

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
APRIL 1, 2020**

Solicitor Hayes stated that they were broadcasting on ECTV through Zoom. They are about to begin the regularly scheduled meeting of the Borough of Clarks Summit. Under normal circumstances this meeting would take place in our borough building on State Street in Clarks Summit. Obviously, we are not operating under normal conditions due to the Novel Corona Virus, known as COVID 19. In fact we are operating under Declarations of Emergency as issued by the President of the United States, Governor Wolf and our own Mayor Herman Johnson. In order to comply with the directives of Governor Wolf and to continue to fulfill its obligations under the borough code, the Borough of Clarks Summit has made arrangements to allow this meeting to proceed by way of video and telephone conference through Zoom. This meeting is being conducted in compliance with the Pennsylvania Sunshine Act as confirmed by an advisory, issued by the Pennsylvania Office of Open Records on March 11, 2020. Last week the Borough Manager published the agenda for tonight's meeting and encouraged residents to submit their written comments to the public. Those public comments have been circulated to Council members prior to tonight's meeting. He thanked Mark B. from Electric City Television for his assistance in having this meeting live streamed and broadcast through their You Tube and cable access channel. As we enter tonight's meeting he respectfully requested that each person seek recognition from President Carey and identify yourself before speaking so the minutes can be accurately recorded.

The April 2020 Borough Council Meeting was conducted on April 1, 2020 at 7:00 P.M. The Meeting is normally held in Borough Council Chambers, 2nd Floor, 304 South State Street, Borough of Clarks Summit, County of Lackawanna and Commonwealth of Pennsylvania. Due to the COVID 19 pandemic, Council members Ms. Gerrie Carey, Mr. David Jenkins, Mr. Bob Sheils, Mr. Patrick Williams, and Solicitor Kevin Hayes logged into Zoom to participate in the meeting. Council members Mr. Vincent Cruciani, Mr. Harry Kelly (7:15pm), Mrs. Kathleen Simrell, Mayor Herman Johnson and Borough Manager Virginia Kehoe attended via telephone. Chief Yarns was absent from the meeting.

PUBLIC HEARING: ORDINANCE 2020-02: Gerrie Carey suggested tabling this vote. Bob Sheils made the first motion to table this vote, seconded by Vince Cruciani, vote was 5-1 with Pat Williams voting nay.

MEDITATION:

Mayor Johnson

PLEDGE OF ALLEGIANCE:

Mayor Johnson

1. **APPROVAL OF AGENDA:**

Bob Sheils made the first motion to approve the agenda, seconded by Vince Cruciani, vote was 6-0.

2. **APPROVAL OF MINUTES:**

President Carey

- **February 26, 2020 Council Work Session:** Bob Sheils made the first motion to approve the minutes, seconded by Kathleen Simrell, vote was 5-0-1 with David Jenkins abstaining.

- **March 4, 2020 Council Regular Meeting:** Vince Cruciani made the first motion to approve the minutes, seconded by Kathleen Simrell, vote was 5-0-1 with David Jenkins abstaining.

3. **PUBLIC COMMENT & INPUT:**

President Carey

Virginia Kehoe stated that there is a letter from Mr. John Richard Kelly, 711 Linden Street. Additionally she has been speaking with his neighbor Frank and Debby Wilensky, 713 Linden Street. Last fall there was an issue with water running from Clarks Green into Clarks Summit through private property. There is a collapse of a line in Clarks Green that they won't address because it is private property. That has now caused a collapse in the line in Clarks Summit in residents' back yard. We said that we would deal with it in the spring but now the next door neighbor is dealing with a flooding issue as a result of all the water in the back yard. They would like to get the situation cleaned up as soon as possible. David Jenkins asked if we could get Lackawanna County involved with this. Vince Cruciani asked if the borough can take tort action against the private property owners in Clarks Green for not remediating the problem. Solicitor Hayes would have to look into this, he doesn't believe so but he can discuss this with Mr. Kelly who lives at 711 Linden Street. Ms. Kehoe stated that as soon as we get the easements the DPW can prioritize this work, but it is not something they can work on with a split crew.

