

**CLARKS GREEN BOROUGH  
COUNCIL MEETING  
MAY 15, 2013**

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**CALL TO ORDER:** President Williams called the meeting of the Clarks Green Council to order at 7:00 p.m. with the Pledge of Allegiance.

**ROLL CALL:** Secretary Brown conducted roll call. The following were present: Mr. Alberigi, Mrs. Earley, Mr. Hughes, Ms. Palmer, Mr. Phillips, Mr. Rinaldi, Mr. Williams, Mayor Thorburn, Solicitor Weinschenk.

**APPROVAL OF MINUTES:** Ms. Palmer motioned, seconded by Mr. Rinaldi to approve the minutes of the April 17, 2013 Council meeting. All in attendance voted in favor.

**MAYOR'S REPORT:** Mayor Thorburn announced that Birchwood Road would be marked as a one way street for this coming Friday, Saturday and Sunday due to an estate sale on that street. Officer Kriedler announced that due to a grant which the South Abington Township Police Department received, more officers were on patrol during the month. Ms. Palmer inquired about the automobile accident at the corner of Maple Ave. and N. Abington Road. Mayor Thorburn reported on the progress the Centennial Committee is making. He discussed prices for tent rentals, street flags, calendars, car stickers, and pavers for the clock. In addition, he announced that Secretary Brown has agreed to be the treasurer for the Centennial Committee. A checking account will be opened at Pennstar Bank with Mrs. Earley and Secretary Brown as signers on the account. Mr. Hughes motioned, seconded by Ms. Palmer to establish a checking account at Pennstar Bank for the Clarks Green Centennial Committee with Secretary Brown and Mrs. Earley as signers. Mr. Alberigi, Ms. Palmer, Mrs. Earley, Mr. Hughes, Mr. Williams, Mr. Rinaldi and Mr. Phillips voted in favor. Mayor Thorburn reported that he would like the balance of funds in the amount of \$474.00 from the Winter Health & Safety event be transferred to the Clarks Green Centennial Committee checking account. Ms. Palmer motioned, seconded by Mrs. Earley to transfer \$474.00 from the Safety Committee to the Clarks Green Centennial Committee checking account. Ms. Palmer, Mrs. Earley, Mr. Alberigi, Mr. Hughes, Mr. Williams, Mr. Phillips and Mr. Rinaldi voted in favor. Mayor Thorburn asked members of Council for permission to use Zoning Officer Harris to input Centennial information on the website; to use the DEP staff to assist with moving a bell which the Masonic Lodge has donated to the Borough; and to have Secretary Brown as the Treasurer of the Centennial Committee. Members of Council had no objection. Discussion of the Borough website ensued. Mr. Hughes congratulated the Mayor and the Centennial committee for their work thus far.

**VISITORS:** Robert Davis, ARWA; Atty. Michael Donahue, ARWA; Thomas Kreidler, S. Abington Police Department; Gerard Hetman, Lackawanna County; David Gromelski, ARWA; Dennis McGraw, C Group Energy; Michael Dougherty, Murphy, Dougherty and Company; Emily S. Culley, reporter.

**GUEST SPEAKERS:** Borough auditor Michael Dougherty addressed Council to review the 2012 Borough audit. He discussed expenditures vs. revenues and announced that the Borough is in good financial condition. Mr. Hughes motioned, seconded by Mr. Phillips to accept the 2012 Borough audit as presented. Mr. Hughes, Mr. Williams, Mr. Rinaldi, Mr. Phillips, Mr. Alberigi, Ms. Palmer and Mrs. Earley voted in favor.

