

**BOROUGH OF CLARKS SUMMIT
REGULAR COUNCIL MEETING
WEDNESDAY, JANUARY 5, 2005
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The regular January Meeting of Borough Council was conducted on Wednesday, January 5, 2005 at 7:00 P.M. The Meeting was held in Borough Council Chambers, 2nd Floor, 304 South State Street, Borough of Clarks Summit, County of Lackawanna, Commonwealth of Pennsylvania. Council members in attendance were Council President Donald H. Moyer, III, Council Vice President Timothy D. Rowland, Councilman Richard W. Armbrust, Councilperson Gerry Carey, Councilman Roy Davis, Councilperson Margaret (Peg) Jackson, and Councilman Patrick Williams. Also attending were Mayor Wesley W. Dunn, Sr., Borough Solicitor, Malcolm L. MacGregor, and Borough Secretary, Barbara Grabfelder. There being a quorum present the Meeting was called to order by Council President, followed by a brief period of self-directed mediation and then the Pledge of Allegiance lead by Mayor Dunn.

PRESENTATIONS:

None

APPROVAL OF AGENDA:

The Agenda was approved as presented.

APPROVAL OF MINUTES:

December 1, 2004 – Regular Borough Council Meeting: Motion by Mrs. Jackson and seconded by Mr. Armbrust to approve Minutes as presented. Discussion: Mr. Williams asked about the fence to be installed at the Vince The Pizza Prince location. Mr. Moyer responded that the fence has been delivered and the Borough must pick it up and install it. Mr. Fibus wanted to wait until January to make a donation for the fence so now we're ready to go. Motion carried 7 – 0.

December 29, 2004 – Reconvene of December 1, 2004 Regular Borough Council Meeting: Motion made by Mrs. Jackson and seconded by Mrs. Carey to approve Minutes as presented. Discussion – None. Motion carried 7 – 0.

BIDS & QUOTATIONS:

None

BOROUGH TREASURER'S REPORT

The Borough Treasurer's Report, as prepared by Treasurer Dee Ann Stephens, as of December 31, 2005 was before Council. Motion by Mr. Rowland to approve the Report as presented. Second by Mrs. Jackson. Discussion – None. Motion carried 7 – 0.

PUBLIC COMMENT & INPUT:

Recycling material being dumped into garbage trucks:

Mr. Robert Bennett, a Borough resident, spoke about his concern that on December 24, 2004 between 10-20 houses had their recycling containers dumped into the regular garbage trucks. Being concerned about this, Mr. Bennett phoned the recycling center and was told that three trucks went to the recycling center on Thursday and dumped 2.24, 1.41, and 1.39 tons of recycling material. On December 31, 2004, the recycling center told Mr. Bennett that NO trucks deposited recycling tonnage for Clarks Summit. Mr. Bennett stated that we've had trouble with Mascaro before with this situation. He knows that Mrs. Carey is the head of the Borough's Recycling Committee and he wants the committee and all of Council to be aware of this and lend support to Mrs. Carey in getting a response from Mascaro on this matter. Mr. Moyer stated that he would contact them tomorrow. Discussion followed on

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importance of recycling. Mr. Moyer stated that a flyer could be made up to encourage residents to recycle and make them aware of the cardboard recycling container and inserted into the sewer bills.

New Police Chief:

Mr. Raymond Davis, a Borough resident, made comments regarding the salary and benefits for the new Police Chief. Mr. MacGregor, Borough Solicitor, stated that there is no contract signed yet. Mr. MacGregor and Mr. Valentine are working on putting together the contract. Mr. Moyer explained that it has been standard practice in the Borough to insure both physical and psychological tests are conducted.

Grandview Street:

Mr. Charles Martin, Grandview Street, Clarks Summit, inquired if anyone has heard anything from the Judge about a decision. Mr. MacGregor stated that the Judge had called a status report conference and that no decision had been made.

COMMITTEE REPORTS:

Committee Appointments:

Abington Area Joint Recreation Board – Motion made by Mr. Rowland and seconded by Mrs. Jackson to appoint David Klepadlo as a member at large with a two-year term expiring December 31, 2006. Discussion – None. Motion carried 7 – 0.

Abington Community Library Board – Motion made by Mrs. Jackson and seconded by Mrs. Carey to reappoint Susan Grady to a four-year term expiring December 31, 2008. Discussion – None. Motion carried 7 – 0.

Clarks Summit Planning Commission – Motion made by Mrs. Jackson and seconded by Mr. Davis to reappoint Albert Viselli to a four-year term expiring December 31, 2008. Discussion – None. Motion carried 7 – 0.

