

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
OCTOBER 1, 2014**

The October 1, 2014 Borough Council Meeting was conducted on Wednesday, October 1, 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 Mr. Patrick Williams, Mr. Vincent Cruciani, Mr. Jim Klein, Mr. Dominic Scott, Mr. David Jenkins, Herman Johnson, Chief Chris Yarns, Mayor Patty Lawler, Virginia Kehoe, and Solicitor Dan Mulhern. Absent from the meeting was Council President Gerrie Carey.

MEDITATION:

Mayor Patty Lawler

PLEDGE OF ALLEGIANCE:

Mayor Patty Lawler

Dominic Scott reported to Council that he had seen Gerrie Carey earlier in the day and he reported on her seemingly excellent recovery and great spirits.

1. APPROVAL OF AGENDA:

Vice President Scott

David Jenkins made the first motion to approve the agenda, seconded by Herman Johnson, vote was 6-0.

2. APPROVAL OF MINUTES:

Vice President Scott

- **June 24, 2014 Council Work Session**
- **July 2, 2014 Council Regular Meeting**
- **July 29, 2014 Council Work Session**

David Jenkins made the first motion to accept the minutes, seconded by Herman Johnson. Herman Johnson stated that during the July 2, 2014 meeting, during the Finance Committee and Council had talked about the gasoline issue with the Fire Company. At the end Council agreed they would get a Committee together to meet with the Fire Company. Herman Johnson made the first motion, seconded by David Jenkins, vote was unanimous 6-0.

3. PUBLIC COMMENT & INPUT:

Vice President Scott

Gerard Hepman Lackawanna County's Community Relations Department started by sending his best regards and best wishes to Council President Carey on her continued recovery from the Lackawanna County Commissioners Office. He gave an update on what is happening in Lackawanna County.

Jerri Lindblad – representative for Visionary Native American Center and Museum Project –Asking for a letter of support from the Clarks Summit Borough. They are applying for several grants. Vince Cruciani wanted to make sure that the letter of support is targeted for the center specifically. He stated that this would be a tremendous asset to the community. Vince Cruciani made the first motion for the Borough of Clarks Summit write a letter of support for the construction of the Native Arts Center, seconded by David Jenkins, motion was unanimous 6-0.

Mary Ann Nichols went before Council requesting the approval to close Spring Street on Friday, October 10, 2014 for the 2nd Friday. David Jenkins made the first motion to approve the closing of Spring Street, seconded by Herman Johnson, vote was unanimous 6-0. Vince Cruciani asked what time the event was. It is 5-9pm.

James Kane from 720 Hosfeld Street in Clarks Summit spoke to Council. Mr. Kane stated that Hosfeld Creek runs through his back yard. 15-20 years ago, pipes were put in partially through his property and they fill up with silt and debris. About 2 years ago the creek overflowed and it eroded the bank. Mr. Kane asked who maintains the creek, whose responsibility is it. Work release people used to clean out the area and that hasn't happened in a few years. Herman Johnson stated that Pat Williams and the Drug Court people cleaned the banks; the biggest problem is that there is a lot of runoff coming down from Noble Road, and that pushes a lot of the debris down through. Mr. Johnson stated that years ago the Borough checked with PENNDot have them repair a crushed pipe on the road, they never got aback to us on it. In order to dredge that area we would have to go through DEP to get permits and it takes a long time to get those permits. His problem is that this is where all the problems start from South Abington Township runoff which goes all the way to Bedford Street. David Jenkins also commented about the problem with the water runoff on Electric Street. Mr. Jenkins asked if DPW Foreman Neil Bartholme could go and check it out. Ms. Kehoe stated that we know the scenario. The problem is DEP says you can't go in there with equipment. The only work that can be done has to be done by hand. The Borough is not supposed to do any work on private property. Vince Cruciani asked if the banks are eroding or is it the creek is pooling. It is filling with debris. Dave Jenkins stated that the debris is coming from the water shed to the right of the former Keisling property. He asked if we could have a truck come out to flush it. Ms. Kehoe stated that we can do that with the pipes. But that will only clear the pipes for the moment, not the bed of the creek. Herman Johnson stated that we can get permits but his only concern is in the EMA directive. If you don't fix it there, we are going to have flooding below. It is going to be a problem. The Borough will have a problem in the near future. Have someone investigate it. Virginia Kehoe has been asking for a storm water committee to address issues with the creeks and storm water and the swales because the flooding is only going to get worse. DEP restrictions make it tougher and tougher. Need a short term fix and a long term strategy. Vince Cruciani stated that the only way to tackle this is through a collaborative effort. We could fix the pipe and the homeowner would have a crew come in and dredge the private property. David Jenkins asked if the Borough could get Sid Kavulich involved due to the fact that we would be dealing with DEP, because this is a domino effect where this needs to be fixed so the water doesn't filter down and cause more issues. Herman Johnson stated that you have an area that is already defined as a flood area. Why can't we take the lead and do something, thinks we should have a long range plan for all of these creeks. Need a plan and start doing something and start getting your state representatives and county commissioners involved. Ms. Kehoe stated that Herman Johnson agreed to represent the Borough if she could get a Multi Municipal meeting together. She reached out to Clarks Green, South Abington, EMA and the Fire Company and she didn't receive one single response. Mr. Johnson stated that if you go back into the meeting minutes he stated that this is what would happen. We have to take our own initiative and come up with

