

**BOROUGH COUNCIL SPECIAL MEETING
FEBRUARY 27, 2019
7:00 PM**

The February 2019 Borough Council Special Meeting was conducted on Wednesday, February 27, 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. Patrick Williams, Mr. Frank Besten, Mr. Dominic Scott, Mayor Herman Johnson, Solicitor Kevin Hayes, and Borough Manager Virginia Kehoe. Mr. Bob Bennett and Mr. Jenkins were absent.

- 1. WORKSESSION: President Carey**
- 2. PUBLIC COMMENT**

Ryan Mitzvasky lives on Marion Street in Clarks Summit. He was there discussing he bid he put in for the loader for the DPW. David Thorne had reached out to him about the loader. He put in his bid. Mr. Thorne had expressed that the one Mitzvasky had was a little bit larger than they had wanted. Mr. Mitzvasky then presented Mr. Thorne with a Takeuchi, which is their second level piece of equipment. The Borough bought a loader from Caterpillar. Mr. Mitzvasky presented Council with a comparison sheet of the loader he bid for and the one purchased by the Borough. He discussed the benefits and pricing. Ms. Kehoe stated that as she understands it the case was too big; the Takeuchi is a newer model that they were unfamiliar with and they weren't comfortable with it. The Caterpillar was as close to a match with the Komatsu that they were working with. They were able to test drive the Caterpillar and they were very comfortable with it. Mr. Mitzvasky stated that they do not stock the Takeuchi that the DPW was interested in. The Takeuchi was \$4,000 less than the Caterpillar. Mr. Mitzvasky was curious if the Finance Committee reviewed all the bids. South Abington has one of the vehicles which is one size larger, that could have been taken out to test drive. Vince Cruciani asked why the DPW didn't take the opportunity to test drive one. Ms. Kehoe stated that she is not positive but she is assuming that David Thorne thought it would not be as easy to navigate through town with. This did not go through the finance committee, it was a budgeting process, the need for the loader was approved for the finance committee, the decision on the equipment was worked through by David Thorne and Virginia Kehoe. They were not obligated to take the lowest competitive bid since it was bid through Co-Stars. It was a \$4000 difference on something that is \$120,000 you want to make the right decision. If the DPW went with the Takeuchi, that would have saved \$7,000. Ms. Kehoe stated that there was a concern because the Takeuchi was an unknown product. Vice Cruciani stated that at the end of the day, Council is accountable. Frank Besten suggested that the building committee talk to the DPW so they can hear their reasoning behind it. Vince Cruciani stated that he would like the DPW to put something in writing and going forward he would like something in writing to justify decisions. Mayor Johnson stated that

he thinks whether it's the foreman or department, if they are selecting a piece of equipment the borough should have justification from that individual in writing as to why they want something. Mr. Cruciani asked if paying to have the DPW familiarize themselves with a new product is worth it.

Anne Armizanni, the Secretary for the Gathering Place read a prepared speech pointing out their accomplishments and concerns with possible sale of the Borough Building. Gerrie Carey stated that there is a 20 year lease with the Gathering Place that would be honored if the building was sold. Solicitor Hayes stated that there is strong language in the lease agreement concerning the Gathering Place. Vince Cruciani stated that he is against selling the borough building and one of the reasons why is because he thinks the Gathering Place is functioning well, he thinks the borough is functioning well. He thinks that the building can be remodeled in increments without having to take out a massive loan that would happen if we went to a new building. Mr. Cruciani stated that this building is in the heart of the downtown and that's where the borough building should be. The grant we applied to has specific language for improving the existing building, or purchasing a new one and improving that. So if we receive a grant it does not put us in a situation where we have to sell the building. We have capital investments to make back into this borough building so that the building itself will be sustainable and long lasting. Gerrie Carey stated that they were looking into getting the police station out of the basement and there is an issue with parking. There are a lot of options to do with the building. Mr. Cruciani stated that the details and facts are not all in yet as to whether moving to a new building or improving the borough building would be most cost efficient. They have to see what numbers they are looking at. Frank Besten stated that there is no way that the Gathering Place is going to go anywhere, it's too vital for the community. Solicitor Hayes stated that there was a bid process that was launched in the fall; we had no bids in response to the initial advertising. That advertisement had a provision that the borough has a one year to make a determination as to if we want to act on it. Vince Cruciani suggested drafting a deed or a memorandum that files a record in the chain of title, then it would be part of the public record that the buyer can't get out of. Solicitor Hayes will talk to Frank Bolock about this.

Pat Williams asked Engineer Bob Naegele about the Winola Road project. Bob stated that we are waiting to hear back from Penndot. There is a new man there in permits, he has been in touch with Mike Fennick and he was going to expedite the permit.

