

**BOROUGH OF CLARKS SUMMIT  
BOROUGH COUNCIL MEETING  
NOVEMBER 4, 2015**

The November 4, 2015 Borough Council Meeting was conducted on Wednesday, November 4, 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 Dan Mulhern, Junior Council member Christian Orlando (arrived at 7:12pm.) and Jennifer Basalyga (sitting in for Virginia Kehoe.) Borough Manager Virginia Kehoe was absent.

**CALL TO ORDER:** **President Carey**

**MEDITATION:** **Mayor Lawler**

**PLEDGE OF ALLEGIANCE:** **Mayor Lawler**

**PRESENTATION TO OFFICER ERIC WILLIAMS** **Mayor Lawler**  
Presentation to honor Eric Williams who responded to an emergency where they saved a citizen of Clarks Summit with the use of the drug Naxolone.

**PRESENTATION TO CHIEF CHRIS YARNS** **Mayor Lawler**  
Mayor Lawler stated that several weeks ago Clarks Summit was listed among the safest cities in the Commonwealth of PA. Presented an award to honor Chief Chris Yarns.

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

**2. APPROVAL OF MINUTES:** **President Carey**  
  
September 29, 2015 Council Work Session  
October 7, 2015 Regular Council Meeting:  
David Jenkins made the first motion to approve the minutes, seconded by Dominic Scott, vote was unanimous 7-0.

**3. PUBLIC COMMENT & INPUT:** **President Carey**  
Gerard Hetman: Lackawanna County Community Relations Department stated that it seems the issue with the Anti-Displacement Agreement has been satisfied where the Borough would be covered under the county's agreements if they were to relocate anyone because of the Depot Street project. Vince Cruciani stated that he is comfortable with it at this point. Pat Williams said that he hopes the new commissioners continue with this outreach program and also that they keep Gerard on, because he does a fantastic job. Gerard Hetman stated that he wanted to say as a

point of reference thank you to Council that was very kind, it is strictly their feedback. His position is strictly at the discretion of the Board of Commissioners

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

**5. BOROUGH TREASURER'S REPORT President Carey**

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

**6. COMMITTEE REPORTS:**

- **Building & Plant** Pat Williams, Chair - update on Chamber windows: Gerrie Carey stated that we are waiting to hear back from the school on this project. David Jenkins asked if there was any progress on the steps coming into the Borough Building, with the runners dropping down. Pat Williams said that it was taken care of.
- **Finance Committee** Dominic Scott, Chair - update on budgets: Gerrie Carey stated that for the work session they will go over the entire budget. Dominic Scott stated that they are going to meet with Telespond about the senior center. Mr. Scott stated that he would also like to meet with Bill Risse on the proposed increase in the maintenance for Hillside Park. Why are they proposing that increase? David Jenkins said he would like to know who they think they are to tell us that we have to pay them 2% never mind why. Vince Cruciani stated that he thinks it was fundamentally unfair last year to negotiate a 2% COLA with the DPW and then give the AARJB a 3% increase. This year they are asking for 2%. Mr. Cruciani stated that Mr. Risse's response was that they are growing at a rate demands the increase. Mr. Cruciani's response was that perhaps they should grow more in line with the economic growth of the community rather than their own agenda. David Jenkins suggested they increase their fees for the people that are using the park. They can take \$1 for parking so they can pay for the paving of the parking lot, instead of funneling that down to the Municipalities. Mr. Cruciani suggested leaving the same amount and add on a line item and do like they did last year. Herman Johnson stated that he would like our Solicitor look at that agreement; it seems like every year they want to increase it more and more. Mr. Cruciani stated that we can't re-negotiate it for 50 years but we don't have to acquiesce to cost. Herman Johnson stated that he would still like to see the Solicitor look at it. See if there is a loophole there. We don't want to rush into anything.
- **Grant Committee** Jim Klein, Chair - DEP Environmental Education grant: The Borough is going to apply for at \$3,000 grant for Hemlock Park for an Environmental Resource Kiosk and the planting of trees.
- **Recycling Committee** Jim Klein, Chair
- **Insurance Committee** Vince Cruciani, Chair  
- PMHIC Agreement Amendments: Vince Cruciani stated that there are amendments to the trust that we get our insurance through. Vince Cruciani made the first motion to formally approve the amendments to the bylaws, seconded by

Herman Johnson, vote was unanimous 7-0. There is really nothing that will have a substantial impact on the Borough.

