

**BOROUGH OF CLARKS SUMMIT  
BOROUGH COUNCIL MEETING  
OCTOBER 7, 2015**

The October 7, 2015 Borough Council Meeting was conducted on Wednesday, October 7, 2015 at 7:02 P.M. The Meeting was held in Borough Council Chambers, 2<sup>nd</sup> 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 (arrived at 7:14pm), and Borough Manager Virginia.

**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 7-0

**2. APPROVAL OF MINUTES:** **President Carey**  
September 2, 2015 Regular Council Meeting: David Jenkins made the first motion to approve the meeting's minutes, seconded by Herman Johnson, vote was unanimous 7-0.

**3. PUBLIC COMMENT & INPUT:** **President Carey**  
Scott Parry thanked Council for patching Barrett Street and putting up the "No Parking" sign. Mr. Parry asked if the Borough is able to put in a cross walk across Davis Street. There is a lot of foot traffic there. One issue is that there is not a sidewalk there. Herman Johnson stated that he doesn't think you can because there is no sidewalk there and his suggestion would be on the corner, if the bush was trimmed that would be a big help. There is a sidewalk on one side but not the other. Vince Cruciani stated that the land owner with the bush could be contacted. Mr. Parry also asked for Council to take into consideration a sidewalk being put in Grove Street down to Barrett Street on the bank side of the road. He sees a lot of foot traffic and there is no sidewalk. Herman Johnson stated that we would have to see if that is the bank's right of way or the Borough's. Virginia Kehoe stated that they could research that, see if there is enough room in the right of way and the cost. Vince Cruciani suggested that if we couldn't put a sidewalk in a sign may be able to be used, something like "Children at Play" or "Watch for Pedestrians". Mr. Parry didn't think the signs would work but a crosswalk would. Herman Johnson stated that Council would take this suggestion under advisement.

Barry Kaplan spoke to Council next. Mr. Kaplan spoke to Council about the parking meter situation. He is there to represent himself and the ABPA to address the ease of use of the parking meters, reasonable size of our community and comparable to other

areas in Northeast PA. Mr. Kaplan suggested the meter rate to be .25 cents for one hour. Vince Cruciani said if you make it a quarter, you are still paying for the next person to park there. Mr. Kaplan thinks that the main amount of money collected is probably .25 cents. Chief Chris Yarns stated that if people don't have a quarter they can use the dimes and nickels. There are 2 1/2 hour meters and 10 hour meters. Herman Johnson stated that if you look at how much we have to pay for an officer to go out there and enforce it, how many broken meters we have, after we go and buy new meters that's going to cost us a lot of money, he'd rather see the meters taken out completely. He doesn't think you will have a problem long range. Mr. Johnson thinks this all together is going to be a big cost to the tax payers and by the time we recoup our money, we are still in the hole. Bringing in revenue is not the intent of the parking meters. Parking meters are to help our business people and our residents. The maintenance and buying the meters and the shortage of manpower, everything will work out better for the business people. Vince Cruciani thinks that a quarter per half hour is reasonable. Mayor Lawler stated that this has been discussed for several weeks. Mayor Lawler stated that compared to other area's we are low at .25 cents. We do need a little bounce on the revenue. How do we replace that revenue? Herman Johnson stated that parking meters were designed for the safety of the community not to build revenue up. Vince Cruciani stated that the Chief did do an analysis which showed, if we went from the current .25 cent rate to .50 cents, that would over a 2 to 3 year period cover the cost of the infrastructure upgrade. Fines are a different issue. Chief Yarns stated that over a 9 month period over \$19 thousand was collected at .25 cents an hour. Chief Yarns stated that if you left the meters, people will park for nothing and that would cause congestion. The community has been thriving and that's a good thing but traffic is getting tighter and tighter to find a place to park. Chief Yarns is worried about the employees' parking all day. Vince Cruciani discussed the fines; the fine wants to discourage violations, what is a proportional evaluation from paying correctly to what the penalty should be. Mr. Kaplan stated that when customers get \$5 fines people are very upset. All of the businesses are all small businesses and they are competing and struggling more than bigger stores and businesses at the mall etc. Herman Johnson asked how many unpaid parking tickets are there. Chris Yarns stated that there are around 40 unpaid tickets. Vince Cruciani suggested tracking the violators, if they are habitual violators, raise the fines. Jamie Kresge asked what the expenses are for maintaining and policing the parking meters. Need more information to answer that question. Need to compare the numbers.

