

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
FEBRUARY 3, 2015**

The February 3, 2016 Borough Council Reorganization Meeting was conducted on Wednesday, February 3, 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.

CALL TO ORDER:

President Carey

MEDITATION:

Mayor Lawler

PLEDGE OF ALLEGIANCE:

Mayor Lawler

**INTRODUCTION OF MIKE COWLEY, MIKE HARGROVE AND
GREG PASCALE**

President Carey

Greg Pascale addressed Council. Mr. Pascale stated that he was invited by the Borough Manager, if anyone has any questions or if they would like he could tell Council what they have been doing with the park. Gerrie Carey stated that if Mr. Pascale wants to let them know how long he has been on the AAJRB and then they will meet with Greg Pascale at another time and go over the particulars of the park and where we stand. Greg Pascale stated that he served three years and he is also the unpaid Solicitor for the park. Mr. Pascale is very impressed with Mike Hargrove and how much effort goes into the park. Mr. Pascale passed around pictures of the park from about 25 years ago and today. It is remarkable what has gone on. In the last couple years they completed a \$1.1 million project with the turf field which is lighted. They recently completed the handicapped accessible walk all around the lake. New handicapped accessible bathrooms, they will be paving the parking area this spring and that is the last part of the RACP grant and there will be a lot of signs added. Mr. Pascale stated that he is willing to serve if Council wants him to. Also, the one thing that Mr. Pascale stated he would encourage Council to do is, the way the park was originally set up, the original agreement contemplated one of the people from each of the governing bodies actually sitting on the board. Mr. Pascale suggests one of the Council members come to the meetings, because it is not a no show position. People show up and these meetings go on for 2 or 3 hours. There is a lot of committee work that goes on which is really impressive. Mr. Pascale handed out a study on done by the Center for Rural Pennsylvania and what municipalities are spending for recreation per capita. Clarks Summit would fall under midsize municipality and the average per capita is \$19. The contribution from Clarks Summit to the Rec Board is \$3.30 per resident. They are getting a real bang for our buck. The amount of money spent doesn't involve any extras. To mow the grass, pay the insurance. The accounting and audit has been a big part of their budget. If there was a way for the 5 municipalities to find a way for them to save money in insurance or in auditing and account that would be great. The rest of the money is for mowing the grass, picking up the garbage, taking care of their equipment and a lot of it is done with volunteer labor. Money is not spent frivolously. If they are going to buy a new piece of equipment it is debated on the board level and a lot of time there is not a consensus and they will come back to a meeting or two later and find a way to get it cheaper. Mike Hargrove is on the recreation committee, which is softball, football and soccer, scheduling all of that. They have other groups that rent the field which helps

pay the cost of the utilities. The last meeting there was talk of a group from the YMCA starting a flag football league in the Spring which Mike will have to do a lot of work to get off the ground. Vince Cruciani sincerely thanked them for volunteering. Mr. Cruciani asked about an email and if each municipality has one voting member. Mr. Pascale stated that they researched this last year. Since its inception all of the municipalities have a rule to have three voting members on the board and it has been run that way for years. If the municipalities want to have one voting member, that's fine, they are bound by what the municipalities do. That would have to be done at Council's level, that is a legislative decision. Vince Cruciani said the last two years can they demonstrate that non-municipal entities that are users that pay fee based have also received commensurate increase just like the taxpayers are and the user base. If the league had a rate of \$50 would it be \$52.50 now. Mr. Cruciani stated that he thinks most taxpayers would want to see user based fees increase commensurate with the tax fee increases, so the increase burden is not just on the taxpayer. Greg Pascale stated that most of the users are residents of the five municipalities. Secondly the real driver of their cost increase has been the audit. Their new treasurer is a CPA and he feels his office can put time into it to reformat their accounting which will be able to bring the cost of the audit down. There is also the increase in insurance. They have put a lot more professionalism in their accounting and auditing system. It was done on a volunteer basis and now it is professionalized and that costs money. Vince Cruciani stated that the Borough is losing money on the subsidization of the Senior Center and the intent of the center is to have a break even relationship with Telespond who rents it, not to have a net loss. They are working as a Council with Telespond to create that situation; the problem is there is an ambiguity in the contractual relationship between the building which sits on AAJRB land how long the lease of that building is good for with AAJRB. Mr. Cruciani stated that in order for the Borough to be able to transition the operation of the Senior Center to Telespond we need to redefine and solidify the relationship between the two entities with that building. Greg Pascale stated that this been a question for a couple years and apparently nobody can find the documentation. Mr. Cruciani stated that as the Borough's representatives on this board, we need this transition first half 2016, this is something that they need to sit down and work on to define. Mr. Pascale stated that whatever they need to do to accommodate the municipality they are willing to do. Mike Hargrove stated that he has been a part of this park for 25 years, every day he is there for one reason or another and he is so happy to see the way the park has grown. Mr. Hargrove stated that it is a big team effort and it so worthwhile to so many people using it. Greg Kozar introduced himself as being part of the AAJRB also representing Clarks Summit Borough. Herman Johnson made the first motion to appoint Greg Pascale and Mike Hargrove to the AAJRB, seconded by Pat Williams, the vote was 7-0. On the question Pat Williams stated that he can't thank them enough, Mike Hargrove is a very dedicated man and honestly all of the people on the AAJRB when he (Pat Williams) was on were dedicated. The walk around the park is fantastic. Vince Cruciani stated that he takes their word for it that for every percent increase they are asking from the taxpayer, they are also asking for the user based organizations. Mr. Cruciani stated that he asked that they be treated equally one for one and that is reflected next fall. Mr. Cruciani thanked them for coming and that it meant a lot.

