

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

The July 1, 2015 Borough Council Meeting was conducted on Wednesday, July 1, 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. Herman Johnson, Mr. Vincent Cruciani (left at 7:46pm), Mr. Jim Klein, Mr. David Jenkins, Mr. Dominic Scott, Chief Chris Yarns, Mayor Patty Lawler, Solicitor Pat Rogan, and Borough Manager Virginia Kehoe. Mr. Patrick Williams was absent from the meeting.

CALL TO ORDER:

President Carey

MEDITATION:

Mayor Lawler

PLEDGE OF ALLEGIANCE:

Mayor Lawler

1. APPROVAL OF AGENDA:

President Carey

Herman Johnson made the first motion to approve the agenda, seconded by David Jenkins, vote was unanimous 6-0.

2. APPROVAL OF MINUTES:

President Carey

- **May 26, 2015 Council Reconvene**
- **May 26, 2015 Council Work Session**
- **June 3, 2015 Council Meeting**

David Jenkins was the first to make a motion to approve the meetings minutes, seconded by Herman Johnson, vote was unanimous 6-0.

3. PUBLIC COMMENT & INPUT:

President Carey

Dori Waters addressed Council. On July 23rd they are having a gathering publically thanking people who have made donations and given grants to the Gathering Place. County Commissioners and State Representatives are invited. They are asking to close State Street to the alley. David Jenkins made the first motion to close the road from 8am-1pm, seconded by Vince Cruciani, vote was unanimous 6-0. Dori Waters asked for a liaison from Council to work with them.

Carol Williams, 612 Timber Lane, came to talk about the eyesore on Timber Lane. Asked Council what they think of the fence. Vince Cruciani stated that he was under the impression that he was finishing up with the privacy slots; he thinks there should be an all or nothing approach on the privacy slots. The owner told Lori Harris that he was putting up the privacy slots when the picture was taken. Herman Johnson stated that it looks horrible in the front of the house, if it was on the side or the back but he doesn't know if there is any ordinance restricting that. Virginia Kehoe stated that Lori Harris knew that it was going to be controversial and she looked to see if

there was anything that would prevent them from putting up the fence under the ordinances that exist today. Herman Johnson stated that it takes away from the neighborhood. Ms. Williams agreed and said it takes away from all of their houses. Virginia Kehoe stated that if you want to prevent this from happening again the only way to do that is to amend our Zoning Ordinance with regard to fencing. As far as the existing fencing is concerned, normally this would be grandfathered in, Ms. Kehoe stated that she doesn't know legally that we can go and change the ordinance and tell them that they have to take it down. Right now the only restriction is with safety issues, so there is no barbed wire, glass or stones involved, so there are no safety issues. There is nothing that talks about what materials can and cannot be used. Ms. Kehoe stated that they have also met the setbacks. Herman Johnson stated that fence is way too high. Ms. Kehoe stated that it is legal it is 6ft high. Lori Harris can only work with the laws that she is given. Vince Cruciani stated that it should be either all privacy slats or none. Vince Cruciani stated that it will look better if it is more uniform. Solicitor Pat Rogan suggested looking at as a safety issue, they would have to run it by the fire department, see if there are any issues. Vince Cruciani stated that there is access from the other side Herman Johnson stated that safety is an issue, what if there was a fire on the front porch and the fire department couldn't get to it, or if a police officer is driving by and they can't see if someone is breaking into the house. Mr. Johnson stated that he understands there is nothing in the ordinance but it comes down to common sense. Vince Cruciani stated that all the doors are accessible. Vince Cruciani made a motion that within 2 weeks of the initiation of installation of any chain link fence, there is only a two week window to install privacy slats in full, seconded by David Jenkins, the vote was unanimous 6-0. Herman Johnson stated that by passing this we are giving the gentleman the go ahead to keep what he is doing. He thinks we need to find a solution with guidelines now. Herman Johnson doesn't like the height of the fence for safety and security reasons. Vince Cruciani stated that even if you change the ordinance to allowing a 4 foot fence, it is going to be a taking if you make this guy take down a fence that has met the ordinance. Mr. Cruciani stated that the only way we are going to be able to take down this fence is by using Eminent Domain, because it meets all of our ordinances. David Jenkins stated that it is legal the way it stands right now. Mr. Cruciani stated that in the meantime while we are figuring out how to change it, we can either have it the way it is or we can give them some temporary relief. Ms. Williams stated that it is an eyesore and it takes away from all of their property. Ms. Williams stated that you should not be able to put a six foot fence in your front yard. Vince Cruciani stated that this fence can only be removed by Eminent Domain and he can sue us for the cost of the installation at the very least. Vince Cruciani stated that they can have Lori Harris suspend the issuing of front fence permits for the time being, put a moratorium on them. David Jenkins stated that he may have a pit bull, the reasoning for the 6 foot fence, so the dog can't see them and go after them, if that what he needs to keep the dog in his yard that is our ordinance. He agrees that it needs to be all or nothing for the slats. Herman Johnson stated that if you have a beautiful neighborhood, you use common sense. Virginia Kehoe mentioned that it is a safety issue because of a privacy fence, consider example of houses in the Borough that have shrubbery blocking the visibility of the house. Ms. Kehoe stated that we don't want it on the record that we don't want the slats because it is a safety issue then it

can be compared to other houses that use trees etc. for privacy. Vince Cruciani stated that they are just looking for uniformity.

