

**BOROUGH OF CLARKS SUMMIT
REGULAR COUNCIL MEETING
WEDNESDAY, DECEMBER 7, 2005
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The regular December Meeting of Borough Council was conducted on Wednesday, December 7, 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, Councilperson Gerry Carey, Councilman Roy Davis, Councilperson Margaret (Peg) Jackson, and Councilman Patrick Williams. Also attending were Mayor Wesley W. Dunn, Sr., Borough Solicitor, Frank Bolock, and Borough Manager/Secretary, Barbara Grabfelder, Assistant Borough Secretary Virginia Kehoe, and Treasurer Alice Kohn. Councilman Richard W. Armbrust 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.

PRESENTATIONS:

Traffic Signal at Grove and State Streets Mr. Robert Doble, Jason Baron, and Danny Menendez from PENNDOT gave a presentation regarding the newly designed traffic signal at Grove and State Street, Clarks Summit. Both a signal plan and a roadway plan were presented. Some of the features that were highlighted were:

Signal Plan: All signal work will be done at night between 8:00 PM and 6:00 AM Monday through Friday. Turning lanes will be present on State Street so that a dedicated, advance left turn arrow will be present and allow left turns onto East Grove and West Grove; street name signs, video camera detection instead of the under street "loops", signal will be fully actuated, 3 emergency emitters, emergency generator hook-up, manual over-ride, audible signal for sight impaired with adjustable volume. Bid will probably go out in February, construction will take most of the summer with estimated completion in September, 2006. Roadway Plan: Rock cut work between Upper and Lower Knapp Road will be done only on Sundays between 8:00 AM and 4:00 PM, drivers will be able to see 50 feet but it will remain no left turn from Knapp onto State.; 300 feet of improvements, new granite curbs, sidewalks, widening the road, travel lanes will be 11 feet wide; at Colorusso's there will be a 5-foot wide sidewalk to Linden St.; Past Upper Knapp Rd. (O'Hora's up 300 feet) will have new sidewalk; major radius improvement at Citizen's Bank. Motion made by Mrs. Carey and seconded by Mr. Williams to accept the plans as presented and authorize Mr. Moyer to sign on behalf of Council. Discussion: None. Motion carried 6 – 0.

APPROVAL OF AGENDA:

Motion made by Mr. Rowland and seconded by Mrs. Jackson to accept the Agenda as presented. Discussion: None. Motion carried 6 – 0..

APPROVAL OF MINUTES:

Motion made by Mrs. Jackson and seconded by Mr. Davis to approve the Minutes from Wednesday, November 2, 2005 – Public Hearing/Special Meeting on Ordinance 2005-05 Peddler's Permit. Discussion: None. Motion carried 6 – 0.

Motion made by Mrs. Jackson and seconded by Mr. Davis to approve the Minutes from Wednesday, November 2, 2005 – Public Hearing/Special Meeting on Ordinance 2005-06 Business Registration. Discussion: None. Motion carried 6 – 0.

Motion made by Mrs. Jackson and seconded by Mrs. Carey to approve the Minutes from Wednesday, November 2 2005 of the Regular Council Meeting. Discussion: None. Motion carried 6 – 0.

COMMITTEE REPORTS:

Sewer Project at Railroad

President Moyer announced that the Borough was anticipating the necessity of getting a PENNVEST loan for \$400,000 to \$500,000 to do the work on the sewer line at the railroad tracks. Mr. Moyer and Mr. Rowland met with Congressman Don Sherwood and went over the plans for the project. Mr. Sherwood went over the entire package and was very receptive to helping the Borough. Mr. Moyer was later contacted by Mr. Sherwood's office and told that Mr. Sherwood was announcing that he had found a 75-25 matching grant which is a guaranteed grant. The Army Corps of Engineers will be involved and will

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do the advertisement and construction. This will be a great savings for the Borough. Mr. Moyer thanked Mr. Sherwood for all he has done.

