

BOROUGH COUNCIL REGULAR MEETING - RECONVENE
JULY 26, 2017
7:00 PM

This meeting on July 26, 2017 is reconvening from the July 5, 2017's Borough Council Meeting. 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. Bob Bennett, Mr. Dominic Scott, Mr. Frank Besten, Mr. Vincent Cruciani, Borough Manager Virginia Kehoe, and Mayor Johnson. Absent from the meeting was Mr. Patrick Williams, Mr. David Jenkins and Solicitor Rogan.

- **Vote Heart & Lung policy:** Bob Bennett stated that he looked at the note from Officer Shedlock stating that there are several parts of the proposed policy that are subject to collective bargaining. Mayor Johnson stated that there is a gray area throughout the whole state but there is collective bargaining negotiation for certain things. Mayor Johnson strongly suggested to look at the Heart and Lung because that is not a policy, it is a law throughout the whole state. Sometimes you lose and sometimes you win. The police contract has a section for Heart and Lung but it is very vague, he thinks what we have been doing is if an officer gets hurt, he reports it, the Chief reviews it, they send it up to Virginia and she forwards it to the insurance agency/workman's comp and Heart and Lung. Virginia Kehoe stated that the purpose of the policy was to really make the process clear to the employees and to the office as to how we would handle the claims. The attorney put this policy together because that is what he thought was a fair process. Vince Cruciani suggested sending a letter through Joe O'Brien or it could start through Virginia that asks what provisions they feel would be open to collective bargaining and if the borough was to engage them on specific provisions the borough would only gage collective bargaining solely related to the issue of Heart and Lung. Mayor Johnson stated that the officers understand Heart and Lung and he doesn't know if we are going a little too far but a letter does need to go back to the labor lawyer to explain it so we fully understand it because you are talking about a law now. Vince Cruciani made a motion to draft a letter, that Virginia sends the letter, cc'ing Joe O'Brien. So the letter is going to Shedlock, cc'ing Joe O'Brien. A correspondence asking specifically what provisions they feel are applicable and should a meeting exist regarding collective bargaining on those issues the borough is willing to engage in that exclusively on those issues with the Heart and Lung Policy. Seconded by Bob Bennett, vote was 5-0.
- **Vote DPW part timer:** Frank Besten made the first motion to hire the DPW Part Timer Mark Altier, seconded by Dominic Scott, vote was 5-0.

ADJOURN

Vince Cruciani made the first motion to adjourn this meeting, seconded by Bob Bennett, vote was 5-0.

BOROUGH COUNCIL SPECIAL MEETING
JULY 26, 2017
7:00 PM

The July the Borough Council Special Meeting was conducted on Tuesday, July 26, 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. Bob Bennett, Mr. Dominic Scott, Mr. Frank Besten, Mr. Vincent Cruciani, Borough Manager Virginia Kehoe, and Mayor Johnson. Absent from the meeting was Mr. Patrick Williams, Mr. David Jenkins and Solicitor Rogan.

Public Input: Diane and Pat Walsh, 221 Clark Avenue spoke to council. They discussed the Cigar Shop, Deli, Convenient store under construction at 215 Clarks Avenue. Mrs. Walsh stated that they wanted to express concern about the parking hazards at the intersection. Their driveway is on Thurston. They are concerned about the parking hassle. Ms. Kehoe had told them earlier that if there is a parking issue they could call the police but they said by the time they call, the person is gone. They are concerned that when people are in the bar there will be a problem with parking. Ms. Kehoe stated that the business at 215 was cited for the additional paving and they are appealing to the ZHB. Vince Cruciani stated that we have had a situation where residents on Knapp road were having traffic issues. Mr. Cruciani stated that the Mayor and the Police Chief speeding and the stop sign on the road so Mr. Cruciani suggested starting out by vigilantly enforcing the parking and start with that and see if it works. Mayor Johnson stated that is no problem to enforce the no parking and the speeding, but he doesn't know if they are jumping the gun yet because on Clark Avenue they are building a parking lot there and he doesn't know if that will help or not. They will increase their patrols for enforcement.

