

**BOROUGH OF CLARKS SUMMIT  
REGULAR COUNCIL MEETING  
WEDNESDAY, DECEMBER 6, 2006  
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The regular December Meeting of Borough Council was conducted on Wednesday, December 6th, 2006 at approximately 7:03 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 Jim Colman, Councilman Roy Davis, Councilman Ray Taylor, and Councilman Patrick Williams. Also attending were Chief Vitale, and Borough Manager/Secretary, Virginia Kehoe. Absent were Solicitor Bolock and Mayor Harry Kelly. 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 President Moyer.

**APPROVAL OF AGENDA:**

Motion made by Mrs. Jackson, seconded by Mr. Colman to accept the agenda as presented. Discussion: None. Motion carried 7-0.

**PRESENTATION**

Abington Community Library – Mrs. Connie Shiels thanked Clarks Summit Borough for their generous support of the library and its programs.

Clarks Summit – South Abington Joint Sewer Authority – Mr. Steve Evers presented a report as Clarks Summit's representative to the Joint Sewer Authority. He reported that the authority has just undertaken a large program to replace the pumps at the facility for a cost of about \$700,000 which will come out of the general operating budget. They have now reconfigured the facility to use the larger pumps which should minimize the "bypass" situation that has been occurring. The next step is to work on reducing the nitrates in all water flowing to the Chesapeake Bay area. This could mean an expenditure of several million dollars. This is required by DEP, not something that the authority had particularly wanted to do. This means that there will have to be an increase in the sewer rates to pay for this large expenditure. This is NOT an expansion of the facility.

President Moyer thanked Mr. Evers for the report and stated that borough residents now pay a sewer fee that pays for two charges: those that come from the sewer authority for the treatment of the waste water AND costs to repair and maintain our existing sewer lines in the borough. Council is looking at all options open to them. An investigation is currently underway looking into the possibility of going to a sewer usage fee, based on water consumption, to make it fair and equitable to everybody in town. He reminded everyone that the borough's large sewer replacement project at the railroad will begin in 2007. He said they are also looking into the by-pass fees that are charged to other municipalities for their usage of borough lines. There is also a new problem with the sewer line behind the Abington Shopping Center. All of these problems mean there may have to be a rate increase in the future.

**APPROVAL OF MINUTES:**

Motion made by Mrs. Jackson, seconded by Mr. Davis to accept the Minutes of the Regular Council meeting on Wednesday, November 1, 2006 as presented. Discussion: None. Motion carried 7 -0. Motion made by Mrs. Jackson, seconded by Mr. Davis to accept the Minutes of the November 8, 2006 Council Reconvene as presented. Discussion: None. Motion carried 7 – 0.

**BIDS & QUOTATIONS:**

Flink Spreader – Borough Manager Virginia Kehoe reported that this is the second time bids were solicited for the sale of this piece of used equipment and no bids were received. DPW Supervisor Neil Bartholme recommends that the spreader be dismantled and kept for spare parts for pieces of equipment owned by the Borough.

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**Police Car** – Borough Manager Kehoe reported that five bids were received offering to purchase the 1999 Crown Victoria marked police car: Bala Auto Sales, Narberth, PA - \$507.00; Emergency Remarketing, Mentor, OH - \$561.00; Ted Covington Sales, Ottsville, PA - \$477.00; Ken Gordon, Philadelphia, PA - \$1,057.00; Bay Ridge Motors, Staten Island, NY - \$581.00. Motion made by Mrs. Jackson, seconded by Mr. Williams to accept the bid from Ken Gordon of \$1,057.00 for the sale of the police car and to approve the removal of the Flink Spreader from Borough service and allow it to be dismantled and used for spare parts. Discussion: Motion carried 7 – 0.