- **Personnel Committee** Gerrie Carey, Chair -  
Wanda Crespo resignation – new part time officer - Job description for Police Secretary – Employee Handbook: Chief Chris Yarns stated that Wanda Crespo is not resigning, she took a full time job and she wants to stay with the Borough part time. Chief Yarns stated that they have lost 5 officers since last year; one was hired so they are down 4. Vince Cruciani asked if anyone from the area has come out of the academy this year. Chief Yarns is not aware of that but they interviewed a person last year that he would like to look at again. He only needs 1 for now, he thinks that will be ok. David Jenkins stated that as far as the Personnel Committee is concerned, they have no problem if he wants to pull a list of respective people and come to them with #1, #2, and #3. Vince Cruciani also suggested for Chief Yarns to look for a part timer as well. David Jenkins stated that it is not an inexpensive venture to outfit them as far as the uniforms, weapons, and the vest etc. Herman Johnson stated that it is up to Chief and the Mayor to come up with an individual, submit their name for council. They have the authority to bring a name to the table. Vince Cruciani asked if two names or more than two names would be better than one. Mr. Johnson agreed. Mr. Johnson stated that next year we want to see if we can get a full time officer. For the secretarial position we have applications, they will be evaluated and interviewed.
- **Public Safety/Safety** Pat Williams, Chair  
Pat Williams again mentioned the crosswalks are all done. We are responsible to maintain the crosswalks. Herman Johnson stated that with the crosswalks and the pave cuts, the state put them in but the Borough has to maintain them. Mr. Williams stated that the manholes have always been a big thing to him. He has talked to Penndot and the manholes for the whole project, all manholes will be done this year. There is a 16<sup>th</sup> of an inch allowance that the state will give you. They will raise the utility boxes and the storm water drains. Penndot's contractors will go back and fix the work after the big projects are done.
- **Public Works** Herman Johnson, Chair  
Herman Johnson stated that the DPW has continued with the leaf collection and so far they are on schedule. Vince Cruciani asked when they stop with the leaf collection, Mr. Johnson said right before Thanksgiving.
- **Recreation** Dominic Scott, Chair  
Dominic Scott stated that they have replaced the sister city sign. It looks great and it is in a good location. Herman Johnson suggested the Borough check the flags at Veteran's park because they are looking shabby. David Jenkins suggested looking at all of the flags in the parks to see if we need any replaced.
- **Sewer Billing** Dominic Scott, Chair -  
update on notification to landlords – draft letter: Dominic Scott stated that he has a real problem having the renter come in before Council pleading their case for the unpaid sewer bill when it is really the landlord/owner's responsibility. Council discussed the wording in the draft presented. Solicitor Dan Mulhern stated that he reviewed the ordinance and there is some conflicting language in the ordinance. The best option is to amend the ordinance. The letter is sufficient but could be challenged. Vince Cruciani stated that the purpose of the letter is to

just throw it out there that this might be happening; it's not to say it is going to happen. If we do want to change the policy then we do need to amend the ordinance. Solicitor Mulhern said yes only because there is some conflicting language. Herman Johnson said he suggests that they amend the ordinance because if someone challenges this we would lose. Vince Cruciani said we need to establish what the reasonable period of notice is. David Jenkins suggested January 2017 would be reasonable, Mr. Cruciani agreed. If we give notice then we are covered. Solicitor Mulhern suggested passing the ordinance with an effective date and the law is on our side. Maybe talk to the landlords? Not necessary. Solicitor Mulhern said he wanted to take a look at this first. Take a look at this for December meeting.

Vince Cruciani asked about the 2% discount. That won't hurt with the cash flow, on average there are about 40 people that pay the year. Jenn Basalyga stated that Total Tone did not pay their sewer bill, they have been posted. Council suggested contacting the Millett's to inform them as they are the landlord.

