

**CLARKS GREEN BOROUGH  
COUNCIL MINUTES  
SEPTEMBER 16, 2020**

**CALL TO ORDER:** President Barrasse called the meeting of the Clarks Green Council to order at 7:01 p.m. with the Pledge of Allegiance.

**ROLL CALL:** Secretary Culbertson conducted roll call. The following were present: Mr. Rinaldi, Mr. Hughes, Mr. Toms, Ms. Igoe, Mr. Williams, Mr. Barrasse, Mayor McGraw and Solicitor Weinschenk. Dr. Cochran joined the meeting approximately 7:11 P.M.

**APPROVAL OF MINUTES:** President Barrasse reported to Council the August meeting minutes have not been recorded.

**VISITORS:** Ben Freda, Abington Journal, George Parker, Clarks Green Zoning officer and CSPD Officer Gibbons.

**PUBLIC COMMENT:** No public comment.

**MAYOR'S REPORT:** Mayor McGraw stated he had nothing to report this month. Officer Gibbons briefly reviewed the monthly police report noting the citing's of a golf cart being driven in the area of Greenbrier Drive has been addressed. Officer Gibbons reported the police will focus their attention on Highland and Birchwood roads due to the recent speeding complaint.

**SOLICITOR'S REPORT:** Solicitor Weinschenk reported he had been in contact with David O'Neill, Township manager, South Abington Township and Virginia Kehoe, Borough Manager of Clarks Summit at the request of Council regarding some refuse issues. Solicitor Weinschenk informed Council in South Abington Township per David O'Neill the township has a form in which residents fill out if they have other means in properly disposing of their trash and recyclables when they don't use J.P. Mascaro. Solicitor Weinschenk noted J. P Mascaro bills the residents directly just like Clarks Green Borough. Solicitor Weinschenk reported Clarks Summit Borough's contracted trash hauler, J. P. Mascaro & Sons' collection fee is paid out of the general fund for all residents of the Borough and bill is sent to the municipality. Solicitor Weinschenk noted it is a lesser fee per Virginia Kehoe because J. P. Mascaro & Sons doesn't need to collect fees from each household. Solicitor Weinschenk told Council that may be something the Borough may want to consider at next go around. Dr. Cochran asked if he had the breakdown of the cost per each household in Clarks Summit. Solicitor Weinschenk stated he does not have the cost but it is a public record if needed.

**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:

General Fund Checking	\$	370,199.44
Capital Fund Money Market		192,670.75
Sewer Fund Checking		329,141.30
Sewer – FNCB CD #200278057		51,715.99
Sewer – FNCB CD #200469681		50,000.00
Sewer – Wayne Bank CD		52,384.37
State Funds Checking		<u>162,265.45</u>
Total Checking/Savings	\$	1,208,377.30

Mr. Hughes reported the General Funding checking account is down \$70,000 from last year keep in mind we transferred the General Fund Money Market account of \$35,000. The Capital Account is up by \$84,000, which reflects the transfers made in the account from last year in the amount of \$20,000 plus the receipt of the two (2) grants in the amount of \$62,000. Mr. Hughes told Council the State fund account is up by \$49,000 which is the allocation for this year. Mr. Hughes informed Council the Liquid Fuels 2021 allocation is \$44,560 noting it is down by \$5,000. 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, Dr. Cochran, Mr. Hughes, Mr. Williams, Ms. Igoe, Mr. Rinaldi and Mr. Barrasse voted in favor. Mr. Hughes reported the Borough has collected \$12,369 in sewer delinquencies which includes account # 0279 and the lien has been removed. Mr. Hughes told Council twenty-one (21) sewer delinquency letters have been sent out and payments have been made on twelve (12) delinquent accounts. Mr. Hughes motioned to accept the proposal from FJ Durante General Contracting in the amount of \$1,275 for the concrete work done at the Borough building and approve payment of the bill. Mr. Williams seconded the motion. Mr. Toms, Dr. Cochran, Ms. Igoe, Mr. Rinaldi, Mr. Williams, Mr. Hughes and Mr. Barrasse voted in favor. Mr. Hughes motioned to authorized the renewal of FNCB CD #681 approximate amount of \$50,000 not to exceed fifteen (15) months, seconded by Dr. Cochran. Mr. Williams, Mr. Toms, Dr. Cochran, Mr. Hughes, Mr. Rinaldi, Ms. Igoe and Mr. Barrasse voted in favor. Mr. Hughes proceeded to read a letter from Warren Watkins, Secretary of the Clarks Summit Fire Company thanking the Borough on the recent \$1,500 contribution. Mr. Hughes informed Council the Finance committee will be starting to prepare for the 2021 Budget.

