

**BOROUGH OF CLARKS SUMMIT  
BOROUGH COUNCIL MEETING  
JULY 6, 2016**

The July 6, 2016 Borough Council Special Meeting was conducted on Wednesday, July 6, 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. Dominic Scott, Mr. Vincent Cruciani, Mayor Patty Lawler, Police Chief Chris Yarns, Borough Manager Virginia Kehoe, Solicitor Dan Mulhern, and the Mayor's intern Ms. Eagen. Absent from the meeting was Mr. Pat Williams.

**CALL TO ORDER:**

**President Carey**

**MEDITATION:**

**Mayor Lawler**

**PLEDGE OF ALLEGIANCE:**

**Mayor Lawler**

**Presentation by Mayor Lawler and the police department as Clarks Summit has been named the 10<sup>th</sup> safest city in the Commonwealth of PA. Mayor Lawler took the opportunity to thank the Council, who has never denied any request to the police, Council has been respectful of the police department's needs and they realize they wouldn't have gotten this reward if it weren't for this Council. Pictures were taken. They awarded the President of Council with a plaque.**

**1. APPROVAL OF AGENDA:**

**President Carey**

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

**2. APPROVAL OF MINUTES:**

**President Carey**

- **June 1, 2016 Regular Council Meeting:** Herman Johnson made the first motion to approve the minutes, seconded by Bob Bennett, vote was 5-1 with Vince Cruciani voting nay.

**3. PUBLIC COMMENT & INPUT:**

**President Carey**

Rebeka White of 407 Columbia Avenue spoke to Council about her property maintenance issue which is going to the Magistrate. Virginia Kehoe stated that Code Enforcement Officer Lori Harris sent a friendly reminder about property maintenance, didn't get a response, then Ms. Harris sent another letter, didn't get a response. Then Ms. Harris sent a Certified Letter still no response. Then Ms. Harris sent the matter to the Magistrate. Ms. White stated that she didn't know she was supposed to call; she just kept putting stuff out in the garbage. She is on disability. They are going to try to repair items on the house; she has antique furniture in her yard, because she doesn't want to lose her house and all the belongings in it. She is asking for more time to fix the situation. Ms. White stated that she was at the Borough talking with Ms. Harris talking about trees on her property that she wanted to take care of. She was requesting to stop the process with the Magistrate. Herman Johnson stated that the process has already started; the Magistrate would be the only

one able to stop it. The Magistrate told Ms. White that the only one that can stop this process is the Borough Council. Ms. Kehoe stated that Council could drop the charges if they wanted. But it is setting a precedent. Bob Bennett stated that it is already in progress, and he doesn't think Council should interfere. When she gets to the Magistrate she might want to plead for an extension that would be between her and the Magistrate. Vince Cruciani stated that it can get dropped if it is remedied. Lori Harris will go out to the property in question and if the problem doesn't exist anymore she would let the Magistrate know. Ms. White stated that Ms. Harris takes the pictures of her property on garbage day when it looks its worst. Ms. Harris would take the picture when it isn't garbage day, the day of the hearing.

Gary Rosencrance of 212 Bissell Street spoke to Council about the street light in question. Mr. Rosencrance stated this is not a high traffic area; there is a street light on the other side. He didn't know if it was worth the investment on the town's behalf, there is already a pole there. Gerrie Carey stated that we would only have the additional charge of the new light, if this is a safety issue, they would move forward, you can put a shield on it so it wouldn't be shining in people's homes. Ms. Rosencrance is afraid that would increase the kids walking in their back yards. Herman Johnson stated that the street light was going to go on the existing pole. Mr. Johnson stated that they were looking into a safety issue for the residents. They would be wrong as elected officials if they didn't look out for the resident's safety. There is a new drawing that shows the lighting that most residents did not see. Mr. Cruciani stated that he stated that for the people who live there would have their yards lit up in a way that they didn't intend when they purchased the house. Mr. Rosencrance stated that the original draft make the lighting a lot more drastic, the second drawing isn't as bad. Gerrie Carey stated that Council will discuss this at the worksession. Vince Cruciani asked if all of the people on Bissell will have the new drawing mailed to them. Ms. Kehoe will send information out to the neighbors through Certified Letters. Show the dimmer, the baffle, and we would use a lower voltage light, they would like to use a 100 watt with a shield.

