

**BOROUGH OF CLARKS SUMMIT  
REGULAR COUNCIL MEETING  
WEDNESDAY, February 4, 2009  
Page 1 of 4**

The regular February Meeting of Borough Council was conducted on Wednesday, February 4, 2009 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 and Commonwealth of Pennsylvania. Council members in attendance were President Gerrie Carey, Vice President Patrick Williams, Mr. Bob Bennett, Mrs. Kathy Drake, Mrs. Barbara Evans, Mr. Herman Johnson, Mr. Jeremy Adelman and Mr. Kevin Yetkowskas, and Solicitor Ernest Preate. Also attending were Borough Manager/Secretary, Virginia Kehoe, and Police Chief Louis Vitale. Mayor Harry Kelly arrived at 7:05P.M., and Mr. Roy Davis arrived at 7:10P.M. 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 led by Gerrie Carey.

**APPROVAL OF AGENDA:** Roy Davis called Virginia Kehoe today to say he would be late but that he wants to participate in the trash bid vote and is asking that we hold that off until he arrives. Barbara Evans made a motion to approve the agenda with the amendment. Kathy Drake seconded the motion and it carried 6-0.

**APPROVAL OF MINUTES:** Kathy Drake voted to approve the December 3, 2008 regular council meeting minutes. Barbara Evans seconded the motion and it carried 6-0.

**PUBLIC COMMENT:** Virginia Kehoe received a call from a resident on Grandview who could not make the meeting and asked her to convey his feelings regarding the trash contract. He asks that we continue with the excellent service that we have right now. He likes the unlimited bags each week.

Gene Gallagher spoke about only one sign being posted about conditional use for Swientisky for a special meeting. The meeting was cancelled because of extreme weather conditions and would be held at a later date. This was a great inconvenience. How long are you going to put this off? Ernie Preate said he spoke to Boyd Hughes who had been in touch with Ed Neyhart, the attorney for the Hughes, and they discussed the new survey that was just done on Thursday. That survey conflicted with the Swientisky property survey. Boyd Hughes and Ed Neyhart want to discuss this and Mr. Preate encouraged the discussion.

Ray Davis says that the police report hands out every month at their meeting at Clarks Green. It's the Alert Software. South Abington has been using it since about 1985. It is very detailed. He knows we will be discussing the salary of the chief. We have had software since '97 and he doesn't know why we are not using it.

A resident spoke that the Abington Journal wrote that our trash contract will be \$6000 more and our residents will be misinformed. He likes the idea of alternating weeks with recycling in order to save money. We were informed that our web site is down. He does visit our web site and finds it to be a good resource and recommends us putting the meeting minutes on there so everyone will have first hand information of the real facts and be well informed. Ernie Preate said the reason the minutes are not on the site is because they have not been adopted yet. Virginia Kehoe did say the site was not working because of a routine problem. In fact, Lori is working with a friend, Mark Kusma, who offered to host our site for free. This will save the borough \$44.55 that we pay to Hostgator. Also, we go through Network Solutions who holds our name clarkssummitboro.org. We pay \$34.99 a year and that contract expires in April. Mark can hold our name for \$8.99 a year. This will be a savings of \$70.55 a year.

**BIDS AND QUOTATIONS:**

**Vote- Trash Bids-** Kathy Drake made a motion to accept the contract with JP Mascaro with unlimited service and alternating weeks with recycling. Barbara Evans seconded the motion and it carried 7-0. Roy Davis wanted it know that this is an increase but that we have excellent money budgeted that will take care of this. This is because of all the hard work people did on the bids and it came in under what we had anticipated as far as our budget. Down the road, there may be an increase. Ernie Preate said there is a safety issue with older trucks. There are a lot of hills in this borough. He appreciates the effort they take to make the vehicles safe and that they have insurance.

