

**CLARKS GREEN BOROUGH
COUNCIL MINUTES
OCTOBER 20, 2021**

CALL TO ORDER: President Barrasse called the meeting of the Clarks Green Council to order at 7:02 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

MAYOR'S REPORT: Mayor McGraw reported on the 101 N. Abington Road property stating the pad will be possibly poured this week and more contaminated soil will need to be taken away from the construction site. Chief Yarns encouraged the Borough residents to lock their cars stating only one (1) car break in incident occurred in Clarks Green but Clarks Summit had more and the break ins were to unlock cars. Chief Yarns told Council the body cameras still have not arrived along with the new patrol cars.

VISITORS: Craig Golden, 321 Crest Drive, Valerie Cerra, ZOOM Expert from Lesson aLIVE, Jeff Beggin, Five Star Equipment, Ryan Mitvalsky, Medico Construction Equipment, Tim Hill, Tony Madera, 616 Glenburn Road, Olga Trushina and Rick Williams, Shade Tree Commission and Don Melia, 200 Squirrel Run.

PUBLIC COMMENT: Craig Golden, 321 Crest Drive, addressed Council with a letter in response to a letter dated September 10, 2021 from the Solicitor of the Borough in regard to his request to repair the stormwater drainage pipe on his property. In which, Solicitor Weinschenk stated financial and legal constraints prohibit the Borough from dealing with stormwater issues on private property. Mr. Golden asked Council to take ownership of the pipe and commit to replacing it. Mr. Golden told Council he will send the letter to all members of Council, Mayor McGraw and Solicitor Weinschenk. Olga Trushina, Shade Tree Commission updated Council on the Shade Tree Commission transition of Chair is going smoothly with her team members. Ms. Trushina told Council the fall trees have been ordered, permits have been issued for the removal of trees and she is using the social media to bring about awareness of the Shade Tree Commission noting a Facebook page has been created. Rick Williams, Shade Tree Commission addressed Council stating the County Commissioners met at the Clarks Summit Borough and he attended the meeting informing them the ACOG (Council of Governments) needs to meet the beginning of January 2022 and beg them for their support in the relaunch as well as Borough Council. Mr. Williams told Council municipalities should be cooperating with one another and there are so many things we should be sharing with one another such as equipment even personnel and ideas. Mr. Williams reported to Council the State Association of Boroughs has sent an invoice for membership and currently holding for approval for payment. Don Melia, 200 Squirrel Run, addressed Council on the stormwater drain that is being fed from South Abington Township on Squirrel Run asking if there has been any progress made in understanding how we can work to find the solution. Mr. Barrasse stated our Borough engineer, Bob Naegele will be discussing these stormwater issues tonight. Mr. Naegele addressed Council stating he had the opportunity to walk the corridor with Councilmen Barrasse and Hughes along with the Zoning officer, Mr. Parker. Mr. Naegele stated after the various types of research the findings show a lot of stormwater is there and it comes from the adjacent development of Mountain Meadows, South Abington Township. Mr. Naegele provided a visual map and explained its markings and how the

water is discharged along with various easements. Mr. Naegele talked about maintenance concerns such as access since some properties have matured trees, landscaping, fences and pools even though the Borough has easements residents will not be happy if we go onto the properties with an excavator taking down there trees, pools and fences. Mr. Naegele told Council this will need a bigger global conversation with South Abington Township before a solution can be presented. Mr. Barrasse told Council his observations from walking the corridor and felt South Abington Township could have had the stormwater flow to Pheasant Run to eliminate the runoff to Clarks Green. Solicitor Weinschenk stated it needs to be a global resolution between South Abington Township and Clarks Green. Solicitor Weinschenk stated years ago there was another similar situation and nothing happened but felt maybe there was some conflict since we both shared the same engineers. Mr. Rinaldi shared to the screen a base map showing the ditches and houses on Rabbit Run that are affected with stormwater issues. Mr. Rinaldi asked Solicitor Weinschenk if the Borough took ownership of Green Hills Phase I and II stormwater management system. Solicitor Weinschenk stated it was dedicated to the Borough and the Borough accepted it. Mr. Rinaldi talked about the house behind him and the differences that exist in the development in regard to ditches and pipes. Mr. Rinaldi told Council he is not sure how this will impact what Mr. Golden has reported to Council if in fact the Borough is responsible for the ditch system in Green Hills in fairness wouldn't we do the same for Mr. Golden.

APPROVAL OF MINUTES: President Barrasse entertained the motion to accept the minutes of the September 15, 2021 Council meeting. Mr. Rinaldi motioned, seconded by Mr. Williams. Mr. Williams, Ms. Igoe, Mr. Hughes, Mr. Rinaldi and Mr. Barrasse voted in favor. Mr. Toms was muted.

