

**BOROUGH OF CLARKS SUMMIT  
REGULAR COUNCIL MEETING  
WEDNESDAY, AUGUST 2, 2006  
Page 1 of 5**

The regular August Meeting of Borough Council was conducted on Wednesday, August 2 2006 at 7:20 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 Mayor Harry Kelly., Police Chief Lou Vitale, and Borough Manager/Secretary, Virginia Kehoe. Borough Solicitor Frank J. Bolock 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 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 July 5, 2006. Motion made by Mrs. Jackson and seconded by Mr. Armbrust to approve the Minutes. Discussion: None. Motion carried 7 – 0.

**PUBLIC COMMENT & INPUT:**

Fall Festival of the Arts, September 16, 2006 - Ms. Dorothy O'Connor, owner of Sole to Sole in Clarks Summit, spoke to Council regarding the formation of a new group called the Abington Marketing Alliance created to make people outside the Borough aware of the businesses here and bring more people to town to shop. The group will sponsor the Fall Festival of the Arts on Saturday, September 16, 2006. Council granted permission for the group to hang a banner along the front of the Borough building to advertise the event; allow the police to place "pedestrian crossing" signs along State Street; and utilize the "bay" area of the first floor of the Borough building as long as the businesses using the space provide proof of insurance so that the Borough is not liable. Discussion was held regarding the possibility of closing Spring Street. Virginia Kehoe stated that there is a Block Party permit application that would be necessary and then she would contact the neighbors to see if there would be objections to closing Spring Street. Ms. O'Connor agreed to complete the application.

ABPA – Opposition to Business Registration Fee – Mr. Tim Franklin, President of ABPA, stated that the ABPA wanted to go on record as being opposed to the newly created Business Registration Fee. Mr. Barry Kaplan, owner of All Things Natural stated that he felt it was a nuisance fee. President Moyer explained that up until the Business Registration Fee was instituted, the Borough had no way of knowing how many businesses were operating here and what businesses and services were available. We had no emergency contact numbers to reach people in case of fire or theft; we had no idea how many people were working in each business; we didn't know where the businesses' recycling was going. Virginia Kehoe stated that she hopes to increase the grant money the Borough receives from the businesses' continued recycling efforts and hopefully, the business registration fee can be eliminated at some point in the future.

**BIDS AND QUOTES**

2006 Paving Project – Motion was made by Mrs. Jackson, seconded by Mr. Armbrust, to accept the bid and award the contract to Locust Ridge for \$122,855.00 for the Borough's 2006 Paving Project. Discussion: Virginia Kehoe stated that the bids had been reviewed by both the Borough Engineer and Borough Solicitor. Motion carried 7 – 0.

Bedford Street Pipe Project – President Moyer reported on the storm damage and flooding at the Bedford Street area. Our Engineer informs us that two, 42" pipes will be required to be put back in there to handle the flow due to the elevations that are there. He stated that we are operating under emergency conditions and we must get in there

**BOROUGH OF CLARKS SUMMIT  
REGULAR COUNCIL MEETING  
WEDNESDAY, AUGUST 2, 2006  
Page 2 of 5**

and do the job. Mr. Moyer put a bid out to three contractors who have done work for us before where they would put the 42" pipe in and we would provide the materials and stone; they just do the digging. The price for the materials is estimated to be between \$18,000 - \$19,000. The low bidder to do the digging and install the pipe was Abington Excavating at \$7,975.00. Motion made by Mr. Armbrust, seconded by Mr. Williams to approve the bid from Abington Excavating for \$7,975.00. Discussion: President Moyer said that the project will be almost 150 feet and that the Borough will turn this expense into FEMA and try to recoup some of the costs. Motion carried 6 – 0 with Mrs. Jackson abstaining.

**Bulletin Board Project** – President Moyer reported that an application was made to Representative Wanczyk's office to build an electronic community bulletin board and that \$10,000 has been received and deposited in our account for this project. Bids have been put out for this project and the deadline for bids will be August 16, 2006. He will report on the bids at the September meeting.

