

**BOROUGH OF CLARKS SUMMIT
COUNCIL PUBLIC HEARING & SPECIAL MEETING
WEDNESDAY, FEBRUARY 4TH 2004
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A Public Hearing and Special Meeting of Borough Council was held on Wednesday, February 4th 2004 at 6:00 P.M. The Hearing and Special Meeting was conducted in Borough Council Chambers, 2nd Floor, 304 South State Street, Borough of Clarks Summit, County of Lackawanna, Commonwealth of Pennsylvania. The Public Hearing and Special Meeting, having been duly advertised was conducted to reconsider the Borough Real Property Tax Rate and CY/FY 2004 Borough Budgets, in accordance with the provisions of the Borough Code, Section 1311. Council members present were Council President Donald H. Moyer, III, Council Vice President Timothy D. Rowland, Councilman Richard W. Armbrust, Councilman Thomas Bradley, Councilperson Gerry Carey, Councilperson Margaret Jackson and Councilman Patrick Williams. Also attending were Mayor Wesley W. Dunn, Sr. Chief of Police Joseph J. English, Solicitor Malcolm Mac Gregor and Borough Manager/Secretary James G. Vones, Sr. A stenographic record was made by Mrs. Lisa Graff.

OVERVIEW:

Jim Vones provided an overview of the current Borough situation. He explained that the Council Finance Committee had met on January 19th 2004 to review the currently adopted budgets and tax rates for Fiscal Year/Calendar Year (FY/CY) 2004 and the Borough's cash position. The Finance Committee had reviewed the Manager's recommendations for adjustments to both the real property tax rates and budgets. The Real Property Tax Rate would be increased from the currently adopted 17.75 Mills to 22.75 Mills (a 5 Mil increase).

The Manager/Secretary reviewed several items that occurred in late 2003, which had and/or would have major impacts on the 2004 Budgets. These included the large increase in costs for J.P. Mascaro & Sons to collect trash and recycling in the Borough. The unknown costs that will be associated with the Grandview Street matter. A drop in the Borough's cash position at the end of 2003 (\$82,700 was estimated in October 2003 and only \$63,622 was available on December 31st 2003), the loss of the old WEIS Market on South State Street removed almost \$2.3 Million from the Borough's tax rolls. Several replacement bullet proof vests were required for the Police Officers, together with several small items of equipment for the Police Department which were not included in the 2004 General fund Budget, as currently adopted. An increase in local funding to the Abington Community Library to make up for a portion of the cut in state funding to libraries this year.

PUBLIC COMMENT:

Mr. Rowland, Chairman of the Finance Committee stated that currently the Borough pays Mascaro from the Borough funds and local resident do not get a separate bill for trash and recycling collection. He was recommending that, at least for this year (2004) we keep this cost in the budget and pay Mascaro directly.

Discussion followed about not including the 2004 Mascaro rate in the Budget. Perhaps the Borough could pass an Ordinance and charge the residents for the service as South Abington Township does. Or perhaps the Borough could "under write" a portion of the costs and freeze the amount at the level we paid in 2003, with the increase plus administrative charges being invoiced to the residents.

Solicitor Mac Gregor offered that a Borough Ordinance would be required if a garbage collection fee was to instituted. These fees could only be used to cover the costs of the garbage and recycling collection and a small and reasonable handling fee. This fee could not be used for other General Fund purposes/expenses. He also observed that he would have to research the possibility of doing back billing, since the new contract was effective on January 1st 2004 and it was already February and no Ordinance was drafted or adopted and no billing mechanism in place. Discussion followed about using the existing sewer office staff and bills to include a billing for garbage collection.

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Mr. Tom Vokes of Stone Avenue had questions about the five-mil increase. He stated many persons in the Borough were retired and/or on fixed incomes. This was a significant increase to he and his wife. He questioned the extra costs for police equipment and a new base station radio for the Police Department.

Mrs. Vokes questioned the increase in the Budget for a Chief of Police salary. She stated the Borough had a signed contract with Chief English and 'locked in' his salary for 2004 and required no adjustment by the new Council.

Mr. Vokes observed if you (the new Council) try to get rid of Chief English and bring someone else in as Chief, English has a valid contract and he come back and sue you (the Borough). He questioned why we had a Solicitor (Ernest D. Preate, Jr.) in 2003 who knew the Borough and the Grandview Street matter. Now we are paying two attorneys to deal with Grandview. That made no sense to him.

Mrs. Carey stated she had received a telephone call from Professor/Mrs. Appleton on Claremont Street. She was ill and could not be here tonight, but she (Appleton) was willing to pay a \$15.00 per quarter garbage fee rather than have a 5 Mil increase in her property tax.

Mr. Dominick Scott of Knapp Road agreed with this observation and stated he would also prefer to pay a quarterly garbage fee.

Mrs. Jackson stated she had heard from many residents on this issue and they all wanted the garbage and recycling collection to stay in the tax rate and not get a separate quarterly bill.

Mr. Williams stated he had initially favored keeping this cost within the Budget but was now leaning toward billing it out.

Motion by Mr. Bradley to do a separate quarterly trash and recycling billing. Second by Mrs. Carey. President Moyer framed the vote, saying that a yes vote would be to establish a separate ordinance and trash fee. Mr. Rowland – No, Mrs. Carey – Yes, Mrs. Jackson – No, Mr. Bradley – Yes, Mr. Williams – Yes, Mr. Armbrust – No and President Moyer – No. By a vote of 3 to 4 the motion failed.

ADOPTION :

Ordinance 2004-01 (FY/CY 2004 Borough Budgets/Revised -- Reconsidered)

Motion by Mr. Rowland to adopt the amended budgets and tax rates as advertised for FY 2004. Second by Mrs. Jackson. Mr. Rowland – Yes, Mrs. Carey – No, Mrs. Jackson – Yes, Mr. Bradley – No, can not support a 5 Mil tax increase, he stated he was disappointed with the way the Board (Borough Council) is voting to create a \$45,000.00 Chief of Police position, Mrs. Carey – No, people here tonight want a separate garbage fee and that is why she was voting against this Budget, Mr. Williams – No, we were give an out to implement a quarterly garbage fee. Why go with a 2-½ Mil increase in this budget just to cover the Mascaro contract cost for 2004? Mr. Armbrust – Yes, reluctantly, and Mr. Moyer – Yes. By a vote of 4-3 the revised/reconsidered FY 2004 Budgets and Tax Rates and Ordinance 2004-01 were approved.

PUBLIC COMMENT & INPUT:

None, except as noted above.

ADJOURNMENT:

There being no further business before the Public Hearing and Special Meeting of Council it was adjourned, the regular February Council Meeting was scheduled for 7:00 P.M. following.

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Respectfully submitted,

**JAMES G. VONES, SR.
Borough Manager/Secretary**

**DONALD H. MOYER, III
Council President**