

**BOROUGH OF CLARKS SUMMIT  
BOROUGH COUNCIL REGULAR MEETING  
JANUARY 4, 2017**

The January 4, 2017 Borough Council Special Meeting was conducted on Wednesday, January 4, 2017 at 7:00 P.M. The Meeting was held in Borough Council Chambers, 2<sup>nd</sup> 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. Bob Bennett, Mr. David Jenkins, Mr. Dominic Scott, Mr. Vincent Cruciani, Mayor Herman Johnson, Mr. Patrick Williams, Police Chief Chris Yarns, Borough Manager Virginia Kehoe, Solicitor Pat Rogan, Junior Council Members Will Carey and Ms. Leonhart.

**CALL TO ORDER:**

**President Carey**

**MEDITATION:**

**Mayor Johnson**

**PLEDGE OF ALLEGIANCE:**

**Mayor Johnson**

**CONDITIONAL USE HEARING**

**President Carey**

Frank Bolock introduced himself, stating that he and his wife own a property at 212 Front Street, that is where he maintains his law office. Mr. Bolock stated that he went before the ZHB and the Planning Commission regarding the pending application for a variance for conditional use. His concern is the infiltration of storm water from the applicant's property onto his property. They are immediately adjacent to the property, the property is situated in a flood zone and it is adjacent to the creek that runs under Lansdowne and behind their properties. They do not have a water problem now, they don't want to have a water problem and he has expressed these concerns to the ZHB and the Planning Commission. The Planning Commission requested that the applicant provide more detail, they weren't able to make any kind of recommendation at that point. A site study was reviewed by Borough Engineer Bob Naegele and Mr. Naegele did issue a report to the Planning Commission. Bob Naegele had some pretty significant concerns about the plan in terms of the storm water issue, Mr. Naegele cites 7 items in page 2 of the report. Ms. Kehoe stated that information was emailed to Council and they do not have that information in their packets, that information is for the land development process, which would be addressed by the Planning Commission. The land development plans would come before Council after being reviewed by the Planning Commission that is not what Council is reviewing tonight, although it was definitely felt relevant to have these issues addressed before the Planning Commission felt comfortable making a recommendation. Mr. Bolock wanted to put this paperwork in as Exhibit #1. Mr. Bolock stated that the site plan does not have the post development contours, is still reflects that the water would flow across Lansdowne, the property in question and then onto his property. The suggestion by the applicant and the land owner is that the land would be modified so that the water flows towards the back of the property, or the side of the property towards the creek in a retention pond. Mr. Bolock stated that is not reflected on the site plan. Mr. Bolock stated that he thinks before the Council can grant a conditional use, the inadequacies that the Borough Engineer has observed should be rectified and addressed so he can give the appropriate guidance. David Jenkins asked what Mr. Bolock's address is. Mr. Bolock stated that his mailing address is 212 Front Street. The applicant's address is 100 and 102 Lansdowne. Mr. Bolock requested that the Borough Engineer be given sufficient information to satisfy the issues that he has found. Allow him to complete a recommendation to present to Council before moving forward. Mr. Bolock stated that he would like to see a plan with the appropriate contours reflected on the plan. Mr. Bolock stated that the Clarks Summit Borough has a pretty extensive

