

**BOROUGH OF CLARKS SUMMIT
REGULAR COUNCIL MEETING - RECONVENED
TUESDAY, JULY 17, 2007
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The regular July Meeting of Borough Council reconvened on Thursday, July 17, 2007 at 7:02 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 Council President Donald H. Moyer, III, Councilperson Gerri Carey, Councilman James Colman, Councilman Roy Davis and Councilman Patrick Williams. Also attending were Mayor Harold P. Kelly and Borough Manager/Secretary, Virginia Kehoe. 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.

PRESENTATIONS:

None

APPROVAL OF AGENDA:

Mr. Colman moved to approve the agenda. The motion was seconded by Mr. Williams. The Agenda was unanimously approved as presented.

OLD BUSINESS:

The Council meeting was reconvened in order to address two (2) pending law cases, Nextel and Grandview Street, both of which have deadlines. The Nextel case has a deadline of July 18, 2007 and we must make a decision to either Appeal or allow it to go through. The Grandview Street case has a deadline of thirty days and was filed yesterday (July 16, 2007) which gives us time to reach a decision. We met with Attorney's Bolock and Ferguson last evening to discuss both cases and we are meeting tonight in an effort to make some sort of decision on Nextel and to continue forward.

President Moyer asked for any motions regarding Nextel. Mr. Colman moved to authorize Borough Solicitor to file an Appeal to the Commonwealth Court of Pennsylvania from the decision of Judge Carmen Minora of the Court of Common Pleas of Lackawanna County and further moved to authorize and direct the Borough Solicitor to file a motion to stay the issuance of any building permits and construction activities with regard to the construction of a cell tower by Nextel during the pendency of the Appeal. Motion was seconded by Mr. Williams. Motion was passed unanimously by those present.

President Moyer said that there is still a thirty day window with regard to Grandview Street but that the citizens present from Grandview Street were more than welcome to speak if they wished. President Moyer stated that they would make a decision regarding Grandview at the next regular council meeting. President Moyer announced that Vice President Peggy Jackson has resigned and that they will be looking for another council member hopefully for next month.

PUBLIC COMMENT:

President Moyer opened the floor for anyone who wanted to speak. Herman Johnson questioned whether the Borough Solicitor had contacted Attorney Preate to see if he could assist in this case. President Moyer responded that this had been discussed and if the Solicitor needed to call Ernie he would contact him. Mr. Johnson interjected that he had spoken with Attorney Preate who told him that he had never been contacted by the Attorney. President Moyer stated that when he met with the Attorney last evening he had all of the records from Mr. Preate. He stated that the reason the Borough had lost was that they had closed the road and that they still had the option to appeal. He explained that Councilman Taylor was not present last evening or tonight because he was out of town and that the Special Meeting held last evening was with regard to Nextel and that there could be another special meeting scheduled next month regarding Grandview.

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Herman Johnson , Jim Van Wie and other representatives from Grandview Street stated that they disagree with the legal representation obtained by Clarks Summit Borough and that they would like Council to consider retaining Attorney Preate to handle the Appeal. The said residents also discussed the history of the Grandview Street case and their concerns with Public Safety. President Moyer responded and assured residents that Council was fully aware of all of their concerns.

Tom Detorre commented on the Nextel cell tower.

EXECUTIVE SESSIONS:

None

ADJOURNMENT:

There being no further business before Council the Meeting adjourned at approximately 7:37 PM.

Respectfully submitted,

**Katie M. Bower
Borough Secretary**

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