

April 7, 2015, Council Meeting
Minutes

The regular meeting of Clarion Borough Council was held on April 7, 2015, in the Assembly Room of the Clarion Free Library. President Lapinto called the meeting to order at 7:00 p.m. Everyone recited the Pledge of Allegiance.

President Lapinto stated Ms. Jennifer Vinson requested Council move Citizen Comments: Non-Agenda Items to right after or before Citizen Comments: Agenda Items Only.

On a motion by Ms. Roberts with a second by Mr. Bartley, amending the agenda to move Citizen Comments: Non-Agenda Items right after or before Citizen Comments: Agenda Items Only, was carried with a vote of five yea.

Solicitor Marshall asked that roll call be done now. Councilmembers present were Mr. Zerfoss, Ms. Roberts, Mr. Aaron, Mr. Bartley, and President Lapinto. Dr. Sanders Dédé and Mr. Noto were absent. Chief/Secretary/Treasurer Hall, Mayor Walters, Solicitor Marshall, Mr. Colosimo, Mr. Preston, Mr. Sharrar, and Ms. LaVan were also present.

On a motion by Mr. Zerfoss with a second by Mr. Aaron to approve the March 3, 2015, Council Meeting, minutes. The motion carried with a vote of five yea.

Mayor Walters voiced great pleasure in presenting a proclamation for Diane Gurner and hopes to stimulate individuals to participate in exercise and physical fitness. Mayor Walters then read and presented a Proclamation for Diane Gurner Day as April 8, 2015, and encouraged all citizens in the Clarion area to celebrate Diane's day.

CITIZEN COMMENTS: Agenda Items

There were none.

CITIZEN COMMENTS: Non-Agenda Items

Ms. Jennifer Vinson, 96 South Seventh Avenue, thanked Council for giving her an opportunity to speak now so she can attend the School Board Meeting. Ms. Vinson read a prepared statement addressing the possible CVS demolition plans and provided Council with some resources to check into and questions to ask before CVS makes its proposal. Some people think preservation isn't progress; however, just the opposite is true. Progress is recognizing what Clarion has, what makes Clarion special, and what saving buildings and neighborhoods that make Clarion unique can do for Clarion.

President Lapinto asked Ms. Vinson what she expects Council to do?

Ms. Vinson feels CVS will be asking for variances or permits and encouraged Council to really consider before approving.

President Lapinto asked Solicitor Marshall to discuss Council's responsibility as far as a building permit.

Solicitor Marshall reported the Borough hasn't received a building permit to this date. To the best of the Borough's knowledge, zoning is appropriate for what CVS wants to do. Solicitor Marshall stated the Ordinance spells out what the requirements are for the issuance of a building permit and also for a demolition permit, if necessary. If all the requirements are met, the Borough is required to issue those permits. Since Council has not received anything at this point, Solicitor Marshall commented his advice would be no official position can be taken. It wouldn't be wise and would be contrary to what Council's duties are. Council's job is to evaluate issues as they are presented. If there are safety concerns or other issues that Council can address, they will be considered then. But at the same time, Solicitor Marshall stressed the Borough Code and Borough Ordinances come into play. If someone submits an application and the documentation is appropriate, the Borough is required to issue permits and do not have a lot of discretion in that regards.

President Lapinto stated the Borough would be sued because it's the law.

If it's not in the community's best interest, Ms. Vinson inquired how that can be? That's why Council was handed this information so each one could do research of the effects of this sort of thing. One major point Council should understand is CVS never owns their buildings. Investors buy the property and buildings, and then CVS rents them. If the store doesn't live up to their expectations, they're out of here.

Mayor Walters informed Ms. Vinson the property will be owned by CVS. That's what was reported at the initial meeting.

Ms. Vinson stated they may start that way but it will be transferred.

Mayor Walters commented CVS understands what variances mean in this town and have done their homework so no variances would be needed. A local engineering group is working with them to make sure they meet the requirements of the Ordinance.

Ms. Vinson feels they are trying to get around Council already. If Councilmembers check out the links and sites she provided to him/her, he/she will notice many, many empty CVS buildings, because it didn't work out the way they wanted. According to the Historic Museum Society, CVS has a reputation that they will do and say anything to get what they want and then just leave if it doesn't work.

