

**CLARKS GREEN BOROUGH
COUNCIL MINUTES
MARCH 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, and Solicitor Weinschenk. Mayor McGraw joined the meeting at 7:04 P.M.

APPROVAL OF MINUTES: President Barrasse entertained the motion to accept the minutes of the February 17, 2021 Council meeting. Dr. Cochran motioned, seconded by Mr. Williams. 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 and CSPD Chief Yarns.

PUBLIC COMMENT: No public comment.

MAYOR'S REPORT: Mayor McGraw thanked the Zoning Officer, Mr. Parker for the engineer reports for the former gas station and the property development at North Abington Road. Chief Yarns stated it was a fairly quiet month and briefly reviewed the monthly report. Chief Yarns reported to Council that he had received a Grant for Aggressive Drivers and it will be starting March 18 to April 25th noting the police officers work a four (4) hour shift and receive overtime pay for this service. Chief Yarns informed Council that he had been awarded another Grant for the purchase of body cameras stating he needs to adopt a policy before the purchase along with training in usage. Mr. Parker informed Chief Yarns that a company named Natural Lawn of America will be in Clarks Green Borough distributing literature stating a peddler's permit had been issued.

SOLICITOR'S REPORT: Solicitor Weinschenk told Council the SAPA committee has created a draft of a new Zoning Ordinance, which is posted on the Borough's website including a new zoning map. Solicitor Weinschenk stated it will not be effective until all nine (9) municipalities adopt it and anticipates this happening by mid-May. Solicitor Weinschenk reported there will be a public hearing prior to the next Council meeting, Wednesday, April 21st. Solicitor Weinschenk told Council there was a new section in the proposed zoning ordinance dealing with wireless transmission facilities. The SAPA Committee questioned how effective the proposed language would be and decided to send to the Cohen Law Group to review for their expertise in this area. Solicitor Weinschenk told Council Mr. Rinaldi contacted the Cohen Law Group. In their response they stated the language did not meet current federal regulations for wireless facilities.

PUBLIC WORKS: Mr. Rinaldi reported he took part in a field survey of the streets in Clarks Green for the 2021 Paving Project. Mr. Rinaldi stated there are three (3) very bad spots where the pavement is completely broken down naming Possum Way, Rabbit Run and at the intersection of Clark Street and Armstrong Avenue. Mr. Rinaldi told Council it appears that this year the Borough will be doing more subsurface work because of these areas which will require replacing storm water piping under the road surface. Mr. Rinaldi stated he is in the process of discussing costs with the Engineers and will bring recommendations to Council. Mr. Rinaldi told Council it is his plan to attempt to proceed with the Paving Project earlier than last year. Mr. Barrasse asked if anything will be done with the Green Street driveway complaint. Mr. Rinaldi stated it is up to Council on how we should proceed beyond

the two solutions offered. Mr. Rinaldi reiterated that the engineer had two (2) alternatives but the resident's only proposed solution was to have the new pavement street milled.

GEORGE PARKER, ZONING OFFICER REPORT: Mr. Parker asked Council if they had any questions on his distributed monthly report. Mr. Parker reported that himself and Bob Naegele drafted reply letters to the persons who had submitted items to the Borough's Planning Commission noting there are items that need to be addressed before we go forward and a meeting will be needed with the Zoning Hearing Board. Mr. Barrasse asked Mr. Parker is there anything we can do to expedite the 101 N. Abington Road requests. Mr. Parker replied by stating yes, we can help but further explained we still need more information before the meetings are scheduled noting it will be better to have one (1) meeting than several. Mr. Barrasse stated he wants it to be known that Council has not held up the development of this property in anyway in shape or form since as reported in the recent newspaper article. Mr. Parker talked briefly about the 200 block of N. Abington Road development sketch plan and stated a Zoning Hearing Board will need to be scheduled. Mr. Parker presented the estimate of \$11,915 for modifying the storm drains and after the ten (10) percent construction fee total cost will be \$13,106 for the issue at Pineview Circle.

