

**BOROUGH OF CLARKS SUMMIT
REGULAR COUNCIL MEETING
WEDNESDAY, June 1, 2005
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The regular June Meeting of Borough Council was conducted on Wednesday, June 1, 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., Officer In Charge Lou Vitale, and Borough Secretary, Barbara Grabfelder. Borough Solicitor Malcolm MacGregor was absent. 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.

APPROVAL OF AGENDA:

Motion made by Mr. Rowland and seconded by Mrs. Jackson to approve the Agenda. Discussion: None. Motion carried 7 – 0.

APPROVAL OF MINUTES:

Minutes of Regular Council Meeting of May 4, 2005. Motion made by Mr. Rowland and seconded by Mr. Williams to approve the Minutes. Discussion: None. Motion carried 7 – 0.

PUBLIC COMMENT & INPUT:

Grandview Street

Mrs. Mari Van Wie gave an update on the Grandview St. situation since Mr. MacGregor was absent. She said that Mt. Noto and Mr. Amato have officially withdrawn their appeal. Therefore, that law suit is over and done with. Mrs. Van Wie suggested that Clarks Summit Borough is now free to advertise and close the road.

Mr. Moyer said that he spoke with Mr. MacGregor and Mr. Moyer specifically asked if Council should advertise to close the road at this meeting. Mr. MacGregor said not to advertise at this time. Mr. Moyer said that based upon the legal advice of the Borough Solicitor, Council was advised not to advertise the closure at this time. Mr. Moyer said he could recess the meeting and reconvene in a few days when Mr. MacGregor is available to be present.

Minutes of Council Meetings

Mr. Robert Bennett complimented Borough Secretary Barbara Grabfelder on the depth and accuracy of the past minutes. He said he understood that the minimum requirements for Borough Council Minutes are a recording of all actions taken like motions and reports, etc. He is interested in the minimum requirements being expanded so that when a private citizen comes to the meeting and voices an opinion, that there is a dialog. It would be nice to have the Minutes reflect that. Council directed the Secretary to include mention in the Minutes that Mr. "X" spoke regarding this specific matter, but the Minutes should not be word for word.

Grandview Street Party

Mr. Charles Martin, Grandview Street, thanked those members who took the time to attend the victory celebration Block Party held at Mr. & Mrs. Van Wie's home on Grandview Street on Saturday, May 28, 2005.

Storm water on Tulip Circle

Mr. LaRusso, a resident of Tulip Circle thanked Council for having the storm drains cleaned on his street. He questioned when the catch basin will be installed. Mr. Moyer said that the catch basin has been ordered with the special bicycle grate. Mr. Moyer said that there is no money in the budget at this time to expand or extend the pipe.

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The residents would like to know the size of the existing pipe. Mr. Moyer said he anticipates that the new catch basin will be installed by the end of July.

Mr. Williams suggested that all residents take a broom and sweep the cinders and debris from in front of their own properties and the storm drains in front of their house. This would go a long way in preventing the storm drains from clogging.

Mr. Williams also complimented the VFW on a great Memorial Day Parade. He said a special word of thanks to the police and fire department and our Department of Public Works for making the town look great. He also commented on the wonderful presentation at the opening of the new fire house.

BOROUGH TREASURER'S REPORT

None ready. Barbara Grabfelder reported that the cable franchise fee of \$9,806.36 for January-March 2005 was received. This represents 3.00 percent of \$326,878.62 total revenues by Adelphia. Also, FEMA approved the Public Assistance Program for Tropical Depression IVAN Grant (1557-DR-PA) in amount of \$28,623.50. Payment to arrive shortly.

CORRESPONDENCE

Dee Ann Stephens – Thank you card received for flowers following her surgery.

Adelphia – Time Warner and Comcast Communications will purchase Adelphia's cable system that services our community.

COMMITTEE REPORTS:

Resolution 2005-19 – Library Board Appoint Mrs. Clara (Pudge) Adcroft to fill vacancy.

Mrs. Jackson made a motion, seconded by Mr. Roy Davis, to adopt Resolution 2005-19, appointing Mrs. Clara (Pudge) Adcroft of 406 Main Avenue, to a four year term on the Abington Community Library Board. Said term shall expire on December 31, 2008. Discussion: None. Motion carried 7 – 0.

Planning Commission

Due to a resignation, the Planning Commission has a vacancy. Please refer names of qualified nominees to Mr. Moyer. Clarks Summit Borough Council asked the Planning Commission to study the PENNDOT Traffic Survey and make a recommendation to Council. The Planning Commission is asking to work with a Council Committee on this issue. They did not feel that they had the expertise to deal with this issue. President Moyer asked for volunteers from Council to form a subcommittee to work with the Planning Commission. Patrick Williams and Mayor Dunn volunteered. Mr. Williams asked to invite Bob Doble from PENNDOT to a work session of the Planning Commission to review this survey and the options.

