

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
MAY 2, 2018**

The May 2018 Borough Council Meeting was conducted on Wednesday, May 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, Mayor Herman Johnson, Mr. Dominic Scott, Mr. Vincent Cruciani, Mr. Patrick Williams, Mr. David Jenkins, Mr. Bob Bennett, Police Chief Yarns, Solicitor Kevin Hayes, Borough Manager Virginia Kehoe, and Junior Council Members Will Casey and Nacole Leonhart.

PROCLAMATION – RALPH MARASCO **Herman Johnson**

CALL TO ORDER: **President Carey**

MEDITATION: **Mayor Johnson**

PLEDGE OF ALLEGIANCE: **Mayor Johnson**

1. APPROVAL OF AGENDA:

2. APPROVAL OF MINUTES:

President Carey

- **March 28, 2018 Council Work Session:** David Jenkins made the first motion to approve the minutes, seconded by Dominic Scott, vote was unanimous.
- **April 4, 2018 Council Regular Meeting:** Vince Cruciani made the first motion to approve the minutes, seconded by David Jenkins, vote was unanimous.

3. PUBLIC COMMENT & INPUT:

President Carey

Gerard Hetman updated Council on events happening in Lackawanna County.

4. POLICE REPORT:

Mayor Johnson

5. BIDS & QUOTATIONS:

President Carey

- **Appraisals – Little League Field / Borough Building:** The appraisals were reduced to \$2,150 and \$1,250 with a turnaround of 45 day . David Jenkins made the first motion to give the contract to Mr. Reidenbach, seconded by Frank Besten, vote was unanimous.
- **Sealing/caulking front of borough building:** This was tabled for one month.

6. BOROUGH TREASURER’S REPORT

President Carey

Vince Cruciani made the first motion to approve the Borough Treasurer’s Report, seconded by Bob Bennett, vote was unanimous.

7. COMMITTEE REPORTS:

- **Building & Plant** Pat Williams, Chair
 Pat Williams thanked Bonnie Flaherty for the painting of the Borough seal in Council Chambers. Mayor Johnson asked if they could get some money for top soil down at Veteran’s Park. There is money in the fund for that. David Thorn can order the topsoil, who will spread it at the park. Virginia said she would speak to Pat Williams before ordering the soil. Ordered new flags for the park also.
- **Finance Committee** Dominic Scott, Chair 1st
 quarter update - Capital Reserve Account: Dominic Scott stated that the report looks good, revenue is up and expenses are down. Repairs were needed on the diesel truck which the Finance Committee approved. Ms. Kehoe stated that the Capital Reserve account is at Wayne Bank is dormant. Does Council want to make a transfer to Capital Reserve account? Vince Cruciani made the first motion to put pay \$20,000 towards the debt and deep the balance in the General Account and at the end of the year it can be moved into the Capital account if Council chooses to, seconded by Bob Bennett, vote was unanimous.
- **Grant Committee** Dave Jenkins, Chair La Cty
 applied \$500.00 Art Grant, applied Pocono Forest & Waters Grant for \$3,242.07 for educational kiosk at Hemlock Park to work in conjunction with our MS4, recd Pa. Dept. of Aging \$9,983.00 towards upgraded lighting at Sr. Ctr. Ms. Kehoe stated that this in in conjunction with Footprint Zero, PPL grant money for 2017 has been spent and 2018 is available in June.
- **Recycling Committee** Bob Bennett, Chair
 Shredfest – 6 tons/\$510.00 - letter from JP Mascaro re: electronics: Mr. Bennett thanked everyone involved who volunteered and helped out. Bob Bennett stated that he is 100% against electronic recycling this year, based upon our experience last year and the cost and manpower needed.
- **Insurance Committee** Vince Cruciani, Chair MRM
 dividend \$39,549
- **Personnel Committee** Gerrie Carey, Chair Seasonal
 PT DPW – Mark Fair: Frank Besten made the first motion to hire Mark Fair, contingent on an approved physical, drug test, a drivers license and that the license is insurable, seconded by Vince Cruciani, vote was unanimous.
- **Public Safety/Safety** Pat Williams, Chair Great
 American Cleanup May 12: Pat Williams stated that we are waiting for the fence on West Grove Street to be painted. Frank Besten and Pat are going to check into pave cuts. He is going to need a power washer to wash our sign down by Dunkin Donuts. Then they can paint it. Thanked the DPW for the street sweeping. There are many more to do. Bob Bennett asked about the apron on the bottom of Maple Avenue, is it on the paving list, the answer is yes. Mr. Williams asked that the manholes be levered there also. That should be part of the paving bid; Ms. Kehoe will make sure the engineer includes that in the bid specs. Pat Williams stated that he would let Ms. Kehoe know where the manholes are that need the work.
- **Recreation** Dominic Scott, Chair
- **Sewer Billing** Dominic Scott, Chair
 We do not handle a lot of cash in the office. We don’t let cash sit in the office it is put in the bank immediately. Some people prefer to pay in cash. Bob Bennett

