

**CLARKS GREEN BOROUGH  
COUNCIL MINUTES  
JANUARY 18, 2023**

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

**VISITORS:** CSPD Officer Yetkowskas, Ben Freda, Abington Journal, George Parker, Terrence Nealon, 226 Vassar Ave., Helene Magnotta, Rick Williams, 208 Maple St., and Eloise and Dorian Butovich.

**APPROVAL OF MINUTES:** President Rinaldi entertained the motion to accept the minutes of the December 21, 2022 Council meeting. Ms. Igoe motioned, seconded by Mr. Curran. Mr. Williams, Ms. Igoe, Mr. Toms, Mr. Egan, Mr. Curran and Mr. Rinaldi voted in favor.

**PUBLIC COMMENT:** Rick Williams, 208 Maple Street, told Officer Yetkowskas of a road rage incident several months ago and reported the Chief Yarns has still not returned his phone call. Mr. Williams directed a question to Mr. Rinaldi concerning a recent MS4 joint stormwater article which Clarks Green was not mention and asked are we going to be part of the Scranton stormwater system. Mr. Rinaldi stated Scranton has not inquired if the Borough was interested in participating and when the issue was raised in the Abingtons, Council declined to take part. Helene Magnotta told Council she is attending the meeting representing the Kareha family and read a letter addressed to Council composed by the Karehas'.

Dear Clarks Green Council Members,

Our family would like to express our gratitude and thank the Clarks Green Council Members and the Clarks Green Community for their condolences and support after our dog, Wally, was fatally attacked by our neighbor's, the Jackson's, dogs on December 14, 2022. This was supposed to be a joyous day celebrating our youngest son's 12<sup>th</sup> birthday but instead it turned into a very sorrowful day. We never imagined something like this would ever happen. We had heard the neighbors dogs had fatally attacked another dog in our neighborhood the year prior but we felt our dogs would be safe in their own backyard completely enclosed in the highest residential grade 6-foot aluminum fence sold. We now feel unsafe in our own home and backyard. We have temporarily blocked off a portion of our backyard so that our rescued boxer cannot go anywhere near our fence that borders our neighbors yard. We are terrified another incident can occur, whether it be with our other dog, with one of our children or with one of their friends. When we finally told our youngest son what happened to Wally (we could not tell him on his birthday and came up with excuses all day where Wally was) we also had to warn him to stay away from the neighbors dogs. When we purchased our home 19 years ago in Clarks Green, we never imagined we would one day feel unsafe in our home and have to say such a thing to our children about our neighbors.

Since Wally's attack, several neighbors have reached out to us to share their stories about their own interactions with the Jackson's dogs and we are horrified at what we learned. We have been told that there have been numerous attacks (we heard there have been 8+). There has also been no responsibility taken by the Jacksons. It was shared with us that they either had excuses saying that their dog thought the other dog was a squirrel, outright denied it was their dog, or as in our case, blamed our dog for attacking their dogs and even asked to be reimbursed for their dogs' vet bills. We aren't sure of the exact dates and details of all the other attacks but what we do know for certain is that they attacked the Lucas's dog in the fall of 2020,

fatally attacked the Christman's dog in October 2021, and fatally attacked our dog in December 2022. This is on ongoing issue that needs to end. It is unacceptable and deplorable that Wally was not home with us on Christmas morning knowing that these dogs should have already been declared dangerous following the Christman's dog's fatal attack. It is our sincere intention to prevent any future attacks in 2023 and beyond.

We appreciate your time reading this letter and addressing this tragic situation. Thank you for your compassion and your anticipated resolutions so that this will not have to be a topic of discussion at a future Clarks Green Borough meeting.

Sincerely,

*Lou & Lori Kareha*

Lou & Lori Kareha

(&Wally)



Ms. Magnotta told Council she was very impressed by Clarks Green’s website regarding the historical information provided and most importantly how the community was important to the residents. Dorian and Eloise Butovich both asked Council for guidance, help and understanding of what is happening to their Zoning Permit which would allow them to open a café business in their flower shop running through a timeline of activities to date. Mr. Rinaldi stated included in agenda item eleven (11), a discussion will take place with the Solicitor concerning the Borough’s Planning Commission. Solicitor Weinschenk reminded the Butovich’s the Planning Commission only makes recommendations to Council and Council decides if whether or not to grant the conditional use requested. Solicitor Weinschenk explained if Council grants that use it is still subject to the inspections by the Building underwriters as to the building permit and if there is still work that needs to be completed.

