

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
JUNE 1, 2016**

The June 1, 2016 Borough Council Special Meeting was conducted on Wednesday, June 1, 2016 at 7:00 P.M. The Meeting was held in Borough Council Chambers, 2nd 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, Mayor Patty Lawler, Borough Manager Virginia Kehoe, Solicitor Dan Mulhern, and Junior Councilmember Christian Orlando

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 Pat Williams, vote was 7-0.

2. APPROVAL OF MINUTES: **President Carey**

- **May 4, 2016:** Bob Bennett made the first motion to accept the meetings minutes, seconded by Herman Johnson, vote was 6-1 with David Jenkins noting nay.

3. PUBLIC COMMENT & INPUT: **President Carey**

Brianna Eagen, Mayor Lawler's intern, introduced herself to Council. Herman Johnson suggested Mayor Lawler and Brianna Eagen to have their picture taken. Mayor Lawler also introduced Ryan Fenton from Farmers Insurance and Denny Corby presented the Mayor with checks to help purchase printers for the police cars.

Reverend Bill Carver with the United Methodist Church informed Council that on September 25th they will be doing a one day service blitz of the Borough and they asked for input on homes or properties that need to be tidied up. This is for those who are lower income or need some assistance. Mayor Lawler will keep in touch and let them know. "Worship Through Service"

Dori Waters stated that she was available if Council had any questions. She asked about the garage doors in question. Virginia Kehoe stated that she was going to see if the DPW could use them. If not they could be recycled.

Gerard Hetman updated Council on events in Lackawanna County. Mr. Hetman stated that they have all of the signed contracts and documents; they are just waiting for Waco to get back to them with the approximate start date. Herman Johnson stated

that he and the Mayor would like to give the residents a heads up when the construction will begin.

4. BIDS & QUOTATIONS:

President Carey

- **Street Sweeper:** Gerrie Carey stated that she spoke with Ryan with Medico and we had some questions, he suggested that all of Council and the DPW can see both the street sweeper and the skid steer; they would bring them up on Friday for review. He is the expert as to what is the best direction to go on this. Vince Cruciani stated that Ryan from Medico has a great reputation but at the same time if you are selling something, you're selling something. Mr. Cruciani then stated that the street sweeper is actually 4 years old and there is no warranty, it is a 2012. It has 400 miles, if it doesn't come with a warranty how are we going to have quality control. When he thought it was new or a year old, he was a little more comfortable. Herman Johnson stated that he has two concerns. He looked back on the pictures; they have been mulling this over for over 4 months. As elected officials, they need to come up with an answer yes or no. Mr. Johnson stated that he understands that this does not have a warranty; a lot of construction equipment over 4 years old doesn't have a warranty, but before they give it to you they are going to do a maintenance check on it to cover their name. Mr. Johnson doesn't want to drag this out any longer, Mr. Cruciani agreed. Mr. Johnson stated that Mr. Williams brought this up 4 months ago, he spent days and nights researching it and he appreciates what he did. Mr. Johnson stated that what hurts and embarrasses him is that the DPW has a Tar Bucket; he has only seen that on the road maybe once or twice. Mr. Johnson said at the last work session that the DPW has equipment down there and ½ of the time we use it and ½ of the time we don't. Mr. Johnson stated that we have streets that make the Borough look very poor, especially when we have cinders on the road from two years ago. Vince Cruciani stated that he thought Council should make a decision on this tonight, Mr. Johnson agreed. Gerrie Carey stated that Ryan from Medico wanted to bring it up for the DPW to see because they will be operating it. Herman Johnson stated that they are the elected officials and they should be the deciding body. Vince Cruciani stated that seeing the machines won't actually change anybody's mind. Mr. Cruciani asked about the specifications on the skid and the attachment sweeper, are based off of a new product. The quote on the 2012 street sweeper with 400 miles on it, he wonders what a new one would cost. Ms. Kehoe stated that instead of 400 miles it is 400 hours. Mr. Johnson stated that is a bargaining chip, we can negotiate the price. Herman Johnson made the first motion to purchase the street sweeper from Medico, seconded by Pat Williams. On the question Gerrie Carey stated that she doesn't want to go ahead and pay \$30,000 for a street sweeper without a warranty. She wants to find out what protection they will have with it. David Jenkins stated that it is going to work until they get it out of the lot. Vince Cruciani stated that Mr. Johnson might want to amend the motion to include how they are going to finance it. Bob Bennett stated that they won't have a manufacturers warranty, but would Medico be willing to make a guarantee. Not sure. David Jenkins said they should take a look at that