Charlie Sandercock, current president of the ABPA talk about the block party for August 11th from 5-9. Laura sent in the application for the permit to close Spring Street. Friday by 1pm is what they are asking for so they can set up a tent on Spring Street, and a riser or a stage. Talked to Chief Yarns and he wanted to know how many people, over 200 we may need another officer on for that. The ABPA would be willing to cover the expense to have the additional officer. Electricity for the music is needed, asked to use the outlet at the bilco door access through the police; they would cover some electric for that. The Lion Club will need electricity too. Discussed garbage, JP Mascaro is known to donate cardboard garbage bins, Ms. Kehoe will talk to them about this, and they need 5 or 6. The Chief was ok with giving up the 3 parking spots in the borough lot. They need to leave Depot open and the alley on Spring Street that cannot be blocked, unless they signed off on it. Bob Bennett stated that they said the ice cream truck will then be on State Street. Mayor Johnson stated that in the past they blocked it off at an angle.

- **Public Hearing ordinance 2017-01 – zoning amendment lot coverage:** They can vote on this next week.
- **Public Hearing Ordinance 2017-03 – adopting roads:** They can vote on this next week.
- **Discuss ordinance 2017-02 – no smoking:** This was tabled until now. We have a policy but we have never had an issue with this. Solicitor Rogan was supposed to weigh in but he is not at the meeting. Mayor Johnson stated that they either wanted

an ordinance or a policy and David Jenkins wanted it to cover all of the parks and at the cigar store they should leave that alone because there are a lot of older veterans that smoke cigars and sit in the park. It is not a park for children. Dominic Scott asked why we can't just leave it like it is. Vince Cruciani agreed with Dominic. Mr. Cruciani stated that the one they want now involved vaping and chewing tobacco. Frank Besten stated that he thinks there should be no smoking period in all the parks, should not pick and choose. Society is going towards no smoking and it's not for children to see. Doesn't see the reason for handpicking the park. Mayor Johnson disagrees, because that is an adult park and maybe we should just leave it alone because you are opening up a can of worms. Vince Cruciani stated that Borough Council can keep it all parks and the Mayor doesn't have to enforce it in Veteran's Park if he doesn't want to. We are taking no action on this.

- **Excess items for bid:** Virginia Kehoe stated that the DPW has some items that they have been storing 3 garage doors from the Gathering Place. They had fences that you can pop up and hold dogs with were used when the Borough had a dog catcher, there is a value to them. Truck #5 should be sold, 5 period lamp posts, Pat Williams and Herman Johnson has 3 targeted for Veteran's Park. Mayor Johnson stated that they are going to use them and they are waiting for the County Commissioners to approve the grant. The last thing is when they did the CVS project; granite curbing is also at the DPW, if we will not use it, we might want to consider selling it, no rush. Ms. Kehoe stated that she would look into this and search for a market. She can prepare bids for the September meeting.
- **ROW behind Woodlawn – tree removal:** Virginia Kehoe stated that the Borough felt a need for a detention basin system for in between uphill Carol and downhill Woodlawn. Ms. Kehoe stated that this is Borough property; it took possession of the property for the detention system. Vince Cruciani stated that the Borough took on the paper alley, it's not even an easement, the Borough owns it. Ms. Kehoe stated that the Borough took this land by legal precedent. Ms. Kehoe stated that while the Borough has right of way access, to get equipment in there is a different story. Mr. Cruciani stated that the entrance into this easement is not on his property. Ms. Kehoe stated that there is a swale there and it is in a wooded area immediately in the swale there are 8 or 9 Ash trees that area dead. There are also 2 mature Maples there also. Ms. Kehoe stated that she did get an estimate but we can get other bids. They will have to carry their gear in because the area is not big enough. Mr. Cruciani gave permission for them to go in through his fence. There is one tree on his property and he will take care of that himself that is not part of the bid. Mr. Cruciani is allowing the timber to stay there and organize it to be stacked, he is also willing to contribute \$1,000 of his money to the Borough, and he is also willing to plant 2 Willow Trees. Mr. Cruciani wants to get this done by fall so he can plant in April. Mayor Johnson suggested moving ahead with this. Frank Besten, Dominic Scott and Vince Cruciani would like a couple bids. Ms. Kehoe will put this on the agenda to vote to authorize. Frank Besten asked if the Borough has any long term plans for the Ash trees. It is the land owner's responsibility to take care of the trees. Ms. Kehoe stated that the Borough has an ordinance specifying who has the responsibility for the trees. If the alley in question has been deeded to the Borough then it is our responsibility if it has not been deeded to the Borough then it is not our responsibility. Definition of a paper alley, when a development was put together, a hundred years ago, everybody had

access to their back yards due to coal deliveries etc. These alleys may have existed at one time but they don't any more.

