

**BOROUGH OF CLARKS SUMMIT  
BOROUGH COUNCIL MEETING  
AUGUST 2, 2017**

The August 2017 Borough Council Meeting was conducted on Wednesday, August 2, 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 Ms. Gerrie Carey, Mr. Frank Besten, Mr. Dominic Scott, Mr. Vincent Cruciani, Mr. David Jenkins, Mayor Herman Johnson, Mr. Patrick Williams, Police Chief Chris Yarns, and Borough Manager Virginia Kehoe. Pat Rogan and Bob Bennett were absent from the meeting.

**CALL TO ORDER:**

**President Carey**

**MEDITATION:**

**Mayor Lawler**

**PLEDGE OF ALLEGIANCE:**

**Mayor Lawler**

**1. APPROVAL OF THE AGENDA**

**President Carey**

David Jenkins made the first motion to approve the agenda, seconded by Dominic Scott, vote was 6-0

**2. APPROVAL OF MINUTES:**

**President Carey**

- **June 28, 2017 Council Worksession:** Frank Besten made the first motion to approve the minutes, seconded by Dominic Scott, vote was 5-1 with Vince Cruciani voting no.
- **July 5, 2017 Regular Council Meeting:** Vince Cruciani made the first motion to approve the minutes, seconded by Frank Besten, vote was 5-1 with David Jenkins voting no.

**3. PUBLIC COMMENT & INPUT:**

**President Carey**

Rose Singh, 508 School Street was joined by 4 other families in the area. They were there to discuss the rental property at 504 School Street. Ms. Singh stated that in November of last year it was established that there were more than 4 unrelated individuals living in the rental property. They have concerns because it is breaking a borough ordinance. They wanted to see what the borough was going to do to remediate these issues. The school year is coming back; the tenants do not have any place to park. They park on the street during the snow ban; it's becoming a safety issue. Ms. Singh. Ms. Singh also stated that there are garbage cans left out for a long time after pickup and Jenn sent a letter to the owner about this and nothing has been done yet. Ms. Singh stated that they do not get ticketed for parking on the road during the winter but she had a guest who did receive a ticket. It is basically a frat house. They wanted to address the borough to see what can be done. Mr. Cruciani asked how many people does Ms. Singh think lives in the rental. Ms. Singh stated that they told Officer Yarns that there were 6 people living there. Ms. Singh believes there are at least 8. Chief Yarns stated that was last school year. On the weekend

there are many more cars. Mayor Johnson stated Ms. Singh did call his residence and he did return her call. Mayor Johnson visited the rental and took pictures and from what he could see they were doing nothing illegal. They had a trailer in the driveway and it had blocks behind the wheels. They have been ticketing on that street, they do park far enough over on that last block there is not a lot of traffic. He understands her problem but this is not a police matter it is a civil matter. Ms. Singh stated that they are at the meeting because from September through May there will be students living there and they want to make sure they are complying. Mayor Johnson stated that the Code Officer should address the tenant registration to make sure they are in compliance. Ms. Kehoe stated that the tenant registration on file shows 4 renters. Chief Yarns stated that he followed up on a complaint from Rose Singh. Chief Yarns stated that police need probable cause. People can stay there, they can stay overnight, the problem is proving who is living there vs who is actually renting. Ms. Kehoe stated that the landlord last year stated that there were 5 renters and one was moving out and he understands the limit is 4. It's very difficult to prove that there are more than 4 people renting. Chief Yarns stated that with the parking situations where they can only park on the street. So if they can keep their vehicles off the street far enough so the plows can get through then they don't get a ticket. Chief Yarns stated that we have a few streets in the Borough that have the same situation. Mr. Cruciani stated that if your one tire is on the road you are not going to get a ticket. Chief Yarns stated that the next time this is an issue he asked them to come with him and he would show them. Ms. Salazar stated that in her opinion Chief Yarns has been very professional and very responsive to her, she appreciates that. Ms. Salazar stated that she approached the renters nicely, leaving a nice note saying to them, asking them to not obstruct the parking for grandmother that have to use walkers. Ms. Salazar stated that the renters told her that the police were on their side not Ms. Salazar's. Ms. Salazar stated that the renters are rude, nasty and disrespectful. Chief Yarns stated that for him to take action, they need to find a violation. She has a list of complaints. Pat Williams stated that is a residential area and you have a landlord who is willing to rent to the younger people and it causes nothing but problems. Chief Yarns stated that if they see criminal issues or parking issues etc, call him and he will ticket them. Mary Joe Devereaux stated that she is having issue with the lack of communication between the police and the residents. She has called stating the parking is a problem because she is backing out of her driveway. She is looking for better feedback from the police department. There were girls coming from the rental and were loud at 4am they left their car parked in the middle of the road. The police department about the car, the police gave them a ticket for illegal parking. She wanted the car towed. Why are these people not held responsible when they don't follow the rule. Kevin Chapin is the problem, he is the owner, he is not being held responsible. He is getting courtesies which is unacceptable. Chief Yarns stated that when there is a violation they will write a ticket. They have obvious code violations and the police go by and they don't do anything. The police do not write code violations. This goes to the Code Enforcement Officer. Mayor Johnson stated that they have put the Borough on notice, let the Borough look into this and they can come back in a couple of months. It all falls back on the landlord. Mayor Johnson stated that this is a civil issue. Mr. Cruciani suggested sending Jenn Basalyga an email if the garbage is left out past the 24 hour window. Ms. Basalyga can send the notification and cite them. Part of addressing this is going to be their vigilance and the more vigilant they are about

