

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
SEPTEMBER 7, 2016**

The September 7, 2016 Borough Council Special Meeting was conducted on Wednesday, September 7, 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. Herman Johnson, Mr. Bob Bennett, Mr. Patrick Williams, Mr. David Jenkins, Mr. Dominic Scott, Mr. Vincent Cruciani, Police Chief Chris Yarns, Borough Manager Virginia Kehoe, and Solicitor Dan Mulhern (arrived at 7:02). Absent from the meeting was Ms. Gerrie Carey and Mayor Patty Lawler.

CALL TO ORDER: **President Carey**

MEDITATION: **Mayor Lawler**

PLEDGE OF ALLEGIANCE: **Mayor Lawler**

1. APPROVAL OF AGENDA: **President Carey**
David Jenkins made the first motion to approve the agenda, seconded by Dominic Scott, vote was 6-0.

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

July 26, 2016 Work Session: Vince Cruciani made the first motion to approve the minutes, seconded by David Jenkins, vote was 6-0.

August 3, 2016 Regular Council Meeting: Vince Cruciani made the first motion to approve the meetings minutes, seconded by Bob Bennett, vote was 5-1 with David Jenkins voting nay.

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

Tom Hendrian from 1004 Carnation Drive spoke to Council about the work that has not been finished on their road. They have been inconvenienced for at least 6 months. The area is extremely dusty, dirty and muddy. The PAWC came in and did their work but did not finish connecting all the houses to the new water lines. Leeward Construction has not come back to finish the paving. Vince Cruciani stated that on the cul-de-sac on Carnation, 5 families affected, 6 months ago sewer pipes replaced by the Borough DPW, backfilled in April 2016. Sewer is functional. PAWC came in about 6 weeks ago. Each individual house now has to be connected to the ¾ inch copper line, from the main to the shut off. They do have water with the old pipe. They have to test the new pipe for chlorine and bacteria. Mr. Hendrian stated that the DPW was great, very cooperative, Leeward blocked driveways, shut off water without prior notice. Virginia Kehoe stated that Leeward Construction is doing a lot of work in the Borough for the water company. There is a big hole and a big boulder in the cul-de-sac. It is a mess and they are looking for help. Herman Johnson stated that he, the Borough Manager, the Borough President will contact Leeward and PAWC and get a time table; they don't want this to go through the winter. Mr. Johnson stated that they were unaware of this and is glad that they reported this. Mr. Johnson stated that the Borough needs an inspector with the

authority to shut the job down if something is going wrong. Virginia Kehoe stated that we are having a similar problem with UGI and we had a complaint on Harwood, done temporary restoration but not permanent restoration. They permanent restoration people are not getting back to her. Ms. Kehoe suggested that the Solicitor draft something. Vince Cruciani stated that the difficulty with the public utilities is in many ways state law gives them certain leeway's to allow them to be lazy and inefficient, it sounds like the follow up crew is being inefficient so hopefully we can put some pressure on them and see what we can do.

Dori Waters from The Gathering Place handed out brochures for the Community Classroom. Ms. Waters specifically mentioned one class on Waterways of NEPA and suggested that Council members should attend. Herman Johnson stated that they are doing a commendable job with the Gathering Place; he is very impressed with it. Pat Williams asked about the new service which was added to the back, if it was connected. She was not sure if it was connected yet, if not it will be.

Gerard Hepman stated that the 911 radio issues have been resolved in the Borough. Update on Depot Street, going through the change order process now. Ms. Kehoe stated that she just received an email stating that the change orders were approved. Vince Cruciani asked about the debris that the contractors dumped over the bank of the Pocket Park, he asked if Virginia Kehoe was able to notify anybody on that. Ms. Kehoe stated that she spoke to Shane Bailey about it and she welcomed him to come to the meeting. There are two different areas that they dumped debris and that has to be further addressed because it is actually a dangerous situation. Mr. Cruciani just wanted to make Mr. Hepman aware of the situation. Herman Johnson stated that he would like to talk to the Foreman and the Borough Engineer about that dumping. Ms. Kehoe stated that the Borough Engineer Bob Naegele will be at tonight's meeting. Ms. Kehoe stated that she and Bob Naegele were on Depot Street, looked at it, then Ms. Kehoe called Shane with Wayco and he wanted to talk to Bob Naegele. Bob Naegele emailed Shane with a punch list of what needed to be done. Mr. Naegele did not receive a response and Shane is not at the meeting. Herman Johnson stated that we need a Borough Inspector; we are the ones voting to give these people the jobs, have to be a little more selective for the contractors coming into the area.

