

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
MAY 3, 2017**

The May 2017 Borough Council Special Meeting was conducted on Wednesday, May 3, 2017 at 7:02 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 Ms. Gerrie Carey, Mr. Frank Besten, Mr. Dominic Scott, Mr. Vincent Cruciani, Mr. Bob Bennett, Mr. David Jenkins, Mayor Herman Johnson, Mr. Patrick Williams, Police Chief Chris Yarns, Borough Manager Virginia Kehoe, and Junior Council Member Ms. Leonhart. Junior Councilmember Mr. Carey was absent.

CALL TO ORDER: **President Carey**

MEDITATION: **Mayor Johnson**

PLEDGE OF ALLEGIANCE: **Mayor Johnson**

RECOGNITION – Earth Day Shredfest Volunteers **Mr. Bennett**

Bob Bennett handed out certificates to Nacole Leonhart and Noel Prisco in recognition for their help with the Shred Fest. Bob Bennett thanked Mayor Johnson and Council President Gerrie Carey for their assistance. .

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

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

- **March 29, 2017 Work Session:** David Jenkins made the first motion to approve the minutes, seconded by Frank Besten, vote was unanimous 7-0
- **April 5, 2017 Council Meeting:** David Jenkins made the first motion to approve the minutes, seconded by Vince Cruciani, vote was 6-1 with Bob Bennett noting nay for the purpose of maintaining the recording.

3. PUBLIC COMMENT & INPUT: **President Carey**
Ashley from National Running Center discussed closing off certain streets for the June 29th Strawberry Festival 5K race. They will contact the office with more information when it becomes available.

Mark Toth, owner of Convenience Store/Summit Cigar Lounge and Bar off of North State Street and Clark Avenue is seeking approval from Council. There is a big water issue where the water is coming off the road and into the property and flooding the downstairs. Mr. Toth came up with a plan. He stated that they would cut a line right down a portion of the pave which is the end of the side of the road, cut it and attach pavement, 6 feet in, and ramp it up so the water will follow and go down to the lower catch basin. Mr. Toth stated that in exchange he would like angled parking to be considered at the business. Mayor Johnson

stated that he thinks this is a good idea. Virginia Kehoe stated that she was there with the Borough Engineer. The work Mr. Toth is doing is on Borough property, so it wouldn't affect his lot coverage. Mr. Toth is willing to fund this also. The Borough Engineer said the only concern he has is that he wants to show what kind of angle he is talking about to make sure there was adequate rim for the cars to get off the road. The engineer suggested seeing drawings. Vince Cruciani made a motion to accept Mr. Toth's plan pending our Borough Engineer's approval, seconded by David Jenkins, vote was 7-0. Pat Williams stated that this will end up helping Veteran's Park. Vince Cruciani stated that he wanted to make it clear that he wanted Borough Engineer, Bob Naegele's written approval.

Eric Williams thanked Mayor Johnson and Virginia Kehoe for the street light on Bissell Street.

4. **POLICE REPORT:**

Mayor Johnson

Vince Cruciani congratulated the Police Chief and the Mayor for being voted #26 in the safest cities in the state. Mayor Johnson stated that if you look at this report you will see how active our police force is. Frank Besten stated that the police department is doing a good job and he has seen the police presence in Clarks Green. Chris Yarns stated that he has heard a lot of compliments from Clarks Green residents. David Jenkins asked for continued concentration on Winola Road. Mayor Johnson stated that he would like to see the Civil Service Commission get together and he was asking for advertising for a part time police officer. David Jenkins made the motion to advertise and hire 2 part time police officers. Vince Cruciani suggested putting a cap on the advertising. Mr. Cruciani suggested a single ad in the Abington Journal and in the Scranton Times. Mayor Johnson suggested putting in a cutoff date for the applicants to come in. Mayor Johnson stated that he also only needs one part timer police officer. This first vote to advertise with a cutoff date, David Jenkins was the first to make that motion, seconded by Bob Bennett, vote was 7-0. Mayor Johnson inquired about the Civil Service because there is one officer out on Heart and Lung right now. Council would have to active the Civil Service Commission. Vince Cruciani and Gerrie Carey agreed. Chief Yarns also suggested that a part timer be at least 21 years old. Vince Cruciani made a motion to activate the Civil Service Commission with the caveat that it be ACT 120 and a minimum age of 23, seconded by Bob Bennett. On the question Pat Williams stated that he doesn't know if we need a motion to active the Civil Service Commission because we have it. Ms. Kehoe stated that Council would need to vote for the advertising and interviewing process. The vote was 7-0.

