

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
JUNE 6, 2018**

The June 6, 2018 Borough Council Meeting was conducted on Wednesday, June 6, 2018 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, Mayor Herman Johnson, Mr. Dominic Scott, Mr. Vincent Cruciani, Mr. Patrick Williams, Mr. David Jenkins, Mr. Bob Bennett, Police Chief Yarns, Solicitor Kevin Hayes, and Borough Manager Virginia Kehoe.

CALL TO ORDER:

President Carey

MEDITATION:

Mayor Johnson

PLEDGE OF ALLEGIANCE:

Mayor Johnson

1. APPROVAL OF AGENDA:

Bob Bennett make the first motion to approve the agenda, seconded by David Jenkins, vote was unanimous 7-0.

2. APPROVAL OF MINUTES:

President Carey

- **April 25, 2018 Council Work Session:** David Jenkins made the first motion to approve the minutes, seconded by Frank Besten, vote was unanimous 7-0.
- **May 2, 2018 Council Regular Meeting:** David Jenkins made the first motion to approve the minutes, seconded by Dominic Scott vote was 6-1 with Bob Bennett voting no to preserve the recorded minutes.

3. PUBLIC COMMENT & INPUT:

President Carey

Cindi Colman addressed Council about the Veteran's Banners. The flags will come down on Veteran's Day, and then they will be put back up in the spring. That is when they will accept more applications for additional banners. The write up needs to be in by December 15th for the newsletter. Ms. Colman thanked the committee and Donnie Jones from the VFW. Vince Cruciani asked if people who had a banner this year have to pay next year to put it back up. The answer is no, this is a 2 year banner. They purchased the banner. This is just the beginning; they need to plan for additional years. If people want to hang their banners after the 2 years, there would be a \$100 fee. Ms. Kehoe asked if we keep the banners this year. Mayor Johnson stated that we take the banners down and notify the families to pick them up.

Tom Hendrian addressed Council. Thanked Council as Carnation Circle was done and he asked if they can do a perennial garden in the circle. Mr. Hendrian stated that the garbage truck and the snow plow cannot get around their circle because it is actually an oval at this point. He asked that when the paving is done on Carnation Drive if they can even the road out, or ask Leewood Construction to fix the paving. Mr. Hendrian stated that he and Mayor Johnson agreed that there should be an inspector involved with the paving projects. It costs him money to fix the mistakes

that the pavers make. Mr. Hendrian is concerned about Carnation Park, stated that he heard what has been dug out will remain and that way so it will hold water. He stated that this makes the Borough liable. When he drove by he saw 2 or 3 feet of water and no protection against it. If a child gets hurt the Borough is liable. He believes the park should be fenced. Ms. Kehoe stated that there is a lot of planting that is on order and as soon as the plants get in, you will not see 2 feet of water sitting in there. Ms. Kehoe stated that she was just told that there was not any water sitting there. The water will be channeled around and then the plants and the root system and the ground are going to be funneling the water, filtering the water, allowing it to absorb in; also, slowing down the velocity of the water. There is a lot of vegetation at the park. There should be very little sitting water after all. Bob Bennett stated that he would go and check this out. Mr. Hendrian asked what the holdup is with the vegetation. Frank Besten stated that we have had a lot of rain and the ground is very saturated. Vince Cruciani asked if this will be done by July 11th. Ms. Kehoe said yes. Mr. Cruciani said if it isn't done by July 11th, come back to the meeting then. Mr. Hendrian asked Mr. Cruciani if he would agree that the park should have been fenced in. Mr. Cruciani stated that looks like the dirt version of a skateboard park. Mr. Cruciani asked if you would fence in a skateboard park. Mr. Hendrian said if he held water yes. Mrs. Hendrian stated that she doesn't think anyone on Council wants to listen to what they are saying. Mrs. Hendrian stated that she has expressed her concerns about the ongoing water situation and their front yard gets flooded because of the situation with the road being higher than their yard. Now they have to rise up their yard to remedy this. They are at the meeting to get some answers. There was back and forth banter between the Hendrians and Council and the Solicitor. Mayor Johnson and Chief Yarns stated that they would look into the park situation and they have police caution tape they can use. Mr. Cruciani stated that is a reasonable thing to do.

