

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

The regular November Meeting of Borough Council was conducted on Wednesday, November 1<sup>st</sup>, 2006 at approximately 7:09 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 Roy Davis, Councilman Ray Taylor, and Councilman Patrick Williams. Also attending were Mayor Harry Kelly, Chief Vitale, and Borough Manager/Secretary, Virginia Kehoe. There is one vacancy and Solicitor 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

**SWEARING IN OF MR. COLMAN:** Mayor Harry Kelly administered the Oath of Office to newly appointed Councilman James Colman.

**PRESENTATION OF GRANT MONEY BY REPRESENTATIVE WANSACZ:** Mr. Wansacz presented a symbolic \$5,000.00 check to the police department representing the grant money that has been awarded for the police computers. President Moyer also reported that the Borough received \$10,000 in grant money for the community bulletin board and Mr. Roy Davis was thanked for his assistance in getting a \$50,000 grant from Senator Mellow to put toward the large sewer project.

**APPROVAL OF AGENDA:**

Motion made by Mrs. Jackson, seconded by Mr. Taylor 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, October 4, 2006 as presented. Discussion: None. Motion carried 7 -0. Councilman Williams asked that it be noted that Council thanked President Moyer for his persistence in obtaining the grants for replacing the sewer pipe along the rail road.

**BIDS & QUOTATIONS:**

**Electric Street Pipe Project** - President Moyer announced that a request for quotations was put out for the Electric Street pipe project. Bids received were Abington Excavating: \$4,675.00; Stark Enterprises: \$4,700.00; L.J. Milo Enterprises: \$4,400.00. Motion made by Mr. Taylor, seconded by Mr. Williams to accept the bid by L.J. Milo for \$4,400.00 whereby Clarks Summit Borough supplies the pipe and the labor is done by L.J. Milo. Discussion: None. Motion carried 6 – 0 with Mrs. Jackson abstaining.

**Terrace Avenue Project** – President Moyer stated that the Borough received a grant from FEMA to do this project. Bids received were Stark Enterprises: \$4,500.00; L.J. Milo Enterprises: \$4,400.00; and Abington Excavating: \$3,680.00. Motion made by Mr. Roy Davis, seconded by Mr. Colman to accept the bid of \$3,680.00 by Abington Excavating. Discussion: None. Motion carried 6 – 0 with Mrs. Jackson abstaining.

**Community Bulletin Board Project** – Bids were received from Electric City Signs: \$16,600.00 and A+ Signs: \$21,309.00. Motion made by Mrs. Jackson and seconded by Mr. Taylor to reject all bids. Discussion: None. Motion carried 6 – 0 with Mr. Colman abstaining.

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

**BOROUGH TREASURER'S REPORT**

Motion made by Mr. Roy Davis, seconded by Mr. Williams to close the following three accounts now held at Community Bank : 800175591, 800414322, 800175671 due to low balances and inactivity. Discussion: None. Motion carried 7 – 0.

Motion made by Mrs. Jackson, seconded by Mr. Williams to open a 30 day CD for \$600,000 with an interest rate of 5.22% for the General Fund. Discussion: None. Motion carried 7 -0.

Motion made by Mrs. Jackson, seconded by Mr. Taylor to open a 30 day CD for \$150,000 with an interest rate of 5.22% for the Sewer Fund. Discussion: None. Motion carried 7 – 0.

Motion made by Mrs. Jackson, seconded by Mrs. Carey to adopt Resolution 2006-26 regarding opening a PLGIT Capital Reserve Account. Discussion: None. Motion carried 7 – 0.

The Borough Treasurer's Report, as prepared by Treasurer Alice Kohn, as of October 31, 2006 was before Council. Motion made by Mrs. Jackson, seconded by Mr. Taylor, to approve the Report as presented. Discussion – None. Motion carried 7 – 0.

