

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
JULY 3, 2019
RESCHEDULED TO JULY 10, 2019**

The July 2019 Borough Council Meeting was conducted on July 10, 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. Patrick Williams, Mr. Vincent Cruciani, Mr. Dominic Scott, Mr. David Jenkins, Mr. Frank Besten, Mr. Bob Bennett, Mayor Johnson, Police Chief Chris Yarns, Solicitor Kevin Hayes, and Borough Manager Virginia Kehoe. .

Gerard Hetman: Lackawanna County Community Relations updated Council on events happening in Lackawanna County.

CALL TO ORDER: **President Carey**

MEDITATION: **Mayor Johnson**

PLEDGE OF ALLEGIANCE: **Mayor Johnson**

1. APPROVAL OF AGENDA:

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

2. APPROVAL OF MINUTES:

President Carey

- **May 29, 2019 Work Session:** David Jenkins made the first motion to approve the minutes, seconded by Dominic Scott, vote was 7-0.
- **June 5, 2019 Regular Council Meeting:** David Jenkins made the first motion to approve the minutes, seconded by Bob Bennett, vote was 6-0-1 with Vince Cruciani abstaining, he wasn't present for the meeting.

3. PUBLIC COMMENT & INPUT:

President Carey

Attorney Ed Krowiak, 700 Vine Street, Scranton was there to represent Chris Calvey. They discussed changing the ordinance so that a crematorium so it is considered an accessory use to a funeral home. Attorney Krowiack stated that the Clarks Summit Borough Ordinance, specifically Chapter 27, page 11 is out of date due to current case law. They are asking for an amendment to the current ordinance. Funeral homes are allowed in a CC district. Solicitor Hayes stated that the land owner can request a curative amendment to the ordinance or Council by its own volition can pass a resolution deeming that section of the zoning law invalid. Solicitor Hayes had a proposed resolution. Ms. Kehoe stated that we would have to go back into the chart for standard uses and add under accessory. To do this it would have to be advertised and voted on. David Jenkins stated that this has been through the courts, our ordinance is out of date and we need to bring it up to date. Solicitor Hayes stated that the resolution would declare a portion of our zoning ordinance invalid and authorize the preparation of a curative amendment to the zoning law.

Artie Frank, 410 Carnation Drive spoke to Council about Carnation Park. He discussed issues with the park with the water drainage. Ms. Kehoe would ask Bob Naegele to attend the worksession with and update on the park.

4. POLICE REPORT:

Mayor Johnson

David Jenkins made the first motion to hire Tim McCoy and Greg Tishler as part time police officers and accept the resignation of Wanda Crespo with regret, seconded by Bob Bennett, vote was 7-0. Frank Besten stated that the Civil Service List has expired. We need to have a pool of people who are qualified. Chief Yarns would like to keep an active list in the event that one of the full time officers leaves. The Civil Service Committee needs to be activated to get moving on this. David Jenkins made the first motion to reactivate the Civil Service Commission, seconded by Dominic Scott, vote was 7-0.

5. BIDS & QUOTATIONS:

President Carey

- **Carnation Park Underdrain project:** Ms. Kehoe stated that she reached out to 11 companies and only received one bid from MHW Construction for \$24,500. Dave Jenkins rejected the bid and rebid the job, seconded by Dominic Scott, vote was 7-0. MS. Kehoe stated that she would reach out to more companies.

6. BOROUGH TREASURER'S REPORT

President Carey

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

7. COMMITTEE REPORTS:

- **Building & Plant** Pat Williams, Chair
Mr. Williams discussed a meeting he had with a with a sign company. It would be an electronic sign board that would be updated with borough information and advertising. Mr. Williams will ask if she could come to the worksession to inform Council. Mr. Williams wanted to have no parking signs by Veteran's Park, right in the front. Council discussed the idea. Council agreed to try using barriers first and see how that works.
- **Finance Committee** Dominic Scott, Chair
Ms. Kehoe will pull together a meeting for the Finance Committee.
- **Grant Committee** Dave Jenkins, Chair
Awarded \$9330 for new speed sentrys from PCCD
- **Recycling Committee** Bob Bennett, Chair Shredfest
July 13, 2019 – update on brush pickup. Ms. Kehoe stated that the County Commissioners are not helping with the brush issues. J. P. Mascaro will do a brush pickup but we don't have a price on that. Tree companies might be willing to accept the brush for a fee. The DPW could possibly get a 30 yard dumpster and the rejected brush would go in the dumpster and be taken to the landfill. We get 30 ton a month of brush so that is not realistic if the brush is consistently being rejected. David Jenkins asked about a chipper. A furnace was discussed and a wood pellet plant.