**BOROUGH TREASURER’S REPORT**

**Ordinance 2006-07 – Adoption of 2007 Budget and Setting of Millage Rate** – Borough Manager Kehoe stated that the 2007 Budget has been properly advertised and placed on display in the Borough Office for public review as required. Motion made by Mrs. Jackson, seconded by Mr. Colman to adopt Ordinance 2006-07 setting the millage rate at 27.75 mills and to adopt the 2007 Budget as presented. Discussion: President Moyer stated that this budget actually reduced our millage by two (2) mills. Councilman Patrick Williams commented that he would suggest leaving the millage where it is currently at 29.75 and use the additional two mills for paving the streets in the borough. He said there are a lot of roads in the community that are in terrible shape and if we keep utilizing the state’s liquid fuels money as our only source of funds to pave the roads, we will never catch up. He said if that was not acceptable, then at the least take one mill and dedicate it for paving. Mr. Moyer said that the borough has a procedure that when a street is selected for paving, ALL the utilities are notified so that the utilities can be upgraded, all drainage for storm water is checked and all sewer pipes are checked and maintained. This takes a coordinated effort. If this is NOT done and we just go ahead and pave a street, then within a couple years you’ll be doing that street over. This is what happened in the past; there were a lot of streets paved, but if you don’t take care of the drainage and the other things, you’re just digging them back up again. Mr. Williams agreed and said he wanted additional streets done the right way. Mr. Moyer said he is not in favor of Mr. Williams’s suggestion. Our DPW can only do so much work with the drainage (they do 3,000 feet a year now of drainage) because there are other responsibilities. Mr. Roy Davis said he agreed with Mr. Williams that there are certain blocks of certain streets that need surface repair. Mr. Taylor stated that the financial condition is strong and that if there are any economies that can be made during the year, he suggested that any extra money be put toward paving the streets. Motion carried 7 – 0.

**General Fund** – Motion made by Mr. Davis, seconded by Mr. Taylor to move \$250,000 from the General Fund to the Capital Reserve Fund. Discussion: Ms. Kehoe stated that there is \$650,000 CD’s maturing; \$300,000 is needed to repay the Tax Anticipation Note and the Treasurer recommends that \$250,000 be moved to the Capital Reserve Fund. Mr. Davis questioned why the money is not being taken and used immediately on the large sewer replacement project. Mr. Moyer stated that the plans must first be approved by the Army Corps of Engineers. That’s where we are right now. No bid can be put out until the plans are first approved. The bid should go out in January or February 2007 and we’ll then know exactly where we stand. We’ll know if we have enough money to do the project or if we need to go and get more money. Mr. Davis stated he wanted to see some activity. Mr. Moyer said he agreed but government does move slowly and plans must be approved, licenses must be obtained, permits must be approved, etc. and it all takes time. We have been working hard on this right along and the end is in sight. Motion carried 7 – 0.

**Capital Reserve Fund** – Motion made by Mrs. Jackson, seconded by Mrs. Carey to place \$525,000 into a 90-day CD at 5.25%. Discussion: None. Motion carried 7 – 0.

**Sewer Fund** – Motion made by Mrs. Jackson, seconded by Mrs. Carey to take the \$100,000 CD that is currently maturing and place it in a 60-day CD at 5.25%. Discussion: None. Motion carried 7 – 0.

**Ordinance 2006-06 - Tax Anticipation Note (TAN)** – Motion made by Mrs. Jackson, seconded by Mrs. Carey to repay the current \$300,000 2006 Tax Anticipation Note, plus interest, with PNC Bank in December, 2006. Discussion: None. Motion carried 7 – 0.

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**COMMITTEE REPORTS:**

**Borough Newsletter** – Motion made by Mr. Davis, seconded by Mrs. Carey to accept the draft of the newsletter as submitted and approve the printing with the few minor adjustments mentioned. Discussion: Mr. Davis thanked Barbara Grabfelder for her work on the project. Ms. Kehoe said that this project is being done at no cost to the borough. Businesses were solicited for advertising and the SPRINT Company will send one to every household in Clarks Summit and give an extra supply to the borough to be given to people moving in. Motion carried 7 – 0.

**POLICE REPORT**

Chief Vitale gave the November, 2006 Police Report, and summary of police related activities.

Borough resident, Mr. Ray Davis asked questions about the number of overtime hours. Mr. Moyer stated that the Mayor is in charge of that department and since he is absent tonight, the matter will be referred to the Mayor for the next meeting. Mr. Ray Davis also questioned the number of parking tickets issued for the month and stated that the department issued 9 in October and only 3 for the entire month of November. Mr. Moyer said that his complaint will be addressed to the Mayor. Borough resident Herman Johnson said that this situation has been going on for a long time and Council always says address it to the Mayor. We have to address this problem. Mr. Davis has been asking for this problem to be addressed month after month. The President continually says to address the problem to the Mayor and we'll come back with something but nothing has ever come back. Mr. Johnson is not picking on the Chief or picking on Mr. Davis; he feels that the public deserve an answer on these issues because they feel it is not acceptable. Mr. Moyer will speak to the Mayor about this.

**BILLS TO BE PAID:**

Motion made by Mrs. Jackson, seconded by Mr. Taylor to approve the bills as follows:  
Paid between 2 and December 5, 2006: General Fund - \$419,680.69; Payroll - \$65,115.23; Sewerage Fund - \$123,326.66; Liquid Fuels - \$118,500.00; Capital Reserve Fund – 0. Discussion: None. Motion carried 7 – 0.