4. BIDS & QUOTATIONS: President Carey

- n/a

5. BOROUGH TREASURER'S REPORT President Carey

David Jenkins made the first motion to approve the Borough Treasurer's report, seconded by Pat Williams, vote was 6-0.

6. COMMITTEE REPORTS:

- **Building & Plant** Pat Williams, Chair
Pat Williams stated that a new electric line that has been mounted on the building for the Gathering Place, they will be installing it.
- **Finance Committee** Dominic Scott, Chair

- **Grant Committee**

Dave Jenkins, Chair

David Jenkins stated that the Resolution 2016-11 needs to be considered for a vote this is the Monroe County local share grant. The Resolution needs to be ratified so Chris Yarns can submit the grant.

- **Recycling Committee**

Bob Bennett, Chair

- **Insurance Committee**

Vince Cruciani, Chair

Vince Cruciani stated that the Borough is waiting for Farmer's Insurance's quote.

- **Personnel Committee**

Gerrie Carey, Chair

- **Public Safety/Safety**

Pat Williams, Chair

Pat Williams submitted the streets that are being paved, the manhole list. Ms. Kehoe forwarded that to Mr. Naegele our Borough Engineer and he will be working shortly on the signs in the Borough. David Jenkins stated that he should get involved with the PAWC issue mentioned earlier with the work not being finished. Mr. Jenkins stated this is a Public Safety issue. David Jenkins asked if there is anything the Borough can do to get Northeast Signal back to take care of that intersection at Old Lackawanna Trail and Winola Road. The patching job was awful. Ms. Kehoe stated that she thought the problem there was with the emergency patching at the gas line. Herman Johnson and David Jenkins stated that is a separate spot. Ms. Kehoe stated that is the gas company, she will follow up. This involves UGI's permanent restoration team which is difficult to get in through to. Mr. Johnson stated that they would reach out to them. David Jenkins stated that Pat Williams is a pit bull when it comes to this stuff and really appreciates that. Mr. Jenkins stated that he has taken care of the issues with the manholes and he has done a great job with that and that is good for our residents. Mr. Johnson stated that there has to be some kind of ordinance or resolution that we can put together to enforce these people to do a professional job.

- **Public Works**

Herman Johnson, Chair

- DPW Monthly report**

Herman Johnson stated that the reports are really set up nice and they flow.

- **Recreation**

Dominic Scott, Chair

Pat Williams stated that Dominic Scott donated mulch for Old Lackawanna Trail. He personally thanked Mr. Scott for the donation. Virginia Kehoe stated that Dominic Scott is donating his time for the tire recycling again this year. They are looking for volunteers.

- **Sewer Billing**

Dominic Scott, Chair

Dominic Scott stated that this is a very good report. Getting a good response. Bob Bennett asked if we get anything back from the water company stating that the water has been turned off. Ms. Kehoe stated that she could check the system to see if it has been shut off. Mr. Johnson stated that the system is working well because Jenn Basalyga doing her job and the water company doing their job, spreadsheets keeps them up to date whose is shut off and whose isn't. David Jenkins asked about Ian Castrogiovanni's water if it is still shut off, the answer is yes. Mr. Jenkins asked if there is any way to get that property condemned. Herman Johnson suggested that Lori Harris go up and inspect the house. Ms. Kehoe stated that without probable cause all she could do is ask to look at the house if he says no then she cannot go in. Ms. Kehoe stated that if the police go in for some reason, we can go in with them or they can document them. Vince Cruciani stated that if it is going to go into

bankruptcy and sheriff sale, does a condemnation hurt it or help. Mr. Cruciani stated that they shouldn't rush. Mr. Johnson agreed. Bob Bennett asked if it can't be condemned could it be uninhabitable.

