

**BOROUGH OF CLARKS SUMMIT
REGULAR COUNCIL MEETING
WEDNESDAY, OCTOBER 4, 2006
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The regular October Meeting of Borough Council was conducted on Wednesday, October 4, 2006 at 7:00 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, Council Vice President Margaret (Peg) Jackson, Councilperson Gerry Carey, Councilman Roy Davis, Councilman Ray Taylor, and Councilman Patrick Williams. Also attending were Mayor Harry Kelly, and Borough Manager/Secretary, Virginia Kehoe. Councilman Richard W. Armbrust and Solicitor Bolock were absent and Chief Vitale was away on vacation. 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 6-0.

APPROVAL OF MINUTES:

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

BIDS & QUOTATIONS:

President Moyer announced that a request for quotations were put out for a community bulletin board or sign board for 35 millimeters which is the same as South Abington Township's sign board. It was generally agreed that it is very difficult to read South Abington's board so another request for quotations will be put out for a yellow 19 millimeter sign board. The Borough has received a \$10,000 matching grant to purchase the sign board.

BOROUGH TREASURER'S REPORT

The Borough Treasurer's Report, as prepared by Treasurer Alice Kohn, as of September 30, 2006 was before Council. Motion made by Mrs. Jackson, seconded by Mr. Davis, to approve the Report as presented. Discussion – None. Motion carried 6 – 0. Motion made by Mrs. Jackson, seconded by Mrs. Carey to approve the purchase of two (2), 30-day certificates of deposit at PNC Bank at 5.15% interest rate in the amount of \$225,000 each, from the General Fund. Discussion: None. Motion carried 6 – 0. Motion made by Mrs. Jackson, seconded by Mr. Davis to approve the purchase of a 30-day certificate of deposit from the Sewer Fund in the amount of \$100,000 at the 5.15% interest rate. Discussion: None. Motion carried 6 – 0. Motion made by Mr. Taylor, seconded by Mr. Davis, to transfer \$100,000 from the General Fund to the Capital Reserve. Discussion: None. Motion carried 6 – 0.

PUBLIC COMMENT & INPUT:

Mr. Charles Martin asked about the status of placing the “No Thoroughfare” or “Dead End” sign at the end of Grandview. Borough Manager Virginia Kehoe said the sign has been requested but the DPW is busy working on finishing the storm drains and preparing for the 2006 paving project to begin. As soon as there is a break, they will get the sign put up.

COMMITTEE REPORTS:

Shade Tree Commission – Mr. Taylor reported that the commission met with the state forester and they are very eager to begin work.

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Finance Committee – President Moyer announced that the Finance Committee will hold a meeting on Wednesday, October 11, 2006 at 8:00 AM in Council Chambers to begin work on the 2007 Budget.

Piping Projects – President Moyer reported that the Bedford Street project is almost complete; the old culvert has been removed, the pipes are in and the area has been cleaned up. Mr. Moyer said that now the only problem remaining is at the Sproul property. There is a section of three-foot metal pipe left in there which goes into a four-foot section of pipe. President Moyer spoke to Joe Sproul about the situation and Mr. Sproul is willing to install a four-foot pipe if the Borough provides it. Mr. Moyer said it would be in the Borough's best interest to eliminate the three-foot section and make it all four-foot piping. He estimates that it would be about 100 feet of four-foot piping. Motion made by President Moyer, seconded by Mrs. Jackson to have the Borough purchase the required 100 feet of four-foot pipe and have Mr. Sproul do the installation. Discussion: Mr. Taylor asked if this 100 feet of pipe is on Mr. Sproul's property. Mr. Moyer answered yes, it is but this could be a problem down the road. Mrs. Carey inquired that since that is private property, wouldn't that be Mr. Sproul's responsibility? Mr. Moyer said that the four-foot pipe, Mr. Sproul definitely put in; the three-foot pipe, Mr. Moyer does not know who put that in. Mr. Moyer said that the cost would be about \$30.00 per foot, maybe \$3,000 to \$4,000. Motion carried 6 – 0.