Mike Cowley spoke to Council about being re-appointed as the Solicitor to the Planning Commission. Mr. Cowley stated that Council has a superior Planning Commission. They are five gentlemen who together who are very careful in reviewing plans, who offer input when needed. Mr. Cowley stated that he believes the Planning Commission members truly respect the citizens who appear at the Planning Commission, regardless of the issue. John Durdan, the chair does a great job. Gerrie Carey thanked Mike Cowley for his generosity throughout the years. Mr. Cowley took a look back at what was done, what information he had provided the Borough and he realized that perhaps once a week, he would stop in at the office to see what is happening,

to see if there is an issue, to see if anything is developing that we need to get a hold of. Maybe, he will see if there is something or someplace that he needs to go take a look at so he knows what is being talked about. Sometimes you don't know an answer to the question until you go to the site to take a look. This is not something he billed for, this is something we would do because he is a member of the community who is supposed to do a job and that's what he tries to do. Mr. Cowley stated that he has had an enjoyable experience working for the Borough because it's his adopted home and it has been very good to him. Herman Johnson made the first motion to appoint Mike Cowley, seconded by Pat Williams, vote was 7-0. For the record, Virginia Kehoe asked about Kevin Hayes. Pat Williams made the motion to relieve Kevin Hayes of his appointment to the Planning Commission, seconded by Herman Johnson, vote was 6-1 with Vince Cruciani voting vo.

RESOLUTION 2016-01 THANK YOU TO JIM KLEIN

President Carey

Herman Johnson made the first motion to approve Resolution 2016-01, seconded by Pat Williams, vote was unanimous 7-0. Mayor Lawler read the Resolution to Jim Klein.

1. APPROVAL OF AGENDA:

President Carey

Herman Johnson made the first motion to approve the agenda, seconded by Pat Williams, vote was 7-0.

2. APPROVAL OF MINUTES:

President Carey

- **December 2, 2015 Regular Council Meeting**
- **January 4, 2016 Reorganization and Regular Meeting**

Herman Johnson made the first motion to approve both sets of minutes, seconded by Pat Williams. Solicitor Pat Rogan stated that he hasn't had a chance to read the minutes and he might want to listen to the recording of the minutes. On the question Bob Bennett wants the vote amended because he wasn't present for the December meeting and for the January meeting he plans on voting no. Bob Bennett made the first motion to amend the vote so the votes for the meetings are separate, seconded by Vince Cruciani, vote was unanimous 7-0. Herman Johnson made the first motion to accept the December 2, 2015 meeting minutes, seconded by David Jenkins, vote was 6-0 with Bob Bennett voting present. Herman Johnson made the first motion to accept the January 4, 2016 minutes, seconded by Pat Williams, vote was 4-3 with. David Jenkins stated that in the January minutes when Mr. Bennett voted present it was listed as an abstention, and it is not and he would like the minutes to reflect that. Bob Bennett, Vince Cruciani and David Jenkins all voted no. Gerrie Carey, Dominic Scott, Herman Johnson and Pat Williams voted yes. The motion passed with the note that the audio recording will not be erased.

