

**BOROUGH COUNCIL SPECIAL MEETING  
MARCH 29, 2017  
7:00 PM**

The March 2017 the Borough Council Special Meeting was conducted on Tuesday, March 29, 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 Gerrie Carey, Mr. Dominic Scott, Mr. Patrick Williams, Mr. Vincent Cruciani, Mr. Bob Bennett, Borough Manager Virginia Kehoe, Mayor Johnson, Solicitor Rogan, and Jr. Council Ms. Leonhart. Absent from the meeting was Mr. Frank Besten, Mr. David Jenkins, and Jr. Council Mr. Carey.

**1. WORKSESSION:**

**President Carey**

**2. PUBLIC COMMENT**

**President Carey**

- **LED Street Lighting – committee to meet 4/5 at 9:30 am:** Ms. Kehoe stated that the borough had asked PPL to come do a presentation; they agreed to meet with a committee. Gerrie Carey and Frank Besten will be on the committee. Vince Cruciani stated that there are two different kinds of LED lights, and he would like to know which one PPL will be referring to.
- **Fire Company Agreement:** Solicitor Rogan stated that he does not recall seeing any issues with the agreement. Mayor Johnson stated that it is usually a three year contract and the only problem that he sees with it is that it expires. Mayor Johnson stated that we have to look at it as a liability. They are an agent of the borough. Ms. Kehoe stated that the FEMA application was due today, they found out that the fire company could claim their equipment that was used for snow removal and if the FEMA grant is approved there would be compensation for that and the volunteers. Ms. Kehoe stated that she hounded the fire company for this information and received nothing so she put in the submission today with no information from the fire company. Ms. Kehoe stated that this is the third time she has done the FEMA application and she the third time she has not received information from the fire company. Mayor Johnson stated that he is upset to hear that. We have to have a better working relationship with the fire company. The EMA director needs to get more involved. The fire company is losing money on this. We need to have someone who is a liaison with the fire company. Vince Cruciani stated that the logs from the fire company are public record; he would like to get the logs. Ms. Kehoe stated that we could still claim it if the grant is approved. Mr. Cruciani stated that we should do the numbers either way and if he is alone on this than he is ok with holding back half of what they get from FEMA the next time they ask for it because it's the only way you will get somebody learn. Mr. Cruciani stated that maybe that vote won't pass but they should at least find out what the number is. Mayor Johnson stated that the fire company should come to the meetings or quarterly meetings to give a report. Mr. Cruciani stated that he thinks the agreement with the fire company should be for one year and if they think some reforms need to happen. Mayor Johnson suggested that in the contract they put something in about having their paperwork in to the borough

about any emergency operations, emergency management. Mr. Cruciani suggested that the fire company attend the Council meeting at least twice a year. Mayor Johnson suggested them coming in quarterly. He said the fire department does a commendable job and he hates to see them lose money. Mr. Cruciani suggested paying the fire company quarterly then they can come to the meeting before Council votes on it. Bob Bennett asked who pays for the fuel. Ms. Kehoe stated that the Borough pays for the fuel and in addition to that the Borough pays 1 mill a year. Vince Cruciani stated that the conversation they had last year was that as long as long as the ambulance revenue remained in the positive and not a negative we were not going to give them a hard time. If the cost of the ambulance started to cost the taxpayers money, there was going to be an exploration. As long as they report this. Ms. Kehoe stated that she tries to get most of the boards come in twice a year. Mr. Cruciani stated that every group that receives money should give a quarterly report before they receive that money. Council should formally vote on this.

- **CDBG Boiler:** Ms. Kehoe stated that the boiler repairs ended up being minor. But the boiler is old and in really bad shape. So CDBG money could be used to replace the boiler, Council would need to vote. Ms. Kehoe stated that we usually get around \$80,000 and she is not sure how much the boiler would cost. The county would get the bids out for this.
- **Bollock appeal:** Ms. Kehoe stated that Frank Bolock appealed the ZHB variance that was granted to the Keislings at 100-102 Lansdowne. Ms. Kehoe stated that the variance was conditioned on the land development and the land development was cancelled. Solicitor Shiels from the ZHB is handling this variance. Mr. Cruciani asked if Shiels is going to make a claim for fees to call the lawsuit frivolous because this is taxpayer money. Ms. Kehoe didn't know. Solicitor Pat Rogan will talk to Solicitor Shiels about this. Ms. Kehoe stated that we have documentation that the conditional use and land development plans were withdrawn, but they did not withdraw the variance. Vince Cruciani wants to see this resolved, Solicitor Rogan will call Solicitor Shiels.
- **Request from Frank Savo:** Virginia Kehoe stated that Frank Savo had a business that was a beauty parlor; we were charging them 2 EDU's. The new tenant will be a Mary Kay representative who will be using the space for training purposes. The space is 400 square feet. Mr. Savo is asking that they only pay 1 EDU. Council needs to vote to change the number of EDU's from 2 to 1. Vince Cruciani stated that he has met the person that is renting this space and stated that she is a real go getter and having her in town would provide a positive benefit to commercial activity and he would hate to stand in the way of that.
- **Cherry Hill Partners-Land Development:** Matt Keisling and Sarah Snyder addressed Council. At the old Pizza Hut site they are planning an 8,000 sq. foot mixed use retail building. They went to the Zoning Hearing Board and got variances on parking and the Planning Commission with their land development plans. The Planning Commission met on Monday, reviewed their application and is recommending to Council that they consider approval of this application. They did give some conditions that they felt should be attached. Ms. Kehoe stated that they are physically removing the Pizza Hut building and putting a brand new building up to the right. Vince Cruciani asked if the road is still open from Brown's Gym. The answer was yes, that easement is in their deed. The edge of the pave is close to the end of that parcel. The Planning Commission reviewed it to make sure that the

