

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

The December 2017 Borough Council Meeting was conducted on Wednesday, December 6, 2017 at 7:00 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. David Jenkins, Mayor Herman Johnson, Mr. Bob Bennett, Mr. Patrick Williams, Police Chief Yarns, Solicitor Kevin Hayes, Borough Manager Virginia Kehoe, and Junior Council Members Will Casey and Nacole Leonhart. Mr. Vincent Cruciani was absent from the meeting.

CALL TO ORDER: **President Carey**

MEDITATION: **Mayor Johnson**

PLEDGE OF ALLEGIANCE: **Mayor Johnson**

PUBLIC HEARING - **President Carey**

- 2017-05 Quality of Life**
- 2017-06 TAN**
- 2017-07 General Fund Millage**
- 2017-08 Sewer Billing**
- 2017-09 Debt Service Millage**
- 2017-10 Fire Service Millage**
- 2017-11 Pension Ordinance Amendment**

Kathy Roth, 411 Powell Avenue asked if there was a stenographer at the meeting. Ms. Roth stated that since this is a hearing about a public ordinance there should be a stenographer present. Solicitor Kevin Hayes stated that this meeting is being recorded audibly and that is in compliance. Ms. Roth asked if this ordinance was prepared by a planning consultant. Solicitor Hayes stated that this is public comment, it is not really a question and answer session but he will let her know that this was prepared by him (Kevin Hayes), after consultation with the Council members and based on comments that they had received from the public. Ms. Roth stated that she feels this ordinance is directed towards her and her family. Ms. Roth stated that over the years she has been targeted as has her family by the Borough for various reasons. Her concern is that this can be used and it not required to be evenly enforced. Her concern is the way it can be used against certain individuals. Ms. Roth stated that this community is a community of older people, as people grow older it is harder for them financially to assume the burden of taxes and the upkeep of their properties. Therefore a disgruntled neighbor can target an individual or a family and make remarks and complaints. This can leave the person or family unduly penalized and for that reason she is making an objection to this ordinance because it is not what it purports to be and the absence of other people being there with her tonight shows that many people do not understand the magnitude of this. She believes that she will be the first one to fall victim to this, but over time other older people will be victimized by this ordinance. Another resident who has lived in the Borough for over 35 years stated that she has a neighbor who is very capable of

taking care of his property. It is at a point where she thinks it is harassment as he grows weeds purposefully and doesn't keep up with his property. She believes this ordinance protects people like her. David Jenkins made the first motion to accept this Ordinance with the exception of page 3, under Section #2, Animal Maintenance and Waste; all waste must be cleaned up on a daily basis. He feels that is too restrictive. Ms. Kehoe stated that there is one typo under Section #3, Item #7, where it says the public-right-of, needs to be changed to right-of-way. The motion was seconded by Dominic Scott. On the questions, Pat Williams asked David Jenkins why he wants to remove the section about cleaning up animal waste on a daily basis. This is not being substituting it with anything; common sense would say that the homeowner would pick it up on an as needed basis. Solicitor Hayes stated that there still is the provision that requires property owners to keep their properties free from animal waste. Pat Williams would still like to see some kind of time limit. David Jenkins stated that as time goes on and he feels that this is needed they can always add on to it. Mayor Johnson stated that he thinks this ordinance protects everyone and it is a beautiful ordinance. The only problem he has with this is the Borough Manager or the Code Enforcement officer would normally issue the citations, in this ordinance it has enforcement by police officers also. This ordinance is a civil matter; if it turns into a criminal matter then the police department should be involved. Ms. Kehoe stated that this ordinance is not intended for the police but it doesn't exempt them also. Mayor Johnson stated that different Council members and Borough Managers might interpret it wrong and they might push it on the police officers. Gerrie Carey stated that this will start with the Code Officer and if it got to the point where the police have to be included then it will. Mayor Johnson stated that he likes that answer but thinks that should be written into the ordinance. David Jenkins stated that they had time to look over this and change this months ago and no one brought it up, he found it ironic that they were hashing this out. Mayor Johnson stated that this is a public hearing where it should be hashed out. Mr. Jenkins stated that it should have been hashed out before it came to this point, and Mayor Johnson sat on Council for the last 9 years and he should know the procedure of the Borough Council rather than embarrass them while they are sitting there while they had time to go over it and the work of the Solicitor doing it and he is making a mockery of it. Mayor Johnson disagreed stating that in the beginning he said that the ordinance is well written and noted that Mr. Jenkins also requested a change in the language earlier. Pat Williams referred back to Kathy Roth's comment that she was targeted; Mr. Williams stated that the word targeted is a strong word, very inappropriate and absolutely not true. Pat Williams referred to the section "lack of maintenance of properties" and said if your property is maintained nobody is going to target you or even bother you. Mr. Williams stated that her comments are very unfair. Mr. Williams stated that there are a lot of senior citizens in our area but there are plenty of different types of housing available for anyone who is struggling. Mrs. Roth stated that she had a different incident happen in the Borough and she was told that she should move to the Bedford Street apartments. So she doesn't think that the goal for zoning should be to force older people from their homes. She believes that the ordinance can be used in that way. Pat Williams disagreed. Ms. Roth asked if this ordinance was submitted to the Lackawanna County Planning Commission for review prior to this hearing. Solicitor Hayes stated that this was not brought before the Lackawanna County Planning Commission, also public comment is closed, they have a motion and a second and the vote is pending. Vote was taken 6-0, with Pat Williams commenting that he disagrees with the section being taken out about removing animal waste on a daily basis. He would rather go with a time limit.

