

**BOROUGH OF CLARKS SUMMIT  
BOROUGH COUNCIL MEETING  
NOVEMBER 2, 2016**

The November 2, 2016 Borough Council Special Meeting was conducted on Wednesday, November 2, 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 Ms. Gerrie Carey, Mr. Frank Besten, Mr. Bob Bennett, Mr. Patrick Williams, Mr. David Jenkins, Mr. Dominic Scott, Mr. Vincent Cruciani, Mayor Herman Johnson, Police Chief Chris Yarns, Borough Manager Virginia Kehoe, Junior Council Member Will Carey. Absent from the meeting was Solicitor Rogan and Nacole Leonhart.

Gerrie Carey welcomed the VFW to the meeting and she thanked them from the bottom of her heart for all of their service.

**CALL TO ORDER:** **President Carey**

**MEDITATION:** **Mayor Johnson**

**PLEDGE OF ALLEGIANCE:** **Mayor Johnson**

**PRESENTATION FROM VFW:** **Mayor Johnson**

Don Jones the Commander of the VFW spoke to Council presented a check for \$500 for the Veteran's Park. There has been a lot of hard work done at the park by our Mayor and Pat Williams and they really appreciate it.

**PUBLIC HEARING: Gerrity's and Summit Cigar Liquor License requests** **President Carey**

Virginia Kehoe stated that the borough did advertise for a public meeting tonight for both liquor license requests. Joe Fasula from Gerrity's stated that they would like to open up a beer and wine store in their store. They are negotiating with the landlord to potentially to take over more space in the strip center, which has been vacant for at least two years, where Costa Drugs was. The area is about 1,700 square feet and they would put in 6 packs and wine to go. It is a restaurant license, you might have a customer who would want to drink on the premises but this is extremely rare. Dominic Scott asked if they are going to allow that, Mr. Fasula stated that they wouldn't have a choice, they would have to allow that. Gerrie Carey stated that Council discussed this at the work session and they are happy that they are moving forward with this, this is something that the people in Clarks Summit would love to have and they are grateful that they are opening their door for it. Mr. Fasula stated that they hear all of the time that people hate to go to the other end of Clarks Summit to buy a bottle of wine. Vince Cruciani made the first motion to approve Resolution 2016-17, seconded by David Jenkins, vote was unanimous 7-0. Bob Bennett asked for a target date, he said around January 2017. Pat Williams thanked Joe Fasula, for all of the things that he lets them do with the poppy sale, it is very nice of him to allow that. Gerrie Carey stated that they have been very good to the borough and they want to reciprocate and do what they can.

Virginia Kehoe asked if there was any comment from the public about the liquor license change for Summit Cigar. There was no comment. David Jenkins made the first motion to approve Resolution 2016-16, seconded by Bob Bennett, vote was 7-0.

