

**BOROUGH OF CLARKS SUMMIT  
REGULAR COUNCIL MEETING  
WEDNESDAY, JULY 7, 2006**

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The regular July Meeting of Borough Council was conducted on Wednesday, July 5, 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 Margaret (Peg) Jackson, Councilman Richard W. Armbrust, Councilperson Gerry Carey, Councilman Roy Davis, Councilman Ray Taylor, and Councilman Patrick Williams. Also attending were Borough Solicitor Frank J. Bolock, Jr., Mayor Harry Kelly., Police Chief Lou Vitale, and Assistant Borough Secretary, Virginia Kehoe. . 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 Mrs. Jackson and seconded by Mr. Armbrust to approve the Agenda. Discussion: None. Motion carried 7 – 0.

**APPROVAL OF MINUTES:**

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

**PUBLIC COMMENT & INPUT:**

Storm Water Problem – Greenwood Avenue – Borough residents Bill and Dottie Clark, 524 Greenwood Avenue, spoke to Council about a problem they were experiencing with storm water. He distributed a drawing indicating how the water flows down to his property, not just surface water, but underground water as well. They have spent over \$4,000 to try to correct the problem but it has not been successful. He asked for the Borough to install a two-foot swale to collect the water and direct it out to Greenwood Avenue. Mr. Davis stated that there is already a sewer line that runs through the neighbor's property. Even if this problem is not sewer water, it may be underground water that is following the "fill" or porous material along the pipe that is causing the problem. Mr. Davis stated that if the Borough had the authority to put in the sewer manhole on that private property, we should be able to go back and correct it if there is a problem. Mr. Moyer will have our DPW dig up around the manhole to see if they can discover the cause of the problem.

Flood of 2006 – Electric Street – Borough resident Robert Kennedy, 101 Electric Street, spoke about their continuous problem with water. In the most recent storm, water comes down from the high school area, overwhelms the pond across the street from them, and turns Electric Street into a river that flows in all directions. Mr. Kennedy is at the low point so he has water that comes down from both sides. He gets 6"-8" of water in his driveway. The water runs under his garage door, fills his garage, and then goes down into his basement. This problem is not just from the recent steady, heavy rains in June, 2006; it occurs during ANY rain that lasts for over an hour. He has pictures and video to show Council if they would care to watch. He stated that his problems got worse now because there is sewer water added to his flooding situation. He asked Council what was going to be done, not only with the flooding, but now with the sewer water. Mr. Moyer gave an overview of the proposals by developers Rick Florey (The Reserve at Gravel Pond) and Mark Young (Border Realty) and how they were offering to help the Borough by paying for the installation of larger pipe on Winola Road and creating a pumping station near Old Lackawanna Trail. Mr. Kennedy offered the use of his yard to help fix the problems. He offered to allow the Borough to use his property as an access point to any part of that stream. If dredging is necessary, or clean-up procedures are required, he said you could tear up his yard as long as you fix the problem. Mr. Moyer said he would go and look at the stream in that location; he can't tell Mr. Kennedy right now that they can go in there right now and do it. Mr. Kennedy said that this is a health hazard; it needs to be dealt with right now; this is an emergency situation.

Mr. Herman Johnson, Clarks Summit EMA Coordinator, spoke about the sewage problem that he witnessed on Winola Road during the Flood of June, 2006.

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Mr. Jaimee Kresge, a Borough resident, spoke about the manhole on Haven Lane. He reported that during storms, the manhole "pops", sewerage flows down and across Winola Road, goes into the pond at Winola & Electric Streets, and his father, who lives at the corner of Electric and Winola, gets sewerage in his basement. Mr. Kresge feels that there is a possibility that there is a leak there that is going into his father's house. He asked to have that line camera-ed to see if there are cracks or holes in that line. Perhaps there is a short-term solution that could be found. Mr. Moyer said it might be possible to install a storm drain right at the corner of Winola and Electric and run pipe right down to the creek. Mr. Kresge asked that Council make this situation a priority. This is hazardous waste and it is an emergency situation.

Mr. Williams said that the Abington Council of Governments (COG) is also looking into a study regarding storm water. Mrs. Carey agreed and said Lee Jaimison from the COG was trying to look at the problem from a regional view and get a map of the whole area. This topic will be first on the agenda for the COG in September, after their summer recess.

