

**BOROUGH OF CLARKS SUMMIT
REGULAR COUNCIL MEETING Postponed to
WEDNESDAY, JANUARY 11, 2006
Page 1 of 4**

The regular January Meeting of Borough Council was conducted on Wednesday, January 11, 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, Councilman Richard W. Armbrust, Councilperson Gerry Carey, Councilman Roy Davis, Councilperson Margaret (Peg) Jackson (present via speakerphone) and Councilman Patrick Williams. Also attending were Mayor Harry Kelly, Borough Solicitor, Frank Bolock, Police Chief Lou Vitale, and Borough Manager/Secretary, Barbara Grabfelder. Council Vice President Timothy D. Rowland was absent. There being a quorum present the Meeting was called to order by Council President, followed by a brief period of self-directed meditation and then the Pledge of Allegiance lead by Mayor Kelly.

APPROVAL OF AGENDA:

Motion made by Mr. Roy Davis, seconded by Mr. Armbrust to accept Agenda as presented. Discussion: None. Motion carried 6 – 0...

APPROVAL OF MINUTES:

Wednesday, December 7, 2005 – Public Hearing & Special Meeting – Resolution 2005-35 – Transfer of Liquor License at Formosa Restaurant at 725 S. State Street, Clarks Summit – Motion made by Mr. Davis, seconded by Mr. Armbrust to approve minutes as presented. Discussion: None. Motion carried 6 – 0.

Wednesday, December 7, 2005 – Regular Council Meeting – Motion made by Mr. Davis, seconded by Mr. Armbrust to approve minutes as presented. Discussion: None. Motion carried 6 – 0.

Wednesday, December 21, 2005 – Public Hearing and Special Meeting: Ordinance 2005-07 – Authorize Tax Anticipation Note for 2006 AND Ordinance 2005-08 – Set Tax Rate for 2006 AND Reconvene of Council meeting of December 7, 2005: Motion made by Mr. Davis, seconded by Mr. Armbrust to approve minutes as presented. Discussion: None. Motion carried 6 – 0.

PUBLIC COMMENT & INPUT:

Grandview Street - Mr. Robert Bennett, resident of Timber Lane, asked questions regarding Judge Minora's decision regarding the Board of View in reference to Grandview Street. Solicitor Bolock answered the questions. Clarks Summit Borough has appealed the decision made by Judge Minora and it will now move to Commonwealth Court in Harrisburg, PA.

BIDS & QUOTATIONS:

Resolution 2006-09 – Pennsylvania state “Piggy Back” program contract #2420-02: 2005 Case 580 Super M+ Series II 4WD Loader Extindahoe – Motion made by Mr. Moyer, seconded by Mr. Armbrust to adopt Resolution 2006-09 to authorize purchase. Discussion: Mr. Roy Davis asked for an explanation of the “Piggy Back” Program and Mr. Moyer and Mr. Bolock explained the program. Mr. Davis would like to have the Borough call other Case dealers to see if they could provide a better price. Mr. Moyer and Mr. Armbrust agreed to amend the motion to approve the purchase of the backhoe at the price of \$64,000.00 with the caveat that the Borough solicit other prices and go with the lowest price. Mr. Tom Vokes, a Borough resident, questioned the need for a new backhoe. Mr. Moyer stated that we are saving money by having the Borough do some of the larger sewer jobs rather than contract the work out. He stated that we average around 3,000 feet a year in drainage work and the machine is used almost every week. Mr. Vokes suggested that after the purchase is made, the Borough pursue finding possible grant money to repay the loan. Motion carried 6 – 0.

Resolution 2006-10 – PACC (PA Capital City) Automotive & Equipment Contract administered by the City of Harrisburg for 2006 Ford F-550 Truck with snow plow accessories package. Motion made by Mr. Moyer, seconded by

**BOROUGH OF CLARKS SUMMIT
REGULAR COUNCIL MEETING Postponed to
WEDNESDAY, JANUARY 11, 2006
Page 2 of 4**

Mr. Armbrust to adopt Resolution 2006-10 to authorize purchase. Discussion: Mr. Williams stated that he felt Ford vehicles do not have a good track record. Mr. Armbrust stated that he has 30 years in law enforcement and has driven every brand of vehicle and he says they ALL break down. When you use equipment day after day, you are definitely going to have breakdowns. Motion carried 6 – 0.

