

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
NOVEMBER 5, 2014**

The November 5, 2014 Borough Council Meeting was conducted on Wednesday, November 5, 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. Herman Johnson, 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, and Attorney Dan Rogan.

MEDITATION:

Mayor Patty Lawler

PLEDGE OF ALLEGIANCE:

Mayor Patty Lawler

Council President Gerrie Carey stated that she would like to be reinstated as Council President. President Carey stated that she is aware from the work session that as soon as she came back she is reinstated but as long as it's voted on we know it is done the right way. Solicitor Pat Rogan stated that the process should be for someone to rescind that earlier motion. Vince Cruciani asked if David Jenkins signed any checks, David Jenkins said yes. Mr. Cruciani stated that complicates things. Everything was done this way so we could have two check signers, so we can't rescind the motion because if we do then the checks David Jenkins signed are void. David Jenkins stated that he didn't think that the vote needs to be rescinded however if Gerrie Carey would be more comfortable they could vote to reinstate her. Mr. Jenkins disagrees with what Solicitor Rogan is saying, if the vote is rescinded the checks that he signed are void. Solicitor Rogan suggested that the vote include this. He doesn't know why that vote took place, this is not to be a practice of this Council. He thinks it should be clarified that Gerrie Carey is President and that motion, that vote is not the practice of this Council; he stated it just wasn't necessary. David Jenkins made the first motion to reinstate Gerrie Carey to her sitting position as President of Clarks Summit Borough Council, seconded by Herman Johnson, Vince Cruciani wanted to amend the vote to be retroactive to the work session (in October) because that is actually when she came back in. Dominic Scott asked if that was ok with the Solicitor Pat Rogan. Solicitor Rogan said yes and he thinks Council knows that that is not practice as the Council. That is clear to Council members. David Jenkins made the motion is to reinstate Gerrie Carey effective the date of the work session (October 2014), seconded by Herman Johnson, vote was 7-0.

PUBLIC HEARING Ordinance 2014-05 Curative Zoning Amendment – 3 Front St

Charles Hibble from 208 N. State Street, he has his office in Clarks Summit. He owns Weichert Realtors and two other companies as well. He is under agreement of sale for this property at 3 Front Street, pending the outcome of the meeting tonight. They are looking to put a professional office there, probably one of his real estate companies will be on the first floor. Second and third floor will probably be some high end apartments. They are looking to put in over \$200,000 into this. At this time it is Residential. The inside has been gutted and it is a dilapidated property. There is a garage in the back and that will be rehabbed and it will stay there. Between the garage and the house they would put a parking lot in there. He has not retained his engineers and architects yet, waiting to see if it can be converted to RP. He spoke to the pet grooming business; they didn't have any problem with it. The neighbors next door also didn't have an issue. He has a history of fixing over 40 properties; make sure they are all in good condition

with no issues. Vince Cruciani asked if there is any off street parking. Yes, between the house and the garage there is probably 80 feet. Dale Otto asked if this opens the door and sets a prescient for the RP zone. Virginia Kehoe stated that the ordinance is just for that one property. RP you cannot put a retail store, it is professional space. Council determines what areas are zoned where. Mr. Hibble is asking for a Curative Amendment, he is saying that he feels the zoning is inappropriate for this property and it would be more appropriate as an RP zone. Spot Zoning is just when you pick one property and re zone it, and this is theoretically Spot Zoning unless you can argue that this is the only property that isn't appropriately zoned. Mr. Hibble stated that this will add value because it is now dilapidated. This could only help the value of the properties in this neighborhood. Herman Johnson stated that he commends Mr. Hibble for what he wants to do and improve the property, his question comes in they had trouble with spot zoning, Council argued with Swientisky for 5 years. We should have the solicitor check in to this to make sure everything is right. Mr. Johnson stated that Council cannot answer; follow up getting these answers before the general public comes out. We spend money defending that property on Grove Street. Let's do the right thing and make sure we are doing good for Hibble, the residents and the Borough. He is not against it but he wants to see that neighborhood work out, have to do our research. Kelly Arp stated that she lives in the property immediately behind the property in question and they don't want a parking lot in the back yard. There are businesses on the other side of the street. They live in a residential neighborhood with single family homes with people that lived here for many years. Signatures of many people that are very opposed to it. They don't want to see this because eventually there could be more businesses because of this. Behind their house there is a creek where they cannot plant, they have no recourse to separate them from this business. Vince Cruciani asked if Mr. Hibble took the building and made it all apartments and he still made the back a parking lot, how would it be any different. Is it about the parking lot in the back? Ms. Arp stated that in general, the parking lot is one issue. There are other concerns with the traffic. The neighbors would like to see it stay as one family home. He had mentioned that if he didn't buy it, no one would, it has been on the market for one month. It has potential to be a nice one family home. She doesn't think all hope is lost if he doesn't turn it into a building. The property is gutted and it is not in that bad of shape right now. One big concern is that the traffic. Pulling out on the bottom of that hill is difficult, a commercial situation which possibly leaves the door open to others, could be a detriment to the children in the area with traffic. She does not see this improving the property values. Bill Arp lives on Walnut Street, opens the door to other business. They are trying to keep this residential. The parking lot seems out of place and if it is well lit and that would affect the neighborhood. Joanna Arp stated that this is not dilapidated condition; it could be bought and turned into a residence. It needs work. Solicitor Dan Mulhern needs to look into this issue and recommends Council not vote on this tonight. Vince Cruciani asked if this can be approved with conditions or be approved straight up or down. Solicitor Mulhern stated that he wouldn't feel comfortable with a conditional approval tonight. Can it in general have conditions? If some concerns can be alleviated, Virginia Kehoe stated that an RP zone means that it is residential but there is a conditional use of professional offices. So if it was changed to RP he would still need to make a presentation to the Planning Commission which would still come back to Council. Ms. Kehoe stated that she doesn't think you can put a condition on the ordinance, it's either appropriately zoned or it's not. But you can put conditions on the use when he goes through the Conditional Use process. Vince Cruciani spoke to the public and asked if there is a way that the property can work for Mr. Hibble and for the neighbors. Pat Williams stated that this is a residential area and was labeled that way for a reason, why are we questioning this. Vince Cruciani stated that there is the Planning Commission first. Pat Williams asked why we be opening up a chance for this

