

December 5, 2017, Council Meeting
Minutes

The regular meeting of Clarion Borough Council was held on December 5, 2017, in the Assembly Room of the Clarion Free Library. Vice President Sanders Dédé, in the absence of President Lapinto, called the meeting to order at 7:00 p.m. Everyone recited the Pledge of Allegiance. Councilmembers present were Mr. Zerfoss, Ms. Roberts, Dr. Sanders Dédé, Mr. Aaron, Mr. Noto, and Mr. MacBeth. President Lapinto was absent. Mr. Colosimo, Mr. Sharrar, Chief Peck IV, Mr. Preston, Solicitor Marshall, Mayor Parker, and Ms. LaVan were also present.

On a motion Mr. Zerfoss with a second by Mr. Aaron to approve the minutes of the November 7, 2017, Council Meeting. The motion carried with a vote of six yea.

CITIZEN COMMENTS: Agenda Items Only

Ms. Cindy Miller, Greenville Avenue, does not support allowing a mini-casino to come in. Some people may think it will save the town, but it is not the answer. A lot of townships are deciding whether to pass or not pass a resolution by the end of December. Ms. Miller asked if boroughs can do this as well?

Solicitor Marshall understands it's any municipality.

Ms. Miller thought so and voiced her opinion again it's not a good idea.

ADMINISTRATION

On a motion by Mr. Zerfoss with a second by Mr. Noto to approve the appropriations for the month of December.

Treasurer Colosimo asked Council to include two invoices that were just received that relate to work at the traffic signal at 8th and Main; one from Anderson Electric in the amount of \$11,822.26 and the other from M and B Redi Mix Incorporated in the amount of \$564.

Secretary LaVan pointed out this involves a traffic incident where a truck hit the traffic signal pole in May. These costs will be passed onto the insurance company, which will reimburse the Borough for all costs.

Mr. Noto inquired if the insurance company is aware that it will be a sizable bill?

Secretary LaVan commented yes.

Mr. Zerfoss and Mr. Noto both agreed to amend the motion to include those payments. The motion to amend approving the appropriations to include these two appropriations was carried with a vote of six yea.

Council then voted unanimously to approve the appropriations, as amended.

Vice President Sanders Dédé reported the Treasurer's Report of Fund Totals and Budget Analysis are in the packet for review.

On a motion by Mr. Zerfoss with a second by Mr. Noto to approve Resolution #2017-410, approving the Fiscal Year Budget.

Mr. Noto pointed out there is no tax increase.

The motion carried with a vote of six yea.

On a motion by Mr. Zerfoss with a second by Mr. Aaron to approve the proposed 2018 Budget, Tax Ordinance #2017-824, and Fee Schedules.

Vice President Sanders Dédé again stated the budget is balanced and does not include a tax increase or fee increases either.

The motion carried with a vote of six yea.

On a motion by Mr. Zerfoss with a second by Mr. Aaron, approving the 2018 Salary Schedule, was carried with a vote of six yea.

On a motion by Mr. Zerfoss with a second by Mr. Aaron, giving permission to advertise the bi-annual Reorganization Meeting for Tuesday, January 2, 2018, at 6:45 p.m. in the Assembly Room at the Clarion Free Library followed by the regular Council Meeting to begin at 7 p.m., was carried with a vote of six yea.

On a motion by Mr. Aaron with a second by Mr. Noto to give permission to seek request for proposals for 2018 Tax Anticipation Note in the amount of \$300,000.

Mr. Noto reported the Borough hasn't had to use any of this money for several years.

The motion carried with a vote of six yea.

On a motion by Mr. Noto with a second by Ms. Roberts to approve Resolution #2017-411, prohibiting the location of a Category 4 licensed facility within the Clarion Borough.

Mr. Aaron asked to hear arguments for banning it.

