

**BOROUGH OF CLARKS SUMMIT  
BOROUGH COUNCIL MEETING  
FEBRUARY 8, 2018**

The February 2018 Borough Council Meeting was conducted on Thursday, February 8, 2018 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, Mayor Herman Johnson, Mr. Bob Bennett, Mr. Vincent Cruciani, Mr. Patrick Williams, Police Chief Yarns, Solicitor Kevin Hayes, and Borough Manager Virginia Kehoe. Mr. David Jenkins, Mr. Dominic Scott, Junior Council Members Will Casey and Nacole Leonhart were absent from the meeting.

**CALL TO ORDER:** **President Carey**

**MEDITATION:** **Mayor Johnson**

**PLEDGE OF ALLEGIANCE:** **Mayor Johnson**

**1. APPROVAL OF AGENDA:**

Frank Besten made the first motion to approve the agenda, seconded by Bob Bennett, vote was 5-0

**2. APPROVAL OF MINUTES:**

**President Carey**

- **January 2, 2018 Reorganization and Regular Council Meeting:** Vince Cruciani made the first motion to approve the minutes, seconded by Frank Besten, vote was 4-1 with Bob Bennett voting nay.

**3. PUBLIC COMMENT & INPUT:**

**President Carey**

Patrick and Diane Walsh, 221 Clark Avenue spoke to Council about parking on Clark Avenue. The Walsh's received a letter from the Borough, and they are fine with the idea of no parking on the one side of the street. The flood light is still on and they did not get a permit for it. Ms. Kehoe stated that we will give them a 10 day courtesy to adjust the light. They had originally asked for a handicapped spot in front of their home but they like the no parking idea better. Ms. Kehoe stated that she did receive one response from the mailing to the residents, who did not want the parking to be restricted. They are having work done and where would the contractors park. Beverly Occulto and Gerald Gromelski, 212 Clarks Avenue spoke to Council next. They recently contacted council members as they are upset about the parking, the lighting and the noise that comes from the business. They did attend the variance hearing for Summit Cigar and at that meeting they were concerned at the possibility of the problems with the traffic and parking. At that time it was said that there would be ample parking. That is not the case. People are speeding there and parking all over and the trucks and cars slamming doors and the music is all a very big problem. They have outdoor speakers also at the business. The Coors Light sign and the flood light are shining in their homes. Mr. Cruciani stated that he drove by during the day

and at night and he sees an issue with the flood light. He asked if the Coors light sign is a big deal. The Coors light is an issue and the deck is an issue as more and more people are outside. The street is narrow and they are asking for no parking on either side. They also have a parking lot by their house. Ms. Kehoe stated that the person that owns the property tore the vacant building down and he put gravel on the property. None of that is illegal. Ms. Occulto stated that whether it is paved or not it is a parking lot. They feel like their property value is gone down. Mr. Gromelski stated that at the meeting they stated that there was ample parking but there is not. Mr. Cruciani asked what the variance was for, it was for lot coverage. They did physically expand the building. They installed a stormwater detention system to help with the storm water system. The building is commercial. We do have a noise ordinance but it is difficult to enforce. Chief Chris Yarns stated that the LCB weighs in on this kind of stuff which is run through the state. They are not able to be labeled a nuisance bar under the LCB. The LCB would need to be informed. Vince Cruciani stated that the cars with opening and closing the doors is going to be tough to address, as is the issue with people speaking at a moderate tone, but the bright lights and the music is a different story. Mayor Johnson said if you drive up Clark, the first house has a little driveway, on the other side; every resident does have a driveway. What would eliminate the problem would be no parking on either side. We would still have to address the loud music and the spotlight. It is a narrow street and there is not enough room for emergency vehicles with parking on both sides. Solicitor Hayes stated that the LCB controls liquor licenses and they have a hotline to call to notify them of violations and they have an online complaint form also. Bob Bennett stated that there is no parking after 11pm in the winter. Maybe have no parking at certain times of the day in that area. Ms. Kehoe stated that Council will meet at the work session to discuss this.

**4. POLICE REPORT:**

**Mayor Johnson**

Mayor Herman Johnson stated that there was a meeting with the Personnel Committee and the Chief and patrolman; they interviewed two people for the Chaplin Committee. Mayor Johnson stated that Glenn Amos is who they will recommend.

**5. BIDS & QUOTATIONS:**

**President Carey**

- N/A

**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 5-0.

**7. COMMITTEE REPORTS:**

- **Building & Plant**

**Pat Williams, Chair**

Pat Williams commented on the new window that was installed at the DPW. He stated that the building looks nice. Frank Besten stated that from the very beginning he was not very impressed with Council Chambers. Folding chairs, tables, no state flag, old tv, etc. They bought new chairs, removed the TV, got a state flag, new tables, and Monday the drug treatment court volunteers will begin

painting Council Chambers. It's time for this room to look nicer than it has. Thanked Gerrie, Virginia and the Finance Committee for their help.

