

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
AUGUST 7, 2024**

The August 2024 Borough Meeting was conducted on Wednesday, August 8, 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 (7:05), Mr. Steve Guza, Mayor Harry Kelly, Borough Manager Ms. Virginia Kehoe, Solicitor Andrew Krowiak, Chief Yarns and Junior Councilperson Ms. Siddiqui were also in attendance. Mr. Joshua Mitchell and Junior Councilperson Mr. McVety were absent.

MEDITATION:

President Carey

PLEDGE OF ALLEGIANCE:

President Carey

MARC GONZALEZ, SITE 2

President Carey

Mr. Gonzales handles the IT for the borough, the CEO for Site 2. The borough had IT issues, and they were at the meeting to explain the situation. Mr. Gonzales stated that part of the service they provide is here on premises and in the cloud environment that they have built in a data center in Virginia. They have backup servers in Pheonix Arizona. As of 3:30 on July 15th, that equipment became inaccessible. The initial indication was that it was the firewall. After realizing that it wasn't the firewall, they deployed one of their engineers to the Virginia data center to provide further investigation. At this time, they brought customers up in the disaster recovery facility in Arizona. They began restoring individual files for the office. They began to retore two of our Quickbook databases here in the borough office. It was the networking gear to access the servers that was down. It was a core switch that became corrupted. They rebuilt the core switch. This was not a security breach. Friday morning worked with the borough to get all of the information restored. It was a five-day issue. Ms. Kehoe asked why Monday's work was not included in the disaster recovery file. Mr. Gonzalez stated that the way our backups are set up, and they can work with us to increase the frequency of this, is one backup a day and only on weekdays. They were not able to do the backup on Monday. There was an error in communication. Ms. Kehoe found it very difficult as engineers explained what happened. He was made aware that one of the engineers was not communicating properly. There was an email in the beginning. She asked if she would get an update, she did on Tuesday night that the system would be up and working on Wednesday. The system was not working. After that, she was the one who had to initiate the communication. There was not an explanation or an ETA. Mr. Gonzalez apologized for this issue. Gerrie Carey asked about financial reimbursement for this issue. Mr. Gonzalez stated that they can talk about that.

1. APPROVAL OF AGENDA:

President Carey

Roni Lopez made the first motion to approve the agenda, seconded by Kathleen Simrell, vote was 6-0.

2. APPROVAL OF MINUTES: President Carey

5/1/24 Council Meeting

5/29/24 Work Session

Steve Guza made the first motion to approve the minutes, seconded by Frank Besten, vote was 6-0.

3. PUBLIC COMMENT & INPUT: President Carey

4. POLICE REPORT: Mayor Kelly

- **Matthew Brown:** Roni Lopez made the first motion to terminate part time police officer Matthew Brown, seconded by Frank Besten, vote was 6-0.
- **Aaron Perry:** Frank Besten made the first motion to approve the hiring of Aaron Perry with the conditional approval based on the approval from the personnel committee after an interview, and a background check, seconded by Roni Lopez, vote was 6-0.

5. BIDS & QUOTATIONS: President Carey

Ms. Kehoe anticipates having 3 bids in September. There are 3 DPW trucks being put on Municibid. Council would need to vote to accept the bid. We have a project that needs to be taken care of on Vosburg. We are still waiting on the easements.

6. BOROUGH TREASURER'S REPORT: President Carey

July 2024: Roni Lopez made the first motion to approve the treasurer's report, seconded by Kathleen Simrell, vote was 6-0.

7. VENDOR PAYMENTS TO BE RATIFIED: President Carey

JULY: Steve Guza made the first motion to approve the vendor payments, seconded by Roni Lopez, vote was 6-0.

8. OLD BUSINESS: President Carey

Sewer Report – JULY: Ms. Kehoe stated that Jenn Basalyga was not at the meeting but did provide a report for council. Ms. Kehoe read the report. The aging has dropped significantly.

Trash report – JULY: Ms. Kehoe stated that 161 delinquent letters went out. As of the end of the month 92 were still outstanding, but payments are coming in. The ageing is a little over \$5,000.

Pave Cut Billing – May/June/July: Ms. Kehoe stated that IWDA is dealing with the pave cuts because Council voted on that. There have been 2 completed projects with pave cuts. One pave cut with the water company has been paid. UGI asked her different questions, but it is in accounts payable, and we expect a payment on that in a

week. We are doing well. IDWA did commit to us that we do not pay them until we get paid.