### **AAJRB UPDATE**

Greg Kozar gave an update on the AAJRB. He brought a proposed budget for 2017. David Jenkins asked about the event that was held at the pavilion, the restrooms were not opened. Is there any way an emergency number could be posted god forbid someone does have an event and they need the restroom open. Mr. Kozar stated that he believes that might have been when the restrooms were not yet open for use. David Jenkins stated that it had been used the week before. Mr. Kozar didn't even know that they locked the doors there. Mr. Jenkins suggested a lock box for this situation. He would bring that up with the AAJRB. Gerrie Carey stated that they can have a chance to look over the budget and see if they had any questions. Vince Cruciani stated that he did have a question, last year when the Joint Rec Board came to Council and asked for a 2% increase and the year before that 2%, and he thinks the year before that it was 2% or 3%. That compounds over time and the borough is in a bit of a cash crunch and one of the questions that they had asked, one of the reasons given of why the costs had continued to mount was that there is continued expansion of the facility. Mr. Cruciani stated that he voiced a concern that if the expansion of the facility was a greater expansion than the economic expansion of the community that the facility was in. Mr. Cruciani stated that Mr. Pascale and Mr. Hargrove were asked to demonstrate this year if they were going to come and to ask for an increase, how the groups that use the park have also been over a three year period of time have also been subject to a commensurate increase. Can it be demonstrated that all the groups that rent at the park have also seen a 5%, 6% or 7% increase over that same period of time because he thought it was concerning to tax the municipalities at a greater rate than the user for expansion, not maintenance. The park is expanding and that is what is bringing up the cost and he would rather see the groups that use the park foot the greater bill than the taxpayer. Mr. Kozar stated that their insurance has gone up considerably; they have liability and property insurance. Another issue they are having is Clarks Green is also involved. They have been requiring an audit which is costly. It costs \$8,000 for the audit. Mr. Cruciani stated that he doesn't understand why the leagues and organizations that utilize the park aren't paying a greater contribution as opposed to going to the taxpayer for the increases. Vince Cruciani stated that he has no doubt in his mind that they are pinching every penny in the operation of the park; his concern is the balance between asking the users of the park versus asking taxpayers in terms of contributing. It looks like donations and gifts are \$3,200 and taxpayers are paying \$63,000. Mr. Kozar stated this is information that he does not have at this time but he will get the information. Herman Johnson stated that maybe we should invite Mr. Risse and Mr. Pascale to come and answer Mr. Cruciani's questions. Bob Bennett stated that there was a match to get a grant. The grant that was obtained, what was it for. There were a few grants for field improvement, walk around the lake. If these are grants that they have received in the past, are they still receiving grant monthly. The last of the grant money was used. Mr. Bennett asked if the groups that contributed before are going to continue to contribute. Mr. Kozar stated that he knows that softball contributes, if it is a good year and there are a lot of girls on the softball team they are able to contribute more. He would have to talk to the partners and the board to see where that threshold is. Bob Bennett stated that he looks forward to the clarification. Pat Williams stated that they are doing a great job. Mr. Williams stated that the monies are used to maintain and improve the well-used facility, is that correct, Mr. Kozar said yes, the major improvements come from grant money. The money they are asking for is to maintain the park. Gerrie Carey stated that they are grateful for the work

that has been done. Mr. Kozar discussed the audit and they are trying to change that to the review instead of the full audit which would save them \$4,000 but Clarks Green is reluctant to accept just a review. Virginia Kehoe stated that Clarks Green is the one that signed off on a lot of grant money. Clarks Green is demanding the audit because their name is tangibly involved. If something goes wrong with that grant money, Clarks Green is liable. Mr. Cruciani stated that one of the things that has always been pressed on us when they talk about the money on this is that it is only \$3 per person who lives in the borough. Mr. Cruciani stated that he doesn't think it is unreasonable to ask for each person on the softball team and the football team to pay \$3 each. Mr. Kozar stated that if they are already paying the tax, wouldn't that be asking them to pay twice. The players pay the league to play in the sport. The league could owe it per capita back to the AAJRB. Mr. Kozar stated that he thinks that could be something to consider. Mr. Kozar stated that he will get together with Bill Risse to discuss these issues.

Andrew Weinberger addressed Council. Mr. Weinberger discussed what they have done for the borough which include, giving access to 50 acres on Griffon Pond Road for the borough to dump, Ms. Kehoe stated that the borough doesn't dump there but she knows that he has offered the access. They have given access to the sewer system from the area by Pizza Hut. There is a piece of land that is right off of 6&11, they figured it was in the borough, it is about a quarter of an acre, they were just going to donate it to the borough as green space. This land is not contiguous to anything he has, it would just be a straight donation to the borough, he doesn't have use for it and he figured it's in the borough. Mr. Weinberger was going to give Virginia the tax number and the parcel number and Council can decide what they would want to do with it. Ms. Kehoe stated that they are eternally grateful for Andrew allowing the borough access behind Pizza Hut to the sewer line. We have to go through his property to get there. Vince Cruciani asked if this land might have a value to Formosa, to merge the land into his lot. Mr. Weinberger stated that Formosa leases that area and he doesn't know who the owner is of the property. Mr. Weinberger stated that he doesn't want to donate this to a business. Frank Besten asked if this area has a deep drop off, is it steep. Mr. Weinberger doesn't know the topography and he doesn't want to guess. Ms. Kehoe stated that she will add it to the agenda for the work session to pursue.