3. PUBLIC COMMENT & INPUT:

President Carey

Walter Kierzkowski stated that he received a letter two days ago from Virginia Kehoe saying that the board voted no to the chicken but there was no information provided to him. Vince Cruciani stated that he does recall last month that there was a 6-1 vote that there would be a one month waiting period and he was surprised to see the letter from Council had already been sent and received by him. Mr. Kierzkowski stated that he is defending his position that he is not keeping pets. He purchased the chickens from Miller's Country Farm and he provided a letter to Council saying that

he does not provide pets. Chickens are sold for production purposes only and they are not pets. They are birds that produce food. According to the ordinance it lists chickens as small animals. The ordinance does not prohibit chickens. Mr. Kierzkowski doesn't understand why there is a resistance to having chickens in the neighborhood, they provide food for his family and it's cheaper in the long run. Vince Cruciani asked with the prevalence of lime disease, the beneficial ability of chickens to consume ticks and they don't pass on the lime disease, they are a natural pesticide for any kind of insect. Mr. Kierzkowski stated that he is planning on going before the Zoning Hearing Board. Herman Johnson said that he thinks that's what Mr. Kierzkowski should do. He thinks Mr. Kierzkowski should have been informed to first go before the ZHB. Mr. Johnson stated that he did vote against this but the more he thought about it he figured that Mr. Kierzkowski should have been directed to Zoning. Vince Cruciani stated that the Solicitor would have the actual answer. Mr. Cruciani stated that what Mr. Kierzkowski is asking for now is special exception. Mr. Cruciani just wants to make sure he is going where he needs to go. Solicitor Rogan stated that they are not going to give an opinion now since they just received a lot of the information. Mr. Cruciani stated that this would be interpreted in Zoning, and then Council would go from there. Herman Johnson agreed. Bob Bennett stated that while he was reviewing information on this subject, there were a few ordinances refer to "fowl." These ordinances need to be reviewed and Mr. Bennett stated that it may be a safety issue. Herman Johnson disagreed with Mr. Bennett stating that he doesn't believe this is a safety issue at this time. Mr. Johnson stated that should be discussed at a work session. Mr. Bennett asked if the Public Safety Committee is going to take any action at this time. Gerrie Carey replied not until we get the recommendation from Zoning. Pat Williams commented, please don't words in people's mouths. Mr. Bennett then asked Mr. Williams if he had something to say. Mr. Williams said no. Herman Johnson said that at this time he doesn't think that the Safety Committee needs to get involved. Carol Williams spoke to Council stating that she thought that chickens were not allowed in Clarks Summit. There are 11 Boroughs that do not allow chickens. In Scranton you can have all of the chickens you want. Ms. Williams doesn't understand how this is an issue, she asked why this is an issue. Then she directly asked Mr. Bennett why this is an issue. Mr. Bennett stated that he doesn't have an answer because he is confused himself by the different ordinances and their respective coverage. Solicitor Pat Rogan stated that Public Comment is to make a comment; she doesn't get to question the Council, not to offend her. Ms. Williams apologized but did say how can someone move to Clarks Summit and just decide to have chickens in their yard and not call the Borough to see if they are allowed.

Gerard Hetman with Lackawanna County Community Relations Department updated Council on activities happening in Lackawanna County. The Depot Street project can be bid in February, as soon as that happens he will let the Borough know. Herman Johnson thanked Gerard Hepman for moving things along with this project. He did a great job.

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| 4. | BIDS & QUOTATIONS: | President Carey |
| | <ul style="list-style-type: none">• N/A | |
| 5. | BOROUGH TREASURER'S REPORT | President Carey |

Herman Johnson made the first motion to accept the Treasurer's Report, seconded by Dominic Scott, vote was unanimous 7-0.

6. COMMITTEE REPORTS:

- **Building & Plant** Pat Williams, Chair
- **Finance Committee** Dominic Scott, Chair
 - **Ratify transfer of \$50,000 on December 17 to Debt Service Fund (as per motion in 12/2 minutes):** Virginia Kehoe stated that there was a motion and a second and it was unanimous on December 2, 2015 where if we had a surplus, \$50,000 is put towards the Debt Service Fund. Ms. Kehoe stated that we took that action. The auditor stated that she would like to see this vote ratified since it was an "if then" vote. She wanted more. Dominic Scott voted to ratify the transfer of \$50,000 to the Debt Service Fund, seconded by Herman Johnson, vote was unanimous 7-0.
- **Grant Committee** Dave Jenkins, Chair
- **Recycling Committee** Bob Bennett, Chair

Mayor Patty Lawler stated that they are trying or organize a "shred fest" for April, around the 23rd. Mayor Lawler told the scouts who were present at the Council meeting that the Borough could use their help. They would be in touch. The Ice Festival is also coming up. Dominic Scott asked if it was true that the school district doesn't recycle. Bob Bennett stated that he would go to the schools; seek an appointment to discuss this. Mr. Scott asked the newspaper reporter at the meeting to put that in the paper that Abington Heights doesn't recycle.
- **Insurance Committee** Vince Cruciani, Chair
 - **Highmark Traditional Plan Changes**