informing the Borough. Mr. Cruciani stated that if there is an issue at 4am call the police at that time because he believes all it is going to take is one significant bust. It is annoying but they must be vigilant. Paul Kalminovich lives 2 doors down. He stated that Kevin Chapin knows that the neighbors have been calling the Borough and Chapin is retaliating. He is now putting ornaments on his property, defacing his property. As a rental for his street this is becoming an issue. Mr. Cruciani asked for suggested ideas that they have. Ms. Salazar wrote a list and she is leaving a copy with the Borough and she would like a request a response to each item. They never had a problem until Kevin Chapin moved in. The neighbors are worried about their property values. Vince Cruciani stated that as a government we have constraints on the Borough; there are remedies who can sue. Practically speaking they don't even need a lawyer; it would probably be Magisterial District Court. Mr. Cruciani is not dismissing their concerns he is talking about the constraints on the Borough. A suggestion was made to contact Keystone College; they do not like this kind of activity. Contact the Baseball Coach at Keystone College.

Tom Hendrian thanked Mr. Cruciani and Virginia Kehoe for their help. The DPW came out and dug a ditch by hand. They had a serious rainfall and it did handle the water. He is asking that their road also get paved. That is with the water company.

Jim Evans, 105 Carnation Drive is concerned about his property at 613 Greenwood Avenue. The water company paved Greenwood Avenue in the beginning of July. 8 out of the 10 homes now have a curb in front of the driveway. Someone fell due to this curb. He called the water company and Leeward and nothing has been done to correct this. Virginia Kehoe stated that she would call Leeward Supervisor and let Mr. Evans know the response. Gerrie Carey stated that we could have our Solicitor send a letter to the PUC.

Gerard Hetman with the Lackawanna County Community Relations Department updated Council. Councilman Cruciani asked for a rough estimate on the reassessment plan referendum, the number they had was roughly \$10,000,000. Mr. Hetman stated that he could get that information in writing for Mr. Cruciani. Mr. Cruciani asked that this be sent to the Borough, not just him personally.

4. **POLICE REPORT:**

**Mayor Johnson**

David Jenkins asked if we are doing VASCAR on Winola Road. The Chief said yes but it has been very busy with a couple serious incidents that have happened. Frank Besten asked about Knapp Road, are the police still trying to enforce there. Yes, it seems like the patrols are slowing the speeding down. The gentleman who made the complaint praised the police department. Vince Cruciani stated that he doesn't think that the people appreciate the amount of time and paperwork that goes into the major incidents that holds up the officers and consumes a lot of time. It took the police 14 hours to identify a special needs person who ran away. It's been very busy.

