

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
MAY 6, 2020**

The May 2020 Borough Council Meeting was conducted on May 6, 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, Ms. Kathleen Simrell, Borough Manager Ms. Virginia Kehoe, and Solicitor Kevin Hayes logged into Zoom to participate in the meeting. Council members Mr. Vincent Cruciani, and Mr. Harry Kelly attended via telephone. Mr. Patrick Williams, Chief Chris Yarns and Mayor Herman Johnson were absent from the meeting.

PUBLIC HEARING: ORDINANCE 2020-02: There was no public comment. Vince Cruciani asked if the language excludes smokeless tobacco? The answer was yes. He asked, If you have an unlit cigar in their mouth, would that be allowed, the answer was no. Ms. Kehoe stated that it is an educational program we get the signs and they get the continuation of their educational programs.

Solicitor Kevin Hayes stated that tonight's meeting is complying with the Sunshine Act and Senate bill 841 where we are allowing public comment by way of written submission and the meeting is being aired live on ECTV and You Tube.

Gerrie Carey stated that our mayor has lost his son, Greg Johnson. Chief Chris Yarns just buried his mother today. Please keep them and all the front line workers in your prayers.

MEDITATION: Mayor Johnson

PLEDGE OF ALLEGIANCE: Mayor Johnson

1. APPROVAL OF AGENDA: David Jenkins Made the first motion to approve the agenda, seconded by seconded by Bob Sheils, vote was 6-0.

2. APPROVAL OF MINUTES: President Carey

- **April 1, 2020 Council Regular Meeting:** Kathleen Simrell made the first motion to approve the minutes, seconded by Vince Cruciani, vote was 6-0.

3. PUBLIC COMMENT & INPUT: President Carey

- **Jeffrey Blau:** Ms. Kehoe stated that she received an email from Mr. Blau concerning the condition of Miles Foundry. Jenn Basalyga is working on this. Mr. Cruciani stated that he believes the borough should not comment any further about any contamination. David Jenkins asked about DEP getting involved. Jenn Basalyga stated that she would talk to BIU's Joe Supulski about this.
- **Warren Raker:** David Jenkins stated that we have dealt with Mr. Raker in the past. He thinks that we should "file this." Mr. Cruciani suggested that Mr. Raker contact ARWA to seek relief. That goes for anyone seeking relief. The Borough can ratify the billing.
- **John Early:** Mr. Early thanked Chief Yarns for excellent response to a problem he was having.
- **EMA report:** Discussed the yellow sign program. Gerrie Carey stated that there is a table set up at Gerrity's with the information provided. David Jenkins suggested alerting the Fire Company about this.
- **Art Frank:** Mr. Frank asked if we can have benches in Carnation Park. That may be a good project for an Eagle Scout. Vince Cruciani thinks it is a good idea if they can find a revenue neutral way.

4. POLICE REPORT: Mayor Johnson

There is no meter collection reported, but it was collected and posted incorrectly. It will be in next month's report. Bob Sheils made the first motion to approve the report, seconded by Harry Kelly, vote was 6-0.

5. BIDS & QUOTATIONS: President Carey

- N/A

6. BOROUGH TREASURER'S REPORT President Carey

Bob Sheils made the first motion to approve the Borough's Treasurer's Report, seconded by David Jenkins, vote was 6-0.

7. VENDOR PAYMENTS TO BE RATIFIED: President Carey

David Jenkins made the first motion to approve the Vendor Payments, seconded by Kathleen Simrell, vote was 6-0.