picture and look at all of the hydraulic hoses, he guesses the answer would be no. Herman Johnson stated that he would like to amend his motion. That they purchase the sweeper under the condition that Medico could give them a warrantee on it and that they buy it outright if they can get a general warrantee. Mr. Cruciani stated that Mr. Johnson might want to enumerate on the warranty. Herman Johnson stated that the general warrantee would be for the parts, the broom and the maintenance that should come with a vehicle that they are going to purchase, for 1-3 years. David Jenkins asked where the Borough would pay for it out of which account. Herman Johnson stated that it would have to come out of the Capital Reserve. David Jenkins stated that should be in the motion too. Vince Cruciani clarified the motion which is to purchase the sweeper if they guarantee us a 3 year general warrantee. Pat Williams stated that he doesn't know if they are going to give us a warrantee because it is a used vehicle and he doesn't see why that would hold them back. Mr. Williams stated that everything breaks, if it is mechanical it breaks, we can get it fixed they have parts there. Mr. Williams stated that the bottom line is that we need to look at is what it is going to do for the community, to spruce the town up, that's why when they got involved with skid steers, that never should have been brought up at all. Mr. Williams stated that they were concentrated on the sweeper, and then other people got involved. Vince Cruciani stated that he did get involved with the skid steer because they were dealing with the sweeper attachment, he respectfully disagrees that it didn't only involve the sweeper. Mr. Williams stated that the initial agreement and the way they looked at it was that they were looking for a sweeper; the skid steer was brought up by other people when it shouldn't have been brought up, so they went down and researched the sweeper. They spent a lot of time on this, saw a display of how it works, it's a nice vehicle and it is something they should have in this Borough. The skid steer is not a sweeper, this is a sweeper that is all it does, and it sweeps the roads and will do an inch and a half of snow. With the skid steer you have to buy attachments, it's not meant to be a sweeper. Mr. Johnson stated that is why he is getting a little upset when they are getting into skid steers. If they want a skid steer they should put it in the budget for next year on their wish list. Vince Cruciani stated that not his past winter but in the years before we had a great deal of snow and the Borough had to borrow a skid steer from Clarks Green. So with the opportunity to combine them and make it a more versatile purchase and a new purchase was on the table, it was up for discussion even before the summer, about a skid steer. Mr. Williams answered with absolutely not; initially they were discussing a sweeper. The skid steer has brought a lot of controversy. David Jenkins stated that is not true because they need to hear all the options that are available, whether it is an expensive or a cheap option. Mr. Jenkins stated that he disagrees with Mr. Williams and Mr. Williams is not always correct and he has to listen to other people opinions too even though he doesn't like it and he knows it is a hard pill to swallow. Mr. Williams said oh boy, is all of that necessary. Mr. Williams stated that what he is talking about is a sweeper; the skid steer is a separate item. Mr. Jenkins said but it is, the skid steer has the attachment. Herman Johnson stated that there is a motion on the floor. Mr. Williams stated that he would be very disappointed if they don't get this. Mr.