Frank Besten discussed the bulletproof glass at the Police Station. The cost is \$4,235 with the installation in the current window frame. David Jenkins asked if there are any grants. Mesko Glass would install the bulletproof glass. Frank Besten asked for the funding to appropriate this and get it done. The security is really important. Council members discussed other scenarios where the integrity of the area off the elevator may be in jeopardy. Chief Yarns stated that this is a level 3 ballistic proof window which would stop a 45 caliber. Vince Cruciani stated that he supports this because the police secretary Nicole Kelly is behind the glass and Mr. Cruciani stated that he believes we should review personnel rules to allow her to carry if she feels that way. David Jenkins suggested an emergency stop switch. Vince Cruciani stated

that the Borough received \$38,000 in Benecon rebates and appropriating less than 15% of that to the police department is meritorious of consideration. Mayor Johnson stated that we have to protect our people and our employees. Frank Besten made the first motion to purchase the bulletproof glass from Mesko Glass. David Jenkins asked if there is anyone else who does this. Chief Yarns stated that he went with Mesko because they have a history of putting in the bullet proof glass. David Jenkins stated that is a fair answer. The motion was seconded by David Jenkins, vote was 7-0.

5. BIDS & QUOTATIONS:

President Carey

- **2017 SSES – vote to award bid to Sewer Specialty Services Co. for the amount of \$13,400.00:** David Jenkins made the first motion to award the bid, seconded by Vince Cruciani, vote was 7-0.
- **2017 Paving – vote to award bid to Pennsy for the amount of \$151,316.00:** David Jenkins made the first motion to award the bid, seconded by Bob Bennett, vote was 7-0.
- **2017 Carnation Circle Sewer – award next week/ratify in June:** Frank Besten made the first motion to give authorization to Virginia Kehoe to award to the low bidder upon approval by the engineer, seconded by Vince Cruciani, vote was 6-0
- **2017 Melrose Sewer – award next week/ratify in June:** Frank Besten made the first motion to give authorization to Virginia Kehoe to award to the low bidder upon approval by the engineer, seconded by Vince Cruciani, vote was 6-0
Vince Cruciani asked for Virginia Kehoe to put something in writing to the residents on Carnation Circle and Melrose Avenue about what is going to occur. A letter to the affected block property owners, give them a heads up.

6. BOROUGH TREASURER’S REPORT

President Carey

Bob Bennett made the first motion to approve the Treasurer’s report, seconded by Dominic Scott, vote was 7-0.

7. COMMITTEE REPORTS:

• **Building & Plant**

Pat Williams, Chair

Pat Williams suggested paving the apron off Winola by the Senior Center. Virginia Kehoe stated that she was going to put in a request to have the potholes patched. David Jenkins made the motion to pave the apron at the Senior Center, seconded by Pat Williams, vote was 7-0. Vince Cruciani stated that it would go as time and material, Virginia stated that the bid from the paving company is an estimate. Vince Cruciani stated that in no reflection is he saying this in opposition of Mr. Williams, because he applauds his efforts on the roads and he completely buys into the idea that it needs to be done on the Senior Center, but he continually finds difficulty in a piece of property outside of the Borough receiving attention when properties inside the Borough need work. Gerrie Carey stated that she had contacted a masonry company and they will fix the window area in Borough Chambers. Gerrie has the authorization to move on this without a vote because it would be under \$1,000.

- **Finance Committee**

Dominic Scott, Chair

Dominic Scott stated that he received information from Bob Bennett. Shows that the first 4 months of 2015, the amount collected from earned income was \$233,000. In 2016 it went down to \$217,000, and for the same 4 months of 2017 it's at \$187,000. Vince Cruciani stated that has to do with the population age. Mr. Cruciani stated that it would be an interesting story to read about what businesses in town aren't paying their taxes, they are withholding the 1% earned income tax from their employees but they are not paying it to the municipal collector. David Jenkins stated that this information should be on the record. Ms. Kehoe stated that she would get an update.