**COMMITTEE REPORTS:**

**Finance Committee** –Mr. Taylor gave a report regarding work on the 2007 Budget. Motion made by Mr. Taylor, seconded by Mrs. Jackson to move \$175,000 from the 2006 General Fund into the Capital Reserve Fund for future needs. Discussion: None. Motion carried 7 – 0. A discussion on the 2007 General Fund Budget followed. Motion made by Mr. Moyer, seconded by Mrs. Carey that the line item for hiring outside/part-time labor for grass cutting be removed from the budget. Discussion: None. Motion carried 7 – 0. Motion made by Mr. Moyer, seconded by Mr. Roy Davis that the line item for purchasing a new police car be removed from the budget. Discussion: None. Motion carried 7 – 0. Motion made by Mr. Colman, seconded by Mrs. Jackson that the line item to purchase a self-contained radar speed display for approximately \$3,500 remain in the 2007 budget. Discussion: None. Motion carried 7 – 0. Motion made by Mr. Colman, seconded by Mrs. Jackson that the line item for \$72,000 for police overtime remain in the budget. Discussion: Mr. Ray Davis, a Borough resident, suggested that if the existing 3:00 AM to 3:00 PM police shift was eliminated, a great deal of the \$72,000 would not be needed. Chief Vitale disagreed and said that a significant percentage of crime/incidents occurred during that time period. Motion carried 6 – 0 with Mr. Williams abstaining. Motion made by Mr. Moyer, seconded by Mr. Roy Davis, to allow DPW Supervisor Neil Bartholme's requests for equipment purchases, including a jackhammer and saw blade to remain in the 2007 budget. Discussion: None. Motion carried 7 – 0.

**Abington Area Joint Recreation Board (AAJRB) and Scranton-Abingtons Planning Commission (SAPA)** – Mr. Williams gave a report on these committees.

**POLICE REPORT**

Chief Vitale gave the October, 2006 Police Report, and summary of police related activities. He reported that the police department received a check for \$2,944.26 for taking part in the Drug and Alcohol Task Force. He commended the area businesses and said the Borough has had no violations with the sale of cigarettes to minors. Chief Vitale thanked the fire department for help with the recent Halloween patrols and stated that there were no incidents.

**BILLS TO BE PAID:**

Motion made by Mr. Taylor, seconded by Mrs. Jackson to approve the bills as follows:

**BOROUGH OF CLARKS SUMMIT  
REGULAR COUNCIL MEETING  
WEDNESDAY, NOVEMBER 1, 2006  
Page 3 of 5**

Paid between October 1 and October 31, 2006: Paid 10/1/06-10/5/06 approved at 10/4/06 Council Meeting: General Fund - \$78,894.45; Payroll (check date 10/5/06) - \$29,950.92; Sewer - \$9,927.26; Liquid Fuels \$2,875.69. Paid 10/6/06 – 10/31/06 to be approved by Council at 11/1/06 meeting: General Fund - \$208,980.06; Payroll - \$28,933.25; Sewer - \$146,317.72. Current paid between 11/1/06 and 11/2/06 to be approved by Council at 11/1/06 meeting: General Fund - 0; Payroll (check date 11/2/06) - \$31,116.03; Sewer - 0; Liquid Fuels - 0. Total bills to be approved by Council for checks dated 10/6/06 to 11/2/06: General Fund - \$208,980.06; Payroll - \$60,049.28; Sewer - \$146,317.72; Liquid Fuels - 0. Discussion: None. Motion carried 7 – 0.

**OLD BUSINESS:**

**Ordinance 2006-05 – (IROP) In-Service Retirement Option Plan (IROP) for the Police Union:** Motion made by Mr. Roy Davis, seconded by Mrs. Jackson to adopt Ordinance 2006-05. Discussion: None. Motion carried 6 – 0 with Mr. Williams abstaining.

**Resolution 2006-25 - Florey Pass-Through Agreement** – Motion made by Mr. Moyer, seconded by Mrs. Jackson to adopt Resolution 2006-25 approving the terms and conditions of a pass through agreement between Florey Lumber Company and the Borough of Clarks Summit and authorize council president and other officials of the Borough to execute and enter into the pass through agreement. Discussion: President Moyer stated that Council has been working on this agreement for a long time. It has been reviewed and approved by both the Borough Solicitor and the Borough Engineer and it is expected that Mr. Florey will begin work at Electric Street to help the Borough with its sewer pipe problem before the end of the year. Motion carried 7 – 0.

**Resolution 2006-27 - Border Realty Pass-Through Agreement** – Motion made by Mr. Moyer, seconded by Mrs. Jackson to adopt Resolution 2006-27 approving the terms and conditions of a pass through agreement between Border Realty Associates, LLC and the Borough of Clarks Summit and authorize council president and other officials of the Borough to execute and enter into the pass through agreement. Discussion: President Moyer stated that this agreement has also been reviewed by the Borough Solicitor and the Borough Engineer. Borough resident Ray Davis stated that he felt this agreement was not a good idea and questioned what Glenburn Township was going to do in the future about sewers. Mr. Davis stated he did not think Clarks Summit should be taking sewer from outside the Borough. Mr. Moyer replied that Clarks Summit cannot control growth outside its boundaries and that Border Realty will be helping the Borough by installing new lines on Old Lackawanna Trail and taking flow away from the troubled Noble Road sewer lines which will help tremendously. Motion carried 7 – 0.

