

**BOROUGH OF CLARKS SUMMIT  
BOROUGH COUNCIL MEETING  
FEBRUARY 1, 2017**

The February 2017 Borough Council Special Meeting was conducted on Wednesday, February 1, 2017 at 7:02 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 Member Ms. Leonhart. Junior Council Members Will Carey was absent.

**CALL TO ORDER:**

**President Carey**

**MEDITATION:**

**Mayor Johnson**

**PLEDGE OF ALLEGIANCE:**

**Mayor Johnson**

**1. APPROVAL OF AGENDA:**

**President Carey**

David Jenkins made the first motion to approve the agenda, seconded by Bob Bennett, vote was unanimous 7-0.

**2. APPROVAL OF MINUTES:**

**President Carey**

- **December 2, 2015 Regular Council Meeting:** Frank Besten made the first motion to approve the minutes, seconded by Dominic Scott, vote was 6-1 with Bob Bennett voting no for the purpose of saving the recording.
- **January 4, 2017 Reorganization and Regular Meeting:** Bob Bennett made the first motion to accept the minutes, seconded by Vince Cruciani, vote was 6-1 with David Jenkins voting nay.

**3. PUBLIC COMMENT & INPUT:**

**President Carey**

Helene Magnotta from Barberrry Lane discussed a situation with ice on their road. Asked Council to consider the needs on Barberrry lane, in front of 213, 206 and 208 the road freezes over. There is a safety issue, the road freezes and the road doesn't have street lights. They are concerned that someone is going to get hurt. Ms. Kehoe stated that they have had a problem with icing over the last several winters and the DPW knows to keep an eye on it, the storm water system needs to be updated, which would be part of a paving project so we need to consider this a priority on the paving list. Pat Williams stated that they will look into this. Vince Cruciani asked if they have pooling issues with the water in the summer, or is it just freezing in the winter. Ms. Magnotta stated that there is some pooling and because of the slope in the road it makes a diagonal across the road and then goes down the other side of the road. The water always takes that same path. Vince Cruciani stated that it seems like a sub-terrainian issue as well as a surface issue, Ms. Kehoe agreed. MS. Magnotta was told there is a natural spring underneath their homes. Ms. Kehoe stated that Pat Williams is the chair of the Public Safety Committee as well as the Public Works Committee. He will check out the situation and prioritize the situation.

Gerard Hepman stated that there is no County Health Department in Lackawanna County. This question was asked last meeting. He updated Council on information concerning happenings in Lackawanna County.

Dori Waters, from the Gathering Place, stated that the building is coming along fine it is going to be something that this borough will be proud of. The kitchen isn't finished and no carpet treatments. They will give shelter to the people at the Ice Festival. There is a student who will be collecting money and donating it to the police department. David Jenkins asked about the bricks for sale, Dori stated that they stopped taking the donations for the bricks. Pat Williams suggested having the DPW clean the borough windows for the festival.

**4. POLICE REPORT:**

**Mayor Johnson**

Frank Besten asked if Hazleton bought the vehicle. Chief Yarns said yes they did purchase it for \$2,200. Bob Bennett pointed out the numbers for monthly and ytd were incorrect, they will fix it. Chief Yarns stated that he wants to change the report to a spread sheet for March. This way it would be easier to update them daily. David Jenkins asked if it is possible to break down the tickets for Clarks Summit and Clarks Green. Mr. Jenkins also asked to see the Clarks Green report along with the Clarks Summit Borough report. Chief Yarns stated that their monthly report is not due until the third week in the month; Mr. Jenkins stated that they can see them after Clarks Green has seen it first. Mayor Johnson stated that he would have to get back to Mr. Jenkins about seeing the report because he doesn't know if there is going to be a conflict of interest or a security issue. Mayor Johnson stated that the reports will be down in the police station separated. David Jenkins wants to see the man hours and mileage in Clarks Green. Bob Bennett asked if the police report is public information. Mayor Johnson stated that he would get back to Council on this; some information on the report is for "official use only" and we would have to talk to the Solicitor to see what is public and what isn't.

