

**BOROUGH OF CLARKS SUMMIT  
BOROUGH COUNCIL MEETING  
APRIL 1, 2015**

The April 1, 2015 Borough Council Meeting was conducted on Wednesday, April 1, 2015 at 7:00 P.M. The Meeting was held in Borough Council Chambers, 2<sup>nd</sup> Floor, 304 South State Street, Borough of Clark's Summit, County of Lackawanna and Commonwealth of Pennsylvania. Council members in attendance were Council President Gerrie Carey, Mr. Patrick Williams, Mr. Herman Johnson, Mr. David Jenkins, Mr. Vincent Cruciani, Mr. Jim Klein, Mr. Dominic Scott, Chief Chris Yarns, Mayor Patty Lawler, Borough Manager Virginia Kehoe, and Solicitor Dan Mulhern.

**CALL TO ORDER:** **President Carey**

**MEDITATION:** **Mayor Lawler**

**PLEDGE OF ALLEGIANCE:** **Mayor Lawler**

**RECOGNITION OF SUMMIT UNIVERSITY (Mel Walker):** **Mayor Lawler**  
Mayor Patty Lawler read the Proclamation for Summit University.

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

**2. APPROVAL OF MINUTES:** **President Carey**

- **March 4, 2015**  
David Jenkins made the first motion to approve the minutes, seconded by Herman Johnson, vote was unanimous 7-0. Vince Cruciani commented that the information was not accurate in order, Mr. Cruciani stated that from now on just keep everything in order as it took place.

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

- **The Gathering Place**  
Mary Ellen Nichols passed out a drawing, showing three banners on the 3 garage doors, the entrance way of the building etc. They would like permission to hang the three banners. David Jenkins made the first motion to hang the three banners, seconded by Herman Johnson, vote was 7-0. Mayor Lawler asked when they think they will be breaking ground. Ms. Nichols stated that they are hanging their hopes on the LSA Grant which they were told they might here in March 2015. Mayor Lawler asked if this grant doesn't come through, funding is tight. Where do they go from there, do they just do fundraisers. Ms. Nichols said yes and they are working on grants right now.

Dave Gromelski was at the meeting on behalf Glenburn Township with respect to the pass through agreement effecting Border Realty Development. Dave Botchler was also there from Border Realty. They were there to present the revised draft of the agreement. The issues were: the flow meters and the installation of facilities so that the Borough would be able to monitor the flow going into Clarks Summit's collection system. They have a proposal that meets Glenburn's satisfaction, and Border Realty's satisfaction and hoping that would meet the Borough's satisfaction. They have their own separate agreement with South Abington which is in place. They did include penalty provisions that were put in, 300% Glenburn twp. though those were extreme and excessive. They instructed Mr. Gromelski to make a counter proposal concerning the penalty amount. They are asking for what was in the original agreement stating that the penalty was calculated with a percentage of the flow over whatever the 175 EDU's would be. Brought

sample examples as to how to calculate the percentage. Vince Cruciani asked if there is a new minimum lot ordinance in Glenburn now for subdivisions. Mr. Gromelski didn't know. Mr. Cruciani stated that if this ordinance is in place and Border Realty is grandfathered in, that means that this land that Border Realty has is the only place that you would be able to put up small lots and houses in Glenburn from now on. That concerns Mr. Cruciani because that is going to create an enormous economic incentive to put in multiple units. If that is the case and they are over the 175 EDU, they will be the only ones to put in lots. He is there only to comment on the sewer, he is unaware. Virginia Kehoe asked how that formula works. Vince Cruciani stated that it is proportional to what they are paying per EDU. There is nothing punitive? There is punitive but it is proportional. Ms. Kehoe stated that Council was worried about accountability, making sure that Glenburn was on top of what was happening there. We can't go into Glenburn and start pulling manholes. Mr. Cruciani stated that there is no stopping the development of more townhouses and if they go over 175 EDU's, there needs to be a financial incentive to keep it at 175, not just a safeguard for the Borough. Glenburn Township and their engineers thought that the 300% was more than significant for punitive damages. They are looking to negotiate. Vince Cruciani suggested making the change from 300% to 200%. Mr. Cruciani also discussed that this should be tied into ARWA increases or CPI. Mr. Gromelski is not familiar with this. David Jenkins stated that we can take this under advisement of our Solicitor.

