

**CLARKS GREEN BOROUGH
COUNCIL MINUTES
OCTOBER 17, 2018**

CALL TO ORDER: Mr. Williams called the meeting of the Clarks Green Council to order at 7:00 p.m. with the Pledge of Allegiance. Mr. Barrasse via phone started the meeting with a moment of silence for the passing of our Representative Sid Michael Kavulich.

ROLL CALL: Mr. Dave Rinaldi conducted roll call. The following were present: Mr. Rinaldi, Mr. Toms, Mr. Hughes, Mr. Williams, Ms. Igoe, Mr. Dougherty, Mr. Barrasse via phone, Mayor Lawler and Solicitor Weinschenk. President Barrasse via phone left the meeting at approximately 8:24 P.M.

APPROVAL OF MINUTES: Mr. Williams entertained the motion to accept the minutes of the September 19, 2018 meeting. Mr. Hughes motioned, seconded by Mr. Dougherty. Mr. Williams, Ms. Igoe, Mr. Toms, Mr. Hughes, Mr. Dougherty, Mr. Rinaldi and Mr. Barrasse voted in favor.

VISITORS: Clarks Summit Fire Chief, Jay Miller, CSPD Police Officer Robert Shedlock, Sal Armetta, former resident, Alan Smertz, 202 Rabbit Run and Ben Freda, Abington Journal.

MAYOR'S REPORT: Mayor Lawler asked Council to take a moment to recognize the privileges and responsibility to serve the residents of Clarks Green Borough. Mayor Lawler told Council the Clarks Summit University has scheduled a Community Service Day November 1st and is asking if there is any work within the Borough that needs to be done by the students. Mayor Lawler stated she had a few ideas like the raking of leaves for the elderly and possibly come at the will of Council such as decorating for the holidays. Mayor Lawler informed Council the Shade Tree Committee is down in members and stated they will need help for the fall tree planting and is hoping to possibly use the students from Clarks Summit University. Mayor Lawler reported she had sent out a letter of congratulations to Bill Fiore, resident of Clarks Green Borough for coming in second in the 65 and older category of the Steamtown Marathon. Mayor Lawler informed Council she will be attending the funeral of Representative Kavulich. Mayor Lawler told Council she will be interviewed tomorrow along with the tour of the Borough building with the late Mayor Thorburn's grandson and will be doing the history of the Borough and how municipalities work for his social studies project. CS Police Officer Shedlock briefly reviewed the monthly police report. Clarks Summit Fire Chief, Jay Miller updated Council on the various activities taking place at the fire station noting the open house held on Saturday was a success. Mr. Toms asked about the volunteer applicants and Chief Miller stated just recently two (2) volunteers were sworn-in as members. Mr. Toms noted a problem with people not showing up on calls which needs to be addressed to protect the residents of Clarks Green. Mr. Barrasse stated Mr. Rinaldi is the Chair for Health and Safety and maybe he can do a report. Mr. Barrasse stated maybe the fire companies can do dual dispatching similar to what is in effect for ambulance calls. Chief Miller talked a little about the residential fire alarms noting if someone needs to have one installed, residents can call the American Red Cross and they will place you on a list for installation. He stated the Fire Company participates with WNEP-TV Save a Life program and fire alarms are still available for free. Mr. Rinaldi asked Mayor Lawler the information he and Mr. William's received from an accidental meeting with Mr. Mike Noto who is the developer of the land purchased from Clarks Summit University. The Councilmen were informed that the Mayor had contacted him about his development as a result of a resident complaint which Council was not made aware but was told Mayor Lawler contacted him. Mr. Rinaldi informed Mayor Lawler there are procedures in place that alerts Council when issues arise. He proceeded to explain the Complaint form and how it needs to be filled out and emailed to the chairs of Council who are responsible. Mayor Lawler stated she was intended to bring it to Council and Mr. Rinaldi to report on the matter. Mayor Lawler stated a resident of Clarks Green, Kathy Plishka contacted her about a water issue from the development and she then found out at the recent Shade Tree Commission meeting there are still funds in the yearly allotment which the commission felt can be used to plant trees to eliminate the water

issue at the 300 block of Evans Street which is on the boundary of Mr. Noto's development. Mayor Lawler stated she talked to him about putting in a swale or barrier to help with the water issues. Mayor Lawler reported she has not heard from him and not sure if he has taken any action. Mr. Rinaldi told the Mayor Lawler during his conversation with Mr. Noto, he and Mr. Williams were informed the development already contains a swale and large retention pond and while explaining the storm water management for that side of the development. Mayor Lawler asked if he saw the retainage pond noting it does not seem to be working and she was going to contact Mr. Williams to send our DPW supervisor to investigate. Mr. Rinaldi stated they could see the entire stormwater management system from Mr. Williams' house and noted his concern about our DPW supervisor to interfering with South Abington Township's business. Mr. Rinaldi stated if the Mayor was going to involve herself in this type of matter which is beyond the scope of a Mayor's duties, she should first inform Council and obtain permission to contact South Abington Township. The Mayor then informed Council she had contacted South Abington Township Supervisor Giles Stanton who responded that the Township will investigate it. Mayor Lawler apologized to Council for not informing them and going forward will use the Borough Complaint forms.

