

**CLARKS GREEN BOROUGH  
COUNCIL MINUTES  
MAY 18, 2022**

**CALL TO ORDER:** President Rinaldi 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. Egan, Mr. Toms, Ms. Igoe, Mr. Williams, Mr. Curran, Mr. Rinaldi and Solicitor Weinschenk were present. Mayor Barrasse via phone.

**ABSENT:** Ms. Wanchisen.

**VISITORS:** Nancy Moore, 113 Glenburn Road, Rick Williams, 208 Maple St., Ben Freda, Abington Journal, Olga Trushina, 216 Glenburn Road, Ernest Keller, 204 Green St. and Faith Hawley, 211 Hall Ave.

**APPROVAL OF MINUTES:** President Rinaldi entertained the motion to accept the minutes of the April 20, 2022 Council meeting. Mr. Egan motioned, seconded by Ms. Igoe. Mr. Williams, Ms. Igoe, Mr. Toms, Mr. Egan, Mr. Curran and Mr. Rinaldi voted in favor.

**PUBLIC COMMENT:** Olga Trushina, Chair Shade Tree Commission, 216 Glenburn Road, addressed Council stating one of the main reasons her family moved here was the beautiful trees noting it is a perfect place to raise a family. Ms. Trushina told Council Mayor Barrasse solicited her to join the Shade Tree Commission because of her interest in trees. Ms. Trushina informed Council she believes recently there is a war on trees in the Borough. Ms. Trushina explained property owners are removing healthy trees without permits and feels they should have just managed them by trimming and other ways citing the recent Commission experience with Servants Church. Ms. Trushina told Council she is attending the meeting tonight to discuss a proposed letter to Borough residents that has been submitted from Shade Tree Commission to the Borough office for Borough Officials' signatures from the Borough Manager and Zoning officer reminding them that they should have had a permit before any tree removal. Ms. Trushina told Council she feels that the Council is not working with the Shade Tree Commission thus, creating obstacles for the Commission. Ms. Trushina stated we take the time to volunteer on the Commission to preserve, protect and replace shade trees maintaining ecological balance but obstacles prevent us protecting healthy trees. Ms. Trushina asked of ways that possibly can be used in relaying tree permit applications. President Rinaldi explained the distinction between the Council and the Commission and listed the steps necessary for Council to assist the Commission such as submitting funding requests and plans for each year for Council to consider in formulating its budget. He noted the Commission has never submitted any budgetary requests or reasons for specific funding in the last ten years. Rick Williams, 208 Maple St., addressed Council concerning why the commissioners have not been reappointed. Mr. Rinaldi stated he had personally called Ms. Trushina this year since her term ended December 31, 2021 noting usually the terms are automatically reinstated unless a commissioner informs us they are no longer interested in the position.

**POLICE REPORT:** No report. Mayor Barrasse told Council he had spoken with Chief Yarns earlier and he thanked Council for recent donation to purchase a speed sensor battery.

**MAYOR'S REPORT:** Mayor Barrasse informed Council that he had congratulated the newly appointed Clark Summit Mayor Kelly wishing him much success. Mayor Barrasse thanked Ms. Trushina and Rick Williams for all the work they have been doing for the Shade Tree Commission and

