

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
JUNE 3, 2015**

The June 3, 2015 Borough Council Meeting was conducted on Wednesday, June 3, 2015 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 Mrs. Gerrie Carey, Mr. Vincent Cruciani, Mr. Jim Klein, Mr. David Jenkins, Mr. Patrick Williams, Mr. Dominic Scott, Chief Chris Yarns, Mayor Patty Lawler, Solicitor Pat Rogan (arrived at 7:05), and Borough Manager Virginia Kehoe. Mr. Herman Johnson was absent from the meeting.

CALL TO ORDER: **President Carey**

MEDITATION: **Mayor Lawler**

PLEDGE OF ALLEGIANCE: **Mayor Lawler**

OATH OF OFFICE TO KEVIN YETKOWSKAS: **Mayor Lawler**

Mayor Patty Lawler swore in full time police officer Kevin Yetkowskas.

1. APPROVAL OF AGENDA: **President Carey**
David Jenkins made the first motion, seconded by Dominic Scott, vote was unanimous 6-0.

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

- **April 28, 2015 Work Session**
- **May 6, 2015 Council Meeting**
- **May 14, 2015 Council Meeting Reconvene**

David Jenkins made the first motion, seconded by Dominic Scott, vote was unanimous 6-0.

3. PUBLIC COMMENT & INPUT: **President Carey**
Gerard Hepman, Lackawanna County Community Relation Department spoke to Council. No change with the state funding, the CDBG Grant for Depot Street.

Dori Waters thanked Council members for their support for the Gathering Place. They have received \$100,000 grant which gives them the sufficient funds to now occupy the first floor of the Borough Building. Ms. Waters presented Council with their first year's rent check. They are up to \$250,000 dollars. Pat Williams asked when they will start construction. Ms. Waters stated they might be able to start construction in the fall 2015. Vince Cruciani discussed the bidding for the construction. Mr. Cruciani asked if they are going to separate all of the elements out for the bidding. Mr. Cruciani's concern is the more that they have it line itemed, the better chance it is that if the bids come in over their initial estimate they can make choices to remove certain line items without altering the bid. This way it wouldn't have to bid again. Ms. Waters stated that they are asking the architect what they need in order of importance. Mr. Cruciani asked if they are building in phases, are they going to bid phase one now, and can the Gathering Place be operational with only phase one? Ms. Waters has the same questions for the architect. They have people on the board that understands this process. Patty Lawler stated that Senator Blake suggested that we have a liaison between Council and the Gathering Place. We have to be very informed now. Do they get the check or is it like County Reinvest. Virginia Kehoe stated that the last time it was reimbursement. Mayor Lawler stated that she wanted to say publicly say thank you to Dori Waters for thanking the Council, because the Council stepped aside on being in competition with them. It is a Municipal Grant, they call it Gaming money but truly it is a Municipal Grant. Dori Waters stated that they couldn't have applied for it without the Borough, and they are also improving a public building. Mayor Lawler stated that State Representative Sid Kavulich

presented it and Senator Blake shepherded it, he was the big push at the very end; and the Appropriations Chair in Harrisburg helped also. Dori Waters stated that part of the reason that they did receive the grant is because they are so inclusive; they are addressing everybody in this community.

4. BIDS & QUOTATIONS:

President Carey

- **2004 Chevy:** Virginia Kehoe stated that David Jenkins at a previous meeting had made a motion to donate the Chevy to the Fire Department. We do have a bid also for the Chevy from Skelton's garage. Solicitor Rogan stated that we have discussed this and if you didn't get fair market value the bid can be rejected. This is a decision for Council to make. Vince Cruciani asked if Solicitor Rogan thinks \$7,200 fair market vs. \$4,200 bid is substantially less, not marginally less. Solicitor Rogan said he doesn't know if that is for him to decide. Chief Jake Hoinowski spoke to Council and stated that he thinks that Council should sell it to the high bidder. Mr. Hoinowski stated that since the truck cannot get inspected, they already have a truck at the fire house that is in a similar situation. David Jenkins made the first motion to accept the \$4,200 bid, seconded by Dominic Scott, vote was unanimous 6-0. Chief Hoinowski asked about the façade of the Borough Building when the Gathering Place does the renovations. Pat Williams stated that he would like the Clarks Summit Borough signage to remain. Chief Hoinowski stated that this Borough Building is the property of 2 of the three fire companies; he suggested having someone add "former" to the façade. This way you are leaving the history of the town which is 104 years old.

