

**BOROUGH COUNCIL SPECIAL MEETING
JANUARY 25, 2017
7:00 PM**

The January 2017 the Borough Council Special Meeting was conducted on Tuesday, January 25, 2017 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 Gerrie Carey, Mr. Bob Bennett, Mr. David Jenkins, Mr. Frank Besten, Mr. Patrick Williams (arrived at 7:07), Mr. Vincent Cruciani, Borough Manager Virginia Kehoe, Mayor Johnson, and Solicitor Rogan. Absent from the meeting was Dominic Scott, Jr. Councilmembers Mr. Carey and Ms. Leonhart.

1. WORKSESSION: President Carey

2. PUBLIC COMMENT President Carey

- **Malone's sewerage damage remediation:** Gerrie Carey stated that the Borough will pay the Malone's for their damages and for Roto Rooter. The Malone's are going to hire a contractor to put a back flow preventer in their yard. When this work is completed the Malone's will get in touch with the Borough and we will pay for the installation of this back flow. Virginia Kehoe stated that the motion for that evening is up to \$1,000. Vince Cruciani made the first motion that upon the Malone's installation of a back flow preventer by a licensed contractor, the Malone's are to be directly reimbursed \$634.60 for damaged property, Roto Rooter will be directly compensated for the work done at the Malone's in the amount of \$3,314.96, upon this vote after procuring an invoice showing no more than \$1,000, the Malone's will be compensated for the amount of that invoice. Mr. Cruciani stated that one the record he wanted to make a comment regarding if this goes over. Ms. Kehoe stated that the other part of the motion that is understood that the Malone's are taking ownership and responsibility of the back flow preventer. Mr. Cruciani stated that he was going to make that part of the question after the vote because it is not technically part of the motion. Mayor Johnson asked if they are responsible for the back flow meter on their property or on the Borough's property. Vince Cruciani stated that everything is theirs, including installation. The motion was seconded by David Jenkins. Vince Cruciani made two comments, first if the Malone's run into estimates higher than \$1,000; they are advised to being the estimates to Virginia Kehoe for discussion. Also the Borough is not taking any ownership in this; this is a way to prevent future damages. The Malone's own this and they are not signing any waiver. The back flow is the Malone's, they own it. The vote was 5-0.

Adjourned and Re-Opened the Meeting at 7:06

- **Ryan Mitvalsky – Abington Little League:** Ryan Mitvalsky, President of the Abington Little League, asked permission to rent or lease the Sheridan Avenue baseball complex for the 2017 year. They started out last year with their own volunteers cutting the grass, they did hire a service to help keep up with the grass.

They cut the grass on the inside of the field only. Towards the end of the season the Code Officer noticed some debris and branches growing. In consideration with moving forward with the lease for 2017 he has Arendt outdoor services will be taking care of the lawn mowing and weed control for the inside of the baseball field and the outside of the field. He received bids for tree trimming contracted with DJ Tree Services. He also had a bid put in place for a scraps/junk guy to remove the wooden bleachers, they are unsafe but this person wasn't licensed or insured. So he needs to look for someone who is. They would then install a 3 level aluminum bleacher. This is the T-Ball field. Frank Besten wanted to make sure they will stay within the legal limits of trimming the trees, not to go on a neighbor's property. Vince Cruciani suggested favoring the trimming 2 or 3 feet into the Borough's property because it would be better to error this way. Mr. Mitvalsky agreed. David Jenkins stated that he would like to move this forward to the regular meeting with a 5 year lease. Gerrie Carey stated that a yearly agreement may be the better choice. Mayor Johnson agreed with Gerrie Carey about having a yearly lease. David Jenkins stated that is nice that the Mayor agrees, but that is Council's decision not his decision as Mayor. Mayor Johnson stated that as the Mayor of Clarks Summit he can always put his input in, Mr. Jenkins stated that he did that and it is noted. Vince Cruciani stated that he applauds the Little League Organization because he is firm believer that leagues can generate the money to take care of the fields, so that the cost is not on the taxpayer and that doesn't happen at the field by the State Hospital much to his disliking. But it does happen at the Abington Little League Field. David Jenkins stated this is why he is inclined to give them more time, maybe two years, that way it gives them a little lea way. Bob Bennett asked is there any question where someone can ask why he is trimming their tree. David Jenkins said no if it is hanging over the property line.

