

**CLARKS GREEN BOROUGH
COUNCIL MINUTES
OCTOBER 16, 2013**

CALL TO ORDER: President Williams called the meeting of the Clarks Green Council to order at 7:30 p.m. with the Pledge of Allegiance. The start of the meeting was delayed for 1/2 hour due to a Conditional Use Hearing prior to the Council meeting,

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

APPROVAL OF MINUTES: Mr. Hughes motioned, seconded by Mr. Barrasse to approve the minutes of the September 18, 2013 Council meeting. All in attendance voted in favor.

MAYOR'S REPORT: Officer Scott Siegler introduced himself to Council and announced that he would be taking the place of Officer Thompson Kriedler, who has retired and who had attended the Borough Council meetings in the past. Officer Siegler announced that the Borough had a relatively quiet month in September. Members of Council welcomed Officer Siegler to the Borough meetings. Mayor Thorburn reported the bell dedication was very nice. Bart Earl's son, who was in attendance, rang the bell and spoke at the dedication. Mayor Thorburn discussed materials that were purchased for the bell construction. He asked Mr. Hughes, Finance Chair, if these materials could be paid out of the General Fund rather than the Centennial Fund checking account. In addition, he discussed a shortage of funds in the Centennial checking account to pay J&B Printing for the balance due on the calendars. Mr. Hughes asked Mayor Thorburn to discuss the transfer of funds during the Finance report. Mr. Hughes thanked the Mayor for all the work he did not only on restoring the bell but in working with the DPW to display the bell. In addition, President Williams thanked Mr. Barrasse for planting the mums for the bell dedication.

VISITORS: Eric Hvezda, 316 N. Abington Road; Mary Hvezda, 316 N. Abington Road; Karl Neuroth, 307 N. Abington Road; Mrs. Neuroth, 307 N. Abington Road; Andrew Kettel, 114 Greenbrier Drive; R. J. Williams, 228 Grayson Drive; Lou Vitale, 119 Hall Avenue; Mike Verbickas, Abington Journal reporter.

PUBLIC COMMENT: Mary Hvezda, who had attended the Conditional Use Hearing, addressed Council to discuss Clarks Green Zoning 27-906, paragraph 2 with regards to Changes of Non-Conforming Uses. She stated the building at 319 N. Abington Road has been vacant for the last ten (10) years. She inquired about the length of time for the renovation of the property. Eric Hvezda addressed Council to discuss the abandonment issue as well as the noise and traffic concerns. He is asking Council if they can rule on the Hearing after learning about the abandonment issues. Karl Neuroth also stated his concerns about the abandonment issue. Clarks Green resident Andrew Kettel discussed drainage issues with regards to a drain basin at the corner of his yard which adjoins the yard of R. J. Williams. R. J. Williams discussed the drainage issue as well and is asking for

the Borough to investigate the situation for a permanent fix. Mrs. Earley reported that she and the DPW Foreman, as well as the Borough Solicitor will be discussing their concerns. Mr. Williams shared a video of a recent rainstorm and the drainage problems with members of Council.

SOLICITOR'S REPORT: Solicitor Weinschenk discussed two (2) proposed stormwater ordinances which he has drafted; the MS4, for Stormwater Management and also an ordinance for Prohibitive Discharges. Copies were provided to Council President Williams and to Mrs. Earley. Borough Engineer, Jack Scheuer, asked that he review the proposed ordinances prior to distribution to Council. He has reviewed them. Sol. Weinschenk met with Mr. Scheuer and another colleague at his office on October 4 to discuss the Ordinances. What was proposed included two (2) new ordinances and to repeal the existing Stormwater Ordinance. As a result of that meeting, Mr. Scheuer indicated that it is not possible to adopt two new ordinances and repeal the existing one. There are items within the existing Stormwater Ordinance which must remain and which are not covered in these two new ordinances. What is necessary is to dovetail the existing ordinance into certain sections of the two new ordinances. This process will involve a number of hours of work by the Borough Engineer and the Borough Solicitor. The price would be about \$1,500 for the Engineer and \$1,500 for the Solicitor and they are making Council aware of this potential financial impact. By adopting these ordinances, it will satisfy the requirements of Pennsylvania Department of Environmental Protection. This requirement as initially promulgated was September 2013. Solicitor Weinschenk stated it will be completed sometime in early 2014 due to conversion of the existing ordinances. After Council discussion, Mr. Rinaldi motioned, seconded by Mr. Hughes to authorize the Borough Solicitor and Engineer to begin work on the Stormwater Management Ordinance and the Prohibitive Discharge Ordinance. Mr. Barrasse, Ms. Palmer, Mrs. Earley, Mr. Hughes, Mr. Williams, Mr. Rinaldi, and Mr. Phillips voted in favor. In addition, Solicitor Weinschenk reported the DPW Foreman forwarded to him a PennDot Maintenance Agreement regarding the extension of the stormwater drainage on North Abington Road near the intersection of Seneca Avenue and OLP School. Residents have attended prior Council meetings regarding water run-off in this area. The residents are asking if some consideration be given to adding stormwater drainage to this area before paving Abington Road. The agreement states that PennDot wants the Borough to design it and PennDot will provide all the materials and install it. They want Clarks Green Borough to maintain it moving forward. If Council decides to go forward with the agreement, the maintenance should be limited to the segment of pipe that is being installed and not further into Waverly Township, which would require making changes to the sample agreement PennDot provided. The Borough Engineer has indicated that Abington Road will not be paved this year; therefore there is no immediate urgency to adopt this agreement. Solicitor Weinschenk also reported that he and Council President Williams have received a CD which contains the standard construction and material specifications for sanitary sewer extensions which were developed by South Abington Township, ARWA and Jack Scheuer for South Abington Township. These specifications eliminate the ban on new connections which is necessary for the participating municipalities Clarks Summit, Clarks Green and South Abington Township. It is necessary for these municipalities to adopt this standard construction and material specification manual in connection with their sewer systems.