PUBLIC COMMENT: Sal Armetta, former resident of Clarks Green currently lives in Milford, informed Council he has been dealing with the DEP and the Zoning Officer, Darlene Sholcosky with the interest of purchasing the Hawk Oil property for the purpose of opening a take-out pizza business at the site but it is unclear if food is allowed under the PA DEP restrictions for use of the property. He also inquired if the underground gasoline storage tanks have been removed. Mr. Armetta stated a report by the state indicted the property may be utilized for non-residential uses only excluding schools, nursing homes, or recreational areas. Mr. Rinaldi stated the tanks are removed but the soil is contaminated. Solicitor Weinschenk addressed this issue stating there has been some covenants that have been filed at the Recorder of Deeds office that restrict the use, but it doesn't say anything about a restaurant. Solicitor Weinschenk told Mr. Armetta the property can be used as long as he doesn't disturb the covering. Mr. Armetta asked about curbing. Solicitor Weinschenk stated another potential issue with developing that property is obtaining a highway occupancy permit. The Solicitor suggested engaging with an attorney to advise him about zoning ordinances and see if there are any variances needed. All of Council wished him luck and hopes he is successful in his endeavor. Alan Smertz, 202 Rabbit Run addressed Council thanking them for the Borough's courteous and timely response he received on his stormwater drainage concern, noting a drain was installed in his opinion the DPW crew did a great job.

PUBLIC WORKS: Mr. Williams gave an update on the Crest Drive project noting an email was sent with a two (2) page report from Mr. Kresge as a result of the issues raised during Council's Work Session concerning the expansive easement on residents' properties appearing on the construction drawings. Mr. Williams stated he questioned Mr. Kresge about narrowing impact on the affected properties. Mr. Toms told Council there is another way of doing it by first getting the pipe and headwall installed and then build with rock the slide slopes. Mr. Williams expressed concerns from DPW supervisor, Dave Kohinsky of what they might find underground once the project is started along with the water runoff, noting the table is high since we have been experiencing all this rain. Mr. Williams stated PA One Call will be contacted. Mr. Williams told Council the necessary parts have been ordered and the Borough is waiting for delivery. Solicitor Weinschenk told Council the Borough requires signatures on the agreement/easement concerning the maintenance of the swale before the project can begin and that he will need a revised drawing from Mr. Kresge to draft the easement agreements. Mr. Williams told Council the DPW crew is continuing patching the roads along with concreting the area for Mayor Thorburn's Memorial Bench. Mayor Lawler stated the tree lighting ceremony and bench dedication is scheduled for November 18th. Mr. Rinaldi asked Mr. Williams to have the DPW crew fix the road at Rabbit Run above Pineview Circle north of Smertz's property noting it definitely needs repair before the winter.

SOLICITOR'S REPORT: Solicitor Weinschenk told Council comments have been made by Clarks Summit Borough concerning the Emergency Management Agreement and had some discussions with the Clarks Summit's Solicitor Kevin Hayes noting we will discuss under Old Business per the agenda.

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	\$	99,409.91
General Fund Checking		362,892.14
General Fund Money Market		35,274.02
Sewer Fund Checking		287,895.03
Sewer Fund Money Market		34,988.17
Sewer – FNCB CD		50,054.93
Sewer – Wayne Bank CD		50,669.36
State Funds Checking		<u>61,795.29</u>
Total Checking/Savings	\$	982,978.85

