

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
JULY 2, 2014**

The July 2, 2014 Borough Council Meeting was conducted on Wednesday, July 2, 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. Patrick Williams, Mr. Vincent Cruciani, Mr. Jim Klein, Mr. Dominic Scott, Mr. David Jenkins, Chief Chris Yarns, Mayor Patty Lawler, Solicitor Dan Mulhern and filling in for Virginia Kehoe, Jennifer Basalyga-Schmidt.

MEDITATION:

Mayor Patty Lawler

PLEDGE OF ALLEGIANCE:

Mayor Patty Lawler

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 25, 2014 Council Reconvene and Work Session**
- **April 2, 2014 Regular Council Meeting**
- **April 14, 2014 Special Council Meeting**
- **April 29, 2014 Council Work Session**

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

3. PUBLIC COMMENT & INPUT:

President Carey

Mary Ann Nichols addressed Council representing the Downtown Committee for 7/11/14 requesting closing of Spring Street from 5-10pm. David Jenkins made the first motion to closed Spring Street, seconded by Vince Cruciani, vote was unanimous 7-0. Asked Chief Yarns and he said he wanted to know how big this gathering is. They are assisting in Dalton's parade. Ms. Nichols stated that she will know more next week and discuss this with Chief Yarns. Chief Yarns stated that public safety is most important.

Gerard Hepman, Lackawanna County Community Relations Department spoke to council about upcoming events in the county.

4. BIDS & QUOTATIONS:

President Carey

- **Grove Street Sewer Replacement Project:** David Jenkins made the first motion to accept the bid from the Linde Corporation, seconded by Herman Johnson, vote was unanimous 7-0.
- **Insurance bids:** Vince Cruciani made the first motion to go with McGowan Argonaut and incorporate in our ratification motion an affirmative ability for the

Borough Manager or the Borough President to have one month of latitude to renew any cancelled policy, because what we want to be able to prevent is incurring the one month's worth of premium rather than one month's lapse of coverage. It is always going to be worth it, this was seconded by David Jenkins, vote was unanimous 7-0.

5. BOROUGH TREASURER'S REPORT

President Carey

David Jenkins made the first motion to approve the Borough Treasurer's Report, seconded by Dominic Scott, vote was unanimous 7-0.

6. COMMITTEE REPORTS:

- **Building & Plant**

Pat Williams, Chair

Pat Williams commented that the Senior Center and the Borough Building sidewalks are in need of repair and he hopes the DPW will do that. Herman Johnson stated that he agrees with Pat Williams because that is just preventative maintenance and liability issue. Ms. Basalyga-Schmidt stated that she had written two service requests for Ms. Kehoe to sign when she returns to work.

- **Finance Committee**

Dominic Scott, Chair

Dominic Scott stated that the Finance Committee looked at where they were a year ago as opposed to as where they are now. The solicitor bills were up a little and gasoline has gone up, the Fire Company's overall indicated use of gas went up and EIT was down quite a bit. Overall, the Borough is ok. Vince Cruciani asked why the Borough subsidizes this, is the ambulance service private. David Jenkins stated that the ambulance services are not private. It is a community service. Herman Johnson stated that if the fire company is generating funds and our fuel is going up, maybe we need to sit down and talk about that. If money is generated by that run, we should discuss this. Maybe they should be giving us some reimbursement. Vince Cruciani asked if the neighboring Municipalities contribute to the Borough. David Jenkins stated that we do have contracts with neighboring Municipalities. Staffing for the ambulance is what costs a substantial amount. They provide 18 hours of coverage that is paid coverage. It was also suggested by Herman Johnson to put on the electronic board and on the Borough website that volunteers are needed for ambulance and fire co. Vince Cruciani stated that we received about \$45,000 from the transfer tax helped with the Capitol Reserves.

- **Grant Committee**

Jim Klein, Chair

- **Recycling Committee**

Jim Klein, Chair

Vince Cruciani wanted to make sure that everything was cleared up with J.P. Mascaro concerning them not picking up the yard waste. Gerrie Carey stated that everything is back to normal.