If variances are necessary for this project, President Lapinto reported the Zoning Hearing Board will be the one to handle the hearing.

If that's the type of people Clarion will be dealing with, Ms. Vinson stressed that's a really sad thing for Clarion.

ADMINISTRATION

On a motion by Mr. Zerfoss with a second by Ms. Roberts, approving the appropriations for the month of April, carried with a vote of five yea.

President Lapinto stated there are several items that Council must approve for payment relating to CDBG, which need to be approved separately.

On a motion by Mr. Bartley with a second by Mr. Aaron, giving permission for Todd Colosimo to drawdown CDBG funds to reimburse the General Fund for the 2015 CDBG Conference registration in the amount of \$115, carried with a vote of five yea.

On a motion by Mr. Bartley with a second by Mr. Aaron to give permission for Todd Colosimo to drawdown CDBG funds to pay Invoice #213567-Revised to The EADS Group in the amount of \$465 for engineering services for the Park Project. The motion carried with a vote of five yea.

On a motion by Mr. Bartley with a second by Mr. Aaron, giving permission for Todd Colosimo to drawdown CDBG funds to pay Invoice #1543 to Terra Works, Inc., in the amount of \$39,042.90 for the Park Project Construction, was carried with a vote of five yea.

On a motion by Mr. Bartley with a second by Mr. Aaron to give permission for Todd Colosimo to drawdown CDBG funds to reimburse Todd Colosimo for 2015 Conference expenses in the amount of \$393.85. The motion carried with a vote of five yea.

Secretary Hall reported another invoice was received after the agenda was prepared from The EADS Group for Invoice 213764-Revised for \$93 for engineering services for the Park Project and asked Council approve this one as well.

On a motion by Mr. Bartley with a second by Mr. Aaron, giving permission for Todd Colosimo to drawdown CDBG funds to pay Invoice #213764-Revised to The EADS Group in the amount of \$93 for engineering services for the Park Project, was carried with a vote of five yea.

President Lapinto stated everyone received the Treasurer's Report of Fund Totals and asked if any Borough taxpayer has contacted the Borough with a complaint his/her tax notice is incorrect? According to the Clarion News, some individuals noticed it is incorrect.

Secretary Hall and Ms. LaVan both commented nothing has been received.

President Lapinto commented the Budget Analysis is also in the packet for review.

On a motion by Mr. Bartley with a second by Mr. Aaron to give permission for Mark Hall to attend the PSAB Annual Spring Conference from April 26-29, 2015, in Lancaster, Pennsylvania.

President Lapinto believes Secretary Hall will receive his CBO, Certified Borough Official.

Secretary Hall stated that's correct. It's a combination of 66 college credits that you achieve by taking classes, and then you are certified.

The motion carried with a vote of five yea.

DOWNTOWN COMMITTEE

In the absence of Dr. Sanders Dédé, President Lapinto asked Mr. Dan Parker if he would want to report on the Blueprint Committee?

Mr. Parker announced the Committee is going to have a Town Hall Meeting on May 6th at 7 p.m. at the Clarion American Legion. At that time, the draft strategic plan will be presented for where the Committee wants to take Clarion in the next few years. Comments from the audience will be welcomed. The draft plan should be available on the Borough's website for review if people want to prepare for the meeting.

PUBLIC WORKS

Mr. Zerfoss reported the Borough is required to pick up leaves one time in the spring. This has been scheduled for Monday, April 27, 2015. Residents must have their leaves out by the curb by 7 a.m., and the Borough will pick them up.

Mr. Zerfoss reminded everyone Clean-Up Day is May 16, 2015. The biggest difference is the Borough will not be collecting the items at curbside. Residents must bring his/her items to the Public Works Department between the hours of 7 a.m. and 12 p.m. This change is due for many reasons; people saying the Borough took their yard sale items and scavengers scattering the items all over the streets to name a few. Mr. Zerfoss stated the Borough should save money this way. If a resident doesn't have a way to get his/her items to the Maintenance Building, he/she should contact the Borough for assistance. More information will follow.

Ms. Roberts asked if there is any way to contact out-of-town landlords about this change. Ms. Roberts voiced concern that they will not know about the change and his/her items will be left out at curbside for weeks and weeks.