**BOROUGH TREASURER'S REPORT**

Motion made by Mrs. Jackson, seconded by Mr. Davis, to approve the addition of the Treasurer (Alice Kohn) as a signor to all checks, CD's, and Borough Accounts with the stipulation that one of the two signatures must be either the President or the Vice-President of Council. Discussion: Virginia Kehoe explained that all checks require two signatures. At this time, only the Borough Manager, President and Vice President of Council are signors and it is sometimes difficult, especially in the summer months, to get signatures in a timely manner. Motion carried 7 – 0. Motion made by Mr. Davis, seconded by Mr. Taylor to authorize the Treasurer to purchase two Certificates of Deposit from the General Fund in the amount of \$200,000.00 each. Rates will be examined and the best combination of rate and time will be selected. Discussion: None. Motion carried 7 – 0. Motion made by Mr. Davis, seconded by Mr. Taylor to purchase a Certificate of Deposit from the Sewer Fund in the amount of \$100,000 with the same stipulations. Discussion: None. Motion carried 7 – 0.

**COMMITTEE REPORTS**

**Personnel Committee** – Motion made by Mrs. Jackson, seconded by Mr. Armbrust, to approve the date of July 31, 2006 as the final termination date for former Borough Manager, Barbara Grabfelder. Discussion: None. Motion carried 7 – 0.

**Joint Sewer Authority** – Mr. Steven Evers and Mr. Tony O'Dell, Clarks Summit Borough's representatives to the Joint Sewer Authority presented their report and answered questions regarding future plans and current problems. Mr. Evers commented on the two major items concerning the Joint Sewer Authority: storm water infiltrating the sewer system during rain storms and the need to reduce the amount of nutrients that come from all plants that discharge water into streams flowing into the Chesapeake River. President Moyer requested Mr. Evers to attempt to have the Joint Sewer Authority establish a new regulation that would require a list to be maintained by the authority of all new hook-ups from now on. Its time to abolish the old "honor system" and make sure that each municipality is paying the correct amount for the number of EDU's coming to the plant.

**Abington Business Professionals Association** – Mr. Warren Watkins presented his annual report to Council and indicated that a splinter group called the Abington Marketing Alliance has been established. He reported on the outstanding programs ABPA has sponsored such as the Halloween and Christmas Parades, and the Ice Sculptures.

**Senior Center** – Mr. Watkins reported that the Senior Center was open as a "cooling station" during the recent week of extremely high temperatures. The Community Development Block Grant is currently paying for a new roof and a new kitchen. Mr. Watkins thanked Council for all they do for the Center such as cutting grass, plowing snow, paying the utilities. There are currently 420 members at the center and it is growing. They are now offering respite care for people with dementia. He also stated that one of Clarks Summit's representatives, Vice-President Charlie Hammond, recently passed away and that Angie Kochis will be taking his place.

**BOROUGH OF CLARKS SUMMIT  
REGULAR COUNCIL MEETING  
WEDNESDAY, AUGUST 2, 2006  
Page 3 of 5**

Sister Cityship with Ystradgynlais – Mr. Watkins reported that he continues to regularly correspond with our sister city in Wales and that he plans to visit there next year.

Planning Commission – Re: Waiver for Coviello Development for Private Road – President Moyer reported that the Planning Commission has voted to recommend to council that a waiver be granted to Mr. Coviello to allow him to make the new road for his development a private road. Motion made by Mr. Davis, seconded by Mrs. Jackson, to: (1) Approve the request for the waiver and to authorize the execution of the Road Access and Maintenance Agreement with the proviso that the wording of the agreement must be placed directly in the deed; AND (2) That the granting of the Waiver and approval of the Access Agreement would be conditioned upon the Coviellos submitting a subdivision plan in compliance with all applicable Ordinances of Clarks Summit Borough, and ultimately Clarks Summit Borough granting final approval of the Coviello subdivision plan; AND (3) That Mr. Coviello is bound to comply with all of the other provisions of the subdivision ordinance and that none of those provisions other than the road requirement were being waived; AND (4) That a sign be placed at the entrance indicating that it is a PRIVATE road. Discussion: Mr. Moyer stated that both the Borough's lawyer and engineer have had an opportunity to review the agreement and have made their recommendations. Mr. Ed Vozinelek and Mr. Golden spoke to Council regarding their concerns about surface water and storm water run-off which currently affects their properties. They want to be sure that their existing water problems would be corrected, not made worse by this new proposed development. Motion carried 7 – 0.