Johnson stated that he thinks they should move forward. Mayor Lawler asked who would do the maintenance. Herman Johnson stated that it could be done by Medico or the DPW. David Jenkins stated that it all depends if there is a warrantee. Herman Johnson stated that even if they didn't have a warrantee it would be like taking our police cars into a garage and we would have to pay for it. But if we had a trained mechanic like they used to have at the DPW he might be able to do it. The hydraulic hoses are simple, it is not complicated. Mr. Johnson stated that have to make a decision, stop arguing, they said they wanted a warrantee and now they have to come back to us with a decent price and if we don't then we tell them no, but there is a motion on the floor to purchase it. Virginia was asked to read back the motion which was to purchase a sweeper from Medico on the condition that it has a 3 year general warrantee which includes parts, the broom and maintenance and it would be paid for from the Capital Reserve Fund. Gerrie Carey asked what the correct amount is. Bob Bennett stated that they are voting on a purchase and don't have a price? David Jenkins agreed because they have nothing in writing concerning the price. Vince Cruciani stated that in the March 2015 minutes it states that Mayor Lawler called Clarks Green's Mayor because we needed a skid steer can we borrow theirs, they had a nice conversation, they said they would be able to send their staff to help if possible. There are also emails about the skid steer from February 2015 so it has been on the radar for a while and he wanted to bring up the factual basis. Mr. Johnson stated that both have been on the radar. Mr. Johnson stated that before they purchase it they need to do some negotiating with the gentleman. David Jenkins stated that it is too late for that. Herman Johnson stated that he doesn't think it is too late for that. David Jenkins said he disagrees. Herman Johnson stated that they can make a cap of \$30,000. Vince Cruciani stated that he thought they were at \$24,000. Gerrie Carey thought it was \$23,000. David Jenkins stated that there was an awful lot of confusion without anything in black or white. Herman Johnson suggested tabling it. Mr. Johnson rescinded his motion, Pat Williams rescinded his second. Vince Cruciani stated that we need apples to apples on new and used or both, the warranty, then they can make an educated decision. Council agreed to adjourn that evening and vote next month. Gerrie Carey asked if there would be an issue if Council all met because of the Sunshine Act. Solicitor Dan Mulhern suggested they scatter it a little bit so there is not a quorum. Solicitor Mulhern stated that if four of the Council members are there and they are deliberating between that and the skid steer and they feel it should be discussed in public session then do not do it. David Jenkins suggested that they go two at a time that way they are not violating the Sunshine Act. Herman Johnson and Vince Cruciani discussed the idea of the DPW Foreman reviewing the equipment as well. Vince Cruciani said it may be helpful to hear from Neil Bartholme and get his take on the equipment. Herman Johnson agreed. David Jenkins stated that the problem is they should have had something in black and white to tell them how much it was. Questions concerning a warrantee, without a warrantee we would be fools to purchase this. Herman Johnson told David Jenkins that he is absolutely right. When they went down there 4 months ago they had everything, but they are trying right now to correct the situation.

5. BOROUGH TREASURER’S REPORT

President Carey

David Jenkins made the first motion to approve the Borough Treasurer’s Report, seconded by Herman Johnson, vote was 7-0.

6. COMMITTEE REPORTS:

• Building & Plant

Pat Williams, Chair

Pat Williams stated that there is a lot of excitement and action downstairs.

• Finance Committee

Dominic Scott , Chair

Donation to Countryside Conservancy

Vince Cruciani asked if the Finance Committee can get together to take a look at the finances. Virginia Kehoe stated that she has asked the Finance Committee to get together; she has a list of things to discuss. Virginia Kehoe stated that at the work session Council said they would discuss the Countryside Conservancy’s offer. Vince Cruciani stated that they would be able to talk about that next month. Herman Johnson stated that this should not even be on the agenda, and this is where they get bogged down with stuff. He wishes that Madam President would correct these problems.

• Grant Committee

Dave Jenkins, Chair

David Jenkins stated that with the addition of Brianna Eagen, she has some experience in grant writing. David Jenkins stated that Pat Williams has approached the county about getting a grant at Veteran’s Park; Pat Williams stated that they did receive that and David Jenkins suggested Mr. Williams show Ms. Eagen how we do the grant writing. The Mayor stated that Ms. Eagen might have the creativity and a way for the Borough to get more recycling bins. David Jenkins agreed and said it’s a new set of eyes coming in so it certainly can’t hurt. Mr. Jenkins suggested that when there are 3 people on a committee, all three should be present and informed, not just 2 of the members.

• Recycling Committee

Bob Bennett, Chair

Ms. Kehoe stated that she thinks we had a direct deposit today for the 2014 Recycling in the amount of \$6,845. There was no note with the direct deposit, Ms. Kehoe will call and make sure.

• Insurance Committee

Vince Cruciani, Chair

• Personnel Committee

Gerrie Carey, Chair

Hires for Treasurer and DPW seasonal worker, employee handbook

Herman Johnson made the first motion to hire Janice Reich as the Clarks Summit Borough Treasurer, seconded by Pat Williams, vote was 4-3. Roll call of the vote was Bob Bennett, Vince Cruciani, and David Jenkins voted no and Dominic Scott, Gerrie Carey, Herman Johnson, and Pat Williams voted yes. Vince Cruciani made the first motion to hire for the part time work in the respective positions to hire Mr. Musheno and Mr. Orlando. Herman Johnson asked to do that singly, one at a time. David Jenkins asked to go back to a question concerning the position, Mr. Jenkins asked if Ms. Reich will be bonded and he asked if there is any other insurance that we need to take out on her. Ms. Kehoe stated that she will be bonded and our liability insurance will cover her as well as all of the staff. Mr. Jenkins asked how high the bond is. Ms. Kehoe would have to check that out, whatever the PSAB recommendation is. Ms. Kehoe is going to ask Ms. Reich to begin as soon as possible. We don’t know how many weeks training she will need. Mr. Johnson

