

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
SEPTEMBER 2, 2015**

The September 2, 2015 Borough Council Meeting was conducted on Wednesday, September 2, 2015 at 7:02 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, Mr. Jim Klein, Mr. Patrick Williams, Mr. David Jenkins, Mr. Dominic Scott, Chief Chris Yarns, Mayor Patty Lawler, Solicitor Pat Rogan, Junior Council member Christian Orlando, and Borough Manager Virginia.

CALL TO ORDER: **President Carey**

MEDITATION: **Mayor Lawler**

PLEDGE OF ALLEGIANCE: **Mayor Lawler**

PUBLIC HEARING: Ordinance 2015-08 SAPA Multi Muni Agreement: President Carey
Herman Johnson made the first motion to approve the agenda, seconded by Pat Williams, vote was unanimous 7-0.

1. APPROVAL OF AGENDA: **President Carey**
Herman Johnson made the first motion to approve the agenda, seconded by Dominic Scott, vote was unanimous 7-0.

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

July 28, 2015 Council Work Session
August 5, 2015 Regular Council Meeting
August 25, 2015 Council Work Session:
Herman Johnson made the first motion to approve the agenda, seconded by Jim Klein, vote was unanimous 7-0.

3. PUBLIC COMMENT & INPUT: **President Carey**
Gene Gallagher, 205 Barrett Street spoke to Council. Mr. Gallagher asked if there are plans for more paving work to be done for the rest of the year. Virginia Kehoe stated that the paving for 2015 is done. Mr. Gallagher stated that he came here in the spring to make an impassioned plea about the condition of Barrett Street stating that it is in terrible condition. Prior to that meeting Mr. Gallagher stated that he complained about the selection of the streets that are paved. Mr. Gallagher is in agreement with most of the roads that were paved this year but he is in disagreement with the alleyway that was paved off Powell and Bedford. He asked the last time that he was at a meeting who makes the recommendations as to what streets will be paved. He was told the Borough Manager and the supervisor of the work crew made the choices. He would hate to think that there were outside undue influences on any of these people by anybody that would have resulted in that alleyway being paved with their

street coming apart piece by piece. After the wintertime and the plows come through the road will be back to dirt again. Ms. Kehoe stated that Barrett Street was on the list of roads to be considered this year. Then we worked out how much money we had to spend, what the estimated cost of each of the roads were going to be, then what we could fit in for that money. It was a case where we could fit in the alley. If we paved Barrett we couldn't have done anything else but it wouldn't have spent all of the money that we had allocated. Ms. Kehoe believes it is on the list for 2016. It will be Council's final decision next spring when we are ready to pave and we get the bids in. Vince Cruciani stated that because we have this on the agenda to pave it next year and if it can fit into the budget next year it can be in the budget next year. It wasn't in the budget for last year. Mr. Gallagher stated that somebody should be examining all of the streets in the Borough. Herman Johnson stated that if you look back at some of the meetings minutes, he objected to that alley being paved. His thought was the streets that are mainly traveled through our Borough should be paved first before we pave an alley. Mr. Johnson thinks a good suggestion would be, we have Borough Manager, the DPW Foreman and the Chairman of the DPW and we should include the general public when we are going to blacktop to see if they are in agreement. Mr. Johnson stated that we paved an alley where there are only garages there, it doesn't make sense and he thinks we need to get more of our citizens involved in these projects so everyone is happy. We only get so much money from liquid fuels and then we put so much money in with our general budget and the general public should have a say too. If we disagree with them we can always tell them why we disagree with them. Vince Cruciani stated that we want to publish that list in November not December so we have a month to review it. Gerrie Carey asked Mr. Gallagher how many times he has addressed Council about getting Barrett Street paved. Mr. Gallagher answered maybe 3 or 4 times. Scott Perry spoke to Council as his parents live on Barrett Street. He showed pictures of the damaged road to Council. Mr. Perry also suggested putting up a no parking sign where Davis Street meets Barrett Street, from his mom's driveway down. The liquid fuels tax, the way the street is set up all of the truck traffic is using Barrett Street to turn around. More truck traffic is contributing to the issue. Virginia Kehoe stated that there is no problem getting a parking sign up there. Chief Chris Yarns wasn't aware there was a parking problem there. Ms. Kehoe stated that it is illegal to park 30 feet from a corner that is why there is no problem putting up a no parking sign there. Herman Johnson stated that the damage is already there and it is a bad road and a safety issue, Safety committee should get involved. We can take in into consideration to try and get that street blacktopped. Vince Cruciani stated that he cannot speak for everyone on Council but he thinks it's safe to say there are seven people that agree with you and you brought this up at the right time.

