

**BOROUGH COUNCIL SPECIAL MEETING
OCTOBER 30, 2018
7:00 PM**

The October 2018 Borough Council Special Meeting was conducted on Wednesday, October 30, 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. Patrick Williams, Mr. Vincent Cruciani, Mr. Frank Besten, Mr. Bob Bennett (by telephone), Mr. David Jenkins, Mr. Dominic Scott, Mayor Johnson, Solicitor Kevin Hayes, and Borough Manager Virginia Kehoe.

1. WORKSESSION:

President Carey

- **Resolution 2018-18 – Appointee for School Tax Collector:** Vince Cruciani asked the Solicitor if the school is willing to indemnify the Borough for the selection of their own private tax collector. The Solicitor said that is a question that the Borough can present. The two attorneys can work out the language. Then formalize this with a vote next week. Solicitor Hayes stated that we would pass a resolution that would relinquish the responsibility of our tax collector to collect the school district's taxes. Then the school district would have the responsibility for appointing whomever they want for that obligation. We would do it by resolution and probably an agreement which they could entertain at next week's meeting.

- **Resolution 2018-19 – Appointment of Tax Collector:** Kevin Hayes stated that there should be a nomination and a roll call vote. Pat Williams nominated Mark Davis for tax collector, seconded by Dominic Scott. Solicitor Hayes asked if there were any other nominations. David Jenkins nominated Shirley Skinner for tax collector, seconded by Frank Besten. Vince Cruciani stated that whether he votes for or against anyone, he would not like to have his vote be disparaging to anybody's interest in running for the elected position. This should not be considered a political endorsement for election. Mr. Cruciani stated that he saw 10 great people come here and he would like to see all 10 people run for election, he thinks the public is a lot more equipped to pick the best tax collector than the 7 Council members. But Council will do the best they can that evening for the interim. Solicitor Hayes stated that Dr. Mahon also wants to encourage those candidates to apply for the position to collect taxes for the school district and that would be a contracted position. Roll call was taken for Mark Davis's nomination: Mr. Williams voted yes, Mr. Scott voted yes, Mr. Jenkins voted no, Mr. Besten voted no, Mr. Cruciani voted no, Mr. Bennett voted no, Gerrie Carey voted yes. The vote was 3-4. Roll call was taken for Shirley Sninner's nomination: Mr. Williams voted no, Mr. Scott voted no, Mr. Jenkins voted yes, Mr. Besten voted yes, Mr. Cruciani voted yes, Mr. Bennett voted yes, Gerrie Carey voted no. The vote was 4-3. The majority is for Shirley Skinner. David Jenkins made the first motion to

pass Resolution 2018-19, seconded by Pat Williams. On the question, Mr. Cruciani stated that Council went through a process at a public meeting last evening where each Council member put three names on a paper; those names were then circulated to the Solicitor and read out loud publicly. The names of the Council person and their three selections were read out loud. That came up with a consensus out of the 10 people who to discuss, 4 names prevailed. Out of those 4 names, 2 of them were more deficient in one of the categories that they found important, which was a willingness to run next year for the tax collector position as that would provide more continuity. Two names emerged and those two names were heard tonight. It was a deliberative and public process but it was void of influence from each other and it was the best one they could come up with and they tried to make it a fair process. Solicitor Hayes stated that he can attest that the Borough Council took the better part of 3 hours mulling and pining over these resumes. He was really impressed with the level of qualified candidates that came forward. David Jenkins stated that they were very happy with the group of people that did come out and showed an interest and Council did their due diligence and now they will move forward. Solicitor Hayes stated that there are two conditions to the resolution. First is a successful completion of a background investigation and the obtaining of a bond. Then next week Council would ratify the appointment if the results of the conditions are satisfactory to Council. The vote was anonymously approved 7-0.