**PUBLIC WORKS:** Mr. Rinaldi reported the notice to proceed was issued to the Wayco, Inc. for the 2020 Paving Project as of September 21<sup>st</sup> requiring the job to be finished within sixty (60) days.

**GEORGE PARKER, ZONING OFFICER REPORT:** Mr. Parker had nothing to report other than his monthly distributed report and asked if anyone had questions. Mr. Barrasse asked about the progress on the Grayson unkempt property matter. Mr. Parker stated he has not recently checked but will inspect the property early next week. Dr. Cochran asked about the old gas station noting he had been questioned by some people. Mr. Parker stated the person interested in the property is having trouble with his current architect and currently looking for a new one. Mr. Toms express his feelings stating it is a mess windows are broken and two (2) people have contacted him regarding the condition of the property. Mr. Toms asked if a letter can be sent to the owners in regard to the unkempt property. Mr. Parker stated he will compose a letter and have the Solicitor review it regarding this matter.

**ARWA:** Mr. Rinaldi reported the PA Dept. of Environmental Protection performed the annual plant inspection on August 12<sup>th</sup> and there were no noted violations. Mr. Rinaldi told Council in a few weeks ARWA will have a new website. Mr. Rinaldi informed Council Sept. 2<sup>nd</sup> the Bioreactor 2 has been drained and cleaned along with installing new piping. Mr. Rinaldi reported the Litigation Committee hired Atty. William Warren, Saul Ewing Arnstein & Lehr at a blended cost of \$395 per hour to prosecute the claims of Gannett Fleming and Quandel for the problems with the building.

**REFUSE & RECYCLING:** Ms. Igoe reported the leaf bags have been delivered. Ms. Igoe told Council the bags needs to be prepared for distribution next Wednesday, Sept. 23<sup>rd</sup> and asked Council if they will be available. Due to the COVID-19 the DPW will be distributing bags not distributed by Council Members. Ms. Igoe told Council the bags will be collected with the regular trash from County Waste and after December 4<sup>th</sup> the leaves will need to be placed in plastic bags. Ms. Igoe noted a flyer will be included with the bags informing the residents on the leaf bag pickup changes.

**HEALTH & SAFETY:** Dr. Cochran reported he is donating an infrared thermometer to the Borough so employees can use it for checking temperatures. Mr. Barrasse stated he had talked with Chief

Yarns concerning the speeding complaint at Highland Avenue and Birchwood stating they will be monitoring it more closely as they have in the past.

**PERSONNEL:** Mr. Williams had nothing to report stating it is quiet and staying on course.

**BUILDING AND GROUNDS:** Mr. Toms reported the garage door is being repaired. Mr. Toms and Council had a discussion concerning the proposed Rite Temp HVAC Maintenance Service Agreement for three (3) years. Mr. Hughes stated he was not sure what was included in the options and asked for clarification. Mr. Barrasse stated that he feels our system is outdated and if we spend this amount of money for a three (3) year service agreement we might want to check on the price of replacing the current outdated system. Mr. Barrasse stated a new unit noting it will be more efficient can cost in the area of \$10,000 to \$12,000 and this agreement is around \$4,000 on an outdated system.

Mr. Barrasse noted we will probably even get a warranty on parts and labor if a new unit would be purchased. Mr. Barrasse asked Mr. Toms to get several estimates on a new unit. Mr. Toms agreed. Mr. Hughes stated we had just paid Rite Temp approximately \$534 for a repair and really doesn't feel we need to buy a new unit. Mr. Hughes reminded Council of the recent new truck purchases in regards to the money available to spend. Mr. Williams briefly reviewed the list for Clarks Green's polling place requirements noting the ramp had been fixed and basically, we just need the signage for the parking lot. Mr. Toms stated he will start working on getting and placing the signs where needed.

