

**BOROUGH OF CLARKS SUMMIT  
BOROUGH COUNCIL MEETING  
MARCH 2, 2016**

The March 2, 2016 Borough Council Reorganization Meeting was conducted on Wednesday, March 2, 2016 at 7:00P.M. The Meeting was held in Borough Council Chambers, 2<sup>nd</sup> Floor, 304 South State Street, Borough of Clark's Summit, County of Lackawanna and Commonwealth of Pennsylvania. Council members in attendance were Mrs. Gerrie Carey, Mr. Herman Johnson, Mr. Vincent Cruciani, Mr. Robert Bennett, Mr. Patrick Williams, Mr. Dominic Scott, Chief Chris Yarns, Mayor Patty Lawler, Solicitor Dan Mulhern, Borough Manager Virginia Kehoe and Junior Council member Christian Orlando. Absent from the meeting was Mr. David Jenkins.

**CALL TO ORDER:**

**President Carey**

**MEDITATION:**

**Mayor Lawler**

**PLEDGE OF ALLEGIANCE:**

**Mayor Lawler**

**1. APPROVAL OF AGENDA:**

**President Carey**

Herman Johnson made the first motion to approve the agenda, seconded by Dominic Scott, vote was unanimous 6-0.

**2. APPROVAL OF MINUTES:**

**President Carey**

- **January 26, 2016 Work Session:** Herman Johnson made the first motion to approve the January 26, 2016 meeting minutes, seconded by Dominic Scott, vote was unanimous 6-0.
- **February 3, 2016 Regular Council Meeting:** Herman Johnson made the first motion to accept the February 3, 2016 meeting minutes, seconded by Pat Williams, vote was 5-1 with Bob Bennett voting no. The audio recording is saved if the vote is not unanimous to approve them.

**3. PUBLIC COMMENT & INPUT:**

**President Carey**

Heather Wagner, 316 Summit Avenue, wants to pay the sewer bill and clean up the property. Ms. Wagner and Council discussed a payment plan. Herman Johnson stated that she is clearly in a hardship and he recommends a payment plan and call the water company to turn the water back on. Vince Cruciani suggested that she does not sell her car as she needs to get for work. The final decision was for a payment arrangement of \$375 a month for 6 months. Vince Cruciani made the first motion to put Heather Wagner on a \$375 a month payment plan until she is current, seconded by Bob Bennett. Herman Johnson stated that he had already made a motion but he will decline his motion and accept Mr. Cruciani's motion. Pat Williams asked Heather is she will be cleaning up that location, she said absolutely. He asked her how she is going to do that, there are a few cars there. Ms. Wagner said they are both gone. Herman Johnson stated that he drove by the house the other day and she has a dumpster there. Vince Cruciani asked if she is keeping the house in Ian's name. Ms. Wagner stated that she knows the house is going into foreclosure. Mr. Johnson

suggested contacting the Women's Resource Center; they have lawyers on standby that will help her through these situations. He also stated that all of Council supports her 100%.

Ryan from the Abington Little League addressed Council about the Sheridan Avenue Little League Field. He was not aware that there was a time limit on the lease. He assumed that it was a lifetime lease. They do seek approval for a lease for that field. They use the fields from April-July and August-October. Asking permission to use the field and they will maintain the fields. He wants clarification on who owns what and see what they should maintain. They have other fields in Glenburn Township. They use the Sheridan Field for the little league. He asked to be put on the Work session schedule to discuss the lease. This is their 52nd year. During their off time other organizations could use the field. Pat Williams asked about the abandoned cars parked there. Chief Yarns stated that the cars there have current license plates; the cars belong to the neighbors in the area.

Gerard Hetman, Lackawanna County addressed Council. One advertisement ran for Depot Street on Sunday and another one ran today. The pre-bid meeting is here at the Borough Building on March 16, at 10am. The bid opening is March 28<sup>th</sup>, 2pm at the Commissioner's Office.