Michael Donahue, Attorney for ARWA, addressed Council to request that that Council enact a Debt Ordinance authorizing the guarantee of Clarks Green's proportionate share of the \$5.79 million loan. Ms. Palmer inquired as to what the total amount of interest paid will be. Atty. Donahue reported that the total amount for principal and interest is \$725,792.00. The principal amount is \$549,000.00. Groundbreaking will be held May 30, 2013. Atty. Donahue is asking for a motion to adopt the Debt Ordinance and to execute the accompanying documents including the application to the Department of Community and Economic Development, the Borrowing Base Certificate and the Debt Statement. Mr. Hughes motioned, seconded by Ms. Palmer to adopt the Debt Ordinance and execute the accompanying documents including the application to the Department of Community and Economic Development, the Borrowing Base Certificate and the Debt Statement. Ms. Palmer, Mrs. Earley, Mr. Phillips, Mr. Williams, Mr. Rinaldi, Mr. Hughes and Mr. Alberigi voted in favor. Mrs. Earley reported that she has been reviewing the Coordination meeting agenda item which references Act 537, which is the update on the request by Clarks Summit Borough for ARWA to acquire a portion of the main sewer line currently owned by Clarks Summit Borough. She reported that Clarks Green, and South Abington have voted against it. The Clarks Green DPW foreman and the Borough Engineer have voiced their disagreement about this part of the Agenda. The DPW Foreman reported to Mrs. Earley that sometimes the Agenda is so long that there is no time to comment on this issue. Her concern is that it has been on the Agenda for so many months, and that it is not part of the Act 537 Plan. Each municipality is mandated to take care of their own sewer pipes and she is questioning as to why we should have to pay for the maintenance of one of the other partners. She is wondering why it keeps coming up on the Agenda when the municipalities have already voted against it. Robert Davis, ARWA Executive Director responded to Mrs. Earley's inquiry by saying that Clarks Summit has asked ARWA to accept a sewer line section in Clarks Summit. ARWA still needs to review it and to respond to Clarks Summit; therefore it will remain on the Agenda until it can be addressed. Solicitor Weinschenk discussed the PennVest loan closing. In addition, Atty. Donahue is requesting that this Council consider adopting and enacting the Joint Treatment Agreement which sets forth the duties and responsibilities between ARWA and the three municipalities. After discussion by Atty. Donahue, Mr. Hughes motioned, seconded by Mr. Phillips to adopt the ARWA Treatment Agreement as it has been amended. Mrs. Earley, Mr. Phillips, Mr. Rinaldi, Mr. Hughes, Mr. Williams, Mr. Alberigi and Ms. Palmer voted in favor. Atty. Donahue thanked Council for its consideration.

**LACKAWANNA COUNTY COMMUNITY RELATIONS:** Mr. Hetman thanked Councilman Hughes for attending the Legislative breakfast at PNC field. In addition, he announced upcoming Lackawanna County events. At the end of Mr. Hetman's presentation, Mr. Hughes spoke about the Legislative breakfast and about PNC field.

**SOLICITOR'S REPORT:** Solicitor Weinschenk discussed three items for Council to act on this evening. The first item was the guarantee of the Abington Regional Wastewater Authority \$5,794,000.00 loan; the second item is the Joint Treatment Agreement; and the last item is Application for Payment #4 from FieldTurf for approximately \$148,742.48. This would be the full payment up to the amount of retention. He has forwarded the request to Jim Kane who responded via e-mail that there were some minor issues with respect to turf being flat as well as other issues with the field that he wants resolved. Therefore we will not be acting on Payment Application #4 this evening. Mr. Hughes reported that a Clarks Green resident had not been billed during the time PAWC was performing the sewer billing. Solicitor Weinschenk responded that the amount is collectible.

**TREASURER'S REPORT AND BILL APPROVAL:** Mr. Hughes presented the Treasurer's report, which was filed for audit. Current fund balances are as follows:

Capital Fund Money Market	\$	13,512.65
General Fund Checking		260,956.43
General Fund Money Market		35,235.74
Sewer Fund Checking		216,157.90
Sewer Fund Money Market		84,904.83
State Funds Checking		<u>40,060.16</u>
Total Checking/Savings	\$	650,827.71

