

**BOROUGH COUNCIL SPECIAL MEETING  
MAY 31, 2016  
7:00 PM**

The May 31, 2016 Borough Council Special Meeting was conducted on Wednesday, May 31, 2016 at 7:00 P.M. The Meeting was held in Borough Council Chambers, 2<sup>nd</sup> Floor, 304 South State Street, Borough of Clarks Summit, County of Lackawanna and Commonwealth of Pennsylvania. Council members in attendance were Mr. Bob Bennett, Mr. Herman Johnson, Mr. David Jenkins, Ms. Gerrie Carey, Mr. Patrick Williams, Mr. Dominic Scott, Mr. Vincent Cruciani, Borough Manager Virginia Kehoe, Mayor Patty Lawler arrived later and Solicitor Rogan/Mulhern was absent.

**1. WORKSESSION:**

**President Carey**

**2. PUBLIC COMMENT**

**President Carey**

Charlie Sandercock, President of ABPA, discussed parking. Charlie stated that the parking meters are a necessary evil. It is tough for the small businesses. They appreciate that there will be no ticketing on Saturdays. If there could be a grace period, where warnings are issued before tickets are written, would Council consider this as an option? Gerrie Carey stated that there was a discussion on this. It would be so complicated because one person might be getting a warning over and over, difficult to track the warnings. That is why they came up with the compromise having free parking on Saturdays. David Jenkins stated that the law has always been enforced; people may have been lucky enough to not receive a ticket. Council felt that the compromise of not enforcing Saturday was a viable means to help the business people. Herman Johnson stated that there are going to be a lot of people complaining. The meters have always been enforced for well over 30 years. Being enforced and not getting a ticket, look at the money we have lost. We have put what we are doing in the newspaper, we have amended our ordinance, talked to the business people, and they did everything possible that any elected official can do. We have to pay for these new parking meters. If we had to raise the taxes people would be complaining. They compromised by alerting the public through the newspapers and removing Saturdays from being ticketed. They are not blindsiding the public, they will take it under advisement for warnings. They would have to talk to the Safety Committee, the police and the Mayor. David Jenkins stated that it was too labor intensive to have a warning period because of the amount of warnings given out, someone would have to track them. Vince Cruciani stated that they didn't raise the ticket price and extended it to 72 hours; they tried to not bring down the hammer, so to speak, on people that make an initial mistake, they were trying to compromise.

Barry Kaplan spoke to Council. Thanked Council for the support of the Memorial Day Parade. It was wonderful for the community. He hears about the parking meter situation from other business people and he is asked to speak about this. He recognizes that Council is trying to work with the businesses to make it a viable solution for everybody involved, the citizens, the community and the Borough Government. Had suggestions about the grace period, something simple to give

people time to learn about the change. There is now a meter enforcement officer, different than the sporadic enforcement when it was done by the officers. Vince Cruciani asked Barry Kaplan what he suggests the time period that the grace period would be. Mr. Kaplan said one month would be ideal. Herman Johnson stated the key to their first conference was that they are going to have the complaints, going to have to keep on fine tweaking this until it's right.

Trevor Sablan, 138 Edgewood Drive, South Abington Twp. He would like to work on his Eagle Scout project at Veteran's Park. Council said that would be great. He left Virginia his name and phone number so someone can contact him. On behalf of Council, Herman Johnson thanked Trevor for his service.