Gerard Hetman with Lackawanna County spoke to Council. Chris Yarns asked Gerard about the communication system and the fact that it isn't working, a crystal filter was installed and it still isn't working properly. There is some sort of interference and they don't know what it is. David Jenkins stated that if you have an emergency situation you can't be fooling around with this. Chris Yarns stated that they will use their cell phones because the two ways and/or the base unit aren't working properly. Waverly and South Abington are experiencing the same thing. Gerard will find out more information on this. Putting a receiver on top of Bedford Towers might help. Is a booster available that might help? David Jenkins stated that his is an issue that shouldn't be put on the back burner, if the safety of our officers is involved, that is a serious dilemma. David Jenkins asked if HAMM radio operators could be causing any of these problems. Chief Yarns stated that this has been going on for a while and it is very frustrating.

**4. BIDS & QUOTATIONS:**

**President Carey**

- **Skidsteer with bucket and street sweeper attachment from Medico - \$50,862.00 (\$46,000.00 from General Fund \$4,862.00 from Capital**

**Reserve):** Virginia Kehoe stated that Ryan at Medico gave the Borough another \$500 off the price and they also added a couple of enhancements at no additional charge. David Jenkins made the first motion to purchase the Skidsteer with bucket and street sweeper attachment from Medico at a cost of \$50,862, with \$46,000 from the General Fund and \$4,862 from the Capital Reserve, seconded by Vince Cruciani, vote was 6-0. This will come in Mid-August.

- **2 - 2017 Chevy Tahoe Police Vehicles from Chapman Auto Sales - \$93,329.54 (paid from General Fund to be reimbursed with LSA Grant):** David Jenkins made the first motion to approve the purchase the 2 2017 Chevy Tahoe Police Vehicles from Chapman Auto Sales, in the amount of \$93,329.54 paid from the General fund to be reimbursed with LSA Grant, seconded by Bob Bennett. Mr. Jenkins stated that the chief inquired as to the status of these probably a week or 10 days ago and found out that the 2016's are not available, so we accept 2 2017 vehicles at the same price, they are 4 wheel drive vehicles, this will be a very good addition to the fleet. Congratulations and kudos to Chief Chris Yarns. Mayor Patty Lawler wanted to make sure we thanked Senator Blake and State Representative Sid Michaels Kavulich for bringing this to us. We are very grateful for their help and support. David Jenkins stated it would be nice to have them up for a picture when the police cars come in. Herman Johnson would like to make a proposal that we install two new radios and boxes to put in the back, see if it is alright with the Finance Committee if we can afford that. Now we have 2 new vehicles coming that will enhance the fleet and they will give us years of service, this would cost a few extra thousand dollars, Mr. Johnson believes it will be well worth it in the long run. Vince Cruciani asked Chris Yarns to get a bid on the charge items Mr. Johnson is talking about that they could approve in August. Gerrie Carey stated that right now we can get them at a really good price. Herman Johnson stated that is the problem that they are looking at. Mr. Johnson said if Chris Yarns doesn't call tomorrow or the next day the prices that they currently have can go up. Chris Yarns provided a list of the prices for two mobile radios with installation. The amount is \$1,440 for two radios and he thinks it is a pretty good deal. Chief Yarns is still looking around pricing for the boxes that they need. Vince Cruciani stated that he is more comfortable now that they have a number because he is not comfortable passing a motion with an open number. Mr. Cruciani asked do we want to make one car unmarked. David Jenkins said no, we have one unmarked. Herman Johnson stated that he thinks we should leave the unmarked as it is now, the two new vehicles should go on the road, and there are other vehicles that have a lot of mileage. We only have 2 miles of road, how many unmarked cars to we need. Chief Yarns said it doesn't matter to him but the pricing would come with the light bar etc. David Jenkins suggested amending the motion that he made to include the two radios, Herman Johnson agreed with that. David Jenkins amended the motion to go ahead with the purchase as well as the purchase of the 2 radios. This was seconded by Bob Bennett, with the \$1440 to come out of the Capital Reserves, vote was unanimous 6-0.
- **Webdesign/hosting through PSAB - \$389/yr:** Virginia Kehoe stated that for our website, we are using very old software Vince Cruciani made the first

motion to obtain the software Webdesign through the PSAB, seconded by David Jenkins, vote was unanimous 6-0.

