

**CLARKS GREEN BOROUGH
COUNCIL MINUTES
FEBRUARY 17, 2021**

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, Dr. Cochran, Mr. Hughes, Mr. Toms, Ms. Igoe, Mr. Williams, Mr. Barrasse, Mayor McGraw and Solicitor Weinschenk.

APPROVAL OF MINUTES: President Barrasse entertained the motion to accept the minutes of the January 20, 2021 Council meeting. Mr. Hughes motioned, seconded by Ms. Igoe. Mr. Williams, Ms. Igoe, Mr. Toms, Mr. Hughes, Dr. Cochran, Mr. Rinaldi and Mr. Barrasse voted in favor.

VISITORS: George Parker, Clarks Green Zoning Officer, Ben Freda, Abington Journal, CSPD Chief Yarns and Ryan Campbell, 111 Belmont Avenue.

PUBLIC COMMENT: Ryan Campbell, 111 Belmont Ave., addressed Council by stating he had grown up in this area and is a 2004 graduate of Abington Heights High School and a 2008 graduate of Muhlenberg College and currently practices law in Scranton at the firm of Rothenberg & Campbell. Mr. Campbell thanked Council for the opportunity in serving the community by expressing an interest in becoming a member of Clarks Green Planning Commission.

MAYOR'S REPORT: Mayor McGraw informed Council the Borough Boundary and Annexation Survey has been filed and will submit a hardcopy to the Borough's office noting there has been no changes to the boundaries. Mayor McGraw reported sketches have been submitted regarding 221 N. Abington Road property and were forwarded to Planning Commission members for their review. No meeting has been scheduled. CSPD Chief Yarns stated it was a relatively quiet month except for the disruption caused by two (2) pave cuts in the front of Clarks Green Borough dealt with UGI and PennDot trying to obtain the necessary repairs to the road. Chief Yarns told Council his Police Department still in the process of updating its policy manual Chief Yarns also informed Council, by April, the Police Department will have received body cameras noting that it will take a couple of months before they are operational. Mr. Rinaldi reported that the PAWC repaired a pave cut by the former CVS property.

OLD BUSINESS: Mr. Barrasse requested a motion to appoint Ryan Campbell, 111 Belmont Street, to serve on the Clarks Green Planning Commission for the remainder of Ms. Katie Lane's term. Dr. Cochran motioned, seconded by Mr. Rinaldi. Mr. Williams, Mr. Toms, Dr. Cochran, Mr. Hughes, Mr. Rinaldi, Ms. Igoe and Mr. Barrasse voted in favor. Mr. Barrasse stated there still is a vacancy for one of Clarks Green's three AAJRB representatives and welcomed any interests.

SOLICITOR'S REPORT: Solicitor Weinschenk told Council he had attended the SAPA virtual meeting which was held earlier this afternoon regarding the status of all nine (9) association municipalities regarding adopting the new Zoning Ordinances. Solicitor Weinschenk told Council an important aspect is, if the process is to go as scheduled, a comprehensive, revised ordinance available for view by the public by March 6th, when the forty-five (45) review period begins for the public to submit comments. Solicitor Weinschenk stated the goal is to adopt the new ordinance during the April 21, 2021 Council Meeting. A public hearing will precede the meeting. Solicitor Weinschenk reported there will be substantial changes to the current zoning ordinances. Solicitor Weinschenk told Council

a draft resolution had been distributed for their review in respect to amendment of previously approved Intergovernmental Cooperative Implementation Agreement explaining if to withdraw from SAPA or change its ordinance once it has been adopted for three years, there will be a monetary penalty of \$3,000. Solicitor Weinschenk reported all the municipalities are required to adopt the SAPA Ordinances by June 30th. Solicitor Weinschenk proceeded to read the proposed resolution. Mr. Rinaldi motioned to adopt Resolution No. 1 Of 2021 approving the Amendments to Sections 4 and 8 and adding new Sections 8A and 13 to the Scranton-Abingtons Planning Association (SAPA) Intergovernmental Cooperative Implementation Agreement dated as of October 26, 2015. Mr. Williams seconded the motion. Mr. Toms, Dr. Cochran, Ms. Igoe, Mr. Rinaldi, Mr. Hughes, Mr. Williams and Mr. Barrasse voted in favor.