design fits within our zoning and our subdivision and land development ordinances. Their lighting has a little bit of a spill over which goes towards the easement. The Planning Commission thought that was actually a good thing because you could then see going down the easement. If there is ever an issue they can just put a light fixture on and that will reduce the spill over. Mayor Johnson stated that this is a good thing for security reasons and their project is very good. Vince Cruciani asked if there will be a left and a right turn out of the parking lot. They will put a no left turn sign up. Ms. Kehoe stated that there are 5 bullet points, conditions that Council needs to review. Ms. Kehoe also stated that Cherry Hill Partners has been very agreeable to working with us, they have gone out of their way to design their building to not block our access up to the wooded area where we need to get into our sewer. They have been incredibly accommodating to the borough. They are willing to give us written easements so that it is documented and filed. Vince Cruciani asked what the expectations are for the EDU count. Ms. Kehoe stated that Pizza Hut had 4 EDU's, but the actual occupants will affect what the actual count will be. 4 EDU's is what the sewage module is so there is no increase or decrease from when Pizza Hut left. Pat Williams asked if our engineer is satisfied with the water coming down through there. Mr. Keisling stated that they had their site in engineer out, the only place they will have a rock face slope is at the back corner of each building. Ms. Kehoe stated that one of the conditions is that the Borough Engineer has the freedom to inspect the stormwater facilities and make sure they are covered with that. They felt there is adequate coverage. Vince Cruciani stated that you can have a million government programs it takes small business investors and private business to grow the economy and he thanks Cherry Hill Partners for taking the risk and doing that. Matt Keisling stated that it would be nice to dress up the Summit with a nice beautiful building. Pat Williams asked if the exiting will be onto the highway. Mr. Keisling stated that they have an ingress and egress under the original HOP from PennDOT, they are looking into a no left turn out of the parking lot. Ms. Kehoe stated that the HOP does not require that restriction on left turns so we cannot legally enforce it, but Mr. Keisling is more than willing to put up the sign and the easement is built into the deed and will be used. Mr. Cruciani suggested to not let the construction vehicles turn out of the parking lot during construction for safety reasons. Council will move forward with a vote next week.

Molly Philbin discussed problems that he has had at her property at 401 Colburn. Ms. Philbin stated that she had placed a "Black Lives Matters" sign on her lawn. They received mail stating that babies' lives matter, there was no signature. Shortly after vandals stole the sign from her yard so they ordered another sign, 20 feet high on the trees. More signs were ripped down during the night. A photographer was also there taking pictures of the sign. The escalation frightened them and they reported this to the Chief of Police. Ms. Philbin stated that residents had placed the onus on the borough to investigate the legality of the sign. Ms. Philbin stated that a Clarks Summit Councilman questioned the sign status at a Council meeting. Ms. Philbin stated that the signs are still up because there is nothing wrong with them being there. The final sign was taken down at the beginning of March. She said they could take the signs but they are not going to because they are exercising their constitutional right to free speech and to support people of color in today's repressive climate. They respect the fact that others do have a different opinion as was clearly

pointed out by the Chief of Police when they met with him. However they are also entitled to their own opinion. She believes that a threat to her rights is a threat to everyone's rights and to America's greatness. Ms. Philbin stated that she was there to seek Council's help. Bob Bennett asked who the Councilmember was that said something about this during a council meeting. Ms. Philbin was not sure. Ms. Kehoe stated that she could say this because it was in a public meeting that David Jenkins said at the February meeting that he was concerned because the signs were nailed to a tree and as our Shade Tree Chair it wasn't appropriate and he asked Virginia to call Molly and tell her that. Molly stated that she knew that this would not damage an 80 year old silver maple tree. She did confirm that there would be no issue with it. Vince Cruciani stated that he has also had signs stolen from his yard during the 2012 presidential primary and he didn't think it had anything to do with him being white and he doesn't think her receiving justice in this borough has anything to do with the color of her skin, he thinks they would respond regardless. Molly could stop this by not putting the sign back up. Mr. Cruciani applauds her effort to persevere and communicate a message that she believes in. Ms. Kehoe stated that a resident did come in and complain about the sign and said that it was in the right of way. Molly suggested putting one sentence in the sewer bill about respecting the first amendment and not to go on somebody else's private property, Mr. Cruciani agreed that this is a good suggestion and a fair request. They can do this for the July newsletter. Gerrie Carey stated that when Herman Johnson was named as the Mayor she received notification from the County Commissioners that we were the first Borough or Township to honor Herman Johnson as our Mayor.

Bob Bennett asked about liquid fuels stating that it has been 6 or 7 months since he brought this up. Solicitor Rogan stated that the deed regarding Florey is done but he does think Lavelle will have a question about back dating real estate taxes. Bob Naegele is working on the description for the quiet title action.

Vince Cruciani asked if there was anything in the fire contract dictate that it is a singular annual payment? Can we do a letter to them saying that we are doing it quarterly? Ms. Kehoe will get the draft out to Council tomorrow.

Mayor Johnson stated that he met with the Gathering Place and they are waiting for the awning and they will put the four flags back up and they will remove the fundraising sign. Mayor Johnson also stated that an officer resigned, he would like to resume interviewing the applicants that are on file. They would like the personnel committee in. They hope to have a part time officer by May. They need to talk about the Civil Service because there is no list. Mayor Johnson stated that the police overtime is outstanding.

Solicitor Rogan asked for an executive session to discuss the Belknap situation.

**3. REVIEW OF APRIL 5, 2017 AGENDA**

**4. ADJOURN:**

**President Carey**