

**CLARKS GREEN BOROUGH
COUNCIL MINUTES
APRIL 17, 2019**

CALL TO ORDER: President Barrasse 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. Igoe, Mr. Dougherty, Mr. Williams, Mr. Barrasse, Mayor Lawler and Solicitor Weinschenk.

APPROVAL OF MINUTES: President Barrasse entertained the motion to accept the minutes of the February 20, 2019 Council meeting. Mr. Hughes motioned, seconded by Ms. Igoe. Mr. Williams, Ms. Igoe, Mr. Toms, Mr. Hughes, Mr. Dougherty, Mr. Rinaldi and Mr. Barrasse voted in favor. President Barrasse entertained the motion to accept the minutes of the March 20, 2019 Council meeting. Ms. Igoe motioned, seconded by Mr. Toms. Mr. Rinaldi, Mr. Dougherty, Mr. Hughes, Mr. Toms, Ms. Igoe, Mr. Williams and Mr. Barrasse voted in favor.

VISITORS: CSPD Chief Chris Yarns, Marnie Palmer, 280 East Grove Street, Ben Freda, Abington Journal, James Curran, 109 Greenbrier Drive, Greg and Ellen Kotchick, 714 Highland Ave., Mike and Timmy Fogley, 614 Birchwood Road, Kenneth McGraw, 224 E. Grove St., Ted and Judy Parchinski, 228 Fairview Road, Michael Holland, 708 Highland Ave. and Patrick McKenna, 608 Highland Avenue.

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 and remember those residents who are ill and/or facing serious challenges and those who passed on this month. Mayor Lawler read the two (2) correspondences that had been received from the Proclamation recipients Abbey Peck and Marilyn Pryle thanking Clarks Green Borough for honoring them in the month of March, Women's History Month. Mayor Lawler announced the Clarks Summit Fire Co. is selling tickets for a "Grocery Sweep" proceeds will be used for the purchase of a ladder truck, The Wally Gordon Community Singers will present their spring concert, Everyday Heroes in Our Community, on Saturday, May 5, 2019, at 6:00 pm at Clarks Summit United Methodist Church, located at 1310 Morgan Highway in honor of those who wear uniforms and the Clarks Summit University spring concert will be held May 3rd and 4th at 7 P.M., All Things Bright and Beautiful noting free admission. Mayor Lawler informed Council that Ms. Igoe and herself will be attending Lackawanna County Assoc. of Boroughs meeting on May 16th at the Regal Room in Olyphant and the discussion will address utility pave cuts and ordinances to improve conditions of roads welcoming any other Council member to join. Mayor Lawler told Council the SAPA coordinated meeting with EDP for Clarks Green Borough will be held May 15, 2019 at 6 P.M. at the Borough building encouraging Clarks Green Council members and planning commission to attend. Chief Yarns reviewed the monthly report and noted it was a quiet month. Chief Yarns reminded Council the Aggressive Driver patrolling is still in progress until April 28th targeting aggressive drivers, tailgating and more. Mr. Rinaldi told Council that Chief Yarns asked if the Borough would enact a resolution to recognize National Police Week honoring the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy. Mr. Rinaldi then read the proposed Resolution 1 of 2019.

A RESOLUTION FROM THE CLARKS GREEN BOROUGH COUNCIL TO RECOGNIZE NATIONAL POLICE WEEK 2019 AND TO HONOR THE SERVICE AND SACRIFICE OF THOSE LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY WHILE PROTECTING OUR COMMUNITIES AND SAFEGUARDING OUR DEMOCRACY.

In 1962, President Kennedy proclaimed May 15th as National Peace Officers' Memorial Day and the calendar week in which May 15th falls, as National Police Week. Established by a joint resolution of Congress in 1962, National Police Week pays special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others.