Charles Kumpas of Grandview Street spoke to Council. Last week he attended a "Meet the Mayor" event. He has been working on Clarks Summit history for a long time. Mr. Kumpas stated that the Abington Library has received a grant to update the Clarks Summit history book. Mr. Kumpas was asking for permission to research older minutes. David Jenkins made the first motion to give Mr. Kumpas access to the prior minutes from Borough Council meetings, seconded by Herman Johnson, vote was unanimous 7-0.

Gerard Hetman Lackawanna County's Community Relations, the county will be moving forward with the CDBG money for the projects in the Borough. They will contact the Borough Manager once everything is back on track. Vince Cruciani asked if there has been any more information on the waiver, Gerard will look into that. The money was granted to us way before the waiver was even introduced. Herman Johnson stated that everyone is anxious to get the project started and he doesn't want to give false hope that we are going to do something this year when we will not be doing anything until next year.

David Tompkins spoke to Council about the "No Parking" signs on Timber Lane. Mr. Tompkins stated that if family or friends stop by and park on Timber within a short amount of time they get a ticket. He asked why should people be ticketed when there is no reason for the signs on the road any more. Vince Cruciani stated that the signs were put up in the 90's because the sophomores from the high school were parking in the neighborhoods. Mr. Tompkins stated that that need is long gone. Chief Yarns stated that he doesn't know, he is not sure what will happen if he takes the signs down. David Jenkins stated that the neighbors felt the same way on Haven Lane; they wanted the signs taken down also. Mr. Jenkins agrees with Mr. Tompkins. Mr. Jenkins stated that neighbors don't want to sign a petition to have the signs removed. Vince Cruciani stated that sophomores that can't get a parking permit, they will start parking on those streets. David Jenkins suggested doing a trial run, give it a try and see if it works. Herman Johnson asked if we are discriminating on different parts of the town, or is this about a lack of enforcement he doesn't know, but we need to start researching some of this stuff. Pat Williams stated that it has worked for all of these years, what are you going to research. Mr. Johnson said now at this time, maybe it isn't working. Chris Yarns remembers when the Borough put up the "No Parking" signs, the students went to the South Abington area where there were no signs and started parking there until they put up their own signs. Vince Cruciani stated that because you need 6 months after you get your permit to drive, that cuts down on the number of sophomores driving to school and the parking at the school has increased. Chief Yarns stated that in the summertime there is no reason they can't park there. Virginia Kehoe stated that this parking issue is under an ordinance so we would have to amend the ordinance, and if we have to amend it again, each time it costs money in legal fees and advertising. Vince Cruciani suggested putting a second sign on the bottom "during Abington Heights high school hours." Chris Yarns stated that the parking is only enforced from 8-4pm. Virginia Kehoe asked if we could suspend the ordinance by resolution. Pat Williams asked how many tickets that his friends and family have received tickets. Mr. Tompkins stated that he would get the exact count. Mr. Tompkins stated that the reason for the signs has vanished. Pat Williams stated that no it hasn't, absolutely not. Chris Yarns stated that he doesn't know the answer to that. It was agreed to put it on the work session agenda.

Alison, Renee, Laura and Carol Williams all spoke to Council about the safety issues that will arise if the "No Parking" signs are removed.

4. BIDS & QUOTATIONS:

President Carey

- Parking Meters:** Concerning the bids and information on the new parking meters, the new meters do not read credit cards. They read cards that the Borough can buy and preload and sell. For the additional \$8,500 is it worth it, no, Vince Cruciani agreed commenting also on the maintenance cost. David Jenkins asked about using tokens. Chris Yarns stated that the problem with the tokens is when cashing in the change; the machine doesn't recognize the tokens. The meters do take quarters, dimes and nickels. Chris Yarns stated that the coin collection amounts to about \$27,000 each year. Herman Johnson asked what the Borough spends on enforcement, maintenance and repair of the meters. Mayor Lawler stated that George Carros is called to fix the meters. Mr. Carros is called because the batteries are low, the mechanism inside the machine gets tripped, and the nickel and the dime cause havoc. The quarters are fine. The dirt and cinders are also a problem. Mayor Lawler stated that it is a hefty sum and we don't have any guarantees that these new meters are going to work as effectively as the salesman says they will. Herman Johnson stated that we are going to be putting out a good deal of money on these meters but we need to do our research. Chris Yarns stated the other option is to take all of the meters out. But then you have to worry about the tenants who park all day long. Vince Cruciani stated that if we keep the times and days the meters are enforceable, but double the rate, then we are revenue neutral. If we do the single replacement part this year and the casing next year, so it takes 2 years. It has a one year warranty, but you can buy another year. How much does this cost because this will take us 2 years to pay for this. Also, if nickels and dimes are breaking the machines then we need to take that under consideration. Chris Yarn's believes these machines will be able to handle the change better. Chief Yarns suggested Council think about raising the fines for parking meter violations. Mayor Lawler asked if we need an ordinance to move meters from in front of Sports Page. Chris Yarns said it is difficult to park there. David Jenkins said he has seen people park there just in the last few weeks. David Jenkins made the first motion to table the vote on parking meters, seconded by Herman Johnson, vote was 7-0. Mayor Lawler stated that she called around for other municipalities and most charge .50 cents an hour. Mayor Lawler suggested raising our penalties. Herman Johnson stated that we have some meters in the borough that shouldn't be there. Herman Johnson gave the Chief a task asking him to check out how many parking meters are illegally placed by cross walks, stop signs and fire hydrants.

