

**BOROUGH OF CLARKS SUMMIT
REGULAR BOROUGH COUNCIL MEETING
WEDNESDAY, DECEMBER 1ST, 2004
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A regular meeting of Borough Council was held on Wednesday, December 1st, 2004 at 7:00 P.M. The Meeting was conducted in Borough Council Chambers, 2nd Floor, 304 South State Street, Borough of Clarks Summit, County of Lackawanna, Commonwealth of Pennsylvania. Members in attendance were Council President Donald H. Moyer, III, Council Vice President Timothy D. Rowland, Councilman Richard W. Armbrust, Councilperson Gerry Carey, Councilman Roy Davis, Councilperson Margaret Jackson, and Councilman Patrick Williams. Also attending were Mayor Wesley W. Dunn, Sr., Borough Solicitor Malcolm L. Mac Gregor, Chief of Police Joseph English, and Borough Secretary Barbara Grabfelder. There being a quorum present the Meeting was called to order by President Moyer, followed by a period of self-directed meditation and the Pledge of Allegiance lead by Mr. Moyer.

APPROVAL OF AGENDA:

The Agenda was approved, as presented.

APPROVAL OF MINUTES:

November 3rd 2004 – Regular Borough Council Meeting. Motion made by Mrs. Jackson and seconded by Mrs. Carey to approve. Discussion – None. Motion carried 7-0.

November 3rd 2004 – Public Hearing and Special Meeting – Ordinance 2004-08/Alarms. Motion made by Mrs. Jackson and seconded by Mr. Armbrust to approve. Mr. Williams asked if this ordinance is now enforceable. Mr. Ray Davis, a Borough resident, asked what major changes were made. Solicitor MacGregor answered that the new ordinance uses more simplified language; it uses better definitions to get rid of any grey area. Mayor Dunn stated that he and Chief English are working on a Warning Notice that will be used. Motion carried. 7-0.

BIDS & QUOTATIONS:

None

BOROUGH TREASURER'S REPORT

The Borough Treasurer's Report, as of November 30, 2004, prepared by Treasurer Stephens was before Council. Motion made by Mr. Moyer to approve treasurer's report. Second by Mrs. Jackson. Discussion – None. Motion carried 7-0.

PUBLIC COMMENT & INPUT:

None Offered

COMMITTEE REPORTS

FINANCE: The Finance Committee will hold a meeting on Monday, December 6, 2004 at 10:00 AM in Council Chambers. Members of the public are welcome to attend.

ABPA: Mr. Williams announced that the Abington Business and Professional Association will hold a Festival of Ice from February 17 through February 21, 2005 and they will present ice sculptures at various locations in the Borough. ABPA is asking for security in the form of additional patrols during the time frame of 10:00 PM to 3:00 AM. Mr. Moyer stated that we have two officers on duty during that time and Chief English was asked to have the officers do more patrols during that time, and to possible contact the Fire Police if further assistance is needed.

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SENIOR CENTER: Mrs. Carey reported that the kitchen is completely done. They now have six steam tables, microwave, dishwasher, refrigerator and freezer. They will hold an Open House this Saturday. They anticipate breaking ground in two weeks for their generator. Bill Coleman is still working on getting an appraisal for the Borough Council building at 304 South State Street. The County is paying for the cost of the appraisal; no taxpayer money has been spent. Borough resident, Ray Davis, suggested that the second floor of the building be rented out as retail space.

PAVING: Mr. Moyer reported that all paving is done for the year. The holiday lights are up. The new fence at Vince the Pizza Prince will be installed soon. Fibus is paying for that.

POLICE REPORT

Chief English gave the November 2004 Police Activity Report. Mr. John Jeffrey, 210 Highland Ave. stated that there was a fallen street sign near his yard. The Chief will make arrangements to pick it up. Borough resident Ray Davis asked about the Alert System Software. The Mayor reported that he met with personnel at South Abington Township and is investigating the system. The system currently in use by the Borough is GSC Public Safety System that comes automatically through the Com Center.

A question was asked regarding police coverage at the recent school board meeting covering the coaching controversy. Solicitor MacGregor said that the school board should be billed for the police coverage just like we do for football games. Chief English will send bill to Abington Heights School Board.

It was reported that Officer Kopicki has returned to full, normal duty as of December 1, 2004.

BILLS TO BE PAID

A motion by Mrs. Jackson, second by Mr. Moyer to pay \$65,035.19 from the General Fund, and \$25,132.37 from the Payroll Account, and to approve the payment of bills between November 4, 2004 and November 30, 2004 of \$56,615.33 from the General Fund, \$21,416.27 from the Payroll Account, \$91,422.43 from the Sewer Fund, and the Liquid Fuels Fund. Discussion – None. Motion carried 7-0.

OLD BUSINESS

Resolution 2004-33, Borough of Clarks Summit FY2005 Tax Anticipation Note – Letters were sent to Citizens Bank, PNC Bank, First Liberty Bank, Fidelity Deposit & Discount Bank, and Community Bank & Trust Company soliciting proposals for a 2005 Tax Anticipation Note in the amount of \$300,000.00. PNC Bank submitted a quote for 2.2% and Community Bank submitted a quote for 2.0%. Motion made by Council Vice-President, Tim Rowland to accept the Community Bank's proposal, and Council's corresponding Resolution 2004-33 authorizing the loan. Mr. Jackson seconded the motion. Discussion – None. Motion carried 7 – 0.