Ms. Igoe questioned some of the entries in General Fund and Sewer Fund checking accounts. Mr. Hughes explained in Secretary Culbertson's absence, Joanne Pesota incorrectly deposit checks in Sewer Fund checking rather than the General Fund Checking. Mr. Hughes then presented the Budget vs. Actual report comparing balances on the report to amounts to last year. Mr. Hughes told Council total expenses are \$62,000 less than a year ago primarily since we have not done any paving project for this year and the net income is \$75,000 higher than a year ago. Mr. Hughes announced the budget committee will not meet until the October results are available and will present the 2019 proposed budget at the November Council Meeting. Mr. Hughes motioned, seconded by Mr. Dougherty to accept the Treasurer's report and ratify the payment of the bills. Mr. Toms, Mr. Dougherty, Mr. Hughes, Mr. Williams, Ms. Igoe, Mr. Rinaldi and Mr. Barrasse voted in favor. Mr. Hughes proposed to Council to take an additional \$50,000 from the Sewer Account Checking account and increase the CD at either FNCB or Wayne Banks or open a new CD at NBT Bank. Mr. Hughes proposed transferring money to the Capital Account from the Sewer and General Fund accounts by equal amounts noting the budgeted amount was \$10,000 each but it appears we can do better suggesting the possibility of \$25,000 each. Mr. Hughes told Council last year we increased it to \$20,000. Mr. Hughes reviewed the sewer delinquency report noting sewer delinquencies of \$3,216 has been collected but total past due amount is \$33,047. Mr. Rinaldi asked why so much and Mr. Hughes was not quite sure.

BUILDINGS & GROUNDS: Mr. Toms reported to Council the trimming of the tree in front of the Borough building has not been completed due to the other projects that are behind schedule. Mr. Toms told Council he will still try to get it done before the cold weather sets in.

PERSONNEL: Mr. Williams informed Council there is nothing much to report. Mr. Williams stated he received the pension information but is still waiting on clarification from one (1) of the three (3) of neighboring communities once it is clarified will send information to Council. Mr. Rinaldi stated ARWA has a pension plan paid by ARWA for their employees costing approximately \$3,000 a per year, per employee and offering to get the information for Council to review. Mr. Rinaldi asked Mr. Williams noting over the last few meetings we had discussions concerning the end of the year and had the discussion with Joanne Pesota taken place about her vacation during this crucial time. Mr. Williams stated a meeting will be taking place on October 23rd in the morning noting Mr. Hughes will also attend. Ms. Igoe asked if she has been informed about her vacation time request and Mr. Williams stated yes. Mr. Toms ask if only the Personnel Committee can attend the meeting. Solicitor Weinschenk stated you do not want any more than three (3) council members. Mr. Williams stated the Personnel Committee will report to Council after the meeting and Ms. Pesota's response will be

discussed at the November 7th work session. Mr. Toms asked if there is any reason why this meeting was not scheduled sooner. Mr. Williams stated with her two (2) day schedule, his schedule and Mr. Hughes availability, the meeting was difficult to schedule.

REFUSE & RECYCLING: Ms. Igoe thanked Council members for participating in the preparation and distribution of the leaf bags noting it was a success. Ms. Igoe told Council she had instructed the office staff to contact her if there were issues with residents not getting leaf bags. Mr. Rinaldi briefly discussed history of the leaf bags to Mr. Dougherty since Mr. Dougherty was unaware of the purpose of the use of the leaf bags and how they are used for the Refuse/Recycling grant along with MS4 compliance. Solicitor Weinschenk reported to Council on January 6th one of the trash trucks from County Waste struck his car at the corner of Maple and North Abington Road while he was stopped at the stop sign at Maple Avenue and Abington Road. Solicitor Weinschenk told Council County Waste's insurance denied liability and as a result he was forced to file an action at the Magistrate's Office. The Magistrate entered a judgement in his favor and against County Waste and the truck driver. Solicitor Weinschenk stated that he wrote to Tony Puorro telling him of the judgement and asked if he will pay for the accident before filing the judgement and still has not heard from him. Solicitor Weinschenk told Council he only informed them of the situation when the next refuse/recycling contract is due he feels that County Waste is not a responsible bidder.

HEALTH & SAFETY: Mr. Rinaldi informed Council he is working on the bid package for the traffic signal. Mr. Rinaldi updated Council on the Intergovernmental Cooperation Agreement for Emergency Management Services and asked Solicitor Weinschenk to talk about his conversation with Solicitor Kevin Hayes on Clarks Summit's concerns. Solicitor Weinschenk told Council CSB's major concern is they do not want to pay for their Solicitor's fee for reviewing and preparing the ordinance and the agreement as well as the cost for advertising. CSB stated they are doing a service for us by offering to manage our Emergency Management Plan and it was their understanding that we would reimburse them for the initial setup costs and going forward costs will be shared in proportion to the population of each of our municipalities. Solicitor Weinschenk noted we will be paying ¼ of the cost going forward since we approximately have 1500 residents versus 5000 in Clarks Summit. Solicitor Weinschenk noted per Solicitor Hayes, Clarks Summit Borough doesn't have anything to gain managing CGB's Emergency Management nor if they no longer provided police protection to Clarks Green if the contract is not renewed it would not be advantageous to continue providing Emergency Management services since CGB would be using another police department. Mr. Rinaldi told Council he wants to have a meeting with his committee members, Mr. Hughes and Mayor Lawler to discuss shall we go forward or not with the joint Agreement and whether or not if it will be in Clarks Green's best interest. Mr. Rinaldi noted that Clarks Summit approached him about such an arrangement and cost reimbursement was never mentioned by CSB. Mr. Rinaldi noted whoever Clarks Green contracts with for police services be contractually obligated to respond.