5. BOROUGH TREASURER'S REPORT

President Carey

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

6. COMMITTEE REPORTS:

- Building & Plant**

Pat Williams, Chair

Vince Cruciani stated that there are 2 real dilapidated spots on the sidewalk in the front of the Borough Building. Pat Williams also stated that the manholes also need repair. Vince Cruciani made the first motion to authorize up to \$1,500 to replace the two areas of sidewalk, seconded by Herman Johnson, vote was

unanimous 7-0. Vince Cruciani suggested getting this done as soon as possible; performance needs to be done this fall.

- **Finance Committee** Dominic Scott , Chair
(update on YTD performance – recommendation/vote re: transfers to CR and DS funds): Dominic Scott stated that we have done very well as far as the budget is concerned. Virginia Kehoe stated that we already have unbudgeted income and unbudgeted expenses that leave us a net of \$100,000 already. The Finance Committee suggests putting \$30,000 in the Capital Reserve, \$50,000 in the Debt Service and \$20,000 into the General Fund. Vince Cruciani clarified that the \$50,000 for the Debt Service is to cover the shortfall in the increase of the Debt Service rate. So we are not applying it to the debt but we are applying it to the fund so that we don't have to raise millage or refinance again. What we did when we refinanced was basically eliminated a year of payment for the Borough, and we did that by increasing the monthly payment. Pat Williams asked if they were setting aside emergency funding too. Virginia Kehoe stated that \$30,000 is going into the Capital Reserve. Pat Williams asked if there is enough for a Borough of this size. Ms. Kehoe stated that with this deposit this will bring it to an amount in excess of \$200,000. Dominic Scott made the first motion to approve the above deposits to be made, seconded by David Jenkins, vote was unanimous 7-0.

- **Grant Committee** Jim Klein, Chair (delay in processing 2013 grants – possible 902 grant applications) : Virginia Kehoe stated that this year she has to file the Recycling Report for 2014, this year we would have been paid for the one she did last year 2013. Apparently the state has been understaffed and they just started looking at the 2013 reports. So next year we should get the 2013 and possibly the 2014. The 902 Grant where we got a grant for recycling bins. Several applications that we might want to consider. If it is multi-municipal application is almost always accepted. Thoughts that were suggested by the state were a composting center. Abington Heights School District does not recycle even though by law they should. Also recycling containers for Hillside Park. These are different things that can be applied for. David Jenkins asked if we are going to order more recycling bins. Ms. Kehoe stated that through the recycling grant we can't. They will not allow you to reorder more bins so the option would be to make them even larger. We might want to budget for it. Virginia Kehoe will get pricing for them. Ms. Kehoe stated that the Reinvest Grant would not be applicable to use for the equipment to put wireless in the parks. It would be about \$2,000 for the equipment for each location. DEP has grants available for things that work in line with the MS4 programs, going to get a meeting together with the Engineers and the Grant Committee.

- **Recycling Committee** Jim Klein, Chair
- **Insurance Committee** Vince Cruciani, Chair
- **Personnel Committee** Gerrie Carey, Chair
- **Public Safety/Safety** Pat Williams, Chair

There is a lot of action in town. David Jenkins asked when the crosswalks will be painted. Virginia Kehoe will reach out to find out. Pat Williams asked about the pennDOT building on Grove Street was painted and it looks very nice. Also, Pat Williams stated that he spoke to someone about painting the West Grove Street bridge fence.