Mayor's report: Mayor Johnson stated that he has a swearing in to do at the fire company. Haven't had a contract with them since December 2013 and it was a 3 year contract. He would like to see if the Solicitor would review the contract so before he swears them in he could have them sign off on the contract. Chief Yarns stated that they have gotten a lot of good feedback; the road crew from Clarks Green told Virginia Kehoe that this is the first time they plowed that there were no cars parked illegally on the streets. Thanked the police for that help.

**5. BIDS & QUOTATIONS:**

**President Carey**

- N/A

**6. BOROUGH TREASURER'S REPORT**

**President Carey**

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

**7. COMMITTEE REPORTS:**

- **Building & Plant** Pat Williams, Chair
- **Finance Committee** Dominic Scott, Chair
- **Grant Committee** Dave Jenkins, Chair update on 2017 BMP grant / 2017 Green Streets grant / changes to 2016 Pa Small

Streams grant: David Jenkins stated that the grant committee will be applying for a 2017 round of DEP grants for stormwater management products that implement what they consider BMP, Best Management Practice. We will be seeking funds to do the creek bank restoration on the new property on Marion Street as well as tree planting in areas in the borough. For the stormwater system outfalls not located on railroad property. Mike Fennick from Colwell Naegele is putting together an estimate for the creek bank restoration and Molly Philbin with the Shade Tree Commission is developing a tree planting schedule for 2017. Mr. Jenkins stated that the borough will be applying for a Green Streets, Green Jobs, Green Towns grant that supports green streets, we will be asking for money to repave in front of PNC Bank and also Progressive Insurance. We would like to use a pervious pave and that application is due by March 17, 2017. Virginia Kehoe and Carol Rubel will be attending a grant writing seminar on February 9, 2017. Our application for the PA small water and sewer program grant is on the desk in Harrisburg and they have asked that we change the original request to include the cost of remediation of the damages that were found. The original request was \$240,000 the new request will be for \$484,000. We have to pass Resolution 2017-03 which authorizes us to submit this request. David Jenkins made the first motion to approve Resolution 2017-03, seconded by Bob Bennett, vote was unanimous 7-0.

- **Recycling Committee** Bob Bennett, Chair  
 Earth Day ShredFest: Bob Bennett stated that the Shredfest will be April 22, 2017 on Earth Day. Mr. Bennett stated that he sat down with Patty Lawler and Virginia Kehoe and they had a discussion about this. The bad news is that Frontier decided not to support it this year. We have a shred truck which costs \$150 an hour for three hours. Mr. Bennett has asked David Jenkins to contact the fire company, maybe we could use some fire/police traffic control. He has asked Dominic Scott to spread the word at the ACOG meetings. Dominic Scott has volunteered to contact the Rotary with regards to a donation. In March, Bob Bennett will ask the VFW for a donation also. Mr. Bennett suggested asking a few businesses in town also. Gerrie Carey suggested an article in the paper that would spread the word. David Jenkins stated that we could use help from the Boy Scouts if they are available that day. Bob Bennett suggested the junior council person to help. David Jenkins suggested the Prep students from the Abington's also. Contacted Masaro they will send a truck but will not shred on site. They might make a contribution to support the shred fest. Virginia Kehoe will get in touch with the school superintendent to see if we can get a spot at CSE to hold the shred fest. Put this information in the quarterly sewer bill, on the website and the bulletin board.
- **Insurance Committee** Vince Cruciani, Chair  
 Vince Cruciani stated that Virginia Kehoe noted that the rebate should be expected in April and when it comes and that would be the time to put up for bid for professional services for the insurance.
- **Personnel Committee** Gerrie Carey, Chair  
 DPW oncall plow driver: Gerrie Carey stated that they are going to interview for the part time/full time DPW worker. They only received one application.
- **Public Safety/Safety** Pat Williams, Chair  
 Pat Williams asked Mayor Johnson if there will be coverage for the Ice Festival. Mayor Johnson stated that our police will be out there.