ARWA: Mr. Rinaldi reported the Authority advertised for bids for a sludge hauling contract and the low bidder was Waste Management at a cost of \$254.99 per twenty (20) cubic yards noting it has not changed in price since the last bid. Mr. Rinaldi informed Council two (2) employees have completed that NASCO Pipeline Assessment certifications used for manning the ARWA's camera system and Mike Fenick, engineer at Colwell-Naegele also received certification and also noted Bob Naegele had his certification which can be used for rating underground pipes. Mr. Rinaldi told Council Sandvik Materials Technology has started a new process (acid base pre-treatment) which has created additional waste. Mr. Rinaldi reported the waste loading is well within the range that ARWA can handle.

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	\$	342,297.22
Capital Fund Money Market		106,379.97
Sewer Fund Checking		389,009.87
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>75,931.69</u>
Total Checking/Savings	\$	1,069,640.32

Mr. Hughes reported the Sewer Fund Checking account declined by \$63,000 due to paying the quarterly assessment to ARWA in the month of February noting the balance of that account is at \$389,009. Mr. Hughes asked for Council's approval to open another certificate of deposit in the amount of \$50,000 and funds will be taken out of the Sewer Fund Checking account. Mr. Hughes explained this certificate of deposit along with the other certificate of deposits will give Council \$200,000 toward the estimated costs of their two (2) storm water projects totaling \$250,000. Mr. Hughes informed Council on March 1st the Borough has received \$45,903.90 in Liquid Fuels noting it has not been reflected in the February reports. Mr. Hughes presented the Budget vs. Actual comparing balances on the report to amounts from last year. Mr. Hughes told Council the largest variance under revenues is \$4,000. Mr. Hughes told Council for the past several months he informed Council that we will be receiving a dividend check from DGK Insurance and stated once the check had arrived we would draft a Thank You note for including us. Mr. Hughes stated there was no objection from Council and recently, after a copy of the letter was sent to all of Council, Mr. Rinaldi replied stating

“is this a joke.” Mr. Hughes stated when someone gives you a gift send them a note and thank them. Especially, under this circumstance, maybe next year we can be part of the group who would receive another dividend from DGK Insurance. Mr. Hughes told Council the total revenue for the two (2) months is plus \$35,000 compared to a year ago and expenses are \$1,000 less. Mr. Hughes stated last year the net income for the two (2) months was negative \$44,327 and this year it’s a plus in the amount of \$7,208. With no questions from Council Mr. Hughes motioned, seconded by Dr. Cochran to accept the Treasurer’s report and ratify the payment of the bills. Mr. Toms, Mr. Hughes, Mr. Williams, Ms. Igoe, Mr. Rinaldi, Dr. Cochran and Mr. Barrasse voted in favor. Mr. Rinaldi addressed Council on the comment from Mr. Hughes. Mr. Rinaldi stated a rebate when put in a group is not a gift characterizing it as a gift is a misnomer. Mr. Hughes told Council approximately \$1,000 has been collected in sewer delinquencies. Mr. Hughes stated a request from Andrea Pastore has been submitted for the removal of the penalty and interest that had been placed on her sewer account. Mr. Hughes explained a check was sent but never cashed noting they are never late with sewer payments. Mr. Hughes motioned to remove the penalty and interest from sewer account #0157, seconded by Mr. Williams. Mr. Rinaldi, Ms. Igoe, Mr. Williams, Mr. Hughes, Dr. Cochran, Mr. Toms and Mr. Barrasse voted in favor. Mr. Hughes motioned to open a \$50,000 sewer certificate of deposit and the term 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.