Dori Waters from the Gathering Place addressed Council; a representative from the National Running Center discussed the Strawberry Festival 5k run which is scheduled for June 18<sup>th</sup>. They had this event last year and it was extremely successful. They are requesting the bottom portion of Spring Street be closed from 8am-2pm. They would need to coordinate this with Chief Yarns. Dori Waters stated that they had tents last year and they would like to use the lower parking lot. Last year they had volunteers to help with the traffic. Herman Johnson stated that he is concerned about closing Spring Street, how about Zimmerman Street. Ms. Waters stated that they are trying to keep it by the Gathering Place. Mr. Johnson stated that they are impacting the businesses on Depot Street because a lot of their parking is in the rear. Vince Cruciani stated that Depot Street will probably be under construction also. Council agreed that they can use the lower parking lot area on Spring Street, and they will need to coordinate with the Police Chief, public safety is the main concern. It is a way to bring more people into downtown Clarks Summit.

#### 4. BIDS & QUOTATIONS:

President Carey

- **3 Boilers – Low Bid – Tom Staples \$3865.00 for all three:** Herman Johnson made the first motion to accept the bid from Tom Staples, seconded by Dominic Scott. On the question Vince Cruciani asked if this money is from the Capital Reserve or the General Fund, can pull 2/3 of it from the Capital Reserve. 1/3 will come from the Senior Center. Ms. Kehoe stated that it would qualify as a Capital Reserve project. Herman Johnson stated that it is a good gesture to discuss this but the Finance Committee should discuss this. Vince Cruciani disagreed because they are making a motion to approve funding. Mr. Cruciani asked if Council would be interested in clarifying the motion that it is just to approve it and then another motion to say where the

funding comes out of. Mr. Cruciani does not want to make a sub motion. Mr. Cruciani asked Mr. Johnson to amend his motion to do the voting separately. Mr. Johnson agreed and stated he would amend his motion to do the voting separately. The vote was unanimous 6-0. Gerrie Carey stated that the Finance Committee would have a meeting to decide which account to draw the money out of.

- **Center Street – Low Bid – Mike Wince \$3900.00:** Herman Johnson stated that they should not wait on this, repair it because he inspected it and talked to the Borough Engineer. If that backs up the two homes below will be flooded out with sewage and that will become a health issue, and if they took legal action against the Borough they would probably win. Herman Johnson made the first motion to accept the bid from Mike Wince to make the repairs on Center Street and take the funds out of the sewer fund, seconded by Vince Cruciani, the vote was unanimous 6-0.
- **Carnation Circle – needs to be rebid – all came in above threshold:** Virginia Kehoe stated that they started with telephonic bids but they didn't come in low enough. They need to advertise this project. Ms. Kehoe would like to be advertised to have the bids opened by March 29<sup>th</sup> and awarded in the April meeting. Vince Cruciani made the first motion to approve the advertising for Carnation Circle bid, seconded by Bob Bennett, vote was 6-0.
- **Fence/Gate at DPW Yard - \$2400.00:** Bob Bennett asked if any of the damage is covered by the Borough's insurance. Virginia Kehoe would check that out. This would also make the gate wider one foot on each side so the DPW would be able to get in and out easier. Herman Johnson stated that they worked on that fence a few times. Would like to see a report every time our DPW hits this fence. If you don't maintain your own property, something is wrong. See if there is a price difference if they don't put the slats in. Bob Bennett stated that we should see if the insurance covers this first, Herman Johnson agreed and stated that from here on out the DPW foreman needs to start reprimanding someone for this. Mr. Johnson stated that he would have a talk with the DPW foreman. Pat Williams stated that he thinks we need to move forward on this because the gate is not locked. Dominic Scott made a conditional vote that if the insurance won't cover this that they move forward with the repairs on the fence, seconded by Pat Williams. Vince Cruciani stated that there is \$1,000 insurance deductible. He wants everybody to be clear on that. Herman Johnson stated that there is not an accident report, so he doesn't think that this is going to be covered. He believes that the insurance company will not cover this. The vote was unanimous 6-0. Mr. Cruciani asked which fund this will be taken out of. The General Fund is the account that this will be taken out of.

