

**CLARKS GREEN BOROUGH
COUNCIL MINUTES
APRIL 17, 2024**

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

VISITORS: CSPD Chief Yarns, Rick Williams, 208 Maple St., Mary Moore, 113 Glenburn Rd, Pat McKenna, 608 Highland Ave. and John Brennan, 242 E. Grove St.

APPROVAL OF MINUTES: President Egan entertained the motion to accept the Special Meeting minutes, April 3, 2024. Ms. DeFlice motioned, seconded by Ms. Lucas. All voted in favor. Mr. Egan officially welcomed Councilman, Mr. Pryle.

PUBLIC COMMENT: Mr. Williams, 208 Maple St., informed Council he is moving and no longer will be a resident of the Borough. Mr. Williams told Council he will be mentoring the ACOG till the end of the year. He requested that Council allow him to have a FOB to open the Borough building for the scheduled ACOG meetings noting he can be trusted because of the history in the Borough. Mr. Williams reported that a representative from Neighbor Works will be at the next ACOG meeting if anyone from Council is interested in attending. Pat McKenna, 608 Highland Ave., reported to Council he has a serious water problem. He explained that his property is located by the curve of the road and the properties across the street are elevated and the water flows into his yard noting the Borough's DPW a few years ago fixed a pothole on the street removing a collar. John Brennan, 242 E. Grove St., thanked the Clarks Summit Police for slowing traffic. He told Council Nelson St. is destroyed by the new office building along with overgrown vegetation. He informed Council Evans and Armstrong Ave. inlet is blocked and water is running across the road. Mr. Brennan reported the gazebo light has been on continuously and questioned why Mascaro's bins are stored in the shed and asked if we are being paid for storage. Mr. Egan stated I don't believe so. Mr. Brennan informed Council he noticed Mascaro's workers running across Abington Road in traffic picking up garbage instead of making a pass up and then a pass down. Mr. Brennan told Council they should look at installing LED lights throughout the Borough. Mr. Brennan talked about the various hidden stop and speeding signs within the Borough.

POLICE REPORT: CSPD Chief Yarns briefly reviewed the monthly police report and addressed Mr. Brennan's concerns regarding the tree branches that hide stop and speeding signs.

MAYOR'S REPORT: Mayor Barrasse welcomed Tim Pryle and looks forward in working with him. Mayor Barrasse reported he had spoken with Chief Yarns regarding the negotiations between Clarks Summit and Ransom Township for police protection services. Mayor Barrasse informed Council that this will be coming up for a vote at the beginning of May but per Chief Yarns this will not affect police services to our Borough. Mayor Barrasse stated a full-time officer will be hired for Ransom Township. Mayor Barrasse reported to Council that he was instructed from the PA Association of Boroughs to complete a form allowing the mayor to charge and retain marriage fees. Mayor Barrasse reminded Council the 2023 Financial Interest forms are due before /on May 1, 2024.

SOLICITOR REPORT: Solicitor Weinschenk addressed agenda item # 13, Borough residents refusing J. P. Mascaro trash and recycling service. Solicitor Weinschenk stated this puts the Borough in a difficult situation and it is further complicated since the contractor is billing the residences. Solicitor Weinschenk explained when the bid package was created it was based upon a certain number of households within the Borough and if that number is significantly less J. P. Mascaro is not collecting the same amount of money as they thought they were going to collect. Solicitor Weinschenk told Council the Borough does have a Trash/Recycling Ordinance, all residential municipal solid waste and recyclables accumulated from residential households in the Borough shall only be collected, conveyed and disposed of by a refuse contractor designated by the Borough. If a household within the Borough does not use J. P. Mascaro, the designated hauler we can then file an action with the district magistrate. Requiring the resident to comply or else they can be fined. Solicitor Weinschenk stated this is the law. I know residents are unhappy but you are obligated to pay. Solicitor Weinschenk noted we are obligated to recycle by law and the Borough receives grant money for recycling.