MOTIONS: Consider approval the bid for the repair of the Stormwater System Pineview Circle. Mr. Naegele told Council a sketch plan has been put together to complete the drainage project and solicited for bids. The bids are as follows: American Asphalt \$24,750, Buranich Excavating \$18,900 and MHW Construction \$21,650. Mr. Rinaldi presented to Council a base map that had been prepared by the Borough engineers. Mr. Rinaldi questioned the design describing new inlets and various new piping connecting to existing piping stating he has concerns since the new piping will be going through wetlands. Mr. Naegele stated he does not believe there is wetlands but most definitely can check. Mr. Naegele stated if wetlands exist we will definitely have a different situation noting we would need a DEP permit. Mr. Rinaldi asked Solicitor Weinschenk if the Phase III section of Green Hills if Mr. Scantzios, original developer sold this section to another developer and was the stormwater system dedicated to the Borough. Solicitor Weinschenk stated PV Realty and Jim Scantzios did land swap on some lots in that section but does not know the particulars at this time. Solicitor Weinschenk told Mr. Rinaldi he can check the deeds of dedication and easements. Mr. Barrasse asked Mr. Rinaldi if he will make a motion for the repair of the Stormwater system Pineview Circle and Mr. Rinaldi stated no noting you know the history of this project and Council always felt it was a private property issue. Mr. Rinaldi stated he would also like answers to his questions. Mr. Barrasse entertained a motion to approve the additional contribution of \$1,000 to the Shade Tree Commission. Ms. Igoe motioned, seconded by Mr. Hughes to approve the additional contribution of \$1,000 to the Shade Tree Commission. Ms. Igoe, Mr. Rinaldi, Mr. Williams, Mr. Hughes and Mr. Barrasse voted in favor. Mr. Toms was muted. Mr. Barrasse asked Mr. Hughes to speak on behalf of the Borough's Safety Plan. Mr. Hughes stated he had talked with Mr. Kyle from DGK Insurance in regard to question would we be denied coverage in insurance if a violation occurred. Mr. Hughes stated Mr. Kyle said, "absolutely not" there is nothing in our insurance policy which would allow or permit a denial of coverage if we were not following our adopted Safety Plan. Mr. Hughes motioned to adopt the Clarks Green Safety Plan, seconded by Mr. Williams. Mr. Rinaldi had a question concerning the fact the Safety Plan requires a Council member to police it noting the Council members are not at the Borough building every day. Mr. Hughes stated the DPW Foreman is responsible for the aspects of the plan and the Chair of the Public Works Committee would be the oversight of the foreman. Mr. Williams, Mr. Hughes, Mr. Barrasse voted yes. Mr. Igoe and Mr. Rinaldi voted no. Mr. Toms was muted. Mr. Hughes stated he will notify DGK Insurance the Safety Plan has been approved. Solicitor Weinschenk