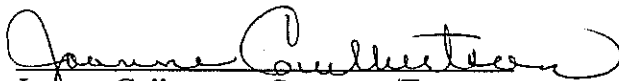
ARWA: Mr. Rinaldi informed Council the flow-meters have been installed by College Park and the Authority has one located near the Wylie residence. Mr. Rinaldi told Council the almost continuous rain this year has resulted in a high water table throughout the Borough sewer system creating a near constant increase in the daily flow of about two (2) million gallons, noting this is not inflow which spikes volume for short periods of time during rain events but from the ground water infiltration into the system. Mr. Rinaldi told Council of the HACK Company website where the flows can be viewed along with the logon and password for those members of Council who are interested in the data. Mr. Rinaldi updated Council on the WET testing noting ARWA is requesting relief excessive from PA DEP, at a quarterly cost of \$8,000. The Authority approved the draft 2019 budget and the reduction for Clarks Green will be \$482 for the year. Mr. Rinaldi reported ARWA's Personnel Committee have found a candidate for the maintenance position.

GRANT: Mr. Dougherty did not have anything to report.

OLD BUSINESS: Mr. Toms reported the Assembly of God wall repair has been started.

NEW BUSINESS: Mayor Lawler told Council she was approached by Bill Jones, Jr. an advocate for Marsy's Law stating it is a constitutional amendment supporting the greater rights for victims of crime which passed unanimously through the 2018 Pennsylvania Legislature and will be considered one more time in the 2019 Legislature Year before being sent to the voters of PA for final approval. Mayor Lawler stated he will be attending the November 7th work session and noted pertinent information will be emailed to all of Council. Mr. Rinaldi informed Council of a bill that will limit municipalities' rights to put regulations or requirements on utilities for telecommunications and if Council wants to show support a resolution will be needed and can be voted on at the November council meeting further discussion can take place at the November work session. Mayor Lawler discussed the Lackawanna Pro Bono's 10th Annual Fundraising Gala congratulating Mr. Williams on the attorney Robert Munley Distinguished Service Award and noted Clarks Green will be sponsoring an ad for Councilman Williams. All of Council agreed the cost of the ad will be paid by Council members and Borough funds will not be used.

MOTION FOR ADJOURNMENT: Mr. Williams entertained the motion to adjourn the meeting. Mr. Hughes motioned, seconded by Mr. Dougherty to adjourn the meeting at 9:10 P.M. All in attendance voted in favor.


Joanne Culbertson, Secretary/Treasurer

CLARKS GREEN BOROUGH
COUNCIL MEETING
Agenda

November 20, 2018

1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE-** President Joe Barrasse
2. **ROLL CALL-** Secretary Culbertson
3. **MOTION TO ACCEPT MINUTES**
4. **MAYOR'S AND POLICE REPORT, FIRE & AMBULANCE**
Mayor Lawler, Clarks Summit Police Chief Yarns
Clarks Summit Fire Co. President Mike Lukus, Chief Jay Miller, EMS Corey Colarossi
4. **OLD BUSINESS, AAJRB FUNDING**
5. **PUBLIC COMMENT**
Visitors should approach the podium and state their name and address. Comments limited to 5 min
6. **PUBLIC WORKS COMMITTEE – Mr. Williams**

PERSONNEL COMMITTEE– Mr. Williams
7. **TREASURER'S REPORT AND BILL APPROVAL – Mr. Hughes**
Annual Budget Review
8. **SOLICITOR'S REPORT – Mr Weinschenk will attend by phone**
9. **FINANCE COMMITTEE – Mr. Hughes**
Sewer Account Delinquencies & Payments
10. **BUILDINGS & GROUNDS COMMITTEE – Mr. Toms**
11. **PERSONNEL COMMITTEE– Mr. Williams covered before, as Kcith has to leave meeting early.**
12. **REFUSE & RECYCLING COMMITTEE– Ms. Igoe**
13. **HEALTH & SAFETY COMMITTEE-Mr. Rinaldi**
14. **ABINGTON REGIONAL WASTEWATER AUTHORITY REPORT – Mr. Rinaldi**
15. **GRANT COMMITTEE- Mr. Dougherty**
16. **OLD BUSINESS**
17. **NEW BUSINESS**
18. **ADJOURNMENT**

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