

**BOROUGH OF CLARKS SUMMIT  
BOROUGH COUNCIL MEETING  
AUGUST 6, 2014**

The August 6, 2014 Borough Council Meeting was conducted on Wednesday, August 6, 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. Patrick Williams, Mr. Vincent Cruciani, Mr. Jim Klein, Mr. Dominic Scott, Mr. David Jenkins, Chief Chris Yarns, Mayor Patty Lawler, Virginia Kehoe, and Solicitor Dan Mulhern. Absent from the meeting was Herman Johnson.

**MEDITATION:**

**Mayor Patty Lawler**

**PLEDGE OF ALLEGIANCE:**

**Mayor Patty Lawler**

**PROCLAMATION TO BETHANY STEVENS**

**Mayor Patty Lawler**

Mayor Patty Lawler introduced Ms. Stevens to Council. August 6<sup>th</sup> is Bethany Stevens Day, recognized for the accomplishment of the Gold Award through The Girl Scouts of America.

**1. APPROVAL OF AGENDA:**

**President Carey**

David Jenkins made the first motion to approve the agenda, seconded by Dominic Scott, vote was unanimous 6-0.

**2. APPROVAL OF MINUTES:**

**President Carey**

**3. PUBLIC COMMENT & INPUT:**

**President Carey**

Gene Gallagher, 205 Barrett Street has concerns about street paving work that has been done the past few years. Woodridge Circle was being resurfaced, how long has that been accepted by the Borough. Questioned some haste in accepting that road, so that it had to be resurfaced after a short amount of time. What percent of the budget was spent on paving Woodridge Circle? Virginia Kehoe informed him that 11% of the paving budget was spent on Woodridge Circle. 55 years ago he came to ask for Barrett Street to be paved. It was paved that year. Barrett is almost down to dirt again. Request to give their consideration to pave Barrett Street. Let the residents know when it will be paved. People would like to put new driveways in. Virginia Kehoe stated that the list for paving is not final as of right now but Barrett is on the draft list for this year. Woodridge Circle was dedicated in 2001. In these cases, there is a maintenance bond for a period of time. There are also standards that are supposed to be met. Vince Cruciani asked if we bid the paving project yet. No, Borough Engineer Bob Naegele is working on it. Maybe next work session, we should comprehensively take a look at that as a Council. Virginia Kehoe stated that is exactly what needs to happen. Tentatively the plan is to have the bid opened at our next work session. Mr. Cruciani stated that some of the roads may need to be resurfaced etc. Bob Naegele breaks up what needs to be done; there is different pricing depending on what needs to be done. Pat Williams stated that we are late on this every year. Virginia Kehoe stated that the DPW has been working on very big projects with storm water. We are doing the storm water a year in advance it is taking

time to prep this year's roads. In 2 years we are trying to get 5 years of storm water work done. Pat Williams stated that because we paved too late in the past. There was a problem on Grand avenue but it wasn't because of it being done late in the season but because there was Super Pave was used and DPW Foreman Neil Bartholme was very unhappy with that. We will not be dealing with Super Pave this year. Pat Williams asked who is responsible for raising the manholes. Virginia Kehoe stated that would be on the contractor, it is in the bid.

Jerry Hayes commented 227 Colburn Avenue. He discussed an event that happened at Gerrity's parking lot recently. He stated that cell phones were taken out of his truck. Officer Orzalek and Williams were there and went behind the woods; they had found the person responsible. He praised both police men. Mr. Hayes also commented on the issue that the Fire Company issue with Our Lady of the Snows a few weeks ago. He stated that the Borough cannot afford to pay people to be there at the Fire Company 24/7. If there is any fault it falls on the Comm Center, there is a failsafe there. Dominic Scott stated that they discovered that there is a problem with manpower. He was surprised to learn about this situation. Vince Cruciani discussed a fundraiser/carnival. Mr. Cruciani stated that there used to be a carnival in Clarks Summit. We should facilitate the Fire Company with a permit for a fundraiser at the fire station. People could volunteer for that. David Jenkins stated that because we now get tax revenue for the fire company. It is felt that it is too much on the community that we get tax revenue and then have a fundraiser too. Need volunteers for the carnival that is the problem is getting volunteers. David Jenkins stated that Jake Hoinowski explained the situation. They cover 96% of the calls, 4% were missed. Out of that total it worked out to be 33 calls that were missed. The newspaper stated that we missed 5 calls. That was misinterpreted by the paper. Mr. Jenkins wanted it on the record that Jake Hoinowski did stated that we made 96% of the calls and 33 total calls were missed which is 4%.

