

**BOROUGH COUNCIL REGULAR MEETING  
RECONVENE FROM AUGUST 2, 2017  
AUGUST 30, 2017  
7:00 PM**

This meeting on August 30, 2017 is reconvening from the August 2, 2017's Borough Council Meeting. 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. Bob Bennett, Mr. Dominic Scott, Mr. Frank Besten, Mr. Vincent Cruciani, Mr. Patrick Williams, Mr. David Jenkins, Borough Manager Virginia Kehoe, and Mayor Johnson.

**RECONVENE**

Gerrie Carey stated that prior to Council reconvening they had 2 personnel interviews prior to the meeting. 4 Attorneys submitted their resume the Solicitor position.

- **SELECTION OF NEW BOROUGH SOLICITOR:** David Jenkins made the first motion to hire Attorney Kevin Hayes as our new Solicitor effective for the September meeting, changed this to effective immediately, seconded by Dominic Scott, vote was 7-0. Bob Bennett asked if Solicitor Hayes is taking over everything. Ms. Carey said yes. Ms. Carey stated that the Borough has a 90 day window on the Valvano issues and Pat Rogan will continue handling that. Vince Cruciani made a motion to allow as necessary for the duration of the year that Pat Rogan work with Kevin Hayes to resolve any unresolved issues. Bob Bennett stated that under the question he would like Kevin Hayes to be first chair. Mr. Cruciani said yes, without question. Ms. Kehoe will reply back to the other applicants and she will get a list of the pending items for Kevin Hayes. Gerrie Carey stated that Kevin Hayes will reach out to Pat Rogan for the files. Ms. Kehoe said she would confirm that. David Jenkins suggested a courtesy phone call to Pat that we have replaced him with his recommendation Kevin Hayes. Mayor Johnson suggested a thank you letter to Mr. Rogan. Vote on the second motion to allow Kevin Hayes and Pat Rogan to work together to resolve any issues through the end of the year was unanimous.
- **DISCUSSION ON CENSUS LUCA REP – POSSIBLE APPOINTMENT:** Ms. Kehoe stated that participating in LUCA can help ensure an accurate census for the community. We do not have to do this. There is a great deal of work involved with this. Ms. Kehoe stated that the Borough could give this to the Planning Commission. Mr. Cruciani stated that the only issue with giving this to the Planning Commission is one person would have to sign the confidentiality agreement and whoever does this needs to get paid for doing it. What if no one from the Planning Commission wants to do this? Mayor Johnson asked that if we did not do this would it hurt our status as a First Class Borough. Ms. Kehoe stated that doing this or not doing this will not affect our status but the count, that 5,000 mark makes a difference to the Borough with a lot of different things. Ms. Kehoe

stated that according to the estimated census right now we are showing as 4,900 so accuracy could be very important. Ms. Kehoe stated that if we are under 5,000 we would no longer be mandated for recycling and that could lead to the loss of grant money which we receive every year. That comes to about \$8,000 each year. Herman Johnson said this could affect grant funding. They discussed hiring someone to do this work. It's important to stay at 5,000. One person must sign off on this but it could be a commission or group that reviews it. Mr. Cruciani asked if you can add addresses to the list, what the cross reference point is. Ms. Kehoe stated that we can use our data bases to the list we can't use the list to update our data bases. David Jenkins asked if this is something that Jenn Basalyga can handle. MS. Kehoe stated that she is hesitant because of the current work load. There are 2,200 properties this will probably take 20 hours; this is like a \$500 project. Ms. Kehoe mentioned Janice Reich and Mr. Cruciani mentioned Nicole Kelly as two people who might be interested in doing this. Mr. Cruciani stated that the sewer list is our master list; Ms. Kehoe stated that we also have the list from the Assessor's Office. It might take more than 20 hours. Ms. Kehoe will reach out to Nicole and Janice.

David Jenkins made the first motion to adjourn, seconded by Bob Bennett, vote was unanimous.

