

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
NOVEMBER 7, 2018**

The November 2018 Borough Council Meeting was conducted on November 7, 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, Mr. David Jenkins, Police Chief Yarns, Mayor Johnson, Solicitor Kevin Hayes and Jenn Basalyga. Mr. Robert Bennett and Borough Manager Virginia Kehoe were absent from the meeting.

**CHERRY HILL PARTNERS – CONDITIONAL USE HEARING President Carey -
ad ran 10/24 and 10/31 property posted 10/24:** Jordan Clark the architect present Council with the plan for the proposed KFC fast food restaurant. David Jenkins asked if they think there is going to be adequate parking, the answer was yes, they meet the ordinance requirements. There will not be a left egress. The Planning Commission made a recommendation that Council grants a conditional use for the fast food restaurant. David Jenkins made the first motion to grant the conditional use, seconded by Dominic Scott. On the question, Vince stated that one of the concerns was with the ventilation, but he thinks that the changing of the footprint addresses that situation. Showed on the plan where the ventilation system is and it is as far away from the neighborhood as you can get it. Pat Williams asked if the grease will be wafling up into the area. The answer was no. Frank Besten asked about the grease trap which is incorporated. Mr. Williams asked about the lighting. The lighting plan has been approved by the Planning Commission. They are using the softest led lighting possible. They will have security lighting for the building. Pat Williams asked about the lights in the drive through. The drive through lights will shine away from traffic. They will have a sign in the same area that the Pizza Hut sign was. It is called a pylon sign. Vince Cruciani asked how many jobs will be created. They were not exactly sure, probably 15 to 20 people. Pat Williams is very concerned about the grease, wafling up into the neighborhood and behind there. He said if you are living there, that is not a good fit. That creates a smell. Matt Keisling stated that with the exhaust systems there are fume scrubbers. He assumes that they would have this to take care of the fumes. They would look into this more. Vote was taken, 5-1 with Pat Williams voting no.

OATH OF OFFICE – Shirley Skinner Mayor Johnson
Solicitor Kevin Hayes stated that Council held a special meeting on October 30, 2018, Council passed a resolution appointing Shirley Skinner to the position of Tax Collector. One of the conditions was based on a successful completion of a criminal background check that has been completed. There is a resolution simply ratifying that appoint based on the successful completion of all the conditions precedent to her full appointment. David Jenkins made the first motion to ratify the resolution for Shirley Skinner, seconded by Frank Besten, vote was unanimous 6-0. Mayor Herman Johnson swore in Shirley Skinner and pictures were taken.

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 unanimous.

2. APPROVAL OF MINUTES:

President Carey

- **September 26, 2018 Council Work Session**
- **October 3, 2018 Council Regular Meeting**
- **October 29, 2018 Council Work Session – Tax Collector interviews**

Vince Cruciani made the first motion to approve all three sets of minutes, seconded by Frank Besten, vote was unanimous 6-0.

3. PUBLIC COMMENT & INPUT:

President Carey

Gerard Hetman, Lackawanna County's Commissioners Office commented on events happening in Lackawanna County. Artie Frank of 410 Carnation Drive discussed Carnation Park. He thanked the Council people came to the meeting last week at Carnation Park. Gerrie Carey stated that the park has been done 100% the way it was supposed to be. The swing sets are gone. Solicitor Kevin Hayes asked if there was anything new from the previous meeting that was discussed. Mr. Frank said there is standing water. Solicitor Hayes stated that this has been discussed at length and asked if there was anything new to discuss. Mr. Frank gave statistics on the rainfall. He contacted an appraiser and he said water attracts kids like a magnet. Mr. Cruciani asked about the correlation between the two. He could submit the report to the borough. The water is not draining because the ground is so saturated. Frank Besten thinks we need to give the park a chance. There will also be signage put up at the park and fencing.

4. POLICE REPORT:

Mayor Johnson

Frank Besten stated that two part time officers quit.

5. BIDS & QUOTATIONS:

President Carey

- **Small Water & Sewer Grant – Repair & Replacement Project – accept bid for MHW Construction for \$189,195.68:** David Jenkins made the first motion to accept and award the bid, seconded by Dominic Scott, vote was 6-0.
- **Open Sheridan Ave bids:** Jenn Basalyga opened the Sheridan Avenue bid; the only bid was from Richard Florey. Mr. Florey was at the meeting and he did state that he was interested in putting in duplex homes in that area. Council has 60 days to accept or deny the bid. The bid was in the amount of \$105,000. David Jenkins thanked Mr. Florey for the bid. Pat Williams commented that Mr. Florey does an excellent job with landscaping.

6. BOROUGH TREASURER'S REPORT

President Carey

Frank Besten made the first motion to accept the Borough Treasurer's Report, seconded by David Jenkins, vote was unanimous 6-0.