BOROUGH TREASURER'S REPORT

The Borough Treasurer's Report, as prepared by Treasurer Alice Kohn, as of December 31, 2005 was before Council. Motion by Mr. Moyer, seconded by Mr. Armbrust to approve the Report as presented. Discussion: None. Motion carried 6 – 0.

COMMITTEE REPORTS:

Personnel Committee

Motion made by Mr. Armbrust, seconded by Mr. Davis, to approve the Personnel Committee's recommended salary raises for Alice Kohn from \$12.00 per hour to \$13.00 per hour, and for Neil Bartholme from \$20.50 per hour to \$21.12 per hour beginning January 1, 2006. Discussion: None. Motion carried 6 – 0.

Scranton-Abington Planning Association (SAPA) – Barbara Grabfelder announced that the group of 10 municipalities that were interested in doing a multi-municipal comprehensive plan has announced that their new name will be the Scranton-Abington Planning Association (SAPA) and that the next meeting will be held in Council Chambers, Clarks Summit Borough, at 6:30 PM on January 18, 2006.

POLICE REPORT

Chief Vitale gave the December 2005 Police Report, and summary of police related activities.

BILLS TO BE PAID:

Mr. Moyer stated that since he is an employee of Pennsylvania American Water Company, he notes for the record that he abstains from voting on any water company or Roto Rooter bills for the year 2006.

Motion made by Mr. Armbrust, seconded by Mr. Moyer to approve the following payments:

Current:

\$ 43,516.40	General Fund
39,332.10	Payroll

Paid Between December 1, 2005 and December 31, 2005:

\$279,653.59	General Fund
99,975.63	Payroll
-0-	Sewer
-0-	Capital Reserve Account
-0-	Liquid Fuels

Discussion: None. Motion carried 6 – 0.

OLD BUSINESS:

A. Municipal WiFi System – Mr. Rowland is absent. A report will be presented at the next meeting.

**BOROUGH OF CLARKS SUMMIT
REGULAR COUNCIL MEETING Postponed to
WEDNESDAY, JANUARY 11, 2006**

Page 3 of 4

B. Florey Development – Preserve at Gravel Pond: Hook-up to Clarks Summit Sewer – Solicitor Bolock received a letter from Mr. Florey's attorney asking for a status report on the request to attach to our sewer system. Mr. Florey has made certain commitments but nothing has been reduced to writing. Motion was made by Mr. Williams, seconded by Mrs. Carey to authorize Solicitor Bolock to formalize an agreement in which Mr. Florey would install a 12" sewer line at Electric Street, and also at Winola Road if there is no 12" pipe currently present, at Mr. Florey's expense and express in that agreement that there are two conditions: (1) that the main line along the railroad track be completed prior to any hook-ups being granted, and (2) that the Clarks Summit Borough Engineer review and approve Mr. Florey's engineer's design, and the Borough's costs be paid for by Mr. Florey. Discussion: Mr. Bolock suggested that he do a draft of that agreement and bring it before Council at the next meeting. - Motion carried 6 – 0.

C. Police Computer System – Mrs. Grabfelder stated that TR Associates notified the Borough that the computer systems pertaining to the grant have arrived and they want to deliver them to the Police Department. The grant money has not arrived and it may be several months before it does. She suggested that it would be ideal to have the computers up and running and giving the administration the information/specialized data as soon as possible. TR Associates are willing to wait up to 60 days for payment. If the grant money does not arrive within 60 days, Mr. Vitale was asking to have the TR Associates invoice paid from the General Fund and then reimbursed with the grant money when it arrives. Motion made by Mr. Armbrust, seconded by Mr. Davis to authorize payment from the General Fund of up to \$5,000 to pay the TR Associates computer system invoice and then reimburse the General Fund with the grant money arrives. Discussion: None. Motion carried 6 – 0.

