

**CLARKS GREEN BOROUGH  
COUNCIL MINUTES  
AUGUST 18, 2021**

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

**ABSENT:** Dr. Cochran.

**APPROVAL OF MINUTES:** President Barrasse entertained the motion to accept the minutes of the July 21, 2021 Council meeting. Ms. Igoe motioned, seconded by Mr. Hughes. Mr. Williams, Ms. Igoe, Mr. Toms, Mr. Hughes, Mr. Rinaldi and Mr. Barrasse voted in favor.

**VISITORS:** Ben Freda, Abington Journal, CSPD Officer Gibbons, Craig Golden, 321 Crest Drive and via ZOOM, Courtney Wanchisen, 235 N. Abington Road.

**PUBLIC COMMENT:** Craig Golden, 321 Crest Drive stated he came to the meeting tonight to find out what decision was made concerning his culvert issue noting it was presented to Council last month and requested a list of homes that have the same type of pipe issues.

**MAYOR'S REPORT:** Mayor McGraw told Council there is a lot of progress taking place relating to the property at 101 N. Abington Road. CSPD Officer Gibbons presented the monthly police report noting they are still receiving unemployment false complaints. Officer Gibbons told Council the Aggressive Driving Program has been extended to September.

**SOLICITOR'S REPORT:** Solicitor Weinschenk told Council he had nothing specific to report.

**PUBLIC WORKS:** Mr. Rinaldi reported he has received a proposal from Auto Artist, located in Factoryville, to do lettering on the two (2) new Borough trucks, F-350 and the F-550 at the cost of \$250 per truck. Mr. Rinaldi motioned to approve the proposal from Auto Artist in the amount of \$500, seconded by Mr. Hughes. Mr. Rinaldi, Mr. Hughes, Mr. Williams, Mr. Toms, Ms. Igoe and Mr. Barrasse voted in favor. Mr. Rinaldi reported to Council American Asphalt has begun mobilizing the Paving Project by placing markings on Possum Way and the intersection of Evans Street and Armstrong Avenue noting the replacement of piping, catch basins and the restoration of the curbs at Possum Way will be the start of the Project. Mr. Rinaldi told Council after milling, they will examine the base to determine repairs and then proceed to pave the roads. Mr. Hughes asked about the progress on placing the other truck on the Munic-bid website. Mr. Rinaldi stated he was not sure but will check on it. Mr. Barrasse added the month of September would be a good time to list the plow truck with the upcoming snow season approaching. Mr. Williams asked Mr. Rinaldi if he can check on the slab area of sidewalk located at Tedrick St. and Hall Ave. that was previously brought up at an earlier meeting noting a resident had contacted him. Mr. Rinaldi stated he will make arrangements to investigate the request and noted will put forth the possibilities to Council.

**ZONING REPORT:** Mr. Parker asked Council if they had any questions on his distributed monthly report. Mr. Parker reported on three (3) issues regarding stormwater runoff. The first issue was a cul-de-sac, 103 Pineview Circle where water is flowing into the owner's driveway from an inlet which is