Cindi Colman also thanked Virginia Kehoe and Jenn Basalyga for their help.

Gerard Hetman updated Council on the Lackawanna County Public Relations Department.

4. POLICE REPORT:

Mayor Johnson

Chief Chris Yarns stated that there is an issue with the back door at the police station. It needs to be replaced and fixed. David Jenkins stated that he thought it would be done by now. There were issues that they are working on. Click it or ticket was extended. David Jenkins stated that he has had at least a dozen inquiries as to why we don't control the speed on Winola Road. He asked if the Clarks Summit Borough can work in conjunction with South Abington Twp. Mayor Johnson stated that they could come up with a plan; both Chiefs have to approve it. They will take this under consideration next time. David Jenkins asked what the Chief is doing about the scales now that Officer Orzalek is retired. Chief Yarns stated that there is a class to take and pass; the classes are hard to find. No one has volunteered to take the class. Mayor Johnson stated that they have put memos out to the department, and they can't force someone to do it. The school is once a year during the summer time and it has to be a full time officer. Mr. Jenkins stated that Council oversees the police department and we have the scales through our State Rep and State Senator, it is a disservice to the community not to use them. No one wants to volunteer,

management's prerogative to appoint someone to go. Let the officer know that this is in their job description. Council is in control not the Police Department. Council is the overseer of the Borough and it doesn't seem to be going that way. Mayor stated that you cannot force a person to take a position who doesn't want the position. This would cause a morale problem and the Borough would be out a lot of money if the officer doesn't pass the test. We are losing a lot of money and they understand that. Chris Yarns is concerned with someone who does not pass the class or doesn't keep up with the certifications. Frank Besten asked if this would be a change in the police contract. Solicitor Hayes would depend on certain factors and he would look into the collective bargaining agreement. Vince Cruciani stated that either all of them or none of the officers would have to take the class. Solicitor Hayes will look into this. Mayor Johnson stated that a lot of residents are they have a complaint they act on it. They are doing outstanding on Clark Avenue; there is one person who keeps complaining. Otherwise the other neighbors are happy.

5. BIDS & QUOTATIONS:

President Carey

- **Sealing/caulking front of borough building:** Gerrie Carey stated that there is interest in the Borough Building and that person is not worried about this issue. Ms. Carey suggested tabling this. Frank Besten agreed. Extend this for one month.
- **Tahoe:** We authorized Chris Yarns to advertise with the Chief of Police Association. Give it another month.
- **Insurance:** Vince Cruciani stated that he recommends that this be held off until the June Worksession. So far the numbers from Henkelman and Young are over \$20,000 less than Bell. Wait and see if we have any other people interested. Vote at the worksession.
- **Electricity:** David Jenkins made the first motion to accept the electric contract for APG&E, seconded by Dominic Scott, vote was 7-0.

6. BOROUGH TREASURER'S REPORT

President Carey

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

7. COMMITTEE REPORTS:

- **Building & Plant** Pat Williams, Chair update
on door to police station: Pat Williams stated that the door should be replaced by Monday or Tuesday by Frank Leonard. 2 coats of paint will go on the door before it is installed.
- **Finance Committee** Dominic Scott, Chair
Banking recommendation...Wayne Bank: Virginia Kehoe stated that there was a question for the FDIC coverage. Wayne Bank has several hundred million dollars in pledged pools to match government deposits. Vince Cruciani made the first motion to move all Borough of Clarks Summit's funds into Wayne Bank, seconded by Dominic Scott, vote was 7-0.
- **Grant Committee** Dave Jenkins, Chair Applied
\$195,000 -Watershed Restoration Grant (flood prevention/creek restoration – Marion St to Miles), applying this summer \$350,000 CFA Multimodal Fund

