

**CLARKS GREEN BOROUGH
COUNCIL MINUTES
DECEMBER 20, 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, Mr. Barrasse, Mrs. Earley, Mr. Williams, Mayor Thorburn and Solicitor Weinschenk.

APPROVAL OF MINUTES: President Williams entertained the motion to accept the minutes of the November 15, 2017 Council meeting. Mr. Hughes motioned, seconded by Mr. Rinaldi. Mr. Barrasse, 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, Peter Giermanski, 100 Squirrel Run, Christina Wolfe, 44 Crest Drive, M.J. Igoe, 102 Deacons Green, Gerald Hetman, Lackawanna County Outreach, Marie King, 726 Highland Ave., Amelia Suraci, Mary Schelle, Jeanne Wigley.

MAYOR'S REPORT: Clarks Summit Police Chief Chris Yarns reviewed the monthly police report. Police Chief Yarns informed Council with the help of Mr. Rinaldi working with PennDot the pole that had been placed at North Abington Road has been removed. Mr. Rinaldi stated he really appreciated what Chief Yarns did by issuing a citation encouraging Penn DOT to finally facilitate the removal by PPL and thanked Mayor Thorburn for his idea of using cross arms to prevent actually moving the wires. Mr. Rinaldi told Council the Borough is in the process of getting reimbursed for the crosswalk sign in the 200 Block of Fairview Road stating it was knocked down due to an accident explaining the cost of repairing the sign can be reimbursed from the driver's insurance company and Police Chief Yarns will supply the accident report.

PUBLIC COMMENT: Christina Wolfe, 44 Crest Drive, addressed Council supporting the candidacy of Ms. Palmer especially her campaign on the old gas station located on North Abington Road. Mrs. Wolfe addressed Council on the suspended donation to the Abington Area Joint Recreation Board stating she believes the withholding is unwarranted pending a 2016 audit of the Authority's accounts. Mrs. Wolfe explained this decision impacts her life directly as a stay at home mother who depends on the Hillside Park for her children. Mrs. Wolfe asked Council to reconsider their decision. Mrs. Wolfe told Council the recent posts on the Clarks Green website have been political and trivial such as posting free promotions at Krispy Kreme since that company is not located in our Borough and is not sure why this has been going on the website. Mr. Rinaldi, who does the posting, stated he believed some Clarks Green residents might be interested in taking advantage of the offer and cited the example of Krispy Kreme providing free donuts on Election Day in an effort to encourage people to vote. Mrs. Wolfe stated she would appreciate the posts on the website should only have public information and not opinion articles. Marie King, 726 Highland Ave., addressed Council on two (2) issues. Ms. King told Council the first issue concerns the Clarks Green Borough's Facebook page. Ms. King stated her opinion the Borough page is not working. Ms. King's belief is that social media is primarily for creating community building. In her opinion, as the social media is being used for items not directly related to Borough Government putting Clarks Green Borough in a negative light for people contemplating moving here. Ms. King stated in her opinion some of the articles linked are one-sided political posts irrelevant to the Borough. Ms. King believes the articles linked are not even from reputable sites. Ms. King asked Mr. Rinaldi to remove the posts. Mr. Rinaldi responded Facebook and Twitter are social media and asked factiously if she would like to be the Borough's censor. Ms. King stated she would like to hear from other Council members their opinions on the postings. President Williams stated he saw nothing objectionable and enjoys them. Ms. King then addressed Council on