**OLD BUSINESS:** Mr. Hughes inquired about the selling one of the old trucks since the one (1) replacement pickup truck has been up and running for a few months. Mr. Barrasse stated he had talked with Dave Kohinsky regarding this matter but stated he still was not sure what truck to place on sale plus, we really need to confirm from Powell's that we will be receiving the dump truck in time for the inclement weather. Mr. Rinaldi stated he thought the Borough was going to sell the 350 pickup since it had the most miles and the old dump truck still can be used if needed for plowing. Mr. Hughes suggested this be continued at the next work session after discussing it with the DPW Supervisor, Dave Kohinsky.

**NEW BUSINESS:** Mr. Rinaldi told Council Clarks Summit Borough Council passed a resolution informing the Delaware River Basin about the New Fortress Energy's plan to build liquefied natural gas plant in Wyalusing Township and use the public roads to transfer the gas by tractor trailer noting in the resolution it stated there has not been a study determining the scope of risk that would be involved by the transportation method. Mr. Rinaldi stated he had received some phone calls along with Ms. Igoe with concerns about the potential disaster if the trucks will be coming through Clarks Green Borough. Mr. Rinaldi told Council he had asked Solicitor Weinschenk to mirror Clarks Summit's resolution to provide support for Clarks Summit in notifying the commission and appropriate authorities that the Clarks Green residents have an objection with allowing the transportation of the liquefied natural gas through the Borough of Clarks Summit and surrounding communities including Clarks Green without the proper studies. Mr. Rinaldi motioned to approve Resolution No. 6 of 2020, which mirrors Clarks Summit's Resolution No. 17, seconded by Mr. Toms. Mr. Toms, Dr. Cochran, Mr. Hughes, Ms. Igoe, Mr. Williams, Mr. Rinaldi and Mr. Barrasse voted in favor.

**RESOLUTION NO. 6 OF 2020  
BOROUGH OF CLARKS GREEN  
COUNTY OF LACKAWANNA  
COMMONWEALTH OF PENNSYLVANIA**

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**RESOLUTION OF THE BOROUGH OF CLARKS GREEN  
OPPOSING THE OVERLAND TRANSPORTATION OF LIQUEFIED NATURAL GAS  
THROUGH THE BOROUGH OF CLARKS SUMMIT**

## AND ITS SURROUNDING COMMUNITIES

**WHEREAS**, the Borough of Clarks Green (the “Borough”) is a Borough and Municipality in the Commonwealth of Pennsylvania organized and governed according to 8 Pa. C.S.A. §101, *et seq.* (the “Borough Code”); and

**WHEREAS**, the Borough of Clarks Summit (“Clarks Summit”) is also a Borough and Municipality in the Commonwealth of Pennsylvania organized and governed according to the Borough Code; and

**WHEREAS**, the Borough is a community in Lackawanna County, Pennsylvania with approximately 1,600 residents situate immediately adjacent to Clarks Summit; and

**WHEREAS**, Section 1203 of the Borough Code authorizes the Borough to make and adopt all ordinances, bylaws, rules and regulations as may be necessary for the commerce, safety and welfare of the Borough and its residents; and

**WHEREAS**, pursuant to the Borough Code, the Borough has the authority to make regulations as may be necessary for the health, safety and general welfare of the Borough. *See* 8 Pa. C.S.A. §1202(5); and

**WHEREAS**, a fundamental purpose of government is to protect the health, safety, and welfare of citizens; and

**WHEREAS**, Article I, Section 27 of the Constitution of the Commonwealth of Pennsylvania provides that, “The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment”; and

**WHEREAS**, Article I, Section 27 of the Constitution of the Commonwealth of Pennsylvania further declares, “Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people”; and

**WHEREAS**, the Borough’s Council has become aware that New Fortress Energy and its affiliated entities are planning the overland transport of Liquefied Natural Gas (“LNG”, also know as liquid methane) by truck on public highways and by railcar on existing railways from a proposed liquefaction plant to be located in the Wyalusing Township, Bradford County, Pennsylvania ( the “New Fortress Energy Facility”), to a proposed LNG export terminal and port located near Gibbstown, Greenwich Township, Gloucester County, New Jersey, which is situated along the Delaware River (the “Gibbstown Logistics Center”); and