5. BOROUGH TREASURER'S REPORT

President Carey

Dominic Scott made the first motion to accept the Borough Treasurer's Report, seconded by Jim Klein, vote was unanimous 6-0.

6. COMMITTEE REPORTS:

- **Building & Plant** Pat Williams, Chair
Pat Williams stated that he is thrilled that the Gathering Place received the \$100,000 grant and he would like to sit in with them. Gerrie Carey also stated that she would like to be a part of the committee. So Gerrie Carey and Pat Williams are on that committee.
- **Finance Committee** Dominic Scott, Chair
Virginia Kehoe stated that we closed on refinancing the paving, with a reduced term and a reduced rate. There will be a \$60-\$65 thousand dollar savings.
- **Grant Committee** Jim Klein, Chair
Virginia Kehoe stated that there are grants for the low volume roads, Ricky Berger with the DPW went to the meeting. He came back with a dozen ideas. One project we are looking at is on East Greenwood. This is in the very early stages at this point. There is some possible money for some stormwater repairs through this new source that the state just opened up.
- **Recycling Committee** Jim Klein, Chair
- **Insurance Committee** Vince Cruciani, Chair
- **Personnel Committee** Dave Jenkins, Chair
David Jenkins stated that Kevin Yetkowskas was sworn in today. Gerrie Carey asked who is Chairperson of the Personnel Committee, is it her or David Jenkins? David Jenkins stated that according to Robert's Rules of Order, it was agreed that he would be the Chair of the Finance Committee. Ms. Carey would like to stay the Chair of the committee. Vince Cruciani stated that he doesn't think that the President could Chair anything. The President appoints committees with Robert's Rules. Dominic Scott stated that Roberts's rules are very big and that Borough's take a portion of that use it as a guide. Therefore you can in this case have Gerrie Carey as the Chair. Virginia Kehoe stated that what she knows of this is Council sets whatever policies they choose, Robert's rules is the default. The interpretation that Ms. Kehoe was given is that if our policy has been in the past, to allow the president to be Chair then that is our policy. If we don't have a policy then our default is Robert's Rules. Vince Cruciani discussed doing this through a Resolution. Solicitor Pat Rogan asked Vince Cruciani why there would have to be a vote/Resolution? Vince Cruciani stated that is we adopted Roberts Rules, as the governing document and there was going to be a deviance.....Dominic Scott made the first motion to adopt

the policy that our President of Council and Vice-President of Council can be chairperson of a committee.

Mayor Lawler stated that Chief Chris Yarns has been in this position as Chief for over 6 months now and she asked for the end of his probation. Dominic Scott made the first motion to lift the probation on Chief Chris Yarns, seconded by David Jenkins, vote was 6-0.

