

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL REORGANIZATION MEETING
JANUARY 4, 2016**

The January 4, 2016 Borough Council Reorganization Meeting was conducted on Monday, January 4, 2016 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. Robert Bennett, Mr. Patrick Williams, Mr. David Jenkins, Mr. Dominic Scott, Chief Chris Yarns, Mayor Patty Lawler, Solicitor Pat Rogan, Solicitor Dan Mulhern, Borough Manager Virginia Kehoe and Junior Council member Christian Orlando.

MEDITATION:

Mayor Lawler

PLEDGE OF ALLEGIANCE:

Mayor Lawler

Mayor Lawler wished everyone a Happy New Year and recognized in attendance, especially the families and supporters of the newly elected and the re-elected members of Council.

OATH OF OFFICE:

MAGISTRATE KEELER -

**Herman Johnson
Dominic Scott
Dave Jenkins
Bob Bennett**

The above Council members were sworn in by Magistrate Paul Keeler. Photos were taken.

NOMINATION AND ELECTION OF COUNCIL PRESIDENT:

Mayor

Lawler

Mayor Lawler stated that at this time we will go right into the election of officers.....Vince Cruciani made the first motion to nominate David Jenkins as the President Carey. Gerrie Carey said wait a minute, let her finish. Mayor Lawler asked to finish please. Starting with president, at this time she will accept nominations for president. (It was very difficult to distinguish who began first with the motion to nominate the President Carey.) Vince Cruciani made a motion to nominate David Jenkins as the President Carey and Dominic Scott also made a nomination to nominate Gerrie Carey as President Carey. Pat William then seconded the motion that Dominic Scott made. Both Dominic Scott and Vince Cruciani stated that they made a motion. Solicitor Pat Rogan stated that Dominic Scott made the motion first. Vince Cruciani stated that he made the motion; Solicitor Pat Rogan stated that Dominic made the motion first and Mr. Cruciani tried to interrupt, stating that Dominic Scott properly made the motion. Bob Bennett stated that he didn't hear it that way. Solicitor Rogan stated that he did. Vince Cruciani suggested playing it over on the recorder. Solicitor Rogan said that Mr. Cruciani was out of order. Vince Cruciani said "am I out of order Mr. Solicitor?". Solicitor Rogan said Dominic your motion; Dominic said he made the motion for Gerrie Carey to be president. Mayor Lawler said let the minutes reflect the Gerrie Carey has been nominated by Dominic Scott, the Borough Code does not require a second on this vote so we will go voting to the Council members. All in favor roll call:

Mr. Bennett-negative, Ms. Carey-yes, Mr. Cruciani-no, Mr. Jenkins-no, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes. Mayor Lawler stated that seeing that a majority vote has been secured, she congratulated Gerrie Carey, Madam President. Gerrie Carey said than you, applause followed. Gerrie Carey stated that she hopes the next two years are successful as the ones in the past and that she has been on Council for 16 years.

NOMINATION AND ELECTION OF VICE PRESIDENT: Mayor Lawler

Pat Williams nominated Herman Johnson for Vice-President. All in favor roll call: Mr. Bennett-present, Ms. Carey-yes, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes. The motion passed 6-1 with one abstention by Bob Bennett.

NOMINATION AND ELECTION OF PRESIDENT PRO TEM: President Carey

Herman Johnson made the motion to elect Pat Williams as President Pro Tem. All in favor roll call: Mr. Bennett-no, Ms. Carey-yes, Mr. Cruciani-no, Mr. Jenkins-no, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes. The motion passed 4-3.

APPOINTMENT OF VACANCY BOARD CHAIR: President Carey

David Jenkins made a motion to reappoint Dan Kontz. Pat Williams asked if he sent anything in. Ms. Kehoe stated that we didn't ask people that were existing to give us letters of interest. Ms. Kehoe checked with everyone to see if they were interested. If they said yes, we moved on if they said no, then we knew. This motion was seconded by Dominic Scott. On the question, Vince Cruciani stated that he believes that we did ask to have everybody email a resume, have we not received them or was the notice wasn't sent out. The idea of incumbency entrenched in a government appointed post is something that we sought to avoid. Mr. Cruciani stated that for as much as he likes Mr. Kontz and he is pleased that he put in a letter of interest in a resume for the Sewer Authority, he did not do so for this board and that is his only comment on this. Gerrie Carey asked if it has been past practice. Virginia Kehoe stated that she apologizes and if this is a decision of Council, she had missed that. Vince Cruciani stated that he understands every one of them expressed interest but Council should be able to review a resume. All in favor or against roll call: Mr. Bennett-no, Ms. Carey-yes, Mr. Cruciani-no, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-no. The vote was 4-3 to appoint Dan Kontz.

APPOINTMENT OF GENERAL SOLICITOR:

Vince Cruciani made the first motion to appoint the firm Scanlon, Howley and Doherty, with Grace Hillebrand from that firm to be the General Solicitor, seconded by David Jenkins. All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-no, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-no, Mr. Scott-no, and Mr. Williams-no. That vote is 3-4 to not appoint the firm Scanlon, Howley and Doherty, with Grace Hillebrand from that firm to be the General Solicitor. Pat Williams made a motion to nominate the current Solicitor, Pat Rogan/Rogan Law Firm, seconded by Dominic Scott. Vince Cruciani stated that due to a failure to file a motion of objection in a takings claim in a case that involved Floral Park neighborhood, Mr. Cruciani has a loss of confidence in the firm and he is also dissatisfied with the responsiveness from the firm on issues last year. Mr. Cruciani stated that he doesn't mean this in a personal regard on the character of the members of the firm in any way and the billing reflects it. Mr. Williams stated that he adamantly disagrees with Mr. Cruciani stating that Mr. Rogan and Dan Mulhern have been extremely helpful in the last few years that he has been on this Council. Dominic Scott

stated that he agrees with Pat Williams, he thinks they have done an excellent job. Gerrie Carey stated that they have been an asset to this Borough. Herman Johnson stated that he thinks we are confusing the issue. We have two law firms that put in and if the one was voted out then automatically the other firm should get it. Vince Cruciani stated that they didn't actually put in a resume; an incumbent is an elected official. Pat William stated that if the gentleman is an incumbent then he sees no problem with it. All in favor or against roll call: Mr. Bennett-no, Ms. Carey-yes, Mr. Cruciani-no, Mr. Jenkins-no, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes. The vote was 4-3 to appoint The Rogan Law Firm. Solicitor Dan Mulhern said thank you for the support and he was proud to be there. Dominic Scott stated that they deserve it.