RESOLUTION No. 1 OF 2021

**A RESOLUTION OF THE BOROUGH OF CLARKS GREEN,
LACKAWANNA COUNTY, PENNSYLVANIA AUTHORIZING
AN AMENDMENT TO THE
SCRANTON-ABINGTONS PLANNING ASSOCIATION (SAPA)
INTERGOVERNMENTAL COOPERATIVE IMPLEMENTATION AGREEMENT**

Whereas, the **Borough of Clarks Green** (the “**Borough**”) entered into an Intergovernmental Cooperative Implementation Agreement dated as of October 26, 2015 for implementing a multi-municipal comprehensive plan; and,

Whereas, Section 4: Adoption of Conforming Ordinances, of the Implementation Agreement required each participant to review and amend its zoning ordinance and other land use ordinances to be generally consistent with the plan within two years; and,

Whereas, the two (2) year time period to review and amend the zoning and other land use ordinances was extended for an additional two years by an amendment to the Intergovernmental Cooperative Implementation Agreement on July 19, 2017; and

Whereas, the extended period to review and amend the zoning and other land-use ordinances ended on November 20, 2019; and

Whereas, the nine (9) SAPA Participants that duly approved and subscribed to the SAPA Intergovernmental Cooperative Implementation Agreement dated October 26, 2015, are participating in a comprehensive zoning ordinance amendment process administered by Lackawanna County, through the Department of Planning and Economic Development, and have received funding from the Pennsylvania Department of Community and Economic Development and Lackawanna County for said process, and have authorized a contract with a professional planning consultant to undertake the comprehensive zoning ordinance amendment, which will end on June 30, 2021; and

Whereas, Section 14: Amendment to this Agreement, of the Implementation Agreement provides for an amendment process to the agreement; and

Whereas, the Borough hereby agrees to the following amendments to the Intergovernmental Cooperative Implementation Agreement:

1. **SECTION 4: ADOPTION OF CONFORMING ORDINANCES** is hereby revised to read as follows:

“By May 16, 2021, each Participant shall complete the review of their respective zoning ordinances, and by June 30, 2021, enact a comprehensive zoning amendment, pursuant to Sections 609 and 610 of the Pennsylvania Municipalities Planning Code, that provides for the cooperative provision of land uses among the Participants based on general consistency with the Scranton-Abingtons Multi-Municipal Comprehensive Plan.”

2. A new **SECTION 8A: AGREEMENT TO MAINTAIN ADEQUACY** to read as follows is hereby added to the agreement:

“The Participants agree to maintain a combined inventory of all lawful land uses within the geographical area of the municipalities of the SAPA Multi-Municipal Planning Region adequate to meet the current and future combined needs of these municipalities, as prescribed by the Adoption of Conforming Ordinances under Section 4, for a minimum period of three (3) years from the date of the last adopting Participant, or no later than June 30, 2021.

After the initial three (3) year period, if any Participant wishes to consider the elimination, reduction, or a significant increase on the level of restriction of a lawful land use(s) provided for in its zoning ordinance or amend the official zoning map in a manner that would eliminate, reduce, or significantly increase the level of restriction on a lawful land use(s) provided for in its zoning ordinance, written notice shall be provided to the county planning agency at least 180 days prior to consideration of said land use elimination, reduction, or increase on the level of restriction or zoning map amendment. The county planning agency shall review the adequacy of the provisions for the proposed land use(s) within the remaining municipalities and provide comments to the requesting Participant and the Land Use Advisory Committee within 60 days of receipt of said notice.

If the county planning agency determines that the elimination, reduction, or increase on the level of restriction of the lawful land use(s) or zoning map amendment will result in the combined inventory not being adequate to meet the current and future needs of the Participants, it shall provide written notice to all Participants. The Participant considering the elimination, reduction, or increase on the level of restriction or zoning map amendment shall either (1) dismiss the proposed consideration; (2) refer the issue to Dispute Resolution as provided in Section 11 of this Agreement; or (3) initiate termination of this Agreement as provided in Section 13. The county planning agency may also determine, on a case-by-case basis, that a de minimus reduction or revision does not require the formal process otherwise provided in this Section 4A.

3. **SECTION 13: EXECUTION, EFFECTIVE DATE AND TERMINATION, Subsection**

D. is revised to read as follows:

D. In the event that any Participant withdraws from this Agreement, the following shall be required:

- (1) Official written notice shall be provided to all remaining Participants and the county planning agency a minimum of one (1) year prior to termination;
- (2) All costs associated with the review, preparation, and implementation of the Participant's zoning ordinance utilizing the cooperative provision of land uses, and administered by Lackawanna County, shall be paid back to Lackawanna County based on the municipality's percentage of the total project cost for those portions of the funding provided by Lackawanna County and the Pennsylvania Department of Community and Economic Development (See Appendix A). The paid-back funds will be used to cover the cost of reviewing the Plan and amending the remaining Participants' zoning ordinances to resolve the inadequacy of the land-use cooperative provisions.

