

**BOROUGH COUNCIL SPECIAL MEETING
SEPTEMBER 30, 2014
7:00 PM**

The September 30, 2014 Borough Council Special Meeting was conducted on Tuesday, September 30, 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 Herman Johnson, Mr. Vincent Cruciani, Mr. Jim Klein, Mr. Dominic Scott, Mr. David Jenkins, Mayor Patty Lawler, Virginia Kehoe, and Solicitor Dan Mulhern. Absent from the meeting was President Gerrie Carey and Mr. Patrick Williams.

1. WORKSESSION: Vice President Scott

2. PUBLIC COMMENT Vice President Scott

- **Shade Tree Commission update:** Donna Zagrapan gave an update to Council. The Shade Tree Commission had an Arbor Day Celebration at the fire house, horrendous turnout. 7 kids submitted a poster; they are the only ones that showed up. Planted trees at South Abington Park. Working with Mayor Lawler in the greening up of the Pocket Park on Depot Street. Submitted grant for 3 tree lilacs. They are actual trees; get white lilac looking flower that doesn't smell. Blooms in June. Talks with Citizens Bank, the Post Office and Sproul to do grants to spruce up those properties. Citizens bank has a problem with the trees on the Grove Street side. There are 3 silver maples, 1 has root rot fungus. Probably no roots left, Citizens should take that down before Christmas. The other two need to keep an eye on them. Any deciduous trees are a good idea. Recommend a rose shrub, they do lose their leaves, have a good stem structure and you can put it on a split rail fence. She is putting together ideas for trees to present to Citizens Bank for approval. Post office had taken out hedges, recommend small flowering trees. Sproul area looking to put in as many trees as they will allow. The stream comes through there, should be covered with trees and shrubs. They would love to do all three projects next year, need the money. Vince Cruciani asked about the project at Citizens Bank, if not done, could that pose a danger to the public. That tree is in danger. There is one safety with 2 cosmetic elements, Dunkin Donuts, the Post Office and Sproul's property. Vince Cruciani asked if Donna Zagrapan could come up with an estimate for replanting, also merits Council's consideration is to actually take down the dangerous trees, if it comes to safety. Less than \$1,000 to take that one bad tree down. \$2,200 to take them all down, \$700 to take the roots down. \$2,900 total. Mr. Cruciani asked if she can get for October work session, a week before, give something to work with. Get a commitment as to what they would be able to do, they take out the capital and we can reimburse. Ms. Zagrapan stated that what they are going to do is with the grants have them sign off on what will be done. Never had a problem matching the 25% in kind match.
- **Resolution 2014 - 28 and Letter of Support Abington Library LSA grant application:** The Abington Library is looking to apply for local share grant

money that is the gaming money from Monroe County. They would need a letter of support from the Borough, and a Resolution supporting them. Dominic Scott stated that he spoke to Leah at the Library about this also; Herman Johnson agreed to put this on the agenda.

- **Resolution 2014 - 29 Rosario's Liquor License:** David Jenkins suggested putting this on the agenda for the Council meeting in October 2014, and we move forward with this. The license he was going to purchase and the first person wasn't able to transfer the license, so they found another person to buy a license from. Vince Cruciani asked if this is just for six packs. Rosario stated that this is for 6 packs to go and a beer for dining or bottled wine. Same license as before. Rosario will not be able to be here the meeting, is that an issue. No problem.
- **Cable Franchise agreement – draft agreement, franchise fee:** Right now Council has a draft of the Cable Franchise agreement. Council needs to decide if they want to go with this draft or negotiate something different. We need to pass an ordinance, advertise and have public review. Did anyone look over it? Vince Cruciani stated that his biggest concern was the exclusivity component. The revenue from this would be 5%. Mr. Cruciani likes this because if revenue is going to come from anywhere, it should come from a luxury good, not income or property. Mr. Cruciani doesn't think there is a reason to lower the 5%. No one has to pay cable, there are other options. Confirm that passing it but no further action means that it defaults at 5%. That is \$40,000 additional revenue for the Borough. David Jenkins stated that we should move forward and put this on the agenda.
- **EPA MS4 Inspection Report Response:** Virginia Kehoe provided a copy of the final response, which was sent off to the EPA. Vince Cruciani thanked Virginia Kehoe for all of her work on this. Dominic Scott agreed.
- **2015 MMO:** The MMO has to be acknowledged that we have gotten it and discussed it. The MMO for the DPW went from 14 to 17 thousand and change. It always fluctuates as it is based on salaries. The concern is that this year's MMO for the police department has gone from \$72 thousand to \$145 thousand because the pension fund is re valued every couple of years. This year is based on 2013 evaluation; we need more to keep it funded. That is a significant increase. Wait for the Police Pension Board. If we are going to see an 80% increase. Mr. Cruciani stated that he doesn't mind paying people well, but he does not like the idea of supplementing unrealistic retirement plans less than the framework that we have to work in, the police would have to help with that. Herman Johnson stated that he thinks they would be willing to help but he thinks this is coming from a couple of years ago when they went to another system. Mr. Johnson stated that this was explained, he doesn't know if it was explained good enough, but this has been in the workings, and the Borough's Pension Plan is solid. Mr. Johnson again stated that he doesn't think the police department will have any problem with this. Vince Cruciani stated that if they don't, where we are going to find this in our draft budget. We have to address this with our draft budget. Virginia Kehoe will double check to see if this is in the draft budget. Herman Johnson stated that he completely understands that. Mr. Johnson stated that we could have the president of the Pension Committee, Bob Shedlock come in and explain this in debt. Vince Cruciani stated that he knows we have a solvent plan he just wants to make sure it is funded.

