

**BOROUGH OF CLARKS SUMMIT
REGULAR COUNCIL MEETING
WEDNESDAY, MAY 3, 2006**

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The regular May Meeting of Borough Council was conducted on Wednesday, May 3, 2006 at approximately 7:34 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, Vice-Chairman Peg Jackson, Councilman Richard W. Armbrust, Councilperson Gerri Carey Councilman Roy Davis, 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 meditation and then the Pledge of Allegiance lead by Mayor Kelly.

PRESENTATIONS:

Eagle Scouts – Four Eagle Scouts from Troop 160 were recognized by Council for their outstanding work and effort in completing their projects and achieving the rank of Eagle Scout. Framed letters of recognition were presented by Mr. Moyer and Mayor Kelly to Timothy Kropa, Joey Pappas, Brian Thomas, and Greg Henkelmen.

Lackawanna County Voter Education – Mrs. Kathy Hardaway made a presentation and demonstrated the new voting machines. The federal government mandated that the old lever-action machines be replaced and the county purchased the WinVote machine. Mrs. Hardaway also announced that Clarks Summit #3 had used Our Lady of Snow Catholic Church as their polling place and that has now been changed so that voting will take place at the Abington Heights Administration Building on East Grove Street. Clarks Summit #4 had used the Clarks Summit Methodist Church as their polling place and that has now been changed so that voting will take place at the Clarks Summit Fire Station on Bedford Street.

APPROVAL OF AGENDA:

Motion made by Mrs. Jackson, seconded by Mr. Armbrust to approve the Agenda as presented. Discussion: None. Motion carried 7 – 0.

APPROVAL OF MINUTES:

Motion made by Mrs. Jackson, seconded by Mr. Armbrust to approve the Minutes for the Regular Council Meeting of March 1, 2006. Discussion: None. Motion carried 7 – 0.

PUBLIC COMMENT & INPUT:

Mr. Mark Young from Border Realty addressed Council regarding his development of land behind Bill Karam's office. He reported that his engineer, Paul Milnes has sent their design to Clarks Summit Borough's engineer, Acker Associates and P.J. McClaine from Acker has given verbal agreement to the documents. Mr. Young is requesting a formal letter from Mr. P.J. McClaine with his comments. When the letter has been received, Mr. Young requests that a meeting be set up as soon as possible with the Borough Solicitor and representatives from Acker Associates and Council to review everything and come up with a final agreement. Mr. Young stated that his project can not move forward until this is accomplished and it has been over two years to get to this point. Mr. Moyer said he will contact P.J. McClaine and arrange for a meeting...

Ms. Sonia Wesochansky, owner of the Drapery Shop in Clarks Summit, addressed Council regarding a letter she received from the Borough informing her that her "sandwich board/A-frame" signs were illegal. She requested that the Planning Commission review the existing regulations and consider updating them to allow these signs. Mr. Moyer agreed to have the Planning Commission investigate her request.

BIDS & QUOTATIONS:

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Employee Life and Short Term Disability Insurance – Borough Manager Barbara Grabfelder obtained the following quotes to provide employee life insurance and short term disability insurance: Standard (Borough's existing policy) for \$963.33/month; Unum at \$931.42/month; and Hartford at \$924.43/month. Metropolitan was contacted for a quote but could not meet our requirements. The Hartford offers better coverage; in all cases, the protection was equal to or better than what is currently provided by Standard. Both the police and non-uniform union representatives reviewed the coverage and had no objection to the change. By changing to Hartford, the Borough will save \$466.80 per year. Motion made by Mr. Armbrust, seconded by Mr. Taylor to change the employee life and short term disability insurance to Hartford. Discussion: None. Motion carried 7 – 0.

BOROUGH TREASURER'S REPORT

The Borough Treasurer's Report, as prepared by Treasurer Alice Kohn, as of April 30, 2006 was before Council.

Motion made by Mr. Roy Davis, seconded by Mrs. Carey, accept the Treasurer's Report and to authorize the Treasurer to close the 3-month CD (Account #1209756733) at Fidelity Bank and transfer the balance of \$68,503.26 into a new governmental NOW Account (#4200449614) at Fidelity Bank earning 4.19% currently. Discussion: None. Motion carried 7 – 0.

Motion made by Mr. Armbrust, seconded by Mr. Davis, to add Margaret D. Jackson, Council Vice-President, as a signer on all Borough accounts. Discussion: None. Motion carried 7 – 0.

COMMITTEE REPORTS:

Planning Commission – Resignation of Ray Taylor – Motion made by Mr. Moyer, seconded by Mrs. Jackson to accept the resignation of Ray Taylor from the Planning Commission and thank him for his years of service and thank him for his willingness to serve on Council. Discussion: None. Motion carried 7 – 0.

Council Committee Appointments - President Moyer made the following changes in Council committee assignments: Finance Committee: Ray Taylor will replace Tim Rowland; Personnel Committee: Roy Davis will replace Tim Rowland; Public Safety Committee: Geri Carey will replace Tim Rowland; Abington Joint Recreation Board: Patrick Williams will replace Tim Rowland as Clarks Summit Borough's elected official serving on the Board. Mr. Rowland will continue to serve on the Joint Recreation Board's sub-committee for selecting a company to do the master site development plan.

