

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

The December 7, 2016 Borough Council Special Meeting was conducted on Wednesday, December 7, 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. Frank Besten, Mr. Bob Bennett, Mr. David Jenkins, Mr. Dominic Scott, Mr. Vincent Cruciani, Mayor Herman Johnson, Police Chief Chris Yarns, Borough Manager Virginia Kehoe, Solicitor Pat Rogan, Junior Council Members Will Carey and Ms. Leonhart. Absent from the meeting was Ms. Gerrie Carey and Mr. Patrick Williams.

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

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

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

**PUBLIC HEARING -** **President Carey**

**2016-05 Zoning Amendment  
2016-06 TAN  
2016-07 General Fund Millage  
2016-08 Sewer Billing  
2016-09 Debt Service Millage  
2016-10 Fire Service Millage**

**1. APPROVAL OF AGENDA:**

Bob Bennett made the first motion to approve the agenda, seconded by Vince Cruciani, vote was unanimous 5-0.

**2. APPROVAL OF MINUTES:**

**President Carey**

- **October 25, 2016 Work Session:** Bob Bennett made the first motion to approve the minutes, seconded by Frank Besten, vote was 4-1 nay from Vince Cruciani.
- **November 2, 2016 Regular Council Meeting:** Dominic Scott made the first motion to accept the minutes, seconded by Frank Besten, vote was 4-1 with Vince Cruciani voting nay. Mr. Cruciani stated that the two no votes to are to preserve the audio recording.

**3. PUBLIC COMMENT & INPUT:**

**President Carey**

David Rinaldi, 404 Fairview Road, Clarks Green, and he is a member of Clarks Green Council. On behalf of Clarks Green, the borough looks forward to a productive relationship with Clarks Summit, Mayor Johnson and Chief Yarns for the next five years. Clarks Summit's stated intention to add an officer on duty, resulting

in two officers on duty 6 days a week, while welcomed by Clarks Green residents, will result in greater coverage and security for the residents. Clarks Green Council wants to thank the Clarks Summit Council for the faith in the integrity of their process. Council appreciates the fact that Clarks Summit submitted a proposal. They asked for proposals from 5 different police departments and they received two. He acknowledged former Mayor Patty Lawler, for her tireless work to position the Clarks Summit Police Department to accept the challenge of multi-jurisdictional policing that the borough will embark on January 1, 2017.

Tom Hendrian, 1004 Carnation Drive stated he was before Council in September asking for assistance with the paving situation on Carnation. There is no update; they are at their wits end. The pipes are gone, they are hooked up. Their biggest concern is that Leeward has been there off and on. Mr. Hendrian was told by an independent source that this road has to be re-milled and paved. Mr. Hendrian stated that he hopes this is a lesson learned by the borough, he has to pay Clarks Summit if he has his driveway re-done and if he makes any improvements to his property, and he has to pay the borough. Yet a utility can come into this town and do whatever, this council has no power over the infrastructure that they, the citizens own. The road that needs to be fixed is 280 feet. David Jenkins stated that they did begin today on Greenwood Avenue. So it is not out of the realm of possibility. Virginia Kehoe stated that she spoke to Scott Reiner and there is going to be work done on the sewer section before they come in and mill and pave. Herman Johnson stated that he has been telling this council for years that they need an inspector to follow up after the contractor. Our infrastructure is the way it is because we, as a council do not want to hire either an inspector or have someone follow up on these people and we should get our Solicitor involved if it is these big companies like the water company. Vince Cruciani stated that if you look at a lot of the challenges that municipalities are having. A lot of it generates from unfunded mandates and constrains placed on municipal governments or school boards by the state government. From teacher's pensions to utility companies not being held accountable, the body that fosters that unaccountability is the state government. Mr. Cruciani stated that he agrees with Mayor Johnson about having inspectors when we conduct the work. Mr. Cruciani stated that he thinks John Blake's office needs a call. Mr. Hendrian asked about the borough making an ordinance. Mr. Cruciani stated that the borough cannot make an ordinance because we don't have the ability to regulate the public utilities in that regard. We don't have an enforcement mechanism to regulate those actions of the utilities on his street. The state law is the governing body. Herman Johnson stated that you don't blacktop in November and December because it won't hold. Mr. Hendrian stated that they want it done right. Bob Bennett stated that part of the problem is that the borough doesn't have tools to get in with the water company to do something. Frank Besten asked if Council can write a letter to Senator Blake's office. Bob Bennett asked if Solicitor Rogan to write a letter. Vince Cruciani asked Ms. Kehoe to send a carbon copy to all of the residents on Carnation Circle. That way they will know when there is some action being taken.