Mr. Noto understands now is the time Clarion Borough Council has a choice on saying yes or no. If Council votes to prohibit them now, he/she can change his/her minds in the future after there is more time to study it and have an opportunity to look at the pros and cons of mini-casinos and if they are good for the Borough. A resolution must be approved now to do this. If it is not approved, Council loses the choice of saying no later. Mr. Noto commented this is his reasoning for voting to approve this resolution.

Mr. Zerfoss voiced he is opposite. The resolution is confusing and inquired if voting to approve the resolution is approving casinos to be allowed.

Mr. Noto stressed to vote yes on the resolution in essence is saying no to allowing them in the Borough. However, Council can always change his/her minds in the future. If the resolution is not approved, Council doesn't have a choice.

Mr. Zerfoss feels it is a good thing to allow gambling in the Borough. When you pick up The Derrick or The Clarion News, there are bus tours going to Three Rivers, Atlantic City, or any other city where gambling is available. These facilities are controlled by the Liquor Control Board. Mr. Zerfoss doesn't think it will be a negative effect on the Borough at all. It would be good to get the revenue. Clarion Borough Council cannot keep raising taxes. Only 22 licenses are going to be given out. If Clarion Borough would be lucky enough to get one, Mr. Zerfoss prefers the Borough gets the money than Franklin or Knox.

Mr. Noto pointed out this resolution is going to prohibit the location of a Category 4 licensing facility. If Council votes to approve the resolution, there is the ability to have a reasoned discussion about it as a Council and a community before just permitting it. If this isn't approved, Council loses that ability. Mr. Noto feels strongly the Borough should keep the choice and options open. Later on, Council can change his/her feelings on that and allow them or make exceptions for them.

Mr. Zerfoss voiced his opinion this is a good thing.

Mr. Aaron doesn't think that Council will have a choice if this resolution is approved. No one will want to come to the municipality, because their company will see that it is banned. They will find a municipality that allows it. This isn't about gambling, it is for Category 4 casinos. If Council wants to ban gambling in the Borough, Mr. Aaron commented it will be banned in the Borough wholesale. Clarion Borough should try to attract employees and businesses to the area to bring in revenue.

Mr. Noto stated he still plans to approve the resolution because it's a clear choice for him.

Mr. Aaron realizes other people have motives for banning them at this point so that there is the ability to do a tit-for-tat from someone wishing to put one in the Borough. If Council rescinds it at a later date, Mr. Aaron pointed out it will be too late.

Mr. Noto reported this is farther down the road than a casino might want to come here and the Borough won't allow them. Again, Mr. Noto will vote to approve it for the reasons stated.

Vice President Sanders Dédé informed everyone the issue becomes if Council approves the resolution it gives everyone time to think about it, mull it over, and look at the pros and cons. If Council states no, he/she will have a choice of who comes in. Without it, there is no choice.

Solicitor Marshall believes that is the case.

Mr. Zerfoss asked if he votes yes, that maybe 2 years from now one will be here?

Solicitor Marshall doesn't know what the practicalities of it are. You have the right to overturn the resolution in the future if that is Councils' desire to do so. Solicitor Marshall doesn't know if it would grant any license or future license.

Mr. Noto pointed out no one knows if the Borough will get a license now.

Solicitor Marshall agreed that is correct. If members vote in favor of the resolution, he/she is saying he/she doesn't want it now. Clarion Borough will not be on the list of considered municipalities that these groups can come into. The resolution can be rescinded at a later date if Council, or a future Council, desires to do so.

Mr. Zerfoss inquired to say no to this means they aren't going to be considered?

If you vote yes for this, Solicitor Marshall commented Clarion Borough won't be eligible for one coming to the municipality unless it is rescinded.

Working with a couple other municipalities, Mr. Dave Neal, representing the EADS Group, thinks it's important to note that any type of development, if Clarion Borough were to be chosen by a group to come into, would still have to meet all the zoning and building codes. It's not like Council would be giving a carte blanche approval to do whatever they would wish to do. All codes would need to be met.