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Fraternal Order of Police Northeastern Lodge #63;

WHEREAS, some 60,000 assaults against law enforcement officers are reported each year, resulting in approximately 16,000 injuries;

WHEREAS, since the first recorded death in 1791, *over* 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty;

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers' Memorial in Washington D.C.;

WHEREAS, 360 new names of fallen heroes were added to the National Law Enforcement Officer's Memorial wall in 2018;

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers' Memorial Fund's 28th Annual Candlelight Vigil on the evening of Monday, May 13, 2019;

WHEREAS, the Candlelight Vigil is part of National Police Week, which is taking place this year on May 13 through May 19, 2019; and

WHEREAS, May 15 is designated as Peace Officers' Memorial Day, in honor of all fallen officers and their families,

THEREFORE, BE IT RESOLVED, that the Borough of Clarks Green Council and its Mayor formally designates May 15, 2019, as Police Officers' Memorial Day in Clarks Green Borough and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

APPROVED: Approved this 17th day of April 2019.

/s/ Patty Lawler
Patty Lawler, Mayor

/s/ Joseph Barrassé
Joseph Barrassé, Council President

ATTEST:

Adopted at the Regular Council Meeting of the Clarks Green Borough Council, this 17th day of April 2019.

/s/ Joanne Culbertson

Joanne Culbertson
Borough Secretary

Mr. Rinaldi motioned to approve Clarks Green Borough's Resolution No. 1 of 2019, seconded by Mr. Toms. Mr. Toms, Mr. Dougherty, Mr. Hughes, Ms. Igoe, Mr. Williams, Mr. Rinaldi and Mr. Barrasse voted in favor.

PUBLIC COMMENT: President Barrasse welcomed Clarks Green residents to the meeting noting the five (5) minute comment. Greg Kotchick, 714 Highland Ave., told Council he attended the meeting to discuss the water issue in the area of Birchwood and Highland Avenue noting since he had moved in six (6) years ago the water issue has gotten significantly worse stating the swale backs up and remains stagnant. Mr. Kotchick reminded Council he had a pool issue a few years back with the same water issue and proceeded to state the paving of Highland/Birchwood to the water problem noting his trees are dying. Mr. Barrasse told Mr. Kotchick the go to persons will be Mr. Dougherty and Dave Kohinsky, DPW foreman and they will be in contact with his concerns and ask for him to provide the necessary contact information. After Mr. Kotchick spoke Mr. Michael Holland and Mr. Patrick McKenna voiced their concerns with the water issue at Highland Avenue describing how the water is affecting their properties. Judy Parchinski, 228 Fairview Road, reminded Council they had filed complaint concerning their water issue noting in 2017 American Asphalt replaced a drain at the corner of Vassar and Fairview road to which the water comes across the road into their driveway and coming into their house and currently using sandbags. Mrs. Parchinski stated they had talked with PennDot and they said the responsibility is the Borough's and asked if the Borough can help. Mr. Dougherty noted his observations and stated the possibility is adding another storm drain. Mr. Barrasse stated we will be in contact along with the Borough's engineer.

SOLICITOR'S REPORT: Solicitor Weinschenk reported on the complaint that had been sent to the Borough concerning refuse collection and wants the record to show the Borough is investigating the complaint. Solicitor Weinschenk stated we have requested information from County Waste. Mr. Dougherty asked Solicitor Weinschenk if he had a chance to review the pave cut ordinance. Solicitor Weinschenk stated it is not the best in the world but the whole issue is that the contractors for the utility companies are not applying for a pave cut permit. He suggested the DPW crew driving around the Borough needs to be vigilant unless an emergency the zoning officer can shut down the job. Mr. Toms commented a letter should be written to the utilities stating a non-emergency job can be shut down by the zoning officer if a pave cut permit was not obtained. Mr. Dougherty stated he will inform the DPW crew.

PUBLIC WORKS: Mr. Dougherty spoke about the problems with pave cuts and stated Dave Kohinsky asked if Council would send a letter and copy of our pave cut ordinance to the utility companies. Mr. Dougherty reported pothole patching is in progress noting the Borough has already used three (3) tons of cold patch material. Mr. Dougherty informed Council street sweeping for the upper half of the Borough has been completed and the Crest Drive project is scheduled for late May early June. Mr. Hughes reminded Mr. Dougherty of the need for temporary easements before the project can begin and that Mr. Brink would like to talk with Mr. Dougherty and Dave Kohinsky about the scope of the project. Mr. Dougherty asked Council about the purchase of a new truck since we have been awarded a \$35,000 grant to help with the funding. Mr. Barrasse stated Dave Kohinsky is looking into the process of purchasing from COSTARS along with a company to auction off our old trucks. Mr. Rinaldi informed Council the Engineers have redone the 2018 paving project for Yale Boulevard and Greenbrier Drive at an estimated cost of \$87,000 and stated the Borough can advertise and conduct the bidding for the paving project. Mr. Rinaldi motioned to advertise for bids for the paving project, seconded by Ms. Igoe. Mr. Rinaldi, Mr. Hughes, Mr. Williams, Mr. Toms, Mr. Dougherty, Ms. Igoe and Mr. Barrasse voted in favor. Mr. Rinaldi stated the bid is scheduled to be