2. PUBLIC COMMENT

Artie Frank spoke to Council about Carnation Park. He wants everyone to come to the park and look at it. He is concerned about the depth of the depressions at the park. Kids are playing at the park and he thinks this is a safety issue. There are areas where the holes are holding a large amount of water. He is concerned about erosion. Vince Cruciani stated that if there are implementation deficiencies, the Borough Engineer can look at that. The second issue is the fact that the vegetation issue. Council recognizes that the building of the park happened late in the season and no one on Council was pleased with that. That is a problem with the next 6 months because you are not getting the level of the vegetation in the ditches. Mr. Cruciani stated that this is a short term issue. Mr. Frank disagreed that it is a short term issue. Mr. Cruciani's definition of a short term is a year. Early next spring into the summer the issue should be abated. Mr. Cruciani stated that they may need some fencing to prevent the deer from getting at the plants during the growing season. Mr. Frank is concerned about the leaves. Mr. Naegele stated that they realize that this is a maintenance issue that is going to be long term. They will take care of the leaves if they become an issue. Mr. Frank stated that he called DEP and they tested the water, and he said this area was loaded with mosquitos. He asked if anyone will be willing to come look at the park in person. Pat Williams said he would be willing to look at the park. Vince Cruciani stated that in the springtime, need thick mesh, and temporary poles. Mr. Frank stated that there are 40 foot sections with nothing. Mr. Cruciani stated that this is part of the baseline of the planting then each year the planting gets expanded to get a better root system. Also the Shade Tree Commission will put in come plantings. Frank Besten said there are many deer resistant plants.

Ms. Kehoe will look into that. Mr. Frank asked about the snow and ice at the park. Where will the water go? Mr. Naegele stated that there are three main components for water disbursement. Part of the function is for the water to seep into the ground, part is evapo-transpiration which is the plants absorbing the waters nutrient load and there is also evaporation. This needs a good year to mature, if there are still problems next year late fall, they may have to look into it. Mr. Cruciani stated that the purpose was to break the velocity of the water from the peak of Gladiola and the peak of Carnation. The park is not a design for a retention pond; maybe have temporary holding of water if there is a large rain. Pat Williams, Bob Naegele and Frank Besten can all meet at the park. This is a federal program and this is a means to be compliant with federal and state regulations MS4. Mr. Cruciani stated that they are committed to not putting the tax payers on the hook for really expensive penalties for short term gain. We are using borough owned land as conservation properties.

Gerrie Dodge from 408 Carnation Drive spoke to Council about Tulip and Carnation. Recently the roads were paved. There are unsafe conditions at that intersection. The stormwater is bypassing the new drains that were put in and once that freezes it is going to be a disaster. Mr. Dodge gave his phone number to Ms. Kehoe so he knows when the DPW will be there to correct the issue. Robert Sochovka discussed the same issue. They have a stormwater issue that is causing damage on their property. They live at 212 Tulip Circle. He also stated that they spent a lot of time at Carnation Park. Discussed drainage there.

- **Carol Drive-PPL Access road:** Left the last meeting talking about whether or not the fire equipment could navigate Carol Drive. The fire company did test their equipment and they said no problem. We need to decide if the borough wants to take ownership or if it should be left with PPL. David Jenkins stated that he is in favor of letting PPL take care of it. Mr. Cruciani asked that the email from the fire company be sent to Henkelman and Young so they have that in their file. PPL can put up a gate if they choose to. Mr. Jenkins suggested that the borough has a copy of the key to the gate. That is not an issue. They do not make a motion on this for next week.
- **Open Sewer Remediation Bids:** Ms. Kehoe opened bids and Borough Engineer Bob Naegele will review them.
- **Trash Contract:** We can continue it for two years or bid on it. Put it on the agenda for next week.
- **Cherry Hill Partners – Conditional Use Hearing:** They are working on the land development with the Planning Commission. They need a Conditional Use approval from the Planning Commission and Council. We need to have a public hearing for next week, and then Council can vote on the Conditional Use.
- **Resolution 2018-20 – Volunteer Fire Co Credit Standards:** This has to be adopted by resolution next week.
- **Sick/Vacation buy out:** This is for the DPW and the Police. They would get 50%.

3. REVIEW OF NOVEMBER 7, 2018 AGENDA

4. ADJOURN:
The meeting was adjourned

President Carey