Storm Water at Miles'

During the last storm several of the buildings around Miles' property were flooded. The pipe at Miles' is half plugged and Mr. Moyer has asked DPW Supervisor to get a quote on getting that pipe ripped out for right now and then we'll have another bid later when we re-design that culvert and do it the right way. Right now we need to take care of that pipe so that no one else gets flooded.

Budget for 2006

Mr. Rowland, Chairman of the Finance Committee, announced that public Finance/Budget meetings were held: November 21, November 30, and December 5. He stated that the Finance Committee had obtained public comment and studied various ways to decrease expenses and was recommending that the fees for refuse collection be kept in the tax base. At this time, in order to balance the budget, we're looking at a millage increase of 6 mills which would bring the tax rate to 29.75 mills.

Motion made by Mr. Rowland and seconded by Mrs. Jackson, that the tentative budget for 2006 be adopted as presented.

Discussion: Various audience members including Mr. Ray Davis and Mr. Bob Bennett asked questions regarding the budget and budget process. Motion carried 6 – 0.

BOROUGH TREASURER'S REPORT

The Borough Treasurer's Report, as prepared by Treasurer Alice Kohn, as of November 30, 2005 was before Council. Motion made by Mr. Rowland and seconded by Mrs. Jackson to accept the report. Discussion: None. Motion carried 6 – 0.

POLICE REPORT

Chief Vitale gave the November 2005 Police Report, and summary of police related activities. Mr. Ray Davis, borough resident, asked how many overtime hours were worked by the police. Chief Vitale answered 152. Mr. Bob Bennett, borough resident, asked how many false alarms were recorded. Chief Vitale answered that there were 18 for the month and one citation was issued.

BILLS TO BE PAID:

Motion made by Mr. Rowland and seconded by Mrs. Jackson to pay the current bills of \$34,068.53 from the General Fund and \$35,133.10 from Payroll and to approve the bills paid between November 1, 2005 and November 30, 2005 of \$117,766.56 from General Fund, \$47,379.66 from Payroll, and \$12,143.33 from Sewer Fund. Discussion: None. Motion carried 6 – 0.

Motion made by Mr. Rowland and seconded by Mrs. Jackson to authorize payment of \$1,000 to Healthy Communities/Healthy Youth and \$2,500 to the Abington Community Library to honor our 2005 budget commitment. Discussion: None. Motion carried 6 – 0.

OLD BUSINESS:

Borough Manager Barbara Grabfelder gave an update on the newsletter project. Mrs. Carey and Mr. Williams volunteered to help with the project again in 2006 with an eye to distributing the newsletter sometime in the spring.

NEW BUSINESS:

Resolution 2005-36 – National Incident Management System (NIMS)

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Motion made by Mr. Roy Davis and seconded by Mr. Williams to adopt Resolution 2005-36 to adopt the National Incident Management Command System and require all Borough Department Heads such as DPW, Police, Fire, EMA Director and EMA Medical Officer, Mayor, and Borough Manager be trained in NIMS which was developed through Homeland Security and FEMA. Discussion: None. Motion carried 6 – 0.

Resolution 2005-37 – Hold Harmless/Indemnity Agreement – Leach Range

Motion made by Mrs. Jackson and seconded by Mr. Williams to adopt Resolution 2005-37 to indemnify and hold harmless the Commonwealth of Pennsylvania, Department of Military and Veterans Affairs, the PA National Guard, and the City of Scranton and the City of Scranton Police Department from all liability that may result as a consequence of the use of Leach Range by the Clarks Summit Borough Police Department for police training activities. Discussion: None. Motion carried 6 – 0.

New Borough Tree Policy

Borough Manager Barbara Grabfelder reported that one of the services that had been offered by the Borough in previous years was the cutting and removal of dead trees. The estimated cost for trees in 2006 was in excess of \$30,000 and this was one area that was removed from the 2006 budget. Solicitor Bolock has been asked to prepare an ordinance to indicate this new policy of placing the responsibility of care, cutting, removal on the property owner. Motion made by Mr. Rowland and seconded by Mrs. Jackson to have Solicitor Bolock prepare such ordinance. Discussion: None. Motion carried 6 – 0.