1. APPROVAL OF AGENDA:

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

2. APPROVAL OF MINUTES:

President Carey

- **October 25, 2017 Work Session:** David Jenkins made the first motion to approve the minutes, seconded by Dominic Scott, vote was 5-1 with Bob Bennett wasn't present for the meeting.
- **November 1, 2017 Regular Council Meeting:** Dominic Scott made the first motion to accept the minutes, seconded by Bob Bennett, vote was 5-1 with David Jenkins voting no to preserve the minutes.

3. PUBLIC COMMENT & INPUT:

President Carey

Bob Kester, 510 Powell thanked Council, Virginia Kehoe, and Jenn Basalyga for helping with the former Wells property at 505 Powell. He is happy with the way everything worked out. The house was a disaster.

Gerard Hetman, Lackawanna County Public Relations Coordinator gave information about Lackawanna County.

4. POLICE REPORT:

Mayor Johnson

Frank Besten discussed the Sergeant's position stating that they all read Chief Yarn's email. Mr. Besten asked Council to reconsider taking a look at the Sergeant's position again and extend it to the month of March so that everybody can take a look at the responsibilities that the Chief and his officers have. Mr. Besten stated that he thinks it would be very helpful to have a Sergeant and he is hopeful that Council will consider this. Solicitor Hayes stated that in order to create a position and appoint someone to Sergeant, it has to go through the Civil Service Commission, unless it was deemed an emergency. There is a certain classification for an emergency situation, but it must be a defined emergency.

5. BIDS & QUOTATIONS:

President Carey

- **Vote Ordinance 2017-06 TAN – vote to accept bid from Fidelity Bank at 1.10%:** David Jenkins made the first motion to approve Ordinance 2017-06, seconded by Pat Williams, vote was 6-0. A correction needs to be made on the paperwork.

6. BOROUGH TREASURER'S REPORT

President Carey

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

7. COMMITTEE REPORTS:

- **Building & Plant** Pat Williams, Chair
Pat Williams stated that the Christmas Lights are all up in the Borough. Veteran's Park is moving along. Thanked the DPW.

