

**BOROUGH COUNCIL SPECIAL MEETING
JUNE 30, 2015
7:00 PM**

The June 30, 2015 Borough Council Special Meeting was conducted on Tuesday, June 30, 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. Herman Johnson, Mr. Dominic Scott, Mayor Patty Lawler, Solicitor Pat Rogan, and Borough Manager Virginia Kehoe

1. WORKSESSION:

President Carey

2. PUBLIC COMMENT

President Carey

- **Zoning Hearing Board semiannual update:** John Kazista, Zoning Hearing Board gave an update to Council. John Kazista stated that Virginia Kehoe is their Secretary of the ZHB, she does an excellent job of keeping everything on the up and up. Mr. Kazista stated that they received an appeal against one of the decisions that the ZHB had made. That appeal with go to the Lackawanna County Court. There can be a further appeal also. They have never had anything like this. Vince Cruciani stated that it appears that they were seeking damages from the taking rather than relief in forcing us to allow the tenant. Virginia Kehoe stated that as far as Council just granting their wish she doesn't think they can. We have an ordinance that says you are limited with what you can do in an R1 Zone. Ms. Kehoe stated Council sets the laws; the Zoning Hearing Board is an independent body. Ms. Kehoe stated Zoning Hearing board allows for some adaptation of the laws and grey areas. The application for the variance that was granted, it is a residential community, they wanted to continue the commercial uses of professional offices. So when you look at the application the word commercial is in there because it is not residential use. But it did specify professional and medical offices, which is what was granted. John Kazista stated that the Solicitor of the ZHB stated that if they granted this it would be for professional use and somewhere along the line the word commercial got popped in. All of the uses for the building were for professional or medical offices. Mr. Colombo realized that was all he could do is use the space for professional or medical offices. Mr. Kazista stated that Mr. Colombo came in with a request for what was really a retail business, not a professional office. Vince Cruciani asked if the art studio only sell the artist's work or did it sell other artist's work too? Virginia Kehoe stated that it was like a consignment shop. Ms. Kehoe stated that Mr. Colombo spent weeks trying to convince Lori Harris that it wasn't retail, that it was professional. After Lori Harris told Mr. Colombo that she couldn't agree that it was professional, he decided to appeal it. Virginia Kehoe stated that Mr. Colombo had two options, he could come in for a variance where they say, yes we know it's illegal but they would qualify for an exception. Or they could appeal Lori Harris's decision as being incorrect. Mr. Colombo put in an appeal and a variance and came in arguing both and through the meeting they threw out the variance request. Vince Cruciani asked when

the ZHB Solicitor draws up the brief, could they sent it to Council, he is interested in reading it. Ms. Kehoe stated that we have provided the transcript, which is all that was asked for. The application was to continue the existing non-conformity; all the ZHB could give them was what they asked for.

