

**BOROUGH OF CLARKS SUMMIT
REGULAR COUNCIL MEETING
WEDNESDAY, SEPTEMBER 6, 2006
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The regular September Meeting of Borough Council was conducted on Wednesday, September 6, 2006 at 7:00 P.M. The Meeting was held in Borough Council Chambers, 2nd Floor, 304 South State Street, Borough of Clarks Summit, County of Lackawanna, Commonwealth of Pennsylvania. Council members in attendance were Council President Donald H. Moyer, III, Councilperson Gerry Carey, Councilman Roy Davis, Councilman Ray Taylor, and Councilman Patrick Williams. Also attending were Mayor Harry Kelly, Police Chief Louis Vitale, and Borough Manager/Secretary, Virginia Kehoe. Vice-President Margaret Jackson and Councilman Richard W. Armbrust were absent. There being a quorum present the Meeting was called to order by Council President, followed by a brief period of self-directed mediation and then the Pledge of Allegiance lead by Mayor Kelly

APPROVAL OF AGENDA:

Motion made by Mr. Taylor, seconded by Mr. Williams to approve agenda as presented. Discussion: None. Motion carried 5 – 0.

APPROVAL OF MINUTES:

Public Hearing and Special Meeting on Ordinances 2006-02, 2006-03, 2006-04 and the regular council meeting held on August 2, 2006 -- Motion made by Mrs. Carey, seconded by Mr. Williams to approve the minutes as presented for both meetings. Discussion: None. Motion carried 5 – 0.

PUBLIC COMMENT

Angie Kochis spoke to Council representing the Senior Center and asked about the delay in doing the work in the kitchen. Councilperson Carey gave a report on the extensive repairs and explained that the stainless steel cabinets were on back order and that it should only be a couple more weeks. The resident also complained about the noise that keeps the apartment residents awake at night coming from the Cars R Us area. Mr. Moyer will speak to them to see if anything can be done.

BIDS & QUOTATIONS:

Community Bulletin Board - President Moyer reported that he put out a bid for prices to purchase an electronic message bulletin board similar to the one at South Abington Township. Several council members objected to the bright red color of the letters and felt it was extremely difficult to read. Mr. Moyer said that a yellow/amber color is also available and that it is much easier to read and the size will be 4 feet by 8 feet. Mr. Davis requested time to research the cost of a sign that would be capable of displaying pictures as well as word messages. Mr. Taylor also requested information on long-term expenses such as parts replacement, maintenance agreement, etc. Mr. Davis asked about the existing clock tower in the center of town. Mr. Moyer stated that the clock is on private land, the Borough installed the clock and we have an agreement with the landowner that the Borough will maintain that triangle. He said that Warren Watkins is investigating having the Rotary Club fix the clock and paint it. Mr. Davis suggested using that triangle to install a second community bulletin board since we have the grant money. Mr. Moyer will investigate that possibility. A decision on the bulletin board will be postponed until next month.

Bids for the sale of the Borough's 1997 dump truck – After placing legal advertisements in the newspaper for the sale of the Borough's 1997 Ford F-350 XL dump truck with central hydraulic system, automatic transmission, 7.3 liter diesel motor, 8 foot Thiele dump body including the 8 foot Swenson V Box Spreader with cab controls and the 9 foot Fisher heavy duty plow with snow foil, all hydraulic, power angle, in cab controls, the following bids were received: Bradco Supply Co. - \$7,606.00 and Mr. Dennis Hill - \$6,000.00. Motion made by Mr. Taylor, seconded by Mrs. Carey to accept the Bradco bid for \$7,606.00. Discussion: Mr. Williams asked where this money will go in the budget and Mr. Moyer answered that the funds will be placed in the general fund. Motion carried 5 – 0.

Community Development Block Grants – President Moyer reported that the bids for the handicapped bathrooms on the first floor of the Borough Building came in over \$100,000 over budget due to the cost of changing the

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elevator to make it stop at the first floor level. Motion made by Mr. Taylor, seconded by Mr. Davis to reject all bids for work in the Borough Building handicapped restrooms, move ahead immediately with the project at the Sheridan Avenue Little League field, and wait until more funds are available next year to re-bid the handicapped restroom project. Discussion: Mr. Davis pointed out that there are costs involved with architects and engineers for the bidding process and he recommended that next time, separate bids be put out for the individual items in the project rather than lumping all parts of the project into one bid. Motion carried 5 – 0.

