

**CLARKS GREEN BOROUGH
COUNCIL MINUTES
OCTOBER 18, 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, Mayor Barrasse and Solicitor Weinschenk.

ABSENT: Mr. Toms.

VISITORS: CSPD Officer Keiser, Chris and Roseanne Michaels, 107 Greenbrier Dr., Ben Freda, Abington Journal, Mary Moore, 113 Glenburn Rd., and David Jones, Clarks Green United Methodist Church.

APPROVAL OF MINUTES: President Rinaldi entertained the motion to accept the minutes of the September 20, 2023 Council meeting. Ms. Igoe motioned, seconded by Mr. Nealon. Mr. Williams, Ms. Igoe, Mr. Nealon, Mr. Egan, Mr. Curran and Mr. Rinaldi voted in favor.

PUBLIC COMMENT: Chris Michaels, 107 Greenbrier Dr. addressed Council stating he has come again to ask Council to help with his ongoing stormwater problem affecting his property. Mr. Michaels stated several years ago his neighbor put in a new driveway removing some of the curbing since then the water comes down into his yard and that recent storm Sept. 9th water came into his house in the lower level. Mr. Michaels is asking the Borough to restore the asphalt lip in his neighbor's driveway (109 Greenbrier Dr) or install a catch basin. David Jones, Clarks Green United Methodist Church, addressed Council regarding the swale between the street from the sidewalk is responsibility of the Borough. A discussion took place concerning the right of way. Mr. Rinaldi stated we will have the Borough engineers investigate the situation to determine who is responsible for the swale in question.

POLICE REPORT: CSPD Keiser reviewed the monthly police report noting the recent garage fire located on Glenburn Road.

MAYOR'S REPORT: Mayor Barrasse thanked everyone who reached out to him regarding the recent fire at his mother's house. Mayor Barrasse stated he has been in contact with Chief Yarns regarding the replacement of no parking and speed limit signs located at both E. Grove St. and Fairview Road. A discussion took place on who installs the signs since they are located within the right of way on state roads. Borough manager stated she will contact PennDot on the installation question along with how many signs need to be replaced.

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	\$	541,979.92
General Fund ICS MM #7101443595		250,631.89
Capital Fund Money Market		129,017.48
Sewer Fund Checking		318,162.48
Sewer Fund ICS MM #7101443706		250,631.89
Sewer – FNCB CD #200469681		76,758.85
Sewer – FNCB CD #200845158		50,000.00
Sewer – Wayne Bank CD #80049035		78,189.16
Sewer – Wayne Bank CD #80021603		53,339.83
Sewer – Wayne Bank CD #80044088		50,302.14
State Funds Checking		<u>216,578.99</u>
Total Checking/Savings	\$	2,015,592.63

Mr. Rinaldi entertained a motion to accept the Treasurer's report and ratify the payment of the bills. Mr. Williams motioned, seconded by Ms. Igoe. Mr. Curran, Mr. Nealon, Mr. Williams, Ms. Igoe, Mr. Egan and Mr. Rinaldi voted in favor. Mr. Rinaldi entertained a motion to authorize fourth quarter payment to AAJRB in the amount of \$1,509.75. Ms. Igoe motioned, seconded by Mr. Nealon. Mr. Egan, Ms. Igoe, Mr. Nealon, Mr. Williams, Mr.

Curran and Mr. Rinaldi voted in favor. Mr. Rinaldi entertained a motion to approve the application and certification for the #1 payment to Stafursky Paving Co. for the partial work completed pursuant to the 2023 Borough Paving Project for Greenbrier Drive in the amount of \$132,493.95. Mr. Egan motioned, seconded by Mr. Williams. Mr. Williams, Mr. Curran, Ms. Igoe, Mr. Nealon, Mr. Egan and Mr. Rinaldi voted in favor.

