

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

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. Nealon, Ms. Igoe, Mr. Williams, Mr. Rinaldi, Mayor Barrasse and Solicitor Weinschenk via phone.

ABSENT: Mr. Toms.

VISITORS: CSPD Officer Keiser, Chris and Roseanne Michaels, 107 Greenbrier Dr., Ben Freda, Abington Journal, Mary Moore, 113 Glenburn Rd., Thomas Kirkpatrick, 108 Greenbrier Dr., Jonas Kreitzer, County Waste/Casella Waste Systems, Inc., Jon Thomas, 723 Highland Ave., Kathleen Kopcik, 210 Beynon Dr., Ashley DeFlice, 312 Evans St., Mary Anne Lucas, 102 Pineview Circle, Matthew Boyd, 105 Greenbrier Dr., Rick Williams, 208 Maple St., Olga Trushina, 216 Glenburn Rd. and Christine Lee, Times-Tribune.

APPROVAL OF MINUTES: President Rinaldi entertained the motion to accept the minutes of the October 18, 2023 Council meeting. Mr. Egan motioned, seconded by Mr. Williams. Mr. Williams, Ms. Igoe, Mr. Nealon, Mr. Egan and Mr. Rinaldi voted in favor.

PUBLIC COMMENT: Chris Michaels, 107 Greenbrier Dr. stated this is the third time I came before Council to address my water issues and appears I am getting the run around. Mr. Michaels stated he was told it was going to be fixed previously and mention the letter sent to residents concerning the Greenbrier project. Borough Manager, Ms. Culbertson stated letters were sent to all of the residents informing them of the Greenbrier project since there would be some inconvenience during the construction activities. A discussion took place since his initial complaint was that his neighbor at 109 Greenbrier Drive put in a new driveway removing some of the curbing since then the water comes down into his yard and if he contacted his new neighbor regarding the alleged driveway. Mr. Michael voiced his concern of his old neighbor, former Councilman Curran "why did he attend the October 18th meeting if he was no longer a Borough resident?" Mr. Rinaldi stated the law allows it for thirty (30) days. Thomas Kirkpatrick, 108 Greenbrier and Matthew Boyd, 105 Greenbrier Drive told Council they are experiencing drainage problems since the recent Greenbrier Project. Rick Williams, 208 Maple St., addressed Council thanking Mr. Rinaldi for over ten (10) years of service to the Borough. Mr. Williams stated he is here tonight to object to the appointment of a new council member noting the open position should had been advertised. Mr. Williams told Council he hopes with the reorganization the Borough will go back to the committee structure. Mr. Rinaldi asked about the recent meeting with the Cohen Law group concerning the cable franchise. Mr. Williams stated it was an excellent meeting. Olga Trushina, 216 Glenburn Road, addressed Council by reading the letter that had been distributed to Council stating she had campaigned on developing an open and transparent method for filling Council vacancies, similar to what the Borough has done in the past. Ms. Trushina stated she feels either Ashley DeFlice and herself should fill the current open Council vacancy since we submitted ourselves to public scrutiny and was duly elected noting since this vacancy is occurring after the election of two (2) new council members but before either are sworn into office. Ms. Trushina told Council she supports establishing the committee system rather than having work sessions. Jonas Kreitzer, Casella Waste System, Inc/County Waste addressed Council stating we have been hauling your trash for that last five (5) years and recently submitted a bid for the next five (5) years noting his company was the lowest bidder and proceeded to verify that the bid had an issue back in September. Several Council members stated there was more than one (1) issue with the bid and possibly cost the residents of the Borough more money. Mr. Kreitzer told Council they have the right to rebid and there is plenty of time to re-advertise for rebidding of the contract and I can give you my word that our final number would not be higher than it is presently. Matthew Boyd, 105 Greenbrier Dr., voiced his support in appointing Ms. Lucas stating she is fantastic, incredibly smart and a great person and we would be lucky to have her on Council.

POLICE REPORT: CSPD Keiser reviewed the monthly police report, three (3) accidents, issued citations and warnings. Officer Keiser noted the parking ban is now in effect.

