

**CLARKS GREEN BOROUGH
COUNCIL MINUTES
MARCH 20, 2024**

CALL TO ORDER: President Egan called the meeting of the Clarks Green Council to order at 7:03 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. Trushina, Mr. Egan and Mayor Barrasse. Ms. Lucas and Solicitor Weinschenk via phone.

MOMENT OF SILENCE: President Egan told Council William (Bill) Toms has passed away Saturday, March 16th and asked everyone to take a moment of silence in honoring our fellow Councilman for his service to our Borough.

VISITORS: CSPD Officer Alex Keiser, John Brennan, 242 E. Grove St., Maxim Trushin, 216 Glenburn Rd., Ben Freda, Abington Journal, Jon & Sarah Tichenor, 307 Gordon Drive, Rick Williams, 208 Maple St. and Mike Mullen, 215 Glenburn Road.

APPROVAL OF MINUTES: President Egan entertained the motion to accept the minutes of the February 21, 2024 meeting. Ms. Igoe motioned, seconded by Ms. DeFlice. All voted in favor.

PUBLIC COMMENT: Mr. Egan briefly reviewed the 2024 Trash/Refuse contract with J. P. Mascaro opening the floor for public comment. John Brennan, 242 E. Grove Sr., expressed his concern over the price increase for the disposal of trash/recyclables stating he is retired and living on a fixed income. Mr. Brennan even questioned if the Borough will receive a financial benefit from the contract. President Egan assured Mr. Brennan the Borough does not. Solicitor Weinschenk briefly explained the bid package stated it was based off a template from our previous trash/recycling contracts which was the best for all of the households in the Borough noting Casella Waste Systems was not the responsive bidder.

POLICE REPORT: CSPD Officer Keiser briefly reviewed the monthly police report. Officer Keiser reported on juvenile activity within the Borough such as egging houses. Officer Keiser reminded Council the Aggressive Driving Program has been started for the month of March and April will be the start of the DUI patrols with an additional shift.

MAYOR'S REPORT: Mayor Barrasse informed Council he had been in contact with CSPD Chief Yarns regarding the Aggressive and DUI programs funded by awarded grants. Mayor Barrasse offered his deepest sympathy for the family and friends of Councilman William Toms thanking him for his service to the community. Mayor Barrasse reminded Council of the various tools that can be used for the continuation of meetings versus scheduling a special meeting. Mayor Barrasse briefly reviewed his thoughts on the trash/recycling contract especially pricing that is affecting our senior citizens noting it is at no fault of Council. Pricing was negotiated on behalf of all the residents. Mayor Barrasse stated he is still not getting the appropriate emails. Mayor Barrasse asked that the agenda and emails be sent to his gmail.com account. Mayor Barrasse further stated he requested the trash/recycling bid results were denied at that time because Solicitor Weinschenk and the Council President were reviewing the results. Mayor Barrasse stated all communications should be circulated as soon as possible to the Council and the Mayor. Mayor Barrasse informed Council that he had received a few calls concerning the Zoning Hearing Board appointment of David Rinaldi to a five (5) year term and had received an email containing a letter from John Earley to which I want enter in the meeting minutes.

Letter from John Earley:

Good Morning Joanne,
Please forward this memo to members of Council, the Mayor and Ron Leas.
Thank you for your anticipated cooperation.

The Agenda for tonight's meeting contains an entry that suggests Council is intending to appoint defeated Council candidate David Rinaldi to the Zoning Hearing Board. This is a stunning turn of events. What a slap in the face this is for the tax paying residents of Clarks Green. On Election Day last November fully informed voters rejected Mr. Rinaldi in favor of Olga Trushina by a vote of 249 to 139. (64.18% to 35.83%) As elections go, this is a tremendous statement. To ignore this result and appoint a tax delinquent like David Rinaldi to any position of authority is an

affront to every tax paying resident. More specifically, who would want to receive an adverse result from the Zoning Hearing Board when one of its members is not current with his own property taxes? That would indeed be very galling.