awarded at the May 15th meeting. Mr. Rinaldi told Council the Engineers are looking for some direction whether or not the Borough wants to apply for grants reminding them of the two (2) grants previously mentioned, one (1) stormwater and the other for parks and recreation noting the grants are a minimum of \$2,000 and maximum of \$10,000 with a deadline of May 31, 2019. Mr. Barrasse suggested the Borough might use a grant for Birchwood and Highland Avenue water issue. Mr. Rinaldi reported to Council on the report received from the current engineers summarizing the projects they worked on over the last thirty (30) days noting this was new since our former engineers did not provide monthly updates. Mr. Rinaldi told Council the Engineers have examined the Borough streets and compiled a rating system for paving purposes determining four (4) different categories creating a long-range plan. Mr. Barrasse asked Mr. Dougherty to coordinate with Ms. Virginia Kehoe, Clarks Summit on the Clarks Summit's Main Street paving project.

PERSONNEL: Mr. Williams told Council that he and Mr. Hughes had a meeting with the DPW personnel and reinforced the need for safety wear, safety glasses and gloves along with enforcing the importance of taking comp time off within the policies of the Borough. Mr. Williams inform Council the need for people to work in the Borough's busy summer months had been discussed making sure that when people take time off, there are at least two (2) people at work. Mr. Williams stated it was a positive discussion and he did not anticipate any issues. A discussion followed concerning compensatory time and the current policy. Mr. Williams stated at some point the current policy can be changed at the discretion of Council. Mr. Rinaldi told Council that the policy should be changed to use the comp time within the current pay period or they would be paid time and half. Mr. Rinaldi explained the importance of having three (3) people for traffic control, operating machinery and one worker guiding the machine operator. The present situation is making it hard to schedule the necessary projects needed within the Borough. Mr. Hughes stated the personnel committee will review this further. Mayor Lawler asked Council if the painting of the crosswalks are on the DPW schedule and Mr. Barrasse noted he believes they are. Mr. Rinaldi suggested Council should require DPW to have a project calendar. Mr. Barrasse stated he wants the minutes to reflect that the DPW personnel were met with in regard to safety related issues to clarify and reinforce our safety policies.

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	\$	139,548.94
General Fund Checking		334,209.31
General Fund Money Market		35,277.54
Sewer Fund Checking		338,867.15
Sewer Fund Money Market		34,991.65
Sewer – Wayne Bank CD		51,091.73
Sewer – FNCB CD		50,553.47
State Funds Checking		<u>112,635.06</u>
Total Checking/Savings	\$	1,097,174.85

Mr. Hughes then presented the Budget vs. Actual report comparing balances on the report to amounts from last year noting gross profit this year is higher by \$102,000 mostly from sewer payments and real estate taxes. Mr. Hughes told Council total expenses were \$54,000 lower than a year ago. With no questions from Council Mr. Hughes motioned, seconded by Ms. Igoe 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 told Council \$5904 has been collected in fourth quarter of 2018 sewer delinquencies and during the first quarter of 2019, there were thirty-three (33) properties that were six (6) or more months delinquent for a total amount of \$36,226. Mr. Hughes reported on the four (4) properties that have liens. Mr. Hughes reported to Council letters will be sent