5. **BIDS & QUOTATIONS:**

**President Carey**

- **Carnation Park Project:** Ms. Kehoe stated that we were awarded the grants for the stormwater improvements in Carnation Park. The bid went out, she

opened 6 bids. She asked that Council make a motion to accept the lowest bid, contingent on that the Engineers makes sure the bid specs are met. Ms. Kehoe will send Bob Naegele the two lowest bids for him to review. Ms. Kehoe then opened the bids. Vince Cruciani made the first motion, seconded by David Jenkins, vote was 6-0. Mr. Cruciani asked Virginia Kehoe to inquire about the guy going to paint the court, in case they want to get that done. Ms. Kehoe stated that the painter said he gave Mr. Cruciani the price and he didn't have it with him to tell Ms. Kehoe. Mr. Cruciani stated that if he emails the price to the borough, Mr. Cruciani will cut a check for the amount. Ms. Kehoe will follow up.

- **Northeast Signal Maintenance Agreement:** Pat Williams and Frank Besten met with Northeast Signal last month. They asked for an estimate for the maintenance of the service boxes. There has been no maintenance and they were installed in 2007. There is exposed wire down by Dunkin Donuts. David Jenkins made the first motion to approve the estimate for \$3,000 for the maintenance agreement, seconded by Dominic Scott. Ms. Kehoe will get an ETA as to when they will do this work. Mayor Johnson asked if this is yearly or a one shot deal. Frank Besten stated this is a one shot deal. Let's see how it works out and then they can discuss more. Mayor Johnson stated that it should be checked periodically. Ms. Kehoe stated that she will ask them for a maintenance agreement. Ask the Solicitor about the audible signal. Waiting for a response on that. David Jenkins asked about the traffic signal at the Morgan Highway and West Grove Street. Ms. Kehoe will follow up on that. The vote was unanimous 6-0.

6. **removal in stormwater easement and planting of willows in the swale:** Virginia Kehoe thanked Mr. Cruciani for meeting with some of the contractors to get the prices. Brown Hill Tree Company with a quote of \$2,400, the reason is because they have small equipment that can get into the area. Mr. Cruciani gave his check for \$1,000 for this and stated that they can go through his yard and this just saved the borough \$3,000. David Jenkins made the first motion to accept the recommendation of the Brown Hill Tree Company, seconded by Dominic Scott. Pat Williams asked Mr. Cruciani about the stacking of firewood and the rodents that are associated with that. Mr. Cruciani stated that he will have it taken care of. Mr. Cruciani stated that anything that remains will be on pallets and covered tightly. Only bunnies live under the pallet in the summer. Mr. Cruciani was worried about having too much brush because that is where the rodents would go into, but the guys will be able to take out the brush. Mr. Williams stated that is very good to hear. Mr. Cruciani has not only donated \$1,000 towards this cost and he saved at least another \$1,000 if the company had to remove the wood. Gerrie Carey thanked Vince. Mr. Cruciani stated that this is not on this property and he would rather give \$1,000 to the Borough to have this fixed rather than have his fence broken by a dead tree and have the Borough come and fix it. Ms. Kehoe stated that we need to remember there is a difference between the borough owning the borough easement vs a paper alley that was never dedicated or used. We don't own the paper alleys. We did go an take this property through eminent domain. The vote was 5-0 with Vince Cruciani abstaining.

7. **BOROUGH TREASURER’S REPORT**

**President Carey**

David Jenkins made the first motion to approve the Treasurer’s Report, seconded by Dominic Scott, vote was unanimous 6-0.

8. **COMMITTEE REPORTS:**

• **Building & Plant**

Pat Williams, Chair

Dominic Scott donated \$200 for mulch to be used on Lackawanna Trail Road. Council thanked Dominic Scott for his donation. Gerrie Carey stated that she talked to Mark Shiffer about the work that is going to be done on the Borough building; he has given us a deadline by the end of September. Pat Williams stated that they are going to continue to paint the DPW building again. Ms. Kehoe has not gotten the estimate for the repairs to the fascia on the DPW building. She is still waiting for quotes. Pat Williams stated that the DPW building needs some work to look better and maintain what we have. Ms. Kehoe stated that the floor in the one section at the DPW is in need of fixing. It would be good to have at least ½ of the yard paved.

