

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
SEPTEMBER 4, 2024 RECONVENE
SEPTEMBER 11, 2024**

The September 2024 Borough Meeting was conducted on Wednesday, September 4, 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 (7:05pm), Mr. Robert Sheils, Ms. Kathleen Simrell (7:10pm), Mr. Joshua Mitchell, Borough Manager Ms. Virginia Kehoe, Solicitor Andrew Krowiak and Police Chief Chris Yarns. Junior Councilperson Mr. McVety and Junior Councilperson Ms. Siddiqui were also in attendance. Mr. Steve Guza and Mayor Harry Kelly were absent.

MEDITATION:

PLEDGE OF ALLEGIANCE:

1. APPROVAL OF AGENDA President Carey

Josh Mitchell made the first motion to approve the agenda, seconded by Frank Besten, vote was 4-0.

2. APPROVAL OF MINUTES:

6/5/2024: Council Meeting

6/26/2024: Work Session

7/10/2024: Council Meeting

7/31/2024: Work Session

08/07/2024: Council Meeting

Bob Sheils made the first motion to approve the meetings minutes, seconded by Josh Mitchell, vote was 4-0.

3. PUBLIC COMMENT AND INPUT:

Tom Hendrian, 1004 Carnation Drive discussed the stormwater issue at his property. He stated that half of the drains don't catch any water. Water skips the drains, goes through his neighbor's property and goes across to the Carnation cul-de-sac. They are taking all the water from Carnation Drive onto their property. He suggested a pipe to funnel the water down, or the drains need to be cleaned out. The problem is there is a big boulder wall between his property and the neighbor. It is eroding, this will be a big problem in time. There is also a problem with the intersection of Carnation and Gladiola, with the runoff. Ms. Kehoe stated that she would talk to our engineers. Mr. Hendrian asked about a resident who has a trailer sticking out into the road on Knapp Road. With the elementary school traffic, this may be an issue. They discussed issues with the traffic in general with the school.

Mark Cordelli, Lackawanna County's Community Relations Director presented Council with a list of activities available for the public in Lackawanna County.

Artie Frank, Carnation Drive discussed the storm drains at the rain garden. He said they are loaded with sediment and greenery. Ms. Kehoe agreed to a limit. Ms. Kehoe said she will look into that. Mr. Frank asked about a fence that was mentioned at the last meeting. Ms. Kehoe stated that we need that system in the rain garden, so she is trying to come up with a solution to remove the eyesore. If anyone else has suggestions that would be appreciated. We need something cost effective. Mr. Frank disagreed saying the doesn't think the rain garden is working properly. Ms. Kehoe stated that we can have the engineers at the rain garden when it rains. This needs to be cost effective. Roni Lopez stated that she would be glad to visit the area and take a look. Frank Besten and Roni Lopez will coordinate a day to visit the area.

4. POLICE REPORT:

The amount of police calls has been going up. Chief Yarns wants to apply for the LSA grant for a police car. He was looking into grants for new software. The new part time officer started. He hasn't been able to work due to a sickness in the family. Bob Sheils asked if there were any prospects. Chief Yarns said he doesn't know of any. Gerrie Carey said that Chief Yarns picture is on the cover of the Abington Journal, he was an honoree with the rotary club.

5. BIDS & QUOTATIONS

- **2016 SHERWOOD FREIGHTLINER:** Roni Lopez made the first motion to accept the bid from Sugarloaf Township for \$75,000, seconded by Frank Besten, vote was 6-0.
- **2012 DODGE RAM 5500:** Roni Lopez made the first motion to approve the Municibid for \$30,200, seconded by Kathleen Simrell, vote was 6-0.

Ms. Kehoe stated that Municibid allows the borough to put equipment up for bid. They promote it with other government entities first, then they put it out to commercial entities. This way we are getting statewide responses, we budgeted to receive \$50,000, we received \$105,200. It's highly successful program. Josh Mitchell discussed the bid from Sugarloaf Twp., and if that falls through how long is the next bid available. This has happened before and it would go to the next bidder.

6. BOROUGH TREASURER'S REPORT:

Josh Mitchell made the first motion to approve the Treasurer's Report, seconded by Roni Lopez, vote was 6-0.

7. VENDOR PAYMENTS TO BE RATIFIED:

Frank Besten made the first motion to pay the bills, seconded by Roni Lopez, vote was 6-0.

8. OLD BUSINESS:

- Sewer Report August: Ms. Kehoe suggested having this information emailed to Council the updates every month.
- Trash Report August: Ms. Kehoe suggested having this information emailed to Council the updates every month.
- Pave Cut Billing: Ms. Kehoe suggested having this information emailed to Council the updates every month.
- CDBG Projects: Ms. Kehoe stated that council was interested in using the CDBG money for a handicapped accessible playground. Josh Mitchell asked if we received an updated cost for the project. We did not. We needed to get a cost first.
- Police CBA Agreement: Josh Mitchell stated that there has been no action yet. He suggested going into an Executive Session at the end of the meeting to discuss this further.