**BOROUGH COUNCIL SPECIAL MEETING  
AUGUST 30, 2017  
7:00 PM**

The August the Borough Council Special Meeting was conducted on Tuesday, August 30, 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. Bob Bennett, Mr. Dominic Scott, Mr. Frank Besten, Mr. Vincent Cruciani, Mr. Patrick Williams, Mr. David Jenkins, Borough Manager Virginia Kehoe, and Mayor Johnson.

- 1. WORKSESSION: President Carey**
- 2. PUBLIC COMMENT President Carey**

- **Bid opening - Colburn Street, DPW Truck, Dog Coops, Overhead doors:** Ms. Kehoe stated that there are 4 different items that were put out to bid. Council will vote next week.
- **2017 CDBG monies:** Ms. Kehoe stated that the borough opted to use last year's left over monies at the Senior Center. This year the state required a listing of the members and the definition of a senior citizen is 55 or older therefore there were some people that were under 62, the state says anyone over 62 disqualifies the project. Vince Cruciani stated that he thought we talked to Warren and the board about changing the membership requirements. Ms. Kehoe said that we did talk to them about this and they won't change them. Mr. Cruciani stated that he is so sick and tired of the way that they think, they think they are entitled to receive taxpayer money and then not comply with something like this. Mr. Cruciani is

flabbergasted by it and he cannot wait until he has enough votes to get rid of that building. Mr. Cruciani stated that it should go to the AAJRB, it is on their land. He is not saying that we should get rid of the Senior Center. The next time they ask for anything he hopes that Council will remember what just happened. Mr. Cruciani stated that they had discussed having the Senior Center change their membership requirements, that way they can fit the definition and therefore get the grant money. The Borough will go out of its way to get the Senior Center money even though they are not in the Borough. They did not get the grant money because they did not change the requirements for the membership. Mr. Cruciani stated that he has his concerns about the park. Mostly that the AAJRB is not charging users money. Mr. Cruciani asks why doesn't the Borough give the building to the AAJRB, it is not in our Borough. We will still have part ownership, we are a part owner of the AAJRB. This will then be all 5 municipalities problem because people use the Senior Center from everywhere. The AAJRB also wants this building; they want it for AAJRB business. Gerrie asked Vince what he thinks about going to the Senior Center and telling them that they need to change their membership guidelines. Frank Besten said that they have over 600 people there from all different boroughs', why should this just be on the Clarks Summit Borough. Mr. Cruciani suggested sending the Senior Center a letter requesting that they come to our meeting next week. Mr. Cruciani asked who is calling the shots and won't change the by-laws. Ms. Kehoe will find out who is on the board and invite them. Gerrie Carey stated that she thought someone from Council should go to the Senior Center's board meeting too. Bob Bennett asked what was budgeted for the Senior Center for 2017. Mr. Cruciani stated that theoretically it is supposed to break even with some comps. But what happens is there are some fundamental infrastructure issues that break down. David Jenkins stated that he agrees with Vince Cruciani 100%. Ms. Kehoe stated that the other issue is that Powell did not qualify for the monies either. They have last years and this year's monies and we do not have a project and the county is asking for the Borough to come up with some projects. Vince Cruciani said the state is in a 2 billion dollar inability to balance the budget and they have syphoned off money for particular spending projects that people cannot even find ways to spend it. Ms. Kehoe stated that the people that live where the work is to be done have to meet the financial criteria and the 400 block of Powell didn't make it. The qualifications are either low income or elderly, or handicapped. David Jenkins suggested making all the curbing handicapped accessibility. Mr. Cruciani stated that we do have a tree problem in the Borough, how many handicapped, elderly and financially stressed people are affected by this. Ms. Kehoe will have more information for the meeting. Mr. Cruciani stated that on the corner of Columbia and Waverly, Mrs. White's evergreens are in bad shape and they are by powerlines. Putting up those evergreens and then just stabilizing the bank, they are not nice looking. The way to keep it contained is we limit it to dangerous trees. If a dangerous tree came down and they qualified and the removal of the tree destabilized the bank, we could stabilize the bank. Ms. Kehoe will pursue this.

