

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
APRIL 5, 2017**

The April 2017 Borough Council Special Meeting was conducted on Wednesday, April 5, 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, Mr. Bob Bennett, Mr. David Jenkins, Mr. Patrick Williams, Mayor Herman Johnson, Solicitor Pat Rogan, Police Chief Chris Yarns, Borough Manager Virginia Kehoe, Junior Council Members Ms. Leonhart and Mr. Carey.

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 Dominic Scott, vote was unanimous 7-0.

2. APPROVAL OF MINUTES: **President Carey**

- **February 22, 2017 Work Session:** Frank Besten made the first motion to accept the minutes, seconded by Dominic Scott, the vote was 6-1 as Bob Bennett wasn't at this meeting.
- **March 1, 2017 Regular Council Meeting:** Vince Cruciani made the first motion, seconded by Frank Besten, vote was 5-2, David Jenkins voted no and Bob Besten voted no because he wasn't at this meeting.

3. PUBLIC COMMENT & INPUT: **President Carey**

Jamie Kresge addressed Council about the corner of Summit and Earl, the Wolsiffer property, trash has been out for 4 weeks. Lori Harris has reached out to the executor who is trying to make arraignments t remove it; procedurally she has to give them ten days before she can cite them.

Gerard Hetman from the Lackawanna County Community Relations Department discussed events happening in Lackawanna County.

4. POLICE REPORT: **Mayor Johnson**

Frank Besten asked if the Chief is comfortable with the somewhat open door policy we have with people getting off the elevator and going into the police department freely, with the environment that we live with today. Chief Yarns stated that there is a lobby area, people cannot get into the office without being let in. Chief Yarns stated that he is reluctant to discuss the security arrangements in the office with the public. Mayor Johnson stated that the area down there is pretty secured; you have to

be buzzed in to get into the office. Chief Yarns stated that when a part time officer leaves they change the locks.

Virginia Kehoe asked for permission to send letters of recognition to the DPW staff recognizing the hard work and dedication they put in during the storm. Ms. Kehoe stated that she thinks we were an example to follow for other communities. Gerrie Carey agreed and recommended that they be honored.

5. BIDS & QUOTATIONS: **President Carey**

6. BOROUGH TREASURER'S REPORT **President Carey**

Vince Cruciani made the first motion to approve the treasurer's report, seconded by Bob Bennett, vote was unanimous 7-0

7. COMMITTEE REPORTS:

• **Building & Plant** Pat Williams, Chair
• **Finance Committee** Dominic Scott, Chair
Dominic Scott stated that the Finance Committee met and went over the budget. Virginia Kehoe stated that for the first quarter of we have more income than expenses into the year. It is somewhat subjective trying to pro-rate out. We are \$80,000 ahead but that is only for the first quarter, it is a sign that we are moving in the right direction. Vince Cruciani stated that the 2016 end of the year deficit did not create a shortage of money, cash flow, but it did have a deficit this was from the lower than anticipated earned income collections, higher than expected engineering fees, the projection on labor contributable to the general fund significantly higher than the projection of labor contributable to the sewer. They need the final numbers on this.

• **Grant Committee** Dave Jenkins, Chair
\$200,000 Small Streams Grant for remediation of sewers, applied for 2 grants - \$197,400 for creek restoration and \$74,030 for pervious pave. David Jenkins stated that back in January they had applied for a \$400,000 grant and we received \$200,000 on small streams grant. Gerrie Carey stated that we were thankful for Senator John Blake and Representative Sid Michaels Kavulich. They do work well for the Borough.

