

**BOROUGH COUNCIL SPECIAL MEETING  
OCTOBER 30, 2024  
7:00 PM**

The October 2024 Borough Meeting was on Wednesday, October 30, 2024, at 7:00 P.M. The meeting was held in Borough Council Chambers, 2<sup>nd</sup> Floor, 304 South State Street, Borough of Clarks Summit, County of Lackawanna and Commonwealth of Pennsylvania. Council members in attendance were Ms. Gerrie Carey, Ms. Roni Lopez, Mr. Joshua Mitchell, Mr. Steve Guza, Mr. Bob Sheils, Ms. Kathleen Simrell, Borough Manager Virginia Kehoe, Solicitor Andrew Krowiak, Mayor Harry Kelly, Junior Council person Mr. McVety.

**1. WORKSESSION:** **President Carey**

**2. PUBLIC COMMENT:** **President Carey**

**3. COUNCIL CANDIDATE INTERVIEWS:** **All of Council**

- **Doug Craig:**
- **Linda Besten**
- **Gene Hallinan**

All three candidates answered the same questions presented by the Borough Solicitor. Candidates also answered questions from Council.

**4. ELECTION OF APPOINTEE** **President Carey**

Steve Guza made a motion to nominate Doug Craig, seconded by Bob Sheils. Kathleen Simrell made a motion to nominate Eugene Hallinan. Roll call vote for Doug Craig: Steve Guza voted yes, Bob Sheils voted yes, Gerrie Carey voted no, Josh Mitchell voted no, Kathleen Simrell voted no, and Roni Lopez voted no. The vote was 2-4. The vote for Gene Hallinan: Steve Guza voted yes, Bob Sheils voted yes, Josh Mitchell voted yes, Gerrie Carey voted yes, Kathleen Simrell voted yes, and Roni Lopez voted yes. The vote for Gene Hallinan was unanimous. He took a seat at the council table. Mr. Hallinan needs to be sworn in before he can vote.

**5. RESOLUTION 2024-10 – State wide LSA** **President Carey**

Josh Mitchell made the first motion to approve Resolution 2024-10, seconded by Steve Guza, vote was 6-0.

**6. COMCAST PUBLIC HEARING** **Virginia Kehoe**

Ms. Kehoe stated that we are currently working with Dan Cohen and his law firm to negotiate the franchise fee with Comcast. We are at the point where we have an agreement that Solicitor Krowiak has reviewed. This was advertised for a public hearing for tonight. Ms. Kehoe asked council if there were any questions. Council is not voting for the contract tonight.

**7. DISCUSSION:** **President Carey**

- 2025 Budgets: Ms. Kehoe stated that there were 2 union contracts that are in the process of negotiation this year that will affect next years budget. In both cases there is an agreement that will be voted on next week. Those agreements are calculated into the budget. Secondly, as Josh has mentioned, we have to either increase taxes or give up a service. One of the big decisions the finance committee made was to use capital reserve monies to purchase some pieces of equipment because we need it and we need it. Also, as in the past, the numbers are very conservative. The budget as being presented tonight does not include a tax increase for the general fund, or a trash fee increase. It does take into consideration a cutback in overtime for the police department, justified by the fact that we now have 5 police officers. For the fire fund, right now we have 2.25 mills that are taxed. That does not even come near covering what we give to the fire company, the rest of it comes out of the general fund. There was a debate whether to increase the millage, but we did not. The sewer bill was 47 dollars when we started billing, then it went to \$52 in 2015. The finance committee has put together two different budgets to choose from. One is balancing everything out by increasing the sewer billing to \$54 a month. The other is to cut back paving by about \$45,000. With the paving, there was a list of 5 roads. The engineer estimate came to \$684,000, we budgeted \$400,000. We cut it back to 3 roads and that was estimated around the \$400,000 with some tweaking of numbers. Kathleen Simrell asked about the amount of money the borough spent on equipment alone last year. Ms. Kehoe stated that we do buy equipment every year, but she would have to look into the specifics. Bob Sheils stated that we do have money in the capital reserves that we can use for the equipment. Also, we are applying for grants to pay for the equipment. Bob Sheils stated that the finance committee worked very hard on the budgets, and he is very impressed and proud that they were able to work through this together and come up with solutions for the taxpayers. He stated that the only issue is with the \$2 raise in the sewer account. He stated that this is a very good budget. Ms. Kehoe stated that the ARWA fee increased this year and the \$2 increase will offset that change. Kathleen Simrell asked if council is ok if we stay at the \$52 instead of the increase. Josh Mitchell stated that he was anticipating that the amount that would have to be cut out of the paving would be more. He is comfortable with an increase in the sewer rate if it is what they need to do. He does think it is good practice to increase the usage fees more than once every decade. This is only a 4.5% increase in 10 years which very reasonable but he is also torn, is worth the \$46,000 that we could make up in a conservative budget. Rono Lopez agrees with Mr. Mitchell with gradual increases. Mr. Mitchell stated that they started out with the budget considering an increase in the garbage fee from \$16 to \$20 a month, which would be a 25% increase in one year. That is what they want to avoid. He believes they should look at the usage fees every 5 years, which is good practice.
- Ordinances 4 – 6 annual milage and sewer fees: These are the ordinance adopting the general fund, the sewer fund and the ordinance

to adopt the millage for the fire fund. Then the budgets will be voted on to be advertised.