- **Heart & Lung Policy:** Ms. Kehoe stated that she has had no response from the police union with what they consider negotiable on this. Frank Besten stated that he spoke to Bob Shedlock on this and discussed the issue and Officer Shedlock

stated that he would get back to the Borough with his Solicitor by today. Ms. Kehoe stated that the Labor Solicitor presented this document that he feels the Borough can act on. At Council's suggestion, Ms. Kehoe presented it to the union. The union responded back and said that they feel there are items in the policy that need to be negotiated but we don't know what they are yet. Mayor Johnson stated that he has been talking to the union and the biggest issue they see with this policy is Section F. in the last paragraph. Mayor Johnson stated that he thinks the Borough should implement it and then they can negotiate it when the contract comes up. Vince Cruciani stated that as a gesture of good faith we could add a sentence to Section F. that says that a commonwealth member of the bar, usually agreed to between Borough Council and the Association. Mayor Johnson agreed. Mayor Johnson stated that this needs to be straightened out if this is a policy or a law. Ms. Kehoe stated that this policy adopts what our process is. Move this forward to be on the agenda.

- **Response to School Street Letter:** Rose Singh and Ruby Salazar handed out 2 typed questions to Ms. Kehoe at the last meeting and said that they expect an answer to the questions. Mr. Cruciani stated that the Borough has already addressed the questions at the last meeting. Ms. Kehoe stated that she was handed these questions after the discussion at the last meeting and she is looking for direction from Council, should we respond and in what way. David Jenkins asked how many people are renting is it 5 or 6. Ms. Kehoe stated that the landlord filled out the tenant registration with 4 people renting. Mr. Cruciani stated that the Salazar's sent on behalf of the neighborhood presented the list with 5 questions. One question is about the property line, Mr. Cruciani stated that his suggestion is that they have a professional surveyor survey the property and what is on your property is yours otherwise it would be trespassing. We have a 24 hour policy, just cite the ordinance and there has been cooperation with that. The Borough has a tenant registration policy, it is public information, cite the policy. If they believe that they are in violation of that policy please provide us with documentation. The police enforce the laws however it is also the resident's responsibility to contact the police department when crimes are occurring. For plowing in the winter, just cite the ordinance that says you can't park on the street in the winter and if they see a car parked on the street in the winter just call the police. Ms. Kehoe stated that they are requesting 2 handicapped spaces which we would have to adopt an ordinance. If we have handicapped parking the police would have to enforce it. Mr. Cruciani stated that he is in favor of handicapped parking and it has nothing to do with these people. They are one block from the Pit and that gives someone a chance to go to a game when they may otherwise not be. It's also by a church, a professional business and a residence. Ms. Salazar wants them in front of her professional offices. Mr. Cruciani thinks just one would work. There is one handicapped spot on Zimmerman, there is one on Powell Avenue, also one by PNC Bank. Ms. Kehoe will find a template for this. Mayor Johnson stated that that this is all coming about because of a neighbor dispute, are we going to do this all of the time? Mayor Johnson stated that he understands about the handicapped spot but these other issues. Mr. Cruciani asked if they ruled out no parking on the street. We did not address that at all.

- **Ground breaking ceremony – 9/22 – what time?:** Ms. Kehoe stated that DEP wants to publicize this project and the grant being awarded. Pick a date and time. Blake and Kavulich are both available on 9/22. Set time for 3pm.
- **Social Media and Right-to-know:** Ms. Kehoe had a phone meeting that was selling a service. The purpose of their service is to back up information with open records, especially with social media. Council email is public record, Facebook is also and don't delete anything with relation to the borough. If it is borough business you need to keep the email record. Mr. Cruciani said do not use your personal email for borough business.

**3. REVIEW OF SEPTEMBER 6, 2017 AGENDA**

**4. ADJOURN:**

**President Carey**

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