APPOINTMENT OF TWO 2 SEATS ON ABINGTON AREA JOINT RECREATION

BOARD: Virginia Kehoe stated that they both expressed interest in keeping their seats. Pat Williams made the first motion to appoint Mike Hargrove and Greg Pascale to the AAJRB, seconded by Dominic Scott. On the question, Herman Johnson stated that he would like to table that appointment until Council can meet with these two gentlemen, so Council can let them know what their desires are representing our Borough. Gerrie Carey stated that she agrees with that and Pat Williams stated that is a valid point. Pat Williams stated that he was on the AAJRB and they couldn't find people to be on the board. Mike Hargrove is one of the hardest workers and has been on that since day 1. He doesn't know much about Mr. Pascale. Mr. Williams stated Mike Hargrove has done more for the AAJRB, for the children of the Abington's, he wouldn't think twice about re-electing him. Herman Johnson stated that every year our tax dollar portion going up and he thinks that the people that are representing us on the AAJRB need to take direction from Council because we are putting out tax dollars into that organization so this is why he feels like we should table this and interview the people and let them know what our concerns are. Gerrie Carey stated that we will table that vote. Vince Cruciani asked isn't tabling considered a sub vote, after a motion and a second that has to be voted on. The tabling would only be the prerogative of the chair if there wasn't a motion and a second. Solicitor Pat Rogan stated it is his opinion that it is the prerogative of the chair. Vince Cruciani stated that the PSAB opinion is that it is a sub vote as stated in their most recent magazine and he just wanted to let Solicitor Rogan know that, and he is not trying to give Solicitor Rogan a hard time. Solicitor Rogan stated that it is his opinion that it is the prerogative of the chair. Vince Cruciani stated that once again his voting no two votes ago is confirmed. Solicitor Pat Rogan told Vince Cruciani that the next time he gives him a personal insult, he is going to be out of order again, and then Solicitor Rogan stated that he will call the police. Vince Cruciani asked what was the personal insult? Solicitor Rogan said do it again, just do it again, Mr. Cruciani stated that he wants clarification. Solicitor Rogan said do it again, do it one more time. Vince Cruciani stated that he was just referencing the PSAB. Solicitor Rogan said do it one more time buddy. Pat Williams told Vince Cruciani in all honesty, they have had many instances throughout the years that we have used the PSAB and they really had not been up to snuff. Vince Cruciani stated that understands that he was just citing it. Solicitor Rogan stated that it was the comment after that.

APPOINTMENT OF ONE 1 SEAT ON ABINGTON REGIONAL WASTEWATER

AUTHORITY: Gerrie Carey stated that once again Tom Kelly has expressed a strong interest in continuing. David Jenkins made the first motion to appoint Dan Kontz to ARWA, seconded by Herman Johnson. Gerrie Carey stated that she has to announce the appointment first. Pat Williams made the first motion to nominate Tom Kelly for the seat on ARWA, seconded by Dominic Scott. All in favor or against roll call: Mr. Bennett-no, Ms. Carey-yes, Mr. Cruciani-

no, Mr. Jenkins-no, Mr. Johnson-no, Mr. Scott-yes, and Mr. Williams-yes. The vote was 3-4 not to appoint Tom Kelly. David Jenkins made the first motion to appoint Dan Kontz to the seat on ARWA, seconded by Vince Cruciani. All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-no, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-no, and Mr. Williams-no. The vote was 4-3 to appoint Dan Kontz.

APPOINTMENT OF TWO 2 SEATS ON PLANNING COMMISSION: David Jenkins made the motion to appoint Chris O'Boyle and John Durdan on the Planning Commission, seconded by Herman Johnson, the vote was unanimous 7-0. Pat Williams stated that these two gentlemen have been doing an outstanding job.

APPOINTMENT OF TWO 2 SEATS ON ZONING HEARING BOARD: Herman Johnson made the first motion to appoint John Jeffrey and Geoffrey Brock to the ZHB, seconded by Pat Williams, the vote was unanimous 7-0.

APPOINTMENT OF TWO 2 ALTERNATES SEATS ON ZONING HEARING BOARD: Herman Johnson made the first motion to appoint Bill Dempsey as an alternate on the ZHB, seconded by Pat Williams, vote was unanimous 7-0. Herman Johnson stated that he would like to see them use the roll call because there are people that he can't hear voting and he doesn't know if it is a yes or a no. They are a Council for the Borough of Clarks Summit and when they are making these appointments we should let our citizens know who is voting yes and who is voting no.

APPOINTMENT OF TWO 2 SEATS ON THE SHADE TREE COMMISSION: Herman Johnson made the first motion to appoint Molly Philbin and Michael Sulzinski to the Shade Tree Commission, seconded by Pat Williams. Herman Johnson stated that he would like to see Michael Sulzinski's resume. Bob Bennett stated that there is a motion right now to accept both of them. Herman Johnson stated that he understands that and that is why he came up on the question. Bob Bennett stated that Mr. Johnson has every right to do that but he is trying to slice the motion, the motion included two of them, if you want to slice one off to see their resume, that's not the motion. Herman Johnson stated that is correct, he made a motion to appoint both of them and on the question he wanted to see his resume because he didn't receive his resume. Mr. Johnson stated that he doesn't think there is any issue with appointing him because if they don't have a resume for that gentleman then we would have to change it at a later date. Bob Bennett said didn't we have a resume problem earlier; Herman Johnson said yes we did. Bob Bennett stated that there is a motion to appoint two of them. Herman Johnson said he would amend his motion so that we accept the appointment of Molly Philbin to the Shade Tree Commission and the vote for Michael Sulzinski should be tabled until we have further discussion on his resume, seconded by Pat Williams. First Council needed to vote on the amend motion to table the appointment of Michael Sulzinski. Bob Bennett stated that he cannot do this at this point because there was an original motion and a second first so that takes precedence. You have to take care of the first motion then the second David Jenkins stated that you have to approve the amendment first, and then you go to the motion. All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-yes, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes. The vote was unanimous to amend the first motion. Next was the vote for the appointment of Molly Philbin. All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-yes, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes. The vote was unanimous to appoint Molly Philbin, 7-0.

APPOINTMENT OF TWO 2 SEATS ON LACKAWANNA TCC: Virginia Kehoe stated that Jim Burke is the representative, Virginia Kehoe is the alternate. Herman Johnson made the first motion to appoint Jim Burke as the representative and Virginia as the alternate. On the question, Vince Cruciani stated that while he has every confidence in Virginia's abilities, he thinks it would be inappropriate to have a non-Borough resident on the Tax Collection Commission for the Borough even as an alternate. Vince Cruciani made the first motion to amend Herman's motion to just go with Jim Burke at this time until we find an alternate that does live in the Borough, seconded by Dave Jenkins. Roll Call on the amended version: All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-yes, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes. The vote unanimous on the amendment, 7-0. Virginia Kehoe stated that they have great difficulty getting a quorum; Ms. Kehoe stated that she filled in about once or twice a year. Ms. Kehoe encouraged Council to pursue this. Herman Johnson made the motion to nominate Jim Burke for the appointment on the Lackawanna TCC, seconded by Pat Williams. All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-yes, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes. The vote was 7-0 to approve Jim Burke.