**OLD BUSINESS:**

**Resolution 2006-28 – Little League Project** – Motion made by Mr. Davis, seconded by Mr. Taylor to adopt Resolution 2006-28 authorizing the Lackawanna County Board of Commissioners to submit a revision of the Federal Fiscal Year 2002 Lackawanna County Community Development Block Grant Program and that the revision will transfer approximately \$42,296.43 from the Housing Rehabilitation line item to create the Removal of Architectural Barriers line item for the Little League Handicapped Access Restroom Project. Discussion: None. Motion carried 7 -0.

**Resolution 2006-29 – Cooperation Agreement with Lackawanna County for Sheridan St. Little League Restrooms Handicapped Access Project** – Motion made by Mrs. Jackson, seconded by Mr. Colman, to adopt Resolution 2006-29 authorizing the Borough to enter into a Cooperation Agreement and accepting the agreement with Lackawanna County for the Sheridan St. Little League Restrooms Handicapped Access Project. Discussion: Mr. Williams asked if the land and boundary line has been surveyed. President Moyer said yes it has already been surveyed and everything is done on that. Motion carried 7 – 0.

**Renovation to Borough Building Elevator for Handicapped Access** – Motion made by Mr. Davis, seconded by Mr. Williams, to move forward and authorize the expenditure of Community Development Block Grant money to begin work on the renovation to the Borough Building Elevator for handicapped Access to the first floor. Discussion: None. Motion carried 7 – 0.

**Terrace Drive Update** – President Moyer gave a report on the replacement of the pipe that runs under Terrace Drive. Federal Funds were used for that project. There was not sufficient pitch at that location so the ditch was lowered approximately 12” to make it deeper and make the water flow better.

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**Electric Street Update** – President Moyer reported that the Electric Street project is now complete. A discussion ensued regarding putting leaves in the gutter awaiting pick-up by the Borough's DPW. The leaves create a problem by blocking the storm drains during a heavy rain. Other options should be investigated such as bagging the leaves or purchasing an extension for the leaf vacuum truck.

**Storm of November 16, 2006** – Several residents spoke about water problems that occurred during this storm. Mr. Williams thanked Mr. Herman Johnson for all the work done by him and his EMA team; he did a terrific job in keeping residents informed about the loss of drinking water and water pressure. He is very efficient in taking photos of damage and talking to residents and this has helped us tremendously in obtaining federal grants.

**NEW BUSINESS: -**

**Ordinance 2006-06 – Tax Anticipation Note for 2007 for \$300,000 – Motion made by Mr. Taylor, seconded by Mr. Williams** to adopt Ordinance 2006-06 authorizing the issuance of a tax and revenue anticipation note in the amount of \$300,000 at 3.94% interest with PNC Bank. Discussion: Ms. Kehoe reported that bids were obtained from the local banks as follows: FNCB Bank, Dunmore – 4.49%; Pennstar Bank, Scranton – 4.19% if all our accounts were moved to them or 4.34% if our business was not moved; Community Bank, Clarks Summit – 3.78%; Fidelity Bank, Dunmore – 4.19%; and PNC Bank, Wilkes Barre – 3.94%. Mr. Taylor stated that the Finance Committee studied the details of the bids and found that some banks prepared all the documents and paid all the filing fees and other banks did none of the document preparation or filing and required the Borough's solicitor to prepare and file documents. After comparing the details, and asking Community Bank if they were willing to do the document preparation at no charge and getting a negative answer, it was more advantageous by \$200.00 to go with PNC Bank and that was the Finance Committee's recommendation. Motion carried 7 – 0.

**Parking Meters at State and Grove Streets** – A recommendation was submitted by Chief Vitale to remove two parking meters from S State Street near the intersection of State and Grove Streets due to the widened lanes done by PENNDOT at that intersection. Before Council could vote on this request, PennDOT removed the meters themselves.

Council thanked PENNDOT for all the work done at the intersection and felt it was a great improvement. Ms. Kehoe reported that a 30-day post construction test will be conducted by PENNDOT and any timing problems will be addressed at that time.

**Commonwealth Telephone Company Poles and Wires** – Mr. Taylor said that he spoke with representatives from Commonwealth Telephone Company quite some time ago and was told that the wires on State Street were not servicing the businesses any longer and it would be possible to move the poles and wires to the alley running parallel to State Street. President Moyer and Mr. Taylor asked if the Borough Manager could follow up on this to see if the poles were being used and if and when they could possibly be moved.