**WHEREAS**, LNG would be transported from the New Fortress Energy Facility to the Gibbstown Logistics Center along public highways and railways which run directly through, Clarks Summit, including residential and commercial districts; and

**WHEREAS**, New Fortress Energy’s subsidiary, Energy Transport Solutions, received a Special Permit from the Pipeline and Hazardous Materials Safety Administration for the transport of LNG by rail; and

**WHEREAS**, the transport of LNG by New Fortress Energy and its subsidiaries presents significant safety hazards, including exposing those communities along roadways and railways to unprecedented and unjustifiable risk; and

**WHEREAS**, Delaware River Partners, LLC, a subsidiary of Fortress Transportation and Infrastructure Investors, LLC, has submitted an application to the Delaware River Basin Commission (“DRBC”) under Docket D-2017-009-2 to construct a transloading facility (“Dock 2”) at the Gibbstown Logistics Center that would

transfer LNG from trucks and railcars to shipping vessels; and

**WHEREAS**, the DRBC, which is comprised of representatives from the States of Delaware, New Jersey, New York, Pennsylvania and the federal government, has adopted a compact that declares, “the conservation, utilization, development, management and control of water and related resources of the Delaware River Basin under a comprehensive multipurpose plan will bring the greatest benefits and produce the most efficient service in the public welfare”; and

**WHEREAS**, neither the Commonwealth of Pennsylvania nor the DRBC has fully assessed the potential public safety, public health or environmental impacts of the proposed overland transport of LNG by truck or by railcar on the communities along the possible transportation routes between the Wyalusing Township, Bradford County, Pennsylvania, and Gibbstown, Greenwich Township, Gloucester County, New Jersey; and

**WHEREAS**, no federal, state, or local agency has conducted a risk assessment of the specific transportation route(s) along which the LNG would travel; and

**WHEREAS**, no comprehensive Quantitative Risk Assessment, which quantifies the frequencies of events, such as transportation accidents and their consequences, has been undertaken of the trucks or railcars that would contain the LNG that would travel from the New Fortress Energy Facility, through Clarks Summit and to the Gibbstown Logistics Center; and

**WHEREAS**, neither the Commonwealth of Pennsylvania nor the DRBC has conducted an assessment of the cumulative and long-term impacts of the full scope of New Fortress Energy’s plan to liquefy natural gas from fracking wells in Northern Pennsylvania, transport the LNG by truck or rail to the Gibbstown Logistics Center and export by marine vessels overseas on the Delaware River; and

**WHEREAS**, the Borough, Clarks Summit, and its surrounding communities have not been provided with training or support for emergency or first response service organizations to respond to accidents, fires, explosions, derailments, or other emergencies related to LNG overland transport; and

**WHEREAS**, the absence of such assessments and support prevents the appropriate management of and avoidance of accidents, derailments, catastrophic events, health harms, and environmental damage and the degradation that could occur from the overland transportation of LNG through Clarks Summit, including risks to public health, property values, and the clean air and water upon which our Clarks Green residents and businesses depend.

**NOW, THEREFORE, BE IT RESOLVED** by the **Council of the Borough of Clarks Green** on this 16<sup>th</sup> day of September 2020.

1. The members of the DRBC are hereby called upon to disapprove the pending application for the Dock 2 Project, filed under Docket D-2017-009-2.
2. The Commonwealth of Pennsylvania is hereby called upon to fulfill its constitutional duty and act affirmatively to protect the Commonwealth’s public natural resources by taking all actions necessary to prevent the transportation of LNG through Pennsylvania by truck or rail, and to conduct a public health and safety analysis, a quantitative risk assessment, and a comprehensive environmental review of the potential impacts to communities and the nature environment in Pennsylvania.
3. The Borough Secretary is hereby directed to submit an official copy of this Resolution with the DRBC, with copies sent to the voting members at their respective locations: The Governors of Pennsylvania, New Jersey, New York, and Delaware, and the U.S. Army Corps of Engineers.

