back to use the Borough Building. Virginia stated they were using the VFW Wednesday and Thursdays. They are back here at the Borough on Thursday.

David Jenkins stated that he doesn't need to deal with this. No special permits for the parking meters. Vince Cruciani stated that he doesn't agree with \$1 per person. Dave Jenkins stated that they want preferential treatment. Patty Lawler stated that we had a \$25 rental; we accepted \$1 per person. Vince Cruciani is going to suggest that they should not be grandfathered in; he will make a motion to repeal the ordinance and make them pay the \$25. Mr. Cruciani will also state that either their tables be removed or folded after every use. It is a policy with a 3 month window. Dave Jenkins stated that he wants the bridge player's tables to be taken down after they are done also.

Ordinance 2014-02 Borrowing: Virginia Kehoe thought that because we were refinancing an existing debt, the DCED would accept a resolution, they said no because we are closing out the one debt and opening up a new debt. It's a whole new procedure; we have to supply them with an Ordinance. Virginia ran an advertisement for this to vote on next week.

Ordinance 2014-03 Vehicle Impound: Police Chief Chris Yarns made this recommendation. If we do adopt this Ordinance we need to put in names of towing companies. David Jenkins stated he would like to keep "A". He would recommend Johnson Towing and Abington Towing. Herman Johnson stated that he would like to see if they pay the fine within 48 hours that the vehicle is released. This will help us generate money if they are in the wrong. Chris Yarns is researching names of towing companies. We are talking about commercial vehicles, will the towing company be able to fix it. They can be towed anywhere and the owner operator pays the bill to the towing company. Make sure people are current and up to date with any of fines. This is for people that have outstanding fines.

Vince Cruciani discussed the fact that Virginia Kehoe sent an email about this whole situation with the grass clippings. Going forward, what if we didn't do it this summer but have a program where the DPW would have a specific bag and a sticker and be on a list, once every 2 weeks on a day the Mascaro doesn't go around. This would be an add-on where we don't have to provide it but we could, this could be a money maker and a service provider to people. Ms. Kehoe suggested going a step further, get property from AAJRB and compost, this is a win-win situation, and residents could have material for their property. Patty Lawler has talked to J. P. Mascaro; they will pick up the yard clippings until we make other arrangements. They did not give us enough warning to deal with this. We should ask for an official response as to why they stopped picking up the grass clippings. Sam Augustine and Mark Caesar both were not aware of the change. We need to know why, and can they go out or can't they, need official reason.

School Admin building: The Abington Heights School District is willing to give the old Admin Building to a Municipality if they so choose to take it, as long as the school is still allowed to use the basement area. The YMCA out of Dunmore approached the AAJRB. They are looking to expand and they want to bring some programs out here and they need space. Maybe make it a satellite facility. Bill Risse suggested the Admin bldg to the YMCA. The question is does the Borough of Clarks Summit want to get that bldg. and lease it out to the YMCA. Vince Cruciani asked why can't the AAJRB talk to the school and see if they can obtain the ownership. Ms. Kehoe stated that the AAJRB is a representative of 5 communities and they are all over the place on it. David Jenkins stated we need to bow out. This would take taxpayer money to do something to the bldg. and he worries about liability. Vince Cruciani stated that if we are putting extra money anywhere it would be to the Abington Library. Herman Johnson asked if this would be in competition with the Gathering Place. Probably not.

David Jenkins asked if the emails from Coleman to Code Enforcement Officer Lori Harris died off. Virginia Kehoe stated that the emails have stopped. The resolution is that the fan was fixed and his last email is that the grass is high. Ms. Harris replied that the grass height is legal as of right now.

3. REVIEW OF JULY 2, 2014 AGENDA

4. ADJOURN:

President Carey

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