

**BOROUGH COUNCIL SPECIAL MEETING
OCTOBER 25, 2017
7:00 PM**

EXECUTIVE SESSION – HEART & LUNG:

Joe O'Brien

The October Borough Council Special Meeting was conducted on Wednesday, October 25, 2017 at 7:25 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. Vincent Cruciani, Mr. Patrick Williams, Mr. David Jenkins, Borough Manager Virginia Kehoe, Solicitor Kevin Hayes, Mayor Johnson, and JR Council Members Will Carey and Nacole Leonhart. Mr. Bob Bennett was absent from the meeting

1. WORKSESSION:

President Carey

2. PUBLIC COMMENT

President Carey

- **Vote on Part Time Police Officer:** Frank Besten made the first motion to hire Matt Sims and Steven Hall to fill the 2 part time police officer positions, seconded by David Jenkins, vote was 6-0. Mayor Johnson stated that he and Chief Chris Yarns are trying to get a police Chaplin in the Abington Area. This is a volunteer position. David Jenkins suggested that they move forward on this and put it on the agenda. Vince Cruciani stated that he will vote no either way because he doesn't think that the police and Chaplin's have business together, but if we want to hire a licensed professional not a religious counselor maybe, but for the Council's sake bring the candidate in. Mayor Johnson stated that they will have everything in order and send everyone a copy of the resume and they would like Council to be involved in this. But he believes this is a win-win situation. Officers can be traumatized from situations that they are involved in. We would need a Resolution and a policy to follow.

Ms. Kehoe stated that this was not on the agenda but late today she received a phone call from Neighbor Works. They have been offered by Wells Fargo Bank, Ian Castrogiovanni's property at 316 Summit Avenue. If they accept it, they would rehab it and get it back on the market. They are asking the Borough for our assistance. Would the DPW at their convenience haul away the brush, get Mascaro to leave a dumpster, waive the markup on the permits, by having the building inspectors to reduce their fees. Sarah Levy addressed Council, she is a Realtor with Classic Properties and she is on the board with Neighbor Works which is a national organization and they have a local branch. They help restore blighted properties, they are not an investor, and they end up with grant money, students from Johnson College help with the projects. The neighbors around 316 Summit were very happy to hear about this group. The group would like to begin in December, hoping for a 6 month turnaround. Vince Cruciani asked if they

have ever put a covenant on the house so it can't be rented. The answer was no, not sure if they can do that. This house would not be torn down. Frank Bested stated that his concern is the DPW doing the work on the taxpayer's dime. The DPW would only take care of the brush. Mr. Cruciani stated that they may ask for sewer department forgiveness. This agency would not take the property from Wells Fargo unless there was a clean title. Ms. Kehoe stated that Wells Fargo needs an answer from Neighbor Works by Monday. They are asking for discounts on permits, hauling the brush away, potential donation of the dumpster from Mascaro. Pat Williams asked who determines the selling price of that house. Neighbor Works prices the house based on market value once the updates are done. They determined that there is minimal foundation work to do; they will not have to tear down the house. Vince Cruciani stated that on one or two people would be moving into that house and have a working income where the Borough gets more money through EIT. Council does approve of the three favors that are being asked.

