

**BOROUGH OF CLARKS SUMMIT  
REGULAR COUNCIL MEETING  
WEDNESDAY, MARCH 1, 2006**

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The regular March Meeting of Borough Council was conducted on Wednesday, March 1, 2006 at 7:00 P.M. The Meeting was held in Borough Council Chambers, 2<sup>nd</sup> 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 Gerri Carey, Councilman Roy Davis, Councilperson Margaret (Peg) Jackson, and Councilman Patrick Williams. Also attending were Mayor Harold P. Kelly., Borough Solicitor, Frank Bolock, Police Chief Louis Vitale, and Borough Manager/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 Kelly.

**APPROVAL OF AGENDA:**

Motion made by Mr. Armbrust and seconded by Mr. Roy Davis to approve the agenda. Discussion: None. Motion carried 7 – 0.

**APPROVAL OF MINUTES:**

Motion made by Mrs. Jackson and seconded by Mr. Armbrust to approve the February 1, 2006 Minutes for the Regular Council Meeting and Special Meeting/Public Hearing on Resolution 2006-13 Authorizing Small Borrowing for Capital Purposes. Discussion: None. Motion carried 7 – 0.

**BIDS & QUOTATIONS:**

None

**BOROUGH TREASURER'S REPORT**

The Borough Treasurer's Report, as prepared by Treasurer Alice Kohn, as of February 28, 2006 was before Council. Motion made by Mrs. Jackson and seconded by Mr. Armbrust to approve the Report as presented. Discussion – None. Motion carried 7 – 0.

**PUBLIC COMMENT & INPUT:**

None

**COMMITTEE REPORTS:**

**Scranton-Abington Planning Association (SAPA)**

Motion made by Mr. Rowland, seconded by Mrs. Jackson to appoint Lenny Wesolowski who currently also serves on the Clarks Summit Planning Commission as Clarks Summit's Alternate Delegate to the Scranton-Abington Planning Association (SAPA). Discussion: None. Motion carried 7 – 0. Mr. Rowland reported that the SAPA group met on February 28, 2006 to discuss bylaws for the new organization. Everything went smoothly and when the bylaws are ready they will be brought back for Council's approval. The next meeting will be held on Tuesday, March 28, 2006 at Abington Township Municipal Building.

**Abington Area Joint Recreation Board**

Mr. Moyer reported that the Abington Area Joint Recreation Board held a meeting on February 16, 2006 to discuss a proposal by developer Rick Florey to obtain permission from the Joint Recreation Board to put in a private road through lands owned by the Rec Board to access a new development he intends to build. Mr. Florey gave three

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options of where the private road could be placed. Mr. Moyer wanted to make Council aware of the proposal and stated that Council would have to take a vote on any final proposal that was recommended by the Joint Recreation Board. Borough Manager Barbara Grabfelder stated that she wanted to know if the deed or covenant that was given to the Joint Rec Board for ownership of the land would allow a private road to go land that was specifically set aside for recreation. Mr. Moyer said that Mr. Mahlmann, Chairperson of the Joint Rec Board, requested that Mr. Florey's attorney look into the deed or covenant for any restrictions. Council felt that Mr. Florey's attorney works for Mr. Florey and that an independent attorney should look at the deed or covenant with an eye to protecting the four Rec Board member municipalities. The Borough Manager was directed to write a letter to Mr. Mahlmann that Clarks Summit Borough Council wants to officially go on record and encourage the Joint Rec Board to use it's own solicitor to conduct this research.

Ms. Gretchen Letters, a resident of Glenburn Township, spoke against putting the road through the recreation lands. She stated that she didn't think Mr. Florey was being honest with the public and that he has purchased additional land adjoining the parcel that he talking about developing. The project he's discussing now is only Phase I. He's only talking about the traffic from Phase I. There will definitely be additional traffic when the remaining parcel or parcels are developed.

Mr. Ray Davis, a Clarks Summit resident, stated that he would encourage the Joint Rec Board to incorporate. There are many legal issues that could come back and become a problem for each municipality and that by incorporating, you limit the liability of each municipality.

**Sewer Issues**

Mr. Moyer reported that he met with the engineer over the weekend and Acker Associates are now working on a design to put in a pipe at the Miles Foundry area and he's working on obtaining a permit from DEP for Electric Street to widen the pipe there and he's working on the area behind Winola Road by Florence to handle the area that floods out there.

**POLICE REPORT**

Chief Vitale gave the February 2006 Police Report, and summary of police related activities. Borough resident Ray Davis asked questions regarding the number of parking tickets issued. Mr. Williams commended Chief Vitale for his department's increased attention to the parking meters.

**BILLS TO BE PAID:**

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

Current:

\$ -0- General Fund  
-0- Payroll

Paid Between February 1, 2006 and February 28, 2006:

\$105,912.20 General Fund  
60,013.14 Payroll  
64,192.26 Sewer  
-0- Capital Reserve Account  
-0- Liquid Fuels

Discussion: None. Motion carried 7 – 0.