causing him damage to his yard and foundation. Mr. Parker told Council the Borough engineer performed a study and determined a solution at an engineer's estimate of \$13,106 which an additional catch basin would be installed. Mr. Parker questioned whether or not this would be a Borough issue. Mr. Barrasse stated he consulted with Solicitor Weinschenk claiming it was a Borough issue noting the water is coming from a Borough's street. A brief discussion took place discussing the issue and what action needs to take place. Mr. Rinaldi noted this area will be paved in the next couple of years and the former owner of the property removed the curbing creating the original water flow problem. Mr. Barrasse told Council we should get three (3) bids for proposed solution which the Borough engineers will arrange. Ms. Igoe motioned to authorize the Borough engineers to get three (3) bid proposals for the installment of the additional catch basin at 103 Pineview Circle, seconded by Mr. Toms. Mr. Williams, Mr. Toms, Mr. Hughes, Ms. Igoe and Mr. Barrasse voted in favor. Mr. Rinaldi voted no. Mr. Parker told Council the second issue is a drainage situation in the vicinity of 321 Crest Drive and noted the stormwater system of that development was never dedicated to the Borough. Solicitor Weinschenk told Council there were no easements granted either by the developer or any property owners that would obligate the Borough. Solicitor Weinschenk stated the Borough had no responsibility to maintain, repair or replace the swales or underground pipe in that area. Solicitor Weinschenk explained the Borough placed a culvert under Gordon Drive because it was a public road. Mr. Parker presented the third issue a stormwater drainage situation at 200 Squirrel Run the back of the property is deluged with water, flowing from Fairview Road along the rear line of the development. Mr. Parker told Council he would have to investigate this further. Mr. Rinaldi had a few questions noting that Mr. Parker was the Zoning Officer and Code Enforcement Officer for the Borough of Clarks Green. Mr. Rinaldi asked if either of those job descriptions there was any mention involvement with stormwater issues. Mr. Parker stated they do in the sense of new residential developments. Mr. Rinaldi stated this development has been there since the 1980's. Mr. Rinaldi questioned why he got involve with the stormwater issue since two years ago this same involvement was raised as not part of his responsibilities. Mr. Parker stated he was called by the owner and Mr. Rinaldi wanted to know if he forwarded the complaint to Borough engineers noting they are responsible. Mr. Parker had not and stated he believed Council had authorized him to get involved. Mr. Rinaldi stated it seems this year the Borough is getting a lot more stormwater complaints and told Mr. Parker last month the area received in excess of eight (8) inches of rain. Regarding the property located on Squirrel Run the owner indicated South Abington Township did some work on their stormwater system. Mr. Rinaldi asked Mr. Parker "what is your plan asking "are you collecting all this information and then go to the engineers?". Mr. Rinaldi stated the complaint should have been sent to the Borough engineers instead of the zoning and code enforcement officer doing the Borough Engineer's work. Mr. Hughes stated the Borough Council asked him to meet with these residents and investigate the issues. Mr. Rinaldi stated he does not remember voting on this at a Council meeting and there is nothing in the previous Council minutes. Mr. Rinaldi told Council he is trying to prevent using Borough funds from spending money in two (2) places for the same thing noting we have job descriptions and Mr. Parker is becoming involved in issues outside of his scope of what he was appointed to do. A discussion came up about the Shade Tree Permits especially the permit for property 221 N. Abington Road and whether Mr. Parker's duties had authority in approving the tree permits. Secretary Culbertson told Council the Shade Tree Permit was signed by a Shade Tree member and the Solicitor told her that it should have been signed by Mr. Parker. A brief discussion took place concerning Shade Tree permits by Solicitor Weinschenk and several Council members. Solicitor Weinschenk stated "Street Trees" are trees on public land or any public right-of-way and "Personal Trees" are those trees on private property.

**ARWA:** Mr. Rinaldi talked about the recent rainfalls stating the typical July rainfall for this area is two (2) inches and this year it has been eight (8) inches noting the ARWA treatment plant has had six (6) high flow events with a peak of 19.2 million gallons per day which is under the maximum capacity. Mr. Rinaldi told Council the Authority in renewing its permit is required to do wet testing at

a cost of \$2,950. Mr. Rinaldi reported Casey Monagan, an engineer from South Abington Township is a new member of ARWA, replacing Bob Kelly who recently resigned from the Board.

**HEALTH & SAFETY:** No report. Mr. Hughes told Council he had some comments he would like to make at the September Council meeting.

**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	\$	533,415.43
Capital Fund Money Market		106,411.73
Sewer Fund Checking		414,883.56
Sewer – FNCB CD #200278057		76,897.02
Sewer – FNCB CD #200469681		51,258.31
Sewer – Wayne Bank CD #80021603		53,047.27
Sewer – Wayne Bank CD #80044088		50,000.00
State Funds Checking		<u>121,887.00</u>
Total Checking/Savings	\$	1,407,800.32

Mr. Hughes reviewed the Budget vs. Actual report. Mr. Hughes reported to Council the first half of the American Rescue Plan Fund has been received in the amount of \$72,954.44 has been put into a new account called ARPA 2021. Mr. Hughes told Council the total income is up by \$101,000 and total expenses are down by \$42,000. 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, Mr. Hughes, Mr. Williams, Ms. Igoe, Mr. Rinaldi, and Mr. Barrasse voted in favor. Mr. Hughes reported the FWLA 2020 report has been filed. Mr. Hughes suggested to Council to establish a separate checking account for the American Rescue Plan Funds so when we disburse those funds we have a trail as to the receipts of the money and the disbursement of the money. Mr. Hughes told Council he had talked with NBT Bank an account can be setup with a minimum balance of \$1,000 with an interest rate of 0.01%. Mr. Hughes motioned to authorize the establishment of an account at NBT Bank in the name of Clarks Green Borough American Recovery Plan in the amount of \$72,954.44, seconded by Ms. Igoe. Council had questions concerning the how expenses will be recorded. The motion on the floor was amended by Mr. Hughes to authorize the establishment of an account at NBT Bank in the name of Clarks Green Borough American Recovery Plan in the amount of \$72,954.44 after the review with the auditors, seconded by Ms. Igoe. Mr. Williams, Mr. Toms, Mr. Hughes, Mr. Rinaldi, Ms. Igoe and Mr. Barrasse voted in favor.