4. **POLICE REPORT:**

Mayor Johnson

Vince Cruciani stated that he has known Brian Crowley both personally and professionally, his role as a part time officer a lot of the needs that we have seen expressed by the mayor and the police chief. Mr. Cruciani stated that Mr. Crowley is a person of high character and professional fitness for the job. Mr. Cruciani made the first motion to hire Brian Crowley as a part time police officer for the Borough of Clarks Summit, seconded by David Jenkins. Mayor Johnson stated that he and the chief and the Personnel Committee agreed that his resume looks great and he is a perfect fit. It would be an honor to have him on our force. The vote was 7-0.

5. **BIDS & QUOTATIONS:**

President Carey

- **DPW Truck Financing – vote to award bid to Peoples Security Bank at 2.35%:** \$280,000 is the total amount of the loan. David Jenkins made the first motion to approve the bid, seconded by Harry Kelly, vote was 6-0-1 with Bob Sheils abstaining
- **Center St. Culvert Repair – vote to award bid to North American Pipe for \$28,680.00:** David Jenkins asked why our DPW can't do this work. Ms. Kehoe stated that Pat Williams also went out to look at the wall in question and they don't believe that anything has to be done with the wall at this time. The wall is still structurally sound at this point. They were going to see if the DPW could do some reinforcement for the time being and then ultimately put guide rail up there. The company is lining the pipe, not replacing it. Ms. Kehoe would get a price for them to do the sleeving of the pipe and fixing the wall. Mr. Cruciani asked if it would be a cheaper option to rip out the pipe and just rock wall the area. Ms. Kehoe stated that there is a garage on top of it. The borough has taken responsibility for that line for a number of years.

Mr. Cruciani discussed the borough's options when it comes to stormwater pipes on private property. Solicitor Hayes will look into this. David Jenkins made the first motion to approve the bid. Mr. Cruciani asked where the funding was coming from. Ms. Kehoe said it was coming from the sewer fund. The motion was seconded by Vince Cruciani, vote was 7-0.

6. **BOROUGH TREASURER'S REPORT**

President Carey

David Jenkins made the first motion to approve the treasurer's report, seconded by Kathleen Simrell, vote was 7-0.

7. **VENDOR PAYMENTS TO BE RATIFIED:**

President Carey

David Jenkins made a motion to pay the bills, seconded by Harry Kelly. Mr. Cruciani asked when we pay the bills, he wants to make a not that the motion just made, that reduced our sewer fund capital by about 10%. Mr. Cruciani stated that we have to examine all legal angles going forward for economic reasons. The vote was 7-0.

8. **OLD BUSINESS:**

President Carey

- **Zoning Hearing Board Alternates – Carol Rubel and Sarah Dawgert:** Bob Sheils made the first motion to nominate Carol Rubel, subject on her conditions to resign from the Civil Service Committee and Sarah Dawgert as the alternate for the ZHB, seconded by Kathleen Simrell, vote was 7-0.
- **EMA Director – Art Frank:** David Jenkins made the first motion to appoint Art Frank as EMA Director, seconded by Pat Williams. Mr. Cruciani stated that he 100% supports Art Frank as an individual in this capacity. He stated that the person in this position should be paid a stipend. There should be some compensation. He thinks that this is a dis service to everybody by not tackling this issue of compensation. He hopes they can discuss this later. Mayor Johnson agrees that there should be compensation for the EMA Director. Harry Kelly and Kathleen Simrell agreed. Tabled the compensation matter. Vote was 7-0.
- **Part Time Police Officer – Brian Crowley:** Already voted on.
- **Vote Ordinance 2020-02 Tobacco Free Zones:** Already tabled.

