

**CLARKS GREEN BOROUGH
COUNCIL MINUTES
NOVEMBER 19, 2014**

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: 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 October 15, 2014 meeting. Mr. Barrasse, Mrs. Earley, Mr. Hughes, Ms. Palmer, Mr. Phillips, Mr. Rinaldi and Mr. Williams voted in favor.

MAYOR'S REPORT: Mayor Thorburn presented the Police Report in the absence of a police officer. He reported October was a quiet month in the Borough. He reported approximately eleven (11) unlocked cars in the area, with one (1) being in Clarks Green, had items stolen during the month. In addition, Mayor Thorburn reported that Pat Atkins presented a \$500.00 check to the Borough as a Centennial donation, which she had misplaced during that time. This donation resulted in the final cost of the Centennial to be less than \$1,000.00.

VISITORS: Mark Borden, Baptist Bible College; Bill Plantholt, 114 Clark Street; John Arcangelo, 719 Highland Avenue; Gerard Hetman, Lackawanna County Community Relations; Rick Williams, 221 N. Abington Road; Charles Saxe III, 208 Tedrick Street; Meredith Colohan, Abington Journal reporter.

PUBLIC COMMENT: No public comments were received at this time.

LACKAWANNA COUNTY COMMUNITY RELATIONS: Mr. Hetman distributed copies of the 2015 Lackawanna County Budget which reveals no tax increase. He then discussed items on the Budget which Lackawanna County funds. Flyers on upcoming County events were also distributed by Mr. Hetman.

SOLICITOR'S REPORT: Solicitor Weinschenk discussed Disbursement #2 from the RACP Grant in the amount of \$554,721.00. The funds were deposited into the Borough General Fund checking account and then made available to AAJRB. He reported that Mr. Kane suggested using the balance of funds to purchase and install another bathroom facility from the state website. In addition, Solicitor Weinschenk reported the signed Release from Bill and Debbie Plantholt has been received by the Borough indicating their satisfaction of the completed fence repair.

TREASURER'S REPORT AND BILL APPROVAL: Mr. Hughes reported on checking account balances with comparisons to last month and last year. The Treasurer's Report was then presented by Mr. Hughes and filed for audit. Current fund balances are as follows:

Capital Fund Money Market	\$	19,358.28
General Fund Checking		212,728.07
General Fund Money Market		35,246.36
Sewer Fund Checking		236,278.33
Sewer Fund Money Market		84,930.37
State Funds Checking		<u>4,292.30</u>
Total Checking/Savings	\$	592,833.71

With no questions from Council, Mr. Hughes motioned, seconded by Ms. Palmer to accept the Treasurer's Report and ratify the payment of the bills. Ms. Palmer, Mrs. Earley, Mr. Hughes, Mr. Barrasse, Mr. Rinaldi, Mr. Phillips, and Mr. Williams voted in favor. Mr. Hughes then presented the Budget vs. Actual report. He reported Earned Income Tax receipts are about \$16,000.00 below where they were a year ago, which is similar to what other municipalities are experiencing. In addition, he compared balances on the Budget vs. Actual report to amounts of a year ago. Mr. Hughes then discussed the 2015 Proposed Budget which will be posted on the Borough website. This Budget does not propose a Real Estate Tax increase. It does include a \$7.00 per quarter, which is a \$28.00 annual sewer increase to cover the quarterly charges the Borough receives from the Abington Regional Wastewater Authority for the expansion of the sewer plant which is anticipated to be completed in 2015. This budget includes continuation of the Wage tax as well as the Real Estate Transfer tax, the Local Services tax and salary increases for Borough employees. After Council review, the Proposed Budget will be discussed at the next Work Session. Mr. Hughes thanked his colleagues for their work on preparing the Proposed Budget. He then discussed sewer delinquencies and sewer accounts which are on lien. In closing, Mr. Hughes discussed a draft of a letter which will be sent to AAJRB with copies being sent to participating municipalities regarding deficiencies reported in their last audit. He invited members of Council to discuss or make changes to the letter. President Rinaldi will sign the letter. Mr. Rinaldi indicated Atty. Pascale is aware of the issues raised in the letter and indicated the changes had been accomplished. Mr. Hughes motioned, seconded by Ms. Palmer to advertise the availability of the 2015 Proposed Budget for public review. Ms. Palmer, Mrs. Earley, Mr. Hughes, Mr. Barrasse, Mr. Rinaldi, Mr. Phillips and Mr. Williams voted in favor.