Even if Mr. Rinaldi were not a tax delinquent or someone who gamed the system by organizing boycotts of meetings, this Council does not have to settle with him as a choice for the Zoning Hearing Board. If this Council simply opened the process and advertised the fact there are vacancies on the Zoning Hearing Board or on Council itself, talented candidates from the community will present themselves for consideration. That is what happened in the past. Often these outreach efforts yielded a field of five to seven candidates to fill Council vacancies.

Of course, as part of this process, it fell to former Borough Treasurer Angie Pullo to check out prospective candidates to see if they had outstanding tax liens. Those who had tax liens would not be considered eligible for appointment to Council or any other position of authority in the Borough. Unfortunately, this lien review process came to an end during the period Rinaldi dominated Clarks Green's government. It is regrettable this open and robust outreach process has evidently not been re-established since Rinaldi's decisive rejection by the voters. The fact that a disgraced former Council candidate is being considered for an appointment to the Zoning Hearing Board demonstrates the need to re-establish standards for filling appointments and vacancies in Clarks Green's government.

Thank you for taking time to review my concerns. If the elections of 2023 stood for anything, this is a major issue that must be addressed.

John Earley, Esq.

Mayor Barrasse proceeded to state Council did not even consult with Ron Leas, chair of the Zoning Hearing Board on the appointment. It is an insult asking Council never do that again. Mayor Barrasse encourage Council to be more open about filling vacancies making note of upcoming Council vacancy seat. Mayor Barrasse told Council never should it be (1) one person or (2) two people to make the decision it should be the majority of Council.

SOLICITOR REPORT: Solicitor Weinschenk reported President Egan asked me to provide you with the time period to appoint a successor for the open vacancy seat that was held by Councilman Bill Toms. Solicitor Weinschenk stated Council has thirty (30) days from the March 16, 2024 vacancy date. The deadline would be April 15, 2024. If the appointment isn't made in the thirty (30) days period the vacancy board has fifteen (15) days to fill the vacancy. The vacancy board consists of Borough Council (6 members) plus the person appointed annually to the vacancy board. Ms. Trushina asked questions about the current vacancy board and if we would need to appoint anyone tonight at the meeting. Mr. Egan stated he cannot answer her questions at the moment and particularly, we cannot appoint anyone tonight. In regard to the Council vacancy several individuals have expressed interest.

BOROUGH MANAGER REPORT: Ms. Culbertson reported the Borough has been receiving many calls concerning the new trash/recycling hauler, J. P Mascaro & Sons. Ms. Culbertson told Council both trash haulers submitted Right-To-Know request for copies of the submitted trash/recycling bids. She reported J. P Mascaro's personnel have been in the office several times working on the transitioning from the previous hauler and she has provided the needed information. Ms. Culbertson told Council the order for 2024-2025 Road Salt has been placed and submitted the first part of the 2023 Recycling Report to Lackawanna County. Ms. Culbertson told Council she has been working with the Borough Engineers on the Sanitary Sewer Lining Project reporting a COSTAR vendor, VORTEX Services was the lowest bid at \$154,290. She reminded Council this project was awarded an earlier grant and the work needs to be completed by June 30, 2024. Plus, she has been providing information to the Borough Engineers in responding to DEP concerns on the submitted Pollutant Reduction Plan report. Ms. Culbertson reported the Borough has received Liquid Fuel funds payment in the amount of \$47,560.49. Ms. Culbertson informed Council she had arranged maintenance service to the Borough's clock by the Verdin Company. Ms. Culbertson reminded Council and the Mayor that they need to complete the two (2) FEMA courses if the Borough would need to apply and receive emergency funding.