- Comcast draft contract: The contract is in the packet and needs to be vote on at the next meeting.
- Site 2 contract: Ms. Kehoe stated that Solicitor Krowiak has been working with them, our contract is through next July. We have been unhappy with them. Solicitor Krowiak stated that he has spoken with Site 2. If we do break the contract, we are on the hook until July. He doesn't know that cost yet. He expressed the borough's displeasure and the issues that we have been having. Ms. Kehoe stated that she would ask council to permit Solicitor Krowiak keep working on this to see if they are willing to negotiate. Site 2 will change the server before we our contract is complete. Maybe they would negotiate to let us out of the contract earlier. What would it cost us. Josh Mitchell stated that the change would only be 8 months away (July) If we opt out of the contract early it will be a net cost to the borough. Mr. Mitchell was looking for a recommendation on what level of confidence we would have where we could demonstrate breach of contract that would give us some remedy that wouldn't leave us on the hook. If there was some level of confidence in that then they could consider it. Ms. Kehoe is interested in contacting MBC. After we pay for the server, the monthly cost would be \$700 less than Site 2.
- ARWA replacement: We need to replace Frank Besten on ARWA. Ms. Kehoe did advertise on our website and bulletin board; she did not get any responses to that. Harry Jenkins did express interest after Gerrie Carey talked to him. We was a representative before but had to step down. He is willing to join again. He was the only one who showed interest.
- Police draft contract: Roni Lopez stated that the police union did agree to the terms so far. Ms. Lopez went over the terms in detail. Bob Sheils suggested going into an executive session to discuss this further.

Council went into an executive session. Council returned from an executive session.

- DPW draft contract
- Resolution 2024-12 – Trash Billing: Council will be voting on this next week.
- Resolution 2024-13 – CDBG budget: Council will be voting on this next week.
- Metered parking (ParkHub): Ms. Kehoe stated that she looked into alternatives with our parking meters. The company would give us labels to put on our parking meters that would have a QR code. That way you can pay using the meter or the QR code. There would be a .40 cent charge to use that service. There is no cost to the borough.
- AAJRB sunset: Josh Mitchell explained that Hillside Park was created by charter with the state and the charter required that each of the 5 participating municipalities (the borough) pass an ordinance, all of that will expire in 2027. There was an email from Mr. Bill Risse, an

AAJRB board member, sent an email concerning the park's renewal. The charter needs to be renewed, the ordinance needs to be extended. There might be an opportunity to get some funding. The park operates on a shoestring budget, it is underfunded and at some point, in the future that will have to level set. Mr. Risse was asking if there was a municipality that was willing to lead that sort of an application. Ms. Mitchell stated that South Abington Township represents 50% of the population and 50% of the park. He believes if anyone should lead it should be them. He believes we should sign on showing our support also. Bob Shiels asked if the AAJRB through about becoming their own authority. Mr. Mitchell said he didn't know the answer to that. When the AAJRB applies for a grant it has to be through one of the 5 participating municipalities. They also need a municipality that is not applying for their own LSA grant.

- **Hiring of New Police Secretary:** Ms. Kehoe stated that January 1<sup>st</sup>, Jenn will be taking over as Manager and she will be supporting her, Nicole is moving upstairs and taking over as Secretary. So, by the beginning of January we need to have a new secretary in place in the police station trained. The last meeting to vote for a replacement would be the December 6<sup>th</sup> meeting. This person would be part of the non-uniform union. This is a part time position paying \$15 an hour. Also, after one year the person would receive 30 hours personal time. Ther Personnel Committee should work with Chief Yarns when choosing a new employee.
- **Code Enforcement:** Ms. Kehoe suggested that the borough subcontracts out for this position. This person would be in charge of zoning and the code enforcement. Is there an opportunity to connect with another municipality. Ms. Kehoe has been looking into this. Is it a 1099 or is it an employee and the terms involved. That person would be needed in January 2025.
- **Regionalized Stormwater MOU:** Ms. Kehoe stated that this is the agreement to agree. This just shows who is interested in the regionalization. The scales of efficiency with saving money would be a benefit. Regionalized groups have a much bigger chance of having grant money. This can be either talked about or voted on next week.

**8. REVIEW NOVEMBER 6, 2024 AGENDA**

**9. ADJOURN:**

**President Carey**