PERSONNEL: Mr. Williams discussed the hiring of the new employee in the DPW department. Charles Saxe was hired at a rate of \$14.50 per hour. Mr. Williams motioned, seconded by Mr. Phillips to ratify the hiring of Mr. Saxe. Mrs. Earley, Mr. Phillips, Mr. Rinaldi, Mr. Hughes, Mr. Williams, Mr. Barrasse and Ms. Palmer voted in favor.

BUILDING & GROUNDS: Mr. Phillips discussed replacement of the garage heaters and completion of the spray foam on the Eastern side of the garage. Proposals have been received in amounts between \$4,400.00 and \$4,500.00 to complete both projects. The proposal for the spray foam was \$1,932.00 and the price for the two heaters was \$2,349.00. Mr. Phillips motioned, seconded by Mrs. Earley to spend between \$4,400 and \$4,500.00 to replace two heaters and to complete the spray foam project in the DPW garage. Mr. Barrasse, Mr. Rinaldi, Mr. Phillips, Mr. Hughes, Ms. Palmer, Mrs. Earley and Mr. Williams voted in favor.

HEALTH & SAFETY: Mr. Barrasse reported on a special event which is being planned by the Assembly of God Church for December 19, 20 and 21st. The church will close the 200 block of Clark Street from approximately 4 p.m. to 9 p.m. on those dates. The properties on Clark Street are owned by the church and do not pose any problems for the residents there. The residents travelling on Clark Street will have to circumvent the area. Mr. Barrasse motioned, seconded by Ms. Palmer to approve the request by the Assembly of God Church to close the 200 block of Clark Street on December 19, 20, and 21st from 4 p.m. to 9 p.m. each day. Mr. Williams, Mr. Rinaldi, Mr. Barrasse, Ms. Palmer, Mrs. Earley, Mr. Phillips and Mr. Hughes voted in favor. Mr. Barrasse then discussed the traffic light controller which is currently being replaced. He thanked Mrs. Earley who prepared the Green Light - Go Grant application for Council. It was submitted on November 10, 2014 with the help of Secretary Brown. If approved, the grant would be in the amount of \$7,043.00 which is half the cost of the new controller. The grant application was successfully received and the Borough will hear the result of the award in six (6) to eight (8) weeks.

PUBLIC WORKS: Mrs. Earley reported the DPW crew has been picking up leaves, working on Borough roads and has spent time working on the Budget for the Finance Chairman.

REFUSE & RECYCLING: Ms. Palmer had nothing new to report. She asked Council meeting visitor John Arcangelo whether he was on Council when the Borough used the vacuum truck to collect leaves curbside. He said he was not. Ms. Palmer reported she would like to look into that method of collecting leaves for the future. She followed Clarks Summit's truck recently on West Grove Street and reported that it was a nice, neat, and smooth operation. She would like to look into it as it would be much easier for the residents. President Rinaldi replied it will not work on state roads as traffic would continuously blow the leaves. Mayor Thorburn reported that years ago he had priced out a vacuum attachment and the price at that time was approximately \$8,000.00. Ms. Palmer mentioned sharing with another municipality or renting it from them. President Rinaldi asked her to get the information. She reported that she does not rake and bag her leaves and she rakes them into the back ravine. Mr. Rinaldi reminded her that she does not participate in the Borough recycling program if she does that. She replied that she does not care, and that is where they are going. Ms. Palmer stated it is a lot of work, the bags filled with leaves are heavy and the Borough does not get any money from the state for recycling leaves.

AAJRB: Ms. Palmer reported that the Rec Board had not met since the last Council meeting.

ACOG: Ms. Palmer stated the last meeting was a very good meeting. Those in attendance included Rick Williams, Joyce Fratala, who is the ACOG representative from Benton County and also a former County recycling coordinator, as well as Bernie McGrail from the Lackawanna River Corridor Association. The MS-4 program was the topic of discussion. It was a very interesting and well attended meeting.