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**OLD BUSINESS:**

**Borough Website Updated**

Borough Manager Barbara Grabfelder reported that she has completed work on updating the Borough's website and that current information is currently displayed. Work is still continuing on re-designing the "masthead" to make it look more professional and the goal is to have it completed by May 1, 2006. In addition, Mrs. Grabfelder was successful in obtaining a \$250.00 grant from Northeast Pennsylvania Alliance (NEPA) for upgrading the website which will help defray the cost of the re-design.

**Lackawanna County Council on the Arts Grant**

Mrs. Grabfelder announced that we have received notice that we have been approved for the \$275.00 grant for the Ice Festival.

**NEW BUSINESS:**

**Resolution 2006-14: 2006 Community Development Block Grant (CDBG)**

Motion made by Mr. Roy Davis, seconded by Mrs. Carey to adopt Resolution 2006-14 – Application for Funds for the Bedford Street Sidewalk and the Little League Handicapped Access Restrooms Discussion: None. Motion carried 7 – 0.

**Mr. Rowland got called away on an emergency and left the meeting at this point.**

**Authorization to Destroy Audio Tapes of Prior Council Minutes**

Motion made by Mrs. Carey and seconded by Mr. Moyer to authorize the Borough Manager to destroy the 126 audio tapes listed here. All tapes contain council minutes and have been transcribed and put on paper as Minutes of Council Meetings and Public Hearings:

**1996 – Total of 49 Audio Tapes**

Council Meetings from January through December – 39 tapes

Feb. 24, 1996 – Public Hearing Storm water – 4 tapes

May 29, 1996 – Public Hearing – 1 tape

- Ordinance 1996-04 (authorize condemnation for storm water control from Carol Drive to Woodlawn Avenue)
- Ordinance 1996-06

July 2, 1996 – Public Hearing – 1 tape – Ordinance 1996-07 creating Citizens Advisory Board

November 6, 1996 – Public Hearing – 1 tape – Ordinance 1996-11 Changing Start Time of Council Meetings from 7:30 PM to 7:00 PM.

December 4, 1996 – Public Hearing – 3 tapes

- Ordinance 1996-28 Establishing Tax Rate
- Ordinance 1996-27 Repealing Business Permit Parking Districts
- Ordinance 1996-29 Adopting Budget

**1997 – Total of 14 Audio Tapes**

Council Meetings from February, April, May, August, September, October, November, December – 12 tapes.

October 16, 1997 – Joint Special Meeting of Council and Sewer Authority – 1 tape

December 3, 1997 – Ordinance 1997-07 – Amend Traffic Ordinance – 1 tape

**1998 – Total of 15 Audio Tapes**

Council Meetings from January, February, March, April, May, June, July, September, October, November, December (Missing August) – 12 tapes.

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January 28, 1998 – Public Hearing – Ordinance 1998-01 – Amend Traffic Ordinance – 1 tape.  
October 28, 1998 – Public Hearing – Ordinance 1998-06 – Traffic Ordinance Amendment – 1 tape.  
December 21, 1998 – Public Hearing – 1 tape

- Ordinance 1998 07 - Establish Tax Rate
- Ordinance 1998 08 – Adopting Budget

**1999 – Total of 18 Audio Tapes**

Council Meetings from January through December, 1999 – total of 16 tapes.

December 1, 1999 – 1 tape

- Ordinance 1999-01 – Amend Floodplain Ordinance
- Ordinance 1999-02 – Increase Membership of Shade Tree Commission from 3 to 5

December 8, 1999 – 1 tape

- Ordinance 1999-03 – Adopt Budget
- Ordinance 1999-04 – Establish Tax Rates

**2000 – Total of 21 Audio Tapes**

Council Meetings from January through November 2000 (Dec. missing) – total of 15 tapes.

February 2, 2000 – Public Hearing – Community Development Block Grant (CDBG) – 1 tape

July 20, 2000 – Public Hearing – Amendment to Zoning Ordinance and Official Zoning Map for Borough of Clarks Summit – 3 tapes.

September 6, 2000 – Public Hearing – Ordinance 2000-06 Traffic Ordinance – 1 tape

December 6, 2000 – Public Hearing – Establish Tax Rate and Sewer Rate - 1 tape

**2001 – No Audio Tapes Found For This Year**

**2002 – Total of 1 Audio Tape – October Regular Council Meeting**

**2003 – Total of 1 Audio Tapes**

Council Meeting from August 2, 2003 is only monthly meeting. – 1 tape.

**2004 – Total of 7 Audio Tapes**

Council Meetings from January, June, July, August – total of 7 tapes.

Discussion: None. Motion carried 6 – 0.

**Lourdesmont Community Service Project for 2006**

The Borough Manager reported that the Lourdesmont Community Service Project has expanded this year. More students have volunteered to pick up trash and they wish to do this community service on a monthly basis. The students will monitor our habitually “high trash” areas of Lewis Lane Park, Carnation Park, Hemlock Park, Front Street Park, North Summit Park, Old Trail Road, Winola Road to Noble Road, and Nichols Street.

**Adelphia Cable Franchise Fee** – Mrs. Grabfelder reported that the Adelphia Cable Franchise Fee was received for the 4<sup>th</sup> Quarter of 2005 in the amount of \$10,183.37. The figure was based on revenues of \$339,445.55 and is calculated at a rate of 3.00 percent.

