

BOROUGH COUNCIL SPECIAL MEETING
JUNE 28, 2016
7:00 PM

The June 28, 2016 Borough Council Special Meeting was conducted on Tuesday, June 28, 2016 at 7:04 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 Ms. Gerrie Carey, Mr. Bob Bennett, Mr. David Jenkins, Mr. Herman Johnson, Mr. Dominic Scott, Mr. Vincent Cruciani, Mayor Patty Lawler, Borough Manager Virginia Kehoe and Solicitor Mulhern. Absent from the meeting was Mr. Patrick Williams.

1. WORKSESSION:

President Carey

Virginia Kehoe stated that the ABPA has now appointed someone to come to our meetings regularly to participate and/or answer questions.

2. PUBLIC COMMENT

President Carey

- **Mike Fenick – Colwell Naegele – MS4 Update:** Mike Fenick stated that currently Clarks Summit has a general permit which allows us to discharge storm water to outfalls in the Borough. The permit period is 5 years, every year we do reporting and documenting, we have been in good standing with DEP for the last several years. Mr. Fenick is very pleased with what he and Virginia Kehoe have submitted. For the upcoming permit in 2018, they are requiring municipalities to reduce pollutants being discharged, sediment, phosphorous and nitrogen. The biggest change that is going to come for the new permit is the basic overall storm water infrastructure, which we are ahead of the curve on that. They have the survey portion done, now it is a matter of connecting the dots, getting all the pipe networks in, seeing how that connects to the outfalls and they have distinguished and established over the years. Through this they might find some more. There are 17 outfalls in the Borough right now and that might change and that is ok. As a part of that mapping, what they want to see the Borough's and Municipalities do is develop what they are calling storm sewer sheds. So each outfall is going to have this area going to the outfall made of pervious, grass, residential lots, or woods, and from that you determine basically what your pollutant looks like, and there are reductions that come into play. Right now Clarks Summit has discharged in to Legetts Creek and they have a total daily maximum load and there are waste allocations that will be put to those streams and right now there are no values for them yet. The last couple of years, the plan has been very basic. We are waiting to hear about the rain garden project, in Floral Park. The rain garden is a very good (BMP) best management practice to eliminate the sediment, phosphorus, and nitrogen. For Clarks Summit he imagines we are going to plant some trees, stream restoration, those are the BMP that we will look to do. Currently the Borough is compliant. We are in a good position so when those changes come we will be able to react. Vince Cruciani asked if there is a limited amount of areas to apply BMP's to satisfy the requirements that the government is going to be looking for. Mr. Fenick stated that they want you to reduce the sediment by 10%, phosphorous is 5%, and nitrogen is 3% annually. When you deploy a rain garden it is built in that you are

going to achieve the percentages anyway. A rain garden is a wonderful BMP. Are there environmental features that have to be adapted to on these processes or can they be implemented anywhere within the geographic location of the Borough. Virginia Kehoe stated that each outfall is going to have its own count, so they are going to have to strategize for each separate one, and we have 17 so we are going to end up with 17 water sheds. They are going to give us counts that we are going to have to meet at each outfall. Vince Cruciani asked if Mike Fenick had the 17 mapped yet. Mr. Fenick said not yet, the next meeting will show them more of how to do this. Herman Johnson asked what kind of grant they were looking for. This is the grant that we have been waiting for a response for Carnation Park. It was a BMP grant for storm water, through DEP, it was held up with the budget and then they were not sure if they were going to have to re-apply. We are still waiting, this was for a rain garden in Carnation Park which would handle the increased storm water after rerouting Carnation by Noone's as well as fixing some problems that we already have at that area and they were planning a big tree planting at the Abington Heights Elementary School and Citizens Bank. Herman Johnson asked if we were going to do anything up on Columbia Avenue where they are having all of that area coming down on East Greenwood. Ms. Kehoe stated that is something they would have to talk about, it is not in the works right now. Mr. Cruciani asked how gradual this will be. Mr. Fenick stated that it is a gradual process. Mayor Lawler asked about paper alleys, it is on paper but it doesn't actually exist. On Sheridan there is a situation and the people on Harwood are taking issue with this as there are paper alleys. How it is on paper but in the real world it doesn't exist. They can look into this. Greg Pascale explained the paper alleys and the rights to it. There is a lot of case law on these issues. Dominic Scott stated that we are talking about getting a street sweeper, gravel and salt etc. will go into storm sewer. That is also a BMP to take advantage of. One brushes the material to the left or the right and the other one is contained and hauls it off. Herman Johnson stated that they could always go around that catch basin. Either machine you are going to get a little. Mr. Fenick stated that with the closed unit it will do a much better job keeping potential sediment and salt making it into the storm water area. DEP likes to see enclosed units, better management. Mr. Fenick stated that with cost perspective and manpower perspective he would think the skid steer with the attachment is a really good idea. You can use the street sweeper as a BMP and calculate what is picked up. That will help and make it a lot easier. Gerrie Carey stated that our concern is next year would DEP say you can't use that street sweeper. What is our best investment, need to choose. Every year things are going to change. Gerrie Carey and Herman Johnson thanked Mike Fenick as he was very informative and the MS4 is very important and he is keeping them ahead of the hall.

