

**BOROUGH OF CLARKS SUMMIT
REGULAR COUNCIL MEETING
Tuesday, June 3, 2008
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The regular June Meeting of Borough Council was conducted on Tuesday, June 3, 2008 at 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 and Commonwealth of Pennsylvania. Council members in attendance were President Gerri Carey, Vice President Patrick Williams, Mr. Roy Davis, Mr. Bob Bennett, 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.

Prior to the start of the meeting, Mayor Harry Kelly and Council President Mrs. Carey commended Eagle Scouts Michael P.J. Brunetti, Victor Dec, James Gember and T.J. Katz.

The next order of business was discussion regarding the Street Light Power Deregulation. Mr. Bob Kearns from MEM gave a presentation and explained the performance contract, the savings that could be incurred by the Borough, their debt service and their performance for other local towns and cities. Mr. Kearns suggested creating a committee to handle the decision making process for this. He would meet with this committee and the solicitor to answer in depth questions and to analyze this project, which he deems a very viable project for the Borough.

It was determined that Council would create a committee. Mr. Davis also suggested we find a community volunteer with expertise in this area in order to help look into energy savings and create a coalition between Council and the Community. It was determined the committee would be comprised of Mr. Davis, Mr. Johnson and Mrs. Evans.

APPROVAL OF AGENDA:

Mr. Davis 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 April 22, 2008 Council Work Session meeting. Mr. Bennett seconded the motion and it carried 7-0.

Mrs. Evans made a motion to approve the minutes for the May 7, 2008 regular Council Meeting. Mrs. Drake seconded the motion and it carried 7-0.

Mrs. Evans made a motion to approve the minutes for the May 27, 2008 Council Work Session. Mr. Johnson seconded the motion and it carried 7-0.

PUBLIC COMMENT & INPUT:

The Police Department was thanked by Mrs. Van Wie for closing Lewis Lane for their block party. She also stated that all of the neighbors in the Grandview area were asked to contribute money toward the barrier and they will begin collecting the money once the barrier begins being constructed. She also asked that until the barrier is constructed that police patrols are increased to prevent individuals from using the road. Attorney Preate stated the Council must vote to place the permanent barrier in order to end this situation right now. Mr. Davis stated that they have placed barriers, and that he is still concerned with the costs. Mr. Davis made a motion to have Virginia Kehoe order DPW to block Grandview with sawhorses and wire or snow fencing immediately. Mrs. Evans seconded the motion. Attorney Preate suggested a Grandview Association be created to own the 2 foot property. After discussion the earlier motion by Mr. Davis passed 7-0.

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BIDS AND QUOTATIONS:

Virginia Kehoe stated that the bids for the 2008 Paving Projects were received today. She stated that, as expected, the bids were higher due to fuel costs, though not as high as it was feared they would be. Locust Ridge was the low bidder at \$198,959.70. She has faxed everything to Acker to make sure that bid specs were met. She suggested that, pending approval by Acker, Council make a motion to accept this bid or to make a decision as to whether or not they will be going forward with the paving project. Mr. Johnson asked how many blocks were to be paved. Virginia Kehoe stated that it would be the 6 blocks of Greenwood, 2 blocks of Highland, 2 blocks of Sheridan and Summit and 1 block of Hallstead. The total is approximately 3,000 feet. Mr. Johnson made a motion to accept the bid. The motion was seconded by Mrs. Evans and carried 7-0.

After discussion of problems with last year's pave job, Mr. Johnson made a motion that an inspector of some kind be hired part time to inspect paving and pave cuts. There was discussion regarding whether this could be a volunteer position. There was discussion as to who this person would work under. The motion did not receive a second and was not passed, as Mrs. Carey stated that the issue is too new to make such a motion. It was decided this would be revisited at the next meeting.

BOROUGH TREASURER'S REPORT:

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

Virginia Kehoe noted that there was also a note from Borough Treasurer Christine Tsaklas regarding a Capital Reserve account at Fidelity Bank that has been earning 1.28% and is currently dormant due to inactivity. She is suggesting transferring the funds into a 6 month CD with PA Invest which would earn a 3.26% interest rate. Virginia Kehoe stated that she believes the Borough has enough liquid funds to do this and seeks Council's approval for Christine Tsaklas to make this transaction. Barbara Evans made a motion to transfer the funds from Fidelity to a CD with PA Invest. Kathy Drake seconded the motion and it carried 7-0.

COMMITTEE REPORTS:

Shade Tree Commission – Charlie Busalacchi gave the Shade Tree Commission annual report. He thanked the Borough Council, Virginia Kehoe and her staff for the support they have given throughout the year. Donna Zagrapan gave the official report. She stated that they had not only met but exceeded all of their goals for the previous year. She stated that the Borough received Tree City USA for the first time in 8 years and that a member of the Commission completed training to be an arborist. There was also discussion of the success of the Adopt-A-Tree program.

Public Safety – UGI – Bob Bennett stated that Councilman Williams had drawn attention to an unsafe gas meter, which has already been addressed and UGI has erected a barrier around the unit. Two more gas meters have been discovered and the safety issues rectified. Herman Johnson mentioned a meter near Dunkin' Donuts to investigate. Virginia Kehoe stated that Planning Commission had, at one time, addressed that. There was also discussion regarding the required landscaping and storm water management in that area. It was decided that Virginia Kehoe would try to arrange a meeting with Donna Zagrapan and Mr. Patel.

