

**BOROUGH OF CLARKS SUMMIT  
BOROUGH COUNCIL MEETING  
SEPTEMBER 6, 2017**

The September 2017 Borough Council Meeting was conducted on Wednesday, September 6, 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. Bob Bennett, Mr. Vincent Cruciani, Mr. David Jenkins, Mayor Herman Johnson, Mr. Patrick Williams, Solicitor Kevin Hayes, Police Chief Chris Yarns, and Borough Manager Virginia Kehoe. .

**CALL TO ORDER:**

**President Carey**

**MEDITATION:**

**Mayor Johnson**

**PLEDGE OF ALLEGIANCE:**

**Mayor Johnson**

**1. APPROVAL OF AGENDA:**

**President Carey**

Vince Cruciani made the first motion to approve the agenda, seconded by David Jenkins, vote was 7-0.

**2. APPROVAL OF MINUTES:**

**President Carey**

**July 26, 2017 Work Session:** Vince Cruciani made the first motion to approve the minutes, seconded by Frank Besten, vote was 7-0.

**August 2, 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 and Bob Bennett abstaining.

**3. PUBLIC COMMENT & INPUT:**

**President Carey**

Conrad Kwolek, 203 Knapp Road stated that so far so good with the stop sign enforcement however there is still a speeding problem. Mr. Kwolek suggested changing the speed limit and lowering it to 15 mph. Mr. Kwolek also suggested painting white speed lines. Mayor Johnson stated that he does not know if it is legal to drop the speed limit to 15 mph. He suggested letting the police do the enforcement and see how that goes.

Cindy Coleman, 1024 Sleepy Hollow Road, she discussed military home town banners which would be flags with pictures of veterans. Council will set up a committee. Mayor Johnson stated that this will be an expensive project. There is some funding available.

Robert Kester, 510 Powell Avenue spoke to Council about Arthur Wells at 505 Powell Avenue. Mr. Kester came to Council with a formal complaint saying that Mr.

Well's property is in a state of disrepair, vegetation is overgrown, this invites animals in the area. Front and back porch in decay, violation of ordinances, property maintenance codes. Reduces the value and enjoyment and he is worried about the health and safety of Mr. Wells. Jenn Basalyga, the Code Enforcement Officer will go and assess the situation.

Gerard Hetman from the Lackawanna County Community Relations Department spoke to Council.

Mary O'Donnell, Director of the Senior Center spoke to Council. Ms. O'Donnell stated that she can compile a new list to see what the ages of the members are. Mr. Cruciani asked why the by-laws didn't change to make membership 62 and auxiliary members under 62. Ms. O'Donnell stated that with the state says 55 and above for activities and 60 for a meal. Mr. Cruciani asked what are the negative implications if full membership is at 62 and auxiliary membership is under 62. Ms. O'Donnell stated that to be a member of the Senior Center you can be 55 and above for activities and 60 and above for a meal for a small donation, that is state regulations. She would have to talk with Area Agency on Aging. Mr. Cruciani stated that the Borough's intent is to get them grant money. Ms. Kehoe stated that the Borough is on a deadline also with this money. There are almost 500 members since July 1<sup>st</sup> and they all have different levels of activity. This is state and county money, Ms. Kehoe stated that she can talk to John Petrini.

4. **POLICE REPORT:** **Mayor Johnson**

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

- **Purchase of 1994 Crafcoc tar buggy from Fox Chapel Borough for \$12,000.00:** Virginia Kehoe stated that we are getting a quote to have the Tar Buggy shipped. If it is up to \$1,000 Gerrie can authorize it. Ms. Kehoe suggested that this come out of Capital Reserves and that should be included in the vote. Mr. Cruciani stated that if it is shipped to make sure it is covered under the insurance policy. David Jenkins made the first motion to purchase the Tar Buggy for \$12,000 with the funding to come out of the Borough's Capital Reserve fund, seconded by Vince Cruciani, vote was 7-0.
- **Sale DPW Truck – Bridgitte Baum, Global Trucks - \$8,250.50:** David Jenkins made the first motion to approve the sale of the DPW truck, seconded by Bob Bennett, vote was 7-0. Vince Cruciani made the first motion to take the funds from the sale of the DPW truck and put the \$8,250.50 into the Capital Reserve fund, seconded by David Jenkins, vote was 7-0.
- **Sale Dog Coops – Chilewski Enterprises - \$60.00:** David Jenkins made the first motion to approve the sale of the dog coops with the date to be determined, due to Griffin Pond Animal shelter being closed, seconded by Pat Williams, vote was 7-0.
- **Sale Overhead doors – no bids on timely basis, recd verbal bid from employee for \$100.00:** Dominic Scott made the first motion to sell the overhead

doors to Marc Altier, seconded by Bob Bennett , vote was 7-0. Vince Cruciani stated that it is the responsibility of the buyer to remove the doors by 9/13/17.