BUILDING AND GROUNDS: Mr. Toms reported that the basement is currently being painted by the DPW crew. Mr. Toms expressed his feelings concerning the ZOOM meetings stating he can hear people in the background and cannot hear what anyone is saying. Mr. Toms stated he is ready to have in-person meetings at the Borough building. Mr. Toms told Council he would like to put this in form of a motion. Mr. Barrasse told Mr. Toms there will not be a motion explaining any motions need to be put on the agenda then proceeded to state it is actually going to become state law. Mr. Barrasse offered to put it on the agenda for next month’s meeting. Mr. Rinaldi stated that law died last year and will not be enacted. Mr. Toms asked about the feelings of other members on Council on this issue. Ms. Igoe agreed with Mr. Toms. Mr. Barrasse told Council we can continue this discussion under New Business. Solicitor Weinschenk addressed Council concerning the upcoming April meeting stating Lackawanna County will be advertising the April public hearing will be virtual urging Council to adhere to the schedule for April. Mr. Rinaldi stated the deadline for the advertisement from Lackawanna County is tomorrow, March 18th. Mr. Rinaldi asked if the front yard of the Borough building replanted with grass since it is a mess after UGI installed a new service line to the building. Mr. Barrasse questioned whether or not if it is the gas company’s responsibility. Mr. Rinaldi stated yes, that would be there responsibility but since the time it would take chasing them without knowing if it will ever be corrected, it is easier to throw some grass seed down.

REFUSE & RECYCLING: Ms. Igoe reported she still has not received the delinquent list from County Waste. She informed Council that she had noticed that some residents had received garbage cans with GFL logo.

HEALTH & SAFETY: Dr. Cochran reported the new fire contract with Clarks Summit Fire Co. has been circulated for everyone’s review. Dr. Cochran stated we’re under a one (1) year contract instead of a three (3) year contract and the new contract will be for two (2) years ending December 31, 2022 at the same rate as last year. Mr. Barrasse stated it was delightful that the Clarks Summit Fire Co. kept the same rate noting Clarks Green also gave them a donation last year and thinks this contract is favorable for Clarks Green. Mr. Barrasse mentioned I certainly pray and hope it is fair to Clarks Summit as well. Mr. Rinaldi had a question directed to Solicitor Weinschenk concerning the language of the contract concerning whether the assessment was the same as the previous contract. Solicitor Weinschenk confirmed it was the same language.

RESOLUTION No. 2 of 2021

**Borough of Clarks Green
Lackawanna County, Pennsylvania**

**A RESOLUTION APPROVING A FIRE PROTECTION AGREEMENT
FOR THE BOROUGH**

WHEREAS, Section 1202(35) of the Borough Code (8. Pa. C.S.A. § 101, et seq.) provides that the Borough may enter into contracts for the purpose of providing fire protection services for the Borough; and

WHEREAS, the Borough desires to designate THE CLARKS SUMMIT FIRE COMPANY NO. 1, INC. to provide fire protection services to the Borough and its residents; and

WHEREAS, The Clarks Summit Fire Company No. 1, Inc. is equipped to furnish reasonable fire protection services to the Borough and its residents.

NOW THEREFORE, BE IT RESOLVED, that the Clarks Green Borough Council hereby approves the Borough entering into a Fire Protection Agreement with The Clarks Summit Fire Company No. 1, Inc., substantially in the form attached to this Resolution for a two (2) year period beginning on January 1, 2021 and ending on December 31, 2022.

BE IT FURTHER RESOLVED, that the President of Borough Council and the Borough Secretary are hereby authorized to execute a Fire Protection Agreement with The Clarks Summit Fire Company No. 1 Inc., substantially in the form attached to this Resolution.

THIS RESOLUTION is adopted by the Clarks Green Borough Council this 17th day of March, 2021.

ATTEST:

BOROUGH OF CLARKS GREEN

/s/ Joanne Culbertson
Joanne Culbertson, Secretary

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

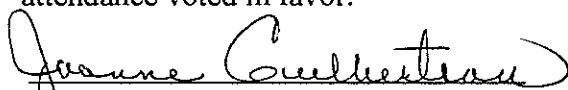
Dr. Cochran motioned to adopt Resolution No. 2 of 2021 approving the Fire Protection Agreement for the Borough with the Clarks Summit Fire Company, seconded by Mr. Rinaldi. Mr. Williams, Mr. Rinaldi, Ms. Igoe, Mr. Hughes, Mr. Toms, Dr. Cochran and Mr. Barrasse voted in favor. Mr. Rinaldi also question why the Clarks Summit Fire Co. has not attended a meeting to address several issues. Dr. Cochran stated he is not sure why noting the previous contract stated they would attend at least (2) meetings.