APPOINTMENT OF EMA DIRECTOR AND/OR ASSISTANT: Herman Johnson made the first motion to appoint Jeff Ames and Tanisha Jagoe, seconded by Pat Williams. On the question Vince Cruciani stated that he feels very uncomfortable with Ms. Jagoe, who is somebody who lives outside of the Borough for this position of executive power such as the EMA director. Having somebody who isn't part of the direct community they would affect with the EMA powers where they can exercise police control over it to a certain degree. Vince Cruciani made a motion to amend the motion to nominate Jeff Ames and seek an alternate that lives in the Borough; the amendment was seconded by Bob Bennett. On the question Herman Johnson stated that EMA director or EMA deputy director does not have to live in the Borough of Clarks Summit, as long as they can respond in a timely fashion. Mr. Johnson stated that Tanisha lives in Dalton which is a 5 minute drive, but you should remember that the EMA director gathers all of the information, if we have to declare an emergency for our Borough, that would be with the Mayor. The Mayor would do the executive letter, so he doesn't see where there is a problem with these two people being on the EMA staff. The vote is to accept the amended motion with just Jeff Ames. All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-yes, Mr. Cruciani-yes, Mr. Jenkins-no, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes. The vote was unanimous to accept the amended motion. Now the vote to appoint Jeff Ames as the EMA Director. All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-yes, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes. The vote was unanimous to appoint Jeff Ames. Herman Johnson made the first motion to appoint Tanisha Jagoe as the deputy EMA director in the case that our EMA director is out of town on business, seconded by Pat Williams. All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-yes, Mr. Cruciani-no, Mr. Jenkins-no, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes. The vote was 5-2 to appoint Tanisha Jagoe.

LIAISON: ABINGTON C.O.G: Herman Johnson made the first motion that the ACOG be represented by Gerrie Carey, Dominic Scott and Patty Lawler, seconded by Pat Williams. All in favor or against roll call: Mr. Bennett-present, Ms. Carey-yes, Mr. Cruciani-no, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-yes, and Mr.

Williams-yes. The vote was 5-1 with one abstention by Bob Bennett to appoint Gerrie Carey, Dominic Scott and Patty Lawler.

LACKAWANNA C.O.G: Pat Williams made the first motion to appoint Gerrie Carey to the Lackawanna COG, seconded by Herman Johnson. All in favor or against roll call: Mr. Bennett-no, Ms. Carey-yes, Mr. Cruciani-no, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes. The vote was 5-2 to appoint Gerrie Carey.

SENIOR SITE COUNCIL: Pat Williams made the first motion to appoint Warren Watkins and Bob Gilbert to the Senior Site Council, seconded by Herman Johnson. On the question Vince Cruciani stated that the Senior Site Council has created a difficult position for our Borough Council, making us subsidize the building at the rate of about 6 to 7 thousand dollars a year. This is being paid by Borough's taxpayers and not the users of the facility. While he does commend the work of Mr. Watkins, he has not seen Mr. Gilbert present to make an effective justification in either negotiations on the matter or generally. Mr. Cruciani stated that he would just like to reference the taxpayers again as they are subsidizing this by \$8,000 to the Abington seniors a year, at least. Pat Williams stated that the Senior Center is a fantastic asset to all involved, never had any problems through the years. Vince Cruciani stated that the Senior Center is a great asset he just wants to clarify that it is funded only by the Clarks Summit Borough. The taxpayer relationship with the Senior Center is not beneficial to the Clarks Summit Borough. Herman Johnson asked how many representatives are we allowed to have on that first of all. Virginia Kehoe stated that we have always had two, she is presuming that is what we need to provide. Vince Cruciani made a sub motion to keep Warren Watkins and strike Bob Gilbert and table the second nomination, seconded by Herman Johnson. The vote on the amendment: All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-yes, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes, vote was unanimous 7-0 for the amendment. The vote to appoint Warren Watkins to the Senior Site Council: All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-yes, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes, vote was unanimous for Warren Watkins 7-0.

WALES/SISTER CITY: David Jenkins made the first motion to appoint Warren Watkins the liaison for Wales/Sister City, seconded by Herman Johnson: All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-yes, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes, vote was unanimous for Warren Watkins 7-0.

ABPA (AB. BUS. & PROF. ASSOC.): Herman Johnson made the first motion to accept Gerrie Carey and Warren Watkins as the liaison for the ABPA, seconded by Pat Williams: All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-yes, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes, vote was unanimous for Warren Watkins 7-0. Pat Williams commented that Gerrie and Warren have done a great job with the ABPA and he appreciates that.

VACANCY BOARD CHAIRPERSON: This was tabled earlier.

APPOINTMENT OF MANAGER/SECRETARY:

Pat Williams made a motion to table the appointment of the Manager of the Borough, Virginia Kehoe, seconded by Herman Johnson: All in favor or against roll call: Mr. Bennett-no, Ms. Carey-yes, Mr. Cruciani-no, Mr. Jenkins-no, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes, vote was 4-3 to table the vote for Virginia Kehoe as the Borough Manager. Vince Cruciani stated that since we have not appointed a Manager/Secretary does Virginia's contract now not go into effect for the time that we don't have a manager? Gerrie Carey stated that Virginia Kehoe is still our Borough Manager/Secretary. A few Council members said this was voted on to be tabled. Pat Williams stated this was tabled for further review; there is no reason to get excited. Bob Bennett stated that tomorrow we have no Borough Manager. Vince Cruciani stated that he was just addressing the president in all seriousness; we don't have a Borough Manager. Gerrie Carey stated that Virginia Kehoe has gone sometimes 15 months without a contract, we are just tabling it. David Jenkins asked if this should be an executive session. Solicitor Pat Rogan said that he agrees with Mr. Jenkins but he thinks there is a motion and a limited discussion is appropriate, Gerrie Carey is citing past practice and he thinks that is legitimate. Vince Cruciani asked what does the Borough Managers contract say, and if it says Borough Manager and we have not appointed her Borough Manager how can we hire her. Gerrie Carey said because it was tabled, she was not voted out. Solicitor Pat Rogan stated that the motion has already been voted on. Bob Bennett thanked Solicitor Rogan for the clarification and stated that the vote for the Virginia never happened so we ended up tabling the issue, so tomorrow morning, who is or do we not have a Borough Manager. Solicitor Rogan said the answer is Virginia Kehoe. Vince Cruciani made a motion to appoint Virginia Kehoe for Borough Manager. Solicitor Pat Rogan asked does anyone want to make a motion to extend Virginia's contract for 30 days, Herman Johnson made a motion to extend it 30 days, seconded by Dominic Scott. Vince Cruciani stated that for the last day of the month we won't have a Borough Manager for one day. He wants to make sure he understands it correctly. Pat Williams stated that he is sure we will work something out It was changed to 31 days: All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-yes, Mr. Cruciani-no, Mr. Jenkins-no, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes, vote was 5-2 to table the vote for Virginia Kehoe. The vote to extend Virginia Kehoe's contract for 31 days: All in favor or against roll call: Mr. Bennett-no, Ms. Carey-yes, Mr. Cruciani-no, Mr. Jenkins-no, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes, vote was 5-2 in favor of extending Virginia Kehoe's contract for 31 days. Bob Bennett made a motion to appoint Virginia Kehoe as Borough Manager. Mr. Bennett stated that they tabled the vote, they voted to extend it 31 days, now he was making a motion to rehire Virginia. Pat Williams stated that was not on the list of things to do. Pat Williams stated that they voted to extend it 31 days; Mr. Williams stated that it is done. Herman Johnson stated that he thinks Bob Bennett is out of order for the simple reason that they already voted on it and they are getting ready to move onto the next appointment. Vince Cruciani stated that on that line of reasoning we would not have been able to bring up the 30 day extension. Solicitor Rogan stated that in effect they amended it. They addressed the issue, readdressing it,

readdressing and readdressing it would not be appropriate and he agrees with Mr. Johnson. Solicitor Rogan said to continue on Ms. President. Bob Bennett inquired if he can make a motion for the Borough Managers job. Solicitor Rogan said not at this time.

