

**CLARKS GREEN BOROUGH
COUNCIL MINUTES
SEPTEMBER 18, 2013**

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: Mrs. Earley, Mr. Hughes, Ms. Palmer, Mr. Phillips, Mr. Rinaldi, Mr. Williams, Mayor Thorburn, and Solicitor Weinschenk

APPROVAL OF MINUTES: Mr. Hughes motioned, seconded by Mr. Rinaldi to approve the minutes of the August 21, 2013 Council meeting. All in attendance voted in favor except for Ms. Palmer who voted against.

MAYOR'S REPORT: Officer Thompson Kriedler, South Abington Police Department, announced that this would be his last Council meeting due to his retirement after 41 1/2 years of service. Mayor Thorburn congratulated him on his retirement and reported that it has been a pleasure working with him. President Williams and members of Council thanked him for his many years of service. Officer Kriedler reported a quiet month in the Borough. Mayor Thorburn discussed the progress the Centennial Committee is making which included music groups, coverage in the Happenings Magazine, contacting Clark family members, website progress for ordering pavers, as well as progress on the calendar. He reported that the bell dedication and leaf bag distribution will be held on October 5. Mayor Thorburn reported that extra calendars will be available for sale at \$5.00 each and can be purchased at CVS, Pennstar Bank and the Borough office. The balance of the Centennial Checking account is currently \$1,505.77.

VISITORS: Rick Williams, 221 N. Abington Rd; John Arcangelo, 719 Highland Ave.; Thompson Kriedler, South Abington Police Department; Emily Culley, reporter, Abington Journal; Mike Verbickas, reporter

PUBLIC COMMENT: Rick Williams thanked Mayor Thorburn for his work on the Centennial. In addition, Mr. Williams discussed the signboard, the newsletter, and the website as well as his efforts on the history book.

LACKAWANNA COUNTY COMMUNITY RELATIONS: Mr. Hetman welcomed Mr. Barrasse as a new Council member. In addition, he reported on various upcoming County events and distributed handouts. He also presented the latest edition of the County Lines publication to the Borough.

SOLICITOR'S REPORT: Solicitor Weinschenk discussed the Land Development Plan for 319 N. Abington Road which is different than the prior submission Council received. The prior submission was for the renovation of the existing structure and the office structure in the rear of the main structure for the purpose of housing three (3) physicians. The new plan which was submitted to the Planning Commission involves a tear down and construction of a new office building which is slightly larger than the footprint of the existing front building and elimination of the rear building. It will be limited to two physicians. As a result of this, it is a change in a non-conforming use, which, under the Zoning Ordinance and Municipality's Planning Code, requires Council to hold a public hearing. At that hearing it will be necessary to take testimony to determine compliance with the standards and criteria in our Zoning Ordinance for change and alteration of the non-conforming use. The hearing must be advertised and a court reporter needs to be scheduled for that hearing. Courthouse Ventures will present their revised plan at the public hearing at which time Council will consider that and any other public testimony that is presented at that hearing. Council will then make a determination whether or not it complies with the standards and criteria set forth in the Borough Ordinance for change of a non-conforming use. Council needs to schedule the public hearing this evening which needs to be advertised and arrangements made for a court reporter. Solicitor Weinschenk suggested the hearing be held 30 to 45 minutes prior to the October Council meeting and take testimony from the applicant with respect to the project as well as any other testimony that may be presented. Council will then make a determination as to whether Borough Council approves, with condition, the proposed Land Development. Solicitor Weinschenk reported that the new plan from Courthouse Ventures shows the elimination of the garage in the back. Courthouse Ventures is building a 6,200 square foot facility in the front which is slightly less than the original submission. It is a tear down and reconstruction foundation on slab with no basement. Courthouse Ventures has proposed the elevators to the second floor and they have their Highway Occupancy Permit. The Planning Commission has approved the new plan based upon two physicians and if there is any enlargement of the number of physicians, then it would have to come back to Borough Council and/or the Planning Commission for approval. After Council discussion, it was decided to hold the public hearing on Wednesday, October 16, 2013 at 6:30 p.m., before the Council meeting. Solicitor Weinschenk will send the ad for the hearing to Secretary Brown who will place it in the newspaper. Solicitor Weinschenk also discussed the Municipal Cooperation Agreement between the five municipalities that are part of the Abington Area Joint Rec Board in connection with the RACP Grant. This Agreement is a recent requirement of the Pennsylvania Office of the Budget in connection with the \$900,000 RACP Grant. To date Clarks Summit Borough and Glenburn Township have signed the Agreement. The Agreement basically says that the municipalities are in agreement with the project and that they cannot use the land for a future match for RACP grants for their particular municipalities. The Agreement will continue to exist until we get a close-out from the RACP Grant. This Agreement is essential before any reimbursement can be made to Clarks Green Borough as grantee for the funds that have been expended. The Office of the Budget will not approve any reimbursements to us from the grant until they have this agreement. It is critical that this agreement be approved as soon as possible by all of the participating municipalities and be submitted to the Office of the Budget. Mrs. Earley motioned, seconded by Ms. Palmer to accept the Municipal Cooperation Agreement. Mr.