People from the Senior Center were at the meeting. Nancy Rogers, Powell Avenue, is concerned about the Senior Center. Ms. Kehoe stated that the site council for the senior center presented a letter to her and asked that it be read aloud at this meeting. Ms. Kehoe read the letter. Gerrie Carey stated that the building was put on South Abington land and 5 communities own it. There is no intention of evicting anyone in this situation. Solicitor Hayes stated that Clarks Summit Borough is bearing all of the costs for the use of the building and residents from many other communities use the center. Vince Cruciani stated that

the idea is to keep the Senior Center active and functional for the seniors by having it regionally operated. Telespond does pay the borough rent.

- **ZHB Update – John Kazista:** Mr. Kazista stated that in 2018 there were only two meetings and one was for reorganization. Scranton Neighborhood Housing Association received a variance for 316 Summit Avenue. There were 2 meetings in 2019. 314 Tulip Circle was granted a variance for the lot frontage. 511 Powell Avenue was granted a variance for the impervious surface.
- **Resolution 2019-05 CDBG Agreement:** Solicitor Hayes stated that he changed the language. First if there are over runs on a project, the borough would be responsible for it; that was removed. He took out the language that said the borough would be responsible for any cost over runs that cannot be covered by the program. His problem with that is that it is their contractor, their design professionals, if they don't manage the project correctly and there is an over run, why should the borough be the one to pay for that. Solicitor Hayes added language that in the event that the borough is sued for any reason relating to these projects, they will indemnify us and hold us harmless and protect us from any claim. Ms. Kehoe did send a copy of the revisions to Council. The vote will be based on the new agreement as Solicitor Hayes is recommending.
- **Letter from Abington Senior Center Site Council:** Was read out loud.
- **Recodification:** Ms. Kehoe stated that we started the process but never finished it. The cost is going to be between \$21,000 and \$23,000. It is something that would be paid in 3 or 4 installments over 3 years. Asked council to approve the process. Mr. Cruciani wanted to see the quote spread out with the installments. The first installment would be for 2020. So the installments would go from 2020-2022.
- **Street Light at Lackawanna Trail and Winola Rd:** Pat Williams stated that the area is very dark. There are a couple of poles that maybe they can be put lights on. They need to be PPL poles. Ms. Kehoe will check the pole numbers.
- **Ordinance 2019-01 Handicapped parking:** Frank Besten stated that they have meter numbers and pictures. There will be 6 in the borough. It has been advertised in the newspaper for a vote at the meeting.
- **Resolution 2019-06 JAG resolution:** Chief Yarns is working on a grant for 2 more speed sentries. These are better than what we have now. \$9,400 is the combined purchase price. This allows him to apply and the signer of the applicant of the grant. This needs to be voted on next week.
- **Closing on Sheridan:** Solicitor Hayes stated that under borough code we are required to close on the park within 60 days of the approval. The purchaser of the property would have to take possession of the land and he would have to work out an agreement with the little league. Vince Cruciani stated that the little league was planning on using the park this spring. Gerrie states that Mike Noto said he was going to let them play through June.

Pat Williams stated that there will be a brief service for Dave Parker at the Abington Hills Cemetery. Gerrie Carey stated that the family was concerned

because Sheridan Avenue is the site of the Dave Parker Memorial. There is going to be a designated area in memory of Dave Parker. Vince Cruciani stated that the area is going to have a plaque that will tell his story about his time in Vietnam and him being an Abington Heights graduate.

Gerrie Carey read a letter to Council. Gerrie Carey read aloud that she takes full responsibility concerning the disrespect shown to councilman Besten. It is her position to ensure that all councilmembers be treated with respect. Ms. Carey stated that Mr. Besten has done so much for Council and she feels responsible but she wants to correct it and make sure it is done the right way. Mr. Besten thanked those who reached out to him. He thinks this is an outstanding borough and outstanding council. Mr. Besten rescinded his resignation.

Ms. Kehoe stated that Jeff Ames was not able to make it at 6:30 for a personnel meeting, she asked if they want that rescheduled. Ask him if he can come next week at 6:30pm.

Solicitor Hayes stated that at the meeting he would be asking for approval from Council of the settlement in the Valvano case. Council stated that Solicitor Hayes did an outstanding job. Ms. Carey thanked Commissioner Pat O'Malley stating that he went to bat for the borough.

Vince Cruciani made a comment concerning the meeting with the DPW about the purchase of the loader. Mr. Cruciani stated that his concerns are not with Dave Thorne's judgement; his concerns are with the process so that everything is checked

3. REVIEW OF MARCH 6, 2019 AGENDA

4. ADJOURN:

President Carey

5. EXECUTIVE SESSION:

Personnel