

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

The March 2017 Borough Council Special Meeting was conducted on Wednesday, March 1, 2017 at 7:02 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, Mayor Herman Johnson, Mr. Patrick Williams, Police Chief Chris Yarns, Borough Manager Virginia Kehoe, Junior Council Members Ms. Leonhart and Mr. Carey. Mr. Bob Bennett, Mr. David Jenkins, and Solicitor Pat Rogan were all absent.

CALL TO ORDER:

President Carey

MEDITATION:

Mayor Johnson

PLEDGE OF ALLEGIANCE:

Mayor Johnson

MICHAEL WARNER, CLARKS GREEN ASSEMBLY OF GOD CHURCH:

Mr. Warner discussed events happening at the Clarks Green Assembly of God Church. They are discussing plans for a parade through town with real camels, alpacas, goats, and a procession of Wise Men etc. This would be in December 2017 starting from Gerrity's or the fire department. James May said he doesn't see any problem getting permits from the state. He is looking for the Borough's help, approval, and suggestions on how to make this a success. Gerrie Carey suggested that he should attend the ABPA meeting, they might be interested. Vince Cruciani asked about the offloading and staging, Gerrity's parking lot is almost full every day. Mr. Cruciani suggested that Mr. Warner talk to the Millet's about this first. Mr. Cruciani suggested starting and staging at Our Lady of the Snows, they can get on board to. Mr. Besten asked about the animals, there would be three camels. Mayor Herman Johnson suggested that he keeps the Mayor and the Chief informed because of safety reasons and to follow up on his permits. Chris Yarns suggested a doing this on a Saturday. Chief Yarns suggested that they present this to the Clarks Green Council also, so they are aware. He already has talked to Lori Harris who is the code enforcement officer at both Clarks Summit and Clarks Green. He can come back and update Council in the fall.

Virginia Kehoe discussed the lease for the Fire Company; the lease has not been renewed. Solicitor Rogan told Ms. Kehoe that he doesn't see any reason not to sign off on the lease. Chief Ryan Miller stated that they can sign it later and he can come back and pick it up.

RECOGNITION OF POLICE OFFICERS: Officer Demming was at the fire at the Bedford Towers in February 6, 2017. There was a fire and he handled everything well, he was calm and there was an orderly evacuation. He also assisted the fire department with equipment. There was a fatality and he took charge and made the proper notifications. They also have certificates for Henry Zimmer and Matt Derenick they are with South Abington Township. Mayor Johnson stated that they would like to get all three officers together to present the certificates of excellence. Mayor Johnson stated that he thinks it's time to recognize their employees, they will be doing this more often.

1. **APPROVAL OF AGENDA:** **President Carey**
Dominic Scott was the first to make a motion to approve the agenda, seconded by Frank Besten, vote was 5-0.
2. **APPROVAL OF MINUTES:** **President Carey**
 - **January 25, 2017 Work Session**
 - **February 1, 2017 Regular Council Meeting:** Vince Cruciani made the first motion to approve the minutes, seconded by Dominic Scott, vote was 4-1 with Vince Cruciani voting no.
3. **PUBLIC COMMENT & INPUT:** **President Carey**
Gerard Hetman from Lackawanna County's Commissioner's Office updated council on the events happening in Lackawanna County. Vince Cruciani asked Gerard Hetman to ask the Commissioners how they expect to retain quality talent in the area when they did not put the H.R. position out to bid and they hired someone with no H.R. experience. And when they did not put the Community Development Position out to bid, they brought somebody out of retirement to fill it. So how do they expect people that are qualified in the area to have confidence in public jobs if they don't go out to bid? All three commissioners voted for both so he would be happy to hear from any of them on this.
4. **POLICE REPORT:** **Mayor Johnson**
Chief Yarns stated that they reformatted the Police Report. Mayor Johnson stated that he thinks it's laid out beautifully and it is self-explanatory. Both Chris Yarns and Nicole Kelly did a great job on this. The cost for the Accident Reports has gone from \$15 to \$22.
5. **BIDS & QUOTATIONS:** **President Carey**
 - **School Street Wall:** Vince Cruciani made the first motion to accept the bid from Rutledge in the amount of \$44,419, seconded by Frank Besten, vote was 5-0.
 - **2017 DPW Truck Financing:** Dominic Scott made the first motion to approve the financing through Fidelity at 2%, seconded by Frank Besten, vote was 5-0.
6. **BOROUGH TREASURER'S REPORT** **President Carey**
Vince Cruciani made the first motion to approve the Treasurer's Report, seconded by Dominic Scott, vote was 5-0.
7. **COMMITTEE REPORTS:**
 - **Building & Plant** **Pat Williams, Chair**
Gerrie Carey stated that she has received a lot of emails and calls from very concerned citizens. They are concerned that we are going to build a new borough building. The planning is in its infancy stages, Highland Associates has come