stated that she has the training, she knows QuickBooks, and so it shouldn't be that difficult. Herman Johnson made the first motion to hire Christian Orlando for the summer season as a part time DPW worker at two days a week, seconded by Bob Bennett, vote was 7-0. Vince Cruciani made the first motion to appoint Mr. Musheno to the part time seasonal, 4 days a week to the DPW, seconded by David Jenkins, vote was 7-0. That position will end in November. David Jenkins asked if they came to any secondary thought about the conflict of interest, if the person is not solely employed here. Simply because of the matter of what comes before the job, with the job somewhere else. Mr. Jenkins stated that Herman disagreed with him but he would like to get an opinion. Herman Johnson stated that in the last few years with all of their Treasurers, they are part time workers. David Jenkins stated that it is in a confidential position. Mr. Johnson that it is not a confidential position, but Mr. Johnson stated that he is willing to let the Solicitor research it, and if it is a conflict of interest then let her go. David Jenkins stated that he wouldn't say let her go but give her the option. Mr. Johnson stated that they are mixing a lot of this stuff up and it is foolishness. David Jenkins disagreed. Gerrie Carey stated that Melissa Jones also works up at the Waverly Comm. Ms. Kehoe stated that she did at one point but she does not now. Gerrie Carey stated that Melissa is also with the AAJRB. David Jenkins stated that he is comfortable with it if the Solicitor is.

Herman Johnson stated that Officer Kevin Yetkowskas's one year probation period is up as of June 15th. Once the Chief and Mayor review his evaluation, he would like him taken off of the probation status. Chief Chris Yarns agreed and said he has shown great improvement, he is helping out and doing some really good work. It was Kevin's idea to get the police bike. Herman Johnson stated that he would like to call an executive meeting, for one minute after the meeting because they received a letter and he wants everyone on Council to know what the letter is all about. Vince Cruciani asked about the employee handbook. Bob Bennett stated that he would discuss that under "additional Comments."

- **Public Safety/Safety**

Pat Williams, Chair

Pat Williams stated that there are a lot of loud vehicles in the Borough. Chief Chris Yarns stated that would be either an altered exhaust system or a malfunctioning exhaust system. Sometimes it is obvious; they could try to stop these vehicles. He would let the officers know. For an officer to pull someone over they have to have probable cause. David Jenkins stated that he thinks the stop signs and speeding needs more enforcement. Stop signs and right turn on red, people don't even slow down. Chief Yarns stated that he thought they have been doing pretty good writing citations this month. They have used the grant money for the extra patrolling. Mr. Jenkins stated that tractor trailers and busses in the second lane, the left lane, would pass cars and trucks and when they got to the light they would get into the right lane. Chris Yarns stated that the area is posted 5 times that the left lane is turn only. That is going to be a really nasty situation there, a bad accident if something isn't done. Herman Johnson stated that everyone keeps on forgetting that the police department is shorthanded. If we want to them to do all of this enforcement properly, they should probably go to the Finance Committee and see if they do have extra money. The only time the Chief can do this is if the county can give them a grant. They have been preaching this for years, but the Chief is doing the best he can with the best he has. Mr. Johnson stated that he doesn't know why they sit there drilling the Chief for 15

minutes, saying do this do that. Chief Yarns stated that he appreciates knowing where the issues are and it can be difficult to get everywhere with one or two men on. Vince Cruciani suggested keeping an eye out for Radar Guns. Chief Yarns stated that would be great. Herman Johnson suggested looking into the radar gun and the big screen that informs the general public that they are going too fast instead of the little box.

- **Public Works**

Herman Johnson, Chair

DPW Monthly report: Herman Johnson stated that the guys have been doing a great job and he wants to show their appreciation by thanking them. The DPW was very helpful with getting supplies to the areas where the community service group was working. Mr. Johnson stated that he traveled through the municipality and he thinks our potholes are getting bad. He would like to see a few guys out there filling potholes. Mayor Lawler stated that the town looked beautiful for the Memorial Day Parade.

- **Recreation**

Dominic Scott, Chair

The parade went off very well; it was the largest they ever had. Herman Johnson said Dominic Scott did a great job.

- **Sewer Billing**

Dominic Scott, Chair

Dominic Scott stated that the report from Jenn Basalyga is that everything is going smoothly.