kind of change to happen. Mr. Williams stated that Mr. Hibble left the meeting and seemed very upset, and he knows that Mr. Hibble's commercial work is very nice but this is a different situation. To start something in a residential area, why even consider this. Herman Johnson said our Solicitor needs to check into this so it is not spot zoning. Get a legal opinion before everyone goes off in different directions. Table this until it is researched. David Jenkins made the first motion to table this vote, seconded by Herman Johnson, vote was 6-1 with Pat Williams voting nay.

- 1. APPROVAL OF AGENDA: President Carey**
David Jenkins made the first motion to approve the agenda, seconded by Pat Williams, vote was unanimous 7-0

- 2. APPROVAL OF MINUTES: President Carey**
- **August 6, 2014 Regular Council Meeting**
 - **August 26, 2014 Council Work Session**
 - **October 1, 2014 Regular Council Meeting**

David Jenkins made the first motion to approve the minutes, seconded by Herman Johnson, on the question Vince Cruciani asked if this appropriate to approve the minutes before approving September minutes, vote was 7-0. Virginia Kehoe stated that normally we would do them in order but given the controversy at the meeting we thought it was appropriate to make these available to the public earlier rather than waiting. Herman Johnson stated that he agrees with Mr. Cruciani, he thinks we need to keep these meetings minutes in order so the general public knows what is happening at all times. Mr. Cruciani stated that you don't have the two meetings in September to reference when looking at October's meeting. We had so many residents come in for a copy of the minutes, which is why they were done before the September minutes. The September ones will be done by the next meeting. We can vote on these three and next month will be the September meetings minutes. Stay on track and have every month.

Pat Williams stated that he finds it harder without the binders. It is a lot of extra work with the binders. Everything is in order. David Jenkins stated we should keep things the way it is, it is just as easy now. Pat Williams stated he disagrees. Herman Johnson stated that Pat Williams has a good point and we should think about getting our binders back. Gerrie Carey stated that it does get confusing. Virginia Kehoe stated that if we get a smart TV and a pad because that is easier for everyone to follow.

- 3. PUBLIC COMMENT & INPUT: President Carey**

Gerard Hetman informed Council to the upcoming events in Lackawanna County. Vince Cruciani asked for a breakdown for financial information provided by Mr. Hetman. Mayor Lawler asked about the CDBG grant. Virginia Kehoe has not heard from George Kelly. Herman Johnson suggested that Council write a letter because it has been a couple of months and that audit should be done. Mr. Hetman would be glad to check the status. Send a letter to George Kelly. Herman Johnson suggests sending it to George Kelly and cc to the commissioners. Pat Williams comment on the grants for the Trolley Trail and how much it was appreciated. The legislative update is December 4, 2014.

Janine Port spoke to Council. She had discussions about seeing how the Trolley Trail can be brought into Clarks Summit. There were two separate applications and we are considered small applicant, we are still waiting for the word on the grant. Ms. Port asked how to move forward, if there is no grant and they have to get an idea for the sidewalk. Mark Toth is very supportive, at Summit Cigar near Veteran's Park, who owns the sidewalks. That would be in the right of way. Need easements to be on any private property. Is it a requirement what kind of sidewalk. Ms. Kehoe doesn't know for sure, possibly concrete and handicapped wherever accessible.

4. BIDS & QUOTATIONS: President Carey

5. BOROUGH TREASURER'S REPORT President Carey

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

6. COMMITTEE REPORTS:

• Building & Plant

Pat Williams, Chair

Pat Williams stated that George Carros was talking to him about the meter in front of the Sports Page, one meter with 2 heads. Chief Chris Yarns suggested moving it. Virginia Kehoe stated that we cannot move the meter without an amendment to our ordinance. Pat Williams asked Council to take a ride by. Chief Chris Yarns stated that it is in a bad spot. The National Running Center meters also are far apart. Virginia Kehoe stated that there is not enough space for three parking spaces but too much space for two meters. Pat Williams stated that for public safety this might be best to be no parking. Those businesses on State Street have a place to park in the back. Herman Johnson suggested putting something in the ordinance so if there is a safety issue the meters can be moved. Solicitor Dan Mulhern stated that as long as someone who is qualified to set the standards as to what is a safety issue, he thinks that would be fine. Virginia Kehoe stated that we have to wait until we get this ordinance past first then we can move this meter from State Street to Davis Street. If we are taking the meters away we shouldn't allow parking there.