**Border Realty Amendment** – Motion made by Mr. Taylor, seconded by Mrs. Carey to accept Amendment One to the Pass-Through Agreement with Border Realty whereby Clarks Summit Borough is willing to do the inspections of the properties, within the premises, and setting out the terms indicating that all inspections will be performed at Border Realty's expense. Discussion: Mr. Williams asked if Border Realty would consider helping the Borough by striping Old Winola Road and also extending the fence along Old Winola Road that was recently erected by the Eagle Scouts. That would go a long way in sprucing up that area. Motion carried 7 – 0.

**Fire Department Contract** – Council asked Borough Manager Kehoe to negotiate with the Clarks Summit Fire Company and bring a proposed contract back to Council for their approval. The existing three-year contract is up for renewal at the end of 2006.

**Vacation of Junction Street** – Ms. Kehoe reported that Junction Street is a paper street that has never been opened or accepted by the Borough. There is a street sign that says Junction Street but it is actually a driveway for an old school house that is now used as apartments. Richard Piazza owns some properties on Winola Road and one of his

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buildings is actually built on part of the Junction Street paper road. The property is up for sale and a prospective buyer is offering to put \$1,500 in escrow for legal costs if Council will vacate that paper street. The Borough would incur no cost in doing this, the monies coming from the escrow account. Borough Solicitor Frank Bolock thinks this is a good idea especially since the Borough has no plans to open the street and the new buyer will pay the legal costs. President Moyer asked if Mr. Chermak was aware of this issue since his property borders Junction Street also. Ms. Kehoe said he would benefit from this offer also as he would own the other half of the paper road. President Moyer asked Ms. Kehoe to contact Mr. Chermak and any other property owners that border this paper road for their opinion before Council makes a decision.

**Landlord Ordinance** – Motion made by Mr. Williams, seconded by Mr. Colman to have Borough Manger Kehoe work on an ordinance so that the borough is aware of which properties are rental properties and when tenants move in and out, the borough is made aware of it. Discussion: Mr. Williams said he strongly favors this because there are several properties that are run-down and not up to code and an ordinance such as this will provide for tenant safety as well as help the borough keep track of wage tax information. Motion carried 7 – 0.

**Abington Shopping Center** – President Moyer gave an update on the sewer problem behind the Abington Shopping Center.

**BOROUGH SEWER OFFICE REPORT:**

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

**SOLICITOR'S REPORT:**

A written report was distributed to Council members as Mr. Bolock did not attend the meeting.

**CORRESPONDENCE:**

**Rotary Club** – Letter received from the Rotary Club of the Abingtons informing Council that the Rotary Club will take on a "beautification project" in downtown Clarks Summit and will include the re-working of the town clock and the painting of the clock tower and they will also renovate the trash receptacles and the planters. Work will start immediately with the re-building of the clock motors and continue into the spring of 2007. President Moyer indicated that he met with Rotary and they will also consider putting in a new score board at the Little League field on Sheridan Ave. Mr. Williams suggested that Ms. Kehoe write a thank you letter to the Rotary Club and tell them we can't thank them enough; this is just the kind of work we need done in this community.

**Healthy Communities-Healthy Youth** – Thank you letter received for Council's donation.

**William and Patricia Clarke, 524 Greenwood Avenue** - Thank you letter received for the work the borough did on the adjacent property trying to solve their basement flooding problems.

**Cohen Telecommunications** – Cable Franchise Update received saying that the legislative bill was stopped for this year and saying we still need to be alert for attempted passage next year.

**PUBLIC COMMENT**

**Mr. John Jeffrey, 210 Highland Avenue** – Presented a letter to Council and asked for assistance regarding a water drainage problem. President Moyer said he would ask DPW Supervisor Bartholme to take a look at the situation and see if there was anything that the Borough could do.

**Mr. Tony O'Dell, Highland Avenue** – stated that he was also having a problem with a neighbor who refused to cut the grass; his leaves blocked the drains and water floods him out. The Borough helped him once before by sending

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a letter to the doctor who owns the house. Mr. Williams said that the new Landlord Ordinance should be able to give Mr. O'Dell some help on that issue.

**Denise Prowell – Center Street** – Denise thanked Mr. Williams, Mrs. Carey, Tim Rowland, and Lenny Wesolowski for all their help with the Scranton-Abington Planning Commission tour last month.

**EXECUTIVE SESSIONS:**

President Moyer reported that one Executive Session had been held prior on November 8, 2006 following the reconvene of the regular Council Meeting for litigation; one was scheduled to be held at the conclusion of tonight's regular December meeting for litigation; and none were scheduled subsequent.

**ADJOURNMENT:**

There being no further business, Mr. Moyer adjourned the meeting at 9:15 PM. Council met in Executive Session following the meeting.

**Respectfully submitted,**

**Virginia Kehoe  
Borough Secretary**

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