

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

The December 30, 2014 Borough Council Meeting was conducted on Tuesday, December 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 Mr. Patrick Williams, Mr. Vincent Cruciani, Mr. Jim Klein, Mr. Dominic Scott, Mr. David Jenkins, Mr. Herman Johnson, Mayor Patty Lawler, and Virginia Kehoe. Solicitor Dan Mulhern was absent for the meeting

1. WORKSESSION: President Carey

2. PUBLIC COMMENT President Carey

- Presentation from Community Banners: Matt Cottengim came to Virginia Kehoe with a suggestion for a no cost option for the Borough to have banners, similar to the ones in Scranton. Matt Cottengim discussed community showcase banners. Gerrie Carey stated that in 2011 we had flags for our centennial; the merchants purchased them and had their name on them. Who puts them up and takes them down. Normally the municipalities will do that, but have brought their own staff to do the install. Ms. Kehoe stated that we don't have the equipment to install them. Mr. Cottengim stated that it is a turn-key operation, they do all the legwork from sponsor acquisition the design aspect, and they work with the municipalities to create all of that. They have all of the equipment, the installation staff to put them up and maintain them, if they need to be fixed they will. As far as the digital aspect they would work with the IT staff and get a link up on the website. Vince Cruciani asked how long they ask the Municipalities to guarantee the placement availability. Mr. Cottengim stated he has seen 2 and 3 years. David Jenkins asked if these banners are weather resistant for three years. Mr. Cottengim said yes and if for some reason there is an issue they will put a new one up. Mr. Jenkins wanted to make sure the banners are weather worthy. Mr. Cottengim stated that they had different samples to choose from. Mr. Johnson made sure that they would maintain them and if something happens they would put another one up. Mr. Johnson stated that he likes the idea of having different banners for each season with the business people's names on them. Ms. Kehoe stated that they would put up the banner for 2 or three years, if we do seasonal banners that would be in addition, that would be our seasonal banners in addition to these banners. They are 2 ½ feet wide by 5 feet tall. Vince Cruciani stated that Council would have to make a determination of the amount of time that we want our seasonal banners up because that is when the merchants banners wouldn't be up. Ms. Kehoe stated that yes if we want to switch them out we'd have to work that out. The other choice is putting them on the other side of the pole, in addition to what is there. Gerrie Carey asked what the cost of the banners is to the merchants. Mr. Cottengim stated that the packages run from \$685 dollars for year and it would go down the more people that participate. We use 20-25 poles right now to put up

our banners. Herman Johnson stated that if we do this we would have to plot this out so we have it on all the main drags where the traffic is coming into town so it looks uniform. Doesn't like the idea of both sides of the police. Mr. Johnson likes the idea and stated that the merchants have been saying for years that we have to work with them to get businesses to come into our town. Right now a lot of business fronts are full and we want to keep it that way. Ms. Kehoe stated that this is a way to support our downtown businesses. The businesses choose if they want to participate and Council controls the terms. Mr. Johnson stated that the business people cannot come back and say that council isn't trying to help them. We are supporting them and they have to support this if they want this. This is a good opportunity for businesses to jump on this for advertisement. Vince Cruciani stated that the first step is to provide a depiction of the poles that do currently have the banners on and the other ones that are suggested. They would engineer a map and have Council approve it. They discussed State Street, Gove Street, Depot Street and Winola Road, possibly the Morgan Highway. Technically the poles are in our right away not on people personal property. Vince Cruciani stated that we might not have the ability on our easement to commercially advertise. Ms. Kehoe stated that on Winola and State we would be talking about state property, not private property. We did put ours up on state without any issue. Ms. Kehoe would be willing to meet and go over our poles with Mr. Cottengim. He will be back in May and that would be the timeslot where they would like to begin the signups for Clarks Summit banner campaign. The banners should be up in less than 5 months. 150 days is there general turnaround time. David Jenkins stated that he would like to put this on the agenda for the meeting. Pat Williams asked who maintains the banners; Mr. Cottengim stated that they do. Meaning when they have to be changed they would take care of that. They are not local it is hard for them to know unless the city officials or the businesses let them know that the banner needs maintenance. Their contract is with the individual business, we design the banner, it is our banner but they pay for it and get their advertising of it. The bottom third is dedicated to their business. We design what we want for the top 2/3. \$695 a year, with some businesses they are able to work some costs into trade, it is not a hard \$695, depends on the businesses. We would get a committee to design the top of the banner. Vince Cruciani asked for the agreement to be sent to him for review, stating that we need some protections from liability. The solicitor will need to review this also. As long as we don't sign anything for the meeting, it might take a little more time. They have stickers 5x5 inches so if you have a smart phone, the barcode reader, scanner on the phone, it goes to a link to a website. Provides information for people, it is a digital connection. Herman Johnson stated that his presentation is great and he thinks he needs to mention that scan to the ABPA. Put it on the agenda for a vote to go ahead, then we can iron out the details, this can be tailored to what we want.