• **Finance Committee**

Dominic Scott, Chair

• **Grant Committee**

Dave Jenkins, Chair

• **Recycling Committee**

Bob Bennett, Chair

Ms. Kehoe stated that the county is offering the tire recycling event. She will get more information. Pat Williams asked Gerard Hetman to pass on to the County that he was glad we participated in the E-Cycling event.

• **Insurance Committee**

Vince Cruciani, Chair

• **Personnel Committee**

Gerrie Carey, Chair

Gerrie Carey stated that Solicitor Rogan did submit his letter of resignation. In the past 7 years he has been extremely helpful to the borough. He came in when the borough was financially strapped. He did a lot of work without being compensated. Mr. Cruciani suggested recessing the meeting for the limited purpose of voting on this, if we made it Friday the 18<sup>th</sup> as the deadline date that should work. Present Solicitor Rogan with a plaque of thanks. The Personnel Committee can review the submissions and Council can interview candidates during an Executive Session.

• **Public Safety/Safety**

Pat Williams, Chair

Pat Williams stated that they met with Alan Jones on the Agility Program. Ms. Kehoe will put some numbers together; we need to offer a match. If we don’t get Lackawanna Trail done it is going to cost big bucks to pave that. The state will tar and chip that road which would help. Frank Besten discussed sealing and patching by renting a buggy for \$1,600 and tar materials. This was not budgeted for. David Jenkins made the first motion to rent the tar buggy and 3 pallets of tar material, seconded by Vince Cruciani, vote was 6-0. This would be for crack sealing.

• **Recreation**

Dominic Scott, Chair

• **Sewer Billing**

Dominic Scott, Chair

Dominic Scott stated that posting the homes with water shutoff notices is very effective. Ms. Kehoe stated that she and Jenn Basalyga have a list of the abandoned homes where the water service has already been shut off. We also have a list of another 13 liens to file. David Jenkins asked for a total of the liens and the accounts that are shut off for the end of the year.

- **ACOG Representative** Gerrie Carey/Dom Scott/Frank Besten They are not meeting this month.
- **Liquid Fuels Research** Bob Bennett  
Ms. Kehoe stated that one of the ordinances that was advertised and they will be voting on tonight is adopting Stone Ridge and Hedge Row Run, that would give us 2,400 linear feet added to our roads
- **Civil Service Commission update** Dom Scott written exam results / oral exam scheduled: Ms. Kehoe stated that there were 5 applicants to take the exam. They all took the test on July 22<sup>nd</sup>. 4 people passed the test, those 4 will take the oral exam and in the September meeting they will know who will go on for interviews. Ms. Kehoe stated that the 5 were within 10 points of each other.
- **Additional comments from Council**  
Frank Besten stated that the DPW worked on Grandview and he compliments them. They did a nice job patching everything. Ms. Kehoe stated that our crew and our assistant foreman have been doing an amazing job. The communication between them and this office has been amazing, the responsiveness of anything that is asked and the quality of work; there is a great comradery with this group. Gerrie Carey stated that the DPW deserves a lot of credit for the work that they do.  
David Jenkins asked if Leeward will be coming back to seal the blacktop. Ms. Kehoe will verify that.  
Pat Williams thanked the DPW for the brush hog. Jay Miller did a nice job. Pat Williams asked about skateboarding in the Borough. Gerry Carey asked the county for a grant to put in a skate park maybe at Hillside Park. Ms. Kehoe stated that the issue is with liability insurance. Pat Williams asked who brush hogged the Perry's.

**9. VENDOR PAYMENTS TO BE RATIFIED:** **President Carey**  
Vince Cruciani made the first motion to pay the bills, seconded by David Jenkins, vote was 6-0.