- **Commuter Tax – legal representation:** Virginia Kehoe stated that we received a letter from Lackawanna County’s Association of Borough’s. Asking the Borough for a \$200 donation which would go towards the legal fund to stop the Scranton Commuter Tax. David Jenkins stated that we kicked in the last time. This would be voted on tomorrow.
- **Visionary Native American Center and Museum project – letter of support:** Vince Cruciani stated that he looked into this and it is confusing. Part of this looks like it has to do with creating a Native American Museum near Keystone. The other part is that it donates money to a school in Belize. He will not vote to have American taxpayer’s money sent out of this country. Would support the museum completely. Vince Cruciani stated that the representative needs to come in and talk to Council. David Jenkins suggested tabling this.

Vince Cruciani discussed the fact that he would be bringing up a portion to pay off some of the debt with the extra \$50,000. Mr. Cruciani thought \$30,000 out of the \$50,000 was reasonable but he is open to suggestions. Dominic Scott stated that he thinks we shouldn’t. We lowered the debt, put money aside and renegotiated. Right now if you have a good interest rate, paying it off is foolish. Vince Cruciani stated that he agrees with Dominic Scott except for the fact that the quicker that line is removed from the tax rolls the better, what if we pay \$17 out of the \$50, that pays one month. Herman Johnson stated that he would like to see the original idea of \$30,000 to go there, as he would also like to get rid of that line item. We have a lot of things coming up within the next few years with DPW and Police contracts, equipment, infrastructure, trying to get a mapping system. We don’t know what emergency situation we come into. As an elected official it is their responsibility to get that line item down as fast as possible, not pay it right off. Should give a good chunk of that money to the line item? Dominic Scott stated that we need a new car for the police. No one is disagreeing with him. The last couple of years, we have been getting cars, the cars have been going over 100,000 if we have a good maintenance program. Dominic Scott is talking about the Expedition; it will be 10 years old. Vince Cruciani stated that he wants the property tax rate to be the real tax rate, not the tax rate plus the line item for the debt. When we eliminate the line item for the debt, and no one wants to raise taxes but if taxes get raised with the real tax rate instead of just the tax rate plus the debt. Mr. Cruciani doesn’t feel like we have the extra money until that tax line is gone. He does understand the other point about being conservative, putting money aside for an emergency. Virginia Kehoe stated that she is adding a perspective. The millage is 29.5 plus 4 mills with the debt service, that is legal but we cannot go over 30 mills without going to court. So we can keep the 4 mills without going to court. But if we don’t have a capital reserve and we have to raise general fund taxes. We would have to go to court. Herman Johnson stated that everyone is aware of that but we have an obligation to our citizens. What if we didn’t have this money and an emergency tomorrow? That line item scares him. Vince Cruciani would like to see two months paid off, but he is willing to. Vince Cruciani asked Jim Klein, Mr. Klein asked what are the pros or cons. The more conservative we budget the quicker we can pay that line item. Dominic Scott stated that if we leave the money in the Capital Reserve, we get microscopic interest however if something comes up and we need the money,

we've got it. If we have to borrow money, the interest rates are going to go up. Vince Cruciani stated that he could agree to one month's worth of the debt being paid off; we would have accomplished something with a payment of \$18,000. Herman Johnson stated that in the 8 years he has been on Council as soon as we get a little money, in a couple of months, it's gone. Herman Johnson stated that how can they as elected officials, they have seen the uproar, the arguing, name calling because of "that street" we have an opportunity to do something to make us all look good and we still don't want to do it. Herman Johnson would support and even split of the money, Vince Cruciani stated that is a logical choice. It says to the taxpayer that we are balancing our priorities. Herman Johnson and David Jenkins suggested putting it on the agenda for tomorrow.

