

**BOROUGH OF CLARKS SUMMIT  
BOROUGH COUNCIL MEETING  
MAY 6, 2015**

The May 6, 2015 Borough Council Meeting was conducted on Wednesday, May 6, 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 Mrs. Gerrie Carey, Mr. Vincent Cruciani, Mr. Jim Klein, Mr. David Jenkins, Mr. Patrick Williams, Mr. Herman Johnson, Mr. Dominic Scott, Chief Chris Yarns (arrived about 7:10), Mayor Patty Lawler, Solicitor Pat Rogan, sitting in for Virginia Kehoe who was absent was Jennifer Basalyga.

**CALL TO ORDER:** **President Carey**  
**MEDITATION:** **Mayor Lawler**  
**PLEDGE OF ALLEGIANCE:** **Mayor Lawler**

**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 31, 2015 Work Session**  
• **April 1, 2015 Regular Council Meeting**

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

**3. PUBLIC COMMENT & INPUT:** **President Carey**  
Joanna Nunnemaker of 708 Center Street, she spoke to Council about keeping backyard chickens. Ms. Nunnenmaker stated that they provide fresh eggs; they recycle food and yard waste, they make good pets, they eat insects, they increase the sense of community. It will help educate children where food comes from, gives the kids an opportunity to be outside and take on that responsibility. Vince Cruciani stated that even if Council is to entertain changing this ordinance, it would have to be articulated in writing, actual specifics, even if it didn't go to the Planning Commission which it might. It would have to get proposed and published. There would be a public hearing because it would be an amendment to an ordinance. There are a few steps to follow and it could easily take a couple months. Mr. Cruciani apologized that this wasn't addressed earlier; he stated that there was an email send back in March 2015. The Planning Commission is only an advisory body; Council would be the ones to make the final decision and vote.

Valarie Smith was there to find out more information on how to move forward with the chickens. Vince Cruciani discussed the amount of chickens and the space that they would need. Vince Cruciani suggested that they try to draft a proposal and they can directly contact him if they need any help with that.

Mary Ann Nichols spoke to Council about the National Running Center and the Gathering Place partnering together to do a 5K run in Clarks Summit, on Saturday, June 20<sup>th</sup>. She is requesting for Council to approve the closing of Davis Street. Chris Yarns stated that he heard that there would be about 75 people and he doesn't know if it would be necessary to close Davis Street. Mary Ann Nichols went over the route for the run. David Jenkins stated that there are a lot of logistics involved, crossing Grove Street and Winola Road twice, cannot have volunteers who don't show up. Herman Jenkins said maybe they should have a tentative ok from Council because the amount of runners may grow. David Jenkins stated that the police will not be able to cover all of the streets and traffic. Is there enough staff? We don't have enough vehicles. Chris Yarns stated that it is a daunting task. Ms. Nichols asked if this should be revisited. This is a fundraiser for the Gathering Place. They would like to close Spring Street to the alley for space for kid's activities. Vince Cruciani stated that there is the Trolley Trail, from the head of it to Ackerly Field is a couple miles. It has to be an even three miles. They will revisit the route. Nothing can be voted on until the next regular meeting which is the first Wednesday in June. Chris Yarns stated that it is going to cost money for more than one officer to be on that day. The extra cost would have to be taken under consideration. Chris Yarns also suggested using the high school track.

Gerard Hepman, Lackawanna County Community Relations Department, spoke to Council. He reported that there is not an update for the CDBG funding for the Depot Street project. Letter regarding his performance, checked with solicitors and neither saw a problem with Council sending the letter.

