

**BOROUGH OF CLARKS SUMMIT  
REGULAR SEPTEMBER COUNCIL MEETING  
WEDNESDAY, September 3, 2008  
Page 1 of 4**

The Regular September Meeting of Borough Council was conducted on Wednesday, September 3, 2008 at approximately 7:10 p.m. 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 and Mrs. Barbara Evans. Also attending were Police Chief Louis Vitale, Mayor Harry Kelly, Solicitor Ernest Preate and Code Enforcement Officer Willard Ziesemer who was acting as Recording Secretary in Virginia Kehoe's absence. Mr. Johnson was also absent. Laurie Fleming was present with four Eagle Scout candidates who are present to complete their Citizenship and Community badge. 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. Bennett moved to approve the agenda. Motion was seconded by Mrs. Drake and carried 6-0.

**APPROVAL OF MINUTES:**

Minutes were presented for the July 22, 2008 Public Hearing & Council Work Session. Mr. Williams made a motion to approve the minutes. The motion was seconded by Mrs. Drake and carried 6-0.

Minutes were presented for the August 6, 2008 Regular Council meeting. Mr. Bennett made a motion to approve the minutes. The motion was seconded by Mrs. Drake and carried 6-0.

Mayor Kelly presented Mrs. Helen Norton, 98 years old, with a Proclamation in her honor.

**PUBLIC COMMENT & INPUT:**

Mr. Charlie Martin spoke regarding issues on Grandview and an update on the neighborhood association incorporation papers. Borough Solicitor Preate gave an update on the project.

Mrs. Helene Magnotta requested to speak when Moody issues is discussed later in the agenda. It was discussed that Council just received information and has not been able to review it as of yet. Once it is reviewed, the information will be shared.

**BIDS AND QUOTATIONS:** None.

**BOROUGH TREASURER'S REPORT:** The Borough Treasurer's Report, as of August 20, 2008 was before Council. Motion made by Mrs. Drake to approve the Report as presented. The motion was seconded by Mrs. Evans and carried 6 – 0.

**COMMITTEE REPORT:**

**2008-39 Resolution to review the Police Pension on a three year basis** – Mrs. Carey and Attorney Preate gave a brief outline of the Police Pension meeting and the details of the resolution. Mr. Davis made a motion to approve the Resolution. Mr. Williams seconded the motion and it carried 6-0. Attorney Preate asked that the three recommendations made by Mr. Hudacek, who performed the review, be included in the minutes. Those included: 1) to measure the fund performance against a series of indexes, 2) To create a custom index and; 3) to expand the ability of Mr. Williams to invest in higher yielding instruments and securities.

**LED Traffic Lighting & NEPA** - Mrs. Carey gave details on the Benecon Program and the presentation which was given at the work session on the LED replacement bulbs. She also explained financing options through NEPA. She stated her belief that at the work session Council wished to move on this and asked for a motion. Mrs. Drake made the motion to proceed with the LED lights. Mr. Williams seconded the motion and it carried 6-0.

**BOROUGH OF CLARKS SUMMIT  
REGULAR SEPTEMBER COUNCIL MEETING  
WEDNESDAY, September 3, 2008  
Page 2 of 4**

**Discuss the proposal from Benecon** – Kathy Drake gave a brief presentation on the Benecon Co-op. Mrs. Drake gave her suggestion to go with this program. Attorney Preate stated his opinion that Council should not take action on this without everyone having a chance to review the plan. Chief Vitale expressed concerns with the new program which Mr. Bennett addressed. After discussion, the issue was tabled until the next meeting.

**Discuss DPW Union offer** – Mr. Bennett discussed the mediation session and stated that the DPW has agreed to accept the offer made by council, as presented and discussed at the Work Session and as reviewed by Labor Solicitor Attorney Valentine. Mr. Bennett wished to make a motion to acknowledge and accept the offer as made. Mrs. Drake seconded the motion. Solicitor Preate questioned why they would vote on the offer without revealing the details of the offer. Mr. Bennett explained that the 3 person panel does not have the authority to solidify terms of the offer without the rest of Council. Attorney Preate stated that the 3 person panel does have this authority as they were chosen in good faith to do so by the rest of Council. Mr. Bennett stated that the mediator needed the validation of Council. Attorney Preate stated that they could not do this and needed “wiggle room.” After discussion it was decided the contract would be voted upon next month both by the union and council.

**Contracts for Virginia & Neil** – Mr. Bennett stated that there has already been a 3% raise budgeted for Virginia Kehoe & Neil Bartholme and, at the advice of the Solicitor, made a motion to extend this raise to Virginia and Neil effective as of January 1<sup>st</sup>. Mrs. Drake seconded the motion and it carried 6-0. Mr. Bennett asked for a poll of Council. President Carey stated it passed unanimously and did not poll Council.