- **Senior Center – Greg Pascale:** Greg Pascale was present for the AAJRB not the Senior Center. Mr. Pascale stated that there was a lease 25 years ago and nobody can find it. There is a mention of it in the original document. Vince Cruciani stated that there is a mention of it in the agreement with the Borough and Telespond and he found the highway occupancy permit and that was it. Mr. Pascale stated that all of the Municipalities are going to have to agree at this point. Vince Cruciani stated that the Municipal agreement came out in the 70's, and then there was a revamping of it in 77' that perpetuated it for 50 years. All of the Municipalities have to vote on it in 11 years. The grant came through at some point in the early 90's, and that is when this lease came about. Then in 2000 there is a reference to the lease in the Telespond

agreement. Mr. Cruciani stated that his personal opinion is with the natural course of events would be for the AAJRB to perpetuate the lease for 11 more years and then when the Municipalities decide on whether or not they are going to keep the organization itself, they can decide on keeping it with the building or without. Mr. Pascale stated that the problem is does anyone know what the terms of the lease are. Ms. Kehoe said no that is why they have to re-construct something. The original lease was between Clarks Summit Borough and the AAJRB, and then we sublease to Telespond. Mr. Cruciani stated that there is a 7 year period of time that the Borough operated a defined portion of land within the 100 acre setting and then there is a sublease in 2000 to Telespond. The Finance Committee met a year ago and realized that this hasn't been updated in a while and they wanted to have a new conversation about it. The realization came when they don't have the documentation, because the Borough doesn't own the land, the AAJRB does. Greg Pascale stated that the Municipalities own the land; there is a deed to the Municipalities. Greg Pascale stated that at some point the Borough got a grant to build the Senior Center and at that point that is probably when the lease was done or should have been done. Vince Cruciani stated that there should be something on the Recorder of Deeds even about the ownership of the building and there isn't. Mr. Pascale stated that the structure is put on the land, when you deed the property you only describe the real estate. Herman Johnson stated that the way he remembers it, when they got the grant, that was our land and we just built on just a small part of it. We got all the other Municipalities to come in on this. But we are the ones doing everything. Vince Cruciani stated that all five municipalities are tenants in common. Mr. Cruciani stated that we are trying to move forward with Telespond and to be fair to them, in addition to the operational cost there was the cost of the boiler. Don't want to spend money on a boiler if the AAJRB is going to say oh by the way this is our building. There is no document to say they can or can't do that. Mr. Pascale stated that the cost of the audits is going through the roof. The original documents called for each municipality to appoint one voting member and Abington Heights also to appoint one voting member, but as far back as they can go in the 1970's there have always been 3 voting members from each municipalities. Vince Cruciani stated that if we go to the AAJRB and the other four municipalities and say in 11 years real big decisions have to be made. Greg Pascale suggested drafting some kind of a lease. Vince Cruciani stated that all they want is definition and details laid out. Ms. Kehoe stated that our lease with Telespond has expired and we are only putting a 2 year term on the lease. Mr. Cruciani stated that they voted on a month to month vote to not close down the Senior Center and a 2 year vote. Vince Cruciani stated that Dan Mulhern and Greg Pascale will work on the lease together. Discussed if a Council member from the Borough to attend the AAJRB board meeting. There was also a suggestion for Warren Watkins to attend the meeting.

- **Little League Field:** Virginia Kehoe stated that they extended the lease until the middle of July and their plan is to come back and use the field in September. Gerrie Carey suggested renewing the lease. David Jenkins suggested giving them a 90 day extension that will put them through their baseball season. Mr. Cruciani suggested giving them through the end of the calendar year, Mr. Jenkins had no objection to that either. They will make the motion next week at the Council meeting.
- **Street Sweeper – financing?:** Virginia Kehoe showed different rates from Fidelity or Wayne bank if they wanted to consider financing. The budget for this year,

\$46,000 for a new rubber tire skid steer loader. Vince Cruciani stated that they discussed at the Finance Committee meeting was because they had \$46,000 budgeted was to pay \$46,000 and then determine whether it was wise to either borrow \$5,000 or to take it out of Capital Reserves. The entire quote with the attachments is \$51,362. This is coming with a bucket and adding the sweeper/the hopper broom. Herman Johnson asked what other attachments come with it. The optional curb brush and water tank are included in the quote. This does not include installation. The DPW should install it. Mr. Cruciani stated that he would rather take \$5,362 out of the Capital Reserves rather than borrow it. Gerrie Carey and Herman Johnson agreed with this.