her second issue involving Hillside Park funding stating she is appalled by Council in her opinion believing Council would know more about the need for audits than the State Auditor General DePasquale and the several local CPA's who state the CPA review is sufficient instead of requiring a full forensic audit at a reduced negotiating cost of \$10,000 noting she believes the fee would approximate 10% of Hillside Park's budget and the contribution provided by the Borough is used to support the maintenance, upkeep and upgrades. Ms. King stated Hillside Park is one of the premier parks of this area operated by visionary volunteers with Bill Risse as Chair of the AAJRB Board. Ms. King stated there are more than a few residents that walk the park daily, participate in the community garden, use the dog park she helped organize, along with the new farmers market, the walk the lake project, tree plantings, the various sport activities, such as the Junior Comets, girls' softball, soccer, the planned handicap accessible pathways and other various events held at the 100 acre park. Ms. King stated she was told by Mr. Risse, Council has refused to meet with the other joint Municipalities. Ms. King told Council she believed Clarks Green will not have representation on the AAJRB. Ms. King believes requiring audits is a poor example of leadership and one to follow anyone running for re-election. Ms. King told Council she hopes this poor decision could be reversed for the sake of future generations. Ms. King requested that her comments be recorded for the December meeting. Mr. Hughes addressed Ms. King's concerns regarding the AAJRB stating he was the principal advocate with others requesting the Board have an annual audit noting there were annual audits up to the year of 2016. Mr. Hughes reviewed a letter from Bill Risse dated September 27, 2013 stating the AAJRB can satisfy financial recording responsibilities and federal requirements with the use of certified financial statements rather than audits per recommendations from two (2) CPAs. Mr. Hughes reminded Ms. King he authored a letter in response to the Risse letter telling the AAJRB Clarks Green Borough concurs certified financial statements are a requisite, citing various financial statements while noting those statements have been audited and signed off by an accountant. Mr. Hughes informed Ms. King a meeting was held in Clarks Green with himself, Mr. Rinaldi, South Abington Township Supervisor, Mark Dougherty and AAJRB Volunteer Council, Greg Pasquale, reviewing the need to have an audit since the RACP Grant expenditures of almost a million dollars were evidenced through AAJRB's books and records. Mr. Hughes stated when AAJRB finally had an Audit it resulted in a scathing audit report which included seven (7) material weaknesses and additional significant weaknesses found in the matter for which AAJRB had maintains its books and records. Mr. Hughes briefly talked about the other audits that had been performed for the year 2014 stating those audits evidenced the continuing of some of the previously identified material weaknesses and, as a result, Clarks Green sent letters to the other Member Municipalities along with AAJRB Board requesting a timeline on when corrective action will be performed correcting these weaknesses. Mr. Hughes stated the 2015 was a clean audit. Mr. Hughes disputed Ms. King's statement that Council did not want to meet to discuss the audit matter stating none of the other member municipalities or AAJRB ever responded. Mr. Hughes stated in regard to the letter from the Auditor AAJRB he feels very confident the AAJRB never did not provide the 2013 and 2014 audits for his consideration. Mr. Hughes noted best practice in business or any organization dictate an annual audit showing the books and records are maintained properly even if there is no statutory requirement reassuring stakeholders the condition of the organization. Mr. Hughes questioned why the cost of the audit was \$10,000 for the AAJRB when Clarks Green Borough's audit cost for this year and next year is only \$6950 despite the Borough finances being ten (10) times the size of the AAJRB budget. Mr. Hughes further stated someone should be asking what needs to be done to correct the condition of the AAJRB books and records. Mr. Hughes stated Council has approved our commitment even with the increase requested conditioned on providing an audit while noting Clarks Summit Borough and South Abington Township did not increase their commitment. Mr. Barrasse stated Council supported the park in the past and still intended to support it in the future but he believes an audit is really needed.

LACKAWANNA COUNTY COMMUNITY RELATIONS: Mr. Hetman distributed flyers on the upcoming events throughout the County. Mr. Hetman asked that residents cast their votes for the Lackawanna River as 2018 River of the Year in Pennsylvania. Mr. Hetman briefly reviewed the Lackawanna County's New Year's Eve event while urging all residents to participate. Mr. Rinaldi

stated the 2018 PA River of the Year voting website link had been posted on the Borough's social media approximately two weeks prior.

INTERVIEW CANDIDATES FOR APPOINTMENT TO COUNCIL: President Williams introduced the interested candidates naming M.J. Igoe and Marnie Palmer. President Williams stated all candidates have received questions and are prepared to answer them and asked each candidate to leave the room for their interviews. After interviewing the qualified candidates, Mr. Rinaldi motioned to appoint M.J. Igoe as a Council member to fill the vacancy term of Joan D'Oro, seconded by Mr. Earley. Mr. Barrasse, Mr. Toms, Mr. Rinaldi, Mrs. Earley, Mr. Hughes and Mr. Williams voted in favor. All of Council congratulated M.J. Igoe on her appointment. Mr. Rinaldi motioned to approve Resolution No. 8 of 2017 to fill the vacancy on Borough Council, seconded Mr. Hughes. Mrs. Earley, Mr. Rinaldi, Mr. Toms, Mr. Hughes, Mr. Barrasse and Mr. Williams voted in favor.