**4. BIDS & QUOTATIONS: President Carey**

- **Refinance paving loan:** Virginia Kehoe stated that with the new 1.99% interest rate from Wayne Bank, we could keep the annual payment the same and pay it off over 46 months or we could keep the terms the same and reduce our monthly payment. Vince Cruciani stated that we are going to run into a short fall because we are already tight on the budget and we are going to have to address the refinancing of the Grandview issue. Vince Cruciani made the first motion to go with the 1.99% for 60 month term with Wayne Bank, seconded by David Jenkins, vote was unanimous 7-0.

**5. BOROUGH TREASURER'S REPORT President Carey**

David Jenkins made the first motion to approve the Treasurer's Report, seconded by Dominic Scott, vote was 7-0.

**6. COMMITTEE REPORTS:**

- **Building & Plant** Pat Williams, Chair  
Pat Williams stated that he will be looking around and see if there is anything to be addressed in the Borough
- **Finance Committee** Dominic Scott, Chair  
Dominic Scott stated that our finances are in good shape. Gerrie Carey stated that there was a Finance Committee meeting yesterday. Vince Cruciani was not made aware of the meeting; Gerrie Carey apologized for the oversight. Mr. Cruciani stated that he has an email that they can send the report that Treasurer Melissa Jones had prepared for the meeting. Dominic Scott stated that the budget is over a little bit and under a little bit. Vince Cruciani asked what we were over budget on. Virginia Kehoe stated that we are over budget on over time for police and DPW. Over all our total income is in excess of what was budgeted and our expenses are under what was budgeted. We are ahead by \$96,000. Herman Johnson stated that this needs to be passed on to the rest of the Council. Mr. Johnson stated that he would like to know where we are over and under to see if he can sit down and see how to solve this problem. Vince Cruciani asked are we actually over or have we just had our revenue arrive quicker than normal. Ms. Kehoe stated that we don't know. Mr. Cruciani asked when Kathy Drake is going to send us a report on where we are. Ms. Kehoe stated that Kathy Drake's report should be in by April 10, 2015. Ms. Kehoe stated that our LST is up somewhere around \$30,000 or so.
- **Grant Committee** Jim Klein, Chair  
April 18<sup>th</sup> is the Mayors Brunch and April 25<sup>th</sup> is the Shred Fest. Also a community cleanup is set for the 25<sup>th</sup> also. This all will raise money for the Pocket Park.
- **Recycling Committee** Jim Klein, Chair
- **Insurance Committee** Vince Cruciani, Chair

Vince Cruciani confirmed with Virginia Kehoe that we have “heart and lung” in our plan.

- **Personnel Committee**

Gerrie Carey, Chair

Virginia Kehoe stated that she did email the Personnel Committee; she was hoping she could meet with them over 2 separate issues.

- **Public Safety/Safety**

Pat Williams, Chair

Pat Williams stated that the DPW did a great job this year. Virginia Kehoe stated that we are working on getting the street sweeper from Carbondale. David Jenkins asked if there will be any repairs on State Street and Grove Street. Ms. Kehoe has communicated with Penndot a number of times.

- **Public Works**

Herman Johnson, Chair

Virginia Kehoe stated that the DPW normally does the cross walks before the Memorial Day Parade. They should avoid State Street because it is going to be paved soon. David Jenkins asked if they put the lines down for the police. The weather has not been good so it's been difficult to mark them.