- Pat Williams, Chair DPW
**Public Works**  
 Monthly report / 2017 Paving: Virginia Kehoe gave Pat Williams a copy of the tentative paving list, for paving, tarring or chipping. Mr. Williams stated that he, David Jenkins, and Frank Besten spent a lot of time on the streets and they came up with a list of which streets need work. He stated that they all agreed that there needs to be more work done with filling the cracks in the street, as a way of preserving the roads. Lackawanna Trail would be perfect for tar and chipping. This will keep the costs down. Mr. Williams also discussed the Agility Program. There is no liability there and he thinks that everyone else agreed to move forward with that. There is paperwork to be filled out, set up a meeting with Allen Jones. Mr. Williams stated that there is a lot of money for the borough on plowing State Street. If you sign the contract you can drop out any time you want. Vince Cruciani stated that on the paving list he is only referencing the part of Woodlawn from Atherton to Division, not the rest of the road. Bob Bennett asked if we know exactly where Clarks Summit's boundary is. Ms. Kehoe explained where the boundary was. Dominic Scott asked what is tar and chipping. Pat Williams stated that it is a cheaper way to patch a road. David Jenkins stated it is a band aid that holds up quite a while sometimes. David Jenkins discussed the reflective strips for the stop signs, speed limit signs, and the miscellaneous signs. Start a program where they are put on every sign in the borough. Virginia Kehoe will get pricing on the strips.
- Dominic Scott, Chair
**Recreation**  
 Vince Cruciani stated that the Carnation Basketball Association 20<sup>th</sup> anniversary event. Donations are coming in and the overhead is covered for the venue and the plaque so any additional money that comes in is going to go to the park itself. Next month, have the wording and design and get a motion from council, zero cost to the borough. Perpetual gift to the borough from him and if the borough ever needs to get rid of it, it would go back to Mr. Cruciani. He is hoping that besides the plaque, the extra money would go to the painting of the lines on the basketball court and the hoops.
- Dominic Scott, Chair January
**Sewer Billing**  
 Sewer Report: Dominic Scott stated that Jenn Basalyga is keeping up with those on a payment schedule. 125 delinquent notices were sent out, that is the average. By the time we get through the 37 days to the shutoff there might be one or two who haven't paid. This happens every quarter. Jenn Basalyga stated that for the 5 people that did not keep up on their payment arrangements, they have until February 15<sup>th</sup> to pay off their balance. Ms. Basalyga always contacts the people and lets them know. David Jenkins asked if Ms. Basalyga has noticed if the deposits have been increasing and then leveling off as compared before she did the billing, were they more erratic. Ms. Basalyga stated that generally the first month of the quarter, many people pay the \$156 some pay the full year and then it goes down. David Jenkins said job well done.
- Gerrie Carey/Pat Williams
**The Gathering Place**  
 Bob Bennett stated that he was in contact with Dori Waters and he wants to see if we can apply for a \$500 arts grant. He wonders if Abington area students will come in and hold a show with their art work in the Gathering Place. David Jenkins stated that 9 times out of 10 we get it. Virginia Kehoe stated that we would have to publicize that it comes from the county.
- Herman Johnson
**Stormwater Committee**

- **ACOG Representative** Gerrie Carey/Dom  
Scott/Frank Besten: There is no February meeting. In March there will be elections for COG members. On 2/2/17 a state fire commissioner will be at the firehouse, Act 172 trying to get volunteers in first responders, talking about tax breaks so the COG organization is asking all council members try to attend. Mr. Besten stated that a vote was taken and passed for Dan Cohan to check into the franchise for Frontier. They want to solicit or their version of cable.
- **Liquid Fuels Research** Bob Bennett  
Solicitor Rogan stated that regarding the Florey development we do have a deed that they are ready to re-execute. Bob Naegele prepared a meets and bounds in the event that it needs to be a quiet title. Ms. Kehoe stated that Woodridge was Mike Noto. Woodridge and Spy Glass would have to be a quiet title.
- **DPW Contract Negotiations** Gerrie Carey (GC,VC,BB)  
Gerrie Carey stated that they will start the negotiations tomorrow at 3:30pm.
- **Borough Building** Gerrie Carey (GC, PW, FB)  
They have an appointment with Highland Associates on Tuesday at 10am.
- **Additional comments from Council**

**8. VENDOR PAYMENTS TO BE RATIFIED: President Carey**  
Dominic Scott made the first motion to pay the bills, seconded by Frank Besten. On the question Vince Cruciani stated that the Rec Board first quarter disbursement is \$4,303. It was very heartening to see the Little League come in here last week and be willing to have its participants fund its activities. Mr. Cruciani stated that he knows that our representative Mr. Kozar is doing a very good job articulating our interests of having the participants fund their activities that use the Rec Board. Unfortunately he doesn't see the rest of the Rec Board acting on it and that is why he will be voting against distributing the money tonight, he is not against the amount of funds allocated, but he would actually like to see them follow the request of the borough. The vote was 4-3 with Vince Cruciani, Bob Bennett, and David Jenkins voting no.

