

**BOROUGH OF CLARKS SUMMIT  
REGULAR COUNCIL MEETING  
WEDNESDAY, OCTOBER 5, 2005**

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The regular October Meeting of Borough Council was conducted on Wednesday, October 5, 2005 at 7:00 P.M. The Meeting was held in Borough Council Chambers, 2<sup>nd</sup> 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, Council Vice President Timothy D. Rowland, Councilman Richard W. Armbrust, Councilperson Gerry Carey, Councilman Roy Davis, Councilperson Margaret (Peg) Jackson, and Councilman Patrick Williams. Also attending were Mayor Wesley W. Dunn, Sr., Officer In Charge Lou Vitale, Borough Solicitor, Frank J. Bolock, and Borough Secretary, Barbara Grabfelder. 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 Dunn.

**PRESENTATIONS:**

**Clarks Summit Police Department**

Officer Kopicki, President of the Clarks Summit Borough Police Association, presented a check in the amount of \$1,000. 00 to Council to be used for the holiday lighting program. Council expressed their gratitude.

**Dr. Louis Kareha, EMA Medical Officer**

Dr. Louis M. Kareha was introduced to Council and Borough residents as the newly appointed Emergency Management Medical Officer. The oath of office was administered to Dr. Kareha by Mayor Wesley Dunn.

**APPROVAL OF AGENDA:**

Motion made by Mrs. Jackson and seconded by Mr. Armbrust to approve as presented. Discussion: None. Motion carried 7 – 0.

**APPROVAL OF MINUTES:**

**September 7, 2005 - .Regular Council Meeting** Motion made by Mrs. Jackson and seconded by Mr. Armbrust to approve the Minutes. Discussion: None. Motion carried 7 – 0.

**September 13, 2005 – Reconvene of Regular Council Meeting of September 7, 2005** Motion made by Mrs. Jackson and seconded by Mr. Armbrust to approve the Minutes. Discussion. None. Motion carried 7 – 0.

**September 13, 2005 – Public Hearing/Special Meeting – Conditional Use for Nextel Tower** Motion made by Mrs. Jackson and seconded by Mr. Rowland to approve the Minutes. Discussion: None. Motion carried 7 – 0.

**COMMITTEE REPORTS:**

**Personnel Committee**

**Police Chief:** Motion made by Mrs. Jackson and seconded by Mr. Armbrust to hire Officer Louis J. Vitale , Jr. as Clarks Summit Borough Police Chief as per contract negotiations. Discussion: None. Motion carried 7 – 0. The oath of office was administered by Mayor Wesley Dunn.

**Borough Manager:** Motion made by Mrs. Jackson and seconded by Mr. Roy Davis to hire Barbara R. Grabfelder as Borough Manager as per contract negotiations. Discussion: None. Motion carried 7 – 0.

**Assistant Borough Secretary:** Motion made by Mrs. Carey and seconded by Mr. Williams to hire Virginia Kehoe as Assistant Borough Secretary as per contract negotiations. Discussion: None. Motion carried 7 – 0.

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**Treasurer:** Motion made by Mrs. Jackson and seconded by Mr. Williams to hire Alice Kohn as Treasurer as per contract negotiations on a part-time basis, twenty (20) hours per week; to cancel the Treasurer's Bond for Barbara Grabfelder; and to place a Treasurer's Bond for Alice Kohn. Discussion: None. Motion carried 7 – 0.

**Planning Commission**

President Moyer stated that a Public Hearing and Special Meeting was held on September 13, 2005 for a request for Conditional Use for a Nextel tower. Council is required to vote on the request at this meeting. Malcolm MacGregor submitted legal background information on this issue to Council. A roll call vote was taken on the request for Conditional Use for a Nextel tower and Mr. Moyer asked each member to vote for approval or denial of the request: Mr. Rowland: Voted to deny request as it does not meet the set back requirements. The tower is not a problem in that location but it does not meet the setbacks.

Mr. Williams: Voted no; deny request.

Mr. Armbrust: Voted to deny.

Mrs. Carey: Voted to deny.

Mrs. Jackson: Voted to deny.

Mr. Davis: Voted to deny

Mr. Moyer: Voted to deny

Solicitor Bolock reported that Attorney Malcolm MacGregor anticipates filing a more formal set of Findings and Conclusions. Mr. Bolock requested that Mr. Moyer sign the decision indicating the request from Nextel was denied so that Council is in compliance with the zoning ordinance. Mr. Moyer signed the denial and a copy was given to the Nextel representative who attended tonight's meeting.

**PUBLIC COMMENT & INPUT:**

**Maple Avenue – speeding problem**

Mr. Joe Annacardo, 216 Maple Avenue spoke to Council seeking support/help in correcting the speeding problem. Mr. Moyer stated that the speed bump/hump suggestion was copied and given to the police department, the DPW department, and the Clarks Summit Fire Department. All three groups stated that they oppose the installation of speed bumps/humps. A request was sent to Mr. Karam, Borough Engineer, to offer advice as to the advisability of placing stop signs along Maple Avenue to control speeding. Mayor Dunn offered to come to Mr. Annacardo's residence to see the problem for himself.

