

**BOROUGH OF CLARKS SUMMIT  
BOROUGH COUNCIL MEETING  
NOVEMBER 6, 2019**

The November 2019 Borough Council Meeting was conducted on November 6, 2019 at 7:00 P.M. The Meeting was held in Borough Council Chambers, 2<sup>nd</sup> 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, Mr. David Jenkins, Mr. Robert Sheils (7:08), Mayor Johnson, Police Chief Chris Yarns, Solicitor Kevin Hayes (arrived at 7:04pm), and Borough Manager Virginia Kehoe.

**CALL TO ORDER:** **President Carey**

**MEDITATION:** **Mayor Johnson**

**PLEDGE OF ALLEGIANCE:** **Mayor Johnson**

**WAVERLY TWP POLICE:** **Chief Yarns**

Angelo Rudolphi spoke to Council concerning a police dog for the community. He explained the benefits of having a K-9 in the Abington community and other departments if needed. David Jenkins stated that this would have to go before the Finance Committee.

1. **APPROVAL OF AGENDA:**

Frank Besten made the first motion to approve the agenda, seconded by Bob Sheils, vote was 7-0.

2. **APPROVAL OF MINUTES:**

**President Carey**

- **September 25, 2019 Work Session:** Bob Bennett made the first motion to approve the minutes, seconded by Frank Besten, vote was 6-0-1 with David Jenkins abstaining.
- **October 2, 2019 Regular Council Meeting:** Vince Cruciani made the first motion to approve the minutes, seconded by Frank Besten, vote was 7-0.

3. **PUBLIC COMMENT & INPUT:**

**President Carey**

Claude Welcome, 118 Vosburg Lane spoke to Council about water and drainage issues. There is a swale that goes to a drain and in the 90's the swale was dredged and there was no issue. But it has been many years since this and they are having major issues when it rains. The swale is located on a paper road. Maureen Jones, 122 Vosburg Lane also spoke to Council. She showed Council the video of the water runoff. Ms. Kehoe stated that she, Kevin Hayes, Bob Naegele, Dave Thorne and Penndot will meet on Friday to discuss this.

Jean Yarmey, 15 Woodridge Circle asked Council about the brush pickup in the Borough. Ideas were discussed, Ms. Kehoe stated that maybe there could be an area in the DPW yard where she can drop off the brush. Ms. Kehoe would look into this.

Tom Sheeran, 137 Carol Drive, spoke to Council concerning the closure of Carol Drive where it meets Grove Street. He expressed his concerns and the concerns of the neighbors since the road was closed. Vince Cruciani made the first motion to send a letter to Abington Heights recommending that the bus stop on the South Side of Grove Street, remain a bus stop, seconded by David Jenkins. The Mayor will also sign off of this because he is in support of this. The vote was 7-0. Diana Scott-Monick, 151 Carol Drive asked if that road will be plowed in the winter. The answer was yes. The gates there locked but the police, fire, and DPW all have keys. David Jenkins stated that someone wrote nasty letters to PPL complaining about the potholes. That road was never mean to be a public passageway. Mr. Jenkins stated the nasty letters were forwarded to their law department, and the law departments said close the road. Vince Cruciani made the first motion for a formal inquiry to PPL to see if the nominal consideration the road can be turned over and fee simple to the borough, seconded by David Jenkins. On the question, Solicitor Hayes wanted to know if Council wanted to explore what the costs would be from Penndot also, as part of the inquiry. Ms. Kehoe stated that we have already had the engineers review this and the estimate was at least \$100,000. Mr. Cruciani amended his motion to also send a formal inquiry to Penndot regarding the restrictions or mandates necessary for the implementation of it. Ms. Kehoe stated that we would need a HOP application from the state. The vote was unanimous 7-0. Mr. Sheeran asked if the road could be oil and chipped instead of paved, what is the least expensive way to handle this.