**1. APPROVAL OF AGENDA: President Carey**  
Bob Bennett made the first motion to approve the agenda, seconded by Dominic Scott, vote was 7-0.

**2. APPROVAL OF MINUTES: President Carey**  
September 27, 2016 Work Session: David Jenkins made the first motion to approve the minutes, seconded by Pat Williams, vote was 6-1 with Vince Cruciani voting no.  
October 5, 2016 Regular Council Meeting: David Jenkins made the first motion to approve the minutes, seconded by Bob Bennett, vote was 6-1 with Vince Cruciani voting no.

**3. PUBLIC COMMENT & INPUT: President Carey**  
Dori Waters updated Council. Thanked Pat Williams and Herma Johnson for attending the Waterways class with Bernie McGurl. They said it was very informative. They are partnering with the EOTC and Lackawanna County to do a

program called Guiding Good Choices it is a drug education program. They did take part in the Fall Fun Day and it was great. They had a nice turnout. They will be involved in the tree lighting in Clarks Summit and they will have a fundraiser at Camelot. David Jenkins asked when the contractors are working down there can they park somewhere other than the front of the building because it impedes the pedestrian traffic on the sidewalk. Also that is a new or updated concrete sidewalk and he would hate to see the weight of the vehicle on them. Dori Waters stated that she would talk to John Heim about that. They are still selling the bricks and the stain glassed leaves. The community is really getting behind this. Dori will have the flags put up once the work is done.

**4. POLICE REPORT:**

**Mayor Johnson**

Herman Johnson stated that if there are any questions for the Chief. Vince Cruciani asked when the vehicles are coming in. Chris Yarns said within a week or two. Bob Bennett asked about the alarm on Vosburg, the Chief stated that there was a problem with the alarm system, new system was put in. They had a teen buckle up grant; they decided to do something different. Teamed up with South Abington, went to the high school and handed out brochures on seatbelt safety. The manpower will be reimbursed. It was for educational purposes. Another grant starts November 20<sup>th</sup>; see how much we will get. It is a click it-or ticket campaign. David Jenkins discussed the speeding on Winola Road, has there been anyone out there doing enforcement. Chris Yarns stated that he has gone out himself in the daytime and they are working on it. Mr. Jenkins stated that today there were a few tractor trailers and there is no way they were doing 35 miles per hour. Chris Yarns said they saw people not stopping at the stop sign on Electric Street. David Jenkins said that someone is going to get killed. They have made a big effort on being out there during the time before and after school. Mr. Jenkins stated that last year they were on Greenwood and Haven ticketing. They got a fair number of people and it makes the residents happy. Chief Yarns asked for on the 2017 budget, 2 vascars that do not work, they are looking for new V-Specs. Vince Cruciani asked if they pass the bill to allow them to use radar would they use it or use the V-Spec. That is something to think about. David Jenkins asked if they bought a new V-Spec unit they would still be able to use that, as a backup even. Toys for Tots collection boxes will be available the office. Chief Yarns stated that he would like to see the office get a “.gov” email address. When emails are sent from the “.gov” address you get a better response from the government when applying for loans and applications. It is a secure email address. Not sure if there is a charge to use that kind of address. David Jenkins made the first motion to give the Chief up to \$150 to apply for a “.gov” account, seconded by Bob Bennett. Pat Williams asked if that should be rephrased because the Chief doesn't know exactly what it is. David Jenkins stated that is why he used the words up to \$150 and if it is more they can always add to it. Chief Yarns stated he would get the price and let them know. Bob Bennett stated that he thinks it is an excellent idea and if he needs a few more bucks he is sure Council would listen to him. Vote was unanimous 7-0. Pat Williams asked about the meter enforcement is going. The Chief said the meter enforcement is going very well. They are having him collect the money more often because the meters are full. They now collect every three weeks instead of once a month. David Jenkins stated that he likes Chief Yarn's idea about painting the lines on Depot Street. He asked if there is a possibility that the area by