Railroad Sewer Project – State Representative Don Sherwood has helped the Borough negotiate an agreement for the rail road license fee. The 1936 agreement will hold and we will continue to pay the \$23.00 per year. Now that the license fee has been agreed upon we can move forward with the project. President Moyer formally thanked Mr. Sherwood for his help in the matter.

Terrace Lane – President Moyer reported that the Borough has received money from FEMA to replace the collapsed pipes at Terrace Lane and Old Lackawanna Trail. The Borough Engineer is now working on the project and we will work with South Abington Township on the project.

Florey Project – President Moyer reported that he met with Mr. Florey and the engineers and Mr. Florey has agreed to replace the pipe on Winola Road and Electric Street and upgrade it to a 12-inch pipe to eliminate that overflow on Electric Street. Once the formal agreement is signed, Mr. Florey will spend almost \$100,000 and will do the project this year.

2007 Paving Project – President Moyer announced that the paving company is beginning to work on the manholes and paving will begin next week.

Planning Commission – Motion made by Mrs. Jackson, seconded by Mr. Taylor, to approve the Planning Commission's request to review and possibly update the zoning ordinance and to hire Certified Community Planner Carson Helfrich to assist the Planning Commission, but not hire any attorney at this time. Discussion: Borough Manager Kehoe said that several business owners have asked to be able to use the "sandwich board" style signs which are currently prohibited under the ordinance. Also, the section pertaining to moving or flashing signs needs clarification. The Planning Commission would like to investigate the ordinance to see if it should be amended. Borough resident Barbara Grabfelder asked if Council would place a price range or dollar amount limit on the project. Mr. Moyer said, no; it will be left up to Planning Commission Chairman Ed Yasinkas. Motion carried 6 – 0.

POLICE REPORT

Mayor Kelly gave the September, 2006 Police Report, and summary of police related activities. Mr. Ray Davis, Clarks Summit resident, noted that there were only 25 meter tickets for the month and stated he felt that number must be brought up. He also said he strongly felt that the existing 3:00 AM to 3:00 PM police shift should be eliminated. The Borough could save \$80,000 to \$90,000 or about 2 mills if the shift was eliminated. Borough resident, Herman Johnson asked if another statistic could be added to the police report every month; he's interested in knowing not only the man-hours and the crimes, but how many cases have been cleared? Was an arrest made? Mayor Kelly will speak with Chief Vitale regarding this. Mr. Johnson also spoke about the possibility of hiring a non-uniformed person to do the meters instead of taking up an officer's time.

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Motion made by President Moyer, seconded by Mr. Davis to have Chief Vitale take the test for Civil Service. Discussion: Mr. Moyer said that the Chief will celebrate his one-year anniversary on October 5, 2006, and stated that the Chief has done an excellent job. The Chief's contract states that after completing one year of satisfactory service, he is eligible to take the Civil Service test. Motion carried 6 – 0.

BILLS TO BE PAID:

Motion made by Mrs. Jackson, seconded by Mr. Taylor to approve the bills as follows: Paid between September 1 and September 30, 2006: Paid 9/1/06-9/7/06 approved at 9/6/06 Council Meeting: General Fund - \$10,967.69; Payroll (check date 9/7/06) - \$28,667.48; Sewer - \$115,253.14. Paid 9/8/06 – 9/30/06 to be approved by Council at 10/4/06 meeting: General Fund - \$88,912.85; Payroll - \$28,041.80; Sewer - \$25,326.20. Current paid between 10/1/06 and 10/5/06 to be approved by Council at 10/4/06 meeting: General Fund - \$78,894.45; Payroll (check date 10/5/06) - \$29,950.92; Sewer - \$9,927.26; Liquid Fuels - \$2,875.69. Total bills to be approved by Council for checks dated 9/8/06 to 10/05/06: General Fund - \$167,807.30; Payroll - \$57,992.72; Sewer - \$35,253.46; Liquid Fuels - \$2,875.69. Discussion: None. Motion carried 6 – 0.