Jay Hoyt, 303 Royal Oak Drive, South Abington spoke to Council. Mr. Hoyt stated that his wife Karen Hoyt was killed in a car accident on the Scranton Expressway 4 years ago. He has his children have been looking for a way to sustain her legacy. They would like to create a sunflower garden, and a small memorial plaque that the community could enjoy as well as honor her. He thought the clock tower area would be a good idea. The Borough doesn't own that land. Jody Decker owns the land; he is sympathetic to the area. There has been some head butting with the Borough about that land. Mr. Decker told Mr. Hoyt that the wooden planters are in disrepair and the lights there need to be replaced. Mr. Hoyt stated that he is presenting the idea that he would take care of this; he has some ideas for the planters and a small plaque. David Jenkins stated that he thinks this is a great idea. Herman Johnson asked how tall the flowers grow, 4 to 6 feet. They bloom late summer, early fall. This along with the work being done on Depot Street would be a great addition. Mr. Johnson said that he suggests that Mr. Hoyt come up with a plan, let Council mull over it and make a decision. They need something documented; he thinks it is a great idea. If they have some opposition, there might be another spot. Vince Cruciani stated that a plan and design and the land is still going to be with the Hoyt family and Mr. Decker. When he presents the plan, there is going to be a part of the plan that involves Council action. Mr. Decker owns that land and the Borough doesn't have an easement, Mr. Hoyt essentially doesn't need Council. Make it clear in the plan what if anything he would need from Council. Herman Johnson stated that he disagrees and said that we have a verbal or written agreement with the Deckers' so Mr. Hoyt would have to go through Council and Council would still have to approve it. Vince Cruciani stated that all we have is something verbal through Council it is not in perpetuity. Mr. Decker doesn't want anything permanent. Mr. Johnson stated that it is best if he goes through Council. Mr. Decker stated that his sentiments towards the Borough Council are not good. Mr. Hoyt has a relationship that he established with him, he thinks he can sell it a little bit easier. Bob Bennett commended him and said any arrangements he can make with Mr. Decker that would be fantastic but if he needs Council, they are open to working with him. Virginia Kehoe stated that Dominic Scott is with the Rotary and he should make sure that any issues involving the planters or trash cans should be addressed through him to make sure the Rotary is on board. Mr. Hoyt stated that with irrigation there is not any water there. He would take care of that manually, he would want to keep the area looking good.

- **ARWA update – Paul Murphy:** Mr. Murphy stated that they are 99 1/2 percent done with the project. It was supposed to end in September 2015. \$26,110,155 for 5 contracts. The total came to \$27,176,459. The difference is \$1,066,000 with is 4.1% which is excellent. All three municipalities had a pay as you go system. The only thing left is when the big trucks come in, it's difficulty getting back out. They need to put in an entrance where they only drive in and on to 6&11. The plant is operating well, there have been no overflows, it's doing a better job than anticipated. He is hoping that they don't have to raise the budget next year. David Jenkins asked if the chlorine has been effectively eliminated, there is a minute amount, which is to be expected. Mr. Murphy did not have an answer for that but will find out. David Jenkins stated that they all have done a fine job and they are to be congratulated. This is now a state of the art building.
- **Sandy Boyle & Bill Kern – Countryside Conservancy:** Mike Williamson was there to address Council. 3 goals to discuss. Thanked them for their support for the Trolley Trail, give an update and to ask for Council's consideration for financial support for the future. Council has been very supportive of recreation and green space ideas in the past and he was asking Council to consider the Conservancy and its needs as the Trolley Trail is a great asset for the community. Bill Kern spoke to Council next; he is the Executive Director of the Conservancy. The trail is ADA accessible, which was very important. Phase one has been open since 2014. The trail requires constant maintenance and they are committed to that. They would appreciate any support that the Borough would be able to contribute to the Conservancy to help with the upkeep of the trail. They will begin work on Phase 2 of the trail near Keystone College. Pat Williams asked if the board meetings are open to the public. Their annual meeting is open to the public. If there was something specific that someone wanted to discuss or present, they would be glad to have him. The County Reinvest donated \$15,000. There is no parking at the end of the trail in Clarks Summit. Asked if Council could help with that. Herman Johnson stated that there is state funding for sidewalks, ever year they have been going to the county. They would like to extend it and it will cost a lot of money, but if the get the guidelines for the state funding that might be possible. They have been very successful with grants but grants don't help with the operating budget and that has been the financial struggle. They run a shoestring of volunteers. They are requesting \$2,500 from the Borough, not through a grant.
- **Parking meters – invite Barry Kaplan and ABPA**
- **2015 and 2016 CDBG monies – decision needed by 6/15:** One idea was to use the monies for Veteran's Park. Herman Johnson stated that with the CDBG Block Grant, if they don't come up with a project, the Borough could lose that money. Mr. Johnson stated that if they come up with a project, the Borough keeps that money, but if there is a better project within that year they can always transfer it. They can use the Veteran's Park as a project and in the middle of the year if there is another project that we can use it for, at least the Borough can have that money, you don't want to lose that money. Vince Cruciani asked if Mr. Johnson had the specifications and designs that they would need for that project. Mr. Johnson said no, because the email came in on short notice. Mr. Johnson stated that there are very strict rules where the CDBG monies can be used for, they have to be creative. Vince Cruciani agrees with Mr. Johnson but had a few questions. Any additional details would have to be approved by Council so they can be sure it works with the budget. The trail that is

