

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
JULY 11, 2018 (Postponed from 7/4/18)**

The July 2018 Borough Council Meeting was conducted on Wednesday, July 11, 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, and Borough Manager Virginia Kehoe.

PUBLIC HEARING: Ordinance: Advertised a public hearing on Ordinance 2018-03 and Ordinance 2018-04. There was not any public comment on the ordinances.

CALL TO ORDER: **President Carey**

MEDITATION: **Mayor Johnson**

PLEDGE OF ALLEGIANCE: **Mayor Johnson**

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 Carey

- **May 30, 2018 Work Session:** Vince Cruciani made the first motion to approve the minutes, seconded by Bob Bennett, vote was 7-0.
- **June 6, 2018 Council Regular Meeting:** Vince Cruciani made the first motion to approve the minutes, seconded by David Jenkins, vote was 7-0.

3. PUBLIC COMMENT & INPUT:

President Carey

Beth Lacoë, 201 Highland Avenue discussed the state of her house and the fines that have been imposed by the Code Officer. Gerrie Carey asked how the Borough can help. Ms. Lacoë said to stop giving her fines. She gets help from no one. She has a disabled daughter. The Borough Solicitor will look into this. Solicitor Hayes asked about the violations, which is an accumulation of rubbish on the front porch and in the front yard. Mr. Cruciani asked if the fine didn't get paid, would it just be a lien. Ms. Kehoe stated that if she doesn't pay the fine the Magistrate would put out a warrant for her arrest. Ms. Lacoë became very upset with the answer. Mr. Cruciani asked her how long it would take to clean up the rubbish on her porch. Bob Bennett asked if she has contacted the Boy Scouts or churches to help out. There are organizations out there that can help her. Ms. Lacoë has not reached out. Ms. Kehoe stated that Ms. Lacoë did not call and try to rectify the situation with the Code Enforcement. Mr. Cruciani said that this is a singular issue where it is not a re-occurring problem. Frank Besten suggested that she get in contact with churches or the Boy Scouts, that would take care of the problem, but she needs to be proactive.

Ms. Kehoe suggested calling the Area Agency on Aging. Bob Bennett also suggested that she be proactive and call these people for help.

Kathy Roth, wouldn't stand at the podium. She was asked by Council President and the Solicitor to stand at the podium. Ms. Roth refused. She made the remarks at her seat. She lives at 411 Powell Avenue. She had objected to this ordinance adopted in December 2017. At that time a Stenographic record wasn't necessary. She called the Magistrate because she has received 2 citations. Ms. Roth stated that her grass on one occasion was ½ an inch too tall, and she was given 10 days to remove a piece of gutter, before the 10th day was over, the gutter wasn't removed. Ms. Roth asked if Council was paid for being at the meeting. Solicitor Hayes stated that this is public comment; Council does not have to answer. She thinks Council members should volunteer to help. David Jenkins asked Solicitor Hayes to verify for himself and the rest of Council that the ordinance that they passed was in fact legal. Ms. Roth just stated that the ordinance was not legal and he has issue with that, stating that Kathy Roth speaks many times out of turn without the benefit of Council's response because they are courteous; however she needs to be told that this is legal and it was done in proper form. Solicitor Hayes stated that the process for adopting an ordinance complied with all of the applicable rules of the Borough Code. The ordinance was based largely on other ordinances that had already been adopted and implemented in other boroughs within Lackawanna County and the Commonwealth of PA. The one thing that Solicitor stated that he finds particularly offensive with regard to her comments is that this was written and based on certain individuals. Solicitor Hayes stated that he wrote the ordinance largely and he had never met or even heard of Ms. Roth that never came into discussion. Pat Williams stated that many years ago that when Ms. Roth's daughter worked for the Abington Journal and at that time there were issues with her property then. Mr. Williams stated that he had asked her daughter if they needed help with the property, the daughter said no.

4. POLICE REPORT:

Mayor Johnson

David Jenkins asked how we are doing getting rid of the Tahoe. Nothing yet, drop it a thousand or best offer.

5. BIDS & QUOTATIONS:

President Carey

- **Tahoe**
- **2018 Paving:** Vince Cruciani stated that he thinks that paving the aprons last year was a good idea and the crack sealing machine has been very helpful. Council discussed eliminating micro paving Lackawanna Trail with comes in at \$34,776. David Jenkins made the first motion to take \$35,000 out of the Capital Reserves to pay for the paving, seconded by Pat Williams. On the question, Vince Cruciani asked if they would be able to pay 1/3 of the \$34,776 from the sewer account. Ms. Kehoe stated that should not be a problem. David Jenkins amended his motion to reflect this. Therefore around \$10,000, 33% will come out of the sewer account and the balance, the remaining 2/3 will come out the Capital Reserve. Pat Williams agreed to second that vote, vote was 7-0.
- **Masonry bids:** We received at the end of April a bid from Hudak Waterproofing for \$6,400. That money was not budgeted for. Gerrie Carey stated that the building has been appraised and this didn't have any effect of

the appraisal price. She feels that we are in the process of possibly selling the building. David Jenkins stated that this has been pushed on the back burner for over 5 years, we are losing heat and air conditioning. Frank Besten asked Council to hold off. David Jenkins made the first motion to hire Hudak Waterproofing, seconded by Vince Cruciani, roll call was taken. Bob Bennett, Vince Cruciani, David Jenkins, and Pat Williams voted yes. Frank Besten, Gerrie Carey, and Dominic Scott voted no. The vote passed 4-3.