- **Public Safety/Safety** Pat Williams, Chair
Pat Williams thanked Dominic Scott and the VFW for doing an excellent job with the Memorial Day Parade. Thank all of the communities that were involved with public safety during the parade.
- **Public Works** Herman Johnson, Chair
- **Recreation** Dominic Scott, Chair
The two park signs for Carol Drive and Lewis Lane, the bannisters that held up the sign were left. Do we have a vendor that will recreate those signs? Virginia Kehoe stated that she has two quotes and they are for solid wood, which would give better life spans. She has to look and see if they would still be able to use the support banners.
- **Sewer Billing** Dominic Scott, Chair
Dominic Scott discussed the aging with the sewer billing. In April of 2013 the delinquent amounts were included in the billing. It has been dropping since December of 2013. Almost \$60,000 in a year.
- **Depot St Project** Herman Johnson
- **Stormwater Committee** Herman Johnson
- **ACOG Representative** To be assigned
Virginia Kehoe stated that no one volunteered to take the seat for the ACOG meeting tomorrow. Jim Klein stated that he will go to the final meeting tomorrow night.
- **Additional comments from Council :**
Vince Cruciani stated that storm water is on everyone's mind. One avenue that he thinks is worth pursuing is we have a lot of homes for sale in Clarks Summit and there are still a few vacant spots where you can build a house. Mr. Cruciani stated that he doesn't think we need any more subdivision of lots that have houses, to place another house in what is currently a back or side yard and then exacerbate the storm water problem. There is none of those pending for the moment. Stormwater is the Borough's biggest financial liability and he sees no advantage to having properties further sub-divided because the whole Borough is almost completely developed as it is. If we change our subdivision ordinance to move minor subdivisions out of the Planning Commission into the Council then we can make that kind of evaluation. They are accountable to the taxpayer regarding the storm water policy. Mr. Cruciani would like to draft language that states that minor subdivisions go before Council. Council does not have the final say through the Planning Commission when it comes to minor subdivisions. Virginia Kehoe stated that the Ordinance would have to be written and normally anything that involves planning, subdivision, or zoning, normally the planning commission reviews it then kicks up a suggestion for Council. Ms. Kehoe stated that there is no obligation to go through them. So the Ordinance would need to be drafted, then advertise it then Council can vote on it. We need 10 days advertised in advance of a vote. Vince Cruciani asked Council if everyone was ok with this idea of ending the minor subdivisions in the Borough. Council members seemed to be in agreement. Mr. Cruciani then suggested that Virginia Kehoe and Solicitor Pat Rogan draft an Ordinance. They can talk about it Tuesday night at the worksession, vote on advertising it Wednesday at the Council meeting in July. Call a special meeting just for that purpose 10 days later. If everyone is comfortable they can vote on in in July. Vince Cruciani made the first motion to advertise an ordinance that prohibits minor subdivisions drafted by 6/19/15, upon approval by the Solicitor, seconded by David Jenkins, vote was unanimous 6-0.

7. POLICE REPORT:

Mayor Lawler

Dominic Scott stated that the police department is doing a terrific job. Mr. Scott would like to get recognition in the newspaper. Mayor Lawler has a column in the paper but it looks more like a society column. Mr. Scott would like to see more of what our police are doing, and if we are looking for somebody to fill a position it would be helpful. Mayor Lawler stated that she is trying to keep a record

of what they do; it's been a busy influx time for them. Some information is very sensitive and it has to stay with them. Chris Yarns stated that they pulled someone over and they had a drug called wax. That was in the paper, and we would get recognition for that. Tuesday, there was an arrest by Officer Gibbons. Virginia Kehoe stated that Mr. Scott wants something like a police blog. They did do this and then one day the newspaper stopped printing their information from the press releases. Need to be sensitive to the information being shared. Take Back the Drugs will be on June 16, 2015 they have grant money for that, prescription and controlled substances will be collected and there will be an officer there with the collection box. The District Attorney's office then destroys the drugs safely. Mayor Lawler stated that she would give it a better effort to get this information out. Mayor Lawler stated that the police will watch houses of residents who leave Clarks Summit in the winter time. Letters were mailed to the police from these residents thanking the police. They set up a "Sunshine Club" if someone has a hardship they will use that money for flowers, etc.

Pat Williams stated that there are comments in the newspaper where they say the person is from Clarks Summit when they live elsewhere like South Abington Township and he thinks that doesn't sound good for our town. Virginia Kehoe stated that today she contacted the editor of the Scranton Times. The editor apologized and they corrected the information on line. She got a phone call from the author of the article in the paper. His double check was wrong. Ms. Kehoe gave him a website where they can check what borough is correct. Pat Williams stated that it keeps happening, he suggests Ms. Kehoe call the District Attorneys' office to fix this.

