CLARKS GREEN BOROUGH
COUNCIL MINUTES
AUGUST 16, 2017

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 Culbertson conducted roll call. The following were present: Mr. Rinaldi, Mr. Toms, Mr. Hughes, Ms. D'Oro, Mrs. Earley, Mr. Williams, Mayor Thorburn and Solicitor Weinschenk.

ABSENT: Mr. Barrasse.

APPROVAL OF MINUTES: President Williams entertained the motion to accept the minutes of the July 19, 2017 Council meeting. Mr. Hughes motioned, seconded by Mrs. Earley. Ms. D'Oro, Mr. Toms, Mrs. Earley, Mr. Hughes, Mr. Rinaldi and Mr. Williams voted in favor.

VISITORS: Marnie Palmer, 280 East Grove St., Clarks Summit Police Chief Chris Yarns & Officer Eric Williams, Peter Giermanski, 100 Squirrel Run, George Parker, 110 Cook St. and Liz Baumeister, Abington Journal Reporter.

MAYOR'S REPORT: Clarks Summit Police Chief Chris Yarns reviewed the monthly police report stating it was not a terribly busy month. Police Chief Yarns is investigating the issue of tree trimming in the Borough concerning permits and have contacted the Shade Tree Commission. Mayor Thorburn reported that he is in the process of making a pocket library for the Borough after a recent discussion on trying to improve the Borough grounds. Mayor Thorburn told Council after researching there is an organization that the Borough can join and a plague can be obtained stating it is a free library. He told Council the Borough would then be added to a list of communities having such libraries. Mayor Thorburn asked for a motion to approve the pocket library, reimburse the Mayor for the cost of the materials and to apply to the pocket library organization. Mrs. Earley motioned, seconded by Mr. Hughes. Mr. Toms, Mrs. Earley, Ms. D'Oro, Mr. Rinaldi, Mr. Hughes and Mr. Williams voted in favor.

PUBLIC COMMENT: No public comment.

SOLICITOR'S REPORT: Solicitor Weinschenk had nothing specific to report this month.

TREASURER'S REPORT AND BILL APPROVAL: Mr. Hughes thanked his colleagues, the office staff along with the DPW personnel for the recent well wishes stating they were truly appreciated. Mr. Hughes reported on the checking account balances with comparisons to last month and last year. The Treasurer's report was presented by Mr. Hughes and filed for audit. Current fund balances are as follows:

Capital Fund Money Market	$	59,380.00
General Fund Checking		318,173.60
General Fund Money Market		35,265.78
Sewer Fund Checking		237,498.81
Sewer Fund Money Market		84,977.08
Sewer – Wayne Bank CD		50,203.70
State Funds Checking		61,561.07
Total Checking/Savings	$	847,060.04

With no questions from Council Mr. Hughes motioned, seconded by Mrs. Earley to accept the Treasurer's report and ratify the payment of the bills. Mr. Toms, Mrs. Earley, Mr. Hughes, Mr. Rinaldi, Ms. D'Oro and Mr. Williams voted in favor. Mr. Hughes then presented the Budget vs. Actual report comparing balances on the report to amounts of a year ago. Mr. Hughes stated the Wage Earned Income Tax is up by $26,000. Mr. Hughes reported the Net Income for the year is at $214,876 compared to last year at $195,599. Mr. Hughes stated all in all Budget to Actual is $20,000 ahead of last year. Mr. Hughes updated Council on the sewer delinquencies and mortgages letters have been sent notifying them of the sewer delinquencies. Mr. Hughes stated the 2016 Municipal Annual Audit and Financial Statements from state submitted by our auditors, Murphy & Dougherty has been approved. Mr. Hughes told Council the Borough received a thank you letter from the Abington Senior Center for the contribution. Mr. Hughes informed Council the Borough has received a renewal from Concordia Dental and stated the rates are unchanged. The third quarter payment from Comcast has been received from in amount of $9,133. Mr. Hughes told Council he reviewed the Clarks Summit Fire Company Relief Association Compliance Audit. Mr. Hughes briefly talked about the recent emails that have been received regarding the Borough's stated position withholding the Borough's annual contribution to AAJRB until delivery of an audit engagement letter. Those emails displayed a clear misunderstanding of the purpose of an audit. Mr. Hughes explained the purpose of an audit is not to reveal malfeasance, dishonesty and embezzlement but to evidence the books and records of the institution fairly present, in all material respects, the financial position of the organization. Mr. Hughes reviewed the past audits stating the 2013 audit brought up some serious concerns about the maintenance of the books and records of the AAJRB. The 2014 audit was improved and the 2105 was a clean audit. Mr. Hughes stated the fact those audits indicate there has been no malfeasance or embezzlement is great but the Council's stance is not a matter of trust but of reassurance the Authority's books and records are properly being maintained. Mr. Hughes pointed out a comment in one of the emails received that Clarks Green is the only municipality "giving the AAJRB a hard time". Mr. Hughes explained it is Council's responsibility to the public is to oversee the organization. Mr. Hughes also commented on an email which stated the belief an audit would be a total waste of tax-payers money. Mr. Hughes remarked during his professional career in banking, he had never been of the opinion professional services were a waste of money. Mr. Hughes stated he disagrees with the Authority Members' argument the AAJRB is not legally required to undergo an audit and, therefore, should have to do so. Mr. Hughes told Council that AAJRB should have professional services so they can assure the public the AAJRB is transacting business in a proper financial manner. All of Council agreed with Mr. Hughes. Mr. Rinaldi expressed a pattern he has observed in government in which decisions are often reduced to the lowest bar and is the reason the public no longer has the same faith in government as in the past. Mr. Toms stated he believed Council made a sound decision, he respects Mr. Hughes' opinion and believes Council should now stand by its decision. Mr. Hughes updated Council on the Real Estate Tax Collector's bond stating the cost will be $250 a year with a requirement of having an annual audit from DGK Insurance. Mr. Rinaldi informed Council he had contacted another agency concerning the annual audit requirement since the last audit legally required when the former Real Estate Tax Collector Jan Brown resigned the position cost approximately $2500 plus the cost of the bond making a significant increase in cost to the Borough. Mr. Rinaldi stated he had found a bonding company that will not require an annual audit since they were satisfied with Clarks Green Borough's controls. Mr. Rinaldi motioned the Borough, on the behalf of the Real Estate Tax Collector, apply for a bond pursuant to the terms the company represented to him at a cost approximate the same as the bond currently in force but without the requirement of the annual audit. Mr. Toms seconded the motion. Mrs. Earley, Ms. D'Oro, Mr. Toms, Mr. Hughes, Mr. Rinaldi and Mr. Williams voted in favor.