Gerard Hepman, Lackawanna Community Public Relations Department gave an update on the CDBG – Depot Street project. Mayor Lawler stated Brenda Sacco, Deputy Director of OECD, our monies are ready to be released as we speak. Wait until January before we go out to bid, so as the ground thaws the project can begin. Virginia Kehoe stated that the money they are releasing right now is the money that we have already earned from 2012, 2013, and 2014. Mr. Cruciani then stated that we are still \$60,000 short. That is correct. Ms. Kehoe stated that we should receive that money in August but we can't guarantee that. Vince Cruciani stated that if we put it out in January with the Engineer's bid the Borough would be on the hook for \$60,000. Vince Cruciani suggested bidding with line items that can be eliminated so we don't risk the taxpayer money. He also thinks January is early.

4. **BIDS & QUOTATIONS:** **President Carey**

5. **BOROUGH TREASURER'S REPORT** **President Carey**  
Herman Johnson made the first motion to approve the agenda, seconded by David Jenkins, vote was unanimous 7-0

6. **COMMITTEE REPORTS:**

Gerrie Carey stated that on Tuesday, October 13<sup>th</sup> Kevin Davis from Tunkhannock has a tree trimming business and he wants to sit down with merchants and the committee to offer his services for putting Christmas Lights up. This is in lieu of Dan Kontz, Virginia Kehoe stated that she would contact Mr. Kontz.

- **Building & Plant** **Pat Williams, Chair**  
Pat Williams stated that the sidewalk was completed by the state. Frank Leonard will get the other section of the sidewalk done, which is guaranteed to be finished before the cold weather, probably next week. David Jenkins asked Pat Williams about the windows in Council Chambers and the steps coming into the building. Pat Williams stated that they have been addressing the stairs for a while that should be able to be fixed. Virginia Kehoe stated that the problems with the windows in council chambers is that the stone that frames out the windows absorbs the water and the only way to prevent this is to replace the stone. Ms. Kehoe stated that they have tried putting sealant on them. Gerrie Carey suggested an awning.
- **Finance Committee** **Dominic Scott , Chair**  
Dominic Scott stated that they have had a couple of meetings, so far they are moving along. Virginia Kehoe stated that we have drafts on all of the funds. Still need some final decisions, the major work is done, just need fine tuning. Pat Williams stated that there is an issue with the man holes that has been going on a long time; a lot of people have been negligent. They raised three of them. Pat Williams wanted to know whose responsibility it is to level the storm drains and the man holes and utility boxes with the state. Crosswalks look pretty good. Vince Cruciani commented that if you don't have an independent inspector then the contracted company doing the labor and installation is going to do it as cheap as they can. David Jenkins asked about the 900 block of West Grove Street. There was a bad storm that really chewed up the pavement, they did get up there and repair it, got a little bit of a lip but it's much better than it was.
- **Grant Committee** **Jim Klein, Chair (904 Grant application – LSA Monroe Cty application – MS4 BMP application)**  
904 Recycling Grant: Numbers are slightly reduced so we can expect about \$7,500. Recycling is down and that is something we should focus on. Vince Cruciani stated that the Abington Heights Clarks Summit Elementary does not recycle. The LSA Grant – police vehicle grant requesting \$93,000, we have a letter of support from Senator Blake. MS4 BMP Grant will be sent in tomorrow with the total being asked for is \$187,000 that is for work in Carnation Park, Elementary School and Citizens Bank. Virginia Kehoe stated that we got notice of two new grants that are opening up. One is for \$3,000 for storm water

education the second is PennDOT Alternative Transportation Grant focusing on sidewalks on North State to take us from Veterans Park on.