BOROUGH TREASURER’S REPORT

The Borough Treasurer’s Report, as prepared by Alice Kohn, as of August 31, 2006 was before Council. Motion by Mr. Taylor, seconded by Mrs. Carey to approve the purchase of: (a) two Certificate of Deposits at \$250,000 each when the current CD’s of \$400,000 mature. Money will be from the general fund and be placed at PNC Bank for 60 days at the rate of 5.33%, and (b) to purchase a Certificate of Deposit from the Sewer Fund of \$100,000 on September 7, 2006 when the existing \$150,000 CD matures. Money will be placed at PNC Bank for 60 days at the rate of 5.33%. Discussion: None. Motion carried 5 – 0. Motion made by Mr. Davis, seconded by Mrs. Carey to approve the Treasurer’s Report. Discussion: None. Motion carried 5 – 0.

COMMITTEE REPORTS:

Emergency Management – Virginia Kehoe reported that Herman Johnson, (Clarks Summit EMA Director,) reported that a fire drill was held in conjunction with the Clarks Summit Volunteer Fire Company #1 at the Abington Area Senior Center. It was 100% successful and as far as he knows, it was the first fire drill that had ever been held at that location.

Police Pension Board – President Moyer announced for the record that Councilman Ray Taylor had been named to sit on the Police Pension Board effective August 16, 2006 to replace Tim Rowland.

Sewer Line Replacement Project – President Moyer officially thanked Senator Sherwood for his assistance in negotiating the sewer line license fee. The Borough had been paying \$23.00 per year and the railroad wants to increase the annual fee to almost \$9,000. Senator Sherwood has been applying the pressure of his office trying to reduce this fee.

Newsletter – Virginia asked Council members for recommendations on what topics they want covered and what pictures they would like to see in the newsletter. The company would like to move along with the text and pictures by the end of the month.

POLICE REPORT

Police Chief Louis Vitale gave the August 2006 Police Report, and summary of police related activities. Borough resident Charles Martin asked the Chief how often patrols go by the end of Grandview where the road was closed. People are looking at the lots that are for sale and they’re attempting to turn out of the cul-de-sacs and come out on Grandview. Mr. Moyer said the DPW will be asked to check the barriers and lights to ensure that cars can’t come out onto Grandview and he will investigate the possibility of having an Eagle Scout planting trees and shrubs in that area for his Eagle Scout project. Mr. Van Wie, a Grandview Ave. resident, stated that there is car activity with partying and drinking going on there, too. Mr. Moyer suggested that they call the South Abington Township police.

BILLS TO BE PAID:

Motion made by Mr. Taylor, seconded y Mr. Davis to pay the bills as follows: Paid 8/1/06 – 8/2-06 approved at 8/2/06 Council Meeting: General Fund – 0; Payroll – 0; Sewer – 0. Paid 8/3/06 – 8/31/06 to be approved by Council at 9/6/06 meeting: General Fund - \$113,984.48; Payroll - \$59,629.18; Sewer \$8,934.18; Capital Reserve – 0; Liquid Fuels - \$74,514.70. Current paid between 9/1/06 – 9/7/06 to be approved by Council at 9/6/06 meeting: General Fund (9/1/06-9/06/06) - \$10,317.19; General Fund (9/7/06) - \$650.50; Payroll (Check date 9/7/06) -

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\$28,667.48; Sewer - \$115,253.14. Total bills to be approved by Council for checks dated 8/3/06 – 9/07/06: General Fund - \$124,952.17; Payroll - \$88,296.66; Sewer - \$124,187.32; Capital Reserve – 0; Liquid Fuels - \$64,514.70. Discussion: None. Motion carried 5 – 0.

OLD BUSINESS:

President Moyer reported that the Borough lost its appeal at the state level on the Grandview case. This entitles the owners to proceed to a Board of View. He said that in the second court case, regarding Oakmont, the Judge said that the Borough has a right to direct the storm water that way and that it was going that way before the development was put in.

NEW BUSINESS:

Resolution 2006-22 – Suspension of Parking Meters: Motion made by Mr. Williams, seconded by Mrs. Carey to adopt Resolution 2006-22 suspending the Borough's metered parking for the Fall Arts Festival on Saturday, September 16, 2006. Discussion: None. Motion carried 5 – 0.

Minimum Municipal Obligation (MMO) for 2007 for the Clarks Summit Borough Non-Uniform Pension Plan – Motion made by Mr. Taylor, seconded by Mr. Davis to accept and adopt the Minimum Municipal obligation of \$15,850 for the Clarks Summit Borough Non-Uniform Pension Plan. Discussion: None. Motion carried 5 – 0.