- **Insurance Committee**

Vince Cruciani, Chair

- **Personnel Committee**

Gerrie Carey, Chair

- **Public Safety/Safety**

Pat Williams, Chair

Pat Williams asked if anything was done with the Agility Program. Clarks Green and South Abington are also involved with this. The Agility Program that we are going for includes these other Municipalities. Pat Williams also discussed the West Grove

Street bridge hole which has been there a long time. That should be part of the Agility Program. Gerrie Carey stated that they fixed it and it's back. Herman Johnson stated that we do have an Agility Program already, and the hole on the state road, they should patch it. There are two different Agility Programs. Vince Cruciani suggested that we identify several state roads and where the potholes are, document them with points of reference. With the Agility Program, storm water can be addressed. Patty Lawler stated that we need to give approval with the Agility Program concerning storm water. David Jenkins suggested getting the wheels moving with both Agility Programs, so we don't stay in place and spin our wheels. Vince Cruciani is concerned with the Agility Program that concerns the storm water. Mr. Cruciani stated that we have a different state representative than Clarks Green and South Abington Twp. The very nature of the way our state government works, whether or not Clarks Green or South Abington Township get involved, the State Representative is going to try to get money for Clarks Summit. Make them both contingent upon doing this with Clarks Green and South Abington. David Jenkins stated that as he understands it we need to approve it to move forward. Do not have to agree to follow through on this. Herman Johnson stated that we can opt out of it and the motion is ridiculous because we already have an agreement for the first Agility Program for smaller projects. Steve Armillay's suggestion is a bigger project for a number of Municipalities, different state reps. Herman Johnson stated that research is needed cannot jump into this. There are not too many people on this council that really understands the full scope of this. Sit as a committee discusses the ins and outs. Vince Cruciani stated that this will approve the option of moving on and can opt out. We would be voting for a study not to commit to the project. Pat Williams stated that we have to make sure these other communities are going to work with us. Solicitor Dan Mulhern stated that it looks like a contract to make a contract. Looking at line 3 shows where we can opt out. He would like to research it more, it is a legislative decision. He can talk to Penndot's Solicitor. Herman Johnson agreed and said he is not against the project just wants to fully understand it before moving ahead. David Jenkins made the motion to go ahead with the Agility Program on the advice of our solicitor that we have the option to opt out and with the understanding that Council needs to vote again to take the step where it would mean possible financial damages, seconded by Vince Cruciani, vote was unanimous 7-0.

- **Public Works** Herman Johnson, Chair

- **Recreation** Dominic Scott, Chair

Concerts will be at Hillside Park every Wednesday

- **Sewer Billing** Dominic Scott, Chair

Jennifer- Basalyga Schmidt stated that Borough Treasurer Melissa Jones, went back to January 2014, delinquent balances of 300 or more. There are many payment plans, residents are keeping up on it, and changes with Council as to how many months they have to pay has made a difference. People are still signing up for ACH. David Jenkins stated this gives everyone the opportunity to see the progress and where we are at, stating that this is an admirable job and did fantastic. Herman Johnson stated that this is an outstanding report, thanked us. Give them a quarterly report so they can stay on top of it. Mr. Johnson also suggested not hesitating to bring to Council if we are having problems so they can assist in any way. This comes from years and years of abuse and we are now on the right track and we are doing a commendable job. Ms. Basalyga-Schmidt stated that we keep working on it, people are starting to

understand. Dominic Scott asked if we had turned everyone off. Everyone that was in jeopardy has paid. There are 10 or so properties that haven't, they are in foreclosure. Lori Harris and Jennifer Basalyga Schmidt work together if we know a house is abandoned. Herman Johnson stated we have to know where our dollars are because there are older sewer lines in the Borough that will need to be replaced. Vince Cruciani stated that overall we are in the black with the sewer budget. Need to build up reserve, on the right track and we still need to bank money earmarked for sewer replacement. Pat Williams asked about the payment arrangement. Ms. Basalyga-Schmidt stated that she started the collection without guidelines, at will to make payment arrangements, since them it's been tweaked. Ask for a significant payment then up to 6 months to pay the balance. Is it working? Yes, in the beginning we were able to make payments of \$94 which is one month and one back month. Letters must be made to Council where they offer their payment arrangement. If they keep up on their payment arrangements they do not acquire late fees.