South Abington Township took the lead in preparing this manual since they are the municipality which has all the development. Clarks Green Borough will have to enact these specifications as well. Mrs. Earley also reported that a meeting with the DPW Foreman, Councilman Phillips, the Borough Engineer and Alan Jones from PennDot will be held tomorrow afternoon near Our Lady of Peace School regarding the stormwater issue.

Mr. Hughes asked President Williams if he could defer his financial report to allow visitors who had attended the Conditional Use Hearing to hear the discussion on Courthouse Ventures. President Williams was in agreement and asked Solicitor Weinschenk to report on the hearing and on Council options for action. Solicitor Weinschenk reported the initial Land Development submission was to remodel the front building and the rear building. Council approved that, with conditions. When the plans for new construction were submitted, the prior submission was withdrawn. The only thing before Council is the new submission to demolish the two existing buildings and to construct a new 6,000 - 6,200 square foot building. The options for Council are to approve the new submission, approve it with conditions, or deny it. Solicitor Weinschenk reminded Council that there was no testimony from the property owners, merely their representatives who were in attendance this evening. There was no evidence submitted to rebut the testimony from other parties that the use had been abandoned. The Borough Ordinance indicates that if a Non-Conforming Use is discontinued for more than 12 months, then it is abandoned. There is no evidence offered by the applicant to the contrary; that there was not an abandonment and that it has been used continuously. The role of Council is basically to review the request. The abandonment is a keynote issue. If Council feels that, based upon testimony presented at the Hearing, there is in fact a presumed abandonment; they need to deny the application. The other concerns raised have to do with traffic, noise and the appearance of the building. The review standards and the criteria that Council must consider in approving this are set forth in the Borough's Zoning Ordinance. Solicitor Weinschenk reported there are two sections of review requirements and one is that the proposed use is compatible with the neighboring properties. This evening owners of properties adjacent to the Courthouse Ventures property have raised concerns about the traffic, about the look of the building as well as questions about unknown professionals who will occupy the building, etc. Mr. Rinaldi asked the Solicitor about the time limit Council has to act and if they do not act, is it deemed approved? Solicitor Weinschenk replied that Council definitely needs to take action in November or, in the alternative, to get an extension from the applicant for 2 or 3 months. If Council approves it or approves it with condition, Council should include findings. Mrs. Earley stated that when Council was presented this the first time, they were told all of the neighbors knew about this and felt comfortable with it and that is when it was the Kareha house. Now the neighbors claim that this building is abandoned, and if Council moves ahead, we are in violation of our own zoning. Solicitor Weinschenk responded by saying that Council decision could be appealed by anyone saying that the use had been abandoned and that this should not have been approved. Mayor Thorburn asked whose position it is to prove abandonment. Mr. Phillips inquired about requesting an extension for Courthouse Ventures to respond to the concerns to the Hearing prior to our denial at the next meeting. Solicitor Weinschenk replied that Courthouse Ventures had their opportunity at the Hearing and the owners did not show up for the Hearing to present any evidence. Factors which the residents brought up are traffic generation, noise, dust,

fumes, gases, amount and nature of outdoor storage, hours of operation, compatibility with the character of the surrounding neighborhood, and the potential of expansion. Mr. Hughes thanked the neighboring residents who remained for the Council meeting for coming to the Hearing and for raising these issues. He stated the magnitude of objections raised tonight by the neighbors were considerable. Mr. Rinaldi questioned whether there was sufficient evidence presented by the developers for Council to even consider their application. Mr. Hughes also added the concern of property values which was mentioned by the neighbors. Solicitor Weinschenk also discussed the outcome of the property if nothing is done with it and it becomes a nuisance property. Ms. Palmer reported that she was told if Council denies this request, the developer's will come back with a new plan. Solicitor Weinschenk responded that is up to them. Council discussion continued. Solicitor Weinschenk stated that Council will want to review the transcript from the Hearing. Mr. Barrasse motioned, seconded by Ms. Palmer to table any action on Courthouse Ventures Conditional Use application until the November Council meeting. Ms. Palmer, Mrs. Earley, Mr. Phillips, Mr. Williams, Mr. Rinaldi, Mr. Hughes and Mr. Barrasse voted in favor.

