

**BOROUGH OF CLARKS SUMMIT  
REGULAR JULY COUNCIL MEETING  
WEDNESDAY, July 2, 2008  
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The Regular July Meeting of Borough Council was conducted on Wednesday, July 2, 2008 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 Gerri Carey, Vice President Patrick Williams, Mr. Roy Davis, Mr. Bob Bennett, Mrs. Kathy Drake, Mrs. Barbara Evans and Mr. Herman Johnson who arrived late, at 8:10 p.m. Also attending were Borough Manager/Secretary, Virginia Kehoe, Police Chief Louis Vitale, Mayor Harry Kelly 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.

**SPECIAL HEARING – 6:30 p.m. (prior to regular meeting) ORDINANCES 2008-05 & 2008-06–**

Both ordinances are presented to Council as recommendations from the Planning Commission.

**Ordinance 2008-05:** Virginia Kehoe stated that this ordinance would require the submission of complete applications for Land Development Plans to be at least twelve business days prior to meetings and any revisions to the applications must be submitted at least seven business days prior to the next meeting to allow for proper review. The issue was opened to public comment. There was no public comment given. Pat Williams asked if that was enough time. Virginia Kehoe explained that this is what Planning Commission felt was most workable for the commission and for the applicants.

**Ordinance 2008-06:** The second ordinance presented by Planning Commission addressed off premise parking for businesses. The current ordinance allows parking 400 feet away, but does not specify where the 400 feet begins and ends. The Commission wishes to change the ordinance to read “400 feet from the main public entrance to the parking space.” It would also read that these spaces must be dedicated to the remote property. The issue was opened to public comment. There was no public comment given.

**Request for a Public Hearing from the State Street Grille:** Attorney Frank Bolock represented State Street Grille seeking from Council the adoption of a resolution which would allow them to gain the approval by the Liquor Control Board to host outdoor music on Wednesday evenings. Attorney Bolock explained the procedure that was necessary to gain such approval. Virginia Kehoe stated that she received several letters from local business owners who are in support of this venture. Gerrie Carey concurred. There was some discussion regarding specific times of the music.

The Public Hearing was adjourned. The Regular July Council meeting was called to order.

**Meeting with Members of Sewer Board:** Members of the Abington Area Joint Sewer Board were present to meet with Council. Attorney Mike Donahue, Solicitor for the Joint Sewer Authority, spoke to present a proposed Memorandum of Agreement to be signed by Clarks Summit Borough, South Abington Township, Clarks Green Borough and the Joint Sewer Authority, under which the Municipalities would commit to an agreement moving toward a corrective action plan for the collection system of the sewers in these municipalities. Attorney Donahue spoke of continued overflow problems where the treatment plant cannot handle the amount of flow, especially after storms, ice melts, etc. He stated that the plant is able to handle 12 million gallons per day, but excess flow and occasional bypasses have occurred. Four notices of violation have been received this year from Department of Environmental Resources. Attorney Donahue introduced the other members of the Board and representatives. Mr. Jim Elliot spoke and explained that the purpose of the Memorandum was to encourage joint planning as there has been a series of meetings necessary with DEP to avoid fines, etc. Despite steps taken to expand the capacity of the plant, DEP said that these steps are not enough, and therefore this corrective action plan is necessary. He explained that this is particularly important for the economic well being of the municipalities. He explained other aspects of the Memorandum.

Solicitor Preate asked if this agreement would place a moratorium on new building in the municipalities. There was some discussion regarding conditions for approval and a short term hiatus on approvals that would last at least a few

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weeks. No hook ups would be permitted until the situation is resolved. It was also explained that the Borough could begin to act immediately, without concern for this year's budget, as the authority will reimburse any costs incurred as a result of taking steps toward resolving the problem. These costs would be turned around in the end, with users paying for the cost.

Attorney Preate asked for a time assessment. It was explained that the entire process would likely take approximately two years and cost a few hundred thousand dollars. There is grant money available and the Authority does have a reserve that will cover most of the up front costs. There was discussion of other enforcement needs regarding sump pumps, run off into sewers, infiltration, etc. Barbara Evans made a motion to sign the Memorandum as presented, with the understanding that the other parties also sign the Memorandum as is presented tonight. Mr. Davis seconded the motion and it carried 7-0.

**APPROVAL OF AGENDA:**

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

**APPROVAL OF MINUTES:**

Minutes were presented for the June 3, 2008 Regular Council Meeting and the June 9, 2008 Special Meeting.

A motion to approve all of the minutes was made by Mrs. Evans. The motion was seconded by Mrs. Drake and carried 7-0.

**PUBLIC COMMENT & INPUT:**

Mr. Gene Gallagher commented on the street light presentation given previously and recycling within the Borough. Virginia Kehoe addressed Mr. Gallagher's concerns. Mr. Bennett also gave a report from the recycling committee.

Helene Magnotta spoke regarding the Moody tower and asked why nothing had been filed with the magistrate. She was told by Attorney Preate that the top of the tower had been removed and that a new application has been filed, as the first was denied, and that they have done what is necessary to prevent filing a law suit at this time. The new application will be reviewed by Code Enforcement.

Brad Evans spoke and asked questions regarding alley's which were discussed. Virginia Kehoe explained that research is being done and that any actions taken will be done so publicly.