• **Recycling Committee** Bob Bennett, Chair
Shred fest : April 22, 2017 9-12 at Clarks summit Elementary. \$450 cost for a shredder 25 signs made up and they cost \$200 and these can be reused. J.P. Mascaro has volunteered to pay for the shredder; we have received donations in the amount of \$200 so they are even in their expenses. This is being advertised for free with different methods. The money from the shred fest will go for a light to be put in the gazebo at the Pocket Park. The Borough will receive the credit for the tonnage of the recycling. Vince Cruciani suggested a battery operated motion activated light, instead of running electrical to the gazebo. Pat Williams asked if Bob Bennett will be putting the signs up all over the borough. Mr. Bennett said yes, but not in the right of way. Pat Williams stated that it is a great idea, but they have been trying to stay away from lawn signs, he suggested that he doesn't put them out any sooner than he had too and take them down ASAP. Bob Bennett stated that he would take them down asap, he will personally go and pick them up.

- **Insurance Committee**

Vince Cruciani, Chair

Presentation from Josh Kilmer: Vince Cruciani circulated a letter from Josh Kilmer from Kilmer insurance. Mr. Cruciani stated that he has met with Mr. Kilmer and Mr. Henkleman and Mr. Kilmer would like some information from the Borough, let him run the numbers but at this point Mr. Cruciani stated that he is still strongly leaning towards Mr. Henkleman due to past performance. Mr. Cruciani stated that Mr. Henkleman should be here soon to give an annual report and our rebate.

- **Personnel Committee**

Gerrie Carey, Chair

Gerrie Carey stated that our Code Enforcement Officer Lori Harris has accepted another position, at DK Trading. Ms. Carey stated that we are looking to replace her and Clarks Green is also looking for a replacement. Clarks Summit is on point with this. There is also a permanent and a seasonal part time position still open with the DPW. The police department also has a vacancy in the police department for a part time police officer.

- **Public Safety/Safety**

Pat Williams, Chair

2017 Paving List-Borough & Water Co. 2018 paving suggestions

Pat Williams stated that he wants to thank Frank Besten and David Jenkins as they all went out to see what roads need to be paved. They also did the consideration for next years paving. Mr. Williams stated that hopefully there will be some crack sealing. Ms. Kehoe stated that the DPW is more than willing to do the crack sealing. The DPW could handle the equipment, the Tar Buggy. Vince Cruciani stated that if we rent this during a period of time when we have all personnel accessible and he wanted to make sure we had access to additional tar if needed. Ms. Kehoe stated that they sell the tar by the pallet. Ms. Kehoe stated that none of this is budgeted. Mr. Cruciani stated that they will not be able to determine the cubic volume of tar because we don't know the depths of the cracks so we need to figure out how much do they think they can do in the amount of time we would rent it and get a ballpark of that then create somewhat of a package then see if funds will be available. Ms. Kehoe stated that the best time for this would be in September, we will know more by then. Gerrie Carey suggested getting in touch with the high school as they use this. Mayor Johnson stated that a couple of years ago they did tar the cracks on Old Lackawanna Trail, check with that contractor. Pat Williams suggested calling Suit Kote and see if they can give you an idea. Ms. Kehoe stated that they are looking for options but it is not budgeted for this year. David Jenkins asked about the paving. Ms. Kehoe stated that the contract is being written and the bid specs are being worked on and we will have the bids in at the worksession this month to award at the May meeting. David Jenkins stated that he would like to put some pressure on the water company to have their work finished by at the very latest, the middle of October. Ms. Kehoe stated that she spoke to Scott Reiner and he said that this should be done as soon as the asphalt plants open. MS. Kehoe stated that our hands are tied but we can keep complaining. David Jenkins suggested getting the press involved because people up in the Greenwood, Haven Lane area have tolerated this but it needs to get done.

- **Public Works**

Pat Williams, Chair

DPW Monthly report: Pat Williams thanked the Borough Manager and the DPW for the road sweeping. Ms. Kehoe stated that the DPW is logging the sweeping for the MS4 recording.

