

**CLARKS GREEN BOROUGH  
COUNCIL MINUTES  
FEBRUARY 15, 2023**

**CALL TO ORDER:** President Rinaldi 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. Egan, Mr. Nealon, Ms. Igoe, Mr. Williams, Mr. Curran, Mr. Rinaldi and Mayor Barrasse and Solicitor Weinschenk via phone were present. Mr. Toms joined the meeting approximately 7:05 P.M.

**VISITORS:** CSPD Chief Yarns, Ben Freda, Abington Journal, Vassar Ave., Helene Magnotta, Eloise and Dorian Butovich, Bill Risse, Eric Parry, Robert Saunders, Sara Cremer, AAJRB members, Dean and Suzi Williamson, Katie Jackson, Mary Ellen Cole, Mary Anne Lucas, Katharine Spanish, Kim Duffy, Christian Francis, Helga Linhares, Wayne and Ally Christman, Mary Moore, Scott, Julie Mauli Tinkleman and Helen Harris.

**APPROVAL OF MINUTES:** President Rinaldi entertained the motion to accept the minutes of the January 18, 2023 Council meeting. Ms. Igoe motioned, seconded by Mr. Curran. Mr. Williams, Ms. Igoe, Mr. Nealon, Mr. Egan, Mr. Curran and Mr. Rinaldi voted in favor. President Rinaldi entertained the motion to accept the minutes of the February 1, 2023 Council meeting. Ms. Igoe motioned, seconded Mr. Curran. Mr. Williams, Mr. Toms, Mr. Egan, Mr. Curran Ms. Igoe, Mr. Nealon and Mr. Rinaldi voted in favor. President Rinaldi entertained the motion to accept the minutes of the February 7, 2023 Council meeting. Mr. Toms, Mr. Nealon, Ms. Igoe, Mr. Curran, Mr. Williams, Mr. Egan and Mr. Rinaldi voted in favor. Mr. Rinaldi announced the Public Comment Period was moved to the end of the agenda to allow for the additional time requested by the Jackson residence.

**POLICE REPORT:** Chief Yarns reported January has been a quiet month. Chief Yarns told Council he had applied for an Aggressive driving grant and was not sure of the dates when it will be implemented.

**MAYOR'S REPORT:** Mayor Barrasse told Mr. Rinaldi that he would like Council to consider the Tree City Proclamation informing he had talked with CGB Shade Tree Chair Ms. Trushina. Mayor Barrasse stated he was not sure when the proclamation needed to be signed. Mayor Barrasse reported the Shade Tree Committee held a meeting on Valentine's Day.

**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	\$	607,214.91
Capital Fund Money Market		126,774.09
Sewer Fund Checking		550,718.12
Sewer – FNCB CD #200469681		76,488.61
Sewer – Wayne Bank CD #80049035		76,974.99
Sewer – Wayne Bank CD #80021603		53,339.83
Sewer – Wayne Bank CD #80044088		50,188.16
State Funds Checking		<u>168,556.62</u>
Total Checking/Savings	\$	1,710,255.33

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

**MOTIONS:** Mr. Rinaldi told Council consideration of Appel IT support agreement and related system maintenance will not be considered this evening since the startup costs were not provided per my request. Mr. Rinaldi told Council the Planning Commission voted to recommend approval of the conditional use application by Central Park Flowers for use of the proportion of the building located at 100 South Abington Road as restaurant/café. Mr. Rinaldi entertained a motion to approve the development plan for 100 South Abington Road in Clarks Green. Ms. Igoe motioned, seconded by Mr. Egan. Mr. Williams, Mr. Curran, Ms. Igoe, Mr. Nealon, Mr. Toms, Mr. Egan and Mr. Rinaldi voted in favor. Mr. Rinaldi moved to the next recommendation from the Planning Commission to amend Clarks Green's Zoning Ordinance providing a new provision regulating wireless communication facilities within the Borough. Mr. Rinaldi told Council there will be two (2) advertisements February 28<sup>th</sup> and March 7<sup>th</sup> and the Public Hearing will be held on March 15<sup>th</sup> at 6:30 P.M. Mr. Rinaldi entertained a motion to advertise and have a public hearing on the proposed amendment to the current Zoning Ordinance. Mr. Egan motioned, seconded by Ms. Igoe. Mr. Nealon, Ms. Igoe, Mr. Egan, Mr. Curran, Mr. Toms, Mr. Williams and Mr. Rinaldi voted in favor. Mr. Rinaldi introduce Resolution No. 2 of 2023. Mr. Rinaldi entertained a motion to approve Resolution No. 2 of 2023 waiving late fees, penalties and additional charges under specific circumstances in accordance with PA Act 57 of 2022. Ms. Igoe motioned, seconded by Mr. Curran. Mr. Toms, Mr. Egan, Mr. Nealon, Ms. Igoe, Mr. Williams, Mr. Curran and Mr. Rinaldi voted in favor.