Mayor Johnson stated that by the time this new building comes up, they are asking to not put in for the grant for new police cars. Mayor Johnson agrees with David Jenkins stating that he thinks this should be fixed because we don't know how far we are with the people who have interest in this building. Mayor Johnson stated that we are not thinking for our citizens about how we are spending their money. Gerrie Carey stated that she doesn't think that is completely accurate. Mayor Johnson said yes it is. The Mayor asked why Ms. Carey went behind his back and talked to the Chief and asked him not to put in for the grant. The Mayor talked to Council about putting in the grant. Gerrie Carey stated that they can budget for the police car; we have an opportunity to get a grant worth \$200,000.

6. BOROUGH TREASURER'S REPORT

President Carey

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

7. COMMITTEE REPORTS:

• **Building & Plant**

Pat Williams, Chair

Pat Williams stated that the elevator has been fixed. They are still waiting on the new door at the police station. Mayor Johnson stated that this is a security concern. There was a photo taken at the Grove Street Bridge with Penndot. Wants white paint for the barriers. Fence at Bedford Street needs to be fixed and he is waiting to hear about that.

• **Finance Committee**

Dominic Scott, Chair

• **Grant Committee**

Dave Jenkins, Chair

Recd \$500.00 La. Cty. Art Grant: David Jenkins stated that Chris Yarns had talked to Mr. Jenkins about putting in for the grant with the gaming commission. He was going to go for 2 cars and Mr. Jenkins gave that the ok. Gerrie Carrie stated that the Borough would like to put in for a grant in the amount of \$200,000 for this grant to purchase a new borough building. Ms. Carey said they could budget for a new police car. Don't want to lose out on \$200,000 when the police would possibly get one police grant. David Jenkins asked how long is it going to take, he doesn't see us moving out of this building within a year. Vince Cruciani stated that there are differing opinions and this is not a light subject matter. Mr. Cruciani made a motion to keep the July worksession open to vote on which grant they want. Ms. Kehoe stated that there are two ways to apply for the grant. First is we can apply for the grant to purchase a new building or the money can be asked for to do modifications for a new building. Maybe ask for grant money to modify the current Borough Building. Bob Bennett stated that he is very upset because he is not aware of the people interested in bidding in this building etc.

Entire Council should be aware of all of the facts. Ms. Carey stated that the Finance Committee is taking care of this and will update Council when they have something solid. Mayor Johnson stated that nothing should be secretive with Council. All Council members should know what is going on. Mayor is upset but he will get over it. There is a certain click that won't tell the other Council members what is going on. Mr. Cruciani stated that is why they should delay the vote for 2 weeks. That gives everyone time to get the information. Vince Cruciani stated that there were grants available, for the Miles Foundry, at some point it needs to be addressed. Miles Foundry has animals coming in and out. It is maintained to an extent, but it is deteriorating. Is rehabilitating that industrial site something that the grant committee can work on also if the property owner would be interested. Ms. Kehoe will look into this. We would need to see if Mr. Miles is willing to consider this. Frank Besten addressed the Mayor saying that he doesn't see it as Council people keeping secrets. The different committees do their work and they don't tell all Council members. Mayor Johnson stated that they look at this differently. This is a major expense that should be discussed before the meeting. There is nothing written or to report, Gerrie Carey is talking to people but nothing is written. Vince Cruciani stated that he respects both points. The issue is in 2 weeks, if they are asked to bid on a grant request that can be applied on either building that is not a big deal. But if the grant request can only be applied to a new building it is a big deal because Council is being asked to obligate itself to move forward with a project that it doesn't have all the information for. As long as the request is for either building then he agrees. Gerrie Carey stated that they voted to have the building appraised and Sheridan Field appraised. Gerrie Carey stated that she thought that the grant would have been handled through Chief Yarns. Mayor Johnson stated that he should have been in the loop. Bob Bennett stated that he would like to take time to consider any requests from the Finance Committee. Vince Cruciani stated that we don't have a firm commitment on a purchase price. Mr. Cruciani stated that he will back a motion in two weeks if it is an and/or with this building and a new building. He will not back a grant for just a new building. Solicitor Hayes stated that he would provide an outline of what needs to happen if and when the buildings are being sold etc. We would have to open up a bidding process.