- **Finance Committee** Dominic Scott , Chair
 \$66,000 debt service journal entry - request from Jenn Basalyga:
 Dominic Scott stated that he Finance Committee has looked at the sewer collection and the collection is going very well, they recommend they extend the contract for 3 years and add .10 cent collection to each sewer bill. This would give Jennifer Basalyga a .10 cent increase for each sewer bill. That was Dominic Scott's motion. The motion was seconded by Frank Besten. On the question Bob Bennett asked if they are asking for a 3 year restriction on another raise. Dominic Scott said yes. Jenn Basalyga stated that she was unaware that this was for another 3 years. With how well everything has been going and the productivity of the sewer collection, she added on 160 new accounts through the 3 years, which brings in over \$100,000 more a year. Ms. Basalyga asked for a one year contract. Ms. Basalyga's intention was not to ask for a raise but to have free sewer service. Bob Bennett made an amendment to the original motion to a one year contract. Dominic Scott stated that when this comes up next year this will be a new issue. Dominic and Frank are ok with Bob Bennett's amendment. Vote for .10 cent increase for one year per bill, vote was 6-0. Dominic Scott made the first motion to negate the \$66,000 debt service journal entry, seconded by Bob Bennett, vote was 6-0.
- **Grant Committee** Dave Jenkins, Chair
 \$7,466.00 award from DEP for recycling – applying for \$9,983.00 lights at senior center
- **Recycling Committee** Bob Bennett, Chair
- **Insurance Committee** Vince Cruciani, Chair
- **Personnel Committee** Gerrie Carey, Chair
 evaluations - manager's contract: Gerrie Carey stated that when you do an evaluation it is to give someone a step up, a promotion etc., there is no way Virginia Kehoe can step up any higher than she is right now. Pat Williams stated that evaluations are to check out how you did the previous year. Mayor Johnson stated that evaluations are to let the Council people know that the individual is doing the job and if there is a slip up Council has to offer them help to bring them back up. Frank Besten stated that for the evaluations for the DPW, Ms. Kehoe wouldn't really know because she is not really out in the field. Bob Bennett suggested that the assistant foreman do the evaluation for the crew. The assistant foreman is in the union. Ms. Kehoe stated that for the record she asked what evaluations we wanted to use of the Personnel Committee and the answer she got back was, do we want to do evaluations. They couldn't make that decision without going through Council. Why bother with the union member's evaluations, if there is an incident it should be documented in a file. If Council wants to evaluate the employees at will that is not a problem. The recommendation from the Personnel Committee is to get rid of the evaluations for the DPW. Mayor Johnson stated that evaluations are a check and balance system on the employees. They can evaluate the at-will staff. Frank Besten made the first motion to have evaluations for at-will staff only, seconded by Pat Williams, vote was 4-2 with Bob Bennett and David Jenkins voting no.

Bob Bennett made the first motion to accept Virginia Kehoe's contract for 2 years, seconded by Frank Besten, vote was 6-0.

- **Public Safety/Safety** Pat Williams, Chair
Pat Williams asked if the DPW can straighten out some signs in the Borough. They can make up a list for the DPW. Pat Williams thanked Virginia Kehoe and Frank Besten for their work with Treessmith's. They have taken care of the tree limbs along the power lines. They cut the trees down and left them for people who want them. They will be back in a couple weeks to pick up the stumps.
- **Public Works** Herman Johnson, Chair
DPW Monthly report
- **Recreation** Dominic Scott, Chair
- **Sewer Billing** Dominic Scott, Chair
Dominic Scott stated that Jenn Basalyga gave her report on sewer billing. The good news is that there are only 9 people on a payment plan. Everyone else is in good shape but we have a lot of delinquent letters. Jenn Basalyga stated that the letter went out October 31st, time goes on and in November they get posted if they didn't pay, then you have December when people pay and they are still delinquent through October. There is always a month and a half until the shutoff. So in two months they will be sent another delinquent letter. If we are sending out one hundred and some delinquent letters and there are 2,155 accounts, it is not a lot. Mayor Johnson stated that Jenn Basalyga did a commendable job bringing the delinquents down and it is just a cycle that we have to go through. Ms. Basalyga stated that it is under control.
- **Stormwater Committee** Herman Johnson
- **ACOG Representative** Frank Besten/Gerrie
Carey/Dom Scott: Frank Besten will go to the meeting
- **Alley Research** Bob Bennett
Solicitor Hayes stated that we are working on Woodridge Circle. Bob Bennett asked if they can put a 3 month target on it. Solicitor Hayes stated that it should be done by the end of the month.
- **Building plans committee** Gerrie Carey/Frank
Besten/Pat Williams: The committee will meet on that after the first of the year.
- **Additional comments from Council**
Bob Bennett stated that he acknowledges the time and effort over the years that Mayor Johnson has put in as the Mayor and a Councilman. Mr. Bennett stated that Mayor Johnson isn't on Council now but he is listed on two committees. Mayor Johnson agreed that it should be someone else on the committees. Ms. Carey stated that Council is reorganizing in January 2018 and they will take care of it then.