- **Grant Committee**

Dave Jenkins, Chair

- **Recycling Committee**

Bob Bennett, Chair

Shredfest results 8 tons donations of \$756.00: Bob Bennett stated that last year we around got 4 ½ tons of papers collected. This year they got 8 tons. Last year the dollar amount was \$400 area. This year they got \$756. Mr. Bennett stated that Mayor Patty Lawler started all of this and she would like at light down in the gazebo. For \$25 to \$50 you can get a motion light battery operated. Bob Bennett stated that from the \$756 collected he would like to put \$300 aside for Pocket Park expenses. Out of that \$300 would come the money for the light. The remaining \$400 is in the General Fund This motion was made by Bob Bennett, David Jenkins made the second motion to for \$300 in the Pocket Park fund. Mayor Johnson stated that he thought there was money left in the Pocket Park fund form previous years, Mr. Bennett was not sure what was in the fund at this time. Vote was 7-0.

- **Insurance Committee**

Vince Cruciani, Chair

Vince Cruciani stated that Benecon came back with a \$38,000 rebate which is 17% of the annual premium. We continue to see rather exemplary representation by them. Mr. Henkleman is a phone call away. We have not heard anything back from Kilmer, Ms. Kehoe stated that she did hear from Mr. Kilmer and they set up a meeting with her on Friday. Mr. Cruciani stated that they will have to discuss this at the work session and vote in the June meeting. Mr. Cruciani is very interested in a renewal with Henkleman and Young, but we owe Mr. Kilmer an opportunity to present the material. Mr. Cruciani stated that the rebate from Benecon went into the general fund. Mr. Cruciani stated that he is glad that they spent money on the police which was needed but he thinks we should be prudent until they assess the half year finances before they try to ear mark any more of that money. At some point review the clock situation in the summer.

- **Personnel Committee**

Gerrie Carey, Chair PT –

CEO, DPW and police - PT benefits - Paving Inspector

- **Public Safety/Safety**

Pat Williams, Chair

Pat Williams stated that they started the cleanup on Winola Road. Thanked Mayor Johnson. Bob Bennett thanked Pat Williams and Herman Johnson for the work they are doing with the drug treatment court. Vince Cruciani stated that he does appreciate the hard work and effort and to a degree the mentoring that Pat Williams and Mayor Johnson are putting in regarding the improvements with the drug treatment court. Mr. Cruciani stated that he thinks an offer should be extended to these ladies and gentleman upon their discharge from their criminal convictions, if so merited, be a recommendation if they seek employment. The whole idea is to get them on the right path and they won't get on the right path without a job and they will need a

recommendation. Mr. Cruciani stated that he thinks this should be offered as they might not know to ask for it. Mayor Johnson stated that they do offer this to them and they use them as their references. Pat Williams stated that one young man that there are working with inquired about a job at the borough and Mr. Williams get an application for him.

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

Dominic Scott stated that he is glad to hear that Harwood Avenue is taken care of. Gerrie Carey stated that we were doing a great job.

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

Scott/Frank Besten: The next meeting is about the MS4 and it will be at South Abington. Frank Besten will go to the meeting and Gerrie Carey will try to go also. Vince Cruciani stated that a municipal merger is the ultimate way to solve these problems. Expanding the role of ARWA is a far more equip measure of actually tackling this, than trying to piecemeal 7 different communities together. Pat Williams stated that in the Clarks Summit Borough we are very active in many things and they need to give themselves credit for that. Mr. Williams stated that LCAB, the county knows that the Clarks Summit Borough is involved in a lot of things that go on in our area. Dominic Scott stated that he went to the ACOG meeting. They had 2 representatives from a company in Harrisburg. Put on a presentation about stormwater and according to them, they recommend that the borough's form a committee of borough's similar to ARWA because the committee there is a limited amount of money in Harrisburg. Ms. Kehoe stated that regionalization always adds to the scores. Mr. Scott stated that they felt to get started, what we need is to do something with Leggett's creek, reinforce the banks because the water is coming in from the railroad bringing a lot of debris into the stream and then to Chesapeake Bay. Ms. Kehoe stated that Steve Kavulich has been trying for years to get grant money and work on that through several adjoining municipalities. This could cost up to \$5,000,000. David Jenkins stated that you are dealing with the railroad; beat your head against the wall with them, not going to get a lot of cooperation from them.