- **GovPilot software - \$2,500.00/yr remainder of this year at no charge:** David Jenkins made the first motion to approve the GovPilot software, seconded by Herman Johnson, vote was unanimous 6-0.

**5. BOROUGH TREASURER’S REPORT**

**President Carey**

Herman Johnson made the first motion to approve the Treasurer’s Report, seconded by Vince Cruciani, vote was 6-0

**6. COMMITTEE REPORTS:**

- **Building & Plant**

Pat Williams, Chair

- **Finance Committee**

Dominic Scott, Chair

Countryside Conservancy donation: Dominic Scott made the first motion to donate to the Countryside Conservancy \$1,000, seconded by Vince Cruciani, vote was 6-0. Vince Cruciani stated that one of the reasons why the Finance Committee felt that it was appropriate to give it to a nonprofit, because they were asking for \$2,500, \$1,000 was appropriate because of them bringing the Trolley Trail into the Borough and that distinguished it from another entity that might be similarly be asking for money. Gerrie Carey stated that it might be very helpful on our part for the sidewalks that we are trying to get there.

\$1000 for scanner for police: Chris Yarns met with the contractor that is working for the state. Chief Yarns stated that there is a scanner and we only need one and the price for one is \$334. David Jenkins made the first motion to purchase the one scanner, seconded by Herman Johnson, vote as 6-0.

- **Grant Committee**

Dave Jenkins, Chair

\$93,300.00 for police vehicles from LSA – Monroe County

\$167,604 for water quality revitalization project from DEP

David Jenkins stated that we were very lucky to get these grants. Gerrie met with Steve Armillay, Chris Cawley from Ashburn Advisors, Virginia Kehoe and Bob Naegele concerning work for the improvements in State Street. They are looking at installing, along with stormwater improvements, new sidewalks on Summit Hill going down towards Kost Tire. According to Steve Armillay we have a good chance on getting in on these grants. We are making giant strides revitalizing the downtown. We have had some issues on Depot Street that the police department has addressed and they were able to corral a couple of the individuals who were responsible, get information out of them for the people responsible for the damage that was done. Mr. Jenkins said job well done to Chris Yarns and Virginia Kehoe. Virginia Kehoe stated that the rain garden on Carnation will have to wait until next year. Vince Cruciani asked if the rain garden eliminate the equipment that is there now. Ms. Kehoe said no it will just move things around. Mr. Cruciani asked if the basketball courts are going to remain. Ms. Kehoe stated that they will remain exactly where they are. Mr. Cruciani asked do we pave the court this year or next year. The basketball court needs to be resurfaced, it is in bad shape. You don’t want to redo the park and then come in and black top it. Mr. Cruciani asked if we need to look at bidding out for repaving this fall. We don’t want to be

in a situation where the work on the rain garden is held up because the paving wasn't done. But we don't want to not pave because it really needs to be paved. Ms. Kehoe stated that she would get a ballpark on the cost of the paving and talk to the Finance Committee and they can make a recommendation to Council next month. Vince Cruciani agreed. Ms. Kehoe explained how the rain garden will run on Carnation Drive. Herman Johnson stated that if you are going to blacktop this year how are you going to get an accurate price because material goes up every year. Ms. Kehoe stated that she will get a price for this year and then they can decide if the Finance Committee can afford it this year and they will make a recommendation for Council or else we will have to budget for it next year.

- **Recycling Committee** Bob Bennett, Chair
- **Insurance Committee** Vince Cruciani, Chair
- **Personnel Committee** Gerrie Carey, Chair

Neil use vacation time: Virginia Kehoe thinks he gets 4 weeks of vacation.

