

**CLARKS GREEN BOROUGH  
COUNCIL MINUTES  
JULY 16, 2014**

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

**ROLL CALL:** Secretary/Treasurer Brown conducted roll call. The following were present: Mrs. Earley, Mr. Hughes, Ms. Palmer, Mr. Phillips, Mr. Rinaldi, Mr. Williams, and Mayor Thorburn, who arrived at 7:15 p.m.

**EXCUSED:** Solicitor Weinschenk, Mr. Barrasse

**APPROVAL OF MINUTES:** Mr. Hughes motioned, seconded by Ms. Palmer to approve the minutes of the June 18, 2014 Council meeting. All in attendance voted in favor.

**VISITORS:** Lou Pistella, 223 E. Grove St., Bill Plantholt, 214 Clark St., Scott Siegler, South Abington Township Police Department; Gerard Hetman, Lackawanna County Outreach.

**MAYOR'S REPORT:** Due to Mayor Thorburn's late arrival, President Rinaldi asked Officer Siegler if there was anything to report to Council. He replied there were a couple of criminal mischief occurrences. He also reported on the woman who had been struck by the vehicle on Abington Road. No citations were issued in that incident. President Rinaldi inquired about the massive hole next to the manhole in the roadway of the Route 6 intersection with Shady Lane Road. Ms. Palmer offered her parking lot for the use of police officers to observe traffic. After Mayor Thorburn arrived at the Council meeting, he reported a balance in the Centennial checking account of \$424.88 due to the sale of gift certificates and pavers. Mr. Hughes motioned, seconded by Mr. Phillips to transfer these funds into the General Fund checking account. Ms. Palmer, Mrs. Earley, Mr. Hughes, Mr. Williams, Mr. Rinaldi and Mr. Phillips voted in favor. Ms. Palmer asked how much Borough money was spent for the Centennial. Mayor Thorburn will provide this information at the next meeting. Mayor Thorburn then inquired about the cross walks not having been painted since the road paving. Mrs. Earley replied that Popple Construction is responsible for painting of the crosswalks. Mr. Rinaldi added that this item was discussed with PennDot representatives during their recent meeting. Mr. Maciak from PennDot is checking on this.

**PUBLIC COMMENT:** Mr. Pistella addressed Council to discuss the condition of a house located at 219 E. Grove Street, Clarks Green. The house has been vacant for approximately 3 years. He discussed water issues, an unfenced pool with trees in it which have destroyed the pool liner, and the presence of various animals on the property. President Rinaldi stated the matter would be referred to the Borough Zoning officer. Mr. Plantholt spoke to Council regarding his fence which was damaged by the Borough snow plow. Mr. Plantholt reported the fence is no longer being made and replacement parts cannot be found. Mr. Rinaldi asked Mr. Plantholt if replacement of another type of fencing would be an option. Council

discussion ensued. Mayor Thorburn suggested Mr. Plantholt contact Arley Wholesale who sells fencing. Mr. Hughes asked Mr. Plantholt for a cost proposal for new fence sections.

**LACKAWANNA COUNTY COMMUNITY RELATIONS:** Mr. Hetman addressed Council to discuss various activities throughout Lackawanna County including the Arts and Culture grants which are available for 2015.

**SOLICITOR'S REPORT:** President Rinaldi reported on the FieldTurf Warranty in Solicitor Weinschenk's absence. Sol. Weinschenk had prepared an amendment to the Field Turf contract to extend the Warranty on the sub-surface, to which FieldTurf has agreed. Mr. Rinaldi reported funds in the amount of \$90,910.08 for Application for Payment #5 will be paid to FieldTurf.