- **Award Colburn Project – No award – sewer repairs will be incorporated in 2017 SSES bid being prepared and paving will be held off to 2018 for 200 block Colburn:** Vince Cruciani asked if the money they are not using for this paving project can be used for another project. Ms. Kehoe said yes because it is being paid out of the General Fund. Ms. Kehoe will have the numbers by the worksession. Frank Bested stated that there are many residents who complain about the condition of the roads. The money was designated for paving. Vince Cruciani stated that this money can pay off one of our debts and just earmark that in next year's budget. Mr. Cruciani asked if we have roads that can be paved sitting in the bullpen with the engineering studies done. Ms. Kehoe said yes the engineers have seen the 2018 list and they have targeted a few roads. Mayor Johnson asked if they started blacktopping yet. Ms. Kehoe stated that they are starting Friday. The last couple of years we start late in the season blacktopping and then during the course of the year the blacktop comes up because it is too cold. Mr. Cruciani stated that if they are in violation there is going to be a retainage in there. Ms. Kehoe will have the final performance date available for the worksession. Ms. Kehoe stated that she advertised for this the moment she got the bid specs from the engineer. Mr. Cruciani stated that there was a delay in the production of the bid specs from the engineer. Mr. Cruciani stated that if the completion date is mid-October that is not late in the year. Vince Cruciani made the first motion to tell the engineers that they need to have the specs for the March paving by the March worksession so Council can vote at the April meeting, seconded by Pat Williams. Ms. Kehoe stated that she would rather bump it up a month and she would like to award the bid in April, have Council approve this in February and advertise this in March 2018. Mr. Cruciani amended his motion to make it a month earlier, as Virginia requested. Vote was 7-0. Concerning the money for Colburn, Pat Williams made a recommendation that after talking to Alan Jones from PennDOT and the two gentlemen from Suitcoat, let's use the additional money to use the tar buggy on additional roads. Ms. Kehoe stated that our DPW won't have time to do this before the end of the season but they will be able to do Lackawanna Trail. The DPW is going to try to do the Florence pipes but the weather is a problem. Mr. Williams stated that there are plenty of depressions in town there is a big one on Greenwood. They need to be patched. Vince Cruciani asked what is the priority that would prevent them from doing the crack sealing, rather than doing other things later on in the season. Virginia Kehoe stated that they have one more brush pickup, whenever it rains they have to clear all of the trash racks and the storm drains, they have Lackawanna Trail to do, we have gotten over 200 service requests this year way above normal. Also they still have to do the work at Florence and the Christmas lights. Mr. Cruciani's personal opinion is that the core function of government is more along the lines of sealing roads than hanging Christmas lights. Pat Williams agreed. How many people are needed to operate the Tar Buggy? It takes 4 people. Mr. Cruciani stated that if the guys want to work overtime and use the Tar Buggy. We just need to know what we have to work with. Ms. Kehoe stated that we can take the Christmas lights off the list. The budget was done this year with the DPW putting up the Christmas lights. Vince Cruciani asked to hold the issue of voting on

spending the excess money that is going to arrive from not paving Colburn this year, hold this one issue open to vote on at the work session. Recess instead of adjourning. Ms. Kehoe stated that she would get the numbers for Council. Discussed splitting up the DPW to work on different jobs. Vince Cruciani wanted to know what our options are for DPW overtime.

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

Vince Cruciani made the first motion to approve the Borough Treasurer's Report, seconded by Bob Bennett, vote was 7-0