- **Parking Enforcement Officer – raise:** Mayor Johnson stated that they would like to give George Carro's a raise of .50 cents. The money coming in supports what he is doing. He only works 12 hours a week. Bob Bennett stated that he has no objection to the raise, if they were giving raises and bonuses they would be given as of January 1st. Ms. Kehoe stated that for 2028 the staff would get a bonus not a raise. Mr. Cruciani stated that it would cost the borough less than \$100 for the rest of the year if they gave George Carros the bonus from July to December. Mr. Cruciani stated that he does not have a problem with \$200 bonus quarterly paid next year but he does think applying a retro dated bonus in January for the next five months of this year is worth the \$90. Ms. Kehoe stated that they will put this in the budget.

Bob Bennett stated that in the state of Pennsylvania out of the top 150 towns Clarks Summit came in at 132nd. We are the only town that made it in Lackawanna County. The next closest municipality to us is Dalton at 269th. Mr. Bennett thanked the Finance Committee, office staff and the Borough Manager for watching the bills.

Frank Besten asked about State Street where the mast arm was taken down after an accident. Ms. Kehoe stated that the state developed and designed that intersection and put in its requirements, most of the upgrades to that intersection have been done by the state in our name because the Borough still owns all of that paraphilia. The mast arm was placed many years ago it may have been by the state or it may have been by us. The purpose of the mast arm besides the directional arrows is there is an indicator. Northeast Signal went to do the work and Cars Are Us said that it was on their property. Ms. Kehoe went to Penndot and asked for their right of way and that little tiny asphalt sidewalk is our right of way. So we are very limited in placement areas. Since the mast arm has been on that property for so many years, does that give us a legal easement? As of right now it is on private property and Ms. Kehoe was looking to Solicitor Rogan for guidance. One way or another it is going to cost the Borough money. Mayor Johnson suggested talking to Cars Are Us owner. Ms. Kehoe doesn't know if they owned it when the mast arm was put in there. Vince Cruciani is wondering if there is an existing HOP and would we need to approve a change in that. Ms. Kehoe stated that Penndot would have to approve a change. Penndot is mandating that we have the signs there. Mr. Cruciani stated that is they have a HOP then our argument to Penndot is don't give them a change in the HOP, leave it where it is and let them put the sign up. Ms. Kehoe stated that she would talk to Penndot about this. Mayor Johnson stated that the garbage cans in the Rotary Boxes are not picked up. A lot of these residents over the stores are taking their garbage over there. Ms. Kehoe stated that she would talk to J.P. Mascaro.

Vince Cruciani stated that he has questions about the Sargent position. Who would be eligible? Mayor Johnson stated that only two people would be eligible and that would be Shedlock and Williams. The mayor has the prerogative to appoint a temporary Sargent position. They would need Civil Service testing if they were permanent Sargent. Mayor Johnson stated that he is only looking for 2 temporary Sargent positions. Mr. Cruciani asked if they only had one choice for the Sargent wouldn't it automatically go to Officer Shedlock. If there are two then why can't

Kevin and Pat apply? Mayor Johnson stated that he would like to try this for 6 months and see how this works out. Mayor Johnson stated that you are going to have a supervisor on each shift, and you don't need the OIC. If the chief is off the senior Sargent would be in charge and not paid extra money and if the other Sargent is off....Once you make someone a Sargent that's when you start paying the extra money. Mayor Johnson stated that they will revisit this in 6 months. Mayor Johnson stated that the police department's budget is good; they have saved a lot in overtime. Mayor Johnson stated that the union said no problem. We had a Sargent a long time ago when he retired; they never challenged Council to fill that slot. Mr. Cruciani stated that he is 100% supportive of a Sargent position and his non-support for 2 isn't financial. His concern is from a chain of command, there is the Mayor then the Chief, then there is the Sargent and he thinks that 2 Sargent's is too many. Mayor Johnson stated that he has no problem if Council approves one Sargent. Mr. Cruciani stated that all full time police officers should be invited to apply if they wish. Mayor Johnson had no problem with that.

1. REVIEW OF AUGUST 2, 2017 AGENDA

2. ADJOURN:

President Carey

Council had an executive session on Personnel beginning at 8:24pm