Gerrie Carey stated that they would like for Neil to use up his vacation time. He has just used bereavement time. Solicitor Dan Mulhern will be given the contract and he will review it. Bob Bennett asked what the question is. Ms. Kehoe said can the Borough require Neil to use the vacation time. Herman Johnson said he doesn't think they can. Bob Bennett agreed. Mr. Johnson stated that Neil earned it, if he wants to use it let him, if he doesn't wasn't to use is they will have to pay him. Mr. Johnson stated that he doesn't think they need to go and have the Solicitor check that out and he thinks that is a poor example of how to treat your employees. If he earned it he should use it any way he wants to use it. Bob Bennett agreed with Mr. Johnson, how can you force anyone to use their vacation time. Council agreed that they will not proceed any further with this.

- **Public Safety/Safety** Pat Williams, Chair
- **Public Works** Herman Johnson,

Chair: Herman Johnson stated that the DPW is doing a great job.

- **DPW Monthly report:** Mayor Lawler stated that she wants to thank the DPW, stating that she doesn't think the town has ever looked as beautiful as it does this year. The flowers are beautiful. Herman Johnson stated that the Rotary does a lot of work with the flowers. We have a lot of construction and the town is starting to shape up real nice. Herman Johnson asked Virginia Kehoe if Pat Williams needs a permit for parking at Veteran's Park. Lori Harris would be the one to ask about this.

- **Recreation** Dominic Scott, Chair  
Mayor Lawler said after Depot Street is done and all of the lights are in we should have a celebration at dusk. Probably in Mid-August.

- **Sewer Billing** Dominic Scott, Chair  
Jenn Basalyga provided facts about the billing. Everything is going smoothly. We have shut off 2 properties that were shut off, one property pending. Typically the delinquent mailing starts over 100, the second mailing is usually around 70, by the time the property is posted and the shutoff is scheduled it drops down to nearly 0. Ms. Kehoe will update Council with the aging. Ms. Basalyga stated that the first month of each quarter is always the best month because people pay the \$156. Bob Bennett stated for the record Jenn Basalyga is doing a good job. David Jenkins asked if the letters are certified, the answer was no, regular first class mail. Certified letters are for delinquent accounts that had a payment

arrangement and didn't follow through. Then the full amount is due. Gerrie Carey, Herman Johnson and David Jenkins said thank you and good job. Ms. Basalyga replied with thank you

- **ACOG Representative** Patty Lawler  
Mayor Lawler attended last month but there isn't a meeting this month.
- **Alley Research** Bob Bennett  
Bob Bennett stated that the Solicitor is going to be looking into getting an additional entire mile added to our liquid fuels.
- **Employee Handbook** Bob Bennett  
Gerrie Carey stated that the Finance Committee realized that they were going way over their expenditures with this, and the handbook that we have now, with the amount of employees involved, they didn't feel that it was financially worth it for the Borough to get into an exorbitant amount of money on the handbook. Bob Bennett asked is Solicitor Mulhern had been advised of this. Solicitor Mulhern stated that he was told that this was tabled so he has stepped back. Gerrie Carey stated that they are just going to go with the one that is already drafted. David Jenkins asked what happened to the handbook that they used to have. Virginia Kehoe stated that she has looked for it and cannot find anything in the files. Solicitor Mulhern stated that the first time he reviewed the proposed handbook from Risk Assessment, he agreed with Mr. Bennett in that it would need to be revised a lot just to stay within legal norms. David Jenkins asked when it was tabled. Gerrie Carey stated that this was during a Finance Committee Meeting. Bob Bennett stated that he was not informed and he was the one authorized to speak to Solicitor Mulhern about the handbook. Gerrie Carey, Vince Cruciani and Dominic Scott decided at a Finance Committee Meeting to hold off on the handbook. Herman Johnson stated that if a committee thinks that it isn't worth going forward then they need to come back to Council. Herman Johnson stated that he was under the impression just like Mr. Bennett that they tabled it so the Solicitor could do research and then come back and decide from that. Maybe this is a lesson learned that every Council person should have been informed. David Jenkins stated that he thinks the Finance Committee went above and beyond their jurisdictional levels by saying that they were going to table it because they weren't authorized to table it. Gerrie Carey stated that they asked him to hold up on this. Solicitor Mulhern stated that maybe he used the wrong language when he said they "tabled" it. David Jenkins stated that one way or the other we do need to have an employee handbook and we did have one previously when Jim Vones was Borough Manager. Gerrie Carey stated that she did not remember seeing a previous handbook. Vince Cruciani stated that Gerrie's concern was how the Council should decide how much money we are going to allocate for the Solicitor to spend on the handbook. David Jenkins agreed and said that is reasonable. That does have to come before the whole Council for a vote and they didn't want to give an open checkbook, they didn't actually "table" this. Herman Johnson stated that what he is worried about is that they were elected to serve the people and they can't have some people running one way and the others running the other way. They have to work as a unit and things have to be passed on. Herman Johnson agreed with David Jenkins stating that Jim Vones had a handbook and he knows for a fact that there was a handbook at the police department. Mr. Johnson said something is wrong with their system. Vince Cruciani stated that his recollection