- **Borough Manager Responsibilities:** David Jenkins stated that he was confused, what brought this on all of a sudden, are we having issues? He thought they were pretty straight with what the Borough Managers responsibilities are. Gerrie Carey stated that the Borough Manager's responsibilities are to oversee the DPW; there were issues when the DPW went to Virginia when they thought they should come to personnel with. The DPW said, Virginia is the person that they need to report to. Herman Johnson wanted clarification and he said the DPW can go to Virginia but they should still go through the chairman of the DPW so he is aware of any situation. David Jenkins stated that it actually needs to go to the Borough Manager then the Chairman of the DPW next. Bob Bennett stated that we don't have a chairman of the DPW; Herman Johnson said yes we do. Vince Cruciani stated that it should go to Neil first then Virginia. Mr. Johnson stated that Virginia should then inform the DPW Chair person. The DPW chair should be aware of anything and everything that is going down there. David Jenkins asked Herman Johnson if he intends to micro-manage the DPW. Mr. Johnson said no, that is not micro-managing. David Jenkins stated the Borough Manager has been able to take care of problems up until this point. David Jenkins stated that Herman Johnson and the absent minded person over there (Pat Williams) have your meetings together. Mr. Johnson stated that is not fair to call him (Pat Williams) that. Mr. Jenkins stated that is Mr. Johnson's prerogative to think that. Mr. Johnson stated that he shouldn't insult the guy (Mr. Williams) because he isn't there at the meeting. Mr. Jenkins said well that is right because Mr. Williams has insulted him. Vince Cruciani stated that the only way to be fair to Virginia or whoever sits as the Borough Manager is that if somebody is the Chair of the DPW Committee, that they have a not sporadic and not incidental form of reporting unless it is criminal behavior in which case the whole Council should be informed, so not sporadic, not incidental form of reporting, but a regular form of reporting maybe weekly or monthly. Herman Johnson stated that he agreed. The DPW Chair is not chastising or penalizing anybody or giving reprimands to anybody. Mr. Johnson stated that he should be aware of what is going on there in the DPW because he is the chair of that committee. David Jenkins added in as a courtesy. Bob Bennett asked about who is the chair of the committee. Herman Johnson stated that there is a DPW Chairman, a Safety Committee Chairman. Bob Bennett states that there is no DPW Chairman there is no DPW Committee. Herman Johnson asked Gerrie Carey if there is a DPW Committee. Ms. Carey said no there is a Safety Committee and Public Works committee. Mr. Johnson stated that he says DPW but it is under Public Works. Mr. Cruciani stated that it would be under Public Works, not Building and Plant. Mayor Patty Lawler stated that there are committee's listed, she thinks that if they try to take an interest in the committees but not usurp Virginia's power. Herman

Johnson stated that no one is taking any authority away from her (Virginia Kehoe), but as elected officials, when the President of Council appoints someone to a committee, they should be proactive. If something is occurring that Council should be aware of, she should report it with that chair person. This is being pro-active, not micro-managing. David Jenkins asked who is on the Public Works Committee. Herman Johnson said he is and Pat Williams is. Everyone got the list right after the re-organization meeting. David Jenkins stated he is curious as to why he has been excluded from all of the meetings that he (Mr. Johnson) and Mr. Williams have had. Herman Johnson stated that they had a couple of DPW meetings but Mr. Jenkins was always out of town. Mr. Jenkins stated that he has never gotten a courtesy call. Mr. Johnson stated that Mr. Jenkins will get one now. Mr. Jenkins asked Mr. Johnson how he knows when he is out of town. Mr. Jenkins stated that Mr. Johnson is in the position as Vice President of Council and he (Mr. Johnson) doesn't even follow his own rules. Mr. Johnson said that Mr. Jenkins is absolutely right but he (Mr. Jenkins) is out of town. The committee is Pat, David and Herman. David Jenkins stated that at the last council meeting when he mentioned something to Councilman Williams about the committee, Mr. Williams made the snide comment that the committee was doing very well without his presence. Herman Johnson said that he shouldn't have said that. Mr. Jenkins stated that he already did. Herman Johnson stated that this is where you have a President of Council who should have hit the gavel and said that is uncalled for. Vince Cruciani stated that he thinks Gerrie Carey did try to address that later on in the week. David Jenkins stated that he thinks Gerrie has been doing a fine job with what she has been doing. Herman Johnson said yes she has been. Mr. Jenkins stated that he thinks there are some incidences that are out of her control. Gerrie Carey stated that she wants every Council member to be respected. Bob Bennett stated that Virginia Kehoe is in charge. Gerrie Carey agreed. Vince Cruciani suggested to Virginia that if she were to have an impromptu conversation with one member, if applicable to all, send an email to all three, even if it is a follow up.