Grant Program (sidewalks on N State St), rejected for \$ 3,242.07 Pocono Forest and Water Mini Grant. Ms. Kehoe stated that we are working on the TAP Grant. Council discussed the creek restoration. Mr. Cruciani stated that they use a lot of plantings in the creek banks. Solicitor Kevin Hayes stated that there are 2 significant sinkholes along West Grove Street. Penndot takes the position that they are responsible from curb to curb. The problem stems from the corrosion of a sub-surface pipe which is ultimately the Borough's responsibility. In a Borough they do not take care of this. Met with Dave Maciak and Alan Jones, it was an emergency situation. They will see if Penndot will make the repairs and then bill the Borough because this is the cheapest and fastest way to fix the issue. Ms. Kehoe stated that the DPW poured concrete in until the repairs are done. Ms. Kehoe stated that the infrastructure for stormwater for the state roads is from the 1930's. Mr. Cruciani stated that the state will not allow anymore borough's to become a township. Our DPW cannot do this stormwater work; they don't have the equipment and the training to work at that depth. Vince Cruciani stated that the only real option is if Clarks Summit, Clarks Green and South Abington Twp. to agree to being part of South Abington Twp., we could become part of South Abington Twp. Frank Besten asked where this money to fix the stormwater is going to come from. Need to look into options. Asked Gerrie Carey to talk to Senator Blake and Rep. Sid Michaels.

- **Recycling Committee** Bob Bennett, Chair
- **Insurance Committee** Vince Cruciani, Chair
- **Personnel Committee** Gerrie Carey, Chair
- **Public Safety/Safety** Pat Williams, Chair
- **Recreation** Dominic Scott, Chair
- **Sewer Billing** Dominic Scott, Chair
 Dominic Scott stated that the sewer report was favorable. Letters will be sent out towards the end of the month. There are residents who will wait until the shut off warning letter to pay their bill.
- **ACOG Representative** Frank Besten/Gerrie Carey/Dom Scott
- **Veteran's Banners Committee** Gerrie Carey/Herman Johnson
- **Building plans committee** Gerrie Carey/Frank Besten/Pat Williams: Still working on this. Had interested buyers here yesterday. Getting an idea of what the building looks like. Gerrie Carey stated that concerning the Senior Center she has spoken with Warren Watkins and we can transfer that to the Site Council/Committee then they will own the building. The land is something that is involved with the state. We put the building up but if we can transfer this they will in turn have to answer to Hillside Park. Mr. Cruciani stated that the only issue he sees is that the Site Council/Committee he believes is not incorporate and has an EIN. It has to go to a legal entity. Mr. Cruciani stated that they might need a trust with trustees. Solicitor Hayes stated that he would speak with Drew Hailstone about this. The sewer issue there is not resolved. Koberlien is doing the work. This would be the Senior Center's bill.
- **LCAB** Patrick Williams
 Pat Williams stated that they had a quarterly meeting and there were many people there. Discussed the 2020 Census.

- **CDBG Needs Assessment Committee** Gerrie Carey/Vince Cruciani/Pat Williams Decision on 2018 allocation (due 6/15): Ms. Kehoe stated that we have defaulted to low income housing restoration, homeowner who qualifies with the county they can use that money. We will lose the money in 5 years if no one uses the money. It can also be used for blight. Pat Williams asked Ms. Kehoe to check into the fencing on Bedford Street, see if this money could be used for repairs.