#### 4. BIDS & QUOTATIONS:

**President Carey**

- **Cloud Storage:** David Jenkins made the first motion to approve the purchase of a cloud storage system for the Borough, seconded by Vince Cruciani, vote was 7-0. Pat Williams asked if the Borough has money for that. Dominic Scott said that we didn't budget for it but we do have money for it. Vince Cruciani stated that we have a \$33,000 insurance rebate, and this purchase can be seen as an insurance policy. We do have the funding for it. Pat Williams stated that any extra money that we do have should go on our roads, stating that our roads are really atrocious. Chief Chris Yarns stated that he has been working really closely with Virginia Kehoe on this. This is a backup system for the computers; we don't have a system that is worthy. Herman Johnson stated that in the EMA manual, we were supposed to have an agreement with South Abington that we were supposed to have a back-up system with them. He is not against this cloud system. He thinks that we should be interviewing a candidate for EMA and look into that EMA manual. All Council people signed off on that book. Vince Cruciani stated that this really is an insurance item. Pat Williams asked if we can get a discount with the insurance company by having the cloud system. Vince Cruciani would check on that.
- **State Street Manhole Project:** Jenn Basalyga opened the one bid from T. Brennan Heavy Equipment, LLC, their bid is \$117,300.00. Council commented that this seemed very expensive. David Jenkins stated that we do have the right to refuse the bid, and he thinks we should rebid it. David Jenkins made the first motion not to accept this bid and to rebid, seconded by

Herman Johnson; Pat Williams asked if we have to have this done prior to the state paving. Herman Johnson stated that this bid comes to about \$10,000 a manhole; he asked when the state will begin paving and are we behind the eight ball already. Pat Williams stated that the state would be paving State Street in June 2015. Vince Cruciani stated that before Council agrees to anything we would need to find out where the money is coming from to pay for this project. Pat Williams asked about contacting Borough Engineer Bob Naegele for his opinion. Vince Cruciani looked at the sheet which breaks down the costs. David Jenkins asked why our DPW cannot do this work. Herman Johnson stated that they have other storm water work to do. David Jenkins stated that this job would take precedence and if our DPW can do it a lot cheaper than \$117,000. Vince Cruciani said if we can reduce costs it is still a \$60,000 to \$70,000 job if our DPW do this, we would have to see what the overtime would be. David Jenkins stated that we cannot afford the amount from the bid. Vince Cruciani stated that we have to find out what liability the Borough would incur by not having the work done by the time the state begins paving, we need to check how many manholes must be done instead of 16 that could cut the cost. The direction by Council was to contact Borough Engineer Bob Naegele; Mr. Naegele would then have to talk to DPW Foreman Neil Bartholme. David Jenkins stated that he hopes that the discussion for the DPW to do the work happened already. Maybe that is part of the issue here; he can't see any reason why the DPW can't do the work. They have built up manholes before in other places in the Borough. Mr. Jenkins stated that we need to get this stuff done so it doesn't cost our residents an arm and a leg to live in the Borough. Herman Johnson stated that he thinks Virginia Kehoe should be contacted and Bob Naegele, see what priorities are coming, can we finance this and check with Neil. Council needs more information on this before voting. Vince Cruciani stated that we need a professional statement in writing from Borough Engineering Bob Naegele and Neil Bartholme. Virginia Kehoe should be able to provide the timeline via-email, Bob Naegele should be able to provide the pricing guidelines, and Neil Bartholme should be able to provide a written assessment by Tuesday, May 12<sup>th</sup>. Mr. Cruciani also asked Ms. Basalyga to all Penndot and see what the time line is on this project. David Jenkins made the first motion to table this vote, seconded by Pat Williams, vote was unanimous 7-0. Vince Cruciani stated that we may need a special meeting on this and maybe recess this meeting until next Thursday, May 14, 2015 at 5:30pm.

