

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
AUGUST 1, 2012**

The August Meeting of Borough Council was conducted on Wednesday, August 1, 2012 at 7:03 P.M. The Meeting was held in Borough Council Chambers, 2nd Floor, 304 South State Street, Borough of Clark's Summit, County of Lackawanna and Commonwealth of Pennsylvania. Council members in attendance were President Gerrie Carey, Mr. Herman Johnson, Mr. Patrick Williams, Ms. Virginia Kehoe, Mr. Roy Davis, Ms. Patricia Lawler, Mayor Harry Kelly, OIC Chris Yarns, Mr. David Jenkins, Mr. Dominic Scott and Solicitor Patrick Rogan.

CALL TO ORDER:

President Carey

MEDITATION:

Mayor Kelly

PLEDGE OF ALLEGIANCE:

Mayor Kelly

SWEARING IN OF NEW POLICE OFFICERS:

Mayor Kelly

1. APPROVAL OF AGENDA:

President Carey

David Jenkins was the first to make a motion to approve the agenda, Herman Johnson seconded the motion and the vote was unanimous 7-0

2. APPROVAL OF MINUTES:

President Carey

The July meeting's minutes were unavailable. Virginia Kehoe stated she needed to proof read them before making copies available for council.

3. PUBLIC COMMENT & INPUT:

President Carey

Gerard Hepman, Lackawanna County Dept. of Community Relations, informed council on upcoming events happening in Lackawanna County. All the information is available at the borough office and on the borough's website.

4. BIDS & QUOTATIONS:

President Carey

Virginia Kehoe presented information on the leasing program with PNC which is identical to the conditions on the former lease. Herman Johnson made a motion to accept the PNC lease agreements-three year term for the Tahoe and seven year term for the Dodge, Patrick Williams seconded the vote. The vote was unanimous 7-0.

Councilman Roy Davis left the meeting at 7:40pm

5. BOROUGH TREASURER'S REPORT

President Carey

David Jenkins was first to make a motion to approve the Treasurers report, Herman Johnson seconded the motion and the vote was unanimous 6-0

6. COMMITTEE REPORTS:

• **Building & Plant**

Pat Williams, Chair

- **Finance Committee** Gerrie Carey, Chair sewer billing
Virginia Kehoe stated that the sewer billing change has to be completed by September 30, 2012. The Finance committee meeting is set for Friday, August 10, 2012.
- **Grant Committee** Patty Lawler, Chair
Patty Lawler stated that Clarks Summit did get the Grant through the Arts Council. There was a discussion about putting the Grant towards The Art and Wine Festival on the August 11, 2012. Marilyn Costa does not advise council to use the grant for the Festival. The suggestion is, The Clarks Summit Borough should sponsor something through the municipal government. There are no time limits. Last year's Grant went to the Veteran's Park. Council suggested ideas for possible events. One idea was to sponsor a classroom to support The Community Classroom. Council can brainstorm ideas that are specifically separated from other events already planned.
- **Insurance Committee** Roy Davis, Chair
- **Personnel Committee** Gerrie Carey, Chair update on part-time police
Two part time police officers were hired but one already received a full time position elsewhere. The part time officer, who has been hired, is going through the motions to be certified and ready to start. There is still one position available for a part time police officer and Herman Johnson asked could the committee see about hiring another part time police officer. Process is still ongoing concerning the Chief of Police.
- **Public Safety/Safety** Herman Johnson, Chair Tek78
Virginia Kehoe stated that the Clarks Summit Borough has a letter from Greg Pascale dated July 19, 2012, officially requesting 23 units for the townhouse development on Winola Road. There is also a copy of the meeting's minutes from South Abington Township dated July 26, 2010 in which South Abington did grant conditional approval to the subdivision. At this point the DEP hasn't approved Tech 78's plan or if they have the submission hasn't been made to the Sewer Authority. The Sewer Authority does not have the allocation for the EDU's and the DEP submission has not been made or we haven't been made aware yet. Attorney Greg Pascale responded. The application is ready to go to the Sewer Authority and it needs to be signed by South Abington Township. South Abington wants a pass through agreement with the Clarks Summit Borough before they sign and submit the application. Attorney Pascale also stated that there was another development that overestimated the amount of units they would need and DEP will allow Tech 78 to trade these 21 units for others that are not going to be developed. Also, Pascale stated that instead of the original 23 units there will now be 21. David Jenkins stated that in light of the discrepancy with the Sewer Authority waiting for DEP's approval, it would be prudent for Clarks Summit to get final approval from them first. David Jenkins stated that he wants to table this at the moment. Attorney Pascale responded saying that DEP can't approve it because Tech 78 can't submit the paperwork because South Abington Township has asked that Tech 78 get approval from Clarks Summit Borough. Tech 78 needs to submit the paperwork to the Sewer Authority which will then go to the DEP. If Clarks Summit tables this then they cannot submit the paperwork and they are stuck in a catch 22. Greg Pascale stated that if Clarks Summit would