4. A new **SECTION 13A: REVIEW RELATED TO CONFORMING ORDINANCE**

is hereby added to the agreement to read as follows:

"A. This amended agreement shall be in effect for a period of five (5) years from the date of the last adopting Participant, or no later than June 30, 2026, at which time, a comprehensive review of the SAPA Multi-Municipal Comprehensive Plan and Participant zoning ordinances shall be undertaken by the Participants through the Land Use Advisory Committee."

In Witness Whereof, the Borough of Clarks Green, intending to be legally bound hereby, has caused this amendment to the Intergovernmental Cooperation Agreement to be subscribed, as of February 17, 2021.

/s/ Joseph Barrasse
Joseph Barrasse, President
Clarks Green Borough Council

ATTEST: /s/ Joanne Culbertson
Joanne Culbertson, Secretary

DATE: February 17, 2021

PUBLIC WORKS: Mr. Rinaldi motioned to accept the Municibid offer for the sale of the 2003 F350 Pickup Truck in the amount of \$13,200, seconded by Ms. Igoe. Mr. Rinaldi, Mr. Hughes, Mr. Williams, Mr. Toms, Dr. Cochran, Ms. Igoe and Mr. Barrasse voted in favor. Mr. Barrasse told Council the next truck that needs to be placed on sale is the last aging F550 dump truck. Mr. Rinaldi reported the Small Stream & Water Grant extension has been approved by PennDOT and the Borough is first on list for Sewer Specialty Services (SSS) attention once we get a break from the inclement weather.

GEORGE PARKER, ZONING OFFICER REPORT: Mr. Parker asked Council if they had any questions on his distributed monthly report. Mr. Barrasse verified if Mr. Parker is following up with the various complaints on snow removal within the Borough and if possible drive around the Borough and notify property owners of the snow removal regulations if not in compliant. Mr. Parker informed Council of a property that is getting a lot of stormwater located in Pineview Circle and the owner had asked if the Borough can help with this problem. Mr. Parker told Council himself and the Borough's engineers had investigated this situation and the engineers have submitted a report of their findings and recommendations of possible solutions. Mr. Parker informed Council a solution can be engineered however, the project will require construction involving multiple parties Mr. Parker explained an inlet will need to be replaced on the cul-de-sac's curb line and extend the pipe to a swell. Mr. Rinaldi stated that property has a stormwater water runoff history noting two thirds of the lot is designated wetlands and the curbing had been removed by the previous owner and pieces of the curb was found at the bottom edge of the property. Mr. Barrasse suggested to get some estimates for the repairs for the next Council meeting and Mr. Rinaldi stated this project can also be bid similar to the Crest Project.

ARWA: Mr. Rinaldi reported the Authority advertised for bids for a sludge hauling contract. Mr. Rinaldi explained when sanitary sewer water is treated, the water is extracted, sludge remains and the Authority contracts with a hauler to take the sludge and dump it at the landfill. The water is then released into Leggett's Creek. Mr. Rinaldi informed Council that ARWA purchased a remote access virtual private network (VPN) switch for remotely diagnosing equipment when there are problems at a cost of \$3,500.

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	\$	299,513.13
Capital Fund Money Market		106,371.81
Sewer Fund Checking		452,387.41
Sewer – FNCB CD #200278057		51,715.99
Sewer – FNCB CD #200469681		51,258.31
Sewer – Wayne Bank CD		53,047.27
State Funds Checking		<u>75,925.87</u>
Total Checking/Savings	\$	1,090,219.79

Mr. Hughes reported the General Funding checking account is up \$88,000 compared to a year ago, mainly contributable by the transfer of the General Fund Money Market account in the amount of \$35,000 and the Fall Paving Project was funded from the State Account. Mr. Hughes told Council he Capital Fund declined \$22,000 primary contributable to fact that we had purchased two (2) trucks in the amount of \$150,000. Mr. Hughes reported the Sewer Fund increased by \$104,000 compared by a year ago, contributable by transferring the Sewer Fund Money Market account in the amount of \$35,000 and other than the Crest Drive Project we had a fortunate year in terms of sewer repairs and projects. Mr. Hughes reviewed the maturity dates of the current certificate of deposits and spoke of