offer his assistance in updating the tree ordinances. Mr. Rinaldi stated we can move to number (7) of the agenda which deals with the tree permit for the Servant Church asking for an update either from the Mayor Barrasse, advisor of the Shade Tree Commission or Ms. Olga Trushina, Chair of the Shade Tree Commission. Mayor Barrasse reported Ms. Trushina and the Shade Tree Commission met with the Servant Church secretary noting he was along just as an advisor and it was frustrating because they had so many excuses as to why they wanted to do away with the trees noting since the Commission has no right to tell them they could not cut down the trees. He noted possibly Council might change this process through amending the ordinance in the future since basically you apply then get the permit to cut down trees that have been around from seventy (70) to ninety (90) years. Ms. Trushina stated she thought the Commission had the power to approve or deny the tree permits and it would be great if we would have more power to protect trees. Ms. Trushina stated anyone can cut a tree in an hour, but it takes like seventy (70) years to make it grow to the height that the Servant Church trees. Mr. Rinaldi stated let me see if I understand, you would like the Borough to amend the Ordinance to allow the Borough to have authority for trees on residents' private property? Ms. Trushina stated she is not sure what is the right way but we could look at ordinances from other cities that are more stricter. Mr. Rinaldi told Ms. Trushina the Solicitor has given his opinion on this along with enforcement. Mr. Rinaldi explained the Commission is a separate entity because it is a commission as opposed to a committee and the commission has its own jurisdiction and its own procedures. Solicitor Weinschenk stated the Shade Tree Commission does have the authority to grant or deny a permit to take remove a street tree. The situation is, what is a street tree? The street tree is something that's in the right way of a public road. And that was the situation as I understood it, at least, as to the trees at Servant Church that fronted on Abington Road and whether those trees were in the right of way. Solicitor Weinschenk stated he was not involved in any determination, but presumed since the trees were cut down the trees were outside of the right away. Solicitor Weinschenk stated the right of way varies on the streets in the Borough noting Abington Road is a state highway. A discussion took place about the various jurisdictions and penalties associated with denied permits along with role the Borough's Zoning Officer and Borough Manager in regard to a request from the Shade Tree Commission to have a letter sent to residents regarding tree permits and signed by the Zoning Officer and Borough manager along with other correspondence. Mr. Rinaldi stated Shade Tree Committee budget currently is based on the previous allocations from the Financial Committee but Shade Tree Commission has never proposed a budget allocation. Mr. Rinaldi stated Council wants to fund the Commission properly which will aid in getting Shade Tree's information to the residents of the Borough. Mr. Rinaldi suggested Shade Tree Commission to explore of ways to get the necessary information to residents within their budget noting they are a separate entity and that Borough Manager and Zoning officer are not appropriate signatories on a Shade Tree Commission letter.

**MOTIONS:** Mr. Rinaldi told Council he had contacted Solicitor Weinschenk regarding the email that Council received last month from Council member Courtney Wanchisen in which she stated she will be submitting a formal letter of resignation tomorrow from Council and I had trouble interpreting whether or not it is a resignation letter. Mr. Rinaldi explained when someone submits a resignation letter, PA has statues requiring action to happen, it has to be accepted in thirty (30) days and there is a whole procedure for filling the vacancy. Mr. Rinaldi proceeded to read the email:

Good Evening Everyone,

I will be submitting a formal resignation letter tomorrow. I feel that it is in my best interest to resign from council as I cannot agree on the direction of the borough and it causes me undue resentment and stress as to the way things are run in the borough. For example zoning, ordinances, purchases and appointments to name a few. The consistent fighting and disagreements and the voices of the residents being discounted just does not sit well with me. I do not feel I have a voice that is heard and that all of council is completely one sided. I really do not want to have any ill feelings with anyone for my decision, as people I think you are all nice. Know that this was not an easy decision for me because I do not like to let people down. I really do wish the borough well and I hope that whomever they decide to fill my position is someone that has the boroughs best intentions at heart.