asked if there was anything the Borough can do with the liens. Nothing until the house is sold. Discussed the Riley household which had the water turned off.

- **ACOG Representative** Frank Besten/Gerrie Carey/Dom Scott
- **Veteran's Banners Committee** Gerrie Carey/Herman Johnson: Ms. Kehoe stated that we received the samples and they look very nice. We received 14 for Memorial Day and a few for Flag Day. We have 22 poles to put them on. Bob Bennett wanted to make sure there were not any families that couldn't participate because of the cost factor. If there is a hardship problem possibly.
- **Building plans committee** Gerrie Carey/Frank Besten/Pat Williams: Waiting for appraisals.
- **LCAB** Patrick Williams
- **CDBG Needs Assessment Committee** Gerrie Carey/Vince Cruciani/Pat Williams: Ms. Kehoe stated that we want to get an inventory of the ash trees in the area. Meanwhile, the response regarding CDBG money for this is that it is a last resort and we should talk to DCNR. DCNR doesn't have any grant money. Researching this and making an argument for them to reconsider this. The trees in the proximity to power lines, sidewalks, streets, the tree is going to hit something. Mark Spatz from the AAJRB submitted some ideas for CDBG money. Ms. Kehoe stated that the AAJRB is trying to set up a date in June to get the communities together. Clarks Green did not pay their share of the park in 2017 and 2018 and Clarks Green has not agreed to a meeting with the other communities. Vince Cruciani stated that the only remedy is if the lease expired, tenants in common can exercise a lien against Clarks Green. Kevin Hayes will talk to Greg Pascale about this.
- **SAPA** Dave Jenkins rep for steering committee: David Jenkins made the first motion to appoint Shannon Brown to the SAPA Committee, seconded by Pat Williams, vote was 6-1 with Bob Bennett abstaining.
- **Additional comments from Council:**
2 people approach Bob Bennett and said that the pocket park flags are in rough shape. Councilman Jenkins and Mr. Bennett are donating flags for the DPW to replace the ageing flags at the park. Frank Besten stated that we need to thank Bob Bennett for the Shred Fest, he had everything set up and he did an excellent job. Pat Williams stated that the trees in the triangle had been straightened, thanked Josh Arp. Needed 2 trees cut up after the storm, Tom Carter helped take care of that and they are working on many summer projects.

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

9. OLD BUSINESS: President Carey

- **Replacement for TCC:** Need a replacement. Kathy Drake was mentioned.
- **LUCA Report 72 Corrections (mostly additions):** Nicole Kelly completed the report. The good news is there were only 72 corrections which were mostly additions. Council wanted Virginia to send her a thank you note from them.

- **Litigation settlement:** after executive session.

