

**BOROUGH OF CLARKS SUMMIT  
REGULAR BOROUGH COUNCIL MEETING  
WEDNESDAY, SEPTEMBER 1<sup>ST</sup>, 2004  
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A regular meeting of Borough Council was held on Wednesday, September 1<sup>st</sup>, 2004 at 7:00 P.M. The Meeting was conducted in Borough Council Chambers, 2<sup>nd</sup> Floor, 304 South State Street, Borough of Clarks Summit, County of Lackawanna, Commonwealth of Pennsylvania. Members in attendance 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., Borough Solicitor Malcolm L. Mac Gregor, Chief of Police Joseph English, and Borough Manager/Secretary James G. Vones, Sr. There being a quorum present the Meeting was called to order by President Moyer, followed by a period of self-directed meditation and the Pledge of Allegiance lead by Mayor Dunn.

**APPROVAL OF AGENDA:**

The Agenda was approved, as presented.

**APPROVAL OF MINUTES:**

**MAY 5<sup>TH</sup>, 2004 – Council Regular Meeting**

Motion by Mrs. Jackson to approve the Minutes of May 5<sup>th</sup>, 2004. Second by Mrs. Carey. Discussion – None. Motion carried 7-0.

**JUNE 2<sup>ND</sup>, 2004 – Council Regular Meeting**

Motion by Mr. Rowland to approve the Minutes of June 2<sup>nd</sup>, 2004. Seconded by Mrs. Jackson. Discussion – None. Motion carried 7-0.

**JUNE 30<sup>TH</sup>, 2004 – Council Public Hearing and Special Meeting**

Motion by Mr. Bradley to approve the Minutes of June 30<sup>th</sup>, 2004. Seconded by Mrs. Jackson. Discussion – None. Motion carried 7-0.

**JULY 7<sup>TH</sup>, 2004 – Council Regular Meeting**

Motion by Mr. Armbrust to approve the Minutes of July 7<sup>th</sup>, 2004. Seconded by Mrs. Jackson. Discussion – None. Motion carried 7-0.

**AUGUST 4<sup>TH</sup>, 2004 – Public Hearing & Special Meeting of Council (6:00 PM)**

Motion by Mrs. Jackson to approve the Minutes of August 4<sup>th</sup>, 2004. Seconded by Mr. Bradley. Discussion – None. Motion carried 7-0.

**AUGUST 4<sup>TH</sup>, 2004 – Public Hearing & Special Meeting of Council (6:15 PM)**

Motion by Mrs. Jackson to approve the Minutes of August 4<sup>th</sup>, 2004. Seconded by Mr. Bradley. Discussion – None. Motion carried 7-0.

**AUGUST 4<sup>TH</sup>, 2004 – Public Hearing & Special Meeting of Council (6:45 PM)**

Motion by Mrs. Jackson to approve the Minutes of August 4<sup>th</sup>, 2004. Seconded by Mr. Rowland. Discussion – None. Motion carried 7-0.

**AUGUST 4<sup>TH</sup>, 2004 – Public Hearing & Special Meeting of Council (7:00 PM)**

Motion by Mrs. Jackson to approve the Minutes of August 4<sup>th</sup>, 2004. Seconded by Mr. Bradley. Discussion – None. Motion carried 7-0.

**AUGUST 4<sup>TH</sup>, 2004 – Council Regular Meeting**

Motion by Mrs. Jackson to approve the Minutes of August 4<sup>th</sup>, 2004. Seconded by Mr. Armbrust. Discussion – None. Motion carried 7-0.

## **BIDS & QUOTATIONS:**

None

## **BOROUGH TREASURER'S REPORT**

The Borough Treasurer's Report, as of August 31, 2004, prepared by Treasurer Stephens was before Council.

Question: Do we pay J.P. Mascaro \$100.00 to remove cardboard? Mr. Vones reported that yes, we pay a tipping fee for the cardboard container at the DPW Garage. We accumulate a lot of tonnage that would normally go into the landfill. The container is weighed and we get credit for the tonnage with the county and Act 101 Performance Grant with PEP every year. We encourage recycling.

Question: Under Jerry's Sport Center, "Holster-Johnson". Did he resign? Mr. Johnson was put back on active duty last month. We moved him from inactive to active status. His vest was expired and he is a left-handed shooter. It was the intent of the borough and the police department that Mr. Johnson was going to return as a part-time police officer and there was no left-handed holster that he could use. A purchase request was approved by the mayor and Mr. Vones typed it and sent it to Jerry's. Since that purchase order was cut we got Mr. Johnson's letter of resignation yesterday from the mayor. Hopefully, we can return the holster.

Motion by Mr. Moyer to approve treasurer's report. Second by Mrs. Jackson. Motion carried 7-0.

