

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
JUNE 7, 2017**

The June 2017 Borough Council Special Meeting was conducted on Wednesday, June 7, 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 Solicitor Pat Rogan were all absent.

CALL TO ORDER: **President Carey**
MEDITATION: **Mayor Lawler**
PLEDGE OF ALLEGIANCE: **Mayor Lawler**

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

- 2. APPROVAL OF MINUTES:** **President Carey**
 - **April 26, 2017 Work session:** David Jenkins made the first motion to approve the minutes, seconded by Bob Bennett, vote was 6-1 with Vince Cruciani voting no to preserve the minutes.
 - **May 3, 2017 Regular Council Meeting:** Bob Bennett made the first motion to approve the minutes, seconded by Frank Besten, vote was 6-1 with David Jenkins voting no to preserve the minutes.

- 3. PUBLIC COMMENT & INPUT:** **President Carey**
Dory Waters updated council on the improvements going on in the Gathering Place. There is a Strawberry Festival on June 24th; she asked if they would suspend the parking tickets on that Saturday. That is not a problem.

Tom Hendrian, 1004 Carnation Drive, stated that he received a letter they received on May 8th stating that the borough will be digging up Carnation Drive again to replace the sewer line that was replaced last year. All work was expected to be completed by Mid-June, there is not even a one call yet. He said he called and was told the bid was out and accepted and the contractor was in the process to get the bond. Mr. Hendrian asked who is responsible for fixing the sewer and he was informed that they the taxpayers were again. He doesn't understand how they can be responsible if the sewer line wasn't put in properly. Apparently the specs the first time around were wrong. The plows have taken out their curbs and they inundated with every rain storm. This has been over a year. He thinks the borough should hire an inspector

when this work is being done. He had an issue with the water pressure which was too high. They have spoken to Virginia many times about this. The drain was blocked at the bottom of Carnation. David Jenkins stated that the problem is that we are dealing with a public utility. The utility company won't pave the road until the borough does the work on the sewer line. Mayor Johnson stated that we need an inspector. Mayor Johnson stated that he didn't know the letter was out there, he wants to know what is wrong with that sewer line and he thinks the borough engineer needs to be held responsible. Vince Cruciani stated that they knew a letter was going out on Melrose to let residents know of work being done on their road. The Carnation Circle letter may have caught them off guard. There has not been anything that came before the Finance Committee about additional funds being expended for this. Frank Besten stated that Ms. Kehoe is not at the meeting and they cannot get her input, they will get to the bottom of this. They need her input and the engineer's input. Mr. Hendrien would like someone to contact him ASAP. Mr. Hendrian suggested that the borough picks up the brush, maybe telling the DPW to look in the storm drains at the same time. Frank Besten suggested that residents call the borough if there is an issue. Mr. Hendrian stated that they did call twice. David Jenkins stated that they need to be on top of the Borough Manager to be on top of the DPW because they ride around the borough all the time and they shouldn't need a work order to clean out the storm drains. Mr. Hendrian stated that the street sweeper came by and didn't go by their house, they have a lot of cinders. Mayor Johnson suggested that Virginia Kehoe and the DPW have a maintenance plan because if these catch basins were cleaned regularly we wouldn't have as much flooding. David Jenkins stated that the problem is that certain areas need attention every time we have a storm.