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	\$	13,513.78
Centennial Checking		1,197.44
General Fund Checking		229,920.38
General Fund Money Market		35,238.70
Sewer Fund Checking		223,203.09
Sewer Fund Money Market		84,911.95
State Funds Checking		<u>40,076.94</u>
Total Checking/Savings	\$	628,062.28

Mr. Hughes compared various account balances on the Treasurer's report and the Budget vs. Actual report to last year's and last month's figures. With no questions or comments from members of Council, Mr. Hughes motioned, seconded by Mrs. Earley to accept the Treasurer's Report and ratify the payment of the bills. Ms. Palmer, Mr. Hughes, Mrs. Earley, Mr. Barrasse, Mr. Rinaldi, Mr. Williams, and Mr. Phillips voted in favor. Mayor Thorburn asked for a transfer of funds from the General Fund checking account to the Centennial checking account in the amount of \$1,000.00 to cover bills. Mr. Rinaldi motioned, seconded by Mr. Phillips to transfer \$1,000.00 from the General Fund checking account to the Centennial checking account. Mrs. Earley, Mr. Phillips, Mr. Rinaldi, Mr. Hughes, Mr. Williams, Mr. Barrasse and Ms. Palmer voted in favor. Mr. Hughes motioned, seconded by Ms. Palmer to pay \$1,000.00 to the Abington Community Library which will complete the budgeted donation of \$2,000.00 for the year. Mr. Hughes, Mr. Williams, Mr. Rinaldi, Mr. Phillips, Mr. Barrasse, Ms. Palmer and Mrs. Earley voted in favor. Mr. Hughes reported that the second budget meeting was held this afternoon with Mrs. Earley and Mr. Rinaldi. Clarks Green Borough has received notice from ARWA that there will be no increase in their assessment to the municipalities for next year therefore Clarks Green will not be increasing their sewer rates for 2014. He reported that a draft Budget should be available at the November meeting for review and discussion. Mr. Hughes asked Councilmen Phillips

and Barrasse to submit their projected budgets to him by November 4. In addition, Mr. Hughes reported that President Williams, Councilman Rinaldi and he, as members of the Finance Committee, met with Atty. Greg Pascale from the Abington Area Joint Recreation Board and Mark Dougherty, who is a member of the Rec Board and who is also a supervisor for South Abington Township. They discussed the matter of the 2012 audit for AAJRB. Mr. Hughes read a statement from a letter dated March 27, 2013 from Solicitor Weinschenk which states that under Pennsylvania law, recreation boards are treated the same as municipal authorities. The statutes from municipal authorities states that it should have its books and records audited annually by a Certified Public Accountant and a copy shall be filed in the authority office for the purpose of public review. Mr. Hughes stated that the budget of the Rec Board is well over \$2,000,000.00 in terms of the books of the Borough and the books of the Rec Board over the period of 2012, 2013 and 2014. By the end of the meeting, Atty. Pascale saw the need for an audit. Mr. Hughes invited members of Council to review the documents which were discussed at the meeting. In addition, Mr. Hughes reviewed sewer balances of residents in arrears. He also reviewed residents who have not responded to our second letter, after the Certified letter, regarding their sewer balances. He is recommending that these properties be placed on lien. In closing, Mr. Hughes reported on the updated list of items waiting to be received from AAJRB.

BUILDING & GROUNDS: Mr. Phillips reported that Secretary Brown has completed the transcription of the meeting minutes for the Planning Commission which are available in the office. These minutes are for the time period June 1, 2011 through September 11, 2013.

