

**BOROUGH OF CLARKS SUMMIT
REGULAR COUNCIL MEETING
WEDNESDAY, February 6, 2008
Page 1 of 5**

The regular February Meeting of Borough Council was conducted on Wednesday, January 7, 2008 7:01 P.M. The Meeting was held 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 Gerrie Carey, Vice President Patrick Williams, Mr. Bob Bennett, Mr. Roy Davis, Mrs. Kathy Drake, Mrs. Barbara Evans and Mr. Herman Johnson. Also attending were Mayor Harry Kelly, Borough Manager/Secretary, Virginia Kehoe, Police Chief Louis Vitale and Solicitor Ernest Preate. 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 Mayor Kelly.

Mr. Harold Kelly presented a Resolution to Barbara Grabfelder in recognition of her contributions to the Borough. Other individuals who were not in attendance but were acknowledged with Resolutions were Attorney Frank Bolock, Attorney Joe Ferguson, ex-councilman Ray Taylor, ex-councilman James Colman, ex-councilman Don Moyer, ex-planning commissioner Tim Rowland and resident William Chessick.

APPROVAL OF AGENDA:

Mr. Bennett moved to approve the agenda. Motion was seconded by Mr. Johnson and carried 7-0.

APPROVAL OF MINUTES:

The minutes for the January 7, 2008 Reorganization meeting were presented. Mr. Bennett had two corrections to the minutes regarding the nomination of Chris O'Boyle to the Planning Commission and the nomination of Joe Guzek for the Sewer Authority. He stated that he voted against both of the motions and therefore the minutes should reflect 6-1. A motion was made to approve the minutes pending these corrections by Mr. Bennett. Mrs. Evans seconded the motion and it carried 7-0.

The minutes for the January 9, 2008 Council meeting were presented. Mr. Williams made a motion to accept the minutes as presented. Mr. Davis seconded the motion but requested to make a comment prior to the vote. He stated that due to a family emergency, he missed a work session meeting discussing the budget. He did not realize when he voted on January 9, 2008 at the Special Hearing that he had missed out on all of the discussion for the budget. He asked that in the future, each Council member be contacted personally, by phone, regarding any sort of agenda changes, etc. The minutes were accepted 7-0.

PUBLIC COMMENT:

Mary Beth Adelman spoke to Council regarding Abington Height's Odyssey of the Mind program. Ms. Adelman gave a brief description of what Odyssey of the Mind is and the opportunities and lessons it provides to students. She stated that this year there are 18 teams comprised of students from 1st grade up to Abington alumni who are now sophomores in college. She stated that the Odyssey is run entirely by volunteers and that they receive their funding through the PTA, the AEGIO and fundraising. Mr. Robert Bennett made a motion for Council to donate \$500.00 to Odyssey of the Mind. Mr. Herman Johnson seconded the motion and it carried 7-0.

Mr. Raymond Davis spoke regarding the sidewalk ordinance regarding snow removal. He expressed concern with walks not being cleared and questioned what is being done to enforce this ordinance. Chief Vitale stated that he spoke individually with business owners regarding the walks. There was discussion regarding responsibility of tenants and owners. Virginia Kehoe stated that when the first storm of the season hit, she had Willard Ziesemer contact business owners and when he had, Chief Vitale had already spoken with the owners.

Heath Goldstein, Vice President of First Financial Investments, a business in the Borough, questioned when the contract for the Don Wilkinson Agency will come up for renewal. He stated that he has several problems with the Wilkinson Agency. He complained about a particular representative from the company who has been rude and unprofessional on more than one occasion. He has also found out that Wilkinson is deciding the tax fee, and that

**BOROUGH OF CLARKS SUMMIT
REGULAR COUNCIL MEETING
WEDNESDAY, February 6, 2008
Page 2 of 5**

nobody in the Borough has input into this decision. He also stated that the appeal process is solely done through Don Wilkinson which he does not agree with. President Carey suggested giving the pertinent information to the Financial Committee and allowing them to research these issues and address any problems. Mr. Goldstein also stated that he has a problem with Don Wilkinson not notifying individuals about mistakes made on filings and instead the agency simply fixes such mistakes. President Carey assured Mr. Goldstein they would look into the problems and have an answer for him next month.

