

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
SEPTEMBER 5, 2018**

The September 2018 Borough Council Meeting was conducted on September 5, 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. Vincent Cruciani, Mr. Patrick Williams (7:09pm), Mr. David Jenkins, Mr. Bob Bennett, Police Chief Yarns, Mayor Johnson, Solicitor Kevin Hayes, and Borough Manager Virginia Kehoe.

PUBLIC HEARING - Ordinance 2018-05 Volunteer Credits for Clarks Summit Fire Company – Jay Miller, Fire Chief

Jay Miller, Mike Lukas and Warren Watkins were all in attendance. Mr. Cruciani stated that the guidelines for the property tax was set by state law and what we try to do commensurate with, and that we think a little bit over, in a positive sense for the fire company, that how we came up with our number for the personal income tax. They discussed the idea that this may help the situation at the fire company with them getting more volunteers. Heath Goldstein asked if a member does not live in the Borough but owns real estate, would that person qualify for the tax break? Solicitor Hayes stated that the answer is no. The volunteer must own the property and occupy the property. David Jenkins made the first motion to approve Ordinance 2018-05, seconded by Bob Bennett. Under the question, David Jenkins is going to abstain from voting due to his membership with the fire company as well as his past position as president. Vote was 6-0 with one abstaining.

THANK YOU TO DCNR:

Molly Philbin

Molly Philbin addressed Council. Clarks Summit was chosen as a site for a tree inventory. She shared data with Council showing the value of trees in our community. Ms. Philbin proposed for a line item in the budget for the Shade Tree Commission in the amount of \$5,000 to be taken from the sewer fund. There is a map available that gives information about what kind of trees are in the Clarks Summit Borough. Tim stated that he picked Clarks Summit Borough because of Molly Philbin and her dedication, Clarks Summit is a community that is an advocate for planting trees and he has a bias for community that is considered a Tree City. This is for the trees in the right of way. Discussed trees and sewer lines. Tim stated that PA 1 Call would need to clear an area to plant a tree. Can't plant over gas lines. Tree roots grow out not down. Tree roots do follow water and nutrients, they don't like hard objects, so when they come to concrete, they will not grow through unless there is a crack in the concrete already. Frank Besten asked if we have a large amount of ash trees. The number keeps rising, we don't have exact amount but there are a lot. The DPW has been very helpful with the plantings.

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 Frank Besten, vote was 7-0.

2. APPROVAL OF MINUTES:

President Carey

- **July 25, 2018 Council Work Session**
- **August 1, 2018 Council Regular Meeting**

Frank Besten made the first motion to approve the minutes, seconded by Dave Jenkins, vote was 7-0.

3. PUBLIC COMMENT & INPUT:

President Carey

Gerard Hetman, Lackawanna County Community Relations Office, commented on events happening in Lackawanna County.

4. POLICE REPORT:

Mayor Johnson

They installed a drug take back box downstairs at the police department.

5. BIDS & QUOTATIONS:

President Carey

- **Tahoe:** David Jenkins made the first motion to sell the Tahoe with the lights and radio removed, conditionally making sure it is being sold to another municipality, make sure of that. The vote was seconded by Bob Bennett, vote was 7-0.
- **Melrose St Stormwater:** David Jenkins made the first motion to move forward with the stormwater repair on Melrose at the cost of \$19,500, seconded by Vince Cruciani, vote was 7-0. David Jenkins stated that the 200 block of Greenwood needs to be checked out he thinks the same thing is happening there.

6. BOROUGH TREASURER'S REPORT

President Carey

Vince Cruciani made the first motion to accept the Borough Treasurer's Report, seconded by Frank Besten, vote was 7-0.

7. COMMITTEE REPORTS:

• **Building & Plant**

Pat Williams, Chair

Pat Williams stated that Hudak Waterproofing did work on the building. They did an excellent job. The chimney needs to be repaired. Ms. Kehoe was asked to check out the cost of fixing the chimney while they are working on the building. Also need to look into the cost to fix the window in the vestibule by the elevator.

• **Finance Committee**

Dominic Scott, Chair

ratify \$11,900.00 to RLE re: 913 W Grove stormwater repairs \$68,414 to RLE for CSE Grove St repair – payoff of debt service? The two contracts that were awarded on an emergency basis. David Jenkins made the first motion to ratify the votes, seconded by Dominic Scott, vote was 7-0.