Conrad Kwolek, 203 Knapp Road, spoke to council about Knapp Road. He has witnessed traffic racing down Knapp Road. His son's car was hit and it was a hit and run. He says this road is a safety issue due to the speeding. He suggested it become a one way or speed bumps. Vince Cruciani stated that there is a whole host of feasibility issues that they can rattle off about why a one way may not work but he agrees that speed bumps may be a good deterrent. He wants council to address the issue before someone gets hurt. Vince Cruciani stated that there are legitimate obstacles making it a one way, but there aren't as many obstacles to put in speed bumps. Mr. Cruciani stated that the traffic will then go to Upper Knapp. Safety is his main concern because of the speeding. Pat Williams stated that speeding is enforced by the police officers, speeding is a big issue in all communities. Mr. Williams stated that one ways and speed bumps is unfair to the rest of the borough. Emergency vehicles cannot handle speed bumps. Mr. Kwolek stated then he wants to see more police presence. He said a police woman used to sit down that way and ticketed many people. Coming down from Floral Park, they don't stop at the stop signs. He suggested changing the speed limit to 15 MPH. Frank Besten asked the Mayor to get with the Chief about getting controls in there between 2:30pm-5:30pm. Mayor Johnson stated that they will increase the patrols up there. Herman Johnson stated that he would like to see this go back to the Safety Committee too because they might be able to come up with a recommendation. Jonni Kwolek stated that they go through the stop signs every day. Vince Cruciani stated that this is a law enforcement issue and he has confidence that the Mayor will take care of it.

Gerard Hetman, Lackawanna County Community Relations Department updated council on events.

Ray Marzani, 219 Woodlawn, wondering the status of the road paving project on Woodlawn. Vince Cruciani stated that he thinks Ray's concern is that the 200 block of Woodlawn was to be paved and only the apron which is 100 feet is being paved, the rest of the block is not being sealed or coated. Mr. Marzani stated that the whole block is bad and needs to be paved. Pat Williams said do you know how many streets in the borough that needs to be paved. Mr. Cruciani stated that there are three aprons being paved and not the whole block. It would be more palatable if the streets were milled and sealing the block. Mr. Williams stated that they are paving what they can afford. It is not easy, the whole town needs to be paved and they are doing the best they can. Mr. Williams stated that he cannot justify paving that whole road. Mr. Cruciani stated that if you only want to mill a certain portion of the road and then you want to do the top coating of the rest of the block that is a reasonable middle ground. Mr. Cruciani said that what will happen is that there will be patchwork all over the borough and not have a complete block by block repair plan. Frank Besten stated that he has been out, we have a lot of bad roads and not a lot of money to do them all. They have been looking out for the worst of the worst. In September the borough will be sealing and patching the middle of the roads that are cracked. The money is not there. We have roads that are literally falling apart. Mr. Marzaini is worried that if they pave the first couple of feet and then his road gets taken off the list for another 10 or 20 years. Pat Williams stated that the amount of money allotted for paving is minimal, he thinks the borough is doing a fantastic job and to hear them saying the whole block does not need to be paved. Mr. Marzaini said that the street does need to be paved. Mr. Williams said he disagrees. Mr. Cruciani stated that one of his neighbors, John Zurinskas had an idea and suggested to look at a bond to do that when the rates are low, which won't happen until Grandview is paid. To Pat's point there are a lot of needs and this is going to be expensive. He agrees with Ray that he doesn't want the whole block to be neglected because the apron is taken care of. Mr. Cruciani stated that instead of having three aprons why not choose one block at a time. There are so many fixes that need to be made. Mr. Williams told Ray that there are a lot of streets in this borough that are 50 times worse than his. Mr. Williams said that he is getting the apron paved and patching down the middle and he would be thankful. Mr. Marzaini stated that he spoke to Ms. Kehoe and he was told the whole block of Woodlawn was being paved this year. Mr. Cruciani stated that it was originally on the bid list and when the bid came in higher than the budget that is when adjustments were made. Frank Besten stated that from the beginning paving the whole block was not the correct information.

Rodney Caden also expressed his interest in Woodlawn being paved. Pat Williams stated that humbly he is asking them to be satisfied for the amount of money the borough has and what is being done, they should be thrilled, he is. Frank Besten stated that in the fall the borough will be renting a sealing machine and the center of the road will be taken care of but for this year the money is gone. Pat Williams stated that they should all be in agreement and thrilled about the work being done.

