

**BOROUGH OF CLARKS SUMMIT
REGULAR COUNCIL MEETING
WEDNESDAY, APRIL 4TH, 2007
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The regular meeting of Borough Council was conducted on Wednesday, April 4, 2007 at approximately 7:00 P.M. The Meeting was held in Borough Council Chambers, 2nd 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, Councilperson Gerry Carey, Councilman James Colman, Councilman Roy Davis, Councilman Ray Taylor, and Councilman Patrick Williams. Also attending were Borough Manager/Secretary, Virginia Kehoe, Police Chief Louis Vitale, and Mayor Harry Kelly. Absent: Council Vice President Margaret (Peg) Jackson, and Borough Solicitor Bolock. 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 Mayor Kelly.

APPROVAL OF AGENDA:

Motion made by Mr. Taylor, seconded by Mr. Colman to accept the agenda as presented. Discussion: None. Motion carried 6-0.

APPROVAL OF MINUTES:

Motion made by Mr. Colman, seconded by Mr. Roy Davis to approve the minutes of the February 28, 2007 Special Council Meeting. Discussion: None. Motion carried 6 – 0.

Motion made by Mr. Roy Davis, seconded by Mrs. Carey to approve the minutes of the March 7, 2007 regular Council Meeting. Discussion: None. Motion carried 6 – 0.

BIDS & QUOTATIONS: None

TREASURER'S REPORT: Motion made by Mr. Taylor, seconded by Mrs. Carey to accept the Treasurer's Report for March, 2007, and to roll over the CD at PNC Bank for 90 days at 5.2% interest. Discussion: None. Motion carried 6 – 0.

COMMITTEE REPORTS:

Abington Area Joint Recreation Board - Councilman Patrick Williams presented an update on the work of the Abington Area Joint Recreation Board. Mr. Colman encouraged people to attend the open meeting of the AAJRB to be held on April 17, 2007 at the Abington Heights Administration Building at 7:00 PM. The public will be able to see the plan at that time.

Shade Tree Commission – Mr. Williams talked about the Arbor Day celebration to be held on April 28, 2007 at 11:00 AM in conjunction with Clarks Green Borough. Motion made by Mrs. Carey, seconded by Mr. Williams, to adopt Resolution 2007-10 naming April 28, 2007 Arbor Day in Clarks Summit. Discussion: None. Motion carried 6 – 0.

POLICE REPORT:

The Police Report for March, 2007 was presented by Chief Vitale. Borough Manager Kehoe reported that the vandalism damage to the gazebo has been repaired and a lock has been placed on the park. The police have volunteered to lock it at night and open it again in the morning. Signs have also been posted that the park closes at dusk. Chief Vitale reported that the check has been received for the out of service police vehicle and it will soon be leaving the garage. He said that the newly purchased "Speed Sentry" has been placed in service.

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BILLS TO BE PAID:

General Fund: YTD disbursements approved by Council as of 2/28/07 - \$225,878.53; Mar. 1 to Mar. 31, 2007 disbursements TO BE approved by Council - \$260,549.88; Total YTD disbursements as of 4/4/07 approved by Council - \$486,428.41. **Payroll Disbursements:** YTD disbursements approved by Council as of 2/28/07 - \$127,009.44; Check dates 3/8/07, 3/22/07 payroll TO BE approved by Council - \$64,278.48. Total YTD disbursements as of 4/4/07 approved by Council - \$191,287.92. **Sewerage Fund:** YTD disbursements approved by Council as of 2/28/07 - \$29,294.57. Mar. 1 to Mar. 31, 2007 disbursements TO BE approved by Council - \$231,556.19. Total YTD disbursements as of 4/4/07 approved by Council - \$260,850.76. **Liquid Fuels Fund:** Total YTD disbursements as of 2/28/07 approved by Council - 0. **Capital Reserve Fund:** YTD disbursements approved by Council as of 2/28/07 - \$525,000.00. Mar. 1 to Mar. 31, 2007 disbursements to be approved by Council - \$46,600.00. Total YTD disbursements as of 4/4/07 approved by Council - \$571,600.00. Motion made by Mr. Taylor, seconded by Mr. Colman to pay all bills and approve report. Discussion: None. Motion carried 6 - 0.

OLD BUSINESS:

Update on Clock Tower – President Moyer gave an update on the progress of the plans of the Rotary to repair and repaint the clock tower. Plans are also under way to repair and repaint trash receptacles and get the planters filled for Memorial Day. Rotary is looking for a commitment from the area business owners to water the plants in the refurbished containers. Borough Manager Kehoe stated that the Borough pays for a yearly maintenance agreement on the clock tower.