## 5. **BOROUGH TREASURER'S REPORT**

**President Carey**

Herman Johnson made the first motion to approve the Borough Treasurer's Report, seconded by Pat Williams, vote was unanimous 6-0.

## 6. **COMMITTEE REPORTS:**

- **Building & Plant**

Pat Williams, Chair

Pat Williams stated that they met with Dori Waters looked at the plans for the Gathering Place and they noticed that they need to have a secure door so no one can go downstairs. Virginia Kehoe stated that Dori Waters is aware of that and the secure door is going to be alongside of the restrooms. Virginia Kehoe stated that she will be speaking with the inspector, she can bring this up. Make sure this will be up to fire code. Mayor Lawler stated that she is concerned about the water bill. Ms. Kehoe stated that they are going to have their own separate water meter installed. Pat Williams asked who is responsible to clean the front door of the Borough Building. The DPW does this on a fairly regular basis, and we are 3 feet away from traffic. Ms. Kehoe will let the DPW know. Pat Williams stated that there is one strip that hangs down, need that fixed. We don't want people to trip.

- **Finance Committee**

Dominic Scott, Chair

Gerrie Carey stated that the Senior Center is willing to pay their portion of the boiler bill. At the next Finance Committee meeting they will discuss which account to draw the funds out for the other two boilers that need repair.

- **2005 Expedition repairs:** Chief Yarns stated that the 2005 Expedition failed inspection and it needs some work to pass. Chief Yarns stated that they can get it fixed but it might come in around \$2,200, he didn't want to move ahead without Council's support. There are rumors that we might get a grant for a new car, but how long will it take to get here if we receive the grant. Gerrie Carey suggested calling Uniondale and see if they are interested in the car. Herman Johnson stated that if we take that car out of service, we have 2 cars then. We have to invest some money into that car because we don't know for sure if we are going to get that grant. Vince Cruciani made the first motion to allocate the funds from the General Fund, seconded by Herman Johnson, vote was unanimous 6-0.

- **Grant Committee**

Dave Jenkins, Chair

- **PA American Water Co Grant - \$500 to fire Co.:** Virginia Kehoe stated that the Water Company is giving \$500 to the Fire Company. Herman Johnson suggested sending them a letter of thanks.

- **Recycling Committee**

Bob Bennett, Chair

Abington Heights School District is recycling. Mr. Bennett checked it out and saw the recycling bins, and they are being used properly. Herman Johnson stated that he, Pat Williams and Gerrie Carey went to the administration office and they have a contract from Mascaro that they do recycle. Mr. Johnson said when we bring facts here to Council complaining he thinks they all either need to do their homework or bring the right facts because with something like that gets into the newspaper it makes Council and the School District look bad. They are recycling; we have a good recycling program and a partnership with the school district and the business people. Bob Bennett stated that he was instructed to check this out, may be able to seek a grant so that they can recycle more than corrugated cardboard and paper. Gerrie Carey stated that Mascaro has taken care of that. Mr. Bennett asked why he was left to look into this, when other members of Council had already checked into the situation. Mr. Bennett stated that he wishes he would have been kept in the loop on these updates. Herman Johnson stated that Mr. Bennett was out of town. Mr. Bennett suggested emailing next time. Mr. Bennett stated that Grants are available for surveillance cameras for illegal dumping. Do we have illegal dumping in the Clarks Summit Borough that is of