Mr. Joe Quinnan spoke about the speeding problem and asked that a speed hump be installed as an experiment. A "hump" is only 3" tall but 12 feet long. Mr. Moyer asked Mr. Quinnan to provide a location for an existing speed hump so that the DPW foreman could go see it. The DPW department has gone on record as not being in favor of either speed bumps or humps due to the danger inherent to our snow plowing.

**BIDS & QUOTATIONS:**

**Excavation and installation of storm water project at 606 Division Street**

Mr. Moyer described the problem at 606 Division Street. Requests for bid were sought and bids were received from Abington Excavating and L. J. Milo. . Clarks Summit Borough will buy the pipe and the DPW will work with Milo to help install the pipe. Mr. Moyer stated that Councilman Roy Davis was instrumental in obtaining a grant for \$50,000 from Senator Mellow's office to help with the costs of this project, and that the Borough is appreciative of his efforts.

Motion was made by Mr. Rowland and seconded by Mrs. Carey to accept the bid from L. J. Milo for \$9,850.00 for 606 Division Street project. Discussion: None. Motion carried 7 – 0.

**Miles Foundry Project on Bedford Street**

Mr. Moyer reported that Roto Rooter purchased a new camera and offered the Borough a free line inspection so they could test the camera. It was suggested that the pipe underneath Mile's property be targeted for inspection. It was

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discovered by the camera that the pipe beneath Bedford Street is half plugged. There is a problem from where Mile's trailers are stored all the way to the Sproul property. The Borough will need to contact DEP regarding this.

Motion made by Mr. Rowland and seconded by Mrs. Jackson to contact DEP and let them know there is a problem there and seek bids for an hourly rate for man and machines to correct the problem with the Bedford Street pipe. Discussion: None. Motion carried 7 – 0.

**BOROUGH TREASURER'S REPORT**

The Borough Treasurer's Report, as prepared by Treasurer Alice Kohn, as of September 30, 2005 was before Council. Motion by Mrs. Jackson to approve the Report as presented. Second by Mr. Rowland. Discussion – None. Motion carried 7 – 0.

**POLICE REPORT**

Chief Vitale gave the September 2005 Police Report, and summary of police related activities. Mr. Vitale stated that he would provide a "log" to Council for how many speeding incidents occur on Maple Avenue.

**Parking Ban November 1, 2005 to April 1, 2006**

The Borough will soon begin advertising the Parking Ban that will go into effect November 1, 2005 and end April 1, 2006. There will be no parking on Borough streets during the hours of 11 PM and 6 AM during this period.

**BILLS TO BE PAID:**

Motion made by Mrs. Jackson and seconded by Mr. Rowland to pay the current bills of \$100,803.36 from the General Fund and \$25,096.07 from Payroll and to approve the bills paid between September 1, 2005 and September 3, 2005 of \$141,407.15 from General Fund, \$43,509.17 from Payroll, and \$100,000 from Sewer Fund. Discussion: None. Motion carried 7 – 0.

**OLD BUSINESS:**

**Revise Police Pension Minimum Municipal Obligation 2006**

Motion made by Mr. Rowland and seconded by Mrs. Jackson to amend the 2006 MMO and approve the reduced amount of \$38,445 for the Clarks Summit Borough Police Pension Plan Minimum Municipal Obligation for 2006. Discussion: None. Motion carried 7 – 0.

**Civil Service Commission – Reorganization Meeting**

The Clarks Summit Borough Civil Service Commission met on September 14, 2005 at the Borough Building and reorganized with the following officers: Chairman-Dominic Scott; Vice-Chairman-Paul Doughty; Secretary-David A. Jones. The commission stands ready to serve at the Council's request.

**NEW BUSINESS:**

**Joint Sewer Authority Budget and Required 2006 Quarterly Payments from Clarks Summit Borough**

A letter was received from William G. Karam Associates on behalf of the Joint Sewer Authority indicating the proposed budget for 2006 and stating that Clarks Summit's 2006 quarterly obligation will be \$96,677.46.

**South Abington Township Sewer Pass-Through Fees for 2006**

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A letter was received from Susan McLane, South Abington Township indicating that one property (404 Northern Spy Road) had been added to the list of pass-throughs for 2005 and that brings the total pass-throughs to 440.5 for South Abington Township. Using the \$36.10 pass-through fee the amount due from South Abington Township for 2006 will be \$15,902.05.

Mr. Moyer explained that the Joint Sewer Authority tells us every year how much we have to pay them. This has been increasing over the years. This again points to our bypass fees. Our expenses have continually gone up but the bypass fees have not and the amount of money that we have to maintain our sewers has gone down. We need to evaluate this fee.