Charlie Martin spoke regarding the blockade on Grandview Street stating that there are still people driving on Grandview Street. He stated the desire of the Grandview residents to have something permanent erected in the spring. President Carey stated that Council is working toward a decision and taking care of the legal issues surrounding Grandview and that Council and Solicitor Preate will continue to work to resolve and address these problems. It was explained that the details of the litigation are discussed in Executive Sessions.

BIDS AND QUOTATIONS: None

BOROUGH TREASURER'S REPORT:

The Borough Treasurer's Report, as of January 31, 2008 was before Council. Motion made by Mr. Johnson to approve the Report as presented. The motion was seconded by Mrs. Drake and carried 7 – 0.

COMMITTEE REPORTS:

Denise Prowell gave a presentation on SAPA. Ms. Prowell reviewed the Scranton Abington Planning Association history and the goals and intentions of the 11 communities involved in SAPA. She also discussed legislation which was designed to address issues of suburban sprawl and the economic and environmental effects of the same. Ms. Prowell also stated that our local group is rare in that it is rural communities working with suburban and urban communities. She also stated that Scranton is the largest city in the State to become involved in this program. She also stated that there is a large amount of grant money available which has, thus far, provided more than half of the funding for the creation of the plan.

Ms. Prowell presented and explained the SAPA land usage map. Ms. Prowell stated that there are meetings monthly, which all are invited to attend, as well as various presentations and public hearings. She also explained the different phases of the plan including the planning and implementation phases. Mr. Bennett sought clarification on the accuracy of the map and Mr. Davis expressed concern with the feasibility & safety of certain elements of the plan.

Mr. Len Wesolowski, a Clarks Summit representative of SAPA since its inception, spoke. He stated that there are three key things the Borough will enjoy from the plan once it comes to fruition. 1) detailed planning; 2) grant opportunities; 3) this plan is for the future and gives the Borough a strong direction for the Zoning Hearing Board and the Planning Commission to maintain the integrity of the Borough and allow it to grow in the future.

Attorney Preate questioned Clarks Summits level of commitment to this plan and questioned how it could "get out" in the future if they decided not to follow through on the plan. Mr. Wesolowski explained that the Borough can, in essence "opt out" in the future by simply not implementing various portions of the plan. He also explained that once the plan is adopted, the Borough will have time, as established by the by-laws, to determine whether or not it wishes to remain in the 11 municipalities involved by adopting the comprehensive plan. There was discussion between Mr. Wesolowski and Attorney Preate regarding rezoning sections of Borough. Attorney Preate expressed concerns regarding the zoning. Mr. Herman Johnson requested a copy of the by-laws. Mr. Davis questioned if we could opt into just part of the plan. Mr. Wesolowski explained that these are the questions that need to be discussed now and worked out in these preliminary stages and that these can all be brought to SAPA for further discussion. Barbara Evans stated that regardless of whether Council agrees with 100% of the plan, it should be acknowledged that a plan which may not be perfect is better than no plan at all.

**BOROUGH OF CLARKS SUMMIT
REGULAR COUNCIL MEETING
WEDNESDAY, February 6, 2008
Page 3 of 5**

It was discussed that SAPA meets at the same time as the Borough Work Session. There was discussion of sending a representative from Council to the SAPA meetings. Mr. Bennett thanked Ms. Prowell for an informative presentation.

Attorney Preate continued to express concerns regarding certain zoning issues and the idea that certain things could be "forced" upon the Borough. Mr. Patrick Williams stated that he has had limited involvement with SAPA but all of his experiences have been positive and he feels that Council is reaching out on issues that are not pertinent at this time. He stated that there is plenty of time for input and anybody who has thoughts and comments should just get involved, as he sees SAPA as being extremely positive and opens up opportunities for grants, etc.