Vince Cruciani stated that the plan did change in a way that is favorable regarding the out of pocket max so it doesn't negatively impact the officers, so it doesn't have to be addressed in a bargaining sense, so we should be fine. It probably won't financially affect us because a limited number of officers take the plan and it involves the out of pocket expense. Virginia Kehoe stated that we need a motion and a vote from Council to accept the change. Ms. Kehoe also stated that the Police Negotiation Committee, one of the clauses in the Police Contract is that they have to have continuing coverage the same or better than. Ms. Kehoe would like it to be acknowledged that it is the same or better than what it was, not this change, because now we are held to a lower standard. If we go back to that mark again with a different insurance company at some point they are going to expect us to cover the difference. Herman Johnson made the first motion to accept the out of pocket changes to the Highmark Health Plan, seconded by Dominic Scott, vote was 7-0.
- **Personnel Committee** Gerrie Carey, Chair
- **Public Safety/Safety** Pat Williams, Chair

Pat Williams stated that he met with Dave Masler from Penndot and Bill Faux from the paving company. They were able to get many manholes in the Borough raised; they extended themselves right down through South Abington. They are going to put a street light on a pole on Thurston. Mr. Johnson and Mr. Williams went down in the daytime and in the evening and it is very dark and definitely needs a light on the pole. Mr. Williams is asking for some signage warning people of the turns. Ms. Kehoe

stated that the DPW has already been notified to put the sign up. Mr. Williams asked what sign was chosen. Ms. Kehoe said “Curve Ahead.”

- **Public Works** Herman Johnson, Chair
- **Recreation** Dominic Scott, Chair
- **Sewer Billing** Dominic Scott, Chair

Gerrie Carey stated that letters went out with the new procedure that is going to take place next year. Jenn Basalyga stated that 211 letters were sent out, reaching 561 businesses and or apartments. Some phone calls about this, no problem. Slowly integrate the system, no complaints. Wrote a separate letter, there were businesses that were not being billed. This has gone well also. Virginia Kehoe stated that this is an integration with the landlord listing and the Business Registration. We realized that there were offices that had three separate businesses, that’s where the additions came in. David Jenkins asked about the housing complex off of Gravel Pond Road. Virginia Kehoe stated that is in South Abington Township, we get the pass-throughs and Dave O’Neill gives us a report every year of the EDU count. Herman Johnson thanked Jennifer for the commendable job. A couple of years ago our billing was in bad shape and the way he looks at it now with all of the correspondence in the reports, we are just about 90%-95% corrected and the follow up that Jennifer does, should be commended and he thanked her personally. Jennifer stated that the office staff is a big help, Mr. Johnson agreed. David Jenkins also said thank you.

- **The Gathering Place** Gerrie Carey/Pat Williams

Gerrie Carey stated that she spoke to Mary Ann Nichols and they are waiting for the architect to come up with the bids. The bids will come to Council first, they will go over them, and then they will go out to bid. There were two grants one is for \$100,000 and the other is for \$30,000. Vince Cruciani stated that we know the Gathering Place has the \$130,000 in escrow essentially, plus they have somewhere around \$50,000. If the renovation plan is about a \$300,000 plan, Ms. Carey said it is about \$350,000. Mr. Cruciani asked if the bids are going out with line items, where the initial work can progress and be halted and still have a functional building at around \$180,000-\$150,000, or is it going out for total renovation at \$300,000. Mr. Cruciani stated that if it is not done progressively they might not get the whole project done. Gerrie Carey stated that she believes it will be done in phases so Council will be able to see every phase before it is sent out to bid.

- **Banner Committee** Gerrie Carey/Herman

Johnson: Solicitor Dan Mulhern asked if Council wanted this finalized because there was a discrepancy between some of the dates, if the banner would be taken down in 10 days or 90 days. Herman Johnson said that he thinks Vince Cruciani had a few questions about indemnity.

- **Depot St Project** Herman Johnson

Herman Johnson stated that it is just about finalized and going out for bid next month, we are going to receive about \$275,000 and the work for the contract is \$219,000. We need to get together with the residents and the business people on Depot Street, if they want to do anything with their store fronts before we go in and do our work. Mr. Johnson stated that it’s going to be a really good project, sidewalks, trees, lights, curb cuts, we can build off that down the line, have events on Depot Street. Mr. Johnson thanked the Depot Street Committee and the Council members who put their hart and effort into this and especially thank the County Commissioners for their effort too.

- **Stormwater Committee** Herman Johnson

Virginia Kehoe stated that there will be a public information session at 6:30pm on Tuesday before the work session. Storm water education session, this will be advertised for the public.

