

**BOROUGH OF CLARKS SUMMIT
REGULAR DECEMBER COUNCIL MEETING
WEDNESDAY, December 3, 2008
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The Regular December Meeting of Borough Council was conducted on Wednesday, December 3, 2008 at approximately 7:00 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, Mrs. Kathy Drake and Mr. Herman Johnson. Also attending were Police Chief Louis Vitale, Mayor Harry Kelly, Solicitor Ernest Preate and Recording Secretary Virginia Kehoe as well as Junior Councilmen Kevin Yetkowskas and Jeremy Adelman. 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.

APPROVAL OF AGENDA: No action was sought to approve the agenda.

APPROVAL OF MINUTES:

Minutes were presented for the September 23, 2008 Special Meeting.

Minutes were presented for the October 1, 2008 Regular Council Meeting.

Minutes were presented for the October 20, 2008 Special Meeting.

Herman Johnson made a motion to approve all of the minutes. Roy Davis seconded the motion and it carried 7-0.

PUBLIC COMMENT: President Carey, prior to any public comment, explained that Borough Council is fully supporting the AAJRB. Kathy Drake explained the inadvertent error affecting the AAJRB funding and reassured the public that the Council would fully support AAJRB. Bill Rissi also commented regarding the error. Anyone who sought further clarification was encouraged to contact the Borough office during business hours. There was some discussion of ways to avoid this type of error in the future as well as other budget issues facing the AAJRB such as grant writing, etc.

BIDS AND QUOTATIONS:

Vote - 2009 Tax and Revenue Anticipation Note: Virginia Kehoe explained that Fidelity Bank's rate was by far the least at 2.59%. Virginia Kehoe suggested Council accept that rate. Kathy Drake made a motion to accept the rate. The motion was seconded by Herman Johnson and carried 7-0.

Vote - Shade Tree Commission Tree Removal: The Shade Tree Commission received 3 bids for removal of trees before the end of the year. While the lowest bid was DJ's, Snyder's bid was only \$400.00 higher and included stump removals, the value of which exceeds \$400.00. It was the Shade Tree Commission's recommendation to reward the bid to Snyder's. Herman Johnson made a motion to award the bid to Snyder's. The motion was seconded by Barbara Evans and carried 7-0.

BOROUGH TREASURER'S REPORT: The Borough Treasurer's Report, as of November 31, 2008 was before Council. Motion made by Robert Bennett to approve the Report as presented. The motion was seconded by Kathy Drake and carried 7 - 0.

COMMITTEE REPORT:

Sewer Authority Update – Joe Guzek and Bob Davis – request for dedication of sewer main: Mr. Guzek and Mr. Davis spoke and gave an update on the Sewer Authority's completed work and current projects. They have submitted the CAP Progression Plan, which is still being approved by DEP who is claiming to be short staffed, and therefore are holding up progress somewhat. They stated that this is a \$700,000.00 dollar project, which is rather complex, and will take some time to review. Without a letter of approval from DEP, money up front comes in jeopardy, and therefore it must be carefully considered before any work is done. There is pressure being put upon

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DEP to give approval as soon as possible and work is being done through Senator Mellow's office to see this happen. There has not been any decrease in infiltration seen as of yet, but this is something that will take time and several years of observation. Pioneer, which was awarded the most recent bid, is waiting for a letter to proceed from the Army Corps of Engineers, and will have six months to complete the project once that is received. These issues were all discussed in depth as well as the discussion of storm water runoff issues for personal residences which has been addressed through education thus far. There was discussion of a need for enforcement in addition to education.

Vote – Barbara Evans to replace Pat Williams on AAJRB: A motion was made by Herman Johnson to appoint Barbara Evans to fill Pat Williams' vacancy with the AAJRB. The motion was seconded by Kathy Drake and carried 7-0.

Mr. Johnson made a motion to amend, which was seconded by Roy Davis.

Mr. Johnson made a motion for Barbara Evans to fill Pat Williams' vacancy and Roy Davis to serve as an alternate in Barbara Evans absence. Barbara Grabfelder spoke and stated that she does not know if this is allowed. Attorney Preate addressed the Ordinance and stated that there is no authority for the creation of an alternate. The second motion did not carry.

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

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

OLD BUSINESS:

Vote – approve draft bid specifications for Trash Contract: It was explained that the document which is being presented has been a "living document" and has been changed many times in accordance with feedback from residents and Council. Joyce Hatala briefly described the specifications of the draft, including bag limits and bulky waste pickups. There was also discussion of business options and recycling programs and pickups. There was discussion of changing the pickup for the corrugated cardboard to an "on call" basis. There was discussion of changing the "unlimited" pickup to a six bag maximum. It was discussed that limits help the hauler provide lower weight fees/estimates per household. There was discussion of how to handle bulky items. There was discussion as to including electronics in the pickups or not. There was also discussion of the length of the contract and decided it would be 5 years, with year 4 and 5 being adjustable and the first three years one price. It was discussed that the bid would include a flexible fuel surcharge rate which cannot be higher than the Consumer Price Index and the National Fuel Surcharge. Joyce Hatala agreed to address the changes discussed and a new draft would be provided to Council tomorrow.