**10. OLD BUSINESS:** **President Carey**

- **Ordinance 2017-01 Lot Coverage:** Vince Cruciani made the first motion to adopt Ordinance 2017-01, seconded by Frank Besten. On the question Mr. Cruciani thanked Mr. Durdan what they found is that the Borough's concerns, instead of them taking a hard line approach they worked with us to find a middle ground by using a sliding scale where it was appropriate. Mr. Cruciani thanked Mr. Durdan for his efforts. The vote was unanimous 6-0.

**11. NEW BUSINESS:** **President Carey**

- a) **Ordinance 2017-03 Adoption of Roads:** David Jenkins made the first motion to adopt ordinance 2017-03, seconded by Vince Cruciani, vote was 6-0.
- b) **Appoint temporary Sergeant at \$0.50/hr increase for 25 weeks:** Frank Besten made the first motion to approve one temporary Sargent through the balance of the calendar year 12/31/17, seconded by Vince Cruciani. On the question David

Jenkins asked if this fly against the OIC position. Mayor Johnson said no because you are going to have a Chief who is the boss, you are going to have a Sargent so if the Chief wasn't there and then you have an OIC when the other 2 are out. the reason he is asking for this is because of the increase of activities they have had and the stress level of some of these incidents he thinks they deserve a supervisor on every shift. Vince Cruciani stated that what they want to try is for the next 5 months due to personnel matters to allow for more flexibility but also stability in the administrative functioning without having to go to the OIC. This allows for a dual and also subordinate administrative officer. This is a temporary through December 31<sup>st</sup> so it is not creating a new position. David Jenkins asked if the person filling in as temporary Sargent have the capability of giving out discipline, Mayor Johnson said yes he would but it would have to be approved by the Chief. Does it have the blessing of the police union? Mayor Johnson said yes and the blessing of the legal department. The vote was unanimous 6-0.

**12. SOLICITOR'S REPORT: Solicitor Rogan**

- **Resignation effective 8/31/17:** David Jenkins voted to accept Solicitor Rogan's letter of resignation, seconded by Frank Besten, vote was unanimous 6-0.

**13. CORRESPONDENCE:**

- **Letter from PSAB re: opposing UCC third party requirements:** Ms. Kehoe stated that every community has a building inspector; we have a second one so people have a choice. Most residents do not know the difference as to who to choose. This would have the borough offer 3 or more options, Ms. Kehoe stated that she doesn't believe the state has thought this through and she thinks they need to have a viable program to handle it before they enact it. That is her personal thought on it and she is personally opposed to it. David Jenkins suggested earmarking a letter to the chairman of whatever group it is with the PSAB representing our thoughts on it. David Jenkins made a motion to follow the sample letter opposing this, seconded by Dominic Scott, vote was 6-0.
- **2020 Census Local Update:** Ms. Kehoe stated that each community has the opportunity to review the address list and participate with the Federal Government to make sure all of the residents are accounted for. If we do this we have to do it by vote, Gerrie would need to sign the paper work and they would have to assign one person who is responsible for that and that person has to sign and make security promises because that information is only to be looked at for the purpose of making sure everybody in Clarks Summit is accounted for. We cannot compare it with other lists. This way we would make sure that the borough is not missing any properties. The number the census comes up with affects us; the number of residents makes a big difference. Discussed who would be responsible for this list. Possibly Kathy Drake or Virginia Kehoe. This was tabled.

**14. EXECUTIVE SESSIONS: President Carey**

- **Prior-** 7/5/17 litigation / personnel  
7/26/17 personnel
- **During-** None
- **Subsequent-** None

Helene Magnotta, 206 Barberry Lane. Ms. Magnotta stated that Nettie had selected 2 trees. There are questions. Ms. Magnotta asked who was responsible to maintain the trees, pruning or if they are diseased. Ms. Kehoe will check with the Shade Tree Commission. Ms. Kehoe stated that the borough would have to maintain it if the tree didn't take.

**ADJOURN:**

**President Carey**

David Jenkins made the first motion to recess for the limited purpose of voting on a Solicitor and the census, seconded by Pat Williams, vote was unanimous 6-0.