MAYOR'S REPORT: Mayor Barrasse thanked Officer Keiser for his police report and congratulated Ashley DeFlice and Olga Trushina on their recent election. Mayor Barrasse suggested to Council that they rebid the refuse/recycling contract for three (3) years versus five (5) years stating we are at the peak of the inflation cycle. Mayor Barrasse voiced his opinion on the appointment of Ms. Lucas stating he knows and respects Mary Anne but

nonetheless the residents and voters spoke last week with the recent election. Mayor Barrasse asked Council to reconsider current appointment tonight. Mayor Barrasse proceeded to review history from two (2) years ago when Council members boycotted meetings blocking appointment to Council stating no Borough business had got done because we did not have a quorum orchestrated by Mr. Rinaldi and Ms. Igoe. Mayor Barrasse stated we should go back to interviewing candidates having an open process. Mayor Barrasse voiced his concern for removing the disciplinary letter from former Mayor Patty Lawler's personnel file. Mayor Barrasse stated he is sure that letter was confidential and was directed by the Borough's Solicitor advice. Mayor Barrasse gave a brief review of the situation since it was confidential noting the Personnel Committee did several interviews with the various parties. Mr. Rinaldi told Mayor Barrasse he is rehashing the situation and it does not have anything to do with the mayor's report.

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	\$	374,875.82
General Fund ICS MM #7101443595		251,666.32
Capital Fund Money Market		129,346.21
Sewer Fund Checking		320,897.95
Sewer Fund ICS MM #7101443706		251,666.31
Sewer – FNCB CD #200845158		50,000.00
Sewer – Peoples CD #10003154		76758.85
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>216,596.79</u>
Total Checking/Savings	\$	1,853,639.38

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. Nealon, Mr. Williams, Ms. Igoe, Mr. Egan and Mr. Rinaldi voted in favor. Mr. Rinaldi entertained a motion to authorize the transfer of funds in the amount of \$25,000 from the Capital Account, \$50,000 from the Sewer Fund to General Fund Account offsetting payment for the Greenbrier Paving Project. Ms. Igoe motioned, seconded by Mr. Egan. Ms. Igoe, Mr. Nealon, Mr. Williams, Mr. Egan and Mr. Rinaldi voted in favor. Mr. Rinaldi entertained a motion to approve the application and certification for the #2 payment to Stafursky Paving Co. for the partial work completed pursuant to the 2023 Borough Paving Project for Greenbrier Drive in the amount of \$76,793.76. Ms. Igoe, seconded by Mr. Egan. Mr. Williams, Mr. Egan, Ms. Igoe, Mr. Nealon, Mr. Rinaldi voted in favor. Mr. Rinaldi entertained a motion to approve the transfer of the 2023 Shade Tree Commission allocation in the amount of \$2,000. Mr. Nealon motioned, seconded by Mr. Williams. Mr. Egan, Mr. Nealon, Ms. Igoe, Mr. Williams and Mr. Rinaldi voted in favor. Mr. Rinaldi introduced the 2024 tentative budget stating at the December work session an executive session will take place to discuss raises and possible bonuses for the Borough personnel staff. Mr. Rinaldi told Council he hopes the Covid 19 ARPA Small Water Grant will be awarded by then. Mr. Rinaldi entertained a motion to approve the 2024 Tentative Budget and advertise. Ms. Igoe motioned, seconded by Mr. Egan. Mr. Egan, Ms. Igoe, Mr. Nealon, Mr. Williams and Mr. Rinaldi voted in favor. Mr. Rinaldi told Council the Borough's clock maintenance agreement is due for renewal. Mr. Rinaldi reminded Council the residents of the Borough donated contributions for the clock's purchase. Ms. Igoe motioned to renew the 2024 Verdin Co. Maintenance Agreement in the amount of \$720, seconded by Mr. Williams. Mr. Williams, Ms. Igoe, Mr. Nealon, Mr. Egan and Mr. Rinaldi voted in favor. Mr. Rinaldi told Council the Vehicle Safety Policy has been revised for the renewal of the Borough's insurance which had been distributed for their review. Mr. Rinaldi entertained a motion to approve the revised Vehicle Safety Policy. Ms. Igoe motioned, seconded by Mr. Nealon. Mr. Egan, Mr. Williams, Mr. Nealon, Ms. Igoe and Mr. Rinaldi voted in favor.

