

**BOROUGH COUNCIL SPECIAL MEETING  
AUGUST 26, 2014  
7:00 PM**

The August 26, 2014 Borough Council Special Meeting was conducted on Tuesday, August 26, 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 (late at 7:30pm), Mr. Herman Johnson, Mr. Vincent Cruciani, Mr. Jim Klein, Mr. Dominic Scott, Mr. David Jenkins, and Recording Secretary Virginia Kehoe. Absent from the meeting was Mr. Pat Williams and Solicitor Dan Mulhern

**1. WORKSESSION:**

**President Carey**

**2. PUBLIC COMMENT**

**President Carey**

Eileen Christian from Glenburn spoke to Council about "Pocket Library" at the Pocket Park on Depot Street. Rotary Club is giving us the library to put at the Pocket Park. Ned Connell designed it. Sees this as a way for people to come to Depot Street and help themselves to a book. She is hoping that we won't enclose the park any more. If there is a fence, that would look like private property with a fence around it. Ned Connell volunteered to create a sketch for the park and the pocket library. David Jenkins stated that we need the fence because kids could go over the fence area to the railroad tracks, which means it's our property therefore it's a liability so we need a fence. Also for liability reasons for people walking by, need to protect ourselves, people are sue happy. We found the need for a fence to cover ourselves and with the best interest to the taxpayers and the Borough. Herman Johnson stated that he likes the idea of promoting literacy and that someone coming to the park can read a book. Suggest to Council that what is our liability, the front fence would take away from the park. The high fence on the back and sides is good and they are putting trees in there too. That would be secured and not as much as a liability. Council should look into that. Mr. Johnson stated that we took the fence down at Hemlock Park and he doesn't know if that was a liability. He thinks you are in the middle of town, have a pocket park, supervision of parents, not really a liability. Check into that for legal reasons. Mayor Lawler stated that we saw the bird's eye view plan, Johnson College is going to work on different facets, commend Ned Connell on the work that he did, and the plan is flawless. It would be less welcoming if there was a fence in the front. Then fence we were planning was a 3 ½ foot white picket pretty fence there will also be two wide gates that would open, handicapped accessible. Vince Cruciani stated that the worry that there would be a rogue child that would run out and end up in a tragic situation also, someone might go in with spray-paint, it could go either way. Ned Connolly stated that a low fence wouldn't keep anyone out. David Jenkins stated that a fence is better than no fence; a picket fence would have a more soothing aesthetic appeal. Herman Johnson stated that at Hemlock Park the kids kicked out some of the fence and he would hate to see the same thing happen at the Pocket Park. Mr. Johnson stated that we should talk with our solicitor and see what the liability is there. Vince Cruciani asked about the back of the park, the grading slopes down are we planting there. Mayor Lawler stated that a shed will be in the back plot. They built up the back but when the land was cleared, there was a pitch to it. That will all be planted and landscaped and filled in in good time. At

this point Mayor Lawler was asking Council to make the decision about the fence. This park is going to be lit up at night. Vince Cruciani wanted Mr. Connell's opinion on this, stating that a gazebo isn't aesthetically pleasing, we need a shade cover. Mayor Lawler stated that they are deciding about the fence at this point. Mr. Cruciani asked if there are going to be picnic tables. Mr. Connell stated that benches and tables should be on the outside of the walk so the center could be the lawn. He doesn't care what goes around the outside, tables or benches, etc. Mr. Connell stated that another thing to consider if you have flexibility to postpone putting the fence in the front. David Jenkins stated we should take it under advisement, can debate this all night long. Jim Klein stated that the Abington Community Library had talked about a pocket library. Mr. Connell stated that the only one he has seen was in New York behind the NY public library. Vince Cruciani asked Mayor Lawler how much money is have left. Mayor Lawler stated that we have about \$8,000 left. Herman Johnson stated we should see a rough draft and talk to the Solicitor and then make an informed decision. Vince Cruciani suggested planting shrubbery instead of a fence might work to keep kids in, is that more inviting and aesthetically pleasing.

