

January 3, 2017, Council Meeting
Minutes

The regular meeting of Clarion Borough Council was held on January 3, 2017, 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. Councilmembers present were Mr. Zerfoss, Ms. Roberts, Mr. Aaron, Mr. Noto, Mr. MacBeth, and President Lapinto. Dr. Sanders Dédé was absent. Mr. Colosimo, Acting Chief Peck IV, Mr. Preston, Mr. Sharrar, Solicitor Marshall, and Ms. LaVan were also present.

On a motion by Mr. Zerfoss with a second by Mr. Noto, approving the December 6, 2016, Council Meeting, minutes, were carried with a vote of six yeas.

CITIZEN COMMENTS: Agenda Items

Ms. Elisabeth Fulmer, 132 South Seventh Avenue, apologized for not being regularly attending in the past year but it was a difficult year in many ways. Ms. Fulmer thanked this body for the work that was done and paying attention to the citizens' input and citizens' request for the past year and feels she's entitled, on behalf of many of those that raised questions during that time, to say a brief 'I told you so'. It was mentioned it was a bad idea to make the same guy responsible for his own overtime. Ms. Fulmer stated thank you and you're welcome and appreciates everyone's support. Ms. Fulmer also thanked this board and the wonderful Blueprint Committee in this town for being brave, honest, and dutiful enough for the interest of our community to allow an out-of-town corporation to demolish a complete block of the Main Street and turn it into a disaster zone. Anybody that thinks a CVS parking lot is going to bring all kinds of good stuff to Clarion should see her daughter who brought all kinds of information to Council in the past about how and why you should fight this, which everyone ignored her contribution as well as that of many others. Ms. Fulmer truly thanks all of the Councilmembers for making her town, Clarion, a wonderful place to live.

President Lapinto values Ms. Fulmer's opinion and is the first one to admit she was right on the first part. As far as CVS, President Lapinto doesn't know how Council could have stopped it.

Ms. Fulmer questioned did you try?

Mr. MacBeth asked how would have Clarion Council tried. That was private property that was sold. CVS bought it and Council has no control over the sale.

Ms. Fulmer reported the Borough tells residents that the Borough cannot tell him/her what to do with private property, yet she gets at least 2-3 letters a year from Scott Sharrar about the things she needs to do to her private property because it doesn't fit with this Borough Council's vision of the town, such as, trimming bushes.

Mr. MacBeth commented that's regarding maintaining property and he has to trim his bushes, too.

Ms. Fulmer stated she was talking. The opportunity existed with the Blueprint Committee, which is supposed to have the best interest of the community in mind to try to fight this thing, and there was no effort made whatsoever. That was horrendously bad lack of action on their part.

Ms. Roberts thinks that CVS purchased that property before the Blueprint Community was around.

Ms. Fulmer reported that may be true; however, the committee could've picked it up and run with it. Nothing was done. Ms. Fulmer doesn't want to hear any more excuses.

President Lapinto stated she's sorry Ms. Fulmer feels that way and added the property owners were contacted. It's their property, and he/she can do whatever they want with it.

Ms. Fulmer knows what she will do with her property on Seventh Avenue.

President Lapinto noted no matter what she says will please Ms. Fulmer and asked if the Mayor Parker, a member of the Blueprint Committee, had anything to add?

Mayor Parker doesn't know how the Committee could have stopped it either.

Ms. Fulmer pointed out the members could have stated this does not fit with the vision of the community and encouraged them to come back with some other plans. Other towns have had corporate installations; but at the very least, it was built to fit into the town.

If CVS did not acquire the property, Mr. Sharrar commented CVS were going to move out of the Borough. The Borough would've lost another business, and there would still be four empty buildings.

Ms. Fulmer stated that's fine. Rite Aid or Walgreens could have been contacted.

Ms. Roberts added they would have put a big ugly building up, too.

Ms. Fulmer asked if anyone offered any alternative and suggested the enormous building down the street that could have been used. The 800 Center could have been rearranged, and a drive-thru already existed as well as parking. Opportunities were there, but all Council and Borough officials did was said 'we can't do anything because, it's their private property'. This is public property and it's the residents' town. But now it's their town. Ms. Fulmer repeated she didn't want to hear any more excuses or arguments nor does she want to hear any complaints when she puts something on her property.

Solicitor Marshall thinks Ms. Fulmer is misunderstanding what Council is talking about.

Ms. Fulmer commented don't man explain to me.