**Violence in the Workplace Prevention Policy** – Borough Manager Kehoe submitted a new policy for Council's review. She stated that several grants now require that the Borough has such a policy in place. President Moyer tabled the discussion so that council members would have more time to review.

**Recycling Policy** – Motion made by Mr. Taylor, seconded by Mr. Williams to approve the Recycling Policy. Discussion: Mr. Williams congratulated Ms. Kehoe on the implementation of this policy and said it was long overdue. Motion carried 7 – 0.

**Railway Sewer License Agreement** – Motion made by President Moyer, seconded by Mrs. Jackson to approve the Railway Sewer License Agreement with the Delaware and Hudson Railway Company allowing the Borough as "Licensee" to construct a sanitary sewer system on the property of the railroad in 1936 for an indefinite term and replace said plan by a plan dated July 2005 and revised August 2005, with no change in yearly rental fees. Discussion: Mr. Williams commended President Moyer for his persistence on this matter and also thanked Senator Sherwood for his involvement in helping the Borough keep the fees the same. Motion carried 7 – 0.

**NEW BUSINESS:**

**Overnight Parking Ban** – Borough Manager Kehoe reminded Council and the audience that the overnight parking ban goes into effect on November 1 and the police will be handing out tickets for violations.

**BOROUGH OF CLARKS SUMMIT  
REGULAR COUNCIL MEETING  
WEDNESDAY, NOVEMBER 1, 2006  
Page 4 of 5**

**Abington Heights School Board Meeting on Wage Tax Issue** – Ms. Kehoe updated Council on the ongoing concerns on the part of the school board with the Scranton Single Tax Office and the Don Wilkinson Agency in their collection and timely payment of the wage tax.

**BOROUGH SEWER OFFICE REPORT:**

The October 2006 Sewer Report was before Council. Motion made by Mrs. Carey, seconded by Mr. Taylor to approve the Report as presented. Discussion – None. Motion carried 7 – 0.

**SOLICITOR'S REPORT:**

No report. Solicitor Bolock was out of town.

**CORRESPONDENCE:**

**Letter from residents on Grandview Street** – suggesting that Council hire Earnest Preate, Jr. to represent the Borough in the on-going Grandview litigation for the Board of View. President Moyer stated that an Executive Session was held prior to tonight's Council meeting and Council met with both Mr. Preate and Mr. Ferguson and they both gave a talk on the case: what to expect, how to handle the issues, how to proceed. Council told both men about the Grandview Street resident's concerns. Council will hold an additional Executive Session following this meeting to discuss the issues. Tonight's meeting will be adjourned and then reconvened on Wednesday, November 8, 2006 to make a final decision. Mrs. Van Wie, Grandview resident, addressed Council about the delay in making an appointment. She said that now is the time the Borough should be getting their experts in line.

**Senior Center Thank You Letter** – thanking Council for the new kitchen and roof.

**Parker Hill Community Church** – letter thanking Council for the \$50.00 donation in memory of Roy Davis' mother.

**Baptist Bible College** – Borough Manager Virginia Kehoe reported that a letter was sent to Baptist Bible College thanking them for their volunteer efforts to the Clarks Summit Community. Students raked leaves in our parks and at the Senior Center.

**PUBLIC COMMENT**

Mr. Charles Martin, 405 Grandview Street addressed Council about what can be done at the end of Grandview where the street has now been closed. Mr. Moyer said that Council is open to ideas, but it is vital that Mr. Martin get all parties involved in the discussion.

Mrs. Van Wie, Grandview Street resident, gave an update on the situation for the benefit of the newer Council members. She stated that is extremely important to erect a permanent barrier at the closure of the street; if someone were to get injured, Clarks Summit Borough could very well be liable. The temporary barriers have been moved once again and it makes it even easier for someone to drive from Grandview Street into the new development.

**EXECUTIVE SESSIONS:**

President Moyer reported that one Executive Session had been held prior on October 4, 2006 at 8:37 PM for and litigation; one was held on October 9, 2006 at 12:00 Noon for litigation; one was held on October 25, 2006 at 7:20 PM for litigation; one was held on November 1, 2006 at 6:00 PM for legal discussions with Mr. Preate and Mr. Ferguson; one is to be held following the meeting on litigation issues and none were to be held subsequent.

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

**RECESS:**

Mr. Moyer recessed the meeting at 9:00 PM. The meeting will be reconvened on Wednesday, November 8, 2006 at 7:00 PM.

**Respectfully submitted,**

**Virginia Kehoe  
Borough Secretary**

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