**POLICE REPORT:** Chief Yetkowskas briefly reviewed the monthly police report noting it was an average month. He reminded everyone ATV vehicles are not allowed on streets.

**MAYOR’S REPORT:** Mayor Barrasse told Council he has been in contact with CSPD Chief Yarns concerning 112 Squirrel Run dog attack incident stating it is still an ongoing investigation on this tragedy.

**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	\$	607,369.15
Capital Fund Money Market		126,639.64
Sewer Fund Checking		537,239.37
Sewer – FNCB CD #200469681		76,488.61
Sewer – Wayne Bank CD #80049035		76,974.99
Sewer – Wayne Bank CD #80021603		53,206.65
Sewer – Wayne Bank CD #80044088		50,188.16
State Funds Checking		<u>168,542.31</u>
Total Checking/Savings	\$	1,696,648.88

Mr. Rinaldi entertained a motion to accept the Treasurer's report and ratify the payment of the bills. Ms. Igoe motioned, seconded by Mr. Egan. Mr. Toms, Mr. Curran, Mr. Williams, Ms. Igoe, Mr. Egan and Mr. Rinaldi voted in favor. Mr. Rinaldi told Council our revenues were up higher than anticipated in the amended budget. Mr. Rinaldi pointed out that there was opposition in hiring a Borough Manager with the belief that expenses would be higher but as the December 2022 budget versus actual report reports expenses have been reduced by \$74,169 with this new form of government along with no tax increases.

**MOTIONS:** Mr. Rinaldi entertained a motion to approve payment to Bartron Supply Inc. in the amount of \$69,689.50 for the new Bobcat S740 T4 Skid Loader for the Borough's DPW Department. Ms. Igoe motioned, seconded by Mr. Toms. Mr. Williams, Mr. Toms, Mr. Egan, Mr. Curran, Ms. Igoe and Mr. Rinaldi voted in favor. Mr. Rinaldi stated the cost of the new skid steer is going to be offset by the \$70,000 DCED grant. Mr. Rinaldi entertained a motion to sell the used 2006 Gehl Skid Steer on the Muncibid website starting at \$35,000 to be reduced thereafter in increments of \$5,000 until sold. Ms. Igoe motioned, seconded by Mr. Egan. Mr. Toms, Ms. Igoe, Mr. Curran, Mr. Williams, Mr. Egan and Mr. Rinaldi voted in favor. Mr. Rinaldi introduced Resolution No. 1 of 2023.

RESOLUTION NO. 1 of 2023

BOROUGH OF CLARKS GREEN  
LACKAWANNA COUNTY, PENNSYLVANIA

AN RESOLUTION PROVIDING FOR A REVISED FEE SCHEDULE FOR ADMINISTRATION OF  
THE UNIFORM CONSTRUCTION CODE PURSUANT TO CHAPCLARKS GREEN BOROUGH  
CODE OF ORDINANCES  
CLARKS GREEN BOROUGH CODE OF ORDINANCES

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WHEREAS, the Borough of Clarks Green (the "Borough") has adopted the Uniform Construction Code as contained in 34 Pa. Code, Chapters 401-405, amended from time to time, (the "UCC") as the municipal building code for the Borough; and

WHEREAS, Section 5-105 of the Borough of Clarks Green Code of Ordinances provides that the fees assessable for administration and enforcement of the UCC may be established from time to time by a Resolution of Borough Council; and

WHEREAS, the Borough has engaged Building Inspection Underwriters, Inc. ("BIU") for administration and enforcement of the UCC in the Borough; and

WHEREAS, the Borough in accordance with Section 5-105 of the Clarks Green Borough Code of Ordinances desires to establish revised fees as provided for in the Fee Schedule attached hereto.

NOW THEREFORE, be it ordained by the Borough Council of the Borough of Clarks Green, Lackawanna County, Pennsylvania as follows:

1. The Fee Schedule attached hereto is hereby adopted by the Borough for administration and enforcement of the UCC pursuant to Section 5-105 of the Borough of Clarks Green Code of Ordinances.

