

**BOROUGH OF CLARKS SUMMIT
REGULAR COUNCIL MEETING
WEDNESDAY, SEPTEMBER 3RD 2003
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The regular September Meeting of Borough Council was conducted in Borough Council Chambers, 2nd Floor, 304 South State Street, Clarks Summit, County of Lackawanna, Commonwealth of Pennsylvania on Wednesday, September 3rd 2003. Council members in attendance were Council President Edward M. Bush, Sr.; Council Vice President Donald H. Moyer, III, Councilman Robert Bennett, Councilman Thomas Bradley, Councilperson Gerry Carey, Councilperson Linda Jenkins and Councilman Patrick Williams. Also attending were Mayor Robert W. Kester, 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 at approximately 7:13 P.M. A moment of silent/self directed meditation was observed followed by the Pledge of Allegiance to the Flag.

APPROVAL OF AGENDA:

The Agenda for the Meeting had been pre-approved by the Council President.

APPROVAL OF MINUTES:

August 6th 2003 Regular Meeting

Motion by Mr. Moyer to approve the Minutes as presented. Second by Mr. Bradley. Discussion – None. Motion carried 7-0.

August 6th 2003 PH & Special Meeting/Liquor License Transfer

Motion by Mr. Bennett to approve the Minutes as presented. Second by Mr. Bradley. Discussion – None. Motion carried 7-0.

August 6th 2003 PH & Special Meeting/Conditional Use Colarusso's Off-Lot Parking

Motion by Mrs. Jenkins to approve the Minutes as presented. Second Mr. Bradley. Discussion – None. Motion carried 7-0.

August 21st 2003 Special Meeting/Colarusso's Final Land Use

Motion by Mr. Bradley to accept the Minutes as presented. Second by Mr. Bennett. Discussion – None. Motion carried 7-0.

BIDS & QUOTATIONS:

Quote – Stormwater at Haven Lane # 091 & 092

Motion by Mr. Moyer to award the Haven Lane stormwater job to L. J. Milo Enterprises, Inc. in the amount of \$8,865.00. Second by Mrs. Carey. Mr. Williams asked if the sanitary sewers on Haven Lane had been cameraed? Mr. Moyer responded yes. Motion carried 7-0.

Quote – Stormwater at Meadow Lane # 095 & 096

Motion by Mr. Bennett to award the job to L. J. Milo Enterprises, Inc. in the amount of \$8,240.00. Second by Mr. Bradley. Discussion – None. Motion carried 7-0.

Quote – Stormwater at Oak Lane # 093 & 094

The Borough Manager/Secretary noted that L.J. Milo had withdrawn their quote/price for this job that afternoon. Motion by Mr. Bradley to award the job to the next lowest bidder/quote Martenson Excavating in the amount of \$8,720.00. Second by Mrs. Jenkins. Discussion – None. Motion carried 7-0.

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BOROUGH TREASURER'S REPORT:

The Borough Treasurer's Report, as prepared by Dee Ann Stephens through August 31st 2003 was before Council. Motion by Mrs. Jenkins to accept the Report as presented. Second by Mr. Bradley. Discussion – None. Motion carried 7-0.

COMMITTEE REPORTS:

Mr. Bradley reported on activities at the Abington Council of Governments (COG0 and their meeting on September 4th 2003. He reviewed the progress on the joint municipal trash and recycling bids, the joint cable bid (now 12 municipalities involved). He reviewed the progress of an Emergency Services Appreciation Day to be held at the South Abington Township Park on Northern Boulevard on Saturday, October 4th 2003.

Mr. Williams reported that the Bid was out for the replacement of the Borough Roofing System. He reported that County was handling the emergency generator project at the Abington Senior Center. The thanked Mr. Bradley for his efforts and work with the Abington COG.

POLICE REPORT:

Mayor Kester gave the police report for the month of August 2003. Mr. Bennett asked about progress on the alarms and an ordinance revision? Mayor Kester stated he had discussed this with the Chief of Police and Mrs. Blackledge. Mr. Bennett asked the Mayor to "update" Council at the next meeting about this pending issue. Chief English observed that it would be nice to know just how many alarms are within the Borough. Council President Bush suggested that the existing ordinance (on alarms) be read, and any revisions suggested to Council, we should get this "in place".

Mrs. Jenkins noted the responses to Newton Township. Who is responsible for Newton coverage? This Borough is spending a lot of money for Clarks Summit police officers to go to Newton Township. President Bush noted that this Borough is accepting a lot of liability if we are the first responders to a call and/or take the initial call.

Mr. Williams noted the public intoxication arrests and asked where the responses to these calls were made? Are there trends developing? The Chief gave no response.

BILLS TO BE PAID:

Motion by Mrs. Jenkins to pay \$ 2,048.66 from the Payroll Account; and approve the payments made between 14 August 2003 & 28 August 2003, \$ 118,156.62 from the General Fund, \$ 33,941.89 from the Payroll Account, \$ 82,709.20 from the Sewer Fund, and \$ 2,860.04 from the Liquid Fuels Fund. Second by Mr. Moyer. Discussion – None. Motion carried 7-0.

OLD BUSINESS:

None

NEW BUSINESS:

Final Land Use Approval/Enterprises by CWD (old AA Printery)

Motion by Mr. Moyer to approve the Final Land Use Land of Enterprises by CWD, P.C. Second by Mrs. Jenkins. Discussion – None. Motion carried 7-0.