• **Grant Committee**

Dave Jenkins, Chair

- **Recycling Committee** Bob Bennett, Chair
 904 Report - DEP due Sept 30. Completed pending addl business 2017 recycling reports. Looking into the Shred Fest in April.
- **Insurance Committee** Vince Cruciani, Chair
- **Personnel Committee** Gerrie Carey, Chair 2
 part-time police officers Thomas Leach, Dereck Caldwell: Bob Bennett made the first motion to hire 2 part time police officers pending physicals and drug testing, seconded by David Jenkins, vote was 7-0.
- **Public Safety/Safety** Pat Williams, Chair
 Pat Williams said when we get these hard rains, stone washes out a lot of intersections. Can the DPW sweep up those areas? Discussed micro pave on Old Lackawanna Trail Road. Vince Cruciani stated that the curbing on West Grove Street needs repair in front of the Elementary School. The curbing is not uniform. Ms. Kehoe stated that this may not be the final pave, they will probably be coming back to finish it. She will double check.
- **Recreation** Dominic Scott, Chair
 Solicitor Hayes wrote a letter to Brennan asking for an update on Carnation Park. Frank Besten stated that there are some deep holes at the park; someone should put a fence around these deep holes. Vince Cruciani stated that he thinks the completion date needs to be by the end of September. Ms. Kehoe stated that she thinks this is reasonable. We have a water buffalo for the plants and trees. Vince Cruciani made the motion that the money doesn't get released on this project until Council formally votes on it again, seconded by Frank Besten, vote was 7-0. Council needs to make sure the punch list is completed. The punch list should be done by the September worksession. Put this on the October agenda.
- **Sewer Billing** Dominic Scott, Chair
 135 Delinquent sewer notices were sent out. There are over 2100 accounts. There are residents who are chronically late. At this point there are 15 accounts that we have not heard of. David Jenkins asked about the house on Main Street that has garbage in front of it. Jenn Basalyga will check it out, as code enforcement officer.
- **ACOG Representative** Frank Besten/Gerrie Carey/Dom Scott
- **Building plans committee** Gerrie Carey/Frank Besten/Pat Williams: Ms. Kehoe stated that Dave Degnon has acknowledged out request to visit Convenient Food Marts and come up with pricing and to talk about putting the police station above the parking lot. He will also coordinate with John Heim. The police building over the parking lot idea is not going to work because the area is too small.
- **LCAB** Patrick Williams
 dinner 9/20 – reservations due morning of 9/14
- **CDBG Needs Assessment Committee** Gerrie Carey/Vince Cruciani/Pat Williams Decision on allocation – elevator overhaul / audible signals. Ms. Kehoe found out that the elevator would qualify for CDBG money if the elevator gets an overhaul. There is an \$86,000 estimate for the elevator. We received an estimate from Northeast Signal to put audible signals in each of our crosswalks with \$40,000 CDBG money. Dave Jenkins asked about light emitters for emergency vehicles. Ms. Kehoe would look into that.

- **SAPA**
- **Additional comments from Council**

Dave Jenkins

Bob Bennett asked about the scales at the police department. The Mayor stated that they are still talking to Dickson City about the scales. South Abington Twp. has scales but they are lower grade. David Jenkins asked about our own police officers, we are the authority that has the authority to do it. The Mayor is in charge of the police department and the chief. Mr. Jenkins said the chief should assign somebody to do it. The Mayor stated that he does not want to send the officer to a specialized training school that doesn't want to go to it. Bob Bennett stated that if we were to upfront two officers to the school. Then both officers take turns doing the job. The Mayor stated that it has to be a full time officer and the class is once a year. The memo went out and no one signed up for it. The Mayor stated that training to inspect vehicles is not a part of their training. He does not believe that you should force an employee to go to school who doesn't want to go to school. He could fail, do we fire him. David Jenkins stated that to even come up with the suggestion that he is afraid that the officer would fail the course is the worst outlook, supposed to have a positive outlook. The Mayor stated that he has faith in his police department. David Jenkins stated that there are \$20,000 worth of scales not being used. Solicitor Hayes stated that Council may assign any member of the police department to attend training classes offered by the federal or state government. Mr. Cruciani stated that you couldn't force an officer to do this job, of inspecting cars unless the Mayor rode with the officer to supervise. David Jenkins suggested calling Senator Blake and ask him to take the scales back. If we hire a new officer that could be part of the conditions. Officer Hall met with Chris and he would like to work for the Borough, we can have a part time police officer and work them 36 hours a week without benefits. That is like getting a full time police officer with no benefits. Get the union to agree in writing that this would not create a problem. Officer Hall would work a permanent shift Thursday, Friday and Saturday nights, 12 hour shifts. Vince Cruciani made a motion to send a letter to the police union asking for the duration of the existing collective bargaining agreement to allow Officer Hall to have Thursday, Friday and Saturday night, ask for a response within one week, seconded by Dave Jenkins. Mr. Cruciani amended the motion to make the time frame 10 days from tomorrow, by the end of business September 17th, get Bob Shedlock's signature. The vote was 7-0.