- Police Staffing update: Mayor Lawler stated that they are very pleased with Matt Karam and he is working out beautifully. He is very solid. As far as additional staffing they are not moving into that area at this time. We are not closing the door on moving at some point for a full time officer. Virginia Kehoe update on the Civil Service test, they have ten applications for testing waiting for Lackawanna College to confirm the date of the test. Will be giving Council a Resolution to adopt Lackawanna College to give the test. David Jenkins also suggesting putting on the agenda, replacement of a member. Virginia Kehoe stated that he cannot be replaced unless he resigns or if we publically come up with a cause. Ms. Kehoe stated that we

do have an alternate to discuss. Once we have the date we looking for the 23st or the 31th of January for the actual test, then notify the applicants. 4 of our part timers are of the 10. Ms. Kehoe stated that they are all paying \$50. If all 10 come for the test that will be \$500 which will be applied towards the cost of giving the test. \$850 for written and \$450 for oral. Gerrie Carey stated that is a heavy expense for us. David Jenkins thought more of the cost was going to go to the applicants. Ms. Kehoe stated that we were hoping for 20-25 applicants. Can't we divide that up and figure that out a little better. Virginia Kehoe stated that this was advertised at \$50. Herman Johnson stated that the whole problem is that we didn't know how many we were going to get. And we all came to a consensus that it would be \$50 and then we would take care of the rest. No way of telling how many people. Virginia Kehoe stated that the deadline for the applications is done. Mr. Johnson stated that we have to bite the bullet and we were all aware of it, can't turn back keep on going forward. The question is will they reduce the cost since Chief Yarns will be participating with the oral testing. Not sure. Mayor Lawler stated that she has completed her evaluation of Chief Yarns and is waiting for his signature. She asked if Council wants a copy or does it go to personnel. Ms. Kehoe stated that it has always gone into their file. Herman Johnson asked if we are keeping up with the officers and their evaluations. Mayor Lawler stated that yes Chief Yarns has all of the full time officers done and all of the people that come in part time on a regular basis, there are 4 left to finish.

- Amendment to animal ordinance – resident's request: Vince Cruciani stated that since the resident didn't take the time to come to the meeting, he didn't see any reason to pursue this. Gerrie Carey agreed. Dominic Scott also agreed. Ms. Kehoe stated that is off the agenda for January.
- Ordinance 2014-06 - reflect a re-designation of the low density residential (R-1) zone along Maple Avenue to central commercial district (cc) zone.: Virginia Kehoe stated the applicant came to the Planning Commission, they did get a letter from one neighbor that is opposed to it. They did have a next door neighbor at 112 Maple coming in supporting it. They are not going to be asking for a vote next week they are holding off another month after meeting with the Planning Commission again. The Planning Commission felt that they still had a lot more questions before they can make a recommendation. Vince Cruciani asked if they were considering going residential professional instead of commercial. Mr. Cruciani stated that this is residential back yard to commercial back yard so if it went residential professional it wouldn't have an altering affect to the neighborhood. Ms. Kehoe stated that she will take this off the January agenda and wait until the February meeting.
- Ordinance 2015-01 - amending the schedule of uses for RP residential/professional district: Virginia Kehoe stated that this is a request from Highland Real Estate to change the RP zone so they can have the beauty parlor at the old train station, by Bedford towers. They came before the Planning Commission we have a draft here and they are making the recommendation to Council. Vince Cruciani asked how that building is not commercial. Ms. Kehoe stated that building is RP. The problem is that a beauty parlor is not incorporated into the definition of RP. The Planning Commission is saying make it a principal permitted use. Vince Cruciani asked if Clel's business off of Davis Street is zoned commercial. Ms. Kehoe stated that is commercial. As long as they are meeting that residential appearance on the outside which our zoning ordinance demands regardless of conditional use or not. They feel Lori Harris has the tools to regulate it without having to go through the extra steps.