- **Public Works** Herman Johnson, Chair
 Herman Johnson stated that he received an email about the compliments that the DPW have received from residents. Is there anything we can put in the sewer bills saying that brush pickup will be ending soon? Ms. Kehoe stated that she was going to put something in there saying that leave pickup will soon begin and she can do both. Should have a brush pickup in September and hopefully October.
- **Recreation** Dominic Scott, Chair (Park signs due in approx. 2 weeks): Steve Young anticipated the signs will be done in about 2 weeks. The sister city sign we haven't received a response from him yet. David Jenkins asked if Steve Young can do it for the same price can we give Virginia the authorization to have him go ahead and do it. \$350 or under tell him to go ahead.
- **Sewer Billing** Dominic Scott, Chair
 Dominic Scott read off the Sewer Report. 47 are currently in a payment plan. List attached of the properties that have been shut off and/or have a lien. Two were since paid off. Vince Cruciani stated that is a testament to the sewer policy. All the houses on the list are vacant except for one. They should be going up for sheriff's sale or foreclosure.
- **Depot St Project** Herman Johnson
- **Stormwater Committee** Herman Johnson
 Vince Cruciani asked when we want to have our next information session. Ms. Kehoe stated that we said 2 times a year, every 6 months would be good, August and February.
- **The Gathering Place** Gerrie Carey/Pat Williams
 Pat Williams and Gerrie Carey met with Dori Waters and Mary Ann Nichols and they are waiting for information as to the numbers so once we get the information they can talk to the architect.
- **Banner Committee** Gerrie Carey/Herman Johnson
 Vince Cruciani asked if we have the indemnity provision. Virginia Kehoe forwarded Solicitor Pat Rogan the banner agreement information. Solicitor Pat Rogan stated that from what he saw he recalls being ok. Vince Cruciani is alright with the insurance provision, since we are having him hang and replace the banners, him indemnifying us for his activity. Mr. Cruciani suggested adding a clause onto the agreement about that. Herman Johnson made the first motion to approve the banners subject to Solicitor Pat Rogan adds an indemnity provision, seconded by Dominic Scott, vote was unanimous 7-0.
- **ACOG Representative** To be assigned
 Gerrie Carey stated that Mayor Lawler will represent us tomorrow at the ACOG meeting and after that Council members will take turns going to meetings.
- **Additional comments from Council**
 David Jenkins stated that the recycling dumpster at the DWP, complaints about the National Running Center throws their boxes in without breaking them down. Vince Cruciani stated that he has been working on putting together a draft ordinance. Mr. Cruciani sent it over to Rogan Law for Pat and Dan to take a broad view of it conceptually. He wanted to get his ideas out there and see if there are any red flags, there is no rush but this is taking one step forward. David Jenkins stated that there have been a lot of violations noted in metropolitan areas

so we do need some action taken on this and maybe we will be the first ones in the area to do it. Mr. Cruciani stated that by the work session he should have something to show Council. Vince Cruciani stated that the idea behind this is one person's interest in flying their toy drone, with a camera and audio, is outweighed by the Borough resident's interest to preserve their privacy. Mr. Cruciani has tried to create a permit process for this.

7. POLICE REPORT:

Mayor Lawler

Chief Chris Yarns read off the vehicle enforcement report. David Jenkins stated that it appears that the vehicles inspected are pretty safe. The violations haven't been as steep as what we have had in the past. That means people coming through are aware that we have an inspector and they are more mindful. That goes to the great job done by Ed Orzalek. Chief Yarns stated that Hemlock Park is in much better shape. Teenagers are playing basketball and kids are enjoying the park. Vince Cruciani praised Chief Yarns and the police for their pursuit of the nefarious elements that have been plaguing the community, they made some key arrests. They have mostly relocated to other areas. Aggressive driving is done, applying for additional grants for that. The department is going to have a retirement brunch for Barbara Blackledge, November 14, 2015.

8. VENDOR PAYMENTS TO BE RATIFIED:

President Carey

David Jenkins voted to approve the vendor payments to be ratified, seconded by Herman Johnson, vote was unanimous 7-0. Vince Cruciani asked about a few vendors and what the payments were for.

9. OLD BUSINESS:

President Carey

- **Resolution 2015-14 LSA Grant Application:** David Jenkins voted to approve Resolution 2015-14, seconded by Herman Johnson, vote was unanimous 7-0.

10. NEW BUSINESS:

President Carey

- a) **Ordinance 2015-08 SAPA Multi Municipal Agreement**
- b) **Depot Street Pocket Park use policy:** Council agreed not to move forward with this.
- c) **2016 MMO:** Virginia Kehoe stated that this will come into play during budget time. Looking into state aid also.

11. SOLICITOR'S REPORT:

Solicitor Rogan

12. CORRESPONDENCE:

- **Dave Tompkins – Change to no parking ordinance**
- **Planning Commission – 2014 Year End Report:** This year has been particularly quiet, they have been working on ordinance questions Council sent to them.

13. EXECUTIVE SESSIONS:

President Carey

- **Prior-** August 5, 2015
- **During-** None
- **Subsequent-** None

Personnel

14. ADJOURN:

President Carey

Herman Johnson made the first motion to adjourn, seconded by David Jenkins, vote was unanimous 7-0.