

**CLARKS GREEN BOROUGH  
COUNCIL MINUTES  
NOVEMBER 15, 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 and Solicitor Weinschenk.

**ABSENT:** Mayor Thorburn.

**APPROVAL OF MINUTES:** President Williams entertained the motion to accept the minutes of the October 18, 2017 Council meeting. Mr. Hughes motioned, seconded by Mr. Toms. 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 Sergeant Robert Shedlock, Peter Giermanski, 100 Squirrel Run, Liz Baumeister, Abington Journal Reporter, Mary O'Brien, Clarks Green Real Estate Tax Collector and M.J. Igoe, 102 Deacons Green.

**MAYOR'S REPORT:** Clarks Summit Police Sergeant Shedlock briefly reviewed the monthly police report and told Council they have been enforcing the overnight parking ban November 1<sup>st</sup> to April 1, 2018. Sergeant Shedlock presented to Council a gun lock which is available for free stating locks can be obtained at the Clarks Summit Police Station and the Clarks Green Borough office. Mr. Barrasse questioned why a police officer was in the parking lot at 102 N. Abington Road before the meeting. Sergeant Shedlock stated there was recently an accident which involved the poles that have been placed in the road. Mr. Barrasse informed Sergeant Shedlock the supply of parking tickets have been purchased and will be available after the Thanksgiving holiday.

**PUBLIC COMMENT:** Mary O'Brien, Clarks Green Real Estate Tax Collector, ask Council if they had a comments, concerns or questions on her email concerning the new law, Act 38 that prohibits Pennsylvania Tax Collectors from holding tax receipts in an account using the Collector's personal social security number. Mrs. O'Brien stated she wanted to follow up with Council on her request for an appointment of a Deputy Tax Collector. Solicitor Weinschenk stated he will double check if this is a requirement per Mr. Hughes request. Mr. Rinaldi told Council a change in legislation will be necessary in how the compensation will be distributed if the Deputy performs Mrs. O'Brien's duties in her absence. Mrs. O'Brien agreed with Mr. Rinaldi regarding compensation would be calculated on a per diem basis for those days the Deputy would be required to work. President Williams stated the matter will be on the agenda for the December meeting. Solicitor Weinschenk told Council either within the ordinance or resolution the Borough can set forth the compensation to the Deputy. Marnie Palmer, 280 East Grove Street, addressed Council regarding the recent election stating a political mailing by Mr. Barrasse to the Borough Residents stated falsehoods about her. Ms. Palmer listed each item and denied its accuracy. Ms. Palmer then asked for an apology from Mr. Barrasse. Mr. Barrasse did not respond. Mr. Rinaldi addressed Council and Ms. Palmer regarding the issue of negative advertising in Borough campaigns Mr. Rinaldi noted Ms. Palmer placed the initial negative advertisement in the local paper. Mr. Rinaldi stated candidates in a small Borough like Clarks Green do not need negative advertising and that negative advertising is one of the reasons why it is so difficult to get people to take positions in Borough government when there is a vacancy on council. Mr. Rinaldi stated such advertising is really beneath our Borough Residents dissuading people from serving. Mr. Hughes agreed with Mr. Rinaldi offering similar examples from the past.

**SOLICITOR'S REPORT:** Solicitor Weinschenk updated Council on Mayor Thorburn's request from Lackawanna County, by way of FEMA stating the Borough must adopt a new or amended Floodplain Ordinance or face suspension from the Natural Flood Insurance Program. Solicitor Weinschenk told Council the situation is really governed by the Pennsylvania Code, Chapter 12, Section 1304 which identifies municipalities that are qualified under the National Flood Insurance Program stating Clarks Green is listed as one of those municipalities and as a result any resident of Clarks Green can purchase flood insurance even though no areas of Clarks Green are in the floodplains pursuant to the new floodplain maps. Solicitor Weinschenk stated Clarks Green will not need to adopt or change any of their existing ordinances. Solicitor Weinschenk reminded Council in respect to the Council vacancy the forty-five (45) day period will expire on November 21<sup>st</sup> and you have thirty (30) days to appoint a person for the vacancy stating it can be done at next Council meeting December 20<sup>th</sup> or the vacancy board may act.

