

**BOROUGH OF CLARKS SUMMIT  
BOROUGH COUNCIL MEETING  
DECEMBER 6, 2023**

The December 2023 Borough Meeting was conducted on Wednesday, December 6, 2023, 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, Mr. Frank Besten, Ms. Roni Lopez, Ms. Kathleen Simrell, Mr. David Jenkins, Mr. Joshua Mitchell, Mayor Harry Kelly, Attorney Joe O'Brien, and Borough Manager Ms. Virginia Kehoe. Mr. Bob Sheils was present through Zoom.

**MEDITATION:**

**President Carey**

**CUB SCOUTS:  
Mitchell**

**Vice President**

**PLEDGE OF ALLEGIANCE:**

**President Carey**

**PROCLAMATION: Dave Jenkins**

**Mayor Kelly**

Mayor Kelly read the proclamation for David Jenkins.

**PUBLIC HEARING ORDINANCE 2023-01 Lansdowne:**

**President Carey**

Frank Besten made the first motion to approve Ordinance 2023-01. Bob Sheils stated that he thinks this ordinance is overkill. He believes this ban is excessive. This motion was seconded by Roni Lopez. Gerrie Carey asked if anybody wanted to vote on this tonight or table it because they still have more information that they wanted to gather. David Jenkins, Robni Lopez and Virginia Kehoe stated that there is a motion and a second. Josh Mitchell asked on the question, He stated that he agrees with Frank Besten that they need to consider the risk to the borough. Mr. Mitchell asked the solicitor, that while the borough can be liable for accidents at this intersection, out maximum liability is \$500,000, which would be covered by insurance. Solicitor Joe O'Brien stated that borough officials are immune, but the borough could be liable for an accident by \$500,000. He believes they have to consider liability and safety. Mr. Mitchell believes that they have incomplete information on how much of a safety risk they are putting on other roads. He also stated that there is a motion on the floor but he would tend to table this to gather more information. Frank Besten stated that his concern is not over money but if someone was killed at this intersection. Josh Mitchell stated that he thinks this is a known safety hazard, the information is incomplete and the safety of the alternative routes. Roni Lopez and Kathleen Simrell are in agreement with Frank Besten. The vote was 4-3 with Bob Sheils, Gerrie Carey and Josh Mitchell voting nay. Brank Besten, Roni Lopez, Kathleen Simrell and David Jenkins voting yay

**ORDINANCE 2023-02 Trash:** Josh Mitchell made the first motion to approve Ordinance 2023-02, seconded by Roni Lopez, vote was 7-0.

**ORDINANCE 2023-04 Quality of Life:** Frank Besten made the first motion to approve Ordinance 2023-04, seconded by Roni Lopez, vote was 7-0.

**ORDINANCE 2023-05 Millage**

**ORDINANCE 2023-06 Sewer**

**ORDINANCE 2023-07 Fire**

**1. APPROVAL OF AGENDA: President Carey**

Roni Lopez made the first motion to approve the agenda, seconded by Kathleen Simrell, vote was 7-0.

**2. APPROVAL OF MINUTES: President Carey**

**6/7/23 Regular Council Meeting**

**6/28/23 Work Session**

**7/5/23 Regular Council Meeting**

**7/26/23 Work Session**

David Jenkins made the first motion to approve the minutes, seconded by Roni Lopez, vote was 7-0.

**3. PUBLIC COMMENT & INPUT: President Carey**

Don Snyder commented on David Jenkins and his retirement from Borough Council. Spoke very highly of Mr. Jenkins.

**4. POLICE REPORT: Mayor Kelly**

- **Purchase of police vehicle:**
- **Ransom Twp Police Services:** Virginia Kehoe stated that Mariclare Hayes will be resigning as our Solicitor by the end of 2023. We then need a Solicitor to move forward with this. Josh Mitchell made the motion to move forward with setting up an agreement and draft of a contract with a Solicitor for council's review and approval. Mr. Mitchell stated that the agreement with Ransom Township is to provide 40 hours, dedicated, full time police officer to serve and patrol in Ransom Township.. The Clarks Summit borough will bill Ransom Township all of the potential expenses, plus a 15% administrative fee. It will not cost our taxpayers a dime and it will give us around \$20,000 a time a year. This also gives us an addition officer to cover shifts when needed. Bob Sheils added to the motion that the agreement would be subject to a mutually agreeable written document that would be notice to the public which would be voted on by council in a public setting. The motion was seconded by Bob Sheils, vote was 6-1 with David Jenkins voting nay.

Council needs to find a Solicitor. Mariclare Hayes is not available as the Borough Solicitor at this time until the end of the year. Davis Jenkins suggested Joe

O'Brien fill in. Bob Sheils suggested advertising for a new solicitor. Attorney Joe O'Brien agreed to fill in as Solicitor. Therefore he can start the contract with Ransom. Ms. Kehoe stated that the borough does not have to advertise. But we can. Hopefully we would have applicants for the January meeting. Ms. Kehoe will advertise on our website and the electronic bulletin board.