**RESOLUTION NO. 8 of 2017
BOROUGH OF CLARKS GREEN
LACKAWANNA COUNTY, PENNSYLVANIA**

**A RESOLUTION TO FILL VACANCY ON BOROUGH COUNCIL
DUE TO RESIGNATION OF COUNCIL MEMBER**

WHEREAS, Joan M. D'Oro, a member of Borough Council tendered her resignation from Borough Council which was received on October 6, 2017; and

WHEREAS, the resignation of Joan M. D'Oro was deemed accepted on November 21, 2017: and

WHEREAS, Section 901 of the Borough Code of the Commonwealth of Pennsylvania provides that the Borough Council shall fill such vacancy by resolution appointing a registered elector of the Borough who has resided in the Borough for a period of one year prior to the date hereof to fill such office until the first Monday after the next Municipal Election at which election an eligible person shall be elected to the office for the remainder of the term; and

WHEREAS, the next Municipal election will be held in November of 2019.

NOW THEREFORE BE IT RESOLVED, that Mary Jeanne Igoe, as registered elector of the Borough and a resident of the Borough for a period in excess of one year from the date hereof, is hereby appointed to the office of Council Member of the Borough to serve until the first Monday of January 2020.

This Resolution is adopted by the affirmative vote of the Council of Clarks Green this 20th day of December, 2017.

BOROUGH OF CLARKS GREEN

**By: /s/ Keith Williams
Keith Williams, President
Clarks Green Borough President**

ATTEST:

/s/ Joanne Culbertson
Joanne Culbertson, Secretary

Mr. Rinaldi asked Council if Council wanted to invite the Honorable Judge Margaret Bisignani Moyle to conduct the swearing in ceremony at Council's January 2, 2018 Reorganization Meeting. All of Council agreed. Mr. Barrasse told Council he will be sworn in either December 26th or 27th by Judge Barrasse since he will be in Arizona for January 2nd meeting.

SOLICITOR'S REPORT: Solicitor Weinschenk informed Council President Williams asked him to address a request regarding the vacation provision in the employees' manual for the Borough. Solicitor Weinschenk explained the manual states the vacation time is offered to employees based on years of service. After the first anniversary of hire an employee is to receive 10 working days per year. The manual further states that vacations are earned from January 1st to December 31st each calendar year. Solicitor Weinschenk stated his opinion was the employee is entitled to apportioning of vacation time for the balance of the year once the employee reaches the first anniversary date of hire. Mr. Rinaldi asked Solicitor Weinschenk if he investigated past practices. Solicitor Weinschenk answered he did not, stating he was only asked to give his opinion on the language appearing in the handbook. Mr. Rinaldi informed Council other employees such as Dave Kohinsky and Joanne Culbertson had to wait for to begin earning their vacation time. Mr. Rinaldi told Council Joanne Culbertson took unpaid time off in 2016, her anniversary year based on past practices of requiring the employee to have worked for an entire calendar year before earning vacation benefits. Solicitor Weinschenk and Mr. Rinaldi had a discussion concerning the past practice and how his new opinion will affect those practices. Mr. Barrasse stated in January 2018 the Borough can revisit the errors of the past and work on a financial agreement to accommodate the current employees who did not receive the benefit of the Solicitor's new position. Mr. Barrasse motioned to award Kevin Quinn vacation time in the amount of 3.3 days for the period of August 1, 2017 and December 31, 2017. Mrs. Earley seconded the motion. Mr. Barrasse, Mr. Toms, Mrs. Earley, Mr. Hughes and Mr. Williams voted yes. Mr. Rinaldi voted no.