possible opening another one for \$50,000 with a maturity date of March 2022. Mr. Hughes presented the Budget vs. Actual comparing balances on the report to amounts from last year. Mr. Rinaldi motioned to increase the Solicitor's rate in the amount of \$150 per hour, seconded by Dr. Cochran. Dr. Cochran, Ms. Igoe, Mr. Toms, Mr. Hughes, Mr. Rinaldi, Mr. Williams and Mr. Barrasse voted in favor. Solicitor Weinschenk noted that the Solicitor's fee has not been increased for fifteen (15) years. 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. Williams, Mr. Hughes, Ms. Igoe, Mr. Rinaldi, Dr. Cochran and Mr. Barrasse voted in favor. Mr. Hughes reported \$1,862 has been collected in sewer delinquencies and stated the accounts listed in the report will be sent delinquent letters by the end of the month. Mr. Hughes reviewed the sewer charges of our neighboring municipalities compared to Clarks Green's sewer charges noting we are close to the lowest at \$142/Quarterly versus \$140 Quarterly/ South Abington Township. Mr. Hughes reported to Council the Borough received a dividend check from DGK Insurance in the amount of \$3,858.61. Mr. Hughes informed Council the 2020 Audit has started for the Borough.

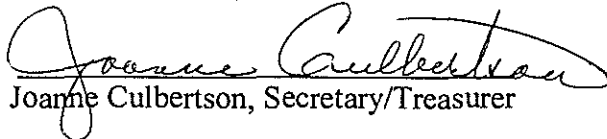
BUILDING AND GROUNDS: Mr. Toms reported everything is fine at the Borough building noting that the basement is currently being painted by the DPW crew.

REFUSE & RECYCLING: Ms. Igoe told Council she has nothing to report. Mr. Barrasse informed Council he was waiting on a list of delinquent accounts from County Waste. All of Council agreed to have the first quarter sewer billing to include messages dealing with no increase in taxes for the year of 2021 and all residential properties are responsible to make quarterly payments to the Borough's contracted refuse/recycling hauler, County Waste.

HEALTH & SAFETY: Dr. Cochran reported there is an ongoing distribution problem with the COVID vaccine partly blamed on the inclement weather and the distribution coming from the federal government. Dr. Cochran announced the good news is that there had been enough people have had received their shots and the COVID cases are going down.

PERSONNEL: Mr. Williams informed Council that he tried to sign up the Borough employees for the COVID vaccine at Weis Markets but was told they would have to schedule appointments on their own. Mr. Barrasse informed Council there will be an Executive Session to discuss personnel issue. Executive session started at 8:32 P.M. Mr. Barrasse resumed the meeting at 8:45 P.M. Mr. Williams motioned to have Dave Kohinsky to return to his normal work schedule instructed by the Personnel Committee starting February 22, 2021, seconded by Ms. Igoe. Mr. Rinaldi voted no. Ms. Igoe, Mr. Williams, Mr. Hughes, Dr. Cochran, Mr. Toms 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 8:50 P.M. All in attendance voted in favor.


Joanne Culbertson, Secretary/Treasurer

CLARKS GREEN BOROUGH
COUNCIL MEETING
Agenda
VIA ZOOM

February 17, 2021

1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE- President Joe Barrasse**
2. **ROLL CALL -Secretary Joanne Culbertson**
3. **MOTION TO ACCEPT MINUTES – January 20, 2021**
4. **PUBLIC COMMENT**
Visitors should state their name and address. Comments limited to 5 min
5. **MAYOR's Report- Mayor McGraw.**
Police Report- Clarks Summit Chief Chris Yarns
6. **Solicitor's Report- Mr. Weinschenk**
SAPA Resolution discussion
7. **PUBLIC WORKS COMMITTEE – Mr. Rinaldi**
Motion to approve sale of 2003 F350 for \$13,200
8. **Zoning Report- George Parker**
Discussion of Pineview Circle Drainage
9. **ARWA- Mr. Rinaldi**
10. **TREASURER'S REPORT AND BILL APPROVAL – Mr. Hughes**
11. **FINANCE COMMITTEE – Mr. Hughes**
12. **BUILDING & GROUNDS COMMITTEE- Mr. Toms**
13. **REFUSE & RECYCLING COMMITTEE– Ms. Igoe**
14. **HEALTH & SAFETY COMMITTEE- Dr. Cochran**
15. **PERSONNEL COMMITTEE – Mr. Williams**
Executive Session for Personnel matters.
16. **OLD BUSINESS**
Appointment to AAJRB, & Planning Commission
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.