**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	\$	59,384.48
General Fund Checking		291,374.32
General Fund Money Market		35,267.56
Sewer Fund Checking		207,228.63
Sewer Fund Money Market		84,981.36
Sewer – Wayne Bank CD		50,203.70
State Funds Checking		<u>12,123.31</u>
Total Checking/Savings	\$	740,563.36

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 stated the Wage Earned Income Tax has increased by \$28,000 over last year at this time and compared to last year the net income this year was \$111,000 showing us short \$11,000 but we still have two (2) more months to go projecting a healthy surplus. Mr. Hughes acknowledged his colleagues Mrs. Earley and Mr. Rinaldi in preparation of the 2018 Budget stating that they worked very well together. Mr. Hughes stated the proposed budget shows a total income of \$1,057,943.65 with total expenses at \$1,014,300.00 leaving a surplus of \$43,643.65. Mr. Hughes motioned to adopt and advertise the 2018 Clarks Green Proposed Budget, seconded by Mrs. Earley. Mr. Barrasse, Mr. Toms, Mrs. Earley, Mr. Hughes, Mr. Rinaldi and Mr. Williams voted in favor. President Williams thanked the committee for their efforts and particularly Mr. Hughes who spearheaded the efforts for many years. Mr. Hughes reviewed the sewer delinquencies and informed Council as of Friday we have received \$1421.00 in delinquency payments and the second letter will be sent December 1<sup>st</sup> to the eleven (11) delinquent accounts who has not paid of yet. Mr. Hughes proposed to open a CD with FNCB by transferring money from the Sewer Money Market Fund in the amount of \$50,000. Mr. Rinaldi motioned to make FNCB a depository, seconded by Mrs. Earley. Mr. Toms, Mrs. Earley, Mr. Rinaldi, Mr. Barrasse, Mr. Hughes and Mr. Williams voted in favor. Mr. Rinaldi motioned to purchase a 12-month CD with the interest rate of 1.10% from FNCB, seconded by Mr. Barrasse. Mr. Toms, Mr. Hughes, Mr. Rinaldi, Mrs. Earley, Mr. Barrasse and Mr. Williams voted in favor.

**BUILDINGS & GROUNDS:** Mr. Toms informed Council the 12 foot lighted artificial holiday tree will be delivered and setup by Corky's Garden Path within the first week of December along with window wreaths and a door swag. Mr. Toms stated the bushes will also receive strands of lights.