Vote – place additional street lighting – Ridge & Columbia and Greenwood, Lindsay, Melrose Area: Virginia Kehoe stated that she and the Police Department have looked into the area and that it is dimly lit. She recommended considering adding lights to these neighborhoods. Herman Johnson made a motion to install two new lights. The motion was seconded by Robert Bennett and carried 7-0.

Vote – Resolution 2008-44 – Purchasing through Lackawanna County Automotive and Equipment Contract: This is simply an amendment to the resolution which was already passed, simply citing the County as the origin of purchase rather than the State, as was listed in the previous resolution. Herman Johnson made a motion to approve the amendment. Robert Bennett seconded the motion and it carried 7-0.

NEW BUSINESS:

A) Public discussion and vote on Ordinance 2008-08 – Tax Anticipation Note: Robert Bennett made a motion to accept the Tax Anticipation Note. The motion was seconded by Kathy Drake and carried 7-0.

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B) Public discussion and vote on Ordinance 2008-09 – 2008 Budgets (General, Sewer, Liquid Fuels & Capital Reserve) and Millage: Virginia Kehoe recommended accepting the budgets with no tax increase, and an increase in the AAJRB funding to \$14,280.00 taking the difference from the cross category of the interest savings. Roy Davis made a motion, seconded by Herman Johnson, to accept the budgets, millage and increase to AAJRB. The motion carried 7-0.

C) Public discussion and vote on Ordinance 2008-10 – Sewer Billing Ordinance: Due to increases in the Sewer costs, Virginia Kehoe explained that sewer bills will go from \$20.00 to \$30.00 per month per household. Roy Davis expressed concern for this increase. He suggested floating a bond instead, and only increasing the bills by \$2.00 a month. Herman Johnson made a motion to accept the increase in the sewer bills. Robert Bennett seconded the motion and it carried 5-2 with Roy Davis and Barbara Evans.

D) Public discussion and vote on Ordinance 2008-11 – Benecon: Virginia Kehoe explained an Ordinance was needed to allow Council to switch health insurance to Benecon, which they have already voted to join. Robert Bennett made a motion to approve the Ordinance. Kathy Drake seconded the motion and it carried 7-0.

E) Motion re: Maintenance of private lanes/alleys: There was discussion of the maintenance of private alleys and lanes, more specifically Cherry Lane and Hickory Lane. Liquid fuels are not collected for these lanes and they are not deeded to the Borough. Virginia Kehoe stated that if these private lanes are maintained it can cause difficulties in other situations and it would be her recommendation that these lanes should no longer be maintained. This is in accordance with a recommendation from Attorney Preate. Roy Davis and Herman Johnson stated this is a work session issue and should be discussed at such a meeting. Solicitor Preate suggested making a motion to no longer maintain any private property. Herman Johnson made a motion that Clarks Summit Borough and its employees will no longer maintain any non-Borough roads or entering onto known privately owned properties for the purpose of plowing or maintaining them. Kathy Drake seconded the motion. There was discussion of the Borough adopting the roads. The motion carried 7-0. There was discussion by Mr. Ziesemer of research behind the ownership of alleys done by Doc Doherty and Katie Bower and issues that will be arising due to this.

BOROUGH SEWER OFFICE REPORT:

November 2008 – Herman Johnson made a motion to accept the Report as presented. Pat Williams seconded the motion and it carried 7-0.

SOLICITOR'S REPORT:

Nothing has been heard regarding Nextel. Swientisky is being discussed amongst the parties' attorneys. Moody's progress has been coming along well according to Mr. Ziesemer. Guide wires and the lowering of the tower are being completed as well as a rotating antenna. There was brief discussion of issues involved with UCP due to ground water testing which they cannot afford. There was suggestion of using the Fire Company's ground water testing, which could be used for this property in a pinch, if approved by Borough Engineer. There was also discussion of grants which could be used for this purpose. Council would address Senator Mellow and Representative Wansacz regarding this.

CORRESPONDENCE:

Thank you from Van Wie's for the efforts taken in the Grandview barrier.

Thank you from Abington Senior Center for maintaining the Center so well.

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EXECUTIVE SESSIONS:

Prior – November 18, 2008 – Litigation and Personnel
During – None Planned
Subsequent – Immediately Following

ADJOURNMENT:

With no further business to discuss made a motion to adjourn. The motion was seconded by and carried 7-0. The meeting adjourned at approximately 10:25 p.m.

Respectfully submitted,

**Katie M. Bower
Borough Secretary**

**Germaine A. Carey
Council President**