- **Junior Council update:** David Jenkins stated that if we don't get any inquiries that Junior Council should be dropped. Virginia Kehoe stated that we don't have any interest yet but Mayor Lawler does have a plan. Mayor Lawler has a different approach. Mayor Lawler talked to Abington Heights Principal Mrs. Murray to see if she can go in and have a club, this would be community involvement or political service. Mrs. Murray is thinking about it. It would start in the second quarter. We could use those members that we need in our Borough. Little activities that they might want to do, they would learn civic involvement, pride in their town and neighborhoods and what a community activist does. David Jenkins stated that he thinks if we don't hear anything back from the school by October 31, 2014 that we should drop this. Vince Cruciani stated that we shouldn't be on the agenda. Mayor Lawler stated that this is worth a shot.
- **Christmas lights:** Virginia Kehoe stated that we have \$2,500 in our budget for Christmas lights what we have done in the past we have put \$2,000 towards the lights and \$4,000 to the company that hangs them. We have changed our approach. Needs direction on what we want to do for the town. Mayor Lawler stated that last year we had virtually no money for Christmas lights and we raised \$10,000. Abington Financial, Jamie Kresge is going to take on decorating the Clock Tower and tree with new lights. Some of the trees did not stay on. At the end of last year, they also put some money to pay the electric bill. They have \$1,400 left. There will be no money for Christmas lights if anything they are going to take some down that don't look quite right. Citizens Heritage Baptist church are on bard to hang lights at Citizens Bank. Who would we name the tree after? Tom Roberts just passed away; David Jenkins suggested putting the tree lighting in his name. Not going to do the signs this year. Mayor Lawler was planning the first Mayors Breakfast and will postpone it until the spring due a heavy heart with the news of Madam President. David Jenkins asked about the update on Gerrie Carey. Getting a little better every day. We are hearing good news but she still has a long road.

Solicitor Mulhern stated that there was an executive session held at 6:30pm before this meeting to discuss the DPW Collective Bargaining Agreement.

David Jenkins stated that he had a conversation with Jonathan Evans who went down to look at the salt shed and he has a proposal for Virginia Kehoe, he has tried to contact her and left messages. Ms. Kehoe stated that she has never received a message from him. Mr. Jenkins asked if Ms. Kehoe would contact

him. Secondly, Mr. Jenkins said thank you to whoever arranged the removal of motorhome on the Morgan Highway stating it looks terrific minus it. Mr. Jenkins also asked about the cars at the intersection of Florence and Woodlawn. Has there been any progress? Vince Cruciani stated, when you go up Grove Street, it's tight when a tractor trailer is in the left lane going south on 6 & 11 and there is a tractor trailer or a car in the other lane going north on 6 & 11, by Knapp road. Mr. Cruciani doesn't know if we can get the State to make them stay right unless they are turning off of grove. In which case I don't think a tractor trailer could from Grove onto 6 & 11 South but if there is any way we can have it to tractor trailers have to remain in the right hand lane from Grove to Browns Gym. David Jenkins said if you follow a tractor trailer and they stay in the right hand lane, 9 out of 10 times the tractor trailer will bang the curb. When Penndot did the widening, it needed to go back about 4 feet and that would have been an adequate turn. Vince Cruciani stated he is worried about them being in the left lane and banging into a car on the other side. Virginia Kehoe will contact the State and let them know that there are concerns there that need to be addressed. David Jenkins asked about the paving not being done between the 600-700 block of Grove Street. Virginia Kehoe stated that was where we had our sewer project. They started paving before the sewer was done and now they need the contractor to come back, apparently they are having great difficulty getting the contractor back. That would be Popple Construction. They had to go out of contract to get another company to do the binding on it. It is a state contract with Popple. Mr. Jenkins stated we should get as much bad publicity out there for Popple as we can, suggesting we put it on our billboard. Herman Johnson said he doesn't think we can do that. It is a state contract and putting something on the billboard, no way. Virginia Kehoe stated she would reach out to Popple as she has some contacts there.

Council went into Executive Session.

3. REVIEW OF OCTOBER 1, 2014 AGENDA

4. ADJOURN:

Vice President Scott