

**BOROUGH COUNCIL SPECIAL MEETING
FEBRUARY 22, 2017
7:00 PM**

The February 2017 the Borough Council Special Meeting was conducted on Tuesday, February 22, 2017 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 Gerrie Carey, Mr. Dominic Scott, Mr. Frank Besten, Mr. Patrick Williams, Mr. Vincent Cruciani, Borough Manager Virginia Kehoe, Mayor Johnson, Solicitor Rogan, and Jr. Council Ms. Leonhart. Absent from the meeting was Bob Bennett and David Jenkins.

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| 1. WORKSESSION: | President Carey |
| 2. PUBLIC COMMENT | President Carey |
- **Agility Program and Municipal Agreement – Allen Jones:** Mr. Jones stated that agility is a partnership between the state and municipalities, partner together to trade services. Gave examples of the traded services with other townships. The agility agreement paper doesn't bind the borough into anything. Without the papers in place there cannot be any trading of services between the state and the municipalities. The first step is to complete the agility agreement papers and it will take about a month to get them back, after that they can sit down and hammer out a work plan. Or they can wait until something comes that the borough can't handle, let them know, if they have the resources they will take care of it then how the borough recoups the services.
This caters more to the townships not to the state. There are also municipal agreements available. Pat Williams asked about the Municipal Agreement, if it is just for snow plowing. Mr. Jones stated that he has dealt with only snow plowing, there may be more to it. Mayor Herman Johnson stated that there is a concern by some members of council about the liability issue. Mayor Johnson stated that he doesn't see an issue with it. Mr. Jones didn't see an issue with this. Mayor Johnson stated that it is a good program; people just have to understand what the program is. It is a win-win situation, for the agility program and the municipal agreement. Mr. Jones discussed the pipe job on West Grove Street stating that they could have charged the borough for the work that they did but they didn't charge us. If the borough does the street sweeping on the state roads that will count in the program. Pat Williams stated that with the state roads in the borough and the snow plowing we can make a few thousand dollars by plowing them. It is a 5 year plan with a 3 year renewal plan after that. Pat Williams thanked Mr. Jones for all of his help. Vince Cruciani asked Solicitor Pat Rogan for his opinion if the resolution that is being voted on necessitates council voting on the particular job plans. Will there be an approval from council for each individual job plan. Pat Williams stated that would be the Public Safety Committee and then they would come back to council. They will tell council what they talked; Mr. Williams asked Mr. Cruciani what he is worried about. Mr. Cruciani wants to make sure each job plan gets a vote in front of council. Mr. Cruciani stated that anytime they are going to commit on expending money, which essentially what a

job plan does, you are expending services that don't otherwise fall on the borough. Mr. Cruciani wants to make sure that the resolution is written so that each job plan gets a vote by council.

- **Micro pave / tar & chip - Marty Murphy, Suit Kote:** Marty Murphy discussed alternate ways of saving the roads. Showed a video on this information. Pat Williams asked about crack sealing. He is looking for other options to extend the lives of some of the roads that aren't desperate yet. Micro pave is about \$2 to \$2.25, depending on how much you use. They measure by square yard. Frank Besten stated that he was asked how you fix a road that really isn't in bad shape but some of the roads that are really falling apart aren't fixed. If we don't have the money to repair some of the roads in very bad shape and the borough micro seals the roads that are not in as bad shape how do they explain that to people. Vince Cruciani suggested putting the information in a mailer to educate the people. Mayor Johnson stated that we need to educate the public and there are some roads that the micro seal won't help. Vince Cruciani asked about the mill and fill and the micro pave being used on the same road in different blocks. That can be done. Frank Besten stated that they are going to bring in huge amounts of equipment, concentrate on one area instead of jumping around. Need to put a program together listed 1-10, talk about engineering, and base what we want to do off of that. Virginia Kehoe stated that one she has a list of the roads, the engineer has to come up with a calculation, then we need to match it against what is budgeted, whittle it down. Then they need a month process between advertising the bid, having the pre-bid hearing and the opening of the bid. Vince Cruciani stated that he is extremely appreciative of having Mr. Murphy at the meeting and he has no doubt of his ability to do the work, but he would probably have to incur the bid process also. Virginia Kehoe stated that they would separate it out into two bids. Pat Williams talked about the crack sealing. Pat Williams, Bob Naegele, Virginia Kehoe, Frank Besten can get together and figure out what they want to crack seal, micro pave, what needs to be milled and paved. David Jenkins won't be back in time, he is on the committee. Keep him informed. We have a tar buggy; it's not the right machine for tar sealing. The cracks need to be cleaned out first.
- **Resolution 2017-05 PennDOT Agility Program**
- **Bid opening School Street wall:** Virginia Kehoe read off the bids. Ms. Kehoe stated that the low bidder is Rutledge Excavating at \$44,419. Ms. Kehoe stated that she will scan the three lowest bids and send them to Bob Naegle and he will make sure they meet all of our bid specs and she will have a recommendation for council by Wednesday, the council meeting. They budgeted \$60,000 for the walls.
- **Bid opening truck financing:** Ms. Kehoe stated that she reached out to the seven banks in the Clarks Summit/Clarks Green area. She received 4 bids. The lowest bid is from Fidelity at 2% for 5 years. Ms. Kehoe will make sure that all the terms are apples to apples and make a recommendation for next week.
- **Time/temp options:** Gerrie Carey spoke with Lee Electric and they will get back to her with an estimate. Vince Cruciani asked in the meantime if they can just pull the fuse on the old one. The DPW were not able to figure out how to separate it from the sign. We would have to pay an electrician to take care of this. Virginia Kehoe will check with Dick Scott.
- **Written definition of family for insurance purposes:** Solicitor Rogan provided the federal guideline for family.

