

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL REORGANIZATION MEETING
JANUARY 2, 2018**

The January 2018 Borough Council Meeting was conducted on Wednesday, January 2, 2018 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 Ms. Gerrie Carey, Mr. Frank Besten, Mr. Dominic Scott, Mr. David Jenkins, Mayor Herman Johnson, Mr. Bob Bennett, Mr. Vincent Cruciani, Mr. Patrick Williams, Police Chief Yarns, Solicitor Kevin Hayes, and Borough Manager Virginia Kehoe. Junior Council Members Will Casey and Nacole Leonhart were absent from the meeting.

MEDITATION: **Mayor Johnson**

PLEDGE OF ALLEGIANCE: **Mayor Johnson**

OATH OF OFFICE:

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| JUDGE JULIA MUNLEY | Frank Besten |
| MAGISTRATE PAUL KEELER | Vincent Cruciani |
| JUDGE BARRASSE - | Germaine Carey |
| | Patrick Williams |
| | Herman Johnson |

NOMINATION AND ELECTION OF COUNCIL PRESIDENT: **Mayor Johnson**
Dominic Scott made the first motion to elect Gerrie Carey as Council President, seconded by Vince Cruciani, roll call was taken and the vote was 6-0.

NOMINATION AND ELECTION OF VICE PRESIDENT: **Mayor Johnson**
Frank Besten made the first motion to elect David Jenkins as Council Vice-President, seconded by Bob Bennett, roll call was taken and the vote was 7-0.

NOMINATION AND ELECTION OF PRESIDENT PRO TEM: **President of Council**
David Jenkins made the first motion to elect President Pro Tem, seconded by Vince Cruciani, vote was 7-0.

APPOINTMENT OF VACANCY BOARD CHAIR: **President of Council**
(Jim Klein-incumbent)
David Jenkins made the first motion to appoint Jim Klein as the Vacancy Board Chair, seconded by Pat Williams, vote was 7-0

APPOINTMENT OF GENERAL SOLICITOR Kevin Hayes – incumbent
David Jenkins made the first motion to appoint Kevin Hayes as the General Solicitor, seconded by Pat Williams, vote was 7-0. Pat Williams commented that Solicitor Hayes thanked the Solicitor and said that he is doing a great job.

APPOINTMENT OF TWO 2 SEATS ON ABINGTON AREA JOINT RECREATION BOARD - Josh Mitchell & June Burns (recommendations of existing members)

David Jenkins made the first motion to appoint Josh Mitchell and June burns to the AAJRB, seconded by Dominic Scott, vote was 6-1 with Vince Cruciani voting no because they had not come before Council for an interview.

APPOINTMENT OF TWO 1 SEATS ON PLANNING COMMISSION Shannon Brown – Incumbent

David Jenkins made the first motion to re-appoint Shannon Brown to the Planning Commission, seconded by Pat Williams, vote was 7-0.

APPOINTMENT OF ONE 1 SEATS ON ZONING HEARING BOARD John Kazista – incumbent Joe Axtell 1st alternate and ??? 2nd alternate

David Jenkins made the first motion to re-appoint John Kazista and appoint Joe Axtell as the alternate on the ZHB, seconded by Pat Williams, vote was 7-0. Pat Williams commented that John Kazista is a positive asset for the community.

APPOINTMENT OF ONE 1 SEAT ON THE CIVIL SERVICE COMMISSION – Carol Rubel (recommendation of existing members)

David Jenkins made the first motion to appoint Carol Rubel to the Civil Service Commission, seconded by Dominic Scott, vote was 7-0.

APPOINTMENT OF TWO 1 SEATS ON THE SHADE TREE COMMISSION Pat Williams, Incumbent

David Jenkins made the first motion to appoint Pat Williams to the Shade Tree Commission, seconded by Frank Besten, vote was 7-0. Pat Williams thanked Council.