- **Recycling Committee** Jim Klein, Chair
- **Insurance Committee** Vince Cruciani, Chair
- **Personnel Committee** Gerrie Carey, Chair  
(Job description for Police Secretary – Employee Handbook)  
Mayor Lawler and Chief Yarns need to discuss this issue first, and then they can have a Personnel Committee meeting. Ms. Kehoe stated that the Personnel Committee is Developing and updating employee handbook.
- **Public Safety/Safety** Pat Williams, Chair  
Pat Williams stated that the state is putting in curb cuts. They are plusses for people with disabilities etc.
- **Public Works** Herman Johnson, Chair  
(began brush pickup today – leaf pickup will begin approx. 10/19) Herman Johnson stated that brush pickup started today and will run for at least a week, then leaf vacuuming will begin.
- **Recreation** Dominic Scott, Chair  
The two new park signs were put up today and the sister city was ordered. Dominic Scott wants to be aware when the sister city sign goes up for a photo op. Hillside Park had their festival; the Clarks Summit Borough won the Duck Derby.
- **Sewer Billing** Dominic Scott, Chair  
Dominic Scott stated that we are doing quite well. Aging report 12/31/13 \$95,800 in arrears and 9/30/15 is at \$31,400. Jenn is to be commended. Sent out 73 delinquent notices, 42 made arrangements for payments. Still 31 to be accounted for and they will be reposted Tuesday. David Jenkins asked if we have any frequent fliers, yes then they get current then fall behind. Dominic Scott proposed that we do not bill the renter, should bill the property owners. They are responsible and yet we send out notices to renters, renters come in and plead their case etc. Rather deal with the owner; they won't be coming in here bringing in their children. Vince Cruciani discussed the situation if three people own the building. If that happens have a point person who the bill is sent to. Virginia Kehoe stated that she doesn't think we can change this without warning. Set a time frame to work in it with. It would be to move forward researching the existing ordinance to see what would have to be changed.
- **The Gathering Place** Gerrie Carey/Pat Williams  
Virginia Kehoe stated that she notified Dori Waters that she needed to transfer over the electric bill. There is one meter for gas and one for water. There are three electric meters which come to around \$160 a month, is there a timetable. The answer was no. David Jenkins stated that ASAP would be good, figure out the water and the gas how we handle that. Herman Johnson asked what was going to happen with the EMA office. Sit down with Dori Waters to discuss this. Jeff Ames is the new EMA Director. Mr. Ames is not interested in the office. Vince Cruciani stated that we need to make sure Jeff Ames's work is incorporated in to our cloud storage. If he works remotely, make sure it is stored. He shouldn't store EMA material on a private computer. David Jenkins doesn't want to get rid of the EMA office. It could be used as a Command Central. He thinks it is something that we have control over now and we should keep control, in the meantime change the lock and keep accessibility for us if we need it in the future.

Herman Johnson stated that that room was always going to stay an EMA office and we would open up the back door and come down the stairwell to access the office. Keep it where it is so it is centrally located. Mr. Johnson stated that it is Council's responsibility to save that space.