told Council in a point of order I don't know if we count Mr. Toms in purposes of quorum. Solicitor Weinschenk told Council he is really not participating we cannot hear him. Solicitor Weinschenk explained a quorum does exist since there are five (5) Council members attending. Mr. Toms resumed the meeting unmuted approximately 8:10 P.M. Mr. Rinaldi motioned to advertise and sale the 2008 F550 truck on the Municibid website with the minimum bid starting at \$10,000, seconded by Mr. Hughes. Ms. Igoe, Mr. Toms, Mr. Hughes, Mr. Rinaldi, Mr. Williams and Mr. Barrasse voted in favor. Mr. Williams motioned to approve the advertisement for a DPW Supervisor for three (3) consecutive Sundays starting October 24, 2021 in the Scranton Times, plus advertise in the Abington Journal, November 3, 2021 and through the Indeed website with a deadline date of November 15, 2021, seconded by Ms. Igoe. Mr. Hughes, Mr. Rinaldi, Ms. Igoe, Mr. Williams, Mr. Toms and Mr. Barrasse voted in favor. Mr. Rinaldi asked Mr. Barrasse if we can circle back to the Safety Plan and get an opinion from our Solicitor about Mr. Toms and if he is eligible to vote since he finally got unmuted. Solicitor Weinschenk told Council he could not tell if Mr. Toms could hear on his end but obviously we could not hear him. Mr. Rinaldi stated he showed on the participation list he was there but was just muted. Mr. Toms told Council he heard everything everyone was saying. Solicitor Weinschenk reinforced his previous comment quorum does exist since there are five (5) Council members attending and the motion in question there were three (3) votes for yes and two (2) votes for no. Mr. Hughes motioned to accept the John Deere backhoe at the cost of \$132,438.13 with the required deposit of \$10,000. Mr. Rinaldi asked Mr. Barrasse why can't we have a discussion about the backhoes before a motion is placed by the majority. Mr. Hughes stated a discussion will take place once the motion is seconded. Mr. Williams seconded the motion. Ms. Igoe expressed her feelings on the motion with a few choice words. Mr. Barrasse told Ms. Igoe now is the time for discussion. Ms. Igoe commented stating we had a revised bid from Medico this afternoon which is lower than John Deere. Mr. Barrasse stated a grant had been received by the work from Grant Committee consisting of Mr. Hughes, Mr. Dougherty and himself and comparisons had been made along with the attachments with a five (5) year analysis/resale. Mr. Barrasse read the various comparisons along with attachment information. Mr. Barrasse told Council the John Deere backhoe cost was \$132,438 with attachments and our trade-in and Medico's Case backhoe was \$131,872 and CAT Caterpillar cost \$136,740. Mr. Rinaldi asked if Council can be addressed by the respected sales representatives regarding there proposed equipment quotes. Mr. Mitvalsky, Medico Construction stated the comparisons presented are currently inaccurate and briefly reviewed them noting the quote was for \$131,399.64. Jeff Beggin, Five Star Equipment, stated John Deere's backhoe is a proven product with a good reputation and briefly went through the comparisons. Mr. Barrasse reviewed the quotes and had questions on what attachments were included or not for both vendors. A discussion took place between Mr. Barrasse and Mr. Rinaldi on when the quotes were received and reviewed and why negotiations were not taking place with both vendors. Mr. Williams, Mr. Hughes, Mr. Barrasse voted in favor. Mr. Toms, Ms. Igoe and Mr. Rinaldi voted no. Solicitor Weinschenk told Council since it is a tie vote Mayor McGraw can either vote or schedule a special meeting. Mayor McGraw asked for more information on the aftermarket parts and warranties for both proposed backhoes. Mr. Rinaldi started to make a motion to table the motion but Solicitor Weinschenk stated he would need to check Pennsylvania Borough codes because your motion to table a motion might come up with a tied vote. After research, Solicitor Weinschenk told Council a motion to table the motion will not be in order. Solicitor Weinschenk explained the Mayor must cast the tie breaking vote or schedule/advertise a special meeting within not less than five (5) days or more than ten (10) days. Several Council members along with the Mayor McGraw decided a Special Meeting will be held Tuesday, October 26, 2021 @ 6 P.M. for the purpose of reconsidering the purchase of a backhoe as a result of a deadlock vote.

SOLICITOR'S REPORT: Solicitor Weinschenk stated he had nothing specific to report.

HEALTH & SAFETY: No report was presented.

PUBLIC WORKS: Mr. Rinaldi told Council the 2021 Paving Project is almost completed not sure on the tarring at the end of the pavement. Mr. Rinaldi thanked the DPW Foreman, Dave Kohinsky for his long time service and stated the Borough has received his resignation and his last day of work is October 28, 2021. Mr. Rinaldi stated he has his concerns in regard to training the new employee who will be replacing him.

ARWA: Mr. Rinaldi reported the 2022 Budget has been approved by the Board and for the 5th consecutive year Clarks Green will have another reduction in the amount of \$684. Mr. Rinaldi told Council the flow meters in the Borough will be re-located. Mr. Rinaldi informed Council the Authority is moving forward with litigation for the plant upgrades. Mr. Rinaldi reported the State of Pennsylvania wants the Authority to allow the State Hospital to connect to the sanitary sewer system.

ZONING REPORT: Mr. Parker asked Council if they had any questions on his distributed monthly report. Mr. Rinaldi asked about the situation on Yale who were trying to connect to the stormwater system. Mr. Parker stated the project was dropped.

TREASURER'S REPORT AND BILL APPROVAL: Mr. Hughes told Council the Borough had received correspondence from Mr. Watkins, Secretary of the Clarks Summit Fire Co. thanking us for the additional contribution. Mr. Hughes reported on the checking account balances with comparisons to last month and last year. Mr. Hughes reported a new account has been added with the American Rescue Plan Act funds. The Treasurer's report was presented by Mr. Hughes and filed for audit. Current fund balances are as follows:

General Fund Checking	\$	464,563.00
Capital Fund Money Market		106,420.62
ARPA Fund Checking		72,946.68
Sewer Fund Checking		438,339.79
Sewer – FNCB CD #200278057		76,897.02
Sewer – FNCB CD #200469681		76,412.18
Sewer – Wayne Bank CD #80021603		53,047.27
Sewer – Wayne Bank CD #80044088		50,000.00
State Funds Checking		<u>121,907.04</u>
Total Checking/Savings	\$	1,460,533.60

Mr. Hughes reviewed the Budget vs. Actual report. Mr. Hughes reported revenue is ahead in amount of \$88,000 contributed to the ARPA Act and expenses decreased by \$49,000 since we purchased truck #1 last year. Mr. Hughes told Council Net Income is about \$138,000 higher than last year but keep in mind we have not received the invoice for the 2021 Paving Project. Mr. Hughes reported \$6,100 in sewer delinquencies have been collected this month. With no questions from Council Mr. Hughes motioned, seconded by Mr. Rinaldi 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 told Council that he and Mr. Rinaldi worked on a draft of the 2022 Budget and will be sent to Council for their review before the next Council meeting noting there will be no increase in fees nor taxes.

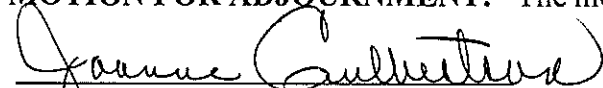
BUILDING AND GROUNDS: Mr. Toms told Council just waiting on the leaves to fall so they will be cleaned up by the DPW crew.

REFUSE & RECYCLING: Ms. Igoe reported to Council she had only received one (1) complaint with the leaf bag distribution that occurred last Saturday noting the complaint dealt with not receiving leaf bags. Mr. Hughes and Mr. Rinaldi both stated they have been delivered today. Mr. Barrasse asked Ms. Igoe to follow-up with the DPW crew concerning bags left out on the curb before Thursday

night and instruct them to place the leaflet that states when the bags will be picked up on Friday's only. Ms. Igoe stated sure. Ms. Igoe asked Solicitor Weinschenk if he has been in contact with County Waste/GFL and stated yes and will be resending the Borough's Refuse and Recycling contract.

PERSONNEL: Mr. Williams reminded Council members and Mayor McGraw to submit copies of their COVID Vaccination cards stating the Borough employees are also included. Mr. Rinaldi talked about the mask policy that was introduced at the last work session and wanted some clarification. Solicitor Weinschenk stated the Borough's Personnel Committee can impose not adopt a mask policy independent of Council. Mr. Williams stated if someone was not vaccinated they would need to wear a mask inside the Borough building and vehicles and within the grounds. Mr. Williams requested Council go into an Executive Session to discuss a personnel issues. Executive Session started at 9:40 P.M. and the ended 10:00 P.M.

MOTION FOR ADJOURNMENT: The meeting at 10:01 P.M., all in attendance voted in favor.


Joanne Culbertson, Secretary/Treasurer

CLARKS GREEN BOROUGH
COUNCIL MEETING
Agenda
October 20, 2021

1. **CALL TO ORDER AND PLEDGE OF ALLEGIANCE-** President Joe Barrasse
2. **ROLL CALL -** Secretary Culbertson
3. **PUBLIC COMMENT**
Visitors should approach the podium and state their name and address. Comments limited to 5 min.
4. **MAYOR's Report-** Mayor McGraw
Police Report - Clarks Summit Chief Yarns
5. **MOTIONS -**
Accept the September 15, 2021 minutes - Mr. Barrasse
Adopt the Safety Plan - Mr. Hughes
Consider approval the additional contribution of \$1,000 to the Shade Tree Commission - Mr. Hughes
Consider approval to sell the 2008 F550 truck and placing it on the Municibid website - Mr. Rinaldi
Consider approval to advertise for employee/supervisor - Mr. Williams
Consider approval to purchase a backhoe - Mr. Barrasse
Consider approval the bid for the repair of the Storm Water System - Pineview Circle - Mr. Rinaldi
6. **SOLICITOR'S REPORT -** Al Weinschenk
7. **HEALTH AND SAFETY COMMITTEE-** Dr. Cochran
8. **PUBLIC WORKS COMMITTEE –** Mr. Rinaldi
9. **ARWA -** Mr. Rinaldi
10. **ZONING REPORT -** Mr. Parker
11. **FINANCE COMMITTEE –** Mr. Hughes
Accept the Treasurer's Report and ratify the payment of bills
12. **BUILDING & GROUNDS –** Mr. Toms
13. **REFUSE & RECYCLING COMMITTEE–** Ms. Igoe
14. **PERSONNEL COMMITTEE –** Mr. Williams
Executive Session
15. **OLD BUSINESS**
15. **NEW BUSINESS**
16. **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.