- **Alley Research**

Bob Bennett

Bob Bennett thanked Virginia Kehoe for her time and professionalism. They rode up and down a couple of the streets and then they looked at the maps. Some of these are streets that the Borough is taking care of but they are not on our liquid fuel listing. They would equal around 7/10's of a mile, which would be around \$3,500 and \$4,000 additional possible fuel money. The alleyway behind the Borough Building meets the qualifications of a street. That is 2/10's of a mile that could be about \$1,000. Herman Johnson asked how much it will be to blacktop that road/alley. Not sure.

- **Additional comments from Council**

David Jenkins asked about the work order for the drain pipe by old Winola Road, was there any progress been made? Jenn Basalyga will check out the status. Herman Johnson stated that all of the work orders that go in should be put in a monthly report to see how many work orders are completed. This way they know if something is wrong if the work is not done. Bob Bennett asked about the status of the Employee Handbook. Solicitor Dan Mulhern stated that the handbook has to be reworked in his opinion. Solicitor Mulhern stated that he thinks there is a lot of conflicting sections that would conflict with employee contracts and collective bargaining. David Jenkins stated that we really do need to get an employee handbook. Herman Johnson agreed. Vince Cruciani stated that there may be legal and policy concerns with this. Bob Bennett stated that he is not comfortable with the way they define harassment. Solicitor Mulhern stated that the thing with an employee handbook is that you have to enforce it, and if you don't enforce it to the T, then you are in violation of it one way or the other. Solicitor Mulhern stated that there is a lot of language in the current handbook that conflicts with laws. Solicitor Mulhern suggested a committee be formed with the Borough Manager and himself and a Council person. Bob Bennett was the Council member to be on that committee. Herman Johnson agreed with the enforcement with it. Solicitor Mulhern asked who sparked this handbook. Virginia Kehoe stated that the Risk Assessment individual for our Insurance Company in her

annual review asked if the Borough had one and then strongly urged the Borough to consider adopting one since we didn't have one. Vince Cruciani stated that the intent on the Borough's end is to strip it down to what is legal, what they can do rather than nuance refine every detail that they have necessarily. Get to a base document that is legal and workable and they can always expand upon that. Solicitor Mulhern stated that he will have to review all of the contracts that the Borough has with its employees first. Then if they have to put in an addendum that the contracts supersede this or this supersedes the contract. Herman Johnson stated that this will take a long time because they have to watch the police department and Act 600 very closely, he doesn't think there would be a problem with the DPW or the Borough Managers Office because they are non-uniform. Vince Cruciani stated that in terms of the collective bargaining agreements, they could always put in a severability clause that says in the case where this conflicts, the collective bargaining agreement governs. If there is a discrepancy the collective bargaining unit has to approach us with their belief that there is a conflict. Herman Johnson asked how we know if that unit is not going to sue us, this is very complicated. Solicitor Mulhern stated that if this is enforced, he will have a lot of say as to how it should be enforced, interpreted, how the training should be conducted, how often, in order to comply. Hierarchies will have to be clearly defined. David Jenkins stated that we should have had this a long time ago, that could be tweaked so we get it somewhat agreeable. There is going to be something that everybody will not totally agree with. Herman Johnson said he agrees with David Jenkins, stated this is why you need evaluations, performance appraisals, and an employee handbook that is right. This is why we don't have a structure, we need on or we are going to get in a bind sooner or later. Bob Bennett stated that he will work with the Borough Manager and the Solicitor on the employee handbook. Pat Williams stated that because the insurance company sent us some suggestion, we are really getting into this handbook now? We maybe are harassing our people with this handbook. David Jenkins stated that he thinks Mr. Williams is looking at this the wrong way, if you check into other Municipalities; you will find that they already have employee handbooks in place. Mr. Jenkins stated that we are the ones that are remiss because we don't have one and that is what the insurance company is politely trying to say without coming out and saying without it they can cancel our insurance. Pat Williams stated that he doesn't think the employee handbook is necessary. Herman Johnson stated that he worked for the Federal Government for 27 years and they had a handbook in the early 70's to protect them and the employee. Pat Williams asked Vince Cruciani about the insurance company and asked if they have ever done anything for us. Vince Cruciani stated that we have received thousands of dollars' worth of rebates per year, and they have covered us on many things. Pat Williams asked what they have done for us besides give us suggestions on employee handbooks. Vince Cruciani discussed the fence at Moe's that was paid for by a \$6,000 rebate that our policy got, they are solid. Pat Williams said that he thinks they are looking out for themselves; they are not helping this Borough. David Jenkins stated that if everyone is doing their job, the way their job is described in the employee handbook then there will not be an issue. Solicitor Mulhern stated that he is not for or against the handbook because that is not his role. Legally some of the clauses would be unenforceable. David Jenkins stated that he thinks the handbook that we received was meant to be a guide.