- **Depot St Project**

Herman Johnson

Herman Johnson stated that they are still waiting for the word from the county. There is a 90 day turnaround on this project. We are close to July and he doesn't want it to be too cold out at the end to finish. Mr. Johnson didn't know if the county got the bids back. That is the main issue. Can we vote at the work session, if the county pays for the advertisement we can vote.

- **Pass-Thru engineering study**

Waiting for a date for the committee to meet.

- **Stormwater Committee**

Gerrie Carey stated that we need committee members. Gerrie Carey, Herman Johnson and Joe Krott would be on that committee. Herman Johnson commented that a council member and the EMA guy should be on that committee. Vince Cruciani stated that there should be a 3D programming so it would be an electronic file. That would have to go to bid. Herman Johnson though the Borough Engineer has the program for that. It is a civil tracking where someone else might be able to do this more efficiently. The finance committee could put feelers out to see how much this would cost if we need bids. David Jenkins stated that we should look into grants and Herman Johnson stated we might be able to get FEMA money. Gerrie Carey asked Vince Cruciani if he would be able to help out with the finance end. He would be able to look at the financial side of this first we need to find out the time line.

- **Additional comments from Council**

Vince Cruciani asked what the policy is for motorized scooters and the enforcement. Chief Chris Yarns stated that we have an ordinance against skate boarding. You cannot skateboard on the sidewalks or the street. Typically, give a warning and the parents come and pick up the skateboard. The second time they are cited. You can bicycle or roller-skate but you can't roller-skate or scooter. Chief Yarns stated they hves always recommended Hemlock Park for the kids who want to skateboard.

Janine Port updated Council on the trail from Dalton to Clarks Summit. It will be walked on a weekly basis to keep track of any damages. October 10, 2014 they are setting as their official grand opening with the DCNR. At the Church of the Epiphany.

7. **POLICE REPORT:**

Mayor Lawler

Herman Johnson stated that with good management the overtime is in control. David Jenkins asked about the Vascar/Enrad up and working. Mr. Jenkins stated that the speeds in the area especially Winola Road. They wrote many speeding tickets and he doesn't think it made a difference. He is hoping the aggressive driving grant will allow them to focus on that area. Mr. Jenkins asked if there was any way they could work with the State Police. Chief Yarns stated that it is an issue with man power; they are getting 7 more cadets. Now they are really short staffed. Pat Williams asked about loud mufflers, could be borough place any emphasis on that. They are illegal and make a racket; under the aggressive driving grant can that be addressed. If an officer sees a violation they can pull them over but it is not specific with the grant. Vince Cruciani stated that people blow through Knapp and Bissell stop signs that are close enough to 6&11. Chief Yarns said that is an excellent idea as that is a feeder street.

- 8. VENDOR PAYMENTS TO BE RATIFIED:** **President Carey**
Herman Johnson made the first motion to pay the bills, seconded by Dave Jenkins, vote was unanimous 7-0.

- 9. OLD BUSINESS:** **President Carey**

- **Border Realty Agreement/Glenburn Pass-Through:** The pass through fee needs to be changed and amended. Dan Mulhern will take care of that. Herman Johnson made the first motion to accept the Border Realty Agreement, seconded by Dominic Scott, vote was unanimous 7-0.
- **Resolution 2014-25 PennDOT Agility Program:** Already voted on
- **Pocket Park Update:** Mayor Lawler stated that they are in Phase 2 now. Higgins Construction was hired and finished Phase 1. Looking at fencing, 3 sides and the sod. It was pro-bono done by a survey company. Have spent \$13,000 out of the \$20,000. Phase 3 will be the architects and engineers and we have a rendering. Phase 4 is with the fence in the front. No expense to the Borough.