APPOINTMENT OF PART TIME ASSISTANT SECRETARY:

Pat Williams made the first motion to appoint Jennifer Basalyga to the position of Part Time Assistant Secretary, seconded by Herman Johnson: All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-yes, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes, vote was unanimous for Jenn Basalyga 7-0.

APPOINTMENT OF TREASURER:

Herman Johnson made the first motion to appoint Melissa Jones to the position of Borough Treasurer, seconded by Dominic Scott: All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-yes, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes, vote was unanimous for Melissa Jones 7-0.

APPOINTMENT OF CODE ENFORCEMENT/ZONING OFFICER:

David Jenkins made the first motion to appoint Lori Harris to the position of Code Enforcement/Zoning Officer, seconded by Herman Johnson: All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-yes, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes, vote was unanimous for Lori Harris 7-0.

APPOINTMENT OF DPW FOREMAN:

Pat Williams made the first motion to table the appointment for Neil Bartholme as DPW Foreman, seconded by Herman Johnson. On the question Vince Cruciani stated that he is wondering who is going to be the foreman of the DPW especially in the winter period of time? Who is going to be in charge of the organization when the snow comes and when we find ourselves in a compromised situation with the weather? Bob Bennett stated that further he would like to point out that the Borough and the DPW would be one man short. David Jenkins stated that they do have a letter of interest from Mr. Bartholme. Gerrie Carey asked if they can suspend this for 31 days. Herman Johnson stated that he doesn't see any problem with tabling that for 31 days and yes they would be one man short but we have an assistant DPW Foreman, he believes that they would be well equipped if we had a snow storm tomorrow. Vince Cruciani asked would the union contract allow the foreman to have managerial powers over the rest of the union employees? Herman Johnson said he does when Neil is absent or sick. They are extending the contract for 31 days. Vince Cruciani asked how can we allow him to work as a full time person, not in a managerial position in a department that has collective bargaining, wouldn't that violate the collective bargaining agreement? Herman Johnson stated that he didn't think it would because he is not a member of the union. Vince Cruciani stated that if he is going to work and he is not the manager and he is full time then he has to be in the union or we are going to open ourselves up to a lawsuit from the union on this. Herman Johnson stated that he

doubts that. Vince Cruciani stated that for the next 31 days he would be working as a fulltime member not in the union, the collective bargaining agreement is not going to allow that. Herman Johnson stated that he disagrees with Mr. Cruciani 100% because it has been past practice that we have extended his contract for a month or two months and all we are doing is tabling it so we can read the contract and to make sure that their proper job description is there. Mr. Johnson stated that everyone is here arguing about all of this tabling. They are elected officials of the Borough. They should be trying to work together, not hold grudges, so they can provide a good service for our citizens. Vince Cruciani stated that he wants to make sure that the Borough doesn't get sued. Herman Johnson cited past practice. Mr. Cruciani inquired if Neil is being reappointed for 31 days as the manager or as an employee. Pat Williams said why don't you pick one? Solicitor Pat Rogan stated that it was time to call for a vote. Mr. Cruciani asked for clarification on what the vote is. Herman Johnson said the vote is to table the appointment for 31 days. Mr. Cruciani asked if his contract is being extended for 31 days? Pat Williams stated that Neil will continue working we are just tabling it. Mr. Cruciani asked if Neil is the foreman for 31 days? Pat Williams stated that was a Personnel issue and they can talk about that at a different time. Herman Johnson said they can take this into executive session after this if he wants. The vote is to table Neil Bartholme's appointment for 31 days. Virginia Kehoe stated that Neil has a contract and asked if he is getting the 2016 raise that was negotiated in his contract for payroll purposes. Ms. Kehoe stated that she agreed with Vince, this was confusing, is Neil the foreman or not, how does he get paid? Solicitor Pat Rogan stated that Virginia Kehoe is out of order, she should not support individual Council members, they are the Council. Ms. Kehoe said she was sorry she doesn't mean she is supporting Vince, she is trying to understand. Herman Johnson stated that they are the elected officials, Ms. Kehoe stated that she was not arguing that, she wants to make sure that she is enforcing their policy tomorrow, Ms. Kehoe stated that she is unclear. Pat Williams stated that they can talk to Ms. Kehoe about that. Bob Bennett stated that they are not extending, they are just tabling. Bob Bennett stated that he doesn't know who is going to be in charge of the DPW tomorrow but then again he doesn't know who is going to be the Borough Manager either. All in favor or against roll call: Mr. Bennett-present, Ms. Carey-yes, Mr. Cruciani-no, Mr. Jenkins-no, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes, vote was 5-2 to table the appointment for Neil Bartholme.

APPOINTMENT OF POLICE CHIEF:

Herman Johnson made the first motion to appoint Chris Yarns as the Police Chief, seconded by Pat Williams: All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-yes, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes, vote was unanimous for Chief Chris Yarns 7-0.

APPOINTMENT OF SEWERAGE ENFORCEMENT OFFICER:

Herman Johnson made the first motion to appoint Gary Wilding, alternate Chris Arndt and Dave Lamareaux, seconded by Pat Williams: All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-yes, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr.

Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes, vote was unanimous for Gary Wilding, alternate Chris Arndt and Dave Lamareaux 7-0.

APPOINTMENT OF LABOR SOLICITOR:

Solicitor Pat Rogan stated that he had an oral interest from Joe O'Brien for that position, he understands Council wants letters of interest and resumes. The incumbent here expressed an interest in the General Solicitorship. Attorney Joseph O'Brien, of Oliver, Price, and Rhodes has expressed an interest in this solicitorship, if Council wants letters of interest or resume's this can be tabled. Joe is a preeminent lawyer in the area, his credentials are impeccable, he has represented the County of Lackawanna, and various Municipalities. Vince Cruciani asked if we received that by the Christmas Eve deadline. Mr. Cruciani said that Virginia Kehoe stated earlier that all incumbents expressed interest in their position. Ms. Kehoe agreed and said as she is aware, yes. Vince Cruciani made the first motion to appoint Grace Hillebrand as the Labor Solicitor, seconded by David Jenkins: All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-no, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-no, Mr. Scott-no, and Mr. Williams-no, vote was 4-3 against Grace Hillebrand as Labor Solicitor. Vince Cruciani made the motion to eliminate the position of Labor Solicitor as it should be something that our General Council can handle, it's not a different body, and there is no reason to have the position. Solicitor Pat Rogan stated that is a very curious motion, Pat Williams agreed. Bob Bennett stated that it is not out of order. Solicitor Rogan said vote on it then. Ms. Kehoe stated that they need a second motion. The motion was seconded by David Jenkins. Solicitor Rogan stated that Mr. Cruciani is looking to eliminate the Labor Solicitor. On the question Herman Johnson stated that he feels strongly that we need a Labor Solicitor, he has worked 15 years as a police officer. When it comes up for negotiation whether it is for uniform or non-uniform we definitely need legal advice. Mr. Johnson stated that they at that table representing our citizens, questions come up and we might not have that. Herman Johnson stated that he would rather go with the Madam Presidents suggestion to table this and do a little research. Mr. Johnson stated that we have gone into negotiations with the police department numerous times and of course we always lost but you need someone to guide you through ACT 600, someone to represent you for the non-uniform side. Mr. Johnson stated that he thinks it would be dangerous for our residents to not have a Labor Lawyer. A lot of times the Labor Lawyer gives us information that helps us; we have contracts that go 2 or 3 years. Vince Cruciani stated that he doesn't see why the General Solicitor couldn't provide that advice considering it is a basic matter of contract law. The issue is whether or not we need a specific and separate lawyer for any matter of personnel and for any matter that involves employees what so ever, we would have to use the Labor Lawyer not just the collective bargaining items and he doesn't understand why our General Council could not handle that furthermore to being a manner of continuity to the position of General Council in terms of negotiating collective bargaining rather than having a disconnect between the General Council and the Labor Attorney. Mr. Cruciani stated that General Council would have to look over the agreements anyways. Solicitor Rogan said call for a vote. All in favor or against roll call: Mr. Bennett-