BOROUGH MANAGER REPORT: Ms. Culbertson reported she has been working on using the remainder of the grant money from the LSA grant to purchase a tar buggy for the DPW noting the remaining funds in the amount of \$5,312.00. Ms. Culbertson talked about a sewer issue concerning tree roots and distributed a flyer on various trees that have invasive roots along with a section of Ordinance #3 of 2010 concerning the sewer maintenance in the event the Borough determines that the owner or customer responsible of placing inappropriate material into the building sewer or caused by trees on the owner's property, the Borough reserves the right to require reimbursement from the owner. Ms. Culbertson noted we need to be mindful of these issues especially since Shade Tree Commission is planting street trees in the Borough. She informed Council additional work needs to be done to the residence with the sewer issue. Ms. Culbertson stated she is researching various grant opportunities available such as next year's paving project as well as paving the Borough parking lot and even a generator for the Borough's office. Ms. Culbertson reported the Borough's 2023 Audit has been completed along with the fiscal report to DCED. She reported Borough is still receiving calls about the new trash/recycling hauler, J. P. Mascaro. Ms. Culbertson told Council she has worked with the Borough engineers in responding to the additional information that was needed for the Borough's Pollutant Plan to DEP.

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	\$	363,545.05
General Fund ICS MM #7101443595		256,790.26
Capital Fund Money Market		105,685.42
Sewer Fund Checking		304,119.39
Sewer Fund ICS MM #7101443706		256,800.54
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>264,251.38</u>
Total Checking/Savings	\$	1,861,988.14

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. Mr. Egan entertained a motion for the re-investment of funds from the Wayne Bank CD #80049035 maturing 4/28/24. Ms. Igoe motioned, seconded by Mr. Nealon. All voted in favor.

MOTIONS: Mr. Egan entertained a motion to approve the payment to Patrick Snyder's Tree Service in the amount of \$2,500.00 for emergency services. Ms. Igoe motioned, seconded by Ms. DeFlice. All voted in favor. Mr. Egan entertained a motion to approve expanding the scope of the LSA Grant C000076611 to purchase a tar buggy (approx. \$14,650) with the remaining grant funding in the amount of \$5,312.00. Ms. Igoe motioned, seconded by Ms. DeFlice. All voted in favor. Mr. Egan entertained a motion to approve the first payment to Vortex for the Sewer CIPP Liner Project in the amount of \$17,103.60. Ms. Igoe motioned, seconded by Ms. Lucas. All voted in favor. Mr. Egan motioned to approve Ordinance No. 1 of 2024 providing for intergovernmental agreement for a board of appeals with the participation municipalities South Abington Township, Clarks Summit and Clarks Green. Ms. Igoe motioned, seconded by Mr. Nealon. Mr. Pryle, Ms. Trushina, Mr. Nealon, Ms. Igoe, Ms. DeFlice, Ms. Lucas and Mr. Egan voted in favor.

Borough of Clarks Green
Ordinance No. 1 of 2024

AN ORDINANCE PROVIDING FOR INTERGOVERNMENTAL COOPERATION FOR A BOARD OF APPEALS UNDER THE PENNSYLVANIA CONSTRUCTION CODE ACT, ACT 45 OF 1999, 35 P.S. 7210.101-7210-1103, AS MAY BE AMENDED (ACT)

WHEREAS, the Act and the underlying regulations provide that an Appeals Board is to be created;

WHEREAS, South Abington Township and the Boroughs of Clarks Summit and Clarks Green desire to establish a Joint Appeals Board under 53 Pa.C.S.A. 2303;

WHEREAS, the purpose of this Ordinance is to provide for a Joint Appeals Board under the Act and appropriate regulations.

NOW, THEREFORE, it is hereby enacted and ordained as follows:

1. Participating Municipalities. There are three participating municipalities, the Township of South Abington and the Boroughs of Clarks Summit and Clarks Green.

2. Joint Board. A joint three-member Board of Appeals to hear appeals under the Act and applicable regulations is hereby established. Each participating municipality shall have one designated member and one alternate member to serve in the absence of a designated member of the Municipality. The Board shall elect appropriate officers and establish rules and regulations.

3. Purpose. The Joint Board of Appeals shall hear and rule on appeals, requests for variances and requests for extensions of time.