• Finance Committee

Dominic Scott , Chair

Dominic Scott stated that we are still on budget. Virginia Kehoe stated that we have to make the budget open to the people for about 2 weeks before they vote on it. The budget is in Council's hands only. Get feedback into Dominic Scott any questions, etc. We can run the advertisement for public review if we vote on this in the December meeting. Vince Cruciani asked if we show a break out in the budget because we have to show something different for liquid fuels. General fund budget has money in there for the roads. We deposit the liquid fuels into the budget. She will give a report as to what money. This will reflect the loan also. Virginia Kehoe stated that Jenn Basalyga has been receiving \$1.50 per bill for the past year. She went to the Finance Committee to see if they would consider raising her to \$2 a unit now that she has a year under her belt, she feels that there is more involved than anticipated. She feels that she has done a superb job with the collections and she earned it. The contract that she will commit to is for three years. Ms. Kehoe stated that they did budget reflecting that increase. That will affect the sewer budget only.

Dominic Scott is against this at 33%, stating Ms. Basalyga is doing a good job there is no question about that. However what brought the bills in arrears down was because of the postings on the homes and the shutoffs. Her sending out bills didn't bring it down. Vince Cruciani took the opposite opinion. The labor cost from the outsourced company was not only higher and by a significant amount and their amount to renew was only growing in supplies and labor. One of the expectations is that there would not be further wage increases every year. And considering the fact that she is paid on this element on contracting type of arrangement even though she is still an employee, the extra time that she has put in and the public relations to keep the public at bay was worth making the investment to retain her as a strong employee for another three years. This still nets the Borough a considerable amount of money \$8 to \$9 thousand dollars as opposed to contracting it out and there also was increased revenue of \$70,000. While Vince Cruciani agrees that the \$70,000 is from the postings, retaining a quality employee at a fixed rate for the next three years. Virginia Kehoe stated that Jenn Basalyga's sewer work is done on her own time except when people come in or call during business hours. That same time would have to be dedicated whether she is doing the billing or an outside company. What she is being paid for is over and above that. She has gone over and above with her relationship with those residents who have been delinquent. She had been able to knock down that delinquent list and establish a really good rapport with these people. We do not field complaints anymore and that is shocking to Ms. Kehoe, Vince Cruciani stated that with the MS4 requirements to be able to retain the quality of service and continuity in the process, he thinks it's worth the small investment. Dominic Scott stated that 33% is not small. Vince Cruciani stated that in a macro number, it is. Virginia Kehoe stated that the starting amount of 1.50 was arbitrary without having any idea what to expect. Now that she has been doing this for a year it is probably more reflective of the hours and the time involved to pay her this higher amount. Vince Cruciani also stated that the commitment of the three years as opposed to an outside company can come back yearly for an increase. Herman Johnson stated that we went with a contractor some people liked it some people didn't. Mr. Johnson stated that we should sit down talk this out and see what we want to do. He agrees with Dominic that 33% is a high number then he has to look at the fact that the sewer bill is going to be going up. Can't just come to a Council meeting and not saying that she isn't doing a good job, she is doing a commendable job. Mr. Johnson is tired of patting people on the back, sometimes he thinks that there are a lot of people doing a commendable job. Vince Cruciani stated that the reason that this was brought before Council is that this is the first public meeting since she approached the Finance Committee. Mr. Johnson stated that Ms. Basalyga approached the Finance Committee, and the Finance Committee should have gone into an executive session and we should have sat down and talked about it. Virginia Kehoe stated that they can't because Ms. Basalyga is not contracted, she is an employee. We are talking about whether we can pay more for a function that is being done. Mr. Johnson stated that we should have a meeting to see if we can afford it. Virginia Kehoe stated that this is exactly what they are doing, discussion about finances is supposed to be in the public. Ms. Kehoe stated that they are not asking for a vote tonight but discussing something that has to be decided, she is speaking for the Finance Committee. Vince Cruciani stated that the budgets are released for discussion, prior to the last meeting before they were released; Jenn Basalyga had approached the Finance Committee. Because they