8. OLD BUSINESS: President Carey

• **Vote Ordinance 2020-02 Tobacco Free Zones:** Vince Cruciani asked if every park already has a sign. He is questioning why nonsmoking tobacco has an impact on health and safety of other individuals. Solicitor Hayes stated that the issue is with littering. Mr. Cruciani stated that he understands that with smoking but there wouldn't be litter with chewing tobacco and cigars. Mr. Cruciani stated that he thinks this we have a group of tobacco prohibitionists advancing an agenda that comes at the expense of adults being able to do adult activity without harming other people in exchange for a couple of free signs. Solicitor Hayes stated that this is also about having kids exposed to it and offered it. Mr. Cruciani stated that if he was on a public road or area that kids could also be exposed to it. Mr. Cruciani stated that the public parks are not just for the children, they for the whole community to enjoy. Mr. Cruciani stated that he finds this to be a government overreach. David Jenkins made the first motion to approve Ordinance 2020-02, seconded by Kathleen Simrell, vote was 5-1 with Vince Cruciani voting no.

9. NEW BUSINESS: President Carey

- **Employee sick leave:** Ms. Kehoe stated that due to the COVID-19, the DPW has split their shifts and they voluntarily used their sick leave. The concern is also for Jenn Basalyga and Virginia, and should there be some kind of allowance. If someone is sick or has an injury, there wouldn't be enough sick time left to use. Council can give this consideration. Solicitor Hayes stated that this is executive session as a personnel matter.
- **Timing of paving bid:** Ms. Kehoe stated that the construction companies are just opening and they may be behind on some projects. Paving may be delayed due to the pandemic. Council discussed this and would like to move forward with advertising the bids for the paving projects in the Borough.
- **Resolution 2020- 08 – Acceptance of resignation of Councilman Pat Williams:** David Jenkins made the first motion to accept the resignation of Pat Williams, seconded by Bob Sheils, vote was 6-0. The resignation was effective that evening. Council has 30 days to fill the vacancy. Mr. Cruciani asked for resumes from all applicants. The borough would accept applications up to the Friday before the next council meeting, at 3pm. They will advertise for this.
- **Timing for interviews:** Having the interviews the night of the council meeting will work as the meeting is public.
- **Pay off TAN:** David Jenkins made the first motion to pay \$200,000 of the TAN, seconded by Bob Sheils, vote was 6-0.

10. SOLICITOR'S REPORT: Solicitor Hayes

Solicitor Hayes stated that there was a repository offer on a piece of property along Winola Road which was discussed last meeting. Solicitor Hayes sent a lease agreement to the perspective purchaser indicating that in the exchange for the borough accepting the offer, that she would release us from any future claims related to water on that property. There are some easements for storm-sewer projects that need to be done also. The sale of the Sheridan Avenue field was extended through June. We are on track for that to happen.

David Jenkins asked about the Gathering Place and they would like to put up a food donation vestibule at the borough. Council agreed that was a good idea.

David Jenkins asked about any reinvestment grants. Ms. Kehoe would look into that.

David Jenkins asked about the covers for the street lights. They talked about that. Ms. Kehoe would look into that.

David Jenkins asked about prohibiting smoking in the borough vehicles. The police department and the DPW are unionized so this would be done through negotiation.

Kathleen Simrell and other council members praised Gerrity's and local restaurants for all of their great work during the pandemic. Council would like to do something to recognize these businesses.

Vince Cruciani suggested that council reevaluate some of the borough ordinances due to the pandemic. For example, the fence ordinance as people may want to plant gardens. Also, the animal ordinance, as people may want to raise chickens. We want safety and cleanliness but residents should be able to grow their own food on their own property. We don't want to get in the way of them helping themselves.

11. CORRESPONDENCE:

- **Letter from Commissioners re: property tax late fees:** They are waiving the fees at the county, do we want to have this on the agenda for June. Solicitor Hayes would like to review it but he said it seems like that would be good practice. It is essentially fees are waived if it is paid by December 31st. David Jenkins made the first motion that pending the Solicitor's review and

approval, that the borough approve this as a waiver through 12/31/2020.
David Jenkins withdrew his motion.

EXECUTIVE SESSIONS: President Carey

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

ADJOURN: President Carey

Bob Sheils made the first motion to adjourn, seconded by Kathleen Simrell.