- **ACOG Representative** Patty Lawler/Gerrie Carey/Dom Scott: Dominic Scott stated that they are deciding on the best way for 1st responders to be recognized for doing such a good job. They are figuring out the best date to do that. Herman Johnson suggested doing it during fire prevention week. Mr. Johnson said that the fire department, police department, and EMA don't get the recognition they deserve. They are our first line of defense.
- **Police Negotiations** Gerrie Carey/Herman Johnson: Council is waiting to get the information from Office Shedlock and they can start negotiations. Herman Johnson stated that he spoke with the President of the Police Association; they are getting all of their documentation together. Mr. Johnson said we have a bunch of bright young men and everything will work out fine for the employees and the Borough.
- **Additional comments from Council:** Pat Williams thanked Gerard Hepman for bringing the information on Depot Street. This sign of our Borough moving forward, this will be great for our Community. Gerrie Carey spoke to the Boy Scouts that attended the meeting and said that at Veteran's Park the Borough is looking for help with that park, for an Eagle Scout project. David Jenkins asked Pat Williams about a problem on Greenwood Avenue back in November. Mr. Jenkins explained where the issue is, when you go down Greenwood you can see this issue, thinks the sewer is starting to cave in. Mr. Williams stated that there are issues on Greenwood where they had work done recently. Herman Johnson said we had a subcontractor put in the sewer line. Wondering if that area settled. Ms. Kehoe had Bob Naegele check that area out and he didn't think it was in the vicinity of the sewer. Make sure they are checking the same place out. Herman Johnson asked to make a motion to sponsor the Junior Council Member Christian Orlando. He is graduating from AH, been on Council almost a year. Looking for a grant, seconded by Bob Bennett, vote was unanimous 7-0.

Chase Van Sickle, one of the Boy Scouts asked Council about the baseball field on Sheridan Avenue. He suggested making it into homes, it is just collecting dust. We have a lease with the little league on it. Herman Johnson suggested inviting someone from the Little League to the work session.

7. **POLICE REPORT:**

Mayor Lawler

Herman Johnson is very impressed with the progress the Police Department has made of the last year. He complimented Ed Orzalek for his excellent work with the Commercial Vehicle Enforcement and in Lackawanna County not many departments have this capability. They are doing an outstanding job. Chief Yarns stated that there is a problem with 5 meters and cross walks. A parking meter must be 20 feet from a crosswalk. Herman Johnson stated that the Borough Manager can put a work order in and take care of one meter at a time. Vince Cruciani thinks it is important to emphasize to the officers that on Depot Street and the area on 6&11, Mr. Cruciani would rather see someone park their car there overnight and take a taxi home after a night at State Street or the NYX, if there is not a snowstorm expected. Mr. Cruciani stated that he knows it is a fine line to walk. Chief Yarns said maybe they can come

up with some kind of pass, Vince Cruciani said the owners of the bars could hand them out. Vince Cruciani asked about lifting the parking ban on just Depot Street, does that really disrupt the snow removal operation. Chief Yarns said that would have to be an experiment situation. Herman Johnson said it might disrupt the snowplowing. There is an overnight parking ban on Depot Street and a snow emergency ban on State Street. Chris Yarns said he understands the situation and the police use discretion with this. Bob Bennett asked about the list of alarms that go off in the Borough. Mr. Bennett asked at what point you distinguish between an alarms that is real as opposed to a false alarm. Chief Yarns said they will first give a warning then a citation if it continues. False alarms are being actively addressed.

8. **VENDOR PAYMENTS TO BE RATIFIED:** **President Carey**
Herman Johnson made the first motion to ratify the vendor payments, seconded by Dominic Scott, vote was 6-0. David Jenkins abstained.

9. **OLD BUSINESS:** **President Carey**

- **Appointments**

- **AAJRB – Mike Hargrove and Greg Pasquale**
- **Vacant ZHB Alternate**
- **Shade Tree – 2nd seat Michael Sulzinski:** Herman Johnson made the first motion appoint Mike Sulzinski, seconded by Pat Williams, vote was unanimous 7-0.
- **TCC – alternate – Virginia Kehoe:** Herman Johnson made the first motion to appoint Virginia Kehoe as TCC alternate, seconded by Pat Williams, vote was unanimous 7-0.
- **EMA Assistant – Tanisha Jagoe:** David Jenkins stated that point of order on the minutes of the Reorganization Meeting, Tanisha Jagoe was already approved. Mayor Lawler asked for Tanisha Jagoe to be labeled as Deputy rather than Assistant.
- **Senior Site Council – Bob Gilbert:** Pat Williams made the first motion to appoint Bob Gilbert, seconded by Pat Williams, vote was unanimous 7-0.
- **Borough Manager – Virginia Kehoe:** Herman Johnson made the first motion to appoint Virginia Kehoe as Borough Manager, seconded by Bob Bennett. Gerrie Carey asked on the question stated that they would like to have the office open from 8am-4pm. Bob Bennett stated that is a different issue. Gerrie Carey stated that they want to move forward with the different hours. Pat Williams agreed saying they can then implement it. Herman Johnson stated that he thinks Bob Bennett is right, he thinks it is a separate issue and this needs to go back to a work session so everyone can give their input. Mr. Johnson said that they should just be recommending Virginia Kehoe to Borough Manager, seconded by Bob Bennett, vote was unanimous 7-0. Bob Bennett stated that it might be a rather extended discussion because there are different people that work different hours and days of the week in the office.
- **DPW Foreman – Neil Bartholme:** Herman Johnson made the first motion to appoint Neil Bartholme as the DPW Foreman, seconded by Pat Williams. On the question, Bob Bennett asked if this is