couldn't discuss it in a forum outside a public venue, tonight was the first opportunity to bring it before Council. It is budgeted for, so we have the money to approve it but if we don't then we don't. But we don't have to vote on it tonight, or even next month or even January. But if we pass the budget we have the money for it. Mayor Patty Lawler stated that she spends a lot of time coming in and out of the office and Jenn is one-in-a-million. Mayor Lawler stated that Jenn Basalyga went through the transition as smoothly as she did to go into the new way of collecting the sewer. She is respectful and takes a lot and often time she works overtime, an employee like that who has brought so much revenue to the borough. She is very valuable. Vince Cruciani stated that ARWA brought us up by \$2.12 a month with increased fees. We would be naive if we didn't start looking at the cost that is going to come from the MS 4 initiative which is paid for from the same general fund. It might be beneficial in our bills going forward to itemize the amount of the fee that goes directly to ARWA and then to itemize the remainder of the fee that is being accrued to meet the demands of the MS 4 initiative. Additionally, to put in a leaflet or a flyer that says why ARWA has increased the fees that says why and what the MS4 initiative is. He does think at times that the public is apathetic but he doesn't think they are stupid and if you can provide people with information then they will have a greater understanding of what's going on. Virginia Kehoe stated that Council will be voting to respect the wishes and demands of the Federal Government. The insert will be an explanation of the increase of the sewer billing. Have that available for review. Vince Cruciani will work with Virginia. Gerrie Carey asked Jenn Basalyga how many bills go out a quarter. Ms. Basalyga stated approximately 2100 bills go out. Mr. Cruciani stated that it would be about \$4000 more a year. Mr. Cruciani stated that she doesn't get overtime or paid holidays. Dominic Scott stated that it is a \$4,000 increase, 33%. A lot of this is done on her regular job, so she is working on the sewer while getting paid for hourly job. Ms. Kehoe stated that her job would involve what she does from 9-3pm, so she would be doing this whether we were paying someone else \$1.50 or \$2.00 per bill. She fields calls, people make payments, it's all of the over and above. Its fielding calls, following up with payment plans, making sure they are on schedule, communicating with people and that is all over and above. Pat Williams asked Jennifer Basalyga if she feels underpaid. Right now she is getting roughly \$400 a pay period. David Jenkins stated that he doesn't think this a discussion that should be held in the public right now. But where Pat Williams was going, he thinks that should be in executive session. David Jenkins thinks that Pat William's questioning is going too far in the public forum. Herman Johnson stated that they should be reviewing this budget and come back and answer our own questions. He stated that they are putting the young lady on the spot asking those questions. Vince Cruciani stated that we need to look at the budget in sections.

- **Grant Committee**

Jim Klein, Chair

Jim Klein stated that there is a grant program called Green Light Go, 2 year program to reduce traffic congestion and improve safety. First year they are only dealing with traffic lights. Deadline for application is November 14, 2014. There is a list of traffic lights that are eligible. There are only 3 traffic lights and they are in Clarks Summit that are on the list, Abington Shopping Center and the next two. Those two are owned and operated by South Abington. Clarks Summit and South Abington share 50/50 for Maple Avenue and the Shopping Center. These grants are matching grants; we would have to provide 50% of the funds. It costs approximately \$200,000 dollars

to replace a traffic light. That light at the Abington Shopping Center is fine in his opinion. We should be aware. Herman Johnson asked if this was the same program, no that was NEPA, this is redoing the whole intersection and the signals. Earlier we had just replaced the light bulbs to LED's. He thought we changed the lenses also. We paid for the yellow, caution, the program paid for the red and green. Ms. Kehoe stated that this includes the fixtures the wires, the underground, everything. Chief Chris Yarns stated that this is for the camera system on the lights. Do we want to come up with a \$100,000 match? We can work on a grant application if Council wants us to. It is very expensive. This is PennDOT's initiative, the high tech cameras etc. Vince Cruciani stated that we do not have the money for this.

- **Recycling Committee** Jim Klein, Chair
- **Insurance Committee** Vince Cruciani, Chair
 Vince Cruciani stated that we received a \$7,100 rebate from 2013 for our health care insurance, through Municipal Coop and the state. That money goes into the General Fund. Vince Cruciani and Chief Chris Yarns discussed the weapons and ammo needed and with this money from the insurance, they should take that extra money and buy the weapons that are needed. David Jenkins made the first motion to buy the Sig Sours in trade, seconded by Herman Johnson, vote was 7-0.
- **Personnel Committee** Gerrie Carey, Chair
 The Police Department hired Matt Karam as Part-time police officer. Virginia Kehoe has not gotten the physical or the agility reports back. Only the psychological has come back. David Jenkins made the first motion to hire Matt Karam as a part time police officer, with the caveat that his physical and agility reports come back sufficient, seconded by Herman Johnson, vote was unanimous 7-0. Mayor Lawler stated that as soon as the paperwork is in we can swear him in at the police station. Pat Williams suggested that we swear him in at Council meeting. Mayor Lawler stated that the reason for swearing him in ASAP is because we need him, the over time is so high. Pat Williams stated that is fine. He can be sworn in and then he can come to the Council meeting.
- **Public Safety/Safety** Pat Williams, Chair
 Pat Williams asked if there are grants that we could look into for the parking situation at the Senior Center. We have a double problem there. We have applied for grants and Telespond did also. The cutout of the property that we lease from the AAJRB any other parking would overlap into property that is not leased to the borough. We would have to renegotiate the lease with the AAJRB. Pat Williams has some ideas he would like to discuss with Virginia Kehoe.
- **Public Works** Herman Johnson, Chair
 Herman Johnson stated that the DPW has been doing a great job with the leaf collection. The sad part about it is that there are still a lot of leaves out there and he just doesn't know if the bad weather is going to come and goof us up. Take the leaves to the curb, not into the curb. There are quite a few leaves in our catch basins. The cold weather is coming and it is going to hit is real fast. The leaves are heavy right now. We expect to go through Thanksgiving as soon as we have to convert over to snow remover. Herman Johnson stated that there are people with brush. Are we going to get there before the bad weather? Probably not, if there is enough out there and the weather permits, the guys can come by. If they can they will. Mayor Lawler asked about the DPW setting some time aside for Christmas lighting. Dan Kontz worked last year and she will reach out to him.