**BOROUGH OF CLARKS SUMMIT  
REGULAR COUNCIL MEETING  
WEDNESDAY, February 4, 2009  
Page 2 of 4**

**Vote- Vehicle Fleet Maintenance-** Virginia Kehoe contacted some businesses who currently provide routine maintenance such as oil changes and inspections. Some providers cannot service all of our vehicles. For example, Butlers can continue to service the police vehicles but they cannot service the large trucks. Virginia suggested she find the cheapest provider and use them because the prices were all over the place. Ernie Preate said we also have to consider timely service and professional knowledge to get the job done not just money. Herman Johnson said we should go with a shop who can handle all vehicles. Todd Dixon went over a lot of companies who go to his shop for service. Roy Davis has some reservations about going with one provider who is relatively new to the area. He has no doubt he would provide good service, but he doesn't want to take anything away from businesses who have been in our community for years. Todd Dixon said times are changing and we should go with whoever is best. He thinks they are better qualified. Ernie Preate thinks that we should re-think this. Herman Johnson made a motion that we think this and send new bid specs to bidders with exactly what we want and be fair. Roy Davis seconded the motion and it carried 7-0.

**Vote - Sunset Manhole Project Bids-** Virginia Kehoe said the bids came in at over \$10,000 and they were hoping not to have to advertise it. Because it came in over \$10,000, we cannot accept those bids. We can rebid it with the DPW hauling materials and the leveling of the binder. That should keep the bids under \$10,000. The DPW does feel as though they can do that because it will be in the spring unless an emergency comes up. Virginia will solicit bids with the new specifications in time to open at our work session this month.

**Vote – 1991 Chevy Bids-** Herman Johnson made a motion to sell the truck to TEEM Environmental for \$5252.00. Barbara Evans seconded the motion and it carried 7-0.

**BOROUGH TREASURER'S REPORT:**

The auditors were in the office all week so we do not have reports. We will have the reports for January and February for March's meeting.

**COMMITTEE REPORTS:**

**SAPA Presentation – re. transit along CP Rail line – Denise Prowell:** Denise had a handout for council and went over the main ideas of the preliminary draft plan. The SAPA plan in general recommends, Prevention of sprawling development into the countryside, revitalization of downtown areas, improvement in public transit and in making communities more bicycle and pedestrian friendly, and prevention of worsening Stormwater/flooding problems through the protection of waterways. Specifically, for Clarks Summit Borough, the SAPA preliminary draft plan recommends: in the borough center when redevelopment occurs, it is recommended to be more than one story. In the mixed use corridors, as these are redeveloped, they will transition into more traditional town-type pedestrian-friendly development, by employing mixed use planning and zoning. Public transit route to come through Clarks Summit. Establishment of design guidelines are recommended so that when redevelopment occurs, it is highly compatible with Clarks Summit's traditional building styles. When road work is needed in the future, provisions for sidewalks and bicycle areas be included in improvements. Resource conservation areas and sidewalks for all new residential development. There are contact phone numbers in the packet or visit [www.sapaplan.com](http://www.sapaplan.com) for more information.

**Vote – UCP Land Development Plan:** Virginia Kehoe spoke about council's concern with the soil quality on the property before we voted on the land development plans. At our request, UCP has gone through a lot of effort and testing. They supplied two binders from PA Techtonics. That document has been reviewed by our engineer and by Will. Their comments are both supplied to council. They both feel that the documentation satisfies any discomfort, that the land is safe to develop and they are recommending a vote. The solicitor does recommend a bond. Will Ziesemer, the Clarks Summit Code Enforcement Officer, spoke and did say that he was satisfied with the report. The one condition is that the applicants know that they will be responsible for the engineering review fees and solicitor fees. George Albert spoke

**BOROUGH OF CLARKS SUMMIT  
REGULAR COUNCIL MEETING  
WEDNESDAY, February 4, 2009  
Page 3 of 4**

and said they are requesting a waiver on the bond. The bond would be about \$20,000-\$25,000. They are anticipating completing in 2010. Roy Davis made a motion to accept this plan with the waiver. Herman Johnson seconded the motion and it carried 7-0. Ernie Preate said the only conditions would be that the engineer and solicitor fees get paid and the signed plans. UCP did verbally accept those conditions set by council. Virginia Kehoe will send a letter to include these conditions to UCP.