2024-2029 REFUSE/RECYCLING CONTRACT: Mr. Rinaldi told Council 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 at the October meeting a lengthy discussion took place with the Borough Solicitor. Mr. Rinaldi told Council the lower bid from Casella Waste Systems/County Waste LLC has some additional conditions included that was reviewed by our Solicitor to determine if including those conditions from Casella Waste Systems/County Waste was responsive to the Borough's Bid Solicitation and the Borough Solicitor opinion was the bid was not responsive. Mr. Rinaldi entertained a motion to award the refuse/recycling five (5) year contract to J. P. Mascaro. Mr. Egan motioned, seconded by Mr. Williams but only for discussion purposes since the motion was on the table. A discussion took place amongst Council on the two (2) proposed bids and a discussion took place in regard to rebidding the contract. Mr. Egan stated he is very concerned that we are putting the residents of Clarks Green Borough at a very bad spot if we don't take the responsive bid offer. Mr. Kreitzer stated his company was going through a transition period when the bids were submitted and a mistake was made on the conditions noting we want to continue to work on the contract. Mr. Kreitzer noted if you accept the J. P. Mascaro bid offer the increase will be approximately \$400,000 over five (5) years. Several council members were concerned with potential legal problems since this is all public knowledge noting the numbers (cost) are out there and would other haulers want to bid. Mayor Barrasse suggested to Council they might want to look at a three (3) year bid along with the five (5) year bid option as he had suggested earlier. Mayor Barrasse told Council the bid happened at the peak of inflation. Mr. Nealon stated this is a tough decision expressing his concerns on the increase rates for refuse/recycling on a family budget. Mr. Nealon reflected on what recently happened to Clarks Summit and if we put it out for rebid, there's a worry that we will not receive any bids for competition. Several Council members deferred to Solicitor Weinschenk. Solicitor Weinschenk stated it is within your rights to reject all bids and send it back out there. There's no one that can come back to you and say that anything was improper. Mr. Rinaldi asked for the roll call to continue for the bid on the table. Mr. Nealon, Ms. Igoe, Mr. Egan, Mr. Williams voted no. Mr. Rinaldi voted yes. The awarding of the refuse/recycling contract did not pass.

MOTIONS: Mr. Rinaldi read a letter from former Council member, James Curran resigning his position on Council, October 31, 2023 stating it has been an honor to serve the residents and the privilege to work alongside dedicated individuals. Mr. Rinaldi proceeded to read Resolution No. 4 of 2023.

**RESOLUTION NO. 4 of 2023
BOROUGH OF CLARKS GREEN
LACKAWANNA COUNTY, PENNSYLVANIA**

**A RESOLUTION ACCEPTING RESIGNATION
OF COUNCIL MEMBER**

WHEREAS, James Curran has tendered his resignation as a member of Borough Council effective October 31, 2023.

NOW THEREFORE BE IT RESOLVED, that the Clarks Green Borough Council hereby accepts the resignation of James Curran as a member of Borough Council and declares the seat vacant effective November 15, 2023.

This Resolution is adopted by the affirmative vote of the Council of Clarks Green this 15th day of November, 2023.

BOROUGH OF CLARKS GREEN

By: /s/ David Rinaldi
David Rinaldi, President

ATTEST:

/s/Joanne Culbertson
Joanne Culbertson, Secretary

Mr. Rinaldi entertained a motion to accept the resignation of Councilman James Curran. Ms. Igoe motioned, seconded by Mr. Egan. Mr. Egan, Mr. Nealon, Ms. Igoe, Mr. Williams and Mr. Rinaldi voted in favor. Mr. Nealon thanked Mr. Curran for his service on Borough Council. Mr. Rinaldi introduced Resolution No. 5 of 2023.

**RESOLUTION NO. 5 of 2023
BOROUGH OF CLARKS GREEN
LACKAWANNA COUNTY, PENNSYLVANIA**

**A RESOLUTION TO FILL VACANCY ON BOROUGH COUNCIL
DUE TO RESIGNATION OF COUNCIL MEMBER**

WHEREAS, James Curran, a member of Borough Council, tendered his resignation from Borough Council effective October 31, 2023; and

WHEREAS, the resignation of James Curran was accepted on November 15, 2023; and

WHEREAS, Section 901 of the Borough Code of the Commonwealth of Pennsylvania provides that the Borough Council shall fill such vacancy by resolution appointing a registered elector of the Borough who has resided in the Borough for a period of one year prior to the date hereof to fill such office until the first Monday after the next Municipal Election at which election an eligible person shall be elected to the office for the remainder of the term; and

WHEREAS, the next Municipal election will be held in November of 2025.

NOW THEREFORE BE IT RESOLVED, that Mary Anne Lucas, as registered elector of the Borough and a resident of the Borough for a period in excess of one year from the date hereof, is hereby appointed to the office of Council Member of the Borough to serve until the first Monday of January 2026.

This Resolution is adopted by the affirmative vote of the Council of Clarks Green this 15th day of November, 2023.

