

**BOROUGH OF CLARKS SUMMIT
REGULAR BOROUGH COUNCIL MEETING
WEDNESDAY, JULY 7TH 2004
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The regular July Meeting of Borough Council was held on Wednesday, July 7th 2004 at 7:00 P.M. The Meeting was conducted in Borough Council Chambers, 2nd Floor, 304 South State Street, Borough of Clarks Summit, County of Lackawanna, Commonwealth of Pennsylvania. Council members present were Council Vice President Timothy D. Rowland, Councilman Richard W. Armbrust, Councilman Thomas Bradley, Councilperson Gerry Carey (arriving late), Councilperson Margaret (Peg) Jackson, and Councilman Williams. Council President Donald H. Moyer, III was absent. Also attending were Mayor Wesley W. Dumm, Sr., Borough Solicitor Malcolm Mac Gregor, Chief of Police Joseph English and Borough Manager/Secretary James G. Vones, Sr.

APPROVAL OF AGENDA:

Motion by Mrs. Jackson to approve the Agenda as presented. Second by Mr. Armbrust. Discussion – None. Motion carried

APPROVAL OF MINUTES:

**FEBRUARY 4TH 2004 – Council Regular Meeting
APRIL 7TH 2004 – Council Regular Meeting (& Reconvene on April 21st 2004).**

Motion by Mrs. Jackson to approve the Minutes of February 4th and April 7th 2004, as presented. Second by Mr. Bradley. Discussion – None. Motion carried 6-0.

BIDS & QUOTATIONS:

None

BOROUGH TREASURER'S REPORT:

The Borough Treasurer's Report, as prepared by Dee Ann Stephens, as of June 30th 2004 was before Council. Motion by Mr. Bradley to approve the Report as presented. Second by Mrs. Jackson. Discussion – None. Motion carried 6-0.

PUBLIC COMMENT & INPUT:

Mr. James Jones of 123 North State Street with several issues. He had made several complaints and Mr. Moyer was to handle them and he has not. The parking lot lights at the Community Bank and Trust continue to shine into his property/home. Vice President Rowland explained that President Moyer was not here tonight, but was sure he was handling the matter and would get back to Mr. Jones when he returned from Vacation. Mr. Jones stated that Bank has moved the entire Loan Department to North State Street, adding to traffic volume and parking issues. The Bank is now a Headquarters at North State Street, and much larger than the Borough approved originally, and this was a violation. The Solicitor would investigate this complaint. Mr. Jones next complained about the stormwater swale behind the Bank, it is not kept clean and causes backups of stormwater. This is really Attorney Ever's problem with the pipe under his driveway, which restricts water flow back onto the Bank and then back onto the Jones property. Vice President Rowland stated he knows President Moyer is investigating this stormwater issue. Mr. Jones next complained about the skateboarders in the Bank Parking Lot. He called the Police to make a complaint and it took then an hour and a half to respond to his issue.

Mrs. Ann Krantz, a new resident to the Borough stated that the 300 & 400 block of Greenwood Avenue needs paving badly. The road is all broken up. She also had questions about a retaining wall. She was advised to contact the Borough in the morning to get help and a permit application, if one was required.

Mr. Joe Scandale was present about his correspondence and a problem on Greenwood Avenue with Mr. Yasinskas placing large rocks in the right-of-way to prohibit parking. He reported both parties had hired

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Attorneys and reached a tentative agreement about the issue between his daughter and her neighbor the Yasinkas'. He stated he was here tonight to protect his daughter and her fear of harassment. If this matter did not resolve itself, he would be back again in the future and would take that civil action necessary. Solicitor Mac Gregor explained his involvement with this matter and that it was also his understanding that the matter was resolved.

Mr. Matt Swientisky was present and asked about his land use. He was attempting to sell his property on South State Street (a HC1 Zone) to a tire dealer. He was advised that nothing was scheduled for this matter, and nothing was before the Planning Commission. The use the buyer proposed is not permitted in a HC1 Zone. His potential buyer had been referred to Carson Helfrich for more information.

COMMITTEE REPORTS:

None

POLICE REPORT:

Mayor Dunn gave the June 2004 Police Activity Report. Discussion followed. Mr. Bradley asked about crosswalk enforcement and why the pedestrian crosswalk signs were not being put? The Mayor responded that there is a problem with police pursuit for enforcement in the downtown area, with its high traffic volume. Mr. Bradley stated there should be some type of enforcement here. Chief English stated that it was not only an enforcement issue but an educational issue. People have to use the crosswalks and demonstrate that they intend to cross the street. Vice President Rowland directed the Chief to put the pedestrian sign out, the Borough paid for them and they should be used.

Mr. Raymond Davis of Barrett Street stated the pedestrian laws are not being enforced nor is the Burglar Ordinance. Solicitor Mac Gregor stated he was reviewing the current Borough Ordinance and reviewing the ordinances of Glenburn Township and South Abington Township, there needs to be a few areas corrected in the current Borough Ordinance. Mr. Davis observed this was again a lack of enforcement effort.

Mr. Robert Bennett of Timber Lane stated that a state law already exists, if the police chose not to use the Borough Ordinance. He had researched while on Council and given the information to Chief English in late 2003.

Mayor Dunn responded that the Department needs to develop a policy on burglar alarms and false alarms.

Mr. Davis asked when that would be done, by the next Council Meeting? When?

Solicitor Mac Gregor stated that he was reviewing this matter for its legal content. Mr. Davis asked if this would be done in a realistic period and would the Ordinance be amended and advertised and then enforcement occur?

