

BOROUGH COUNCIL SPECIAL MEETING

July 31, 2019

7:00 PM

The July 2019 Borough Council Special Meeting was conducted on Wednesday, July 31, 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. Bob Bennett, Mr. Frank Besten, Mr. David Jenkins, Mr. Patrick Williams, Mayor Herman Johnson, Borough Manager Virginia Kehoe and Solicitor Kevin Hayes. Dominic Scott was absent from the meeting.

1. **WORKSESSION:**

President Carey

2. **PUBLIC COMMENT:**

- **Presentation on new sign for borough:** Marcie Kretzmer represents CEES is the company she represents. Gateway signage that is communication and emergency based at no cost to the municipalities. They work hand in hand with the local businesses to provide low cost advertising. Our current electronic sign is not working. She discussed this with Pat Williams. They would like to remove the current sign and replace it with another structure. The LED would be about 150. Rotating slides on the sign, they provide space on the sign where they can do single face or double space. This is password protected under the borough's control. The borough can get out the information we want. We can use graphics on the sign also. They would not put up any ads that were political, sensitive issues, marijuana ads or adult activity ads. They want to work with the small businesses. Vince Cruciani asked if they would be the owner of the device, is there a lease period. Ms. Kretzmer stated that they have an operate agreement; this includes the content, the size and structure of the sign, the duration which is 20 year. The LED's have a life span of 8 to 10 years. So at some point they would have to take down the LEDs and upgrade and replace them. All those expenses are on them. Ms. Kretzmer stated that they would then enter into a lease for the sole purpose, they are going to give the borough \$1,000 a year for 20 years and then this is an automatic renewal. Vince Cruciani asked Solicitor Hayes if he would have to do a bill of sale for existing equipment, plus a temporary easement for the demolition. Solicitor Hayes agreed. They are looking to put in one face on the sign, maybe in time it could be 2 faced sign. Mr. Cruciani asked, before they sign the operating agreement, he would like the defined footprint steaked out. This would show the dimensions, but the footprint should be the same. They can run with the power that is there. Molly Philbin spoke about the importance of the trees along the street and their importance. Ms. Philbin discussed the kilowatts used in these signs. She wants Council to consider these issues while discussing the new sign. Mr. Cruciani asked if the operating agreement create a phase two in their business plan or is it

automatically built in that they can put in the second sign the way their operating agreement reads. Ms. Kretzmer stated she would need to work on that with the Solicitor because there is not a phase one and phase two. She was looking to get this approved so they can move into the legality part. Mr. Cruciani stated that initially, they will put up one side going north bound. Then can they build in parameters to put one on the one side. Ms. Kretzmer stated that this first phase is like a test market, so with the results they may not put in another side. Mr. Cruciani stated that leaves the borough with the opportunity to approve the north bound side, leaving the opportunity open at a later date for a south bound. Solicitor Hayes asked if there are other signs like this around. There are not. Also Solicitor Hayes asked if anyone ever challenged them legally concerning the content, restrictions on the content. She has not been challenged legally on the content. David Jenkins asked if the lighting is too bright, can they turn down the brightness. They have a special system where it works with the sunlight. They can make the screen black so in the evening, there wouldn't be an issue with the light. Discussion about the traffic at that area, and if the sign was put on the other side, this could be distracting to the drivers coming down the hill. Also, trees would need to be removed to see the sign. Going north bound the sign would be fine. Mr. Cruciani stated that we should get a quote on what it would cost to just take down the sign. Frank Besten asked if the sign would be scrolling. The answer was no. The landscaping will need to be maintained by the DPW. Pat Williams asked for a committee to discuss this more. Mr. Cruciani stated that they should all talk about the operating agreement in non-committee format. Council would have to vote on this at the public meeting. Ms. Kehoe can update the agenda for the meetings and put that on the website. They can give formal notice for one week to the Shade Tree Committee. They will not be removing any trees at this time.

- **CS Fire Co. Update:** Mike Lucus gave an update to Council. He is the president of the fire company, Jay Miller is the Chief. They purchased a new Ariel ladder truck; this truck has a higher reach with the ladder. They are replacing their ambulance also. They did fundraise and use their money that was put aside every year. With the ambulance services they are now at the break-even point. David Jenkins stated that the volunteering has dropped. Many departments across the country are having paid EMS staff. Gerrie Carey stated that the volunteers do get a tax break if you live in the borough. She wanted to make people aware of that. Vince Cruciani's number one concern with the EMS staffing is that if it starts to cost money, then EMS services will be provided by the private market. The fire company's solvency matters to him more than the solvency of the EMS portion. So if the EMS starts to cost the fire department money, he would like to know because he would rather see the fire department be solvent on a volunteer basis and rely on private ambulances than a problem arise. Mr. Lucus stated that they are break even now, maybe a little in the black with the EMS. Mayor Johnson stated that they are doing a commendable job and if there is anything Council can do to assist them, let them know. Ms. Kehoe suggested that he have other communities call her to discuss the tax break. Mr. Lucus thanked the borough for the LSA Grant. Mr. Williams stated that he is worried about the

ambulance services especially over the weekends. Volunteers do help a lot during the weekend. They cannot technically pay a volunteer. They could put something in the newsletter for the sewer billing statement. Mr. Cruciani suggested putting this information into the municipal tax bill. Stating that there is a tax break for the volunteers who live in the borough.

- **Civil Service Testing:** The Civil Service Commission met and started the process. One hurdle that they ran into was that Lackawanna College has done their testing in the past but they no longer offer that service. Ms. Kehoe stated that they haven't found anyone local that offers the testing. At this point the oral exam will cost the borough about \$3,000. Ms. Kehoe stated that the applicants will pay \$50 to participate in the process. Ms. Kehoe stated that the Chiefs of Police Association has the test, we will get the written test from them and they can take the test at Marywood, they will supply a proctor. The Civil Service Commission will meet tomorrow.
- **Application to USDA for funding:** Ms. Kehoe stated that when it comes to the changes they make to the borough building and to accommodate the police department. Besides grants and the sale of Sheridan Avenue, it is possible, there is a low interest loan through the USDA, it is a long process to go through the application. The finance committee wants to start the application process. We may or may not actually use.

PUBLIC COMMENT: Don Kolena with Highalnd Real Estate Development Corporation, asked about the situation with the Calvey Funeral Home. Solicitor Kevin Hayes stated that it was brought to Council's attention by the Solicitor of the ZHB that within our zoning code it states that the use of crematoriums/cremation services is considered an accessory use to a funeral home. When municipalities try to preclude funeral homes from operating cremation services at a funeral home in a commercial district, it has found to be unenforceable. That was brought to our attention with the recommendation that we update our ordinance because ours was in conflict with legal opinions that we can't preclude cremation services as an accessory use of a funeral home when that funeral home is in a commercial district. Solicitor Hayes stated that any construction of a crematorium is subject to the codes of DEP, there are certain criteria that they have to meet with regard to insuring that there is no emission of odor, or other toxins into the environment. The process is to change the existing zoning to adapt to the state's law.

3. **REVIEW OF AUGUST 7, 2019 AGENDA**

4. **ADJOURN:**

President Carey