- **2004 Chevy:** Before the bid opening, David Jenkins had a request from the Clarks Summit Fire Company that consideration can be given to donating the truck to the Fire Company. Jenn Basalyga read off the bids. Herman Johnson made the first motion to donate the 2004 Chevy to the fire company without the spreader but with the plow. Solicitor Pat Rogan asked what the value of the 2004 Chevy was, that information wasn't available. Before voting, Vince Cruciani would like to see what exactly the bids specified. Gerrie Carey suggested tabling this vote until they have more information. Herman Johnson made a motion to table the vote on the 2004 Chevy, seconded by David Jenkins, vote was unanimous 7-0. Pat Williams asked if we had problems before with donating something because it was paid for with

taxpayer money. Solicitor Rogan stated that he would look into this. Herman Johnson stated that the last vehicle we have them, there was no problem. He doesn't know if the vehicle was bid out first.

- **1993 GMC:** Jenn Basalyga opened and read off the bids. Vince Cruciani made the first motion to accept the bid from Skelton's Garage in the amount of \$4,300, seconded by Herman Johnson, vote was unanimous 7-0.

**5. BOROUGH TREASURER'S REPORT** **President Carey**  
David Jenkins made the first motion to accept the Treasurer's Report, seconded by Herman Johnson, vote was unanimous 7-0.

**6. COMMITTEE REPORTS:**

- **Building & Plant** Pat Williams, Chair  
Pat Williams stated that there a few things that need to be taken care of at the Senior Center. Mr. Williams stated that for the last 15 years, there hasn't been a lot of work done except on this road. David Jenkins asked if there was a timetable on when the Borough would start getting rent from the Gathering Place. Gerrie Carey stated that they have until the end of 2015. Vince Cruciani stated that the Gathering Place needs one of these state grants to come through. They cannot begin to create the facility on the funds that they currently have. They need about \$300,000 to create the operational design. According to Senator Blake and Rep. Kavulich, they are in cue now for one of these state grants that they have applied for and this will be a make or break situation. Mr. Cruciani asked if the Borough wants to wait until the state money materializes, that is the question that Council is facing. David Jenkins stated that it seems as though it has been about a year to a year and a half that everything has gone by the way side. The police department doesn't have anywhere to put their police cars, the Mayor at one point had an office down there, the EMA office was down there. It seems to him that he doesn't know how long this will go on. He thinks that we need to have an idea that says they will give the Borough x amount of dollars. They will be using our power, water, toilets, and our heat. Gerrie Carey stated that they are using these items now; David Jenkins stated that yes they are and it's on our dime. Something has to happen, don't know how long to leave it stretch, where it is a freebee. Mayor Patty Lawler stated that she asked Virginia Kehoe to give her all of the paperwork that we have on file for the Gathering Place. The gaming grant application, we don't have a trail on that, we are the Municipal Government that sponsored that grant. The most important thing is to know where their spending will start, is it their heating, their air conditioning, insulating, or painting the floor, we don't have any control over this. David Jenkins stated that he thinks we should have more information because the Borough is the land lord, and we need to be kept in the loop. Mayor Lawler stated that we should revisit their contract. Chris Yarns stated that during the winter, certain areas the heat was on and no one was there to use the building. Vince Cruciani stated that they are struggling and set goals that they haven't met, is there a demand for this. For a non-established institution, how many people are going to give donations to this? Mayor Lawler also stated that there will also be a parking issue. Mayor Lawler asked the Solicitor is Council has the ability to open up the contract with the Gathering Place to look at it again. Solicitor Rogan stated that he would look into this. Is there sustainability with

the Gathering Place? Vince Cruciani stated that Council should formally ask for a proposal answering all of these questions by the October 2015 meeting or work session, so we know during the budget formulation we can make an informed decision. Herman Johnson stated that he is confused; we gave them a contract which was reviewed by our Solicitor. He thought the contract was signed. Let the Solicitor review this. He is confused, they come every other meeting and we don't ask them these questions. We need to ask these questions while they are here at the Council meetings. If they don't get the money from the grant then the project is down the tubes. Herman Johnson stated that Council is at fault for not demanding a paper trail. Mayor Lawler stated that she retains a cordial relationship with them. Vince Cruciani asked for the contract to be circulated to Council. Mayor Lawler stated that when the two new council members came on board, perhaps they should revisit the Gathering Place. That didn't happen. The best thing is to get the money and invest this in the building. Vince Cruciani stated that first lets circulate the contract so every Council person can read it for themselves, and by next Friday, Council should submit questions to Virginia Kehoe, she can consolidate the duplicate questions present them to the Gathering Place by next Friday and they can come to next meeting in June to be answered. Solicitor Pat Rogan can be copied also. Mayor Lawler also asked for a copy of the grant application. There is nothing on file. Gerrie Carey asked if the money would go into our building. Vince Cruciani asked how much of the money will go into the renovations and improvements and the secondary issue is about operating expenses. We would have to see the terms of the contract.