PERSONNEL: Mr. Williams reported it was a quiet month and that one (1) employee will be receiving their first dose of the COVID vaccine this Friday.

OLD BUSINESS: Mr. Barrasse stated there still is a vacancy for one of Clarks Green's three AAJRB representatives and welcomed any interests.

NEW BUSINESS: Solicitor Weinschenk briefly reviewed the provisions of the proposed SAPA Zoning Ordinance regarding Wireless Transmission Facilities and the Borough's SAPA Committee is recommending engaging the Cohen Law firm to assist the Borough with drafting a the wireless facilities section of Zoning Ordinance. Solicitor Weinschenk stated the previously proposed provisions do not comply with federal law and perhaps may lead the Borough to be exposed to some risks. Mr. Barrasse entertained a motion to hire the Cohen Law Group stating the new SAPA Zoning Ordinance in regard to the Wireless Communication Facilities does not provide and are limited to provide adequate protection for the Borough nor complies with federal law. Mr. Rinaldi added it also does not contain design standards that needs to be tailored to the municipality noting otherwise telecommunication companies construct whatever they want. Mr. Rinaldi stated the proposed fee is approximately \$4,800. Mr. Williams expressed concerns about the cost Mr. Hughes stated in his opinion the request was due to a false sense of urgency in regard to Mr. Rinaldi's email and Mr. Rinaldi wanted to just go sign a contract. Solicitor Weinschenk briefly reviewed with Council, at the request of Mr. Rinaldi, the meaning of polling. Solicitor Weinschenk explained the Committee felt providing the new language as soon as possible to the public would be better than a last minute change before the public hearing. Mr. Rinaldi motioned to accept the Cohen Law Group proposal in addressing the Small Wireless Communications Facilities in the new Zoning Ordinance provided and prepared in conjunction with the SAPA, seconded by Ms. Igoe. Mr. Williams, Mr. Rinaldi, Ms. Igoe, Mr. Toms, Dr. Cochran and Mr. Barrasse voted in favor. Mr. Hughes voted no. Mr. Barrasse told Council there has been some discussions about returning to have meetings in person but feels Council should return as soon as it is safe. Mr. Barrasse suggested if we do return back to the Borough building, Council should also consider having the meeting still on ZOOM. Mr. Rinaldi told Mr. Barrasse his concern is not about the Council meetings but the upcoming public hearing meeting it is difficult by using Zoom noting the SAPA ad will not be running until next week and the deadline is tomorrow. Solicitor Weinschenk stated the first advertisement will run on March 18th with tomorrow being the deadline. Mr. Barrasse asked the Solicitor for his recommendation. Solicitor Weinschenk stated to leave the meeting virtual. Dr. Cochran feels we need to continue to do meetings virtual and it is a potential health problem noting people are still dying from this virus and people also have not been vaccinated. Mr. Hughes stated he agrees with Dr. Cochran. Mr. Williams stated he does not feel quite safe yet.

MOTION FOR ADJOURNMENT: Mr. Barrasse entertained the motion to adjourn the meeting. Mr. Hughes motioned, seconded by Dr. Cochran to adjourn the meeting at 8:40 P.M. All in attendance voted in favor.


Joanne Culbertson, Secretary/Treasurer

CLARKS GREEN BOROUGH
COUNCIL MEETING
Agenda
VIA ZOOM

March 17, 2021

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE- President Joe Barrasse
2. ROLL CALL -Secretary Joanne Culbertson
3. MOTION TO ACCEPT MINUTES –
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
8. Zoning Report- George Parker
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
New Sewer CD \$50K; Waiver of sewer late fee & penalty.
13. REFUSE & RECYCLING COMMITTEE– Ms. Igoe
14. HEALTH & SAFETY COMMITTEE- Dr. Cochran
15. PERSONNEL COMMITTEE – Mr. Williams
16. OLD BUSINESS
Appointment to AAJRB,
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.