- **ARWA update**

Joe Bontrager, Paul Murphey and Wayne Miller all attended the meeting. Wayne Miller gave brief overview of the area he is responsible for which is the PR area. ARWA is trying to get the message out about the program and the status of the development. Have brochures and a new addition late October early November 2014. Amazed when he sees the magnitude of that is being done at the plant. There are three communities involved, and the Borough took the leadership role by helping with the financial part of the planning, good credibility with the suppliers and the people who are doing the work. David Jenkins congratulated him on the progress that the sewer authority has made. About 15 years ago contemplated including Scott Twp. and with good judgment and sound thinking by the board, they didn't. That was definitely the right move; they are having a lot of problems now. They are doing great, need to be commended; it's a sign of the times for 20 to 30 years to come that we will not need too many more upgrades. Gerrie Carey stated that any communication that he wants to get out to the public can get it to Virginia Kehoe to put information into the bill. Herman Johnson stated that they are doing a commendable job, the buildings look great, he thinks they are setting the bar for NEPA the committee and the workers, they are the role model for NEPA, we are mandated by the Chesapeake Bay Initiative. They wouldn't be able to do that without the support of the three communities. Virginia Kehoe stated that they are 4 months ahead of schedule and the original price went down. Vince Cruciani doesn't believe that the Border Realty Contract is assignable to Glenburn Township because they are not taking ownership of the subdivision so he does think it's a matter of clear choice by Council to agree to it or not to agree to it. Vince Cruciani asked if they think that if this sub development plan in its maximum potential of flow could have adverse effects on the system that we have. Mr. Miller stated that he didn't detect a problem but that was just in the process of development. To his knowledge nothing has been done. Mr. Cruciani is concerned about functionality, is it detrimentally to us financially or operationally. David Jenkins stated that this will not even have a miniscule amount. No adverse effects. Mr. Jenkins stated that it is a drop in the bucket. Herman Johnson stated that we as elected officials should be checking into this all the way down to the end. Is that going to handle this if something goes wrong? Go at a slow pace and be on board with everybody. Storms are getting worse. David Jenkins stated that if everyone takes care of their

infrastructure than the amount of infiltration going into the system is going to be reduced drastically and then we are not going to have the problem where we say we can't handle it. The storm water will be going into the right place. Mr. Johnson stated that we don't know until something drastic happens. Paul Murphy stated that they expect by next June the project should be substantially complete and they are 3 or 4 months earlier than anticipated. Not happy about interceptor program notice. A lot of change orders. Pleased with the project overall. Joe Bontrager commented that he is pleased with the buildings had a tour of the project and they have a good handle on what's going on. He is very impressed with this board and they are the best one he's worked with.

- **George Kelly – Lackawanna County Office of Economic Development**

Mr. Kelly discussed the Depot Street Project with Council. Concerning the CDBG project, the county is going through an audit, holding up the project. If we can hold it off to the spring it would make more sense to make sure the funds come to us. We could finance this and wait for the reimbursement. Herman Johnson stated asked about how long this could take, 30 days or 6 months, could it take longer. Mr. Kelly stated that possibly depending on the audit, it may, no guarantees. It's a shame that this happened. Gerrie Carey stated that we can't do any more. Ms. Kehoe stated that our project is in pristine condition, nothing is being held up by the Clarks Summit Borough. No it's because of DCED audit. Borough has done a great job. Herman Johnson stated that he believes that the Borough did everything correctly but our problem is that our Committee needs to sit down and see what we need to do. We should have been just about done if everything was done right. He feels hurt to go back to personal contacts and say it is going to be next year. He believes this committee should meet and talk out their options. Mr. Johnson asked should we go forward and borrow money and be reimbursed brainstorm this. We promised the people, it isn't the county's fault or the borough's fault, justifying actions. Gerrie Carey stated that the spring is the best time to start the project. Mr. Johnson stated the committee should meet and see what the options are, this isn't the forum, should meet in committee. Mr. Kelly stated that he will try to get an indication on the time frame. Did we get any of the bids back, we sent it to the county and they handle it. Vince Cruciani asked if we got any of the bids back. We sent it to the County and they were to send it out to bid. Mr. Cruciani asked if we are just interested in not having a release in the funds or not even sending out the bids. If we got the bid back at a certain level and the money was able to be released at a certain point next year, if we got the bid back at our estimate, he thinks we still be \$20,000 short until August 2015. Virginia Kehoe stated yes, based on the forecast. Mr. Cruciani is wary of adopting a \$160,000 project when \$150,000 is available and the \$20,000. \$20,000 is 2% of the debt that we owe and he wanted to pay down. Herman Johnson stated that the cost of the material could go up next year. We should go back into Committee and discuss all of this. Mr. Cruciani stated let's assume that the project comes in at a level where the funds are accessible and all of the funds can be expended through the grant to go forward with it. This Council can approve or reject the change order, which is in the agreement. There is also a cooperation agreement. Look at how well defined the pre bid is because if they put a loose bid out, that is not well defined, it's going to open up liability and the County will not be the ones liable it will be the Borough.