7. POLICE REPORT:

Mayor Lawler

Herman Johnson stated that he hasn't seen the overtime down that low in a long time, thanked the police as a Councilman and a resident. Mayor Lawler stated that the Veteran's Court is up and running and there was a ceremony at the VFW, the compliments from the Magistrate and the D.A. of our police department. They chose us to pilot this program. Councilmen Johnson and Williams are on the Veteran's Court. Herman Johnson suggested Virginia Kehoe contact the company that owns the tower and ask them if we can up a receiver there. Chris Yarns stated that it might be a dish. ½ parking meters are installed. Chris Yarns stated that the older meters that have been removed; there is a state website that can be auctioned off. Herman Johnson stated that we have these meters and a truck at the DPW, why don't we try to get rid of this stuff. It is a state auction website.

8. VENDOR PAYMENTS TO BE RATIFIED:

President Carey

Vince Cruciani made the first motion to accept the Vendor payments, seconded by David Jenkins, vote was 7-0. Herman Johnson asked about J.B. Printing printed business cards for \$95.00, why is that so expensive. Ms. Kehoe would look into this.

9. OLD BUSINESS:

President Carey

- **CDBG 2015 and 2016 projects:** Virginia Kehoe stated that John Petrini said that he is getting a little push back from the state and they are asking him a lot of questions about whether Veteran's Park would qualify or not. But he is still trying to qualify it. Meanwhile, initially he feels that Old Lackawanna Trail would probably qualify but he would like to make an appointment to come up next week and tour it and talk about it. Ms. Kehoe stated that we have until June 15th to give him what we want to do, we can change it. Herman Johnson made the first motion that we give the two projects, Old Lackawanna Trail for sidewalks and Veterans Park for the 2015-16 CDBG Project, seconded by Vince Cruciani. On the question Vince Cruciani asked that when Mr. Petrini comes up to look at Old Lackawanna Trail, just make sure conceptually that there may only be room for one broad sidewalk on one side of the road. Council agreed. David Jenkins asked which side of the road the sidewalk would be. How far is the right of way, would easements be necessary, Vince Cruciani stated that he thinks the Gerrity's side. Herman Johnson mentioned the safety issue with people crossing over. Vote was unanimous 7-0.
- **Telespond Lease:** Vince Cruciani there is 100 acres at the AAJRB Park. The document between the Borough and the AAJRB that nobody can find allocating the area to the Senior Center. The agreement with Telespond references the area, but the exhibit isn't to be found. Mr. Cruciani stated that the issue came about last year that the Borough was being underfunded by about \$8,000 a year by Telespond. So we want to renegotiate the lease which expires at the end of June. First we need to reformat the document with the AAJRB to identify where our lease rights are. Secondly we need to work with Telespond on renegotiating that contract. We need a meeting with the AAJRB between the two bodies, negotiate with Telespond when that was done then we are making a motion tonight to extend on the same terms for one month, the Telespond lease. The idea is we

don't want to prolong this but we don't want to shut down the Senior Center. Vince Cruciani made the motion to extend the lease with Telespond by one month, seconded by David Jenkins, vote was 7-0. By one month, Vince Cruciani stated that he means the next Council meeting.