- **Recreation**

Dominic Scott, Chair

- **Sewer Billing**

Dominic Scott, Chair

There are 35 payment arrangements and total comes to 17 houses where the water has been shut off either by the Borough or the Water Company. David Jenkins asked if people are residing in these homes. Ms. Kehoe stated that except for the ones that were just shut off, she presumes not. These are mostly foreclosures. He would like to know how people are living without water in their homes. Jenn Basalyga stated she would provide the names and addresses of the houses being turned off. Ian Castrogiovanni, 316 Summit Avenue came to clarify what the situation with the sewer bill agreement is. He had a situation beyond his control, and his card was eaten. As a result he was one week late with his sewer payment. As soon as he was able to obtain his money he paid the bill even a few days earlier. Yesterday they got a notice that his water is going to be shut off. Mr. Castrogiovanni stated that he is caught up and he wants to know what the malfunction is at this point. Virginia Kehoe stated that the instructions to this office were that there was a payment plan where if a payment was missed the water would be shut off. This goes for anyone who defaults on their payment plan. It would then take a full payment to reactivate the account. Herman Johnson stated that to clarify they asked the Borough Manager to get proof of the card that was taken by the bank machine and there was no proof given. Mr. Castrogiovanni stated that the bank didn't have proof. The bank was unwilling to provide the information. Vince Cruciani asked if this was his card or his mother's. Mr. Castrogiovanni stated that it was his mother's card. He asked where he was during last month's Council meeting. Mr. Castrogiovanni stated that he wasn't feeling well. David Jenkins stated that he thinks we have gone above and beyond here, assisting him, helping him over the limit. He hasn't shown us any courtesies, we have to do what we have to do, and everyone else has to follow the rules and regulations. When he takes extreme advantage, we look like a laughing stock. Vince Cruciani stated that if the person came and then also paid the fee incurred due to the posting during the posting period that it would avoid shut off. Ms. Kehoe stated that they had to pay the fee, which is part of the procedure, once the payment plan was defaulted on without permission from Council we had to shut off. Vince Cruciani asked Ian Castrogiovanni and his wife Heather at what point in time would they shut off the water with somebody who kept habitually changing the rules of the game. Mr. Castrogiovanni stated in light of the current circumstances he would not shut off the water. Mr. Cruciani asked what the circumstances are, the situation with his debit card, which is private. Mr. Cruciani asked about the time line discrepancy. Ms. Kehoe stated that she contacted the bank and the manager they stated that yes the card was held but it happened earlier than Mr. Castrogiovanni's mother stated. It happened longer ago than she had insinuated and there should have been adequate time to get the card back. It is a government issued direct express card and it is not directly linked with a specific bank account. Vince Cruciani stated that Mr. Castrogiovanni then loaned government subsidized money to your mom, which he doesn't even know if that's legal, Mr. Castrogiovanni stated that is irrelevant, Mr. Cruciani disagreed with that. This is relevant because Council made all of these exceptions and he does think this is relevant. Gerrie Carey stated that he is here explaining his situation; we have bent the rules several times. Ms. Carey asked what he can guarantee us will be paid monthly. Pat Williams stated that we have already gone through all of that and it is time for Ian to step up. He is a husband and a father now, personally he has been playing this Borough and it has been going on too long, so Mr. Williams stated that he is not interested in discussing