our own plan. Virginia Kehoe stated that this is what she has been asking for, for months. We have a number of areas of concern. There is no easy fix. Just going in to clean out the pipe will not fix the problem. We can do that but need more long range plan. Mr. Kehoe stated that she needs Council to take a position on this. Herman Johnson stated that we need EMA, Council and Borough Manager on this. We are going to be getting more frequent and severe storms from global warming. Mr. Cruciani stated that in a world with limited resources; utilize our resources to help people that want to help their own property. If residents want to be collaborative and we prioritize our resources by helping those people that are willing to put the initiative to move to a resolution on their own part. Mr. Cruciani stated that Mr. Kane took the first step by coming to the Council meeting. David Jenkins stated that he agrees with Mr. Cruciani and that the Borough needs to get Representative Kavulich's office involved as well as John Blake's office. David Jenkins stated that he would be more than willing to help Herman Johnson on the committee and they can contact the EMA coordinator. Virginia Kehoe stated that she would contact those involved and see if we can all get together. Ms. Kehoe stated that she would reach out to the drug court who would be working for Mr. Kane not the Borough.

Janine Port spoke to Council about the Trolley Trail's ribbon cutting on October 10, 2014 at 11am.

4. BIDS & QUOTATIONS: Vice President Scott

5. BOROUGH TREASURER'S REPORT Vice President Scott

David Jenkins made the first motion to accept the Treasurer's Report, seconded by Herman Johnson, vote was 6-0.

6. COMMITTEE REPORTS:

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

Pat Williams asked about the light above the back door entrance to the police station worked. Virginia Kehoe stated that she would put in a service request for the DWP. David Jenkins suggested looking at all of the outside lights here at the Borough Building, so we are safe.

• **Finance Committee** Dominic Scott, Chair

Dominic Scott stated that our finances are good. Working on the 2015 budget and they asked input from Council and received good input. Finance Committee is meeting to go over the draft budget. Vince Cruciani asked that nothing be adjusted in the projected DWP numbers as it could affect contract discussions. Virginia Kehoe stated that the budget is not open to the public yet. Mr. Cruciani agreed that's fine.

• **Grant Committee** Jim Klein, Chair

Mr. Klein stated that we have been informed that the DEP approved Act 101 Recycling Program Performance Grant in the amount of \$7,782.00. This reflects the tonnage of recycling in 2012. The paperwork for 2013 just went in and it is close, 10 tons more. David Jenkins asked if this was earmarked for anything. Ms. Kehoe stated that this is in the General Fund. Mr. Jenkins wants more recycling containers. The ones we got suited the borough well and he thinks maybe need to look at a

smaller size for people who do not need the larger container. Ms. Kehoe will get pricing together.