PUBLIC WORKS: Mrs. Earley reported that \$360.00 had been budgeted in 2013 for a clam extraction tool which removes material from the catch basins. The DPW Foreman called for three quotes. The lowest quote was for \$374.00 from USA Blue Book. Mrs. Earley motioned, seconded by Mr. Hughes to purchase the clam extraction tool from USA Blue Book in the amount of \$374.00. Mr. Barrasse, Mr. Rinaldi, Mr. Phillips, Mr. Hughes, Ms. Palmer, Mrs. Earley and Mr. Williams voted in favor. Mrs. Earley also reported that no response has been received from the Vassar Avenue resident concerning the septic tank issue. The Borough has sent the resident two copies of the hold harmless letter and he has not responded other than to promise the DPW Foreman that he was waiting to coordinate all the workers necessary to correct the situation. Mrs. Earley is asking the Borough Solicitor to send him a letter indicating that he needs to take action before this year is over. In addition, Mrs. Earley reported Councilman Phillips, Borough Engineer Jack Scheuer and DPW Foreman will meet with Alan Jones from PennDot tomorrow regarding the drainage and excavation work near OLP. The DPW Foreman has questions regarding drainage pipes within certain areas of the Borough. Specifically, he would like a legal opinion regarding who is responsible for the area on Crest Drive where there seems to be a compromised drainage pipe. The area seems to have been undermined as a result of storm water erosion. Repairs need to be done at this point and the DPW Foreman would like to know if this is a Borough or homeowner responsibility. In addition, there is a pipe opening at 228 Grayson Drive which the DPW has been keeping clean. The DPW Foreman would like a legal opinion on what our responsibility is in this regard as well. Solicitor Weinschenk reported that the issue on Crest Drive is not on Borough property. The DPW has gone in there voluntarily. He reported that the Borough voluntarily did storm basin work on

Grayson a number of years ago which helped that problem. Solicitor Weinschenk will check the file regarding the Kiesling development to see who is responsible. In closing, Mrs. Earley reported that she and the DPW Foreman have been working on the 2014 budget for the Public Works Department.

HEALTH & SAFETY: Mr. Barrasse reported that the Fire Protection contract will be reviewed at the Work Session in November. The Health and Safety committee will meet one more time prior to the Work Session. He also reported that the Health and Safety Committee is talking about organizing health screenings, etc. during the Centennial.

REFUSE & RECYCLING: Mr. Rinaldi reported that the leaf bag distribution went well with the help from students from Baptist Bible College again this year. A thank you letter has been sent to the school with copies to the volunteers. He reported that a new resident had received incorrect information from County Waste regarding the fact that all residents are required to use the services of County Waste. He spoke with County Waste as well as the new residents regarding the requirement.

PERSONNEL: Ms. Palmer reported on current Blue Cross medical insurance costs she had received from Sharon. Information had been received from Blue Cross stating that current medical premiums would be locked in through December 31, 2014 if the Borough responded by November 7, 2013. She had requested information from Geisinger, however she had not heard back from them. Ms. Palmer motioned, seconded by Mr. Phillips to continue the medical insurance coverage through Blue Cross of Northeastern Pennsylvania through December 31, 2014. Mr. Rinaldi asked if the Borough was required to sign an agreement to stay with them for the whole year. Council could approve the Blue Cross coverage and if Geisinger came through with a lower rate with comparable coverage, the Borough could change. After Council discussion Ms. Palmer revised the motion, seconded by Mr. Phillips to continue with Blue Cross Blue Shield pending further information from Geisinger. Mr. Barrasse, Ms. Palmer, Mrs. Earley, Mr. Williams, Mr. Phillips, Mr. Rinaldi, and Mr. Hughes voted in favor.

AAJRB: Ms. Palmer had a conflict due to attending a Tax Collection Committee meeting and arrived at the Rec Board meeting late; therefore she had nothing to report.

ACOG: Ms. Palmer reported that Atty. Cohen spoke about the COMCAST contract which will be renewed in 2015. Representatives from twelve municipalities attended the meeting. Atty. Cohen will get back to ACOG with a proposal, which Ms. Palmer will share with Council. She reported that the Borough office will be able to get free internet service and a Borough public TV channel. Ms. Palmer reported that there will be individual contracts with each municipality done through ACOG. She encouraged members of Council to attend the ACOG meeting when it comes to that point. President Williams announced that Atty. Cohen also offered to perform a financial analysis for each Borough. Mayor Thorburn asked if there was any discussion among ACOG members about the Commuter Tax. She replied that the Commuter Tax was not discussed at this meeting, however she did mention that the Association of Boroughs has put together a group called STOP (Stop Taxing Our People). She stressed the need for advertising, etc. to prevent this tax.

NEW BUSINESS: Mr. Rinaldi discussed updating the Borough stationery. In addition to updating the new website and e-mail information, he would like to include Facebook and Twitter. After Council discussion, it was agreed to change the seal to gold and continue with the green ink lettering. Mr. Barrasse motioned, seconded by Ms. Palmer to make the changes on the stationery. All in attendance voted in favor.

MOTION FOR ADJOURNMENT: Mr. Barrasse motioned, seconded by Ms. Palmer to adjourn the meeting at 9:40 p.m. All in attendance voted in favor.

Janice F. Brown, Secretary/Treasurer

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