

BOROUGH COUNCIL SPECIAL MEETING
MAY 14, 2015
5:30 PM

The May 14, 2015 Borough Council Meeting was conducted on Wednesday, May 14, 2015 at 5:30 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. Vincent Cruciani, Mr. Jim Klein (arrived at 5:37), Mr. David Jenkins, Mr. Patrick Williams, Mr. Herman Johnson (arrived at 5:35), Mr. Dominic Scott, Chief Chris Yarns, Mayor Patty Lawler, Solicitor Pat Rogan, and Borough Manager Virginia Kehoe. Absent from the meeting was Council President Gerrie Carey. Borough Engineer Bob Naegele was also at the meeting.

CALL TO ORDER:

President Carey

PLEDGE OF ALLEGIANCE:

Mayor Lawler

Mayor Lawler asked everyone remain standing for a moment of prayers for President of Council, her husband is not well, prayed for strength of the family. The Lord's Prayer was recited.

Ashley was at the meeting to discuss the course route and safety detail for the Gathering Places' 5K run. Chris Yarn's concern was that staffing would be there. The runners will have reflective gear on. Virginia Kehoe stated that if they need one extra officer they would pay for the officer. Vince Cruciani stated that we would have to have an officer on for a minimum of four hours. Chris Yarns stated the DPW is 4 hours, the police are 3 hours. They have another banner to hang. Ms. Kehoe stated there is room to put up another banner. Chris wanted to be posted so he knows how many people will be attending. Ashley also spoke to the fire chief and they would be willing to have 2 ambulances available. The start and end are at the same point, one loop around. Chief Yarns stated that with the race beginning at 8:30am on Saturday in the morning it shouldn't be too busy then. With the staff of volunteers helping and the fire department it shouldn't be a problem. Ms. Kehoe stated that Spring Street and Davis Street will both be closed. We cannot restrict access to businesses on Depot Street. David Jenkins made the first motion for the approval of Davis and Spring Streets to be closed for the Gathering Places' 5K run, seconded by Herman Johnson, vote was unanimous 6-0.

- **2015 State Street Manhole Project:** Virginia Kehoe stated that the state's paving is to begin June 22, 2015 on State Street. Need to get the work done before then. Last week, the DPW provided a list of anticipated costs, also forwarded was a quote from Wayco, who is currently doing our paving project. Also, Brennan did alter their bid to reflect a cut in quantity of manholes. Solicitor Pat Rogan said that after talking to Bob Naegele, and the way the specs were written, they could adjust it. If the DPW is going to do this it will take 4 weeks just to get the materials. Vince Cruciani asked what if we don't do the work. Ms. Kehoe stated that the manholes are sinking in the road and they are going to continue sinking. Mr. Cruciani asked from a liability standpoint is there anything? Ms. Kehoe stated that a liability would be more the

attorneys. If we know that the manholes are sinking and if someone damaged their cars because we chose not to do anything are we liable? Borough Engineer Bob Naegele stated that the problem is that the inside of them are deteriorating, the bricks and the mortar are deteriorating, and they are collapsing underneath themselves. So every time an 18 wheeler goes over them, that's why the guys have taken the approach that if we are going to pave over them, cold patch so they don't pop the lids. If the manhole is sunken down, the weight of the 18 wheeler it can pop the lid off, then you have an open hole. Ms. Kehoe stated that has happened. Bob Naegele stated that they are the Borough's sanitary sewer manholes; they are the Borough's infrastructure and the state right of way. Ms. Kehoe stated that as far as insurance is concerned if it is considered a routine problem that could be a liability. Bob Naegele said if we do it later, PennDOT can tie our hands and say we have to do a lot more paving. They have pretty strict guidelines. We don't allow a pave cut in an area that was recently paved unless it is an emergency, like a gas break. Wayco is under contract to do similar work so we asked them to price it as a change order. Solicitor Pat Rogan stated that the Borough had one bidder and that was Brennan. The way the specs were, everything was unit priced. Vince Cruciani asked how we are at 9 manholes as opposed to the original 13. Bob Naegele stated that was Brennan's markup and phone conversation with him, they took out the ones on Winola Road. The state doesn't have any plans to pave Winola Road. Mr. Cruciani asked what the difference in the pricing was between the DPW and Brennan Bob Naegele stated that he DPW's number came in a little bit higher and the DPW's is open ended. It's higher considering the labor, because there are other functions that need to be done with their job so they are going to be using overtime. Bob Naegele stated that Brennan went from \$117,000 to about \$56,500. Vince Cruciani stated that if we have \$30,000 surplus from the insurance rebate, which means we will have to come up with another \$30,000. Ms. Kehoe stated that Nelson was on our paving list and the company said it doesn't need it. Vince Cruciani stated that we need to then put Division Street back on the list. David Jenkins asked what the bottom line is. Ms. Kehoe stated that for Brennan it is \$56,500, and Bob Naegele stated that we can work with them and they have been very accommodating. Vince Cruciani asked how much is the reduction of paving on Nelson? Bob Naegele estimated that it would be on the high end about \$15,000 to \$20,000 savings. Mr. Cruciani asked about the paving price on Division. Mr. Naegele stated that the paving price for Division would be about \$60,000. Mr. Cruciani stated that with the \$15,000 from the savings on Nelson and the \$30,000 from the insurance rebate that comes to \$45,000, but we would still have to make up for another \$15,000. Ms. Kehoe stated that with the sewer collection we are doing better