- **Recycling Committee** Jim Klein, Chair - 2012 Recycling grant receipt and 2013 Recycling grant application
- **Insurance Committee** Vince Cruciani, Chair
- **Personnel Committee** Gerrie Carey, Chair – part-time police—Activate civil service commission

David Jenkins stated that he had a meeting with the Chief of Police and the Mayor concerning the possibility of hiring another full time officer. That is still under discussion. The Chief requested the permission to hire at least one part time employee now and we are scheduling interviews for applicants and we are also considering re-activating the Civil Service commission and their list. David Jenkins made the first motion to give the Chief of Police the authorization to hire a part time employee and along with that if the Chief so desires, within a 6 month period, if he needs another officer that he be given permission to hire a second, seconded by Herman Johnson. Pat Williams stated that Council has gone through this 50 times through the years, are the police utilizing all the part timers now, because it costs us money for uniforms etc. Chief Yarns stated that some officers that are part timers have conditions that change their available hours. Mr. Williams asked if there is any way to eliminate some of the part timers. They guarantee us they are going to work and they don't. David Jenkins stated that we are out of order because we are not under the question, he's trying to get a motion done and we can discuss this under the question. Vince Cruciani asked about the cost of part timers. What is the expense of leaving someone on as a part timer? David Jenkins stated that having Joe Laguzzi as a part timer and he can help certify officers with the shooting range. Herman Johnson stated that there is a motion here and what Council should be doing is we should give the authorization to hire one person. Then we should give the authorization to the Mayor and the Chief to interview and then if we are going to hire someone, then it comes in front of Council and we make a vote on that. Vince Cruciani stated that the Chief and the Mayor should recommend a person to be hired, they should go first to the Personnel Committee, and then upon concurrence of the Chief, the Mayor and the Personnel Committee, the candidate would be brought to the Council. David Jenkins stated that he stands corrected and will withdraw his motion and he will resubmit a motion. Vince Cruciani suggested that there be a primary and an alternate, so if the Council doesn't like the primary, we can vote on the alternate. If Council likes the primary then the alternate would be available after six months. David Jenkins resubmitted the vote giving the Chief of Police and the Mayor the authorization to do the interviews and come back to the Personnel Committee with two recommendations then the Personnel Committee will bring it to Council for approval, seconded by Herman Johnson, vote was unanimous 6-0. Mayor Lawler stated that she is wondering if it is possible that they have the authority to bring a name and/or have the authority to hire or do they have to wait till next month. Herman Johnson stated that they will probably have to wait until next month because all of Council is going to have to vote on this after it goes through the Personnel Committee.

David Jenkins stated that he thinks we need to reactivate the civil service list, that we previously had and contact the members of the Civil Service Commission. Ask them to have a meeting. David Jenkins made the first motion to reactivate the civil service

list and he would like to see it kept on file for 3 years with notification sent out on a yearly basis asking if they would like to remain on the list. Herman Johnson seconded the vote and stated that we need to check with the Civil Service Commission, the list can only go for two years. Check to make sure. Vince Cruciani asked about the cost for advertising is going to be about \$300, \$500 for the gentlemen who gave the testing and several hundred for testing material. David Jenkins asked if we could just advertise with our local paper, do we need to advertise with the Scranton Times. Ms. Kehoe stated that if Council would like that, that would be fine. We advertised in the Scranton times because we wanted a big draw. We could forward on the cost of the test. We will pay a flat rate no matter how many people come in to take it. Vote was unanimous 6-0.

- **Public Safety/Safety** Pat Williams, Chair
- **Public Works** Herman Johnson, Chair – Pat Williams

Herman Johnson stated that the DPW has been doing a great job picking up the brush. The leaves are coming off the trees and we are asking people to rake their leaves to the curb so the storm swales don't get blocked up. We anticipate doing one more brush pickup. Leaf pickup will be around October 15, 2014. We need to convert the trucks to leaf pickup which should take one day.

- **Recreation** Dominic Scott, Chair
- **Sewer Billing** Dominic Scott, Chair

Dominic Scott gave a report of the delinquent letters, shut off postings and the second posting. Virginia Kehoe got word back from the water company as to how many of the delinquents who haven't responded currently have water service currently. David Jenkins stated that we are in the plus of \$74,000 with the sewer budget. Ms. Kehoe stated that we just sent the bills out and as of today we deposited almost \$20,000. David Jenkins stated that we have made drastic headway and thanked Jennifer Basalyga. Our list went from 300 to 16 residents. Ms. Basalyga stated that this is always a moving target. We check residents with balances of 3 months or more. That is when we start the process all over again. It is a continuous process. David Jenkins stated that we are to be congratulated because that is fantastic, haven't had progress like that in a long time. Keep after it, follow through.

- **Depot St Project** Herman Johnson

No update, still waiting for the audit to be completed.