THIS RESOLUTION is effective upon enactment and all other Resolutions or parts thereof inconsistent herewith are hereby repealed.

ENACTED AS A RESOLUTION of the Borough of Clarks Green this 18th day of January, 2023.

ATTEST:

/s/Joanne Culbertson  
Joanne Culbertson, Secretary

**BOROUGH OF CLARKS GREEN**

By: /s/ David Rinaldi


**David Rinaldi, President,  
Clarks Green Borough Council**

Mr. Williams motioned to approve Resolution No. 1 of 2023, seconded by Mr. Curran. Mr. Toms, Mr. Egan, Ms. Igoe, Mr. Williams, Mr. Curran and Mr. Rinaldi voted in favor. Mr. Rinaldi stated at December 2022 meeting Council accepted Ms. Wanchisen's resignation from Council which resulted in a council vacancy. Mr. Rinaldi requested a motion to appoint a new council member. Mr. Egan stated it is an honor and privilege to submit the name of Terrence Nealon, Jr. for appointment to Council. Mr. Egan told Council Mr. Nealon has agreed to serve on Council noting he is a great father, practices law in Lackawanna County and he has had the privilege of knowing Mr. Nealon for a very long time. Mr. Egan motioned to appoint Terrence Nealon, Jr. 226 Vassar Ave. to the Borough Council for the term ending December 31, 2023, seconded by Mr. Curran. Mr. Curran, Ms. Igoe, Mr. Toms, Mr. Egan, Mr. Williams and Mr. Rinaldi voted in favor. Mr. Rinaldi welcomed and congratulated Mr. Nealon on his appointment. Mr. Nealon told Council Clarks Green is a special place for him and my family, lived in the Borough for eight (8) years in November and was the first home purchased for my wife and myself along with my two (2) children. Mr. Nealon stated he is looking forward to giving back to his community as well as working with everyone in Borough government. Mr. Nealon thanked everyone for this opportunity. Mr. Williams asked for clarity on Mr. Nealon's term since Ms. Wanchisen was just elected in 2022. Mr. Rinaldi explained if someone resigns in the first two (2) years of a four (4) year term there's time for an election for the remaining two (2) years. Mr. Rinaldi briefly reviewed the Borough's Planning Commission and the three (3) expired terms noting appointments will be made after consulting with the Borough's Solicitor concerning the Planning Commission along with the other Borough board and committee vacancies. Mr. Rinaldi told Council the appointments will be needed to schedule a Planning Commission meeting to review a conditional use application from Central Park Flowers to open a cafe. Mr. Rinaldi reported that possibly a special meeting will be scheduled to appoint members to the Planning Commission so there will be no further delay in scheduling that meeting. Mr. Rinaldi told Council the Board of Health has a one (1) year term vacancy which was held formerly by Mayor Thorburn and most recently, Ms. Wanchisen. Mr. Rinaldi asked Council if anyone would be interested to volunteer for this appointment and if no one does I am willing to be appointed for a one (1) year term. Mr. Egan motioned to appoint Council President Rinaldi for a one (1) year term on Clarks Green's Board of Health, seconded by Ms. Igoe. Mr. Williams, Ms. Igoe, Mr. Toms, Mr. Egan, Mr. Curran and Mr. Rinaldi voted in favor. Mr. Rinaldi entertained a motion to renew the Borough's insurances with DGK Insurance in the amount of \$16,586.00. Mr. Curran motioned, seconded by Mr. Egan. Mr. Curran, Mr. Egan, Ms. Igoe, Mr. Williams, Mr. Toms and Mr. Rinaldi voted in favor. Mr. Rinaldi informed Council of the other insurances offered by DGK Insurance such as the Cybersolutions and Computer Fraud and Fund Transfer Fraud Protection coverages stating the Borough is doing more and more electronic transfers for the payment of bills over the internet, exposing Borough data which could be comprised and potential liability. A discussion took place amongst the Council members. Mr. Egan favored the additional insurance relating to his own business since it deals with so much