forward and work pro-bono. They will give us the numbers on what it would cost to revamp our borough building vs. building, buying or finding another building. Ms. Carey stated that the goal is to stay in the building we are in right now, there will not be any taxes raised. Our police are in the basement and she feels that they are not down there on an 8 or 12 hour basis. They are out in their cars and patrolling. That is not our biggest issue. We are just looking at other options. Pat Williams stated that he did talk to Frank Summa about an issue with our windows in Council chambers. He is the masonry instructor at Abington Heights. Gerrie Carey stated that Highland Associates is sending over a Structural Engineers to look the building over.

- **Finance Committee**

Dominic Scott, Chair

Vince Cruciani stated that he is disturbed that there is nothing to report at this time. If they look at the series of reports that came out this month, it was discovered in our audit that Clarks Summit finished \$180,000 in deficit last year. \$90,000 is accounted for reimbursement of police vehicles. \$15,000, we are lucky enough to get back because of the lower bids that we budgeted for the wall on School Street. The bottom line is that the borough has about an \$80,000 deficit. You can't run a sustainable enterprise with sustained deficit spending and he is concerned about two things. One is that it wasn't brought up until this month that is his biggest concern. They all did a really good job balancing this year's budget. The spending vs. revenue deficit of \$80,000 wasn't discovered until the audit. Mr. Cruciani stated that this has to be addressed and it can't creep up on them like it did. Mayor Johnson agreed saying that just because you are on a committee, they have to come back to council and explain why. We are not doing our job if we cannot explain it and come to a solution to fix that problem. Mr. Cruciani agrees with the Mayor. Virginia Kehoe stated that they are doing research on this it needs analysis, she will put a report together but she does not have any specific answers yet. Mayor Johnson suggested that we suspend all spending until they get an answer. Frank Besten stated that is why he is against spending \$6,000 fixing the time and temperature on the electronic clock. Vince Cruciani asked how we come up with the financial solvency to pay it. Mr. Cruciani stated that the number one thing in our favor is that historically speaking, we get between a \$30,000 and \$40,000 rebate because of the insurance plan we are in. Whatever that number is, he will be making a motion to apply it to the deficit. Then the main issue is how did this issue not surface earlier, that is what they have to figure it out. Mr. Cruciani stated that he will be voting no on discretionary spending until they figure this out. Vince Cruciani requested when they receive reports, when it indicates deficit change the color to red font in all circumstances. A blue font can reflect a positive balance or black he doesn't care. The finance committee will meet with Virginia Kehoe and the treasurer about this.

- **Grant Committee**

Dave Jenkins, Chair

Virginia Kehoe stated that the borough was rewarded with a \$7,487 for the performance recycling grant which is in line with where we usually are. Vince Cruciani asked when the bids are happening for the work at Carnation Park. Ms. Kehoe stated that she hopes to have the bids out before the April meeting. Mr. Cruciani stated that Toyota of Scranton has donated \$500 worth of goods and supplies for the refurbishing of the basketball court at the park. Virginia Kehoe will come up with a list and they will have the goods delivered to the borough.

- **Recycling Committee**

Bob Bennett, Chair

- **Insurance Committee**

Vince Cruciani, Chair

Vince Cruciani stated that two people have come to look at the policy. They were from Joyce Insurance and Kilmer Insurance. He asked that they prepare something, in writing, an estimate of comparable service at their pricing. Virginia provided them with the policy that we currently have. Unfortunately neither has done that. They have both requested to meet with him (Mr. Cruciani) in person. He will meet with them but still ask them to put something in writing that shows a comparison of the policies. He wants all the council members to be able to read something. Hinkleman's and Young have served us very well. Jim Henkleman is always accessible and the rebate financially is fantastic, but it is only fair to have everyone put together essentially a conceptual bid document.

- **Personnel Committee** Gerrie Carey, Chair
They will start looking for part time DPW worker in April. They budgeted for a part timer and a seasonal worker. Mayor Johnson asked what they are going to do with the Civil Service because that list is gone; there is no one on it. There is one officer on heart and lung and they don't know if he is coming back.

