

**BOROUGH OF CLARKS SUMMIT  
REGULAR COUNCIL MEETING  
WEDNESDAY, April 2, 2008  
Page 1 of 5**

The regular April Meeting of Borough Council was conducted on Wednesday, March 5, 2008 7:01 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. Roy Davis, Mr. Bob Bennett, Mrs. Kathy Drake, Mrs. Barbara Evans and Mr. Herman Johnson. Also attending were Borough Manager/Secretary, Virginia Kehoe, Police Chief Louis Vitale and Solicitor Ernest Preate. Absent was 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 meditation and then the Pledge of Allegiance.

**APPROVAL OF AGENDA:**

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

**APPROVAL OF MINUTES:**

Mr. Johnson made a motion to approve the minutes for the March 5, 2008 meeting. Kathy Drake seconded the motion and it carried 7-0.

Barbara Evans made a motion to approve the minutes for the March 25, 2008 Work Session. Mr. Johnson seconded the motion and it carried 7-0.

**PUBLIC COMMENT & INPUT:** None.

**BIDS AND QUOTATIONS:** Virginia Kehoe explained that they are still waiting for a bid on the police vehicle as well as final authorization from Senator Mellow regarding the grant. There was discussion with Chief Vitale regarding the selection of a vehicle. Roy Davis expressed concerns with the budgeting and spending of funds. Virginia Kehoe explained a rotation of Borough equipment that has been scheduled.

Virginia Kehoe presented the quotes and recommendations regarding the new DPW truck which would replace the 1991 truck which is in poor conciliation. It was recommended that the truck be bid out, rather than traded in, and that the Borough go with the PNC leasing package as opposed to the Sherwood Chevrolet bank loans, etc. Virginia Kehoe stated that the PNC leasing package entails one payment, each year for five years and then at the conclusion of the five years one payment of one (\$1.00) dollar and the truck is officially the Boroughs.

Kathy Drake of the finance committee agreed with Virginia Kehoe that the truck needs to be purchased as the other truck is in extremely poor condition and agreed that the leasing option through PNC Bank is the best option for doing so.

Kathy Drake made a motion to authorize the purchase of the DPW truck, with financing through PNC Bank. Barbara Evans seconded the motion and it carried 7-0.

Patrick Williams agreed that this was the best decision.

**BOROUGH TREASURER'S REPORT:**

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

**COMMITTEE REPORTS:**

AAJRB – adoption of a Master Plan. Bill Rissi as well as Michelle Breslin spoke and presented the Master Plan and thanked the Borough for their assistance in grants and maintenance of the parks. Herman Johnson made a motion to

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

authorize the signing of Resolution 2008-24 to adopt the Master Plan. Robert Bennett seconded the motion and it carried 7-0.

Robert Bennett made a motion to authorize the signing of Resolution 2008-26 to accept the grant from Representative Jim Wansacz. Kathy Drake seconded the motion and it carried 7-0.

AAJRB requested the use of Lewis Lane Park for a fund-raiser for the Community Garden. This request was approved. There was discussion of grants which have been received and the way they will be used as well as discussion of partnerships and assistance from area groups such as Keystone College's men's basketball team.

**POLICE REPORT:**

Chief Vitale gave the March 2008 Police Report, and summary of police related activities. There was discussion of an enhancement to the Megan's Law practices. It was explained that some municipalities are tightening the restriction for convicted offenders while others refuse to over dispute of the details of the law. There was discussion of over time as well as over time officers as well. Herman Johnson would like the Personnel and Finance committee to look into the employment of the part time officers. Herman Johnson also formally requested a report from the doctor of the Officer who has been out on disability, stating that he still cannot work. It was explained that such reports are already received by the insurance company and heart and lung in order to maintain payment. Roy Davis questioned if this is normal procedure. Virginia Kehoe requested that this matter be tabled for executive session as she has specific information that can be relayed at that time.

**BILLS TO BE PAID:**

Motion made by Herman Johnson to pay bills as presented. The motion was seconded by Kathy Drake and carried 7-0. \*Per Feb. 6 council mtg minutes, Mr. Bennett has reclused himself from voting on the bill for Metropolitan Life.

**OLD BUSINESS:**

Grandview: Resolution 2008-20: Purchase of Noakes property for \$1.00 in order to assist in achieving the closing and barricading of Grandview Street. Robert Bennett made a motion to pass Resolution 2008-20. Herman Johnson seconded the motion and it carried 7-0. There was discussion regarding the purchase of Jack Nogi's land in a similar agreement. Attorney Preate is working on this arrangement. There was also discussion of plans for the area, including the planting of trees, etc. and there was discussion of drainage on Mr. Nogi's property, etc.

Peters: Attorney Preate stated that the Peters case is currently dormant.

Nextel: Commonwealth Court agreed with Attorney Preate's motion for the matter to be put into mediation. Mediation has been scheduled in Pottstown. It was explained that the positions of the three parties involved are sent to the Mediator for him to review all three prior to the mediation. Attorney Preate projected that the case would be resolved no later than September, and that this process would save the Borough much time and money.

Pass-Thru: There is nothing new regarding the case. Attorney Preate is still attempting to meet with Bill Jones.

School Street: School Street issue was already discussed and decided.

Railroad Project: Virginia Kehoe stated that all of the remaining paperwork has been submitted to the Army Corps of Engineers and that they simply need to finish their write up and then they can advertise the bid.

**BOROUGH OF CLARKS SUMMIT  
REGULAR COUNCIL MEETING  
WEDNESDAY, April 2, 2008  
Page 3 of 5**

DEP Update: Virginia explained that a new permit application including the work that has already been done needed to be in by March 15<sup>th</sup>. The permit application was submitted on time and we are awaiting a response. Jackson excavating cannot go in and complete the work until approval by DEP has been received.