Mr. Zerfoss stated Mr. Sharrar will notify them somehow.

President Lapinto noted the Borough plans to separate the recycling and scrap materials. Businesses will be able to participate every year.

Mr. Zerfoss stressed it's for Clarion Borough residents only.

Mr. Zerfoss commented the Department would like to purchase a mill head for paving. This was included in the budget. A mill head is used when repairing potholes. It will square the area off, clean it out, and then the hot patch is put down. It will stay better. Hager Paving, M & B

Services, and Terra Works all use this equipment. Mr. Zerfoss stated Clarion Borough should have had this years ago.

Secretary Hall reported the Borough received quotes. Groff Tractor & Equipment Inc., Cranberry Township, Butler County, submitted the lowest bid of \$17,232.55. That is through the CoStars Program.

On a motion by Mr. Zerfoss with a second by Mr. Aaron to give permission to purchase the mill head for paving from Groff Tractor & Equipment Inc. in the amount of \$17,232.55.

President Lapinto asked for discussion?

Mr. Aaron asked how much was set aside in the budget.

Secretary Hall informed Council \$18,000.

The motion carried with a vote of five yea.

Mr. Zerfoss asked Secretary Hall to discuss the next item to advertise for bids for Clarion Borough 2015-3 Storm Sewer Repair Project.

Over the last couple of years, Secretary Hall reminded Council many storm sewer-related issues have occurred. Clarion Borough is not alone though; this is a problem with older towns across Pennsylvania. The Committee decided to group four separate projects involving five holes as one project to get a better price. Secretary Hall asked Mr. Colosimo for additional information?

Mr. Colosimo identified the four areas as follows: Domenica Circle, which was designed last year but came in a little high and was not awarded; two holes at South Sixth Avenue and South Street; Ninth Avenue and 322; and Fourth Avenue and Wood Street. Domenica Circle is the largest component of the project.

On a motion by Mr. Zerfoss with a second by Mr. Bartley to give permission to advertise for bids for Clarion Borough 2015-3 Storm Sewer Repair Project upon completion of design and cost estimates.

Mr. Bartley asked if EADS is going to assist the Borough?

Secretary Hall stated yes. The EADS Group will engineer the specifications along with an estimated cost so the Borough will know if the construction companies are within line.

The motion carried with a vote of five yea.

Mr. Zerfoss commented Mr. Preston provided information on snow statistics for this year and the last season. In the 2013-14 season, 370 tons of salt was used compared to 294 tons used

this year, 76 tons less. Total man hours last year were 770 hours versus 657 hours this year, 113 less. The total miles covered in 2013-14 was 6,194 miles, 2014-2015 was 4,641 for a difference of 1,553 miles.

PUBLIC SAFETY

Mr. Bartley asked Mr. Colosimo to discuss the fire department building façade bid results.

Mr. Colosimo informed Council the Borough received two bids; the high bid was \$52,549 and the low bid submitted by Fred L. Burns Incorporated was \$49,800. All appropriate paperwork was submitted and accurate.

On a motion by Mr. Bartley with a second by Mr. Zerfoss to award the Fire Hall Façade Project bid to Fred L. Burns Incorporated in the amount of \$49,800.

Ms. Roberts understood the estimated cost was between \$25,000 and \$30,000 and asked if nothing lower was received?

Mr. Bartley stated these are the only two the Borough received.

President Lapinto asked how much the bid exceeded the amount set aside?

Secretary Hall commented \$9,800.

If this isn't done now, President Lapinto voiced concern the problem is only going to get worse.

Mayor Walters commented there's already a lot of water damage.

Mr. Aaron asked Secretary Hall if he looked into the grants he asked about?

Secretary Hall stated he did; but, at this time, nothing is available.

Mr. Aaron asked if the Borough has funds to cover the overage? Council raised the tax rate to be able to do this, but it was a temporary tax increase.

Secretary Hall reported the difference will come from the General Fund to begin with but plans to notify several local supporters to see if assistance can be given.

The motion carried with a vote of four yea with Ms. Roberts voting no.

