

**CLARKS GREEN BOROUGH
COUNCIL MINUTES
FEBRUARY 21, 2024**

CALL TO ORDER: President Egan 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: Ms. DeFlice, Mr. Nealon, Ms. Igoe, Ms. Lucas, Ms. Trushina and Mr. Egan. Mayor Barrasse and Solicitor Weinschenk via phone.

ABSENT: Mr. Toms.

VISITORS: CSPD Officer Alex Keiser, Mary Moore, 113 Glenburn Rd. David Rinaldi, 404 Fairview Rd., Ben Freda, Abington Journal, Atty. Joseph DeNaples, Scranton, Jonas Kreitzer, Casella Waste Systems, Michael Belusko & Michael Iacavazzi, J. P. Mascaro & Sons, Al DeGennaro, Deputy General Counsel, J.P Mascaro and Sons via phone.

APPROVAL OF MINUTES: President Egan entertained the motion to accept the minutes of the December 20, 2023 meeting. Ms. Igoe motioned, seconded by Ms. Lucas. All voted in favor. President Egan entertained the motion to accept the minutes of the January 17, 2024 meeting. Ms. Igoe motioned, seconded by Mr. Nealon. All voted in favor.

PUBLIC COMMENT: Mr. Egan welcomed former Councilman David Rinaldi to the meeting. David Rinaldi, 404 Fairview Road, told Council he was interested in attending tonight's meeting for information concerning the Refuse/Recycling contract. Mr. Rinaldi informed Council that Clarks Green has another first by having a majority female council noting this is the first time that I know of, in the Abington's. It's a wonderful step forward showing progress in Clarks Green. Al DeGennaro, Deputy General Counsel, J.P Mascaro and Sons addressed Council thanking them for the opportunity in rebidding Clarks Green's Refuse/Recycling contract noting they had submitted the same number in their bid stating when we put our bid in, we put the best bid that we can put in. Mr. DeGennaro stated they submitted the alternate three (3) year bid requested by Council. Mr. DeGennaro proceeded to tell Council of the recent letter they had received outlining why the County Waste bid is defective and should not be considered and that our company is the lowest responsive and responsible bidder to both the three (3) and five (5) year bids. County Waste failed to submit a three (3) year bid proposal as required on the appropriate bid form and their five (5) year bid contains documents (certificate of authority, bid bond) that renders Casella's bid nonresponsive and ineligible for award. Jonas Kreitzer, Casella Waste Systems, rebutted that the bid bond from County Waste was valid explaining the person who signed the bid bond was authorized by John Casella and a follow-up certificate of authority was sent. Mr. Kreitzer further explained a \$300,000 difference with the original (first) bid stating it was a mathematical error that was corrected but if you added each of those years, it the exact number.

POLICE REPORT: CSPD Officer Keiser briefly reviewed the monthly police report. Officer Keiser told Council they have been enforcing the overnight parking ban on the Borough streets by issuing tickets.

MAYOR'S REPORT: Mayor Barrasse asked Council to consider allocating \$20,000 to the Capital fund since it was missed in 2023. Mayor Barrasse told Council attorneys are working on a three (3) year contract for police coverage with the Clarks Summit Police Dept. and Ransom. Mayor Barrasse stated Council needs to pay attention to this along with our EMT service because it is important noting CSPD Chief Yarns has promised us, it is not going to affect Clarks Green's Police coverage. Mayor Barrasse stated the Abington Kids Creative Learning Center submitted their Child Care Emergency plan for review. Mayor Barrasse expressed his frustration and disappointment in Casella Waste Systems in regard to their second opportunity in submitting a Refuse/Recycling contract. Mayor Barrasse told Council J. P. Mascaro rates are 95% higher than five (5) years ago and County Waste/Casella rates are 80% higher than five (5) years ago. Mayor Barrasse asked Council to weigh in the options and asked Council President Egan to consider rebid for the second time noting I know Council is under a lot of pressure.

SOLICITOR REPORT: Solicitor Weinschenk reported he had reviewed the Proposal and the Engagement Letter from the Cohen Law Group. I have no issues with the documents from a legal viewpoint. The Borough in

conjunction with the Abington COG has had prior agreements with the firm for negotiation of the franchise agreement noting it's a benefit and the more municipalities that participates will lower the cost.