- **The Gathering Place** Gerrie Carey/Pat Williams  
Gerrie Carey stated that they are waiting to hear back from Dori, Maryann and the architect. David Jenkins suggested we give them a date and time to meet since we still own the building. Gerrie Care said she would get in touch with them so they can move forward on this.
- **Banner Committee** Gerrie Carey/Herman Johnson  
Solicitor Dan Mulhern stated that he didn't get anything in writing but they are supposed to be working on the liability issues. Need to follow up with Virginia Kehoe. Solicitor Mulhern said the owner is going to take care of all liability for maintenance repair, anything that can happen. We are waiting for that final document. Vince Cruciani said as long as there is an indemnity clause that is what matters.
- **Depot St Project** Herman Johnson  
Herman Johnson stated that we have a resolution coming up later in the meeting on this. The project is not going to get off the ground until the weather warms up. Thanked the County Commissioners for their work.
- **Stormwater Committee** Herman Johnson  
Herman Johnson stated that they are putting in for a grant and that will help with Stormwater, on the ball.
- **Christmas Light Committee** Gerrie Carey/Patty Lawler/Herman Johnson:  
Gerrie Carey stated that they are going to meet with Kevin Davis and test the lights in the trees. Mr. Davis is doing this for free. Give him all of the support he can get. Mayor Lawler reviewed the lighting of the lights on Friday, November 20<sup>th</sup>. David Jenkins suggested that the one face of the clock tower that doesn't work set it to 5:00pm permanently. The temperature and the time at the electronic board doesn't work.
- **ACOG Representative** Patty Lawler/Gerrie Carey/Dom Scott:  
Gerrie Carey stated that she can go to the meeting tomorrow night.

**Additional comments from Council :** Vince Cruciani stated that at 2pm Friday, he Gerrie and Dominic have an appointment to meet with Telespond. Mr. Cruciani wanted to make sure that Council knows that they are going into these meetings being reasonable as possible. Discussions about not having the Borough Council subsidize the Senior Center about \$6,000 more than all other Boroughs. They are being reasonable and open, and Warren Watkins is also reasonable and open. Telespond has the opportunity to be reasonable also. With the Telespond agreement, you can choose to renew or not renew on May 1<sup>st</sup>, as a 60 day notice for July 1<sup>st</sup>. Telespond has until the April meeting to be reasonable. Mr. Cruciani stated that we can't subsidize something for the whole community. David Jenkins stated that on November 28<sup>th</sup> will be the official dedication to the firefighter's monument at the fire station on Bedford Street at 10am. They will also incorporate the dedication the flag pole which was given in the honor of the late Mayor Tony Perry that will be handled by Monsignor Quinn. Mayor Lawler stated that WNEP shows pictures of different communities. Council suggested a picture from the fire station.

**7. POLICE REPORT:**

**Mayor Lawler**

Chief Chris Yarns thanked the DPW for their help in the woods behind the Abington Shopping Center had squatters and they dismantled the tent. They had a large tent with heaters etc. Herman Johnson stated that all Chris's men should be commended for keeping the overtime down. Mayor Lawler stated that they did get a letter of accommodation. Mr. Johnson stated that the police are outgrowing downstairs and the ventilation is terrible health wise. They should get a committee together to brainstorm this. Mr. Johnson, Pat Williams and Gerrie Carey can all be on the Committee. Carol Williams stated that she thinks that is a great idea.

**8. VENDOR PAYMENTS TO BE RATIFIED:**

**President Carey**

David Jenkins made the first motion to accept the Vendor Payments to be ratified, seconded by Dominic Scott, vote was unanimous 7-0.

**9. OLD BUSINESS:**

**President Carey**

- **Ordinance 2015-10 Drone Ordinance:** Solicitor Dan Mulhern stated that he found a decent drone draft. Vince Cruciani agreed and said that it outlines some general principles and ways of handling it. They are looking into incorporating some of the ideas. It's coming along. Pat Williams asked Mr. Cruciani if he thinks he is jumping the gun before the state and the feds, we are spending a lot of time and money, do you think we should wait as he suggested last meeting to see what the state and/or the federal government come up with, then we can come up with something that is appropriate. Mr. Cruciani stated that he agrees with keeping it limited. What they are interested in regulating is the operation of it, what we are interested in doing is it's relation to operating on private property. Mr. Cruciani stated that he would like to look at the two provisions that Solicitor Mulhern has. Solicitor Mulhern said for his clarification he asked what Council wants him to do. Mr. Cruciani asked also for some latitude to ask a follow up question.