Could the DPW set aside 2 days to put the lights up? Don't want to put them on overtime to do this. We need someone to help her put the lights up. Herman Johnson stated that this will create overtime anyway that you look at it because there are so many leaves out there and if the weather changes more leaves will come down. He thinks she will have to talk to Virginia Kehoe and Neil Bartholme. We can reschedule things in the future. We are at our business now with the leaf pickup. We are shy that part timer. We may have a window the first week after thanksgiving. It is Christmas lighting that has to be done by the 20th for the ABPA. Vince Cruciani stated that perhaps the ABPA could contribute the money to get the lights up in time. If we get snow and we have to cancel leaf pickup, but you can't count on that. We have some money budgeted for the Christmas lights. Ms. Kehoe will check on that.

- **Recreation**

Dominic Scott, Chair

Vince Cruciani stated that this is recreation and finance combined and he would like to get the dilapidated signs in the parks addressed. Whether it be just taking them down. Some are bad. Maybe next year we could take a look at this. We know Carol Drive is more than repainting. Dominic Scott is looking at the prices for new signs. Mr. Cruciani stated that is something to be addressed in 2015.

- **Sewer Billing**

Dominic Scott, Chair

Dominic Scott read report on sewer billing and collections. Delinquent letters will be sent out and the 37 day clock will begin for those residents. Payment arrangements are mostly kept up. Commends Jenn Basalyga that we are getting letters out and postings on homes and water is being shut off.

- **Depot St Project**

Herman Johnson

Herman Johnson stated that earlier in the meeting they discussed getting a letter out to George Clarks and the Commissioners. Virginia Kehoe stated she would take care of that tomorrow.

- **Stormwater Committee**

Herman Johnson

Herman Johnson stated that he, David Jenkins and Virginia Kehoe met and went over the literature for the storm water management and they have another meeting Monday. Vince Cruciani has information to help bridge the ideas with the finance aspect. They take the lead, and this has to do with the budgeting to make sure we have the revenue.

- **Additional comments from Council**

David Jenkins asked about Winola Road coming up to the traffic light at McDonalds some utility work was done there. There is one nasty depression there, can we put a little pressure on somebody before too long because as the weather gets worse it's going to get worse. Pat Williams has reached out to the construction crew at CVS. Ms. Kehoe stated that it was the utility company doing the work for CVS. This is a state road.

Vince Cruciani asked about the no parking after 11 in town. His concern is for the people out at State Street grill etc. For the business section, from Manning's to Highland, including Depot Street there should be some room for the no parking ticketing. Chief Yarns said if the restaurants are still open, the officers will wait before ticketing. Then the warnings are given first. Mr. Cruciani stated that he never received any complaints. The officers know and wait until later in the night. Secondly, Mr. Cruciani he thinks it would be appropriate to protect the privacy of the citizens, aside of a warrant from a judge to not allow drones, flying

aircraft with audio or visual recording on them. He is not referring to a little toy, or Amazon delivers with drones but that is with GPS. It is becoming commercially available. We wouldn't want anyone to shoot them down and there could be a thousand bad scenarios. Work on the language with the Solicitor. Doesn't allow audio or video unless by a warrant from a judge. Pat Williams asked if the state is addressing this. Privacy of the residents is paramount. We don't want an incident.

7. POLICE REPORT:

Mayor Lawler

UGI needs to report, fix it when they are done working there. David Jenkins stated this is a safety issue. The light is working but it is not working properly. Herman Johnson stated it is a safety situation there and if the sensor is the cause that could be an issue. Where they dug there they ripped part of the sensor off. David Jenkins suggested a strongly worded letter to UGI about this. Pat Williams asked if the cross walks work. Virginia Kehoe stated that the pedestrian cross walk system is working properly. The audible signal doesn't work. Virginia Kehoe will work with Solicitor Dan Mulhern will work on a strongly worded letter to UGI. David Jenkins stated that there is a pothole issue at Grand Avenue also caused by UGI. Chief Yarns sent information about the street lights that don't work. Dominic Scott asked if a police report is sent to the newspaper for publication. Chief Yarns stated that they do not. Chief Yarns stated that he used to send something to them but they didn't publish the information. Mr. Scott stated that on Election Day someone asked about the weighing of the trucks. She stated that she didn't see it in the paper. There was an article about Patrolman Ed Orzalek weighing the trucks. But there is not a monthly police blog in the paper. Mr. Scott stated that it would be good to let people know what we are doing. Herman Johnson stated that he was in Summit Cigar. When they do the weigh ins, the owner is losing money at Summit Cigar. As a business person losing money that hurts our town too. Mr. Johnson suggested that Chief Yarns discuss this with the owner of Summit Cigar. Chief Yarns stated that we are limited in where we can pull over trucks to weigh them. Mayor Lawler stated that rather than hiring another part time officer, Chief Yarns and Mayor Lawler asked Council to consider the cost of hiring one full time officer. Mayor Lawler has prepared a comparative budget part time vs full time. Gerrie Carey asked if we should get any information to Newton. They didn't expect to make a decision before the end of this year. Send a letter and they can let know what progress they have made. This is good for budgeting also. Also, send a letter for Glenburn. They had another robbery at Peoples Bank. Maybe if we had the contract we might have been able to help. Chief Yarns discussed the spread sheet, based on the comparison of part timer and a full timer. Mayor Lawler stated that she and the Chief strongly agree that the Police Department needs an additional full time office for adequate, consistent coverage and protective safety for the residents of the Clarks Summit Borough. Ms. Lawler stated that it is their duty and responsibility to bring this back to Council this evening. They are not going into the concerns and reasons because they have done that. In September, Mayor Lawler and Chief Yarns met with and had a discussion with the Personnel Committee. The dialogue was very transparent good question and answer period for them and Council. As Mayor of Clarks Summit Borough, Mayor Lawler is requesting for Council to consider including the funding for a full time officer in the budget for 2015. She requests this as the Mayor for the betterment and the cohesiveness of the department, for the overall safety of the residents who live in the