President Rinaldi asked if Rick Williams would like to address Council as he arrived after the sign-in sheet was circulated. Mr. Williams stated that the Shade Tree Commission has completed a small tree planting. Mayor Thorburn reported to Mr. Williams that his neighbor's tree has broken in half during the last wind storm and half of the tree remains standing. He wanted to make the Shade Tree Commission aware of that. Mr. Williams replied that the homeowner has signed a permit and also the Zoning Officer is aware of the situation. Mayor Thorburn is concerned about the remaining half of the tree being a safety issue. Mr. Hughes thanked the Shade Tree Commission and the Borough DPW employees who assisted his neighbor at 406 Gordon Drive with removing a tree which she had cut down.

NEW BUSINESS: President Rinaldi discussed the agreement for the proposed Cell Phone tower at Baptist Bible College and Seminary. He stated that Mr. Mark Borden from Baptist Bible College and Seminary is in attendance at this evening's Council meeting. Mr. Rinaldi reported a public meeting was held concerning the placement of the proposed Cell Phone tower which was on property owned by Baptist Bible College and Seminary. The original proposal was a site not far from the rear property lines of Borough residents living on Evans Street. After seeing the response from our residents who attended the Zoning Hearing Board meeting at South Abington Township, Baptist Bible, to the relief of Borough residents on Evans Street, agreed to move the site of the Cell tower. It is now 1200 feet away from the original site. After the public meeting with Verizon and Baptist Bible on Monday night at 7:00 p.m., residents expressed to Mr. Rinaldi how thankful they were to Baptist Bible for understanding their feelings with regard to where the tower placement was. Mr. Rinaldi again thanked Baptist Bible for taking into consideration the Borough residents who spoke very highly of the College and Seminary and of the officials, including Mark, who were in attendance that night. Mr. Hughes stated that everything that goes on in this Borough is a team effort. He wanted to acknowledge President Rinaldi for bringing the parties together Monday evening. The meeting was civil, very open, and he thanked Mr. Rinaldi for scheduling a meeting on short notice which allowed a result that pleased everyone in attendance.

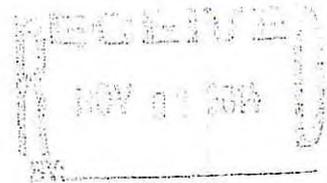
OLD BUSINESS: President Rinaldi discussed a written letter which the Borough had received from Dr. Charles Dennis regarding activities of Councilor Palmer. Mr. Rinaldi read the letter which was written on October 30, 2014, was received at the Borough on November 3, 2014 and which is attached to these minutes. This letter was discussed at the Council Work Session on November 5, 2014. Council discussion on November 5 was followed by an e-mail from President Rinaldi to Ms. Palmer on November 6. The e-mail