**BIDS AND QUOTATIONS:** None.

**BOROUGH TREASURER'S REPORT:** The Borough Treasurer's Report, as of June 30, 2008 was before Council. Motion made by Mr. Johnson to approve the Report as presented. The motion was seconded by Mrs. Evans and carried 7 - 0.

**COMMITTEE REPORT:**

**Shade Tree Commission:** Charlie Busalacchi presented two letters to Council that the Commission hopes to send in a mass mailing regarding the Ordinance addressing tree clipping and removal in the public right-of-way. They want to send out official Borough correspondence for people to be made aware of the Ordinance and the fines attached to it. The Shade Tree Commission was asking the Borough to sponsor the mass mailing. Shade Tree Commission would complete all of the work necessary, but asks Council to pay for the mailing. They estimate the costs to be approximately \$1,500.00 to send approximately 2,000 letters. Mr. Busalacchi also stated this would be a good opportunity for Council to address other issues and educate the public within the same mailing. Mr. Johnson made a motion to pay for the mass mailing. Mr. Davis seconded the motion and it carried 7-0.

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Shade Tree Commission also requested an inflation increase for their 2009 budget.

**POLICE REPORT:** Mayor Kelly gave the June 2008 Police Report, and summary of police related activities.

**BILLS TO BE PAID:** Motion made by Mr. Johnson to pay bills as presented. The motion was seconded by Mrs. Drake and carried 7-0, with Robert Bennett waiving the Met Life bills.

**OLD BUSINESS:**

**Grandview:** Attorney Preate discussed a meeting that was held which resolved physically what would be done at the barrier location, decided upon by a handshake agreement with Mr. Nogi. It was discussed that many of the necessary steps were taken toward erecting the barrier, before a letter was received by the Shade Tree Commission from Mr. Kalinoski with a quote for \$8,575.60. There was discussion regarding the fact that the arrangement did not mention anything to do with this exchange of money and that other than what the Borough committed the DPW and Shade Tree Commission to complete, all other expenses belong to Mr. Nogi to pay Mr. Kalinoski. Mr. Kalinoski was simply to supervise work. Council had no intention whatsoever of paying this to Mr. Kalinoski and intends to proceed as was determined with the work of DPW.

**NEW BUSINESS:**

Ordinance 2008-05 – Zoning Amendment – Amending Subdivision development submissions. Mr. Johnson made a motion to pass ordinance 2008-05. The Motion was seconded by Mrs. Evans and carried 7-0.

Ordinance 2008-06 – SALDO Amendment – Remote parking & submission deadlines. Mr. Bennett made a motion to pass Ordinance 2008-06. The motion was seconded by Mrs. Evans and carried 7-0.

Resolution 2008-31 – authorizing Council President to sign lease authorized at April Council Meeting. Mr. Johnson made a motion to pass the Resolution. The motion was seconded by Mrs. Drake and carried 7-0.

There was a motion made by Mr. Johnson to sign a Resolution to allow the State Street Grille to have outdoor music from 6 until 9 p.m. Mr. Bennett seconded the motion and it carried 7-0.

**BOROUGH SEWER OFFICE REPORT:** The June 2008 Sewer Office Report was prepared by Virginia Kehoe and presented to 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 sought authorization from Council for both he and President Carey to negotiate a fee and enter into an agreement for a Police Pension Board consultant. Mr. Johnson made a motion to authorize this. Mr. Davis seconded the motion and it carried 7-0.

Mr. Bennett asked if there was any progress made in getting an appointment with South Abington. After discussion, it was stated that they still have not been helpful in scheduling this appointment to handle the issues. There was discussion of Attorney Preate contacting their Attorney to schedule an appointment. Attorney Preate has attempted to do this without success.

**CORRESPONDENCE:**

A thank you was received from Odyssey of the Mind.  
A thank you was received from Clarks Summit Fire Co.  
A thank you was received from the VFW.

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A Response was received from the Single Tax Office. The letter stated that until the audit is completed, they cannot set any expectations.

A letter was received from Dr. Mercuri. The letter was addressing a retaining wall next to his property at 415 Parker Street and the Zoning which allowed the construction of such a wall. There was discussion of CEO Willard Ziesemer's interpretation of ordinances.

A letter was received from Marilyn Carey regarding water pooling in her driveway. It was determined that the Borough cannot get involved in this and that Ms. Carey should contact a paver to raise her driveway.

A letter was received from Maria Pappa regarding storm water problems on Woodland Way. This is an issue that will need to be addressed in the future.

A thank you was received for Herman Johnson's sons.

**COMMITTEE REPORTS:**

Mrs. Evans mentioned that donations are being collected to plant a tree in memory of Barbara Grabfelder's father.

Mr. Bennett spoke on behalf of the Public Safety Committee and stated that the work to address the gas meter near Dunkin' Donuts is scheduled for mid July. There are two others, one in the back of the Borough Building and one near Chermak's which will be addressed.

**EXECUTIVE SESSIONS:**

Prior – June 3, 2008 Litigation and Personnel

June 9, 2008 – Personnel

June 24, 2008 – Personnel

During – None

Subsequent – Immediately following

**RECESS:** Council recessed at 10:17 p.m. to enter executive session.

**RECONVENE:** Council reconvened at 10:28 p.m.

**ADJOURNMENT:**

With no further business to discuss Mr. Williams made a motion to adjourn. The motion was seconded by Barbara Evans and carried 7-0.

**Respectfully submitted,**

**Katie M. Bower  
Borough Secretary**

**Germaine A. Carey  
Council President**