

**BOROUGH OF CLARKS SUMMIT  
REGULAR COUNCIL MEETING  
WEDNESDAY, JANUARY 3, 2007  
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The regular January Meeting of Borough Council was conducted on Wednesday, January 3, 2007 at approximately 7:03 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, Councilperson Gerry Carey, Councilman James Colman, Councilman Roy Davis, Councilman Ray Taylor, and Councilman Patrick Williams. Also attending were Mayor Harry Kelly, Chief Vitale, and Borough Manager/Secretary, Virginia Kehoe. Absent: Solicitor Bolock. 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, seconded by Mr. Davis to accept the agenda as presented. Discussion: None. Motion carried 7-0.

**APPROVAL OF MINUTES:**

Motion made by Mrs. Jackson, seconded by Mr. Taylor to accept the Minutes of the Regular Council meeting on Wednesday, December 6, 2006 as presented. Discussion: None. Motion carried 7 -0.

**BIDS & QUOTATIONS:**

None

**BOROUGH TREASURER'S REPORT**

Motion made by Mr. Taylor, seconded by Mrs. Jackson to approve the December, 2006 Treasurer's Report. Discussion: None. Motion carried 7 – 0.

President Moyer indicated that Council discussed the November, 2006 Treasurer's Report but neglected to vote to approve the report. Motion made by Mrs. Jackson, seconded by Mr. Colman to approve the November, 2006 Treasurer's Report. Discussion: None. Motion carried 7 – 0.

**COMMITTEE REPORTS:**

**Planning Commission – Coviello Subdivision.** Motion made by Mr. Davis, seconded by Mrs. Carey to accept the Planning Commission's recommendation to approve the Coviello Subdivision with the conditions and provisions set for in the agreement that is being provided by the Solicitor. Discussion: Mr. Colman said that he reviewed the drainage situation and felt that it needs to be reviewed again by Council's solicitor and by the Planning Commission's solicitor. Council's solicitor was asked to put definite items into the agreement and some items are missing. Mr. Colman recommends either tabling the motion or defeating the motion so that it can be sent back to the solicitors to be re-worked. Mr. Davis stated he felt that the Planning Commission recommended approval of the subdivision and he would like to see a vote to approve it. Ms. Kehoe stated that the original recommendation was based on certain contingencies being present and they are not being met with the current document. Mr. Jeff Jerome from Burkavage Design spoke to Council regarding the specifics on the contingencies. The motion was defeated with Mr. Davis and Mrs. Carey voting to approve and Mr. Moyer, Mrs. Jackson, Mr. Colman, Mr. Taylor, and Mr. Williams voting no. President Moyer directed that the subdivision plans be sent back to the Planning Commission for further review.

**Zoning Hearing Board Appointment** – Motion made by Mrs. Jackson, seconded by Mr. Taylor, to appoint borough resident Robert Kranick, Sturbridge Road, Clarks Summit to serve another three year term on the Zoning Hearing Board with a term ending 12/31/2009. Discussion: None. Motion carried 7 – 0.

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**Planning Commission Appointment** – Motion made by Mrs. Jackson, seconded by Mr. Taylor, to appoint borough resident Edward Yasinkas to serve another four year term on the Planning Commission. Discussion: None. Motion carried 7 – 0.

**Abington Community Library Board Appointment** – Motion made by Mrs. Jackson, seconded by Mr. Colman, to appoint borough resident Connie Shiels to serve another four year appointment on the Abington Community Library Board. Discussion: None. Motion carried 7 – 0.

**Abington Area Joint Recreation Board Appointment** – Motion made by Mrs. Jackson, seconded by Mr. Taylor to appoint Councilman James Colman to serve a two year term on the Abington Area Joint Recreation Board. Discussion: None. Motion carried 6 – 0 with Mr. Colman abstaining.

**Clarks Summit-South Abington Joint Sewer Authority Appointment** – Motion made by Mrs. Jackson, seconded by Mr. Davis to appoint borough resident Tony O’Dell, Highland Avenue, Clarks Summit, to serve another five year term on the Joint Sewer Authority. Discussion: None. Motion carried 7 – 0.

**Planning Commission – Zoning Amendment Regarding Sign Ordinance** – Borough Manager Virginia Kehoe pointed out that all Council members have been given a copy of the Planning Commission’s recommendations to amend the Sign Ordinance portion of the zoning ordinance. She asked Council to carefully review the document so that they will be able to discuss it at the February Council meeting. This is currently a DRAFT document showing how the ordinance is currently worded and indicating the changes being recommended.