- **Public Safety/Safety** Pat Williams, Chair
Pat Williams stated that he and the Mayor were looking at the fences in the borough and West Grove Street fence is in bad condition. He will call Penndot and see if they can do anything about that. Ms. Kehoe stated that he spoke to Penndot about the hole on Grove Street and it is filled.

- **Public Works** Pat Williams, Chair 2017
Paving: Pat Williams stated that he will be meeting with Virginia, Bob Naegele, and Frank Besten, going out and looking at the roads so the paving project can move along shortly.

- **Recreation** Dominic Scott, Chair

- **Sewer Billing** Dominic Scott, Chair
February Sewer Report
Dominic Scott stated that they have a report on the progress of the sewer billing. Jenn Basalyga stated that there are a lot of numbers on the report and the good news is they numbers are good and coming down. Houses were posted, 18 residents didn't respond yet. Virginia Kehoe stated that we did submit to the water company two shutoffs, 417 Haven and 514 Greenwood. Vince Cruciani stated that he wants to put a shutoff in for 417 Harwood, Charlotte Bellas, want to say that he was in favor of shutting of her water. Ms. Kehoe stated that this morning there was a payment from her. Her payment was due by the 20th and she didn't reply to certified letters either. Dominic Scott stated that he was glad to see that we are keeping up to date on this.

- **The Gathering Place** Gerrie Carey/Pat Williams
Virginia Kehoe read off a memo from the Gathering Place, they were not able to attend the meeting.

- **ACOG Representative** Gerrie Carey/Dom
Scott/Frank Besten: No meeting in February. Check and see about March meeting.

- **Liquid Fuels Research** Bob Bennett

- **DPW Contract Negotiations** Gerrie Carey (GC,VC,BB)
Virginia Kehoe stated that one of the concerns that the DPW has is about the fees that the individuals are being charged. Vince Cruciani asked if we can legally

give the non-uniform members the latitude to choose who the administrator and holder of their 401K plan is. Ms. Kehoe stated that she will look into that. Mr. Cruciani stated that Don Williamson has a conflict of interest inherently because he makes money from this he financially benefits from the plan. He is not a neutral person. Council should know it's latitude.

- **Borough Building** Gerrie Carey (GC, PW, FB)
- **Additional comments from Council**

Mayor Johnson stated that he presented a proclamation to the Welsh Community today at State and Winola Road, the Welsh flag is flying. Frank Besten stated that the Ice Festival was a huge success. There was so much ice on the sidewalk because of the melting ice. It is the store owner's responsibility, Ms. Kehoe stated that Lori Harris is on that as much as she can be but the problem is Lori cannot go out and write a ticket. She can send a letter notifying them but they have 10 days, then she can site them with the Magistrate. Our DPW did go out and picked up some because it was such an issue. Pat Williams stated that people are squeezed in on the sidewalks, make that area no parking. Gerrie Carey stated that she would bring that up with the ABPA.

8. **VENDOR PAYMENTS TO BE RATIFIED:** **President Carey**
Dominic Scott made the first motion to pay the bills, seconded by Pat Williams, vote was 5-0.

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

- **Resolution 2017-05 PennDOT Agility Program:** Gerrie Carey suggested that Council table this until next month because they want to come up with a list for Penndot before they move forward on this. Pat Williams stated that he thought they were going to vote on this. Mayor Johnson stated that signing the agility, you can have a snow storm tomorrow and that does not mean you have to plow. They should vote on the agility program with the state and it will still take a couple of months until you come up with a plan. Mayor Johnson stated that he thinks there are people who still don't understand the agility plan. Ms. Carey stated that it has only been one week since they got this information from the worksession, then they will vote next month. Pat Williams stated that he thought they were all in favor of this and they would sign it. Who is going to set up the plan, who decided to put this off? Ms. Carey stated that they would like to have a plan first. Vince Cruciani stated that he would like to know more about what the plan the state has for the borough. He said he thinks that is a concern of some members of council. Mr. Cruciani stated that if the DPW is working overtime, calculate and look at the balance sheet. The other issue is on Grove Street, and broader regarding the storm water situation is unresolved. Our Solicitor doesn't believe it is borough liability and if we do sign the plan can that be used as activity applied towards the plan. Mr. Cruciani stated that he is not opposed to the plan in theory but he would like to see a plan first. Mayor Johnson said the plan is way down the road; both parties sit down and write out a plan, the plan is down the road. What the agility did for newton ransom was a win-win situation. Who is going to work on this plan? Gerrie suggested Pat Williams