- **The Gathering Place** Gerrie Carey/Pat Williams

Mr. Johnson encouraged the Council people to visit the Gathering Place.

- **Banner Committee** Gerrie Carey/Herman Johnson

Vince Cruciani made the first motion to cease all business interactions with the banner company, seconded by David Jenkins, vote was 6-0.

- **Depot St Project** Herman Johnson

Borough Engineer Bob Naegele discussed Depot Street with Council. Herman Johnson stated that they have questions like why did the progress stop, questions about the dumping of material behind the Pocket Park, questions about cracks in the sidewalks, he doesn't like how the lights are lined up. When are they going to come back to complete this. The blacktop companies close down the first week of November. Mr. Naegele stated that they milled the road and are waiting to hear from the county about the change order on the other side of the road, behind McDonalds corporate offices and the Silver Spoon diner. They met with the county and the contractor about a week ago to try and hash that out. The county has since said that doesn't qualify for a change order. Mr. Naegele stated that they didn't want the road paved if they had to come in and tear up the sidewalk that would be counter-productive. Mr. Naegele stated that the contractor has not been as cooperative as we had hoped. We asked them countless times for information. There is a deduct order because they didn't need to replace the ADA ramp by the NYX. The county has been hounding us for the paperwork and we have been hounding the contractor. There is a manhole in that back area of the Pocket Park where they dumped material. Vince Cruciani asked why Wayco thought it was ok to breach their permitted work area and dump it. Mr. Naegele stated that they had authorization to put a little fill in between where the electrical box is going in there between the fence and the corner and he thinks that they just took advantage of that. Mr. Cruciani stated that we could see if it was clean fill but this is old concrete and rebar. Mr. Cruciani stated that when the railroad catches wind of this that is a problem. Where did Wayco say that they got the authorization? Mr. Naegele stated that Wayco said they talked to somebody but there is nothing in writing. They raised this issue at the meeting with the county. They have not been payed yet. We don't plan on paying them until we get some kind of resolution. Mr. Cruciani is worried because if they go into the area to remove the debris there will be receding the area that is heavily receded they will be re-grading the area that is re-grading. The dumping is going to cause more destabilization of the slope than had been done. There is going to be further destabilization of the slope. Bob Naegele stated that they are going to have to get in there with some sort of equipment, that area of the curb and sidewalk was damaged because they were using that area. That is unacceptable. Herman Johnson stated that whatever they have to do to get the debris out is their problem not ours. We have to get these people back on the job and do what they have to do and we have to hold the money until they do. But that is the worst job he has ever seen, he was so happy that we were doing this job. It hurts the image of the Borough. We need an inspector on these jobs to shut them down if they are not done property, we will be saving money when we do this. We have to look out for the contractors who are coming into this town. We need the

Borough Manager, the Chairperson and the Borough Engineer, so all three people are following up. Mr. Naegele agreed. The county had sent an email with the three approved change orders but they didn't copy Ms. Kehoe, they only sent them to him and the contractor. Mr. Naegele stated that they approved the change orders when they met with the county. Mr. Naegele stated that he thinks we got a bad deal on the poles, the new pole standards for the meters. In the contract we had them trying to salvage the poles. Mr. Naegele stated that with the deducts he sees about an \$800 credit and they said it is awash with the ADA ramp. We need their paperwork and their numbers on this. Mr. Naegele stated that he cannot move forward with any of this paperwork, until he gets their written estimates. They have to be able to quantify things; they can't just pull numbers out of the air. Mr. Johnson asked if the county could put a little pressure on Wayco, we want to make sure this project is a go before the snow. Mr. Naegele stated that he was told 6 weeks ago that the lights were ordered and there is an 8 week delivery time on them which is the standard, they should be sitting in someone's warehouse somewhere but he can't get an answer out of Wayco. David Jenkins asked about a time line on the blacktop. Mr. Naegele stated that he stopped them from paving, because they need to fix the curbing and sidewalks. The additional work that we were hoping to have done is on the opposite side of the street behind Corporate McDonald's. Herman Johnson stated that now that they approved the change orders, he thinks that they will be in to do the work. Mr. Johnson stated that he wants someone from Mr. Naegele's office to check in and make sure they are going what they are supposed to be doing and if they are not then let's hold back on payment. Mr. Naegele stated that he won't authorize any payment until Council is happy with the work and everybody is on the same page. David Jenkins stated that are issues with the lights, blacktop, curbing and the dumping. Mr. Jenkins asked if there is any way we can say that we are going to put the money in the bank and they won't get a dime and they will get bad publicity on this until they get straightened out. Vince Cruciani stated that they have 9 weeks before weather becomes an issue. By this time at the end of the month if we don't have action either WBRE or WNEP gets a call and Wayco is on the news. Mr. Johnson stated that we have the change order approved, let's see what happens this coming week, and then they can come back and discuss it. Mr. Naegele stated that we will get this job completed faster and more efficiently if we work with them rather than against him. Mr. Johnson stated that we shouldn't be threatening anybody, but they need to know up front that they need to work with us too.