**TREASURER'S REPORT:** Mr. Hughes reported on sewer account delinquencies. In addition, Mr. Hughes will draft a letter to financial institutions advising them of municipal liens for non-payment of sewer bills. Mr. Hughes then discussed the Treasurer's Report which was filed for audit. Current fund balances are as follows:

Capital Fund Money Market	\$	23,516.91
Centennial Checking		390.38
General Fund Checking		268,578.77
General Fund Money Market		35,243.98
Sewer Fund Checking		240,593.84
Sewer Fund Money Market		84,924.65
State Funds Checking		<u>38,244.96</u>
Total Checking/Savings	\$	691,493.49

Mr. Hughes presented account balance comparisons on the Treasurer's Report to amounts from last month and last year at this time. He then reviewed amounts on the Budget vs. Actual report. Mr. Rinaldi asked about the \$16.00, Act 205 check from the state for gas drilling which the Borough had received. Mr. Hughes replied the receipt of those funds will be noted in next month's report. With no further questions from Council, Ms. Palmer motioned, seconded by Mr. Phillips to accept the Treasurer's Report and ratify the payment of the bills. Ms. Palmer, Mrs. Earley, Mr. Hughes, Mr. Rinaldi, Mr. Phillips and Mr. Williams voted in favor. Mr. Hughes then reported on a letter which he sent to the Borough Auditors, Murphy, Dougherty and Company. The letter indicated the audit and their recommendations and findings had been reviewed, and where possible, the Borough has tried to constructively address them. He then discussed the audit of the 2009 Local Share Grant account which Murphy, Dougherty and Company had performed. Mr. Hughes then motioned, seconded by Mrs. Earley to request an audit engagement letter with Murphy, Dougherty and Company to perform the Borough audit. He will request a one (1) year proposal and a three (3) year proposal. He stated that he has been very pleased working with Murphy and Dougherty who have been very efficient, have been very conscious of Borough employee's time and have been very complimentary about the way in which Borough employees have worked with them. Mr. Phillips asked if there was a cycle in which an auditor can perform an audit. Mr. Hughes replied this would be the third year in

which Leah Rosenkrans performs the audit. He would suggest at some point to have Murphy & Dougherty assign a different individual to perform the Borough audit. Ms. Palmer, Mrs. Earley, Mr. Phillips, Mr. Williams, Mr. Rinaldi, and Mrs. Hughes voted in favor of the motion.

**PERSONNEL:** Mr. Williams discussed the two applications for the DPW Foreman position. He reported that he contacted both applicants to let them know their applications had been received. Council discussion included advertising fees, methods of advertising, duties, etc. Mr. Rinaldi reported the costs so far for advertising this position is approximately \$800.00. Ms. Palmer announced the publication from the Borough's Association lists advertisements for Borough employees which we may want to consider using in the future. After Council discussion, President Rinaldi asked if anyone on Council wanted to make a motion to advertise further for the DPW Supervisor position. Ms. Palmer motioned to advertise further for the DPW foreman position. With no second to the motion, the motion fails. Mr. Williams then discussed the interview process. President Rinaldi asked which Council members would like to be present during the interview process. Ms. Palmer reported on who was present at previous interviews and indicated she would like to be present during this interview. Mr. Williams will notify members of Council of the interview times. A decision will be voted on at the August Council meeting.

**BUILDINGS & GROUNDS:** Mr. Phillips reported the handicapped door installation is complete. Mr. Williams noted the handicapped door works well. Mr. Phillips also reported the computer hardware installation is underway. Mr. Rinaldi stated two computer consultants were interviewed to perform the installation of the new computers on Sharon's, Jan's and the DPW office computers. Northeast Computer Solutions was chosen due to a lower hourly rate. Ms. Palmer asked if Council members would be able to check their e-mails on one of the office computers. Mr. Rinaldi replied there will be a guest account to log onto for the purpose of checking e-mails on Sharon's computer. Ms. Palmer asked Mr. Phillips to have the owner of the property at 276 E. Grove Street notified about the condition of the property. Mr. Rinaldi mentioned that issue was noted in the Zoning Officer's report.

**HEALTH & SAFETY:** In the absence of Mr. Barrassé, Mr. Rinaldi reported on a complaint which had been received from a resident on Clark Street regarding branches falling from a neighbor's tree. Her concern was for the safety of her children who cut the lawn where the tree is located. After discussion with Mr. Barrassé, he and Mr. Rinaldi concluded this was an issue between property owners.