- **E Greenwood Stormwater:** Virginia Kehoe stated that there is a creek that runs down underneath Columbia, and then it feeds down through a property to the back yards of East Greenwood. At some point, prior to Virginia Kehoe being Borough Manager, they were having a problem with flooding. At some point the creek was put underground, which expanded the use of the back yards of the houses on East Greenwood. The water has since overflowed the capacity of the pipes to handle it and there was damage in the back yards. The Borough cleaned it up. Two or three time s this year the flooding happened. The problem is further down, ending at the railroad tracks. Ms. Kehoe stated that they had the pipes camerad and there was no problem. Herman Johnson stated that his opinion is that the pipes aren't large enough. Mr. Johnson stated that we are getting more and more rain with global warming, the pipes cannot handle it. Ms. Kehoe stated that down below the pipes are smaller. These are with the more severe storms, the quick bursts when the flooding happens quickly; the high intensity of the rain is when there is a problem. Engineer Bob Naegele stated that the culvert itself, getting into the pipe might not have the capacity for the rainwater. Mr. Johnson stated that the catch basin was put in there when the house was already there. Ms. Kehoe stated that this creek is flowing as close as 10 feet and through yards. It's not that we brought water to where there were homes it's that we allowed homes to be built close to water. Now we are trying to come up with solutions because the water situation is different. David Jenkins stated that it is very different now; storm water is a very different situation. Ms. Kehoe stated that this is all on private property. The other solution is to replace all the pipe; there is not an easy fix. These people have had their yards flooded three times this year. It's is an issue with the mud, we can't get equipment in. Bob Naegele looked into options; one was the bypass option, but then they would run into the same road block on State Street. Dave Jenkins asked if the water would more than likely slow down by the time it got to State Street. Without a detailed analysis, need more information. Vince Cruciani stated that if there was a pipe put in on the property then there should be an easement. Ms. Kehoe stated that it wasn't a pipe but a head wall. Mr. Cruciani stated that there should also be an easement for that. Mr. Cruciani suggested cutting the head wall back; we can start the catch basin at the property downstream. If the homeowner is not willing to work with the Borough then there is no reason to try and benefit them. If we can benefit everyone else by moving the catch basin down by one property that should be explored. If people want us to help them then we need cooperation. Ms. Kehoe stated that time is an issue. She doesn't think we can design, contract and do the work and fund it this year. Ms. Kehoe stated that she doesn't think it will happen before next spring at the earliest. Vince Cruciani stated that if we can get the design and the agreement, and the design is made in a way where you professionally feel comfortable that after the review period by the DEP, the permit should come within 6 months, they could put the agreement in place with the consideration being the performance of the work. That will give the state the ability to have that tied to the land and perform next year. But it would also give us the ability to produce the funding and the permits to do it next year. Herman Johnson stated that it is a strain and we don't have the funding and it won't happen until next

year or the year after, we're here for a solution. These people have a safety issue, they can't sell their house, as Council members should be communicating in a positive way to get something started to help these people out. Vince Cruciani stated that we want to find a solution and possible avenue's to pay for the solution, look into grants to see what the permit process is and then when we create that schedule we can approach the homeowners in question if they can come to an agreement on the schedule. The neighbors that spoke said they have a Civil Engineer of their own that they would want to look at what the Borough comes up with for a plan etc. they want to make sure they are all in agreement. Ms. Kehoe stated that the residents involved on East Greenwood have been extraordinarily understanding and cooperative. Vince Cruciani asked what is a realistic time period, a month. Bob Naegele stated that they have been walking the area, started to define the drainage area that's the tributary to it, that's the first step figure out how much water is getting in. Then they have to analyze it and see what the culvert and pipe handle. Then they have to come up with a solution. That is when we will sit down with DEP and they have a process for pre-application. They will tell you if you are applying for the correct permit, how long that permit should take to process. It should take a month or 6 weeks maximum before we get to the meeting. In the mean time they can be developing the flow data that comes down that comes down through that corridor. Vince Cruciani asked if it is reasonable to think that by the September 2015 meeting, Council would be able to vote on sending this to the DEP. Bob Naegele stated that is two months, no problem. The residents asked to be copied on communication also. The DPW will be able to clean up the rock etc. as soon as possible, as soon as the rains stop and it has to be dry long enough to get the equipment there. Bob Naegele suggested sand bagging an area there, which might help in the mean-time. Vince Cruciani recapped what needs to happen. First, go and reclaim the short term fix, need to put in temporary sand bags in for one year period. Third, Bob Naegele will come up with a plan. The plan will run through Council, once that has been developed then we have the DEP meeting and then we need to have a temporary easement agreement with all of the applicable homeowners, let us go in there to do the work. This would also be relevant to MS4 requirements.

- **Hemlock Park - Chris Yarns/Kevin Yetkowskas park update:** Pat Genito of 118 Hemlock Drive has concerns about the park. Quite a few teenagers there and it's not making for a very good family park. Kids are loud, he's asked them to tone it down, and they threw a rock at his garage. He has never called the police about the kids. It is getting out of control. It's nice when people are out with their children. Vince Cruciani asked if he has other ideas, find something for these kids to do. Vince Cruciani suggested we put up the fence at the back and lock the fence at 8pm. Is this happening during the day? The problems are more in the evening. Herman Johnson asked when the plastic fence was up, was it quieter. Yes it was quieter and there were more young families there. Mr. Johnson stated that the reason they took the fence down is because the DPW was there many times repairing the slats in the fence, but they said, it would be easier if a chain link fence was up there. Mr. Johnson suggested a chain link fence so the neighbors can see what's happening, possibly put up more lighting. Ask our police department to make a drive by to keep control. Vince Cruciani stated that if you put a 6 foot chain link fence, we can get spotlights and it will draw attention if someone is there, a motion light. Vince Cruciani said he visited the park with Chief Yarns. Chief Yarns suggested gating the park in the