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**
- **Agreement to terms of EMA Agreement with Clarks Green:** Solicitor Kevin Hayes wanted to make sure that all of the changes Clarks Green made to the agreement were acceptable to Council, including eating out legal and advertising fees. Council was not in agreement with the terms of the contract. They want a contract that will automatically renew for an initial 2 year period, then 5 year periods after that. Council wants the EMA contract to run concurrently with the police contract.

- **Ordinance 2018-04 Cooperative Agreement with Clarks Green:** Tabled
- **Ordinance 2018-05 Volunteer Credits for Clarks Summit Fire Company:** Already discussed.

10. NEW BUSINESS:

President Carey

- A. Resolution 2018-14 Sale Option for Borough Building:** Solicitor Hayes stated that the Council has the right to reject all bids, in the advertisement we will say that the highest bidder would be required to enter an option agreement with the Borough which would provide the borough with the option to sell within one year after announcing who the highest bidder is. After one year this resolution expires. We can also pass a resolution during that period of time saying that we don't want to sell this building. This would be clearly stated in the bid documents. Council decided to open the bids January 2, 2019 and vote at the February worksession. Council agreed not to set a minimum bid. Vince Cruciani made the first motion to pass the Resolution 2018-14 as drafted by the Solicitor with the opening date as the first Wednesday in January and the awarding date, if council chooses to award on the last Wednesday in February with no minimum bid, seconded by Frank Besten, vote was 7-0. That means the end of February is a voting meeting.
- B. Resolution 2018-11 LSA – police vehicles:** David Jenkins made the first motion to move forward with Resolution 2018-11, seconded by Frank Besten, vote was 6-1 with Vince Cruciani voting nay.
- C. Resolution 2018-12 LSA – borough building:** David Jenkins made the first motion to move forward with Resolution 2018-12, seconded by Vince Cruciani, vote was 7-0.
Check with Hudak and see if we can get a bid to repair the inside of Council chambers window area. It should be done before Thanksgiving. Put that in the bid.
- D. Resolution 2018-15 signer for Berkheimer:** Vince Cruciani made the first motion, seconded by David Jenkins, vote was 7-0.
- E. Telespond lease renewal:** First this vote was tabled. Solicitor Hayes stated that the lease expires on Friday. The proposal would be to renew the lease for another year with generally the same terms. One change is that they would begin to cover the expenses for maintenance costs with regard to repairs being made. They would need to indemnify the Borough with a Hold Harmless agreement for any injuries that may occur at the facility. This is a lease agreement that has been going on since 2000. Telespond pays \$18,500 for rent that is not for maintenance. Vince Cruciani made the first motion to extend the lease renewal for months, seconded by David Jenkins, vote was 7-0. Mr. Cruciani stated that all of the terms can be prorated. Mr. Cruciani amended his vote to 4 months because that would take them to the January meeting with all the terms and conditions from the Solicitor.
- F. Resignation – Tanisha Jagoe:** Vince Cruciani made the first motion to accept the resignation of Tanisha Jagoe, seconded by David Jenkins, vote was 7-0.
- G. Letter to Planning Commission re: SAPA:** Vince Cruciani made the first motion to send the Letter to the Planning Commission, seconded by David Jenkins, vote was 7-0.
- H. Adopt MMO:** Vince Cruciani asked Council to table the vote for at least another month until Don Williamson can come in. He has some serious explaining to do

to this. His analysis two years ago was strikingly off. Vote on MMO at the worksession.

Ms. Kehoe stated that we need to get a resolution passed within the next 30 days allocating the CDBG money for 2018. This was tabled and they can vote at the worksession.

11. SOLICITOR’S REPORT: **Solicitor Hayes**
We have agreed to the terms of the settlement with Dennison.

12. CORRESPONDENCE:

- **Julie Shygelski – tax rebate:** Ms. Kehoe stated that the assessed value of her property was incorrectly registered with the county. The county acknowledged that they made a mistake. Statute of limitation questioned. Vince Cruciani made the first motion to pay them 4 years based off the formula. Solicitor Hayes suggested waiting and seeing how the county treats this issue, then he will have a report and a recommendation on this.
- **Jon Grompone – sewer adjustment:** Vince Cruciani made the first motion to approve the sewer adjustment to one EDU, seconded by Bob Bennett, vote was 7-0.

13. EXECUTIVE SESSIONS: **President Carey**

- **Prior-** **August 1, 2018 Litigation**
August 29, 2018 Litigation
- **During-** **None**
- **Subsequent-** **None**

14. ADJOURN: **President Carey**
Bob Bennett made the first motion to recess, seconded by David Jenkins, vote was 7-0.