Judy Ferree, 717 Linden Street discussed the issue of after their road was paved, there is now a drainage issue. Ms. Kehoe is bringing the Borough Engineer on Friday afternoon to survey the situation. She is not available in the afternoon to be there for

that meeting and would like it at another time. Mr. Cruciani asked if there is a better time for the meeting. Ms. Ferree stated that she thinks that it should be later because many of the neighbors work. Mr. Cruciani stated that it is dark at 4:30pm. She wants to speak directly with the engineer. They milled the road they repaved and put in an 8 inch curb, the curb is blocking the drainage from the properties. She was told that they would remove the curb but now the road is higher. Vince Cruciani suggested meeting early in the morning before work. That won't work either stating that a Saturday would be ideal. Herman Johnson suggested meeting on a week night in Council Chambers. They did not use the catch basins to move the water. Ms. Kehoe stated that the paving company is coming back next week to do the repairs on the punch list. If they wait longer they are putting off remedying the situation. David Jenkins suggested the borough meet Friday, attempt to remedy the situation and if Ms. Ferree still has an issue. Ms. Ferree didn't agree stating that she was trying to explain what the issue was to Virginia Kehoe, because just taking off the curb isn't going to work; they would have to build up the pavement behind the curb to get a nice grade so the water runoff works properly. David Jenkins stated that the longer they wait the less the opportunity is going to be there to remedy the situation before winter. Ms. Ferree stated that if you don't speak to all of the neighbors you won't find out all of the issues and they will have to come back yet another time to fix all of the problems that haven't been addressed. Bob Bennett asked Ms. Ferree to elaborate on the other neighbor's problems that she was told about. Ms. Ferree stated that there were 8 inch curbs put across driveways so her neighbor has a corvette and he can't get out of his driveway. Ms. Kehoe stated that she is already aware of this situation and it is on the list to be fixed. Mr. Jenkins stated that not everybody has the opportunity to talk to the engineer, that is the purpose of Council being there to convey their problems to the engineer and that is what the Borough Manager will do. Ms. Ferree was told that the solution would be to just remove the curb. Vince Cruciani suggested being on a telephone call with the engineer. When the engineer is on site Friday, he can call her and speak with her. Ms. Ferree stated that the other people in the neighborhood need to be notified by Virginia and given the same opportunity. David Jenkins stated that he thinks they need to take one step at a time. Ms. Kehoe stated that everyone who has called and expressed concern has been added to a list with what their concerns were and that is what they are going to be looking at on Friday. Vince Cruciani stated that Virginia has a list of complaints. On Friday that list is going to be reviewed by the engineer on site, once the engineer reviews that comes up with a plan of action can she come up with a time and contact the land owners who have issued complaints and ask them if they are not present if they would like to have the engineer speak with them while he is on site.

Alan Hughes, 408 Gordon Drive, Clarks Green and a member of Clarks Green Council spoke to Council. He stated that Clarks Green's relationship with South Abington has been excellent; the point person in their borough has been Mayor Bill Thornburn when it comes to interacting with the police department. They also have a Safety Committee which is headed by Councilman Joe Barrasse and he would also be a contact person. Mr. Hughes asked for our police to make connections with the principal at OLP and review with them their evacuation plan. Chris Yarns agreed and stated that he wants all of the officers to take a walk through the building to

familiarize themselves. Chief Yarns will also look into the churches in the Clarks Green area, also any daycare's in the area.

Bill Toms of 227 Vasser Avenue, Clarks Green Council member spoke to Council. Mr. Toms stated that he agreed with the other councilmembers and he is looking forward to a good working relationship with Clarks Summit.

