

BOROUGH OF CLARKS SUMMIT
APRIL WORK SESSION
TUESDAY, APRIL 29, 2008
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The April Work Session was conducted on Tuesday, April 29, 2008 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 President Gerri Carey, Vice President Pat Williams, Mr. Roy Davis, Mrs. Kathy Drake, Mrs. Barbara Evans, Mr. Robert Bennett and Mr. Herman Johnson. Also attending were Borough Manager/Secretary, Virginia Kehoe, Police Chief Louis Vitale and Solicitor Ernest Preate. There being a quorum present the Meeting was called to order by Council President.

WORK SESSION:

There was a discussion regarding a grant from Jim Wansacz which is related to GPS units for police cars, DPW vehicles, etc. It was stated that Kathy Drake contacted a Mr. Dominick to give a presentation as to what this grant entails. Mr. Dominick was present to give this presentation. Mr. Dominick described the hardware and configuration of the GPS units he sells. He also explained the way GPS units work, via Navy satellites. He also explained what his company, a management company, provides including tracking of vehicles, mileage reports by driver and vehicle, maintenance reports, etc. He explained that the cost of his service was dependent upon how many units are ordered and how many times per hour the search should be updated. He stated that for 2 vehicles, to be updated every 3 minutes, the hardware cost would be \$475.00 per vehicle including installation. The monthly cost would be approximately \$32.50 per month per unit, in addition to a \$35.00 phone fee. There is a one year guarantee on the price. It was discussed what the grant would or would not cover. There was discussion regarding the equipment and whether it would or would not become obsolete within a year or two. Mr. Dominick explained that it would not. Attorney Preate asked for references from others who use this program. The length of contract was discussed and Mr. Dominick stated that it would be a 3 year contract for the service. It was stated that four cars would cost \$165.00 per month, with the grant covering the purchase of the hardware. It was stated that hardware units can be easily transferred from one vehicle to another.

Virginia Kehoe asked, given some of the situations in the Police Department, if Council has put any consideration into hiring either full or part time officers. Chief Vitale stated his opinion that such hiring depends upon what Council is trying to accomplish. He discussed full timers versus part timers, and overtime hours and stated that through his analysis of past records, he sees no correlation in either a reduction or significant increase of overtime hours regarding the configuration of full time versus part time hires. There was also discussion of scheduling and the difficulty with availability of part timers who may be working other jobs versus full timers.

There was discussion brought up by Chief Vitale regarding Megan's Law registration and ordinances concerning the law. Chief Vitale stated that with the Borough only being 2 square miles, some provisions of the law may be difficult, as with the positioning of areas densely populated by children may nearly eliminate all areas in the Borough, which would not be legal. Mr. Bennett and Mr. Johnson stated that they had a copy of Dickson City's ordinance and that they were put on a committee to review the ordinance with Attorney Preate but due to a family emergency, were not able to do so as of yet. They planned to meet with Attorney Preate next week. It was decided that the details of the State law would be researched. There was also discussion of other local landlord ordinances.

Mr. Frank Emmett addressed Council regarding his tobacco/cigar business. He wanted to give Council a background on his business and on his own personal background. He stated that he hopes to be a good business person and contribute to the Community. Attorney Preate questioned whether he was still pursuing a beer license for his business. Mr. Emmett stated that he is working through his Attorney and with Clarks Summit CEO Willard Ziesemer regarding the license and that is moving along.

Attorney Preate spoke regarding Joe Gillotti, who is an engineer for Borton-Lawson and was the Borough's principle witness in the Grandview Street case. Attorney Preate stated that he was essential in the winning of the case and introduced Mr. Gillotti to speak. Mr. Gillotti stated his experience as well as other projects, including "Focus 81," which focuses upon what should be done with Interstate 81. Attorney Preate emphasized the excellence of Mr. Gillotti's firm.

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Attorney Preate discussed the Board of Viewers hearing in regard to the Grandview case and the fact that our Chief Engineer wasn't even aware of such a hearing and what a problem that is. Gerri Carey stated that Council was told at that time that Mr. Gillotti's firm refused to participate any further. Barbara Grabfelder stated she remembered that letter as well. Attorney Preate continued to emphasize the importance of the upcoming September hearing and his desire to have Mr. Gillotti present as a witness, as this will be a battle of experts.

Barbara Grabfelder asked what has changed and why they refused to participate in the past when they could have helped us, and now they are suddenly willing to participate. Gerri Carey stated that at the time Council was offended by Mr. Gillotti's firm's refusal to participate, as they had been paid a large amount of money. Attorney Preate and Mr. Gillotti insisted that Mr. Gillotti himself was not made aware of the request or contacted directly, otherwise he would have participated. There was discussion of Mr. Gillotti's knowledge of the case and information he would need to review and to determine the magnitude in which Mr. Gillotti would be involved. Mr. Bennett stated that while he believes Attorney Preate is formulating a strong plan, he is sure that Attorney Lavelle is also formulating a plan, and he hopes that is being accounted for.