Gerard Hepman from the Lackawanna County Communication Department reported on upcoming events in Lackawanna County. David Jenkins commented on the situation with the Depot Street Funding with Gerard Hepman. Mr. Jenkins stated that he apologized if he got caught in the ringer. He did what Council asked him to do. Mr. Kelly is available to answer any questions.

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

**5. BOROUGH TREASURER'S REPORT President Carey**

David Jenkins made the first motion to accept the Borough Treasurer's Report, seconded by Dominic Scott, vote was unanimous 6-0.

**6. COMMITTEE REPORTS:**

**• Building & Plant Pat Williams, Chair**

Pat Williams asked about the Senior Center sidewalks, Virginia Kehoe stated that they are done and the people at the Senior Center are thrilled. Ms. Kehoe stated that we are waiting next year to work on the sidewalks in front of the Borough building

and we should do it in conjunction with the Gathering Place as they will be making improvements. Dominic Provini fixed an area near Highland Associates.

- **Finance Committee** Dominic Scott , Chair

Dominic Scott stated that so far we are within budget, very pleased. Virginia Kehoe stated that we have some prior year's revenues that were previously unbudgeted so we are still ahead of budget on our real estate tax collection. The income side is good, ahead of budget. Vince Cruciani asked when Dominic Scott wants to sit down and discuss the 2015 budget. Virginia Kehoe stated that normally, the end of August through early September put together fixed costs, history trail for the other expenses and income. The end of September is when they sit down and go over final decisions.

- **Grant Committee** Jim Klein, Chair
- **Recycling Committee** Jim Klein, Chair
- **Insurance Committee** Vince Cruciani, Chair
- **Personnel Committee** Gerrie Carey, Chair
- **Public Safety/Safety** Pat Williams, Chair
- **Public Works** Herman Johnson, Chair

Pat Williams asked about the Grove Street Bridge below near the railroad. Are they done with the work? Virginia Kehoe stated that she could call the state and find out.

Vince Cruciani asked how much extra revenue we have. We have \$50 thousand that wasn't expected at all. Mr. Cruciani stated that 1/3 to 1/2 should go towards the debt.

- **Recreation** Dominic Scott, Chair

Senator Blake's band is playing at Hillside Park next Wednesday. Dominic Scott stated that he is very professional and did a great job.

- **Sewer Billing** Dominic Scott, Chair

Dominic Scott read off report by Jennifer Basalyga-Schmidt, showing the difference between what the previous company had collected as opposed to what Ms. Basalyga-Schmidt has collected. David Jenkins stated that we have made a drastic improvement between October 2013 and July 2014, with \$400,000. David Jenkins stated that it goes to show with a little bit of work goes a long way. Ms. Basalyga Schmidt also reported that the collections through the Payment Plans have been successful and homes were posted for water shutoff. Virginia Kehoe stated that we just found out that one of the seven posted is up for foreclosure. Most houses that have not made a payment are in the process of foreclosure.

- **Depot St Project** Herman Johnson

Virginia Kehoe stated that the Office of Economic Development for Lackawanna County is not getting the bid out for the Depot Street project. They are in the middle of a DCED audit. The projects are all frozen. The project will have to wait until next year. We voted to pay for the Engineer to do the designing for us.

- **Depot St Pocket Park**

Mayor Lawler stated that on Sunday, August 17, 2014 party for the park, fundraiser for the Pocket Park. Gerrie Carey suggested leaving some tickets at the Borough Building. Mayor Lawler stated that they just completed phase one which consisted of the clearing of the land and putting up the security fence. Problems with the fence have been fixed. The grass is growing and the picture of the project is being done by

Ned Connell. He has our suggestions, waiting for the first rendering. Have \$6000 left, most everything is pro-bono, rotary club taken them on as a service project. Phase two will be the gazebo. How much does it cost to move the gazebo. Not sure yet. Vince Cruciani asked is it cheaper to buy a new one rather than moving it. They are very expensive. David Jenkins asked why we are worried about moving the gazebo. We didn't get official notification from PPL it's been there for about 25 years. Can't understand why we are jumping through hoops. Virginia Kehoe stated that because we have the gazebo in the right of way that shouldn't be there, trying to see if that would be more suitable elsewhere. David Jenkins stated that it is being used on Carol Drive; he doesn't see the rush in moving the gazebo, taking the identity away from the neighborhood. Mr. Jenkins suggested getting a price on replacing it too.