TREASURER'S REPORT AND BILL APPROVAL: 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	\$	59,385.94
General Fund Checking		334,551.20
General Fund Money Market		35,268.14
Sewer Fund Checking		144,124.40
Sewer Fund Money Market		34,982.35
Sewer – Wayne Bank CD		50,203.70
Sewer – FNCB CD		50,000.00
State Funds Checking		<u>12,124.31</u>
Total Checking/Savings	\$	720,640.04

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. Barrasse, Mr. Rinaldi and Mr. Williams voted in favor. Mr. Hughes then presented the Budget vs. Actual report comparing balances on the report to amounts from last year. Mr. Hughes told Council the Wage Tax collections is up about \$35,000 this year. He told Council last year at this time net income was \$44,773 and this year it is \$91,000 making the increase around \$46,000 which he thanked his fellow Council members for being cost and revenue cautious. Mr. Hughes motioned to transfer \$20,000 from the Sewer Checking Account and \$20,000 from the General Fund Checking Account to the Capital fund, seconded Mr. Barrasse. Mr. Toms, Mrs. Earley, Mr. Rinaldi, Mr. Barrasse, Mr. Hughes and Mr. William voted in favor. Mr. Hughes reviewed the sewer delinquencies and informed Council we have received \$7,712.00 in delinquency payments including full payment of the two (2) properties that had liens. Mr. Hughes reviewed the changes to the 2018 tentative budget for income Wage/Earned Income Tax from \$275,000 to \$285,000, Recycling Grant from \$3,700 to \$2,500, Interest Sewer CD changed from \$400 to \$1,000. Changes made to expenses AAJRB changed from

\$5,551 to \$5,028, Property & Liability Insurance from \$11,045 to \$11,236, Surety/Fidelity Bonds from \$700 to \$1,403 and the Worker's Compensation from \$6,786 to \$6,878. Mr. Hughes motioned to approve the 2018 Budget, seconded by Mrs. Earley. Mr. Toms, Mrs. Earley, Mr. Rinaldi, Mr. Barrasse, Mr. Hughes and Mr. Williams voted in favor.

BUILDINGS & GROUNDS: Mr. Toms stated nothing much is happening but he had heard positive comments on the new holiday decorations.

PUBLIC WORKS: Mrs. Earley reminded Council at the last meeting it was agreed to purchase a line painter if one could not be rented cheaply. She distributed a document created by Dave Kohinsky to explain the costs associated with renting a sprayer, history of the line painting as well the other uses it can do at the Borough. Mrs. Earley motioned to purchase a spray painter from Gleco Paints, Mount Pocono for \$3,995.00, seconded by Mr. Hughes. Mr. Rinaldi, Mr. Hughes, Mr. Barrasse, Mr. Toms, Mrs. Earley and Mr. Williams voted in favor. Mrs. Earley informed Council again that the Borough's largest dump truck has been unavailable because the vehicle cannot pass inspection. Mr. Kohinsky believes the cab has serious rust issues. For several months a mechanic has been searching southern states for a replacement cab. Mrs. Earley told Council the air brake configuration in the current dump truck is unusual and that fact has made it difficult to find a replacement. Mrs. Earley asked Council keep in mind it may cost \$20,000 and the repair might only last one (1) to three (3) years. Mrs. Earley listed other choices Council could consider. Mrs. Earley reported on the Armstrong project stating the inspector stopped work due the temperature requirements. The job contractor, American Asphalt, has been in contact with the Borough's engineering firm, stating the contractor can resume work in the spring of 2018 and estimated completion date by May 1, 2018. The Borough required American Asphalt to seal the pavement on the Fairview Road projects at Grayson and Vassar while securing the contractor's commitment to return to Armstrong and Abington Road if the temporary road restoration settles or fails over the winter. American Asphalt is seeking 90% of the contract cost now allowing Clarks Green to hold 10% retainage until the spring job is completed. Mr. Rinaldi asked what did the contract required and felt their generous retainage offer was too small a percentage. Mr. Hughes felt Council should discuss this further after reviewing the contract. Mr. Rinaldi asked Mrs. Earley if there is a replacement plan for the Borough's vehicle fleet and Mrs. Earley responded by stating she has some 2016 quotes from COSTAR for a small pickup truck. Mr. Rinaldi stated the Borough needs an actual plan, for example, by replacing one vehicles at least every five (5) years.