- **Downtown article:** Virginia Kehoe stated that Clayton from the Scranton Times wrote her and said they are doing an article on downtowns. Clayton has been assigned to write about Clarks Summit's downtown and he asked her for contacts. Ms. Kehoe stated that she gave him suggestions to contact the mayor, council president, Barry Kaplan, Jamie Kresge, Laura with the ABPA, Lisa Armetta, Jamie Overhouser, Drew Walker with Duffy's, and Warren Watkins. Vince Cruciani suggested Tom Hill from State Street Grill. David Jenkins stated that this is a good grouping of people.
- **Police Union Contract:** David Jenkins asked if they should go into executive session to discuss this before discussing it in public. Vince Cruciani stated that it is eligible to go into executive session because this is still part of an open negotiation, it hasn't been signed by the union; he suggested having an executive session at the end of the meeting.
- **DPW contract:** Virginia Kehoe stated that their contract expires at the end of this year and they need a committee to start negotiations. Bob Bennett, Vince Cruciani and Gerrie Carey will work on that committee.
- **LED Street lighting:** David Jenkins asked what the difference in the lumens, what is it that we have mostly in the borough. Virginia Kehoe stated that there are 148 lamps that are 5,800 lumens. Mr. Jenkins asked if there is a standard bulb that would be used to replace, as he understands it the lumens would appear to be the same but there would be a cost savings. Ms. Kehoe stated that the lumens are less with the LED's but the light that is emitted is comparable. They would use a 3,300 lumen LED. The total savings is going to come to \$83 a month. Mayor Johnson stated that the

- gentlemen should come in and give a presentation. Ms. Kehoe stated that she would ask them to come in for the work session in February. It is going to be a savings but all of councils need to understand if there are any questions. Mayor Johnson asked if we still have that work order to put the light in on Bissell. Ms. Kehoe said yes but she has not heard anything recently on it. Mayor Johnson stated that he talked top Chief Yarns and he said Penndot said they have to put a new pole up and they were going to take care of it. Penndot is pleased to do it because this is a problem, a safety issue. Ms. Kehoe stated that the borough has already submitted this through insurance, received reimbursement for it and placed the order a new mast arm because she was told by Penndot that it was the borough's responsibility. Mayor Johnson said that he thinks that they all need to communicate a little bit more, because if Penndot takes care of this is the insurance company going to want their money back. Ms. Kehoe stated that they would have to give it back. Ms. Kehoe stated that this has been on her weekly report that she has been submitting and this update has been on there. David Jenkins stated that he would like to keep the light emitter on the pole, because he thinks that is in a less vulnerable position. Ms. Kehoe will tell them to leave the light emitter where it is, not to move it. Ms. Kehoe stated that she will find out who Chief Yarns talked to at Penndot, David Jenkins asked if they can hold off on the presentation until April because he will not be here in March.
- **Borough Building:** Virginia Kehoe stated that Highland Associates has volunteered to donate architectural and engineering time in coming up with a draft of a new borough building at the little league park is the borough is interested. Gerrie Carey stated that they discussed this at their Finance Committee meeting and they want to get an idea of what it would cost to revamp this borough building as well as what it would cost to build a new building. Virginia Kehoe stated that if council approves this then would move forward and form a committee to start working on ideas. David Jenkins stated that he doesn't know if a borough building is a suited entity for a residential neighborhood. Mr. Jenkins doesn't know how receptive the residents would be with that. David Jenkins stated that where the borough building is now is an excellent location but the parking is a problem. He would like to see Spring Street be a parking area for the Borough Building. Mayor Johnson stated that they already had a committee and there were 3 locations, they already have committee formed and it seems like they bogged down somehow and the other information wasn't passed on to the Finance Committee or the Building and Plant's Chairperson. Mayor Johnson's only concern is this building structurally fit to remodel and dump a lot of money into it. Mayor Johnson stated that the police department cannot keep working in the cellar of this building. Gerrie Carey stated that Dominic Provini came to Virginia Kehoe about this. Mayor Johnson stated that Mr. Provini did come to the building committee and he said he would do all of this up to a certain point. But there was no other report to the committee about what is going on. Gerrie Carey stated that this time there will not be a charge to the borough. Vince Cruciani stated that he thinks the borough building is functional; we have the Gathering Place commitment downstairs. He doesn't see it being with the Gathering Place being downstairs it functional for any other capacity or especially marketable. Mr. Cruciani stated that looking for a new borough building is the exact move that infuriates people about finding new ways to spend taxpayer dollars. We have a 29 ½ mill tax rate it is the highest in the Abington's, plus a 4 mill debt service rate, we can make small repairs to this borough building. There is a 2 billion dollar stated budget deficit, grants are