**7. COMMITTEE REPORTS:**

- **Building & Plant** Pat Williams, Chair  
Pat Williams stated that the bollards were painted outside the building, thanked Virginia Kehoe and the DPW for the various borough projects. Thanked David Jenkins and Frank Besten also. Bob Bennett asked about the window area of Council Chambers, Gerrie Carey stated that it should be done by the end of the month.
- **Finance Committee** Dominic Scott, Chair  
Ms. Kehoe will talk with the Finance Committee to discuss when they should meet to work on the budget.
- **Grant Committee** Dave Jenkins, Chair  
David Jenkins stated that we just heard about the grant approval for Veteran's Park. He was handed an article about Factoryville Borough received a federal grant. Ms. Kehoe will ask about the federal and state grants available.
- **Recycling Committee** Bob Bennett, Chair
- **Insurance Committee** Vince Cruciani, Chair
- **Personnel Committee** Gerrie Carey, Chair  
discussion re: sergeant, vote – Angie Pullo – treasurer: Gerrie Carey stated that Angie Pullo is no longer interested in the treasurer position. Ms. Carey will talk to Ms. Pullo. Pat Williams stated that we are having issues with personnel should we be advertising more. Kevin Hayes suggested the local career services at the colleges. There was a discussion on the Sergeant. Gerrie Carey stated that according to the information that the Mayor got from the Civil Service, it can be 25 week probationary period. Vince Cruciani made the first motion to do a temporary Sergeant position through December 31, 2017 for a single Sergeant which the police and the mayor would mutually select at .50 cents more an hour than the base rate pay under the union contract, seconded by David Jenkins, roll call was taken. Bob Bennett, Vince Cruciani, Frank Besten, Dominic Scott, David Jenkins, Gerrie Carey, and Pat Williams all voted yes. Mr. Williams stated that he doesn't see why we can't have two Sergeants the Mayor said that he would be fine with two. Mr. Williams stated that naturally the second one would be his son and he was interviewed. Mr. Williams stated that he is disappointed but he will vote yes.
- **Public Safety/Safety** Pat Williams, Chair  
Pat Williams asked how interested Council is finding the areas that need to be spiffed up and how interested is Council in moving forward on this. Mr. Williams stated that the Wells property has been a problem for many years. We need

cooperation because it is an effort. David Jenkins mentioned that the block before Wells on Powell is a major issue. That is in the 400 block of Powell. Jenn Basalyga stated that she sends a friendly letter giving them 10 days then a notice of violation is sent out, then this goes to the Magistrate. It is a continual process. Vince Cruciani stated that one of the options is for the Borough to take ownership of the house, pay due compensation and sell it and increase tax revenue for the borough. Mr. Cruciani stated that is not a practice that we want to be doing all the time. Mr. Williams has told certain residents to sell their home and move into a high rise. Frank Besten stated that he was taken back by some of the homes in the borough. But everything moves way too slow and it is dragged out for months. Mr. Besten stated that a letter from an attorney usually turns heads. Mr. Williams stated that in Dickson City, they are going to give the Borough Manager and the Code Enforcement Officer the ability to cite the resident's right then. Mayor Johnson stated that is against the law. Solicitor Kevin Hayes stated that he would research this. Mr. Cruciani stated that we don't want to penalize people for being poor. There is a fine line between dangerous and unsafe and unsightly. Mr. Williams stated that if you can't take care of the house and maintain it then what are you doing here. Mr. Cruciani said we live in America; the concept of individuality isn't going to be erased. But they cannot stop us from taking their house is we can make the argument that we will sell this and improve the tax base. Does he agree with it, no but the borough can do that. Frank Besten stated that the homes that they saw were vacant. Mr. Cruciani stated that if the borough did a taking and we gave the home to a disabled or poor person, can the borough be reimbursed with CDBG money. Ms. Kehoe said that is a good question. Mr. Cruciani stated that the definition of a disabled includes a government defined disabled veteran.

Solicitor Kevin Hayes asked if Council is certain that the process for promoting people on a temporary basis, has that been completely vetted and is that permissible under the rules. The answer was yes, Gerrie Carey stated that they checked with the Civil Service and Mayor Johnson stated that there are no issues with the union at all.

- **Recreation** Dominic Scott, Chair
  - **Sewer Billing** Dominic Scott, Chair
- Dominic Scott stated that we have several different liens on some properties. Ms. Kehoe stated that we did more than one lien if necessary. Mr. Bennett asked how it is determined if the water company shuts off the water or if the Borough asks the water company to shut off the water. Jenn Basalyga stated that when we put in our list of shutoffs, from delinquent accounts, sometimes in between the borough shutoffs the water company will shut off the water themselves due to non-payment or the residents of their water bill. Jenn Basalyga provided a list of the all the homes where the water is shut off and she will do that every other month or so.
- **ACOG Representative** Gerrie Carey/Dom  
Scott/Frank Besten
  - **Liquid Fuels Research** Bob Bennett

Bob Bennett stated that he is thrilled that Stone Ridge and Hedge Row Run have been approved for Liquid Fuels. There is a third street that wasn't done, that is Woodridge. Solicitor Hayes stated that he reviewed that with Ms. Kehoe and he believes he knows what has to be done. Ms. Kehoe stated that Solicitor Hayes will get an email before every meeting to update on the issues.