yes, Ms. Carey-no, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-no, Mr. Scott-no, and Mr. Williams-no, vote was 4-3 to not eliminate the position of Labor Solicitor. Vince Cruciani stated that as a point of clarity when we interview for this position, will the Labor Lawyer alone be looking at the documents or will it be the Labor Lawyer and the General Solicitor. Pat Williams stated that they should probably work together. Solicitor Pat Rogan stated that is not something that has to be decided on right now. Herman Johnson stated that it doesn't have to be decided on but it has been past practice, our Labor Lawyer and the union's Labor Lawyer reviews those documents and then Council discusses which route they are going to take. Mr. Johnson stated that you don't need the General Solicitor reviewing it because ACT 600 is very complex and you need a special lawyer for that. Solicitor Pat Rogan stated this would be on a case by case basis. Dominic Scott made the first motion to appoint Joseph O'Brien as the Labor Solicitor, seconded by Pat Williams. On the question Vince Cruciani asked if Joe O'Brien was a stand-alone as the Labor Solicitor. The answer was yes. All in favor or against roll call: Mr. Bennett-no, Ms. Carey-yes, Mr. Cruciani-no, Mr. Jenkins-no, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes, vote was 4-3 to appoint Joe O'Brien. Vince Cruciani stated that he was not done with the question. Solicitor Rogan stated that he was sorry but the vote was complete. Vince Cruciani asked where was the letter of interest and the resume. Solicitor Rogan stated that he tried to accommodate Mr. Cruciani on that and it has already been voted on. Vince Cruciani stated that he was addressing Council, not the employees. Solicitor Rogan stated that Mr. Cruciani was out of order. Vince Cruciani addressed Gerrie Carey and stated that he was trying to see if we received the letter of interest and resume. Gerrie Carey said no and that he discussed it with our Solicitor and asked him to present that he (Joe O'Brien) had an interest in representing the Borough as Labor Solicitor. Solicitor Rogan said take it up with Joe. Vince Cruciani asked what Mr. O'Brien's rates are. Solicitor Rogan said probably the same as the current one. Mr. Cruciani said well let's find that out. Ms. Carey said we will find that out. Vince Cruciani made the first motion to not allow the currently appointed Labor Solicitor to engage in labor activity representing the Borough until the Borough approves a defined rate with him, seconded by Dave Jenkins: Herman Jenkins said how can you go to another motion when they didn't vote on the first one? Vince and Virginia confirmed that they did vote on the first motion. Solicitor Par Rogan said as the Solicitor he will make an assurance that he will not do any action until...Vince Cruciani stated that he appreciates that but he makes a motion to not engage Solicitor O'Brien commercially until they have an approved rate voted on by Council. Solicitor Rogan said no that's simply causing the Council to vote again. Mr. Cruciani said no it isn't because they don't have an approved rate. Solicitor Rogan said out of order. Bob Bennett said I don't think so, we have a motion and a second just like any other. Solicitor Rogan said ok. There was confusion. Vince Cruciani stated that he withdraws his motion, Dave Jenkins withdrew the second. Vince Cruciani made the first motion to hire Joe O'Brien at a rate of \$85 an hour. Solicitor Rogan said no that has already been voted on. Vince Cruciani said no the rate hasn't been voted on at the rate of \$85 a billable hour; Rogan thought O'Brien would do this at the current rate of the Solicitor which is \$85 an hour. Solicitor Rogan stated that he is not looking to re-litigate an issue that has been decided by

Council, no matter how many ways Mr. Cruciani re-phrases it. Vince Cruciani stated that he votes to set the rate for the Labor Solicitor for \$85 an hour, seconded by Dave Jenkins. Pat Williams said Gerrie Carey has to move along with this. Mr. Williams said they are coming up with all kinds of motions. Vince Cruciani said this is just a motion to set the guy's rate. Solicitor Rogan said then just vote on it. Pat Williams stated that he knows where all of this is coming from and he doesn't think this is necessary. Like Mr. Johnson said we need to move along together. Mr. Cruciani said they are just trying to set a rate. All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-yes, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-no, Mr. Scott-no, and Mr. Williams-no. Solicitor Rogan asked Gerrie Carey if she was clear on her vote. Pat Williams stated that he doesn't think this is a fair motion because he hasn't submitted his resume yet. Mr. Cruciani said that he (Joe O'Brien) is hired. Bob Bennett said Pat Williams is absolutely right and if he doesn't think it's a fair motion, that is his opinion and vote accordingly. Solicitor Rogan said he just wanted to clarify, he knew Gerrie misunderstood. Pat Williams said he understands Mr. Bennett and he doesn't need Mr. Bennett to tell him that. Virginia Kehoe stated that Gerrie voted yes. Gerrie Carey stated that she is taking back her yes vote and making it a no. The vote was 4-3 not to set the Labor Solicitor's rate at \$85 an hour.

APPOINTMENT OF ZONING HEARING BOARD SOLICITOR:

Vince Cruciani made the first motion to appoint Kim Scanlon as the ZHB Solicitor at the amount of \$105 an hour which is \$5 less an hour than Mr. Sheils, seconded by Dave Jenkins. Gerrie Carey asked on the question, is she to understand that ZHB appoints their own Solicitor. Dave Jenkins said no they don't appoint their own Solicitor. According to Bob Sheils he has been appointed by the ZHB. Solicitor Rogan stated that he is of the opinion with all due respect that the Council appoints solicitors. Solicitor Rogan said that the appointment and the rate per hour should be two separate votes. Solicitor Rogan said first let's see if the person gets appointed, and if that person doesn't get appointed, then the incumbent would probably continue. It's up to Council. Vince Cruciani stated that he disagrees with the Solicitor's opinion. He made a motion and it was seconded, Mr. Cruciani doesn't think there is anything inappropriate about the motion. Solicitor Rogan said ok let's vote on this motion. Gerrie Carey asked if this is a position that they should table until they can meet with Bob Sheils and Kimberly Scanlon. Vince Cruciani stated that Kimberly Scanlon did submit her resume and a letter of interest, Mr. Sheils did not. Solicitor Rogan stated that he thinks this raises a potential conflict of interest. They have appointed Joe O'Brien and Kim Scanlon is of the same firm. That is clearly a conflict of interest with the Zoning Board. Mr. Cruciani stated that he doesn't understand if Solicitor Rogan can explain it and elaborate a little more how the Labor Solicitor and the Zoning Hearing Board would have a conflict of interest. Solicitor Rogan said he withdraws that he was confused with something else. All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-no, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-no, and Mr. Williams-no, vote was 4-3 to approve Kim Scanlon as ZHB Solicitor.