BUILDINGS & GROUNDS: Mr. Toms stated the parking lot lines will be re-painted along with the Vascar lines on Abington Road for the CSPD. Mr. Toms informed Council the property at 128 North Abington Road has been sold and stated himself and Mr. Rinaldi had the pleasure of meeting the new owner. Mayor Thorburn informed Council the Borough water heater is not working. He tried

troubleshooting the problem stating the circuit pack is not working. Mayor Thorburn instructed Dave Kohinsky the part can be ordered online and gave him a few suggestions. Mr. Rinaldi also informed Council recently the Borough had an accumulation of water in the basement after a significant rainstorm extinguishing the pilot light.

PUBLIC WORKS: Mrs. Earley informed Council the DPW crew used ten (10) tons of blacktop for filling the holes on the Borough's roads. Mrs. Earley motioned to pay Sewer Specialty Services' invoice at the amount of $58,918, seconded Mr. Hughes. Mr. Rinaldi, Mr. Hughes, Mr. Toms, Mrs. Earley, Ms. D'Oro and Mr. Williams voted in favor.

HEALTH & SAFETY: No report.

PERSONNEL: Mr. Rinaldi asked Council to proceed into an Executive Session to discuss the interviews for the open Zoning Officer position. The Executive Session started at 7:30 P.M. The Council Meeting reconvened at 7:55 P.M. Mr. Rinaldi briefly reviewed the two (2) candidates for the Zoning Officer position. He stated both George Parker and Darlene Sholcosky had met the criteria in the Borough's Zoning Ordinance to qualify for the position. Mr. Rinaldi informed Council the Personnel Committee unanimously recommended the appointment of Darlene Sholcosky as the new Clarks Green Borough's Zoning Officer. Mr. Toms motioned to appoint Darlene Sholcosky as the Zoning Officer for the Borough of Clarks Green, seconded by Mr. Rinaldi. Ms. D'Oro, Mrs. Earley, Mr. Rinaldi, Mr. Toms, Mr. Hughes and Mr. Williams voted in favor.

REFUSE & RECYCLING: Ms. D'Oro reported she was waiting for a quote from Pabco, the former vendor where the Borough's leaf bags were purchased. Ms. D'Oro informed Council the tentative date for the leaf bags distribution will be September 30th. Ms. D'Oro told Council of her recent experience with County Waste involving a dresser she was placing curbside for pickup and Council determined a message will be placed on the next sewer billing instructing residents not to pay any additional fees to County Waste for pickup of bulk items since the Borough's contract stipulates it.

ARWA: Mr. Rinaldi reported the ARWA meeting involved only routine items. Mr. Rinaldi informed Council the problem the Authority had with Fats, Oil and Grease (FOG) being deposited into the sanitary sewer system and ending up in the plant. The Authority agreed upon doing regular maintenance to the influent chamber before the FOG enters the grit chamber, stating the cost for removing the FOG from that chamber is approximately $1800. Another item Mr. Rinaldi updated Council on was PennDot had agreed to contact the Authority at least two (2) weeks in advance of resurfacing the portion of Route 611 under which the Authority's interceptor is located so the Authority could provide the necessary risers for the sewer lids before paving was started. This did not occur. Mr. Rinaldi told Council luckily the Authority was able to obtain the risers within two (2) hours allowing the paving project to continue uninterrupted from Leggett's Creek to the PA Turnpike.