- **Finance Committee** Dominic Scott, Chair  
Vince Cruciani congratulated Gerrie Carey as Council President and Virginia Kehoe as Borough Manager for coming in at an \$8,000 surplus last year. He stated that is excellent because it is not too big of a surplus to say they budgeted incorrectly but it was within the margin of error that is accounted for.
- **Grant Committee** Dave Jenkins, Chair  
bulletproof vests: Mayor Johnson stated that the Borough pays the money up front but then we get half back. Vince Cruciani made the first motion to use \$4,000 of the surplus towards the grant for the police vest, Bob Bennett seconded the motion, and if they need to fund the rest of it they can make a separate motion on the rest of it at a different point in time. Mr. Cruciani changed the amount up to \$5,000; Bob Bennett agreed to the \$5,000, vote was 5-0.
- **Recycling Committee** Bob Bennett, Chair  
Bob Bennett stated that Earth Day will be coming up. He has signs made up from last year. Ms. Kehoe stated that she would ask J.P. Mascaro about a shredding truck or see if they would donate so we can get a shredding truck.
- **Insurance Committee** Vince Cruciani, Chair  
Vince Cruciani stated that he would like for either the February work session or the March meeting, he would like to bring in Jim Henkelman to be able to address Council. This way Council can be informed and ask question to other alternative insurance agencies when they pitch their sales, we know what we are looking for. Mr. Cruciani stated that the other companies need to be able to compare and contrast their offer vs. what we have. They need to be able to come back by the April work session. They could vote at the June work session at the very latest
- **Personnel Committee** Gerrie Carey, Chair
- **Public Safety/Safety** Pat Williams, Chair  
Pat Williams stated that the DPW is doing an excellent job. The businesses have to make sure their sidewalks are cleaned off. Ms. Kehoe stated that she would send a letter to the ABPA to make sure the sidewalks are cleared.
- **Recreation** Dominic Scott, Chair
- **Sewer Billing** Dominic Scott, Chair  
Ms. Kehoe stated that Mr. Riley owes \$1090.00; he should have been turned off about a month ago. He had until this week to make a payment. Council agreed that Mr. Riley would need to come in with the full payment due, by Friday at 3pm or he will be shut off.
- **ACOG Representative** Frank Besten/Gerrie Carey/Dom Scott: Dominic Scott stated that he went last month and there has been a low turnout. Not a lot gets accomplished
- **Liquid Fuels Research** Bob Bennett  
Bob Bennett stated that the Borough is up another \$1,500 with liquid fuels money.
- **Veteran's Banners Committee** Gerrie Carey/Herman Johnson: They will be meeting again soon. Pat Williams stated that they are going to try to come up with some names.

- **Building plans committee**

Gerrie Carey/Frank

Besten/Pat Williams:

- **LCAB**

Patrick Williams

Tom Gallagher would like to come up to the Borough to meet Council.

- **Additional comments from Council**

Bob Bennett stated that back in August of 2017 it was determined that we had an emergency and we came up with a plan which was to create a temporary position of Sargent which was to expire December 31, 2017. At the end of December they addressed this issue and it appeared that nobody was in favor of extending the position. There seemed to be a change of opinion and he got concerned. One reason is that South Abington has a Sargent but they have more officers. It doesn't make a difference what South Abington has. Mr. Bennett stated that it seems they were moving ahead not out of an emergency but we do have alternatives. One option would be if the Chief became an officer again, or having an OIC. Money isn't an issue. In these previous months what were the Sargent's duties? In the previous 5 months that comes out to 800 hours when we had a Sargent. Vince Cruciani told Solicitor Hayes that his perception regarding the removal of the position once it has been instituted, that we couldn't remove it and simply reinstitute it to put somebody new in at this time. But we could remove the position to remove the person. Mr. Cruciani stated that they need to talk to the union and say that throughout the duration of the Clarks Green agreement, there is an agreement that there be a Sargent. Mr. Cruciani asked Mayor Johnson what his perception of the role that the Sargent played particularly in regard to the multitude of part time officers. Mayor Johnson stated that the Sargent helps supervise the part time officers. The town is getting more and more crime and the Borough responds and for example one officer had to take a gentleman down town Scranton and here there were a bunch of accidents. He doesn't think that many Council members understand that police work where there is a lot involved today. Mayor Johnson stated that the Sargent helped many hours whether it was training, special details that he has supervised. If Mr. Bennett wants data on the Sargent's position, he should put it in writing and forward it to the Mayor and he and the Chief can give him data. Mayor Johnson stated that as they are building the police department up we have the upper hand if they decide to go with regionalization if we had a Sargent Mayor Johnson said ultimately it is up to Council to vote on it but he thinks we are putting ourselves behind the 8 ball. Bob Bennett responded and said that this was all brought up in the first place because we had an emergency. We don't have one any longer, he thinks we are opening up a can of worms. It all has to be worked out with the union. Mayor Johnson stated that the union contract would have language out and put in. Make sure everything is right. This was discussed a few times, there should be clarification. Ms. Kehoe stated that she has some information during executive session. Frank Besten stated that the OIC would come out; they ask for if the Chief and the Sargent were both out longer than 10 days but that is negotiable. They will discuss more during executive session.