Alison Williams spoke to Council about the fence. She is asking that whatever they can do to not have a 6 foot fence, no reason for it. Ms. Williams asked if they can change the ordinance to call for a 4 foot fence. This will also go to the Planning Commission also.

Vince Cruciani made a motion for a 2 month moratorium on the building of front yard fences over 4 feet high, seconded by Herman Johnson, vote was unanimous 6-0.

Gerard Hepman, Lackawanna County Community Relations department spoke to Council about upcoming events.

4. OLD BUSINESS:

President Carey

- **Sewer Lien Policy:** Vince Cruciani made the first motion to accept the Sewer Lien Policy, seconded by Herman Johnson, vote was unanimous 6-0.
- **ARWA Representative:** Vince Cruciani made the first motion to appoint Tom Kelly as ARWA Representative, seconded by Herman Johnson, vote was unanimous 5-0. David Jenkins cannot vote on this.
- **EMA Director:** David Jenkins made the first motion to appoint Jeff Ames as EMA Director, seconded by Herman Johnson, vote was unanimous 6-0. David Jenkins made the first motion to appoint Tanisha Jagoe as EPA Deputy Director, seconded by Herman Johnson, vote was unanimous 6-0. David Jenkins stated that thank you letter should go to Mr. Bass and Mr. Marks not to the other person, also letters to the ARWA candidates.
- **EPA Response:** Ms. Kehoe stated that they have already agreed upon a settlement amount but we are still finalizing the verbiage. Solicitor Pat Rogan has to finalize the document for Council to review. If they make a motion to accept the settlement upon final completion of Pat Rogan's verbiage. Vince Cruciani made the first motion to accept the EPA Response letter upon the final completion of the Solicitor's verbiage changes, seconded by David Jenkins, vote was unanimous 6-0.

5. NEW BUSINESS:

President Carey

- Ordinance 2015-06 Zoning/SALDO Amendment:** Vince Cruciani made the first motion to publish for a discussion at the July work session and a vote at the August 2015 meeting Ordinance 2015-06, seconded by David Jenkins, vote was unanimous 6-0.
- Resolution 2015-10 La. Cty. Hazard Mitigation:** David Jenkins made the first motion to pass Resolution 2015-10, seconded by Herman Johnson, vote was unanimous 6-0.
- Ordinance 2015-07 Borrowing:** Herman Johnson made the first motion to pass Ordinance 2015-17, seconded by David Jenkins, vote was unanimous 6-0.
- Hemlock Park Fencing:** Virginia Kehoe stated that Keystone Fencing will do the tension wiring at no additional charge. They prefer to leave a solid bar on top

for safety issues, but they will flip it over and put the rough edges on top. Ms. Kehoe stated that will do the front fencing for the cost of materials which is an up charge of about \$100. Vince Cruciani made the first motion to approve the \$6,500 quote plus the additional amount for the front fencing, seconded by David Jenkins, vote was unanimous 6-0. Vince Cruciani stated that he is leaving after the votes but to give the Insurance Committee Report, due to some great work by Jim Henkleman, we came in \$6,000 under budget on the insurance numbers this year. So they won't be out of budget to pay for the fence at Hemlock Park. Dominic Scott stated that he is very happy. David Jenkins asked for a timeline, Ms. Kehoe would get one ASAP. Chief Yarns stated that the police will close the park at dusk and open it back up at dawn. David Jenkins asked if we have signs to put up. Chief Yarns stated that they need signs preferably where the gate is. Herman Johnson said we need more signs and the there but he thinks the biggest thing is the fence will be a deterrent but this has to be worked hand and hand with enforcement. David Jenkins stated that the sign should read "Dusk till Dawn."

- E. Agreement with Mario Matrone:** Vince Cruciani stated that this cannot get handled tonight. David Jenkins a motion to table this vote.
- F. Street Sweeping:** David Jenkins made the first motion to approve the street sweeping letter, seconded by Herman Johnson, vote was 5-0.
- G. Steve Young Thank You:** David Jenkins made the first motion to approve the thank you to Steve Young, seconded by Herman Johnson, vote was unanimous 5-0.

6. CORRESPONDENCE:

- **Hileman:** Virginia Kehoe stated that the Hileman's sent a letter. Want Council's direction on how to handle this. David Jenkins stated we should handle this the way we normally would. No motion needed.

7. BIDS & QUOTATIONS:

President Carey

- N/A

8. BOROUGH TREASURER'S REPORT

President Carey

David Jenkins made the first motion to approve the Borough Treasurer's Report, seconded by Herman Johnson, vote was 5-0.