9. **NEW BUSINESS:**

President Carey

- **Resolution 2020-06 Grant Resolution – Flood Control:** David Jenkins made the first motion to approve the resolution, seconded by Pat Williams, vote was 7-0. Mr. Cruciani asked Ms. Kehoe to find out if the items that were just voted on with the creek bank control, can be retroactively paid for with this grant and if not, the mitigation of underground creeks falls within the realms of this grant.
- **Resolution 2020-07 – Declaration of Emergency:** Vince Cruciani suggested changing the extension to the first meeting in June 3rd or the rescinding of the Governors order, or prior action by council, whichever comes first. The Solicitor agreed. Mr. David Jenkins made the motion to approve Resolution 2020-07 on the advice of the Solicitor, seconded by Vince Cruciani, vote was 7-0.
- **Piersimoni property:** The empty lot on Winola Road, one in from Electric Street. It is basically not buildable. The county now owns it. The neighbor has

offered to pay \$1,411.25 which may be the back taxes for the property. David Jenkins made the first motion. Harry Kelly asked if that would remedy the water issue on that property. The answer was no but it would be the new owner's issue. Vince Cruciani asked if it benefits the borough to have a written acknowledgement that any and all water issues is the buyers' ownness. Solicitor Hayes stated that we say is that we were contacted by Tax Claim Bureau of Lackawanna County requesting out authorization for the repository sale. We grant that authorization upon the express condition that all future claims against the borough are waived. Specifically for the water filtration on that property. David Jenkins asked if the borough should do this. Mr. Cruciani stated that he would like the letter to be signed and delivered back and he would like to format a notice where either Virginia or Gerrie file a notice associated to the tax map parcel in the recorder of deeds with an exhibit being the approval of the repository offer so that in essence it runs with the land. This way the property owner is on full notice. The vote was seconded by Vince Cruciani, vote was 6-0-1 Bob Sheils abstained because he does work with the Lackawanna Tax Claim Bureau.

- **Late Fees for sewer:** Ms. Kehoe stated that it may be appropriate to waive late fees for the sewer bills this month. Mr. Cruciani stated that he thinks the late fees should be waived for two months at the very least. This will give those who are struggling a buffer to get back on their feet. Mr. Cruciani made the first motion to waive the fees for two months, seconded by David Jenkins. As a point of clarifications Mr. Cruciani would like late fees waived for March, April and May of 2000. Vote was 7-0.

10. **SOLICITOR'S REPORT:**

Solicitor Hayes

Vince Cruciani asked if they need to pass another delay for Noto. Solicitor Hayes said no, we are good until April 29th. Mr. Cruciani stated that he was not comfortable with that. Mr. Cruciani made a motion to extend it until our June meeting because of everything that is going on. Bob Sheils asked Solicitor Hayes if he has heard anything about the status. Last notice was from around Marcy 28th where they were looking for a court order which is to be signed by Judge Nealon in relation with the quiet title; notice should be published in local publications. Solicitor Hayes said that he believes that there has been significant movement. He also stated that going into June is a good idea because of the situation. The motion was seconded by David Jenkins, the vote was 7-0.

David Jenkins thanked Solicitor Hayes for all of his due diligence along with the Borough Manager and the office staff at the borough building for the fantastic job that everyone has done up until this point and will continue until this situation is ironed out. He believes our residents greatly appreciate it. He also credited Council for their attendance at tonight's meeting, this is something new and he thinks it turned out well. Gerrie Carey also said Virginia Kehoe has done a great job in running our borough. There is someone working our borough office every single day. Vince Cruciani also thanked the owners and operators of Gerrity's and CVS and the others mentioned, stating that life would not be normal if our grocery stores and pharmacies were not open. He would like to formally recognize those businesses when this is over.

11. **CORRESPONDENCE:**

EXECUTIVE SESSIONS:

President Carey

- **Prior-** N/A
- **During-** N/A
- **Subsequent-** N/A

Bob Sheils made a motion to adjourn, seconded by Kathleen Simrell. Mr. Cruciani stated that as of now, is there an April worksession. Solicitor Hayes suggested that they do not have an April worksession. Vote was 7-0.