

**BOROUGH OF CLARKS SUMMIT
BOROUGH COUNCIL MEETING
WEDNESDAY, JANUARY 8TH 2003
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The January 2003 Meeting of Borough Council was held on Wednesday, January 8th 2003 at 7:00 P.M. This Meeting was duly advertised and re-scheduled from the first Wednesday of the month, which was January 1st 2003 New Year Day and a Holiday. The Meeting was conducted in Borough Council Chambers, 2nd Floor, 304 South State Street, Clarks Summit, County of Lackawanna, Commonwealth of Pennsylvania. Members in attendance were, Council President Edward M. Bush, Sr. (now also acting a Mayor after the death of Mayor Tony Perry in December 2002), Council Vice President Donald H. Moyer, III, Councilman Thomas Bradley, Councilperson Gerry Carey, Councilperson Linda Jenkins, Councilman Robert Kester and Councilman Patrick Williams. Also attending were Borough Solicitor Ernest D. Preate, Jr., Chief of Police Joseph English and Borough Manager/Secretary James G. Vones, Sr.

There being a quorum present the Meeting was called to order by Council President Bush, followed by a moment of self-directed meditation and then the Pledge of Allegiance to the Flag.

RESOLUTION PRESENTATION:

Jane Preate and Family

A framed Borough Resolution was presented to Mrs. Jane Preate and her two daughters, honoring the services of the late Robert Preate to the Borough, as the Borough Solicitor.

Resolution 2003-01/Robert A. Preate Memorial Park

Resolution 2003-01 would re-name the Hemlock Drive Park (recently re-constructed following the Lansdowne Avenue Stormwater Project) the Robert A. Preate Park. Motion to adopt Resolution 2003-01 was made by Mr. Bradley. Second by Mrs. Jenkins. Discussion followed. Mrs. Carol Jenkins of West Grove Street stated that the Hemlock Park should be named in honor of her late father who was the Borough's first Mayor and served over twenty (20) years as Mayor and died in Office. It was only fair to name the Park in honor of Mayor Eilenburger.

President Bush stated that the Front Street Park could be dedicated and named for Mayor Eilenburger. Mrs. Carol Jenkins stated that Council was going back on its word, its promise. Mayor Eilenburger had over thirty Grandchildren who played in that Park and it should be named after him.

The motion carried 6-0. Bush not voting as he was the Acting Mayor.

Resolution 2003-02/Tony Perry:

Resolution 2003-02 would recognize and honor the services of the late Anthony "Tony" Perry as Borough Mayor. Motion by Mrs. Linda Jenkins to adopt Resolution 2003-02. Second by Mr. Moyer. Discussion – None. Motion carried 6-0.

Resolution 2003-03/Mayor Tony Perry Park:

Resolution 2003-03 would re-name and dedicate the Carnation Drive Park as the Mayor Tony Perry Park. Motion to adopt Resolution 2003-03 was made by Mrs. Jenkins. Second by Mrs. Carey. Discussion – None. Motion carried 6-0.

Resolution 2003-04/Mayor Donald Eilenburger Park:

Resolution 2003-04 would rename and dedicate the Front Street Park as the Mayor Donald Eilenburger Park. The Resolution died for a lack of a motion to adopt or a second.

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APPOINTMENT OF BOROUGH MAYOR:

Motion by Mr. Moyer to appoint Councilman Robert Kester as the Borough Mayor. Second by Mrs. Jenkins. Discussion – None. Motion carried 6-0.

Mayor Kester thanked everyone at the Table and hoped he could help move the Borough forward in the future months. He would not seek re-election in November and his term as Mayor would end on December 31st 2003. He offered his resignation from Borough Council at this time.

Motion by Mr. Bradley to accept the Kester resignation from Council. Second by Mrs. Jenkins. Discussion – None. Motion carried 6-0. (Bush now voting and there being one vacancy on Council).

APPROVAL OF MINUTES:

Regular Meeting October 2nd 2002

Motion by Mrs. Jenkins to approve the Minutes of October 2nd 2002 Council Meeting. Second by Mrs. Carey. Discussion – None. Motion carried 6-0.

Regular Meeting November 6th 2002

Motion by Mrs. Carey to approve the Minutes of the November 6th 2002 Council Meeting. Second by Mrs. Jenkins. Discussion – None. Motion carried 6-0.

Regular Meeting December 4th 2002 & Public Hearing and Special Meeting on December 11th 2002:

These Minutes were not prepared by the Borough Secretary and these approval was Tabled.

BIDS & QUOTATIONS:

None

BOROUGH TREASURER'S REPORT:

The December 2002 Treasurer's Report, as prepared by Dee Ann Stephens was before Council. President Bush stated that the Borough had ended CY/FY with a surplus of approximately \$82,000.00 and while 2002 had been a "tight" year it was a good year. Motion by Mrs. Jenkins to accept the Treasurer's Report as presented. Second by Mr. Bradley. Discussion – None. Motion carried 6-0.

COMMITTEE REPORTS:

Personnel Committee:

Chairperson Linda Jenkins motioned and reported that James Avery's termination from Borough Service in the DPW, based upon the advice of the Borough Special Solicitor/Labor – Attorney Richard M. Goldberg, was effective today (January 8th 2003. Second by Mr. Bradley. Discussion – None. Motion carried 5-1, with Mr. Moyer voting no.

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Parks & Recreation Committee:

Chairman Patrick Williams reported the Hemlock Drive Park was completed and he was satisfied with the outcome. He reported that this Park will be an asset to the neighborhood and the entire Borough.