concern? Herman Johnson stated that we don't qualify for this grant because there isn't an issue for illegal dumping. The issue is littering at Hemlock Park, not illegal dumping. E-Cycling problem is you get money based on the tonnage of the material being recycled. The amount of weight is much lighter because the electronics are not as heavy. Mr. Bennett suggested having the Borough send a letter to Chris Ross he is attempting to get this ordinance amended and commend him on his attempt to update the situation. Virginia Kehoe will draft a letter and cc Sid Michaels and Senator Blake as well. Mr. Bennett stated that there is a Tech Support, come in and take a look at our ordinances and make sure they are up to date, current and not in conflict with other existing ordinances with the state or county. Mr. Bennett stated that he doesn't think we need this done again, had it done in 2012. Look at this in another year or so. Patty Lawler asked Virginia Kehoe where we are at with the shred fest. Ms. Kehoe had not heard back from Sue Vanhorn. Bob Bennett stated that Barry Kaplan has an issue getting a box truck for the e-cycling event. They cannot use a dump truck. Herman Johnson stated that they were talking about having one of our employee's work 4 hours driving it back and forth. If they do get a box truck and one of our employees will Barry Kaplan reimburse us for the 4 hours of overtime. Herman Johnson and Pat Williams stated that they would help out with the event also. Barry Kaplan would get back to Bob Bennett on this.

- **Insurance Committee** Vince Cruciani, Chair
- **Personnel Committee** Gerrie Carey, Chair
  - **Parking Meter Collection personnel:** Herman Johnson stated that the Personnel Committee met and they discussed a Parking Meter Enforcement Officer and they are recommending adding extra duties to George Carros's job performance where he would enforce the violations of just the parking meters. Mr. Johnson stated that Mr. Carros is not a police officer; make sure that is clearly understood. This would allow the police officers to be on the road more to perform their duties. 12 hours a week, part time employee, he would be the best fit because he repairs our parking meters. \$12 an hour, 12 hours a week, we are not losing money with this, this is to promote safety and to regulate the traffic. This is a good fix for everybody and a big help for the police department. Herman Johnson made the motion to hire George Carros as the part-time Parking Enforcement Officer. Vince Cruciani asked that when he is installing the new meters, he is under contractor. In his role as an employee does he have to be a member of the non-uniform union? Mr. Cruciani stated that we should have the Solicitor check that out. Mr. Cruciani asked who Mr. Carros reports to. Herman Johnson said the Mayor. Mr. Cruciani stated that the Mayor cannot have anyone other than a police officer report to her. Vince Cruciani asked who sets Mr. Carros' schedule. Herman Johnson stated that he would set his own schedule because they don't want someone out there for one 12 hour shift. Need him to have a more sporadic schedule. Vince Cruciani asked if Mr. Carros would have a time sheet. Herman Johnson stated that they would supply him a sheet like what the police officers have a patrol log. He would log his hours and what streets were patrolled. The police department must follow up on the unpaid tickets. Herman Johnson stated that we have people parking all

day and we have to eliminate that so the business people can have an influx of people coming into their businesses. Like to try this, let's give it a 6 month trial. With Depot Street coming into play, you are going to have someone downtown to enforce the parking. Vince Cruciani stated that if someone challenges a ticket and it goes to the Magistrate, the officer and parking enforcement officer both have to be there, and does he get paid for that time, probably yes which is fine. Mr. Cruciani asked if there is a job description typed up for this where there is a caveat that the Mayor must approve the Parking Enforcement Officers hours. Council had discussed last year having every job at the Borough having a job description. Herman Johnson stated that he has no problem with this. Bob Bennett asked how much there is in repairs yearly. Herman Johnson stated that it was under \$1,000 for meter repair. Pay him an hourly rate if he needs to go to court. The motion was seconded by Pat Williams, vote was 5-1 with Vince Cruciani voting no. Chief Yarns would like to buy a jacket so he is identifiable. The Solicitor will check if he has to be part of the union or not, for payroll purposes.