approve it conditionally, the condition being upon DEP approving the Sewer Module, that would be acceptable. The next step would be conditional upon Tech 78 getting approval from South Abington Township. The plans here at the Clarks Summit Borough are not signed. The signed plans have been submitted to South Abington Township. Herman Johnson doesn't see any problem in approving this as long as it is first approved by DEP. Herman Johnson strongly suggests that council approve Attorney Pascale's request on the condition that DEP approves it. This is so they have the borough's assurance that if everything is on track Tech 78 can move forward. David Jenkins asked for Solicitor Pat Rogan's opinion, inquiring if council is on legal grounds to make this motion. Patrick Williams stated that he wants to stay with the original plan for Clarks Summit to meet with South Abington and discuss the situation. Patrick Williams also stated that he will not vote on this until meeting with South Abington and straightening out the situation. Attorney Pat Rogan asked Attorney Greg Pascale what he would offer in terms of sewer rates. Attorney Pascale responded by stating that South Abington Township is collecting the sewer fees and remitting a portion of those fees to the borough based on a formula that was agreed to in 1995. Virginia Kehoe stated that she received minutes from South Abington Township's Public Hearing stating that the board approved Tech 78's plan upon conational use. Nothing more specific in terms of conditions was recorded. Tabling this issue until we get the conditions may be the way to handle this. Patrick Williams made a motion that we table vote, stating that council won't accept the pass through unless and until the Sewer Authority accepts it. Attorney Pascale agreed to wait one more month until the Clarks Summit Borough gets this information from South Abington Township. Attorney Pascale stated that if all conditions are met Tech 78 would expect approval. Tech 78 can have South Abington Township submit the paperwork to DEP right away. Roy Davis stated that he doesn't want to weaken our position and forfeit our authority with South Abington. Herman stated that with DEP approval this will not weaken our position. Attorney Pat Rogan stated that the vote doesn't need to be tabled because Attorney Pascale agreed to come back next month to the Borough Council Meeting where we should be able to move forward.

- **Public Works** Herman Johnson, Chair
Herman Johnson commented on DPW is doing good job picking up brush, blacktopping, they have been very busy.

Victor Alfano spoke about the creek between Hemlock and Landsdowne. Herman Johnson suggested setting up a program where the DPW would clean out the creek every year or every other year to make sure the silt and silt doesn't become too difficult to clean. Virginia stated that DPW can weed whack the area, while a plan is in place to clean the creek. Victor Alfano spoke about the history of the creek, giving details on the work that has been done keep the creek in decent shape. It has been two years since the creek has been dredged. Mr. Alfano agreed with the idea of a program which would keep the creek in order. Patrick Williams suggest a yearly program to keep the creek clean. The suggestion was raised to ask Judge Barrasses' drug court program to clean up the creek. Patrick Williams stated that DPW should be the responsible for yearly cleaning of the creek and he would not ask Judge Barrasses program members to do the work.

Virginia Kehoe stated that having the DPW clean the creek, without adjustments to their current workload would be an issue. Virginia Kehoe stated that with the staff right now and the current responsibilities DPW has right now, there is not enough time. Ms. Kehoe suggested meeting with council and discussing what options there are to remedy this issue, possibly hire another DPW worker, contract the job out, or give up a project that is happening now.