## **PUBLIC COMMENT & INPUT:**

### **Speeding on South Abington Road**

Mr. Robert Thorn, a Borough resident on South Abington Road, complained about the high rate of speed of cars traveling on South Abington Road. Cars are coming from the PA Turnpike and Interstate 81, turning right onto South Abington Road and traveling well in excess of the posted 35 miles per hour speed limit. There are lots of children in the area. Residents are having a rough time trying to get out of the development and turn onto South Abington Road. Mr. Thorn is asking for better police patrol and possibly some radar.

The Mayor will talk to the Chief and get somebody up there. Mayor Dunn will also talk to Chief Gerrity in South Abington Township to see if they can work the other side of the roadway, too.

### **Incident in Neighborhood**

Robert Bennett, a Borough resident, had an incident about a month and half ago and brought it to the police department's attention. The problem has been corrected; there have been no re-occurrences. He wants to thank the police department, Chief English, and Officer Eric Williams, who conducted the investigation.

### **Grandview Avenue Litigation**

The homeowner at 505 Tulip Circle, Clarks Summit questioned where do we stand with the Grandview Avenue case? How much money has been spent and how much was allocated? Will there be another tax increase.

Council responded that the issue is still in litigation. A figure of \$30,000 was placed in the 2004 budget for this issue. As of today, a total of approximately \$105,700 was been spent. Council is hoping not to have another tax increase.

**Drug Problem at Lansdowne Avenue and Walnut Street**

Mrs. Cindy Owens, a Borough resident from Lansdowne Avenue stated that there is a drug problem and other incidents taking place at the corner of Lansdowne Ave. and Walnut Street. The police are there constantly. It looks like a home there has turned into a boarding house with another family moving in recently. People are coming and going 24 hours a day. The owner has personally witnessed them dealing drugs. Men are urinating on the street in front of her two children. The owner requested that something be done.

Council stated that the Attorney General's Office and a federal office have been asked to look at the drug situation. The Chief of Police was asked to pull all incidents that pertain to that property so that an assessment can be made and Council will attempt to get some undercover help to address the issues. It looks like there is a controlled substance issue, a domestic violence/PFA issue, and a boarding house issue, and a potential code violation.

**COMMITTEE REPORTS**

**FINANCE:** It's going to be very tight going into the last part of the year. The reimbursement of \$63,200 from the Federal Government has been received.

Mr. Moyer met with J.P. Mascaro. Mascaro gave us weight scales and a list of people to contact immediately if there are any problems or complaints. They gave us the tonnage for our recycling. They will also be picking up the garbage from our parks as they were supposed to. It looks like everything will be straightened out.

Mr. Bennett asked how we are doing on tonnage this year.

Mr. Vones responded that we are ahead so far this year. We budgeted about \$17,000 and change and we got a check for \$18,600. We take almost 300 tons of leaves out in the fall and we get credit for that with the county. We got a grant of almost \$3,000 that nobody else in Lackawanna County got because we recycle our leaves.

**POLICE REPORT**

Mayor Dunn gave the August 2004 Police Activity Report. Mayor Dunn stated that he is in the process of updating the burglar alarm ordinance. Following the completion of the ordinance, they will then draft a written response policy that all officers shall adhere to.

Mr. Bradley asked about crosswalk signs. Several sign bases have been stolen; more signs are needed. The Police Committee should look into buying three more signs.

Mr. Williams asked for an update on Mr. Kopeki. Due to regulations pertaining to Personnel and HIPA, the only statement that can be made at this time is that he is out.

Mayor Dunn reported that all meters are installed; complaints have taken a nosedive, and meter enforcement is up.

**BILLS TO BE PAID**

A motion by Mrs. Jackson, second by Mr. Bradley to pay \$2,071.44 from the Payroll Account, and and to approve the payment of bills between August 3, 2004 and August 31, 2004 of \$120,476.69 from the General Fund, \$45,430.07 from the Payroll Account, \$145,579.46 from the Sewer Fund, and \$2,177.86 from the Liquid Fuels Fund. Discussion – None. Motion carried 7-0.

**OLD BUSINESS**

None

## **NEW BUSINESS**

### **Resolution 2004-27 Thanking Edward Adams for Service on Zoning Hearing Board**

Motion by Mrs. Jackson to adopt Resolution 2004-27, thanking Mr. Edward Adams for his service. Second by Mrs. Carey. Discussion – None. Motion carried 7-0.

### **Resolution 2004-28 DCNR Grant Application for AAJRB**

Motion by Mrs. Jackson to adopt Resolution 2004-28, establishing Clarks Summit Borough as the leadership community in applying for a grant to develop a comprehensive plan for the whole park next to the Clarks Summit State Hospital, and allowing Council President to sign any necessary documents should the grant be obtained. Second by Mr. Armbrust.

Question: Who handles all the administrative details pertaining to the disbursing of the money? Michelle Breslin will be the professional grant writer and the Clarks Summit Borough Manager will be picking up the details of what is involved in administering any monies received.