APPOINTMENT OF TWO 2 SEATS ON LACKAWANNA TCC Jim Burke and Virginia Kehoe, incumbents

David Jenkins made the first motion to appoint Jim Burke and Virginia Kehoe as the Alternate, seconded by Pat Williams, vote was 7-0.

APPOINTMENT OF EMA DIRECTOR AND/OR ASSISTANT Jeff Ames and Tanisha Jagoe

David Jenkins made the first motion to appoint Jeff Ames and Tanisha Jague as the EMA Director and Assistant, seconded by Dominic Scott. On the question, Mayor Johnson stated that he would like to see Council bring them in because we have had storms and there have not been any reports. Mayor Johnson stated that if we are going to go for federal money we need that documentation. He wants to see if our EMA emergency plan is up to date. The state regulates that it needs to be updated every two years. The Mayor also wants see if they have their training up to date because the Mayor gets the reports from the EMA. The Mayor specifically asked that this is be followed up on. Vince Cruciani asked the Solicitor if the EMA is totally at Council's discretion. The Solicitor said he thinks so. Mr. Cruciani stated that if we vote yes on the two existing EMA members and if they come in and prove deficient then they can always be replaced subsequently. The Solicitor agreed. Mayor Johnson stated that you cannot replace the EMA Director. Mayor Johnson stated that the only one who can replace the EMA Director is the governor, we would have to make a complaint to the governor and the governor would say yes or no to replace him because when Council appoints him, then the county is appointing him and they forward that recommendation to the governor and then the governor signs off on that. Mr. Cruciani inquired if Council sets the term. Mayor Johnson said yes. Mayor Johnson stated that a

report should be done when there is a storm coming up and Lackawanna County puts out a warning or a watch. Vince Cruciani stated that when he wants to see a progress report from the EMA, and they are not giving us one, what is the term we want. Mayor Johnson stated that we want a quarterly report and we haven't had one in two years. Mayor Johnson suggested tabling this vote and talk with them and see why we haven't received a report in so long. Mr. Cruciani asked if they will be seen as just "acting" EMA then or will we have a void. So we table it as acting and then meet with them. Vince Cruciani suggested asking Tanisha Jagoe if she wants to be the Director and do the reports and maybe Jeff Ames could be the Assistant. David Jenkins stated that he would withdraw his motion from earlier and this was tabled. Chief Yarns stated that the information from the EMA is very important to the police also. The vote would be for a one year term, Solicitor Hayes would look into that. Bob Bennett asked Mayor Johnson if it is true that once the Borough approves of a person as EMA Director, is he there for life unless the Borough can find something negative. Mayor Johnson said yes. David Jenkins stated that he disagreed. Mayor Johnson stated that it is under the health and safety act of PA.

LIAISON: ABINGTON C.O.G. Gerrie/Dom/Frank
LACKAWANNA C.O.G. Gerrie
SENIOR SITE COUNCIL Warren Watkins, Bob Gilbert (Ms. Kehoe has not heard from Bob Gilbert yet)
WALES/SISTER CITY Warren Watkins
ABPA (AB. BUS. & PROF. ASSOC.) Gerrie and Warren Watkins

APPOINTMENT OF MANAGER/SECRETARY Virginia Kehoe

Bob Bennett made the first motion to appoint Virginia Kehoe as the Borough Manager, seconded by Frank Besten, vote was 7-0. Gerrie Carey thanked Virginia for serving another year.

APPOINTMENT OF PART TIME ASSISTANT SECRETARY Jenn Basalyga

David Jenkins made the first motion to appoint Jenn Basalyga as the part time assistant secretary, seconded by Bob Bennett, vote was 7-0.

APPOINTMENT OF TREASURER Bonnie Flaherty

David Jenkins made the first motion to appoint Bonnie Flaherty as Treasurer, seconded by Pat Williams. Frank Besten asked how Bonnie was doing, Virginia stated that there is a lot to learn but she has the capability to do it and is a hard worker. Vote was 7-0.