- **Heart & Lung rules:** Mayor Johnson stated that we do have a clear definition if you look at the police contract. It is been there for years, we need to come up with a procedure but we already have that. If an officer gets hurt, he needs to fill out a report, go to a doctor and get a doctor statement. That is sent to Virginia Kehoe and she sends it to workman's comp. If our workman's comp says you need to see a specific nurse or doctor then you need to do it. Solicitor Joe O'Brien didn't think we had a procedure in place for heart and lung. Ms. Kehoe stated that we have someone who has refused to see a workman's comp nurse. This person stated that they are on heart and lung not workman's comp. By law that is what he is getting paid but the heart and lung act says that you are made hold to a certain degree, worker's comp is part of that payment and the heart and lung insurance covers the difference. Vince Cruciani asked if this is in writing. Mr. Cruciani stated that what Herman Johnson said should be put into writing. Mr. Johnson stated that it is in the contract but they can add step by step. We are not changing the contract. Mr. Johnson will write up a policy from the Mayor to the department.
- **Invitation from County:** Gerard Hepman asked for at least one person to represent the borough. Mayor Johnson stated that he thinks Dennis Martin and/or Warren Watkins knows a lot of history. At least one if not several council members will attend.
- **Clean Out Quote from the Malone's:** The quotes came in higher at \$2,235. They need approval from council. Council agreed to the quote and this will be ratified at the council meeting.
- **CDBG Monies – public hearing 4/26 at 7pm in advance of work session:** John Petrini called and asked if we would have the public hearing for the CDBG money. We have one every year. That is the community development block grants. We have used this money to build the senior center to renovate the kitchen and put on a roof. Mr. Cruciani asked about the borough building, the CDBG money pays for it that would work. The state is the one making us do a lot of these things.
- **Clarks Summit Elementary – property use agreement:** Ms. Kehoe stated that we have done the shred fest there for a number of years. Ms. Kehoe wanted to run this through council as we have never signed this agreement in the past.
- **Carnation Park schedule / bids:** Ms. Kehoe stated that when Carnation Park was surveyed, the home to the right is straddling our property line. About a quarter of that house is on our property. Vince Cruciani stated that they must have adverse possession by now. Should they move forward or wait until they decide the scope of the project. Vince Cruciani stated that the right thing to do is to subdivide in a minor subdivision 10 feet. Gerrie Carey stated that if we are going to give them our land, they would have to get it surveyed and get the lines and then that all belongs to them. Vince Cruciani agreed. Vince Cruciani stated let's say we go with Gerrie's plan and if they are willing to do 10 feet off the house, we will be willing to deed them that balance, our argument to the community is essentially they have adversely possessed it long enough for it to be theirs. They would have to get the deed and our Solicitor would review it. Mr. Cruciani stated that after doing some fundraising and different items, they are going to push off requesting council to accept the plaque until next year because he wants this to be done with. Mr. Cruciani stated that he realizes that the plan is to move and keep what is salvageable. He thinks that the swings are salvageable and possibly the slide and possibly the medal thing that you climb. The red wooden pieces with the beams need to be thrown out. Maybe as part of the agreement with the house to the right, we can stage

any salvaged playground equipment until they are done with the rain garden because we technically own that land. This bid will go out so it can be awarded in our April meeting. Mr. Cruciani asked when the paving is happening. Ms. Kehoe said as soon as the weather turns.

Frank Besten asked if we are still advertising for a part time DPW position. Ms. Kehoe stated that unless someone is available right now, but if not May will be the next time we are looking for a seasonal person. Mr. Besten stated that they had the interviews and realizes it is a tough sale. Mr. Cruciani stated that they could take the budget allotment and apply it to the DPW overtime and give the guys that want to work more overtime hours based on seniority choice first, if the need it there for the work. Ms. Kehoe stated that the overtime is for the snow removal in the winter, occasionally if they are on a deadline for some storm water work in the summer, or an emergency call. They also do a lot of overtime in the fall with leaf pickup. Mayor Johnson suggested a different process to bring people in, because we must be doing something wrong. Ms. Kehoe suggested waiting until May because they don't need an extra person.

Ms. Kehoe stated that Solicitor Pat Rogan put together a deed for the property that Andrew Weinberger offered to us. They can sign it next week at the council meeting. Gerrie Carey asked about the Weaver property on Marion Street. Ms. Kehoe stated that we want to put a salt shed up there and we are applying for a grant to put some trees on the property but we need the deed transferred over.

Mayor Johnson suggested sending out a letter to the ABPA for an outstanding job with the ice festival. Gerrie Carey stated that our profit was around \$140 which will go towards Christmas lights.

3. REVIEW OF MARCH 1, 2017 AGENDA

4. ADJOURN: **President Carey**