- **Civil Service Commission update** Dom Scott oral exam results / agility testing underway: Ms. Kehoe stated that all 4 applicants have passed the oral exam. 3 of the 4 passed the agility and she is waiting for the 4<sup>th</sup> person's results. After that the Civil Service can then meet.
- **Additional comments from Council**  
David Jenkins stated that he stated that he was approached by residents on Lansdowne who wanted to know what was happening with Lansdowne Creek before it gets to the point of damage occurring from flooding. Pat Williams stated that they did go down to the creek and it is really not bad. Ms. Kehoe stated that she did forward this to Public Safety and they felt that the creek would be fine for this year. The borough does have an easement there.

Mayor Johnson stated that the borough should notify EMA 4 with this storm coming up shore, Pennsylvania might get hit and he would like to see a report if we do.

8. **VENDOR PAYMENTS TO BE RATIFIED:** **President Carey**  
Vince Cruciani made the first motion to ratify the vendor payments, seconded by Bob Bennett, vote was 7-0.

9. **OLD BUSINESS:** **President Carey**
- **2017 CDBG Monies:** Already discussed putting the money into the housing rehab for the time being. The amount is around \$56,000. David Jenkins stated that we have to figure out what in the Borough is compliant. We could get the elevator at the Borough Building fixed or a new one. David Jenkins asked when Loughney Hall will be repaired also.
  - **Heart & Lung Policy:** Tabled until next month
  - **Approve rate for Kevin Hayes – document other terms:** Vince Cruciani made the first motion to approve the rate of \$115 an hour for Kevin Hayes as the Borough Solicitor, seconded by David Jenkins, vote was 7-0.
  - **Census LUCA rep.:** David Jenkins made the first motion to have Nicole Kelly be the Borough Rep for the Census for \$1,000 to be paid when the job is complete and set an end date for the completion of the report to be one month before the census is due, seconded by Bob Bennett, vote was 7-0.

10. **NEW BUSINESS:** **President Carey**
- a) **Resolution 2017-15 Records Destruction:** David Jenkins made the first motion to approve Resolution 2017-15, seconded by Frank Besten, vote was 7-0. Vince Cruciani asked why we are not scanning and archiving, keep a digital archive. Keep a digitized archive.

- b) **Adopt MMO:** Mr. Cruciani stated that we saw a \$7,000 decrease this year, but a bigger decrease will be next year. David Jenkins made the first motion to approve the MMO, seconded by Vince Cruciani, vote was 5-0.
- c) **Junior Council – Nacole Leonhart / Will Carey:** David Jenkins made the first motion to approve the Junior Council members, seconded by Frank Besten, vote was 4-0 with Gerrie Carey abstaining.
- d) **Resolution 2017-16 Fire Company Quick Response Vehicle:** Frank Besten made the first motion to approve Resolution 2017-16, seconded by Vince Cruciani, vote 5-0 with David Jenkins abstaining.
- e) **Resolution 2017-17 Fire Company Ladder Truck:** Vince Cruciani made the first motion to approve Resolution 2017-17, seconded by Frank Besten, vote was 5-0 with David Jenkins abstaining.
- f) **Resolution 2017-18 CDBG:** Vince Cruciani asked Ms. Kehoe to find out if we can give it to a low income combat veteran because that person has earned it in his mind. Ms. Kehoe will find out. Pat Williams made the first motion to approve Resolution 2017-18, seconded by Vince Cruciani, vote was 6-0.
- g) **Resolution 2017-19:** Tabled.

**11. SOLICITOR’S REPORT:**

**Solicitor Hayes**

Solicitor Hayes thanked Council for the opportunity. He has identified 11 open items that he will work on. The most pressing issue is the mast arm. David Jenkins stated that liquid fuels is also an issue. That will be for next year.

**12. CORRESPONDENCE:**

- **Weinberger – Kyoto sewer:** Mr. Cruciani asked Ms. Kehoe to run the numbers to make sure they are being billed correctly. There is a formula.

**13. EXECUTIVE SESSIONS:**

**President Carey**

- **Prior- August 30, 2017 Solicitor Interviews**
- **During- None**
- **Subsequent- None**

Vince Cruciani suggested that Solicitor Kevin Hayes talk to Pat Rogan about everybody being on the same page. The Borough is looking for a Memorandum of Understanding as far as the scope of his duties for Solicitor Hayes to write up.

Tire Recycling: Waiting to hear from Abington Students and the veteran’s court to help out.

**14. ADJOURN:**

**President Carey**

Vince Cruciani made the first motion to recess this meeting until the Worksession where Council can vote on the Heart and Lung and Colburn Avenue, seconded by David Jenkins, vote was 6-0.