4. **POLICE REPORT:**

**Mayor Johnson**

David Jenkins made the first motion to send a letter of support for the House Bill 1825, mentioned by Chief Chris Yarns, seconded by Vince Cruciani, vote was 7-0. This should also be sent to our Congressman and Marty Flynn. David Jenkins made the first motion to donate \$1,000 to the Waverly Police Department for the K-9. Ms. Carey stated that we are going through the Finance Committee for this first. Mr. Jenkins withdrew his motion. They started doing the weights and scales.

5. **BIDS & QUOTATIONS:**

**President Carey**

- **Sanitary Sewer Repair bids – vote to approve bid from MHW for \$16,250.00:** David Jenkins made the first motion to award the bid to MHW, seconded by Bob Bennett, vote was 6-0.
- **Ratify bid specs for trash bid:** Ms. Kehoe stated that the borough had a mandatory pre-bid meeting today for the trash companies. Waste Management and J.P. Mascaro showed up for the meeting. Two questions and one comment came up as they discussed the bid specs. The first question concerned the performance bid. If we took a 2 year option with 2 year extensions, their performance bond would be for the full term committed and if we exercise those options issue a performance bond for the extension periods. That was fine. The second question is, are we allowing these prices to be renegotiated every year or are we looking for a determination for up to 7 years. We are looking for the determination for up to 7 years. When we are talking about bulk pricing, weekly, monthly, or quarterly. The garbage companies suggested having the bid with unlimited bulk or one bulk item a week. Pat Williams made the first motion to release the bid with the changes, seconded by Frank Besten, vote was 7-0.

6. **BOROUGH TREASURER’S REPORT**

**President Carey**

Vince Cruciani made the first motion to approve the Treasurer’s Report, seconded by Bob Bennett, vote was 7-0.

7. **COMMITTEE REPORTS:**

- **Building & Plant** Pat Williams, Chair Council  
 Chamber blinds, DPW gutter: Pat Williams stated that the gutters will be replaced at the DPW. The cost is \$670. David Jenkins made the first motion to have Ron Conklin do the work for \$670, seconded by Bob Bennett, vote was 7-0. Ms. Kehoe stated that the lowest bid was from Pat Kneiss to replace the blinds in Council Chambers. David Jenkins made the first motion to approve Pat Kneiss to replace the blinds for \$900, seconded by Pat Williams, vote was 7-0. Vince Cruciani stated the \$1,600 that was approved for the previous two motions will come out the General Funds. Council suggested a thank you note be sent to Artie Frank.

- **Finance Committee** Bob Sheils, Chair open  
 Capital Reserve – Sewer bank account: Vince Cruciani made the first motion to open a new account at Wayne Bank for any water/sewer funds that they move out of the general operating water/sewer budget into Capital Reserve water/sewer, seconded by Pat Williams, vote was 7-0.

- **Grant Committee** Dave Jenkins, Chair

- **Recycling Committee** Bob Bennett, Chair 2018  
 Recycling Grant application approved - \$9,749.00

- **Insurance Committee** Vince Cruciani, Chair

- **Personnel Committee** Frank Besten, Chair  
 Frank Besten discussed the police contract. Ms. Kehoe stated that Council needs to reappoint 2 members of for the negotiating team. Vince Cruciani asked if it could be just Joe O’Brien. Mr. Cruciani stated that all of Council should be meeting with Joe O’Brien if this is going to arbitration. Mr. Cruciani stated that the new Council, in an executive session with all seven Council members there, shouldn’t be able to make that decision in January 2020. Vince Cruciani made the first motion to change the worksession to December 18, 2019, seconded by David Jenkins, vote was 7-0.

- **Public Safety/Safety** Pat Williams, Chair

- **Recreation** Bob Sheils, Chair

- **Sewer Billing** Bob Sheils, Chair  
 Ms. Kehoe stated that Joseph Riley has paid \$2,000 towards his sewer bill. He still owes over \$3,300. The water is still turned off. A few people came off the shut off list. There are liens on many of the properties where the water has been turned off. Solicitor Hayes needs the information after the liens are made.