- **Junior Council:**

Virginia Kehoe asked if we wanted to see if any students are interested in new Junior Council Members. Herman Johnson stated that we always open up the invitation for Junior Council Members in September and then we let them go until May. Put an article

in the paper, we look for two volunteer. Make sure we were continuing that. Gerrie Carey stated that she had one candidate she knew of.

- **DPW Contract negotiations:**

Virginia Kehoe provided a copy of last year's contract and stated that the Council needs a committee to get our first meeting to address what we want to. Jay Miller is the representative from the DPW. Herman Johnson stated that the committee members should be here for a while so that everything runs smoothly, not someone who will be leaving Council any time soon. The three committee members are Vince Cruciani, Gerrie Carey and Dominic Scott. Herman Johnson asked how Lynn Davis is doing. Lynn Davis has retired and John Lewis is now a permanent full time member of the DPW union and the guys are thrilled with him. David Jenkins asked why this didn't go through personnel. Virginia Kehoe stated that he has been working for us for 6 years and that Council had talked about this already. Herman Johnson stated that Council talked about it and said it was a good idea but he agrees with David Jenkins that for a permanent position that Council knew that he's been here for years, it should have been voted on because this is tax payers money that we are paying him with and the other thing is we talked about putting out an advertisement for another temporary DPW worker. This is why people get upset because 7 people on Council and a lot of people don't know what's happening. David Jenkins stated that he is a on the Personnel Committee and he was not aware of the new hire and he is ticked off because he doesn't know anything about the new hire. Stated that this is not right, he was already here filling in the slot, who took the forward step and said you are hired as a permanent employee. That needs to come before Council to vote on it. Gerrie Carey stated that it was discussed; Virginia Kehoe stated that she was asked by Council to see if John Lewis would be a permanent replacement, if Lynn Davis didn't come back. Mr. Jenkins stated that however it's had to be something that needs to be voted on. Virginia Kehoe stated that she would put it on the agenda. Vince Cruciani stated that he sees there was ambiguity between John Lewis being a permanent replacement as opposed to a full time employee. Vince Cruciani stated that Council will have to ratify the decision if he became part of the union. Ms. Kehoe stated that he was a member of the union even when he was a part time employee. Herman Johnson stated that this is where Council votes on a permanent position, the Personnel Committee should be interviewing these people even if he was here for 6 years, we keep on putting ourselves behind the 8 ball. David Jenkins stated that if the Personnel Committee is not going to have the opportunity to do this, why have the Committee. Virginia Kehoe stated that this will be discussed last week, do we want an interview, he has been here 6 years, and he has his CDL. Mr. Jenkins stated that for his case there would be an exception to the rule, he has been full time for 3 months, he is obviously interested in the job. Bring it before Council that we are going to hire this person as a replacement for Mr. Davis. Advertise that we are going to hire another temporary position. Vince Cruciani stated that he has been full time for three months and that is 3 months of medical benefits and pension which is budgeted for but it's technically unapproved expenditures and he thinks Council should ratify the hiring. Herman Johnson stated that two wrongs don't make a right. Still says go through the motions and interview him. Virginia Kehoe stated that he hasn't received benefits or pension. David Jenkins stated that he wants to make sure that something like this doesn't happen again regardless of who the Council is, because it can blow up in our face. There is no excuse that it shouldn't have happened in the first place. Vince Cruciani stated that this is about our process; let us go forward the right way.