BOROUGH MANAGER REPORT: Ms. Culbertson reported the Borough has received the 2022 904 Recycling Performance Grant in the amount of \$1,341.19. Ms. Culbertson informed Council the Borough auditors will be coming to the Borough February 26th to start the 2023 Audit noting her preparation of the usual reports requested have been completed. Ms. Culbertson told Council she has been working with the engineers in preparing the annual Wasteload Management Report and other projects associated with the Borough engineers which include CIPP lining project and our future stormwater project. Ms. Culbertson told Council she updated the Borough's website with Shade tree information requested by Councilwoman Trushina and reported she will place the information on the next sewer billing in March. Ms. Culbertson distributed an old Shade Tree newsletter to members of Council showing back in 2022 the Shade Tree Commission informed Borough residents the requirement of permits relating to removing, pruning or planting of trees. Ms. Culbertson stated this newsletter was submitted with our annual leaf bag distribution. Ms. Culbertson presented the inventory of the Borough's equipment stating it is now three (3) pages long and contains insured and uninsured equipment along with miscellaneous wrenches, sockets, etc. noting this was questioned by Mayor Barrasse at the last Council meeting. Ms. Culbertson proceeded to answer Mayor Barrasse's last month's questions. The question regarding the \$20,000 transfer to the Capital fund through research the amount has not always been \$20,000 some years (2019,2020) it was only \$10,000 and the Finance chair at the time would make recommendations to increase the amount and the 2021 year we did not transfer funds to the Capital fund noting the Finance chair did not make a motion and former President Barrasse did not entertain a motion for the transfer. The question regarding the budget item 411.35 C.S Fire/Ambulance W.C. after research we have not received an invoice from Clarks Summit since 2019 noting Mr. Barrasse was Council President and there were several Health/Safety chairs. Ms. Culbertson told Council she had noticed Resolution No. 2 of 2021 and Resolution #6 of 2022 there is nothing about ambulance coverage. Ms. Culbertson moved to the next question dealing with Emergency Coordinator for the Borough stating the last payment to Jim Waters was in 2019 and the last correspondence she had with him was her asking for the NIMS report that was to be submitted back in August 2020 noting he was not under contract. Ms. Culbertson told Council they should consider hiring a new Emergency Coordinator and informed Council along with Mayor Barrasse that originally the mayor had been the Borough's Emergency Coordinator. Ms. Culbertson stated the former Mayor, Bill Thorburn held that position without additional cost. Ms. Culbertson asked if anyone from Council had taken the take two (2) required courses noting these courses are necessary if the Borough will ever need to apply and receive emergency (FEMA) funding. Ms. Culbertson informed Mayor Barrasse he is missing the IS-100 course. Ms. Culbertson reiterated once courses, have been completed they will receive a certificate. And, please submit it to her and it will be placed on file.

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

General Fund Checking	\$	360,886.18
General Fund ICS MM #7101443595		254,751.39
Capital Fund Money Market		105,166.15
Sewer Fund Checking		296,307.82
Sewer Fund ICS MM #7101443706		254,761.49
Sewer – FNCB CD #200845158		50,000.00
Sewer – Peoples CD #10003154		76,758.85
Sewer – Wayne Bank CD #80049035		78,189.16
Sewer – Wayne Bank CD #80021603		53,634.01
Sewer – Wayne Bank CD #80044088		52,214.08
State Funds Checking		<u>216,651.34</u>
Total Checking/Savings	\$	1,799,320.47

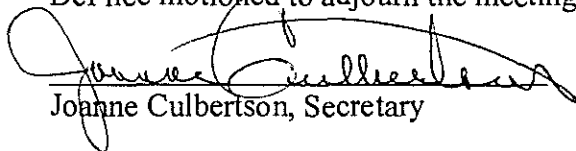
Mr. Egan entertained a motion to accept the Treasurer's report and ratify the payment of the bills. Ms. Igoe motioned, seconded by Ms. DeFlice. All voted in favor.

MOTIONS: Mr. Egan entertained a motion to authorize the 1st Quarter Payment to Hillside Park in the amount of \$1,585.25. Ms. Igoe motioned, seconded by Ms. Lucas. All voted in favor. Mr. Egan entertained a motion to approve Cohen Law Group proposal for legal services for the Comcast franchise renewal and audit at a flat fee to be determined by the number of participating municipalities. Ms. DeFlice motioned, seconded by Ms. Igoe. All voted in favor. Mr. Egan entertained a motion to ratify the hiring of Patrick Walsh, S. Abington Twp., to the position of DPW laborer at a rate of \$19 per hour retroactive to February 12, 2024. Ms. Lucas motioned, seconded by Ms. Igoe. All voted in favor.