7. COMMITTEE REPORTS:

- **Building & Plant** Pat Williams, Chair
Pat Williams stated that they finished the first coat of Abington blue paint on the fence on Bedford Street. They will try to put up a second coat. They will also look into fixing the windows in Council Chambers.
- **Finance Committee** Dominic Scott, Chair
They will be meeting about the budget soon.
- **Grant Committee** Dave Jenkins, Chair
- **Recycling Committee** Bob Bennett, Chair
- **Insurance Committee** Vince Cruciani, Chair
- **Personnel Committee** Gerrie Carey, Chair
2 police officers left. Frank Besten would like to get a meeting together with the Personnel Committee, Chief Yarns and the Mayor to discuss the constant turnover of the part time police.
- **Public Safety/Safety** Pat Williams, Chair
- **Recreation** Dominic Scott, Chair
Gerrie Carey and Solicitor Hayes attended the Clarks Green Council meeting earlier that evening. The issue is with the AAJRB.
- **Sewer Billing** Dominic Scott, Chair
Discussed the sewer billing
- **ACOG Representative** Frank Besten/Gerrie Carey/Dom Scott
- **Building plans committee** Gerrie Carey/Frank Besten/Pat Williams
Gerrie Carey stated that they will set up a meeting for Dave Degnon to check on the convenient building. Mayor Johnson would like to be informed when they are looking into a building.
- **LCAB** Patrick Williams
- **SAPA** Dave Jenkins
- **Additional comments from Council**
David Jenkins asked about the status with paving. Vince Cruciani suggested that Mr. Jenkins refer to Borough Engineer Bob Naegele's email about this issue. Whether or not we can hold retainage. Mr. Cruciani stated that basically Mr. Naegele said that we will hold a longer warrantee. They have to pave the road this year.

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 6-0.

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

- **Replacement for TCC (open)**
- **Alternate for Civil Service Commission (Gerald Siebert):** Vince Cruciani made the first motion to appoint Mr. Siebert, seconded by Dominic Scott. Vote was 5-0.
- **Shade Tree Commission (Mark Taffera replaces Mike Sulzinski):** Vince Cruciani made the first motion to appoint Mark Taffera, seconded by David Jenkins, vote was 5-0.

- **Extend Trash Contract for 2 optional years:** Frank made the first motion to extend the trash contract for 2 years, seconded by Dave Jenkins, vote was 5-0.

10. NEW BUSINESS:

President Carey

- A. Resolution 2018-20 Volunteer Fire Co credit Standards:** David Jenkins made the first motion to approve Resolution 2018-20, seconded by Vince Cruciani, vote was 6-0.
- B. Vacation/Sick Leave buy out:** Vince Cruciani made the first motion to approve the vacation/sick leave buy out, seconded by David Jenkins, vote was 6-0.
- C. Senior Center Lease:** Vince Cruciani made a motion to sign the lease, then it would have to be ratified by Telespond, and he would like to leave open the caveat that if it is a legal nuance responded to by Telespond, not a substantive one, to leave it to the Solicitor's digression for acceptance and ratification. That way Telespond, the Senior Site Council, and the AAJRB will have a full 14 months to get on the same page and make sure that this building lasts and goes forward for another 30 years, that motion was seconded by Frank Besten. Vince Cruciani stated that he would like to see three members of Council, at least a couple members of the AAJRB, and a couple members of the Site Council get together. After that meeting there should be one also with Telespond. AAJRB is the underlying owner and the seniors are the underlying people that use the building and Telespond is the conduit. Solicitor Hayes stated that this is a resolution to enter into a lease agreement which would extend the lease until December 31, 2019. There are terms that need to be worked out. Addressing the maintenance costs and upkeep. Vince Cruciani stated that he would like to keep the November worksession if they need to vote on any contract that expires at the end of the year. This would authorize the president of council to sign and enter the lease agreement on behalf the Borough with Telespond with general terms and costs. The term would go from January 1, 2019 through the end of the year, December 31, 2019. Vote was unanimous 6-0. Mr. Lenahan spoke to Council about the Senior Center. He put data together stating that of the 615 members, 387 are from Clarks Summit. Vince Cruciani brought of the fact that the 387 members have the Clarks Summit mailing address, that does not mean they live in the Clarks Summit Borough. They could be from South Abington, Newton, etc.
- D. Resolution 2018-18 – school district appointee to collect school taxes:** Vince Cruciani made the first motion to accept Resolution 2018-18 pending approval on exact language providing sufficient indemnity as approved by our Solicitor, seconded by David Jenkins, vote was 6-0.

11. SOLICITOR'S REPORT:

Solicitor Hayes

Solicitor Hayes that there was a petition filed against the Borough by Norfolk Southern Railroad who had acquired the railroad that runs through Clarks Summit. Their claim is that they are exempt from certain taxes and that included transfer taxes. Their transfer tax charge is \$2,122, Solicitor Hayes stated that he was instructed to look into a settlement. They will agree to a 25% discount \$1,584. If that is paid within 30 days they would further reduce the payment to \$1552. Solicitor Hayes stated that there is a law that says you can't assess transfer taxes to railroads. Solicitor Hayes stated that he advises this to be paid back. David Jenkins made the

first motion to reimburse the railroad Norfolk Southern, seconded by Pat Williams, vote was 6-0.

12. CORRESPONDENCE:

- **Richard Yarmey – lighting at Woodridge Circle:** Council suggested Ms. Kehoe write a letter back to Mr. Yarmey to let him know that it would be their own responsibility not that of the Boroughs.

13. EXECUTIVE SESSIONS:

President Carey

- **Prior-** None
- **During-** None
- **Subsequent-** None

14. ADJOURN:

President Carey

David Jenkins made the first motion to adjourn, seconded by Dominic Scott.