**5. BIDS & QUOTATIONS: President Carey**

N/A

**6. BOROUGH TREASURER'S REPORT:**

**NOVEMBER 2023**

**President Carey**

The treasurer is on vacation, there is no report.

**7. VENDOR PAYMENTS TO BE RATIFIED:**

**NOVEMBER 2023**

Kathleen Simrell made the first motion to pay the bills seconded by Roni Lopez, vote was 7-0.

**8. OLD BUSINESS: President Carey**

**Sewer Report – NOVEMBER:** Roni Lopez made the first motion to approve the sewer report, seconded by Kathleen Simrell, vote was 7-0.

- **Civil Service Exam update:** There are 3 applicants and the test is on December 16<sup>th</sup>.
- **2024 budgets:** Josh Mitchell made the first motion to approve the 2024 budget, seconded by Frank Besten, vote was 7-0.
- **Ordinance 2023-01 - Lansdowne**
- **Ordinance 2023-02 Trash Ordinance**
- **Ordinance 2023-04 Quality of Life Ordinance**
- **Ordinance 2023-05 Millage:** David Jenkins made the first motion to approve Ordinance 2023-05, seconded by Frank Besten, vote was 7-0.
- **Ordinance 2023-06 Sewer:** David Jenkins made the first motion to approve Ordinance 2023-06, seconded by Roni Lopez, vote was 7-0.
- **Ordinance 2023-07 Fire:** David Jenkins made the first motion to approve Ordinance 2023-7, seconded by Roni Lopez, vote was 6-0-1 with David Jenkins abstaining.
- **\$17,169.08 MRM Rebate:** David Jenkins made the first motion to put this money into the capital reserve fund, seconded by Roni Lopez. Kathleen Simrell asked about this. Josh Mitchell stated that he thinks that the budget is in place and the finance committee would need to meet possibly on the purchase of a police vehicle as the grants haven't come through. That money would come out of the capital reserve. The vote was 6-1, with Bob Sheils voting nay.

**9. NEW BUSINESS:**

**President Carey**

- **Employee Contract Virginia Kehoe:** David Jenkins made the first motion to approve Virginia Kehoe's contract, seconded by Frank Besten, vote was 7-0.
- **Employee Contract Jenn Basalyga:** David Jenkins made the first motion to approve Jennifer Basalyga's contract. Bob Sheils commented on her salary stating that she makes 14.85 an hour. Ms. Basalyga stated that she currently made 14.31 an hour and has worked at the borough for 11 years. Mr. Sheils stated that Ms. Basalyga requested an increase to 16 an hour, Ms. Basalyga agreed. Mr. Sheils stated that in this contract they are going to \$17 an hour. Mr. Shiels stated that he's not real good at the math but that is about a 15% increase from her prior salary. Then a 3% increase for 2 years after that. Mr. Sheils stated that She does a great job and has a great reputation but he doesn't know anybody in 2023 who is getting a 15% increase in their salary. Roni Lopez commented that she hasn't gotten this in 11 years. He stated that this is the taxpayers money. Roni Lopez seconded the motion. Mr. Sheils stated that he thinks a raise to \$16 is more appropriate and he would vote no to the \$17 raise. David Jenkins stated that those comments were out of order because it should have come after the 2<sup>nd</sup> motion. Mr. Jenkins stated that he thinks council needs to follow protocol. The vote was 6-1 with Bob Sheils voting nay.
- **Resolution 2023-09 – Police Pension Withholding:** Davud Jenkins made the first motion to approve Resolution 2023-09 seconded by Roni Lopez, vote was 7-0.
- **Cohen Law Group – cable franchisee:** Bob Sheils made the first motion to approve the Cohen Law Group, seconded by Frank Besten, vote was 7-0.
- **Trash billing update:** Virgiia Kehoe stated that the bill went out and payments have been received. Some people are confused by the online payment, clicking on the wrong account.

**10. SOLICITORS REPORT**

- **Ordinance 2023-03 Pave Cut Ordinance**
  - **Stormwater Regionalization – MOU**
  - **Impervious surface ordinance**
- Need updates on all three.

**11. CORRESPONDENCE:**

- **Josh Arp:** Sent an email concerning the trees in town. This can be discussed in 2024.

**EXECUTIVE SESSIONS:**

**President Carey**

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|----------------------|----------------|------------------|
| • <b>Prior-</b>      | <b>11/1/23</b> | <b>Contracts</b> |
| • <b>During-</b>     | <b>N/A</b>     |                  |
| • <b>Subsequent-</b> | <b>N/A</b>     |                  |

Bon Sheils stated that David Jenkins has been on council for many years and has done a wonderful job. He thinks the proclamation was well deserved.

**ADJOURN:**

**President Carey**

David Jenkins made the motion to adjourn.