Vice President Sanders Dédé called for a roll call vote, which resulted as follows: Mr. Zerfoss, yes; Ms. Roberts, yes; Mr. Aaron, no; Mr. Noto, yes; Mr. MacBeth, no; and Vice President Sanders Dédé, yes. The resolution to approve to prohibit the location of a Category 4 licenses facility within Clarion Borough carried with a vote of four yea to two nay.

Mr. Aaron thought Mr. Zerfoss wanted to allow the facility in the Borough?

Mr. Zerfoss agreed he did and commented the resolution is written dumb.

Solicitor Marshall pointed out he didn't prepare it.

Mr. Zerfoss understands that but wanted to vote no, no, no on prohibiting these groups.

Vice President Sanders Dédé stated Council will allow him to change his vote.

If Mr. Zerfoss wants to vote against prohibiting the mini-casinos, Mr. Noto stated he has to vote no.

Mr. Zerfoss changed his vote from yes to no.

Secretary LaVan commented it is now a tie, resulting with three yeas and three nays, and called on Mayor Parker to break the tie. Mayor Parker voted yes to approve the resolution.

Vice President Sanders Dédé pointed out this will probably be revisited again.

BLUEPRINT COMMITTEE

Vice President Sanders Dédé asked Mayor Parker to give the report.

Mayor Parker announced the Blueprint Committee is sponsoring a free holiday concert at Hart Chapel on December 9th at 7 p.m., featuring the local talents of Lauren Skelley and Lauren Snyder, both of whom won the Franklin Taste of Talent program, and Isaac Cole, American Idol Contestant. It's free and open to the public.

Vice President Sanders Dédé commented fliers are on the back table if anyone is interested.

PUBLIC WORKS

Mr. Zerfoss stated the Public Works Report is in the packet for everyone's review.

Mr. Zerfoss commented leaf collection was supposed to be over but asked Mr. Preston to discuss it further.

Due to the number of piles of leaves throughout the Borough, Mr. Preston commented the Department will go around the entire Borough one more time tomorrow. Despite the notice published, there is a large amount of leaves. If they are not picked up, it will create a mess when plowing snow and also could plug the storm drains. Mr. Preston stressed tomorrow will be the final day.

Mr. Zerfoss reminded everyone about the winter ordinance, which is in affect regardless of whether there is snow on the ground or not. People must alternate where he/she can park each night. Notices are posted and have been handed out prior to the beginning of enforcement. Having been on Council for 40 years, Mr. Zerfoss recalled in his early years, the snow plow operator had to knock on doors of the people living along the street to have them move his/her vehicle. The plows couldn't get through. This is what led to the Borough approving a winter ordinance. Mr. Zerfoss commented it works a lot better than it did.

STORM WATER AUTHORITY

Mr. Noto asked for an update on the Center Place Storm Water Project.

Mr. Colosimo stated the flyover has been completed. Once all the data is processed, it will be forwarded to Clarion Borough. As far as the Center Place Project, the preliminary work is done with the design.

Mr. Dave Neal, the EADS Group, commented they are working on the preliminary layout. Some additional easements will need to be secured where the pre-existing easement ends and where

the line ends to extend this down to Comet. Once the maps are prepared, Mr. Neal will coordinate with the Solicitor to develop these documents so they can get processed. This will be the first step. On a side note, Mr. Neal met with the developer of the property along Fifth Avenue. They are looking to construct a senior housing development and anticipate receiving the funding in April. Hopefully, this project can be interconnected and tied in with the Borough's project to avoid any potential backflow issues. Mr. Neal noted the developer is real anxious and look forward to working well with the Borough.

Mr. Noto feels this housing development would involve a significant amount of water.

Mr. Neal agreed and proposed to drop a convenient inlet there for the interconnection point. A good preliminary layout is anticipated by the beginning of the year. Mr. Neal projects a meeting in January with the Public Works Committee should be feasible to get clarification on the inlets and reconstruction of the road.

Mr. Noto stressed the Borough wants to make sure the adequate pipe size, as big as possible, be used.