from the past meeting was that the initial step that they wanted Solicitor Mulhern to take was to identify the areas in the handbook proposal that wouldn't comport with law. Solicitor Mulhern stated that he met with Mr. Bennett and Virginia Kehoe and they went through the handbook extensively one morning and the way the handbook is currently presented he believes it is far too overreaching, some of it is unconstitutional, and a lot of it would violate some of our newer laws. So it would need to be revamped extensively. Vince Cruciani asked Solicitor Mulhern if there is an estimate of what it will cost, could he provide for the worksession an estimate so that Council can make a determination. Bob Bennett stated that even if we have one employee he thinks a handbook is necessary and he also thinks it should be in compliance with state and federal law and he would like a report from the Finance Committee as to how much they are willing to consider keeping us in compliance. Vince Cruciani suggested that if Solicitor Mulhern can put together a reasonable estimate of what it would take to get a handbook together that he would feel comfortable with if passed. Solicitor Mulhern stated that an employee handbook is a shield and a sword; you have to enforce it to a T. Vince Cruciani stated that for the worksession Solicitor Mulhern will need to come up with a ballpark number of what it would be to put it into a legal form that they could at least consider adopting. Gerrie Carey agreed. David Jenkins made a motion to table this issue with the employee handbook until they get a clearer direction from the Solicitor, seconded by Bob Bennett, vote was unanimous 6-0.

- **Senior Center / AAJRB lease**

Vince Cruciani

Gerrie Carey stated that Greg Pascale is doing some research. Virginia Kehoe stated that they can't find a lease with the AAJRB and the Borough concerning the land. So we are looking to replace that lease. Ms. Kehoe stated that she knows we asked Greg Pascale and Warren Watkins to attend the AAJRB meeting; Mr. Pascale is on vacation this week so Ms. Kehoe doesn't have an update on what happened. Vince Cruciani asked if we are going to give them another one month extension. Ms. Kehoe stated that yes that would make sense. Herman Johnson stated that at the last worksession he thought they talked about doing it until the end of the year, month to month. Virginia Kehoe stated that was with the Little League. Mr. Cruciani stated that Solicitor Mulhern should look at this first. Ms. Kehoe stated that we will continue our maintenance and the same fees for one more month until our Solicitor it over. Vince Cruciani made the motion to extend the lease one month until the August 3, 2016 meeting, seconded by David Jenkins. Herman Johnson commented that the Borough should have dates to have updates presented to all of Council so they don't get some of this stuff lost in the shuffle. Mr. Cruciani stated that the main action item that they had for this month was to have the meeting with the AARJB which was done through the worksession in the interim Warren Watkins presented them with this in between the last meeting and this one. Mr. Johnson stated that if we had an action item completion date for him to come back, everybody would have said ok, they could vote on this lease tonight. It is still costing us money month by month anyway you look at it. But we have to have an action register to say that we want it reviewed or acted on by a certain date or they are just going around in circles. Solicitor Mulhern stated that he will review the document, talk to Vince, get recommendations from Council regarding the fixtures, the terms, then have that as an addendum to the new lease, then have the new lease signed. Vince Cruciani

stated that they can present this to Council at the worksession, make any tweaks that the Council needs and then vote on it next month. Vote was unanimous 6-0.