- **Insurance Committee** Vince Cruciani, Chair
- **Personnel Committee** Frank Besten, Chair Wanda Crespo resignation – Civil Service List expired – pt new hires recommended – G Tischler and T McCoy
- **Public Safety/Safety** Pat Williams, Chair
Pat Williams stated that the repairs to the Knapp Road Bridge are complete. At the far end of the bridge, there are branches that are growing through the fence. We can only cut the area where the trees are on our property. The plan of action is the borough put the railroad on notice, put it in writing and have the Mayor and the Solicitor approve it. This way the borough is putting them on notice
- **Recreation** Dominic Scott, Chair
- **Sewer Billing** Dominic Scott, Chair
There were 158 delinquent notices sent out. Mayor Johnson stated that this number is going to fluctuate. The penalties are noted on the invoice every quarter.
- **ACOG Representative** Frank Besten/Gerrie Carey/Dom Scott
- **Building plans committee** Gerrie Carey/Frank Besten/Pat Williams Council discussed ideas for adding onto the borough building. Gerrie Carey stated that we are waiting for the numbers on this.
- **LCAB** Patrick Williams meeting
8/15 at 6:30
- **SAPA** Dave Jenkins
- **Sr. Center Committee** Gerrie Carey, Kevin Hayes
Solicitor Kevin Hayes stated that on July 19th, Gerrie Carey and he met with Jeff Marquardt from Telespond along with members of the Site Council, and representatives from the AAJRB. Solicitor Hayes stated that the Senior Center should be in the hands of the AAJRB. Also, under the lease agreement, it is the responsibility of Telespond to address the maintenance issues addressed by BIU in that compensatory report. The next step is where the attorneys are going to come up with the terms of the agreement, then they are going to start meeting with each of the municipalities.
- **Additional comments from Council**
Vince Cruciani asked for an update on the quiet title on Sheridan Avenue. Solicitor Hayes stated that the title search has been completed, we are going to pay the bill up to \$4,000. They need to set up a meeting with the County Commissioner.

Concerning the Dennison property on Summit Avenue, Solicitor Hayes stated that the Ms. Dennison took the property by adverse possession and he followed an objection to that action. They agreed to pay \$10,000. This will be a quick claim deed.

David Jenkins discussed the brush issue on Oakford Road. The boom mower would take care of that. Mr. Jenkins stated that he is on the Public Safety committee and he has not been called to any meetings on the paving. He asked for a courtesy call from the committee. Mr. Jenkins stated that if that road is not being paved it needs to be patched.

Pat Williams gave an update on the Shade Tree Committee.

8. VENDOR PAYMENTS TO BE RATIFIED: **President Carey**
Bob Bennett made the first motion to ratify the vendor payments, seconded by David Jenkins, vote was 7-0.

9. OLD BUSINESS: **President Carey**

A. None

10. NEW BUSINESS: **President Carey**

- **Riley Payment Arrangement:** Solicitor Hayes stated that Council agreed that for his water service to resume upon full payment of the outstanding balance and we could work with him on a payment plan only for the penalties. We filed with the magistrate concerning and we are waiting for a hearing. He is in violation living without water usage.
- **Resolution Change:** Solicitor Kevin Hayes asked Council to entertain a resolution which would authorize the amendment of Ordinance 2002-01, declaring a portion of the Clarks Summit Borough Zoning Ordinance invalid and authorize the preparation of a curative amendment which permits the use of a crematorium as part of the operation of a funeral parlor in the borough. Whereas the owners of the Jennings Calvey Funeral Home, Christopher and Sharon Calvey, at the property 111 Colburn Avenue and 115 Colburn Avenue. Solicitor Hayes read off the entire Resolution change to make a crematorium an accessory use. David Jenkins agreed to make the motion to the change in the resolution, seconded by Bob Bennett. On the question, Pat Williams asked if they are going to be taking in bodies from the outside. Mr. Calvey stated that it is just going to be used for their own clientele at this time. Pat Williams thinks that they are jumping into this too quickly. David Jenkins did not agree stating that this is now case law. Vince Cruciani stated that if they file a variance and it got denied it could be a lawsuit. Vince Cruciani asked if they will be expanding the footprint. They are planning on putting up walls to connect their garages. There is a 3 year plan. They would go through Planning Commission and/or Zoning if needed. The vote was 7-0.

Solicitor Hayes informed Council that there is a Special Exception application before the Zoning Hearing Board. The Special Exception is for a house in Floral Park to have 4 handicapped individuals living there in a Group Home. Solicitor Hayes stated that there is information that can be interpreted where they do not need a Special Exception. Under the Clarks Summit Borough Zoning laws, a family is considered up to 4 unrelated individuals. They have to be very careful. You cannot discriminate against handicapped individuals. Solicitor Hayes stated that he wants to discuss this with Bob Sheils from the ZHB and make sure that they have the same interpretation. Vince Cruciani agrees with Solicitor Hayes, stating that they should not be discriminated against as they are following the ordinance.

11. SOLICITOR'S REPORT: **Solicitor Hayes**

12. CORRESPONDENCE:
Vince Cruciani discussed the correspondence with Bob Sheils. Mr. Cruciani asked Solicitor Hayes, we followed the law. Solicitor Hayes stated that Chief Yarns did exactly what the law requires.

13. EXECUTIVE SESSIONS: **President Carey**

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

14. ADJOURN: **President Carey**
Bob Bennett made the first motion to adjourn, seconded by Vince Cruciani, vote was 7-0.