That is their recommendation, did advertise public hearing, in new business for a vote. Solicitor Dan Mulhern did attend the Planning Commission meeting, he sat as an observer. Vince Cruciani stated that the only thing is you can sell goods in a RP if you receive permission. Virginia Kehoe said no. Mr. Cruciani asked if a beauty parlor is exempt, they sell shampoo, hair conditioner. Ms. Kehoe stated that they can't sell retail. It specifically says for professional offices, excluding any sale of goods. If they want to move into the zone under those conditions. This particular beauty parlor is targeting Bedford Towers. David Jenkins stated that is unrealistic, he doesn't know of any beauty parlor that doesn't sell products. Vince Cruciani stated that can we cap a limit. Herman Johnson asked if this would be considered hazardous material. Beauty parlors do have some hazardous materials and chemicals and if something happens, causing contamination. Ms. Kehoe stated that in an R1 zone a home owner can run a business out of their home as long as they didn't put up signs. Beauty parlors are the most likely home business that you will find. So you have a lot of them in residential areas right now. They are not big. Herman Johnson stated that his argument is that just that just because we have it now does that mean we need to continue to do it. Ms. Kehoe stated that she agrees but wanted to let them know. He is trying to be fair with everyone make sure they are doing the right thing as elected officials. Planning Commission has recommended it and Council will make the final vote next week Dan Mulhern is looking into the legality of it. As the ordinance is written now it says no retail sales are permitted. David Jenkins agreed with Vince Cruciani when he stated possibly permitting 5% of sales be from retail purchases. Mr. Jenkins stated he thinks that would be more than fair. Mr. Cruciani stated that they could lump it into the service, up the price to include the products. Ms. Kehoe stated that she made a not and would talk to Dan Mulhern about this. Vince Cruciani asked about Lava Day Spa. Virginia Kehoe stated that they are in a residential zone but they were grandfathered in as Commercial.

- Update from Dan re: Parking meters:
- Drone Ordinance: Vince Cruciani stated that we have to wait until January or February to see what the FAA is willing to do but, the concern is less about the drone and more about the privacy issue with the camera or audio on the drone.
- Draft Ordinances – 2015-02, 2015-03 and 2015-4 (peddlers, newsracks and trash): Virginia Kehoe stated that these are being advertised and will be on the agenda for February 2015. Vince Cruciani stated that he thinks we are setting ourselves up to get sued, need to take the canvasser out of the ordinance. If we remove canvasser, and someone goes around with a pamphlet about religion or political info and you say they need a license to do this and they disagree, and this goes to court the Borough would lose. Mr. Cruciani stated that Lori Harris and Virginia Kehoe will be enforcing this with Girl Scouts, but practically speaking we don't have to worry about this. David Jenkins agrees with Vince Cruciani on this and we should take this out as this will save us a lot of money in the long run so we should do this sooner rather than later. Vince Cruciani stated that in the trash ordinance, we want to be careful that we don't make this too restrictive; there is room for abuse on this one. If someone went away on garbage day, cans are out for 36 hours, will we get citations. Ms. Kehoe stated that we don't give tickets, we can cite them, but before that we would have to give a warning. Mr. Cruciani stated that the way he reads it you can get a warning one week then if it happens again you can be cited. If it happens twice in a year, get a citation. Mr. Cruciani stated that there is a lot of ambiguity and maybe they should