LIBRARY REPORT

In the absence of Mr. Noto, President Lapinto asked Mr. Parker, the librarian, for comments.

Mr. Parker announced the Library is gearing up for the summer reading program, which serves over 300 students. This keeps the children learning their reading skills throughout the summer so they do not lose them.

Also, Mr. Parker mentioned annual appeal fliers are being mailed for the Library and encouraged everyone to dig deep. The Library appreciates all the support Clarion Borough Council gives them each year.

HOUSING AND ZONING

Mr. Zerfoss had nothing to report.

RECREATION

Ms. Roberts stated the Committee is asking permission to appoint the revised proposal for Pashek Associates to complete a feasibility study. The firm was able to eliminate the \$1,300 as asked by Council last month.

President Lapinto asked if this was in the form of a motion.

Ms. Roberts agreed.

Never before has a President seconded a motion but after researching Robert Rules of Order and verifying it's allowed, President Lapinto seconded the motion rather than pushing this issue on month-after-month. President Lapinto asked for any discussion.

Mr. Zerfoss asked when the last feasibility study was completed and how much the proposal was?

Secretary Hall stated it was completed in 2011. The base line completion of total necessary pool renovations for the main and wading pools and improvements was \$311,000. Additional items totaled up to \$962,600 to \$1,072,000.

Mr. Zerfoss inquired how much they charged to complete that proposal.

Mr. Colosimo reported that was part of the Comprehensive Recreation Study and believes that portion was \$4,500.

Mr. Zerfoss pointed out the Borough didn't have the money at that point to do the recommendations. If the money wasn't there years ago, the Borough's a lot poorer today. If the Borough completes a study, that's fine. Mr. Zerfoss asked where the money is going to come from? If the Borough doesn't anticipate making the recommendations, then why spend \$4,200 that could be used to keep the pool open another month. Mr. Zerfoss stressed \$4,200 isn't going to tell Council anything they don't already know. Mr. Zerfoss feels the Borough needs to build a pool at Paul A. Weaver Community Park, which would qualify for CDBG funding since it is Borough-owned property. The current pool property is owned by the School District,

who is considering the possibility of a new elementary school building. This would be a perfect location. If the School District uses that land, the Borough wouldn't lose any more taxable property. Sooner or later, the Borough will not be able to open the pool because of the necessary repairs. The Borough isn't going to have the money to repair it. Each year, more and more money is being spent to keep it open. Council needs to prioritize services. Earlier this evening, Mr. Zerfoss reported Council voted on making repairs to the fire hall. The citizens of Clarion Borough and surround townships are serviced 365 days a year by a volunteer department. The swimming pool is open for a maximum of 90 days and that's if the sun is shining every day and it's 75 degrees with no rain. Out of 5,100 people in the Borough of Clarion, Clarion Borough residents are probably the lowest amount of users at the pool. The library is another agency that is all year and services a lot more residents. Mr. Zerfoss stressed these have to be taken into consideration.

Ms. Roberts informed Council this feasibility study is a great document that will list what needs done, and the order the items need completed. The last study showed a beautiful pool with a lot more than what is necessary. It included slides and a larger sized pool. This firm will identify the basic necessities to keep the pool open. Estimations will be given on when the work is going to need to be completed. Ms. Roberts stated the Borough could then factor these items into the annual budget. The Borough doesn't have a lot of outside recreational facilities for children and their families. Paul A. Weaver Community Park is a great location, but it is not within walking distance for people who live in town. Right now, there are only ball fields. Ms. Roberts asked if Council is going to direct families to go to the library and fire station to play? Council needs to keep families, children, and recreational activities in mind, or people will go to other communities that do prioritize recreational amenities. Back to the fire hall building, there is a water damage issue. However, the Borough has put band aids on the pool for so many years now and instead of fixing them, Council wants to continue to let them discinagate. Ms. Roberts commented a tax increase was included to put a new façade on the outside of the fire hall when money was just spent to fix many problems.

Mayor Walters asked his biggest question if the \$4,200 is included in the Borough's annual budget, which Council worked so hard to put together.

Ms. Roberts stated no and tried to explain.

Mayor Walters stressed that's all he needed to know.

Mr. Zerfoss inquired if the firm will put dollar amounts after each item that needs done.