Motion made by Mr. Rowland and seconded by Mrs. Jackson to appoint Michael C. Cowley, Esquire, as Solicitor to the Planning Commission, and rate of compensation shall be the same as the Clarks Summit Zoning Hearing Board Solicitor. Mr. Moyer stated that the fee structure for permits coming before the Planning Commission will be reviewed and possibly increased to cover the costs incurred by the Planning Commission.

Mr. Vokes, a Borough resident, stated that with the increase in the taxes and the increase in the fees, some people won't be able to live in the Borough.

Mr. Raymond Davis stated that he didn't feel the Borough needs a new SUV; that it is a waste of money.

Mr. Tony O'Dell stated that he feels that we need an SUV here. In the wintertime the roads can be treacherous and the hills extremely steep. A four-wheeled drive vehicle is a necessity in this location.

Mrs. Vokes raised a question regarding the secretary in the Police Department. Mayor Dunn gave a statement of the duties of that position. Mrs. Vokes made a complaint that the secretary hung up on Mrs. Vokes; the secretary was very rude. Mayor Dunn will follow up on the complaint.

Mr. Raymond Davis asked if the Borough is still charging for using the Borough bulletin board at the old Weiss Market site? Mr. Moyer stated that a \$25 fee had been charged in the past by prior Councils, but at this time there is no fee. Council felt that it was a hardship on some sports and community organizations and that people were not putting up the information because of the cost. It is important to get the information to the residents and we do this as a community service. This is how the community knows when baseball/soccer sign-up are being held and it reaches a large number of people.

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Clarks Summit Police Pension Board – Mr. Roy Davis was appointed to this Board at the December 1, 2004 meeting of Council.

Clarks Summit Zoning Hearing Board – Mr. Thomas Philbin was appointed to the Zoning Hearing Board at the December, 2004 Council Meeting. His three-year term will expire on December 31, 2007.

Motion made by Mr. Rowland and seconded by Mr. Williams to appoint Robert Shiels, Esquire, as Solicitor to the Zoning Hearing Board. Discussion – None. Motion carried 7 – 0.

Clarks Summit/South Abington Joint Sewer Authority – Mr. David Jenkins' term expired as of December 31, 2004. Motion made by Mrs. Jackson and seconded by Mr. Davis to appoint Mr. Steve Evers to the five-year term ending December 31, 2009. Discussion – None. Motion carried 7 – 0.

Clarks Summit Liaison Positions:

Abington Council of Governments: Motion made by Mr. Armbrust and seconded by Mrs. Jackson to appoint Mr. Patrick Williams to serve for 2005 on this organization. Discussion – None. Motion carried 7 – 0.

Abington Business & Professional Association (ABPA): Motion made by Mrs. Jackson and seconded by Mr. Williams to appoint Warren Watkins to serve for 2005 on this association.

Lackawanna County Council of Governments: Motion made by Mr. Williams and seconded by Mrs. Jackson to appoint Mrs. Carey to serve for 2005 on this organization. Discussion – None. Motion carried 7 – 0.

FINANCE COMMITTEE:

Mr. Armbrust made a motion to reissue the Treasurer's Bond with CC Young, Insurance. Mrs. Jackson seconded the motion. Discussion – None. Motion carried 7 – 0.

Motion made by Mr. Rowland and seconded by Mr. Williams to contribute \$50.00 to the Abington Business & Professional Association's "Winterfest" celebration. Discussion – None. Motion carried 7 – 0.

PUBLIC SAFETY COMMITTEE:

Mr. Armbrust reported that Senator Mellow has been kind enough to help with a \$28,000 grant toward the purchase of a new police vehicle.

Mr. Rowland made a motion, seconded by Mrs. Jackson to purchase a new Ford Expedition. This will be a marked car, fully equipped with lights.

Discussion: Mr. Raymond Davis suggested that the committee look into an extended warranty.

Mr. Martin suggested that Council investigate using the Pennsylvania State Purchasing Department. Mr. Rowland stated that the Westmoreland Council of Government program is even cheaper than the State program. The Borough purchased our dump truck through the Westmoreland program and it was \$2,500 cheaper than the State program.

Motion carried 7 – 0.

POLICE REPORT

Mayor Dunn gave the December, 2004 Police Report, and summary of police related activities.

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President Moyer asked for clarification of how to handle the parking situation at the side of the Borough Building now that the fire department and ambulance are no longer there. Mr. Moyer and Mayor Dunn will work together to make certain the parking spaces can be used by the people in town. Parking meters may come later, but it is Council's desire to open up this parking.

Councilman Roy Davis spoke in favor of purchasing the new SUV. God forbid somebody up at the top of this hill had a heart attack and you need a quick response with the "paddles", I'd hate to see somebody lose their life because we were concerned about maintenance and fuel costs. I think it's for the betterment of the people. Mayor Dunn spoke in favor of getting a new SUV and felt it was necessary to insure adequate public safety for the community.