Borough. With the hiring of a full time police officer they will be bringing this department in compliance with the standards set by the Pennsylvania Department of Community of Economic Development. Vince Cruciani stated that he is being honest with Mayor Lawler and stated that he doesn't think this is going to happen for 2015. Mayor Lawler stated that she understands Council and the position he is in, but as Mayor, and the Chief of the Borough, we have to see the need for a full time officer. Mr. Cruciani stated that it is late in the game and if they initiate the process he doesn't know if he or the rest of Council are going to say yes or no to a full time officer. But if it will happen maybe look at 2014. When you look at the budget, you have to budget the third year number and if the salary is less great they can dedicate other things to the police department like a vehicle. They can't if they are looking at it from a long term hiring perspective but they have to look at the third number not just the first two years. Mr. Cruciani stated that he doesn't see this happening in the 2015 budget. Mayor Lawler asked if there is any room in the budget that they are looking at right now for 2015. Mayor Lawler asked if they could look at the budget again. Mr. Cruciani stated in theory, possibly \$20,000 could be done if it was an absolute emergency. Mr. Cruciani stated that logistically speaking if Mayor Lawler came to them 6 months ago, maybe this would have been possible, but he doesn't think that anybody in that room or at least four people are going to go and get this pushed through in altering the budget for next year, and maybe he is wrong. Gerrie Carey stated that she and Mayor Lawler have discussed this and she has got to get it on the table earlier to Council and maybe this can be done next year. Mayor Lawler stated that she wants Council to be aware that she is requesting this. The worst thing would be If something comes up and we don't have adequate the coverage and that Council says that they never heard the Mayor say that we need another full time officer to bring the department up to code. Mayor Lawler stated that Council knows it now and it is recorded in the minutes and the ball is in Council's court. Vince Cruciani discussed the Civil Service process, Virginia Kehoe stated that this is on the agenda for later in this meeting. Chief Chris Yarns stated that Council has been really great to him, and really supported the Police Department. The issue is with the part timers because they are constantly adjusting their schedules because of their other jobs. Then all of a sudden they are not able to work the shifts they were supposed to work here at the Borough. Vince Cruciani asked if Chief Yarns had accounted for that, he would like to see the numbers if he knows it will make a difference in his favor. Took his average overtime divided by 26. Take the capital spent on overtime and reduced it by the amount of non overtime that would apply to the full time officer shifts. Virginia Kehoe stated that is what Chief Yarns did on the spreadsheet they handed out. There is 576 hours of overtime and that is how the full time officer would be cheaper than the part timer. Since April there has been 576 hours. Used an annual based off of that. The remaining hours of the lowest part time office we have is built into that number also. Gerrie Carey thanked them for putting all of these numbers together. Get a letter out to Newton and Glenburn. This will make a difference also, if Officer Shedlock wants to take his retirement, all things in consideration. Chief Chris Yarns stated that the Magistrate hours are difficult also because they don't have any evening hours. David Jenkins stated that when Gerard Hetman is here maybe can talk to the Commissioners on Council's behalf to have hours in the evenings. Gerard Hetman is our representative to the county. Vandling called they want to buy our Expedition Police Car. He had a meeting and they would pay \$9,000. If we can

replace it, Chief Chris Yarns is looking into it. It is a Ford, similar to the state police. Vince Cruciani asked if he will he give us until next meeting, we would have to go to the Finance Committee. Virginia Kehoe stated that they cannot make a decision tonight. They need it before the snow starts. Herman Johnson stated that he has to check out our finances. They will give us \$9,000, have to go through the process, let the Finance Committee check this out.

8. **VENDOR PAYMENTS TO BE RATIFIED:** **President Carey**
Vince Cruciani made the first motion to pay the bills, seconded by Dominic Scott, vote was 7-0.