Bob Bennett stated that liquid fuels money is used to pay for the paving. Aside from that the borough puts in \$50,000. That's the total for paving for the year. Janine Port commented on the road paving. David Jenkins stated that they need to go into executive session because he doesn't know anything about this. Vince Cruciani stated that the executive session is to discuss who the people being recommended are.

4. **POLICE REPORT:** **Mayor Johnson**
Mayor Johnson stated that the police issued 79 citations this month; they are out there enforcing the speeding regulations. They issued 106 parking tickets. Parking meter collection is up to \$5,000 this month. They are doing their job. Mayor Johnson stated that they interviewed 2 officers for part time.

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

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

David Jenkins stated that he wanted Council to recognize that the Borough Treasurer's mom passed away, their condolences went out to the treasurer.

7. **COMMITTEE REPORTS:**

- **Building & Plant** **Pat Williams, Chair**
Frank Besten stated that they will budget to fix the fence next year and this year they can put a band aid on it for right now. His idea is to use braided cable to attach it to the good posts, weave it to the top of the fence and tighten the cable. David Jenkins suggested having the DPW work on that. It costs \$2,500 to replace the fence. David Jenkins asked if we got a quote from Keystone Fence.

Vince Cruciani stated that the situation with the police pension funding, we got hit hard with the expenses because of the actuarial rate and that is going to go down in a year and the hit has been infrastructure. When that goes down it is going to free up a lot of capital. Mr. Cruciani stated that budgeting for this next year is a wiser move.

David Jenkins stated that they need to tell the Borough Manager to tell the DPW to work on the fence. Also Shiffer Masonry sent in a bid to do the work in Council Chambers on the windows. They don't have to approve it because it is under \$10,000. This has to be done. Vince Cruciani made the first motion to approve Shiffer Masonry's bid, seconded by David Jenkins, vote was 7-0.

Pat Williams stated that the drug treatment court came to the DPW building to paint. First the bees need to be exterminated, then they will continue.

- **Finance Committee** **Dominic Scott, Chair**
estimate for Council Chamber windows / Bedford St sidewalks

Frank Besten stated that the storm drains were blocked on Bedford Street. We had a heavy storm, they have since been cleaned.

- **Grant Committee** Dave Jenkins, Chair
Did not receive Green Streets Grant. They will try next year
- **Recycling Committee** Bob Bennett, Chair
Bob Bennett discussed the electronic recycling event. He is hesitant because of an email stating that we have to pick up the pallets from the Recycling Center and it needs to be shrink wrapped and the TV's need to be in boxes. We would have to dedicate the DPW department to put in time for this. The practicality of the requirements makes it very difficult. Pat Williams stated that we need to research this more. Vince Cruciani stated that it's not the core function of government to fund your ability to recycle a TV. You take it to the recycling center yourself. Pat Williams volunteered to call the county about this. Then Mr. Williams told Bob Bennett to call the county. Mr. Williams thinks it's a great idea. Mr. Bennett has a volunteer sheet for Council people to sign up. Vince Cruciani stated that he doesn't think this is a core government function when we are short on funds to help a small minority of people recycle their TV's when they can drive to the recycling center themselves. Mr. Cruciani stated that he would rather see storm drains cleaned etc. Bob Bennett stated that right now as far as he is concerned the recycling program is off barring him being satisfied with getting around these requirements, if they can get around this can the DPW help knowing that there is work that is not going to get done in the Borough if they help with this. Gerrie Carey suggested asking the Boy Scouts. Frank Besten stated that he is worried having young people do this because the TV's can be massive.
- **Insurance Committee** Vince Cruciani, Chair
Insurance Renewal: John Kilmer presented different analysis of the Borough's insurance program, but at the end of the day he was not able to give Mr. Cruciani a hard dollars and cents of how he was going to save us money. Jim Henkleman has provided the borough not only great service, he is easily accessible, he is a resident of this borough and the borough got a \$6,000 premium reduction last year. The rebate that we get is a 17% dividend which was \$30,000. This has greatly benefited the taxpayers. Mr. Cruciani made the first motion to renew the plan with Henkleman and Young, seconded by David Jenkins, vote was 7-0.
- **Personnel Committee** Gerrie Carey, Chair Jenn Basalyga -Code Enforcement Officer / Don Logan – Permanent Part Time / Alexis Cerchione - Part Time police officer: Council will go into executive session.
- **Public Safety/Safety** Pat Williams, Chair
Barberry/ fence/Florence pipes: Frank Besten stated that the pipes are half filled. The sediment has filled to a level where if we had a heavy rain it would flood. On the outlet side, there is so much sediment that it built a dam of water. It's also overgrown with weeds. David Jenkins asked if our guys could take care of that. Mr. Besten stated that he thinks it is too big of a job. Mayor Johnson stated that the DPW should be able to do it they just need to get an easement and get that backhoe in there. Frank Besten stated that Dave has some concerns about the weight of the truck when it is filled, it might be too much for those pipes. Mayor Johnson suggested they get a backhoe in there, take a scoop up then dump it into