out to property owners by the end of April with a due date of May 31, 2019 for them to either pay or agree to a payment plan on twelve (12) properties that have become delinquent six (6) months or more. Mr. Rinaldi stated we are significantly higher in delinquencies than we were a few years ago noting the delinquencies added up to \$22,000 and suggested filing liens on the delinquent properties. Mr. Hughes did not agree stating delinquencies have always been in the range of \$30,000 to \$35,000. Mr. Hughes asked Solicitor Weinschenk's opinion on liens. Solicitor Weinschenk told Council a lien doesn't improve collection but does offer minimum protection. Mr. Rinaldi asked if a lien could be executed. Solicitor Weinschenk answered in the affirmative and the ultimate goal from that is to obtain a sheriff's sale. The Solicitor stated what happens is the Borough could be subject to a mortgage lien noting he did not believe the Borough wants to own any of these properties. Ms. Igoe asked Solicitor Weinschenk if Council would be allowed to publish the sewer delinquency list. Solicitor Weinschenk stated yes. Mr. Rinaldi and Ms. Igoe agreed something needs to be done noting the delinquencies are consistently the same properties. Ms. Igoe commented no one should have a \$5,000 sewer delinquency. Solicitor Weinschenk stated he doesn't recommend pursuing execution on the liens. Mr. Barrasse told Council the top eight (8) properties owe a total of \$20,200 in sewer delinquencies and suggested they be researched if there is a mortgage on them. Mr. Hughes told Council in his opinion the Borough's delinquent rate is incredibly low, but several members of Council disagreed. Mayor Lawler told Council in Clarks Summit the Borough threatened to turn off the water after several warnings to collect their sewer delinquencies while taking into consideration property owners' circumstances. Mr. Hughes stated he would never recommend or vote for that option. Council decided to further discuss the sewer delinquency issue at its work session.

BUILDINGS & GROUNDS: Mr. Toms reported the DPW crew is cleaning up the yard and reported the hedges in the front will not be trimmed and explained the reason to Council.

REFUSE & RECYCLING: Ms. Igoe reported to Council she had a resident who asked about tire collection and stated it is usually done later in the year jointly with Clarks Summit but they could contact Lackawanna Recycling Center for assistance. Ms. Igoe told Council she requested a report from County Waste and that the individual whose account is in question has been re-activated. Mr. Rinaldi asked Solicitor Weinschenk if he had a chance to review his email asking, "what is the penalty for violation of the ordinance requiring the residents to use the trash hauler selected by Borough Council". Solicitor Weinschenk stated he had received the email but he did not review the ordinance stating he is waiting on the information we obtain from County Waste to see if a violation exists.

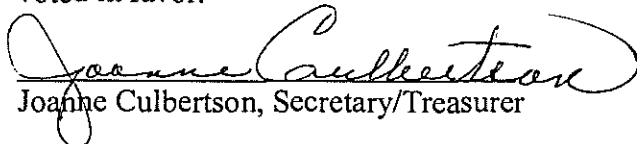
HEALTH & SAFETY: Mr. Rinaldi informed Council the two (2) bids that had been received for the traffic light control equipment replacement and installation and have been reviewed by Solicitor Weinschenk. He reported Northeast Signal bid was \$30,000 and Kuharchik Construction bid \$39,000. Solicitor Weinschenk reported Northeast Signal did not sign the second page of the proposal after reviewing the proposals from the both contractors noting both bidders did sign the third page, indicating the work to be provided and the price. Solicitor Weinschenk advised Council it is faced with the dilemma of the lowest bid being technically nonresponsive since it lacks the signature on the second page. Solicitor Weinschenk reported to Council he had reviewed the Pennsylvania Case Law regarding submission of bids and gave the opinion that the low bid substantially conforms to the request for the invitation to bid and the variance does not affect the scope of the bid in terms of work or price and did not provide the bidder with an unfair advantage. Solicitor Weinschenk told Council they are free to either accept or reject the Northeast Signal bid. Mr. Rinaldi told Council he doesn't see the variance as an advantage for Northeast Signal or a disadvantage for Kuharchik Construction. Mr. Rinaldi reminded Council that additional equipment for crosswalk signs were added in the second bid and Northeast Signal is lower than the first bid of which was \$34,000 which was obtained without including the additional equipment. Mr. Rinaldi motioned to accept the bid of Northeast Signal \$30,000 bid for the replacement of traffic signal and crosswalk equipment, seconded by Mr. Hughes. Mr. Williams, Mr. Rinaldi, Ms. Igoe, Mr. Hughes, Mr. Toms, Mr. Dougherty and Mr. Barrasse voted

in favor. Ms. Igoe asked for an update on the Emergency Management Report. Mr. Rinaldi stated he has not yet received a monthly report from Mr. Waters regarding the Borough's Emergency Operations Plan.