- **Part Time Police Officer:** Herman Johnson stated that the Personnel Committee is recommending to Council that they hire another Part Time Police Officer. Mr. Johnson stated that the Personnel Committee is recommending that they give the authority to the Chief of Police and the Mayor to start their interview process and then bring a candidate forth. Herman Johnson made the first motion to authorize the Police Department to interview for a new Part Time Police Officer, seconded by Dominic Scott, vote was 6-0.
- **Full Time Police Officer:** Herman Johnson stated that the Personnel Committee recommends to Council to activate the Finance Department to see what the status would be on hiring a full time police officer. Gerrie Carey stated that they would look into that.
- **Public Safety/Safety** Pat Williams, Chair  
Pat Williams told the Chief that if he needed any help with the 5K mentioned earlier that he would be glad to meet with them and offer any input. Mr. Williams stated that Herman Johnson has been working very diligently to have the Depot Street Project run smoothly. He thanked him for meeting with all of these people and doing what he has done.
- **Public Works** Herman Johnson, Chair
- **Recreation** Dominic Scott, Chair  
Mayor Lawler stated that the "Mayor's Bruch" is going to be on April, 16<sup>th</sup> at the Ramada. Mayor Lawler stated that she could work with Dominic Scott and the Recreation committee for this.
- **Sewer Billing** Dominic Scott, Chair  
Gerrie Carey asked if there are any questions for Jenn Basalyga, there were not.
- **The Gathering Place** Gerrie Carey/Pat Williams  
This has already been discussed
- **Banner Committee** Gerrie Carey/Herman Johnson:  
Solicitor Mulhern stated that he has been talking to Matt about this and as soon as Matt gets back to him, needs the final version of the contract.
- **Depot St Project** Herman Johnson

Herman Johnson stated that last week there was a meeting with the general public, landlords, residents, the property owners and they explained what they are doing with the curbs, sidewalks, trees and the light lamps. Question and answer period, they had a couple of concerns. It was a very productive meeting and they walked away with an ownership with a part of this project. Mr. Johnson stated that he thinks this project is going to beautify that area and he thinks the residents are going to be pleased. Mr. Johnson stated that he is very proud of this project. Virginia Kehoe did a lot of work on this and Bob Naegele, Mayor and Council did a lot of work on this. He thinks that Depot Street is going to be a center piece for the community. Virginia Kehoe stated that she spoke to OLS about additional parking and they are not able to help. Duffy's as offered parking in their lot.

- **Stormwater Committee** Herman Johnson  
Herman Johnson stated that no one showed up for the Stormwater presentation but Dominic Scott stated that Ms. Kehoe is going to present that information to the Rotary.
- **ACOG Representative** Patty Lawler/Gerrie Carey/Dom Scott: Dominic Scott will go to the ACOG meeting.
- **Police Negotiations** Gerrie Carey/Herman Johnson: Herman Johnson stated that he spoke with the president of the union and they are writing up their concerns and then they are going to meet.
- **Additional comments from Council:** Pat Williams asked about the street sweeper, visited with Medico and Powell, this is to buy one or rent one. What way would Council like to go? A street sweeper would cost \$22,000 to buy one or \$1,000 a week to rent one. Mr. Williams stated that he thought it might be better to buy one that we could use and rent out. You would need an operator for this. This is not a self-contained vehicle, it needs a follow up. We can raise the manholes and use the sewer money to get that done. Like to get the streets swept so the town looks good. Herman Johnson stated that they went to Medico and Powell and it's automatic, forward and reverse, lift the broom up, turn it to the side and Medico has a bucket underneath the sweeper that picks up the cinders, can go on the back of a low dump truck. He thinks if we bought something like this, you can rent it out and make a good dollar. Medico was talking about \$1,000, over a couple of years, you would probably make that back but he would challenge anyone to drive p State Street. There are a lot of cinders and it looks filthy. You can't count on the state to sweep the streets. Mr. Johnson stated that when leaf pickup comes, they don't always get it all. This is for MS4 and can be taken out of the sewer fund. They all can brainstorm it. Virginia Kehoe asked if she can reserve one so we are on the list, can reach out and get Co-Star pricing. Council agreed. Mr. Williams suggested getting Medico to send a field rep out to do a field presentation, Council agreed. Pat Williams stated that there are potholes that need to be filled and areas that need to be patched. Cannot do this until hot patching is available. Top of Davis Street is a disaster; it needs a nice patch up there. That is one of many that we should be addressing. Ms. Kehoe stated that if there is a pothole that needs patching, let her know and she will fill out a service request for the DPW. Herman Johnson stated that he would like Council to get a report from Neil the Foreman at the DPW office. We can include this in the agenda.