Pat Williams discussed some ideas from the Shade Tree Commission. He is proud to be a part of the commission.

Bob Bennett asked about the trees in the triangle island, could they be a traffic hazard once they bloom. There is no issue; they will be trimmed when needed. Penndot agreed to take down the signs that are there, put the 6x6 signs to make it look better. Bob Bennett praised Pat Williams for his efforts.

- 8. VENDOR PAYMENTS TO BE RATIFIED:** **President Carey**  
Frank Besten made the first motion to approve the Vendor Payments, seconded by Vince Cruciani, vote was 5-0.

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

- **APPOINTMENT OF EMA DIRECTOR AND/OR ASSISTANT Jeff Ames and Tanisha Jagoe:** Vince Cruciani made the first motion to the appointments of Jeff Ames and Tanisha Jagoe, seconded by Bob Bennett, vote was 5-0. On the question, Pat Williams asked if Jeff Ames is stepping up to the plate and turning in reports. Mr. Williams stated that he did really like Tanisha Jagoe.
- **SENIOR SITE COUNCIL - Bob Gilbert:** Vince Cruciani made the first motion to approve Bob Gilbert to the Senior Site Council, seconded by Frank Besten, vote was 5-0. Pat Williams stated that he would like to see Bob Gilbert come in. Ms. Kehoe stated that Mary O'Donnell came in and from the Senior Site Council.
- **AAJRB request for meeting**
- **Resolution 2018-05 House Bill 1620:** Vince Cruciani made the first motion to approve Resolution 2018-05, seconded by Pat Williams, vote was 4-0.
- **2/28 Stormwater Information Session reminder:** Ms. Kehoe stated that the next meeting will be at 6:30pm on 2/28/18.
- **Resolution 2018-06 – Police Chaplain:** Frank Besten made the first motion to approve Resolution 2018-06, seconded by Vince Cruciani, vote was 5-0. Bob Bennett stated that based on the Mayor's recommendation he nominates Glenn Amos as the Police Chaplin, seconded by Frank Besten, vote was 5-0. Mayor Johnson stated that this will benefit our officers and the whole Abington area. Made a great selection, it was unanimous. They Mayor thanked Council, stating that he really appreciates it. If the background check is done, he will have Mr. Amos to come in and meet Council.

- 10. NEW BUSINESS:** **President Carey**

- A. Resolution 2018-04 Meter Suspension:** Pat Williams made the first motion to accept Resolution 2018-04, seconded by Frank Besten, vote was 5-0.
- B. Accept Chris O'Boyle's resignation:** Pat Williams made the first motion to accept the resignation of Chris O'Boyle, seconded by Vince Cruciani, vote was 5-0.
- C. Replacement for Planning Commission:** Pat Williams made the first motion to have Jim Burke be the replacement on the Planning Commission, seconded by Bob Bennett, vote was 5-0.
- D. Replacement for TCC:** There is no replacement; Virginia Kehoe stated that she will attend the next TCC meeting. Suggested to call Jamie Kresge.
- E. Ordinance re: private recreational facilities:** Tabled indefinitely and if another proposal comes forward that is more reasonable.

**F. Resolution 2018-07 – PennDOT/Stormwater:** Tabled.

**11. SOLICITOR’S REPORT:**

**Solicitor Hayes**

Solicitor Kevin Hayes stated that the Dennison property was inappropriately taken in May 2017. File a motion to set aside fraudulent conveyance because they didn’t have all the necessary elements for adverse possession. He is still gathering information.

**12. CORRESPONDENCE:**

- **Neighbor Works – sewer billing:** Frank Besten made the first motion to temporarily waive the sewer bill until the water is turned back on, seconded by Pat Williams, vote was 5-0
- **Patrick & Diane Walsh/Roberta Rochedieu:** Discussed earlier.
- **Clarks Green Thank You:** Clarks Green thanked the Clarks Summit Borough for the support during the death of their Mayor.

Mr. Joseph Riley said he was sorry and he did not come here to be in conflict with anyone. He apologized.

**13. EXECUTIVE SESSIONS:**

**President Carey**

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

**14. ADJOURN:**

**President Carey**

Pat Williams made the first motion to adjourn, seconded by Bob Bennett, vote was 5-0.