- **Banner Committee** Gerrie Carey/Herman Johnson (pending response from Pat Rogan)

Vince Cruciani explained to the ABPA members that were at the meeting that there is a gentleman pitching the idea of banners that would be 2/3 with merchant's design and 1/3 on the bottom with Clarks Summit on it. Need ten merchants minimum to move forward. Solicitor needs s to work on hold harmless agreement. Mr. Cruciani stated that we are just waiting for the agreement to be done. The rep will meet with the ABPA about this. He can contact Laura from the ABPA for more information.
- **Christmas Light Committee** Gerrie Carey/Patty Lawler/Herman Johnson (letter sent to ABPA – Dan Kontz reviewing existing lighting this week)
- **ACOG Representative** Patty Lawler/Gerrie Carey/Dom Scott (Gerrie Carey attended this month):

Jim Klein went to the ACOG meeting; the volunteer fire department was discussed. Jake Hoinowski is the fire chief; he stated that the Abington Area Line officers have a training line up by the middle school. We were supposed to give them the property where the water towner is and in return we would get 10 fire hydrants, we only got one. Concern is if we go on a structure fire, and if we need to fill up all three trucks with water, we need to call them or it would be theft of services. David Jenkins asked where we were supposed to fill it; the answer is the fire station. Normally they fill up one truck but in return, we are getting charged for this. The ACOG is trying to help them out.
- **Additional comments from Council:**

David Jenkins asked if we made any progress on PODS. Ms. Kehoe stated that the Planning Commission is meeting again on 10/21/15. They basically developed on the PODS, the fencing issue and a couple other items that council sent to them. Their final thoughts are being put into a draft ordinance. They will vote on it and Council can then vote on it next month. Mr. Jenkins stated that on the 400 block of Greenwood Avenue, there is a container on the road. It is pretty close to taking up one lane, nothing around it. It shouldn't be the DPW that put cones around it, our men put up cones on Haven Lane. It should be the people that own the pods who do this. We need to have something where if they have a driveway that is where it should be placed. This would be for construction containers and PODS. Temporary storage unit of any kind would be covered. Herman Johnson stated that this comes down to enforcement. The Code Enforcement Office need to have something to cite these people, this is a safety issue. Herman Johnson suggests that our Code Enforcement officer look at this, because this is a safety issue. Virginia Kehoe stated that in the interim she will have Lori do that, right now Lori's power is to warn them, give adequate time that is all she has in our tool box. Herman Johnson stated that he doesn't have any problem with that it just comes down to enforcement whether it is a warning or something. Ms. Kehoe stated that we need to be able to write a ticket rather than a citation. David Jenkins asked if it is a change that we would have to make in

the ordinance to give Lori Harris the power to do that. Ms. Kehoe stated that she believes so and that is part of what the Planning Commission is looking at. Herman Johnson stated that he understands what Ms. Kehoe is saying and sympathizes with the situation but it is a safety issue and knock on wood if something happens. Ms. Kehoe stated that they discovered this handicap on this situation and are working on it. We are trying to adopt the ordinance so that it is enforceable.

Vince Cruciani stated that there was a Budget Meeting at the Senior Center sought to keep base costs related to the building itself that the Borough owns, keep those costs with the Borough. Have maintenance be our in-kind contribution, then reducing the rent and passing variable costs onto the Senior Center. They will get back in touch with us after they have their meeting at the Senior Center. We are having budgeting issues with variable costs. Mr. Cruciani stated that we have discussed a possible drone policy. Talk about the protection of our residents' privacy rights. Take what he wrote, strip it down, get rid of the permit process over the public right of way, and concentrate more on protecting the individual's private property rights.

Mayor Lawler announced a few different fundraisers. Clarks Summit was listed among the 50 safest cities in Pennsylvania. We came in at #40.

7. **POLICE REPORT:** **Mayor Lawler**  
David Jenkins asked how many miles we have in the Borough. Virginia Kehoe stated that PennDOT recognizes 24.5 miles of paved road, for liquid fuels services. How many miles does a police officer patrol per day. Chief Yarns stated that it varies somewhere between 50 to 65 miles on a 12 hour shift. Chief Yarns stated that the impasse with the state budget is a problem with the Grants for the Aggressive Drivers campaign. There are a lot of outstanding warrants, working with South Abington to get more information. David Jenkins suggested making a list and updating it, more comprehensive report. We are still waiting for crosswalks and turning arrows to be painted.
8. **VENDOR PAYMENTS TO BE RATIFIED:** **President Carey**  
Herman Johnson made the first motion to approve the vendor payments, seconded by David Jenkins, vote was unanimous 7-0.
9. **OLD BUSINESS:** **President Carey**
10. **NEW BUSINESS:** **President Carey**
  - a) **2016 MMO:** Vince Cruciani made the first motion to accept the 2016 MMO, seconded by David Jenkins, vote was unanimous 7-0.
  - b) **Abington Library – Letter of Support:** David Jenkins made the first motion to approve the Letter of Support for an Arts Grant, seconded by Dominic Scott, vote was unanimous 7-0.