back; lock it at night, so if someone is there at night they are clearly trespassing. The Chief stated that the problem people involved was a small cluster of people, 18 or 19 years old. Target that separately. Mayor Lawler stated that the interesting thing about the fence is that it didn't have a double bar on it, made it easy for kids to punch/kick in. The most important thing is to make sure the fence is taut and there are bars on the top and the bottom. Herman Johnson stated that there should be some no trespassing signs. There should be a lock on the back entrance also. Bob Naegele stated that if we are worried about people climbing the fence there is one option of eliminating the top rail and putting in a tension wire across the top. Mr. Naegele also suggested instead of posts on the bottom, use tension wire. Vince Cruciani stated that if there are only a few people doing the vandalizing, one or two trespass arrests should take care of the problem. Mayor Lawler suggested closing the park earlier; Vince Cruciani suggested keeping it 8pm to close the park. Ms. Kehoe talked to PPL about getting a street light in the park. Mayor Lawler fees that we should be firm about it and deter issues. Mayor Lawler suggested all of the rocks have to be removed from the area of the pavilion. Herman Johnson stated that we need to come up with a plan, as the trouble continues, ramp up the plan.

- **2015-06 SALDO Amendment:** Virginia Kehoe stated that first is changing the minimum lot size, so that for subdivisions, you can't take a property and sub-divide it unless it's larger than our current requirements. Vince Cruciani also stated that all of these aid the MS4 Storm water initiative. This is to try and aid storm water controls. This is something we can put in our MS4 presentation every year, which will count as points as far as us reaching our goals. Council needs to look at this and make any changes so this can be pushed through for advertising for an August 2015 vote. Vince Cruciani asked Councilmembers if they have any changes they would like to make to the lot size. Solicitor Pat Rogan asked how comfortable Councilmembers are on this. Council all agreed on the lot sizes. R1 going to 20,000 square feet, just under a half acre. There was no issue with this. Tomorrow Council will vote on advertising. After the public has a chance to look at this if the constituents don't agree with the Amendment. Vince Cruciani suggested making the motion to advertise 10 days before the work session, that way if something comes up, they can talk about it at the work session. We should add something in stating that if they don't have a permit in place, by the date of the Amendment passing, it can't be grandfathered in. Virginia Kehoe asked Pat Rogan, this Amendment is against 2 different Ordinances, it may come out as two separate documents. Condition the vote on the one or two ordinances.
- **Council Rep at Hillside Park Concert by the Lake for recognition:** Virginia Kehoe stated that Hillside Parks wants someone from Council to represent the Borough at the July 22nd Concert at the Park Series. They have invited a representative from each of the Municipalities to come and get recognized for their involvement. David Jenkins will be the representative for the Borough.
- **Street sweeping:** Virginia Kehoe stated that Carbondale cannot do the street sweeping this year. Clarks Green purchased something that might be something to look into. Does Council want to ask for a favor from Clarks Green to borrow this, or pay them for the use of the machine? Herman Johnson stated that there might be an issue in liability with the skid steer. Virginia Kehoe was instructed to reach out to Clarks Green Council and see if they are interested in renting the skid steer to us, what their rates would be and could we have someone come and take a look at it.