- **Depot St Pocket Park** Patty Lawler

Mayor Lawler stated that we have a pavilion there, don't know if it will be moved. It cost \$3400 had a \$2500 grant from the Scranton Board of Realtors that was received and \$900 came from Earth Day. \$8500 left. Get a water connection and some other things before winter. Herman Johnson suggested maybe PAWC will donate a water line? They do projects like that we might just have to put a spigot and a shut off. The water bill is extremely minimal. The Hemlock Park water is about \$10 a month. David Jenkins asked about a gravity feed system where you pump the water. It is not going to be for people to drink from. If it is coming from the water company it would have pressure. David Jenkins suggested putting the water shut off in the shed. When you need access do this from the shed. Pick up a utility sink in the shed and problems are solved, maybe even Home Depot would drop the price even more if you tell them what it is for. Mayor Lawler thanked David Jenkins for his suggestions.

- **Stormwater Committee** Herman Johnson

- **Additional comments from Council**

Herman Johnson stated that he feels the Borough needs more follow up of the committees. If we got together with committees, then if we wanted to get to other Municipalities then we wouldn't have a long discussion about storm water issues. We talked about this a couple of meetings, even with the fire company, we discussed getting together and discussing this, if we had a mechanism in place to do a little follow up that would save a lot of time. See where we are going and what we are doing so we can get some input from Council so we can start doing something for our residents. David Jenkins asked about service request for the leaky faucet in the men's room, Ms. Kehoe said it was fixed. Mayor Lawler stated that the First Mayors Brunch has been postponed until a later date in the spring.

Vince Cruciani made the first motion in the absence of our president until she is able to physically to rejoin us, that Dominic Scott be elevated from Vice President to Acting President, David Jenkins be elevated from President Pro-Tempore to Acting Vice President, and Herman Johnson be named acting President Pro-Tempore, until President Carey returns to the next meeting or work session, in which case it would automatically revert back, seconded by Herman Johnson. Pat Williams asked what Mr. Cruciani was doing. Mr. Cruciani stated that we need, until Gerrie comes back, an acting President and Vice President. Mr. Williams asked doesn't the Vice President just fill in. Herman Johnson stated that everyone is referring to Dominic Scott as President why don't we vote on Acting President until Gerrie comes back, and David Jenkins will be the Acting Vice President. Virginia Kehoe stated that this vote makes it automatically revert when Gerrie returns. David Jenkins stated that if Gerrie comes back next month everybody goes back to where they were. Vince Cruciani stated that main reason why, if Dominic Scott, David Jenkins and Gerrie Carey aren't at the work session then it puts where Herman Johnson officially conducts the business of the meeting. Vote was unanimous 6-0

7. POLICE REPORT:

Mayor Lawler

David Jenkins asked Chief Yarns if they are doing a lot of repeat alarms. Chris Yarns said not really. They have addressed situations like that. Do we have anything in place for repeat offenders? Chris Yarns stated that there is something in place, a state law concerning this. 2 a month is the limit. There are a lot of alarms out there. Mayor Lawler asked retailers to have a little light in their window or in their shop in the evening for security. When you are going down the avenue it looks so much warmer. They are pleased that they can do that for safety and it enhances the town. David Jenkins discussed the possibility of watching people coming who are not wearing seatbelts and pulling them over for that one offence. Chief Yarns stated that the seatbelt issue has to be a second offence with the exception of teen driving. That is difficult to tell who is under 18 years old. Vince Cruciani thanked Chief Yarns for putting a police car on Winola Road. David Jenkins discussed a car that was parked on the wrong side of the road on State Street. It is against the law, got to have our guys pay attention. Virginia Kehoe also mentioned the cars parked right outside the building whodon't pay the meters.

8. VENDOR PAYMENTS TO BE RATIFIED:

Vice President Scott

Vince Cruciani made the first motion, seconded by Herman Johnson, vote was unanimous 6-0.