storm water maintenance ordinance. He thinks that the final plan should reflect that the landowner and the applicant would have to abide by the MS4 regulations, terms and conditions. One of the requirements of the MS4 ordinance is that the landowner sign an operations and management agreement so if Council determines that the proposed storm water detention pond and the plan that is to be completed is sufficient. In the plan that was submitted there was a berm or a curb that runs part way along their common property line and along the border area. Mr. Bolock stated that his preference is that border or berm run the full length of the property at a height that the engineer thinks is appropriate to deal with storm water. Bob Bennett asked whose property the berm is on. Mr. Bolock stated that it is on the applicant's property. The ZHB is set to grant a sidelines setback variance, normally it is ten feet, and the request for the variance is to make it three feet. So if it goes forward as planned the buffer would exist along their property line and the berm according to the plan is on the applicant's side of that area. Their hope is that the final plan would show that berm running the full extent of the property, past the parking out past the retention pond and that it would loop around in front of the parking spots to capture any water so it doesn't leak into his property. That was discussed and he believes agreed upon by at least the land owners and the engineer last night, he just wants to make sure that is shown on the plan. Mr. Bolock requested some kind of swale along the Lansdowne Street side of this property. Right now there is a sidewalk, a dirt area, there is no curb and the pavement is starting to deteriorate. Lansdowne Street is about 4 feet higher than his property. So the water will run off Lansdowne, it does now, but it runs onto a grassy area and they have not encountered any water problems. He would like to see that depicted on the plan. Pat Williams asked where that water would be directed then. Mr. Bolock stated that the water would run down Lansdowne and then probably down Front Street. Unfortunately there is no catch basin at the corner of Lansdowne and Front Streets. Mr. Bolock stated that there is a water issue there currently and his thought is capturing more water as it leaves Lansdowne, improving that swale would protect his property. But it would not solve existing water problem. Mr. Bolock stated that he would want the Borough Engineer on site to do an inspection during the varying phases of the grading during construction. Mr. Bolock doesn't think Council can grant conditional approval that evening and it would be in everybody's best interest if the Borough Engineer was allowed the opportunity to complete his study. Attorney Al Weinshank with Oliver, Price, and Rhodes, he represents the property owner Bernadette Keisling. What is before Council that evening is the conditional use application, not the land development application that Attorney Bolock has referred to which requires all of this plan modifications including storm water runoff. Attorney Weinshank stated that the purpose of this public hearing is to consider the conditional use application. This property is currently a non-conforming use under the Borough's Zoning Ordinance. The zoning is professional residential, RP, this property has a non-conforming use certificate which allows it to be used as a retail, rental and a storage facility. That was granted in 2004. The applicant has proposed to do is convert it to a professional psychologist office in connection with that conditional use under the Zoning Ordinance and it requires some additional parking. The ZBH granted a variance request reducing the parking to 4 spaces and conditioned their approval upon the approval of the Planning Commission and Borough Council. So all they are considering that night is the conditional use not the land development plan. The land development plan will be presented to the Planning Commission on January 19, 2017. They will review and make a recommendation. Then the land development may come before Council in February 2017. The land development plan is not what is on the table tonight; it is only the conditional use. The Planning Commission recommended approval with certain conditions. Ms. Kehoe read the Planning Commission's recommendation and conditions. Vince Cruciani asked if for some reason the conditional use isn't approved or denied and is put forward in a later meeting does that impede the Planning Commissions ability to meet later and place those conditions on it right there so they would have the land development and the conditional use

votes at the same time in February. Attorney Weinshank stated that is a possibility but they were hoping that Council would consider at least the conditional use that night as he client has spent over \$5,000 with the Borough and \$7,000 in engineering fees and if they don't get the conditional use approval, why spend more money trying to comply with full blown development plan. If the conditional use is disapproved then they don't have to spend money revising the plan. The two conditions that Mr. Bolock presented, the curbing to wrap around to prevent the water from flowing onto his property, his client agreed to. The second condition with the water coming down Lansdowne is really not the applicant's problem but they are willing to put in a swale so that the water continues to flow down not onto Mr. Bolock's property. He thinks they have satisfied Mr. Bolock's concerns with respect to the conditional use agreement. Attorney Kevin Smith spoke on behalf of Dr. Hawver. Dr. Hawver has had her business in the Clarks Summit Borough for the past 10 years. She is renting now, she has an issue with parking right now and she would like a building of her own. The zoning states that they can have a professional office as long as the building fits the character of the neighborhood. The building does sit on Lansdowne and Front Streets. On Front Street there are three total structures, there is an accounting office, Attorney Bolock's office and this building being discussed. The current building was being used as a dog grooming business. The parking for this building is basically on the street. They were being proactive and got a variance for parking for 4 spots. They would like some sort of direction whether the use itself would be approved before they get into land development. The longer this drags out it is detrimental to his client. Vince Cruciani asked if it is changing its conditional use from storage, retail, and apartments to strictly residential professional or to incorporate residential professional as a 4<sup>th</sup> possibility of conditional use. Attorney Smith stated that the building would be used primarily and solely for a psychologist office, so the non-conformity would be gone forever. Mr. Weinshank stated that if the client decides not to move forward then it still has a non-conforming use. Ms. Kehoe stated that the non-conformity is lost when it's abandoned for a year or more. Bob Bennett asked Solicitor Pat Rogan it's been pointed out that there are two issues, one for planning and one for zoning. If in doing this conditional use now so they are able to move forward and then at a later date the planning commission comes up with certain recommendations, which aren't acceptable. How does that impact the final sale going through and Council's standing? Solicitor Rogan stated that they are required to get both conditional use and land development approval. David Jenkins stated that they have to cross this bridge first; they need the conditional use first. Dr. Hawver stated that she started this process back in September 2016, and she needed to be out of her building, she has a lease but the longer this goes on, she needs more space and if she cannot move forward with this building then she will need to go somewhere else. Jamie Kresge asked if it is putting the horse before the cart for doing the conditional use before all of these issues that Attorney Bolock brought up. Solicitor Rogan stated that there are some recommendations that the conditional use would be contingent upon if it is approved. Herman Johnson stated that he thinks Mr. Kresge is right, because that is a flood zone area and the Borough has spent a lot of money working on Lansdowne creek and putting the park there. Mr. Johnson stated that before that it always used to flood out. All the people on Lansdowne, their backyards were flooded. Mr. Johnson stated that he doesn't feel comfortable making a recommendation, if he was a council person. He is worried about the Borough being liable for flooding. Mr. Weinshank stated that is addressed in the land development plan. They are trying to get guidance to see if they can even move ahead to the land development. Mr. Weinshank asked why they should spend additional money designing and satisfying our engineer's concerns which they are willing to do if they cannot get approval for the conditional use. The conditional use has nothing to do with the water runoff, the land development, those are separate issues. Solicitor Rogan's concern is there are seven members of council they are part time, not full time, they are getting inundated with a bunch of material in the last 24 to 48 hours and in fairness to them they haven't