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

- **Non-Uniformed Union contract:** Vince Cruciani stated that #9 is still in the contract. Virginia Kehoe stated that she had already printed it before removing it. Mr. Cruciani stated that “J”, he thought we were going back into arbitration language in the original agreement for that. Ms. Kehoe has misunderstood his email. Mr. Cruciani stated that as long as we can ratify it with removing number nine and J being the same as the original contract. Ms. Kehoe stated that Article 27, line 6 is going back to the original agreement that has been in existence so if they do make a motion to vote on this it would be with that one paragraph changed, also #9 should not be there. Vince Cruciani made the first motion to approve the Non-Uniformed Contract, seconded by Dominic Scott, vote was unanimous 7-0.
- **Ordinance 2014-04 Cable Franchise Agreement:** Vince Cruciani made the first motion to pass Ordinance 2014-04, seconded by David Jenkins, vote was 7-0.
- **Revisit \$20,000 Debt Service payment against principal:** Gerrie Carey stated that the \$20,000 will be put in the Capital Reserve and down the road if we need it we have it. Once we have all the information then we can make our decision. Vince Cruciani stated that there are several options, it can be paid as an upfront payment as if we were one month ahead; we could be refunded, or it can be applied to the principal like we did. The issue that we are having is when we refinanced, our refinance options were 2% at the previous payment rate or 1.75% of a increased payment rate of \$4,000 a month which would not only reduce the compound interest but also reduce the term of the loan by a year, which would be paid by April of 2019 rather than April 2020. Gerrie Carey stated that Jim Burke thought the \$20,000 was not going to be any big benefit to our debt service. Vince Cruciani stated that if you have it go through April 2019 even though you are not expecting revenue from January through April, you are still going to have to institute the debt service for 2019 in case your levels are lower than you thought. It just means more taxes; if you get it paid off by 2018 it's not on the tax line for 2019. If you did \$20,000 a year for the next four years, it's not going to be taxed. Herman Johnson stated that he thinks we should keep it where it is at. Mr. Johnson stated that Ms. Carey said that a couple of Council people came to her because they didn't like the way they voted. But they all voted to do this. It seems like every time we get extra money, it goes out our pocket, it should stay where it is. Mr. Johnson stated that they sat there and discussed this point and it was \$50,000 and they said they would use the \$20,000 to the debt service. Then

we have a work session and this is put on the agenda and she wants to take that off. It is not very wise. This whole process that Jim Burke explained, there is a big if. That's what gets us in trouble. Vince Cruciani stated that there are two different kinds of loans, one for future projects and ones for past debts. Herman Johnson asked how to do explain to the residents that you are going to drag it out, you can't. Dominic Scott stated that do they want to put the \$20,000 in the capital Reserve we are always talking about building up the Capital Reserve. That will help the Capital Reserve more. Gerrie Carey stated that Herman Johnson stated months ago that he wanted to build the Capital Reserve. He is asking what this will do for the Capital Reserve, in what way. Herman Johnson stated that by putting \$20,000 in the Capital Reserve we usually designate it for a line item. Pat Williams stated that he always thought the Capital Reserve was for emergencies. Vince Cruciani stated that we have a debt and it's getting passed off and certain people want to extend the burden of it on people that did not make the decision to incur it and other people want to pay it off in a quicker manner. Herman Johnson stated that we could continue to build it up; it all comes to good management. Virginia Kehoe stated that there is not a motion on this. Herman Johnson made the first motion to keep the vote that we had to keep it to pay off our loan. Vince Cruciani stated that Herman Johnson doesn't have to make a motion. Dominic Scott made a motion to put the \$20,000 in the Capital Reserve, seconded by Pat Williams, the vote as 4-3. Solicitor Rogan suggested a roll call, Jim Klein voted yes, Vince Cruciani voted no, Herman Johnson voted no, David Jenkins voted no, Dominic Scott voted yes, Gerrie Carey voted yes, Pat Williams voted yes.

- **Civil Service Activation:** Virginia Kehoe notified the Civil Service Commission to start the process of creating a list. Dominic Scott stated that he spoke to David Jones; Ms. Kehoe didn't get in touch with Wes Dunn. He may have to be replaced if there are issues. Chief Yarns went to a seminar; there are a lot of changes in the Civil Service Commission laws. We need something and we are falling behind. Dominic Scott stated there is a cost involved tests, proctor, etc. We can charge back to the applicants the cost of the test. The last time we did this for one of the individuals who did pay who was looking for a refund because no one was ever hired. Herman Johnson stated that he thought this was not refundable. David Jenkins to make sure that is clear for the applicants, so there is no doubt in anyone's mind. Herman Johnson stated that the Finance Committee should sit down and see if we can afford to do this. He agrees that we should have an update on the Civil Service test because we haven't been updated. The issue should be pushed because we should have a current list. What if a full timer retired, there isn't even a list to go off of. Chris Yarns stated that the Commissioners should be updated on the laws. It all changed in 2012. The PSAB has a lot of great information on their website and seminars. Pat Williams stated that the state is big on this sharing, is it possible to share a Civil Service Committee with different townships and boroughs. Chief Yarns stated that he has to ask.
- **Commuter Tax:** Mayor Lawler asked Virginia Kehoe to put this on the agenda. Mayor Lawler stated that when Council was voting to send the \$200 contribution to fight the resistance for the Scranton Commuter Tax. Councilman Cruciani was skeptical; he was unsure where the money was going to be spent. Mayor Lawler supplied a packet of all of the purchases and all of the invoices where all of the

monies went. Solicitor Pat Rogan said that he was involved in something like this years ago and this is not a lawyer money maker at all. Vince Cruciani stated that he appreciates this information and he was more against the taxpayers of Clarks Summit funding this.