**7. POLICE REPORT:**

**Mayor Lawler**

Chief Yarns stated that he did secure a grant for the “click it or ticket” campaign, May 16-June 5. The focus is on seatbelt enforcement, it is a second violation. We should get aggressive grant funding also. Bulletproof vest program grant, they would pay 50%. Hemlock Park there are more problems, the kids are crawling under the new fence and kids are in the park late at night again. They can be charged for trespassing. Council discussed alarms in the Borough, if it is repetitive, they can be fined. Parking meters that were too close to the crosswalk, the DPW has been removing the parking meters, they have to be 20 feet from a crosswalk. Double parking meter by Highland, it shouldn't be there. Right now there is an Ordinance that allows for metered parking there. Mr. Johnson stated that this is actually a turning lane. Mr. Johnson stated that this is a safety issue. Mr. Johnson stated that they did a great job with the over time. Also, the meter collection is at \$1,911 for one month and that is on the low end and that is good.

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

**President Carey**

Herman Johnson made the first motion for the Vendor Payments to be ratified, seconded by Dominic Scott, vote was unanimous 5-0.

**9. OLD BUSINESS:**

**President Carey**

- **Planning Commission recommendations - Ordinance 2016-02 and 2016-03:** Solicitor Mulhern stated that there were three ordinances that they combined into two. In 2016-02 they are going to incorporate front yard fencing so they don't have to amend the zoning ordinance. Solicitor Mulhern stated that for Accessory Structures: Objects that were originally designed for recreational purposes that have not been altered shall not be considered a storage container. Council agreed to that change. Vince Cruciani asked Solicitor Mulhern to have the final draft before the work session. Virginia Kehoe stated that it would have to be done because after advertising it would have to be available for the public to view. Solicitor Mulhern stated that he would send the final draft to Council by that Friday. Ordinance 2016-03, The Animal Ordinance, the definition of fowl was changed to: Any wild or domestic bird such as but not limited to animals of the chicken, turkey, goose, duck, pigeon, or quail family. Parrots and parakeets and other similar caged birds are not considered fowl. Household pet: Any domesticated or tamed animal that is kept as a companion and cared for affectionately, normally or ordinarily kept or permitted to be at large in the dwelling of its owner such as but not by limitation, dogs, cats, snakes, lizards, turtles, gerbils, fish and parakeets and parrots, and other similar caged birds. Service Animal Exemption if they have to do their business on the property, enforcing owners to clean up. Vince Cruciani wants to add “impermeable” to this because if it pees on something that doesn't absorb that is the intent to have the owner wash it off...Pat Williams stated that they usually go on a shrub, evergreen a tree and it should be washed off. Mr. Williams stated that he has a shrub in his yard; it is a big deal, because of the neighbor dog. Mr. Williams stated that you should wash the urine off. Just for clarity, Solicitor Mulhern wanted direction on the wording. A person is required to bring the water with them

when walking the dog. Herman Johnson stated that a lot of people plant shrubs close to the curb, cinders and salt trucks ruin them too. They are getting so technical but it would be tough to enforce. Herman Johnson stated that as they are trying to do the right thing but as an Ordinance that is not enforceable doesn't make sense. Solicitor Mulhern stated that as it stands now the owner of the pet would need to bring water with them to rinse off the area after urination.

- **Gathering Place plans**
- **Harris Land Management – EDU decrease request:** Bob Bennett made the first motion to change the EDU back to 1, seconded by Herman Johnson, vote was 6-0
- **Deed for Florence Drive:** Solicitor Mulhern stated that a title search is being done and he recommends wait until he comes back with the information. That should wait until April's meeting

**10. NEW BUSINESS: President Carey**

- A. E-Cycle Event:** Virginia Kehoe stated that this is tabled until April.
- B. Abington Little League – Sheridan Ave field:** Covered already earlier in the meeting.

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

**12. CORRESPONDENCE:**

**13. EXECUTIVE SESSIONS: President Carey**

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

**14. ADJOURN: President Carey**  
Bob Bennett made the motion to adjourn.