had an opportunity to review it. Mr. Weinshank stated that most of the review is the land development portion. Solicitor Rogan stated that his review of seems that they are all moving in the right direction, he is just thinking about the fairness to Council to make sure they had enough time to read the documents and feel comfortable with a decision. Solicitor Rogan suggested they recess until the work session at the end of January for them to make their decision. That would be after the January 18<sup>th</sup> meeting of the Planning Commission. Vince Cruciani stated that suppose it was moved forward to permit the conditional use and for some reason the Planning was not approved. Where does that leave them? Mr. Weinshank stated that they would be done. Bob Bennett stated that if the applicant backs out then Mr. Keisling still has a retail space. Gerrie Carey stated that they can go into executive session over this. Vince Cruciani stated that they can't go into executive session for this. Frank Bolock stated that he knows Council feels pressed to make a decision tonight but the planning code states that they have 45 days from the date of the hearing. Council needs to decide if this business is going to have an adverse effect on the flooding issue. Vince Cruciani stated that last year council changed their planning to an advisory, so it will come back to Council. Bernadette Keisling she is the property owner. Her daughter had the dog grooming business there; they never had a complaint from one person. She thinks this is so overblown in her opinion. Herman Johnson stated that years ago they did have issues there, the borough addressed it and they just want to make sure that they don't have issues down the road where the Clarks Summit Borough would be liable for. Mr. Johnson stated that he couldn't vote because he hasn't reviewed the documents. Vince Cruciani made the first motion to approve the conditional use application with all of the restrictions placed upon it by the Planning Commission, seconded by Bob Bennett, vote was 6-1 with Pat Williams voting no. Pat Williams stated that after they have the conditional use, it's a go and Mr. Cruciani shouldn't have done that, Mr. Cruciani disagrees; Mr. Williams stated that they have Bob Naegele's report to look at. Mr. Cruciani stated that they can't develop the land unless they pass the parameters. The parameters are going to be checked by MS4. Mr. Williams stated that is putting the cart before the horse and they should have gotten all of this addressed first and then gone with the conditional use. Mr. Williams stated that she (Dr. Hawver) seems like a nice young lady and he sees nothing wrong with psychology in the borough. Dominic Scott said ok let's move on. Mr. Williams stated that he wanted to put his two cents in and Gerrie is the president, she conducts the meetings. Gerrie Carey stated they were ready to move forward.

Two boy scouts, James and Joey asked Council if there are any issues in the community that young people can help impact. David Jenkins stated that there are always ongoing issues that will eventually affect the young people in the borough. We have 2 junior council members, have input, not a vote, on what they hear from the high school and if there are concerns or activities they want to get involved in. The scouts asked about the recycling in the borough. Bob Bennett stated that the borough has a recycling committee and last year they had a shred fest, 2 tons of shredding. Helping our senior citizens getting their recycling out of their vehicles, etc. When we have our shred fest, if the scouts are available, they could help and get credit for being there. Herman Johnson stated that we have tire recycling, over 175 tires collected. We do a lot of recycling. Vince Cruciani stated that one thing he recommends for young people to do is pay attention, read, educate yourself, get involved, read the newspaper and books. Be a leader, understand what is going on, it is difficult but don't quit, perceiver. Herman Johnson suggested getting involved with the junior council and help when they can.