4. The Borough Secretary is also hereby directed to submit an official copy of this Resolution to Governor Tom Wolf of Pennsylvania, with copies to Pennsylvania Senator John Blake, Pennsylvania State Representative Martin Flynn, and Pennsylvania Department of Environmental Protection Secretary Patrick McDonnell.

ATTEST:

BOROUGH OF CLARKS GREEN

/s/ Joanne Culbertson  
Joanne Culbertson  
Borough Secretary

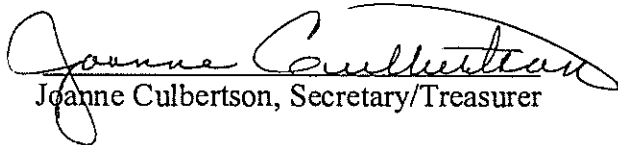
/s/ Joseph Barrasse  
Joseph Barrasse  
Council President

Approved this 16<sup>th</sup> day of  
September 2020

/s/ Kenneth McGraw  
Kenneth McGraw  
Mayor

Mr. Rinaldi informed Council that Council has just received from the Pennsylvania State Association of Boroughs information regarding Senate Bill 101. This Bill would amend the State Highway Law and require PennDOT to maintain drainage facilities on state highways noting in townships PennDOT maintains the stormwater system. Mr. Rinaldi reminded Council that the Borough had to enter into an agreement with PennDOT to extend the piping on the side of Fairview Road and agree to maintain it, stating Senate Bill 101 seeks to change the responsibility for maintaining the systems back to the State. Mr. Rinaldi stated Council should strongly communicate with Senator Blakes and Representative Flynn's office to support this Bill which would lessen the burden from the Borough. Mr. Barrasse and all of Council agreed and Mr. Rinaldi agreed to draft correspondence to our local legislators. Mr. Barrasse told Council we did not get awarded funding from the PA Small Water and Sewer Program noting they had received over \$200,000,000 in requests. Mr. Barrasse told Council it has been discussed to possibly apply for a grant to replace our backhoe. Mr. Barrasse inform Council the office is in need of replacing a printer. Several quotes have been submitted by Unified Office Equipment ranging from \$395 to \$495 for either a color or black and white printer. After a brief discussion a vote took place. Mr. Toms motioned to purchase a black and white printer with a higher toner yield per copy at the cost of \$495, seconded by Mr. Hughes. Dr. Cochran, Mr. Rinaldi, Ms. Igoe, Mr. Toms, Mr. Hughes, Mr. Williams and Mr. Barrasse voted in favor.

**MOTION FOR ADJOURNMENT:** Mr. Barrasse entertained the motion to adjourn the meeting. Mr. Hughes motioned, seconded by Dr. Cochran to adjourn the meeting at 8:24 P.M. All in attendance voted in favor.

  
Joanne Culbertson, Secretary/Treasurer

**CLARKS GREEN BOROUGH**  
**COUNCIL MEETING**  
**Agenda**  
**VIA ZOOM**

**September 16th, 2020**

1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE-** President Joe Barrasse
2. **ROLL CALL** -Secretary Joanne Culbertson
3. **MOTION TO ACCEPT MINUTES –**
4. **MAYOR's Report-** Mayor McGraw  
**Police Report-** Clarks Summit Chief Chris Yarns
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. **TREASURER'S REPORT AND BILL APPROVAL –** Mr. Hughes  
Sewer CD FNCB Renewal 09/30/20; Sidewalk repair bill \$1,275; Letter from CS Fire Co.
8. **FINANCE COMMITTEE –** Payments, & Sewer Account Delinquencies
9. **PUBLIC WORKS COMMITTEE –** Mr. Rinaldi  
Zoning Report- Mr. Parker
10. **ARWA-** Mr. Rinaldi
11. **REFUSE & RECYCLING COMMITTEE–** Ms. Igoe  
Leaf Bag distribution Sept 18th
12. **HEALTH & SAFETY COMMITTEE-** Dr. Cochran
13. **PERSONNEL COMMITTEE–** Mr. Williams
14. **BUILDING & GROUNDS COMMITTEE-** Mr. Toms  
Rite Temp Maintenance Agreement
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.