Mr. Rowland stated that he forgot to mention, during the Finance Committee Report, that we did receive the \$63,000, and he wanted to thank Mr. Vones for getting the Borough the grant from the Federal Government. Mr. Vones did an inordinate amount of work making sure the grant went through.

Question: Are there any plans for a skateboard park in this? No, because the skateboard people who were here don't want to be a part of the Rec. They want to be in Newton.

Mr. Bradley asked for a point of order, questioning if he should abstain for the vote. Answer: Yes

Motion carried 6-0-1 with Mr. Bradley abstaining.

### **Final Land Use Plan for Kost Tire**

Motion by Mr. Rowland to accept the Planning Commission's recommendation. Second by Mrs. Jackson. Mr. Williams asked if this will apply to all of the lots. Mr. Vones stated that all the individual lines will disappear and it will be one tax parcel. Question: Will it be zoned commercial, even with the apartments there? Mr. Vones stated yes. Motion carried 7-0.

### **Final Land Use for First Liberty Bank**

Motion by Mr. Rowland to approve. Second by Mr. Armbrust. Discussion: Mr. Vones stated that the First Liberty Bank has done everything they were supposed to do with the exception of they are not in possession of a PA DEP permit regarding the floodway at the old Weiss Market. This will allow the land use to go forward but no certificate of use and occupancy would be issued by the Borough unless the DEP permit was secured. Mr. Mancinelli and the bank would have to clean up the plans as it impacted Hemlock.

Question: Mr. Moyer asked if we handled the question of the fence. Kids are starting to climb over the four foot fence and that is a steeper bank now than what was previously there. Is there something we could do to block that off, whether it be a different kind of fence or something else? Would you be willing to help us on that?

Mr. Mancinelli asked a question with respect to the exit on Hemlock: in preparation of the plans, should we wait for

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the Borough to adopt ordinances as far as signage goes? Mr. Vones explained that Council is going to amend the Traffic and Motor Vehicle Ordinance. The ordinance is within the legislative purview of the governing body and not a developer.

Question: Mr. Vones stated that Mr. Moyer is asking for some consideration from the developer. Would the developer be willing to pay for the fence given that the legal issue about the maintenance of the fence and the liability of the fence could be worked out equally between the appropriate attorneys? Answer: Mr. Mancinelli stated, "Absolutely." The donation of funds or materials for a fence from end to end, to be similar to the new Weiss Market, 6 foot high, solid vinyl fence so there is no visibility through the fence. Mr. Vones stated that it was his understanding that the fence would be totally installed on Borough property, not at the line, but on Borough property and Mr. Fibus was willing to make a public donation for the cost of the fence which the Borough will then issue on letterhead a credit for that amount of money that he expended. The existing four foot fence would not remain.

Question: Mr. Moyer had a question about a fire hydrant at the entrance of the development. There is a possibility that a hydrant could be installed as you first come into the entrance. It would go off the old Weiss's fire service that used to go into their building. We could put it on Borough property, but you would have to give us a square, I believe, to put it on Borough property and it would then become Borough property. We would then only acquire the annual maintenance costs, not the installation of the hydrant. Answer: A meeting with Mr. Fanning from the Clarks Summit Fire Department and showed him the location and he was in agreement with that area. We're looking at an area approximately six foot square.

Motion carried 7-0.

**Waiver of Sewer Hook Up Fee at 102 Carnation Drive**

Motion made by Mrs. Jackson to approve. Second by Mr. Armbrust.

Discussion: Mr. Vones stated that it was generally thought that everybody on Carnation Drive was on central sewer. We came to find out that there is an on lot system at 102 Carnation. A repair was started there last year and then stopped. Another repair was started this year. A neighbor in the area turned us in to DEP in Wilkes Barre. We find out that the house at 102 has been paying, for as far back as we can research, a sewer payment, every quarter, forever. We have no record of a sewer permit hook-up payment fee every being paid. To resolve the DEP issue, Mr. Vones issued a permit to allow the homeowner to connect to the Borough's sanitary sewers. We're requesting a waiver of the sanitary sewer hook-up fee. Motion carried 7-0.

**Syntor Radio Transfer to Fire Company**

Motion made by Mr. Bradley to approve transfer of the Motorola Syntor Mobil radio, Model #T43SRA3800AK, Serial #531HFQ0151 to the Clarks Summit Fire Company. Seconded by

Mrs. Jackson. Discussion: We had one very old Motorola radio with the repair of the base station for the police. We're getting the police the new base station. The old base station was repairable and then it moved over to Neil. So basically, we have jockeyed around radios. There was an old Motorola Syntor radio in excess. It used to be in David Thorn's truck. It came to the attention of the fire company that we had a spare radio. They can use it in that Blazer and they are asking for it. The value is probably less than \$100.00.

