

**BOROUGH OF CLARKS SUMMIT
REGULAR COUNCIL MEETING
WEDNESDAY, August 1, 2007
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The regular August Meeting of Borough Council was conducted on Wednesday, August 1, 2007 at 7:04 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 Raymond Taylor, Councilman Patrick Williams. Also attending were Mayor Harold P. Kelly., Police Chief Louis Vitale, Solicitor Frank Bolock 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.

APPROVAL OF AGENDA:

Mr. Taylor moved to approve the agenda. Motion was seconded by Mr. Colman and was approved as presented 6-0.

APPROVAL OF MINUTES:

The minutes for the June 6, 2007 meeting were presented. Mr. Davis moved to accept the minutes. The motion was seconded by Mr. Taylor and carried 6-0. The minutes for July 5, 2007 were presented. Mr. Colman moved to accept the minutes. The motion was seconded by Mr. Davis and carried 6-0. The minutes for July 17, 2007 were presented. Mr. Taylor moved to accept the minutes. The motion was seconded by Mr. Williams and carried 6-0.

ACCEPTANCE OF RESIGNATION:

A motion was made by Mr. Colman to accept the resignation of Vice President Peg Jackson. The motion was seconded by Mr. Williams. The motion was carried 5-1 with Roy Davis voting no.

A motion was made by Mr. Davis to name Mrs. Carey Vice President. The motion was seconded by Mr. Williams and carried 6-0.

A motion was made by Mr. Colman to name Herman Johnson to replace Peg Jackson. The motion was seconded by Mr. Taylor. Mr. Davis felt strongly that Council should not pick from the electorate, as he felt it would give Mr. Johnson an unfair advantage in the fall's election. However, he stated that he would go with the majority's vote. Mr. Williams strongly agreed with Mr. Davis and chose to abstain from the vote. The motion was carried 5-0.

Mr. Johnson accepted the appointment.

BIDS & QUOTATIONS:

Bids were received for Electric Street Sewer & Stormwater Project. The low bid was from Jackson Excavating for \$21,315.00. Mr. Taylor moved to accept the bid. Mrs. Carey seconded the motion and it was carried 6-0.

BOROUGH TREASURER'S REPORT

The Borough Treasurer's Report, as of July 31, 2007 was before Council. Motion made by Mr. Taylor to approve the Report as presented. The motion was seconded by Mr. Davis and carried 6 – 0.

COMMITTEE REPORTS:

A comment was made complimenting the dedication and hard work of the Shade Tree Committee.

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POLICE REPORT

Chief Vitale gave the July 2006 Police Report, and summary of police related activities. There was discussion of a problem with the Scooter.

BILLS TO BE PAID:

Motion made by Mr. Davis to pay bills as presented. The motion was seconded by Mr. Colman and carried 6-0.

SWEARING IN OF MR. HERMAN JOHNSON

OLD BUSINESS:

Ordinance 2007-03 – Zoning Amendment – Sign Ordinance.

President Moyer explained that the sign ordinance was referred to Council from the Planning Commission. It was an advertised ordinance and a motion is necessary to proceed. Discussion centered on the PennDOT right of way as well as the Americans with Disabilities Act. Solicitor Bolock stated that he wasn't involved in the preparation of the ordinance, nor did he render a legal opinion on it, but did state that there are a number of legal issues to consider. Mr. Davis made the recommendation that Council hold a Work Session to solely discuss the sign ordinance. This would give Solicitor Bolock and Council more time to research the legality of the sign ordinance as well as to consider what is best for local business owner's and their efforts to revitalize Clarks Summit.

Mr. Colman made a motion to schedule a Work Session to look into all of the legalities and issues with this ordinance. Motion was seconded by Mr. Davis. After discussion the motion was carried 7-0. The work session will be held August 29, 2007 at 7:00 p.m.

Ordinance 2007-04 – Shade Tree Ordinance

A motion was made by Mr. Williams to accept the Ordinance. Mr. Taylor seconded the motion and it carried 7-0.

Ordinance 2007-05 – Jake Brake Ordinance

A motion was made by Mr. Taylor to accept the Ordinance. Mrs. Carey seconded the motion and it carried 7-0.

Ordinance 2007-06 – Local Enabling Tax Ordinance

A motion was made by Mr. Taylor to accept the Ordinance. Mr. Johnson accepted the motion and it carried 7-0.

Grandview Discussion

Mr. Taylor made a motion to file an Appeal with the firm that we are currently using and then decide a firm to use after the Appeal. The motion was seconded by Mrs. Carey and, after discussion, was carried 7-0.

NEW BUSINESS:

New Signer's for Accounts

A motion was made by Mr. Williams to designate Gerry Carey, as Council Vice-President, and Christine Tsaklas, as Borough Treasurer, as new signer's for the account, replacing Ms. Jackson and Ms. Kohn. Mr. Taylor seconded the motion and it was carried 7-0.

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Appointment of New Borough Secretary

A motion was made by Mr. Taylor to designate Katie Bower as part time Assistant Borough Secretary at a rate of \$10.00 an hour. Mr. Williams seconded the motion and it carried 7-0.

BOROUGH SEWER OFFICE REPORT:

The July 2007 Report by Virginia Kehoe was before Council. A motion was made by Mr. Taylor to accept the report as presented. Mrs. Carey seconded the motion and it carried 7-0.

SOLICITOR'S REPORT:

None.

CORRESPONDENCE:

Mr. James (Doc) Doherty requested to be named Zoning Hearing Board Alternate. Motion was made by Mr. Williams to appoint Mr. Doherty second alternate. The motion was seconded by Mrs. Carey and carried 7-0.

PUBLIC COMMENT:

Mr. Bob Bennett questioned what we charge for a pave cut and suggested upgrading the cost from \$50. President Moyer said that Council can visit the issue.

Dot Voakes discussed PPL tree trimmers and how they have destroyed several trees. Residents were also not notified of removal. President Moyer will bring it to PPL's attention.

Bob Bennett questioned the status of the Nextel litigation. President Moyer stated that we appealed the decision and that is the current status.

Mike Patrician requested an update on Grandview. President Moyer stated that it is in litigation and will be discussed in Executive Session.

Brian Regan questioned whether the Borough has ever considered using speed tables to control speed issues on State Street. President Moyer said they have never heard of speed tables, but that there are several devices the Police are currently using to control speeding issues.

Barbara Midura had a concern about PPL poles and guidewires which are loose near her property on Carnation and Grandview. President Moyer said that he can address her concerns very easily.

Mari Van Wie questioned why the sign she requested to be installed has not been installed. Virginia Kehoe explained that Neil Bartholme has ordered the sign and will install it when it arrives.

Ray Davis emphatically discussed, once again, his desire to have Attorney Preate hired to handle the Grandview Appeal. Barb Midura expressed her agreement with Mr. Davis.

John Jeffrey discussed a flooding problem from Colburn which he believes is becoming worse as a result of Florey's development. President Moyer assured him he would have the Engineer address the issue as well as his other concerns regarding a right-of-way which will be addressed by the Zoning Officer.

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EXECUTIVE SESSIONS:

President Moyer reported that four Executive Sessions (July 5, 2007; July 16, 2007; July 17, 2007; and July 26, 2007) had been held to discuss personnel and litigation issues.

There are no executive sessions scheduled at this time.

ADJOURNMENT:

There being no further business before Council the Meeting adjourned at approximately 8:21 PM.

Respectfully submitted,

**Katie M. Bower
Borough Secretary**

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