the stop sign they can angle white marks, mark it off there because he sees people that find room to park there. There is also a hydrant there. Mr. Jenkins asked about on State Street by State Street Grill, people try to make two more parking spaces there. See if they can mark the road there so it is clearer where they can park. It is posted with signs. Herman Johnson stated that he and Virginia were talking about parking lines starting at Talbots. If all the cars are uniformly parked then we should see good driving habits come out of people. It's a safety issue. It is a state road; we would have the authorization to paint. Get a professional organization to paint the lines at night because the traffic will be less. Ms. Kehoe stated that she asked the DPW guesstimate the cost of supplies and the man hours to come up with a value on that so in the spring if they want they can see what it would cost to get a contractor to do it and see what the better investment is. David Jenkins made the first motion to approve the bid from Tim Trently for \$1,200 to pay for the vehicle, seconded by Pat Williams, vote was unanimous 7-0. Bob Bennett told Chief Yarns another good job; they seem to be able to help other municipalities a lot more than they get helped. Bob Bennett gave his compliments to the crew for all of their activities.

**5. BIDS & QUOTATIONS:** **President Carey**

**6. BOROUGH TREASURER'S REPORT** **President Carey**  
 Vince Cruciani made the first motion to approve the Borough Treasurer's Report, seconded by Dominic Scott, vote was 7-0.

**7. COMMITTEE REPORTS:**

- **Building & Plant** Pat Williams, Chair  
 Pat Williams gave an overview to inform all of Council about what the Drug Treatment Court has done for our borough which is a tremendous cost savings to our borough. David Jenkins asked about the hot water in the men's room. Ms. Kehoe stated that they do now have not water in the men's room. David Jenkins stated that it leaks. Ms. Kehoe stated that today is the first day that they have the hot water. The hot water heater is now in the men's room; Mr. Jenkins asked how much that costs the borough. It is an at will hot water, only heating water as you need it.
- **Finance Committee** Dominic Scott, Chair 2017  
 Budgets: Gerrie Carey stated that they will go into an executive session for personnel before they nail the budget down totally. They will vote on this in the December meeting. Ms. Kehoe stated that she needs to move forward to advertise the budget. They have about 2 more weeks to make changes. David Jenkins asked if the Solicitor will be joining them at the meeting or is there a reason for his absence. Ms. Kehoe stated that she doesn't know and she didn't hear from him today. Bob Bennett asked about the State Police fines on the budget. What is this? Herman Johnson stated that the borough gets part of the fine money. Ms. Kehoe stated that the budget represent no increase in taxes or sewer fees.
- **Grant Committee** Dave Jenkins, Chair  
 Application for Sewer Rehabilitation with PA Small Water and Sewer Program \$264,000: David Jenkins stated that he has information on this application. New grant available that goes towards the senior citizens. It is a 2 million dollar grant

that is going to be spread out. Pat Williams asked for more detail about the \$264,000 grant. David Jenkins stated that he will let Pat Williams read over the grant application and that should answer any questions. Virginia Kehoe stated that this is a state grant filed through the DCED targeting water and sewer rehabilitation of services which is exactly what we are working on. This is money that we are going to be spending regardless. Gerrie Carey stated that Sid Michaels Kavulich will be debating at Clarks Summit University and to let Council members know.