- **EPA Inspection Report / Radnor Stormwater plan:**

Virginia Kehoe stated that we got the response back from our EPA visit in June 2014. She supplied a list that shows the cost of the implementations that were recommended for the Borough. Vince Cruciani stated that he is assuming that this is multi-phase multi-year implementation of the storm water plan. Ms. Kehoe stated that the MS4 requirements annually have been changing and tightening. Mr. Cruciani stated that when taking care of the budget is there going to be another phase in 2016 that needs to be looked at, 2017. Ms. Kehoe stated that this is a non-funded mandate. We would need to spend \$20,000 to be current with their mandate. Herman Johnson stated that to be current we need to \$20,000, if we budgeted and started with small steps would we be in compliance because we would be showing good faith. With EMA if something happened in the Borough, we wouldn't be eligible for FEMA money. Ms. Kehoe stated that as of right now even though we are behind, so to speak, we are ahead of where most Municipalities are. Phasing this in should be fine, there are major expenditures that need to be worked on slowly. Proportionately the Borough spends about \$100,000 a year on storm water, so this is 25% of our budget so that means there is 25% less of other things that could be done. This is just the beginning; we are not prepared for the storm water in our community. We are always playing catchup. Put a group together for a long term strategy for fixing storm water, be pre-emptive. Mr. Cruciani stated that realistically we would need to have multi-municipality cooperation. Vince Cruciani suggested having a pass through for the other municipalities where we simply obstruct their ability to pass their storm water through if they don't pay us. Ms. Kehoe stated that this is one of the things that the committee should look at. Virginia Kehoe stated that it's not that simple there is more to it. Ms. Kehoe stated that working with South Abington and Clarks Green would be a good thing, but other municipalities would also work. David Jenkins asked if the Sewer Authority also has to abide by these rules. Part of our problem is the sewer authority's problem because the influx of storm water in the sewage. It is their problem as well as ours. We are getting the flow from Clarks Green and South Abington. Vince Cruciani stated that we have to address stated that mapping out the infrastructure is a wise investment take a look at what is the practical first step. David Jenkins stated that we already have \$100,000 budgeted then he thinks it is worth taking \$20,000 out of that to fix the problem. Put it on the agenda for next week and get it voted on to take the steps and get the ball moving. Get it on the agenda that we are going to take action. Herman Johnson stated that this will help out the fire company and the EMA. David Jenkins suggested getting someone from PennDOT involved because they are going to have a big play, a lot of the water will be going down their roads. Have their input. Vince Cruciani stated that we want Clarks Summit he thinks it is overdeveloped, incentives to leave green space, not on commercial buildings, but on residential areas, undeveloped lots, make it tax free if they don't develop it, think non development, start thinking about residential areas. Ms. Kehoe stated that we need to make this a big priority; this is a good 30% of job functions dealing with storm water/sewer. So much maintenance, need to educate our people more. Proactive community, see us set an example as well. Committee Volunteers are Herman Johnson. Vince Cruciani stated that he wanted to make sure that the vote at the Council meeting is on getting the bids to map out the area.

Jacob Nogi's request about the single tree that was planted and it is not going to grow at the end of Grandview. Do we want to plant a shrub, are we going to plant anything, it is not our responsibility to maintain this. David Jenkins asked how much more we are

going to do for them up there. We have already gone \$2 million dollars in the tank that we are paying. Refer to the association that owns it. Get a bid to cut down the tree on Lewis lane. Go through the Shade Tree committee, it is a dead tree. Tree behind the generator bldg. needs to be removed behind the senior center, include that in the bid. Vince Cruciani stated that we are the ones at risk and they are the ones liable. Mr. Cruciani stated that the tree on Lewis lane is by a power line, need a professional. Formal email from Ms. Kehoe to the AAJRB that outlines it and this is a liability for the organization presents a risk but we have a vested interest as a contributor to your organization.

**3. REVIEW OF SEPTEMBER 3, 2014 AGENDA**

**4. ADJOURN:**

**President Carey**

DRAFT