Judge Barrasse and Tom Carter received plaques for their involvement in the drug court program.

Greg Kozar with the AAJRB, spoke to Council. Vince Cruciani stated that Council wanted to know if the leagues that participated, contributed and if the AAJRB asked for an increase that the league's contributions would be commensurate over a several year period of time in the increase. Mr. Cruciani stated that about every 3 to 4 years for a 10% increase being asked from the taxpayers, which is a couple dollars per person a year. Mr. Cruciani asked where it can be demonstrated that the growing plots or the leagues that meet there are charging that same amount per person per year, or initiating that process. Mr. Kozar stated that he doesn't think it can be shown that the leagues are charging its participant's directly. The leagues have contributed to the success of the park by helping build the fields, by helping make the park what it is. Do the participants pay a fee directly, no the leagues don't charge a fee but at the same time the leagues do all of the improvements with the help of grants and matching funds. Vince Cruciani stated that really has to do with the infrastructure expansion, not with operating costs. Mr. Cruciani's concern has been that the economy in the last 10 years hasn't warranted the proportionate expansion of the park. If you look at the median income of the people that live here, it is not expanding like the park is. The park was expanding because of the grants, but that is what is causing the increase in the operational costs. Mr. Cruciani asked that it be demonstrated that for as much as a per person increase that the tax payer is getting asked for, the non-profit use also be asked for that increase. Mr. Kozar stated that he brought this issue to the AAJRB. He brought to the table that there should be some kind of use fee, there were mixed reviews. Vince Cruciani thanked Mr. Kozar. Ms. Kehoe stated that the other issue is the audit vs. a review. Mr. Kozar stated that Clarks Green will consider pulling out if they don't continue with the audit. Vince Cruciani asked how much the gardening plots cost. Mr. Kozar didn't know. Mr. Cruciani suggested charging the people in the leagues and the people that have a gardening plot an additional \$3.50. The pushback that Mr. Kozar is getting is that people in the leagues say that they already pay a tax why do they have to pay a second tax. Kids come from different areas, do we start policing where the kids are coming from. Mr. Kozar stated that all of these topics have come up, do you assess Clarks Summit doesn't have to pay, maybe Dalton and Newton does, it's not as clean cut. Frank Besten asked how much the audit costs. The audit costs \$8,000 and that was a discounted rate. Clarks Green's contribution is about \$6,000. Mr. Kozar stated that the review is considerably less which is what they are pushing for. The grant money goes through the Clarks Green Borough.

**JUDGE BARRASSE/TOM CARTER: Presentation**

**President Carey**

**AAJRB response re: partner donations. Resolution re: reviews vs audits?**

**Greg Kozar**

**1. APPROVAL OF AGENDA:**

**President Carey**

Vince Cruciani made the first motion to approve the agenda, seconded by Frank Besten, vote was 7-0.

**2. APPROVAL OF MINUTES:**

**President Carey**

**November 29, 2016 Work Session:** Bob Bennett made the first motion to approve the minutes, seconded by Dominic Scott, vote was 7-0.

**3. PUBLIC COMMENT & INPUT:**

**President Carey**

Charlotte Bellas, 417 Harwood Avenue, Ron Enslin is the landlord. She asked for a payment arrangement to have her water turned back on. Gerrie Carey asked if this is the first time she has had a hardship. Ms. Bellas stated that she did make a payment arrangement and paid it off before. Vince Cruciani stated that the owner is