retroactive, the answer was yes. Vince Cruciani made a submotion, an amendment to hire him going forward and hold union dues and excess pay to the union wage rate that he was paid over the month of January, when he was not employed in a managerial position under the Collective Bargaining Agreement. Virginia Kehoe stated that when her appointment was tabled, the motion was made to have her acting manager for 31 days until the next meeting. When it came to Neil Bartholme, again it was tabled, Vince Cruciani asked about this and there was never a vote to extend Neil for 31 days. Herman Johnson stated that he disagrees; he said they extended both Neil and Virginia 31 days. The confusion came in because everyone was arguing. Ms. Kehoe it was not a part of the motion, it was not specifically addressed. This was never technically resolved when Vince brought this up at the meeting. Solicitor Rogan asked what duties Neil has been performing for the last month or so. Herman Johnson answered, manager and foreman duties. Mr. Johnson stated that Neil is an employee at will, he is not in the union. Vince Cruciani stated that in the absence of an appointed foreman, you have to have somebody acting as a deputy foreman. The deputy foreman is in the union and the agreement says anybody that is not the appointed foreman, it's a closed shop basically, this falls under collective bargaining. He didn't pay his union dues and he was overpaid by about \$2 an hour. Solicitor Rogan stated that they can do this type of business forever, (Vince) is going to drive everybody crazy, he was performing his duties they are going to ratify the expenditure and everything else and everybody is going to live happily ever after. Vince Cruciani's concern was about the way it was done, all they had to do was extend it for a month. Bob Bennett asked since Neil wasn't extended, who did the responsibility fall on. If something went wrong. Pat Williams stated that Neil was extended for 31 days. Bob Bennett said no he wasn't, they just said that. Mr. Bennett said then if Neil wasn't the foreman than he should have been in the union. Herman Johnson said some people say they extended Neil's contract, some people say they didn't. Herman Johnson said what he took from it was that Neil was extended 31 days and he performed foreman duties. Herman Johnson said during those 31 days no one moved up to assistant foreman. Herman Johnson stated that he made the motion that they ratify Neil Bartholme's contract to foreman, seconded by Pat Williams. Virginia stated that earlier they did include the word retroactively. Vince Cruciani made a submotion to make an amendment to make two separate votes. Mr. Cruciani wanted to make one vote to ratify January, and another vote to appoint Neil going forward, seconded by Bob Bennett. Virginia Kehoe stated that Neil's vote was tabled. Solicitor Rogan stated that he doesn't think there is any harm done addressing Vince's situation. Vince Cruciani asked for everyone to withdraw their motions and they can just do 2 motions. Herman Johnson withdrew his motion, Vince Cruciani withdrew his motion, Bob Bennett withdrew his second. Solicitor Rogan stated that in the event that it was not extended or if it was extended the are ratifying whatever action was taken, if there was any omission. Herman Johnson made the first motion to ratify Neil

Bartholme's contract from January 4, 2016, seconded by Bob Bennett, vote was 5-2 with Vince Cruciani and David Jenkins voting no. Vince Cruciani made the first motion to appoint Neil Bartholme going forward through the remainder of the calendar year, seconded by Herman Johnson. On the question Pat Williams asked Vince Cruciani if he is sure that this is how he wants it and this is the way it's supposed to be, after they went through all of that, because he doesn't want Vince to bring it up again next month. Mr. Cruciani stated that he wants to respect labor rights of the Borough Employees with collective bargaining. Mr. Williams said they appreciate that. The vote was 7-0 unanimous.