- **Clarks Summit Borough / Christmas:** Mayor Patty Lawler stated that they are going to need help from the DPW.
- **Thank you to Rosario's Pizza:** Virginia Kehoe drafted a letter to thank Rosario's Pizza that needs signatures from Council.
- **Thank you to Lackawanna County Commissioners re: La. Cty. Drug Ct.:** Virginia Kehoe stated that at the worksession, Council requested letters to be drafted that they would all sign. This is thanking them for Tom Carter and his crew and asking for continued funding of that. Council needs to sign the letter.

10. NEW BUSINESS:

President Carey

- **Resolution 2014-30 Dino and Francesco Liquor License Transfer:** David Jenkins made the first motion to approve Resolution 2014-30, seconded by Herman Johnson, vote was unanimous 6-1, with Pat Williams voting nay. This is strictly for beer and wine. Pat Williams asked about this, he says that we seem to have gotten a lot of liquor licenses in the Borough, more than anybody else nearby. He attended the drug treatment sessions, its cigarettes, alcohol. Does not want our Borough to be known as the liquor Borough, he stated that we have a lot. Herman Johnson disagreed saying that a lot of these places like Dino and Francesco's and Rosario's and if they have their own liquor license or it gets transferred over and they have to approve it but he doesn't think we have a lot. Virginia Kehoe stated that Council doesn't have to vote on Lisa Armetta's because the Own Lee Place has the liquor license and she bought it from them. Council only votes when it's being brought in from outside the Borough. Any time it is transferred internally Council doesn't have to vote on it. Herman Johnson was referring to Cobbie's Deli that was where Rosario's is now, didn't they have a liquor license. David Jenkins stated that it is a different kind of license than Rosario needs.
- **SEO replacement – Gary Wilding:** Virginia Kehoe stated that he would be replacing Walter Redel. Gary Wilding and his 2 associates would be involved. David Jenkins made the first motion, seconded by Herman Johnson, vote was 7-0. Pat Williams asked if Gary Wilding is a supervisor in one of the townships? Stated that they didn't think so.
- **Resolution 2014-31 A Gathering Place:** Dori Waters and Mary Ellen Nichols were there to request ratification of the LSA grant. They need a letter of support and a resolution from the Borough of Clarks Summit. David Jenkins made the first motion to accept Resolution 2014-31, seconded by Herman Johnson, vote was unanimous 7-0. Pat Williams asked if this resolution bind us in any way? We are already bound because the grant is coming through us. We are the applicants. Mayor Lawler stated that she spoke with Sid Kavulich and at this time the grant for the Gathering Place with the LSA has been submitted. There are other grants that can be used. We used this last year for the unmarked car. We are past the deadline anyway. We will not be in competition with the Gathering Place. This is a straight grant and they can only

do this through the Borough. This grant is through the Monroe County Gaming. Vince Cruciani stated that we can't apply for LSA grant until 2016, this grant is for 2014. If we want to apply in 2015 it is a different grant cycle. Pat Williams asked how they are doing with their fund raising. They are doing well and they thanked Council members for coming to their most recent event.

- **Resolution 2014-32 Meter Suspension ABPA Holiday Open House:** Virginia Kehoe stated that they are only asking for Friday and Saturday, not Thursday. Herman Johnson made the first motion to pass Resolution 2014-32, seconded by Pat Williams, vote was 6-1 with Vince Cruciani voting nay. Vince Cruciani stated that for the record he would like to point out the fact that they want us to pay for the lights to be hung for their event and then they want the money that would bring in the revenue to do such.
- **2015 budgets:**
- **ARWA – Bob Davis Replacement:** Virginia Kehoe drafted a letter to Bob Davis for Council to sign.
- **Rebekah White – sewer payment agreement:** David Jenkins made the first motion to accept Rebekah's sewer payment agreement, seconded by Vince Cruciani, vote was unanimous 7-0.

11. SOLICITOR'S REPORT:

Solicitor Mulhern

12. CORRESPONDENCE:

- **John and Grace Adamsky:** Virginia Kehoe stated that Mr. Adamsky, is taking down a tree that is in the right away that is in desperate need of removal. He has two trees on Nichols and they needed to be trimmed and it is already done and he paid for a \$25 permit. He is asking for a refund. Herman Johnson stated that he approves the refund, seconded by David Jenkins, vote was 7-0. Pat Williams asked are we starting something new here. Herman Johnson stated that we are going case by case. Pat Williams stated that this is an ordinance. We talked in the past about starting things, just doesn't know.
- **Lenny Santasiero:** David Jenkins made a vote to accept the payment plan for the sewer, seconded by Herman Johnson, vote was 7-0.

EXECUTIVE SESSIONS:

President of Council

- **Prior- October 28, 2014 Union Negotiations**
- **During-**
- **Subsequent-**

ADJOURN:

President of Council

David Jenkins made the first motion to adjourn, seconded by Dominic Scott, vote was unanimous 7-0.