

**BOROUGH COUNCIL MEETING
RECONVENE NOVEMBER 20, 2024
7:00 PM**

The November 2024 Borough Meeting was on Wednesday, November 20, 2024, at 7:05 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. The council members in attendance were Ms. Gerrie Carey, Ms. Roni Lopez, Ms. Kathleen Simrell, Mr. Joshua Mitchell, Mr. Steve Guza (by zoom), Mr. Bob Sheils, Mr. Hallinan, Borough Manager Virginia Kehoe, Solicitor Andrew Krowiak, Mayor Harry Kelly, Junior Council people Mr. McVety and Ms. Siddiqui.

RECONVENE:

President Carey

1. OLD BUSINESS:

President Carey

Police Union Collective Bargaining Agreement: Roni Lopez made the first motion to accept the police contract. Bob Sheils asked to discuss this before voting; Roni Lopez stated that they discussed this at length. Bob Sheils asked to discuss it again. Gerrie Carey stated that we need a first and a second. Ms. Kehoe agreed. Kathleen Simrell said that she feels the same because they did discuss this. Kathleen Simrell seconded the motion. Roni Lopez clarified that she is voting for the October 10th version that the police were in agreement with. On the question, Josh Mitchell stated that they have discussed this and it has been going on a while. He thinks there are two things happening simultaneously that are true. He stated that this agreement that they are going to vote on, he does not think is good for the borough. He congratulated the union saying this was an excellent agreement for them; it is a very generous agreement. Mr. Mitchell stated that he thought they had an opportunity in September to approve what was a better agreement and they declined it. They entered a period where they knew that arbitration would be filed, and he felt that was ok. Council discussed the specifics of that proposal in executive session. That proposal was cast aside and a new offer from scratch was made which is not as good for the borough; it will cost the borough more. That is a failure of their process. They made a counter proposal on November 7th and that was not accepted. Mr. Mitchell stated that he is going to vote for it because it is also true that they are not going to any anything better. He stated that the borough will not do better in arbitration, and it will also take more time and cost us money. Bob Sheils stated that with no disrespect to the police or DPW, he respects what they do and what they do for the community, but this is a contract that is not in the best interests of the taxpayers. He stated that Clarks Summit Borough has the highest tax burden for residents of any municipality in the Abington Heights School district. We are at 29.5 mill for borough, 2.25 mill for fire. If we raise it one half of one percentage of a mill, we have to go to the court of common pleas and explain why we need the money. He stated that we have cut our paving, our equipment, we've cut our budget to the bone. We had an opportunity with the health insurance to work with the police to have them contribute more on copays and deductibles. They are getting 4% raises when they had 3% last year. They will pay

2.5% of healthcare with gross pay, they do not pay anything additional as healthcare costs have increased exponentially in the last few years. Right now, family healthcare costs \$45,000. We are not bringing in the revenue to afford to be generous as we have been in the past. He feels like they squandered an opportunity. Mr. Sheils stated that he would be voting against the contracts. Mr. Guza stated that he concurs with both Josh Mitchell and Bob Sheils. He offered congratulations to the union and the DPW. He stated that they clearly won, the borough lost. There was so much in and out and substitutions on the personnel committee and he thinks that is where a lot of this process got lost. He stated that he will be voting against this. Looking at the budget, he doesn't see how this is sustainable through the years. He sees tax increases and possibly layoffs, stating it's a bad deal. Roni Lopez stated that when she and Gerrie met with the police union, they left items on the table as did they. It is not a full win for the union or the borough. She stated that it was a fair negotiation. Prior to their negotiation with them there was never a cohesive contract that was fully agreed upon. This was the first cohesive agreement 100% agreed upon by both parties. She stated that the reason for the substitution was that people had very difficult calendars and said they could no longer be a part of the negotiations, people had to substitute in to get this completed. She stated that if she did not substitute for Josh Mitchell dropping out, there would not have been any meetings. Roni stated that she was disappointed that they did not vote on this at the beginning of the month, this is the same exact contract that they will be voting on today. They would be in a worse position because with arbitration they would lose and that would be an additional cost to the taxpayers. She stated that they have a fiduciary duty to them, that they have an agreement upon them that is beneficial for them, it is their responsibility to vote on this. Josh Mitchell stated that they were in a fine spot. The arbitration process was going to play out, they did not need to rush to meet, he wished he didn't step back from the process and maintained a tighter insight into the process. He was very careful not to put anything in writing concerning the police contract, because once it is on paper it can be backtracked. He stated that he will vote for this but he does this with a lot of reservations about how they got there. Roni Lopez stated that they put something in writing as there is a risk of going into arbitration, if they didn't have anything in writing, that could be seen as acting in bad faith. The final vote was 4-2, with Bob Sheils and Steve Guza voting no. Gerrie Carey thanked the members of the police union at the meeting. Kevin Yetkowskas thanked council for working with them throughout the year stating that it was a tedious process.