Motion made by Mr. Rowland and seconded by Mr. Williams to have the Borough Solicitor and the Borough Manager prepare a request for proposal to hire an independent firm who does not do business with Clarks Green or South Abington Township, to evaluate the inspection/maintenance/repair/expansion/borrowing costs pertaining to the pass-through fee and make recommendations. Discussion: None. Motion carried 7 – 0.

**Resolution 2005-29 Authorizing Adelphia Cable Franchise Transfer**

Motion made by Mr. Rowland and seconded by Mr. Armbrust to adopt Resolution 2005-29 authorizing assignment and change of control of existing Adelphia Cable Franchise Agreement and limit expenditure to Attorney Dan Cohen to a maximum of \$1,200.00 for legal work in protecting the Borough's interests. Discussion: None. Motion carried 7 – 0.

**Resolution 2005-30 Authorizing Parking Meter Suspension for Holiday Shopping**

Motion made by Mrs. Jackson and seconded by Mrs. Carey to adopt Resolution 2005-30 to suspend the metered parking regulations on November 17, 18, and 19 for Thanksgiving holiday shopping, and also December 21, 22, 23, and 24 for the Christmas/Winter Holiday shopping. Discussion: None. Motion carried 7 – 0.

**Resolution 2005-31 Authorizing Transfer of Community Block Development Grant Funds From One Line To Another**

Motion made by Mr. Rowland and seconded by Mr. Williams to adopt Resolution 2005-31 authorizing the Lackawanna County Board of Commissioners to submit modifications on behalf of Clarks Summit Borough to the PA Department of Community and Economic Development and to transfer funds from one budget line item to another. Discussion: None. Motion carried 7 – 0.

**Resolution 2005-32 Requesting Support and Assistance from Pennsylvania State Association of Boroughs (PSAB) for the Grandview Street Matter**

Motion made by Mrs. Jackson and seconded by Mr. Armbrust to adopt Resolution 2005-32 requesting support and assistance from PSAB for the Grandview Street Matter. Discussion: None. Motion carried 7 – 0.

**Resolution 2005-33 Removing Dee Ann Stephens as a signer on Borough Accounts held at Community Bank and authorizing President, Vice-President of Council and Borough Manager/Secretary as signers.**

Motion made by Mr. Rowland and seconded by Mrs. Jackson to adopt Resolution 2005-33. Discussion: None. Motion carried 7 – 0.

**Request from Michael Lam to transfer liquor license to Jade Palace, 727 S. State Street**

Motion made by Mr. Rowland and seconded by Mr. Roy Davis to hold a public hearing/special meeting to hear public comments on transferring a liquor license already existing in Lackawanna County to the location at 727 S. State Street. Discussion: None. Motion carried 7 – 0.

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**Community Bulletin Board Project**

President Moyer stated that the Borough applied for a grant to digitalize the community bulletin board that is by the old Weiss Market site. Mr. Moyer stated that he received a grant for \$10,000 to work on that project but it will cost more than that to complete the project.

Motion made by Mrs. Jackson and seconded by Mr. Roy Davis to authorize Mr. Moyer to contact local business and banks and attempt to raise some money to help offset the remaining costs. Discussion: Mr. Moyer stated that the total cost will be approximately \$20,000.00 and he would be looking for \$10,000.00 to help offset the costs. The digital sign will save the Borough money since it will be digital and can be changed over a telephone line from the Borough office rather than sending our DPW workers there to manually change the letters. Motion carried 7 – 0.

**Borough Leaf Pick-up Program**

Mrs. Grabfelder announced that the leaf pick-up program will begin Monday, October 17 and continue through Friday, November 18, 2005. Leaves should be placed at the curb and NOT be bagged.

**BOROUGH SEWER OFFICE REPORT:**

The September 2005 Report, prepared by Virginia Kehoe, was before Council. Motion by Mr. Rowland and seconded by Mrs. Jackson to approve the Report as presented. Discussion – None. Motion carried 7 – 0.

**SOLICITOR'S REPORT:**

Mr. Frank J. Bolock was introduced as the new Borough Solicitor. Mr. Bolock met with Mr. MacGregor and Barbara Grabfelder to complete the transition. Mr. Bolock is currently working on the finishing touches to the Peddler's Ordinance and the Business Registration Ordinance.

**CORRESPONDENCE:**

ABPA – Warren Watkins – Annual Halloween Parade to be held Saturday, October 29, 2005 beginning at 2:00 PM from the Citizen's Parking Lot.

Thank You Notes were received from Patrick Williams and Eagle Scout Ryan Thomas.

**EXECUTIVE SESSIONS:**

President Moyer reported that Executive Sessions had been held on September 7, September 22, and September 28, 2005 for Personnel and one was held on October 5, 2005 prior to the Regular Meeting. None were scheduled to be held subsequent.

**ADJOURNMENT:**

There being no further business before Council the Meeting adjourned at approximately 8:25 PM.

Respectfully submitted,

Barbara R. Grabfelder  
Borough Secretary

Donald H. Moyer, III  
Council President