the skid steer because that has a bucket. Mayor Johnson stated that there is a lot that the DPW can do the problem is we just don't ask them. David Jenkins stated that we shouldn't have to ask them, that is the Borough Manger's job to delegate the job descriptions for them. David Jenkins stated that we don't have a maintenance program where we clean that area out enough. We have ongoing areas that need to be checked out and cleaned regularly. Vince Cruciani stated that engineer should be able to do an analysis and take a look at the vehicles and the heaviest load and then he can give a path forward. These pipes will need to be jetted after they clean out the area first. Vince Cruciani suggested that Pat Williams get the quote by the next meeting, it should be dryer then and they can do the work in July or August then they can vote on it. Pat Williams stated that he thanked Mr. Besten and Mr. Jenkins for their help.

- **Recreation** Dominic Scott, Chair
David Jenkins stated that the concerts begin at Hillside Park. Pat Williams stated that last year Dominic Scott very generously donated \$200 worth of mulch to the borough. We need a lot more there. Mr. Williams asked if there is more money for mulch. They are checking into it.
- **Sewer Billing** Dominic Scott, Chair
Dominic Scott discussed the fact that there are only 9 people on the payment arrangement list. Jenn Basalyga stated that we have residents who owed thousands of dollars for the sewer billing and they have paid it off. David Jenkins asked how many vacant homes there are in the borough. Ms. Basalyga stated there are around 20 homes that are vacant. The water has been shut off by either us or the water company. Ms. Basalyga stated that the delinquent letters will be sent out again at the end of the month.
- **ACOG Representative** Gerrie Carey/Dom
Scott/Frank Besten MS4 regional project: Gerrie Carey stated that people are very confused about the MS4 project. The borough's decision was to get together with our State Representatives and our Senator and let them tell us what our responsibilities are. Mayor Johnson stated that there is grant money to cover this and they want the rest of the communities to pay a share. There may be gambling money to contribute to it also. Frank Besten stated that we have more questions than answers. Vince Cruciani stated this is another example of why we don't need to attenuate power through another municipal authority and that is why we need to consolidate municipalities.

Vince Cruciani made the first motion to offer Jenn Basalyga the contract for the position, it is retro-active on June 1st upon her acceptance, there is a small check for the extra money from the first week of June. Mr. Cruciani wants to make this offer effective June 1st, seconded by David Jenkins, vote was 7-0. Jenn Basalyga thanked Council. David Jenkins wanted to address Don Logan. Frank Besten stated that Mr. Logan was hired. David Jenkins and Vince Cruciani stated that he wasn't hired. Frank Besten stated that he was under the impression that Council gave Virginia Kehoe the authority so when an employee was found, to have him hired. Vince Cruciani said never, Bob Bennett said no. Mayor Johnson stated that we never did that, David Jenkins agreed. Vince Cruciani stated that hiring is the prerogative of council and council only. Mr. Cruciani stated that council doesn't have to vet the applicants necessarily but the actual hiring has to come