- **Recreation** Dominic Scott, Chair
 - **Sewer Billing** Dominic Scott, Chair
- Jenn Basalyga stated that 417 Harwood, the sewer bill was paid by the landlord. Vince Cruciani asked about the vacant houses, are we still paying these EDU's to ARWA. Yes they we are still paying all EDU's to ARWA. Jenn Basalyga stated that the vacant homes are still billed every month and a lien is placed on the property. Ms. Basalyga stated that the amount delinquent for the 17 homes comes to about \$20,000 and that does keep accruing. Ms. Kehoe stated that on these homes there is always going to be a greater than 90 day balance. Bob Bennett asked if they go up for sheriff sale, is any consideration given to the delinquent sewer bill. Ms. Kehoe said usually no, the sheriff doesn't ask for a sewer balance. Sewer is not technically a tax. Mayor Johnson stated that we have been doing a commendable job. We were up to \$180,000 and now we are down, the girls are doing a great job and you are always going to have a little delinquency there. Pat Williams asked if the 17 homes are vacant. Ms. Kehoe stated that for the most part yes. Discussed 316 Summit Avenue.
- **The Gathering Place** Gerrie Carey/Pat Williams
Lockbox request: David Jenkins made the first motion to approve the lock box, seconded by Dominic Scott, vote was 6-1 with Vince Cruciani voting no. Vince Cruciani asked if there is a security system, Ms. Kehoe didn't think so. Mayor Johnson stated that they are going to put the awning up first then see where they can put the four flags. Vince Cruciani stated that on the question for the vote he voted no because the numbered keys is a more accountable system.
 - **Stormwater Committee** Herman Johnson
Herman Johnson stated that he is pleased with Virginia Kehoe and the DPW and the street sweeping, that will count for the MS4 program
 - **ACOG Representative** Gerrie Carey/Dom
Scott/Frank Besten: Dominic Scott will go to the ACOG meeting
 - **Liquid Fuels Research** Bob Bennett
Bob Bennett asked about the liquid fuels situation. Solicitor Rogan stated that the answer is the same as it was last Wednesday, they are waiting on a response from Pat Lavelle and Bob Naegele is working on a description on the other road. Bob Bennett stated that he though we already had a description of the roads in question. Solicitor Rogan stated that we have the deed for Hedge Row run but not for the other one. Mr. Bennett stated that this request started in June of 2016, so it has already been 10 months and in his opinion they are getting nowhere. Solicitor Rogan stated that Bob Naegele is working on the description for the one development and Mr. Lavelle spent a lot of time looking for a lost deed and he stated that both of those are working faster than litigation would move. Mr. Bennett stated that he would like to put this issue in her court to see if we could be a little more proactive in pushing and being more active. Mr. Bennett stated that we already missed the 2017 deadline. Solicitor Rogan stated that he thought Mr. Lavelle has been very diligent in looking for the deed and finding it, he had to find it he didn't know he had it. Mr. Bennett does not want to lose this money for 2018. Ms. Kehoe stated that she does not know what the deadline is for the state.

Vince Cruciani stated that now that we have the deed, it should be filed. Solicitor Rogan said yes as soon as it is signed. The deed has not been executed yet.

- **Additional comments from Council**

Pat Williams presented a brief summary from the Shade Tree Committee. He has only been on it a few months but they are very active. There is a whole list of things being discussed for this year. They are all positive, ways to enhance the Borough. Clarks Green is discussing sharing the Shade Tree responsibilities with the Clarks Summit Borough.

Vince Cruciani stated that there is going to be a massive loss of Ash trees. There is a beetle that will take out the trees. We have a lot of Ash trees. We should have a game plan; it can cost the residents a lot of money. It needs to be on the Shade Tree Commissions radar, and we need an appropriate response when residents call. Have a list to help people. David Jenkins suggested putting a list of vendors in the sewer bill mailing.

Herman Johnson thanked every department that helped with the snow emergency. It was very difficult to clean up. He thanked the EMA, Fire Company, Police Department, DPW and the Borough Manager's office.

- 8. VENDOR PAYMENTS TO BE RATIFIED:** **President Carey**
David Jenkins made the first motion to ratify vendor payments, seconded by Dominic Scott, vote was 7-0.