technically in South Abington, could they get a handicapped motorized scooter through the posts. The answer was yes. The money needs to be spent in the Borough. Vince Cruciani stated that you can run something up to 6 until you get to Veteran's Memorial Park, there are a lot of constraints, it is a state road, only part of the road has a wide shoulder, there are commercial properties. Where the trail head ends, when you cross over on the north side of Dixon Automotive, you have a much broader road with less commercial properties that aren't developed that can take you right by Gerrity's which takes you right to the Pocket Park. We are running out of ideas where to spend the money coming from state grants. If they can broaden the idea that they might have, this is a more realistic and plausible way of conducting some form of the trail. Herman Johnson said that is a great idea. There is a safety issue because if you go down Lackawanna Trail with a sidewalk or a trail that would be ideal. It still brings you into the pocket park. Vince Cruciani stated that the Finance Committee would have to take a look and make a recommendation. Vince Cruciani asked if Council would have to vote on this tomorrow night at the Council meeting. Herman Johnson stated that they can vote on it tomorrow, get the project together, even though it might not be the project they want, the money could always be transferred over. Vince Cruciani suggested using data from Nichols Street, which might benefit the Borough with this grant in particular. Ms. Kehoe stated that she will get more information for Council. They might even be able to tie in Bedford Tower apartments if they are creative enough.

- **ARWA, vacancy board:** Harry Jenkins introduced himself to Council. Council received his resume, Gerrie Carey is happy that he came forward to serve on the board. David Jenkins stated that he would like to move this forward for a vote tomorrow night. Mr. Jenkins stated that he is now retired and he has time and his skills. He thinks this is a good fit for him. Vince Cruciani for the record stated that he and David Jenkins are not related.
- **Treasurer and seasonal DPW:** Gerrie Carey stated that they interviewed several excellent applicants for the Treasurer position. The position pays \$15 an hour. This will be voted on tomorrow at the meeting if there are no objections. David Jenkins stated that he has a question that should be discussed in an executive session. Council decided to have the executive session at 6:30pm tomorrow night. Concerning the DPW hires, David Jenkins asked why they are hiring two instead of one. Herman Johnson stated that they usually hire one to two. But with the workload that the DPW is going to have with storm water, they want to put the younger person out to cut grass at the parks (Christian Orlando). David Jenkins said that they are both seasonal and part time. Herman Johnson stated that Christian Orlando will be there for two months and the other gentleman will be there from June until leaf pickup is done. Vince Cruciani asked in what capacity Mr. Orlando will be working. Herman Johnson stated that Christian will be working two days a week, reporting to Neil Bartholme, and he is basically doing the parks. He will work 8 hours a day, two days a week for \$10 an hour. Mr. Cruciani asked if this was in the budget. Ms. Kehoe stated that they budgeted for somebody to start May 1<sup>st</sup>, so the 32 hours a week for the month of May they did not expend. This will be a break even.
- **Veteran's Park-plaque:** Gerrie Carey stated that they wanted to put up a plaque for Dan Chermak's father. Herman Johnson explained that all of the stone and masonry work at Veteran's Park was donated by Dan Chermak. Mr. Johnson stated that they

forgot to put a “thank you” plaque down there for him with his father’s name on it, his father was a Veteran. Mr. Chermak donated thousands and thousands of dollars’ worth of stone. Vince Cruciani asked how much the plaque would be. Mr. Johnson said about \$250.00, there are three stones up there and they were done by Chris Calvey. David Jenkins asked about Steve Young, he engraves also. Mr. Johnson said that is fine he will check that out. Vince Cruciani asked if Veteran’s park is the best place for an Eagle Scout Project, or are there other parks that would benefit more from an Eagle Scout Project. Herman Johnson stated that there are other parks in need but he doesn’t want to take away from that young man’s dream. It has to be approved by the scouts, etc. Show him broad options. David Jenkins stated that the suggestion for the project should come from the Boy Scout not Council. Herman Johnson stated that the Boy Scout did specifically ask to do something for Veteran’s Park. Vince Cruciani suggested that he also be told about the little league field which was named after Vietnam Veteran Dave Parker.