○ **Planning Commission Solicitor – Mike Cowley**

- **Walter Morgan sewer request:** Lori Harris did inspect his home and it is now a single family home. David Jenkins made the first motion to drop the billing down to one EDU, seconded by Bob Bennett, vote was unanimous 7-0.
- **Ron Koldjeski – Lackawanna County Tax Claim:** Herman Johnson made the first motion allow the County to sell the property on Greenwood, seconded by Pat Williams, vote was 6-1 with David Jenkins voting no.
- **Planning Commission recommendations - Ordinance 2016-02 and 2016-03:** Vince Cruciani stated that there are two separate ordinances. Vince Cruciani stated that Ordinance 2016-02 is on fencing and pods. Mr. Cruciani doesn't understand why they are addressing animals in 2016-02. They are removing language from previous ordinances of define terms and they are scheduling those defined terms again in areas. Mr. Cruciani went over the ordinance. Herman Johnson suggested tabling this and have John Durdan come to explain this to them. Vince Cruciani stated that they were directed to discuss this at the Council meeting tonight. He has questions about mobile storage and containers. Mr. Cruciani discussed the language in the ordinance and clarify the word usage. Mr. Cruciani asked how do they make sure that peoples trailers or RV's don't fall under the exclusion. Ms. Kehoe stated that they are not intended for removal or storage of personal items. Mr. Cruciani suggested specifically exempting them from the language. Mr. Cruciani stated that we have a hard time determining on the streets what the defined right of way is, that is a problem. What do we do when it is undefined? Pat Williams stated that he has been told through the years that it is impossible to legalize every single issue because when you think you have gotten everything covered something comes up. Vince Cruciani stated that the Borough needs to have a position when the right of way is undefined if they are going to enact this ordinance. Ms. Kehoe stated that Lori Harris has seen cases where when there is ambiguity it defaults to the property owner, guided by MPC, state guidance. This is in the Ordinance to clear up any confusion when it comes to that. Vince Cruciani said this will come into play with unused alleys. Pat Williams asked if they should be talking about all of this, shouldn't this go before Zoning or Planning or something. Vince Cruciani stated that these are ordinances, this isn't for Zoning or Planning, this is the purpose of why there are there that evening is to review these documents. Pat Williams said reviewing them is one thing but to change these and go into detail does he need a certain amount of time to get this done. Mr. Cruciani stated that they are the political body. Mr. Cruciani discussed the section on

fencing and front yards and side yards. If you live in a residential area you can't have higher than a 4 foot fence, it can't be chain link, it can't be a privacy fence and you can't have it on your side yard. Pat Williams asked what is the problem with that. Mr. Cruciani stated that there are significant problems. First is the notion of private property, and privacy on private property. There is a significant argument to make that privacy is not achieved by a chain link fence and therefore the need for a 6 ft. chain link fence doesn't serve either aesthetically. Mr. Williams stated that a 4 ft. chain link fence doesn't provide aesthetics in the front or side yard. Pat Williams asked why Vince can't bring this up before Zoning. Vince Cruciani said because it is not Zoning's prerogative. Mr. Cruciani stated that he is not concerned with addressing this with the unelected members of the bodies; his concerns are addressing the legislation before them because they serve at a legislative capacity. Mr. Cruciani stated that they have to fundamentally approve these documents. David Jenkins stated that he (Pat Williams) doesn't understand this he thinks that these questions go back to the Planning Commission, Vince is trying to tell Pat that they brought it to us and now it is Council's responsibility to make a decision yes or no. He (Pat Williams) doesn't understand that and he (David Jenkins) doesn't know why. Vince Cruciani can accept eliminating A, B, and C because he gets the point about chain link aesthetics on the front yard or the side yard if the house is on a corner. Vince Cruciani suggested that they don't allow front yard, chain link fences. Mr. Cruciani stated that he thinks they need to consider side yard chain link fences, but anything that is existing gets grandfathered in. So if you want to put in a side yard fence, your cost differential between wood and chain link isn't a lot. Solicitor Pat Rogan asked what if it is existing and you want to add or delete some inserts to the fence. The fence "as is" is grandfathered in. Solicitor Rogan stated that this could be better written. Vince Cruciani stated that we have a lot of corner lots in the Borough and a lot of corner lots have back yards, you do not want to rob the people of putting up a privacy fence in their back yard. All you have to do is add language that addresses the front and side yard and just prohibit chain link fence. Pat Williams stated that they can define front yard excluding corner properties and say that the four foot fence includes the front and the sides, then he asked if Mr. Cruciani understands that or is that too hard for him. David Jenkins told Pat Williams to hold his sarcasm, that he doesn't appreciate it. Mr. Williams said he doesn't appreciate his (David Jenkins' sarcasm.) Mr. Jenkins told Mr. Williams he should look in the mirror when he does this. Vince Cruciani stated that you don't want to rob people of their privacy in their back yards and if you live on a corner lot. Add the language that stops someone from having a chain link fence in the front yard, and a 6 foot chain link fence along the corner lot side yard. Vince Cruciani told Pat Williams that he is working with him on the issue of the chain link fence. Solicitor Dan Mulhern asked the president Gerrie Carey if it would be better to appoint a committee for this. The Committee will be Gerrie Carey and Vince Cruciani. Vince will present ideas to Gerrie and visa versa. David Jenkins stated that they are not under a deadline with this. Vince Cruciani moved on to Ordinance 2016-03. Mr. Cruciani stated that he looked through this and saw a couple red flags. On #4 of part one, about the required state vaccinations, he thinks that is alright because it should be covered by a state law, that should be fine. Part 2,