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:

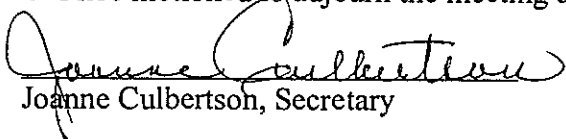
General Fund Checking	\$	396,803.53
General Fund ICS MM #7101443595		255,724.82
Capital Fund Money Market		105,416.82
Sewer Fund Checking		299,389.55
Sewer Fund ICS MM #7101443706		255,745.00
Sewer – FNCB CD #200845158		50,000.00
Sewer – Peoples CD #10003154		76,758.85
Sewer – Wayne Bank CD #80049035		78,189.16
Sewer – Wayne Bank CD #80021603		53,634.01
Sewer – Wayne Bank CD #80044088		52,214.08
State Funds Checking		<u>216,668.51</u>
Total Checking/Savings	\$	1,840,544.33

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

MOTIONS: Mr. Egan entertained a motion to award the Clarks Green Borough Sanitary CIPP Liner Project to Vortex Services in the amount of \$154,250. Ms. Igoe motioned, seconded by Ms. DeFlice. All voted in favor. Mr. Egan entertained a motion to authorize the removal of penalties and interest from five (5) sewer accounts...0134, 0137, 0138, 0139 and 0140 due to non-delivery of the fourth quarter sewer billing. Ms. Igoe motioned, seconded by Mr. Nealon. All voted in favor. Mr. Egan introduced the next motion stating Mr. David Rinaldi submitted his name for consideration to the five (5) year Zoning Hearing Board term. Mr. Egan told Council Atty. Rinaldi has great knowledge and has served on Council for many years making him a great candidate for this opening. Ms. Igoe motioned to appoint David Rinaldi to a five (5) year term on the Zoning Hearing Board, seconded by Mr. Nealon. Ms. Trushina reported to Council she had only found out yesterday that David Rinaldi was to be appointed noting she has not been receiving the Borough’s email for some unknown reason noting the Borough’s email server is not allowing external email addresses to her Borough’s account and the sender receives notification of non-delivery of the message. Ms. Trushina told Council she feels he did this deliberately by explaining the circumstances and noted she had talked with the Ron Leas, chair of the Zoning Hearing Board to which he informed her that he was not consulted on this appointment and will resign if this appointment is approved noting he wants Murray Glick to be re-appointed to the Board. Ms. Trushina proceeded to talk about transparency if we are to function as a community and we should advertise for the vacancy. Mr. Rick Williams asked to speak stating this is a slap in the face to the community if you appoint your neighbor, Mr. Rinaldi tonight stating no one wants to work with him. Mayor Barrasse asked if he can read the letter from Atty. John Earley. A discussion took place concerning reading the letter. Solicitor Weinschenk verified the letter was received by all of Council and the Mayor. Solicitor Weinschenk stated earlier in the meeting Mayor Barrasse asked that the letter be entered in the minutes so at this time the letter does not need to be read aloud and Council needs to consider the motion. Ms. Lucas asked Mr. Egan if anyone else expressed interest in the position since the appointment was listed on last month’s agenda. Mr. Egan stated no. Ms. Trushina motioned to table the motion on the floor, seconded by Ms. DeFlice. Mr. Nealon, Ms. Trushina and Ms. DeFlice voted yes. Ms. Lucas, Ms. Igoe and Mr. Egan voted no. Mayor Barrasse voted yes making the motion tabled. Ms. Culbertson told Ms. Trushina she needs to know if she is not getting her Clarks Green emails since they were setup in January and will contact the IT provider tomorrow. Mr. Egan moved to the next motion the appointment of Murray Glick to the Planning Commission. Ms. Trushina asked for Murray Glick to be re-appointed to the Zoning Hearing Board since after speaking with Ron Leas that is what he really wanted and even though he was willing to serve on the Planning Commission when asked by Mr. Egan. Ms. Igoe motioned to appoint Murray Glick to a four (4) year term to the Planning Commission. Ms. DeFlice seconded the motion. Ms. Trushina motioned to table the motion, seconded by Ms. DeFlice. Ms. Igoe, Mr. Nealon, Ms. Lucas, Ms. DeFlice and Mr. Egan voted no. Ms. Trushina voted yes. Mr. Egan asked for Ms. Culbertson to call roll for the motion on the floor appointing Murray Glick to Planning Commission. Ms. Igoe, Mr. Nealon, Ms. DeFlice, Ms. Lucas, Ms. Trushina and Mr. Egan voted yes. Mr. Egan entertained a motion to authorize the advertisement for Ordinance No. 1 of 2024 providing for intergovernmental cooperation for a board of appeals under the PA Construction Code Act. Ms. DeFlice motioned, seconded by Ms. Igoe. All voted in favor.