**PUBLIC WORKS:** Mrs. Earley reported all the repair and correction work has been completed for the drainage issue located at the intersection of Highland Avenue and Abington Road noting Barhite has sent us a reimbursement check in the amount of \$1236.00 for the paving on this completed project. Mrs. Earley told Council the leaf bag collection is still ongoing and is receiving favorable comments. Mr. Earley informed Council at the December 6<sup>th</sup> work session representatives from our current engineering firm will be present and will introduce new staff members. She stated they would like to discuss possible strategies for the former gas station along with a new grant possibility for small municipal projects concerning the sewer and water along with billing concerns. Mrs. Earley briefly talked about the PA Dot meeting to discuss restoration of the roadwork at the intersection of Armstrong and S. Abington Road. Mr. Earley told Council despite the help secured through the offices of State Representative Flynn and Kavulich, the PA DOT representatives reiterated their position made regarding the backfill materials based upon a regulation. Mrs. Earley stated with no further avenue of appeal, the Borough has to complete this roadwork project before asphalt plants close for the winter. Our engineer, Richard Kresge will be in contact with American Asphalt to see if the required road restoration can be done cheaper than what was originally quoted October 3<sup>rd</sup> by the Contractor. Mrs. Earley presented to Council copies of a proposal from the DPW Department to purchase a Graco Line Lazer 3400 at a cost of \$3995.00 from Gleco Paints, 3055 Route 940, Mount Pocono stating it has multiple uses. Mrs. Earley told Council the equipment can do line painting on roads and crosswalks. Mrs. Earley pointed out this will let us get the VASCAR lines re-established earlier in the season since we would not be borrowing another municipality's equipment. Mrs. Earley informed Council there is still money available in the equipment account. Mrs. Earley motioned to accept the proposal from Gleco Paints, 3055 Route 940, Mount Pocono in the amount of \$3995.00, seconded by Mr. Hughes. Mr. Rinaldi asked how much expense would be involved in renting a line sprayer. Mrs. Earley stated she did not know the cost but informed Council we have been using South Abington's equipment noting that the equipment is used every year for crosswalk painting. Mr. Rinaldi stated he would like to know the cost of renting the equipment in determining if the equipment needs to be purchased. Mr. Hughes stated he wanted to amend the current motion to accept the proposed purchase of the line sprayer subject to the determination of the cost to rent the equipment. Mr. Rinaldi informed Council this motion is to amend the original motion, Mrs. Earley will need to give permission for amending the original motion. Mrs. Earley acquiesced to the Amended Motion. Mr. Hughes, Mr. Barrasse, Mr. Toms, Mrs. Earley and Mr. Williams voted in favor. Mr. Rinaldi voted no. Mr. Rinaldi stated he would like to talk to Council about the PA DOT meeting that was held this morning. Mr. Rinaldi explained the two (2) individuals representing PA DOT had absolutely no idea of the specifics of the restoration work at the intersection of Armstrong and S. Abington Road. Mr. Rinaldi supplied photographs showing the project was outside of the carriage lane and only a small piece of storm water drainage work was near the shoulder of the road adding PA DOT held the meeting to satisfy the Representative Flynn and were going to deny the Borough's request to require restoration to the specifications used forty years ago and no longer used currently. Mr. Rinaldi stated Representative Flynn was quite upset over the situation and the meeting was not to compromise but only to say "no".

**HEALTH & SAFETY:** Mr. Barrasse stated the Borough still has not received the acceptance letter for the Green Light Go Grant. Mr. Barrasse told Council he has not heard anything on the outstanding bill with Northeastern Signal for the repair of the signal loop caused by the PPL's contractor excavating in the wrong area and informed Council of another call made by Dave Kohinsky for a PA One Call for the amount of \$150 for the marking of the same spot. Mr. Barrasse noted contractor dug outside the PA One Call markings. Mr. Barrasse informed Council the new parking tickets have been ordered but were not updated with a handicap parking violation or an increase of fees. Solicitor Weinschenk told Council an ordinance will need to be passed to amend the Code of Ordinances with the increased fees and handicap parking violation. Mr. Hughes noted for 2017 through the month of October fines collected were only \$150.00. Mr. Barrasse informed Council that he had approved of the annual live nativity event request from the Assembly of God Church to close a portion of Clark

Street. Mr. Rinaldi informed Council regarding the poles on the road that it may take up to two (2) years to remove the poles since Federal Telecommunications Act requires telecommunications companies to apply for removal of poles with wires. Mr. Rinaldi told Council after talking with Mayor Thorburn who worked for the telephone company suggested using the cross arm method in removing the poles. Mr. Rinaldi explained he contacted Solicitor Weinschenk to discuss filing an complaint with the PUC on an emergency basis due to a safety issue if needed. Mr. Rinaldi noted a complaint was filed with PA DOT by the Clark Summit Police Department stating the reflector on the pole was removed and fog line was not repainted. Solicitor Weinschenk stated he noticed the reflector is back on the pole.