**BUILDING AND GROUNDS:** Mr. Toms told Council he did not have anything specific to report noting grass is being cut and maintenance of the building is being done with the possibility of some fall painting.

**REFUSE & RECYCLING:** Ms. Igoe stated she needs to know if we will be purchasing leaf bags for 2021. Ms. Igoe reported she is still having difficulty in contacting County Waste noting no one has been calling her back. Ms. Igoe asked Solicitor Weinschenk if he could contact them and let them know they are not adhering to the contract. Mr. Rinaldi suggested even if he would ask them to attend a meeting so we can discuss the problems. Solicitor Weinschenk told Council he will send a letter. Mr. Barrasse told Council we had discussed the possibility of re-bidding the refuse contract reminding them of the timeline noting a decision must be made by the end of December 2021 notifying our current provider. Mr. Barrasse stated the bidding process would need to start in August and September. Mr. Barrasse told Council some of our residents do not understand the purpose of the distributed leaf bags and for years our DPW crew would pick up the filled leaf bags daily and recycle

them but now that is not happening stating County Waste is picking them up now. Mr. Barrasse explained the residents are placing the bags at the curb on a Monday and County Waste picks up on a Friday allowing bags to get wet and breakdown if we get rain during the week. Mr. Barrasse stated he is not even sure if County Waste wants us to place the leaves in paper bags versus the trash can. Mr. Rinaldi told Council if the DPW crew started picking them up again we would have to police what is in the leaf bags since the recycling center will reject the load. Mr. Rinaldi told Council contractually County Waste has to pick up the leaf bags even if they do not like the idea and reminded Council our residents are accustomed to receiving leaf bags and would not agree in discontinuing the distribution of leaf bags. Mr. Hughes told Council last year the DPW crew was paid overtime on the weekend for the distribution of leaf bags and will not support paying overtime this year. Ms. Igoe stated that was un-necessary. Mr. Rinaldi stated for many years Council members delivered them with the help of various volunteers and last year due to COVID this did not happen. Mr. Rinaldi stated last year he delivered his neighborhood and assisted Mr. Williams in his neighborhood. Mr. Barrasse restated that the filled leaf bags are not getting recycled by County Waste noting it is still the pleasure of Council. Another discussion took place about the possibility of re-bidding the refuse/recycling contract again and Mr. Rinaldi stated if we wait until the end of the year there is a possibility it will be new Council that will have to deal with this. Solicitor Weinschenk stated if we start the process of re-bidding now and if there is a bid acceptable we can terminate the current contract by the end of the 2021 year before the new Council. Mr. Rinaldi stated he did not think doing business in this manner reflected well on the Borough. Mr. Rinaldi questioned if any work has been done on the County Waste Customer list that was provided listing the property addresses of residents of Clarks Green with accounts. Ms. Igoe stated the list was not accurate and asked for two (2) new lists one with delinquent accounts and the list with all accounts. Ms. Igoe told Council she has not received the requested lists. Mr. Barrasse told Council the existing refuse/recycling Ordinance has no teeth. Mr. Barrasse explained even if we can identify the residents that are not utilizing the contracted services from County Waste we cannot do anything but send them a warning letter. Mr. Barrasse suggested Council should adopt a fine. Ms. Igoe motioned to purchase leaf bags for the distribution to Clarks Green residents to be delivered by Council while state roads will be delivered by the DPW and the residents will be informed to place bags out on Thursday night for a Friday pickup, seconded by Hughes. Mr. Rinaldi, Mr. Hughes, Mr. Williams, Ms. Igoe, Mr. Toms and Mr. Barrasse voted in favor.