Dumping at State Hospital Property: Roy Davis spoke to Tom Cumerford and stated that he was told that Mr. Cumerford would help in seeking out a new dumping site. He explained that DER was involved in the dismantling of the incinerator that is located near the current dumping site. Virginia Kehoe thanked Mr. Davis for his help and stated that this would have been a costly and very inconvenient problem without his help.

Out-of-Service Police Vehicle: Virginia Kehoe explained that the vehicle has been fixed and stripped down and is now being used by the entire Borough staff for official business. She explained the procedures for using the vehicle and thanked EMA for absorbing the costs, reiterating that EMA has priority in the use of the vehicle.

Laurelwood: Resolution 2008-25 – authorization to sign amendment. Laurelwood, which is located in South Abington Township, negotiated a contract with the previous Council allowing new units to be tied into Clarks Summits sewer lines on Melrose. The dates in the original amendment have now passed without work being completed and they are seeking an amendment to amend the dates. Herman Johnson stated that he objected to this original contract and was uncomfortable with it. He requested that Attorney Preate review the issue. The matter was tabled after discussion.

**NEW BUSINESS:**

Resolution 2008-21 CDBG funds application – curb cuts: The resolution would allow for approximately 20 handicap accessible curb cuts. Virginia Kehoe selected the location for these cuts and Mr. Johnson from the public Safety Committee also checked the locations she suggested and agreed with them. Herman Johnson made a motion to authorize the resolution. Motion was seconded by Bob Bennett and carried 7-0.

Police Accreditation: There was discussion of the requirements and the way the procedures are developed and the costs involved. Virginia Kehoe asked for a motion to proceed and send the letter and \$100.00. Robert Bennett made a motion to move forward with the police accreditation. Kathy Drake seconded the motion and it carried 7-0.

Resolution 2008-22 – Pave Cuts: Virginia Kehoe explained that Mr. Bennett requested taking a look at pave cut prices. She shared her research on local pave cut prices, and found that \$50.00 is clearly inexpensive. The new Resolution would raise the pave cuts to \$100.00. Mr. Bennett made a motion to pass the Resolution raising the pave cuts. Mr. Johnson seconded the motion and it carried 7-0.

Parking Meters: Virginia and George Carros have done research on creating a rotation cycle for the parking meters, as they are nearly all 8 years old and circuit boards are going, causing shortened battery life and problems with the coin slots. It was determined that eight years is adequate life expectancy for one of these meters and that it makes sense to begin replacing them. This was recommended by the police and George Carros to begin by replacing 25% this year and the next three subsequent years. The cost is approximately \$165.00 and would be installed by George Carros. There was discussion regarding the necessity and costs of the meters and their overall costs versus benefits. There was discussion of considering eliminating parking meters all together. The issue was tabled until further research could be conducted.

Resolution 2008-23 - Arbor Day: Virginia Kehoe stated that if Council does authorize this Arbor Day Resolution, Mayor Kelly plans to attend for the presentation. . Mr. Johnson made a motion to approve the Arbor Day Resolution. This motion was seconded by Barbara Evans and carried 7-0.

Fire bowls – response from fire department: Chief Krott stated that technically these bowls would require a permit, for which there is no fee, and that the department would be willing to make a notation on such permits that they may

**BOROUGH OF CLARKS SUMMIT  
REGULAR COUNCIL MEETING  
WEDNESDAY, April 2, 2008  
Page 4 of 5**

be used until 10:00 p.m. One permit would be required for the season. It was suggested an article be placed in the paper making residents aware of this.

Single Tax Office: Attorney Preate questioned how much of the \$12 million dollars paid into the Single Tax Office was owed to Clarks Summit and to question if anyone has looked into this. Virginia Kehoe stated that the Single Tax Office sent a check in the amount of \$500,000.00 to Don Wilkinson agency without any indication as to what money belongs where. She stated that this is an ongoing investigation. Attorney Preate insisted that Council look into this matter immediately and makes it high priority. Mr. Davis suggested that Virginia Kehoe look aggressively into the situation and also suggested that Councilpersons need to be wary of their own attempts, inadvertent or not, to micromanage the Borough. Attorney Preate expressed his opinion that this should not fall onto Virginia's shoulders and that it is the elected officials who need to take responsibility for this matter.

Mr. Johnson made a motion to send a letter to the tax office, on behalf of Borough Council, and aggressively demand an answer to the tax question. Mr. Davis seconded the motion. The motion carried 7-0. Virginia agreed to write the letter immediately and send it out after Gerrie's approval and signature.

**BOROUGH SEWER OFFICE REPORT:**

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

**SOLICITOR'S REPORT:**

Attorney Preate gave an update on the Moody case. After meeting with Attorney Harris all of the necessary documentation has been submitted and the case should be less than thirty days away from being resolved.

**CORRESPONDENCE:**

Laura Lee Defazio Morabito Memorial Group asked permission to relocate the flag on the tower and would absorb the costs of doing so. This was agreed to by Council.

There was a request from a resident requesting Christmas Lights being left on all year long, to enhance the charm of the town. It was decided this idea would be discussed with ABPA and the feasibility of it researched and then an answer given.

**EXECUTIVE SESSIONS:**

Executive sessions were held prior to this meeting on March 5, 2008 to address litigation and personnel. None were held during and one will be held immediately subsequent to this evenings meeting.

**RECESS:** Personnel Committee requested a recess to go into Executive Session and discuss personnel issues and reconvene on Monday, April 7, 2008.

**Respectfully submitted,**

**Katie M. Bower  
Borough Secretary**

**Germaine A. Carey  
Council President**

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