Mr. Hughes reported on balances of a year ago as compared to current amounts for various budget items. Mr. Hughes motioned, seconded by Mrs. Earley to accept the Treasurer's Report and ratify the payment of the bills. Ms. Palmer, Mrs. Earley, Mr. Hughes, Mr. Alberigi, Mr. Rinaldi, Mr. Phillips and Mr. Williams voted in favor. Mr. Hughes then reported on Budget vs. Actual figures to Council. Mr. Hughes motioned, seconded by Ms. Palmer to transfer the budgeted amount of \$1400.00 from the General Fund checking account to the Shade Tree Commission checking account. Ms. Palmer, Mrs. Earley, Mr. Hughes, Mr. Alberigi, Mr. Rinaldi, Mr. Phillips and Mr. Williams voted in favor. Mr. Hughes then discussed the issue of electricity providers. He suggested to Council that he and Mrs. Earley meet with Mr. McGraw to review the providers and come back to Council with a recommendation. He invited other Council members to join them and Ms. Palmer indicated that she would like to attend. They agreed to meet on Thursday, May 23 at 7 p.m. at the Borough building. President Williams announced that with the arrival of the DPW Foreman to the meeting now, an Executive Session will be called to discuss Personnel issues. The Executive Session began at 8:35 p.m. At the conclusion of the Executive Session, the Council meeting resumed at 8:45 p.m.

**BUILDING & GROUNDS:** Mr. Phillips presented the air conditioning proposals. Proposals had been received from Hannaberry, Rite-Temp, and Thermo Serve. Thermo Serve's service contract was the lowest at \$420.00 per year. Mr. Phillips motioned, seconded by Mrs. Earley to hire Thermo Serve to perform the yearly maintenance on the Borough building air conditioning units at a cost of \$420.00 per year. Mrs. Earley, Mr. Phillips, Mr. Rinaldi, Mr. Hughes, Mr. Williams, Mr. Alberigi and Ms. Palmer voted in favor. In addition, Mr. Phillips reported on a request from owners of a pre-school which will be located in the Clarks Green United Methodist Church beginning in September. The pre-school needs an alternate location to meet in the event

of an emergency and are asking if they could use the Borough building. After Council discussion, Mr. Phillips motioned, seconded by Mr. Hughes to allow the pre-school to meet at the Borough building in the event of an emergency. Ms. Palmer, Mr. Alberigi, Mr. Williams, Mr. Hughes, Mr. Rinaldi, Mr. Phillips and Mrs. Earley voted in favor.

**PUBLIC WORKS:** Mrs. Earley reported that after notifying Sol. Weinschenk via e-mail about the Vassar Avenue situation, he advised her to send a letter to Mr. Reuther about the responsibilities the homeowner has. She sent Mr. Reuther a letter explaining the solicitor's conclusions. Today Mr. Reuther responded via e-mail to say that he would be contacting the DPW foreman. Mrs. Earley also reported that she is aware that the ARWA Board continues to put on its monthly Coordination meeting agenda the idea of ARWA taking over some of Clarks Summit's sewer lines. Borough Engineer Jack Scheuer and the DPW foreman have both voiced their disagreement with this part of the agenda. Mrs. Earley is recommending that our Council President send a letter on behalf of Council to let Clarks Summit and the ARWA board know that we do not agree that Clarks Summit should be able to pass this expense onto our residents. Members of Council voiced their agreement. In addition, Mrs. Earley reported that the bid opening for the sewer TV inspection, air testing and grouting took place on May 10. Eight companies submitted bids with the lowest bid coming from National Water Main Cleaning Company in the amount of \$16,896.80. Solicitor Weinschenk and Borough Engineer Scheuer have reviewed the three lowest bids and they feel satisfied that we can award the work to the lowest bidder. Mrs. Earley motioned, seconded by Ms. Palmer to award the project to National Water Main Cleaning Company in the amount of \$16,896.80. Mr. Alberigi, Mr. Rinaldi, Mr. Phillips, Mr. Hughes, Ms. Palmer, Mrs. Earley and Mr. Williams voted in favor. Mrs. Earley visited the DPW staff on Friday morning with donuts, a card and good wishes for John Charles as he leaves his DPW job at the Borough for his new position in Blakely. Mrs. Earley reported that she has been in contact with the Scranton Sewer Authority regarding the use of their street sweeper. They have contacted the DPW foreman to say that they will be here this coming Monday and Tuesday. The DPW foreman is asking permission for the DPW staff to attend the free Government Day at Medico on Route 315 on May 23 from 8:30 a.m. to 12 which will give them an opportunity to network with all the municipalities and find out about the latest equipment and the latest rates on rentals. Mrs. Earley motioned, seconded by Ms. Palmer to allow the DPW staff to attend Government Day at Medico on May 23 from 8:30 a.m. until 12:00. Mr. Alberigi, Mr. Rinaldi, Mr. Phillips, Mr. Hughes, Ms. Palmer, Mrs. Earley and Mr. Williams voted in favor.