David Jenkins stated that the home on Center Street where there was a fire, there is a dumpster on the street, there are no warning signs, no cones. It is in a nasty spot. We have an ordinance for that. Ms. Basalyga will check into that tomorrow.

8. VENDOR PAYMENTS TO BE RATIFIED:
Carey

President

Dominic Scott made the first motion to ratify the vendor payments, seconded by David Jenkins, vote was 6-0

9. OLD BUSINESS:

President Carey

- **2017 budgets:** David Jenkins made the first motion to approve the 2017 budgets, seconded by Dominic Scott, vote was 6-0.
 - **General Fund**
 - **Sewer Fund**
 - **Debt Service Fund**
 - **Liquid Fuels Fund**
- **2017-07 General Fund Millage:** David Jenkins made the first motion to approve the Ordinances for the budgets, seconded by Dominic Scott, vote was 6-0
- **2017-08 Sewer Billing**
- **2017-09 Debt Service Millage**
- **2017-10 Fire Fund Millage**
- **2017-05 Quality of Life:** Already voted on earlier.
- **2017-11 Pension Ordinance Amendment:** David Jenkins made the first motion to approve the Pension Ordinance, seconded by Frank Besten, vote was 6-0.
- **Location of Handicapped Parking on School St:** That has been marked out. Bob Bennett made the first motion to approve the location of the handicapped parking spot on School Street and put the sign up where it is marked, seconded by David Jenkins, vote was 6-0.

10. NEW BUSINESS:

President Carey

- A. **Borough Manager's contract:** Already voted on.
- B. **Resolution 2017-19 To prohibit Category 4 casinos inside the municipality:** David Jenkins made the first motion to opt out of the casinos in the municipality, seconded by Pat Williams, vote was 5-1 with Bob Bennett voting no. Mr. Bennett asked if this is a onetime deal to opt out. Solicitor Hayes said yes.
- C. **Resolution 2017-20 State & Grove:** David Jenkins made the first motion to approve Resolution 2017-20, seconded by Dominic Scott, vote was 6-0.
- D. **Resolution 2017-21 Police Chaplin:** Frank Besten made the first motion to approve Resolution 2017-2, seconded by Pat Williams, vote was 6-0.
- E. **Reminder of reorganization / December work session:** Bob Bennett made the first motion to cancel the December work session, seconded by David Jenkins, vote was 6-0, Ms. Kehoe stated that the affidavits of residency must be completed and notarized before they can be signed in on January 2, 2018

11. SOLICITOR'S REPORT:

Solicitor Hayes

Solicitor Hayes will be working on the acquisition of the parcels of land at Woodridge Circle for liquid fuels. He will be working with Virginia on the TAN.

12. CORRESPONDENCE:

- **PSAB Radar contact:** Ms. Kehoe suggested reaching out to Blake and Kavulich as the PSAB is looking to pass a bill allowing municipal radar.
- **Lackawanna Heritage Valley/Valley View School District:** Looking for 2 sites with historic value in their community. Need ideas of historic sites in the Borough so we can reply back to them.

13. EXECUTIVE SESSIONS:

President Carey

- **Prior-** November 29, 2017 **Personnel**
- **During-** None
- **Subsequent-**

14. ADJOURN:

President Carey

David Jenkins made the first motion to adjourn, seconded by Pat William, vote was 6-0. Council went into Executive Session for personnel and negotiation of contracts.