contained a copy of Dr. Dennis' letter. A copy of the e-mail is also attached to these minutes. Since that time, Mr. Rinaldi has spoken with Dr. Dennis' attorney, Mr. Christopher Caputo who is an attorney in private practice and was a longtime Assistant District Attorney in the Lackawanna District Attorney's Office. Mr. Rinaldi asked him what his client intended to do based on the representations in the letter. Mr. Rinaldi told him that Council requested Ms. Palmer write a letter of apology in an effort to defuse the situation. Mr. Rinaldi told Mr. Caputo that Ms. Palmer indicated that she would not write an apology letter. Mr. Caputo said he would contact Mr. Rinaldi to let him know if they would initiate legal action. Earlier today Atty. Caputo spoke with Mr. Rinaldi and told him that he and his client were waiting to see if Ms. Palmer was going to comply with the request of a written apology. Mr. Rinaldi reported that, after the meeting with Baptist Bible on Monday, a Council member asked Ms. Palmer whether she was going to write the letter of apology and Ms. Palmer indicated she was refusing to write the letter. As a result, the Borough is in a position where we have a member of Council acting in a manner which brings disrepute to this Council. Mr. Rinaldi stated that it is incumbent upon Council to take some type of action to try to mitigate any future damages so that the Council and the Borough are not in a position that Council was aware there was some type of activity that should not have occurred and Council took no action. Mr. Rinaldi had stated three possibilities for Council to take in his e-mail. Since Dr. Dennis and his attorney are determining what action they are going to take, the most appropriate thing at this point is to have a motion for censure and to include in that motion authorization for Mr. Rinaldi, as Council President to write an apology to Dr. Dennis and also to have on the record that Council was not aware of Ms. Palmer's activities, does not condone them and they were not authorized by Council. At this point, Mr. Rinaldi invited Ms. Palmer to address the issue. Ms. Palmer read from a typed statement, of which she refused to provide a copy to Council. President Rinaldi motioned, seconded by Mr. Barrasse to publicly censure Councilor Palmer for her actions, authorize the President of Council to write an apology letter to Dr. Dennis and to indicate in our minutes that Council does not condone her activity and her statement which indicated she would take whatever action she deemed appropriate in the future. President Rinaldi believes the Borough would clearly have potential liability in this case, whether Ms. Palmer recognized this fact or not. Mr. Barrasse then asked Ms. Palmer once again to consider, even though she thinks her actions are not harmful to anybody, to write a letter of apology. Ms. Palmer stated she will not approach anybody again and hopefully Mr. Dennis will sell the property. Mr. Barrasse then again asked Ms. Palmer if she will write an apology letter to Mr. Dennis to stop this issue from going forward. He asked her to write the letter on her own stationary, saying she did not represent Council, and she did not have any permission on Council's behalf. Ms. Palmer replied that she will write a letter of apology but it might not be the letter of apology that Mr. Barrasse requested. She then asked how Mr. Barrasse would handle that. Mr. Barrasse replied the letter of apology he would like to see her write would address the situation that she has no right approaching a prospective tenant and she will not engage in this type of behavior ever again. Mr. Williams stated her letter needs to indicate those comments definitely did not reflect the thoughts or sentiments of Clarks Green Council. Ms. Palmer responded that she never led anyone to believe that it did reflect Council's thoughts. Mr. Arcangelo, who was a visitor, asked if he could address Council at this time. Mr. Hughes asked that other members of Council be allowed to speak first. Mr.

Phillips asked if it would be a potential for liability if action on this could be deferred until after the letter of apology was reviewed at the Work Session. President Rinaldi replied that Dr. Dennis and his Attorney were hoping to get the apology letter and he was told they are moving forward. Council should not be in a position to delay acting at this time. Mr. Hughes stated that if a letter of apology is forthcoming, Dr. Dennis and his Attorney can communicate back to Council whether the letter is acceptable to them and Council could then take further action. Mrs. Earley stated that they were expecting a letter before tonight. Ms. Palmer stated she is willing to do what Mr. Hughes said and if they don't like her apology then.....Mr. Rinaldi continued by saying if they don't like her apology, then Council is in the same position they are in tonight. Mr. Hughes stated that Council explain to Mr. Dennis and Atty. Caputo that it was agreed this evening that a letter of apology from Councilor Palmer would be forthcoming and Council hoped it would resolve the matter. Mr. Rinaldi reminded Council that part of his motion would be for Council to send the letter of apology. Ms. Palmer stated she is seeking advice from the State Ethics Commission to see if Council has the right to do anything. Mr. Hughes stated if the matter is not resolved by an apology in their eyes, this matter certainly deserves a response from Council. Ms. Palmer stated she is open to doing what Mr. Hughes suggested. Mr. Rinaldi then invited Mr. Arcangelo to address Council. Mr. Arcangelo noted he is not here to defend Ms. Palmer or to prosecute Ms. Palmer, and stated this matter is none of Council's business. This is a private and civil matter between Dr. Dennis and someone who spoke to his perspective tenants. Mr. Phillips responded there is a process of coming before Council due to the letter which Council received. Mr. Rinaldi agreed by adding that Council is not going to ignore any residents' complaint about a Council member. Mr. Barrasse added that there have been other complaints in certain situations that have been received against Ms. Palmer that they have had to address. Mr. Arcangelo replied those are not pertaining to this situation. Mr. Barrasse replied that Council did receive a letter of complaint and as Council they are responsible to respond and want to make sure they diffuse any type of future liability. Mr. Arcangelo asked if Ms. Palmer was representing Council when she talked to the perspective tenants. Mr. Barrasse replied that Council does not know that. Mr. Rinaldi stated the allegation in the letter is that she was going to use her position. Ms. Palmer stated that is not true. Mr. Plantholt inquired if the property was an eyesore. Mr. Hughes invited Mr. Plantholt to inspect the property. Mr. Williams, Mr. Rinaldi, Mr. Barrasse and Mrs. Early voted in favor of public censure of Councilor Palmer. Mr. Phillips, Ms. Palmer and Mr. Hughes voted against. Mr. Rinaldi stated the motion has passed. He then asked if there are any other matters to bring before Council tonight. With no further business, he asked for a motion to adjourn.