ARWA: Mr. Rinaldi reported the Chapter 94 report has been mailed to DEP March 26th meeting the submission deadline. Mr. Rinaldi told Council ARWA Director Lauren Elliott attended a conference "Women Leaders Making a Difference" noting she felt it was very beneficial and is open to all women working in municipal government. Mr. Rinaldi reported the ongoing end of year issues with PP&L billing continues and announced the ARWA contracted with a third-party electric supplier which resulted in a 12% decrease in the monthly cost of electricity.

OLD BUSINESS: Mayor Lawler reminded Council the ACOG questionnaire needs to be filled out to meet the May 1st deadline. Mr. Rinaldi told Council the Borough has acquired the domain www.clarksgreen.org which the previous owner refused to transfer to the Borough. Mr. Williams reported to Council the SAPA invoice has been received and after discussions with Mary Liz Donato the Borough can pay by installments. Mr. Williams motioned to authorize the SAPA invoice payment for the amount of \$1251.00 and the remaining sum, the 2nd payment will be paid April 2020, seconded by Mr. Hughes. Mr. Williams, Mr. Rinaldi, Mr. Hughes, Ms. Igoe, Mr. Toms, Mr. Dougherty and Mr. Barrasse voted in favor. Mr. Toms asked for an update on our files from BCM Engineers. Mr. Rinaldi stated we still have not received the files that had been requested and feels we need to set a time period. Mr. Hughes stated he has been in contact with Mr. Naegele our current engineers and ask if he will contact Mr. Kresge in retrieving our files. Mr. Rinaldi stated there was an email from the BCM stating the former engineers will provide a price for providing the digital information for what we requested without a providing any date. Mr. Rinaldi told Council it has been six (6) weeks since the Borough originally requested its files specifically for the current ongoing projects at the Borough. Mr. Rinaldi told Council the Borough paid for these files, the files are the Borough's property and the residents' property noting the vendor has no legal right to keep them. Mr. Hughes stated he will follow-up with Mr. Naegele next week. Mr. Toms suggested the Solicitor Weinschenk should send a letter requesting our files. Solicitor Weinschenk suggested waiting to see what Mr. Hughes reports after next week. Mr. Barrasse updated Council on Clarks Summit's Fire Fighters ordinance along with requesting the number of Clarks Green residents who are volunteering between South Abington Township and Clarks Summit. Mr. Rinaldi stated he was unsure how the tax credit would help attracting members since the tax credit would only apply to current members living in the Borough.

MOTION FOR ADJOURNMENT: Mr. Barrasse entertained the motion to adjourn the meeting. Mr. Hughes motioned, seconded by Mr. Toms to adjourn the meeting at 9:05 P.M. All in attendance voted in favor.


Joanne Culbertson, Secretary/Treasurer

CLARKS GREEN BOROUGH
COUNCIL MEETING
Agenda

April 17, 2019

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE- President Barrasse
2. ROLL CALL- Secretary Culbertson
3. MOTION TO ACCEPT MINUTES
February & March
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
5. PUBLIC COMMENT
Visitors should approach the podium and state their name and address. Comments limited to 5 min
6. SOLICITOR'S REPORT - Mr. Weinschenk
7. PUBLIC WORKS COMMITTEE – Mr. Doherty
8. PERSONNEL COMMITTEE-- Mr. Williams
9. TREASURER'S REPORT AND BILL APPROVAL – Mr. Hughes
Q4 2018 Sewer Delinquency, Q1 2019 Sewer Delinquency
10. FINANCE COMMITTEE – Mr. Hughes
11. BUILDINGS & GROUNDS COMMITTEE – Mr. Toms
12. REFUSE & RECYCLING COMMITTEE-- Ms. Igoe
13. HEALTH & SAFETY COMMITTEE-- Mr. Rinaldi
RFP for Traffic Signal/Green Light Go
14. ARWA REPORT – Mr. Rinaldi
15. OLD BUSINESS
16. NEW BUSINESS
17. 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.