

**BOROUGH COUNCIL SPECIAL MEETING
JANUARY 30, 2019
7:00 PM**

The January 2019 Borough Council Special Meeting was conducted on Wednesday, January 30, 2019 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. Vincent Cruciani, Mr. Frank Besten, Mr. Bob Bennett, Mr. David Jenkins, Mr. Dominic Scott, Solicitor Kevin Hayes, and Borough Manager Virginia Kehoe. Mayor Herman Johnson and Mr. Patrick Williams were absent.

1. WORKSESSION:

President Carey

2. PUBLIC COMMENT

- **SAPA Update – Shannon Brown:** There are currently 9 communities participating in this phase of the project. This phase is focused on revising our zoning ordinances within the municipality. The project is now live. The project should take about 16 months from February of 2019. Phase one is a data collection process, getting all the information together. Phase two will have public participation with individual municipal meetings. The ordinances may look alike but the substance is going to be individualized. Virginia Kehoe and Jenn Basalyga will be needed at times to go over information. Denise Prowell has put in a great deal of time on this.
- **AAJRB Update – Gregg Kozar:** Mr. Kozar is a Clarks Summit Representative for the AAJRB. There were issues with Elm trees which were taken down. There were over 200 trees that needed to come down. They are running within budget. It was a very wet year, kept it in good shape. Discussed getting some lights for one of the fields. The lights are for the girls' softball field. The two fields are on the bottom. There are no residential homes that would be affected. Vince Cruciani asked about the Senior Center. Vince Cruciani thanked them for coming and for being so attentive and diplomatic in working with the various team members with the AAJRB and the Senior Site Council. Obviously they have an ally in the Borough in wanting to see the building transition into a regional asset. Attorney Pascale stated that there purportedly was a lease from the AAJRB to Clarks Summit for that property. But nobody can find it. Mr. Cruciani stated that he believes that there is a reversion clause in Clarks Summit's agreement with the Senior Site Council that basically says if something happens and the Borough steps away from the building, the AAJRB owns the building. Solicitor Hayes stated that there is nothing recorded; the land was deeded to the AAJRB. The only group that the Senior Center could be deeded to is the AAJRB. Attorney Pascale stated that there is an agreement that has been recorded and there is an addendum to the agreement by the 5 municipalities. Solicitor Hayes suggested that he and Attorney Pascale work together to put together a plan as to how to

maximize the use of the facility with corresponding revenue that would be generated by it, so this is a net win for everybody. Attorney Pascale they need to determine what lease existed. The lease was extended to the end of the year to give time for good faith actions. Mr. Cruciani stated that it is a regional asset and a property outside of the Borough, not owned by the Borough. It is a regional asset. Attorney Pascale thinks that Clarks Green Borough is going to want an inspection done. David Jenkins asked who is going to pay for an inspection. The Clarks Summit Borough is absorbing the costs. Mr. Cruciani said if there is an undefined asset and we can't divest it by giving it to the AAJRB, then that means the Borough can divest it in other measures, which means the Borough can sell it to Telespond. Attorney Pascale said that the Borough can't produce a lease that would allow us to do that. The five municipalities own the land that the Senior Center sits on. Mr. Cruciani said that we can just lock the doors at the Senior Center, but nobody wants that to happen. Mr. Cruciani said it is either the 5 municipalities or it is Clarks Summit Borough's. The 5 municipalities own the land the Clarks Summit Borough built the Senior Center. Mr. Cruciani stated that the best scenario is the building gets changed over to the AAJRB in terms of operation, in terms of building ownership, it be changed from the Clarks Summit Borough to the five municipalities. The AAJRB runs it, all 5 municipalities own it. Then the AAJRB would make the decision about Telespond. Option two, the worst option is that the building shuts down. The other options are, we lease it to another party or continue the lease with Telespond. The other option is that we divest our equity in the building and assign our 99 year lease rights to a third party, not to the AAJRB. David Jenkins asked Attorney Pascale for a draft resolution. Vince Cruciani stated that he is going to make a motion at the council meeting to have the Clarks Summit Borough pay for the inspection of the Senior Center be taken out of the Capital Reserve account. Mr. Cruciani stated that either way we will need an inspection. The question was asked by council who should the Borough pay for an inspection. Mr. Cruciani suggested that the Borough get the inspection done and a three year history showing money in and money out. Gerrie Carey will talk directly to Mr. Barrassé in Clarks Green.