through council. David Jenkins asked how Mr. Logan started when they told Ms. Kehoe at the work session no. Bob Bennett's concern was hiring someone without a CDL. Pat Williams stated that they did two interviews; Ms. Kehoe told Pat Williams that she was given the authority by Council to hire two people. David Jenkins stated that at the worksession Wednesday that when Ms. Kehoe said Mr. Logan was on the schedule to work Monday, council said no not until council has this meeting tonight and vote on whether they hire him or not. Mr. Jenkins stated that if Mr. Logan started, he started without anyone's knowledge. Vince Cruciani made a motion to suspend Mr. Logan's employment until further approval by council, seconded by David Jenkins. Bob Bennett suggested waiting until the executive session to see which way they will really go. Vince Cruciani stated that he is being suspended but not for any disciplinary conduct, they are not ratifying the employment. So as of tomorrow morning he should not be working. Ms. Basalyga stated she would text Virginia Kehoe and David Thorne about this immediately during the meeting. Vince Cruciani stated that he wanted to make his motion clear, he made a motion not to ratify any previous hiring or portrayal of hiring of the position of the part time DPW worker because he is not asking to suspend anyone his motion is that here has been no ratification of the decision by the Borough Manager because he doesn't want anything negative to be impugned on anybody, seconded by David Jenkins, vote was 7-0.

- **Liquid Fuels Research** Bob Bennett
Bob Bennett stated that our Solicitor has gotten the deed from Florey and he also started the process of filing a quick deed. Bob Bennett wanted to make sure we have everything by August. Mr. Bennett wants to make sure this was advertised.

- **Additional comments from Council**
Vince Cruciani stated that there is a house in the 600 block of Winola Road that has grass about a foot and a half high, rodents etc. Jenn Basalyga is working on it, it is 625 Winola Road. A letter was written to the owner. David Jenkins stated that the 400 block of Haven Lane, 201 Woodlawn, and 2 homes on North State Street. Ms. Basalyga has writing letters to these property owners. Mayor Johnson stated that June 14th is Flag Day and there is a ceremony at Veteran's Park. David Jenkins asked about the potholes on Winola Road. Mr. Williams stated that they are working on a fundraiser for Veteran's Park. Pat Williams stated that he talked to Penndot, there are a lot of curbs need maintenance, the borough is responsible for the curbs. Mr. Williams stated that Grove Street Bridge is being worked on again. They are working on the other side, but they cut out the section that they filled last year and haven't filled it.

8. **VENDOR PAYMENTS TO BE RATIFIED:** President Carey
Vince Cruciani made the first motion for the vendor payments to be ratified, seconded by Bob Bennett, vote was 7-0.

9. **OLD BUSINESS:** President Carey

- **Police Contract:** Frank Besten made the first motion to approve the police contract, seconded by David Jenkins, vote was 6-1 with Pat Williams abstaining.
- **Lot coverage Ordinance:** Vince Cruciani stated that council has to make a motion to advertise that council is going to vote on it. Mr. Cruciani was annoyed

that they don't have a clean document but all they need to advertise is that they are going to change and vote on that ordinance next meeting. They are only going to do #1, #2, and #5 and maybe increase the minimum frontage for R1 from 100 to 120. We are not taking the recommendations for #3 and #4, we are keeping what we have in terms of subdivision. Mr. Cruciani stated that they can have a clean document for the July meeting that doesn't have sections #3 and #4 and we can have that at the work session so everybody can look at that publically. Mr. Cruciani stated that gives them the work session to work out any kinks that they need to fix. David Jenkins made the first motion to put this out for advertisement in the local papers, per legal standard, with the Abington Journal, for ratification of sections #1, #2 and #5 with the addition of the minimum frontage of 120 feet for R1, seconded by Vince Cruciani, vote was 7-0.