- **Finance Committee** Dominic Scott , Chair -  
donation to dump site

Dominic Scott stated that in the area that the DPW dumps has been at no cost to the Borough. To extend the area for dumping, a pipe is needed. David Jenkins asked what kind of pipe, not sure. Vince Cruciani stated that this issue is that we cannot directly pay for the pipe so this cost if considered a one-time rental fee. Herman Johnson stated that this is well worth it purchasing the pipe. Pat Williams asked what the rental of the land means. It is like a one hour rental, a one-time deal; it shows that on paper we paid to rent the property. Solicitor Rogan wants check on the process for the borough to rent property first. Herman Johnson made the first motion to ok the one-time fee for the pipe under the condition that the Solicitor deems this action legally proper, seconded by David Jenkins, vote was unanimous 7-0. David Jenkins stated that we will find out next Thursday when Council reconvenes.

- **Grant Committee** Jim Klein, Chair
- **Recycling Committee** Jim Klein, Chair  
- recycling grant \$8,014

Rebate for the recycling grant from 2013. Jim Klein stated that the Community Clean-up and the Shred Fest went well. Mayor Lawler stated that the Shred Fest will be an annual event and the shredding will come back in funding from the performance recycling grant. Send a note to Frontier and the paper shredding company.

- **Insurance Committee** Vince Cruciani, Chair  
- W/C Insurance Rebate \$33,639.89
- Vince Cruciani stated that he will follow up to see if there is a discount with the insurance rate after the cloud system is in place.

**• Personnel Committee** Dave Jenkins, Chair

full time police officer

David Jenkins stated that we had 2 police officers come in for an open interview with Council. Mr. Jenkins stated that it is the recommendation of the Personnel Committee to hire Kevin Yetkowskas as a full time police officer. David Jenkins did make the first motion to hire Kevin Yetkowskas. Gerrie Carey began discussing the two officers who were interviewed; Vince Cruciani stated that this is a personnel issue. David Jenkins withdrew his motion.

**• Public Safety/Safety** Pat Williams, Chair

Pat Williams stated that junk is building up in the Borough; it is an issue that you have to stay right on it. His question is how far Council wants to go, no issues calling Lori Harris about issues in the Borough. Vince Cruciani asked what kind of junk. Pat Williams gave an example of a resident who has 6 car or truck rear ends stored behind his garage. To him these are important to maintain the Borough so it stays a nice town. If you don't stay on top of the rental properties and junk in the Borough it gets out of hand and you'll never catch up and that's when you have problems. Mr. Williams wants to know what Council wants to do about this, revisit this at the work session.

**• Public Works** Herman Johnson, Chair

Herman Johnson stated that the DPW has done a commendable job with brush pickup and they have been filling the potholes in. We are on board as far as blacktopping the roads this year.

**• Recreation** Dominic Scott, Chair

Vince Cruciani stated that we have not addressed the signs in our parks. Carol Drive and Lewis Lane signs need to be removed. Do we want to get a quote from Steve Young on stone etched signs? Pat Williams also suggested getting a quote from Joe Kluck. If any residents call, we are in consideration on what measures to take.