**Decision re: attendance at seminar for Shade Tree Commission:** Virginia Kehoe said the Shade Tree Commission is eligible for a grant but there is a condition that four representatives attend a seminar, two of which two have to be borough employees. The urging of Vinnie Cotrone is that one council person and one DPW employee. Barbara Evans offered to go. The seminar is at Marywood on Saturday, April 4<sup>th</sup>. Council decided to have Virginia also attend.

**Vote-Donate \$600.00 towards armed services monument:** Herman Johnson made a motion to give the junior council \$600 toward the monument. Kathy Drake seconded the motion and it carried 7-0. Herman Johnson said he'd like the junior council to get with Virginia and open an account with the junior council member's names on it and possibly the borough manager's name. Virginia said that all the other accounts require that one signer be a council member. Roy Davis thinks Herman would be the appropriate person for this because he planted the seed not only the financial end of it but the motivational end of it. He was on the ground floor of it, so if they go to spend any money he could give them the lead on that. Herman said he thought Roy Davis was right and he'll accept that.

**POLICE REPORT:**

Chief Louis Vitale gave the January 2009 Police Report and summary of police related activities. Herman Johnson asked if there was any money budgeted for the 2003 Chevy because of the high miles. He also asked Mayor Kelly to look over Clarks Green's police report. It's a good report and he would like a response back from the Mayor.

Ray Davis spoke about the snow storm on Wednesday. Ray drove through town on Friday and there were certain businesses that the sidewalks were not clear of ice. Ray Davis asked Chief Vitale if anyone was cited. The chief said he did not feel as though it was necessary. He issued those businesses a warning. Herman Johnson suggested that Ray Davis speak to Mayor Kelly since he is in charge of the police department.

**OLD BUSINESS:**

Bob Bennett made a motion to reappoint the part time staff. Kathy Drake seconded the motion and it carried 6-1. Herman Johnson voted not to reappoint part time staff.

**NEW BUSINESS:**

**Vote-2009-03 Meter Suspension Ice Festival** – Barbara Evans made a motion to suspend parking meters for the Ice Festival. Kathy Drake seconded the motion and it carried 7-0.

**Vote-Name Barbara Evans to Police Pension Board** – Herman Johnson made a motion to name Barbara Evans to Police Pension Board. Roy Davis seconded the motion and it carried 7-0.

**Vote –Camera sewer main in South Abington** – Bob Bennett made a motion to spend the \$1200 now to camera and make the offer to South Abington. Barbara Evans seconded the motion and it was voted down 2-5. Herman Johnson, Kathy Drake, Patrick Williams, Gerry Carey, and Roy Davis all voted no.

**CDBG – applications for 2009 monies** – Ernie Ceccelioni had made a presentation, we are being awarded approximately \$88,000 after administration fees to be used to remove architectural barriers that would advantage the low to moderate income, elderly and the handicapped. Virginia Kehoe said as a group, we

**BOROUGH OF CLARKS SUMMIT  
REGULAR COUNCIL MEETING  
WEDNESDAY, February 4, 2009  
Page 4 of 4**

have to come up with how we would like to dedicate the money. We have officially until May. Unofficially, they would like to have it sooner because there will be another public hearing in March on it. The money won't be awarded until September at which point we would get started working on the project. As an update, the curb cuts that were approved last year, they're expecting it to be Environmental Analysis momentarily, in which case it would go to bid. Regarding Bedford Street curb cuts and sidewalks, Virginia is hoping to get out to bid any day now. They are both moving forward. Additionally, Ernie Preate pointed out there is the option of using that money towards financial assistance for the homeless, a maximum of \$25,000. There are two parties interested in that.

**BOROUGH SEWER OFFICE REPORT:**

Herman Johnson made a motion to accept the report as presented. Barbara Evans seconded the motion and it carried 7-0.

**EXECUTIVE SESSIONS:**

Prior – January 7, 2009 – Litigation and Personnel  
February 3, 2009 – Personnel  
During – Non Planned  
Subsequent – Immediately Following

**ADJOURNMENT:**

With no further business to discuss Herman Johnson made a motion to adjourn. Barbara Evans seconded the motion and it carried 7-0.

**Respectfully submitted,**

**Lori A. Harris  
Borough Secretary**

**Germaine Carey  
Council President**