Barrasse, Ms. Palmer, Mrs. Earley, Mr. Hughes, Mr. Williams, Mr. Rinaldi and Mr. Phillips voted in favor. In addition, Solicitor Weinschenk reported that the Borough is required to enact two Ordinances with respect to Stormwater Management. A Stormwater Management Ordinance to replace the existing Ordinance and a Prohibitive Discharge Ordinance which prohibits discharge, except for certain exceptions, of waters that are not pure stormwater into waters of the Commonwealth. The Solicitor is currently waiting for comments from Borough Engineer Jack Scheuer before introducing the final drafts of the ordinances. Once Mr. Scheuer approves the drafts, Solicitor Weinschenk will circulate them to all members of Council.

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

Capital Fund Money Market	\$	13,513.56
Centennial Checking		2,505.77
General Fund Checking		245,404.58
General Fund Money Market		35,238.12
Sewer Fund Checking		141,730.59
Sewer Fund Money Market		84,910.55
State Funds Checking		<u>40,073.54</u>
Total Checking/Savings	\$	563,376.71

Mr. Hughes discussed various checking account balances and noted these amounts compared to last month's and last year's figures. Mr. Phillips asked what the current balance of the Borough's loan was. Mr. Hughes replied that the current balance is \$244,000.00 which will be paid off in roughly five (5) years. With no further questions or comments from Council, Ms. Palmer motioned, seconded by Mr. Phillips to accept the Treasurer's Report and ratify the payment of the bills for the month of August. Ms. Palmer, Mrs. Earley, Mr. Hughes, Mr. Barrasse, Mr. Rinaldi, Mr. Phillips and Mr. Williams voted in favor. Mr. Hughes then reviewed current amounts on the Budget vs. Actual report compared to amounts in 2012.

FINANCE COMMITTEE: Mr. Hughes reported on sewer bill payments received since the Work Session. He also announced that he and Mrs. Earley will begin the budgeting process next week.

BUILDING & GROUNDS: Mr. Phillips reported on the yearly copier maintenance contract from Golden Business Machines. He reported that he is considering purchasing a new copier rather than paying the yearly maintenance fee and asked members of Council for input. Mrs. Earley discussed the fact that when photos which hang on the Council room walls were removed for copying, they left a definite mark and she asked about painting the Council room for the Centennial celebration next May.

PUBLIC WORKS: Mrs. Earley reported there was an electric pole down at Princeton Avenue due to the severe thunderstorm on September 11, 2013. The next day, power was restored by PP&L. In addition, there was a hole near the road in front of the Clarks Green United Methodist Church which was filled in by the Borough DPW. Even though tree limbs came down throughout the Borough during the storm, no one was injured. The DPW has been working on paving the milled areas on Glenburn Road and Crest Drive. Mrs. Earley reported that she had been receiving questions about the paving contractor for Abington Road who has been installing catch basins in different areas. One representative told the DPW Foreman they would be milling by next week and then paving but were not certain they will finish the paving project this season. The Vassar Avenue resident has contacted our DPW foreman to let him know that the resident is trying to coordinate three workers; a carpenter, an excavator and the septic tank worker to come at the same time to deal with the septic tank issue. The Borough needs to send an information pamphlet about stormwater use with the leaf bags to satisfy MS4 requirements with the state. Mr. Hughes motioned, seconded by Mr. Barrasse to use the pamphlets from last year and to send them to the printer in time for our leaf bag distribution. Ms. Palmer, Mrs. Earley, Mr. Phillips, Mr. Williams, Mr. Rinaldi, Mr. Hughes and Mr. Barrasse voted in favor. Mrs. Earley reported the DPW staff would like to attend a free class on October 3, 2013 from 8 to 12 at the PennDot office in Dunmore on the subject of warm mix asphalt. Mrs. Earley motioned, seconded by Mr. Phillips to allow the DPW to attend a free class in Dunmore on October 3, 2013 from 8 to 12. Mrs. Earley, Mr. Phillips, Mr. Rinaldi, Mr. Hughes, Mr. Williams, Mr. Barrasse and Ms. Palmer voted in favor. Mr. Rinaldi asked Mrs. Earley to discuss the handicap curb project at the corner of Fairview Road and N. Abington Road with the paving company regarding the placement of the curb and automobiles hitting that curb while making the turn.