Florey – New Development in South Abington Township – Borough Sewer Proposal

Mr. Rick Florey made a presentation to Council regarding a new housing development that he intends to construct in 2007 off Winola Road behind the Senior Center. He wants to construct 33 duplex townhouses and 33 single family residences. Mr. Florey hired Milnes Engineering to analyze a portion of Clarks Summit Borough's sewer line which will be affected by his new development. Several problems were identified. Currently, four sewer lines in the Winola Road vicinity come to one eight-inch line that goes down Electric Street and that line cannot handle the flow. One line comes from Lakeside, one line comes from the high school, one line comes down Earl Street and one line on Winola. All these go to Electric Street which is an eight-inch line. Once the flow goes to Division Street, the pipe becomes a twelve-inch pipe and the flow is able to be handled. The existing eight-inch line needs to be upgraded to a twelve-inch line. Mr. Florey is offering to fix that situation and install a twelve-inch line at his cost. Once that improvement is made, Milnes Engineering Company stated, the extra flow that Mr. Florey wants to put on the line due to the new development would be able to be handled. Mr. Moyer explained that no additional sewer EDU's can be added to Clarks Summit's system because of the problems that our own residents are currently experiencing. The Borough's primary concern is to complete the major sewer project at the railroad tracks. Mr. Florey stated that he understood that his improvements could be made in the spring of 2006 and the Borough's railroad track project had to be completed BEFORE any EDU's could be connected from the new development.

Motion made by Mr. Roy Davis and seconded by Mrs. Carey to accept Mr. Florey's offer to help the Borough. Discussion: None. Motion carried 6 – 0.

Municipal WiFi System

Mr. Rowland reported that the governor had signed an act earlier this year that opened a window up until December 31, 2005 whereby any municipality that wanted to establish its own wireless internet program could do that but after that date we would have to go to any telephone company that was proposing to do that and that the telephone company would have the first option. At this time Clarks Summit Borough and South Abington Township are working together with Johnson Controls, Inc. Clarks Green also has an opportunity to join the group. Johnson Controls, Inc. (JCI) has offered to install and make ready for operation the technology to launch a Municipal WiFi system on a timetable to meet the deadline as set by the PA Legislature and preserve the opportunity to study the costs and benefits of a Municipal WiFi system. This would enable the Borough to offer the residents high speed internet services; we could recoup funds by advertising on the network or we could work with phone companies and distributing rights to that. South Abington Township will provide a bucket truck to get the network up

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and running and Clarks Summit Borough will need to provide some minimal manpower to get it working and then we'll assess what our costs would be after that for next year.

Motion made by Mrs. Jackson and seconded by Mr. Davis to authorize that a resolution be prepared to come to an agreement with Johnson Controls regarding the participation and cooperation of the parties in preparing a preliminary report and evaluate the benefits of an energy and operational services guaranteed energy savings performance contract, as practiced in accordance with Pennsylvania Act 77 of 2004.

Multi-Municipal Joint Comprehensive Plan

Motion made by Mr. Rowland and seconded by Mr. Williams to authorize a resolution to participate in the Multi-municipal plan and commit the Borough funds necessary for the project. Discussion: None. Motion carried 6 – 0.

BOROUGH SEWER OFFICE REPORT:

The November 2005 Sewer Report by Virginia Kehoe was before Council. Motion made by Mrs. Carey and seconded by Mrs. Jackson to accept report. Discussion: None. Motion carried 6 – 0.

1009 R. West Grove Street

President Moyer reported that a follow-up letter was received from Attorney Robert Cecchini regarding his clients residing at 1009 Rear West Grove Street, asking again to have Council consider their offer of \$1,000.00 in full and final settlement of this matter. Council is concerned that the case would set a precedent. Several council members stated that there is no need to rush into a settlement. Motion made by Mr. Rowland and seconded by Mrs. Jackson to send a letter back to the attorney asking him to produce the documentation, send a copy to council, and at that point Council will deliberate on what the settlement will be. We are anxious to settle this also, but we need to make a calculated estimate. Discussion: None. Motion carried 5 – 1 with President Moyer voting no.