10. NEW BUSINESS: **President Carey**

- a) **SAPA Agreement Amendment:** David Jenkins made the first motion to approve the SAPA Agreement, seconded by Pat Williams, the vote was 7-0.
- b) **Resolution 2017-12 Application for PA Municipal Assistance:** David Jenkins made the first motion to approve Resolution 2017-12, seconded by Frank Besten, vote was 7-0.
- c) **LED Street Lighting:** David Jenkins made the first motion to approve LED street lighting seconded by Frank Besten, vote was 7-0.
- d) **CDBG 2016 and 2017 monies:** Bob Bennett mentioned using the money for sidewalks on Powell Avenue.
- e) **American Lung Association – smoke free ordinance:** David Jenkins stated that if there are any elderly veteran's that are out there still smoking, first he finds that hard to believe because the elderly veteran's that used to smoke are probably either ending up with Mesothelioma, lung cancer or they are walking around with an oxygen tank on their side. He thinks it would be discriminatory to single out the Veteran's Park as a smoking area because if you do it you are going to do it in the entire borough. Mr. Jenkins stated that if you have children go to Veteran's Park and people are smoking and infringing upon their health benefits as well he thinks this is ridiculous. Mr. Jenkins stated that they should be proactive discouraging people from doing that. Mayor Johnson stated that he understands what Mr. Jenkins is saying but he looks at it a couple of ways. Mayor Johnson stated that this ordinance is going to be too hard to enforce and why make an ordinance or a resolution stating something when you know you can't enforce it. Mayor Johnson stated that there is a business owner down there that is beautifying that whole section and their people can't go out and smoke. David Jenkins said that he never said that. Mayor Johnson stated that he doesn't think it is discriminating because you have one park; you are just being fair with everyone. Mayor Johnson stated that they need to be fair to both sides. Vince Cruciani stated that the actual issue at hand is that the ordinance has to do with e-cigarettes. Mr. Cruciani stated that the only reason why there is outdoor smoking ordinances is because of litter. Why do we care about e-vaping in parks? He understands the concern indoors completely. Mr. Cruciani suggested waiting a month on this. Vince Cruciani stated that we already have an ordinance on smoking. Pat

Williams disagrees saying we do not have an ordinance on smoking. Mr. Cruciani stated that they cannot single out indoor vs outdoor vaping. This was tabled.

11. SOLICITOR'S REPORT: **Solicitor Rogan**

12. CORRESPONDENCE:

- **Letter from Tommy Miles:** David Jenkins made the first motion to with the removal of the meter and a signed letter from the water company stating that it was removed, they need to give us a guarantee showing us that the part of the house where the meter is being removed, can then not be used by the people who are on the other side of the home. Jenn Basalyga stated that they would have to give permission for a visit to make sure there is only one meter, seconded by Frank Besten, vote was 7-0.

13. EXECUTIVE SESSIONS: **President Carey**

- **Prior-** **May 3, 2017 Personnel & Litigation**
May 31, 2017 Personnel
- **During-** **None**
- **Subsequent-** **None**

14. ADJOURN: **President Carey**

David Jenkins made the motion to recess this meeting and go into executive session, to return back to the regular meeting.

Council went into executive session
Council returned from executive session

Frank Besten made a motion that the borough hires Alexis Cerchione for a part time police officer in the borough of Clarks Summit, seconded by Vince Cruciani. On the question Vince Cruciani asked the Mayor if she could come in for the next work session or our next meeting so she can meet council. Vote was 7-0.

Frank Besten wanted to clarify is council now accepting not to look for any more part time positions and just cover the DPW with overtime. Vince Cruciani stated that the borough is still looking, if we want someone with a CDL. The permanent part time has to have a CDL license. David Jenkins stated that for the next advertising, the requirement of a CDL should be stated.

Vince Cruciani made the first motion to adjourn, seconded by David Jenkins