- **Recycling Committee** Bob Bennett, Chair
- **Insurance Committee** Vince Cruciani, Chair
- **Personnel Committee** Gerrie Carey, Chair
- **Public Safety/Safety** Pat Williams, Chair

Pat Williams thanked Virginia Kehoe and the CDBG money for repairing 5 audible systems at 5 crosswalks. Solicitor Hayes said he would check with PennDOT to see if we need permits for this. Frank Besten stated that one of the residents on Clark Avenue had an issue where a neighbor is concerned about cars parking next to the restaurant. Mr. Besten doesn't think this is an issue. He thinks this is more of an issue with this one person.

- **Recreation** Dominic Scott, Chair
 Dominic Scott asked the Solicitor if he took a look at the park at Carnation Park. He saw the yellow tape there. Ms. Kehoe stated that the plants are to be delivered July 27th. Frank Besten asked that if there is a hole dug and it is going to be there for a long time, they should use plastic fencing just to protect the Borough.
- **Sewer Billing** Dominic Scott, Chair

Dominic Scott stated that we have only 5 people on the payment arrangement list. Jenn Basalyga stated that 2 homes have been taken off the shut off list. They paid the liens and the current water bill. The house on Knapp Road where the water has been shut off apparently has water usage. The water company will check into this and make sure the water is turned off. There are two more properties that have liens that are asking for information.

- **ACOG Representative** Frank Besten/Gerrie Carey/Dom Scott
- **Building plans committee** Gerrie Carey/Frank Besten/Pat Williams
- **LCAB** Patrick Williams
- **CDBG Needs Assessment Committee** Gerrie Carey/Vince Cruciani/Pat Williams Decision on 2018 allocation:
- **SAPA** Dave Jenkins
- **Additional comments from Council**

Dave Jenkins asked about Shannon Brown. Ms. Kehoe stated that Mr. Brown has rescinded his resignation. Ms. Kehoe stated that she was not told what happened. Vince Cruciani stated that this merits executive session. He would be happy to stay on these committees. The resignation should just be filed away. David Jenkins thanked Virginia, Jenn and the Borough DPW for getting the blacktop at Haven Lane and Old Winola Road. The grass in the Borough is definitely getting better. Keep an eye on it. Pat Williams thanked our DPW for removing the dead animals on the streets. Mr. Williams updated Council on Preate Park. They are going to be power washing benches and tables and repainting them.

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

9. **OLD BUSINESS:** **President Carey**

- **Replacement for TCC:** Pat Williams suggested Dave Marks. If he is interested he should send in a letter of interest.
- **.gov email addresses:** Vince Cruciani made the first motion to have this implemented by the worksession, seconded by David Jenkins, vote was 7-0.

10. **NEW BUSINESS:** **President Carey**

- A. **Ordinance 2018-03 Revised Parking Fines:** Pat Williams made the first motion accept Ordinance 2018-03, seconded by Dominic Scott, vote was 7-0. Mayor Johnson asked about the tickets that were already issued, it is not effective yet, until it is approved at this point.
- B. **Ordinance 2018-04 EMA agreement with Clarks Green:** This was tabled until the next meeting and David Jenkins stated that if we hear nothing then we forget about it. That gives them a month.
- C. **EMA Agreement:**
- D. **2017 Planning Commission Year End Report:**
- E. **SAPA / Planning Commission – Shannon Brown**

11. SOLICITOR’S REPORT:

Solicitor Hayes

Solicitor Hayes stated that they still don’t have an opinion from Judge Nealon on the Valvano case. Solicitor Hayes stated that with regard to the collective bargaining agreement with the police encourages officer to attend trainings and continuing education. It is up to management and the Chief to decide the types of programs that they want to do. It is a management decision. David Jenkins asked if the Chief can appoint the officer to do a job. Yes and they can attend the trainings also. Mayor Johnson stated that he spoke with the Chief and told him to post it and see who wants to go to that training. The posting is still up at the police department and no one signed up for it. Mayor Johnson suggested that Chief Yarns check with other departments because he doesn’t want to get rid of the scales. Once you get the scales on a grant and you turn them in, it is almost like a black eye. See if another department will come and the Clarks Summit police can assist them. The tractor trailers present a safety issue coming through town.

Bob Bennett asked about Dennison. Solicitor Hayes stated that we are waiting for their response. This needs to be discussed in executive session.

12. CORRESPONDENCE:

13. EXECUTIVE SESSIONS:

President Carey

- **Prior-** **June 27, 2018 Personnel**
- **During-** **None**
- **Subsequent-** **None**

14. ADJOURN:

President Carey

David Jenkins made the first motion to recess, seconded by Frank Besten, vote was unanimous 7-0.