- **Recycling Committee** Bob Bennett, Chair  
Thanks to Dom Scott – Tire Recycling Event had 133 tires turned in. Ms. Kehoe stated that Dominic Scott manned this event. David Jenkins stated that they had 2 truck tires from the fire department which they couldn't take. Herman Johnson stated that this is the second year that they refused truck tires. They used to take them. Ms. Kehoe stated that OK Tire will take them sometimes, or Kost Tire and she can call the county. This is for the future because they did dispose of them.
- **Insurance Committee** Vince Cruciani, Chair
- **Personnel Committee** Gerrie Carey, Chair  
Virginia Kehoe stated that 2% was budgeted for the office staff for raises. Frank Besten asked how the raises and bonuses were calculated. Ms. Kehoe stated that Council was giving yearly raises, then Council decided rather than a raise every year, they would do bonuses based on what they would have earned had they gotten a raise. Ms. Kehoe stated that it was determined years ago that it would alternate from a raise to a bonus alternating every year. David Jenkins asked when this will take effect. Ms. Kehoe stated that the bonus would come on December 1<sup>st</sup>. Ms. Kehoe stated that the procedure that was adopted by Council at our last meeting was going forward when there are bonuses; they would get ½ of the bonus in July and the other half at the beginning of December that will be for the 2018 budget. The last time these people had an acknowledgement was January a year ago. Bob Bennett stated that they are voting on a bonus now but then 2017, they should be do whatever is in the budget as a raise effective in the beginning of January 2017; David Jenkins made that a motion, seconded by Bob Bennett. On the question Bob Bennett stated that there was a change in the Treasurer. Are the former treasurer and the current treasurer going to get a prorated bonus? Vince Cruciani and Dominic Scott said no. This bonus being voted on is for Lori Harris and Jenn Basalyga. Vote was unanimous 7-0. There will be an executive session tonight after the meeting.
- **Public Safety/Safety** Pat Williams, Chair  
Pat Williams stated that they are going to be working a little more closely with Alan Jones, see about the agility program he thinks that would be a plus for the borough. Mr. Williams will be meeting with Mr. Jones and will update Council. They did clean probably 8 storm drains in the borough. Herman Johnson discussed School Street onto Grove Street you can't make a left turn there. But you have to creep out onto the road to see the cars coming down and around. He would like to see the Safety Committee look into that, maybe they could put up a mirror there to see if traffic is coming down. This is really bad at night that is a real hazard. Pat Williams will look into it and get back to Council.
- **Public Works** Pat Williams, Chair

**DPW Monthly report:** Herman Johnson said great report. The fence repair on Knapp Road Bridge should start next week; great job for Dominic Scott fixing Mike's Welding. Ms. Kehoe stated that she has the written letter with the 90 day guarantee and the work will be completed within the 30 days and proof of insurance has been submitted. Ms. Kehoe stated that she did speak to John Scondas. He said he doesn't know how Mike is going to do this but he did say Mike is an honorable guy.

- **Recreation** Dominic Scott, Chair
- **Sewer Billing** Dominic Scott, Chair

Dominic Scott stated that the sewer billing is continuing to do well. Mr. Scott stated that he is somewhat surprised that 20 people paid with cash. Ms. Kehoe stated that it is not uncommon for some people to put cash in the drop box. Bob Bennett stated that he used to pay with cash but he is on ACH now. Some people do pay with cash monthly but mostly it is the delinquent accounts. Mr. Scott stated that he doesn't want to have cash around. Ms. Kehoe stated that deposits are made regularly and there are not huge sums.
- **The Gathering Place** Gerrie Carey/Pat Williams
- **ACOG Representative** Patty Lawler/Gerrie