2024-2029 REFUSE/RECYCLING CONTRACT: Mr. Rinaldi gave a brief history of the various refuse/recycling contracts at the Borough and how County Waste was sold to GFL Environmental and now, GLF assigned the contract to Casella Waste System, Inc t/a County Waste LLC. Mr. Rinaldi noted the contract was assigned without the prior approval of Clarks Green Borough as required by GFL's contract. The proposed new contract would commence April 1, 2024 and end March 31, 2029. Mr. Rinaldi stated the Borough received two (2) proposals which were opened September 18th. J.P Mascaro's bid \$1,768,445.52 and the second bid from Casella Waste Systems Inc./County Waste LLC was \$1,643,050.32 which is a significant increase from our current contract. Mr. Rinaldi told Council the bid totals really isn't a surprise since two local municipalities, Clarks Summit Borough and Jessup Borough have also received significant increases when they recently bid those services from their previous contracts. Mr. Rinaldi reported both bids included carts and unlimited bulk waste. Mr. Rinaldi told Council the lower bid from Casella Waste Systems/County Waste LLC has some additional conditions included that needed to be reviewed by our Solicitor to determine if including those conditions from Casella Waste Systems/County Waste was responsive to the Borough's Bid Solicitation. Solicitor Weinschenk addressed Council stating he has reviewed the respective bids submitted by County Waste of Pennsylvania, LLC and J. P. Mascaro & Sons.

County Waste.

Submitted the apparent low bid of \$1,643,050.20 for the five (5) year contract period. However, a letter submitted with the bid contained additional conditions with to the bid that could result in increased costs over the amounts set forth on the bid forms.

1. Pricing included in proposal is valid for 90-days from submission date.
2. Fees may be further adjusted upon thirty (30) days' notice, cost of equipment increases or due to uncontrollable circumstances, including, without limitation, changes in local, state or federal laws or regulations, imposition of taxes, fees or surcharges.
3. Casella proposes a mutually agreeable fuel surcharge when the cost of diesel is over \$4.50 gallon.

Solicitor Weinschenk told Council he made an inquiry at a local gas station (Sheetz) of the current diesel fuel pricing noting it was then selling at \$4.75 per gallon. Solicitor Weinschenk reiterated that these proposed additional conditions result in their bid amounts not being guaranteed for the contract period making the bid as submitted non-responsive to the Borough's bid solicitation.

J. P. Mascaro.

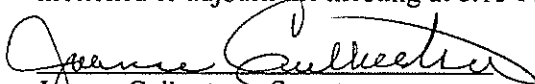
Submitted the only other bid for \$1,768,445.52 which Solicitor Weinschenk stated was \$125,395.32 more for the five (5) year contract than Cassella Waste Systems/County Waste bid. There were no additional conditions contained in the Mascaro bid documentation.

Solicitor Weinschenk explained that the Bid Package instructions expressly stated bids were to be all inclusive meaning costs, charges and fees etc... would be included in the bid amount and the bidder shall expect no additional compensation or reimbursement from Clarks Green Borough for the performance of the five (5) year contract. Mr. Rinaldi opened the floor for discussion concerning the (2) proposed bids. Council Members asked if the Borough had the right to conduct a re-bid. Solicitor Weinschenk stated it would be legal but, the current bidders also might either not bid or even make the bid. Mr. Rinaldi asked if anyone would want to make a motion to award the contract tonight or would they prefer more time to consider which course of action to take on awarding the contract. Several Council Members expressed a desire to take some additional time to the Solicitor's advice and agreed to postpone a decision until the November Council Meeting.