responsible at this point. Jenn Basalyga stated that Ron Enslin the landlord is getting the bill but the water is already shut off. Bob Bennett stated that since January 2017 the landlord is now getting the sewer bill, but the bills she is talking is about was from 2016. Solicitor Rogan was asked who is responsible for this money owed from 2016, the tenant and the landlord. Solicitor Rogan said he would have to review that. Ms. Bellas stated that she did agree per lease to be responsible. Ms. Kehoe stated that regardless even if the landlord doesn't pay our policy is to shut off the water. It's not the landlord living in the building, it's the tenant. Jenn Basalyga stated that was part of the whole situation, the landlord was told in 2015 that if they wanted to incorporate the sewer fee into the lease, it was up to them. Ms. Basalyga stated that \$764 is delinquent through December 2016. How much is fees, \$300 penalties and fees to shut the water off. Ms. Bellas stated that she would be able to make a \$100 a month payment. David Jenkins made the first motion to pay \$100 a month and when Ms. Bellas gets her income tax back she will pay a substantial amount to the balance. Mr. Cruciani wanted to make sure that this is only on the back balance in 2016, nothing going forward. That is correct. The fee to turn the water back on is incorporated in the \$764. The motion was seconded by Dominic Scott. Vince Cruciani stated that it needs to be either \$100 a month, not including the income tax or a hard number by a second date because he doesn't think that is clear enough. Ms. Bellas stated that she would just pay it off when she gets her income tax refund. Mr. Jenkins stated that they will just leave it at \$100 a month. Vote was 6-1 with Vince Cruciani voting no.

Jackie Bush and Anita West, both live on Summit Avenue. They came to discuss 316 Summit, Ian Castrogiovanni's property. They believe that it is vacated. They think that it is now Wells Fargo owned. Their concern is that if it's vacant and there is a whole in the roof, there is a fence up blocking the addition that has fallen. The back yard is filled with junk. The concern is that this is a hazard. Pat Williams asked if they contacted our Code Enforcement Officer, she was contacted. They said yes, he was cited at one point but it is still a mess. Pat Williams asked if she followed through. Virginia Kehoe stated that they were in court recently; the magistrate was satisfied with what was done. The Code Enforcement Officer is in the middle of a new process, but we can't go after Ian if he doesn't own it anymore and we don't have an appropriate title of ownership. So we can't do anything until we know who the proper owner is. Ms. Kehoe stated that Lori has a number of different contacts with the banks; hopefully she will be able to get someone on it. Chris Yarns stated that he believes that the property is vacant, that there is no one living there. Anita West stated that she will see lights in the house sometimes at night and she has called the police. Chris Yarns stated that Ian might have gone in the house to retrieve something, if it is him he doesn't know where they lie on evicting him. Ms. Bush said they are worried about kids getting in there and lighting a fire. Chris Yarns stated that if there are kids in there, they would get cited for trespassing. Call the police if they see someone in or on the property. Vince Cruciani discussed a vacant property it sits back behind Marion there is a set-back house with a long driveway and it is vacant and it doesn't have windows. It's disconcerting every time Mr. Cruciani sees it. He asked if that has been brought up in the last couple of years. Ms. Kehoe stated that she is not aware of anyone making a complaint about that property. Ms. Kehoe stated that she would call the two neighbors and let them know the status and what the borough is going to do next. Virginia Kehoe stated that he county does not have a board of health. Herman Johnson stated that the county does have a board of health. Gerard Hepman is not aware of a board of health in Lackawanna County,

but he would look into it. Vince Cruciani stated that if we contact the bank who owns the property perhaps they will be concerned about their liability. Pat Williams stated that he has been involved with that property for 15 years; he's hoping something will happen there. Chris Yarns stated that when it comes to the house the police have to work within the parameters of the law. Pat Williams that house is a disaster to the neighborhood.

Jamie Kresge, 400 Earl Street spoke to Council. This past summer American Water did work on Earl, Greenwood, and Haven Lane. They increased the line to 12 inches. One day they came home in the fall and there was a crew in their yard looking around. They indicated to Mr. Kresge that they were going to put a water line and they had the easements to put it right through their yard. He was told that Scott Reiner was in charge of the project. Mr. Kresge called Mr. Reiner came to meet with him. Mr. Kresge stated that they modified it and worked up to the side of the road on their property line. Mr. Kresge called to inquire when the water company would be back to clean up from their work. Scott Reiner stated that the project should be done by late September and by October to fix it. Mr. Kresge stated that the water company cracked the sidewalks, they dug up the driveway and never came back to fix it. They came back and did a patch job, all the borough streets in that neighborhood are terrible with potholes. November they came back and tried to fix it but it still looks terrible. Mr. Kresge wants to make sure that Council is aware of this and that Council will intervene with American Water and their contractors who they bid out to come back to fix the whole problem. UGI came in and did work, they completed the job and repaved, it looks great. He would like the borough to address this with the water company. David Jenkins stated that he has spoken to the neighbors on Haven and Greenwood and they are thoroughly disgusted with the water company. Vince Cruciani discussed if we have standing with the number of feet with the easement. Mr. Cruciani stated that our Solicitor Pat Rogan sent a letter to Senator Blake about this issue, so the formal correspondence has begun with the legislators, because we have less recourse than we would like to. Mr. Cruciani stated that the water company is a utility that is governed by state law. But if they are destroying our property then we could have actual literal recourse, but they operate under certain utility codes. Jamie Kresge stated that as citizens should not have to hire someone to represent them to a company that is much larger for the damages they caused. Vince Cruciani suggested a letter to the Attorney General's office. Solicitor Rogan suggested waiting to hear back from John Blake.