#### **RESOLUTION NO. 2 of 2023**

### **BOROUGH OF CLARKS GREEN LACKAWANNA COUNTY, PENNSYLVANIA**

#### **A RESOLUTION DIRECTING THE BOROUGH TAX COLLECTOR TO WAIVE LATE FEES, PENALTIES AND ADDITIONAL CHARGES UNDER CERTAIN SPECIFIC CIRCUMSTANCES IN ACCORDANCE WITH PA ACT 57 of 2022**

**WHEREAS**, Act 57 of 2022, ("Act 57") amending the Local Tax Collection Law, was signed by Governor Wolfe on July 11, 2022 and became effective on October 10, 2022; and

**WHEREAS**, Act 57 requires taxing districts that impose taxes on the assessed value of real property to adopt a resolution or ordinance directing the tax collector to waive additional charges for real estate taxes in certain situations; and

**WHEREAS**, the Borough of Clarks Green (the "Borough") desires to adopt this Resolution in compliance with Act 57.

**NOW, THEREFORE BE IT RESOLVED**, that the Tax Collector for Clarks Green Borough is directed to comply with the provisions of this Resolution and Act 57 for tax years beginning on or after January 1, 2023 as follows:

1. The following definitions shall apply to this Resolution:

(a) **Additional Charge** – Any interest, fee, penalty, or charge accruing to and in excess of the face amount of the real estate tax as provided for in the real estate tax notice.

(b) **Qualifying Event**

(i) For the purpose of real property, the date of transfer of ownership of the real property; or

(ii) For manufactured or mobile homes, the date of transfer of ownership or the date a lease agreement commences for the original location or relocation of a manufactured or mobile home on a parcel of land not owned by the owner of the manufactured or mobile home. The term does not include the renewal of a lease for the same location.

(c) **Tax Collector** – The elected tax collector for Clarks Green Borough, Lackawanna County or any authorized or designated delinquent tax collector or any alternate collector of taxes, including the Lackawanna County Tax Claim Bureau.

**2. Waiver.** The Tax Collector shall, for tax years beginning on or after January 1, 2023, grant a request to waive Additional Charges for real estate taxes if the taxpayer does all of the following:

(a) Provides a Request For Waiver of Additional Charges (DCED-CLGS-70) or such other from time to time provided by the Pennsylvania Department of Community and Economic Development to the Tax Collector within twelve (12) months of a Qualifying Event; and

(b) Attests that a tax notice was not received by the taxpayer; and

(c) Provides the Tax Collector with one of the following:

(i) A copy of the deed showing the date of the real property transfer; or

(ii) A copy of the title following acquisition of a mobile or manufactured home subject to taxation as real estate showing the date of issuance or a copy of an executed lease agreement between the owner of the mobile or manufactured home and the owner of a parcel of land on which the mobile or manufactured home will be situated showing the date the lease commences; and

(d) Pays the face value amount of the tax notice for the real estate tax with the waiver request

This Resolution shall take effect immediately upon adoption and remain in effect thereafter unless rescinded, modified or terminated by resolution of the Clarks Green Borough Council.

**THIS RESOLUTION** is adopted by the Borough Council of Clarks Green Borough this 15<sup>th</sup> day of February, 2023.

ATTEST:

/s/Joanne Culbertson  
Joanne Culbertson, Secretary

**BOROUGH OF CLARKS GREEN**

/s/David Rinaldi  
David Rinaldi, President  
Clarks Green Borough Council


Mr. Rinaldi told Council the next item on the agenda is the approval of AAJRB's 2023 budget. Mr. Rinaldi welcomed the AAJRB representatives for attending the Council meeting and for the opportunity to have a discussion on various items. Mr. Rinaldi proceeded to tell Council AAJRB's 2023 budget was distributed in approximately October 2022 but the request never made it to Council. Council needed to approve the Board's proposed 2023 Budget allowing the Borough to make its first 2023 quarterly payment. Mr. Egan asked Mr. Rinaldi if the other joint municipalities had approved the AAJRB budgets. Mr. Rinaldi stated yes. Ms. Igoe motioned to approve AAJRB's 2023 budget along with paying the first 2023 quarterly payment, seconded by Mr. Curran. Mr. Egan, Mr. Curran, Ms. Igoe, Mr. Toms, Mr.