**Pennsylvania Liquor Control Board License Fee** – Mrs. Grabfelder reported that \$1,400.00 was received from the Pennsylvania Liquor Control Board for the license fee distribution for VFW 7069, Lenox Inn Corp. (Own Lee’s Place), Colarussos Restaurant, State Street Restaurant Group, Kosmart Enterprises (Pizza Hut), Kyoto II, and Vincent Cianfichi (Vince the Pizza Prince).

**Commonwealth of Pennsylvania Safe Water Grant** – Mr. Moyer stated that the \$50,000 grant was received toward the cost to replace and relocate the undersized pipe and culvert in the right-of-way adjacent to 606 and 608 Division Street.

**Agreement between Clarks Summit Borough and American Red Cross** to Use Borough’s facilities for Mass Care Shelter – Mrs. Grabfelder reported that an agreement has been signed with the American Red Cross to extend the use of its facilities in case a disaster strikes our area.

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**Department of the Treasury – Unclaimed Money**

Mayor Kelly has a sister who works in the Department of the Treasury – Unclaimed Money and she discovered that there is an amount of \$60.00 that is listed as unclaimed and may belong to the Borough. The Borough Manager will complete the required paperwork to apply for this money. It was also discovered that there is money designated for the fire company and the school district and that information has been passed on to the appropriate parties.

**BOROUGH SEWER OFFICE REPORT:**

The February 2006 Report by Virginia Kehoe was before Council. Motion made by Mr. Armbrust and seconded by Mrs. Jackson to approve the Report as presented. Discussion: None. Motion carried 6 – 0.

**1009 Rear West Grove Street – Sewer Payment Offer**

Mrs. Grabfelder reported that she had done additional research on the amount owed for this property and as Council instructed, she sent a letter to the attorney for the property owners. After conferring with his clients, the attorney came back with the offer of \$2,434.00 in full and final payment for the disputed amount. Mrs. Grabfelder recommended that Council accept the offer. Mr. Roy Davis felt that if Council accepted the offer, it would set a precedent and he felt that there was no rush and Council should wait until Acker Associates completed their sewer engineering survey to discover if there are other properties in this same situation whereby they hooked up to the Borough's sewer lines and never applied for a permit or notified us of that they are receiving sewer services. Motion made by Mrs. Carey and seconded by Mr. Davis to reject the offer. Discussion: None. Motion carried 6 – 0.

**SOLICITOR'S REPORT:**

Solicitor Bolock reported about his work on the Tree Ordinance that Council had asked him to develop. Mrs. Grabfelder reminded Council that no money was put in the 2006 budget to take care of pruning or cutting down dead trees and it was Council's desire to create a new ordinance to have the homeowners responsible for the pruning or cutting and removal of dead trees. This would be similar to how the homeowners repair, maintain, and replace their sidewalks. Mr. Williams said that there are a lot of problems in determining who is responsible for an area that Council should not adopt this. Mr. Bolock said that he will circulate his memo and the draft ordinance and Council will have an opportunity to look at the ordinance again.

Also, he reported that Council needs to address a formal ordinance regarding paper roads and alleys in the borough.

**Delinquent Sewer Accounts**

Mrs. Grabfelder said she neglected to report on the delinquent sewer accounts. There was a total of \$10,670.40 outstanding from 39 accounts. A total of 38 accounts have now either paid in full or made satisfactory payment arrangements with the Borough. There is now only one account that is delinquent in the amount of \$4,500.00 and they have made an offer to pay \$1,000. She asked if Council was willing to accept the offer. Motion made by President Moyer, seconded by Mrs. Jackson to back the Borough Manager, allow her to use her judgment and handle the situation and not accept the offer. Discussion: Motion carried 6 – 0.

**Mr. Robert Bennett – Request to Obtain Budget Information** – Mr. Bennett requested permission from Council to not only obtain the actual numbers from the 2006 budget, but to sit and talk with either the Borough Manager, Assistant Secretary, or Treasurer. Mr. Moyer stated that the budget is public information and that Mr. Bennett could talk with the Treasurer or any member of the Finance Committee would be glad to help him if they could. Mr. Bennett thanked Mr. Moyer for his cooperation.

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**CORRESPONDENCE:**

None

**EXECUTIVE SESSIONS:**

President Moyer reported that one Executive Sessions had been held prior on February 1, 2006 for Litigation and Personnel and one was going to be held during the meeting for Litigation on Grandview and Nextel Personnel (Police) and none were to be held subsequent.

Mr. Moyer recessed the meeting at 9:15 PM to move into Executive Session.

Mr. Moyer reconvened the meeting at 10:00 PM.

Motion made by Mr. Davis and seconded by Mr. Armbrust to table the resignation of Borough Manager Barbara Grabfelder until the next meeting for further consideration. Discussion: None. Motion carried 6 – 0.

**ADJOURNMENT:**

There being no further business before Council the Meeting adjourned at approximately 10:05 PM.

**Respectfully submitted,**

**Barbara R. Grabfelder  
Borough Secretary**

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