2024 REFUSE/RECYCLING CONTRACT: Mr. Egan opened the floor for discussion regarding the contract. Atty. Joseph DeNaples, Scranton addressed Council stating distinction was drawn between the price on the two (2) bids tonight the average per weekly pickup cost for J. P. Mascaro is \$10.94 per week or \$5.47 per week for each of the trash & recyclable collections and Casella Waste Systems will be \$10.16 per week or \$5.08 per collection. Atty. DeNaples there will be a \$.39 per collection difference per week. Mr. Egan entertained a motion to award the three (3) year Refuse/Recycling contract to J. P. Mascaro in the amount of \$1,013,835.12. Mr. Nealon motioned, seconded by Ms. Deflice. Mr. Egan opened the floor for the Solicitor Weinschenk. Solicitor Weinschenk stated there were two (2) bidders, County Waste of PA and J. P. Mascaro and Sons. County Waste submitted a bid for five (5) years and Mascaro submitted bids for three (3) years and five (5) years. However, County Waste submitted a three (3) year bid after the bids has been opened which cannot be consider because all bids had to be received by noon on February 14th and their five (5) year bid was not responsive. The bid bond submitted with the County Waste bid was not signed by either of the two (2) individuals authorized to sign documents on behalf of County Waste as indicated on the Certificate of Authority submitted by County Waste with its bid. Solicitor Weinschenk told Council he had asked for County Waste to provide evidence of authority to execute the bid bond and received a revised certificate of authority but this certificate didn't include the names that signed the bid bond. Solicitor Weinschenk informed Council that they have a right to reject the bids but unfortunately, time is running out to permit an orderly transition and there is no guarantee that both companies would bid again noting J. P Mascaro mentioned they will not be interested in re-bidding. Solicitor Weinschenk told Council the contract provides that the Borough can terminate the refuse/recycling contract on its anniversary dates with proper notice and rebid. A discussion took place amongst Council members and their concerns. Mr. Egan asked Ms. Culbertson to take roll call for the 2024 Refuse/Recycling contract vote. Ms. Lucas, Mr. Nealon, Ms. DeFlice and Mr. Egan voted in favor. Ms. Igoe and Ms. Trushina voted no. Mr. Egan and Council thanked Solicitor Weinschenk for his hard work in reviewing the trash/recycling bids.

OTHER BUSINESS: Mr. Egan told Council the Borough Manager has contacted South Abington Township and Clarks Summit and they are both interested in establishing a joint Board of Appeals. Mr. Egan entertained a motion to allow Solicitor Weinschenk to draft an Ordinance/Agreement intergovernmental Board of Appeals. Ms. Igoe motioned, seconded by Mr. Nealon. All voted in favor. Mr. Egan recognized former Councilman, David Rinaldi presenting him with a plaque thanking him for his years of service to the Clarks Green community.

MOTION FOR ADJOURNMENT: Mr. Egan entertained the motion to adjourn the meeting. Ms. DeFlice motioned to adjourn the meeting at 8:25 P.M., seconded by Mr. Nealon. All voted in favor.


Joanne Culbertson, Secretary

CLARKS GREEN BOROUGH
AGENDA
FEBRUARY 21, 2024
7:00 PM

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE – President Egan
2. ROLL CALL – Secretary Culbertson
3. Motions to approve Council meetings minutes: December 20, 2023 and January 17, 2024
3. PUBLIC COMMENT.
4. POLICE REPORT
5. MAYOR’S REPORT – Mayor Barrasse
6. SOLICITOR REPORT – Atty. Weinschenk
7. BOROUGH MANAGER REPORT: Ms. Culbertson
8. EXECUTIVE SESSION – Legal /personnel issues
9. Review of Borough Financials, Budget vs. Actual and motion to pay bills.

10. MOTIONS:

Review of the 2024 Refuse/Recycling Contract and motion to award the contract.

Authorization of the 1st Quarter Payment to Hillside Park in the amount of \$1, 585.25.

Review the Cohen Law Group proposal for the Comcast franchise renewal and motion to authorize Cohen Law Group proposal for legal services to assist ACOG in a franchise fee audit and cable franchise renewal flat fee To be determined by the number of participating municipalities.

Ratification of hiring Patrick Walsh, S. Abington Twp. to the position of DPW laborer at a rate of \$19.00 per hour retroactive to February 12, 2024.

Appoint Murray Glick to the another five (5) year term to the Clarks Green Hearing Board.

Review or suggestions for other committees expired terms: (2) AAJRB, (1) Planning Commission, (4) Board of Health...5 year term, 3 year terms, 2 year term and 1 year term.

11. OLD BUSINESS: Review the Intergovernmental Board of Appeals and the next step to for entering into a new Intermunicipal agreement --- motion to allow Solicitor Weinschenk to draft an Ordinance/agreement.
12. OTHER COMMENTS/CONCERNS.
13. 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.