- **Property on Florence Street:** Solicitor Rogan stated that the full title search came back, there are a few easements from PPL and the Borough has an easement for stormwater. Solicitor Rogan stated that he doesn't see any reason why Council shouldn't take the property. Vince Cruciani made the first motion to accept the deed on Florence Street and have it deeded as conservation easement, seconded by David Jenkins, vote was 7-0. Herman Johnson agreed with this but there are no taxes being paid on this. Pat Williams asked what the conservation space is. Vince Cruciani replied that it will be green space. David Jenkins stated that we get credit through the state for the green space. Vince Cruciani stated that it increases the property values around it.
- **Property on Summit Ave:** Vince Cruciani stated that he drove by the property right before the meeting and he has no idea what she is talking about. Mr. Cruciani stated that he took the reply as a threat. Herman Johnson stated that he doesn't think it was a threat. She offered \$10,000 and then after she did her research the property comes down to \$6,000 and she is quoting an ordinance the property needs to be maintained and she has been doing it. Mr. Cruciani stated that when you have wooded property the ordinances don't apply like it is when it is lawn. Mr. Cruciani stated that he wouldn't have a problem giving her the property for \$1,000 or \$6,000, but what is her problem with having a restriction of a 10x12 building lot. Something just doesn't seem to sit right with him. Mayor Lawler stated that the owner would never have bought the lot if she thought this piece of land wasn't hers. The realtor told her it was hers. She would like to purchase it to expand her property. Virginia Kehoe stated that we countered with a \$12,000 price and the land restriction. Ms. Kehoe stated that she could have felt threatened by us with upping the price and the land restriction. Herman Johnson agreed he believes that the letter doesn't sound threatening, he recommends selling it for \$6,000. Vince Cruciani stated that the only thing he really cares about it is keeping the restriction so she cannot build on it. Herman Johnson stated that he doesn't care if she builds on it or not, stating that we have been sitting on that piece of junk for so long and now someone is making us an offer. Bob Bennett asked where she came up with the amount of \$6,000 for the fair market value. Solicitor Dan Mulhern stated that the Borough did advertise for this, we did not hire a real estate agent; however we did get an estimate from a real estate agent, which was at least 8 times higher than what she is offering. His concern is that the fair market value is 8 times. Vince Cruciani agreed that we need a reassessment on the land. Virginia Kehoe stated that it was an oral offer and the owner did reject it and sent a counter offer. Vince Cruciani stated that the appraisal should include two parts to it, one should be if it has the ability to have constructed buildings on it and the second appraisal should be if there is a restriction of a 10x15 building on it, that way it will give us two ways to work with it. We need the Borough Manager to get numbers from a realtor as to what they will charge the Borough to appraise the property. David Jenkins made the first motion to table this until they get more information, seconded by Vince Cruciani, vote was 7-0.

- **Insurance Policy:** Vince Cruciani stated that any insurance company is welcome to put in a bid. Henkleman and Young has been very responsive, proactive, financially efficient for the Borough. Mr. Knowles did not give us information, and we gave him ample time to do that. Mr. Cruciani stated that he recommends that we renew the policy but before he does that Bob has a question. Bob Bennett stated that the interpretations of the word family should be put aside; the policy says a live in companion is not covered along with any children associated with that companion. Vince Cruciani asked that Solicitor Mulhern take a look at Bob's concerns and we can always amend the insurance policy on a vote going forward in the future. Vince Cruciani made the first motion to approve the current policy for renewal, seconded by David Jenkins. On the question, Herman Johnson stated that he would like to see that advertised in case any other companies want to put in for it. Vince Cruciani stated that it expires today. Mr. Johnson asked if it was advertised. Mr. Cruciani stated that any company can approach us at any time. Mr. Johnson said that he recalls past practices that we advertised for this. Virginia Kehoe stated that for as long as she has been with the Borough we have never advertised for this insurance. Mr. Johnson stated that we have advertised for different contracts, different insurances, even with the police department, they advertised for the pension fund. We advertise so we get the best contracts Vince Cruciani stated that we can advertise and do this for next year. Mr. Cruciani stated that Mr. Johnson can make a sub motion to advertise. Mr. Johnson said no that is alright, you people do what you want to do, so why should he make another motion. Vince Cruciani asked what Mr. Johnson meant by that, stating that he is not in the majority. Mr. Johnson said that's alright let's vote. Vote was taken and resulted in 5-2 with Pat Williams and Herman Johnson voting no. Mr. Cruciani stated that for the record they did entertain two separate companies that put forward information. Mr. Johnson said that Mr. Cruciani got his vote so be happy. David Jenkins stated that this wasn't a spur of the moment thing. Just as Mr. Johnson discussed Mr. Williams taking all of this time about a used sweeper, Mr. Cruciani also put in the time and effort getting a hold of both companies. Mr. Jenkins stated that it is an insult the way Mr. Johnson is saying this. Mr. Johnson said if Mr. Cruciani is taking this as an insult, then he is taking it as an insult. David Jenkins stated that Mr. Johnson should know better than to insult somebody like that. Vince Cruciani stated that he is just trying to understand because we have had Insurance on the agenda since April. Mr. Johnson said that he understands that. Mr. Cruciani stated that we didn't advertise accounting fees, attorney's fees, and several other professional fees, because people know that they can submit their resumes. Ms. Kehoe stated that the Borough doesn't have to advertise professional services. Mr. Cruciani said that is precisely the point. We should always look into other vendors like insurance companies to see if we can get better rates. Mr. Cruciani stated that he remembers approving Solicitors without even approving the rate in January. Mr. O'Brien at Oliver, Price and Rhodes was approved without the rate being approved ahead of time. Mr. Cruciani stated that these renewal items should be brought up ahead of time. Pat Williams stated that is a stretch. Mr. Cruciani asked how that is a stretch. David Jenkins stated that it is a stretch when Pat Williams doesn't agree. Pat Williams stated that Mr. Jenkins has too many comments; Mr. Jenkins stated that he is getting like Mr. Williams and Mr. William's big mouth will get him in trouble.