APPOINTMENT OF PLANNING COMMISSION SOLICITOR:

Vince Cruciani made the first motion to appoint Kevin Hayes as the Planning Commission Solicitor at the same rate of \$105 an hour which is the same rate as zoning and \$20 less an our than our current Planning Solicitor, seconded by Dave Jenkins. Pat Williams asked Vince Cruciani if he has been doing the negotiating with these people. Mr. Cruciani said he had spoken to them about what their rates are. Pat Williams said that was very forward personally, we have never had that type of goings on before. Vince Cruciani stated that he doesn't recall hiring people with an open ended price range, being a matter of proper course for any business arrangement. Mr. Cruciani said he tends to disagree with Mr. Williams as he would rather hire someone at a fixed rate and Mr. Williams can propose a different rate if he cares to in a sub motion. Pat Williams stated that he is not interested in sub-motions, he is just disappointed that Mr. Cruciani feels that he has the authority to go out and do that. To negotiate a contract basically with people that we don't even know, he said he is not going to debate with him and banter back and forth. Mr. Williams asked if the hourly rates were submitted with the resume and letter of interest. Mr. Cruciani said in an effort to avoid ambiguity he submitted his motion with a fixed rate, both which happen to be less than the current rate that we are paying. Pat Williams said that is fine, but Mr. Williams doesn't think Mr. Cruciani has the authority to be going out and doing that, he said that he has been there 14 years and never did that. Vince Cruciani stated that he wasn't here when they hired the solicitor for Grandview, so he doesn't understand the past practices of hiring lawyers. Gerrie Carey asked Virginia on the question Attorney Mike Cowley, does he charge \$75 an hour? Vince Cruciani stated that Attorney Cowley charges \$125 an hour. Ms. Kehoe stated that Vince is correct. Mr. Cruciani stated that is why he is so adamant when making the motion, knowing up front what the rates are. Pat Williams stated that he doesn't think they give their rates with their resume. Mr. Cruciani stated that this is a business arrangement; it's called doing better business, when you bring a businessman to Council that is the kind of activity that you get. David Jenkins stated that there is a motion and a second on the floor. Herman Johnson asked on the question, he said you know this bickering back and forth is not good politics, whether you are a Republican or a Democrat. You are here to serve your citizens. Now this is a shame the way everybody is acting. Mr. Johnson stated that he will say this once and then he will shut up, he honestly believes that they can vote for whoever they want that's not a problem. Mr. Jonson continued, and then you need another vote for the price, because that is professional. He said they are all acting like children, bickering back and forth. They are supposed to work as a team and they are not doing that. Mr. Johnson stated that he is very upset and he is this close to walking out of there. If they can't act like gentlemen, then something is wrong, they have a Junior Councilman there who is trying to see what politics is all about and all they are doing is bickering. It's a shame. Vince Cruciani stated that he disagrees with the business perspective of Councilman Johnson. Mr. Cruciani stated that if we vote on a person and accept them before we accept the rate it gives that person greater leverage in going for the rate. The exception would be past practice for example when we rehired our Solicitor. If we hire somebody new and they did not create a rate, for example Mr. O'Brien, he will have leveraged then if we didn't like his rate we would have to appoint somebody new. Mr. Cruciani stated that he doesn't want the Council to think that

by doing that is for political reasons; it's simply so that for the leverage discussions on the rate it's known that this is what they expect. There is no discussion, if they don't like it then goodbye. Herman Johnson stated that he wanted to clarify that everyone who submitted these resumes, did they put their rate on them. Mr. Johnson stated that he doesn't know but that is his big argument. Secondly, Mr. Johnson thinks that all of Council, because it is the same people except for Councilman Bennett, they should have discussed this for a rate at the last work session so they were all on the same sheet of music. Mr. Johnson stated that everyone is acting like children he loves it, he doesn't have to go home and watch television, he can come right here. Gerrie Carey stated that they have a first and a second, at what point can they table this. Mr. Cruciani stated they have a first and a second. Mr. Cruciani stated that Madam President can make a sub-motion if she cares to separate the two votes. Mr. Cruciani amended his motion to appoint Kevin Hayes to be the Planning Commission Solicitor with the caveat that no work will be commenced by him until Council has approved a payment amount, seconded by Dave Jenkins. Solicitor Rogan stated that this means voting against Mr. Cowley, just so they are clear, because it gets a little confusing with the discussion. Gerrie Carey stated that if Mr. Cowley comes back to Council and says his rate is \$75 an hour and Mr. Hayes says he doesn't want to do it for \$75. Vince Cruciani stated that Council can change it to vote for Mr. Cowley. David Jenkins asked how much Mr. Cowley charges right now. The answer was \$125 an hour. All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-no, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-no, and Mr. Williams-no, vote was 4-3 to appoint Kevin Hayes.

APPOINTMENT OF BOROUGH AUDITOR Murphy, Dougherty and Company

Herman Johnson made the first motion to appoint Murphy, Dougherty and Company, seconded by Pat Williams. On the question, Vince Cruciani asked if the current contract with them has fixed pay amounts that end through this year, so it would be work commenced in 2016, doing the taxes of 2015. Mr. Cruciani made the sub-motion that we make this appointment effective for one year rather than two so that Council can revisit the contract and get an appointment so this would be a one year extension that would expire December 31, 2016. Virginia Kehoe stated that the vote is on the sub-motion – for one year. All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-yes, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes, vote was unanimous 7-0. Ms. Kehoe stated that now the vote was on Murphey, Dougherty and Company. All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-yes, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes, vote was unanimous to appoint Murphey, Dougherty and Company.

APPOINTMENT OF BOROUGH ENGINEER Colwell Naegele

Herman Johnson made the first motion to appoint Colwell Naegele as the Borough Engineer, seconded by Pat Williams. All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-yes, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes, vote was unanimous to appoint Colwell Naegele.

Vince Cruciani stated that under the PSAB guidelines we must by law appoint an Open Records Officer. David Jenkins made the first motion to appoint Virginia Kehoe as the Open Records Officer, seconded by Pat Williams. All in favor or against roll call: Mr. Bennett-yes, Ms. Carey-

yes, Mr. Cruciani-yes, Mr. Jenkins-yes, Mr. Johnson-yes, Mr. Scott-yes, and Mr. Williams-yes, vote was unanimous to appoint Virginia Kehoe as Open Records Officer. Herman Johnson stated that you have an Open Records Officer which is Ms. Kehoe, and they have no problem with that but when they wanted to vote for her to be with the tax, they were complaining that she lives out of town. This is very, very confusing, and everybody voted yes on the last one. Vince Cruciani stated that the Open Records Officer works in the Borough. Herman Johnson said works in the Borough and is privy to all kinds of information, but she lives out of town and they wanted to even not vote on that. Vince Cruciani stated that he would be happy to entertain other ideas. Herman Johnson said he isn't going to say any more, he has said enough. Vince Cruciani stated that he would second the motion that makes Jenn Basalyga the Open Records Officer, she lives in town. Herman Johnson said that you can always change it but what he is trying to say is everyone has the mad face on and he doesn't care because he has thick skin. This newly elected Council cannot even function.