BILLS TO BE PAID:

Motion by Mrs. Jackson and second by Mr. Armbrust to pay \$2,634.86 from the Payroll Account; and to approve the payment of bills between December 1, 2004 and December 31, 2004 of \$78,407.60 from the General Fund, \$40,405.47 from the Payroll Account, \$14,762.03 from the Sewer Fund, and \$102,245.00 from the Liquid Fuels Fund. Discussion – None. Motion carried 7 – 0.

OLD BUSINESS:

Final Approval – Minor Subdivision of Mr. & Mrs. Jeffrey, 210 Highland Avenue. Motion made by Mr. Rowland and seconded by Mr. Moyer to give conditional approval subject to the following items being completed by Mr. and Mrs. Jeffrey:

1. Receipt of the notarized ownership statement.
2. Evidence of taxes being paid.
3. Required zoning variances being obtained per Mr. Karam's Dec. 16, 2004 letter.
4. The separate sewer lines being present for each property.

Discussion – None. Motion carried 7 – 0.

Final Approval – Minor Subdivision of Mrs. Gretchen Jack, Woodlawn Avenue: Motion made by Mr. Rowland and seconded by Mr. Davis to approve, acknowledging the insertion into the deed of the permanent easement and right of maintenance by the Borough. Discussion – None. Motion carried 7 – 0.

NEW BUSINESS:

Legal Holidays/Council Meeting Dates/Hours of Operation:

Mr. Armbrust made a motion, seconded by Mr. Williams, to name the following dates as legal holidays and set Council Meetings and Borough Hours of Operation for 2005:

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|------------------|-----------------------------|
| President's Day | Monday, February 21, 2005 |
| Good Friday | Friday, March 25, 2005 |
| Memorial Day | Monday, May 30, 2005 |
| Independence Day | Monday, July 4, 2005 |
| Labor Day | Monday, September 5, 2005 |
| Thanksgiving | Thursday, November 24, 2005 |
| | Friday, November 25, 2005 |
| Christmas | Monday, December 26, 2005 |
| New Year's | Monday, January 2, 2006 |

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Date of regular Council Meetings: First Wednesday of Each Month – Restatement of Ordinance 96-11 (except as advertised)

Hours of Operation/Administrative Offices: 8:00 AM to 5:00 PM, Monday through Friday, except Holidays.

Discussion – None. Motion carried 7 – 0.

Maintenance of Road Between Grove Street and Carol Drive – inquiry from Mr. James Walther
Mr. Moyer stated that this road is owned by PP & L and that the Borough plows it to keep it open for fire and emergency personnel. We do not own it, nor are we responsible for maintaining it.

Abington Lions Club Carnival – Week of August 8, 2005 – Mr. Richard Kubick requested information from Council as to what procedures, permits, approvals would be needed in order to hold their carnival on the upper parking lot of the Grove Street Elementary School. Matter was referred to the Public Safety Committee for further review and recommendation.

Resolution 2005-01 – Police Pension Fund

Motion made by Mr. Rowland and seconded by Mrs. Jackson to approve Resolution 2005-01 that for calendar year 2005, member contributions to the Clarks Summit Police Pension Plan/Fund shall remain at two (2%) percent of the members (full time Police Officers) gross compensation. Discussion – None. Motion carried 7 – 0.

BOROUGH SEWER OFFICE REPORT:

The October 1 through December 31, 2004 Report by Dee Ann Stephens was before Council. Motion by Mrs. Carey to approve the Report as presented. Second by Mrs. Jackson. Discussion :Mr. Williams asked if the report showed that there was \$17,000 UNPAID? What can be done to collect this money? Mr. Moyer will check into this matter. Motion carried 7 – 0.

SOLICITOR'S REPORT:

Mr. MacGregor commented on the ongoing Grandview matter.

CORRESPONDENCE:

None

Mr. Raymond Davis told Council that he witnessed the dumping of dirt again on the vacant lot on Grove Street owned by Mr. Swientisky. Mr. Davis saw the truck there this morning. He was under the impression that there was a "stop work" order issued. Could you please investigate? Mr. Moyer said he would look into the matter.

EXECUTIVE SESSIONS:

President Moyer reported that one Executive Session had been held prior (on December 29, 2004); one session was scheduled for this meeting to discuss Personnel and Litigation matters, and none were to be held subsequent.

RECESS:

President Moyer recessed the meeting at approximately 8:34 PM to move into Executive Session.

RECONVENE:

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At approximately 9:38 PM, the Meeting was reconvened.

ADJOURNMENT:

There being no further business before Council the Meeting adjourned at approximately 9:40 PM.

Respectfully submitted,

**Barbara R. Grabfelder
Borough Secretary**

**Donald H. Moyer, III
Council President**