- **Street Sweeper:** Gerrie Carey asked what they budgeted for the Street Sweeper. Ms. Kehoe stated that they budgeted for \$5,000 to rent one. Herman Johnson stated that the street sweeper is \$22,000. The biggest thing that they are looking at, his thought is every year they put tons of rock salt and cinders on the road. There are still cinders and it is June 1<sup>st</sup>. The sweeper can be used to pick up the cinders and the leaves after leaf pickup is done, they can rent it out, and it can sweep up to an inch and a half of snow. If the Borough has our own then we can make a little money on it to help our budget out. Mr. Johnson said that they can vote on it tomorrow, and then that is the end of the issue. Vince Cruciani stated that if Council does vote yes, this is something to present to the business community in terms of a positive investment. Herman Johnson stated that he likes that idea. Mr. Cruciani said when they vote tomorrow night, one item that needs to be addressed is if they are voting on it to purchase it in whole out of Capital Reserves Funding or if they are voting on it to purchase with a loan. Mr. Cruciani stated that they have the money in Capital Funding. He thinks they should just buy it and not mortgage it. David Jenkins asked if there are any other municipalities in the area that have a street sweeper like this. Herman Johnson stated that it is a driving machine, it is attachable, and it has an arm that hooks on to tow it out. It has a steering wheel, forward and reverse, levers to lower and raise the broom. Only a few Municipalities have sweepers. Vince Cruciani asked what the warrantee is. Mr. Johnson stated that he doesn’t know the mileage on the warrantee, but the sweeper is just about new. We would be buying it from the manufacturer, from Medico, they have rented it out before, and it is one year old. The mileage is hardly anything in hours. There is a warrantee on it but he doesn’t know what it is. Vince Cruciani stated that Clarks Summit has 26 miles of road, so if there is warrantee that has 5 years left, to pay itself off, it’s going to need some minor upkeep, and they plan to sweep 10 times a year. That comes to 260 miles. Do we have 5 years on the warrantee and 1300 miles, that is the only calculation Mr. Cruciani is looking for. Mr. Johnson stated that when they rented it out they make them take a warranty and insurance on the equipment. Mr. Cruciani asked does Medico finance the sale themselves. They can check that out. Mr. Cruciani asked if we are under the bid threshold. Virginia Kehoe asked if she is the one who should check this out. Mr. Johnson said he would rather if Ms. Kehoe checked it out because he has three meetings tomorrow. Ms. Kehoe asked if she can give an opinion, which she knows if not going to be hugely popular. She did offer a

proposal of a skid steer with a street sweeper attachment which is what Clarks Green uses. Mr. Williams stated that they were not interested. Vince Cruciani stated that he was interested and wanted to hear about this. Mr. Williams stated that Ms. Kehoe shouldn't have done that. Vince Cruciani stated that he asked Ms. Kehoe to look into it. Ms. Kehoe stated that Clarks Green is thrilled with their setup, the street sweeper works smoothly and the skid steer is functional every day. Mr. Cruciani asked what the total pricing is on the skid steer with the attachment. Ms. Kehoe stated that came to about \$38,000. Ms. Kehoe stated that we rent a skid steer once or twice a year. We have an 18 year old loader that is used daily; the skid steer could replace 80%-90% of what we use that loader for, saving the life expectancy of that loader for when we really need it. The skid steer is much more functional than a street sweeper. We would do all of our roads maybe once or twice a year. Herman Johnson disagreed with Ms. Kehoe stating that if you do check with Medico you are going to pay more than \$38,000. He thinks we should be a little wiser with their bucks. They have a back hoe and a front end loader down there, and they are in pretty good shape. He would recommend getting the street sweeper and in 2 years if the finances were good they can get a skid steer. There is a lot of equipment there that if used properly, and that is the key, they won't have a problem. Mr. Johnson stated that he doesn't think that over the years that they had structure in the DPW, this is why they should get an assistant foreman to help out so they can split the crews up, you get more work done and it is more efficient. Mr. Johnson stated that he has been driving these roads seeing what could be done and it's not getting done. Need to get the structure, the foreman and the assistant foreman, they should be running the DPW. Virginia Kehoe encouraged Council to call Clarks Green's DPW to ask them about their system. Mr. Johnson stated that William Santarsiero who left Clarks Green and another guy that is going next week from Clarks Green, they have an advertisement in the paper, and they can't be doing too much work. Gerrie Carey stated that Virginia Kehoe was just referring to the equipment. The skid steer alone was about \$33,000 without the sweeper attachment. Herman Johnson stated that all of the information was forwarded to Council months ago. Bob Bennett asked if they were voting on the street sweeper and/or the skid steer. Herman Johnson stated that he thought they should be voting on the street sweeper. David Jenkins asked for pictures also as that might be helpful. Mr. Jenkins stated that he was initially under the impression when Mr. Johnson began with this that it was an attachment that went behind a truck. Herman Johnson said no, the machine is a stand-alone. Ms. Kehoe was asked to check how much it is, what the warrantee is and how many hours are already on the sweeper.