APPOINTMENT OF CODE ENFORCEMENT/ZONING OFFICER Jenn Basalyga

David Jenkins made the first motion to appoint Jenn Basalyga as the Code Officer/Zoning Officer, seconded by Bob Bennett, vote was 7-0.

APPOINTMENT OF POLICE CHIEF Chris Yarns

David Jenkins made the first motion to appoint Chris Yarns as Police Chief, seconded by Frank Besten, vote was 7-0. Gerrie thanked Chris for serving the Borough so well.

APPOINTMENT OF SEWERAGE ENFORCEMENT OFFICER S.E.O. Gary Wilding, alternates Chris Arndt and Dave Lamereaux

David Jenkins made the first motion to appoint Gary Wilding as the Sewerage Enforcement Officer and the Alternates Chris Arndt and Dave Lamereaux, seconded by Vince Cruciani, vote was 7-0.

APPOINTMENT OF LABOR SOLICITOR Joseph O'Brien – Incumbent

Bob Bennett made the first motion to appoint Joe O'Brien as the Labor Solicitor, seconded by David Jenkins, vote was 6-1 with Pat Williams voting no.

APPOINTMENT OF ZONING HEARING BOARD SOLICITOR Bob Sheils – Incumbent

David Jenkins made the first motion to appoint Solicitor Bob Sheils as the ZHB Solicitor, seconded by Dominic Scott, vote was 7-0.

APPOINTMENT OF PLANNING COMMISSION SOLICITOR Mike Cowley – Incumbent

David Jenkins made the first motion to appoint Mike Cowley as the Planning Commission Solicitor, seconded by Frank Besten, vote was 7-0.

APPOINTMENT OF BOROUGH AUDITOR Murphy, Dougherty and Company

Vince Cruciani made the first motion to appoint Murphy, Dougherty & Company as the Borough Auditor, seconded by David Jenkins, vote was 7-0.

APPOINTMENT OF BOROUGH ENGINEER Colwell Naegele

David Jenkins made the first motion to appoint Colwell Naegele as the Borough Engineer, seconded by Vince Cruciani, vote was 7-0.

1. APPROVAL OF AGENDA:

David Jenkins made the first motion to approve the agenda, seconded by Dominic Scott, vote was 7-0.

2. APPROVAL OF MINUTES:

President of Council

- **November 29, 2017 Worksession:** David Jenkins made the first motion to approve the minutes, seconded by Bob Bennett, vote was 7-0.
- **December 6, 2017 Regular Council Meeting:** Frank Besten made the first motion to approve the minutes, seconded by Dominic Scott, vote was 4 yes, 2 no's from Bob Bennett and David Jenkins and 1 abstaining from Vince Cruciani.

3. PUBLIC COMMENT & INPUT:

President of Council

4. POLICE REPORT:

Mayor Johnson

5. BIDS & QUOTATIONS:

President of Council

6. BOROUGH TREASURER'S REPORT

President of Council

David Jenkins made the first motion to approve the Treasurer's Report, seconded by Vince Cruciani, vote was 7-0.

7. COMMITTEE REPORTS:

- **Building & Plant** Pat Williams, Chair
- **Finance Committee** Dominic Scott, Chair
- **Grant Committee** Dave Jenkins, Chair
- **Recycling Committee** Bob Bennett, Chair
- **Insurance Committee** Vince Cruciani, Chair
- **Personnel Committee** Gerrie Carey, Chair
- **Public Safety/Safety** Pat Williams, Chair
- **Recreation** Dominic Scott, Chair
- **Sewer Billing** Dominic Scott, Chair

Jenn Basalyga stated that a few houses have paid their liens and the water is back on. Ms. Kehoe stated that 316 Summit Avenue was purchased by Neighborhood Works and they have already been in for permits. The neighbors will be very happy. Wells Fargo paid off the liens and taxes. David Jenkins asked about 302 Marion Street and if the owner walked away from the house and wondered what happened there. Not sure. Ms. Kehoe stated that the house had been flooded a few times. Vince Cruciani asked about a company called LSF8 and LSF9, they are two different foreclosures on Carnation Drive.