work on it. Frank Bested stated that this is just the start of the process and the borough is not committing to anything. He doesn't see a problem with starting the process because we can back out at any time, the longer we wait, we can get things done from the state. Pat Williams stated that the state could tar and chip Old Lackawanna Trail road but that would have to happen in June or July, but by pushing this, and he has no idea why they aren't moving forward. There is an agility agreement and a municipal agreement. Vince Cruciani stated that he would like the opinion of the Solicitor concerning liability with this program. Pat Williams will work on this; he wants to know what to do. Vince Cruciani stated that maybe his opinion would change if the Solicitor was here to make sure that we can back out just in case something changes in the administration or whatever, he is also concerned with the evaluation on their goods and services compared to their evaluation on our goods and services. Do our evaluations meet with our evaluations? Ms. Kehoe stated that they want to bill the borough for the work on West Grove Street, if we sign an agility program with them and they do a storm water repair and we back out, are we in debt to them for doing the work. That is what Solicitor Rogan was supposed to look into. Dominic Scott made the first motion to table this, seconded by Vince Cruciani, the vote was 5-0.

- **Ratify cleanout authorization for Malone's:** Vince Cruciani made the first motion to ratify the cleanout and take the money out of the sewer budget, seconded by Dominic Scott, vote was 5-0.
- **Accept deed for Weinberger property donation:** Vince Cruciani made the first motion to accept the Weinberger deed, seconded by Pat Williams, vote was 5-0.

10. NEW BUSINESS:

President Carey

- A. Time/temp options for Front St Park Sign:** Gerrie Carey stated that Dick Scott will dismantle the time/temp area of the sign. Ms. Carey stated that we are going to get another bid on it just to look at the numbers but at this point they want to get the finances together first.
- B. Written definition of family for insurance purposes:** Vince Cruciani made the first motion to adopt the language, "A family consists of a householder and one or more other people living in the same household who are related to the householder by birth, marriage or adoption.", seconded by Dominic Scott, vote was 5-0.
- C. Abington Heights – use of building:** Ms. Kehoe stated that this vote authorizes Gerrie Carey to sign for the shred fest. Frank Besten made the first motion to authorize Gerrie Carey to sign, seconded by Vince Cruciani, vote was 5-0.
- D. Heart and Lung Policy:** Mayor Johnson stated that he and the Chief are coming up with a form and they are going to sit down with Virginia Kehoe and come up with a policy. They will have council look at the draft. What they have been doing in the past is perfectly good too.
- E. Resolution 2017-06 CDBG:**
- F. Resolution 2017-07 Police Report Fees**

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

Solicitor

- **Gathering Place Lease:** Vince Cruciani suggested delaying this a month.
- **Marion street property:** Ms. Kehoe stated that they did the survey last April or May. Vince Cruciani asked if we have the deed yet, the answer was no, he asked why we don't have the deed. Ms. Kehoe stated that she has not been given the deed yet. They will delay this as well.

12. CORRESPONDENCE:

- **Griffin Pond Animal Shelter:** The borough has so many organizations looking for donations and we cannot give to one. We will respond to them and let them know our position.
- **Cherry Hill:** Ms. Kehoe stated that the developer has submitted a land development plan for the old Pizza Hut property but the problem is with the calculation of fees based on the structure comes to over \$9,000, and the actual expenses will probably never come near that so they have asked if we would accept a \$5,000 check and their written guarantee that they will pay anything in the difference if they exceed that. Mr. Cruciani asked if the easement through that property been part of the consideration with the plan. Ms. Kehoe said yes absolutely. They submitted an electronic drawing and it is very clearly identified in there. They have positioned the building and set it up purposely so that we would have vehicular access. Mr. Cruciani stated that he is not worried about us. He is worried about our Planning Commission doing something that would cause a lawsuit from the easement holder. It is incorporated into the plan. Vince Cruciani made the first motion to accept the \$5,000 check with the agreement, seconded by Frank Besten, vote was 5-0.
- **Lockbox/knoxbox-The Gathering Place:** This was rescinded, they want a lockbox on the side of the building but it would be attached to the masonry but they are not ready to present it yet.

Herman Johnson asked about the light on Bissell Street. Ms. Kehoe stated that she got a phone call confirming it. Not sure it will be done.

13. EXECUTIVE SESSIONS:

President Carey

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

14. ADJOURN:

President Carey

Pat Williams made the first motion to adjourn, seconded by Vince Cruciani, the vote was unanimous.