DPW Collective Bargaining Agreement: Roni Lopez made the first motion to approve the DPW Collective Bargaining Agreement, seconded by Kathleen Simrell. On the question Bob Sheils asked if the agreement still has the 50% buyback of the insurance in the DPW contract. Ms. Kehoe stated that there was never another meeting with the DPW. Gerrie Carey stated that no one is going to want to turn down their health insurance. Bob Sheils asked if anyone met with the DPW to talk to them about it. Ms. Lopez stated that Mr. Sheils did not have his calendar, she called Gerrie Carey. Bob Sheils stated that Ms. Carey told him that he was no longer on the committee, so do not blame his calendar for not being at a meeting. Roni Lopez stated that when they were originally negotiating, he was still on the personnel

committee, when asked at the beginning of the month, he didn't have his calendar. After that he was dismissed from the personnel committee. Bob Sheils asked, after he was dismissed, if anyone talked to them. Roni Lopez stated they did not talk to them, they are voting on the agreement they have now. The vote was 4-3 with Bob Sheils, Steve Guza and Josh Mitchell voting no. The vote passed.

Norfolk Southern DEP waiver request: The Millett Real Estate attorney spoke to council about a waiver for the sewerage planning module exemption as per code # 4.4.23A. Millett Real Estate is under contract to purchase a parcel of land from Norfolk Southern Railroad. This is a subdivision of the parcel. They have secured sewerage letters from the Clarks Summit Borough and from ARWA. That shows the capacity. The letters were to comply with DEP. The parcel of land goes through many different municipalities. They will not grant the exception unless they go through the process of getting component 4A, that requires the waivers from all of the municipalities. The waiver is to allow Millett Real Estate company to purchase the property, approve the plan, put it on the record so they can purchase the land from the railroad; it is not a land development plan. If they plan on developing the land they would have to come back with land development plans which includes EDU plans. DEP wouldn't grant an exception because the entire parcel was on one deed that goes through other municipalities. The waiver is to put this plan on record and get the deed from Norfolk Southern, so Millett Real Estate would own this one-piece of 1/14 acres. They need the Planning Commission map signed to move forward to purchase the property. If they want to develop this they would need to go to the Planning Commission. Solicitor Krowiak stated that this will not be a liability issue for the borough as there are checks and balances down the road. The waiver is more of a technical aspect of the DEP. Josh Mitchell asked if they should attach an expire date to that waiver. Solicitor Krowiak clarified what the motion should be. Stating it would be a motion to grant the proposed waiver request by Millett Real Estate on the condition that it will last until December 13, 2024 then expire. Josh Mitchell made that a motion as stated by the Solicitor, seconded by Steve Guza, the vote was unanimous.

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 Steve Guza.

**BOROUGH COUNCIL SPECIAL
MEETING NOVEMBER 20, 2024**

**7:00
PM**

Same roll call

1. WORKSESSION: President Carey

2. PUBLIC COMMENT: President Carey

3. DISCUSSION: President Carey

- 2025 Budgets: Ms. Kehoe stated that in two weeks council will be voting on accepting the 4 budgets and the three corresponding ordinances that the budgets back up. They have been advertised and they are available for the public to review. They will have a public hearing at the beginning of the meeting on December 4th just to receive any input from the public. Ms. Kehoe asked council if they had any questions. Mr. Mitchell asked if she had received any feedback. Ms. Kehoe had not.
- Ordinances 4 – 6 annual milage and sewer fees
- Police Secretary: Ms. Kehoe stated that as of that day they had 9 applications that she presented to Chief Yarns to review. Interviews will start Monday, November 25th at 5pm. Ms. Kehoe stated that hopefully they will be able to vote for the new secretary at that December 4th meeting. Advertising on the community page on Facebook has been a great resource.

Gerrie Carey told council that on Saturday the junior choir and Santa and Mrs. Samta coming on the fire truck to turn on the lights in Clarks Summit.

4. REVIEW DECEMBER 4, 2024 AGENDA

5. ADJOURN: President Carey