Attorney Preate asked if there is any connection with Northeastern Pennsylvania Alliance. Ms. Prowell stated that she does not have any connections with that group. Attorney Preate stated that he is Chairman of the Board for NEPA Alliance and thinks that SAPA could benefit from input from NEPA Alliance as their planners have information that could rival that of SAPA.

Charlie Busalacchi spoke on behalf of the Shade Tree Commission. He stated that Shade Tree is in the 2nd phase of their project. They removed 16 trees in October and are now seeking to replace those trees throughout the Borough in April. They are also seeking to plant 11 additional trees which they have secured through the Adopt-A-Tree program. Mr. Busalacchi expressed the Commission's desire to plant three red oak trees at Memorial Park on Carnation Drive, and stated that he sought Council's permission to do so.

Mr. Davis made a motion to allow the Shade Tree Commission to plant the trees. Mr. Johnson seconded the motion and it carried 7-0.

POLICE REPORT:

Chief Vitale gave the January 2008 Police Report, and summary of police related activities. Herman Johnson commended Chief Vitale regarding the improvement in overtime hours. Mr. Bennett concurred. Chief Vitale explained that the overtime hours vary with the seasons and January tends to be a more manageable time of year, as most people are not seeking time off for vacation. Mr. Johnson also suggested getting the police their new vehicle, rather than continuing to repair the old vehicle. Mr. Bennett sought confirmation for the fact that instances where officers are present at school functions such as wrestling matches, etc. that the school board or organizations, not the Borough, is paying those officers. Chief Vitale confirmed this to be true.

A decision was made at the suggestion of Kathy Drake & Herman Johnson that Chief Vitale works with the Public Safety Committee to research vehicle options through various State Programs and collect bids.

BILLS TO BE PAID:

Motion made by Mr. Williams to pay bills as presented. The motion was seconded by Mrs. Drake and carried 7-0. Mr. Bennett also stated for the record that he will always exclude bills from Metropolitan Life when voting on the bills to be paid, as he was employed by Met Life for 40 years and does not wish to have any issues with conflict of interest.

OLD BUSINESS:

Abington Area Joint Recreation Board's request to develop a path between the Senior Center and the Community Garden was revisited. Virginia Kehoe stated that she spoke to Newton Township today, and that they are more than happy to donate the use of their backhoe to help the project. Barbara Grabfelder discussed other updates, including fundraising efforts, regarding the Garden and other AAJRB projects. She also provided, at Councils request from last month, figures detailing the financial and man-power contributions of the other member Boroughs and Townships of AAJRB from 2007. She discussed upcoming seminars, Plot Selection and Groundbreaking dates &

**BOROUGH OF CLARKS SUMMIT
REGULAR COUNCIL MEETING
WEDNESDAY, February 6, 2008
Page 4 of 5**

events. There was discussion regarding the appropriateness of prices. Council was asked if they are prepared to vote on accepting the path. Mr. Robert Bennett made a motion that Neil Bartholme and Barbara Grabfelder coordinate the building of the path with Neil having the final discretion in the time his men are available and the use of materials. Herman Johnson asked, prior to the vote, how much the project would cost. It was explained that with the donation of the equipment and some of the materials and the use of our manpower, the cost should be significantly less than the \$3,100.00 to contract the work out. The only potential cost foreseen is the potential for pipe, seed and hay. Barbara Evans seconded the motion and it carried 7-0.

Regarding the tax collectors account Virginia Kehoe stated that the account was not interest bearing and only bore one signature. She stated that the account can have a name added and that the account has already been changed to interest bearing, but that the interest rate is only half of a percent. Virginia stated that she is able to transfer the money to PNC Bank where it will earn 3.5% interest and will not have any charges associated with the account. She sought Council's permission to go forward with this.

Virginia Kehoe stated that Judy Belch would like to hand the account over to Council to be handled. Virginia stated that this is not procedure but that it is possible. A motion was made by Mr. Johnson for Judy to continue to handle the account and simply adding the Borough Treasurer Christine Tsaklas as an additional signature. The motion was seconded by Barbara Evans and carried 7-0.