HEALTH & SAFETY: Mr. Barrasse updated Council on the Green Light Go project stating a proposal has been received from L & V Engineering for engineering services including appearing at two (2) meetings versus once in the original proposal at the cost of \$6,500.00, hourly rate at a cost of \$90 per staff and additional services along with data services cost of \$50 per hour per staff member. Mr. Rinaldi asked if estimated hours were provided for the additional service such as the traffic study data collection. Mr. Barrasse said no. Mrs. Earley motioned to approve the L & V Engineering contract, seconded by Mr. Barrasse. Mr. Barrasse, Mr. Rinaldi, Mr. Toms, Mr. Hughes, Mrs. Earley and Mr. Williams voted in favor.

REFUSE & RECYCLING: Mr. Barrasse reported a letter will be sent out to the local businesses for the 2017 Recycling Grant application.

PERSONNEL: President Williams and Mr. Rinaldi agreed to an Executive Session starting at 9:30 P.M. ending at 9:55 P.M. Mr. Rinaldi motioned to increase all employee wages by five (5) percent, seconded by Mrs. Earley. Mr. Barrasse, Mrs. Earley, Mr. Rinaldi, Mr. Toms, Mr. Hughes and Mr. Williams voted in favor.

ARWA: Mr. Rinaldi reported on the last ARWA meeting of 2017 informing Council he was appointed to resolve some issues involving South Abington Township stating the issues had been resolved. Mr. Rinaldi told Council PennVest's final disbursement approximately a half of a million

dollars will most likely be received by January 2018. Mr. Rinaldi informed DGK Insurance was renewed at approximately three (3) percent increase and NASCO training took place with only 3 employees of ARWA and one engineering firm representative attended. Mr. Rinaldi reported the DEP is requiring more testing for Leggett's Creek at approximately \$8,000 per test since testing showed the number of organisms released in the discharged water dropped after entering the stream.

OLD BUSINESS: President Williams started a conference call with Denny McGraw concerning the Direct Energy proposal for the Borough of Clarks Green to briefly explain the distributed summary sheets which showed additional suppliers comparing them to Direct Energy's proposal. The proposal revealed Direct Energy could provide the lowest price for both the Borough building and street lighting. Estimated annual savings using the 36 month terms proposed would equal \$233 per year for the Borough Building and \$1,885 per year for the street lighting. Mr. Hughes motioned to accept the Direct Energy's three year proposal, seconded by Mrs. Earley. Mrs. Earley, Mr. Toms, Mr. Rinaldi, Mr. Hughes, Mr. Barrasse and Mr. Williams voted in favor. Mr. Rinaldi told Council since our current engineers have increased their hourly engineering fees by thirty-six (36) percent over the last three (3) years, he believed now is an appropriate time for Council to seek publicly proposals for engineering services. Mr. Rinaldi stated the purpose is to let the market dictate the price and to get our hourly engineering fees down to a competitive level. Mr. Rinaldi stated he believes requesting proposals would save at least ten (10) to fifteen (15) percent. Mr. Rinaldi compared it with the police contract with Clarks Summit versus South Abington Township police force stating he believes engineering services should also be considered as a commodity. Mr. Rinaldi stated any engineering firms representing other municipalities provide the same services to comply with the DEP requirements. Mr. Rinaldi told Mr. Williams he is interested in trying to get the best hourly rate since the sewer project will go on at least ten (10) more years and storm water treatment regulations may go on forever. Mrs. Earley informed Council the current engineers, Zachary Smith only charges \$85 and who mostly does the Borough's work instead of the \$115 for Rich Kresge. Mr. Rinaldi stated by requesting engineering proposals the Borough can designate an hourly rate for whoever works on a project from the specific engineering firm. Mr. Rinaldi motioned to advertise for engineering services proposals for 2018, seconded by Mr. Toms. Mr. Barrasse, Mr. Toms, Mr. Rinaldi, Mr. Hughes voted yes. Mrs. Earley and Mr. Williams voted no. Mr. Toms motioned to approve Resolution No. 5 of 2017 to prohibit category 4 casinos in the Borough of Clarks Green, seconded by Mrs. Earley. Mr. Toms, Mrs. Earley, Mr. Hughes, Mr. Barrasse, Mr. Rinaldi and Mr. Williams voted in favor.

