

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
APRIL 3, 2024**

The April 2024 Borough Meeting was conducted on Wednesday, April 3, 2024, 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. Frank Besten, Ms. Roni Lopez, Mr. Robert Sheils, Ms. Kathleen Simrell, Mr. Steve Guza, Mr. Joshua Mitchell, Mayor Harry Kelly, Borough Manager Ms. Virginia Kehoe, and Solicitor Andrew Krowiak.

MEDITATION:

President Carey

PLEDGE OF ALLEGIANCE:

President Carey

PUBLIC HEARING – 2024-01 PAVE CUT ORDINANCE

President Carey

Frank Besten made the first motion to approve the ordinance, seconded by Josh Mitchell, vote was 7-0.

JUNIOR COUNCILMAN – Owen McVety

President Carey

1. APPROVAL OF AGENDA:

President Carey

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

2. APPROVAL OF MINUTES:

President Carey

Steve Guza made the first motion to approve the minutes, seconded by Frank Besten, vote was 7-0.

3. PUBLIC COMMENT & INPUT:

President Carey

Dori Waters with the Gathering Place discussed the April 13th Wellness Event. She presented the most recent brochure. They are still working with the food pantry. Gary Rozman spoke to Council concerning the AAJRB. June Burns has not been active in her seat on the AAJRB. Gary Rozman is interested in taking over June Burns' seat. Josh Mitchell made the first motion to appoint Gary Rozman as an alternate serving Clarks Summit, on the AAJRB. When a seat opens up he would be moved to the vacated seat, seconded by Steve Guza, vote was 7-0.

4. POLICE REPORT:

Mayor Kelly

Police Chief Chris Yarns presented the police report. Bob Sheils asked about overtime. Chief Yarns stated that is because of the aggressive driving grant mainly. Josh Mitchell pointed out the issues between the Clarks Summit Borough and Ransom Township. The problem with which officer would be assigned to Ransom Township has been solved. Chief Yarns and Ransom came to an agreement about scheduling, language was put into the contract confirming that. Council had before

them 3 versions Clause E. Ransom objected to the \$50,000 in damages per month, if they were to terminate/breach the contract. Initially we had in the contract that Ransom was not permitted to terminate in the first place. They believe the \$50,000 was too much. There is a section which allows for mutual rights to terminate for convenience, Josh Mitchell does not agree with that. Mr. Mitchell does agree with the flexibility to opt out effectively December 31, 2026. That is when our Clarks Green contract ends also. That would give a one time to terminate. Solicitor Krowiak agreed that the issue is with damages and the amount of damages. Should there be a one time fee, if there is a breach of contract. The borough needs to remain whole. Bob Sheils asked about attorneys' fees, fines and costs of this went to court. Chris Yarns stated that the fees would go to Ransom. Bob Sheils stated that if we hire a full-time police officer for Ransom and they breach the contract, the borough will be left with an extra officer. He thinks \$20,000 a month is reasonable for damages a month. We have the 2nd highest tax burden in Lackawanna County. He suggests the 5-year contract with Ransom. Frank Besten stated that the more serious problem is with police officers working alone when they are on duty. There should be 2 per shift. Part timers cost over \$8,000. Eric Williams is no longer employed by the borough; he was the highest paid officer. Mr. Besten stated that he is most worried about the right number of people in the police department. Josh Mitchell stated that the numbers Bob Sheils cited for millage is comparing apples to oranges when we compare ourselves with other townships or boroughs where residents pay separately for garbage. Mr. Mitchell stated that we are on the high end but that is for a reason, garbage fees. Mr. Mitchell stated that possibly damages in the amount of \$50,000 plus \$5,000 a month for the remaining amounts. That should adequately cover us. He thinks \$20,000 is excessive. Bob Sheils stated that this doesn't make sense. Bob Sheils stated that he is concerned that Ransom is worried about the penalty for breaching the contract. He thinks \$20,000 a month is reasonable. Josh Mitchell and Bob Sheils agreed to the \$15,000 penalty a month for breach of contract. Mr. Mitchell stated that there were a few changes needed in the language. It would be a 4-year, 8 month term. Josh Mitchell made the first motion that if Ransom Township returns a signed version of the agreement that we are going to send to them, we would authorize the Chief to begin the hiring process for that officer, to be ratified by Council at our next meeting upon approval of the agreement Ransom - signed, seconded by Kathleen Simrell, vote was 7-0.

5. BIDS & QUOTATIONS: President Carey

6. OLD BUSINESS: President Carey

Sewer Report – MARCH

Trash Report – First quarter

Ordinance 2024-01 – Pave Cut Ordinance: Already voted on.

Vote for Railriders Day, August 8th: Steve Guza made the first motion to move forward with the Railriders Day, seconded by Roni Lopez, vote was 7-0.

7. NEW BUSINESS: President Carey

- **Planning Commission Fres-Butler Sunoco:** no vote
- **Treasurer:** Steve Guza made the first motion to hire Vicky Tyler, seconded by Bob Sheils, vote was 7-0.
- **Acting Manager:** Frank Besten suggested giving Jenn Basalyga a \$1 an hour raise while Virginia Kehoe is out. Roni Lopez made the first motion to appoint Jenn Basalyga as the Acting Borough Manager while Virginia Kehoe is on leave for an injury, seconded by Kathleen Simrell, vote was 7-0. Frank Besten made the first motion to give Jenn Basalyga a \$1 raise while Virginia Kehoe is out the office, seconded by Roni Lopez. Bob Sheils asked if Virginia is working from home. She is, but there are things that she cannot do until she is cleared by the doctor. She will be working from home, using sick and vacation time. The vote was 7-0.
- **Resolution 2024-05-Bank Accounts:** Josh Mitchell made the first motion to approve Resolution 2024-05, seconded by Bob Sheils, vote was 7-0.
- **AAJRB** – Already voted on earlier

8. SOLICITORS REPORT

- **PUC finding:** Solicitor Andrew Krowiak stated that there is a hearing at 9am on Tuesday.

9. CORRESPONDENCE:

- **Patrick Kulick EDU Change:** Frank Besten made the first motion to change the EDUS from 2 to one at 100 Davis Street, seconded by Kathleen Simrell, vote was 7-0.

EXECUTIVE SESSIONS:

President Carey

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|----------------------|---------------------------------------|
| • Prior- | 3/6/2024 personnel |
| | 3/27/2024 personnel, contracts |
| • During- | N/A |
| • Subsequent- | N/A |

ADJOURN:

President Carey

Roni Lopez made the motion to adjourn