**• Sewer Billing** Dominic Scott, Chair

Dominic Scott stated that we are checking with Clarks Green on their information and finding out who holds the mortgages on the delinquent properties. Vince Cruciani stated that he was at another meeting and he asked about liens on properties. We can force the sale of the house, if it gets egregious, and if there is a person that is obstinate can be reminded of that. Jenn Basalyga is only aware of one property that isn't vacant; it is an apartment building, technically in South Abington Township. Not sure if anyone is living there. David Jenkins asked if water shut off causes a public health concern. They can still live there. Vince Cruciani asked when do we attach the unpaid bill to the property, when do we file a lien. First establish a policy for lien, and uninhabited houses. This way with a policy in place, Ms. Basalyga can let residents know when there would be a lien placed on their property. Herman Johnson asked if that language is included in our sewer ordinance. Need to have a lien policy for time and monetary basis, so we are not accused of discriminating against any one property owner. Vince Cruciani suggesting getting something on the books by August 2015, and figure out that policy. Pat Williams asked if we are supposed to go after the landlord. Vince Cruciani stated that ultimately what would happen is if she vacated the property we would go after the property owner. Herman Johnson stated that look how high that delinquent bill was a couple years back and now it took a nose dive.

**• Depot St Project** Herman Johnson

Herman Johnson stated that we are still waiting for the state to do their thing, it just takes time.

- **Stormwater Committee**

Herman Johnson

Herman Johnson stated that they haven't had a meeting, everyone has been on vacation. In August 2015 will be a meeting 1 hour earlier before the work session.

- **ACOG Representative**

To be assigned

Gerrie Carey asked if anyone wants to represent Council for the ACOG. No one volunteered. Mayor Lawler asked if it has to be the same person each month.

- **Additional comments from Council**

**7. POLICE REPORT:** **Mayor Lawler**

Chief Yarns discussed the collection of expired and/or unwanted drugs from the residents at Bedford Towers and Linden Crest the controlled drugs are destroyed properly, rather than disposing of them in an improper way. David Jenkins asked if it would this be beneficial to us to run a program like this in conjunction with CVS, to give us good public relations? This way we can branch out more into the community. Herman Johnson stated that is a great idea because you are reaching out to the community. Chief Chris Yarns stated that the problem that that ran into is that they have a box that became a problem with people breaking into them. The police have to be there to watch it and empty it. That is why they can't leave the drop box anywhere. Check with the District Attorney and see what is possible. Parking problem in the rear of the building, Virginia Kehoe made up parking passes for people who work in any capacity for the borough. Herman Johnson stated that he is concerned about the amount of trucks coming through town with hazardous materials. Mr. Johnson is concerned for the residents, should start a program with the EMA or Code Enforcement see how many vehicles coming through town have hazardous materials. Have a plan in place, if there is ever an accident. Also, in a 24 hour period there are 13 trains that come through the area and hazardous material can be on the train also. Pat Williams stated that Herman Johnson is correct; we should have some kind of a program. Pull over the vehicles necessary.

**8. VENDOR PAYMENTS TO BE RATIFIED:** **President Carey**

Vince Cruciani made the first motion to pay vendor payments, seconded by Herman Johnson, vote was unanimous 7-0.

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

- **Release CVS Sidewalk Bond:** David Jenkins made the first motion to accept the release of the CVS Sidewalk Bond, seconded by Herman Johnson, vote was unanimous 7-0.
- **Ratify reconnect of water for Charlotte Bellas:** David Jenkins made the first motion to approve the water being turned back on for Charlotte Bellas, seconded by Vince Cruciani, vote was unanimous 7-0. Jenn Basalyga asked what the condition of her payment plan was. Vince Cruciani stated that she is to pay \$75 a month beginning in June 2015 and payments. Details of the plan and the penalties to be paid are in an email, written by Vince Cruciani and included in her file.