Mr. Davis gave an update regarding the Police Vehicle. He stated that Chief Vitale had preferred the Tahoe, but that it fell through as the 2008 program was finished. Mr. Davis contacted Senator Mellow's office, to see if the Borough could go through the Piggy Back program, to possibly get a Tahoe through a municipality that chose not to take theirs, rather than purchasing a vehicle he does not want. His other suggestion to Chief Vitale was if the Piggy Back program does not work out to wait until July or August to get into the 2009 program so that he will get the vehicle that he wants. He said Chief Vitale agreed to this and that we still have the grant, so they are going to be patient and see what pans out. Council agreed to wait. Mr. Bennett questioned how soon a new vehicle would be put into service if we waited. Mr. Davis estimated it could be in service by late September or early October.

There was discussion regarding Public Comment time limits. Mr. Johnson stated that he feels that the general public and Organizations should be given time limits. Mr. Bennett suggested allowing a few minutes at the beginning of each meeting for Public Comment. Attorney Preate's suggestion was to limit time by discretion, and that Council must enforce this issue with the gavel. Mr. Johnson concurred. Mr. Bennett asked if Mrs. Carey felt comfortable enough, without written rules, to actually use the gavel when need be. She stated she did. Council discussed taking that approach rather than taking any further action on setting time limits at this time.

There was discussion regarding the Single Tax Office and what was due our municipality. The letter that Gerri Carey wrote asked for a response by April 15th and there was no response or even acknowledgement of receipt of the letter. Virginia Kehoe stated that she also contacted the Don Wilkinson agency to ask them to work up some numbers with what they believe we might be owed and they agreed to give a "guesstimate." She has not received that yet either. Virginia Kehoe asked Ernie Preate if there is anything more that Council could and should do. He replied yes, that they should contact the Abington School District, to see how they arrived at their numbers which they, too, are demanding of the Single Tax Office. Mr. Johnson suggested sending a second letter in an effort to create a paper trail. It was determined that Virginia Kehoe should first get a number together and then they could send the next letter.

Virginia Kehoe suggested talking about the South Abington Township Pass-through Agreement and the Workman's Compensation issue together. Virginia Kehoe stated that she estimates South Abington owes Clarks Summit approximately \$10,000.00 toward the Workman's compensation, which has been unpaid since 2003. There was discussion as to whether or not the money is inaccurately going to the Fire Company. Herman Johnson suggested contacting Warren Watkins. Virginia Kehoe agreed to do this. Virginia Kehoe asked Attorney Preate if he has anything on the South Abington Pass-through which Ernie said he will continue working on. Mr. Bennett stated that he had the numbers as to what houses are directly connected and which is pass-through, totaling approximately 121 units, which the Borough is not receiving compensation. He stated that the issue is going on for more than a year and that it needs to be resolved. Attorney Preate stated that he needs to engage in negotiations first and that at this time he has too much on his plate to deal directly with this and he doesn't want to get into another lawsuit with a neighboring community.

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There was discussion regarding the Peter's appeal, which Attorney Preate has stated is stagnant at this time. There was discussion regarding some of the issues surrounding the Peter's case.

The next matter discussed was the recodification. Virginia Kehoe explained that all of the ordinances are to be updated and kept in an ordinance book, which hasn't been updated since 1996. She explained that this is being completed at the present time and that the second step will be filing all of the updated ordinances at the Courthouse.

The purchase of Carl Noakes property in the amount of \$1.00 was next on the agenda. It was already voted on by Council to make the purchase. Attorney Preate stated that he attended the Shade Tree Commission meeting last week and sought their assistance in the Grandview Street barrier. He stated that they had some excellent suggestions with regard to protecting the trees in the area from the snow plows etc. There was also discussion regarding some of the large boulders being used as a "wall" which would look more natural with trees and boulders or stone. Virginia Kehoe stated that Bob Naegele's estimate for the West Mountain stone was approximately \$500.00. He stated that Joshua Arp suggested giving the property to Countryside Conservancy, which they felt was an excellent suggestion. Virginia Kehoe stated that she is in contact with the Countryside Conservancy and will provide Council with details as they become available.

Moving on to the wall on the Walsh property, it was determined by Attorney Preate and Attorney Bolock, Mr. Walsh's attorney, that almost 1/3 of the wall is on Walsh's property and that both the Borough's engineer and Mr. Walsh's engineer will determine what the best way to fix the wall is. There was discussion regarding using the stones from this wall to place the barrier at Grandview.

There was discussion as to whether or not contracts can be restricted from public view. It was determined that in negotiating stages they can be, but that once they are voted upon, they must be available for public record. Herman Johnson asked if the contracts are completed. The personnel committee stated that the contracts have been deferred to the finance committee and are now lost in the shuffle. It was suggested that all three individuals whose contracts are in negotiation should receive letters letting them know that they are still under their old contract until they receive a new contract. Mr. Johnson asked for Virginia Kehoe's comments which she agreed to provide. Council will also seek the comments from Neil Bartholme and Chief Vitale. Mr. Patrick Williams, as the Chairman of the Personnel Committee was appointed to arrange appointments with all three individuals to discuss contracts.