**REFUSE & RECYCLING:** Mr. Barrasse reported on the positive comments about the DPW collecting the leaf bags and the negative comments from disgruntled residents who ran out of leaf bags.

**PERSONNEL:** Mr. Rinaldi had nothing to report.

**ARWA:** Mr. Rinaldi reported the PA DEP inspected the renovated treatment plant. As a result PA DEP would be signing off so ARWA can receive the final approximately one half million dollars from the PennVest loan borrowing. Mr. Rinaldi announced the ARWA adopted its 2018 Budget and the Budget has been uploaded it to the Borough's website for review. Mr. Rinaldi informed Council the Borough needs to do flow monitoring in our sewer system as is required under the Borough's Corrective Action Plan with PA DEP and asked Mrs. Earley if the Borough has a flowmeter. Mrs. Earley was not sure and asked how many would be needed. Mr. Rinaldi stated one (1). Mr. Rinaldi then told Council he had asked the Authority if Clarks Green could piggyback on their flowmeter leasing. He inquired about the cost from Director Elliott who stated the cost will be approximately \$500 a month which includes monitoring all of data while providing real time access to the data. Mr. Rinaldi stated purchasing and maintaining a flowmeter would be more expensive than the leasing costs. Mr. Rinaldi told Council Dave Kohinsky has been given the necessary information to logon to the website to view the current ARWA monitoring sites. Mr. Rinaldi told Council since Thanksgiving holiday is celebrated Thursday and Friday is pay day, a request was made to date the checks for Wednesday, November 22<sup>nd</sup>. All of Council agreed.

**OLD BUSINESS:** President Williams introduced the Ordinance No. 3. of 2017 reducing the number of members in the Borough Zoning Board. Solicitor Weinschenk summarized the ordinance stating it is an ordinance reducing the number of members of the borough zoning hearing board from five (5) to three (3); providing for terms of office for members of the borough zoning hearing board and amending chapter 1, part 2 of the code of ordinances of the borough of Clarks Green. Mrs. Earley motioned to accept Ordinance No. 3 of 2017 reducing the number of members in the Borough Zoning Board from five (5) to three (3), seconded by Mr. Barrasse. Mr. Rinaldi, Mr. Barrasse, Mr. Toms, Mrs. Earley and Mr. Williams voted in favor. Mr. Hughes voted no.

**ORDINANCE NO. 3 OF 2017  
BOROUGH OF CLARKS GREEN  
LACKAWANNA COUNTY, PENNSYLVANIA**

**AN ORDINANCE REDUCING THE NUMBER OF MEMBERS OF THE  
BOROUGH ZONING HEARING BOARD FROM FIVE (5) TO THREE (3);  
PROVIDING FOR TERMS OF OFFICE FOR MEMBERS OF THE BOROUGH  
ZONING HEARING BOARD AND AMENDING CHAPTER 1, PART 2 OF THE  
CODE OF ORDINANCES OF THE BOROUGH OF CLARKS GREEN.**

**WHEREAS**, the Borough of Clarks Green desires to reduce the Borough Zoning Hearing Board from five (5) members to three (3) members; and

**WHEREAS**, there are currently three (3) members on the Borough Zoning Hearing Board;

**WHEREAS**, the term of one (1) current member expires December 31, 2018 and the terms of the other two (2) current members expire December 31, 2019.

**NOW THEREFORE BE IT ORDAINED AND ENACTED**, by the Borough Council of the Borough of Clarks Green, Lackawanna County, Pennsylvania, as follows:

The following new subpart D is added to Chapter 1, Part 2 of the Code of Ordinances of the Borough of Clarks Green:

**D. Zoning Hearing Board**

**§1.228 Membership**

The Borough Zoning Hearing Board previously created by the Borough Council of the Borough of Clarks Green shall, effective upon enactment of this Ordinance, consist of three (3) members appointed by Borough Council and such Zoning Hearing Board shall be the body authorized and directed to carry out the duties prescribed in Chapter 27 of the Code of Ordinances of the Borough of Clarks Green.