- **Stormwater Committee** Herman Johnson
Virginia Kehoe stated that MS4 training is next Wednesday. Mr. Johnson stated that he and Mr. Williams are going to be attending a storm water seminar. Mike Fenick will be there also. They will bring back information for next meeting

- **ACOG Representative** Patty Lawler/Gerrie
Carey/Dom Scott

No one went to the ACOG last time.

- **Police Negotiations** Gerrie Carey/Herman
Johnson

Herman Johnson stated that we are at an impasse now and they are going to be meeting with the police representatives after the 12th. They are going to go back to the table and see what they can give us to save and they will bring back a report before the next meeting.

- **Alley Research**

Bob Bennett

Solicitor Mulhern stated that he needs a copy of the official map, or the Borough plan. He needs to know the widths of each street, who maintains them, are they plowed or salted. Ms. Kehoe and Bob Bennett stated that the widths were in an email and the Borough does already maintain these roads. Solicitor Mulhern needs the lengths of the dead-end roads and the volume of traffic. Mr. Johnson said that we are going to have to give a good accurate number or you are falsifying a document. Solicitor Mulhern stated that they would hold off on that for the time being. There are very specific things that they would have to do to get them dedicated to the Borough. We have to know if these roads are already laid out which will be confirmed with the maps or has the public use been for at least 21 years? Also what is the legal definition of public use? Ms. Kehoe stated that all of these roads have mainly vehicle traffic. Mr. Johnson suggested that Bob Bennett, Solicitor Mulhern and Virginia Kehoe meet and go over this list, because this will be in depth.

- **Additional comments from Council**

Bob Bennett stated that at the last meeting a reference was made that he might only have 2 days of training as far as arbitration is concerned, since he has made copies of his certificates and put them on file at the Borough. Mr. Bennett stated that he has over 9 months of training on arbitration, and when that training was finished, he spent an additional 3 months with official arbitrators on cases as an apprentice. He was able to have some input. Therefore he has had over a year's training, not two days. Mr. Bennett stated that if anyone else would like to bring in their certifications, he suggests they do so. Mr. Johnson thanked Mr. Bennett for that information. Mr. Johnson asked what kind of certificate or degree did he get. Mr. Bennett stated that the copies are all on file here at the Borough. Mr. Johnson stated that he would check them out.

7. POLICE REPORT:

Mayor Lawler

Chief Yarns stated that the 2012 Tahoe the oil was filled and clean, it is changed on a regular basis, an oil pump failure, and they have replaced the engine. It was covered under warrantee, checking oil every day for the next few weeks. Started using TRACS last week, they have a 3 hour training class on this. Not officially using it until next week. We are the first ones in the state using the cloud based system for TRACS. Herman Johnson discussed auctioning off the cars. Vince Cruciani stated that he is friends with the Mayor from Uniondale who was interested at one point. He could reach out again and see if he is interested. Herman Johnson told Chief Yarns they are going a great job with all of the grants that they are getting.