**RESOLUTION NO. 5 OF 2017
BOROUGH OF CLARKS GREEN
LACKAWANNA COUNTY, PENNSYLVANIA**

**A RESOLUTION TO PROHIBIT CATEGORY 4 CASINOS
IN THE BOROUGH OF CLARKS GREEN**

WHEREAS, the Pennsylvania Race Horse Development and Gaming Act ("Act") 4 Pa. C.S. 1101 et seq. was recently amended to authorize a number of gambling expansion opportunities throughout the Commonwealth of Pennsylvania; and

WHEREAS, 4 Pa. C.S. Section 1305.1 (a.1) of the Act entitled "Municipal Option" provides that a municipality may prohibit or opt-out of having a Category 4 Casino located within the geographic boundaries of the municipality; and

WHEREAS, a Category 4 slot machine license would allow a mini casino to operate between 300 and 750 slot machines and up to 50 table games; and

WHEREAS, the Act requires any municipality that desires to exercise the municipal opt-out option enact a Resolution at a duly advertised meeting of its governing body before December 31, 2017, and

WHEREAS, the Borough of Clarks Green has determined that it would be in the best interests of the Borough to exercise the municipal opt-out option.

NOW THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Clarks Green, Lackawanna County, Pennsylvania, by adoption of this Resolution elects to prohibit a Category 4 casino within the geographic boundaries of the Borough; and

BE IT FURTHER RESOLVED that an official copy of this Resolution be delivered to the Pennsylvania Gaming Control Board no later than December 31, 2017.

THIS RESOLUTION is duly adopted this 15th day of December, 2017, by the affirmative vote of the Borough Council of the Borough of Clarks Green, Lackawanna County, Pennsylvania.

ATTEST:

BOROUGH OF CLARKS GREEN

/s/ Joanne Culbertson
Joanne Culbertson, Secretary

By: /s/ Keith Williams
Keith Williams, President
Clarks Green Borough Council

Mr. Barrasse motioned to approve Resolution No. 6 of 2017 approving the appointment of a Deputy Tax Collector, Ilona Thurston, seconded by Mrs. Earley. Mrs. Earley, Mr. Rinaldi, Mr. Toms, Mr. Hughes, Mr. Barrasse and Mr. Williams voted in favor.

RESOLUTION NO. 6 OF 2017
BOROUGH OF CLARKS GREEN
LACKAWANNA COUNTY, PENNSYLVANIA

A RESOLUTION APPROVING THE APPOINTMENT
OF A DEPUTY TAX COLLECTOR

WHEREAS, the Pennsylvania Local Tax Collection Law (72 P.S. 5511.1 et seq) requires the Borough real estate tax collector to appoint a deputy tax collector to collect and settle taxes during an incapacitation of the tax collector; and

WHEREAS, the Clarks Green Borough Tax Collector, Mary V. O'Brien, has appointed Ilona Thurston, as deputy tax collector for Clarks Green Borough; and

WHEREAS, the Borough Council of Clarks Green Borough desires to approve the appointment of the deputy tax collector.

NOW THEREFORE, BE IT RESOLVED that the appointment of Ilona Thurston as deputy tax collector for Clarks Green Borough is hereby approved.

THIS RESOLUTION is duly adopted by the affirmative vote of the Clarks Green Borough Council this 20th day of December 2017.

ATTEST:

/s/Joanne Culbertson

Joanne Culbertson, Secretary

BOROUGH OF CLARKS GREEN

By: /s/ Keith Williams

Keith Williams, President

Clarks Green Borough Council

NEW BUSINESS: President Williams asked Mr. Rinaldi to give a brief overview of Resolution No. 7 of 2017. Mr. Rinaldi stated it is a resolution in opposition of stripping municipalities of their legal authority to regulate wireless facilities in the public (local) rights-of-way. Mrs. Rinaldi motioned to adopt Resolution No. 7 of 2017, seconded by Mr. Hughes. Mr. Toms, Mrs. Earley, Mr. Hughes, Mr. Barrasse, Mr. Rinaldi and Mr. Williams voted in favor.