Shade Tree Commission – Mr. Taylor reported that he and Vincent Catrone met with Clarks Summit residents who expressed interest in being members of the new Shade Tree Commission on July 20, 2006. The meeting was very well attended. Motion made by Taylor, seconded by Mrs. Jackson to appoint the following names, based on their geographic location to represent different sections of the Borough, to be members of the Shade Tree Commission: Charles Busalacchi, 429 Clark Avenue for a term of two years; Joshua Arp, 912 Walnut for a term of three years; John Adcroft, 406 Main Avenue for a term of four years; Donna Zagraban, 103 Junction Avenue, for a term of two years; and Christopher Joyce, 604 Lilac Lane, for a term of three years; and the following residents will be named alternates: Steve Guza, Linda Gersiejewski, Molly Philbin, Tara Finnerty, Mr. & Mrs. Lawrence Kennedy, Charles Martin and Ian Castrogiovanni. Discussion: A meeting will be held in Tunkhannock on August 18, 2006. A letter will be sent by the Borough Manager to all indicating the office and length of term. Motion carried 7 – 0.

Public Safety Committee – Mr. Armbrust reported that the new patrol automobile is just about ready to be delivered and should be placed in service within the next few weeks. Mr. Armbrust made a motion, seconded by Mrs. Jackson, to salvage off the old 1999 Ford, Vehicle Identification Number 2FAFP71W2XX200378 which is out of service. Discussion: None. Motion carried 7 – 0. Motion made by Mr. Armbrust, seconded by Mr. Davis, to admit Chief Vitale into the DROP program. Discussion: Mr. Williams asked if Chief Vitale would be the only one able to get in the program. Mr. Armbrust and Mr. Moyer agreed that it is only Chief Vitale at this time. Chief Vitale said that the solicitor would need to prepare an ordinance for Council's final approval. Mr. Williams stated that he thought the state had not approved this program and that it might not be good for the Borough. Borough resident Barbara Grabfelder called for a point of order and stated that the minutes show that there is already a formal motion, second, and affirmative vote by Council to have the Borough solicitor create an ordinance for a public hearing and council's vote on the DROP program for the entire police department. By passing this new motion, you will create a conflict because you included the entire department before and now with this motion you're doing it for just one person. Chief Vitale stated that Mrs. Grabfelder was correct. You can't make the ordinance for one person right off; the ordinance must be created for the whole department and then Council votes. The solicitor must create the ordinance first and a public hearing must be held. Motion was rescinded and no vote was taken.

## **POLICE REPORT**

Police Chief Lou Vitale presented the July 2006 Police Report, and summary of police related activities. Mr. Taylor asked about parking meter fines. He encouraged Chief Vitale to authorize more time be spent on writing parking tickets. Mr. Williams said he would still like Chief Vitale to investigate re-instituting a curfew. Perhaps he could work on it this year and have it passed for next year.

**BOROUGH OF CLARKS SUMMIT  
REGULAR COUNCIL MEETING  
WEDNESDAY, AUGUST 2, 2006  
Page 4 of 5**

**BILLS TO BE PAID:**

Motion made by Mrs. Jackson, seconded by Mr. Taylor to pay the current bills as follows: Paid between 7/1/06 and 7/5/06 approved at 7/5/06 Council Meeting: General Fund - 0; Payroll - 0; Sewer - 0. Paid 7/6/06 - 7/31/06 to be approved by Council at 8/2/06 meeting: General Fund - \$122,985.04; Payroll - \$63,009.59; Sewer - \$4,789.13; Capital Reserve - 0; Liquid Fuels - 0. Current paid between 8/1/06 - 8/2/06 to be approved by Council at 8/2/06 meeting: General Fund - 0; Payroll - 0; Sewer - 0; Capital Reserve - 0; Liquid Fuels - 0. Total bills to be approved by Council for 7/6/06 - 8/2/06: General Fund - \$122,985.04; Payroll - \$63,009.59; Sewer - \$4,789.13; Capital Reserve - 0; Liquid Fuels - 0. Discussion: None. Motion carried 7 - 0.