BOROUGH OF CLARKS GREEN

By: /s/ David Rinaldi
David Rinaldi, President

ATTEST:

/s/Joanne Culbertson
Joanne Culbertson, Secretary

Mr. Rinaldi entertained a motion for the appointment of Mary Anne Lucas to Council for a term ending December 31, 2025. Ms. Igoe motioned, seconded by Mr. Egan. Mr. Williams expressed his concern on the process in which this appointment was selected. He stated there are certain guidelines that need to be followed such as when a resignation is submitted the Borough has a short time in finding a nomination noting this one was rushed. Mr. Rinaldi responded by stating when former councilman, Dr. Cochran sold his house in August that resignation was held by the majority of this Council up until the end of November. In this particular case, Mr. Curran told us at the June meeting that this was going to happen just did not know when. So, it was not rushed and for the purpose of allowing someone to fill the position

to make it a full Council to vote on subjects such as taxes and approving the 2024 Budget. Thus, making this Council do its job. Mr. Rinaldi stated Ms. Lucas is Chair of the Borough's Planning Commission has worked for this Borough noting her recent involvement with Central Park Flowers. Mr. Rinaldi stated he can go through chapter and verse how many people showed up at a meeting and they got appointed such as Mr. Barrasse and former Councilman Joe Dougherty. Mayor Barrasse commented by stating you had just accepted his resignation two (2) minutes ago. Mr. Rinaldi and Mayor Barrasse exchanged some history of the various appointments and thoughts. Mr. Nealon stated he is sick of all this tonight what has been happening this past month. I have been on this Council for nine (9) months and noted he had also been appointed. He proceeded to say "we get along and get things done." Mr. Nealon stated Ms. Lucas had attend four (4) to five (5) council meetings while he has served on Council and I am not speaking to the process one bit and with that I don't want to know the history of what happened. Mr. Nealon feels Ms. Lucas is a fine candidate, Chair of the Planning Commission. Mr. Nealon stated he fears what is currently happening is turning personal and nasty on both sides. Mr. Nealon stated he wanted to serve the community and did not know anyone on Council before being appointed. Mr. Nealon told everyone Ms. Lucas wants to serve just like me. Mr. Nealon noted I am not calling out one (1) person or another. Mr. Nealon asked that this motion move forward and thanked everyone for indulging. Ms. Trushina spoke up "asking why can't we bring back the process to Clarks Green." Mr. Nealon and Mr. Egan stated there is a Resolution on the table and when you are a member of council this can be discuss further. Mr. Rinaldi, asked the Borough Manager to call the roll. Mr. Egan, Ms. Igoe, Mr. Nealon, Mr. Williams and Mr. Rinaldi voted in favor. All of Council congratulated Ms. Lucas. Ms. Lucas stated she had no idea that there was any dissension to her appointment. Ms. Lucas told Council I look forward to serving on this Council and lived in the Borough for twenty-two (22) years. I care about the Borough and the people of the Borough. Rick Williams proceeded to comment on the topic and discussion then took place with Ms. Trushina regarding how a Council meeting is run. Mr. Rinaldi stated he does not make the rules but comments are made in the Public Comment portion of the meeting. Mr. Rinaldi proceeded to the next agenda item consideration of removing the disciplinary letter from Patty Lawler's personnel file who was the former Mayor. Mr. Rinaldi told Council she was held responsible for acting on behalf of the Clarks Green Borough Personnel Committee noting there's not a better person that I've ever met. Mr. Williams stated this was and is a confidential matter noting we had direction from our Solicitor and had conducted interviews regarding this matter. Mayor Barrasse stated because this involves personnel, we can't get into this matter noting there was a lot to the incident and the committee did the investigation and it was very thorough and feels the letter should not be removed. Mr. Rinaldi entertained the motion to remove the disciplinary letter from former Mayor Patty Lawler's personnel file. Ms. Igoe motioned, seconded by Mr. Egan. Ms. Igoe, Mr. Williams and Mr. Rinaldi voted in favor. Mr. Williams stated he is only saying, "yes" since there has been enough time gone by. Mr. Nealon abstained noting he does not know enough about the matter. Mr. Rinaldi thanked everyone for their support in this matter.

OTHER BUSINESS: Mr. Rinaldi entertained a motion in having employee Christmas luncheon. Mr. Egan motioned, seconded by Mr. Nealon. Mr. Egan, Mr. Nealon, Ms. Igoe, Mr. Williams and Mr. Rinaldi voted in favor. Mr. Rinaldi told Council the December work session will be held. Mr. Rinaldi stated the budget will be discussed, adopt the tax millage for 2024 along with employee raises and bonuses. Mr. Rinaldi informed Council he will go over what happens at a reorganization meeting. Mr. Rinaldi stated while attending the Veteran's Service at the VFW with Councilwoman Igoe we discovered Clarks Summit President Gerry Carey's brother had written books dealing with military service during the Vietnam War. Mr. Rinaldi stated he had purchased book copies and will have them signed by the author and will place the Clarks Green pocket library.

MOTION FOR ADJOURNMENT: Mr. Rinaldi entertained the motion to adjourn the meeting. Ms. Igoe motioned to adjourn the meeting at 8:41 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.