**RESOLUTION NO. 7 OF 2017
BOROUGH OF CLARKS GREEN
LACKAWANNA COUNTY, PENNSYLVANIA**

**A RESOLUTION IN OPPOSITION TO HOUSE BILL 1620,
ENTITLED THE “WIRELESS INFRASTRUCTURE
DEPLOYMENT BILL”**

WHEREAS, broadband service is a critical catalyst for economic development, student achievement, quality healthcare, and the efficiency of local governments. As such, the Borough of Clarks Green supports the deployment of broadband services—both wired and wireless—in our community and throughout the Commonwealth; and

WHEREAS, a relatively new wireless technology, known as distributed antenna systems or DAS, includes the placement of wireless towers and antennae in the public rights-of-way; and

WHEREAS, Pennsylvania municipalities are charged by state law with the management of the public rights-of-way, including not only vehicular and pedestrian traffic, but also the numerous facilities installed by public utilities and related companies. Municipalities must manage these facilities to maintain public safety and preserve the character of our communities; and

WHEREAS, pursuant to federal law, municipalities have the right to regulate the “placement, construction, and modification” of wireless facilities through their local zoning authority so that the deployment of these facilities is achieved in an orderly fashion. The FCC has also issued multiple orders stating in detail how municipalities may regulate these facilities; and

WHEREAS, House Bill 1620, entitled the “Wireless Infrastructure Deployment Bill”, would strip municipalities of their legal authority to regulate wireless facilities in the public rights-of-way and would therefore undermine public safety and the protection of the rights-of-way; and

WHEREAS, specifically HB 1620 would abolish municipal zoning authority over wireless antennae in the rights-of-way and nearly abolish their authority over wireless towers in the rights-of-way, thereby placing public safety at risk and removing the public from the approval process for towers and antennae; and

WHEREAS, HB 1620 would prohibit municipalities from requiring standard legal protections from companies with wireless facilities in the public rights-of-way, including full indemnification, bonding, and insurance coverage; and

WHEREAS, HB 1620 would severely limit the assessment of fees for wireless facilities in the rights-of-way such that municipalities could only charge minimal fees that are less than actual municipal costs; and

WHEREAS, HB 1620 would allow wireless contractors to submit up to 50 permit requests in one application and would curtail the time frame for initial review of wireless applications from 30 days to 10 days such that municipalities would be unable to perform these reviews in time; and

WHEREAS, HB 1620 would allow wireless companies to reverse a denial of a wireless application simply by resubmitting a revised application without having to obtain zoning approval.

WHEREAS, HB 1620 would expose outside municipal Solicitors and other municipal law firms to financial liability of up to \$10,000 per occurrence simply for drafting a wireless ordinance that is deemed to be in violation of HB 1620.

WHEREAS, if the Pennsylvania General Assembly is permitted to abolish municipal right-of-way authority over wireless facilities today, then it could abolish all municipal authority over the public rights-of-way tomorrow.

NOW THEREFORE BE IT RESOLVED,

1. That the Borough Council of the Borough of Clarks Green does hereby express its opposition to HB 1620 because it is not in the best interests of municipalities within the Commonwealth of Pennsylvania.
2. That this Resolution shall be sent to our State Representative, State Senator, the Governor, and our advocate in Harrisburg, the Pennsylvania State Association of Boroughs.

THIS RESOLUTION is duly adopted by the affirmative vote of the Clarks Green Borough Council this 20th day of December 2017.

ATTEST:

/s/ Joanne Culbertson

Joanne Culbertson, Secretary

BOROUGH OF CLARKS GREEN

By: /s/ Keith Williams

**Keith Williams, President
Clarks Green Borough Council**

Mrs. Earley addressed Council reading a resignation letter to President Williams and Council members, and had requested for it to be recorded in the December 20, 2017 minutes.

December 20, 2017

Borough Council
104 North Abington Road
Clarks Green, PA 18411

Re: My Resignation

Dear Keith and other members of Council,

I am resigning my position on Council as of 3:00 P.M. on Tuesday, January 2, 2018. As you must understand I am doing so with mixed emotions. Almost eight years ago our first grandchild was born. Since I was still working as a schoolteacher at that time, I could not be with my daughter then. Now that I am retired I can be with my daughter at this special time in a way that was not possible years ago. If I am going to be available for my daughter, my responsibilities to Council would conflict with my role as grandmother. Also, my husband and I would like to travel without worrying about scheduled work sessions and meetings. Therefore, I feel it is necessary to step aside from my position with the closing of 2017.