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

- **Resolution 2017-05 PennDOT Agility Agreement:** Frank Besten made the first motion to accept Resolution 2017-05, seconded by Pat Williams, vote was 6-1 with Vince Cruciani voting no.
- **Time/Temp option for Front Street Park:** Tabled
- **Heart and Lung Policy:** Mayor Johnson stated that they are reviewing the policy that they do have and they will present it to Council.
- **Fire Company Agreement:** Virginia Kehoe stated that she spoke to Russell Shurtleff who is the Chair of the Trustees for the Fire Company and he is confident that he can have them sign off on a representative coming in quarterly to give a report. He would have no problem signing off on a reasonable timeframe for the fire company to supply information after disasters. The only thing that is a hardship on the fire company is that they need the lump sum payment; they can't have it broken down into quarters because of their budget and the way their expenses come in. If we are willing to keep the lump sum payment they will agree to the 2 other conditions. They will attend a meeting with quarterly report; Mr. Cruciani stated that it is ok if it is just a written report. Pat Williams likes the idea of them coming in quarterly. Vince Cruciani discussed how long the contract is for. The time frame to submit logs and data should be within 5 days. Vince Cruciani made the motion to pass this fire protection agreement as amended with the Solicitor incorporating language to change the term to 2 years, to request a quarterly report at a stated meeting or worksession, and a written report within 5 days of the request from Council in the case of an

emergency, seconded by Dominic Scott, vote was 6-0 as David Jenkins abstained due to his position in the fire company. Vince Cruciani asked when the Borough pays the mill. Ms. Kehoe stated that she will check on that. Jamie Kresge, Vice President of the Trustees for the Fire Company stated that they usually get their payment in March. Mr. Kresge stated that all of the other municipalities have 3 year contracts with the fire company. Vince Cruciani stated that he asked for the 2 year contract because the elected officials change every 2 years. He tries not to bind the next Council if there are any changes to Council. Mr. Cruciani asked Mr. Kresge what is the disadvantage to the fire department if they changed it to 2 years. Mr. Kresge stated that they would have to take it back to the trustees for negotiation. Vince Cruciani amended his motion to a 3 year renewal, seconded by Bob Bennett, vote was 6-0 with David Jenkins abstaining from the vote. Vince Cruciani stated that in the contract on 3.A. if one mill is \$43,000, let's say our collection rate is 90%, do they expect the mill or the collection rate. We give them the 1 mill because we bill the residents more than 1 mill for the fire company.

- **CDBG Monies to upgrade boiler at Senior Center: Resolution 2017-06:** David Jenkins made the first motion to accept Resolution 2017-06, seconded by Frank Besten, vote was 7-0.

10. NEW BUSINESS: President Carey

- A. **Cherry Hill Partners-Land Development:** Vince Cruciani made the first motion to accept the land development plan, seconded by Bob Bennett, vote was 7-0. David Jenkins asked if the Sewer Authority has approved the Sewer Module. Ms. Kehoe said yes, they already signed it.
- B. **Resolution 2017-07 Cherry Hill Partners Sewerage Module:** Vince Cruciani made the first motion to approve Resolution 2017-07, seconded by Frank Besten, vote was 7-0.
- C. **Planning Commission 2016 Year End Report:** The Planning Commission submitted an update.

11. SOLICITOR'S REPORT: Solicitor

Rogan/Mulhern: Vince Cruciani asked if we closed out the property on Marion yet. Ms. Kehoe stated that we need to get a deed and get it signed. Solicitor Rogan stated that we have the deed and the search was done. The also did a search on the Weinberger property there seems to be a little issue that they have to work out with the Weinbergers.

12. CORRESPONDENCE:

- **Frank Savo:** Vince Cruciani made the first motion to accept the request to change the number of EDU's from 2 to 1 for the former beauty salon on Depot Street, seconded by David Jenkins, vote was 7-0.
- **PSAB:** Ms. Kehoe stated that the PSAB has two resolutions that they would like Council to consider. The two drafts Ms. Kehoe could put together are for the radar and for charitable organizations.

13. EXECUTIVE SESSIONS:

President Carey

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

14. ADJOURN:

President Carey

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