**Herman Johnson Resignation/PT Police Officer**

Motion made by Mr. Rowland to regretfully accept the letter of resignation of Herman Johnson as a Part-Time Police Officer. Seconded by Mr. Armbrust. Discussion: This resignation pertains only to his service as a part-time police officer; he will continue in his capacity as EMA. Point of order raised by Mr. Bradley: is the letter legally signed by Mr. Johnson due to the fact that he used his initials rather than his full name in the signature area. Yes, it is still legal and I spoke with him personally. Motion carried 7-0.

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Motion made by Mr. Bradley to send a letter of appreciation from Council to Mr. Johnson. Seconded by Mrs. Jackson. Discussion – None. Motion carried 7-0.

**Part-Time Police Officer Hiring**

The Borough advertised for a part-time police officer. We have some excellent candidates and we are in the process of doing background checks. Two of the candidates live in the Borough.

**Boarder Realty re: Proposed Glenburn Township Subdivision and Sewers**

Mark Young and Dave Oshort purchased the property. South Abington Township has a sewer line running through a part of the property. It ties into Apple Valley pump station. They'd like to develop the property which would mean a pass through to Clarks Summit. They still have a lot of engineering to do. Glenburn cannot provide sewers to this property. They believe they'll need around 175 EDU's: about 135 for homes and 40 for a possible commercial use. Mr. Young and Mr. Oshort are seeking conditional approval from the Borough of Clarks Summit that they'll be able to hook up additional to the system.

Mr. Moyer stated several concerns: 1.) Could Clarks Summit handle the extra capacity? A study would need to be done. 2.) What would the price be? 3.) Can the pipe on the track handle this additional load?

Motion made by Mr. Rowland to allow Boarder Realty to proceed with the feasibility study, which, pending approval by the Joint Sewer Authority, Clarks Summit Borough, and South Abington Township, that would make them eligible for acceptance for sewage in the Clarks Summit system. Second by Mr. Bradley. Discussion: It was noted by the Borough Manager that a possible conflict of interest exists for the Borough Engineer, William Karem, because his property can directly benefit from the central sewer system for Boarder Realty. Motion carried 7-0.

**DCED Grant – Police Vehicle**

Motion by Mrs. Jackson, seconded by Mr. Armbrust to authorize those Borough officials necessary to execute the DCED Grant in the amount of \$28,000 for a new police vehicle. Discussion – None. Carried 7-0.

**FY 2005 Minimum Municipal Obligations (MMO's)**

Mr. Vones reported for the record that the Borough had received from the Pension Chief Administrative Officer, President Donald Moyer, on September 1, 2004 the FY2005 MMO's. Specifically, the Police MMO for 2005 is \$44,651.00 and the Non-Uniform Pension MMO for 2005 is \$15,521.00.

**BOROUGH SEWER OFFICE REPORT**

The August, 2004 report, prepared by Dee Ann Stephens was before Borough Council. Motion made by Mrs. Jackson and seconded by Mr. Armbrust to accept the report as presented. Discussion – None. Motion carried 7-0.

**SOLICITOR'S REPORT**

Solicitor Mac Gregor reported that transcripts in the Grandview matter are being reproduced. He reported that he was handling a number of code enforcement issues for the Borough. He reported that he was in contact with Attorney Donohue of the Joint Sewer Authority regarding representation on the Board. Mr. O'Dell, of Highland Avenue, commented from the audience that it was his understanding that in 1988 the representation had shifted with four members on the Board going to South Abington Township.

**PUBLIC COMMENT**

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None offered.

**CORRESPONDENCE**

August 2nd 2004 Mac Gregor to Patrick Joyce letter re: connecting to central sewer line on Waverly.

August 2nd 2004 Mac Gregor to Attorney Sulla re: Earl Street and Melrose Avenue Inquiry

August 2nd 2004 Mac Gregor to Attorney Michael Donohue re: Joint Sewer Authority

August 9th 2004 Attorney Cohen to MacGregor re: #1 Cable Service to public buildings and #2 \$25,000 Grant to the Abington COG.

August 18th 2004 Remas to Borough letter re: appointment to Joint Appeals Board

August 20th 2004 William E. Jenkins to Borough letter re: appliance pickup fee.

August 25th 2004 The Humane Society of Lackawanna County re: request for donation.

**EXECUTIVE SESSIONS:**

President Moyer announced that no Council Executive Sessions had been held prior, one would be held during this Meeting, and none were scheduled for a future date. At approximately 9:50 PM Council recessed to an Executive Session regarding pending litigation and police personnel matters. Council President Moyer reconvened the meeting at approximately 10:35 PM.

**RECESS**

Council President Moyer recessed this Council Meeting to be continued at 7:30 PM on September 22, 2004. Meeting was recessed at approximately 10:40 PM.