**§1.229 Terms, Vacancies**

At the time of enactment of this Ordinance, one of the current member's term expires December 31, 2018 and the terms of the other two (2) current members expire December 31, 2019. Upon expiration of the member's term expiring December 31, 2018, Borough Council shall appoint a member to serve for three (3) years until December 31, 2021. Upon expiration of the two (2) members' terms expiring December 31, 2019, Borough Council shall appoint a member to serve a term of one (1) year until December 31, 2020 and another member to serve a term of three (3) years until December 31, 2022. Thereafter all members shall be appointed for a term of three (3) years. In the event a vacancy occurs, other than by expiration of a member's term, any reappointment made to fill such vacancy shall be for the remainder of the unexpired portion of the term. A member shall not continue to serve upon expiration of the term of such member."

**THIS ORDINANCE** is effective upon enactment.

**ENACTED AS AN ORDINANCE** of the Borough of Clarks Green this 15th day of November, 2017.

**ATTEST:**

/s/ Joanne Culbertson  
Joanne Culbertson, Secretary

**BOROUGH OF CLARKS GREEN**

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

Approved this 15th day of November, 2017.

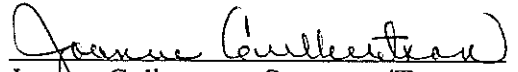
Mr. Rinaldi reviewed an invoice from the ATC for attending the ARWA CAP meeting, September 20, 2017 which listed charges to the Borough for eight (8) hours for two ATC employees consisting of one (1) hour at \$85 was for Zachary Smith and seven (7) hours at \$115 for Richard Kresge charging a total of \$890. Mr. Rinaldi reminded Council ATC also represents South Abington Township (SAT) and ATC

attended on their behalf also. Mr. Rinaldi explained he inquired if SAT also received an invoice from the ATC for attending the CAP meeting. Mr. Rinaldi was informed SAT had received an invoice and they were billed for one (1) hour for Zachary Smith and two (2) hours for Richard Kresge for a total of three (3) hours. Mr. Rinaldi emphasized ATC billed two municipalities for the same individuals, attending the same meeting at the same time. Mr. Rinaldi told Council Jack Scheuer's who recently retired was \$87. Mr. Rinaldi stated the bill from ATC recently had been revised and the bill now comprises three (3) hours costing \$115 an hour listing Mr. Kresge as the attendee for CGB. Mr. Rinaldi reviewed his distributed spreadsheet showing his latest analysis of the previous CAP meeting billings stating there have been eight (8) CAP Meetings. Since some of the previous billings only show one (1) hour, Mrs. Earley wanted verification on how long were the meetings compared to the last meeting. Mr. Rinaldi stated the meetings were approximately 2 ½ hours long. Mr. Rinaldi told Council some of the CAP meetings' billing indicated on the spreadsheet were added to different invoices and asked ATC to submit additional invoices to clarify what was actually billed for CAP meetings. Mr. Rinaldi stated based on the sign in sheets, some invoices listing CAP meetings were missing based on what was supplied by the Borough's office staff. Mr. Rinaldi asked Mrs. Earley how long have the engineers been representing Clarks Green Borough. Mrs. Earley replied stating between twenty (20) to thirty (30) years. Mr. Rinaldi explained his analysis showing the historical rise in hourly charges over time from his spreadsheet pointing out different rates per engineers. Mr. Rinaldi told Council in the year of 2016 our engineering costs totaled \$26,339 and 2017 so far costs total \$51,191 comparing engineering to the police contract with South Abington Township since they were another entrenched vendor for twenty-four (24) years stating when the Borough finally asked for proposal for a new police contract we saved \$15,000 by contracting with Clarks Summit Police Department. Mr. Rinaldi suggested to Council that the Borough should consider requesting proposals for engineering services, since there are at least two (2) engineers living or maintaining their business in the Borough. Mr. Rinaldi also stated the hourly fees for engineering services have increased approximately 36% over the three (3) years. Mr. Rinaldi also stated paying two (2) separate rates for an engineer from the same company is unnecessary. Mr. Rinaldi stated the firm should give us one (1) rate no matter who is working on the project. Mr. Rinaldi informed Council at the December meeting he will be proposing a motion to advertise for proposals. Mrs. Earley commented that she knows the person he is speaking of and informed Council that the person has to outsource all of the MS4 projects. Mrs. Earley stated when we request the proposal we will need to make sure that they able to do the MS4 work which the Borough is responsible. Mrs. Earley told Council if they outsource the MS4 projects that will not be a savings to the Borough. Mr. Hughes stated Council is aware of the fees from the current engineering firm since all bills are ratified and told Council he would like Council to have a chance in interviewing the engineering candidates when proposals are submitted and expressed he would not like to endure the expenses of the MS4 testing again. Mr. Rinaldi pointed out that every municipality has MS4 requirements so there are numerous firms that do MS4 work whether they outsource or not. Mr. Barrasse question whether it was legal for ATC to be billing us twice and Mrs. Earley stated they will be at the next work session and they will provide the answers to everyone's concerns. Mr. Barrasse stated this definitely needs to be reviewed since he is not happy with various costs and how they are billing. President Williams thanked Mr. Rinaldi on his work in analyzing the billings from the engineers. President Williams updated Council on the current Council vacancy seat stating he has been in contact with some people who are interested and will pass on the information once he receives it. Mr. Rinaldi mentioned the email that all of Council received regarding the RACP Grant from the state auditor stating it has been six (6) months since we had the closeout meeting at the Borough building and the AAJRB treasurer cannot give him the documents which he required. President Williams informed Council that the State is waiting on the impact statement which is basically a financial enclosure statement.