MOTION FOR ADJOURNMENT: Mrs. Earley motioned, seconded by Mr. Williams to adjourn the meeting at 8:10 p.m. All I attendance voted in favor.

Janice F. Brown, Secretary/Treasurer



October 30, 2014

Distinguished Members of Clarks Green Borough Council,

My intent of this letter is to inform you of the ongoing unprofessional and self-serving behavior by one of your council members. Miss Maureen Palmer has a residence which borders a property that I own at 276 E. Grove Street. My property has had multiple vacancies over the past several years despite my attempts to solicit occupancy. I was contacted by a perspective tenant who informed me, Miss Palmer approached her during her inspection of my property and proceeded to make several derogatory comments regarding the property and my management practices. Two Weeks ago, I had the opportunity to discuss this matter with Miss Palmer, she confirmed her actions during that conversation. She also informed me of her intent to continue this practice in the future and also to use her position on council to levy complaints against me. On Friday October 17, 2014, I arrived to meet a perspective tenant at the property, only to encounter Miss Palmer engaged in a conversation in an attempt to discourage these individuals from leasing my property. I approached Miss Palmer and asked her to please vacate my property which she immediately did. It is beyond my ability to determine how many times she has conducted herself in this manner or to place a monetary cost on the damages I have incurred due to her negative behavior. I do not believe her actions are proper or ethical as a council person. It is also my belief that it is the role of a council person to act in the best interest of the community and its members. Over the course of the last several years the vacancies at this particular property has caused hardships and financial burdens on myself and my family.

Miss Palmer's actions have been extremely malicious! I am unaware as to why she is acting in this manner. It is my hope that the other members of council can assist me in ceasing her behavior or some disciplinary action be taken. I am presently exploring legal options with my Attorney civilly against Miss Palmer.

Thank you in advance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles W. Dennis'.

Dr. Charles W. Dennis, D.M.D.

116 North State St.
Clarks Summit
Pennsylvania 18411
p: (570) 587-4031

e: drdennis@abingtoncenter.com
w: abingtoncenter.com



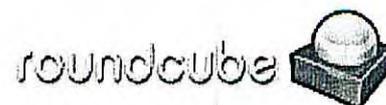
Subject **Dennis Complaint regarding Councilor Palmer**

From David J Rinaldi <drinaldi@clarksgreen.info>

To Marnie Palmer <mpalmer@clarksgreen.info>
Keith Williams <kwilliams@clarksgreen.info>,
<WReg60@aol.com>, 'Joe Barasse' <jbarasse@clarksgreen.info>,
<joe.barrasse@gmail.com>, Alan Hughes
<ahughes@clarksgreen.info>, Lynne Earley
Cc <learley@clarksgreen.info>, Lynne Earley
<earl5brant@comcast.net>, 'Polly Hughes'
<idyleeze@gmail.com>, Barry Phillips
<bphillips@clarksgreen.info>, 'Barry Phillips - TLCN'
<thelearningcenternetwork@gmail.com> [2 more...](#)

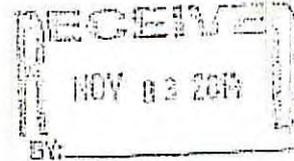
Reply-To <drinaldi@clarksgreen.info>

Date 2014-11-06 16:10



Marnie,

This email will confirm Council's discussion last evening regarding the allegations contained in the letter dated October 30, 2014 from Mr. Charles Dennis owner of the commercial property located at 276 E. Grove Street. A copy of which follows:



October 30, 2014

Distinguished Members of Clarks Green Borough Council,

My intent of this letter is to inform you of the ongoing unprofessional and self-serving behavior by one of your council members. Miss Laureen Palmer has a residence which borders a property that I own at 276 E. Grove Street. My property has had multiple vacancies over the past several years despite my attempts to solicit occupancy. I was contacted by a prospective tenant who informed me, Miss Palmer approached her during her inspection of my property and proceeded to make several derogatory comments regarding the property and my management practices. Two Weeks ago, I had the opportunity to discuss this matter with Miss Palmer, she confirmed her actions during that conversation. She also informed me of her intent to continue this practice in the future and also to use her position on council to levy complaints against me. On Friday October 17, 2014, I arrived to meet a prospective tenant at the property, only to encounter Miss Palmer engaged in a conversation in an attempt to discourage these individuals from leasing my property. I approached Miss Palmer and asked her to please vacate my property which she immediately did. It is beyond my ability to determine how many times she has conducted herself in this manner or to place a monetary cost on the damages I have incurred due to her negative behavior. I do not believe her actions are proper or ethical as a council person. It is also my belief that it is the role of a council person to act in the best interest of the community and its members. Over the course of the last several years the vacancies at this particular property has caused hardships and financial burdens on myself and my family.

Miss Palmer's actions have been extremely malicious! I am unaware as to why she is acting in this manner. It is my hope that the other members of council can assist me in ceasing her behavior or some disciplinary action be taken. I am presently exploring legal options with my Attorney civilly against Miss Palmer.

Thank you in advance.

Sincerely,

Dr. Charles W. Dennis, D.M.D.



Member ADA, PDA, AGD
**AMERICAN ACADEMY
 OF COSMETIC DENTISTRY.**

116 North State St.
 Clarks Summit
 Pennsylvania 18411
 p: (570) 587-4031
 e: drdennis@abingtoncenter.com
 w: abingtoncenter.com

During our work session you admitted that you approached prospective tenants of the E. Grove Street Property on the two occasions cited in the correspondence. You stated that you intended to continue this activity

but denied that you stated to Mr. Dennis that you going to “use her (your) position on council to levy complaints against me (Mr. Dennis).” (The Borough will archive that part our work session recording wherein the discussion was held concerning Mr. Dennis’ complaint). Council’s discussion of the matter left little doubt that your fellow Councilors felt that your actions were inappropriate at best and illegal at worst. You attempted to justify these activities by parsing your action between Palmer the Councilor and Palmer the Private Citizen. I expressed to you, in my opinion, such a distinction was absurd. Thereafter, Councilor Hughes attempted to explain to you, based upon his experience as an elected official, the public would not make such a distinction and that the better practice was to refrain from putting yourself in that position. Councilor Barrasse then recounted an example of a State Game Warden who attempted to use his official position against a member of the public. The Warden not only lost his employment but was criminally prosecuted for this type of activity. It was further suggested your alleged actions might even rise to the level of a civil rights violation. I also commented that your activities would result in bringing disrepute to our Council and reminded you that a Councilor’s duty was to act in the best interest of our residents and property owners. Your response was unfortunately all too typical in that you do not care what the other members of Council think, would not apologize and, even further, did not care if Mr. Dennis initiated legal action as a result of your activities. Council suggested that you should consider a written apology to Mr. Dennis to mitigate the situation and you immediately dismissed that suggestion. As a result I informed you that unless you rectified the situation with the property owner prior to the Council Meeting scheduled for November 19, 2014, I would be placing an item on the agenda regarding this matter for Council to determine whether further action is appropriate.

It is certainly not Council’s desire to see this matter go any further but in consideration of your admissions and the allegation regarding using your position as a Councilor to Mr. Dennis’ detriment, I request you reconsider your refusal to provide a written apology to the property owner. Council has no desire to engage in the time and expense associated conducting an investigation. Should you continue to refuse, all options are available to Council including but not limited to requesting the District Attorney investigate the matter, seeking an opinion from the Pennsylvania Ethics Commission and/or a Public Censure. I, along with the rest of the members our Council, hope further action by Council does not become necessary but whether it does become necessary is up to you.

David J. Rinaldi
Council President