- **Sale of Borough Building:** This will be discussed in Executive Session
- **Sheridan Ave bids:** Ms. Kehoe reminded Council the bids were due next Wednesday by 3pm and opened that night at the meeting.
- **Nathan Request:** Mr. Nathan stated that every year he gets his property tax bill and pays it right away and takes advantage of the discount. Mr. Nathan states that he never received the bill and paid it but had to pay the penalty associated it. He would like a refund of the difference. Ms. Kehoe stated that his record of payments does show that he has paid early in the past. Mr. Nathan would like a refund of the penalty amount. Mr. Nathan said that he never did receive the bill. Council did not agree to give the refund to Mr. Nathan. Mr. Cruciani stated that Jenn Basalyga mailed the Business Registrations out late; therefore Council will have to pass a motion to extend the payment deadline by a month. That is going on the agenda for next week.
- **VISA card for online purchases:** Ms. Kehoe stated that the DPW and the police have had times when a credit card would come in handy. She wanted

to mention it to Council. David Jenkins thinks it is a good idea to have a credit card. Solicitor Hayes suggested putting a limit on the card. It would have to be a \$1,000 limit. Mr. Cruciani stated that this would come back monthly through Vendor Payments so the cost couldn't be more than \$1,000 per month. Mr. Cruciani suggested that when Council votes next week for the credit card, purchases made on the card be circulated to Council and the Solicitor, then it is their responsibility to say that something shouldn't have been purchased. Mr. Cruciani stated that in addition to the Vendor spreadsheet he would like another sheet just for the credit card purchases.

- **Volunteer Fire Service Credit – 2018 update:** Ms. Kehoe stated that the Fire Company notified the Borough who is qualified for the tax credit. There are 24 individuals. Ms. Kehoe stated that with property tax, they will pay them and submit the certified document to her with proof that the property taxes were paid and the Borough will cut a check to reimburse them. With the earned income tax they will present the document that is signed off by her and the fire chief that they qualify. It will indicate how much they are qualified for and Berkheimer will discount their earned income tax by that amount. David Jenkins stated that on behalf of the officers and members of the fire company he thanks the Borough.
- **Handicapped Parking Spaces along:** Mr. Besten stated that the Safety Committee met with Chief Yarns and the Mayor. They are trying to find an easier way for handicapped people to park their cars on level ground. They came up with 5 spots, and 2 will be eliminated. The first one is between the Everything Natural and the funeral home; the second is right across the street. The third is Spring Street. The handicapped parking spot will be moved from the one by the bank down to Northeast Title and Tag. The last one is on Depot Street. The one on Zimmerman and the spot by PNC will be removed. David Jenkins disagrees with the one at PNC bank. He agrees with the one on Zimmerman. Mr. Besten stated that they were thinking of moving the one at PNC because of the mailboxes there. Next week this will be on the agenda. That vote will be to authorize Solicitor Hayes to draft the ordinance. Solicitor Hayes needs the specifics from Frank Besten. Ms. Kehoe has an estimate coming for the white lines to be painted. Mr. Besten stated that Pat Williams wants to have the drug court paint the handicapped meters blue.
- **Raises: Jenn Basalyga, Bonnie Flaherty and George Carros:**

3. REVIEW OF FEBRUARY 6, 2019 AGENDA

4. ADJOURN:

President Carey

Council went into an executive session.
Council adjourned at 8:27pm.