

**BOROUGH OF CLARKS SUMMIT
REGULAR NOVEMBER COUNCIL MEETING
WEDNESDAY, November 5, 2008
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The Regular October Meeting of Borough Council was conducted on Wednesday, October 1, 2008 at approximately 7:01 p.m. in Borough Council Chambers, 2nd Floor, 304 South State Street, Borough of Clarks Summit, County of Lackawanna and Commonwealth of Pennsylvania. Council members in attendance were President Gerri Carey, Vice President Patrick Williams, Mr. Roy Davis, Mr. Bob Bennett, Mrs. Barbara Evans and Mr. Herman Johnson. Also attending were Police Chief Louis Vitale, Mayor Harry Kelly, Solicitor Ernest Preate and Recording 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 meditation and then the Pledge of Allegiance.

Proclamation: Charlie Busalacchi: Mayor Harry Kelly presented a Proclamation to the family of Charlie Busalacchi, commemorating his life and his contributions to Clarks Summit Borough.

APPROVAL OF AGENDA:

Mr. Bennett moved to approve the agenda. Motion was seconded by Mr. Johnson and carried 6-0.

Vote to Appoint Junior Councilmen: A motion was made by Herman Johnson and seconded by Robert Bennett to appoint Kevin Yetkowskas and Jeremy Adelman as Junior Councilmen. The motion carried 6-0.

Jr. Councilmen Swearing in: Kevin Yetkowskas and Jeremy Adelman were sworn in as Junior Councilmen.

APPROVAL OF MINUTES:

Minutes were presented for the September 23, 2008 Public Council Work Session. Mr. Johnson made a motion to approve the minutes as presented. Mrs. Evans seconded the motion and it carried 6-0.

PUBLIC COMMENT:

Edward Neyhardt spoke, regarding the Swientisky property. There was discussion regarding property lines and the alley, and pins which have been placed by Mr. Swientisky's surveyor. Attorney Preate addressed the concerns and spoke about chain of titles, property lines, etc. Ray Davis also spoke, regarding the Swientisky property. There was discussion of registered surveyor plans, etc. which have not been received. The Ryan sisters also commented.

Lauren Jones spoke, asking for a stop sign at Bedford and Powell Avenue. It was explained that traffic studies were done on this intersection and that they did not seem to warrant the installation of a stop sign. Virginia Kehoe stated that she would look into it again and double check with the engineer.

Charlie Martin spoke. He discussed Grandview Residents contribution to the barrier.

Gene Gallagher spoke. He addressed concerns with the garbage contract.

BIDS AND QUOTATIONS: None.

BOROUGH TREASURER'S REPORT: The Borough Treasurer's Report, as of October 31, 2008 was before Council. Motion made by Mrs. Drake to approve the Report as presented. The motion was seconded by Mrs. Evans and carried 6 – 0.

COMMITTEE REPORT:

Replace Pat Williams on AAJRB: Tabled.

Replace Charlie Busalacchi on Shade Tree Commission: Shade Tree Commission's recommendation was Steve Guza. Mr. Johnson made a motion to name Mr. Guza to the Shade Tree Commission. Mr. Williams seconded the motion and it carried 6-0.

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Finance Committee – Funding for Grant Writer: After discussion, it was determined that a line increase, in the amount of \$2,000 to \$4,000, would be added to the 2009 budget.

POLICE REPORT: Mayor Kelly gave the October 2008 Police Report and summary of police related activities.

BILLS TO BE PAID: A motion was made by Mrs. Evans to pay bills as presented. The motion was seconded by Mr. Davis and carried 7-0, with Robert Bennett abstaining from all bills associated with Met Life.

OLD BUSINESS:

Vote on 2008-07 Curfew Ordinance: Mr. Johnson spoke regarding the curfew ordinance which has been discussed for several weeks now and presented to the community. There was discussion of recorded legislative history, and the Borough's current ordinance as it is written now. Mr. Johnson made a motion to accept the Curfew Ordinance. Mr. Williams seconded the motion and it carried 7-0.

Update on School Street Wall: Virginia Kehoe stated that the wall has been monitored regularly by the Borough Engineer and that he will continue to do so throughout the winter and after several frosts, after which time, the stability of the wall will be better known and it can be determined how frequently it needs to be monitored after that point.

NEW BUSINESS:

A) 2008-43 ABPA Free Parking – Holiday Open House: The ABPA requested free parking in the Borough on Friday, November 14th and Saturday, November 15th for their Holiday celebration. Mr. Williams made a motion to pass Resolution 2008-43 granting this request. Mr. Johnson seconded the motion and it carried 6-0.

BOROUGH SEWER OFFICE REPORT:

September 2008 – Mr. Johnson made a motion to accept the Report as presented. Mr. Bennett seconded the motion and it carried 6-0.

October 2008 – Mr. Bennett made a motion to accept the Report as presented. Mr. Bennett seconded the motion and it carried 6-0.

SOLICITOR'S REPORT:

Nextel Decision – Attorney Steve Evers has appealed and there will be a new hearing in Lackawanna County

UCP – A waiver will be signed by UCP while the soil is being tested.

Grandview – The road is closed and Mr. Noakes and Mr. Nogi will be signing over the property in the spring. Michael Noto has turned over his property to South Abington Township.

Moody – Willard Ziesemer stated that the tower will not be rotating and that the antennae construction has begun.

Swientisky – Willard Ziesemer stated that we have received the hold harmless letter from Mr. Swientisky. It is the goal of the Borough and Mr. Swientisky to have the complete application by next month.

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CORRESPONDENCE:

Thank you from Brady's regarding a drain that was installed on their property and thanking the DPW for their work in general.

Thank you from the Abington Community Library for the annual \$2,500.00 donation.

EXECUTIVE SESSIONS:

Prior – October 1, 2008 – Litigation and Personnel
October 20, 2008 – Litigation and Personnel
October 28, 2008 – Litigation and Personnel

During – None Planned

Subsequent – None Planned

ADJOURNMENT:

With no further business to discuss Mr. Bennett made a motion to adjourn. The motion was seconded by Mr. Williams and carried 4-0, with Mr. Johnson and Mr. Davis having left early. The meeting adjourned at approximately 8:15 p.m.

Respectfully submitted,

**Katie M. Bower
Borough Secretary**

**Germaine A. Carey
Council President**