- 10. NEW BUSINESS:** **President Carey**

- **Resolution 2014-24 Records Destruction:** David Jenkins made the first motion to accept this resolution, seconded by Dominic Scott, vote was unanimous 7-0.
- **Ordinance 2014-02 Borrowing:** Vince Cruciani for the benefit of Council, even though we have to pay a closing cost fee, this saving the borough \$21,000 and he would like to switch over some deposit accounts to Wayne Bank. Mr. Cruciani stated that Wayne bank has done a great job helping up help the taxpayers. Vince Cruciani made the first motion to pass Ordinance 2014-02, seconded by Herman Johnson, vote was unanimous 7-0.
- **Ordinance 2014-03 Vehicle Impound:** Patty Lawler stated that they are still getting more information from other Municipalities and they are not prepared, that could be suspended until next time. David Jenkins voted to table this ordinance.
- **Bridge Club parking:** Vince Cruciani made a motion to eliminate any grandfathering, so that any organization or person that wants to rent the Clarks Summit Borough building pay the same feet for the same use which is \$25. Also any tables be taken down and removed unless affirmatively given approval from

the Borough Manager's approval to keep the tables up, the grandfathering of any organization ends October 1, 2014. Herman Johnson stated we had an agreement but it needs to be enforced. We have a lot on the books and we should see what we have. We can put that in about the \$25 fee and not allow grandfathering. Need to have this strictly enforced. Vince Cruciani stated that if they want to inflict any political pressure, let them inflict on their elected representatives not on Virginia Kehoe. Seconded by David Jenkins, vote was unanimous 7-0. David Jenkins stated that they were taking advantages of us. Vince Cruciani stated that we might have to raise the rate. This says you can't get grandfathered in. They have an affirmative duty to clean up and put away their materials. Mr. Cruciani suggested that anyone who wants to use the Borough Building needs to reservation can be paid in full 30 days in advance but may not be paid in full more than 60 days. A wedding would be the exception. This is to be all included in the motion.

11. SOLICITOR'S REPORT:

Solicitor Mulhern

Solicitor Dan Mulhern stated that the scope of Virginia Kehoe's signing power comes from Council. This would be through an Ordinance. Define more of what Council wants so she will know more and be more efficient. David Jenkins stated that he through Council had always given the Borough Manager exclusive right to sign. Herman Johnson stated that it might be a legislative thing that you have to have either Council President or Vice President sign it. Didn't think a policy was set for this, it was approved it as we went along. Herman Johnson stated they should be reviewing everything, give a little leeway. They would need to pass an ordinance specifically when laying out what Virginia Kehoe would sign. It is a practice, she comes to Council as says what needs to be done and who needs to sign. Pat Williams stated that Virginia Kehoe is not bonded; make sure what she does sign can just be passed off. Gerrie Carey stated that whatever is voted on is signed by Gerrie Carey. We are protected.

12. CORRESPONDENCE:

- **Van Sickle sewer payment request:** David Jenkins made the first motion to accept the request, Dominic Scott seconded the motion, vote was unanimous, 7-0.
- **Yablonski request for lesser EDU's:** David Jenkins made the first motion to accept the request, seconded by Vince Cruciani, vote was unanimous 7-0. David Jenkins stated he knows the home and it was converted and he has a small apartment downstairs. A little efficiency and a bathroom. Herman Johnson asked if it had already been eliminated. Not sure. Mr. Johnson has heartburn eliminating this until it is done. Would the Code Enforcement check on this? Can approve it contingent up the approval of the Code Enforcement officer saying it has been done in writing. Pat Williams stated that this is not a good procedure. Why approve it before we see it. Herman Johnson stated that this shouldn't be approved that is giving special consideration to one person. Vote was 5-2 with Herman Johnson and Patrick Williams voting Nay.

- **Brenda Pardue's request:** Dominic Scott made the first motion to keep the sewer billing the same, seconded by Pat Williams, vote was unanimous 7-0. We have other properties where water is shut off and they do pay the sewer bill.

EXECUTIVE SESSIONS:

President of Council

- **Prior-**
- **During-**
- **Subsequent-**

ADJOURN:

President of Council

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