Vince Cruciani stated that he wants to modify the motion on the minor subdivision. He thinks prohibiting sub divisions is smart but we need to leave a political out for Council to approve mergers of non-conforming parcels. Have Council be the approving body for the merger of non-conforming parcels but outlaw the subdivision of existing parcels that want to split to two. Virginia Kehoe stated that our Ordinance says two non-conforming lots that are owned by the same person is deemed merged. Vince Cruciani made a motion to prohibit the minor subdivision of property and to have Council be the deciding body on what was previously considered a minor subdivision that involves the merger of two parcels, seconded by David Jenkins, vote was unanimous 6-0.

- 8. VENDOR PAYMENTS TO BE RATIFIED: President Carey**
Dominic Scott made the first motion to accept the Vendor Payments, seconded by Vince Cruciani, vote was unanimous 6-0. Vince Cruciani stated that sometimes there is a description of what the payment is for and other places it doesn't. The description is helpful so Council knows what the payments are for.
- 9. OLD BUSINESS: President Carey**
- **Cloud Data Storage Policy:**
Virginia Kehoe stated that this has been drafted. This would need to be approved before sending it to Henkleman. Vince Cruciani asked if it is backing up the computer in real time. Ms. Kehoe answered yes. David Jenkins made the first motion to accept the cloud policy, seconded by Dominic Scott, vote was 6-0. Jim Klein asked if we will still keep our local copy at the office and we will. Vince Cruciani asked about Lori Harris's computer, making sure Clarks Green information is completely separate from the Clarks Summit Borough. She does nothing with Clarks Green when she is here at work.
- 10. NEW BUSINESS: President Carey**
- A. ARWA Representative:** Virginia Kehoe stated that she did receive an application today. They can be interviewed at the work session and voted on the next day at the Council Meeting.
 - B. EPA Settlement:** Virginia Kehoe stated that this will need to be discussed in Executive Session. Ms. Kehoe stated that the phone call with the EPA went very well. We made a counter and they accepted the counter.
 - C. Lien policy for delinquent properties:** Virginia Kehoe stated that we can't vote on it yet. Solicitor Rogan is looking over it and Council can put their input in also. Vince Cruciani stated that where he wants to be careful is if you send out statements for the third quarter, July first, when do they get their delinquent notice, about the next quarter. Give them nine months and then if we add 18 months on top of those 9 months for the execution then we are covered. Then it is 2 years basically after you get your notice that you are delinquent. Mr. Cruciani also said that the 8

or so accounts need to be grandfathered in We need to account for the accounts that have their water shut off and start timing them upon the passage of the resolution. Vince Cruciani stated that the residents have 4 1/2 months + 9 months + 18 months before they would get the executed lien. That is over 21 1/2 years.

David Jenkins asked someone to check on 403 Haven. Pat Williams asked Virginia Kehoe to thank Lori Harris for all of her work. She is very dedicated and he gives her a lot of credit for this.

D. Resolution 2015-09 Meter Suspension: David Jenkins made the first motion to approve Resolution 2015-09, seconded by Pat Williams, vote was 6-0.

11. SOLICITOR'S REPORT: Solicitor Rogan

12. CORRESPONDENCE:

- **Dana Kromko:** David Jenkins made the first motion to accept the payment plan, seconded by Vince Cruciani, vote was unanimous 6-0.
- **Vince and Lisa Deemer:** David Jenkins made the first motion to accept the payment plan readjustment, seconded by Dominic Scott, vote was unanimous 6-0.
- **Norina Van Sickle:** David Jenkins made the first motion to accept the payment arrangement, seconded by Pat Williams, vote was 6-0.

13. EXECUTIVE SESSIONS: President Carey

- **Prior-** **May 6, 2015 Personnel**
 May 14, 2015 Personnel
 May 26, 2015 Potential Litigation
- **During-** **None**
- **Subsequent-** **None**

14. ADJOURN: President Carey
Pat Williams made the first motion to adjourn, seconded by Dominic Scott, vote was unanimous 6-0.