**4. POLICE REPORT:**

**Mayor Johnson**

Chief Chris Yarns stated that the Toys for Tots campaign is underway. The new police cars are coming in in about 12 days. Chief Yarns discussed getting rid of either the unmarked car or the 07 Tahoe. They will wait until the January meeting to decide which one. There is a pole down on Summit hill. The pole has the turn signs on it and there is a light emitter which the Borough owns, this is for the ambulances. David Jenkins asked if they can move the light emitter to a different pole. Chris Yarns stated that he thought it had to be across the road. Herman Johnson stated that we should check with the insurance company and see if we can get that pole back up because there are a lot of vehicles getting into the wrong lane. David Jenkins agreed and stated that this is a safety issue. Chris Yarns stated that the pole is owned by PennDOT and we are not involved in that but the emitter is ours. There are four warning signs for the turning lane and the straight lane. Virginia Kehoe stated that she would check with Northeast Signal first. Drug Take back program tomorrow at CVS.

**5. BIDS & QUOTATIONS:**

**President Carey**

- **Vote Ordinance 2016 –06 TAN – vote to accept bid from First Keystone Bank at 0.95 %:** Dominic Scott made the first motion to accept the 2016-06 TAN, seconded by Vince Cruciani, vote was 5-0. Frank Besten asked how much we are borrowing. Vince Cruciani asked how long the note is for. Ms. Kehoe stated it is for one year. Mr. Cruciani stated that we could pay down Grandview with the TAN money and then pay back the General Fund. If they take the TAN for \$300,000 and place the extra towards Grandview we can pay back the TAN with some of the Grandview revenue and save \$1,000 on interest. Frank Besten stated that this sounds good to him. Vince Cruciani stated that he will vigorously work with Dominic Scott next year to apply the balance of the TAN to Grandview and then payback the TAN with Grandview. Dominic Scott stated that he is all for that. So the motion is for \$300,000, first motion from Dominic Scott, seconded by Vince Cruciani, vote was 5-0. Vince Cruciani asked Virginia Kehoe to put a notation in March 2017, after the first quarter is over, for an assessment.

Virginia Kehoe mentioned that there was an accident that took out the fence at the wall on School Street. The DPW can put up some barriers and horses and some tape to make it very clear that while there is no fence there, there should be one. We are planning on replacing that wall and putting up new fencing in April 2017. Herman Johnson stated that the problem is with the corner there that is where the accidents happen. David Jenkins stated that there is a sign there that says “no left turn.” Mr. Johnson suggested maybe making that first block a one way. Vince Cruciani stated that would make it more difficult to

get to East Grove Street if it was one way. Dominic Scott stated that there used to be a mirror there which worked great, and then you could see. Council agreed that would be good to look into getting a mirror there.

6. **BOROUGH TREASURER'S REPORT** **President Carey**  
Vince Cruciani made the first motion to accept the Borough Treasurer's Report, seconded by Dominic Scott, vote was 5-0.

7. **COMMITTEE REPORTS:**

8. **COMMITTEE REPORTS:**

Vince Cruciani asked for the Zoning Officer's report the day before the meeting. David Jenkins stated that they need to get the reports at least 24 hours ahead of the scheduled meetings.

- **Building & Plant** Pat Williams, Chair
- **Finance Committee** Dominic Scott, Chair
- **Grant Committee** Dave Jenkins, Chair

Progress has been made on the police cars.

- **Recycling Committee** Bob Bennett, Chair
- **Insurance Committee** Vince Cruciani, Chair

They will have an update by March.

- **Personnel Committee** Gerrie Carey, Chair
- **Public Safety/Safety** Pat Williams, Chair
- **Public Works** Pat Williams, Chair

**DPW Monthly report**

- **Recreation** Dominic Scott, Chair

Vince Cruciani stated that next year marks the 20<sup>th</sup> anniversary of the Carnation Basketball Association. The event will occur on Memorial Day weekend at Newton Rec Center, they will have money for a commemorative plaque that they would put at Carnation Park.