- **Bob Bass – Fire Company:** Mr. Bass discussed Act 172-16, Fire Act that was passed in 2016. At the Fire Department they formed a committee of 5 about 3 months ago. Recruiting and retaining firefighters and EMS services, the municipalities can come up to a 20% credit allowance, through payroll or property tax. There is an outline of an Ordinance that would have to be passed. This would be for an active member/volunteer. Vince Cruciani asked if the tax credit is under the Municipal Property Tax. Ms. Kehoe stated that or Earned Income. Mr. Cruciani stated that they would have to live in the Borough then. That answer was yes. Vince Cruciani stated that if you have 40 qualifying members and an average member paying \$600 in the local tax that is \$5,000 a year and to keep and staff a fire department with a \$5,000 a year incentive is nothing. Pat Williams asked if it works. It might be too soon to see. Mr. Cruciani stated that this could go into effect in 2019; he would like to see the concrete model of metrics to see what a qualified person is. The fire company would have to produce a draft.
- **Gathering Place – subletting to The Crossroads Church for 4 months:** Ms. Kehoe stated that The Gathering Place cannot move forward subletting to the Crossroads Church without Council's approval. Solicitor Kevin Hayes stated that he would be concerned with the entanglement to have a religious organization and in a government owned facility. David Jenkins stated that we should let them know that upon the advice of our Solicitor that we not do this.
- **Treasurer:** Ms. Kehoe stated that she has experience with book keeping and QuickBooks. We have always started at \$15.00 an hour. Vince Cruciani wanted to make sure the new treasurer did accept the fact that she will have some front desk responsibilities. The answer was yes. David Jenkins moved to put the new treasurer vote on the agenda for November.
- **AAJRB audit - \$5,000 – 10,000 per year / Newton revisions etc...:** Ms. Kehoe stated that Bill Risse got in touch with her asked her to introduce some thoughts to Council for their consideration. The AAJRB has a budget of around \$50,000 a year and Clarks Green is demanding that they do an annual audit at a cost of between \$5,000 and \$10,000 a year. Clarks Green said that they will not make their contribution until they see the audit. According to Bill Risse, South Abington and Glenburn are opposed to any audit. He is asking the Clarks Summit

Borough to think about and let him know. Vince Cruciani suggested a compromise where they can do the full audit every 4 years, not every year which is what Clarks Green is asking. He thinks we need to approach Clarks Green with some kind of dialogue. Solicitor Hayes asked when the last audit was, it was last year. He asked if there were any adverse findings, the answer was no. Mayor Johnson stated that he thinks we should respond to Mr. Risse and suggest every 4 years for the audit, and we should not speak directly to Clarks Green. David Jenkins agreed. The Board is representative of the 5 communities involved. Vince Cruciani suggested that Bill Risse should call a meeting of every elected official of the 5 municipalities to come to a session of AAJRB and if people want to go they can go and they don't have to if they don't want to. This would let it up to the AAJRB to get this together. The second issue is that they have been looking to see if Newton would join the other municipalities. He wanted to throw out in advance. It means a whole new definition. There would be a new agreement drafted and new shares, to prorate the votes. Vince Cruciani stated that this was an issue brought up last year by Clarks Green that if you read the actual charter we all have one representative. Ms. Kehoe stated that the Borough has 3 representatives. Mr. Cruciani stated that in 11 years everybody has the opportunity to back out because it is a 50 year agreement. Mr. Cruciani stated that if we consider bringing in Newton, North Abington should be a part of it because it should be the totality of the school district. Pat Williams stated that he is at the park quite a bit; they have done a dramatic job up there. Many families and teams are there, they have done an impressive job through the years. Many times people are not from the Abington area. Vince Cruciani stated that the AAJRB has not forced any of the teams or leagues to contribute, and this year they are going to be in for a rude awakening. We need to at least put our foot down on that. Pat Williams stated that they took the POW flag down and didn't replace it. Mr. Cruciani asked Ms. Kehoe to talk to Mr. Risse about the POW Flag and see which leagues have been charged for the use of the facilities and how much they were charged. David Jenkins agreed. Ms. Kehoe will call Mr. Risse with Council's questions.

- **DPW – NASSCO certification:** ARWA would pay for a DPW worker to take a class to receive the NASSCO certification, but the question is do we want a member of the DPW crew to be off the job for three days. We don't have a camera and generally the Engineer reads the report. David Jenkins thinks it is worth the time and the effort. If there is a snowstorm etc. that comes first. Council decided to move forward with the class.
- **Street Light on Winola – request from Brittany Adams:** Ms. Kehoe mailed the abutting property owners who would be affected by the street light. David Jenkins stated that it appears to him to be 3-2 against the street light. He suggested not moving forward. Council agreed not to proceed with the street light. 2 street signs were put up on Winola addressing stopping during bus pickups and drop offs. Pat Williams does not think the signs are necessary. David Jenkins disagrees and stated that is a safety issue. Mr. Jenkins stated that speeding is a huge issue on Winola and has been for a while.
- **Ordinance 2017-04 Handicapped parking on School Street:** Ms. Kehoe stated that this Ordinance has been advertised and Council can vote on it at the meeting.