**9. OLD BUSINESS: President Carey**

- **Appointment of Julie Mittleman for Shade Tree Commission:** David Jenkins made the first motion to appoint Julie Mittleman, seconded by Pat Williams, vote was 7-0. Bob Bennett asked if the motion covers the position of secretary. Ms. Kehoe stated that would be the Shade Tree's internal vote. We are just appointing her to a seat on the Shade Tree Commission.
- **Reaffirm change to Police collective bargaining agreement:** m Vince Cruciani made the first motion to reaffirm the change to the police collective bargaining agreement, seconded by David Jenkins, vote was 7-0.

**10. NEW BUSINESS: President Carey**

**A. Resolution 2017-02 Parking Meter Suspension – Ice Festival:** David Jenkins made the first motion to approve Resolution 2017-02, seconded by Bob Bennett, vote was 7-0.

**B. Little League Lease:** Vince Cruciani suggested making the contract for 13 months to give latitude to the next council. Contract through March 30, 2018. Frank Besten made the first motion to make the contract for 13 months through March 30, 2018 for the Little League Lease, seconded by Vince Cruciani, vote was 7-0.

**C. Replacement for Time/Temp reader on Electronic Bulletin Board:** Virginia Kehoe supplied documentation showing the manufacturer's cost to replace and time/temp sign. David Jenkins made a motion to move it forward to replace the time/temperature. Gerrie Carey stated that she wants to wait until the next meeting because she wanted to check with Lee Electric to see if they had some suggestions. Frank Besten agrees with Gerrie Carey to wait because next month we should have the final budget accounting from last year. Mr. Besten stated that he has no problem repairing the clock but it is about priorities. He cares if we have money in the budget, \$6,000 could be put on other priorities. Bob Bennett suggested giving Gerrie Carey the opportunity to get another price and then see if the funds are available.

**D. Resolution 2017-03 Grant Resolution – Sewer Rehabilitation:** Already passed

**E. Resolution 2017-04 DPW Truck – COSTARs pricing:** Hundru Ford dealership has a yellow truck on the lot, it will be 6 to 8 weeks for adapting. The total price \$80,376.00 total. David Jenkins asked which truck is going to go. Ms. Kehoe stated that the truck to go is Jay's truck. Vince Cruciani stated that they budgeted to take a 3 or 5 year note on the truck. Ms. Kehoe stated that if we order it then we can start the financing process. Mr. Cruciani stated that it is over the threshold so we have to take bids from people for the financing. Mr. Cruciani suggested getting pricing for 3 and 5 year notes. Mr. Cruciani asked if we have to advertise for the bid. Not sure ask Pat Rogan. Mr. Cruciani stated that it is not going to be more than 5% and that is \$4,000 a year and that is underneath the threshold. Ms. Kehoe agreed and they can just accept 3 bids. He suggested calling every bank in the borough and in Clarks Green banks and extend the courtesy. Pat Williams asked why we need a big truck. Ms. Kehoe stated that we need them for the steep hills. Vince Cruciani made the motion to pass Resolution 2017-04, seconded by David Jenkins, vote was 7-0.

**11. SOLICITOR'S REPORT:**

**Solicitor**

**Rogan/Mulhern:** Solicitor Rogan stated that a nuclear family is the immediate family, parents and children. Bob Bennett asked about spouse and cohabitating. This is referring to health benefits/insurance. Bob Bennett stated that the insurance company is allowing the borough to define "family." He is concerned that if they don't cover the broader definitions of family. Solicitor Rogan stated that there is the federal family leave act and federal regulations they have very expansive definitions of family. David Jenkins stated that maybe we should go with the federal definition. Write up something and have Council approve it.

**12. CORRESPONDENCE:**

**13. EXECUTIVE SESSIONS:**

**President Carey**

- **Prior- January 25, 2017 Contract Negotiations**
- **During- None**
- **Subsequent-**

**14. ADJOURN:**

**President Carey**

David Jenkins made the first motion to adjourn, seconded by Pat Williams, vote was 7-0.