NEW BUSINESS

A. DPW Contract – To be addressed in Executive Session.

B. Waiver of Sewer Fee for Clarks Summit Fire Company – Motion made by Mrs. Carey and seconded by Mr. Davis to waive the sewer fee for the new Clarks Summit Fire Company at 321 Bedford Street. Discussion – None. Motion carried 7 – 0.

C. Workman's Compensation Claims – Council President, Donald Moyer, reported that two Workman's Compensation claims have been filed.

D. Land Use for Jeffrey Property – 210 Highland Avenue – Borough Solicitor, Malcolm MacGregor, stated that it was unfortunate that a building was erected at this property prior to obtaining all required permits. As it now stands, it is the Solicitor's opinion that the building is illegal. To make it legal, it will be necessary to (a) subdivide the property. This doesn't qualify as a normal subdivision. The homeowner will have to submit a subdivision plan to the Borough's Planning Commission. (b) If that is approved, it will be necessary to go before the Zoning Hearing Board to obtain a variance.

E. Resolution 2004-34 – Suspension of Metered Parking for December 20-24, 2004 – Motion made by Mrs. Jackson and seconded by Mrs. Carey to support the ABPA holiday shopping period and suspend metered parking from December 20-24, 2004. Discussion – None. Motion carried 7 – 0.

BOROUGH SEWER OFFICE REPORT

The November, 2004 report, prepared by Dee Ann Stephens was before Borough Council. Motion made by Mrs. Carey and seconded by Mrs. Jackson to accept the report as presented. Discussion – None. Motion carried 7-0.

SOLICITOR'S REPORT

Grandview Avenue – Solicitor MacGregor reported that the legal brief was due to be submitted to Judge Mazzoni no later than November 24, 2004. Attorney Preate notified Mr. MacGregor of a medical emergency which necessitated a request for an extension. Mr. MacGregor submitted this request to Judge Mazzoni and the Judge issued an order that Clarks Summit Borough shall have an additional ten days, or until December 3, 2004 in which to file. He further noted that there will be **NO further extensions under any circumstances.**

Mr. Ray Davis, a Borough resident asked if the police contract has been ratified. Mr. Moyer replied that we have not received the final draft as yet. No ratification has taken place.

A question was raised by a member of the audience asking how many lawsuits are still outstanding against the Borough. Mr. MacGregor stated that there are currently two lawsuits outstanding.

CORRESPONDENCE

Adelphia Cable – November 5, 2004 re: check for \$9,481.17 for third quarter 2004 franchise fees.

Abington Council of Governments – November 5, 2004 – re: check for \$1,788.22 representing the Borough's 1/13th share of the signing bonus.

Lackawanna County Council of Governments – November 8, 2004 – re: designate a Lackawanna County COG representative for 2005.

Clarks Summit – South Abington Joint Sewer Authority – November 12, 2004 re: asking the Borough to participate in a sewer system evaluation survey to identify where infiltration is occurring. The Borough of Clarks Summit sent a letter formally replying that the Borough would not participate in the survey, nor would they allow the Joint Authority to "camera" our sewer lines. The reason is that Clarks Summit Borough has already done a complete camera, as well as a smoke test about ten years ago. Unfortunately, those tapes have been lost. For the past ten years, Jim Vones has had a camera test performed on the sewer prior to a street being paved and we have the complete set of tapes here in the Borough building. We had two tapes made, one for the Borough and one for the Borough Engineer, William Karen's office.

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Herman Johnson, Clarks Summit Borough EMA Officer – November 22, 2004 re: requesting Council appoint a Public Health Physician. Mayor Dunn will follow up on the request. Mr. Moyer stated that Mr. Johnson is our newly appointed EMA. He has actually gone to every home that reported a problem with water during the recent flooding problems and we thank him for his excellent work.

Abington Council of Governments – November 26, 2004 re: seeking participation at the December 2nd, 2004 meeting to discuss the plan to drain Glenburn Pond and the chromium problem, as well as asking for a donation of money for postage and administrative expenses to lobby local elected officials for their support. Council Vice-President, Tim Rowland, will attend this upcoming meeting.

ABPA Festival of Ice – December 1, 2004 – re: celebration to be held over President's Weekend, February 17 – 21, 2005. Seeking added security during hours of 10:00 PM and 3:00 AM.

EXECUTIVE SESSIONS:

President Moyer announced that no Council Executive Sessions had been held prior, one would be held during this Meeting to discuss personnel and litigation issues and none were scheduled for a future date. At approximately 8:10 PM Council recessed to an Executive Session regarding pending litigation and personnel matters. Council President Moyer reconvened the meeting at approximately 10:00 PM.

DPW Contract – Motion was made by Mrs. Jackson and seconded by Mr. Armbrust to approve the 2004 – 2008 Non-uniformed Labor Agreement as proposed. Discussion – None. Motion carried 7 – 0.

Hourly Rate of Pay Increase – Motion was made by Mrs. Jackson, seconded by Mrs. Carey to increase the hourly pay rate of Barbara R. Grabfelder, Borough Secretary, from \$10.00 per hour to \$15.00 per hour. Discussion – None. Motion carried 7 – 0.

Uniformed Police Pension Board Appointment – Motion made by Mrs. Jackson to appoint Roy Davis to the Uniformed Police Pension Board. Second by Mrs. Carey. Discussion – None. Motion carried 6 – 0. Mr. Davis abstained.

RECESS

Council President Moyer recessed this Council Meeting to be continued on December 29, 2004. There will be a Public Hearing and Special meeting of Council at 6:30 PM and the December 1st, 2004 regular meeting will be reconvened at 7:00 PM.