PUBLIC HEARING – ORDINANCE 2016-01 SEWER ORDINANCE AMENDMENT

- 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**

December 2, 2015 Regular Council Meeting:

Herman Johnson made the first motion to approve the minutes, seconded by Pat Williams. On the question Vince Cruciani asked if the minutes reflected where they asked for a resume and a letter of interest for the applicable positions to be submitted by Christmas-Eve. Jenn Basalyga will look into these to find that information. Herman Johnson and Pat Williams rescinded their motion. We will double check the minutes and see if we can find that information.

- 3. PUBLIC COMMENT & INPUT: President Carey**
Walter Kierzkowki introduced himself to Council. Lori Harris has sent a warning to him on having chickens. He has three chickens to feed his family, he rents a pen, they got out and people were upset. He has a chicken not a rooster. Vince Cruciani stated that his understand is that the Borough, unless SAPA exempts us; need to have a property that satisfies the agricultural zoning. Where in the Borough is that. Virginia Kehoe said she doesn't know that she will look into it. Gerrie Carey stated that in the meantime they can take this under advisement, do the research and get back to him on it. Mr. Cruciani said that in the meantime if he is found to be justified and the Zoning Officer has the chickens removed, we are going to be liable. The question was can he keep his chickens until this is resolved. Vince Cruciani heavily suggests Mr. Kierzkowski putting together a little bit more information together for the work session, the last Tuesday this month. David Jenkins made the first motion to give a little latitude until their next regular meeting, seconded by Herman Johnson, vote was 6-1 with Pat Williams voting no. On the question Pat Williams stated that they have addressed the situation with chickens previously. Mr. Williams stated that this is a residential area, and he doesn't know where the other councilman is going on SAPA. Chickens make noise and they did away with

chickens in the Municipalities many years ago. Mr. Williams stated on the point of feeding his family, quite honestly eggs are not that expensive, and he finds that to be far-fetched. Pat Williams stated that he against what that gentleman over there is referring to (Mr. Cruciani) and quite honestly Mr. Williams is disappointed tonight that Mr. Kierzkowski would ask them to do that. Mr. Kierzkowski stated that he values Mr. Johnson's opinion, the chickens, not the roosters make the eggs. Vince Cruciani stated that the City of Scranton allows chickens, is that correct? Answer was yes. Mr. Johnson stated that there are a lot of other municipalities that allow chickens and a lot of them that don't, and the ones that do are in a commercial area or set aside in a certain area. This town of 5,000 residents, it is a residential Borough. Vince Cruciani stated that chickens are allowed in the residential areas of Scranton. Mr. Williams said irregardless, he has the floor now. Vince Cruciani stated that he was talking to Mr. Kierzkowski before when he had the floor. Mr. Williams stated that as a Councilman of many many years he would like Mr. Kierzkowski to reconsider this. Mr. Williams stated that there are plenty of agriculture areas around us, not Clarks Summit Borough. These are things that we have already gone through; next it will be pigs etc. Thanked him for coming in and giving him his thought. Virginia Kehoe stated that there is a motion to table this until the next meeting. Solicitor Rogan asked isn't this the Zoning Enforcement Officer's call. Vince Cruciani stated that the issue is do chickens fall under the pet element of the zoning. Solicitor Rogan said that is up to the interpretation of the Zoning Officer Mr. Cruciani stated that they are asking for a month to let the Solicitor provide the interpretation. Solicitor Rogan said that he will first check and see if that is the appropriate procedure the move on from there if necessary. Herman Johnson said when the Zoning Officer cites an individual for a violation like that, what is his recourse to get out of that citation. Virginia Kehoe stated that Lori Harris the Code Officer would write up paperwork to bring him to the Magistrate and the Magistrate would make the decision. Mr. Kierzkowski stated that he wanted to come before Council and Ms. Harris would hold off until hearing from Council. Herman Johnson stated that reasoning favors tabling this until we do our research. Pat Williams asked Council to also take his thoughts under consideration.

4. BIDS & QUOTATIONS:

President Carey

- None
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5. COMMITTEE REPORTS

Madame president tables committee reports until new committees were assigned.

- | | |
|-------------------------------|-----------------------|
| • Building & Plant | Pat Williams, Chair |
| • Finance Committee | Dominic Scott , Chair |
| • Grant Committee | , Chair |
| • Recycling Committee | , Chair |
| • Insurance Committee | Vince Cruciani, Chair |
| • Personnel Committee | Gerrie Carey, Chair |
| • Public Safety/Safety | Pat Williams, Chair |
| • Public Works | Herman Johnson, Chair |
| • Recreation | Dominic Scott, Chair |
| • Sewer Billing | Dominic Scott, Chair |

- **The Gathering Place** Gerrie Carey/Pat Williams
- **Banner Committee** Gerrie Carey/Herman Johnson
- **Depot St Project** Herman Johnson
- **Stormwater Committee** Herman Johnson
- **ACOG Representative** Patty Lawler/Gerrie Carey/Dom Scott
- **Additional comments from Council**

6. BOROUGH TREASURER’S REPORT

President Carey

Herman Johnson made the first motion to approve the Treasurer’s Report, seconded by Dominic Scott. Vince Crucian asked for roll call because he didn’t hear anyone say anything for either yes or no. Mr. Cruciani asked to redo the voice vote. They did revote 7-0.

7. POLICE REPORT:

Mayor Lawler

Vince Cruciani thanked the police department for exemplary work. David Jenkins asked if the police department could concentrate on the people that park in the opposite direction on Davis Street. Mr. Jenkins, it seems like this is the norm. Vince Cruciani implored Chief Yarns to run, by the work session, a small cost benefit and see how many late tickets we get a year. Then take that and multiply it by 5 and take a look at what it would cost to print the new tickets rather than using the old tickets up. How many non 72 hour tickets do we get every year, more than 100, Chief Yarns said probably 7 or 8 a month. Then it probably wouldn’t be worth it. After 72 hours the new rate is \$15 and the old tickets still say \$10. Chief Yarns will take a look at that. Bob Bennett also thanked Chief Yarns stating that he sees their cars out riding around an awful lot and he appreciates that. Herman Johnson complimented him for keeping the overtime down. Since he has been Chief the overtime has stayed down consistently. Also, with the staff that he has, he is a good manager. He would keep a check on 4-1 and 4-5 with high mileage. They have some issues that were under warranty. Herman Johnson also asked if they hold a monthly meeting. They do, they will have one this month and will ask new secretary to attend. He would like to change the monthly report, if anyone has suggestions or ideas that would be helpful. They are getting more digitalized, getting rid of more papers. Mr. Johnson said that he wishes that when they have a monthly meeting, invite one member of Council down so they can better understand what is going on. Mayor Lawler stated that their new secretary and their new part time police officer are working out very well. Eric Williams has been working on the drug take back program. Herman Johnson said if you see in the paper you can see that the police department is working. Bob Bennett wanted to thank Office Williams for his professionalism and his handling of the situation.

8. VENDOR PAYMENTS TO BE RATIFIED:

President Carey

Dominic Scott made the first motion to ratify the vendor payments, seconded by Herman Johnson, vote was unanimous 7-0.