- **Additional comments from Council**

David Jenkins asked, when they hired the summer help one of the questions that he had asked was that the branches be trimmed from around the signs, on Grove Street, there is an extremely large amount of branches blocking the signs. The cross walk signs, the speed limit signs; he thinks they need to be tended to.

Maybe Chris Yarns could put a note out there to the officers, if they see any signs that are obscured, they can forward the information on to the Borough Manager.

If we can keep them trimmed up once a year and have the summer help do it that certainly will go a long way.

**7. POLICE REPORT:**

**Mayor Lawler**

Chief Yarns stated that ½ the parking meters are installed, by next week, the rest should be installed. The parking meter revenue has gone up significantly. Herman Johnson stated that if you look at the revenue increase this extra money is paying George Carros's wage. Mr. Johnson thanked Council for hiring the meter personnel, he said it is a great help to our police department and he is doing a commendable job. Frank Besten from Carnation Drive complained about meters that still do not work at times. People in this Borough are getting tickets for meters that have been broken for months. If the meters are broken, live up to his end of the bargain, if they don't work, tape them off. It isn't fair for residents to feed the meters and the police drive around, the Chief of Police gives parking tickets, doesn't think it is the right thing to do.

Chief Yarns stated that we purchased new meters, and they only take quarters. When a meter is broken and it is brought to the police's attention, they call the gentleman to fix it. When they see that the meter is broken they would void out the ticket. Herman Johnson stated that Mr. Besten is living up to his part of the bargain and the Borough is living up to their part of the bargain. Mr. Johnson stated that they incorporated a new ordinance and the Borough bought all new meters. He might have parked at a spot that had an old meter and it was malfunctioning, but we are having these old meters taken out of service and as a good citizen people could call the Borough and let them know that a certain meter is broken. The citizens of the Borough have to give them enough time to install these new meters. Mr. Johnson stated that writing tickets is part of Police Chief Chris Yarns' duties. The Chief of Police, the other Police Officers and the Meter Maid all write tickets in the Borough. Mr. Besten stated that he did report the meter last fall. The Chief stated that there are 145 meters in the Borough anytime any given day of the week you will not have all 145 working 365 days a year that is just not possible. When a broken meter is brought to his attention he will void out the ticket and George Carros will either fix or remove the meter. Chief Chris Yarns discussed selling the old meters at the state auction. Herman Johnson stated this is why they need an action register. What date did they meters come in, what date were they installed etc. So if we do have a complaint come in they can refer to the action register.

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

**President Carey**

Dominic Scott made the motion to pay the bills, seconded by Herman Johnson, on the question David Jenkins asked about a charge from Herman Johnson under the police department. Herman Johnson stated that they had the Drug Court people painting the

police department and he had to go down and buy masking tape and he gave Virginia a receipt for it. There was a bill from J&B printing, Ms. Kehoe will check into it and let Council know. Vote was unanimous 6-0.