9. COMMITTEE REPORTS:

- **Building & Plant** Pat Williams, Chair
- **Finance Committee** Dominic Scott , Chair
Dominic Scott stated that we have done very well this year. We got some extra money and we are using it very wisely on this fence.
- **Grant Committee** Jim Klein, Chair
- **Recycling Committee** Jim Klein, Chair
- **Insurance Committee** Vince Cruciani, Chair \$6600
savings vs budgeted, \$4900 vs 2014-2015 year
- **Personnel Committee** Gerrie Carey, Chair
Executive Session later.

- **Public Safety/Safety** Pat Williams, Chair
- **Public Works** Herman Johnson, Chair
Mr. Johnson would like the residents to notice the blacktopping going on within our Borough; the streets are coming up to par. We are not going to be able to get everything over the next few years the Borough is going to be in A-1 shape.
- **Recreation** Dominic Scott, Chair
- **Sewer Billing** Dominic Scott, Chair
Jenn Basalyga stated that #120 delinquent notices were sent out. The sewer payment arrangements from last year are coming around full circle. Within two weeks of the initial letter, 47 payments or payment arrangements were made. The first posting of 73 homes was completed, then 26 more payments were made. Second posting will be around July 6th. The amount of payment arrangements has come down significantly. In the beginning of the process I had around 70-80 payment arrangements. At this point we are at #42. I expect to receive many payments in the next two weeks. The deposit total for the month of June was \$148,000. Virginia Kehoe stated that the Moons have defaulted on their payment plan, we are going on with the shut off, Ms. Basalyga strongly encouraged her to come tonight and send an email for communicate with us. Ms. Basalyga tries to let people know their options. Herman Johnson commends the office for the job they are doing. It is a model policy for even other Municipalities. Everybody is doing a great job, commended the office.
- **ACOG Representative** To be assigned
- **Additional comments from Council**
David Jenkins asked Chris Yarns about the speeding on Winola Road. Chief Yarns stated that they got a grant for aggressive driving so that should help. They did write some citations. They also painted the vascar lines also. The parks have consumed a lot of their time.

10. POLICE REPORT: Mayor Lawler
Mayor Lawler stated that National Running Center sent a thank you note to the Police Department. David Jenkins will send notice of this to the fire department that helped also. Drug take back went very well. Parking meters have a lot of issues, break and fail a lot. Chief Yarns is looking into the meters, what will go into fixing them. Virginia Kehoe stated that the electronic ones don't work because of the truck traffic. There has to be a product other than the older remanufactured ones that we use now. David Jenkins asked about the drug take back program, are they looking to do this more often. Yes he would like to do this more often, maybe every 6-8 months. David Jenkins stated that it is good PR for them and us.

11. VENDOR PAYMENTS TO BE RATIFIED: President Carey
David Jenkins made the first motion to accept the Vendor Payments, seconded by Herman Johnson, vote was unanimous 5-0.

12. SOLICITOR'S REPORT: Solicitor Rogan

Additional Comments: Virginia Kehoe stated that the issue with the PODS was not addressed. Lori Harris looked into this and the ordinance that we have does not address PODS. We need to come up with some amendments, checking with the

Planning Commission to see if this can be incorporated into something. Ms. Kehoe stated that here is a Lackawanna County Wireless Initiative. Ms. Kehoe stated that they have a network that covers about 90% of the county. Ms. Kehoe stated that we already get free wireless internet from Comcast here at the Borough building. This could be something that can be used at other locations like Hemlock Park. The investment for the receivers is \$2,500; they would give them to us for \$2,000. Ms. Kehoe asked Gerard Hepman if he knows of any grants to help out with this. It is possible that the Reinvest Grant might be applicable. If we could get grant money then it would only cost \$15 a month to get WI-FI in our parks. If business owners want the publicity they could have the receiver and offer free WI-FI sponsored by whatever business. Herman Johnson stated that he thinks that would bring more business in the community. Mr. Johnson suggested contacting the ABPA with this. David Jenkins suggested approaching the ABPA, Rotary, Lions Club, they would be great organizations to approach. Ms. Kehoe stated that Matt Cottengin was in the office today and he has started his own company selling banners. He is interested in selling banners to the community. Ms. Kehoe stated that our banners currently are threadbare. Several of them will not make it another season. David Jenkins stated that our American Flag on the building. Herman Johnson stated that he thought we should have done this; our banners are in terrible shape. David Jenkins suggested putting him on the agenda to get him back in here. David Jenkins stated that we have to consider the width of the PODS, he thinks we should encourage them to be put in the private property, and they have to be illuminated. Herman Johnson stated that we need to get notification on PODS and dumpsters; they are two different things, need clarification on that. It needs to be illuminated or cones on it.

13. EXECUTIVE SESSIONS: President Carey

- **Prior-** None
- **During-** None
- **Subsequent-** Personnel meeting immediately following.

14. ADJOURN: President Carey

David Jenkins made the first motion to adjourn the meeting, seconded by Herman Johnson, vote was unanimous 5-0.