

**BOROUGH OF CLARKS SUMMIT
REGULAR AUGUST COUNCIL MEETING
WEDNESDAY, August 6, 2008
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The Regular August Meeting of Borough Council was conducted on Wednesday, August 6, 2008 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 who arrived at 7:12 p.m., Mr. Bob Bennett, Mrs. Kathy Drake and Mr. Herman Johnson. 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.

APPROVAL OF AGENDA:

Mr. Johnson moved to approve the agenda. Motion was seconded by Mr. Williams and carried 5-0.

APPROVAL OF MINUTES:

Minutes were presented for the June 24, 2008 Council Work Session. Mr. Williams made a motion to approve the minutes. The motion was seconded by Mr. Bennett and carried 5-0.

Minutes were presented for the July 2, 2008 Public Hearing and Regular Council meeting. Mr. Johnson made a motion to approve the minutes. The motion was seconded by Mrs. Drake and carried 5-0.

PUBLIC COMMENT & INPUT:

Claude Welcome of 108 Vosburg Lane spoke to express his concerns of the proposed rezoning of the Morgan Highway area. Virginia Kehoe explained to Mr. Welcome that at present time, the applicant has withdrawn his application and that prior to any action taken there would be an advertisement placed and the property would be reposted. Also present to oppose the zoning change were Jean Shaumer of 198 Jefferson, Cathy Weinberger 204 Vosburg, Cheryl Orefile 108 Vosburg Lane, Maureen Runshefski of 109 Vosburg and Ann Shufkowski of 102 Vosburg. There was discussion of a Petition being presented. Attorney Preate asked for a contact person from the neighborhood to keep informed.

Bob Durkin, President of North East Pennsylvania Regional Cancer Institute. He commended Clarks Summit on addressing the issue of consumption of tobacco products by youth. He urged Borough Council to vote in favor of the proposed ordinance and applauded them for their courage in tackling this controversial and progressive issue.

Helene Magnotta spoke and presented information regarding guide wire regulations to Council regarding the ongoing issue with the Moody tower. She also requested minutes from several meetings and information on why certain meetings were canceled and who canceled them. She also asked Council to solidify an agreement that if the application isn't submitted in completion by September 30, 2008 the Moody's cannot be granted an extension. There was discussion regarding submission deadlines and Council's necessity to answer within ninety days, either yes or no, or the Moody's get the permit by default.

Charles Martin, of 405 Grandview Street, spoke. He updated Council and Attorney Preate on the status of their nonprofit neighborhood association. Mr. Martin made an inquiry as to when the tree planting, etc. will begin so they can collect the neighborhood contributions. There was discussion as to Donna Zagraban's design.

Ms. Ames of Division Street spoke regarding the research into the ownership of alleys and asked questions regarding the maintenance of these alleys. Virginia Kehoe offered comments on this issue and offered to provide Ms. Ames with a spread sheet detailing the information that is known currently regarding alleys.

BIDS AND QUOTATIONS:

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Greenwood Stormwater and Sewers: Virginia Kehoe explained that at the July Work Session, bids were presented for the Stormwater and Sewer work. She stated that Stark Enterprises was the lowest bid, but that Council decided to pursue references for the four lowest bidders prior to accepting any bids. Virginia Kehoe stated that she did this and that all of the low bidders were comparable in accordance to their references and to the engineer's analysis. Virginia Kehoe stated that she wishes to move on this as soon as possible and asked Council to approve this. After discussion, Pat Williams made a motion to award the job to Stark Enterprises. Kathy Drake seconded the motion and it carried 5-1, with Herman Johnson voting no.

GPS Units: Kathy Drake was looking to vote on this issue tonight. It was explained that there is a \$2,000.00 Grant toward this. Kathy Drake proposed going with Eagle Wireless and their 30 day trial period. She explained that each Unit is \$500.00 with a \$30.00 monthly fee. They would be looking to place the vehicle in 2 of the police vehicles. Chief Vitale offered his comments regarding the GPS units and his suggestion of going with Nextel. He stated that he doesn't believe it is worth the costs for Maintenance Issues. Mr. Johnson stated that Chief Vitale, Mayor Kelly and Mrs. Drake should meet prior to Council making any sort of decision. The issue was tabled.

BOROUGH TREASURER'S REPORT: The Borough Treasurer's Report, as of July 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 6 – 0.

COMMITTEE REPORT:

Sewer Board – Mike Donahue: Attorney Donahue, Solicitor for the Sewer Board, spoke regarding the Memorandum of Agreement, which all three municipalities have signed. There was further discussion regarding the Corrective Action Plan. Attorney Donahue explained what specifically this document would oblige Clarks Summit to do. First, Clarks Summit must simply continue to do what they are already doing with regard to storm water and paving work. Secondly, they must cooperate with the other two municipalities to create a uniform ordinance regarding dumping into the sewer system from sump pumps, gutters, etc. Finally, Act 537 planned updates are required and the Sewer Authority must be designated as the agent in creating the planned updates that address the needs of all three municipalities and their collection systems. Virginia Kehoe also stated that she received the information and agreement from the Army Corps of Engineers.

2008-36 Signatures on Corrective Action Plan: Signing this resolution would give Gerrie Carey permission to sign the Corrective Action Plan on behalf of the Borough. Mr. Johnson made a motion to accept Resolution 2008-36. Mr. Bennett seconded the motion and it carried 6-0.

Mr. Donahue also discussed the installation of flow meters and ultimately the building of a new plant.