10. NEW BUSINESS: President Carey

- A. Clarks Green EMA:** Keven Hayes stated that the Solicitor for the Borough of Clarks Green has taken the first crack at an inter-governmental cooperation agreement for Emergency Management Services. This agreement proposes that Clarks Summit EMA also serve the Clarks Green Borough. Solicitor Hayes stated that he would like to speak with Jeff ames and Tanisha Jagoe to make sure they are comfortable with this. Their Solicitor proposed a 6 year term, Solicitor Hayes suggested an annual renewal and we would have the right to revoke within 90 days. Solicitor Hayes asked if Council supports the idea of merging the EMA. David Jenkins stated that he would think a 1 or 2 year agreement is fine but 6 years is too long. Mayor Johnson suggested that the agreement be for every 3 years because we have a 3 year contract with the police department. Need to look into compensation also. Solicitor fees should be paid by Clarks Green.
- B. Little League Lease:** Term lease through 12/31/18, update their insurance requirements.
- C. Unmarked Tahoe:** David Jenkins made the first motion to put the Tahoe on the market with the Blue Book value, seconded by Bob Bennett, vote was 7-0.
- D. FEMA floodplain mapping:** David Jenkins made the motion to move forward with the changes on the new map, seconded by Vince Cruciani, vote was 7-0. The residents will find out if they have flood insurance.
- E. Strawberry Run:** Move ahead, no need for a vote.

11. SOLICITOR’S REPORT: Solicitor Hayes
Will go into executive session for a litigation update.

12. CORRESPONDENCE:

- **Lackawanna County Office of Environmental Sustainability:** Already addressed

13. THANK YOU TO JUNIOR COUNCIL President Carey
2 letters were there to present to the Junior Council members.

14. EXECUTIVE SESSIONS: President Carey

- **Prior-** **April 4, 2018 Litigation**
- **During-** **None**
- **Subsequent-** **None**

15. ADJOURN: President Carey
David Jenkins made the first motion to recess for executive session.

Council returned from executive session at 9:11pm.
Solicitor Hayes stated that the Borough Council recessed for an executive session to discuss pending litigation and personnel issues. One item discussed is the pending arbitration and workers compensation claim submitted by Clarks Summit Police

Officer Ed Orzalek. Solicitor Hayes stated that he would like the Council to consider the settlement proposal that would be submitted to Mr. Orzalek that would remain in effect until 3 business days following the next pension board meeting. After that deadline, the settlement offer will be considered withdrawn by Council furthermore, there are 6 specific conditions to the settlement that must be fulfilled by Mr. Orzalek, if any of the conditions is not fulfilled, the settlement would be considered withdrawn. The conditions proposed for the settlement of the employment claim by Ed Orzalek are as follows. 1. Mr. Orzalek would submit his resignation of employment with the Clarks Summit Borough within 3 business days of the next Police Pension Board Meeting. 2. Mr. Orzalek would continue to receive health care benefits from the Borough of Clarks Summit until December 1, 2018. 3. Mr. Orzalek would request to retire on disability pensions, that determination would be made by the pension board and the Borough Council would take no position with regard to that request for disability pension by Mr. Orzalek. 4. Mr. Orzalek will immediately withdraw his arbitration action which is currently pending against the Borough of Clarks Summit. 5. Mr. Orzalek's heart and lung benefits which he is currently receiving will be terminated. 6. Mr. Orzalek would agree to the terms of a settlement offer that has been made by Council representing the Borough of Clarks Summit, through its workers compensation carrier. These are the six conditions of the settlement that Solicitor Hayes proposes this Council to entertain to be submitted to Mr. Orzalek. All 6 of these conditions have to be fulfilled in order for the settlement offer to be a valid one and it would be withdrawn otherwise. Vince Cruciani made the first motion that the Borough Council offer the motion that has been put forward by the Solicitor, seconded by David Jenkins, vote was unanimous. Solicitor Hayes asked for authorization to send a letter of correspondence to the Labor Solicitor advising him of the determination made by Council.

Gerrie Carey stated that there was an executive session on April 4th for litigation and they just finished the other executive session.

Vince Cruciani made the first motion to adjourn, seconded by David Jenkins, vote was unanimous.