- **Sewer Billing** Dominic Scott, Chair

**Sewer Monthly report:** Jenn Basalyga stated that everything is going great. Ms. Basalyga stated that she is updating the information in the system so the landlord is billed instead of the renters. This must be submitted to the printing company by the end of December so the January mailing can get out to the residents. David Jenkins asked if the delinquent residents seem to be the same. Ms. Basalyga stated that they seem to be repetitive. David Jenkins asked if we put a time limit on how many times we do the repetitive issue before we have to do something that is final. There are some people that just send in a large chunk of money at one time, Ms. Basalyga sends the delinquent letter and they send in the delinquent payment. Ms. Basalyga stated that she will suggest the ACH to people that are delinquent. David Jenkins stated that it is more work for the borough. Herman Johnson suggested making the late fee steeper. The majority of the residents pay on time.

- **The Gathering Place** Gerrie Carey/Pat Williams
- **Depot St Project** Herman Johnson
- **Stormwater Committee** Herman Johnson
- **ACOG Representative** Gerrie Carey/Dom

Scott/Frank Besten: Vince Cruciani stated that what happened there at the meeting is the real ACOG. The Sewer Authority is the real ACOG. This is really municipalities working together. While Mr. Cruciani doesn't discount ACOG, what they did tonight is real action between municipalities.

- **Alley Research** Bob Bennett  
Solicitor Rogan stated that Pat Lavelle is looking for the records. Bob Bennett asked for the title "Alley Research" to be changed to "Liquid Fuels." Vince Cruciani stated that if we really wanted the liquid fuels money and their wasn't an objection could they do a quick claim deed. A quick claim deed takes a long time.
- **Additional comments from Council:** Mayor Herman Johnson stated that he would like Council to think about joining the Association of Borough Mayors. We are a member of the PSAB and it is \$70 a year. Mr. Frank Besten thanked Virginia Kehoe publically for all of the help, all of phone calls and the visits, Mr. Besten stated that Ms. Kehoe was a tremendous help. Without her it would have been a lot tougher. Ms. Kehoe said thank you and anytime. Vince Cruciani read about the sale near Brooks Avenue, what property was sold. Ms. Kehoe stated that is the property where Formosa is, the Lomeo property. Mr. Cruciani stated that he can't figure out where Brooks Avenue is. Brooks is actually not even a real alley, a paper road, between Maple and Hemlock. Both Mr. Cruciani and Ms. Kehoe were confused unless it had something to do with the subdivisions way back. Bob Bennett asked Solicitor Rogan if they did a quick claim 6 months ago if this would be completed by now. Bob Bennett stated that he is really getting frustrated because they have been pushing this forward. Solicitor Rogan stated that he thinks they are near the end of it. Vince Cruciani asked Solicitor Rogan if he thinks February's meeting will be a reasonable amount of time. Solicitor Rogan stated that he thinks he will have it by next week. Vince Cruciani made the first motion to join the Association of Borough Mayors, seconded by Bob Bennett, vote was 5-0

**9. VENDOR PAYMENTS TO BE RATIFIED:** **President Carey**  
Dominic Scott made the first motion to pay the bills, seconded by Frank Besten, vote was 5-0.

**10. OLD BUSINESS:** **President Carey**

- **Auditor's Quote:** David Jenkins stated that we advertised and got a quote from Murphy Dougherty and Co. The question is do we want to go with one year or three years. Vince Cruciani asked if we can go with 2. Ms. Kehoe can ask but they didn't offer two. Vince Cruciani stated that Paul Murphy has done a commendable job for us. Mr. Cruciani made the first motion to go with the three year bid, seconded by Dominic Scott, vote was 5-0.

- **Weinberger property donation:** Vince Cruciani made the first motion to accept the property donation, under condition that upon acceptance we place it as conservation land, seconded by Bob Bennett, vote was 5-0. Vince Cruciani asked Virginia Kehoe to send Andrew Weinberger a thank you.