4. Application. An owner or owner's agent may seek a variance or extension of time or appeal a building code official's decision by filing a petition with the building code official or other person designated by the board of appeals on a form provided by the participating municipality in which the appeal arose. Unless otherwise provided by law, an application for appeal shall be based on a claim that the true intent of the Act or Uniform Construction Code has been incorrectly interpreted, the provisions of the Act or Uniform Construction Code do not fully apply, or an equivalent form of construction is to be used.

5. Composition. The composition of a Board of Appeals is governed by all of the following, unless otherwise restricted or preempted by law:

- (a) A member of the Board of Appeals shall be qualified by training and experience to pass on matters pertaining to building construction. Training and experience may consist of licensure as an architect or engineer, experience in the construction industry, and training or experience as an inspection or plan reviewer.
- (b) A member of the Board of Appeals holds office at the pleasure of the municipality's governing body.
- (c) Members of the municipality's governing body and its code administrators may not serve on a Board of Appeals.

6. Residency. A municipality may fill a position on the Board of Appeals with a qualified person who resides outside of the municipality when it cannot find a person within the municipality who satisfies the requirements of 34 Pa. Code 403.121, as may be amended and supplemented.

7. Alternates. The governing body of the participating municipality may appoint by resolution at least one person to serve as an alternate member of the Board for their respective municipalities in the absence or unavailability of the designated member. When seated pursuant to the provisions this Ordinance, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this act and as otherwise provided by law.

8. Disinterested Member. A Board of Appeals member may not cast a vote or participate in a hearing on any appeal, request for variance or request for extension of time in which the member has a personal, professional or financial interest.

9. Public Notice. A Board of Appeals shall schedule meetings and provide public notice of meetings in accordance with 65 Pa.C.S. 701-716 (relating to Sunshine Act). If the owner or owner's agent requests a hearing, the Board of Appeals shall schedule a hearing and notify the owner or owner's agent and building code official of the date, time and place of the hearing. The Board of Appeals shall provide a written notice of its decision to the owner and to the building code official.

10. Prohibition. A Board of Appeals may not act upon appeals, requests for variance or requests for extension of time relating to accessibility under the Act.

11. Duration. The Board shall function as long as there are three participating member municipalities. Any participating member may terminate the Agreement by duly authorized resolution passed at a public meeting.

12. Funding. Each municipality will appropriate annually such funds as it deems necessary for the Board; the Board may not create any monetary or other obligation or liability on behalf of the participating municipalities. Each participating municipality shall establish fees and costs for appeals to the Board by resolution from time to time.

13. General. The Joint Appeals Board shall be governed by the provisions of the Act and applicable regulations as may be amended from time to time including, but not limited to, 34 Pa. Code 403.121 and 122 unless otherwise provided herein as may be permitted by law.

14. Interjurisdictional Agreement. The participating municipalities shall enter into an Interjurisdictional Agreement. The Agreement may be modified from time to time by resolution and execution by the participating municipalities.

15. Severability. The provisions of this ordinance are severable. If any section, subsection, sentence, or clause of this ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance.

DULY ADOPTED this 17th day of April, 2024, by the Borough Council of the Borough of Clarks Green, Lackawanna County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF CLARKS GREEN

By: William Egan

William Egan, President

Attest: Joanne Culbertson

Joanne Culbertson, Secretary

EXAMINE AND APPROVED this 17th day of April, 2024.

/s/ Joseph Barrasse

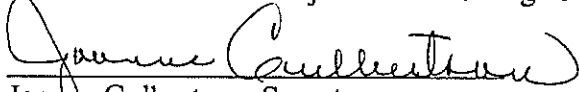
Joseph Barrasse, Mayor

Mr. Egan entertained a motion to approve payment to Environmental Service Corp. in the amount of \$1,810.00 for emergency jetting, camera and root cutting services performed at 315 S. Abington Road. Ms. Igoe motioned, seconded by Mr. Nealon. All voted in favor. Mr. Egan entertained a motion to approve the proposal to utilize jetting, camera, location equipment and safety protection, to investigate multiple storm drain lines in the area of Grove St. and N. Abington Road. (vicinity by NBT Bank) in the amount of approximately \$5,329.00. Ms. Igoe motioned, seconded by Ms. DeFlice. All voted in favor. Mr. Egan motioned to approve a letter of support for AAJRB's Hillside Park Community Center grant request. Ms. Igoe motioned, seconded by Ms. DeFlice. All voted in favor.