anything with him. The water is set to be shut off, let it go, he will have to make adjustments. Mr. Castrogiovanni asked who Mr. Williams was. Mr. Castrogiovanni stated that he is not happy that Mr. Williams thinks he has the right to judge him. Mr. Williams stated that if he paid his bill he wouldn't have to be here. Mr. Castrogiovanni stated that he did pay his bill. Gerrie Carey asked if his bill is up to date right now, Ms. Carey stated that we are trying to help him and see if we can get him back on track now. Mr. Williams stated that this is always a problem or an issue with Mr. Castrogiovanni. Mr. Williams stated that he had spoken to Mr. Castrogiovanni a while ago and told him who he was and he said if he ever had an issue, he'd be more than happy to help him. At this point Mr. Castrogiovanni has had ample opportunity, plenty of chances and we have wasted more time discussing him here than he wants to think about. Vince Cruciani asked earlier why Mr. Castrogiovanni chose to lend money that was given to him essentially as welfare and he then found a way to lend it and Mr. Castrogiovanni said it was between him and his mom. Mr. Cruciani asked why did he think it was appropriate to lend out that money that was meant for him because he is struggling. Mr. Castrogiovanni stated that it is not welfare. Vince Cruciani stated that anything from the government to anybody is a government handout. So we will just call it a government handout. Mr. Castrogiovanni stated that it is Social Security; Mr. Cruciani stated that is a government handout. Vince Cruciani was giving him a chance to explain the extreme circumstances that he had to loan money that he needs and not pay the sewer bill. Mr. Castrogiovanni stated that it is called real life which he doesn't think Mr. Williams understands. Mr. Cruciani stated that he apologizes to Mr. Williams that his answer was fielded to him. Mr. Williams stated that he is asking Council President to move on; they said what they wanted to. Mr. Castrogiovanni read from a letter stating he is protesting the disrespectful way they are treated because they are behind on their sewer bill, because of their poverty circumstances etc. At one point in the letter, Mr. Castrogiovanni accused the Borough of overcharging him with extra fees. Vince Cruciani stated that since Mr. Castrogiovanni accused the Borough of fraudulent behavior in his letter where he stated that there are overcharges in the billing system. Mr. Cruciani asked what they were. Mr. Cruciani stated that he would have to bring in the facts and figures to back that up. Mr. Cruciani stated that he was well prepared and thought he would be prepared to follow up and back up his statement of the overcharging accusations. Mr. Castrogiovanni stated that he will bring the figures in in the future time. Mr. Cruciani asked if he will be bringing in his check for the balance also. In order to get the water back on there is going to be the balance of the shut off fee. Virginia Kehoe stated that unless conditions change we will need payment in full in order to reconnect the water. Mr. Castrogiovanni stated that if he takes up a collection from everybody here, we could all help him out. Mr. Cruciani stated that he could move. Mr. Castrogiovanni stated that this conversation is over, and a loud noise was heard as he left, upon opening the Borough door. David Jenkins asked Chief Chris Yarns to check and make sure that he didn't damage anything and if he did to arrest him. Mr. Williams stated that Mr. Castrogiovanni is a disgrace to the community. Vince Cruciani stated that if you don't have a house you can afford, consider living in circumstances that you can afford.

- **Depot St Project** Herman Johnson
  - **Stormwater Committee** Herman Johnson
  - **Civil Service Commission** Dominic Scott - testing results
- Dominic Scott stated that the Civil Service Commission has narrowed the list down to 3 candidates. This is the entire list. Of the three 2 officers are currently working for the Borough part time.
- **Additional comments from Council**

**7.**

**POLICE REPORT:**

**Mayor Lawler**

Chief Chris Yarns stated that on Saint Patrick's Day weekend they had a major incident in town that consumed more time than anticipated. Vince Cruciani asked where the incident happened. It is a duplex on West Grove Street and he is residing there as part of his bail. He did waive his preliminary hearing. Mr. Cruciani praised Chief Yarns for his exemplary work especially in this time of crises. The aggressive driving campaign is in the works. They have the whole month of April for that. The school zones, they fly down Grove Street. The speed limit goes from 25 to 15. The lines are difficult to see, they want to repaint them. They also have to make sure the warning lights for the 15 mph school zone need to be flashing in order to enforce that.

8. **VENDOR PAYMENTS TO BE RATIFIED:** **President Carey**  
David Jenkins made the first motion to pay the bills, seconded by Herman Johnson, vote was 7-0