Gerard Hepman, Lackawanna County's Community Relations Department spoke to Council.

Mike Malone, 1008 Sleepy Hollow Road addressed Council. Mr. Malone stated that there is a sewer line running through his neighborhood that ends at the end of his driveway and comes down between his property line at 1008 and 1006 Sleepy Hollow. From there it goes to the swamp and makes a right and goes onto Sunset Street. On three separate occasions this sewer line has backed up and has come into his home. It happened in 2004, 2009 and 2016. There was a proposal to prevent this from happening in the future and it had something to do with installing a back flow preventer on the line that would prevent the sewage from coming back into his home. Mr. Malone showed pictures of the sewage damage in his house. Gerrie Carey asked if Mr. Malone put a back flow in. Mr. Malone said he did not, why put in a back flow

when it is not his sewer. Gerrie Carey stated that would protect his house from the sewer flowing back in. Mr. Malone stated that there is nothing wrong with his system, the problem are the tree roots that get into the system and jam him up. Back in 2009 there were two conditions, the second one was that left the Borough hold-harmless to any future events that happen as a result of this back flow preventer. David Jenkins stated that is if the back flow preventer was put it but it wasn't. Mr. Malone stated that he didn't put one in because he didn't want to be liable if the back flow didn't work properly. His attorney advised him not to sign it because it because of the hold harmless agreement. So they are probably good for another 5 years after Virginia send out a crew that got in and cut the roots out. Vince Cruciani asked if the roots penetrated the line, how did they not have to replace that whole segment of line, because that line would then be porous. Mr. Malone stated that the problem doesn't happen where the willow trees are; it is about 300 yards away from that point. Mr. Malone stated that Roto-Rooter came on Thanksgiving evening and the next morning and cleared the line with the high pressure hoses, then it's good for a couple years. Ms. Kehoe stated that the crew that went in yesterday was flushing the line so they can camera it and determine the condition of the main. Frank Besten stated that there are traps that go into your basement right before the sewage goes outside, nothing can come back in. That is a back flow preventer. Mr. Besten stated that if Mr. Malone put that in his house why would he be responsible for his neighbors. Mr. Malone stated that the back flow preventer was to be installed on the borough's line. Mr. Malone is talking about the hold harmless agreement with the Borough. Vince Cruciani stated that the issue wasn't the Malone's putting a trap in their basement, the issue is the borough putting a trap on the main line adjacent to the Malone's and then asking them to be responsible for it. Ms. Kehoe stated that the trap was never going to go on the main, it would have gone on the lateral. If the borough put it on it was going to be on private property, but the borough doesn't go on private property without some kind of hold harmless. They have a manhole on their property. Mr. Cruciani stated that he thinks everybody has a common objective and there were some roadblocks 7 years ago that didn't lead to that getting accomplished. They should meet with Mr. Malone and discuss the options. Ms. Kehoe stated that when the cameraing is done she will receive a written report. They are cameraing the whole area, not just the Malone's'. David Jenkins asked in the meantime if the borough can take care of the damages from this exercise in futility. Ms. Kehoe stated that the borough did pay roto rooter because they did have to work in the main. Herman Johnson stated that if that root damaged that pipe how did they repair it. Ms. Kehoe stated that they removed the roots. Vince Cruciani stated that there are three things to discuss. They need to see what is wrong after the cameraing, how to make the Malone's right after the cleaning, and how to prevent this from happening in the future. We have to wait for roto rooters report on the cameraing, they will have a public forum to address that at the work session in January. Mr. Cruciani stated that Council has to wait to get a statement to approve anything for the expenditures. They did have the expense of replacing their floor and toilet. None of his receipts have been submitted yet. Bob Bennett stated that this is the purpose of having insurance. Mr. Malone stated that his out of pocket if going to be about \$800 and he is not going to file a \$300 claim. Vince Cruciani suggested adjourning to reconvene at the worksession to vote on this subject alone. In that period of time Mr. Malone can itemize and send it to the borough. Mr. Cruciani volunteered working with Gerrie and Virginia on this. Mrs. Malone asked where the back-up goes if it isn't in their house. Mr. Cruciani stated that the only way they could find that out is by sending in

pressurized fresh water to create a back flow. Ms. Kehoe stated that they are not sure exactly what is causing this. They will never be able to guarantee that this will happen again. All they can do is routine maintenance by state standards.