NEW BUSINESS:

Ordinance 2007-02 – Police Pension COLA – Motion made by Mr. Taylor, seconded by Mr. Roy Davis, to approve and adopt Ordinance 2007-02 providing for a cost of living increment for participants in the Clarks Summit Pension Plan. Discussion: Mr. Davis asked if this was adjusted by a cost of living adjustment. Mr. Taylor said yes; every year it must be voted upon by Borough Council whether to accept it or not. Mr. Davis asked if it was tied to any kind of an index. Borough Manager Kehoe clarified by saying that it shall not exceed the percentage increase in the “All Items Index” of the Consumer Price Index as of year end. Mr. Taylor agreed but stated that Council has the option of not accepting it from one year to the next. Motion carried 6 - 0.

Resolution 2007-08, Code Enforcement Officer Appointment – Motion made by Mr. Roy Davis, seconded by Mrs. Carey, to adopt Resolution 2007-08 and appoint Mr. Willard Ziesemer as Code Enforcement Officer for the Borough of Clarks Summit. Discussion: None. Motion carried 6 - 0. Mr. Ziesemer was asked to stand and was introduced to the audience/public and all Council members.

Resolution 2007-09 Community Development Block Grant Monies – Motion made by Mr. Roy Davis, seconded by Mr. Taylor to adopt Resolution 2007-09 that the following Community Development Program and Budget be communicated to the Lackawanna County Board of Commissioners for inclusion in the County’s CDBG application for fiscal year 2007 on behalf of the Borough of Clarks Summit: Removal of Architectural Barriers in the Municipal Building at a cost of \$21,032.00; Street/Road Improvements on Bedford Street at a cost of \$70,000.00; and Administration at a cost of \$19,982.00. Discussion: None. Motion carried 6 - 0.

Updating the DPW Building – Mr. Williams addressed Council stating that the front of the DPW building needed to be updated. Other businesses on that block have made improvements and he asked if we had any money or could put this into the 2008 budget. President Moyer asked Mr. Williams and Mrs. Carey to come up with a project “concept” and to do research on pricing and come back to Council.

Timetable for Borough Council Agenda – Mr. Williams recalled that there was a police/procedure that required seven days notice to the Borough Manager in order to get a topic listed on Council’s Agenda and he wanted a resolution to strengthen that procedure. After discussion, Ms. Kehoe said she really hasn’t had a problem with

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people coming in immediately prior to a meeting and asking to get on the Agenda. Mr. Moyer stated that Virginia should feel free to tell Council if this becomes a problem and that Council would address it with a resolution at that time.

BOROUGH SEWER REPORT: The Borough Sewer Report for March 1 through March 31, 2007 was before Council. Motion made by Mr. Taylor, seconded by Mr. Colman to approve the report. Discussion: None. Motion carried 6 – 0.

SOLICITOR’S REPORT: The Borough Solicitor’s written report was before Council and was reviewed.

CORRESPONDENCE: Borough Resident Warren Watkins sent a letter recognizing the outstanding work of the Borough’s DPW during the two recent heavy snows.

PUBLIC COMMENT

Mr. Gene Gallagher spoke to Council about the maintenance agreement on the clock tower and the sewer problems that are currently affecting the Borough.

Mr. Herman Johnson asked Council about their plans for the municipal building.

Mr. Chris Calvey asked Council if there are any plans on renting out the downstairs. President Moyer stated that that idea is being investigated but there has been no final decision. Mr. Calvey asked if there is any interested party now and is there something top secret about it. Mr. Colman stated that nothing formal can be done until the bathrooms are brought up to the ADA code. Herman Johnson reminded Council that the building is named as a disaster center. If you rent out a portion of the building, will there still be enough room to set up cots or other necessary items for disaster victims?

A Borough Resident who lives on Nichols Street asked Council to investigate the parking situation in that neighborhood. Mr. Taylor recommended that the Borough Solicitor take a look at our ordinances to see how we can address the problem of how many people living in an apartment can have vehicles and how many parking spaces are available.

Mr. Todd Dixon, owner of Dixon Automotive in the Borough, spoke to Council about his concerns regarding electronic signs.

A Borough Resident spoke to Council against allowing flashing signs and sandwich board signs in town. She stated that when you drive down her street and come to town the new A-frame/sandwich board signs are very, very unattractive and take away from the uniqueness of the town.

Mr. Robert Bennett, Borough resident, asked about the Grandview Street litigation. Ms. Kehoe stated that there has been a postponement until May 17, 2007 at 9:30 AM.

Scranton Prep School Students – several students from Scranton Prep attended the meeting as a requirement for their Civics class.

EXECUTIVE SESSIONS:

President Moyer reported that one Executive Session had been held on March 7, 2007 after the Council meeting to discuss litigation and personnel; one was held on March 20, 2007 at 4:30 PM regarding potential litigation; and one will be held at the conclusion of tonight’s meeting on April 4, 2007 to discuss pending litigation and contracts. None were scheduled subsequent.

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ADJOURNMENT:

Motion made by Mr. Taylor, seconded by Mr. Colman to adjourn the meeting. Discussion: None. Motion carried 6
– 0.

Respectfully submitted,

**Virginia Kehoe
Borough Secretary**

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