Vince Cruciani stated that he thinks it was a good idea to take down the privacy fence at Hemlock Park. He was entertaining the idea of a 4 foot chain link fence, about 200 feet. Don't think it's necessary but something to entertain in our budget for next year. That park is in a commercial area. He thinks that putting advertising signs on that fence. It might be a good way to raise money.

- **Stormwater Committee**
- **Additional comments from Council**

David Jenkins asked about the property at Hallstead/Sheridan, the one where the fire was. Lori Harris is not at the meeting so she cannot tell us what stage of the process she is in. Virginia Kehoe stated that Mrs. Harris visits routinely and keeps in touch with them. It may be in foreclosure, once we have bank information we can get on the bank to keep up with the property. Could our DPW do the outside of the fence area? It would go a long way to spruce up the neighborhood. If we don't have any headway with the bank, find out from Mrs. Harris. Send the guys to do the outside of the fence. Pat Williams stated that the outside of the fence is the Borough's property. Virginia Kehoe stated that the Borough doesn't maintain the right a way out side of peoples home. Sidewalks are the in the right of way and they are the legal responsibility of the property owners to maintain. We do not cut grass in any other scenario.

David Jenkins asked Chief Yarns to check on the vehicles that are on Florence/Woodlawn, the van and the BMW. The motorhome on the Morgan Highway has been there for over a year and a half and hasn't moved. He doubts that it is inspected and the plate cannot be valid, had enough patients with that and something needs to be done. Pat Williams stated that in the past he has had it inspected and then returned back to the original spot. It has to be registered to be on the property in the driveway. It has to be covered, not sitting in plain sight.

## **7. POLICE REPORT:**

### **Mayor Lawler**

Officer Orzalek is going to be working on Commercial Vehicle Enforcement. Detail in August and two in September. The Aggressive Driving campaign will run again October-November 2014. David Jenkins asked about the speeding on Winola Road. Comment on a motorcycle rider who was exceeding the speed limit excessively. Pat Williams stated that he had been watching television and saw something about heroin is being excessively used he asked if there was any information around here. There is

some around here but mostly in other counties. David Jenkins stated that someone in the neighborhood was driving around trying to sell meat. This person is actually walking into people's houses and tries to make a sale. You need a permit to sell door to door. Virginia Kehoe stated that if they got a Peddler's Permit we would let the police department know. They have to supply us with a background search through the Pennsylvania State Police. If residents do not see a peddlers permit which is red and with a photo of the person on it, call the police.

- 8. VENDOR PAYMENTS TO BE RATIFIED:** **President Carey**  
David Jenkins made the first motion to pay the bills, seconded by Dominic Scott, vote was unanimous 6-0.

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

- **Glenburn/South Ab Pass-Through**

Solicitor Dan Mulhern stated that July 2, 2014 they had a committee meeting with Dominic Scott, Gerrie Carey and Herman Johnson, and they approved the sewer construction agreement with Border Realty, outlining out wishes and demands. David Gromelski is the Special Solicitor for Glenburn Township who wishes to pass through Clarks Summit Borough. We were all set to sign the document but the owner of Border Realty wants to take his name out the pass through agreement with Glenburn which would materially change some of the clauses, essentially eliminating him paying for the acceptance test and other fees. If he wants to remove his name from the pass through agreement, the committee will have to reconvene and they will have to add more clauses to our personal agreement. Vince Cruciani stated that they should pay our Solicitors cost on this matter or at least half of it. We are already at the point now where we are ready to sign but if this gentleman pulls his name and everything has to be redone again, he thinks that is the time to do something. Virginia Kehoe stated that she has to check with the Borough code on that, there is some issue about how much in legal fees can be billed to applicants. Vince Cruciani stated that they are not actually applying for anything. Ms. Kehoe will check this out and have been tracking these expenses.

- **Ordinance 2014-03 Vehicle Impound**

David Jenkins made the first motion that we accept this as it is written, seconded by Vince Cruciani, vote was unanimous 6-0. Solicitor Dan Mulhern stated that they are going to go over the proper procedure with the police department when they impound a vehicle regarding inventory searches. When the Borough impounds a vehicle if they do an inventory search that could lead to another charge, just want to make sure they have the proper procedures.

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

- **Gathering Place Grant Application**

Virginia Kehoe stated that Council has the paperwork for the grant application. David Jenkins made the first motion to give approval for the paperwork needed to move forward, seconded by Jim Klein, vote was unanimous 6-0. Pat Williams asked if Solicitor Dan Mulhern took a look at this. Mr. Mulhern hasn't reviewed this yet.