than expected, but it is not guaranteed. Mr. Cruciani asked what the percentage of the bid is the storm water and sewer. Bob Naegele said about 1/3 storm water and sewer and 2/3 paving. Is the rest going to come out of the sewer budget or capital reserves. Council needs to vote specifically, cannot give a broad vote. Virginia Kehoe stated she would ask that it be taken out of the capitol reserves and when we do have a good year in collections we can replace it. Herman Johnson stated that if we don't do this now we will pay more later. Vince Cruciani suggested moving money from the capital reserve to the sewer fund for this project. That is the most conservative move, and then there won't be a cash shortage if something happens with personnel. We do have money budgeted for the SSES this year we are on target, so we can delay that work as well. There is a schedule with that through 2019 and the Borough is ahead of schedule. Ms. Kehoe stated that the manhole repair can count towards SSES, because this will reduce our infiltration. Herman Johnson said they we are ahead of schedule, by how much? Pat Williams said manholes have concrete ring around them. There are none in the Borough, they are in South Abington, when blacktop isn't available they use the concrete. Herman Johnson asked how far down the bricks are deteriorating in the manholes. Even if they are raised, if they are deteriorated wont they come down more. Bob Naegele stated that the deterioration is in the top 2 or 3 courses of the manhole from where the salt gets in. They will be putting up a solid concrete casting to make them more stable and all the manholes are still good, the rims will be replaced. Vince Cruciani suggested to using 1/3 from capital reserves, a third from general operating and 1/3 from sewer and authorizing up to \$65,000. Pat Williams asked if we want to bounce money around like that, can't we just take it out of Capital reserves. David Jenkins said by doing it this we if we have a funding emergency, that is the reason for the split. Herman Jenkins liked Vince Cruciani's suggestion, can we take that money out of different accounts. Ms. Kehoe said yes this is fine to do it this way. Vince Cruciani made a motion to authorize up to \$65,000 to Brennan for this project with 1/3 of the funds coming from the general operating, capital reserves and the sewer fund respectively, seconded by Herman Johnson, vote was unanimous 6-0.

- **2016 Paving:** Virginia Kehoe stated that Council needs to decide what will be paved next year so the DPW can start prepping the roads this year. Herman Johnson is the chair of that committee. They can consider that, firm up those streets sooner than later. Ms. Kehoe stated that she gave everybody a copy of the roads list with our measurements, the ratings; they are in priority order based on the way they were rated out when they did that rating scale 2 years ago. Vince Cruciani stated that it is important based on the term that we got this year to use this as an estimate for pricing. Vince

Cruciani stated that Division Street would have to be on the list for 2016.