**11. NEW BUSINESS:**

**President Carey**

**A. 2017 budgets: motion to adopt**

- a. **General Fund (amended to reflect income from Clarks Green)**
- b. **Sewer Fund**
- c. **Debt Service Fund**
- d. **Liquid Fuels Fund**
- e. **Fire Service Fund**

Frank Besten made the first motion to adopt the funds above a-e, seconded by Dominic Scott, vote was 5-0.

- B. 2016-07 General Fund Millage vote:** Vince Cruciani made the first motion to accept the 2016-01 General Fund Millage, seconded by Bob Bennett, vote was 5-0.
- C. 2016-08 Sewer Billing vote:** Dominic Scott made the first motion to adopt the 2016-08 Sewer Billing, seconded by Frank Besten, vote was 5-0.
- D. 2016-09 Debt Service Millage vote:** Bob Bennett made the first motion to adopt 2016-09 Debt Service Millage, seconded by Vince Cruciani, vote was 5-0.
- E. 2016-10 Fire Service Millage vote:** Dominic Scott made the first motion to adopt 2016-09 Fire Service Millage, seconded by Vince Cruciani. Under the question Mr. Cruciani wanted the record to reflect that there has been no tax increase or fee increase on any of our taxes or fees. David Jenkins stated that he will be abstaining for this vote due to his position as President of the Clarks Summit Fire Company. The vote was 4-1 with David Jenkins abstaining.
- F. Clarks Green Police Contract:** Vince Cruciani made the first motion to approve the Clarks Green Police Contract, seconded by Dominic Scott, vote was 5-0. Vince Cruciani thanked the Borough of Clarks Green for this opportunity.
- G. Hire Pat Gibbons Full time:** Vince Cruciani made the first motion to hire Pat Gibbons as a full time officer to our police department, seconded by Bob Bennett, vote was 5-0. Effective January 1, 2017.  
Herman Johnson stated that he doesn't want to put a name forward for a part time police officer yet because they are still interviewing. Mr. Johnson and the Chief want to make sure that the part time officer that they hire could fit into the schedule so they have enough coverage. They will interview and probably bring a recommendation by January 1, 2017. Mr. Cruciani asked for their recommendation about a week before the January meeting. No problem with that.
- H. Accept CBA settlement:** Vince Cruciani made the first motion to accept the CBA Settlement with the police department, seconded by Frank Besten. Under the question Vince Cruciani thanked the association, the police department, Council person Gerrie Carey and Council person Frank Besten for working together to bring this to a resolution for the year concluded. Vote was 5-0. Vince Cruciani made a motion to add the two additional 12 hour shifts to our current shift schedule. For public safety reasons they will not enumerate exactly the time but they can have the Clarks Green Mayor and the Safety Committee call

the Clarks Summit Mayor for that information, seconded by Bob Bennett, vote was 5-0.

- I. Hire part time DPW:** We are officially stating that Ms. Kehoe will run an advertisement and hopefully she will have a name for the January 2017 meeting. Frank Besten made the first motion to authorize the Borough Manager to advertise for the part time seasonal employee, seconded by Dominic Scott, vote was 5-0.
- J. Borough Manager's contract:** Bob Bennett made the first motion to accept the Borough Manager's Contract, seconded by Dominic Scott, vote was 5-0.

Bob Bennett thanked Clarks Green Councilmembers for their vote of confidence.

- 12. SOLICITOR'S REPORT:** **Solicitor**  
**Rogan/Mulhern**
  
- 13. CORRESPONDENCE:**
  
- 14. EXECUTIVE SESSIONS:** **President Carey**
  - **Prior-** **November 2, 2016 Personnel**  
**December 5, 2016 Personnel**
  - **During-** **None**
  - **Subsequent-**

Janine Port discussed her leaf pickup situation, David Jenkins asked Virginia Kehoe to let the DPW know that the leaves need to be picked up there. Ms. Port also stated that she was in an accident, hit a deer, wants a deer crossing sign on Old Lackawanna Trail. Also there is an access road on Old Lackawanna Trail where ambulances sit. Can that be roped off. They would look into that. The railroad owns that property.

- 15. ADJOURN:** **President Carey**

Dominic Scott made the first motion to adjourn, seconded by Bob Bennett, vote was 5-0.