**BIDS AND QUOTES**

**Bid Opening – 2006 Borough Paving Project** – Mr. Moyer stated that only two bids were received for this year's project. He opened the bids at approximately 8:20 PM and read as follows: Locust Ridge bid \$122,855.00, and Slusser Brothers, Pittston bid \$129,486.75. He directed that the bids be sent to the Borough Engineer so that the bids are reviewed to be sure they meet all the specifications and the Engineer will report back to Council. No action is needed at this time.

**BOROUGH TREASURER'S REPORT**

Motion made by Mrs. Jackson, seconded by Mr. Davis, to approve the Treasurer's report for June 30, 2006.  
Discussion: None. Motion carried 7 – 0. Motion made by Mrs. Jackson, seconded by Mr. Armbrust to authorize the Treasurer to renew one Certificate of Deposit for the Sewer Fund in the amount of \$150,000.00 and two Certificates of Deposit for the General Fund in the amount of \$200,000.00 each with PNC Bank. Discussion: None. Motion carried 7 – 0. Recommendation was made by the Treasurer to remove Barbara Grabfelder as a signor on all Borough Accounts due to her retirement.

**COMMITTEE REPORTS**

**Personnel Committee** – Motion made by Mrs. Jackson, seconded by Mr. Armbrust, to hire Virginia Kehoe as the new Borough Manager/Secretary and approve her contract with a salary of \$42,000.00, effective tonight, July 5, 2006. Discussion: None. Motion carried 7 – 0.

**Safety Committee** – Mr. Armbrust reported that they are in the process of pricing out a new vehicle which is desperately needed. Motion made by Mrs. Jackson, seconded by Mr. Armbrust to authorize the purchase of a new police (sedan) vehicle, not to exceed the cost of \$25,000.00. Discussion: Mr. Moyer asked if this purchase will go through the state piggy-back program. Mr. Armbrust answered yes. Mr. Williams said that the Borough has not had a lot of luck with our Ford vehicles. He asked if they had done any research on possibly finding another manufacturer and he also asked if we would be getting rid of one of the existing cars. Mr. Armbrust said that absolutely, one of the existing vehicles would be gotten rid of. Mr. Armbrust said that the reason we have trouble with the Fords, is that that's all the police drive. If there was another manufacturer's car being used as many hours and miles as we use them, we'd have trouble with them, too. Mr. Moyer asked Chief Vitale to let Mr. Taylor, Chairman of the Finance Committee, know the final cost amount. A question was asked if the vehicle would be a "marked" vehicle. Mr. Armbrust said that they were still working on that; a decision has not been made. Motion carried 7 – 0.

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**Borough Newsletter Committee** – Mrs. Carey reported that all the ads have been sold and work is being done now to work on the content of the newsletter.

**Declaration of State of Emergency** – Motion made by Mrs. Carey, seconded by Mr. Williams to accept the declaration of emergency declared by Mayor Kelly due to the flooding in June, 2006. Discussion: None. Motion carried 7 – 0.

**Shade Tree Commission** – Mr. Taylor reported that Mr. Vincent Catrone has offered to come up and help the Borough establish the commission if there were five people from the Borough who were interested in serving. There has only been one volunteer, Josh Arp, who has volunteered. There is a tentative meeting date of July 20<sup>th</sup> with Mr. Catrone. It was hoped that the five member commission would be in place so that they could attend a regional seminar to be held in August at Keystone College. Mr. Taylor said that without five interested volunteers from the Borough, he didn't see how we could have a Shade Tree Commission. Mrs. Carey suggested that each Council member suggest one person for the Commission. Mr. Taylor said that names should be given to Virginia Kehoe and that if we don't have commitments by July 10<sup>th</sup>, we should cancel the meeting set for July 20, 2006.