Virginia Kehoe stated that Tim Rowland offered to provide the Hepatitis shots to the police for only the cost of the serum, which has not yet been determined. It was explained that Dr. Kareha gave the price of \$95.00 per shot; Allied Services gave the quote of \$70.00 a shot. Virginia Kehoe stated that although they do not have an exact price on the serum, Council could still decide whether they wish to move forward in offering these to the police now that they have some idea of a price range. Mr. Davis made a motion to offer the shots to all emergency personnel, with the understanding that we go with the lowest bid. Mr. Johnson seconded the motion. There was discussion regarding TITR testing to determine whether anyone who has received past immunizations needs them again and to determine after the series of shots if the shots worked. The cost of these tests is \$12.00 to cover the lab fees. Mr. Johnson withdrew his second on the motion. Mr. Davis withdrew his motion. Virginia Kehoe was asked to determine more exact figures and to report back to Council.

Virginia Kehoe gave an update on flood insurance for Borough streets and sidewalks, which she was asked to research at the Work Session meeting. She stated that she does not have a quote yet, as our insurance provider is still researching the details. Streets and sidewalks are explicitly excluded from Federal Flood Insurance; therefore, our insurance provider is working with a specialty company to create an estimate. Virginia Kehoe stated that she was told it is incredibly unusual for a Borough to have this sort of insurance. The coverage would mandate having all roads and sidewalks in the Borough covered and would probably have a high deductible at a minimum of \$5,000.00. Again, all of the information is preliminary. Virginia Kehoe also stated that as FEMA has reimbursed the Borough in the past for flood related problems, her recommendation would be to take the highest deductible.

Attorney Preate stated that motions needed to be made regarding the Tax Collectors account. President Carey asked for a motion regarding the signatures. Mr. Johnson made a motion for two signatures, Judy Belch and Borough Treasurer, on the tax account. Barbara Evans seconded the motion and it carried 7-0.

NEW BUSINESS:

Keystone Appraisal Company sought a motion to retain their services. Mrs. Barbara Evans made a motion to retain Keystone Appraisal Company. Mr. Herman Johnson seconded the motion and, after discussion, it carried 7-0.

Resolution 2008-19 addresses a request from ABPA to waive parking meter fees for the ABPA festival of ice. Mrs. Barbara Evans made a motion to waive the parking fees. The motion was seconded by Mr. Patrick Williams and was carried 7-0.

**BOROUGH OF CLARKS SUMMIT
REGULAR COUNCIL MEETING
WEDNESDAY, February 6, 2008
Page 5 of 5**

The next item of business was a motion to retain Doc Doherty on a part-time basis as temporary position of assistant Code Enforcement Officer. The motion was made by Mr. Johnson to hire Mr. Doherty with the understanding that he resigns as alternate for the Zoning Hearing Board. The motion was seconded by Mr. Bennett and carried 7-0.

BOROUGH SEWER OFFICE REPORT:

The January 2008 Sewer Office Report by Virginia Kehoe was presented before Council. A motion was made by Mr. Johnson to accept the report as presented. Mrs. Drake seconded the motion and it carried 7-0.

SOLICITOR'S REPORT:

Attorney Preate gave an update regarding the retaining wall on East Grove Street as well as the Grandview Case and upcoming hearings.

CORRESPONDENCE:

There was a letter from Lorrie Bernoski of Highland Associates asking to install a street light between the upper and lower parking lots of Highland and Convenient parking lot. Virginia Kehoe explained that PPL would bear the cost of installing the light, but the Borough would then bear the monthly cost of the light. Virginia Kehoe will research the cost of this to the Borough and will report back to Council.

EXECUTIVE SESSIONS:

Executive sessions were held prior to this meeting on January 9, 2008 and January 22, 2008 to address litigation. None were held during and one will be held immediately subsequent to this evenings meeting.

ADJOURNMENT:

There being no further business before Council Mr. Johnson made a motion to adjourn. Mr. Williams seconded the motion and it carried 7-0.

Respectfully submitted,

**Katie M. Bower
Borough Secretary**

**Germaine Carey
Council President**