Household Pets, when it comes to fowl, a parrot or a parakeet should be included in that. They should be distinguished separate from fowl that needs to be added. They could be labeled as small animal as opposed to fowl. Page 7 under “Keeping of Fowl or Rabbits” The important thing is that they are listing things specifically but they need to make sure, you have this prohibition of fowl, that somewhere else they allow those other birds that were discussed, that are actual pets. “Service Animals Exempt” Mr. Cruciani finds one part extremely offensive. Mr. Cruciani is alright with exempting service animals from defecating on public property but there is no way we are giving the green light for people’s private property to have other people’s animals go on and defecate without cleaning it up. This is a civil issue but it can’t be enforced as a nuisance. If a service animal does this law insulates them from the nuisance, he is ok with that on public property for service dogs but private property should be treated separately. Virginia Kehoe stated that the Planning Commission was trying to recognize case law on this subject. Vince Cruciani appreciates Council for allowing him the opportunity to address the points of these ordinances as they are legislators. Pat Williams brought up the subject of the service animal urinating. Vince Cruciani stated that is the same thing as defecation. Mr. Williams asked why they are listed separately. Vince Cruciani told Mr. Williams that what this amounts to is if your dog urinates on grass, it is not a problem. If it urinates on pavement, you have the responsibility to take a water bottle and flush the urine.

10. NEW BUSINESS:

President Carey

- A. Resolution 2016-05 Parking Meter Suspension – Ice Festival:** Herman Johnson made the first motion to pass Resolution 2016-05, seconded by Pat Williams, vote was unanimous 7-0
- B. Ratify addition of street light on Thurston:** Herman Johnson made the first motion to ratify the addition of the street light on Thurston, seconded by Pat Williams, vote was unanimous 7-0. Herman Johnson said there is a big safety issue there without the street light.

Vince Cruciani asked about the property of Powell. The older the deed is the more difficult of a situation you get in. It lists Marion Street as Nicholas Street, it is old. If you look at those lots, they only measure 200 feet deep, the parcel data shows it at 400 feet deep. They don’t realize what is whose back there. Mr. Cruciani stated that he agrees with Herman Johnson and if they are going to give us the land then we should pay for the survey to get the property. Mr. Cruciani also thinks that the payment of the survey should be a reimbursement of the survey contingent on the transfer of the property. Mr. Cruciani stated that they need to have a very serious conversation at the work session that they can vote on in a month from now. Samantha Weavers deed only references the tax parcel number that her property is on. It doesn’t reference multiple tax parcels. It references two lots under the same tax parcel number, actually it references 5. When he looks this up it actually shows a different tax parcel number for that lot. This is pretty complicated. Herman Johnson stated that he agrees with Vince and we should have a survey done. We need to come together as elected officials to see if this is good or not, they need another meeting with Samantha Weaver to get the particulars out of the way. Vince Cruciani stated that we would need to bid

out the survey and then we don't actually have to accept the bids. This way we they can be above board in terms of establishing the reimbursed survey rate. This is going to be complicated. The first thing we should do is get bids, have Virginia Kehoe to get telephonic quotes that is all that state law requires. David Jenkins stated that is in the flood plain area and we should find out if the Borough has any liability obligations or restrictions before they accept that property. Down the road if they accept this property and the Borough has a 100 year storm and all of a sudden we have a multitude of people coming after us for problems with flooded basements and flooded yards. Mr. Jenkins stated that he doesn't want that responsibility hanging on our taxpayers. Herman Johnson agreed that they need these answers squared away

**11. SOLICITOR'S REPORT:
Rogan/Mulhern**

Solicitor

- **Ratify Retroactive status of Neil B as DPW Foreman**

12. CORRESPONDENCE:

- **Request from Harris Land Abstract:** Lori Harris is going to check out the office to determine how many EDU's should be charged.

13. EXECUTIVE SESSIONS:

President Carey

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

14. ADJOURN:

President Carey

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