**4. POLICE REPORT:**

**Mayor Johnson**

David Jenkins stated that he has seen more parking on the opposite side of the street. On Zimmerman, and by Everything Natural, they are parking right up to the corner. They are disobeying the stop sign law and parking on the opposite side of the street. Chief Yarns stated that he would notify the other officers. The 2 new cars 2017, issue with a shelf in the back of each one that is supposed to be installed. The laptop mounts are wrong. They will come up and use our DPW garage and fix that. He will also get municipal tags on them. Discussed getting rid of the old unmarked car, the Crown Vic. Use the Tahoe as a car to use instead of the Crown Vic. Council used to use the vehicle for training and classes. David Jenkins asked about who will enforce the trucks commercial vehicle enforcement in the area. Not sure what is going on with Ed Orzalek yet. Mayor Herman Johnson stated that they are posting on the bulletin board for any officers interested in that position, but there is only one class a year and it is usually in the summertime, so they still have time. There is a quota, and they stopped that because he is out on heart and lung. We don't know if he is going to come back or not. Vince Cruciani stated that from a budgeting point of view they accounted for Ed not to work up to the first report date, not the second one. So whatever the difference is, that will offset some of the cost in training. Mr. Cruciani suggested having a start and end date for this posting. Mayor Johnson stated that 3 men were interviewed for the part time officer position.

**5. BIDS & QUOTATIONS:**

**President Carey**

- None

**6. 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

David Jenkins stated that the police vehicles have been received and in service.

Frank Besten stated that he sat with the Chief and the Mayor for the three interviews for a part time police officer, and he thinks they made an excellent decision. Gordon Demming lives in Blakely, he has been an officer for 3 years, graduate of Lakeland high school. He is currently employed with Waverly Twp., he has all of his training, he certified by the state to train other officers. Herman Johnson stated that he would like to see Officer Demming come on board, he has all of the certificates, and all of the training and that cuts down on us trying to train him in a different way. Frank Besten made the first motion to hire Gordon Demming as a part time police officer with the Clarks Summit Police Department, seconded by Dominic Scott, vote was 7-0.

- **Public Safety/Safety** Pat Williams, Chair

- **Public Works**

Pat Williams, Chair DPW

Pat Williams stated they need to start talking about the paving in the Borough, picking the streets for next year. Frank Besten stated that he would help. Ms. Kehoe has the list. Vince Cruciani asked for the 100 block of Woodlawn, Ms. Kehoe stated that was their call, she asked for the final list sooner than later because Council will come asking why we are paving in August and September and she can't do anything until this is done, getting the cameraing done where it needs to be and sewer and stormwater repairs done. So she needs the list as soon as possible.

- Monthly report

- **Recreation**

Dominic Scott, Chair

- **Sewer Billing**

Dominic Scott, Chair

Dominic Scott asked about the 22 people that are on the payment arrangement, he asked how many people need to be called and reminded. Jenn Basalyga stated that there are around 6 people that need reminding, then she received 2 payments and 4 people will receive the certified letter stating that the a payment in full is needed. Vince Cruciani asked about the 4<sup>th</sup> quarter, 28,000 delinquent, almost double a quarter ago, what does she thinks accounts for that. Not sure, take a look at it, and she will be sending out delinquent letters. David Jenkins said good job.

- **Stormwater Committee**

Herman Johnson 2/1

Public Information Session at 6:30 in Council Chambers: Herman Johnson stated that Virginia Kehoe has been doing a great job with this because it covers our MS4. Need to have two of these meetings a year.

- **ACOG Representative**

Gerrie Carey/Dom

Scott/Frank Besten

- **Liquid Fuels Research**

Bob Bennett

Solicitor Rogan stated that he talked to Mr. Lavelle and he doesn't have a file. Mr. Lavelle suggested making a new need, a new dedication deed.