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

- **AAJRB contribution:** Gerrie Carey stated that the AAJRB is looking for a 3% increase that the Borough didn't budget for. Ms. Carey stated that she believes it is the consensus of the Council that we should move forward with that. Vince Cruciani stated that our police did increase their pension payment which offset their cost of living adjustment. The DPW took a reduction in their collective bargaining to 2%. Those are essential core functions of government. Our workman's comp has skyrocketed and the fire department our pension actuarial rate went up \$30,000 this year and the police pensions. These are all real expense. In the Borough's parks there are signs that need to be replaced, we don't have money specifically line itemed for that. We budget what the AAJRB did last year. Because they are continually growing the park, their operating expenses are increasing. This economy does not warrant continually growing a park like that. There is no way that we can ask the police and the DPW to work with us and taking cuts and the taxpayers working with us taking a reduction in services with less maintenance to our parks, less money to the Pocket Park because they have to make a newer bigger field, path or parking lot. It's out of control they have not adjusted with the reality of the economy. Their costs have gone up because they have chosen to make their costs go up. Vince Cruciani asked why this wasn't voted on when they voted on the budget. Doesn't understand why they need to change it now. Mr. Cruciani asked Gerrie Carey and Dominic Scott why they didn't include this 3% increase in October 2014 while doing the budget. Dominic Scott stated that he doesn't want to be the only Municipality that doesn't go along with this small increase. Mr. Cruciani stated that he would rather lead by example and so the other Municipalities that think they are ridiculously asking for large increases, David Jenkins made a motion to keep the amount at 3% which was budgeted for already, Vince Cruciani stated that he doesn't need to do that, but they do have to make a motion to increase it. David Jenkins stated that he stands corrected. Mayor Patty Lawler where we got the original amount of \$16,065 for the AAJRB. Virginia Kehoe stated that the rates are based on current population from the 2010 census. Mayor Lawler stated that the Clarks Summit Borough is the lowest salaried of all of the Municipalities. Median of \$48,000 with many being seniors. Vince Cruciani stated that if they need to generate fees they need to be more user based. That is the equitable answer. Mayor Lawler stated that she is not against funding the park, it is the amount that she is concerned with. Gerrie Carey stated that we do have the funding for it, Mr. Cruciani stated that we don't have the funding for it. We have a debt service issue and we don't have the money. Mr. Cruciani stated that we might have the operating cash flow but we don't have the money budgeted. Dominic Scott made the first motion to giving the \$400 increase to the AAJRB, seconded by Jim Klein, Vince Cruciani stated that we are making the Finance Committee a Banana Republic when we are doing these games and chicanery during the year. Roll call was taken. Pat Williams, Gerrie Carey, Dominic Scott and Jim Klein voted yes to the \$400 increase, David Jenkins, Herman Johnson and Vince Cruciani voted nay, vote was 4-3 and the motion passed.
- **EMA Director:** Virginia Kehoe stated that there is no action needed, David Jenkins stated that he made a motion to accept the letter of resignation from Joe Krott, seconded by Herman Johnson, vote was 7-0. Mr. Johnson asked about the radio and the equipment. We will inventory the items and when we have a new EMA director we will give him first dibs. Then see if the Borough needs any equipment then to the fire company.

10. **NEW BUSINESS:** **President Carey**

- A. **Letter to county regarding Gerard Hetman:** They read the letter that was written to the County Commissioners office from Council regarding Gerard Hepman. Mr. Hepman thanked Council for their consideration but for the record he stated that he cannot encourage Council to do what they did. He can't ask or petition for Council to do that. Herman Johnson asked if we are violating the counties code of ethics, Mr. Johnson stated that he wouldn't want to see Mr. Hepman get in trouble for something that Council did. With the Depot Street project, Herman Johnson said when we get a heads up then we can start planning. Virginia Kehoe stated that if it doesn't happen soon we will not be able to bid it in time.

**11. SOLICITOR'S REPORT:**

**Solicitor Mulhern**

Solicitor Dan Mulhern was looking for boundaries from Council for what percentage of penalty rate that Council wants. Dave Jenkins stated that we should shoot for 200% that was mentioned last meeting, Herman Johnson agreed. Vince Cruciani stated that we have a poor deal structure with South Abington and Clarks Green, it doesn't account for the CPI calculation so our labor inflates every year plus material costs but we don't have an inflation figure built into our pass through fees with the other Boroughs but we can change that with Glenburn. So maybe a 3 year CPI. Solicitor Mulhern stated that we might have to renegotiate with South Abington and Clarks Green then. Virginia Kehoe stated two out of the three Municipalities have to meet to agree to new calculations. Mr. Cruciani stated that we shouldn't let bad decisions in the past guide us with Glenburn.

**12. CORRESPONDENCE:**

- **Sewer Payment Arrangement – Noone**
- **Sewer Payment Arrangement – Roedan**

David Jenkins made the first motion to approve the restructuring of the payment arrangements, seconded by Herman Johnson, vote was 7-0.

**13. EXECUTIVE SESSIONS:**

**President Carey**

- **Prior- None**
- **During- None**
- **Subsequent- Immediately following**

**14. ADJOURN:**

**President Carey**

David Jenkins made the first motion to adjourn, seconded by Herman Johnson, vote was 7-0.