HEALTH & SAFETY: Mr. Barrasse reported that his committee is in the process of reviewing the fire protection contract currently in place with Clarks Summit. He has been in contact with Jim Waters of Chinchilla who is proposing that they be involved with the contract process. Mr. Barrasse will meet with Lou Vitale from Clarks Summit this coming Monday at 4:30 p.m. The Health and Safety committee will meet and a recommendation will be available at the next Work Session or Council meeting. He invited members of Council to let him know of their suggestions or concerns while they are in the process of gathering information. He reported that the Chinchilla fire station located on Fairview Road contains a fire engine and not a tanker truck. Council discussion ensued regarding joint efforts from Clarks Summit and Chinchilla during a fire call. President Williams asked Solicitor Weinschenk if there were any legal questions Mr. Barrasse should be asking of Clarks Summit and Chinchilla during his meetings. Solicitor Weinschenk replied that this is a three (3) year contract. Clarks Green Borough does pay some of the Worker's Compensation insurance annually to South Abington, which would be comparable to rates from Clarks Summit. Mayor Thorburn asked about a joint agreement between South Abington Township and Clarks Summit which Solicitor Weinschenk said could be a possibility.

REFUSE & RECYCLING: Mr. Rinaldi reported that the Borough has received the invoice for the leaf bags in the amount of \$4,091.50. The leaf bags have been delivered to the Borough building and the distribution day will be scheduled after the calendars are ready and the volunteers have been organized. He reported that he had a conversation with officials from Clarks Summit Borough regarding a joint refuse contract. Clarks Green Borough has different aspects to our contract than Clarks Summit has. Solicitor Weinschenk asked when Clarks Summit's contract expires and Mr. Rinaldi replied that it was the same as ours, March 31. Mr. Rinaldi reported that he had a request from Zen Design asking for a one line testimonial from Clarks Green Borough regarding their service. It would be used along with testimonials from other clients for advertising purposes. He asked Council if anyone had any objections, of which there were none. Ms. Palmer reported that the first evening that County Waste met with Council, the County Waste owner mentioned extending our current contract at the same price. Ms. Palmer is asking if Council could hold him to that. Solicitor Weinschenk replied that the contract could not be extended without public bidding. If County Waste wanted, they could bid at the same price and conditions. Single stream recycling and tonnage amounts were discussed. Solicitor Weinschenk mentioned that the Borough could ask on their website how the residents liked the single stream recycling. Ms. Palmer suggested the Borough wait until the residents have received the size of containers they have requested. Mr. Rinaldi reported that in a recent conversation with Mr. Puorro from County Waste, it was reported that all of the containers have been replaced. Complaints to the Borough office from the residents regarding containers have also ended. Mayor Thorburn discussed the timing of the leaf bag distribution with respect to stuffing the information into the sleeves. Mr. Rinaldi will coordinate that with the Mayor.

PERSONNEL: Ms. Palmer reported that Zoning Officer Harris is away for a couple of days due to a death in her family. She also reported that she had received information from Blue Cross which she will review and discuss at the Work Session. Mr. Hughes reported that Blue Cross suggests acting on the information before the end of the year. Ms. Palmer asked if the Affordable Health Care Act affects municipal workers. Mr. Rinaldi replied that the Borough does not have enough employees. Ms. Palmer asked if Clarks Green Borough could be involved in the Affordable Health Care Act with other municipalities through COG. Ms. Earley replied that Clarks Summit Borough has union employees with benefits, and you cannot coordinate health coverage because of this. Ms. Palmer mentioned that she could contact non-union municipalities if Council was interested. Ms. Earley replied that if you are dealing with fifty (50) employees, you are then dealing with the Affordable Care Act.