OTHER BUSINESS: Mr. Egan briefly reviewed and discussed the other Borough committees and the open seats due to expired terms. Mr. Egan suggested that Council reach out to those whose terms expired if they would like to be re-appointed for another term. Mr. Egan told Council everyone received a letter from J.P. Mascaro & Sons, Deputy General Council regarding the five (5) year contract option versus the current three (3) year contract. Mr. Egan discussed the open Council position and opening the floor on how Council would like to fill the vacancy. Mr. Egan told Council we are a small community and it is hard getting people to volunteer. Mr. Nealon asked Solicitor Weinschenk if there is a legal requirement concerning advertising the vacancy. Solicitor Weinschenk stated no. In the past, there was a reporter from the Scranton Times that would publish the opening. Mr. Egan noted Ben Freda from the Abington Journal is in attendance and requested he place the vacancy in his report. Ms. Trushina stated the Borough does not have a Facebook page so, residents do not know what is happening in the Borough. Ms. DeFlice stated that is how she got involved when Dave Rinaldi placed it on Facebook. Mayor Barrasse suggested to move the April 17th meeting to April 10th and if no decision is made on the vacancy noting you can do a continuation. Mr. Egan stated he will discuss with Council and see what resumes/interests will be received for the Council's vacancy. Ms. Trushina expressed her interest in building a Facebook borough page. Solicitor Weinschenk stated we have to be careful what is posted on social media there needs to be rules and posting on a private Facebook page can be confusing. Ms. Igoe left the meeting approximately 8:05 P.M.

MOTION FOR ADJOURNMENT: Mr. Egan entertained the motion to adjourn the meeting. Ms. DeFlice motioned to adjourn the meeting at 8:23 P.M. All voted in favor.


Joanne Culbertson, Secretary

CLARKS GREEN BOROUGH
AGENDA
MARCH 20, 2024
7:00 PM

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE** – President Egan
2. **ROLL CALL** – Secretary Culbertson
3. **Moment of Silence:** Honoring fellow Councilman William (Bill)Toms
4. **Motion to approve Council meetings minutes:** February 21, 2024
5. **PUBLIC COMMENT**
6. **POLICE REPORT**
7. **MAYOR’S REPORT** – Mayor Barrasse
8. **SOLICITOR REPORT** – Atty. Weinschenk
9. **BOROUGH MANAGER REPORT:** Ms. Culbertson
10. **EXECUTIVE SESSION** – Legal /personnel issues
11. Review of Borough Financials, Budget vs. Actual and motion to pay bills.
12. **MOTIONS:**
 - Award the Clarks Green Borough Sanitary Sewer CIPP Liner Project to Vortex Services in the amount of \$154,250
 - Authorize the removal of penalties and interest from (5) sewer accounts... 0134,0137,0138, 0139 and 0140 due to the non-delivery of the 4th Qtr. Sewer Billing
 - Appoint David Rinaldi a five (5) year term to the Clarks Green Zoning Hearing Board.
 - Appoint Murray Glick a four (4) year term to the Planning Commission
 - Review or suggestions for other committees expired terms: (2) AAJRB, (4) Board of Health...5-year term, 3-year terms, 2-year term and 1 year term.
 - Review and authorize the advertisement for Ordinance No. 1 of 2024 providing for intergovernmental cooperation for a board of appeals under the PA Construction code Act
13. **OTHER BUSINESS:** Review the J.P. Mascaro letter regarding the five(5) year contract option. Guidelines and procedure for Council’s vacancy.
14. **OTHER COMMENTS/CONCERNS**
15. **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.