- **SAPA** Dave Jenkins

- **Additional comments from Council:**

Frank Besten thanked the DPW because they did an excellent job on the roadwork on Carnation Drive. The neighbors were complimenting the Borough. Mr. Besten stated that when work is being done and no one is overseeing it (referring to the Hendrian's earlier in the meeting.) This work was done last year, and they feel that we should have an inspector. David Jenkins stated that it should be the company's responsibility to have an inspector on their projects, not the Borough. Vince Cruciani stated that last year he personally went on site to the Hendrian's house to work on a drain issue several times. We have gone above and beyond on this situation and explained the scope of who is responsible for the paving. Ms. Kehoe stated that our DPW does not see a need to go back and repave. Bob Bennett discussed the water company's paving company in his neighborhood. It can take a long time but the Borough has no recourse. Pat Williams stated that he and Mayor Johnson agree that the Borough should have an inspector to protect us. Solicitor Hayes stated that in this situation a Borough inspector would not have any authority in this situation. David Jenkins stated that the grass in the Borough is getting bad. 400 Haven Lane is an issue. Jenn Basalyga stated that they have 10 days to cut the grass then the owner will be cited and fined. The Borough does not cut the grass at homes. Do we need to reconsider the price of the fine? Ms. Kehoe stated that we should give it time; the fines go to the Magistrate if not paid. The fines start at \$25, then go to \$50, then go to \$100. This is working well at this point as more neighbors are calling to complain about other neighbor's property. Dr. Jenkins inquired about another property at 625 Winola Road. 315 North State Street property needs to be addressed. Ms. Basalyga will look into that, the bushes are overgrown. The grass at the old Pizza Hut needs to be trimmed. Mr. Jenkins asked about the apron at Haven and Winola Road, needs better attention to the potholes. Mr. Jenkins congratulated Pat Williams on the fence at the Grove Street Bridge. Pat Williams stated that the drug treatment group will be working; they have helped finish a lot of work already. Pat Williams thanked the DPW for doing a great job cleaning up the community for the Memorial Day Parade.

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

- **Replacement for TCC:** Gerrie Carey was going to talk to Kathy Drake about this. Vince Cruciani suggested that this subject be left open to vote on at June Worksession.

- **Agility Program:** Ms. Kehoe stated that if the Borough allows Penndot to use Loughney Hall for training sessions, three a year. That value is \$1039. In exchange the Borough could use their new truck wash system 208 times. Vince Cruciani made a motion to accept this agility plan, seconded by David Jenkins, vote was 7-0.

10. NEW BUSINESS:

President Carey

- A. **Resolution 2018-08 – Meter Suspension for Sidewalk Sales:** Vince Cruciani made the first motion to accept Resolution 2018-08, seconded by David Jenkins, vote was 7-0.
- B. **Resolution 2018-10 – CDBG agreement:** Tabled
- C. **Resolution 2018-11 – Wayne Bank accounts:** Vince Cruciani made the first motion to accept Resolution 2018-11, seconded by Dominic Scott, vote was 7-0.
- D. **July Council meeting rescheduled to July 11, 2018:** Did not need a motion.
- E. **Ordinance 2018-03 Revised Parking:** This is a draft, Ms. Kehoe is looking for permission from Council to advertise for a vote. Changes non meter parking violations from \$15 to \$25.
- F. **Ordinance 2018-04 EMA agreement with Clarks Green:** This is a draft, Ms. Kehoe is looking for permission from Council to advertise for a vote. Enter a joint cooperation EMA agreement that would run concurrently with the police protection agreement. There would be a stipend for the Coordinator and the Deputy of \$750 and \$250 which would be shared expense between Clarks Summit Borough and Clarks Green Borough. Mayor Johnson stated that you need qualified people for the EMA position; there are expenses that come out of your own pocket. Vince suggested \$1200 for the Coordinator and \$600 for the Deputy. They are supposed to develop an EMA plan; they work at the discretion of Council. There are a lot of requirements to be an EMA Coordinator. Bob Bennett asked for a monthly or quarterly report from the EMA. David Jenkins stated that originally \$1,000 was given to the EMA in the budget that was for training, equipment and supplies. Mr. Jenkins is not in favor of paying them anything. Herman Johnson said the original amount in the budget was \$2,000. Need good and qualified people for this position. This will be tabled until the worksession. Pat Williams is not in favor of paying for this position.
- G. **EMA – stipend to Coordinator & Deputy**

11. SOLICITOR’S REPORT:

Solicitor Hayes

12. CORRESPONDENCE:

- **Gathering Place Request:** Need to ratify the approval from the work session for the garden area. Vote to approve contingent on a signed agreement that satisfies the Solicitor Kevin Hayes. David Jenkins made the first motion, seconded by Vince Cruciani, vote is 7-0. This would be the Mayor Patty Lawler Garden.

13. EXECUTIVE SESSIONS:

President Carey

- **Prior-** **May 2, 2018 Litigation and Personnel**

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

- 14. ADJOURN:** **President Carey**
Vince Cruciani made the first motion to adjourn and to vote at the worksession on the insurance and TCC appointment, seconded by David Jenkins, vote was 7-0.