NEW BUSINESS:

Resolution 2006-08 – Contributions for 2006 to Police Pension Plan/Fund – Motion made by Mr. Davis, seconded by Mr. Armbrust to adopt Resolution 2006-08 stating that for calendar year 2006, member contributions to the Clarks Summit Police Pension Plan/Fund shall remain at two percent (2%) of the members (full time Police Officers) gross compensation. Discussion: Mr. Williams asked Solicitor Bolock if it was appropriate for Mr. Williams to vote on this resolution since his son is a current police officer. Mr. Bolock issued his opinion that it would be appropriate for Mr. Williams to vote in this instance... Motion carried 6 – 0.

Resolution 2006-11 – Suspension of Metered Parking for ABPA celebration of Festival of Ice during President's Day Weekend, February 17, 18, 19, & 20, 2006. Motion made by Mrs. Carey, seconded by Mr. Armbrust to adopt Resolution 2006-11 to suspend metered parking. Discussion: Mr. Vitale stated that they were planning to do the same police coverage as last year: they did additional drive-bys of the locations but they did not put on any additional manpower. Motion carried 6 – 0.

Resolution 2006-12 – Close Capital Reserve Money Market Account at Fidelity Bank and Open Three Month Certificate of Deposit at Fidelity Bank – Motion made by Mr. Williams, seconded by Mr. Davis to adopt Resolution 2006-12 authorizing the closure of the Capital Reserve Money Market Account Number 120-975-6707, and the transfer of the balance of \$68,100.88 to a new three month Certificate of Deposit Account Number 1209756733 at 2.23%. Discussion: None. Motion carried 6 – 0.

BOROUGH SEWER OFFICE REPORT:

The December 2005 Report by Virginia Kehoe was before Council. Barbara Grabfelder reported that the Borough has \$12,787.90 in unpaid sewer bills from the third quarter of 2005 which was the last in-house billing done by the Borough before converting over to Pennsylvania American Water Company billing system. Letters were sent to every delinquent account before the end of 2005 demanding payment and several individuals came in and arranged payment plans. There are 38 accounts who have not replied and the Borough is now taking steps to collect this money by following the legal requirements to shut off the water. This is the first time the Borough has done this. A certified letter will be mailed to each account on January 13, 2006. If no payment is received, on January 24, 2006 the properties will be posted on the front and rear door indicating that the water will be turned off. If no payment is received, a second posting will be done on the properties on February 13, 2006. If no payment is received, notice will be given to the water company and the water will

**BOROUGH OF CLARKS SUMMIT
REGULAR COUNCIL MEETING Postponed to
WEDNESDAY, JANUARY 11, 2006**

Page 4 of 4

be shut off on March 1, 2006. Lackawanna County State Health Center was notified about this plan. No Clarks Summit Borough resident has registered with that agency that they health problems which would prevent the Borough from shutting off the water. Motion made by Mr. Williams, seconded by Mrs. Carey to approve water shut-off program and the sewer report. Discussion: None. Motion carried 6 – 0.

SOLICITOR'S REPORT:

None

CORRESPONDENCE:

None

EXECUTIVE SESSIONS:

President Moyer reported that one Executive Session had been held prior for Litigation and Personnel and one had been held prior to this evening's Council meeting of January 11, 2006 at 6:30 PM for Professional Services and Personnel and none were held during the meeting and none were to be held subsequent.

Denise Prowell – Mr. Williams wanted to formally thank Denise Prowell for her participation in the multi-municipal group and stated that we would not be where we are now without her.

ADJOURNMENT:

There being no further business before Council the Meeting adjourned at approximately 8:50 PM.

Respectfully submitted,

Barbara R. Grabfelder
Borough Secretary

Donald H. Moyer, III
Council President