9. OLD BUSINESS:

President Carey

- **2016-01 Sewer Ordinance Amendment:** Herman Johnson made the first motion to approve Sewer Ordinance Amendment 2016-01, seconded by Pat Williams, vote was 6-1 with Bob Bennett voting present.
- **Order Parking meters?** Virginia Kehoe asked if Council wanted to move forward with parking meters at this time or do they want to wait. They have changed the law to reflect .50 cents an hour, quarter only machines. There would be #140 because we are replacing all of them. David Jenkins stated that we don't have to order them all at one time. Ms. Kehoe stated that we do not have to but if the law is .25 cents per half hour, who picks which ones are changed out. Herman Johnson stated that there would also probably be an extra charge for shipping ½ now and ½ later. The quote was for all of them at one time. Mr. Johnson said they should order them all and at least we would have them, they are already budgeted for. George Carros will be in charge of installing them. Herman Johnson made the first motion to purchase the meters, seconded by Pat William. On the question Pat Williams thanked everyone for their participation with this, and for the finance committee for budgeting it. David Jenkins asked what the bottom line was on the meters. Ms. Kehoe said around \$65,000. Ms. Kehoe stated that they budgeted to replace all of the units, and next year replace the housing. Is the motion to purchase at the budget amount, Herman Johnson said yes? Pat Williams asked on the question, the housing, what does that involve? That is the dome. We are replacing the guts. The housing is acceptable and we are holding off one more year. Mr. Carros informed him that a lot of the housing, the dome gets fogged up, maybe when it comes time, maybe they should research that to see if there are better ones. Vote was 5-2 with Bob Bennett voting present because this is all new to him. Vince Cruciani stated that he voted no because he doesn't think it should be quarters only.
- **Staff raises:** Virginia Kehoe stated that she needs someone to move forward with determining the office staff raises for 2016. The Finance Committee allowed some money in the budget, now it is up to the Personnel Committee to make a recommendation to Council. The Personnel Committee should meet and discuss that and make a recommendation to Council. Please meet and move forward.

10. NEW BUSINESS:

President Carey

- **Resolution 2016-01 Thank you to Jim Klein:** Vince Cruciani stated that the information on the Resolution is wrong. Vote was to table this. Please present this in a frame.
- **Resolution 2016-02 Police Withholding:** Herman Johnson made the first motion to approve Resolution 2016-02, seconded by Dominic Scott, vote was unanimous 7-0. Herman Johnson said we can charge up to 5% going into the pension plan, the Pension Board agreed unanimously to keep it at 4%.
- **Resolution 2016-03 and 2016-04 – Fund Bank Accounts:** Herman Johnson made the first motion to approve Resolution 2016-03 Fidelity Bank, seconded by Dominic Scott, vote was 7-0. On the question, Vince Cruciani asked if we shopped interest rates. Virginia Kehoe said they have been shopping continuously to get the best rates. Herman Johnson made the first motion to approve Resolution 2016-04 Wayne Bank, seconded by Dominic Scott, vote was unanimous 7-0.

11. SOLICITOR'S REPORT:

Solicitor Rogan

Solicitor Dan Mulhern stated that they will research the pet ordinance regarding the chickens with Lori Harris. Solicitor Mulhern is happy to serve. Pat Williams stated that he thought we had resolved that issue, do we have to go through this all again. Vince Cruciani stated that the question would be if you apply Walter Kierzkowski's logic is that there is a distinguishment between a small animal and a pet and that a chicken isn't a pet, it is a small animal, the question is what is a small animal.

12. CORRESPONDENCE:

- **Ron Koldjeski – Lackawanna County Tax Claim:** David Jenkins asked where on Greenwood, Ms. Kehoe would have to find that out. Ms. Kehoe stated that it is a 30 foot vacant lot. They probably have a lot number on the deed. Ms. Kehoe stated that if it is sold to somebody that does not own an adjoining property then it would become a legally non-conforming lot. They would have to meet the ordinance restrictions which are modified for non-conforming. Vince Cruciani asked what the impact is on the Borough, Virginia Kehoe said the \$2000 goes towards delinquent taxes for the county and the borough and it now makes it a taxable property, because we haven't been collecting them. If we don't, Ms. Kehoe doesn't know legally if we reject it. Vince Cruciani asked about back taxes. Vince Cruciani made a motion to table this vote until we get the financial figures. Herman Johnson agrees with Mr. Cruciani but stated that he thinks the assessment says \$600. It is in a judicial sale so we would have to see. Bob Bennett said that he would also like more information before they make a decision. Mr. Cruciani stated that this is a perfect opportunity to spend \$2100 to buy it and turn it into a land bank, the Borough is grossly over-developed and this is one more chance to stop that. Herman Johnson stated that is a good idea because that helps with the MS-4 project. Set something up with personnel and finance to see what we have to see if we can do these things. It's nice to say we want to do this, but do we have the money. He doesn't want to goof up our budget, but he wants to make sure we are working towards our MS-4 project.
- **DeLeo estate property donation:** Virginia Kehoe stated that we accepted that donation of the land off of Florence, and he had mentioned these other properties in the PP&L right of way. There are other properties that are owned by the DeLeos that they are willing to donate to the Borough. They are buildable, they are right of ways. They are willing to give them to us so they don't have a tax liability. David Jenkins made the first motion to accept their gracious donation, seconded by Herman Johnson, vote was 7-0. Solicitor Mulhern asked how do we know they are not buildable? Ms. Kehoe said because they are in the right of way. They are the width of the right of way of the electric company.
- **Morgan sewer request:** Virginia Kehoe stated that Mr. Morgan converted his home from a two family to a single family home, now he is asking that the EDU's be dropped to one. David Jenkins stated that is a job for the Code Enforcement Officer to check out to make sure there is not still an ingress or egress, because they could convert that back to an apartment at any time. Ms. Kehoe stated that Lori Harris did grant the permits for the work. Ms. Kehoe stated that there is no legal obligation on their part to let us in. They could deny access. Herman

Johnson said if they deny access then we keep charging them 2 EDU's. Ms. Kehoe stated that they can table this until the Code Enforcement Officer does the verification.

- **Planning Commission recommendations - Ordinance 2016-02 and 2016-03:** Virginia Kehoe stated that they were asked to address certain issues and they forwarded a recommendation regarding fences and the other involves livestock, stables, animals and pets. Ms. Kehoe wanted to know if they should move forward with these to advertise them for public hearing or should they be tabled. Vince Cruciani stated that especially with the fencing ordinance he thinks there is significant deficiencies with clarity that really should be worked out at the worksession. Mr. Cruciani stated that nobody is putting up a fence in the winter. Gerrie Carey stated that they can table this until the work session. David Jenkins agreed.
- **Decker sewer request:** Mr. Decker has 5 apartments and 4 businesses, so we changed him to 9 EDU's to represent that. At this point he has some vacancies and that there was a previous agreement with the Borough approximately 25 years ago to limit it to 5 EDU's, and he would like to go back to that. Jenn Basalyga stated this is how we have been doing it. David Jenkins agreed. Herman Johnson said we have to follow what they have been doing and stay right on course. But he would strongly suggest we research our files to see if there is anything on record and give him an opportunity if he has anything.

EXECUTIVE SESSIONS:

President Carey

- **Prior-**
- **During-**
- **Subsequent-**
-

ADJOURN:

President Carey

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