- **Liquid Fuels Research** Bob Bennett

Solicitor Pat Rogan stated that the action of the quiet title should be published soon and he is having a difficult time having Pat Lavelle get back to him. They are both moving along.

- **Additional comments from Council**

Vince Cruciani stated that he saw the petition about making Knapp Road being made into a one way, is it one way towards Grove or one way towards the bridge. Ms. Kehoe stated that she just received this and gave it to the Public Safety Committee to look at. Mr. Cruciani stated that if Knapp Road becomes on way, immediately a likewise petition within a year is going to come from Upper Knapp Road to become one way because everybody that takes it one way is going to go through Upper Knapp Road. David Jenkins suggested making them both one way at the same time and make it one way going out because he thinks it is a hazard. Vince Cruciani suggested they all look into it and come back to it. Mr. Cruciani stated that this could be a

taking, you could lower somebody's property value by the way you let someone in our out of a roadway.

Mayor Johnson stated that they made a presentation on Arbor Day at Everything Natural, it was a great event.

Frank Besten discussed the car parked legally on Carnation down closer to Grandview. The chief talked to the man and he did move the car up a little bit. Mr. Besten stated that the other day he saw people with a baby stroller, they had to go into the opposite lane, when he looked straight ahead, you cannot see down the road because of the bend. Ms. Kehoe suggested to Mr. Bennett earlier that the Borough Engineer could do a site distance check on it. Mr. Besten stated that it is an accident waiting to happen. Mayor Johnson stated that there is nothing to cite the man for. Their recommendation is to put no parking signs on that one side. Mr. Cruciani asked how far? They discussed this. Mayor Johnson stated that he agrees that is an accident waiting to happen. Mr. Cruciani stated that he agrees with the idea but the ordinance would have to be written enumerating, you would have to say the first several X amount of feet on Carnation Road because it is not a block. Mr. Cruciani stated that is a safety issue and the engineer's plan would have to dictate the area. Then we are opening the door for anybody with this and parking is the #1 problem as is. Many places in this borough has blind spots worse than this and we need to be cautious about what we are saying. Just keep in mind there are broader implications. David Jenkins mentioned the no parking signs on Haven, Meadow, Oak and Timber, and people on those streets want the no parking signs removed. Have the Public Safety Committee look into this first. Vince Cruciani suggested an ordinance that a permit to park a commercial vehicle in an R1 neighborhood over a certain period of time.

Pat Williams stated that the Shade Tree Commission is active; he thanked Council for their reinforcement. The mulch on Front Street had had people to help with that. Thanked the Borough Manager and the DPW for helping them get organized. Pat Williams asked why there is no longer a sidewalk on School Street. Ms. Kehoe stated that they removed the sidewalk, to move the wall back a little bit. There is a sidewalk on the other side of the street. Mr. Williams stated that he thinks that is a poor design.

8. VENDOR PAYMENTS TO BE RATIFIED: President Carey
Vince Cruciani made the first motion to ratify vendor payments, seconded by David Jenkins, vote was 7-0.

9. OLD BUSINESS: President Carey

- **Heart and Lung Policy:** Tabled
 - **Police Contract:** Tabled
- Vince Cruciani stated that they could leave the meeting open until the worksession if they needed to vote before the June meeting. They could wait until June.