- **Full Time Police Officer:** Dominic Scott stated that this is a very important decision that is going to affect us for now and well into the future, if indeed we hire a police officer. He would like the full Council to vote and Council person Gerrie Carey is absent. Ms. Carey would like to be present for the conversation and vote. Vince Cruciani stated that they should schedule an executive session before the next meeting; Ms. Kehoe stated that Council has a work session on May 26, 2015; executive session can be done before or after. David Jenkins stated he would like to see Council vote at the work session, because we have postponed this long enough. If we wait until June, something can happen and something can change. Council could reconvene before the work session finish, adjourn then go into the work session. David Jenkins does not disagree with Dominic Scott. The Chief and the Mayor would like to have resolution on this also. Herman Johnson would like to see a vote tonight, we are delaying the process and the police department is short-handed and if something happened to another officer then we are in an emergency department. Crime is coming up here more and more, and he blames Council for not hiring. He doesn't know what it takes to hire one or two guys, he knows its money, and this Council inherited problems from other councils on the police department. But if something happens he feels bad for our citizens. He thinks we are at a regular Council meeting and they have the authority and information needed. Now is the time to do something. Mayor Lawler stated that they are in a scheduling bind. The chief is holding up scheduling until they see the way Council will vote, so she doesn't know if perhaps if they took an executive session. Dominic Scott and Pat Williams stated that they want Gerrie Carey to be here. Chief Yarns stated that he usually posts the June schedule by May 15th, no one has signed up for shifts because he doesn't know where they will be on June 1, 2015. Trying to figure out this scheduling and how this will play out for him. David Jenkins stated that the problem is we have had the committee interviews, the Council interviews and here we are, this is the whole purpose of the meeting tonight, to make the decision and he understands that there are extenuating circumstances, but the Borough doesn't stop running because of an unfortunate problem. Pat Williams asked if David Jenkins is the chair of the Personnel Committee. David Jenkins is the chair. Pat Williams asked Mr. Jenkins why the third officer wasn't interviewed. Mr. Jenkins stated that when they were doing the initial interviews the top 2 people were brought in. They didn't want to bring the 3rd person in, because when they interviewed they made their decision. Mr. Jenkins stated the third person wasn't right for our mix. That is why they didn't present him. Herman Johnson stated that he was very upset because if you go

back, we were going to get a Civil Service Commission to post for officers. His understand is with the Civil Service, they would submit three names. Mr. Johnson stated that at the last Council meeting, these people came in and as they came in, someone said "we want you to meet our part timers," Mr. Johnson felt that was wrong. If the Civil Service Commission was recommending the top three people, that third person should have been there. Mr. Johnson stated that on the agenda we were supposed to have EMA, Council was informed that there was interest given over the phone for the EMA position; the interview that was scheduled should have still taken place for the EMA. They as Council people did not do their job. David Jenkins stated that Council cannot really discuss this at a public meeting, because it is a personnel issue. Vince Cruciani suggested calling an Executive Session before the work session and invites the third candidate. David Jenkins stated that he can't get into it with this public meeting, but the Personnel Committee, the third person would not be as good in the mix as the other two candidates would. David Jenkins stated that he has no problem with Council interviewing the third candidate. The Personnel Committee did interview all three. Council did no interview the third candidate. Herman Johnson stated that the third person was not interviewed and the two part time officers were interviewed and that is embarrassing. Chief Yarns stated that they are in this chaotic situation with scheduling and overtime. Vince Cruciani made the first motion to resume for the limited purpose to vote on bringing on a police officer prior to the work session at 6:30pm. Pat Williams stated that the Executive Session should be after the meeting so they have enough time to decide. Virginia Kehoe stated that we have to be specific when Council would be doing this reconvene, which is a problem with waiting until after the work session, there would be no specific time to give for the Executive Session. Council discussed having the meeting on Wednesday, May 20, 2015 with executive session beginning at 6pm. Pat Williams stated that he and Herman Johnson have been there a long time; we have struggled with overtime since he has been on Council. Chief Yarns stated that they have more overtime than he would like it to be. Pat Williams stated to push up the hiring of the police officer is a big deal. Vince Cruciani made the first motion to have a special meeting May 20, 2015 at 7pm with an executive session beginning at 6pm so they can interview the third candidate, seconded by David Jenkins, vote was 5-1 with Dominic Scott voting nay. This meeting will be adjourned until the 20th. Patty Lawler asked if we can go into executive session after this meeting. Mayor Lawler stated that EMA is very important, to interview the people that are interested in that. Mayor Lawler stated that she and Chief Yarns were discussing the complexion, what it will look like downstairs. Mayor Lawler stated that they are in a holding pattern.

ADJOURN:

President Carey

Vince Cruciani made the first motion to recess until next Wednesday, May 20, 2015 at 7pm, seconded by David Jenkins, vote was unanimous 6-0.