all take a read and sit down and discuss some ways they can tighten the language on it. Add it to next week's agenda for discussion. Herman Johnson asked what time the garbage people are supposed to come. Ms. Kehoe stated that no earlier than 6am, David Jenkins stated the last three weeks they were there at 4am. Recycling is 6-8pm. Maybe talk to Sam Augustine because they have been coming early. Ms. Kehoe stated that for the last two weeks it's probably related to the holidays, she will talk to him. Herman Johnson stated that it started before Christmas. David Jenkins stated that the later hour for the recycling is off kilter too. He can't figure out why the garbage gets there early and the recycling gets there late. The garbage cans being free of liquids and clean and it's tough on a rainy day if they don't close the lids on the garbage cans. Maybe something like that should be brought to their attention. It shouldn't be the burden on the homeowner. They should take the extra second to put the lid on the garbage can the problem would be solved. Vince Cruciani stated that everything has to be put in the can; we need to read this and think about it. Lori Harris would be the one to monitor this.

- E-cigarettes: David Jenkins stated that they don't have any information out yet. It is just like a cigarette where you inhale and something comes out into the air. He thinks they should be in the same umbrella as a cigarette. If you are exhaling something and it is coming out into the air it is the same thing as second hand smoke. We may not know for 20 years if the stuff coming out there is highly toxic like second hand smoke. Vince Cruciani stated that the one place that it would be appropriate for Council to act on that would be in our own buildings, he thinks that it might not be a good move to tell businesses not to right now. In our own building we can prohibit it. Virginia Kehoe asked about parks, they said to include the parks in this. Vince Cruciani stated that he thinks we should have one park that an adult can go and smoke, maybe Veterans Parks. A park without a playground, it wouldn't be the worst idea to allow one park that allowed smoking. It's legal. David Jenkins stated that people smoke at Carol Drive and Preate Park. Virginia Kehoe suggested maybe we can ban it at the Borough Building and any parks that have playgrounds. Vince Cruciani and David Jenkins agreed. Mr. Cruciani stated that it would be banned at Carnation, Lewis Lane, and Hemlock. Herman Johnson stated that they should think it over first, how many people are going to say why I can't do it at my park. Mr. Cruciani stated that smoking ordinances don't hold in court. Ms. Kehoe stated that what we have is a policy not an ordinance. We don't have anyone able to write tickets. Mr. Cruciani suggested making a heavy littering. Virginia Kehoe stated she would draft a policy and email it out to Council. Pat Williams asked why you would want to open up smoking at any park. We can't enforce it. Mr. Williams stated that we had a presentation from Lackawanna County on young lungs and we were very thankful for that, so why change anything. Mr. Williams asked if anyone had approached Mr. Cruciani about smoking in the park. Mr. Cruciani said they just do because we can't do anything about it. They don't ask. By Veteran's Park you have at least 2 cigar stores within proximity where people can smoke outside. Pat Williams stated that smoking is at a minimum anymore, doesn't think that is a big issue. Doesn't know where Mr. Cruciani is going with this. Mr. Williams stated that they worked on this to try to keep that smoking for the young people and everyone else; smoking and second hand smoke is a negative. Mr. Cruciani stated that it's kind of ironic that Veterans can't smoke in Veteran's Park, if we allowed it there people could come have a cigar, and it could bring more commerce in. Herman Johnson stated that there are two no smoking signs and the cigar store already asked why can't we take those signs down because that is hurting his

business. Herman Johnson stated that he agrees with Pat Williams and he agrees with Vince Cruciani but he thinks we need to go back and do our homework because he has said this many times. He hates seeing ordinances being that made that they cannot enforce because down the road it will make us look foolish. No e cigarettes in the Borough Building was agreed upon.

Executive Session for Contracts.

3. REVIEW OF JANUARY 7, 2015 AGENDA

4. ADJOURN:

President Carey