10. NEW BUSINESS: President Carey

- a) **Resolution 2017-08 Small Games of Chance:** David Jenkins made the first motion to approve Resolution 2017-08, a resolution that supports the measure from the PSAB, recommending the measures to the state, seconded by Bob Bennett, vote was 7-0.
- b) **Resolution 2017-09 Radar Use for Local Law Enforcement:** David Jenkins made the first motion to approve Resolution 2017-09, seconded by Dominic Scott, vote was 6-1 with Pat Williams voting no.
- c) **Resolution 2017-10 Request for Financial Assistance:** David Jenkins made the first motion to approve Resolution 2017-10, seconded by Frank Besten, vote was 6-1 with Vince Cruciani voting no.
- d) **Resolution 2017-11 Re-Invest Grant – Veteran’s Park:** David Jenkins made the first motion to approve Resolution 2017-11, seconded by Pat Williams, vote was 7-0.
- e) **Non-Uniformed Union Contract:** Vince Cruciani stated that on behalf of Madam President and Mr. Bennet who were able to work with the non-uniform union employees to come to an amicable agreement made the first motion to approve the Non-Uniform Union Contract, seconded by David Jenkins, vote was 7-0.

11. SOLICITOR’S REPORT:

Solicitor Rogan

Solicitor Rogan stated that they need to discuss litigation in an executive session.

12. CORRESPONDENCE:

- **Letter from Don Julian:** This is a request to support their request to FEMA to change their mapping. This is flood plain not flood zone and they want to re grade it to bring the lot above the flood level then put a house on it. Vince Cruciani asked what this will do to the two adjacent parcels. Ms. Kehoe and David Jenkins stated they don’t think it would do anything. Mayor Johnson stated that they don’t need the borough’s approval for this, if we sign off on it and if it impacts someone’s home then we will be in the lawsuit too. This is up to FEMA. Council agreed not to get involved with this issue.
- **Letter from Debbie Belknap:** Tabled to executive session
- **Letter from Moon:** Virginia Kehoe stated that The Moons are accusing the borough snow plows of hitting their pipe. The DPW denies it and the picture shows that there is no way our trucks would have gone that far into the property. There also was a One Call and the water company was working in that area. The water company denies any involvement in it as well. Bob Bennett stated that in the letter they sent to the borough it states that somebody put sticks in the open pipe and he admits that is what caused the backup. Ms. Kehoe stated that they are blaming the borough for the damaged cap on the clean out. It backed up for over a week, there was sewage coming down the road, Ms. Kehoe did inform them that if they didn’t fix it we would and then put a lien on their home for the cost of the work. David Jenkins suggested having our solicitor send a letter saying that we are not going to pay for it, it’s entirely too far off the road and we feel that our DPW is not the group that erred.
- **Letter from Navarre Dickson:** The DPW fence is damaged and they would like it repaired. Mr. Cruciani stated that he thinks that is legitimate and asked if

Virginia Kehoe can have the authorization to get bids. David Jenkins asked if the DPW can handle this because it looks like a couple reinforcement posts. Ms. Kehoe stated that there is damage to the fence on the other side. David Jenkins stated that he can't believe the DPW did this damage. Mr. Cruciani said either way it is our problem. Ms. Kehoe will get a quote on the one section and have the DPW straighten the posts.

13. EXECUTIVE SESSIONS:

President Carey

- **Prior- April 5, 2017 Litigation**
- **During- None**
- **Subsequent- None**

14. ADJOURN:

President Carey

Council recessed at 9:17pm
Council reconvened at 10:18

David Jenkins made the first motion to settle the lawsuit between Belknap and the Clarks Summit Borough in the amount of \$7,500 to be taken out of the sewage fund, seconded by Bob Bennett. On the question Vince Cruciani stated that Councilman Williams made a great point about how did we let it get there? Mr. Cruciani stated that all the damage got there because she called ARWA then waited a week and in order to make it crystal clear he thinks in our next sewer mailer we should make it very clear that if there is a problem with the sewage that they call this number, do not call ARWA. David Jenkins also suggesting calling 911 because if it is a holiday and they call here and there is no response, 911 will get the DPW out. Mr. Cruciani stated that if there is no answer from the borough, call 911. Vote was 7-0. Tomorrow Ms. Kehoe will begin cross training Jenn with Code Enforcement with up 7 more hours per week while Council makes decisions on how to address this. She may need to talk to Janice about expectation about manning the desk.

Vince Cruciani made the first motion to adjourn, seconded by Bob Bennett, vote was 7-0