- **Additional comments from Council**

Pat Williams stated that the newsletter was well done, it was very thorough and there was a lot of information on it, he said Virginia did a good job. Ms. Kehoe said thank you.

**7. BOROUGH TREASURER'S REPORT**

**President Carey**

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

**8. VENDOR PAYMENTS TO BE RATIFIED:**

**President Carey**

Bob Bennett made the first motion to pay the bills, seconded by Frank Besten, vote was 7-0.

**9. OLD BUSINESS:**

**President Carey**

**10. NEW BUSINESS:**

**President Carey**

- **Vote – Appointments**

APPOINTMENT OF ONE 1 SEAT AND ONE 1 ALTERNATE SEAT ON ABINGTON AREA JOINT RECREATION BOARD Gregg Kozar – incumbent, June Burns – Alternate incumbent

David Jenkins made the first motion to appoint Gregg Kozar and June Burns to the AAJRB, seconded by Bob Bennett. On the question Vince Cruciani stated that he doesn't recall June Burns being here at a meeting in the last two years. David Jenkins stated that June Burns has been on the board for years and she is there at every AAJRB meeting, she is dependable. Vote was 7-0.

**APPOINTMENT OF TWO 2 SEATS ON THE CIVIL SERVICE COMMISSION** replacement for Wes Dunn term expires 12/31/17 and David Jones – incumbent  
Vince Cruciani discussed Jim Klein filling Wes Dunn's seat as he is in the Vacancy Board. David Jenkins stated that he would be interested in filling the position from Wes Dunn until the end of the year. Ms. Kehoe stated that we can only have one representative from Council and Dominic Scott has that. Herman Johnson stated that he does think the Vacancy Board does fill this seat until the end of the year. Virginia Kehoe stated that she would inform Jim Klein about filling Wes Dunn's seat until the end of the term. Bob Bennett made the first motion to appoint David Jones to the Civil Service Commission, seconded by David Jenkins, vote was 7-0. David Jenkins made the first motion to appoint Jim Klein to the Civil Service Commission

**APPOINTMENT OF ONE 1 SEAT ON ABINGTON REGIONAL WASTEWATER AUTHORITY** Paul Murphy - incumbent  
Vince Cruciani made the first motion to appoint Paul Murphy, seconded by Dominic Scott. On the question David Jenkins stated that this is a 5 year position on the Sewer Authority. Vote was 7-0.

**APPOINTMENT OF ONE 1 SEAT ON PLANNING COMMISSION** John Recicar – Incumbent  
David Jenkins made the first motion to appoint Jack Recicar to the Planning Commission, seconded by Pat Williams, vote was 7-0.

**APPOINTMENT OF TWO 2 SEATS ON THE SHADE TREE COMMISSION** Sallie Mahady - Incumbent and replacement for Lori Jewett  
Vince Cruciani asked how many members the Shade Tree Commission has. Virginia Kehoe stated that they have 5. Mr. Cruciani asked if it benefits us to reduce the number to 3. Ms. Kehoe stated that she doesn't think so because it is all volunteers and a lot of work. The less people you have the less that gets done. David Jenkins made the first motion to appoint Sally Mahady to the Shade Tree Commission, seconded by Pat Williams, vote was 7-0.

- **Resolution 2017-01 Police Pension Withholding:** David Jenkins made the first motion to approve Resolution 2017-01, seconded by Bob Bennett, vote was 7-0.
- **Motion to accept/reject deposit of \$5,000.00 on PC fees for 100-102 Lansdowne:** David Jenkins made the first motion to accept the \$5000 deposit on 100/102 Lansdowne, seconded by Frank Besten vote was 7-0.

**11. SOLICITOR'S REPORT:**  
**Mulhern/Rogan**

**Solicitor**

Summit Avenue deed has been drafted, the Marion Street search is done and the property from Andrew Weinberger, his father Gerrie has been in touch with them and they are preparing the deed. David Jenkins asked if we are ok on Marion Street, Solicitor Rogan stated that he didn't find a problem there. Vince Cruciani stated that we still need to sign the Summit Avenue deed. Ms. Kehoe stated that the deed needs to be presented to the owner for her review.

**12. CORRESPONDENCE:**

- **Malone**

**EXECUTIVE SESSIONS:**

**President Carey**

- **Prior-**
- **During-**
- **Subsequent-**

**ADJOURN:**

**President Carey**

David Jenkins mad the first motion to recess until the work session, January 22, 2017, seconded by Vince Cruciani, vote was 7-0