- **ACOG Representative** Frank Besten/Gerrie Carey/Dom Scott
- **Liquid Fuels Research** Bob Bennett
- **Veteran's Banners Committee** Gerrie Carey/Herman Johnson
- **Building plans committee** Gerrie Carey/Frank Besten/Pat Williams

• **Additional comments from Council**

Frank Besten stated that he and Pat Williams have been going out around town and they have a list of street signs that need repair. Some houses need house numbers and some cars that are questionable. Mr. Besten stated that they are asking the DPW to check out some of the storm drains, open up the drains and take a look and see what has to be cleaned out. Pat Williams discussed the new fence on West Grove Street on the bridge and that it will be coming soon. He is requesting that we contact the School District and Mr. Mahon and ask that the students not climb on the new fence. Ms. Kehoe stated she would notify Mr. Mahon about this. Bob Bennett asked the Solicitor if he had more information about the liquid fuels. Solicitor Hayes stated that he is still working on the title search, he should have it by February.

8. VENDOR PAYMENTS TO BE RATIFIED: President of Council

David Jenkins made the first motion to approve the vendor payments, seconded by Dominic Scott, vote was 7-0.

9. OLD BUSINESS: President of Council

- **Lackawanna Heritage Valley/Valley View request:** Vince Cruciani suggested "The Pitt" and the two churches-OLS and The Presbyterian Church.

10. NEW BUSINESS:

President of Council

- **Resolution 2018-01 Police Withholding:** David Jenkins made the first motion to pass Resolution 2018-01, seconded by Frank Besten, vote was 7-0.
- **Resolution 2018-02 and 2018-03 – Fund Bank Accounts:** David Jenkins made the first motion to pass Resolution 2018-02, seconded by Vince Cruciani, vote was 7-0.

11. SOLICITOR'S REPORT:

Solicitor Rogan

Solicitor Kevin Hayes stated that he is focused on getting ready for the closing of the TAN. Getting all the documentation to get it finalized. Pat Williams asked about the mast arm coming up Summit Hill. Solicitor Hayes stated that the Borough had to submit a new permit application to PennDOT, we are just waiting for the final info. There was no other alternative.

12. CORRESPONDENCE:

- **Robert Lovenheim, Supervisor, Smithfield Township, PA:** Tabled
- **AAJRB request for meeting:** Vince Cruciani asked if this meeting will be with the new Clarks Green Council. Ms. Kehoe stated that Greg Pascale is representing the AAJRB and he asked if the Clarks Summit Borough Council would consider the meeting, he is asking the other communities as well. Everybody elected is invited. Vince Cruciani stated that this is the wrong time to extend the tenant in common lease but should some form of modification occur on the lease, he thinks it is the right time to hand off the Senior Center to the AAJRB. It is the right time to have the broader community be responsible for the Senior Center not just Clarks Summit. David Jenkins stated that it would be a big relief for our taxpayers. Gerrie Carey stated that when we discussed this with our state representative and our senator, the money actually came for a senior citizen building. It came through the state and the county and we used the community block grant money to put this building up. Mr. Cruciani said assuming that is all 100% correct, that would just mean that the AAJRB couldn't diminish the senior citizen use of the building. Vince Cruciani stated that we don't even have a lease of record or an easement for the land that it is on. The best thing Mr. Cruciani could find was a highway occupancy permit. So there are some title issues. We are all tenants in common. Bob Bennett asked what our commitment was. Ms. Kehoe said it is about \$13,000. If Clarks Green continues to not pay, do we take legal action against them? Solicitor Hayes stated he would have to look into that. David Jenkins stated that the Clarks Summit Borough has a police contract with Clarks Green. Mr. Jenkins stated that it should be up to the AAJRB to run up against Clarks Green not us. David Jenkins stated that the Clarks Summit Borough is paying our commitment which he thinks is absurd to be paying so much when they should be raising more money in house. Mayor Johnson stated that he thinks the AAJRB wants the Clarks Summit Borough to fight their battle and he doesn't think we should either. Vince Cruciani stated that he thinks this meeting is about. He thinks this meeting is not about Clarks Green at all. Mr. Cruciani thinks that the meeting is about changing the by-laws. Clarks Green is