**PERSONNEL:** Mr. Williams reported the new DPW employee, Ralph Arcuri started on Monday, August 9th. Mr. Williams told Council approximately October 2016 Blue Shield/Blue Cross insurance was switch over to Highmark changing the Borough's insurance coverage from the hire date to the ninety (90) day probation period to which then he would get coverage. Mr. Williams stated November 7, 2021 will be the date Ralph will be eligible for insurance coverage. Mr. Williams explained when he was hired the Personnel Committee told him insurance coverage would start on his hire date. Mr. Rinaldi mentioned the change in coverage was not discussed by Council. After, reviewing different insurance coverage cost possibilities his wife can add him onto her insurance coverage for three (3) months at a cost of \$915.71 and then switch to the Borough's insurance policy. Mr. Williams motioned to authorize the reimbursement to Ralph Arcuri in the amount of \$915.71 spread over three (3) months for insurance coverage until November 7, 2021, seconded by Mr. Hughes. Mr. Williams, Mr. Rinaldi, Ms. Igoe Mr. Hughes, Mr. Toms and Mr. Barrasse voted in favor. Mr. Rinaldi told Council he is not sure how the switch in insurance coverage happened since it had never come before Council and noted he is not part of the Personnel Committee but this recent hire he was involved due to open DPW position for which he is Chair. Mr. Williams told Council there is a way to make a change to the insurance coverage and he will be working on this amendment.

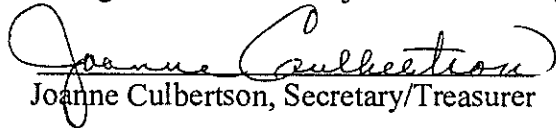
**OLD BUSINESS:** Mr. Rinaldi discussed the recent email that he and Council received from Solicitor Weinschenk, August 12 concerning the FMLA for one (1) of the employees in the Borough. Mr. Rinaldi proceeded to highlight the email details. Mr. Rinaldi told Council he had two (2) questions. Mr. Rinaldi asked how is it you are trying to modify the employee's FMLA benefits when the

modification was not part of the motion and discussed publicly and does it apply to all employees asking "is it a blanket policy for all or for just this (1) employee?". Several members of Council and Solicitor Weinschenk stated it is a blanket policy. Mr. Rinaldi told Council he had listen to minutes on the tape and no conditions were in the record of the meeting nor does it imply that it applies to anyone other than one specific employee.

**EXECUTIVE SESSION:** Mr. Barrasse announced Council will be entering in an executive session at 8:45 P.M. Executive session ended at 6:56 P.M.

**NEW BUSINESS:** Mr. Williams motioned to authorize Clarks Green Borough retain the services of a private investigator to investigate a personnel matter at a cost not to exceed \$2,500, seconded by Mr. Hughes. Mr. Rinaldi asked what is the basis of the motion, why is it necessary. Mr. Barrasse stated there is personnel matter that needs to be addressed. Mr. Rinaldi asked if Council was accusing an employee of violating the law. Mr. Toms, Ms. Igoe, Mr. Hughes, Mr. Williams and Mr. Barrasse voted yes. Mr. Rinaldi voted no. Mr. Hughes talked briefly about insurance coverage based on an employee's usage of medical marijuana.

**MOTION FOR ADJOURNMENT:** Mr. Barrasse entertained the motion to adjourn the meeting. Ms. Igoe motioned to adjourn the meeting at 9:02 P.M. All in attendance voted in favor.

  
Joanne Culbertson, Secretary/Treasurer

**CLARKS GREEN BOROUGH**  
**COUNCIL MEETING**  
**Agenda**  
**August 18, 2021**

1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE-** President Joe Barrasse
2. **ROLL CALL** -Secretary Joanne Culbertson
3. **MOTION TO ACCEPT MINUTES** – July 21, August 4, 2021 minutes.
4. **PUBLIC COMMENT**  
Visitors should approach the podium and 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-** Al Weinschenk
7. **PUBLIC WORKS COMMITTEE** – Mr. Rinaldi  
Auto Artist proposal for truck lettering on (2) Borough's Trucks
8. **ZONING REPORT** - George Parker  
Storm Water Issues
9. **ARWA-** Mr. Rinaldi
10. **TREASURER'S REPORT AND BILL APPROVAL** – Mr. Hughes
11. **FINANCE COMMITTEE** – Mr. Hughes  
Segregated NBT Bank Actg for Pandemic Funds
12. **BUILDING & GROUNDS** – Mr. Toms
13. **REFUSE & RECYCLING COMMITTEE**– Ms. Igoe
14. **PERSONNEL COMMITTEE**– Mr. Williams  
DPW Health Coverage, Executive session for personnel issues
15. **HEALTH AND SAFETY COMMITTEE** - Dr. Cochran  
Police Contract
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.