**9. OLD BUSINESS:**

**President Carey**

- **Little League Field lease – extend to 12/31/2016:** David Jenkins made the motion to officially extend the lease for the Little League Field until 12/31/16, seconded by Herman Johnson, vote was unanimous 6-0.
- **Street Lighting –Primrose Dr:** David Jenkins made the first motion to accept the 100 watt street lighting on Primrose Drive, seconded by Bob Bennett, vote was unanimous 6-0.
- **Summit Ave Property – costs of appraisals:** Ms. Kehoe supplied a spread sheet with the prices to appraise the property. The lowest price was \$225 for Nassar Real Estate. David Jenkins made the first motion to go with Chris O’Boyle for \$300, seconded by Herman Johnson. On the question, Gerrie Carey stated that Chris O’Boyle did the appraisal before for us pro-bono, out of respect we should give him this opportunity. Vince Cruciani asked with Chris O’Boyle being on the Planning Commission doesn’t present a conflict does it? Ms. Kehoe stated that she doesn’t see how it would. The Planning Commission wouldn’t be affected by the sale of this property. Herman Johnson stated that if this did ever come up with the Planning Commission, he would have to excuse himself. David Jenkins stated that the reasoning for him giving this to Chris O’Boyle is simply because he has done work for us in the past and not charged us. So Mr. Jenkins feels that a \$75 difference is not unreasonable. Vote was unanimous 6-0.
- **CDBG Update – N State Street:** Ms. Kehoe stated that they told John Petrini that they wanted to try to get the sidewalks on North State Street. She asked him for a survey to qualify it, he is waiting to hear back after he left forms for review but he doesn’t have an update yet. Ms. Kehoe stated that she was also asked about the qualifications so he supplied a copy of the survey that he has been doing. Ms. Kehoe stated that they are in a holding pattern until the survey results to come back in. Whatever they don’t get back, by next week she and Mr. Petrini will go door to door with the survey.

**10. NEW BUSINESS:**

**President Carey**

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

**Solicitor**

- **Marion Street Property Donation:** Solicitor Dan Mulhern stated that is the flood zone property and they need to do a full title search on that. David Jenkins asked Solicitor Mulhern if the Borough will be liable for any downstream flooding. Solicitor Mulhern stated that he doesn’t think they will be but that is why he wants to do a full title search. Maybe call DEP or some stormwater management just to be sure, get something in writing. David Jenkins stated that he would not be voting in favor of this if in the future something can come back on us concerning this because we don’t need any more liability. Vince Cruciani asked Solicitor Mulhern how far back he goes

with the search. Solicitor Mulhern stated that for the last search they went back to the 1960's. Vince and David stated that this could go back to the 1800's. Vince Cruciani stated that he probably needs to go back about 2 deeds, maybe three. Vince Cruciani asked if he was looking for stuff in the title report relative to the liability on the flooding. Dan Mulhern stated that he doesn't know if that will, he doesn't think that will come up in the title search. There could be easements in there, do we want to know that information. David Jenkins said sure. Bob Bennett asked if any work had been done on that creek, if water flows naturally or a normal river, there shouldn't be liability there. But if someone has altered anything to or redirected the creek in any way that opens up an issue with liability. Solicitor Mulhern stated that some of the property is in a flood plain. Virginia Kehoe stated that we want to have conservation on the majority of the land, but the first 10 -15 feet from the road we use for staging. Vince Cruciani made the first motion to go ahead with the full title search, seconded by David Jenkins, vote was unanimous 6-0.

- **Florence Ave Property Donation:** Solicitor Mulhern stated that he spoke with opposing attorney. We need to include language in the deed about the conservation land/green space and have that filed with the County. Vince Cruciani stated that he thought they authorized Solicitor Mulhern to put that language in. Solicitor Mulhern stated that something happened where this was already created on the other side and then it came to him, and then we got the extra input. Vince Cruciani suggested drafting the language and presented it to the opposing council to insert into the deed. Solicitor Mulhern agreed.
- **RC Associates:** Virginia Kehoe stated that RC Associates is the 8 unit apartment complex on Grand avenue; they fought about the number of units. They did agree to 7 units and paid up through June 2016.

**12. CORRESPONDENCE:**

- **Pa Am Water:** David Jenkins made the first motion to waive the pave cut fees, seconded by Herman Johnson, vote was unanimous 6-0.
- **AECOM re: PPL work:** Ms. Kehoe stated that PPL is performing major changes to their transmission lines, we have lines that come through the Borough, and they will be rerouting additional wattage there. Let Council know. Gerrie Carey stated that PPL is getting LED lights. Will get more information soon. David Jenkins asked if we can start replacing lights with LED's. Including the new light on Primrose.

**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 David Jenkins, vote was unanimous 6-0