8. VENDOR PAYMENTS TO BE RATIFIED:

President Carey

Vince Cruciani asked about the check that was sent to the Countryside Community Church, this was grant money that was supposed to be issued to the Countryside Conservancy. Janice, our Treasurer contacted the church and they were kind enough to send the check back to us. Vince Cruciani made the first motion to approve the vendor disbursements less the church issuance of the check, seconded by David Jenkins, vote was 6-0. Vince Cruciani asked why the Countryside Community Church is on our vendor list. Ms. Kehoe would ask the Treasurer about it. Mr. Johnson stated that we should have a clearer recording of the meeting, because when someone is talking sometimes other people are talking and it is hard

to hear, it is muffled. Ms. Kehoe stated that this had nothing to do with the minutes; it was an issue with Quickbooks.

9. OLD BUSINESS:

President Carey

- **Telespond Lease:** Solicitor Dan Mulhern stated as far as he knows this is finished. Ms. Kehoe stated that Council has a copy and the amount is \$18,500 and that was approved by the committee. It is reflecting 2 years at Warren Watkin's request. Ms. Kehoe has confirmation from Telespond that the authorized signers will be Warren Watkins and Richard Berezinsky. If Council votes to ratify the lease that is in front of them to review. David Jenkins made the first motion to approve the Telespond lease, seconded by Dominic Scott. On the question Vince Cruciani stated that he wanted to commend Warren Watkins for his reasonable mindedness and attentiveness to this situation in his role as the representative. This wouldn't have happened without him working with us. Vote was 5-1 with Pat Williams voting no.
- **OK Tire – stormwater in state roads:** Ms. Kehoe stated that as a result of last week's meeting she had the line camerad. The storm drain in front of OK tire is buried in asphalt so they were not able to pull it off to put the camera in that risked the whole storm drain caving in. So they went through the storm drain above it, closer to Perez Construction, they got half way until they hit a joint and couldn't get the camera any further. 36 feet is fine, the camera showed there were no issues. We cannot tell the extent of the debris for the other half of the pipe. Bob Naegele prepared an estimate assuming the whole pipe needed to be replaced because we don't know and we ordered the steel plating, four sections of 4x8's so that would safely cover 32 feet. Herman Johnson stated that we are assuming something is wrong in the pipe that we cannot camera into. Ms. Kehoe stated that we know there is something wrong at the end. We cannot determine the extent of the damage because we can't see it. All we know is that 1/2 of it is not damaged. Mr. Johnson asked if we were still working on finding out whose pipe it is. Solicitor Mulhern stated that Penndot has been pretty consistent saying that they only handle from curb to curb. Solicitor Mulhern has a release drafted essentially equivalent to a temporary easement stating that we will go on the property for public safety and in no way is the Borough retaining ownership of this property. Herman Johnson said that we are not the real owner; he would like to see the Borough reimbursed. Ms. Kehoe stated that we know that the pipe is in private property. Ms. Kehoe reached out to Tom Opalka so he can tell us where the right of way begins and ends. Also if he can tell us when the state installed this and if there were any drawings that they could look at. He said he will research it and get back to her next week. So the storm drain needs to be determined whether it is in the right of way but the pipes are definitely on private property. Herman Johnson stated that seeing this is a safety issue, make sure everything is documented, how long until the plates are going to be delivered. Ms. Kehoe would get an ETA. If it is going to take a while we should put more barricades around it. Mike Salak is still the owner of OK Holdings, so he as to sign the waiver. Mr. Cruciani stated that if it is a temporary easement, if somebody has a lease, during the lease period they could probably sign the easement. Solicitor Mulhern stated that he spoke with Bill Tobin and he was fine with signing the