Abington COG:

Mr. Bradley reported the Abington COG (Council of Governments) was planning a public service appreciation day He reported that the Abington COG Meeting would now be on the first Thursday of each month. He stated tha residents can get involved and that the COG was not just for elected officials.

Mr. Bradley complemented the DPW for the fine work during the many storms this winter. They give up time with their families and come out at all hours to keep the roads clear and passable within the Borough.

POLICE REPORT:

Chief English gave the Police (Department) Report for the month of December 2002. Mr. Bradley noted the increase in the number of reported alarms, during the month. The Chief of Police responded that many were due to bad weather. Mr. Bradley asked if the Department was keeping track/record of repeating alarms/false alarms? The Chief of Police responded yes.

BILLS TO BE PAID:

Motion by Mrs. Jenkins to pay the current obligations of the Borough, \$ 4,500.00 from the General Fund, and \$ 1,719.51 from the Payroll Account. Additionally, to approve the payments made between December 19th 2002 and December 23rd 2002, \$ 97,269.13 from the General Fund, \$18,141.01 from the Payroll Account, and \$ 36,155.61 from the Sewer Fund. Second by Mr. Bradley. Under discussion Mr. Moyer that he would be abstaining from all payments to either the Pennsylvania American Water Company and/or Roto-Rooter during 2003. Motion carried 6-0.

OLD BUSINESS:

None

NEW BUSINESS:

Petition from Hedge Row Run Townhouse re: Fieldstone Phase IV

The Borough Manager/Secretary reported he had received a Petition from some residents living within Fieldstone Estates objecting to the development of Phase IV (Townhouses) as proposed by the Developer, Florey Lumber. The Borough was accepting this Petition into the Record.

Resignation of Chris Chermak from the Borough Planning Commission:

A letter of resignation from Mr. Chris Chermak had been received. He was resigning from the Planning Commission, since he had moved out of town. Motion to accept the Letter of Resignation, effective January 8th 2003 was made by Mrs. Jenkins. Second by Mrs. Carey. Discussion – None. Motion carried 6-0.

BOROUGH SEWER OFFICE REPORT:

The Borough Sewer Officer Report for December 2002 as prepared by Dee Ann Stephens was before Council. Motion by Mr. Moyer to accept the Report as presented. Second by Mr. Bradley. Discussion – None. Motion carried 6-0.

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SOLICITOR'S REPORT:

Solicitor Ernest D. Preate, Jr. gave his Report for the month of December 2002. He reported actions on filing sewer liens/municipal liens (four) on January 3rd 2003. That he was also preparing a letter of representation for pending litigation.

CORRESPONDENCE:

The Borough Manager/Secretary reported that a PennDOT to Borough Letter dated 19 December 2002, re: Winola Road had been received. The Borough's concern about Winola Road had been addressed. President Bush credited Don Moyer for his quick action and liaison with PennDOT in correcting this matter.

EXECUTIVE SESSIONS:

President Bush announced an Executive Session had been held on Wednesday, January 8th 2003 at 5:00 P.M. concerning Personnel matter(s). He stated that one would held following this meeting at the request of Mr. Bradley.

PUBLIC COMMENT & INPUT:

Mrs. Jenkins, thought you were a man of your word. My mother is 83 years old and this will touch her heart. The Hemlock Park should have named as promised.

RECESS:

Council recessed into an Executive Session for personnel at approximately 7:41 P.M. Council returned at approximately 8:42 P.M.

COUNCIL VACANCY:

Motion by Mrs. Carey to appoint Dominick Scott of Knapp Road to fill the Kester vacany on Council. Second by Mr. Moyer. Discussion – None. Roll Call Vote Taken. Carey – Yes, Moyer – Yes, Bradley – No, Jenkins – No, Williams – No. Bush – No. Motion failed.

Motion by Mr. Bradley that he was honored to nominate Robert Bennett of Timber Lane to fill the Kester vacancy on Council Second by Mrs. Jenkins. Discussion – None. Roll Call Vote taken. Carey – No, Moyer – No, Bradley – Yes, Jenkins – Yes, Williams – Yes, Bush Yes. Motion carried 4-0. The appointment would be effective tonight (January 8th 2003).

Mr. Bennett thanked Council for their appointment he was offering his resignation from the Planning Commission. Motion by Mr. Bradley to accept the Bennett resignation for the Planning Commission. Second by Mrs. Jenkins. Discussion – None. Motion carried 6-0.

Mrs. Jenkins stated she had a possible replacement for Mr. Bennett on the Planning Commission, but had to speak with him first.

Mr. Tim Rowland asked if it was John Durdan of Knapp Road? No response was given by Mrs. Jenkins.

PUBLIC COMMENT & INPUT (CONTINUED):

Mr. Rowland stated that Council has thirty (30) days to fill the Council vacancy. Usually you (Council) put out "feelers" to see who is interested. You used an Executive Session tonight to replace an elected official.

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Solicitor Preate responded that Council can discuss any personnel issue, as long as notice is given, which it was and then any action done publicly, which it was

Attorney Sal Cagnetti with Mr. Mike Cobb thanked Council for their action in dedicating the Hemlock Park to Bob Preate.

ADJOURNMENT:

There being no further business before Borough Council the Meeting was adjourned at approximately 8:50 P.M.

Respectfully submitted,

JAMES G. VONES, SR.
Borough Manager/Secretary

EDWARD M. BUSH, SR.
Council President