Bob Bennett stated that there was an anomaly on house assessments on Timber Lane. He went down to the assessor's office and while talking with them they were able to provide information pertaining to the total assessment value of all of the property in Clarks Summit for a couple of years. Our taxes and our assessment is the basis for the majority of our income, so based on how fast the assessments are going up, 2% or 3%, maybe our budgets are going up 4% or 5%. This is just to give the finance committee some extra information to know where the bulk of our money is coming from and its rate of increase is. Mr. Bennett made three copies to hand over to the finance committee.

### **3. REVIEW OF JUNE 1, 2016 AGENDA**

Vince Cruciani suggested adding Celeste Dennison under Old Business. Also the property on Florence needs to be discussed. Mr. Cruciani stated that they need to vote on the situation with Telespond, which expires before their next voting meeting, which should be under Old Business. The agreement ends on June 30<sup>th</sup>. They need to get a vote on some kind of extension. Mr. Cruciani suggested moving this forward month by month. This situation is dragging and it needs to be resolved. Vince Cruciani stated that they will also have to vote on renewing the insurance policy. Mr. Cruciani stated that his recommendation will be to continue with Henkleman and Young, Knowles's people never got us anything, so they did attempt. Vince Cruciani stated that the initial contract with Telespond references the August 1, 1993 agreement with AAJRB; we know that we have to recreate that or found. Then it references several duties and responsibilities in an area defined as Exhibit B. Exhibit B is likely the same area of land that was in the AAJRB agreement but Exhibit B to the Telespond agreement, nobody has. This is important because somewhere in the 100 acres there is going to be a plot and that is actually what Telespond is leasing. So that bleeds into the second contract because Exhibit B isn't there so when they renegotiate after they do the month to month that needs to be identified. Jim Henkleman said that the Borough's liability is increased the more we take on maintenance. So we want to negotiate a way with less maintenance. We also need some minimum insurance requirement guarantees and indemnity guarantees from Telespond. David Jenkins stated that this needs to be finalized so the next group of Council people 20 years from now having the same nightmares that they are having. Herman Johnson stated that after talking to Warren Watkins, he is talking about these kinds of things. He is talking about doing more maintenance, plowing, but this Council has to meet with him and get it all documented. Mr. Johnson stated that his problem with this Council, they look into things and find a lot of things that are wrong but he has always said that they need a board up for tasking, so they can view these things so they can do something about them. Mr. Cruciani stated that in his opinion to move outside of any kind of month by month arrangement with Telespond to see them not shut down. The first task would be a meeting with the AAJRB immediately to identify the land, draft the lease. We can pay a survey company to do a 4 corner where the lease is. Virginia Kehoe stated that she does have a survey rendering with a seal of what is supposed to be the land leased to the Senior Center. Mr. Cruciani stated that works. Then make that Exhibit B, this way the survey in in place to quick attach to a new agreement. Mr. Cruciani stated that his personal opinion is that they go to the AAJRB and they run the agreement for 11 years because in 11 years the 5 Municipalities get to decide if they want to renew the park as joint tenants in common. Herman Johnson stated that he doesn't know if you need to go that far out because, it would be like a lame duck Council. They can't answer for the new Council people coming in. This agreement won't bind Council it gives latitude. Virginia Kehoe will contact Pat Rogan to make sure they can have an Executive Session with every member of the AAJRB and every member of Council that wants to attend because eventually both bodies will need to vote on this. Mr. Cruciani stated that he thinks this meeting needs to happen within 6 weeks.

**4. ADJOURN:**

**President Carey**