At the end of this year I will be completing 10 years of service on Council. During most of this time, I served as the Public Works Chairperson. During that time Clarks Green, like other local municipalities, had to wrestle with new Act 537 and MS-4 responsibilities. Most recently, we had the additional responsibility of having to develop a Pollution Reduction Plan that was both useful for our community and not a budget-busting proposition. These are new responsibilities for DPW. When I just started in this position, the Public Works Department was largely concerned with street paving, catch basin repairs, snowplowing and leaf bag collections. We still do these things and now much more.

The success we had over the last five years is the result of the support I enjoyed from DPW Foreman David Kohinsky and his very able crew. The technical support and assistance we received from BCM allowed us to meet all our regulatory obligations to federal and state agencies. Our compliance was always timely and cost effective.

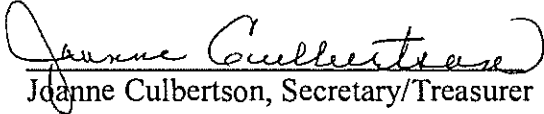
As I step aside I have many pleasant memories of my service on Council. I was thrilled and proud to have been part of our community's Centennial Celebration in 2014. Additionally, I enjoyed my years of service on ACOG, including the two years that I was the President of that organization. It gave me a wonderful opportunity to meet public-minded people from neighboring municipalities. I had a similarly rewarding experience being Clarks Green's representative to SAPA. Even before being elected to Council, I had good memories from the volunteer work I did with our Shade Tree Committee and our Planning Commission where I functioned as the secretary.

As I said earlier, it has been a wonderful experience. I leave with mixed emotions, but I know I need to devote my time to my family now. I thank everyone for his or her support I enjoyed over the past few years.

Very truly yours,
Lynne B. Earley

President Williams and Council members thanked Mrs. Earley for all her hard work and dedication to the Borough of Clark Green and expressed how deeply she will be missed and offered her much happiness in her future endeavors.

MOTION FOR ADJOURNMENT: Mrs. Barrasse motioned, seconded by Mr. Toms to adjourn the meeting at 10:50 P.M. All in attendance voted in favor.


Joanne Culbertson, Secretary/Treasurer

CLARKS GREEN BOROUGH COUNCIL MEETING

DECEMBER 20, 2017

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. MOTION TO ACCEPT MINUTES
4. MAYOR'S AND POLICE REPORTS
5. PUBLIC COMMENT
Visitors should approach the podium and state their name and address. Comments are limited to 5 minutes.
6. GERARD HETMAN, LACKAWANNA COUNTY DEPARTMENT OF COMMUNITY RELATIONS
7. UPDATE AND APPROVAL OF BOROUGH ENERGY CONTRACT – DENNIS McGRAW
8. SOLICITOR'S REPORT – SOLICITOR WEINSCHENK
9. TREASURER'S REPORT AND BILL APPROVAL – Mr. Hughes
10. FINANCE COMMITTEE – Mr. Hughes
Adoption of 2018 budget
Sewer Delinquencies
11. BUILDINGS & GROUNDS – Mr. Toms
12. PUBLIC WORKS COMMITTEE - Mrs. Earley
Paint Sprayer
Vehicle Discussion
13. HEALTH & SAFETY – Mr. Barrasse
Approval of Engineering Contract
14. PERSONNEL – Mr. Rinaldi
15. REFUSE & RECYCLING – Mr. Barrasse
16. ABINGTON REGIONAL WASTEWATER AUTHORITY REPORT – Mr. Rinaldi
17. OLD BUSINESS
Resolution # 5 Prohibition of Category 4 casinos
Resolution # 6 Appointment of Deputy Tax Collector
Engineering Services for 2018
18. NEW BUSINESS
Resolution # 7 Opposition of the Wireless Infrastructure Deployment Bill
Resolution # 8 Filling of Vacancy on Borough Council
19. 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.