PUBLIC COMMENT

Mr. Jamie Kresge, a Borough resident, asked if Clarks Green had accepted or rejected Clarks Summit's proposal for police coverage. Mr. Rowland stated that a vote will be taken on December 12, 2005.

Mr. Charles Martin, a Grandview resident, wanted to give a public thank you to Mayor Wes Dunn on behalf of the citizens of Grandview Street for the wonderful support that he gave and the residents consider him to be a good friend.

SOLICITOR'S REPORT:

Mr. Bolock reported that Nextel has filed an appeal and the matter will move forward with the scheduling of the argument before the court. This will happen sometime in 2006.

CORRESPONDENCE:

None

EXECUTIVE SESSIONS:

President Moyer reported that one Executive Sessions had been held prior on October 5, 2005 for Personnel and one session would be were held during the meeting for Professional Services and Personnel and none were to be held subsequent. President Moyer recessed the meeting at approximately 8:55 PM.

The meeting was reconvened at approximately 9:40 PM.

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BIDS & QUOTATIONS:

Tax Anticipation Note for 2006 - Letters were sent to seven area banks asking for proposals for the Borough's 2006 Tax Anticipation Note. The following proposals were received: First National Community Bank at 4.40%; Fidelity Bank at 3.75%; First Liberty Bank at 3.75%; Community Bank at 3.74%; Pennstar Bank at 3.25%, and PNC Bank at 3.23%. Motion made by Mr. Rowland and seconded by Mrs. Jackson to authorize the advertisement of an ordinance to award the 2006 Tax Anticipation Note to PNC at the interest rate of 3.23%. Discussion: None. Motion carried 6 – 0.

Borough Administration Offices – Heating/Air Conditioning Unit - The Borough Building heating system has not been functioning properly over the last three months. Following a series of leaks in the steam heating pipes in the first floor "bay" area of the Borough Building, the following four vendors were contacted asking for a quote to replace the existing air conditioner unit with a roof-top unit that would provide heat as well as air conditioning to the administrative offices on the second floor ONLY: Dalton Mechanical, Harrington Heating, Chermak's Service, Hufford Heating & Air. Only Chermak's (\$5,200.00) and Harrington Heating (\$7,500) presented paperwork proposals when the heating system broke down again and it became an emergency situation. Based on the existing bids, Chermak's Service provided the lowest price. Motion made by Mr. Rowland and seconded by Mrs. Jackson to award the job to Chermak's Service. Discussion: None. Motion carried 6 – 0.

Sanitary/Storm System Analysis – Requests for proposals for Sewer Engineering and/or Accounting Services were sent out to companies with expertise regarding municipal sewer systems including costs for design, analysis, repair, rehabilitation and calculation of pass through/tapping fees. The following companies were contacted: Milnes Engineering, CECO Associates, Acker Associates, Kevin Burke Engineering, and Snyder & Clemente. The various proposals were discussed. Motion made by Mrs. Carey and seconded by Mrs. Jackson to accept the proposal from Acker Associates, Inc., P.O. Box 899, Moscow, PA, for a lump sum not to exceed \$18,000.00 which excludes flow testing. Discussion: None. Motion carried 6 – 0.

Possible Sale of Borough-owned land on Gladiola Drive – Following discussion on the feasibility of selling a parcel of ground, President Moyer directed Vice-President Rowland to approach the Planning Commission to see if the parcel can be subdivided. If it can be subdivided, Council will decide whether or not to subdivide the lot and a public meeting will be held.

RECESS:

President Moyer called a recess at 10:00 PM until December 21, 2005 at 7:00 PM. Meeting will reconvene to adopt final budget and 2006 Tax Rate Ordinance.