**NEW BUSINESS:** Mr. Hughes asked President Williams to send a letter or email to the AAJRB advising them we had approved our allocation on the 2018 Budget on the basis of them sending a revised budget contingent upon them approving an external audit. Mr. Rinaldi suggested to Council that we should adopt a resolution to prohibit category 4 casinos in the Borough of Clarks Green stating you must

opt out by December 31, 2017. Mr. Rinaldi motioned to have Solicitor Weinschenk prepare the resolution for prohibiting casinos in the Borough of Clarks Green, seconded by Mr. Barrasse. Mr. Barrasse, Mr. Rinaldi, Mr. Hughes, Mr. Toms, Mrs. Earley and Mr. Williams voted in favor.

**MOTION FOR ADJOURNMENT:** Mrs. Earley motioned, seconded by Mr. Barrasse to adjourn the meeting at 9:05 P.M. All in attendance voted in favor.

  
Joanne Culbertson, Secretary/Treasurer

**CLARKS GREEN BOROUGH COUNCIL MEETING**

**NOVEMBER 15, 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. SOLICITOR'S REPORT – SOLICITOR WEINSCHENK
7. TREASURER'S REPORT AND BILL APPROVAL – Mr. Hughes
8. FINANCE COMMITTEE – Mr. Hughes  
2018 budget  
New Sewer Certificate of Deposit  
Sewer Delinquencies
9. BUILDINGS & GROUNDS – Mr. Toms
10. PUBLIC WORKS - Mrs. Earley
11. HEALTH & SAFETY – Mr. Barrasse  
Green Light Go Award
12. REFUSE AND RECYCLING – Mr. Barrasse
13. PERSONNEL – Mr. Rinaldi
14. ABINGTON REGIONAL WASTEWATER AUTHORITY REPORT – Mr. Rinaldi
15. OLD BUSINESS  
Ordinance 5 of 2017  
Engineering Charges  
Council Vacancy
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.