- **Resolution 2015-10 La. Cty. Hazard Mitigation:** Virginia Kehoe stated that the county has developed a hazard mitigation plan and they would like each community in the county to adopt it by Resolution. David Jenkins stated that he will be voting on this to move forward with it.
Vince Cruciani stated that ARWA, the EMA, the advertisement ordinance and the adoption of the hazard mitigation and the sewer lien policy, and the funding for the fence for Hemlock Park; all need to be voted on at the meeting tomorrow. Can they be bumped up in the agenda? Vince Cruciani has to leave the meeting early
- **Ordinance 2015-07 Borrowing:** Virginia Kehoe stated that DCED is not accepting the paperwork submitted for the truck, we need Pat Rogan to make modifications to it. It's already approved just some verbiage has been changed.
- **Thank you to Steve Young:** David Jenkins stated that he took care of the monument at the library. Thank him for his hard work and community minded service.
- **Real Estate Tax Collections:** Virginia Kehoe gave an update of the collection.
- **Pocket Park Update:** Mayor Lawler stated that the Pocket Park is open and the DWP will keep the grass cut and do weed whacking. It turned out well. Tomorrow there will be a ribbon cutting so people know it is open. Would tomorrow night be ok, for Council to have their picture taken at the Depot Street Park? Mayor Lawler wanted to meet with the Finance Committee. Thanked the DPW and Council.
- **EMA Director:** Virginia Kehoe stated that the interviews were done tonight and Council can vote on a new EMA director tomorrow at the Council Meeting.
- **ARWA Representative:** Virginia Kehoe stated that the interviews were done tonight and Council can vote on an ARWA Representative can be voted on tomorrow at the Council Meeting.
- **Agreement with Mario Matrone:** Virginia Kehoe stated that she doesn't have that finalized yet. Two \$1,000 pieces of pipe are needed. Trying to pin him down to signing an agreement that has a term. Vince Cruciani suggested a two year lease for \$2,000 with a renewal term of \$1,000 that either party can back out of with 60 days' notice. This gives us the opportunity to have a passive action to allow for the renewal. This way we don't have to renegotiate. Virginia Kehoe stated that we are paying for the pipe and we need some kind of commitment from him. Verbally Matrone has said as long as there is room we can keep on dumping; it is just working out a term, to have something in writing. Virginia Kehoe suggested a one-time rent, minimum two years and then we can talk at that point. Vince Cruciani suggested December of 2016. Herman Johnson stated that it sounds like he's worried about signing something. Solicitor Pat Rogan stated that Vince Cruciani had a good idea but instead of \$1000 a year renewal, make it \$1.00. Ms. Kehoe is concerned that Matrone is letting us dump there. She doesn't know who the legal owner of the property is because there isn't a property with his name on it in. Whether it's incorporated or a family property that is where the concern is. Vince Cruciani suggested Virginia Kehoe email him the property and he will find the tax map.

David Jenkins asked if we have anything on the books for the storage pods. Vince Cruciani stated that yes we do. Virginia Kehoe stated that we have an ordinance concerning dumpsters; Lori Harris would have the specifics on that. Mr. Jenkins stated that for 4 days last week there was a POD on Greenwood on the road, nothing around it. Is there something in writing that doesn't allow them? If there is any way that the dumpsters cannot be put in the driveway they are. David Jenkins wants to

make sure that is automatically put in that any and all bids can be rejected. Ms. Kehoe stated that Council can reject all bids but you can't just reject any bid without cause. The state says we have to bid it out and we have to accept the lowest responsible bidder.

Virginia Kehoe stated that Bob Naegele and the DPW said what has been done so far is fabulous. The quality of the work is best quality they have seen. Ms. Kehoe stated that the handicapped accessible curbs are being done first before the paving on State Street will begin. Herman Johnson stated that if you take a look you can see the difference in the craftsmanship with what Wayco is doing, it's really good.

Vince Cruciani stated that on our Borough Seal, Clarks Summit should not have an apostrophe and instead of State of Pennsylvania it should say Commonwealth of PA. Virginia Kehoe stated that we are incorporated with a Clark's with an apostrophe that is something that the centennial group looked up. Vince Cruciani stated that we can change our name in the Corporation document.

David Jenkins asked about the Hileman's that will be voted on tomorrow. Mr. Jenkins asked if she was given a good rebuttal. Mr. Jenkins asked if she is as sarcastic on the phone as she is in her letters. Ms. Kehoe stated that she sends a letter with every bill. Ms. Kehoe stated that she is on the shut off list. Pat Williams asked about Ian, Ms. Kehoe stated that he is still shut off.

3. REVIEW OF JULY 1, 2015 AGENDA

4. ADJOURN:

President Carey