Minimum Municipal Obligation (MMO) for 2007 for the Clarks Summit Borough Police Pension Plan – Motion made by Mr. Williams, seconded by Mrs. Carey to accept and adopt the Minimum Municipal Obligation of \$41,265 for the Clarks Summit Borough Police Pension Plan. Discussion: None. Motion carried 5 – 0.

Audit Report for Clarks Summit Borough Non-Uniformed Pension Plan for Period of 1/1/2003-12/31/2005 – Motion made by Mr. Taylor, seconded by Mr. Davis to accept the Compliance audit report from the Commonwealth of Pennsylvania Department of the Auditor General for the Clarks Summit Borough Non-Uniformed Pension Plan for the period of 1/1/2003 to 12/31/2005 which indicated no significant findings. Discussion: None. Motion carried 5 – 0.

Audit Report for Clarks Summit Borough Police Pension Plan for Period of 1/1/2003-12/31/2005 – Motion made by Mr. Taylor, seconded by Mr. Davis to accept the Compliance Audit Report from the Commonwealth of Pennsylvania Department of the Auditor General for the Clarks Summit Borough Police Pension Plan for the period of 1/1/2003 to 12/31/2005 which indicated no significant findings. Discussion: None. Motion carried 5 – 0.

BOROUGH SEWER OFFICE REPORT:

The August 2006 Sewer Report was before Council. Motion made by Mrs. Carey, seconded by Mr. Davis to approve the Report as presented. Discussion – None. Motion carried 5 – 0.

SOLICITOR'S REPORT:

Mr. Moyer gave an update based on a written report submitted by Solicitor Bolock on the various lawsuits and cases involving the Borough.

CORRESPONDENCE:

Ronald P. Bonacci and Jerilyn D. Luben, Commonwealth of Pennsylvania Department of Transportation – letter regarding the possible installation of a traffic signal at the intersection of Oakford Road and State Street.

Alex Behr, Carnation Drive, Clarks Summit – letter regarding his concern that our existing ordinances covering flea markets and yard sales do not specifically prohibit the sale of firearms and fireworks. Mr. Behr was present and

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made his concerns known to Council. Mr. Behr feels that this situation requires a change in the Borough's zoning ordinance. President Moyer directed that Chief Vitale and the Borough's Planning Commission look into this issue and make a recommendation back to Council.

EXECUTIVE SESSIONS:

President Moyer reported that one Executive Sessions had been held prior on July 5, 2006 for Police Personnel and Litigation Update and one was scheduled to be held during the meeting for Personnel Issues and none were to be held subsequent.

President Moyer recessed the meeting at approximately 8:45 PM to move to Executive Session.

President Moyer reconvened the regular meeting at approximately 9:50 PM.

Motion made by Mr. Taylor, seconded by Mrs. Carey that any future hired part-time police officers are responsible for supplying their own uniforms. This will require a payback to the officer at the rate of \$1.00 per hour worked and the motion is contingent upon the approval of the Borough's labor attorney, James Valentine. Discussion: None. Motion carried 5 – 0.

Motion made by Mr. Williams, seconded by Mr. Davis to hire Mrs. Laurie Flemming as an Administrative Assistant under the direction and supervision of the Borough Manager at the rate of \$10.00 per hour beginning August 29, 2006. The position is to be a part-time position with no benefits. Discussion: None. Motion carried 5 – 0.

Motion made by Mr. Taylor, seconded by Mr. Davis to change the job description for Alice Kohn from "Treasurer" to "Chief Financial Officer/Treasurer" and alter the job description and in doing so increase Alice Kohn's rate of pay to \$15.00/hour effective on her anniversary date of September 7, 2006. Discussion: None. Motion carried 5 – 0.

Motion made by Mr. Taylor, seconded by Mrs. Carey to create a part-time position effective September 7, 2006 of approximately 16 hours per week and hire Barbara Grabfelder, former Borough Manager with municipal experience and grant writing to do grant writing and special projects to bring revenue in to the Borough. The rate of pay shall be \$12.00/hour with no benefits. Discussion: None. Motion carried 5 – 0.

ADJOURNMENT:

There being no further business before Council the Meeting adjourned at approximately 10:05 PM.

Respectfully submitted,

**Virginia Kehoe
Borough Secretary**

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