**POLICE REPORT**

Chief Vitale gave the December, 2006 Police Report, and summary of police related activities. Councilman Colman praised Chief Vitale for the highly successful lockdown drill.

**BILLS TO BE PAID:**

Motion made by Mrs. Jackson, seconded by Mr. Taylor to approve the bills as follows:  
Paid between December 1 and December 30, 2006: General Fund - \$667,682.32; Payroll - \$63,210.97; Sewerage Fund - \$15,956.64; Liquid Fuels - 0; Capital Reserve Fund – 0. Discussion: None. Motion carried 7 – 0.

**OLD BUSINESS:**

**Landlord Ordinance** – Borough Manager Virginia Kehoe stated that she followed up on Council’s directive to investigate instituting a new Landlord Ordinance. She obtained a copy of Forest City’s newly adopted ordinance as well as ordinances from Pennsylvania State Association of Boroughs. She asked Council to carefully review the draft of the landlord ordinance she presented and suggest any changes to be made so that action can be taken to adopt a new ordinance for both residential and commercial properties in the borough.

**Community Bulletin Board** – Ms. Kehoe reported that the new bulletin board was scheduled to be installed on January 9, 2007.

**Business Registration Ordinance** – Ms. Kehoe stated that there are still some businesses that have not registered for 2006. Councilman Taylor has done a lot of work on this and contacted the Magistrate’s office for their approval to send out letters indicating that businesses who do not register will be called before the Magistrate and asked to pay court costs in addition to the \$25.00 Business Registration fee.

**November 2006 Flooding** – President Moyer gave an update on the repairs that have been made from the flooding on November 16, 2006.

**NEW BUSINESS: -**

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**Resolution 2007-01 – Police Pension Withholding** – Motion made by Mr. Taylor, seconded by Mrs. Carey to approve and adopt Resolution 2007-01 indicating that for the calendar year 2007, 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: Motion carried 6 – 0 with Mr. Williams abstaining.

**Resolution 2007-02 – Thank You to Mr. Tim Rowland** – Motion made by Mr. Colman, seconded by Mrs. Jackson to approve and adopt Resolution 2007-02 publicly thanking Mr. Rowland and recognizing him for his years of public service to the community. Discussion: None. Motion carried 7 – 0.

**Resolution 2007-03 – Thank You to Mr. Armbrust** – Motion made by Mrs. Jackson, seconded by Mrs. Carey to approve and adopt Resolution 2007-03 publicly thanking Mr. Richard Armbrust and recognizing him for his years of public service to the community. Discussion: None. Motion carried 7- 0.

**BOROUGH SEWER OFFICE REPORT:**

The December 2006 Sewer Report was before Council. Motion made by Mrs. Jackson, seconded by Mr. Taylor to approve the Report as presented. Discussion – None. Motion carried 7 – 0. President Moyer reported that Council is currently exploring the possibility of changing from a fixed monthly fee for sewer to a fee based on actual usage.

**SOLICITOR’S REPORT:**

A written report was distributed to Council members as Mr. Bolock did not attend the meeting.

**CORRESPONDENCE:**

**Abington Skate Association** – Thank you for Council’s \$1,000 donation.

**PUBLIC COMMENT**

**Mr. Herman Johnson** – Highland Avenue resident asked Council about the Borough Solicitor position and his attendance at meetings.

**Charles Martin** – Grandview Street resident inquired about putting up a permanent barrier at the end of Grandview Street. Mr. Martin would like to see concrete barriers put back up. President Moyer stated he has a meeting scheduled with Mr. Nogi, the property owner and invited Mr. Martin to attend the meeting if he desired.

**EXECUTIVE SESSIONS:**

President Moyer reported that one Executive Session had been held at the conclusion of the December 6, 2006 Council meeting to discuss litigation, one was held immediately prior to tonight’s January 3, 2007 Council Meeting at 6:00 PM to discuss litigation. No executive sessions were held during the meeting, and one was scheduled at the conclusion of tonight’s January 3, 2007 Council Meeting for litigation.

**ADJOURNMENT:**

There being no further business, Mr. Moyer adjourned the meeting at 7:41 PM. Council met in Executive Session following the meeting.

**Respectfully submitted,**

Virginia Kehoe

Donald H. Moyer, III

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**Borough Secretary**

**Council President**