Mayor Dunn stated he was working on this and other policy matters for the Police Department, as a part of a comprehensive review.

Mr. Davis then asked the Chief of Police about Dog Law enforcement. No education going on and no enforcement. The dogs just continue to bark and nothing happens.

Mr. Jones of North State Street, that was correct, he called 3 times and the police did nothing.

Mr. Davis then asked if the VASCAR lines had been installed on State Street? Was the Police Department enforcing the speed limit? Mayor responded they were installed/being installed.

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Mr. Williams asked about the parking meter issue. Mayor Dunn stated the broken meters are being repaired as they are reported. He met with the manufacturer's representative on June 15th. New coin mechanisms were being sent, at no charge to the Borough, to replace the re-manufactured units initially purchased by a prior Council. He also stated that the Representative stated that the parking meters could experience difficulty because the truck vibrations on State Street.

Mr. Davis stated he found that hard to believe and had never heard of that before.

Mayor Dunn stated that the parking meters were breaking down and/or not working at all because the mechanisms were working loose.

Mr. Davis suggested that be placed in writing and a letter sent to Duncan Industries about the problem.

Mr. Williams asked about the meters, is there routine maintenance on them? If they are no working, they cannot be enforced. Does the Police Department need more staff?

Mr. Davis asked about the computer system and the ALERT System? Mayor Dunn stated he has a meeting next week at South Abington Township Police Department with Julie.

Mr. Charles Martin of Grandview Street stated that a number of the "Keep Grandview Street Signs" had been stolen and reported to the Police a few had been recovered.

BILLS TO BE PAID:

A motion and second was made to pay \$ 58,263.60 from the General Fund, \$ 21,519.71 from the Payroll Account, and \$ 608.84 from the Liquid Fuels Fund and to approve the payment of bills from June 8th to June 23rd 2004, \$ 88,765.61 from the General Fund, \$ 20,755.42 from the Payroll Account, \$ 934.63 from the Sewer Fund and \$ 21,024.00 from the Liquid Fuels Fund. Discussion followed. Mr. Bradley again questioning the high dollar amount of the Borough Phone bills and the cell phones for the Police department. He questioned the payment to Car-R-Us. He asked if anyone was checking the long distance calls being made? Mr. Bradley stated he would be abstaining on any payment for the POW/MIA Flags. Motion carried 6-0.

OLD BUSINESS:

None

NEW BUSINESS:

Resolution 2004-23 – UCC 3rd Party Inspections

Motion by Mr. Williams adopt Resolution 2004-23 and to appoint Building Inspections Underwriters as the Borough's 3rd Party inspection service. Second by Mrs. Carey. Discussion – None. Motion carried 6-0. Inspections.

Resolution 2004-24 – UCC Inspection Fees

Motion by Mr. Bradley to adopt Resolution 2004-24 which would adopt the Building Inspection Underwriters Fee Schedule plus an administrative charge. Second by Mrs. Carey. Discussion – None. Motion carried 6-0.

Borough Emergency Management Computer

Motion to refer the old Borough Administrative Computer to Herman Johnson (Borough's Emergency Management Coordinator) and its use in his home. Second by Mrs. Jackson. Discussion – None. Motion carried 6-0.

Red Cross Facility Use Agreement

Motion by Mrs. Jackson to continue the Red Cross Agreement and authorize Council President to sign. Second by Mrs. Carey. Discussion – None. Motion carried 6-0.

Rossi FY/CY 2003 Audit

Motion by Mrs. Jackson to accept the FY/CY 2003 Audit Report of Robert Rossi & Company, as presented. Second by Mr. Armbrust. Discussion – None. Motion carried 6-0.

H. Johnson from In-Active To Active Status (PT Police Officer)

For the record, Mr. Herman Johnson is being returned from In-Active to Active Status with the Borough.

BOROUGH SEWER OFFICE REPORT:

The June 2004 Sewer Office Report of Dee Ann Stephens was before Council. Motion by Mr. Bradley to accept the Report as presented. Second by Mrs. Jackson. Discussion – None. Motion carried 6-0.

SOLICITOR'S REPORT:

Solicitor Mac Gregor stated that he had not been in court today, on the Grandview matter, but expected this to go on for one or two more days. He reported his legal involvement with several code enforcement issues and his working with E.P. Mancinelli & Associates on these matters. He was dealing with the Joint Sewer Authority on discharge violations and reviewing their By-Laws (At the Joint Sewer Authority).

Mr. Bennett stated that the prior Council had required a monthly report from E.P. Mancinelli & Associates regarding codes enforcement issues and investigations. Was that being continued by the new Council? Manager stated that no monthly reports had been received, but a number of issues were currently with the Codes Enforcement Officer (C.E.O.) and the Solicitor and pending.

CORRESPONDENCE:

Several regarding Borough Insurance

June 21st 2004 letter from L&I re: Borough Building Boiler Non-Compliance.

June 21st 2004 letter from L&I re: Borough DPW Boiler Non-Compliance.

EXECUTIVE SESSION:

Vice President Rowland stated that there had been no Executive Sessions held prior to the Meeting tonight and none were scheduled.

ADJOURN:

There being no further business before Council, a motion by Mr. Bradley to adjourn. Second by Mr. Williams. Discussion – None. Motion carried 6-0.

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Respectfully submitted,

**JAMES G. VONES, SR.
Borough Manager/Secretary**

**TIMOTHY D. ROWLAND
Council Vice President**