Solicitor Marshall stated Ms. Fulmer had her say and that's what she said when she was talking and now he is talking. Solicitor Marshall stressed to Ms. Fulmer that as long as a property owner complies with the Zoning Ordinance and other ordinances in the Borough, that's all that's required. If Ms. Fulmer feels the Zoning Ordinance should be changed, then she needs to talk to the Councilmembers. CVS met every zoning requirement set by Ordinance.

Ms. Fulmer reported that won't bring back an 1850s house.

Solicitor Marshall doesn't know what to tell Ms. Fulmer. Two or three buildings were empty for several years. KFC was empty for 2-3 years. Solicitor Marshall asked if that is not true?

Ms. Fulmer commented that house was not and CVS tore down a beautiful building for theirs.

President Lapinto understands Burns had considered moving the building, but it was falling apart and it could not be done.

Mr. Sharrar stated all the brick would have had to be removed to move it. The building had issues.

Ms. Fulmer disagreed and added restoration is always less expensive and more ecological sound than demolition.

President Lapinto called for an Executive Session for personnel, beginning at 7:10 p.m., including all Councilmembers, Solicitor Marshall, and Mayor Parker.

President Lapinto called the meeting back to order at 7:25 p.m.

Solicitor Marshall asked the record reflect that there will be no official action taken as a result of the Executive Session.

ADMINISTRATION

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

Mr. Colosimo informed Council the bill for the library pump, repair and install was received after the Administration Meeting on December 29th. The total bill is \$4,612.50. Mr. Colosimo asked that be considered for payment.

President Lapinto inquired if that inquired everything?

Mr. Colosimo stated yes. The cost is for picking up the pump, repairing it, bringing it back, and installing it. Mr. Colosimo thought it would be close to \$5,000 so its \$400 less.

Mr. Noto thinks this is a good deal compared to what it could have done.

President Lapinto asked if the motion needs changed to include that?

Solicitor Marshall commented yes or it could be by separate motion.

Mr. Noto modified the motion to include the service invoice from W. C. Weil Company in the amount of \$4,612.50. Mr. Aaron seconded the motion. The motion carried with a vote of six yea.

President Lapinto stated the Treasurer's Report of Fund Totals and Budget Analysis are in the packet for Council's review.

President Lapinto reported the next two resolutions are to appoint a Chief Administrative Officer for the pension plans. After discussion of naming two people, the actuary thought that might be confusing. Rather than putting a certain person's name on it, the actuary recommended that it be done by title. President Lapinto commented this names the Public Safety Chairman.

On a motion by Mr. Noto with a second by Mr. MacBeth to approve Resolution #2017-398 to appoint the Public Safety Chairman the Chief Administrative Officer of the Clarion Borough Police Pension Plan. The motion carried with a vote of six yea.

On a motion by Mr. Noto with a second by Mr. MacBeth to approve Resolution #2017-399, appointing the Public Safety Chairman the Chief Administrative Officer of the Clarion Borough General Employees' Pension Plan. The motion carried with a vote of six yea.

President Lapinto stated next is Resolution #2017-400, approving the proposal from S & T Bank for the 2017 Tax Anticipation Note in the amount of \$300,000 at the rate of 1.500% and commented the results are in the packet. President Lapinto asked Mr. Colosimo for anything additional.

Mr. Colosimo feels this is the best deal for the Borough. One bank proposed a slightly smaller interest rate of 1.49%; however, it had a higher service charge and required the Borough to open an account with their institution. Even if the Borough borrowed the full amount, the savings was not enough to cover the service charge.

On a motion by Mr. Noto with a second by Mr. Aaron to approve Resolution #2017-400, approving the proposal from S & T Bank for the 2017 Tax Anticipation Note in the amount of \$300,000 at the rate of 1.500%. The motion carried unanimously.

President Lapinto stated several members' terms expired at the end of 2016. Ms. LaVan has contacted each one, and all have agreed to serve again. Each motion will need approved separately.

On a motion by Mr. Zerfoss with a second by Mr. Noto, re-appointing Deborah Lauer to a three-year term on the Zoning Hearing Board to expire at the end of December 2019, was carried with a vote of six yea.

On a motion by Mr. Zerfoss with a second by Ms. Noto to re-appoint Jack Troese to a four-year term on the Planning Commission to expire at the end of December 2020. The motion carried unanimously.

On a motion by Mr. Zerfoss with a second by Mr. Noto, re-appointing Barry Sweet to a three-year term on the Police Pension Committee to expire at the end of December 2019, was carried with a vote of six yea.