Mr. & Mrs. Jeffrey – 210 Highland Avenue

The Planning Commission has recommended conditional approval for the land use application for Mr. and Mrs. Jeffrey at 210 Highland Avenue to allow two single family dwellings on a single lot. Motion made by Mr. Rowland and seconded by Mrs. Carey to accept the Planning Commission's recommendation that Council grant land use approval for the Jeffreys based on the four conditions: (1) An addendum to their existing deed should specify that if the property were to be sold in the future, the second dwelling must revert back to a garage and clearly stating that future owners could not use the structure as a living area; (2) Payment of \$900 to the Borough for the sewer permit for sewer use for the second dwelling; (3) While the sewer can be joined to the existing dwelling's line, an

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additional sewer EDU will be charged for this property each quarter; (4) Until such time as a time-stamped deed showing the language required above is provided to the Borough, the sewer permit and use and occupancy permit will not be granted and digging should not begin; and that the conditions must be met before Council President Moyer signs off on the land use and occupancy permit, and approve the additional EDU usage. Discussion: None. Motion carried 7 – 0.

POLICE REPORT

Officer In Charge, Lou Vitale presented the May, 2005 Police Report, and summary of police related activities. Mr. Raymond Davis, a Borough resident, asked about the burglar alarm ordinance, pet ordinances, the computerized system for the police that is currently used in South Abington Township, and the use of the Borough building and the possibility of moving the Police Department out of the basement. Mr. Charles Martin stated that his opinion was that the desks and necessary equipment could easily be brought up from the basement and purchase room dividers of some sort at very little cost.

Council instructed the Borough Secretary to send condolences to Officer Kopicki on the death of his father.

BILLS TO BE PAID:

Motion made by Mr. Rowland and seconded by Mrs. Jackson to pay the current bills of \$124,962.37 from the General Fund and \$22,589.63 from Payroll and to approve the bills paid between May 1, 2005 and May 31, 2005 of \$231,372.50 from General Fund, \$48,443.36 from Payroll, and \$95,129.60 from Sewer Fund. Discussion: None. Motion carried 7 – 0.

OLD BUSINESS:

Borough Secretary Barbara Grabfelder gave a report on Senate Bill 157 – EMST. The bill passed the Senate only. It now moves to the House and it is expected that many changes will be made.

NEW BUSINESS:

Designation of Official Voting Delegate for PSAB Convention

Motion made by Mr. Rowland and seconded by Mr. Moyer to designate Mrs. Peg Jackson as the official voting delegate for the 94th General Assembly of Boroughs held June 19-22, 2005 in Hershey, PA. Discussion: None. Motion carried 7 – 0.

Closing State Street for Parade on September 10, 2005

Motion made by Mr. Rowland and seconded by Mr. Williams to approve the closing of State Street for the Fireman's Parade on September 10, 2005 and have those involved work with the Mayor and Officer In Charge. Discussion: None. Motion passed 7 – 0.

Sewer System Infrastructure/Waste Load Management

President Moyer reported that the Abington Joint Sewer Authority is out of compliance; when it rains, the system can't handle it. DEP has sent them a letter that they are out of compliance. The Sewer Authority decided to have each member municipality "camera" their lines, have smoke testing and inspections done. South Abington and Clarks Green have agreed to this but Clarks Summit has not. Mr. Moyer said that what Clarks Summit has done over the last ten years is concentrate on our sewer problems and we have already had most of our lines cameraed, and we grouted the system and fixed any problems. About ten years ago, the entire Borough of Clarks Summit sewer lines were cameraed and smoke tested to find any leaks. We spend close to \$100,000 a year on sewers and

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we have done a tremendous amount of work. Our main area of concentration now is at the railroad tracks which is probably contributing to the Sewer's Authority's problems. We are applying for a PENNVEST loan to help with the tremendous cost of this project. The Borough will also apply for a Growing Greener Grant. DEP has now sent Clarks Summit a letter asking what we plan to do to help the problem. Mr. Moyer said that we have a list of all the projects that were done in this borough for the last ten years, showing the systematic repair and replacement, and the different lines that were cameraed.

Motion was made by Mr. Rowland, seconded by Mr. Armbrust, to authorize the Borough Engineer, in conjunction with Mr. Warren Watkins, to respond to DEP's inquiry and provide all the necessary information. Discussion: Mr. Williams encouraged the borough to work closely with DEP and provide all the information we have. Motion carried 7 – 0.

Resolution 2005-17 – Remove Dee Ann Stephens and James Vones as signers of all PLGIT accounts.