Carey/Dom Scott: May not be anyone available. Dominic Scott stated that they are trying to do something for the firemen and the first responders. Remove Patty's name from the committee. Dominic Scott suggested Frank Besten to be put in the rotation. David Jenkins stated that he thinks that it was in very bad taste earlier tonight when the picture was taken. Other members of the VFW, Bob Bennett, Dominic Scott and David Jenkins were not included in the picture and Mr. Jenkins takes great offence to that because he was a past Commander of that VFW Post and he thinks the courtesy should have been extended to the others mentioned. Gerrie Carey stated that if he had mentioned it at the time. Mr. Jenkins stated that Mr. Johnson and Mr. Williams should have known better and that should have been the extended courtesy. Gerrie Carey stated that because it was a donation to the Veteran's Park and they both worked on it. Mr. Jenkins said well you know veterans are veterans are veterans. Herman Johnson said that he is absolutely right, veterans are veterans but the Commander asked them to come up and he should have extended it. David Jenkins stated that he knew Mr. Johnson would have an excuse to it. Herman Johnson said you bet ya and duly noted. Frank Besten asked when the ACOG meetings are and that is the first Thursday of the month.
- **Police Negotiations** Gerrie Carey/Herman

Johnson Arbitration on February 6, 2017: Ms. Kehoe stated that one week from today, November 9<sup>th</sup> at 10am, there will be a meeting with Joe O'Brien to go over the research that she has been preparing for the case and if anybody wanted to be there. Gerrie Carey stated that Herman Johnson will be stepping down from police negotiations and asked if anyone on Council wanted to step in and take his place. They will discuss this in executive session.
- **Alley Research** Bob Bennett

Bob Bennett stated that he is at the mercy of our Solicitor, he has no additional information. He asked him last month and will have to ask next month. Mr. Bennett stated that he is also at his mercy, our insurance policy for those employees that have a family policy, it says spouse. He has been asking for 6 or 7

months now what the federal definition of family is. We now have situations where people have companions, and significant others. Virginia Kehoe stated that the Borough is self-insured so we have always just gone with spouse because that is the only thing we have been asked about. Ms. Kehoe stated that she has a request from a police officer who is getting married in July who would like to have his fiancé' added to his insurance in January. For self-insured we decide what the coverage is. David Jenkins stated that to be politically correct he agrees 100% with Bob Bennett, we should include whatever the generic definitions are and then we are covered and nobody can come back and say that we are discriminating. Vince Cruciani stated that he doesn't know what the federal definition is but the only thing that the Supreme Court said was that you have a right to get married regardless of sexual orientation. So it is a spouse. Mr. Cruciani stated that others may disagree with him but he doesn't care if you live with somebody or are friends with somebody, either you are married or you are not married. It doesn't matter who you are married to, what gender they are. David Jenkins stated that if that is the politically correct connotation. Vince Cruciani stated that spouse is gender and sexual orientation neutral. As of right now they are covered if they are married, if they are the spouse. Bob Bennett stated that he is still waiting on the Solicitor to give him guidance. Ms. Kehoe stated that she would put this on the work session to continue the discussion.

- **Additional comments from Council**

David Jenkins stated that he inquired about Winola Road utility cuts and since then they have made more utility cuts in front of CVS. There is about 100 yards between CVS and Old Trail Road is disgusting and we need to get onto them about this. Virginia Kehoe stated that we have no enforcement capability; she stated that she can hound them and the state. David Jenkins stated that Pat Williams now has a rapport now with the state, how about cranking on the state to get that done because in the winter time with the snow and the ice that's going to be nasty. Ms. Kehoe stated that when she reached out to the utility she was told that there was still additional work to be done and they are waiting for waiting for approval from Penndot on the permit. David Jenkins stated that they always put it off on Penndot.

Bob Bennett stated that he has one woman plead with him to bring up the 500 block of Greenwood. David Jenkins asked Pat Williams if he has been on Greenwood lately. David Jenkins suggested Mr. Williams check out the 500 and 600 block of Greenwood and have his seatbelt on. This is since the water company has done the repairs. David Jenkins stated that he wants to see what comes out of their blacktopping because it's horrendous. He is surprised that the people that live in the 500 block are not down here the first Wednesday of the month.