OTHER BUSINESS: Mr. Rinaldi continued on to the agenda item, the stormwater run-off complaints regarding Seminary Hill development and asked Solicitor Weinschenk if he had a chance to review the videos and pictures that had been presented to Council. Solicitor Weinschenk informed Council that he had been in contact with Bob Naegele, the Borough Engineer who reviewed the subdivision plans and land development plans for Seminary Hill stating the development plans approved by South Abington Township require drainage swale, two (2) ft. wide and one (1) ft. deep in the rear of the development lots along the border of Clarks Green's Evans Street residences. Solicitor Weinschenk stated Mr. Naegele's inspection found the drainage swale exists but not very big and might be filled in when the homes in the development were built and or the size might be smaller than required by the development plans. It was further noted the topography of that property has not significantly been altered and the possible water issues might be there are more driveways feeding the water into the inlets. Mr. Naegele opinioned he did not believe the additional storm water from the development was a significant factor in the run-off evidenced in the video and photographs submitted by the resident. Solicitor Weinschenk also told Council he was not even sure if the roads at Seminary Hill had been dedicated to S. Abington Township. Mr. Rinaldi asked the Solicitor to research if the roads had been dedicated. Mr. Rinaldi briefly talked about the recent proposals the Borough received for the Borough Building emergency generator exceeded the statutory costs for proceeding without publicly advertising for bids. Mr. Rinaldi told Council the Borough driveway needs repair and obtained a proposal from Black Diamond Paving in the amount of \$6,500. Mr. Rinaldi informed Council since this was not included in the original agenda. We will need to amend it so a vote can take place to accept the proposal to resurface the driveway. Ms. Igoe motioned to amend the agenda adding the Black Diamond proposal consideration, seconded by Mr. Curran. Ms. Igoe, Mr. Nealon, Mr. Williams, Mr. Curran, Mr. Egan and Mr. Rinaldi voted in favor. Ms. Igoe motioned to accept the proposal from Black Diamond Paving & Excavation for driveway resurfacing in the amount of \$6,500, seconded by Mr. Egan. Mr. Egan, Mr. Nealon, Ms. Igoe, Mr. Curran, Mr. Williams and Mr. Rinaldi voted in favor.

NEW BUSINESS: Mr. Rinaldi informed Council that Paul Murphy resigned from the Abington Regional Wastewater Authority and has been replaced by Murli Rajan Ph.D.,CFA Associate Dean and Professor of Finance at the Kania School of Management at the University of Scranton and that Lackawanna County would be holding a budget hearing in Council Chambers next Wednesday October 25, 2023.

MOTION FOR ADJOURNMENT: Mr. Rinaldi entertained the motion to adjourn the meeting. Ms. Igoe motioned to adjourn the meeting at 8:15 P.M., seconded by Mr. Willams. All in attendance voted in favor.


Joanne Culbertson, Secretary

CLARKS GREEN BOROUGH
COUNCIL MEETING
AGENDA
November 15, 2023
7:00 PM

1. Call To Order and Pledge of Allegiance – President Rinaldi
2. Roll Call - Secretary Culbertson
3. Motion to approve the Council Meeting Minutes from October 18, 2023.
4. Public Comment.
5. Police Report.
6. Mayor’s Report.
7. Review of Borough Financials, Budget vs. Actual Report and Motion to pay bills. Transfer of funds from Capital Account (\$25,000.00) and Sewer Fund Account (\$50,000.00) to General fund to offset payment for Greenbrier Paving Project. Transfer \$2000.00 to Shade Tree Commission Account (2023 allocation).
8. Approving Application and Certification for Payment #2 payment to Stafursky Paving Co., Inc. for partial payment for work completed pursuant to the Borough 2023 Paving Project Contract for Greenbrier Drive in the amount of \$76793.76.
9. Introduce tentative 2024 Budget for review and motion to advertise.
10. Consideration of continuing with Verdin Company Maintenance Agreement for the Borough Clock in the amount of \$720.00 for 2024.
11. Consideration of approval of revised Vehicle Safety Program required for Borough vehicle insurance policy.
12. Consideration of Borough Refuse and recycling contract award for April 1, 2024, through March 31, 2029, to J. P. Mascaro in the amount of \$1,768,445.52, the lowest responsible bidder.
13. Resolution No. 4 of 2023. Acceptance of resignation of Councilman James Curran dated October 24, 2023.
14. Resolution No. 5 of 2023. Consideration of appointment of Mary Anne Lucas to Council for a term ending December 31, 2025.
15. Consideration of removing disciplinary letter from Mayor Patty Lawler’s personal file as being wrongfully held responsible for acting on behalf of the CGB Personnel Committee.
16. Other Business/discussion. Employee Christmas Luncheon planning. December Work Session 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. Speakers are allowed 3 minutes each for comments. Thank you.