Resolution 2006-16 – EMA Emergency Operations Plan – Motion made by Mrs. Jackson, seconded by Mr. Armbrust to adopt Resolution 2006-16 whereby Council approves, adopts, and puts into immediate effect the Emergency Operations Plan of Clarks Summit Borough. Discussion: None. Motion carried 7 – 0.

Motion made by Mr. Taylor, seconded by Mr. Davis to send a formal letter of thanks to Mr. Johnson for his outstanding work both on the Emergency Operations Plan, and his work as EMA Coordinator. Discussion: None. Motion carried 7 – 0.

POLICE REPORT

Chief Vitale gave the April 2006 Police Report, and summary of police related activities. He announced that they had the Little League Parade this month and participated in one fingerprinting activity at Fidelity Bank. Chief Vitale also reported that he contacted PENDOT to get information on engine retarding signs, as requested by Council at the April meeting. PENDOT has a regulation that if the grade is greater than 4% you cannot restrict the use of the engine retarders. He stated that Winola Road and Summit Hill are both greater than 4% so we cannot utilize any signs prohibiting the use of "Jake brakes" or engine retarders at those locations. Signs can be used however along State Street. President Moyer said he would ask the DPW to verify that Winola Road and Summit Hill are indeed greater than 4% grade.

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BILLS TO BE PAID:

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

Paid Between 4/1/06 – 4/30/06:

Paid 4/1/06 and 4/5/06 already approved at 4/5/06 Council Meeting;

General Fund	\$ 49,981.06
Payroll	30,099.39

Paid 4/6/06 and 4/30/06 to be approved at 5/3/06 Council Meeting;

General Fund	\$ 92,100.62
Payroll	33,584.98
Sewer	82,651.75

Current Paid between 5/1/06 and 5/3/06 to be approved;

General Fund	\$ 20,117.60
Payroll	31,588.28
Sewer	6,624.50

Total bills to be approved by Council for 4/6/06 to 5/3/06:

General Fund	\$112,218.22
Payroll	65,173.26
Sewer	89,276.25

Discussion: Mr. Taylor announced that he is the owner of Taylor's Hobby World and does business with the Borough. He indicated that he will abstain from voting on any invoices pertaining to his business during this year. Motion carried 7 – 0.

OLD BUSINESS:

None

NEW BUSINESS:

Memorial Day Parade – Memorial Day Parade & Services – Monday, May 29, 2006

Services: 8:30 AM at Abington Hills Cemetery; 9:00 AM at Clarks Green Cemetery; 9:30 AM at S. Abington Park; 10:00 AM at Hickory Grove Cemetery. Parade starts-11:00 AM. VFW Post 7069 Memorial Service at 12:15 PM.

Cohen Telecommunications Law Group – Action Alert – Borough Manager Grabfelder said she received a letter from Daniel Cohen regarding new legislation being introduced at both the state and federal level pertaining to cable franchises. This legislation could eliminate local franchising authority and significantly reduce franchise fee revenue that comes to the Borough. Motion made by Mrs. Jackson, seconded by Mr. Williams to send a letter to all state and local representatives expressing the Borough's opposition to this legislation. Discussion: None. Motion carried 7 – 0.

Richard Sposto – Donation of Vacant Lot on Winola Road – Mr. Sposto, 104 Third Ave., Dickson City, PA 18519 offered to donate an irregularly shaped parcel of land on Winola Road to the Borough in "as is" condition. Motion made by Mr. Davis, seconded by Mr. Armbrust, to table the matter for further investigation. Discussion: None. Motion carried 7 – 0.

Designation of Official Voting Delegate for PSAB Convention, June 11-14, 2006 – Motion made by Mr. Moyer, seconded by Mr. Armbrust, to name Mrs. Margaret Jackson as the Borough's official voting delegate for the PSAB Convention taking place June 11-14, 2006 at Seven Springs Mountain Resort. Discussion: None. Motion carried 7 – 0.

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Stop Stick/Hollow Spike Strips Policy and Procedure – Motion made by Mrs. Jackson, seconded by Mr. Armbrust to authorize use of the procedure presented by Chief Vitale for the use of Stop Stick/Hollow Spike Strips in stopping motor vehicles. Discussion: Chief Vitale stated that training will be conducted on the new procedure before the sticks would be used. None. Motion carried 7 – 0.

BOROUGH SEWER OFFICE REPORT:

The April 2006 Report by Virginia Kehoe was before Council. Motion made by Mrs. Jackson, seconded by Mr. Armbrust to accept the Report as presented. Discussion – None. Motion carried 7 – 0.

SOLICITOR'S REPORT:

Solicitor Bolock stated that the Grandview appeal will be heard on Thursday, June 8, 2006 at 9:30 AM in Philadelphia. He has other litigation matters that he will be discussing with Council in Executive Session..

CORRESPONDENCE:

Healthy Communities Healthy Youth – Thank you for \$1,000 donation.

EXECUTIVE SESSIONS:

President Moyer reported that one Executive Session had been held prior on April 5 2006 on Litigation on Grandview, Oakmont, and Nextel and Personnel for Police and Borough Manager; and one was scheduled to be held on Friday, May 5, 2006 to discuss all litigation relating to the Borough, and Personnel issues.

ADJOURNMENT:

There being no further business before Council the Meeting adjourned at approximately 9:03 PM.

Respectfully submitted,

**Barbara R. Grabfelder
Borough Secretary**

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