irrelevant, they could cut their spending that Clarks Green does in a heartbeat and they won't get the boot because then Bill Risse is out of power. Mr. Risse doesn't want to be out of power because this is his project. Secondly they have been operating illegally, not criminally; they have been breaching their contract by having three representatives while they are only allowed one. They want to remedy that by amending the by-laws. What they really want is to extend the term of the park because the lease expires in 9 years. Mr. Cruciani stated that there are a lot of moving parts and the Borough just has to be careful. Mr. Cruciani stated that what the Borough is being charged is on point. Gerrie Carey stated that we would go ahead with the meeting proposed by Greg Pascale.

Vince Cruciani discussed reinstating the Sergeant's position. The chronology would be to purchase the test, have an application for the test and the test would be administered in the 2nd or 3rd week in February so the officers would have the ability to study for it. The results for the test would be back in time so Personnel Committee would be able to interview the top 3 people prior to the February 28th worksession. Personnel would bring their recommendations to the February 28th worksession that would give Council as a whole one week to determine who would fill the position if we did determine to fill the position and the vote would be cast at the March meeting for the position. The parameters of the position would first and foremost be at their broadest and he would ask that we not get into the weeds tonight, but wait for 3 weeks. It would be for a full time officer on the force to apply. All officers would have to be one year full service by the date of the test and all of our full timers are eligible. The position's salary would be commensurate with South Abington in terms where South Abington's Sergeant gets paid x amount more, Clarks Summit Borough's Sergeant would get paid x amount more. We will not charge the officers the Borough will pay for the officers to take the test. Mr. Cruciani stated that we don't have to hire anybody in March if they don't want to. The Borough will have to formalize something with the union in between, this way we would have 6 to 8 weeks to do that. He thinks the union president is very amenable and Mr. Cruciani has confidence that he will work with us and his team will work with us. The position isn't about the Chief and the five full time officers. It's about them and a dozen plus part time officers that is why the administrative element is there. Mr. Cruciani made the first motion to move forward with the Civil Service process for the Sergeant's position test under the parameters that he outlined, seconded by Frank Besten. On the question Pat Williams stated that he thought this was a done deal that we were not moving ahead with this. Mr. Cruciani stated that there was some further discussion regarding the administrative needs and there was a cost analysis, this was discussed by the Finance Committee. Pat Williams asked who discussed the need for the Sergeant. Mr. Cruciani stated that the Chief had asked for it. Pat Williams stated that Council had voted not to do that, not to move forward with it. Solicitor Hayes stated that the design of the test and the criteria, the eligibility requirements should be determined by the Civil Service Committee. Ms. Kehoe stated that they did go through this already. The collective bargaining issue is that a full time officer is eligible not the part timers. Bob Bennett stated that he is going to vote no for it. He stated that we have a relatively small police force and he doesn't see the need for a Sergeant. If you count all the police officers there

now we have 5 and we have backup with the OIC if we need it. The vote was 5-2 with Bob Bennett and Pat Williams voting no. Roll call confirmed the vote was 5-2. Pat Williams asked if the Sergeant's position was supposed to expire on December 31st. The answer was it did.

EXECUTIVE SESSIONS:

President of Council

- **Prior-** **December 6, 2017 Personnel and contracts**
- **During-**
- **Subsequent-**

ADJOURN:

President of Council

David Jenkins made the first motion to adjourn, seconded by Dominic Scott, vote was 7-0.