POLICE REPORT:

Chief Vitale gave the May 2008 Police Report, and summary of police related activities. There was a public comment on the excellent effectiveness and efficiency of the police department. Herman Johnson asked about Knapp Road and parking on the road. He stated it was a safety issue. Gerri Carey stated that she travels that way frequently and that it is rare that cars are parked on that portion of the road.

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A motion was made by Herman Johnson to terminate the employment of Jason Kaiser. The motion was seconded by Barbara Evans and carried 7-0.

BILLS TO BE PAID:

Motion made by Mr. Bennett to pay bills as presented. The motion was seconded by Mrs. Evans and carried 7-0.

OLD BUSINESS:

Moody: Virginia Kehoe stated that on Attorney Preate's advice the Moody's application was denied and the Moody's have decided to re-apply. Attorney Preate explained that they had submitted a pack of engineering information, etc. on Thursday which was reviewed by Robert Naegele and was determined to be incomplete. Attorney Harris requested an extension which was denied. It was also explained to Attorney Harris that the top portion of the tower must be removed in good faith for consideration of the next application.

Grandview: There was discussion regarding the barrier on Grandview, what could be planted, and ways to avoid destruction by the snow plow. Mr. Davis expressed his frustration with the lack of movement on this issue. There was further discussion regarding opinions of Mr. Kalinoski and Bob Naegele and the DPW with various issues.

Nextel: There is a mediation meeting on July 9, 2008 at 10:30 a.m. in Pottsville and there needs to be a representative group present to make a decision.

Pass-Thru: After the discussion of several unsuccessful attempts to make contact with South Abington Township, Mr. Bennett made the suggestion that Council set a date and time for a meeting, rather than waiting for SAT to do the same. Herman Johnson suggested that members of Council attend the South Abington Township meeting and speak during their Public Comment to ask their Supervisor's to schedule a meeting with them. This was decided upon as the best course of action. Council members will attend South Abington's meeting at the end of the month.

Railroad Project: Virginia Kehoe stated that there was one piece of information the Army Corps of Engineers sought out, which was provided to them, and they are in receipt of it. Virginia Kehoe stated that she is hoping to see the advertisement posted.

Motion to hire Police Pension Consultant was made by Mr. Johnson. The motion was seconded by Mr. Davis. Mr. Bennett asked for confirmation that this would be paid from the Pension fund. There was discussion, with Chief Vitale stating that Officer Shedlock had some reservation regarding this. There was further discussion regarding the cost being split and that the consultant would be beneficial in helping negotiate and net the largest concern. Mr. Herman Johnson, while discussing the potential vendors and the Police Pension Board as an advisory group, stated that he sometimes works with Mr. Goldstein, a potential vendor, and therefore would not be voting upon this issue. Mr. Davis suggested modifying the motion to look into hiring a consultant who would be paid through the Pension fund if it is legal to do so and if it is not, to be paid solely by the Borough, to ensure the Pension Fund is in the best hands. Mr. Johnson agreed to the modification of his motion. Mr. Davis, again, seconded this. Mrs. Evans voted yes. Mr. Davis voted yes. Mr. Williams voted yes. Mrs. Carey voted yes. Mr. Johnson voted yes. Mrs. Drake voted yes. Mr. Bennett voted yes.

NEW BUSINESS:

Resolution 2008-29 – Parking Meter Suspension for the sidewalk sale days in July. Mrs. Evans made a motion to approve Resolution 2008-09. Mrs. Drake seconded the motion and it carried 7-0.

Naming of Post Office to Dennis J. Veater Memorial Post Office – Congressmen Carney's office is looking into dedicating the Post Office Dennis J. Veater Memorial Post Office in honor of a young man from Clarks Green who

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was killed in action last year in Iraq. They are looking for Council's comments on this. Attorney Preate felt it is too soon to vote on this. After further discussion, Council tabled the issue until further research could be completed.

Resolution 2008-30 – DPW Summer Hours were suggested by Kathy Drake. This would have the DPW work four, 10 hour shifts, as a means of saving money for the DPW and the Borough. The issue was tabled to be discussed at work session and it was asked that numbers and dollars regarding where potential savings could be had are prepared and presented.

BOROUGH SEWER OFFICE REPORT:

The May 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. Evans 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:

Thank you from Shade Tree Commission to Herman Johnson.

Correspondence from ABPA regarding Street Banners. They are asking if they may purchase banners for their Ice Festival that would be put up by the DPW. There were no objections to this.

Thank you from Elizabeth Spinka to DPW and Council for addressing Woodlawn storm water problems.

PA Families – "Parents of the Year" nominations.

NEIU 19 – Rental Space – There is a need for 3 classrooms and a physical therapy room. There was a suggestion to send this letter to the school board.

Invitation – 11th Military Police Brigade Departure Ceremony – Council is invited to attend the departure ceremony on Monday, June 23rd at 4:00 p.m. at the Arena. Everyone on Council should R.S.V.P. to Virginia Kehoe.

EXECUTIVE SESSIONS:

Executive sessions were held prior to this meeting on May 7, 2008, May 20, 2008 and May 26, 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.

ADJOURN: With no further business to discuss Mr. Johnson made a motion to adjourn. The motion was seconded by Mrs. Evans and carried 7-0.

Respectfully submitted,

**Katie M. Bower
Borough Secretary**

**Geraldine A. Carey
Council President**