- **ACOG Representative** Frank Besten/Gerrie Carey/  
Bob Sheils

- **Building plans committee** Gerrie Carey/Frank  
Besten/Pat Williams:  
 David Jenkins stated that Duffy’s Coffee House went out of business. He mentioned approaching Steve Young and see if that would be a practical use for the Police Department.

- **LCAB** Patrick Williams 11/20  
LCAB meeting with presentation regarding blight – attendees?
- **SAPA** Dave Jenkins next meeting  
with Planning Commission scheduled for 11/20
- **Sr. Center Committee:** Gerrie Carey, Kevin Hayes
- **Trash Contract Committee** Gerrie Carey/Frank  
Besten/Pat Williams mandatory prebid conference took place earlier today
- **Additional comments from Council**

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

9. **OLD BUSINESS:** **President Carey**

- A. **Transfers from debt service:** Pat Williams made the first motion to use \$97,926 from the Debt Service to pay off debts, seconded by Frank Besten, vote was 7-0. David Jenkins asked what we are paying off. Ms. Kehoe said 3 general fund loans that come to about the same amount of money.
- B. **Transfer from sewer fund to capital reserves:** David Jenkins made the first motion to transfer \$85,000, seconded by Bob Bennett, vote was 7-0.

10. **NEW BUSINESS:** **President Carey**

- **Resolution 2019-19 – CDBG:** Solicitor Hayes stated that the county is in the process of finalizing the contract with Northeast Signal for \$85,000 for the audible signals. Pat Williams made the first motion to authorize Gerrie Carey to sign the agreement, seconded by Frank Besten, vote was 6-1 with Vince Cruciani voting no.
- **CDBG Agreement**
- **Resolution 2019-21 – CDBG:** Ms. Kehoe stated that this year’s allocation is going into housing rehab until we define the project. The engineers are working on curb cuts. Pat Williams made the first motion to authorize Gerrie Carey to sign the agreement, seconded by Bob Sheils, vote was unanimous.
- **PSAB Legislative Alert:** Ms. Kehoe stated that we received 2 alerts from the PSAB regarding 2 house bills and they are strongly urging the borough to take action. House Bill 432 and 1459 will be put on the agenda for the next meeting.
- **Resolution 2019-20 – Senior Center:** This resolution authorizes the Rec Board to terminate the lease agreement between the Rec Board and the Clarks Summit Borough for the Senior Center. Vince Cruciani made the first motion to approve Resolution 2019-20, seconded by David Jenkins, the vote was 7-0. Vince Cruciani thanked the Solicitor, the Borough Manager, Council and Gerrie Carey. He stated that this is an important move for eliminating liability for the borough and providing greater access to shared resources in the community in an appropriate way. This vote authorizes Gerrie Carey to sign off.

Vince Cruciani stated that our community has a very traditional Halloween unlike other communities that have parades and that may work for them. He was

heartened to see people come out in the rain and wind and do Halloween and they didn't need the government to interfere.

- **Senior Center lease termination**
- **Towing amendment:** Solicitor Hayes is still working on this.

11. **SOLICITOR'S REPORT:** **Solicitor Hayes**  
Solicitor Hayes stated that he will be working on the towing amendment. We have a fully executed sign agreement lease so they will move ahead with that. Solicitor Hayes will have a meeting with PennDOT concerning issues with manholes and drainage grates that are subsiding. We do not have a Board of Appeals for issues related to the IMPC in the event that we would condemn a property. We need to comprise a group of 3 individuals who understand the code.

12. **CORRESPONDENCE:**
- **Victoria Maybeck**
  - **ID8:** Request to reduce EDU's to one. David Jenkins made the first motion to approve the reduction, seconded by Vince Cruciani, vote was 7-0. This was approved by the Borough Engineer also.

13. **EXECUTIVE SESSIONS:** **President Carey**
- **Prior-** **None**
  - **During-** **None**
  - **Subsequent-** **None**

14. **RECESS WITH RECONVENE ON 11/27** **President Carey**  
**TO VOTE ON TRASH BIDS:**  
David Jenkins made the first motion to recess for the limited voting purpose of addressing the trash contract, seconded by Vince Cruciani. Vote was 7-0.