**PUBLIC WORKS:** Mrs. Earley reported she, the Borough Engineer and the DPW Foreman are working on the MS4 requirements. All relevant forms have been submitted and timelines were established for future activities. Although the community outreach component was satisfactory for the state, it appears the Borough needs to do more public outreach in the form of a public meeting, newspaper articles, additions to our website and additional publications to our residents. She reported the Federal government frowns on washing cars in driveways, cutting grass shorter than three (3) inches, and the fact that our website does not have a place to report neighbors when they violate these issues. Mrs. Earley has been in contact with a representative from Congressman Tom Marino's office

regarding the MS4 mandates for our community. She also spoke to the local representatives for Senator Casey and Senator Toomey about this issue and the need for relief. In addition, she reported Clarks Green is one of 49 municipalities in Luzerne and Lackawanna Counties to be cited by the national government. Mrs. Earley will be working with her committee members on compliance issues including newspaper articles and public meetings. She will contact South Abington Township and Clarks Summit Borough to work on these issues if our elected representatives are unable to get the Borough relief from these requirements. Mrs. Earley also reported on July 7, 2014, she, the DPW Foreman, Council President Rinaldi and Borough Engineer Scheuer met with representatives from PennDot to discuss the icing problem in North Abington Road near Our Lady of Peace School. The meeting took place at the PennDot headquarters on Morgan Highway. Even though representatives from Marty Flynn's office and Sid Michaels Kavulich were present, Dave Maciak from PennDot reported PennDot could not help with the situation. Details of the meeting are reflected in the minutes prepared by Council President Rinaldi. The meeting was useful because it gave Dave Kohinsky an opportunity to meet with the managers of PennDot's road maintenance. The meeting clarified which duties and obligations were given to Boroughs approximately four (4) years ago. Activities which were once a PennDot responsibility, such as cleaning catch basins on state highways are now the Borough's responsibility. PennDot paves state roads and clears them of snow in the winter and all other duties fall upon the Boroughs. Mrs. Earley then reported that bids for the paving of Princeton Avenue and Birchwood Road were opened on Monday, July 14, 2014. The apparent low bidder is American Asphalt with a bid of \$33,964.00. The second lowest bidder was Pike's Creek at \$38,919.00 and the third lowest bid was from Pennsy Supply at \$43,561.00. Solicitor Weinschenk has reviewed the bids and finds the two lowest bids to be in proper legal form. Mrs. Earley motioned, seconded by Ms. Palmer to accept the bid from American Asphalt to pave Princeton Avenue and Birchwood Road in the amount of \$33,964.00. Mrs. Earley, Mr. Phillips, Mr. Rinaldi, Mr. Hughes, Mr. Williams and Ms. Palmer voted in favor. As part of this project, the DPW is now working on the storm water drainage issues on these roads. Mrs. Earley also reported the Borough Engineer and the DPW Foreman have reviewed the invoice from Pipe Services Corporation in the amount of \$44,849.20 and agree that it should be paid as presented. Mrs. Earley motioned, seconded by Ms. Palmer to pay Pipe Services Corporation \$44,849.20. Mr. Hughes, Mr. Williams, Mr. Rinaldi, Mr. Phillips, Ms. Palmer, and Mrs. Earley voted in favor. In closing, Mrs. Earley stated in view of what was learned at the last PennDot meeting, it is the DPW Foreman's recommendation to pursue a quote for jetting out the drains near the bottom of Fairview Road. The DPW had cleaned out the catch basin near 111 Fairview Road before the latest storm. After the storm, the DPW Foreman reported the catch basin and the pipes are again clogged. He estimates the quotes to range from \$600 to \$1200.00. Mr. Hughes thanked Mrs. Earley, as well as others who attended the PennDot meeting, for their work on this project. Mr. Rinaldi stated he heard nothing from PennDot officials regarding the meeting minutes he presented to them. Two points discussed in the minutes are: (1) PennDot is aware that there is an icing issue on the surface of N. Abington Road which they stated they are responsible for; and (2) regarding the catch basins on Fairview Road, Mr. Rinaldi provided PennDot with photographs in the 400 block of Fairview Road of the trenching taking place on the side of the road due to no storm water control on that side of the road. This is where all sediment is coming from which is causing the problem with the catch basins and piping at the bottom of the hill. Mr. Rinaldi also

discussed funding. He reported Steve Armillay from Sid Kavulich's office provided two methods to apply for funding to perform a major project when trying to alleviate the icing on Route 407 toward Waverly. PennDot was only discussing minor trenching in that area. He also discussed issues with the Borough signing a maintenance agreement for this work. Ms. Palmer asked if PennDot will be doing anything about the icing. Mr. Rinaldi replied that PennDot will be doing nothing to alleviate the water on the roadway. Ms. Palmer discussed the drainage issues on S. Abington Road near Armstrong Avenue.