ABPA – Garage Bays/Entertainment: Virginia Kehoe explained the request from the ABPA regarding the use of the bays for an August 28, 2008 street dance. She also stated that ABPA was told by Herman Johnson and Pat Williams that Council would be willing to pay for the entertainment if ABPA did the other organizing work. Mr. Johnson stated that this wasn't entirely true but that they did tell them they would work with them and cooperate, and contribute something. Gerrie Carey agreed to speak with ABPA.

Personnel Committee – Gerrie Carey re: Grant Writer: There was discussion regarding hiring a Grant Writer. This would need to be advertised immediately and there would need to be a determination as to compensation. It was decided that Virginia Kehoe would meet with Kathy Drake to determine the specifics.

NIMS testing for EMA: Mr. Johnson explained that NIMS testing for every Council member is important and that it helps with receiving grant money. Virginia Kehoe offered assistance with this for anyone who may need it.

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

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BILLS TO BE PAID: Motion made by Mr. Johnson to pay bills as presented. The motion was seconded by Mrs. Drake and carried 6-0, with Robert Bennett waiving the Met Life bills.

OLD BUSINESS:

2008-04 Ordinance regulation tobacco use by minors: Mr. Johnson made a motion to accept Ordinance 2008-04. Mr. Bennett seconded the motion and it carried 6-0.

Curfew Ordinance: Virginia Kehoe stated that Solicitor Preate was working on a draft of this ordinance in order to hold a public meeting and vote upon the acceptance of this ordinance. There was discussion as to other legal issues with such an ordinance and research that is being completed regarding these issues. The issue was tabled pending a look into Constitutional research.

2008-35 Signatures on ACOE plan: Mr. Johnson made a motion to accept Resolution 2008-05 contingent upon Attorney Preate's approval of the draft. Mr. Williams seconded the motion and it carried 6-0.

NEW BUSINESS:

Sexual Harassment Policy: Borough Council was asked to adopt a Sexual Harassment Policy. Attorney Preate suggested adopting this by Resolution. It was decided that this would be done.

2008-34 EMA Plan: This resolution will address EMA policies and approve the policies Herman Johnson prepared. Herman Johnson made a motion to sign Resolution 2008-34. Mr. Williams seconded the motion and it carried 6-0. There was discussion of evacuation plans for the general public.

Motor Scooter for Police Department: Kathy Drake explained her desire to acquire a Motor Scooter for the Police Department. After discussion it was decided that Chief Vitale, Mayor Kelly and Mrs. Drake will meet to discuss this item.

Don Wilkinson Agency: There was discussion regarding a Scranton Times Article and the claims that the Single Tax Office sent certain monies to Clarks Summit Borough and their respective tax collector, Don Wilkinson Agency. Virginia Kehoe provided council with a detailed statement from Don Wilkinson, not simply the quote that was printed, explaining the issues with the wage taxes. There was a discussion as to what response should be made to this article. All of Council was quite upset and embarrassed by the article and there was discussion of taking action against Don Wilkinson. Virginia Kehoe and Barbara Grabfelder both spoke and stated that a reasonable response must be given and that any actions taken must be based upon proven fact, not upon inaccuracies as relayed in the article.

BOROUGH SEWER OFFICE REPORT: The July 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 6-0.

SOLICITOR'S REPORT: Attorney Preate discussed the Police Pension Board and the hiring of an independent consultant. He presented Council with letters from Meryl Lynch, who is offering to analyze all presentations at no cost, and who is not a bidder and has no intention to become a party in the administration of this fund. The Police Pension Board is meeting on August 20, 2008 at 4:00 p.m. to provide their information as to what they're going to offer.

There was discussion as to the 2006 Amato vs. Clarks Summit case regarding Stormwater. It was determined that this was resolved in favor of Clarks Summit.

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There was discussion of the Nextel case and actions by Attorney Steve Evers. This would be discussed further in Executive Session.

CORRESPONDENCE:

There was a letter received from Herman Johnson regarding several areas of concerns, focusing mainly upon street maintenance. Virginia Kehoe stated that she has already forwarded to the finance committee a list of streets for 2009 and 2010 for storm water and paving projects. There was discussion of a low interest loan to get a majority of the roads paved at the same time. Virginia Kehoe explained how priority is established with regard to condition but also in accordance with road use.

EXECUTIVE SESSIONS:

Prior – July 2, 2008 – Litigation and Personnel

July 22, 2008 - Personnel

During – None

Subsequent – Immediately following

RECESS: Council recessed at 10:15 p.m. to enter executive session.

RECONVENE: Council reconvened at 11:10 p.m.

Mr. Johnson made a motion, seconded by Mr. Davis, that Attorney Preate should attend the Police Pension Board. The motion carried 6-0.

There was discussion as to the Assistant Code Enforcement Officer. It was determined that the position would be advertised.

There was discussion regarding the Sewer Fund being over budget by \$30,000.00 and money received, or not received, from South Abington in the amount of approximately \$85,000.00. It was explained that changes to the budget cannot be made after January 30, 2008.

Bob Bennett made a statement that the metal protection around the gas meter at Dunkin' Donuts has been installed.

Herman Johnson made comments regarding the water and gas companies and repairing their work.

ADJOURNMENT:

With no further business to discuss Mr. Johnson made a motion to adjourn. The motion was seconded by Robert Bennett and carried 5-0, with Roy Davis having left.

Respectfully submitted,

**Katie M. Bower
Borough Secretary**

**Germaine A. Carey
Council President**