- **Waiver of pave cut fees – Pa Am water:** Ms. Kehoe stated that PAWC is paving a number of roads this year. Since they are not just patching sections, they will be repaving the whole road it is redundant paying that fee. Herman Johnson stated that we should wave it, as long as they are going curb to curb. Put this on the agenda for a vote. Herman Johnson asked when are we going to start paving. Ms. Kehoe stated that Bob Naegele is working on the bid right now. Are we going to be paving within the next couple of months. Yes, would like it ready for a vote in August. Gerrie Carey asked about the hold up on this project. Ms. Kehoe stated that they were trying to figure out the stormwater with the hold up on this grant. Getting the final list of paving from the water company, to make sure that we are working in conjunction. Ms. Kehoe also stated that she was told that Pat and Herman told them to hold off on the paving at the moment. Mr. Johnson stated that he didn't tell Mr. Naegele to hold off on anything. Mr. Johnson said that's alright, he has no problem with that. But they should be paving when it is warm so everything binds together. Mr. Johnson asked about Claremont. Ms. Kehoe stated that they have to do stormwater work on that street before it is paved. Mr. Johnson stated that should be coming up in the worksessions so that people understand that. Ms. Kehoe stated that stormwater work on Claremont would bring the stormwater underground but there is nothing at the bottom of the street on Claremont to connect to. The only way to put stormwater in on Claremont is to add stormwater on State Street. There is a debate as to who is

responsible for stormwater on state roads. The state would dictate to us how when and where if we did the stormwater work. Very restrictive for us. Herman Johnson suggested that we have some correspondence so we can make a decision with the way to go because that is affecting our infrastructure up there. Mr. Johnson said we can write a letter asking them if they would consider doing it but if they don't consider doing it what would be our responsibility be if that water is damaging their road or our road. Gerrie Carey suggested drafting something and sending it to Solicitor Mulhern to review then have Gerrie Carey and a "cc" to the Solicitor. Herman Johnson asked for a copy also.

- **Street Lighting survey results:** Virginia Kehoe stated that Council asked her to get an idea of who would be impacted and survey the numbers. Sent a letter with drawings showing who would be impacted to every resident in the neighborhood. David Jenkins stated that based on the responses he thinks they should adhere to their wishes it seems like they do not want one down on Bissell and they would like one on Primrose. Ms. Kehoe stated that Eric Williams went to Bob Naegele and suggested a different location and some hooding on the streetlight. It is not our streetlight, we cannot design it, it is PPL's. We could request the hooding but don't know if they will do that. Primrose only wants a 100 watt light. Herman Johnson asked why they can't put one on the existing pole on Bissell with a low wattage. Bob Bennett stated because 4 residents are saying no. Mr. Johnson said he understands what he is saying but he is looking at the safety issue. Mr. Jenkins stated that if this is a safety issue then why did we send letters out to the neighbors to get their opinion. Mr. Johnson said he understands that but a Council person suggested a survey and everyone said yes and he understands that but he looks at it as a safety issue in that area, they do have a light in the middle but at the end it is pitch black. He is looking at a position from the police officers so they could see that area better. Ms. Kehoe just today received the new rendering of the street light and no one has seen it yet. Mr. Cruciani suggested a 100 watt on Primrose and wait a month on Bissell. David Jenkins stated that he neighbors have clearly expressed not wanting a light on Bissell. There is one house where the light most strongly impacted. Mr. Cruciani suggested adding in the new correspondence and let them know that there is a worksession at the end of July and invite them. If they can't make it maybe they can give them something in writing.
- **Celeste Dennison offer – Summit Ave:** Ms. Kehoe stated that Mr. Bennett reminded her that Council agreed that we were going to get prices on appraisals of the property and Ms. Kehoe did not do that so she will have that for next week, she apologized. Vince Cruciani stated that it was alright (to Virginia) because as long as she gets the prices for the appraisals by next week they couldn't vote on it anyway.

Herman Johnson stated that the contractors are going commendable job on Depot Street and that evening you will see about 100 feet of sidewalk already in. He would like to see them do more work on the driveway at Frank Savo's property.

3. REVIEW OF JULY 6, 2016 AGENDA

4. ADJOURN:

President Carey