Best Regards,  
Courtney Wanchisen

Solicitor Weinschenk told Council it is his opinion Ms. Wanchisen's email dated April 20th was an intent to submit a resignation letter. Since that email the Borough has never received any subsequent correspondence from Ms. Wanchisen and its really unknown whether she is, in his opinion resigning or not. Solicitor Weinschenk stated she has only expressed her intent to resign, not submitted a formal resignation letter. Solicitor Weinschenk told Council he does not think it is appropriate for Council to vote to accept the resignation letter. Council members are elected by the voters and they can't be thrown off Council or removed from Council because they don't go to meetings or even if they don't do anything noting only high crimes and misdemeanors that someone can be removed from office. President Rinaldi noted none of those scenarios are present. Solicitor Weinschenk informed Council that he had personally talked with Ms. Wanchisen on Monday concerning this situation and asked that if she is really going to resign from Council, she should submit a formal letter by Wednesday night and feels that this even bolsters the argument that she hasn't resigned since she has not acted. Mr. Rinaldi stated several of us have contacted her after receiving the email and asked her to reconsider and haven't heard from her. A discussion took place if Council should send some kind of correspondence to her asking her intentions but it was agreed upon not to send correspondence. Mr. Egan stated after listening to the Solicitor's opinion it is her choice and I don't think it is in our rights to even ask based on what I just heard. Mr. Rinaldi told Council there are a number of potential purchases plus upgrading Borough equipment. Mr. Rinaldi introduced the proposals for the telephone system. Higher Information Systems proposal was in the amount of \$175.90 per month and they are from upstate NY which did a presentation at the last work session and NexLine proposal was \$214.28 per month noting they are in the area. Mr. Rinaldi told Council the Borough had tried getting other proposals, without response. Borough Manager, Ms. Culbertson stated the current phone bill with Frontier is \$183.86 per month and this is old Centrix equipment with old technology. Ms. Igoe motioned to purchase the NexLine telephone systems for \$214.28 per month for 24 months with an \$850.00 one-time installation fee. Mr. Curran seconded the motion. Mr. Williams, Mr. Toms, Mr. Egan, Mr. Curran, Ms. Igoe and Mr. Rinaldi voted in favor. Mr. Rinaldi reported to Council we have two (2) proposals for streaming presentation software for the Chambers, J.P. Lilley, Inc in the amount of \$8,397 and NexLine in the amount of \$5,809.97. A discussion took place comparing the equipment from each proposal and how this will help the Borough with streaming meetings and other Borough usages. Mr. Williams motioned to purchase the NexLine streaming software/equipment for \$5,809.97, seconded by Mr. Curran. Mr. Toms, Ms. Igoe, Mr. Curran, Mr. Williams, Mr. Egan and Mr. Rinaldi voted in favor. Mr. Rinaldi reminded Council the American Rescue Fund can be used for these purchases. Mr. Rinaldi informed Council the Borough's skid steer tires needs replacement. Powell's quoted a price of \$1,520, McCarthy's Tires using old rims a cost of \$2,541.88 and Kost Tires in the amount of \$1,848.40. Ms. Igoe motioned to purchase skid steer tires from Powell's at a cost of \$1,520.00, seconded by Mr. Egan. Mr. Curran, Ms. Igoe, Mr. Toms, Mr. Egan, Mr. Williams and Mr. Rinaldi voted in favor. Mr. Rinaldi told Council the next motion will be for purchasing a road saw for the DPW the purpose will be cutting sections of a road/ asphalt to repair catch basins in the Borough. Mr. Rinaldi presented the quotes for the road saw Justus True Value cost \$2,200 Gay's True Value Tunkhannock \$2,977.93 for Stihl brand and for a Husqvarna brand was \$246 higher than the Stihl brand. Mr. Egan motioned to purchase the Stihl brand road saw at the cost of \$2,200, seconded by Ms. Igoe. Mr. Curran, Mr. Egan, Ms. Igoe, Mr. Williams, Mr. Toms and Mr. Rinaldi voted in favor. Mr. Rinaldi reported the 2022 Paving Project bid opening was yesterday at noon. Contractors submitted six (6) bids: American Asphalt \$130,451, New Enterprise Stone & Lime \$164,110, Pennsy Supply \$116,120, Pioneer Construction \$149,632 and Wayco, Inc. \$111,589.94. Mr. Rinaldi told Council the lowest bid from Wayco, Inc. along with the second lowest bid from Pennsy Supply was sent to the Borough Engineers and Solicitor Weinschenk for their review. Solicitor Weinschenk told Council the bid bond needs to have the signature of the surety company and the consent of surety and this was photocopied along with seal for the insurance company stating this is not proper. Solicitor

Weinschenk informed Council it's an insignificant defect but it has to be corrected prior to acceptance and awarding of the bid. Solicitor Weinschenk reported that the Pennsy Supply was in legal form. Solicitor Weinschenk told Council if it's Council pleasure you can approve Wayco Inc. bid conditionally upon Wayco supplying the original signatures and seal of the insurance company on the bid bond and suggested fifteen (15) day time frame. Mr. Rinaldi entertain a motion to award the 2022 Paving Project to Wayco, Inc. contingent upon receiving the original documents regarding the bond prior to contract being executed by the Borough on or before June 1, 2022. Ms. Igoe motioned, seconded by Mr. Curran. Mr. Williams, Mr. Toms, Mr. Egan, Mr. Curran, Ms. Igoe and Mr. Rinaldi voted in favor. Mr. Barrassé informed Council he had to leave the meeting at 8:55 P.M. Mr. Rinaldi informed Council the Borough has received a request to remove penalties and interest from a delinquent sewer account located at 506 Clark Street in the amount of \$69.58 noting the delinquent account was not paid since 2020. Mr. Rinaldi entertained a motion to remove penalties and interest from 506 Clarks Street delinquent sewer bill. No one from Council made a motion request was denied. Ms. Igoe commented stating she is furious when no one pays their sewer bills.