**POLICE REPORT:** Mayor Kelly gave the August 2008 Police Report, and summary of police related activities. There was brief discussion as to the part time officers and traffic patterns and problems due to construction.

**BILLS TO BE PAID:** A motion was made by Mrs. Evans to pay bills as presented. The motion was seconded by Mr. Williams and carried 6-0, with Robert Bennett abstaining from all bills associated with Met Life.

**OLD BUSINESS:**

**A. 2008-07 Curfew Ordinance-** Mr. Johnson, who sponsored this Ordinance, was not present. Attorney Preate stated that he has held off on doing any work until directed by Council. President Carey stated that Mr. Johnson wished for a public meeting to discuss this issue prior to any advertisement or voting upon an ordinance. There was discussion regarding various issues, pros and cons of the potential ordinance.

**B. Moody-** There were plans and engineering reports submitted August 25, 2008 which Council reviewed. Mr. Ziesemer offered his comments. He stated they are not in compliance as of now. Mr. Ziesemer asked for guidance as to what will happen if they are not in compliance and as to whether or not he should forward the issue to the Magistrate as opposed to yet another violation letter. There was discussion as to the procedures and time frames. It was advised by Attorney Preate that if they are not in compliance or have not removed the tower by the end of the ninety days, the situation will go immediately to the Magistrate, without allowing for an additional 30 day compliance period. There was discussion regarding the guide wires location presently and what the plot plan is showing.

**C. Railroad Project -** President Carey stated that things are moving along well and should be taken care of within the next two weeks. There was discussion briefly about the Swientisky Project. It was stated that no progress has been made and nothing new submitted.

**NEW BUSINESS:**

**A. 2008-37 Sexual Harassment Policy** – Mr. Davis made a motion to approve the policy. Mrs. Drake seconded the motion and it carried 6-0.

**BOROUGH OF CLARKS SUMMIT  
REGULAR SEPTEMBER COUNCIL MEETING  
WEDNESDAY, September 3, 2008  
Page 3 of 4**

**B. 2008-38 – Recycling Policy** – Mr. Bennett made a motion to approve the policy. Mr. Davis seconded the motion and it carried 6-0.

**C. 2008-40 – Sign MOU with NEPA – Alliance re: Traffic Light Conversion:** Attorney Preate asked for a report of some sort describing what the vote would be regarding. It was stated that it is the Borough's intent to enter into an agreement with NEPA and must draft a resolution to do so. A contractor who does the work with NEPA was present and it was discussed that a letter will be sent to NEPA to express the Borough's interest. It was clarified that the earlier motion was to approve work on the traffic lights and that other lighting would be considered at another time.

**D. Acker review of speed sentry statistics – Davis Street** – Chief Vitale addressed the issue and stated that the sentry has been deployed to Davis Street.

**E. Retaining of Auditor for 2008 Financials -**

**BOROUGH SEWER OFFICE REPORT:** The August 2008 Sewer Office was not available in time for the meeting and will be added to the October 1, 2008 Agenda.

**SOLICITOR'S REPORT:** Attorney Preate gave an update on Nextel.

Mr. Tony Connor of 901 West Grove Street requested to be heard at this time and brought a storm water problem to Council's attention. President Carey told Mr. Connor she would have him meet with Neil Bartholme to address the issue.

**CORRESPONDENCE:**

**Abington Community Library – Request for donation:** After brief discussion the issue was tabled.

**Mr. Kurtis Epp – Request for Street Lighting** – After brief discussion the issue was tabled.

**Letter of support for AARJB's grant request** – The issue was tabled.

**EXECUTIVE SESSIONS:**

Prior – August 6, 2008 – Litigation and Personnel

During – None

Subsequent – Immediately following

**RECESS:** Council recessed at approximately 9:30 p.m. to enter into Executive Session

**RECONVENE:** Council reconvened from Executive Session at approximately 10:12 p.m.

**ADJOURNMENT:**

With no further business to discuss Mr. Williams made a motion to adjourn. The motion was seconded by Mrs. Evans and carried 6-0. The meeting adjourned at approximately 10:15 p.m.

**Respectfully submitted,**

**Katie M. Bower  
Borough Secretary**

**Germaine A. Carey  
Council President**

**BOROUGH OF CLARKS SUMMIT  
REGULAR SEPTEMBER COUNCIL MEETING  
WEDNESDAY, September 3, 2008  
Page 4 of 4**