**POLICE REPORT**

Police Chief Lou Vitale presented the June 2006 Police Report, and summary of police related activities. Mr. Williams took notice of the number of criminal mischiefs reported. He said that there were 13 for the month of June and there were only 27 for the entire year so far. He asked if there was a problem. Chief Vitale responded that the number of incidents usually pick up at this time of year, at the end of school and 4<sup>th</sup> of July. He asked if Chief Vitale had considered the possibility of instituting a curfew during the summer months. Chief Vitale replied that he didn't know if a curfew would help. The incidents seem to be juveniles forcing entrance into cars very late at night. The Chief stated that the Borough used to have a curfew several years ago but it was repealed due to questions regarding civil liberties and perhaps being unconstitutional. Mr. Williams asked the Chief and the Mayor to discuss the possibility of renewing the curfew. Councilman Roy Davis noted that the number of overtime hours worked in June by part-time officers was zero and asked if it was safe having officers work more than their 12-hour shift. Chief Vitale said that they don't work more than the 12 hours; they may work a Monday and Tuesday and then work overtime on a Wednesday and that the contract allows for a "pecking order" to be established. Mr. Raymond Davis, a Borough resident, asked about the new computer system that the police are now using and if reports are available using the new system. Chief Vitale answered that they purchased the "Chevrolet" or least expensive system and he has learned that Lackawanna County will be moving to a new "Cadillac" system in September.

**BILLS TO BE PAID:**

Motion made by Mrs. Jackson, seconded by Mr. Armbrust to pay the current bills as follows: Paid between 6/1/0 and 6/7/06 approved at 6/7/06 Council Meeting: General Fund - \$31,752.25; Payroll - \$30,781.76; Sewer - 0. Paid 6/8/06 -6/30/06 to be approved by Council at 7/5/06 meeting: General Fund - \$131,901.25; Payroll - \$57,553.58; Sewer - \$7,072.99; Capital Reserve – 0; Liquid Fuels – 0. Current paid between 7/1/06 – 7/5/06 to be approved by Council at 7/5/06 meeting: General Fund – 0; Payroll – 0; Sewer – 0; Capital Reserve – 0; Liquid Fuels – 0. Total bills to be approved by Council for 6/8/06 – 7/05/06: General Fund - \$131,901.25; Payroll - \$57,553.58; Sewer - \$7,072.99; Capital Reserve – 0; Liquid Fuels – 0.. Discussion: None. Motion carried 7 – 0.

**OLD BUSINESS:**

**Lewis Lane Park** –Virginia Kehoe reported that DEP has agreed to inspect the Borough-owned parcel to determine if there are wetlands present. If wetlands are present, a private company must be hired to map out the exact location of the wetlands on the parcel.

**NEW BUSINESS:**

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Property Liability Insurance Renewal – Motion made by Mrs. Jackson, seconded by Mr. Armbrust to approve the renewal package from Young and Henkelman Insurance Company for the Borough's property and liability insurance policy and to issue payment. Discussion: None. Motion carried 7 – 0.

Resolution 2006-19 - Revision of Lackawanna County-Clarks Summit Borough Fiscal Year 2005 CDBG Program. Motion made by Mrs. Jackson, seconded by Mr. Armbrust to adopt Resolution 2006-19 and approve the transfer of money as indicated. Discussion: None. Motion carried 7 -0.

Tax Claim – 419 Highland Avenue – Motion made by Mrs. Jackson, seconded by Mr. Armbrust, to table discussion. Discussion: None. Motion carried 7 – 0.

**BOROUGH SEWER OFFICE REPORT:**

The June, 2006 Sewer Report was before Council. Motion made by Mrs. Jackson, seconded by Mr. Davis to approve the report as presented. Discussion – None. Motion carried 7 – 0.

**SOLICITOR'S REPORT:**

Solicitor Bolock reported on the progress of the parking ordinance that is needed to establish parking meters along Spring Street and Davis Street.

**EXECUTIVE SESSIONS:**

President Moyer reported that one Executive Session had been held prior on June 7, 2006 at 6:30 PM for Police personnel and also on that date at 10:02 PM for the Nextel litigation. One was held at 6:30 PM on July 5, 2006 for Personnel. He stated one was scheduled to be held immediately following tonight's meeting.

**ADJOURNMENT**

There being no further business, a motion was made by Mrs. Jackson, seconded by Mr. Taylor, to adjourn. Discussion: None. Motion carried 7 – 0.

Respectfully submitted,

Virginia Kehoe  
Borough Secretary

Donald H. Moyer, III  
Council President