Attorney Preate asked what has been done with regard to Police Pension. Mr. Johnson stated that the last he knew two vendors were to be contacted and asked to give in depth presentations but that he hasn't heard anything regarding that. Virginia Kehoe stated that she was asked to look into Vanguard and Fidelity. She stated that Vanguard is not able to serve in the capacity needed and Fidelity did not return the call. There was discussion regarding the present manager, Williamson, and the high amount of costs associated with them. There was discussion regarding PNC as well. It was determined there would be a meeting on May 21st, 2008 to address this issue. It was also decided that the police would be involved in all discussions, as they are best informed and have the most at stake.

There was discussion regarding dumping at the Clarks Summit State Hospital. Tom Cummerford stated that he has talked to his grounds maintenance people and that there is simply nowhere that we can dump. Virginia Kehoe stated that South Abington Township is allowing the Borough to dump on Scott Road. Other options were discussed for finding dumping areas, including advertising clean fill available and looking into a controlled burn with the Fire Company. Mrs. Gerri Carey suggested bringing up the issue at the COG meeting next week to see if anyone can help.

There was discussion regarding leaving the Christmas lights on year-round. Virginia Kehoe looked into the cost which would be approximately \$75.00 - \$100.00 per month. There was discussion as to whether or not ABA was contacted or should be contacted. The general consensus seemed to be that it was not something Council was willing to do.

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There was a letter from a young man who was interested in a skate park being erected in the Borough. Council decided to refer his letter to the AAJRB.

Virginia Kehoe stated that the Borough now has a proper receptacle for CFL's as they contain mercury and cannot be thrown out. She asked Council to spread the word. There was other discussion regarding recycling in the Borough.

There were two questions from AAJRB. The first was a request to use the gas pumps at the DPW for gas for mowing the lawn, etc. so that they don't need to pay the after tax at the gas stations. Council was fine with that as long as they are sure to complete the proper paperwork and that it was only done during DPW hours. They will reimburse the Borough for the cost of the gas. There was discussion stating putting the 2 student workers on the Borough's payroll management. Christine Tsaklas volunteered her time to put these students on the payroll. There was discussion of insurance and other liabilities as well as discussion of contributions by neighboring townships regarding these increasing costs from the park, etc. The issue will be put on the agenda for the May council meeting.

Virginia Kehoe sought Council's permission to write a resolution which would call for the destruction of all previous audio tapes, which have already been converted to minutes and approved. She stated that PSAB does not suggest keeping such tapes and, in fact, advises against it. It was put on the agenda for a vote.

There was a form letter received from Vince Catrone which he asked Council adjust and send to the State representatives. It was determined that Shade Tree Commission and Council should both send the letter.

There was a request received regarding a Sewer Main break on Claremont and a Mrs. Holmes who sustained damage in her home from this break, asking the Borough to reimburse her for the damages to her home. It was determined that the Borough would submit this to their insurance and whatever insurance does not pay, the Borough will reimburse her. Herman Johnson suggested that in the future the EMA be contacted to take pictures.

There were issues Patrick Williams wished to discuss regarding eminent domain and taking over abandoned buildings such as the Chinese Restaurant on Knapp Road. He asked Attorney Preate and the rest of Council what they feel about imminent domain issues. Attorney Preate stated that if they pay their taxes, there is nothing that can be done. Herman Johnson discussed contacting Mr. O'Boyle regarding the Chinese Restaurant to see if they would like to donate the property and it could be used as a Veterans park or a location for a greenhouse, etc.

The next issue Mr. Williams wished to speak about was the painting of the cross walks prior to Memorial Day. Virginia Kehoe stated that she is averse to changing the way DPW is handling the cross walks as it is more efficient for them to be completed in June, as scheduled. There was discussion regarding the DPW schedule. It was determined there is no sense pushing the painting of the crosswalks and that it would be done as presently scheduled. Virginia Kehoe stated that the parade route is scheduled to be painted prior to the parade.

There was a discussion regarding painting the lines on Old Lackawanna Trail Road. If the lines are painted, the Borough will then be required to maintain them. It is going to be looked into and determined if that is a state or borough road.

There was a discussion regarding whether posters, etc. should be hung in the front windows. It was determined they could be hung in the message box on the side of the building.

There was discussion regarding the cleaning of the police stairs and windows. Virginia Kehoe had received quotes which were rejected by Council. Mr. Williams stated that he would like the issue readdressed. It was determined that Virginia Kehoe would seek out three bids for the cleaning of the entire building.

Mr. Johnson made a comment that the agendas are getting entirely too long and needs to be readdressed.

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ADJOURNMENT:

There being no further business before Council the Work Session adjourned at approximately 11:00 PM.

Respectfully submitted,

**Katie M. Bower
Borough Secretary**

**Geraldine Carey
Council President**