Final Land Use Approval/KARF, LLC – Waffle House

Attorney Patrick Lavelle and E.P. Mancinelli, P.E. were present to represent the Waffle House. Attorney Lavelle stated that the matter was ripe for approval by Council, with the exception of a PennDOT Highway Occupancy Permit (HOP) for the utility crossing and a PaDEP Permit relating to stormwater. He stated the project engineer E.P. Mancinelli & Associates had been in contact with PaDEP at Wilkes-Barre and a Permit should be issued by September 20th 2003. Attorney Lavelle requested that Council waive the PaDEP and PennDOT requirements to allow the Land Use to proceed. He stated that the Certificate of Use and Occupancy could be withheld until all permits were on file with the Borough, but this action would allow for the approval of the Land Use and the Waffle House Building Permit/construction could proceed without another months delay. Motion by Mr. Moyer, second by Mrs. Carey to approve the waiver of these two (2) Permit requirements, prior to Final Land Use approval. Discussion – None. Motion carried 7-0.

Questions followed about Mancinelli's role with the project, and his appointment as the Borough Codes Enforcement Officer. Mr. Mancinelli stated that he had disclosed to the Borough the fact that was working for the Waffle House, and all related inspections and permits would not be issued by him, but rather by the Borough Engineer, William G. Karam, P.E. This was a similar situation as when he had worked on the West Grove Street Learning Center. Solicitor Preate stated that this was an unfair questioning/inquiry. It was also disclosed that the state professional licensing board allowed this type of activity and it was not unethical.

Discussion followed about the stormwater system/culvert under the old WEIS Market and the liability should something happen to it. It was noted that this system was regulated by PaDEP.

Motion by Mr. Moyer to approve the Final Land Use Plan for the Waffle House. Second by Mrs. Carey. Discussion – None. Motion carried 7-0.

Mr. Bennett noted the speed which Mr. Mancinelli responded to the Waffle House demands, but the lack of speed and follow-up when the Borough asks for action from E.P. Mancinelli & Associates. Mr. Bennett asked that Mancinelli respond to the June Memo from the Borough Manager/Secretary by the next Council Meeting and detail what actions he was taking on open investigations.

Main & Huston Street – 14 August report from Chief English

Mr. Bradley stated he had reviewed this matter/request with the Chief of Police and the next time the Traffic and Motor Vehicle was amended this Stop Sign should be addressed. Chief English's recommendation was to remove the Stop Signs on Houston and place them on Main Avenue.

EMA Training – Bradley, Johnson, and Jenkins

Motion by Mr. Moyer to send Mr. Bradley, Mr. Johnson and Mr. Jenkins to EMA Training on October 28th 2003. Second by Mr. Bennett. Mr. Williams noted this would be good training for emergency response and information. Motion carried 5-0-2, with Mr. Bradley and Mrs. Jenkins abstaining.

2004 Police Pension MMO (Minimum Municipal Obligation) - \$28,463.00

The 2004 Police Pension Minimum Municipal Obligation (MMO) in the amount of \$28,463.00 was received by Council from the CAO/Trustee/Council President. This shall be a 2004 budget item.

2004 NU Pension MMO - \$11,954.00

The 2004 Non-Uniform Pension Minimum Municipal Obligation (MMO) in the amount of \$11,954.00 was received by Council from the CAO/Trustee/Council President. This shall be a 2004 budget item.

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Revised Borough 457 Plan (For IRS Regulations)

Based upon the advice of ASCO Financial Group, Inc. the Borough 457 Plan was amended to permit compliance with current IRS regulations. Motion by Mr. Bradley. Second by Mrs. Jenkins. Discussion – None. Motion carried 7-0.

BOROUGH SEWER OFFICE REPORT:

The August 2003 Sewer Office Report by Dee Ann Stephens was before Council. Motion by Mr. Moyer to accept the Report as presented. Second by Mrs. Carey. Discussion – None. Motion carried 7-0.

SOLICITOR'S REPORT:

Solicitor Preate reported that his actions on filing Municipal Liens relating to non-payment of sewer bills had generated \$2,600.00 for the Borough of Clarks Summit.

CORRESPONDENCE:

The Borough Manager/Secretary reported a August 15th 2003 letter from PaDCED stating that Grant/Contract 20-192-0844 is officially closed.

EXECUTIVE SESSIONS:

President Bush that no Council Executive Sessions had been held prior and none were scheduled.

PUBLIC COMMENT & INPUT:

Mrs./Professor Appleton asked about forms to register a home alarm and the fee. She suggested that the Borough advertise this requirement (registering the alarms) so that residents knew about it.

The Borough Solicitor suggested that the Borough Manager/Secretary respond to the old WEIS Market area and keep an eye on the stormwater activity down there.

Mr. Bradley asked if all the Borough equipment had been received back from Officer Kemp. Chief English responded yes.

Mrs. Jenkins asked about the pending tree house complaint on Haven Lane. She stated t that this has been pending since October and the C.E.O. had requested guidance on this matter. Solicitor Preate this request had come into his Office late last week, and maybe there were other issues involved, however, if there is a problem then a citation should be issued by the Codes Enforcement Officer. Mrs. Jenkins noted that the Mancinelli report stated this was an unsafe structure and winter is coming and something should be done about this, before another winter passes. Solicitor Preate stated that his recommendation, without studying the issue was to have a complaint filed and get the people into court. We (Council) keep asking about things that should have been done 90 days ago. Solicitor Preate thanked Mr. Bennett for his diligence in following up on this matter.

Mr. Meincke, of 1016 Sleepy Hollow Road was asked if he would like to address Council? Arthur said no.

ADJOURNMENT:

There being no further business before Council a motion was made by Mr. Moyer to adjourn. Second by Mrs. Carey. Discussion – None. Motion carried 7-0. The Meeting adjourned at approximately 8:40 P.M.

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Respectfully submitted,

**JAMES G. VONES, SR.
Borough Manager/Secretary**

**EDWARD M. BUSH, SR.
Council President**