- **Resolution 2014-27 – Opposition to State House Bill 2408**

David Jenkins made the first motion to pass Resolution 2014-27, seconded by Dominic Scott, vote was unanimous 6-0.

- **Comcast Franchise Renewal**

Virginia Kehoe stated that she has an update from Cohen Law that they submitted a draft that is pretty close to the agreement that they have in other communities. They are reaching out to see if anyone had any more comments before they go into negotiations on this. David Jenkins stated that he agrees with getting free Comcast for the Borough and he would like to see that for the Fire Company too. Virginia Kehoe stated she would ask about that. Mr. Jenkins stated that would be a great gesture for the Fire Company. Vince Cruciani asked about free internet for the Gathering Place. Ms. Kehoe stated that we are set up on wireless here at the borough and being in the building they would have access. Pat Williams stated that the first COG meeting is in September, should we be doing anything yet? Wait until Pat Williams goes to the COG meeting then he will report back to Council. This is tabled until the October Council Meeting.

- **Carol Drive Park Sign**

Virginia Kehoe stated that the sign is aged, not vandalized. David Jenkins suggested a scout troop or any volunteer or an Eagle project. Vince Cruciani stated that he talked to scout leader David Jones about the project. Mr. Cruciani stated that Mr. Jones thought the woodworking would be a little bit too complex for the Eagle Scout. We could consider signs that are different. We will not have this fixed in a short time if we have an Eagle Scout do the work. Leave the signs up so we know that we need to fix them. Vince Cruciani stated that Lewis Lane sign also needs work. Ms. Kehoe would talk to the scouts. We should at least get some kind of idea of how much a sign would be for the budget next year. Gerrie Carey stated that the students at the Abington Heights High School also have done work for the Borough. Ms. Kehoe would reach out to them also.

- **Hemlock Drive Park Fence**

Virginia Kehoe stated that RC Associates was an issue with the sewer bill. We were billing them for 6 EDU's and they have 8 apartments. They are right now paid in full and asking for a compromise of 7 EDU's. David Jenkins made the first motion to leave the billing at 8 since they have 8 apartments, seconded by Dominic Scott. Vote was unanimous 6-0. Solicitor Dan Mulhern stated that he has been in contact with RC Associate's lawyer and they stated that there is an agreement between the past Borough Manager, over two decades ago that was supposed to charge them 6 EDU's. The vote passed unanimously. David Jenkins stated he feels that it is very unfair that someone who is collecting rent on the EDU's has the audacity to come in and ask for a reduction, he feels there is no reason for that.

**11. SOLICITOR'S REPORT:**

**Solicitor Mulhern**

**12. CORRESPONDENCE:**

- **Request from Gene Gallagher**
- **Request from Comet Football Fan Club**

Virginia Kehoe stated that they want the Borough to advertise with them. David Jenkins asked if we can use taxpayer's dollars to advertise like that, he doesn't think we can. Solicitor Dan Mulhern stated if you sponsor for Football, will you sponsor for all of the other sports. Vince Cruciani stated that if each member of the Borough Council wants to put \$10 in where they did this as Council Members with their own private funds. All give it Gerrie Carey and they can list their names. They will use a quarter page for \$75 and Mr. Cruciani agreed to pay the extra \$5. Vince Cruciani wants to make sure that this ad was paid individually by Borough Council Members, not by the taxpayers of the Clarks Summit Borough. Vince Cruciani changed his mind and stated that he would put in his own one line advertisement.

**PSAB input on Clean Water Act change-Resolution 2014-26-**

David Jenkins made the first motion to pass Resolution 2014-26, seconded by Vince Cruciani, vote was unanimous 6-0.

David Jenkins stated that he received an email about the Agility Program. Virginia Kehoe stated that Steve Armillay asked for Council to decide what the Borough wants to offer the state. Need to talk about that to reply back. David Jenkins stated that as of this moment we don't have progress to report, but we will proceed on this.

Jim Klein stated that there seems to be an awful lot of misunderstand on the garbage pickups. The rules were changed then changed back. There was an article in the paper about this. They are supposed to be picking up yard waste but not brush. Yard waste should be bagged, brush should not. Yard waste includes grass clippings, weeds, and old leaves. If the trash hauler doesn't take the yard waste, call the borough of J.P Mascaró. They have a high turnover rate and different communities have their own rules and guidelines.

**EXECUTIVE SESSIONS:**

**President of Council**

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

**ADJOURN:**

**President of Council**

David Jenkins made the first motion to adjourn the meeting, seconded by Dominic Scott, vote was unanimous 6-0.