Mr. Neal understands but a lot of existing pipe and gas, water, and sewer lines needs worked around. The biggest pipe availability will be used if possible.

PUBLIC SAFETY

Mr. Aaron asked Chief Peck for any comments?

Chief Peck reported the second week in November there was an armed robbery at a local convenience store downtown. A gentleman riding his bicycle armed with two butcher knives and accosted the clerk. Within hours, Officer Maxwell, with keen observation, recognized the bicycle, where it was, the owner, and made an arrest. Chief Peck stated he did a good job on that within hours and the evidence was returned and the gentleman was in custody and thinks Officer Maxwell deserves a pat on the back for good observation skills and investigation that day.

Mr. Zerfoss questioned if the Borough has sent a support letter for radar use the Boroughs. It was noted in the paper the House and Senate are going to bring this up again. This has been done numerous times; however, it fails each time. Mr. Zerfoss commented radar cannot be used in the Borough. The Police Department has to do it the old-fashioned way of painting the lines and clocking the vehicles. Every time this comes up, the Borough sends a support letter to Representatives Donna Oberlander and Scott Hutchinson, which should be done again. Clarion Borough should be entitled to the same privilege as to what the State Police area.

Secretary LaVan commented this was discussed at the last Public Safety Meeting and a support letter will be prepared and sent to them.

Mr. Zerfoss feels this would make the job easier for the police department to slow down speeders in the Borough of Clarion.

Mr. Aaron extended best wishes and thanks to Keaton MacBeth for the last couple years on Public Safety for his work, which was greatly appreciated, and his work on the contract. Mr. Aaron feels certain Mr. MacBeth will be back.

LIBRARY REPORT

Mr. Noto stated on December 9th at 1 p.m. the Library is having tea with Mrs. Clause. There will be cookie decorating and a story time. Mr. Noto invited everyone to come to the Library for tea with Mrs. Clause.

HOUSING AND ZONING

Vice President Sanders Dédé reported the Housing and Zoning Report is in the packet for everyone's review.

PARKS AND RECREATION

Ms. Roberts had nothing to report.

SECRETARY'S REPORT

Secretary LaVan informed Council the Borough received a certified letter from PennDOT that they will be collecting traffic data on the municipality-owned roads from October 2017 through February. This is not a speed trap. PennDOT is trying to complete a statewide network screening to prioritize locations for potential safety improvements.

MAYOR'S REPORT

Mayor Parker had nothing to report.

OLD BUSINESS

There was none.

NEW BUSINESS

Mr. Zerfoss informed Mr. Noto he will not be able to attend the event with Mrs. Clause at the Library but asked him to relay he wants casinos and radar in Clarion Borough.

Mr. Noto will do so.

CITIZEN COMMENTS: Non-Agenda Items

Ms. Cindy Miller, Greenville Avenue, asked if there is an update on jake braking, which she discussed with Council last month.

After reviewing the ordinance book, Mr. Aaron stated this falls under the noise ordinance. The Committee is looking into signs and notifying the businesses.

Ms. Miller thanked Council and also thanked the Blueprint Committee for the concert.

Mr. Alexander Johnson, representing the Student Honors Association, addressed Council that they plan to hold their color run on April 21st of next year and reported this year's was a success. Proceeds went to Paws to help with their cause.

Vice President Sanders Dédé asked Mr. Johnson to contact Secretary LaVan for a special event form, which must be completed for Council to review and approve at a future meeting.

CORRESPONDENCE

There was none.

Vice President Sanders Dédé publicly commended Mr. MacBeth for his support, attendance, and service to Council in the last 2 years. Mr. MacBeth was actively involved in the contract.

At the same time, Vice President Sanders Dédé extended a welcome to Ms. Rose Logue, who is in the audience this evening, and will be joining Council January 2, 2018.

On a motion by Mr. Aaron with a second by Ms. Roberts, the meeting was adjourned at 7:36 p.m.

Linda M. LaVan, Borough Secretary