There was more arguing among Council members but it was difficult to translate as they spoke over each other. Pat Williams stated that if anybody has a big mouth, it's you (Mr. Jenkins), you are very arrogant and rude. David Jenkins told Mr. Williams to look in the mirror, Mr. Williams responded by telling Mr. Jenkins to look in the mirror.

10. NEW BUSINESS:

President Carey

- A. ARWA and Vacancy Board:** Dominic Scott made the first motion to appoint Harry Jenkins to ARWA, seconded by Herman Johnson, vote was 7-0. They are waiting for a volunteer to come forward for the Vacancy Board.
- B. Resolution 2016-10 Sidewalk Sales Meter Suspension:** David Jenkins made the first motion to approve Resolution 2016-10, seconded by Herman Johnson, vote was 7-0. Vince Cruciani asked if we are going to curtail the meter enforcement for 2/5 of the day that it runs. Is he guaranteed a certain number of hours a week, so they can cut his hours back that week by 40%. Council agrees.
- C. Street Light on Bissell:** This is about the safety issue on Bissell Street and the cul-de-sac, Mr. Johnson stated that he put in a work order to check the bulb to see if it was bright enough or if it was burned out. Then Mr. Johnson stated that he asked that they put another light at the end of the cul-de-sac. Virginia Kehoe stated that they did not vote on that. Vince Cruciani that Bissell and Primrose are two 40-50 year old neighborhoods in Clarks Summit, the light on Bissell is a different story because if there is a light that was working, that isn't then perhaps fixing the light is the solution. Virginia Kehoe stated that this would be a second light not a replacement for the first light. Mr. Cruciani asked whose property is the new light going on and whose property is going to shine on. When it comes to Primrose, you have two people that just moved into the neighborhood and you have 5 other people that have lived in the neighborhood for 20-30 years, who like it the way it is, who don't want a giant light shining in their window. Bob Bennett stated that all of the garages on Primrose had motion lights; he was there in the daytime though. He thinks there are enough lights there. You have the lights of town with Bissell; it will have a bigger effect on Primrose. David Jenkins agreed with Mr. Bennett that they should not put in a new street light on Primrose. Herman Johnson asked what the older neighbors thought about the street light, the answer was they were never asked. Ms. Kehoe stated that they also never asked for a street light before. Mr. Johnson suggested Virginia Kehoe send the property owners a letter. David Jenkins asked if we are replacing any of these light bulbs with LED's. Ms. Kehoe said not yet, we would have to sign a new agreement with PPL, they haven't reached out to her. Mr. Jenkins stated that we need to ask a little more sternly because that is certainly the wave of the future to go with LED's. Vince Cruciani stated that if we want to be sincere about taking the property owner's input, he thinks we have to identify where the pole is going to be and the umbrella of the light and see if they are in favor or not. Ms. Kehoe will send the letters to the residents. Ms. Kehoe stated that she has an email stating that the light should be in on Thurston within the week.

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

Solicitor

12. CORRESPONDENCE:

- **Erin and Vince Lakatos:** Already discussed
- **Maria Brown:** Vince Cruciani made the first motion to put a lien for the back balance of \$202.00 as long as Maria Brown is the tenant, allow Brown to maintain water use at \$52 a month, if she vacates, the deal is off, seconded by David Jenkins. On the question, Herman Johnson asked where the property owner is now. Ms. Kehoe said it is in Florida or the Carolinas, they are not in town. Mr. Johnson stated that if we put a lien on it, is the owner going to try to evict the tenant. Maybe we are putting the tenant in a spot too that he might evict her; Mr. Johnson doesn't want to see the Borough be the pusher of something that might turn evil. The vote was 6-1 with Herman Johnson voting nay.

13. EXECUTIVE SESSIONS:

President Carey

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

14. ADJOURN:

President Carey

Vince Cruciani made the first motion to adjourn, seconded by Herman Johnson, vote 7-0.