OLD BUSINESS: President Williams asked the participating individuals who attended the Spatt hearing to update Council. Mr. Rinaldi told Council the Borough's insurance company retained Attorney Patrick Murphy to represent Clarks Green Borough. The allegation in the Spatt complaint was the Borough had removed the curbing in front of the property located at 103 Pineview Circle resulting in storm water runoff was flowing in their yard causing damage. Mr. Rinaldi told Council Mr. Spatt was accompanied at the hearing by an engineer and submitted a report. Attorney Murphy questioned Mr. Spatt's engineer and later had the Borough Engineer Zack Smith testify. Mr. Rinaldi informed Council the Borough had received Magistrate's Keeler decision today and proceeded to read the judgement in the Borough's favor to Council. Mr. Rinaldi told Council the Judge Keeler determined that the Plaintiffs failed to establish cause of action by a preponderance of the evidence Plaintiffs did not set forth damages with the required specificity and the Plaintiff failed to establish that the claimed damages were the direct result of or proximately caused by a breach of duty by Clarks

Green Borough. Mr. Rinaldi informed Council the plaintiffs have thirty (30) days in which to file an appeal to the Court of Common Pleas of Lackawanna County. Moving on Mr. Rinaldi told Council he contacted Solicitor Weinschenk regarding the individual on the Zoning Hearing Board who refused to file his 2016 Statement of Financial Interests with the Borough as required by the Pa. Ethics Act. Mr. Rinaldi stated this individual's term ends December 31, 2021 and has asked Solicitor Weinschenk to give Council his opinion on whether this person can be removed from this position by Council so there can be a vacancy and that Council can appoint someone who would comply with the requirements of submitting a Statement of Financial Interests. Solicitor Weinschenk told Council the Municipal Planning Code in the Zoning Hearing Board section states a member can be removed for malfeasance, misfeasance, nonfeasance and other just cause. Solicitor Weinschenk stated his opinion the failure to file a Statement of Financial Interest would be nonfeasance. Solicitor Weinschenk informed Council the governing body is required to give the member fifteen (15) days advance notice in writing stating Council intends to take a vote at the next schedule meeting on removing him as a member of the Zoning Hearing Board along with a notice the member can request a hearing on the issue. Mr. Rinaldi motioned to send a notice to the member of the Zoning Heard Board, Robert Ortiz informing him that Council will take the necessary actions to remove him from the Zoning Hearing Board for non-compliance with the Ethics Act. Mr. Toms seconded the motion. Mr. Toms, Mrs. Earley, Ms. D'Oro, Mr. Rinaldi, Mr. Hughes and Mr. Williams voted in favor.

NEW BUSINESS: Mr. Hughes motioned to approve the engagement letter from Murphy and Dougherty for Borough Audits for the years 2017 at a cost of $6,950, 2018 at a cost of $7,100 and 2019 at a cost of $7,250, seconded by Mrs. Earley. Mr. Rinaldi, Mr. Hughes, Ms. D'Oro, Mr. Toms, Mrs. Earley and Mr. Williams voted in favor. Mr. Rinaldi told Council a letter had been distributed from ARWA concerning the ACT 537 Corrective Action Plan Meeting scheduled for September 20th with the Authority Director and Engineer. President Williams announced Clarks Green Borough had received from the Pennsylvania Borough News Association an Honorable Mention Award for Clarks Green Borough's website. Mr. Rinaldi added Clarks Green Borough also received a second award for Second Place in the Social Media category for its Facebook Page and Twitter Account.

MOTION FOR ADJOURNMENT: Mrs. Earley motioned, seconded by Mr. Rinaldi to adjourn the meeting at 8:36 P.M. All in attendance voted in favor.

Joanne Culbertson

Joanne Culbertson, Secretary/Treasurer

CLARKS GREEN BOROUGH COUNCIL MEETING

AUGUST 16, 2017

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. MOTION TO ACCEPT MINUTES

4. MAYOR'S REPORT

5. PUBLIC COMMENT
   Visitors should approach the podium and state their name and address. Comments are limited to 5 minutes.

6. TREASURER'S REPORT AND BILL APPROVAL – Mr. Hughes

7. FINANCE COMMITTEE – Mr. Hughes
   Sewer Delinquencies
   Tax Collector Bond

8. PERSONNEL – Mr. Rinaldi
   Zoning Officer Position

9. SOLICITOR'S REPORT – SOLICITOR WEINSCHENK

10. BUILDINGS & GROUNDS – Mr. Toms

11. PUBLIC WORKS COMMITTEE - Mrs. Earley

12. HEALTH & SAFETY – Mr. Barrasse
    Green Light Go Award

13. REFUSE & RECYCLING – Ms. D'Oro

14. ABINGTON REGIONAL WASTEWATER AUTHORITY REPORT – Mr. Rinaldi

15. OLD BUSINESS
    Pine View Circle

16. NEW BUSINESS

17. ADJOURNMENT

NOTE TO VISITORS: Please sign the attendance sheet and indicate if you wish to observe the meeting or to address Council, stating the agenda topic on which you would like to comment. Thank you.