**TREASURER'S REPORT AND BILL APPROVAL:** Mr. Rinaldi reviewed the distributed Budget vs. Actual comparing balances to last month and last year. The Treasurer's report was presented by Mr. Rinaldi and filed for audit. Current fund balances are as follows:

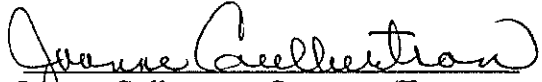
General Fund Checking	\$	546,628.46
Capital Fund Money Market		116,452.14
ARPA Fund Checking		72,957.25
Sewer Fund Checking		462,372.20
Sewer – FNCB CD #200278057		76,897.02
Sewer – FNCB CD #200469681		76,412.18
Sewer – Wayne Bank CD #80021603		53,206.65
Sewer – Wayne Bank CD #80044088		50,150.22
State Funds Checking		<u>168,429.68</u>
Total Checking/Savings	\$	1,623,505.80

Mr. Rinaldi entertained a motion to accept the Treasurer's report and ratify the payment of the bills. Mr. Egan motioned, seconded by Mr. Toms. Mr. Toms, Mr. Curran, Mr. Williams, Ms. Igoe, Mr. Egan and Mr. Rinaldi voted in favor.

**DEVELOPMENT PLANS:** Mr. Rinaldi asked Solicitor Weinschenk for synopsis of what happened at the earlier Planning Commission meeting this evening concerning Central Park Flowers. Solicitor Weinschenk stated the property owner has submitted a zoning application and sketch plan which provides for a mixed use of the property with a retail portion that includes floral sales and a café, and a portion for storage. The Borough's Planning Commission had a number of questions for the applicant and determination was made at this point is not complete. Solicitor Weinschenk told Council it appears that there may be less than the required parking places but we won't know that until there's determination made by their engineer architect as to the calculation of the space within the property open to the public. The café is a conditional use which will need approval by the Borough Council and even possibly a public hearing, the retail sales at the floral is a permitted use. Solicitor Weinschenk informed Council the applicant is going to refine their floor plan and application work with the Code Enforcement Officer. Mr. Williams left the meeting at 9:00 P. M.

**OLD BUSINESS:** Mr. Rinaldi told Council the letter was sent to DCED about possibly changing the LSA grant from purchasing the approved backhoe to purchasing a skid steer which was determined the DPW needed more since it is constantly being used. A letter had been sent to DCED requesting use of the grant funding awarded for a new skid steer.

**MOTION FOR ADJOURNMENT:** Mr. Rinaldi entertained the motion to adjourn the meeting. Ms. Igoe motioned to adjourn the meeting at 9:10 P.M., seconded by Mr. Egan. All in attendance voted in favor.

  
Joanne Culbertson, Secretary/Treasurer

**CLARKS GREEN BOROUGH**  
**COUNCIL MEETING**  
**AGENDA**  
**May 18, 2022**  
**7:00 PM**

1. Call To Order and Pledge of Allegiance – President Rinaldi
2. Roll Call - Secretary Culbertson
3. Remarks by LC Commissioner Dominic RE: County Land Bank Program
4. Motions to approve the Council Meeting Minutes:  
April 20, 2022 Council Meeting
5. Public Comment
6. Police and/or Fire Report
7. Mayor's Report  
Shade Tree Commission\Servant Church Shade Tree Permit Application Report.  
Requested Shade Tree Commission Correspondence. Discussion on Borough's role in Commission Matters.
8. Wanchisen resignation from Council acceptance.
9. Borough Equipment upgrades and replacements. Review of Proposals for Telephone Equipment, Council Chambers meeting streaming hardware, skid steer replacement tires and Road Saw and consideration of purchases.
10. Review of 2022 Paving Project Bids and consideration of award of contract.
11. Request to eliminate late fee and interest for sewer account for S06 Clark Street.
12. Review of Borough Financials Budget vs. Actual Report and Motion to pay bills.
13. Review of Central Park Flowers Development Plans with Zoning Officer. Discussion on Planning Commission's responsiveness to Borough property owner's development plans. Update on Walsh and Albright Development progress.
14. Discussion of Stormwater Committee formation and costs estimates for Borough stormwater projects.
15. Old Business discussion. Update on letter to DCED requesting use of grant funding for skid steer instead of backhoe.
16. Other Business/discussion.
17. Motion to Adjourn.

**NOTE TO VISITORS: Please sign the attendance sheet and indicate if you wish to observe the meeting or to address Council, stating the agenda topic on which you would like to comment. Thank you.**