OTHER BUSINESS: Ms. Trushina wanted to discuss the tabled motion concerning the appointment of Dave Rinaldi to the Zoning Hearing Board. Mr. Egan stated that tabled motion is not listed on the current agenda and told her it can be added to the next month's agenda to which it can be discussed and consider. Ms. Trushina asked that Council to consider appointing Murray Glick back on the Zoning Hearing Board since he had sent an email declining his appointment to the Planning Commission. Ms. Trushina stated he had served in that capacity for a long time and it would be a tremendous loss. Mr. Egan reported to Council he had tried contacting Mr. Glick twice and never received a call back. A discussion took place on the procedure when a term expires. Solicitor Weinschenk told Council once the term expires it is not automatically renewed for the Borough of Clarks Green. Clarks Green's Council will need to appoint someone to the vacant seat. Ms. Trushina questioned legally how to proceed with setting up the Borough with social media. Mr. Egan stated maybe I was not clear in my earlier response. We are very appreciative of you wanting to take the lead on this social media project and once you find out the social media platforms and specifics for setting up the site. We then can have our Solicitor advise us on the management and legal aspects before site is launched. A brief discussion took place concerning updating the current website and Ms. Culbertson stated she had sent an email to Ms. Lucas with some names of

website vendors. Ms. Culbertson wanted to correct some information forwarded to Council from Ms. Trushina regarding the Clarks Summit Shade Tree Commission and Clarks Summit DPW. Ms. Culbertson reported that Paula Thompson, Assistant Secretary talked with Jay Miller, Supervisor of the Clarks Summit DPW, and was told they do not deliver Shade Tree Commission trees to their residents. She explained once they pickup the tree order from the vendor and if there are several trees to be planted in a public location in the Borough the Clarks Summit DPW will drop off those trees the same day. Mr. Egan stated he does have a concern using the Borough employees to deliver the trees. In the private business it would not be an issue but using the employees for a separate independent commission and you being a member of Council creates potential conflicts. And, what if one our employees was to be injured it creates a new level of problems.

MOTION FOR ADJOURNMENT: Mr. Egan entertained the motion to adjourn the meeting. Ms. DeFlice motioned to adjourn the meeting at 8:15 P.M. All voted in favor.


Joanne Culbertson, Secretary

CLARKS GREEN BOROUGH

AGENDA

APRIL 17 , 2024

7:00 PM

1. **CALL TO ORDER & PLEDGE OF ALLEGIANCE** – President Egan
2. **ROLL CALL** – Secretary Culbertson
3. **MOTION TO APPROVE COUNCIL MEETINGS MINUTES:** Special Council Meeting – April 3, 2024
4. **PUBLIC COMMENT**
5. **POLICE REPORT**
6. **MAYOR’S REPORT** – Mayor Barrasse
7. **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.
Consideration of reinvestment of funds from Wayne Bank, CD # 80049035 maturing 4/28/24 amt. \$78,189.16.
12. **MOTIONS:**
 - Approve payment to Patrick Snyder tree service for emergency service in the amount of \$2,500.
Approve expanding the scope of the LSA Grant C000076611 extension request to purchase a tar buggy (appx. \$14,650) with the remaining funds \$5,312
 - Approve the first payment to Vortex in the amount of \$17,013.60.
 - Consideration of Ordinance No. 1 of 2024 providing for intergovernmental agreement for a board of appeals with the participation municipalities South Abington Twp., Clarks Summit & Clarks Green
 - Approve the payment to Environmental Service Corp. in the amount of \$1,810.00 for emergency jetting, camera and root cutting services performed at 315 S. Abington Road.
 - Consideration of proposal to utilize jetting, camera ,location equipment and safety protection, to investigate multiple storm drain lines in the area of Grove St. and N. Abington Rd. (vicinity by NBT Bank) in the amount of approximately \$5329.00
 - Approve a letter of support for AAJRB’s Hillside Park Community Center grant request.
13. **OTHER BUSINESS:** Discussion on Borough residents refusing J. P. Mascaro & Sons trash/recycling service.
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.