OLD BUSINESS:

Senior Citizen Center – Borough Manager Kehoe reported that the work has been completed; the roof and the kitchen are done and a final inspection will take place shortly. Community Development Block Grant money was used for the entire project.

Little League Project – President Moyer reported that the bids will be going out soon for work to be done at the Little League field on Sheridan Avenue on the press box and the bathrooms. This project, too, will be paid for using Community Development Block Grant money.

DROP Special Hearing – President Moyer announced that there will be a special meeting and public hearing on Wednesday, November 1, 2006 at 6:30 pm prior to the November Council Meeting to discuss the DROP program, Deferred Retirement Option Program.

NEW BUSINESS:

Lackawanna County Arts Grant – Motion made by Mrs. Carey, seconded by Mr. Williams to apply to Lackawanna County again this year for a \$500.00 grant to be used for the Ice Festival. Discussion: None. Motion carried 6- 0.

Resolution 2006-23 – Suspend Metered Parking for November 17 and 18, 2006 – Motion made by Mrs. Jackson, seconded by Mr. Williams to adopt Resolution 2006-23 and suspend the Borough's metered parking for the "Holiday Open House" to be held on Friday, November 17 and Saturday, November 18, 2006. Discussion: None. Motion carried 6 – 0.

Christmas Lights for 2006 – Motion made by Mrs. Jackson, seconded by Mr. Davis to hire Dan Kontz to hang the Christmas lights throughout the Borough for \$3,950, which is the same price we paid last year. Discussion: None. Motion carried 6 – 0.

Resignation of Councilman Richard Armbrust – Motion made by Mrs. Jackson, seconded by Mr. Williams to accept with regret the resignation of Councilman Richard Armbrust effective September 29, 2006 due to the fact that Mr. Armbrust moved out of the Borough. Discussion: None. Motion carried 6 – 0. President Moyer indicated that Council has only 30 days to appoint a replacement for Mr. Armbrust and that tonight's meeting will be recessed to October 25, 2006 at 7:00 PM in order to make the appointment.

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BOROUGH SEWER OFFICE REPORT:

The September 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 6 – 0.

SOLICITOR’S REPORT:

A written report was presented to Council since Solicitor Bolock was absent. Borough Manager Kehoe reported that there will be a site “walk-through” on Wednesday, October 11, 2006 at 9:00 AM. The attorneys for the Borough and for the developer have agreed that all subsequent meetings will be held off until the new year in order to have time to obtain expert reports. Mr. VanWie, a Grandview resident encouraged Council to hire Ernie Preate to work on the Grandview case. President Moyer will telephone Attorney Ferguson to make sure he has all the help he needs. If he needs Malcolm MacGregor or Ernie Preate or even the chance to talk to some of the citizens who have documents that may be very important to the case but were not actually introduced as evidence at the court hearings, Mr. Moyer will make him aware that this help is available to him.

CORRESPONDENCE:

Robert Bennett – Letter received indicating he would be interested in filling the vacancy created by Mr. Armbrust’s resignation.

Rotary Club of the Abingtons – Thank you letter received for Council’s donation to the Abington Fourth of July Fire Works Display.

United States Senator Arlen Specter – regarding the telecom reform bill. Mr. Specter said that he is currently reviewing the legislation and will keep the Borough’s arguments against national franchising in mind as the Senate moves forward on the bill.

EXECUTIVE SESSIONS:

President Moyer reported that one Executive Session had been held prior on September 6, 2006 at 8:45 PM for Personnel and one was scheduled to be held during the meeting on litigation issues and none were to be held subsequent.

ADJOURNMENT:

There being no further business before Council, Mr. Moyer recessed the meeting at 9:34 PM. The meeting will be reconvened on Wednesday, October 25, 2006 at 7:00 PM.

Respectfully submitted,

**Virginia Kehoe
Borough Secretary**

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