Gerrie Carey stated that the Borough presented the Library with the first payment for their \$50,000 grant.

Vince Cruciani discussed the library situation at Abington Heights.

**11. SOLICITOR'S REPORT:**

**Solicitor Rogan**

- **Banner Agreement**
- **Suburban Realty vs. ZHB:** Gerrie Carey stated that she did speak with the Solicitor from the Zoning Hearing Board. Mr. Colombo did win; the building in question is commercial. If they want to use it for commercial they would still have to come before the Planning Commission. Ms. Carey stated that at this point the office building is rented by a Psychiatrist and an Audiologist. Got a permit for the parking lot. The ball is back in our court if Council wants to file an appeal. David Jenkins asked if this is costing us any money at this present time, the answer was no. Virginia Kehoe stated that if we decide to appeal then it is on the Borough's dime. Vince Cruciani asked if there is a damage settlement. Ms. Kehoe stated that there are no penalties or fines against the Borough; all they did was appeal the zoning decision. David Jenkins made the first motion to let it go, not to appeal the decision, seconded by Dominic Scott, vote was 7-0.

**12. CORRESPONDENCE:**

- **Genito request:** Virginia Kehoe stated that Mr. Genito thanked Council for the work done at Hemlock Park. He is asking that the part of the chain link fence that goes from the corner to the gate, he would like to put privacy slats in there and he is asking if he can park his work truck in the parking lot of Hemlock Park overnight during the winter. He has a terrible water problem on his property and can't park it there. David Jenkins stated that he has no problem with the privacy slats but he thinks there is a liability issue with him parking his vehicle at the Hemlock Park. Vince Cruciani asked if there is a "No Parking" sign there, the answer is no. Mr. Cruciani stated that he doesn't need our permission, so if Council stays silent on it then that is better. Because then it doesn't incur any liability on our end. Theoretically anyone can park there right now and they wouldn't get fined or towed. Vince Cruciani suggested instead of using privacy slats maybe he can plant something there instead, because we need that for MS4 and it would give him the privacy slats. Virginia Kehoe stated that the area of the property where he would plant is the area that has a large drainage problem. Virginia Kehoe will suggest the plantings to Mr. Genito.

Jake Hoinowski, Clarks Summit Borough Fire Chief stated that he was asked to be at this Council meeting but he wasn't sure what he was there for. Chief Hoinowski thought it might have something to do with money spent on fuel costs for the ambulance. Chief Hoinowski reviewed the costs associated with a paid 24 hour ambulance company as opposed to the volunteer company that is there now. Vince Cruciani stated that we are able to apportion a certain amount of the millage directly to the fire company. This insulates the fire department from the Council dipping into the Fire Department's share of the General Fund and it

allows the public to see that if the Fire Department has a need and we need to raise revenue it's going right to the Fire Company.

Janine Port spoke to Council about the issue with speeding on Center Street. At the next Council meeting she would like to present a petition.

Brief Personnel Meeting in an Executive Session immediately following the adjournment will take place.

**13. EXECUTIVE SESSIONS:**

**President Carey**

- **Prior- None**
- **During- None**
- **Subsequent- None**

**14. ADJOURN:**

**President Carey**

David Jenkins made the first motion to adjourn the meeting, seconded by Dominic Scott, vote was unanimous 7-0. 0