Motion was made by Mr. Moyer and seconded by Mr. Armbrust to adopt Resolution 2005-17 and remove Dee Ann Stephens and James Vones as signers of all PLGIT accounts since they are no longer active employees with the Borough. Discussion: None. Motion carried 7 – 0.

Resolution 2005-18 – Authorizing the Borough to submit a financial assistance application to PENNVEST

Motion made by Mr. Rowland and seconded by Mrs. Jackson to adopt Resolution 2005-18 authorizing the Borough to submit a financial assistance application to PENNVEST for the purpose of partially financing the rehabilitation of the sewer system, and authorizing officers of Council to execute all certifications and documentation required. Discussion: None. Motion carried 7 – 0.

BOROUGH SEWER OFFICE REPORT:

The May, 2005 Sewer Report was before Council. Motion by Mrs. Jackson to approve the Report as presented. Second by Mr. Armbrust. Discussion – None. Motion carried 7 – 0.

SOLICITOR'S REPORT:

None

BIDS AND QUOTES:

Clarks Summit 200 Paving Project: Bids sent out to Eastern Industries, Inc., Tunkhannock; Locust Ridge, Newton Road, Scranton; Slusser Brothers, New Boston Rd., Pittston.

606 Division Street – Storm water Culvert: Bids sent out to Ed Krasavage, Wyoming; Fabcor, Inc., Jessup; Linde Enterprises, Inc. Wilkes-Barre; Kriger Construction, Dickson City; Valvano Construction, Dickson City; Pioneer Construction, Olyphant; Minichi, Inc., West Pittston; and L.J. Milo, Clarks Summit

Sewer Billing: Bids sent out to Pennsylvania American Water Company, Berkheiser, and Wilkinson.

Articles had appeared recently in the newspaper regarding the confidentiality of the bid amount and one of the above bidders included a strong confidentiality clause in the actual bid. Because Solicitor MacGregor was not present to offer his advice, Council announced its desire to address the above bids for professional services in Executive Session. A solicitor's opinion will be obtained covering the confidentiality of bids for the next meeting.

EXECUTIVE SESSIONS:

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President Moyer reported that one Executive Session had been held prior on May 4, 2005 for personnel and litigation and one was scheduled to be held during this meeting for Police Chief and Personnel Issues, and professional services bids and none were to be held subsequent.

President Moyer recessed the meeting at approximately 9:07 to move to Executive Session.

Mr. Moyer reconvened the meeting at approximately 9:40 PM.

Motion made by Mrs. Jackson and seconded by Mr. Armbrust to pay Barbara Grabfelder one week's vacation at the rate of \$15.00 per hour for 40 hours. Discussion: None. Motion carried 7 – 0.

Motion made by Mr. Rowland and seconded by Mrs. Jackson to award the agreement for professional services for the billing of the Borough's sewer tax to Pennsylvania American Water Company. Discussion: None. Motion carried 6 – 0. Mr. Moyer abstained since he is an employee of the water company.

Motion made by Mr. Rowland and seconded by Mrs. Carey to award the Clarks Summit 2005 Paving Project to Locust Ridge for \$125,950 which is based upon the weight slips of the tonnage, which could be up or down. Discussion: Mr. Moyer reported that the following streets are being paved: Walnut, Park, Poplar, Streets, and sections of Sunset, Powell, Harwood, and Sheridan. Motion carried 7 – 0.

Motion made by Mr. Rowland and seconded by Mrs. Jackson to reject all bids. Discussion: None. Motion carried 7 – 0.

Motion made by Mrs. Jackson and seconded by Mr. Armbrust to authorize the Borough Solicitor to conclude the employment of Dee Ann Stephens with Clarks Summit Borough in a manner consistent with the terms set forth in the letter from Attorney Shurtleff dated April 13, 2005. Discussion: None. Motion carried 7 – 0.

Motion made by Mr. Rowland and seconded by Mrs. Jackson to authorize the Treasurer to issue back pay to the Clarks Summit Police to January 1, 2005 as indicated in the contract. Discussion: None. Motion carried 7 - 0

Motion made by Mrs. Jackson and seconded by Mr. Armbrust to pay the Planning Commission lawyer and the Zoning Hearing Board lawyer at the rate of \$75.00 per hour, not the \$200.00 per meeting and require subsequent Council approval for any payment to these attorneys over an amount of \$2,000 in the fiscal year. Discussion: None. Motion carried 7 – 0.

RECESS:

Motion made by Mr. Rowland and seconded by Mr. Williams to recess the meeting and reconvene at 7:00 PM on Wednesday, June 8, 2005. Discussion: None. Motion carried 7 – 0.