**HEALTH & SAFETY:** Mr. Alberigi discussed the \$474.00 transfer of donations from the Winter Health & Safety event to the Clarks Green Centennial Committee and felt it is a good use of the funds for the benefit of the community.

**REFUSE & RECYCLING:** At the Work Session, Mr. Rinaldi reported on an incident with garbage on Brighton Drive. The property owner did call regarding plastic bags filled with leaves and the issue has been resolved. In addition, Mr. Rinaldi reported that 16 recycling containers for paper recycling have been purchased for \$149.60 which was within the budgeted amount of \$150.00.

**PERSONNEL:** Ms. Palmer motioned, seconded by Mr. Rinaldi to hire Mr. Pahonich, at the suggestion of the DPW foreman, at a rate of \$14.00 per hour. Mr. Alberigi, Ms. Palmer, Mrs. Earley, Mr. Williams, Mr. Phillips, Mr. Rinaldi, and Mr. Hughes voted in favor.

**ACOG:** Ms. Palmer reported that ACOG met the day after the last Council meeting. The discussion involved a litter control project that Ms. Palmer proposed throughout the Abington municipalities.

**AAJRB COMMITTEE:** Ms. Palmer was not in attendance at the AAJRB meeting due to illness. President Williams reported that he did have the opportunity to visit Hillside Park with other groups and he remarked what a nice job FieldTurf did at the park. Mr. Rinaldi discussed the request for the last FieldTurf payment. Solicitor Weinschenk reported on issues that Jim Kane has prior to making the final payment.

**OLD BUSINESS:** Mr. Rinaldi reported on the May 8, 2013 letter which the Borough had received from Abington Heights School District Superintendent Mahon. This letter was in response to the letter that President Williams had sent to them regarding the municipalities having approval before the AAJRB can act on any project. The response letter did not even acknowledge the fact that they understood what the requirements for the Rec Board were. President Williams, Mr. Hughes and Mr. Phillips indicated their agreement with Mr. Rinaldi. Mayor Thorburn discussed the locking safe and the two drawer locking fireproof file cabinet. Ms. Palmer suggested that the Personnel files and anything with Social Security numbers be kept and locked in the two drawer fireproof file cabinet. The Mayor suggested that Council meeting tapes should also be locked in that file cabinet. In addition, he suggested that anyone who comes in to listen to tapes should listen to them in the Borough office and if they want to take a tape home, a copy should be made to take home. Mr. Rinaldi reported that after one of the Work Sessions, he came into the office to listen to a Work Session tape and found the second side of the tape to be blank. He reiterated that the storage of the tapes is very important. In addition, the Mayor discussed who should keep the keys to the locking file cabinet. He suggested that another key be made up and given to the Council President or someone else for safe keeping. Mr. Rinaldi motioned, seconded by Mrs. Earley that the Borough Secretary and the Mayor will keep the keys to the locking fireproof file cabinet and keep the combination to the safe. Mr. Alberigi, Mr. Rinaldi, Mr. Hughes, Mr. Phillips, Ms. Palmer, Mrs. Earley and Mr. Williams voted in favor.

**MOTION FOR ADJOURNMENT:** Ms. Palmer motioned, seconded by Mr. Phillips to adjourn the meeting at 9:10 p.m. All in attendance voted in favor.

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Janice F. Brown, Borough Secretary