Ms. Roberts stated yes. Years ago when the residents came to the Council Meetings because the pool was going to be closed, which Ms. Roberts was part of, Council couldn't give an actual figure. Everything was guesstimated.

Mayor Walters asked where that money will come from?

Ms. Roberts reported the Borough has \$15,000 from the sewer proceeds to use towards the pool repairs.

Hearing no other questions, the motion failed after the following roll call vote: Mr. Zerfoss, no; Ms. Roberts, yes; Mr. Aaron, no; Mr. Bartley, no; and President Lapinto, yes.

President Lapinto asked Mayor Walters to discuss the request from the Clarion Little League for \$2,500 for netting for safety reasons.

Part of the agreement with the Borough and Little League Association, Mayor Walters commented the Borough agreed anything to do with safety reasons would be covered by the Borough. Non-safety related items would be up to Little League. This netting is for safety purposes, but Mayor Walters isn't sure where it will be located.

Mr. Zerfoss stated the \$2,500 will come from the sale proceeds.

Ms. Roberts urged that money is to be used for the pool.

Mayor Walters noted that's up to Council to decide.

Ms. Roberts asked if that's in writing?

Mayor Walters commented it's part of the contract between the two.

On a motion by Mr. Zerfoss with a second by Mr. Bartley to approve the request from the Clarion Little League for \$2,500 for netting for safety reasons.

Ms. Roberts stated the motion reflects the Borough is going to give the money to Little League and questioned if the Borough could get a better price as a municipality.

Mayor Walters stated not on something like this. The Little League Association can purchase the netting, and they will install it as well. The Borough doesn't have to do anything.

The motion was carried after the following roll call vote: Mr. Zerfoss, yes; Ms. Roberts, no; Mr. Aaron, yes; Mr. Bartley, yes; and President Lapinto, yes.

SECRETARY'S REPORT

Secretary Hall pointed out President Lapinto and he attended the Annual Clarion Area Chamber of Business and Industry dinner on March 14th and received a certificate for 25 years of support towards the Chamber.

Secretary Hall announced the Brookfield Power Company is responsible for the Toby launch area along with the Borough. On April 1st, the water level was to make repairs at the dam. This is an 18-month project. Secretary Hall and Mr. Colosimo met with the County Commissioners

to look at the situation. Clarion Borough will not be able to put the courtesy dock in for the next two summers, because the water level is so low. Secretary Hall reported Clarion Borough cannot do anything about it.

Mr. Bartley asked if the Borough needs to close the area off for safety reasons.

Secretary Hall stated the Borough could look into posting a sign. People can still fish there.

Mr. Colosimo added the sand bar is the big issue. The river is going to fluctuate by 6 inches. Brookfield is allowed to drop down to 1085. Currently, it is at 1088. At the end of the hard surface, Mr. Colosimo stated there is a considerable drop off.

Secretary Hall commented it will still be possible to launch a canoe or kayak. The Mill Creek location will be even worse.

If someone tries to launch a pretty good size boat, Mr. Colosimo reported it will be more technical now because the dock will not be in place to assist people.

If Council planned on doing something there, President Lapinto feels this is the time to do it. The Blueprint Committee has discussed the possible development for recreational purposes at Toby; however, they do not have money to do anything at this point.

Mr. Zerfoss asked President Lapinto if she would like that area to look like Deep Creek, Maryland? That was his question to Sue Leonard years ago if the Recreation Committee wanted that area to look like Deep Creek, Clarion.

MAYOR'S REPORT

Mayor Walters announced Come Together Clarion Day will be held on April 25th, on Sixth Avenue, which is also going to be the opening day for Little League. Hopefully, everyone will have a chance to participate in both events.

OLD BUSINESS

Now that the Commissioners no longer plan to build the Courthouse Annex, Mr. Zerfoss asked if the Farmer's Market is going to set up there instead of on Sixth Avenue.

Secretary Hall hasn't heard anything yet but will contact Elise Deitz.

NEW BUSINESS

There was none.

CORRESPONDENCE

There was none.

On a motion by Mr. Bartley with a second by Mr. Aaron, the meeting was adjourned at 8:01 p.m.

Mark E. Hall, Borough Secretary