Vince Cruciani stated that the 200 block of Woodlawn between Atherton and Division is bad. Mr. Jenkins and other members of Council agreed. 2 weeks ago Scott Reiner was out measuring the roads. Herman Johnson reported that Troop 160 worked on the Eagle Scout project and he completed that at Veteran's Park. Maybe we can get Trevor Sablan to the Council meeting to thank him for his hard work.

Pat Williams stated that the manholes are going to see a dramatic change and that is thanks to the Mayor and himself. He met with Bob Naegele and the supervisor

on Saturday, they went over all the roads and the manholes will have a nice even flow across them.

- 8. VENDOR PAYMENTS TO BE RATIFIED:** **President Carey**  
Dominic Scott made the first motion to pay the bills, seconded by Vince Cruciani, vote was 7-0.

- 9. OLD BUSINESS:** **President Carey**

- **Land Donation from Andrew Weinberger:** Already discussed and will continue discussion at the next work session.
- **Ordinance 2016-05 Zoning Amendment – vote to advertise for December**  
Virginia Kehoe asked if she should advertise this and put it on the agenda for a vote in December. David Jenkins voted to advertise this and put it on the agenda for December, seconded by Dominic Scott. On the question Bob Bennett asked if there had been any changes. Ms. Kehoe stated that there have not been any changes since last week. This is a compromise from what Council adopted last year and our original ordinance. Vote was 7-0.

- 10. NEW BUSINESS:** **President Carey**

- a) **Resolution 2016-16 Summit Cigar Liquor License Amendment:** Already voted on.
- b) **Resolution 2016-17 Gerrity’s Liquor License Transfer:** Already voted on.
- c) **Clarks Green Police Bid – vote to submit proposal:** Virginia Kehoe stated that we submitted the narrative to Clarks Green; she emailed and printed the information with the dollar amount that they want to propose to Clarks Green. She needs Council to authorize the release of this bid or not. The proposal has to be in by November 14<sup>th</sup>. This was the recommendation from the Chief. Herman Johnson stated that the Chief doesn’t think the Borough would lose any money and he feels that he would like to move forward with it. Virginia Kehoe stated that the general fund budget does not reflect this, the vote is scheduled to be this month so we would be able to advertise and do the budget with the change should Clarks Summit Borough be granted this contract. Frank Besten made the first motion to move forward with the Clarks Green bid for police services, seconded by Bob Bennett. On the question, Vince Cruciani stated that he believes that the only way the municipal governments are going to be solvent is through merging them. He thinks that our borough and Clarks Green borough exist because they formulated in the time of railroads and the creation of municipal authorities like the AAJRB and ARWA is nice but it attenuates power from the electorate and the only sustainable path forward is with the consolidation of municipal governments. This is a good will gesture of 2 small boroughs sharing services without attenuating it to a municipal authority. David Jenkins stated that he agrees to a point with Mr. Cruciani, he reiterated at the last Council meeting that he felt this was a waste of time. He still feels it is a waste of time that the Chief and the Mayor put into this simply because we have been down this road twice before and we have been shown the door. He will personally be voting no against this resolution. Vote was 6-1 with David Jenkins voting no.

- d) **Resolution 2016-15 Meter Suspension:** Frank Besten made the first motion to adopt Resolution 2016-15, seconded by Dominic Scott, vote was 7-0.
- e) **Buyback of unused sick/vacation time – ratify offer to staff:** Virginia Kehoe stated that they offer this every year. Council would need to ratify this decision. David Jenkins made the first motion to approve the buyback of unused sick/vacation time, seconded by Pat Williams. Frank Besten asked if we actually pay people for unused sick time. Virginia Kehoe stated that the union contracts say they are entitled to so many sick hours or days a year. Use them or lose them and there is no criteria. So if we didn't buy them back at ½ off then we would have then we would have people using a lot of sick days in December and we would have no staff. It is the two unions. Vote was 7-0.