9. NEW BUSINESS:

President Carey

- **Office Staffing - vote to advertise manager's position:** Gerrie Carey stated that this was discussed at the worksession. She said that they already have Jenn Basalyga who has been prepping for this position for many months. She asked Bob Shiels for his input. He did have an opportunity to review the contracts. He stated that he has been on borough council for 5 years, on the personnel and finance committees the whole time. He stated that we often do the contracts with the staff employees in December. The Assistant Secretary position was being paid \$36,000 for this year. Virginia Kehoe has the position and being foreman for the DPW and that totaled around \$71,000. Ms. Kehoe corrected Mr. Shiels by stating that Ms. Basalyga is making about \$57,000 a year. In the contracts, the sewer billing and trash billing are incorporated into the hourly rate. Mr. Shiels stated that right now they are in the middle of contract negotiations with the police and the DPW, one of the issues has been with health care. Right now the employees are paying 2.4% of their gross for the premiums for their health coverage. He stated that our budget is not doing as well as has been in the past. It looks like the borough would be in a deficit if costs are not cut. Entering into these contracts now would hinder their current negotiations. Ms. Kehoe stated that we have always mirrored the DPW Ms. Kehoe said that it's understood that the section with the healthcare can be pulled out that section of the contract, then once the unions are negotiated, then put an amendment in the contract to mirror it. Council could vote on the contract without the healthcare included. Virginia's contract goes until February 28th, 2025, Jenn's contract starts January 1, 2025, so for approximately 2 months we will have 2 Borough Managers. He thinks this is not the best use of borough funds. Ms. Kehoe stated that whoever the new manager is, there will be an overlap. There is still a good amount of training needed. Bob Shiels wants to wait until December for this hiring. He wants this to go through the personnel committee then go through the finance committee to see if the borough can afford that. He stated that they are pushing this when we have 7 months before Virginia is leaving. Jenn's contract goes from 1/1/25-12/31/27. That is 3 years, he has done these contracts in the past and they have been no longer than 2 years. He took a look at the borough code which says you can do the shorter of 2 options. You can do 2 years or if it is a municipal year it has to be from the date of the contract up until the reorganization meeting after the municipal election. Which in our case would be January of 2026. That would have to be changed in Jenn's contract. Mr. Shiels stated that he would defer to the solicitor for that. Solicitor Krowiak stated that under the borough code, the borough manager serves at will of the borough council. Ms. Kehoe stated that her contracts have always been for 3 years but is less for the most recent contract because she is retiring in February 2025. There is a clause in the contracts stating that it is at will. Mr. Shiels disagrees with having a 3 year contract and would vote against it just solely on that. Bob Shiels stated that this is an important decision,

this is the CEO of Clarks Summit and he is a big fan of transparency, the best disinfectant to corruption. He's not saying there is anyone doing anything wrong here or they are doing a bad thing. Mr. Sheils stated that we live in Northeastern Pa. and there is a history of corruption in Lackawanna County and there are corrupt politicians who have been sent to jail, from State Senators, State Representatives, Commissioners, Mayors, School Board Members and Supervisors and a Borough Councilmember in Old Forge was sent to prison for taking a \$5,000 bribe. He thinks we need to be like Lackawanna County and the City of Scranton, and we need to introduce codes of conduct for the employees. We also need to strive to be fair and transparent in our hiring processes. We need to get away from the mindset around here that you need to know somebody to get a good job. This job has not been advertised and they have not done any interviews, there are 7 months until Virginia is leaving. They can advertise and get the best applicant. He stated that he can see Jenn and Nicole in these positions, in the past they have requested resume's. He doesn't believe he is doing Jenn or Nicole any favors by not having other applicants. A competitive hiring process would show that they are the best applicants for the job. He said the residents would appreciate the transparency. He doesn't want anyone to think that there is any fix in Clarks Summit regarding these positions. He does not want to do any hiring that evening. He would vote against approving this. Gerrie Carey stated that this was discussed at the worksession and it is the opinion of a lot of the council members that companies promote from within. If an employee wants to move up the ladder and they do a great job then they get promoted. Ms. Carey stated that they went over everything Jenn has done over all these years. Even if Virginia advertises and we have someone come in and train, they could leave in 4 months. Council really went into in depth last week and that is why they came to this conclusion. Frank Besten stated that he appreciates what Bob Sheils is saying and it is good being a councilman and being so involved with this. Mr. Besten stated that hiring within; when you have a good employee who knows their job, has an excellent record, most companies hire within, because you know what you have. Mr. Besten stated that he believes this is an insult to Jenn, in his opinion. He said for this lady to work as hard as she did and do the job she has done and say that she is not good enough so they were going to look around. The need somebody well trained before Virginia leaves, because when she is gone there is no one to run to.. Having a loyal employee who has an excellent reputation he feels like they are throwing her under the bus. He thinks advertising is wasting taxpayer's dollars. Bob Sheils asked about the length of the contracts with the terms of the length and the insurance and other terms. Gerrie Carey said that there would be a caveat that would say they have to finish with the police and DPW contracts when it comes to insurance. Mr. Sheils stated that you don't approve draft contracts, you approve final contracts. Solicitor Krowiak stated that if there was an issue with the insurance, council could approve the contract, subject to Article 6 which would mirror the contract with the DPW. Bob Sheils said the concerns are with vacation time and sick time. Ms. Kehoe stated that any contract over 10 years will have 3 weeks' vacation. With this contract it doesn't mirror the DPW so she would have to ask for that each negotiation. Every