- **Recreation** Dominic Scott, Chair
- **Recycling Committee** Patty Lawler, Chair free parking spaces for business recycling – Resolution 2012-19

Patty Lawler discussed the new recycling program for the Clarks Summit Borough. This will be the lead article in the Suburban tomorrow (August 2, 2012) explaining the recycling changes. There is also an advertisement in the Suburban and the Abington Journal, explaining the new program with bullet points on how to transition in to Single Stream Recycling. J.P. Mascaro provided the borough with a recycling dumpster, and the borough is asking small businesses to use this dumpster. The small business owners can drop off their recyclables and fill out a slip listing what they contributed to the dumpster. Then a tally box will be available to put the slips in. The borough will then count the recycling slips then whichever business recycled the most often, will be rewarded with two free parking spaces in front of their business for one month. J.P. Mascaro will empty the recycling dumpster up to three times a week, or as needed. This new recycling ordinance will be explained to members of the ABPA. Herman Johnson was the first to make a motion to accept Ordinance 2012-19, Patty Lawler seconded the motion, and the vote was unanimous 6-0. Patrick Williams questioned the necessity of the two meters for free parking. Patty Lawler explained that this is a way to reach out to the small businesses and to be generous with parking spaces as a reward for their effort will Single Stream Recycling

- **Clarks Summit Emergency Management Coordinator** Herman Johnson

7. POLICE REPORT:

Mayor Kelly

OIC Chris Yarns read off the July Police Report. Herman Johnson stated that the police department still needs one more police car due to the high mileage with the police cars now in service. There is one new vehicle which will be in service soon but another new vehicle is needed. Herman Johnson had a question on the police report about the hours worked by part time officers. OIC Chris Yarns stated that it is difficult to find available part timer officers to work and one may have many more hours than another. Patrick Williams asked Chris Yarns if the domestic abuse calls came from rental properties as opposed to people that own their own homes. Chris responded that there seems to be no evidence of there being more domestic issues with residents who live in rental properties.

8. VENDOR PAYMENTS TO BE RATIFIED:

President Carey

David Jenkins was the first to make a motion to accept the vendor payments to be made, Patty Lawler seconded the motion and the vote was unanimous 6-0

9. OLD BUSINESS:

President Carey

- **Towerco Flag Maintenance Agreement**

Virginia Kehoe stated that Attorney Mike Grab did not get the email confirming the EMA radio access on the tower. Towerco agreed to it but the borough has not received the confirmation in writing. This is the last issue that needed to be taken care of before construction begins. Towerco needs to submit their plans to the Zoning Officer. David Jenkins was the first to make a motion to ratify the Towerco Flag Maintenance Agreement, Herman Johnson seconded the motion and the vote was unanimous 6-0. Herman Johnson asked if anything was done on the narrowband issue. Virginia has an appointment to get paper work completed with Purosky and Tuckerman.

10. NEW BUSINESS: President Carey

11. BOROUGH SEWER OFFICE REPORT: President Carey

N/A

12. SOLICITOR’S REPORT: Solicitor Rogan

13. CORRESPONDENCE:

PPL

Virginia Kehoe read off the PPL notification letter informing the borough and residents that Asplundh Tree Services will be performing vegetation maintenance on their transmission right ways. Trees, brush and vegetation will be cut away from the power lines if necessary. Herbicides will be used if necessary to prevent rapid regrowth. Herman Johnson commented on the previous years, when PPL butchered the trees and vegetation. Virginia offered to contact PPL to see what days Asplundh will be in the borough. Police and the DPW should also be aware so if they see Asplundh is trimming, the borough could be contacted. Patrick Williams inquired about the herbicide being used to stunt the growth of trees and vegetation making sure it is safe. Herman Johnson also discussed parking meter # 83, which is not working properly. Virginia stated that we could put a different meter to take its place. David Jenkins asked Virginia Kehoe to restate the ordinance concerning the fencing around swimming pools for safety reasons. Virginia stated that if a resident has a pool with 18 inches or more of water there must be a 4 foot fence around it, are the borough will continue to monitor this for safety reasons.

14. EXECUTIVE SESSIONS: President Carey

- **Prior- 7/11/12 Personnel**
- **During-**
- **Subsequent-**

15. ADJOURN: President Carey

David Jenkins was the first to adjourn the meeting, Dominic Scott seconded the motion and the vote was unanimous 5-1 Herman Johnson voted nay.

The August meetings minutes are respectfully submitted by Jennifer Schmidt.