9. OLD BUSINESS:

Vice President Scott

- **Comcast Franchise Renewal**

Virginia Kehoe stated that the contract shows 5%, we are at 3%. He would change it if Council would like. Vince Cruciani made the first motion to keep it at the 5%, seconded by David Jenkins. Pat Williams asked does that get passed on to the residents. Mr. Cruciani stated that if you have the ability to have 3% or 5% on the cable agreement that we should have the 5%. Mr. Cruciani stated that unlike property tax, or income tax or sewer fees, a man or woman has never starved or gone cold etc. because they have chosen not to have cable TV. 5% is the standard in the neighboring communities and cable is a luxury. Most of the communities involved are at 5%. If there is the ability to have revenue, it is a miniscule amount but in the aggregate it is enough to pay for situational elements. You can get TV many different ways, do not need cable. Don't need to cut back on, let the resident choose if they want cable or not. If the standard is 5% why should we go below it? This could be an increase of \$20,000-\$30,000 for the Borough. Vote was unanimous 6-0. Ms. Kehoe stated that she will advertise the ordinance for the November meeting and this agreement to vote on at that time.

- **DPW Contract Negotiations**

Vince Cruciani stated that there was a meeting the day before and he was interested to know when a formal meeting takes place between a DPW spokesperson and a Council Spokesperson. Virginia Kehoe stated that the sooner than better, until it's negotiated we can't finalize the budget. Vince Cruciani stated that based off of the edits that they made in yesterday's meeting, we engage in a meeting before the work session to sit down with the DPW Head. Next work session can talk about some adjustments, hopefully firm it up for the next Council meeting.

- **Vince – motion to make advance payment on principal of debt service**

Vince Cruciani made the first motion to put \$20,000 of the \$50,000 towards debt services while the remaining will be kept in capital reserves, seconded by Herman Johnson. Vote was unanimous 6-0. Mr. Cruciani stated that they just paid off 2.3% of the debt.

10. NEW BUSINESS:

Vice President Scott

- **Resolution 2014 - 28 and Letter of support to Abington Library towards LSA grant**

Vince Cruciani made the first motion to pass Resolution 2014-28, seconded by Herman Johnson, vote was unanimous 6-0.

- **Resolution 2014 - 29 Rosario's Liquor License**

David Jenkins made the first motion to pass Resolution 2014-29, seconded by Herman Johnson, vote was unanimous 6-0.

- **2015 MMO**

Nothing to discuss at this time.

- **Commuter Tax – legal representation**

David Jenkins made the first motion to pass the Commuter Tax, seconded by Pat Williams, Basically we are asking for a \$200 donation to the LCAB to really use however they want, because if Bill Jones is doing this pro bono. Mayor Lawler stated that there was a lot of prep work and a lot of fees and upfront costs associated. Some Municipalities are going door to door asking their residents for their contribution. Herman Johnson stated that as an elected official you want a check and a balance as to where the money is going and he thinks that is the bottom line. Mr. Cruciani has a hard time contributing tax payer's money to this. This is more for private citizens to cover. Pat Williams stated that this should be passed and it is a minimal cost for what has been going on. Vote was 4-2 with Vince Cruciani and Herman Johnson voting nay. Mr. Cruciani doesn't think taxpayer money should be used on this, it should be private individuals. Mr. Cruciani is also against the commuter tax but not for our taxpayers to pay.

- **Visionary Native American Center and Museum project – letter of support**

11. SOLICITOR'S REPORT:

Solicitor Mulhern

12. CORRESPONDENCE:

- **Danielle Bodin:** Virginia Kehoe stated that both of these individuals that were on the shut off list, contacted us, made a payment, not the entire balance. They were defaulted on payment plans, they should have been shut off but they made a payment and wrote to Council. She moved out of the property but willing to make the payments of \$100 a month.
- **Heather Hulse:** Resident who promises to pay in full by next Friday. David Jenkins made the motion for Hulse to pay in full, and Bodin to pay \$100 a month, should either default they go back on the shutoff, seconded by Herman Johnson. Vince Cruciani suggested amending the vote to give affirmative notice to new tenant and or the landlord-if the tenant isn't aware (for Bodin). If the tenant has no idea this is going on.... Ms. Kehoe stated that the property has been posted and the landlord is aware of the situation. We will contact the landlord if Bodin doesn't pay. Vote was unanimous 5-0.

EXECUTIVE SESSIONS:

Vice President Scott

- **Prior- September 3, 2014 Personnel**
- **September 30, 2014 Contract Negotiations, Personnel**
- **During-**
- **Subsequent-**

ADJOURN:

Vice President Scott

David Jenkins made the first motion to adjourn, seconded by Herman Johnson, vote was unanimous 6-0.