**REFUSE & RECYCLING:** Ms. Palmer distributed paperwork regarding the recycling of florescent light tubes. After discussion, Ms. Palmer asked Council if she should look into pricing cartons for disposal of the florescent tubes. Council asked her to continue looking into it for discussion at the Work Session.

**AAJRB:** Ms. Palmer reported Earth Camp is 85% full. Earth Camp is financially supported by grants from the Pennsylvania American Water Company and Abington Heights Education Organization. She reported the third concert series will be held at the park tonight. The YMCA is partnering with AAJRB to present programs at the park. The construction company working with PAWC to install new pipes is paying to make a parking lot between the Dog Park and Stroney Park. Ms. Palmer reported Bob Naegele of Colwell-Naegele is finishing up on drawings to complete the walkway around the lake which will probably be paved. Ms. Palmer reported that one of the softball fields is going to be reoriented in an effort to avoid the sun shining in the player's eyes. She also discussed increased parking and better flow of parking at the park. When the RACP grant issue gets resolved, replacement of the bathroom building and added signage throughout the park will take place. Williams Gas Company donated \$2,500.00 for a shade structure by the playground. The Jr. Comets will build it if AAJRB can get someone to design it. The Local Share Grant report was completed on time by Michelle Breslin. The Local Share audit was completed and the check has been signed. The check for Atty. Weinschenk will be signed at the AAJRB Board meeting.

**ACOG:** ACOG does not meet in July and August, therefore no report is available. Ms. Palmer reported she attended an Earned Income Tax committee meeting, however a quorum was not present.

**OLD BUSINESS:** There was no old business to discuss.

**NEW BUSINESS:** President Rinaldi reported an e-mail request was received from Tom Welby in Representative Flynn's office asking if they can conduct their community outreach in the Borough building one Wednesday per month in the morning. With no objections from Council, Mr. Hughes motioned, seconded by Mrs. Earley to allow a representative from Mr. Flynn's office to conduct community outreach in the Borough building pursuant to the schedule Tom Welby has provided to us from his office. Mr. Rinaldi, Mr. Hughes, Mr. Phillips, Ms. Palmer, Mrs. Earley, and Mr. Williams voted in favor. Ms. Palmer asked if the Borough could get a better recorder for the meetings, and a better telephone for the Council chambers. Mr. Rinaldi replied that getting a new recorder is a good idea. A benefit of getting a digital recorder is to have a data file of the recording which is easier to store and

can be linked to the website. Ms. Palmer asked if the copier is still making lines on copies. Mr. Rinaldi replied that it is no longer making lines on copies. Ms. Palmer asked if there is a regulation which requires how many times the Planning Commission must meet each year. Mr. Rinaldi replied the statute does not require the Planning Commission to meet. It requires them to schedule meetings and advertise that schedule, however Planning Commissions have no duties unless there is a Plan to be considered. Ms. Palmer stated it may be time to review and update Ordinances. Mr. Rinaldi replied the Planning Commission is subject to the municipality's planning code. Mr. Hughes suggested continuing this discussion when Solicitor Weinschenk is in attendance. Mr. Rinaldi discussed certificates which were received for the Centennial from the State Senate, the State House, the County Commissioners and the Boroughs Association. He contacted Charlie Sandercock at Summit Frameworks to advise us on the best way to display them. Mr. Sandercock was not on this evening's agenda and will be invited to the Work Session to discuss his suggestions. Mayor Thorburn, in response to Ms. Palmer's earlier question, reported the Borough contributed approximately \$2,335.00 toward the Centennial.

**MOTION FOR ADJOURNMENT:** Mr. Hughes motioned, seconded by Ms. Palmer to adjourn the meeting at 9:50 p.m.

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Janice F. Brown, Secretary/Treasurer