Nealon, Mr. Williams and Mr. Rinaldi voted in favor. Mr. Rinaldi stated there are a number of items needing discussion with the members of AAJRB. First the number of appointed Borough representatives explaining the Borough has one (1) appointee (Sarah Cremer) while two (2) appointees' terms (M.J. Igoe and Bill Risse) had expired at the end of 2022. In addition, the Borough Solicitor is researching the timing of the representative terms. Mr. Rinaldi stated he wants an explanation how the joint municipalities are now being represented by three (3) when the establishment agreement only designates one (1) representative per municipality. Robert Saunders, Treasurer of the AAJRB, stated over time somewhere someone figured out, you can't run a municipal park with only five (5) volunteers. As far back to the 1990's it has been the practice that each municipality appoints three (3) representatives and the school district has appointed one (1) from time to time. A brief discussion took place regarding this topic and inquiring whether there are any documents to support the board expansion. Mr. Rinaldi brought up another item concerning how the expenses are calculated between the five (5) member municipalities. Mr. Saunders stated the Board was building off past practice. Mr. Saunders told Council the Board has been unable to find any historical financial records. He further stated the appraised value of the real estate in each community and the census population is used to calculate the contribution amounts. Mr. Saunders stated to be honest I've been on the Board haven't really made a detailed calculation or reassessment based upon County real estate values and the census with each of the recent budget years proposed five (5) percent increases. Mr. Rinaldi asked about the recent article concerning Newton Recreational Center and if AAJRB is considering proposing acquiring the property. Mr. Saunders stated the Board has not had any discussion with Center and the Board has its hands full. Mr. Saunders continued, if the rest of the members on the Board want to do something and it makes sense for the community and partners support it the Board would propose it. Mr. Rinaldi asked moving forward how can Clarks Green Council be assured to be informed about what is being considered by the Board. Mr. Saunders stated some of our Board members are representatives in some respective governing Councils naming M. J. Igoe as a source of information. Hopefully, you are getting updates plus we send each month agendas and materials for the Board meetings along with minutes. Mr. Saunders told Council a possible reason Clarks Green did not receive some information was a wrong email address. Mr. Rinaldi stated he had reviewed the AAJRB's 2009 long range plan which included a Community Center which was fulfilled with the acquisition of the Abington Senior Center and asked if the plan had been updated. Bill Risse, AAJRB member, stated there are components of the plan that the Board has worked to try to earn or secure grants and foundation allocations in order to get ready to fund things like paving, capital repairs and small enhancements. Mr. Rinaldi pointed out the soccer field, noting it's coming to the end of its useful life. Josh Mitchell, AAJRB representative, agreed. Mr. Mitchell stated the turf has an eight (8) year warranty. Continuing, he informed Council, the Board has regular meetings with our fleet partners. Mr. Rinaldi thanked the AAJRB for attending the meeting and stated this was an opportunity for the new members of Council to get acquainted with the AAJRB.

**PUBLIC COMMENT:** Mr. Rinaldi turned the floor over to Katie Jackson, 112 Squirrel Run. Ms. Jackson distributed an extensive set of photographs to Council. Ms. Jackson addressed Council refuting the allegations information provided by her neighbors regarding the Jackson family dogs. Ms. Jackson obtained copies of letters submitted to Council by her neighbors that she felt created a terrifying picture of my family and our dogs' behaviors. Ms. Jackson went on to state that those letters along with Mr. Rinaldi's personal opinions on the issue have been posted on social media. Ms. Jackson asked Council after hearing the facts I would like the Council President Dave Rinaldi to retract his opinion posts and provide an apology to our family for posting the letters arguing making public the information created potential danger and harm to her family without speaking to all parties involved. Several people in attendance spoke regarding their experience and opinion that they and their families had not experience the aggressiveness of the dogs depicted in the letters and the non-aggressive behavior of their dogs and feel the Jacksons were not given a fair chance to give their side of the story. In their opinion they believe there are a lot of perceptions leading to misinformation. Several residents in the neighborhood who had experienced confrontations with the Jacksons' dogs spoke about their dogs being attacked and a few stated they were afraid to even walk by the Jackson residence. Mr. Rinaldi stated Clarks Green Borough

does not have social media, that he alone maintains his personal Facebook page and he is exclusively responsible for its content stating everything on his Facebook page is his personal opinion. Mr. Rinaldi stated Ms. Jackson was wrong to threaten Borough Council and the Community with litigation to chill his individual first amendment rights would not be successful. Solicitor Weinschenk provided his opinion Mr. Rinaldi's social media postings were not the attributable to Council or the Municipality stating the Ms. Jackson's referenced social media account is the private Facebook page of Mr. Rinaldi. The Borough has no legal responsibility for what Mr. Rinaldi posts on his Facebook page or other social media. If there is something that may be actionable that would be a private matter between the person who feels they were wronged and Mr. Rinaldi, but not the Borough.

**MOTION FOR ADJOURNMENT:** Mr. Rinaldi entertained the motion to adjourn the meeting. Mr. Curran motioned to adjourn the meeting at 8:10 P.M., seconded by Mr. Egan. All in attendance voted in favor.

  
Joanne Culbertson, Secretary/Treasurer

**CLARKS GREEN BOROUGH**  
**COUNCIL MEETING**  
**AGENDA**  
**March 15, 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 February 15, 2023
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. Discussion on maturing Wayne Bank CD.
8. Consideration of Clarks Green Borough Resolution 3 of 2023 reflecting change in scope of 2022 Small Water and Sewer Grant Application.
9. Consideration of Clarks Green Borough Ordinance 1 of 2023 Amending the Clarks Green Borough Zoning Ordinance adding new Section regulating Wireless Transmission Facilities within the Borough.
10. Consideration of proposal to replace damaged rear garage entrance door. Mesko Glass March 10, 2023 Door Replacement Proposal in the amount of \$4925.00.
11. Consideration of Appel IT Support Agreement for Borough computer and related systems maintenance including Borough document retention and control support.
12. Consideration of partial payment for Skid Steer and request for partial reimbursement from LST Grant award.
13. Other Business/discussion. 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.**