release. Solicitor Mulhern asked what the next step is after the steel plates are put in there. Mr. Cruciani stated that the steel plates are to buy time. David Jenkins wanted to make sure that the plates are anchored in. It will not change the course of the flow of water. Ms. Kehoe stated that we still have the request from PennDOT to acknowledge that we are going to pay for the work on West Grove Street. We haven't gotten a price yet. Herman Johnson stated that we should do nothing at this point and see what happens. He believes that we need to get into that agility program to see if things like this happen if they would assist us. Then he knows that we are going to have to do something for them but we just have to cross our fingers that it isn't a big project. There are 4.2 miles of state road where there is drainage of some type or another. Alan Jones told Virginia Kehoe that all of these pipes were probably all put in around the same time and therefore seeing two of these collapses makes him think we will be seeing a lot more. With the law that the state passed where it defines that the Boroughs have the responsibility and the townships don't. The Secretary of Transportation has discretion on these matters. Ms. Kehoe asked permission to write a letter to Leslie Jones, indicating our concerns and ask if she wouldn't consider a waiver in these cases. Mr. Johnson said he agrees with Virginia, get with Solicitor Mulhern and get something drafted up and let Council review the letter and vote on it so send it out.

- **CDBG Project:** Ms. Kehoe stated that there are two items that have not been addressed. There are two bids in from Wayco, the first is for \$6,444.33, that was their price to put the lighting in the Pocket Park, that does not qualify under the grant, so we need to decide if the Borough is going to do this or not. The second item is Wayco's bid to put in that 207 feet of curbing, not the sidewalk, and their pricing was \$9,900. John Petrini said the Borough can still do this with CDBG money. It was not part of the original bid therefore we would have to authorize the county to bid this out as another project. David Jenkins stated that with how they have dropped the ball he doesn't feel comfortable with giving them another \$6,000. Ms. Kehoe stated that it would have to be rebid. Mr. Johnson stated that his suggestion is we have the money why not give the authorization to let the county rebid it. Mr. Johnson stated that we want to make sure that this can be completed before inclement weather comes. If the county needs to bid it then it won't happen until the spring. Might not be an issue if the amount is under \$25,000. This would be a separate project, not something coordinated with Wayco. Ms. Kehoe will see if there is any way to expedite this so it can get done before the blacktopping.
- **Summit Ave property:** Ms. Kehoe stated that Celeste Dennison is willing to accept the offer of \$6,000 with the restriction of no impervious surface/structure and she is willing to accept that. We need to qualify what we want in the deed. The intent is to meet the MS4 requirements. Need to make sure the verbiage meets the MS4 requirements. If council wants to approve it with verbiage that meets MS4. Vince Cruciani made a motion to accept the offer with the contingency that it be MS4 compliant to keep it totally storm water applicable. It doesn't have to be conservation land, seconded by David Jenkins. Solicitor Mulhern stated that he wants to put something in writing to Ms. Dennison that way it is a very specific offer with the appropriate terms. Vote was 5-1 with Pat Williams voting no.

10. NEW BUSINESS:

President Carey

- a) **Resolution 2016-11 LSA Share – Police Equipment:** David Jenkins made the first motion to accept Resolution 2016-11, seconded by Bob Bennett, vote was 6-0.
- b) **Nacole Leonhart – Junior Council:** Herman Johnson suggested holding off on voting for Junior Council because we had a closing date and we should go by that. Ms. Kehoe stated that she has emailed Mike Mahon and he will pass it along. Wrote to all of the local papers, there will be an article about it. Mr. Johnson stated that it is a good program for our young citizens. We always had youth from Clarks Summit, one of these days we might have to change the guidelines, because it is getting harder and harder to get kids that are interested. We would take anybody that is a high school junior or senior as long as they live in Clarks Summit.
- c) **Tom Senofonte:** Ms. Kehoe stated that Junction Street is a loop; Bob Naegele gave us a conservative price which is about \$15,000 to do the entire loop. Herman Johnson asked if any of Junction is private property. We do maintain it. David Jenkins stated that he thinks there may be some private property there. Vince Cruciani did look into this a little, the county data shape file has the old school, the parking lot which was recently paved which is owned by people who own the townhouses. The shape file showed Junction in the horse shoe. Signs indicate one way street. The problem is if you look at the deed it shows an alleyway from Division to Winola. If you look at the deeds of Sentofone's property it references Junction Avenue on the one side. There is a subdivision that created the townhouses and there is the property that the school is on, so when it bends off and horseshoes around it's most likely private property. But the Borough have put up one way traffic signs, so has that created a situation where they would claim that the Borough had essentially adversely possessed. Herman Johnson asked if the Borough did put that sign up. Mr. Cruciani stated that the Borough plows so we treat it as a one way street. Mr. Johnson stated that if it is private property then we want to get away from that. Ms. Kehoe stated that she would try to find out if our DPW put the signs up. Mr. Cruciani stated that if we don't claim it, what we establish that Junction Avenue is, because undoubtedly Junction Avenue exists and part of it is a public road, we are responsible for. If we don't claim the whole horse shoe, what part of the horse shoe do we claim? Herman Johnson stated that there are catch basins on each side so we would have to claim part of it. But we are going to have to research it to make sure. Mr. Cruciani stated that if we bid this project to a professional surveyor it is a matter of deed plotting. Pat Williams said when the school district sold that property to Senofonte there was no Junction Avenue. Mr. Cruciani disagreed and stated that there was. Ms. Kehoe stated that it was a paper alley. Pat Williams asked if the school district owned it why would they give it a name like Junction Avenue. Mr. Cruciani stated that it is an old neighborhood and it has a subdivision plan that had certain enumerated allies and when you look at the deed, the school district gave it to Keystone Holdings, they sold it to Senofonte. On the deed Junction Avenue dead ended. Pat Williams stated that now it is a horse shoe and he doesn't think the Borough has any involvement there what so ever. Mr. Cruciani