AAJRB COMMITTEE: Ms. Palmer discussed the summer concerts at Hillside Park which were very successful and which resulted in a cash surplus. One more event called Harvest Festival will take place on the last Saturday of this month. Sponsors have asked to be involved again next year. Both the soccer and football fields are being used. The football field is also being used by the high school football team. She stated that the whole project at the field has been very successful. They had an offer from a private foundation to do some funding; what kind of funding is unknown. Ms. Palmer stated that Glenburn has filed for a grant in the amount of \$250,000.00 which will be used to complete the walkway around the lake and to enhance and upgrade the lower parking lot area as well as to reconfigure the softball field direction due to the players being blinded by the sun. PAWC

will be extending a water line on West Grove Street which will be the source of water for the park. In addition, the dirt from the work will be used for areas of the park that need fill. Ms. Palmer also reported that the Waverly DPW will be available to help extend parking in one of the areas at the park. The Rec Board is also starting to work on the Budget. Mr. Hughes inquired as to whether Ms. Palmer had anything to report on the Audit as a result of a letter which the Borough had sent to AAJRB. Ms. Palmer had nothing to report but did acknowledge that AAJRB had received the letter.

ACOG: Ms. Palmer reported that, at the last ACOG meeting, Clarks Summit noted that they have a new police chief who is spearheading neighborhood preservation and is looking into ordinances and enforcements used to help preserve neighborhoods. Clarks Summit also has an EMS truck for sale and is currently accepting bids for it. She reported that Ransom had no electricity during the last storm. Ms. Palmer reminded Council that ACOG meets the first Thursday of the month and invited members of Council to attend. Mr. Dan Cohen will attend the next ACOG meeting and will discuss the Comcast agreement, which is up next year. Mr. Rinaldi asked if the municipalities have a joint agreement with Comcast or if each municipality has their own agreement. Ms. Palmer replied that she believes each municipality has their own. Mr. Rick Williams, a visitor to the Council meeting, stated that originally it was Adelphia years ago until they merged with Comcast. He reported that, uniquely, Clarks Green Borough signed an eleven (11) year contract which will expire in 2015. He also noted that fourteen municipalities pay one lawyer to negotiate one contract. Ms. Palmer reported that she was going to send it out to other municipalities besides the fourteen who participate to see if there is any interest. In addition, she announced that the Lackawanna County Association of Boroughs will be meeting the following night when they will discuss the Affordable Healthcare Plan. Ms. Palmer thinks the Commuter Tax is going to be visited again as well.

OLD BUSINESS: President Williams asked members of Council for feedback on the new e-mail system. Mr. Phillips reported that after re-setting his password his e-mails are working fine. President Williams discussed setting up his addresses book. Mr. Rinaldi reported that Secretary Brown's computer is set up to monitor four (4) e-mail accounts which include the Borough Secretary account, Tax Collector account, Contact account as well as the Shade Tree Commission account. Mr. Phillips and Ms. Palmer stated that they like the menu across the top of the e-mails rather than buried on the bottom which was the case in the previous e-mail system. Ms. Palmer stated that Lori Harris was the administrator of the g-mail account because she was not a Council member. Ms. Palmer does not believe a Council member should be the administrator. Mr. Rinaldi replied that no Council member is the administrator; it is administered by our hosting provider. He asked members of Council how long they want to continue before the g-mail account is deactivated. He reported the end of September would be too soon, so perhaps it could be eliminated at the end of October. Ms. Palmer asked if information about the new e-mail addresses could be added to the leaf bag packets. President Williams said that could be done and Mr. Hughes said that the notice could be included in the quarterly sewer bills. Ms. Palmer asked about accessing our old e-mails after the end of October. Mr. Rinaldi replied that Zen Design is working on the ability to pull the old e-mails into the new system. G-mail will be the archive until we get to that point.

NEW BUSINESS: Mr. Hughes reported that ARWA is responsible to give the Borough their audit within six months of the end of the year. Secretary Brown will check the file to see if we have received the 2012 audit. In addition, Mr. Hughes reported that they are to provide the Borough their 2014 Audit within 60 days of the end of the year. Mr. Hughes asked if the Borough has an animal control officer. He reported that a bear was in his yard a couple of evenings ago. Mr. Rinaldi welcomed Mr. Barrassé to Council and thanked him for agreeing to serve the remainder of Victor Alberigi's term. Members of Council concurred.

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

Janice F. Brown, Secretary/Treasurer

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