- **Resolution 2015-07 Paving Refinancing:** Vince Cruciani made the first motion to approve Resolution 2015-07, seconded by Herman Johnson, vote was unanimous 7-0.
- **EMA Director:** David Jenkins made the first motion to table the vote on the EMA Director, seconded by Dominic Scott, vote was unanimous 7-0. Herman Johnson asked why they are not voting on this today. The interview was canceled and Janine Port also expressed interest.

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

- A. **Resolution 2015-08 adoption of MS4:** David Jenkins made the first motion to accept Resolution 2015-08, seconded by Herman Johnson, vote was unanimous 7-0.
- B. **Ordinance 2015-05 Borrowing Ordinance:** David Jenkins made the first motion to accept Resolution 2015-0, seconded by Herman Johnson, vote was unanimous 7-0.
- C. **American Red Cross Shelter Agreement:** David Jenkins made the first motion to accept The American Red Cross Shelter Agreement, seconded by Herman Johnson, vote was unanimous 7-0. Herman Johnson stated that he and Virginia Kehoe and a member of the Red Cross met and they were trying to get a memorandum of understanding to utilize the Senior Center for an evacuation building. They will reimburse the Borough if they have to utilize that facility for an emergency. Vince Cruciani asked if we should have the Red Cross get an approval from the company that has the lease hold interest that operates the center. Herman Johnson believes that the Red Cross was going to contact Telespond to let them know. The site manager for Telespond was up there that day of the meeting.

**11. SOLICITOR'S REPORT:** **Solicitor Mulhern**  
 Solicitor Pat Rogan stated that Navy Lieutenant Mulhern is not at the meeting tonight because he is in service to his community. In a few weeks he will be deployed to Guantanamo Bay so he won't be here for a while.

**12. CORRESPONDENCE:**

- **EPA:** Herman Johnson stated that he would be attending the EPA meeting.
- **Linda Young:** David Jenkins made the first motion to give Linda Young authorization to set up a table during the Memorial Day Parade for the Fishing Derby, seconded by Herman Johnson, vote was unanimous 7-0. Pat Williams stated that the sign in front of the building for the Fishing Derby will be out there 6 weeks before the event. Do we have something on the amount of time signs can be hung? Herman Johnson stated that he thought we had a policy in place years ago, maybe check with Code Enforcement.
- **Lynn Nichols:** Vince Cruciani stated that this is a civil matter. David Jenkins stated that he doesn't appreciate the comment at the end of the correspondence.
- **Collin Florey – Eagle Scout project:** David Jenkins stated that it is not going to cost the Borough anything, give him the support, if he needs additional help. Vince Cruciani asked what Council thought since the Lewis Park sign is going to

be taken down, should they take down the dilapidated pull up bars. Gerrie Carey stated that she does see the kids using them. They are not a safety hazard; she'd hate to take them away if someone uses them. Vince Cruciani then asked if maybe Mr. Florey would put a coating over them so they don't splinter. David Jenkins made the first motion to give Collin Florey the go ahead for the Eagle Scout project, seconded by Herman Johnson, vote was unanimous 7-0. Council thinks it's a great idea.

- **Christian Orlando:** He would like to be considered to join Jr. Council. Vince Cruciani made the first motion to accept his application to join Jr. Council, seconded by Herman Johnson, vote was 7-0. He can begin in October 2015. Vince Cruciani suggested getting him approved so he can use this on his resume for college applications. Affective now and first meeting in October 2015.
- **Elaine Bellas:** Asking for a reduction of one EDU in her sewer billing. She is currently charged 2 EDU's as all beauty salons are in the Borough. Council discussed this and did not approve the change to one EDU. No vote is necessary. Have to keep the same ruling for every beauty salon.

**13. EXECUTIVE SESSIONS:** **President Carey**

- **Prior-**           **April 1, 2015 Personnel**  
                        **April 28, 2015 Personnel**
- **During-**           **None**
- **Subsequent-** **None**

Executive Session followed the meeting.

**14. ADJOURN:** **President Carey**

Recess the meeting until May 14, 2015 at 5:30pm.