9. NEW BUSINESS:

- **Resolution 2024-07 LSA Grant Application:** Bob Sheils made the first motion to approve Resolution 2024-07 LSA Grant, seconded by Josh Mitchell, vote was 6-0.
- **Sunoco Land Development Application:** Ms. Kehoe stated that the company AFRIDIS went before the Planning Commission with a land development application. Plan is to convert the gas station to a gas station and convenience store. The Planning Commission agreed to this with 2 contingencies; This first is that the dumpster must and will fit into the very last parking spot and the second is for the air pump will be removed. Bob Sheils made the first motion to approve the Sunoco Land Development application based upon the representation that the contingencies recommended by the Planning Commission have been updated in the drawings, seconded by Roni Lopez, vote was 6-0.
- **Ratify the manager/asst secretary contracts for one year term:** Bob Sheils stated that this was voted on last month and there are now changes in the terms of the contract. So they want to ratify the agreements with the Manager position with Jenn Basalyga, which expires January 7, 2026. There were also changes in the terms involving the terms with the DPW contract, specifically, health insurance, sick leave and compensation. The contracts have been signed but need to be ratified. Ms. Kehoe stated that she listened to the minutes from the last meeting and it is clear that council intended to straighten out the term issue and that it would be part of the motion. The actual motion on tape does not include the term limits. Bob Shiels opinion is that they corrected this and it is a legal contract for the secretary position with the effective date of January 1, 2025, in the past they have made these contracts in December. Mr. Sheils stated that with the new position he believes they should advertise this which council voted against previously. He will still vote against this but he believes that this is a legally binding contact. Mr. Sheils stated that the second contract for the assistant secretary, he did speak with the PSAB and their interpretation under the borough code that council

doesn't have the authority to enter into contracts with the assistant secretary. Mr. Sheils stated that he would be voting against both of the contracts. Roni Lopez made the first motion to approve the Borough Manager contract, seconded by Kathleen Simrell, vote was 5– 1 with Bob Sheils voting nay. Josh Mitchell asked Solicitor Krowiak's opinion on the contract terms. Solicitor Krowiak stated he didn't speak to the individual that Mr. Sheils spoke with but his opinion is they are entering into a contract for services with an employee having a contract legally is a safer option than not having a contract. He believes it would be a dis service to the borough not having a contract. There is nothing in the borough code as it relates to the assistant secretary/trash/sewer billing that prohibits having a contract. The contract would be legally valid. Josh Mitchell stated that although Mr. Sheils is an attorney, Drew Krowiak is our Solicitor, he has given us his opinion which they pay him to do, he believes that we can and should and it is safer for the borough to enter into this agreement; he is supportive of entering into this revised agreement. Roni Lopez made the first motion to approve the Assistant Secretary contact, seconded by Kathleen Simrell, vote was 5-1 with Bob Sheils voting nay.

- **Treasurer Resignation:** Ms. Kehoe stated that Vicki Tyler will be resigning on October 8th. She will be here to train the new employee. At council's recommendation she went through the people they interviewed last time. Kevin Baumes was the gentlemen that they interviewed; he is coming into the office on Friday. Ms. Kehoe asked that council authorize to be ratified in October the hiring of a treasurer, if Kevin Baumes works out or whoever the personnel committee decides. Bob Sheils remembered that Kevin was a very 2024-082024-08 Berkheimer Portal:for a treasurer's bond six months ago. Josh Mitchell made a motion to authorize the hiring of a new treasurer pursuant to the personnel committee's recommendation to be ratified at our next meeting, seconded by Roni Lopez, vote was 6-0.
- **2025 MMO:** Ms. Kehoe stated that the police pension minimum municipal obligation is \$42,865, non-uniform pension minimal municipal obligation is \$31,347. Bob Sheils made the first motion for Gerrie Carey, Council President, to sign the MMO, seconded by Roni Lopez, vote was 6-0.
- **2024-08 Berkheimer Portal:** Ms. Kehoe stated that every time the borough has a change with the treasurer, we need to have a resolution with the new name in order for them to call Berkheimer and get information. We need to give them Vicki's name first then the name of her replacement. Frank Besten made the first motion to approve the name change, seconded by Roni Lopez, vote was 6-0.

10. **SOLICITOR'S REPORT:** Solicitor Krowiak stated that there was nothing to report.

11. **CORRESPONDENCE:**

- **Rossi Rooter:** There is no motion needed, no changes approved for their bill. Josh Mitchell stated that it is his opinion that it is unfortunate for them, but they were notified properly, and this is not a precedence they should set. He and Roni agree not to pay this.

Josh Mitchell suggested having a special meeting next week. Council will not adjourn after the executive session. No less than 7 days is needed to advertise.

EXECUTIVE SESSIONS:

President Carey

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

ADJOURN:

President Carey

Council recessed after the executive session