sensitive customer information. Mr. Egan motioned to purchase the additional insurance from DGK Insurance, Cybersolutions - Data Compromise and Cyber Liability Coverage at the cost of \$980 with a \$100,000 limit and On-Line Banking - Computer Fraud & Fund Transfer Fraud Protection at the cost of \$250 with \$50,000 limit, seconded by Ms. Igoe. Mr. Curran, Ms. Igoe, Mr. Toms, Mr. Egan, Mr. Williams and Mr. Rinaldi voted in favor. Mr. Rinaldi informed Council about a recent permit application concerning 110 Squirrel Run for the installation of an additional fence. Mr. Rinaldi requested Council consider, based on the circumstances surrounding this property and the tragedy to the homeowners' pet, whether Council would consider waving the permit fee. Ms. Igoe motioned to wave the permit fee for 110 Squirrel Run, seconded by Mr. Williams. Mr. Williams, Mr. Toms, Mr. Egan, Mr. Curran, Ms. Igoe and Mr. Rinaldi voted in favor. Ms. Igoe stated I would like the residents of 112 Squirrel Run to be required to post signs telling the public to be aware of the dangerous dogs. Mr. Rinaldi stated he has been thinking of drafting a letter and making area residents aware and asked Council for their thoughts. Mr. Rinaldi told Council a Right to Know request has been received by the Borough for information pertaining to 112 Squirrel Run and is the process of responding.

**OTHER BUSINESS:** Mr. Rinaldi reminded Council and Borough officials that they need to file their Financial Statement of Interest form by May 1, 2023.

**MOTION FOR ADJOURNMENT:** Mr. Rinaldi entertained the motion to adjourn the meeting. Mr. Egan motioned to adjourn the meeting at 8:16 P.M., seconded by Mr. Williams. All in attendance voted in favor.

  
Joanne Culbertson, Secretary/Treasurer

**CLARKS GREEN BOROUGH**  
**COUNCIL MEETING**  
**AGENDA**  
**January 18, 2023**  
**7:00 PM**

1. Call To Order and Pledge of Allegiance – President Rinaldi
2. Roll Call - Secretary Culbertson
3. Motions to approve the Council Meeting Minutes December 21, 2022
4. Public Comment
5. Police and/or Fire Report.
6. Mayor's Report.
7. Review of Borough Financials, Budget vs. Actual Report and Motion to pay bills. Review of 2022 Borough Budget Surplus.
8. Motion to approve payment to Barton Supply in the amount of \$69,689.50 for the new Bobcat S740 T4 Skid Loader for Borough DPW Department. Motion to sell used 2006 Gehl Skid steer on internet auction site Municibid. Original listing of \$35,000.00 to be reduced thereafter in increments of \$5000 until sold.
9. Consideration of approval of Borough Resolution 1 of 2023 approving the revised fee schedule of BIU of PA, Inc. for Building Code Inspections in the Borough.
10. Consideration of appointment to Borough Council for the term ending December 31, 2023 to fill the vacancy created by the resignation of Councilwoman Courtney Wanchisen. The remainder of Ms. Wanchisen's term from January 1, 2024 to December 31, 2025 will be filled by a Special Election on November 7, 2023.
11. Consideration of appointments to the following Borough Boards and Commissions: 1. Borough Planning, 3 vacancies (4-year term) ending December 31, 2026; 2. Abington Area Joint Recreation Board, 2 vacancies (5-year term) ending December 31, 2027; and 3. Borough Board of Health, 2 vacancies, 1-year term (ending December 31, 2023) and 2-year term.
12. Consideration of renewal of Borough Insurances with DGK Agency for 2023 in the amount of \$16,586.00 with consideration of adding Abuse and Molestation Liability Coverage (Annual premium of \$105.00), Cybersolutions Data Compromise and Cyber Liability Coverage (\$50,000 limit annual premium \$590 or \$100,000 Limit annual premium \$980) and/or On-line Banking Exposure, Computer Fraud and Fund Transfer Fraud Protection (\$50,000 limit annual premium \$250).
13. Other Business/discussion. Consideration of waving permit fee for Resident at 110 Squirrel Run for installation of additional fencing. Reminder all elected and appointed Borough Officials need to file their Statement of Financial Interest by May 1, 2023.
14. 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.**