reorganization positions are addressed with a vote. Mr. Sheils stated that the issues are with insurance, sick leave and compensatory time and possibly bereavement. Roni Lopez made the first motion not to advertise, seconded by Roni Lopez, the vote was 4-2 with Bob Sheils and Steve Guza voting nay.

- **Vote on proposed contracts of borough manager:** Bob Sheils stated that he would like to reach out to PSATS, they have a legal counsel, he has an issue concerning the length of the contract. Frank Besten disagreed with the year contract. Roni Lopez made the first motion to approve the proposed contract for Borough Manager for Jenn Basalyga contingent on the caveat that Article 4,6, &7 mirror the DPW contract, seconded by Frank Besten. Kathleen Simrell said we should look into a 2-year and 3-year contract. She is grateful that Jenn is an outstanding worker. Ms. Simrell stated that she is fine with 3 years. The Borough Manager serves at the will of Council. The vote was 4-2 with Bob Sheils and Steve Guza voting no.
- **Vote on proposed contract of assistant secretary:** Roni Lopez made the first motion to approve the proposed contract for Assistant Secretary for Nicole Kelly contingent on the caveat that Article 4,6, &7 mirror the DPW contract, seconded by Frank Besten. The vote was 4-2 with Bob Sheils and Steve Guza voting no.
- **IT issue update:** Ms. Kehoe is fine with tabling this.
- **2024 CDBG Monies:** Ms. Kehoe stated that we have \$90,000 committed to the Senior Center and we have \$4,500 committed to a handicap accessible door in the elevator lobby. That leaves us with past years and current years with \$326,171 available to be used under the CDBG conditions. We were talking last week, and the county suggested we consider a handicap accessible playground. Possibly at Hillside Park. Council could approve with pending plans and estimates, but at least let them know we are interested and have Hillside Park move forward with that. Other members of the AAJRB would like council to consider putting in a handicapped door in the back of the senior center. Also, adding a patio extension so they can do classes outside. Both of these projects would qualify. Ms. Kehoe stated that if council would like she can have the AAJRB begin preparing proposals and estimates that council can vote on. Frank Besten said this is a great idea. Mr. Bested suggested seating or bleachers at the pavilion. Steve Guza suggested playground equipment at Hemlock Park. Virginia stated that there are grants through DCED, she would look into that. Ms. Kehoe stated that we have Carol Drive, Lewis Lane, Carnation Park, Veteran's Park, Depot Street, Front Street and Hemlock Park. We have a resident offering to by playground equipment for Lewis Lane Park. Frank Besten said that when it rains, it takes forever to dry out Lewis Lane Park. Could an engineer look into this and try to fix the drainage issue. Bob Sheils asked about putting handicapped equipment into our parks in the borough. Ms. Kehoe stated that it does then bring up more maintenance and would increase our budget and insurance to cover more equipment. Ms. Kehoe stated that she will look into the costs related to this. Steve Guza mentioned the fencing and issues with people in the park later in the evening. Ms. Kehoe discussed using cameras in that park. She would look into cameras.

10. SOLICITORS REPORT

11. CORRESPONDENCE:

- **Pat Caden – request to change EDUs from 6 to 5:** Roni Lopez made the first motion to drop the EDU's from 6 to 5 for Pat Caden as per the recommendation of the Code Enforcement Officer not retroactive, seconded by Frank Besten, vote was 6-0.

EXECUTIVE SESSIONS:

President Carey

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| • Prior- | N/A |
| • During- | N/A |
| • Subsequent- | N/A |

ADJOURN:

President Carey

Roni Lopez made the first motion to adjourn, seconded by Frank Besten.