going to be very difficult to find and he thinks now is not the time to make that kind of investment. If we leave this building it will be blight because nobody is going to want to buy it and remodel it with the Gathering Place down stairs. Mr. Cruciani stated that as a middle ground we can afford to do small repairs if they fit within the budget. Mayor Johnson stated that look at the window and the roof leaking, and the mold. Need someone to come in and look at this building. We had a fiasco with Grandview and this is the reason taxes are the way they are. Mayor Johnson stated that it may be a good idea to stay here or it may be a good idea to leave, we had a banker tell us if we took out a loan it would be \$4,500 a month which we could afford. Get with the committee. Everyone is trying to say let's stay here and put money into the building, let's see how structurally sound this building is. Mayor Johnson stated that there are two issues, do we need a new borough building and can we get a structural engineer to assess this building. If we stay here and remodel and the whole building collapses, then we are going to look like fools. Mayor Johnson suggested walking around and seeing all the cracks in this building. Vince Cruciani asked Solicitor Rogan to take a look at the implications of borough council failing to terminate the Gathering Place lease and the implication that would have on us. Especially with the grant money they received and the private donations. That is a major issue that needs to be considered. This is a partnership that they signed. Mr. Cruciani stated that he agrees the borough building needs to be assessed. The bottom line is that nobody is going to buy this borough building. The building will not be bought by anyone and it will be torn down. Bob Bennett stated that Highland Associates is going to come in and give us 2 options. Until we get to review those two options we can talk at length. Let's take step one first. Virginia Kehoe stated that they need to clarify who is on the committee to meet with Highland Associates. Pat Williams, Gerrie Carey, and Frank Besten are on the committee.

Carol Williams spoke to Council. She stated that she agrees with Mayor Johnson that we need a new borough building and police station. She has spoken to many people and they think this is a great idea to build at the Little League Park. Mrs. Williams said she doesn't know why they would put money into this borough building and the police should be out of the basement. She thinks a new building would be great. Mrs. Williams thinks that someone would buy this building and put money into it. Frank Besten stated that if the borough building would go in on Sheridan Avenue the traffic would increase in that area, wouldn't this cause the same problem as Grandview did with the traffic. Virginia Kehoe stated that if they seriously want to look at the Little League location on Sheridan, they should have a public hearing, let the public express their feelings pro and con. It is a residential neighborhood, do they want a borough building there. Vince Cruciani also stated that this is currently green space in the borough. Mayor Johnson agreed about the public hearing. Vince Cruciani stated that the borough applied for a \$100,000 gaming grant to put money into this building, downstairs (Gathering Place). Dori comes to every monthly meeting we can ask here where the progress is. They expect to have a Certificate of Occupancy by the Ice Festival. It will be functional at that point. Vince Cruciani asked Solicitor Rogan that if someone buys this building from us they are not going to keep the Gathering Place a single moment longer than they have to. That is the reality of business. What would happen with the grant money if it went to a privately owned building with a lease to a non-profit? Mr. Cruciani stated that the borough is

liable because the grant money went to the us the Borough of Clarks Summit. He stated that Solicitor Rogan will know better than anyone what the liabilities are.

Solicitor Rogan will bring the draft of the deed on the Florey development to the meeting in February. Bob Bennett asked Solicitor Rogan if he has come up with the federal definition of the word family. Solicitor Rogan said he would have that at the February meeting. Bob Bennett asked about the temperature/time reading on the electronic sign at Preate Park. Virginia Kehoe stated that it is not fixable; it is old technology that would need to be replaced. The electronic sign is working fine it is the time/temperature that is broken. David Jenkins stated that people depend on that and it. Council asked Ms. Kehoe to get a price on how much it would cost to have it replaced/fixd. David Jenkins stated that when these things go up they need to be maintained. Mayor Johnson stated that fixing this will not be cheap. Vince Cruciani stated that most cars did not have an internal thermometer when this was put up, but now most cars do; his opinion is that this would be a waste of money. Mr. Jenkins stated that whatever they put in will be state of the art that should be it. Frank Besten stated that if it costs somewhere in the \$6,000 range he thinks that money could be better spent somewhere else.

Pat Williams stated that he thought council approved the committee of Gerrie Carey, Herman Johnson and himself to look into a new borough building. Mr. Williams stated that they put a lot of time into that. The initial reason to look into this was to get out of this building. There is no parking, the police department is in the basement and the building is old. The plan was for a new borough building and police station. They looked at a few buildings in town. Vince Cruciani stated that he doesn't disagree with that but since he has been on council he has never seen one person come before this podium and say that they want money spent on a new borough building. They just have a differing opinion, Mr. Cruciani doesn't think Mr. Williams is wrong, just a different opinion. Mr. Cruciani applauds Mr. Williams for putting in a lot of work on this; he just doesn't see the demand the way Mr. Williams does. Mr. Williams stated that is fair. David Jenkins stated that for \$100,000 to \$150,000 they could do whatever renovations need to be done here at the borough. Put in a new updated elevator. Pat Williams stated that there is still a parking issue and it is an older building. David Jenkins stated that we have worked around those issues for how many years. Pat Williams said and therein lies the problem. Mr. Williams stated that we own the Little League Field which would save the borough a lot of money. Vince Cruciani stated that they need an opinion weighed in by Bob Naegele about making the borough building against our MS4. Ms. Kehoe stated that if they wanted to move forward at the field the borough has already set a maximum lot coverage of 25,000 square feet and 25%, there is no way we could meet that and we would have to go for variances. Vince Cruciani stated that if the neighbors sued the borough it could take quite a long time to resolve this.

3. REVIEW OF FEBRUARY 1, 2017 AGENDA

4. ADJOURN:

President Carey