**OLD BUSINESS:**

Florey Development - Mr. Robert Nagele, engineer from Acker Associates, spoke to remind Council that both Mr. Florey's and Border Realty's agreements are contingent upon the railroad upgrade. They can't make any connection until that railroad project is finished. Mr. Florey is willing to repair the section of Clarks Summit's sewer line at Grove and Electric Street NOW to help the Borough with its problems, even though Mr. Florey won't be building his development for another two years. Mr. Williams stated that he needs to be sure that Mr. Florey's work will solve our problem; let's get it done right. Barbara Grabfelder stated that Council previously voted that a formal written agreement be prepared by Mr. Florey and approved by our solicitor and engineer. Mr. Nagele stated that he has reviewed and approved the plans. Motion made by Mr. Taylor, seconded by Mrs. Jackson to require Solicitor Frank Bolock to finalize a legal agreement that will enable Florey Lumber to proceed as they have proposed with our Engineer's approvals. Discussion: None. Motion carried 7 - 0.

Border Realty - Borough Manager Kehoe reported that the Border Realty offer is the same as Mr. Florey's in that they are willing to do the work on the Apple Valley pumping station first and they will not make any hook-ups to the Clarks Summit sewer system for their new development until after the railroad track work is complete. We'll get the benefit immediately. Mr. Williams stated that he had a concern regarding the statement made by Mr. Bolock regarding the possibility of falling under PUC regulations. Mr. Mark Young said that Border's attorney has done the research and this situation does not fall under PUC regulations. Mr. Young said that he needs to have all three agreements signed (Clarks Summit, South Abington, and the Joint Sewer Authority) before work can actually be done on the pump station. He's looking move forward. Motion made by Mr. Taylor, seconded by Mrs. Jackson to accept the 175 units proposed by Border Realty subject to this agreement as approved by our Borough Solicitor and Borough Engineer with the understanding that the issue with the PUC intervention is cleared up. This motion will allow him to go ahead but take care of any legal and engineering concerns we may have. Discussion: Mr. Moyer said this project will greatly benefit this Borough; it will help a lot of residents because it will eliminate the flow and overflow that comes down Noble Road. Motion carried 7 - 0.

**NEW BUSINESS:**

Resolution 2006-21 Naming Borough Manager Virginia Kehoe as Agent for FEMA regarding flooding of June 27, 2006 - Motion made by Mrs. Carey, seconded by Mr. Williams to approve Resolution 2006-21 so that Virginia Kehoe can sign the appropriate documents. Discussion: None. Motion carried 7 - 0.

PennDOT Study - Intersection of Oakford and North State Street - Motion made by Mr. Davis, seconded by Mr. Williams to authorize Virginia Kehoe to send a letter to Steve Shimko of PennDOT and ask them to do a study of the intersection of Oakford and North State Street to see if a traffic light is warranted. Discussion: None. Motion carried 7 - 0.

**BOROUGH OF CLARKS SUMMIT  
REGULAR COUNCIL MEETING  
WEDNESDAY, AUGUST 2, 2006  
Page 5 of 5**

**Thank You to Volunteers** – Borough Manager Virginia Kehoe asked to officially thank the following volunteers for helping her: James (Doc) Dougherty in Zoning, Alex Behr for tabulating the recycling report, and Betty Allen for secretarial/receptionist services.

**BOROUGH SEWER OFFICE REPORT:**

The July, 2006 Sewer Report was before Council. Motion made by Mrs. Jackson, seconded by Mr. Taylor to approve the report as presented. Discussion – Mr. Williams questioned the accounts unpaid. Borough Manager Kehoe said that a new mailing for delinquents should be sent out but that must be put on hold until she can hire additional help. Motion carried 7 – 0.

**SOLICITOR'S REPORT - None**

**CORRESPONDENCE - None**

**EXECUTIVE SESSIONS:**

President Moyer reported that one Executive Session had been held prior on July 5, 2006 for Police Personnel and Litigation Update. He stated none was scheduled to be held during tonight's meeting and none were scheduled subsequent.

**ADJOURNMENT**

There being no further business, President Moyer adjourned the meeting at 9:55 PM.

**Respectfully submitted,**

**Virginia Kehoe  
Borough Secretary**

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