stated that the Borough plowing has created a situation where we do own it, or if that is not the case we have to establish where it is. Mr. Cruciani stated that if you look at a public safety perspective on it, Junction Avenue goes to the townhouses, but we would have to reconfigure the traffic pattern and at the bare minimum put a yield sign. We own the Junction part but not the East Side of the horseshoe. Mr. Cruciani stated that either the Borough does take ownership and we pave it and maintain the traffic pattern or we establish where Junction Avenue is through a professional surveyor and we adjust the traffic pattern likewise. Ms. Kehoe stated that this street has never been properly dedicated. Bob Bennett stated that it is not on our list for liquid fuels also. Mr. Bennett's concern is just because the Borough plowed it, or somebody put up a one way sign does that mean that we have assumed adverse possession of the piece of property. Mr. Cruciani stated that we don't have adverse possession without making a claim. There is a section of Junction Avenue that the Borough will have to claim. Mr. Cruciani suggested getting some pricing on surveyors. Mr. Johnson stated that it is well worth it.

d) Junction St paving

11. SOLICITOR'S REPORT:

Solicitor

Rogan/Mulhern: Bob Bennett discussed the alleyways stating that he has most of the information that he needs. Solicitor Mulhern stated that the alley would have to be named and the ordinances need to be drafted.

12. CORRESPONDENCE:

- **Mary Joe Devereaux:** Virginia Kehoe stated that this is really a code enforcement issue that is being addressed. Ms. Devereaux is complaining about her neighbor, there are pictures that show stuff out at the trash, she believes the neighbor is importing trash and we explained that is difficult to prove. The other issue is that she indicated that he put weed killer on the front lawn that is not illegal. There is a history of neighbor problems. Ms. Devereaux asked that she bring this to Council. David Jenkins suggested that the Borough stay out if this. If they have a deep imbedded issue it should be suggested that they contract the Magistrate. Ms. Kehoe agreed. Bob Bennett stated that unless she can prove that they are importing garbage. Mr. Cruciani stated that if Ms. Devereaux contacts Ms. Kehoe or Lori Harris again, inform her that there is a public comment section at the Borough Council Worksession. Herman Johnson stated that this should not have even been on the agenda. David Jenkins stated that we shouldn't even come close to getting involved in it.

13. EXECUTIVE SESSIONS:

President Carey

- **Prior-** **August 15, 2016** **Contract Negotiations**
- August 28, 2016** **Contract Negotiations**
- **During-** **None**
- **Subsequent-** **Immediately following Contract Negotiations**

14. ADJOURN:

President Carey

Bob Bennett made the first motion to adjourn, seconded by Pat Williams, vote was 6-0.