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

**Solicitor**

**12. CORRESPONDENCE:**

- **Non-Uniformed Union request:** They have never had a permanent part timer before; they only had seasonal part timers. Their contract does not address a permanent part timer. The one that came on as a member of the union, read through the contract and thought they were entitled to holiday pay. The union feels that is something that should be clarified and will be addressed with the new contract for next year but in the meantime they are looking for Council to weigh in on it. David Jenkins made the first motion to not include anyone under 30 hours, if they don't work 30 hours they are part time. Vince Cruciani stated that they don't have to make a motion because they are asking for something that they don't have. David Jenkins made a motion to not consider what their request is he thinks the request personally as the overseer of the funds for the taxpayers for the borough; he thinks it is a ludicrous request for a part time employee. Herman Johnson stated that he thinks they need to take that section into executive session because he thinks that it has to be explained who is part time who is seasonal and who left if that person was part time or regular permanent part time. David Jenkins stated that they don't have a solicitor there to help make that determination so he doesn't know if they really can do that and he doesn't feel that Mr. Johnson is qualified to make that decision on what to tell them to take into executive session. Herman Johnson stated that he is trying to assist him, so what they can do seeing that they do not have a solicitor, they can table this. David Jenkins stated that he doesn't think they need to table it, he would just assume totally disregard it because they work 25 hours a week part time. David Jenkins asked where they are getting all of this money to give away. Our EIT has not increased and now we are going to give our part time employee holiday pay, Mr. Jenkins said he thinks it's ludicrous. Ms. Kehoe stated that we have had permanent part timers that have been a borough for more than 8 years without ever receiving a holiday. Ms. Kehoe is not opposed to it or fighting it she is just showing the implications. Mr. Jenkins stated that if you give it to one employee you have to give it to everybody, you can't discriminate. Ms. Kehoe stated that

Vince Cruciani is correct that Mr. Jenkins does not have to make a motion not to approve this. David Jenkins stated that he withdraws his motion.

- **Tom Senofonte request:** Virginia Kehoe stated that Tom Senofonte called and he is willing to pay for the public's portion of Junction to be overlaid with an inch and a half, if we would authorize the contractor to do it he would front the money. Rather than Mr. Senofonte trying to find an individual to contract. David Jenkins stated that he doesn't think we need to be the middle man and accept a check from the resident and send a check to the company on our checking account so that all of a sudden now in the legal sense we are responsible because we paid the bill. If Mr. Senofonte wants to do that let him talk to the company, we are getting into a private matter here and he thinks this is a grey area that is going to turn colors on us. He thinks we need to stay out of it. Bob Bennett said going back to step one who owns it. We don't own it; no we are not talking about the private road we are just talking about the public right of way section. The Junction goes between Division and Winola; he wants that section that is used until it hits private property. The questions of who owns it, does the borough own it, Ms. Kehoe doesn't know. The borough has maintained it for so many years; she would guess that a lawyer would say that we were legally obligated to continue maintaining that section. David Jenkins stated that it is not on our list of roads to be blacktopped. Ms. Kehoe stated that Junction was on the list, but we took it off when there was an issue. The contractor doesn't want to work out a contract with Mr. Senofonte. Ms. Kehoe stated that she was not comfortable with this and is certainly not recommending it. David Jenkins stated that he thinks we should disregard Mr. Senofonte's request.

**13. EXECUTIVE SESSIONS:**

**President Carey**

- **Prior-**            **October 5, 2016**    **Contracts**  
                         **October 25, 2016**    **Contracts and Personnel**
- **During-**        **None**
- **Subsequent-** **None**

**14. ADJOURN:**

**President Carey**

David Jenkins made the first motion to adjourn, seconded by Frank Besten, vote was unanimous, vote was 7-0.