- **Ordinance 2017-05 Quality of Life:** Ms. Kehoe stated that she took the draft from Solicitor Kevin Hayes and adapted it to our Ordinances. Mr. Cruciani stated that he does like the definitions which are laid out very well. Mr. Cruciani stated that assuming all the definitions are good, starting with Section 3, Item 1, at the very least before the word “accumulation” the word excessive should be there to read “excessive accumulation”. Pat Williams stated that someone could ask what our definition of excessive is. Ms. Kehoe stated that the Code Officer would make that decision. Mr. Cruciani stated that in Section 3, Part 3 he is worried about overgrown shrubs because what does that mean. Mr. Cruciani suggested having a separate section addressing shrubs in the right of way. Mr. Cruciani stated that we want to press somebody if there is a danger, not just because we don’t like the way it looks. We cannot dictate aesthetics. Mr. Cruciani stated that the borough doesn’t want to get sued for harassment. Maybe make it “unreasonably unmaintained overgrown shrubs” then the argument can be, if there is a dangerous animal living in that shrub you can make an argument. Pat Williams totally disagrees with Mr. Cruciani. Motor Vehicles need to have a time period of more than 48 consecutive hours, or 72 consecutive hours. Solicitor Hayes stated that if you have a car in your backyard or your garage that you work on, that wouldn’t be considered a nuisance. Mr. Cruciani suggested adding for more than 72 consecutive hours. Also painting, excluding touch up painting, of vehicles is prohibited, if you want to do touchup paint. For outdoor placement of indoor appliance and furniture, for refrigerators and microwaves you have to be careful if someone has a nice deck or a bar deck, maybe we should add in the front yard, that there isn’t a place for them. Mr. Cruciani stated that the limit should be 72 hours on microwaves and refrigerators. Put in microwaves, refrigerators or other types of kitchen appliances. David Jenkins suggested that the doors be removed. For microwaves and refrigerators make it non-operational. For the trash ordinance, Mr. Cruciani stated that instead of tight fitting covers to just make it covers and must be kept reasonably clean and free of odors. Keep the section stating that the cans cannot stay in the public right of way but need to remove the “readily visible from the public right of way”. Solicitor Hayes will make those changes. Mr. Cruciani stated that Code Official, Borough Manager, Police Officer, or any other public officer authorized to enforce ordinances. With this ordinance after someone receives a ticket they cannot appeal to Council, it would go straight to the Magistrate. Vince Cruciani stated that he wants it in writing that George Carros is not permitted to give these kind of tickets.

Mayor Johnson stated that on October 28, 2017, 10am-2pm, prescription drug collection at the library.

Solicitor Hayes discussed the mast arm on State Street. Solicitor Hayes stated that he engaged Northeast Signal to buy the new mast arm and they placed the concrete pad adjacent to the existing pad without doing a survey. It was placed on private property which is owned by Gerry Soroka, Cars R Us. The property owner does not want it there, and they will not agree to put it there. We can accomplish what we need to by having signage along the right of way and painting the lanes, instead of having the mast arm. With regard to having the signal for the first responders approaching an intersection, we would have to enter

a permit agreement to put it on one of their existing utility poles. Ms. Kehoe stated that the signal is on a pole right now and it is working. There would be an annual fee of about \$500 a year. David Jenkins recommended that we do it this way. We may have to do a Resolution or an Ordinance. Solicitor Hayes stated that Northeast Signal gave an estimate of \$19,000 to do the mast arm. But they were negligent in their performance of their due diligence. It was their obligation to determine whether or not they were working in the right area. Solicitor Hayes does not think the Borough should be required to pay \$19,000 for a mast arm that we are not going to use. We were given the money from the insurance company to do the mast arm. So now we will just use the money for the cost of the permit from PPL. He will try to reach an agreement with Northeast Signal with this. Ms. Kehoe stated that her personal opinion is that she has been dealing with Northeast Signal for years and John Kwiatkowski is a good guy, they haven't taken advantage of the Borough, if we get into negotiations. Vince Cruciani asked Solicitor Hayes to send information that needs to be discussed in executive session in another email for discovery purposes.

3. REVIEW OF NOVEMBER 1, 2017 AGENDA

4. ADJOURN:

President Carey