On a motion by Mr. Zerfoss with a second by Mr. Noto to re-appoint Barry Sweet to a three-year term on the General Employees' Pension Committee to expire at the end of December 2019. The motion carried with a vote of six yea.

On a motion by Mr. Zerfoss with a second by Mr. Noto, re-appointing Lydia Crooks to a three-year term on the Library Board to expire at the end of December 2019, was carried with a vote of six yea.

President Lapinto commented next is a request for the blue and gold run, which is an annual one. Acting Chief Peck reviewed it and there's no problem with it.

Mr. Noto stated there was a concern last year with it, but there were no difficulties.

Mr. Zerfoss thinks he voted against this last year because the event is throwing paint.

President Lapinto commented it's like chalk.

Mr. Zerfoss doesn't think it's a good idea to throw it where people or cars are.

Ms. Roberts believes the chalk is only thrown on University property.

Mr. Noto agreed the runners can use Borough streets but the chalk cannot be thrown on Borough property.

By allowing this, Mr. Zerfoss doesn't feel it leads a good example to kids, who in the summertime may think he/she can do it. The officers will cite the kids. Yet Council is giving permission for this to be done.

On a motion by Mr. Noto with a second by Mr. MacBeth to approve the special event request from the Clarion University Foundation, Inc., for their "Blue and God Color Run" to be held on June 4, 2017. The motion carried with a vote of five yea with Mr. Zerfoss voting no.

President Lapinto commented Susquehanna Accounting Consulting needs appointed as the Borough's financial consultant at a rate of \$185 per hour, which is a \$5 increase from last year.

On a motion by Mr. Noto with a second by Mr. Aaron, appointing Susquehanna Accounting Consulting as Borough's financial consultant for 2017 at the rate of \$185 per hour, was carried with a vote of six yea.

President Lapinto asked Ms. LaVan to explain the next regarding the 2016 audit.

In 2015, Ms. LaVan stated Council approved a three-year proposal from Zelenkofske Axelrod to perform the audit for the years 2015, 2016, and 2017. The price for the 2016 will be \$9,750. The 2015 audit was received by email earlier this week, and the hard copies will be mailed shortly.

President Lapinto stated next is an appraisal agreement from Industrial Appraisal Company in the amount of \$5,020 for proposed inventory and appraisal services and annual service fees. This was done back in 2004. This company will come in, look at all Borough-owned property, buildings, and equipment, and put a value on each one. This is given to the Borough's insurance company to ensure the property is insured properly.

Ms. LaVan noted the physical part hasn't been done for at least 10 years. Every year, as part of the audit, a list of everything sold and purchased in that year, along with values and serial numbers, is given to the financial consultant, who inputs it in the software for the company. However, the last report the Borough received is dated December 31, 2013. Somehow, this service was discontinued.

President Lapinto voiced concern that the Borough is adequately insured. A lot of improvements were completed at the Park and also the pay stations at various locations.

On a motion by Mr. Noto with a second by Mr. MacBeth, approving the appraisal agreement from Industrial Appraisal Company in the amount of \$5,020 for proposed inventory and appraisal services and annual service fees, was carried with a vote of six yea.

President Lapinto stated Council received an agreement from The Eads Group for engineering services in 2017. This is for non-CDBG-related projects.

On a motion by Mr. Zerfoss with a second by Mr. Noto to approve The Eads Group engineering retainer agreement for 2017. The motion carried with a vote of six yea.

BLUEPRINT COMMITTEE

Mayor Parker had nothing to report.

PUBLIC WORKS

Mr. Zerfoss asked Mr. Noto to handle this as he was absent from the Committee meeting.

Mr. Noto commented the Committee interviewed Russell Bartley and Don Clinger for part-time employees with Public Works specifically to drive snow plows. These employees needed to have a CDL license in order to do that. Each one had a fantastic interview.

On a motion by Mr. Noto with a second by Mr. Zerfoss to ratify hiring Russell Bartley and Don Clinger as part-time Public Works employees at the rate of \$12.50 per hour.

President Lapinto noted these employees were required to have a CDL-Class B.

The motion carried with a vote of six yea.

Mr. Zerfoss announced residents may dispose of his/her Christmas trees at the Public Works drop-off location. All decorations must be removed.

STORM WATER AUTHORITY

Mr. Noto stated the Storm Water Authority is on hold currently. HRG, the engineer, has recommended an aerial overview to be able to figure out the impermeable surface area, which costs between \$20,000-25,000. The Committee is trying to find a better way to determine this information without spending that much money. Since Indiana Borough has instituted a Storm Water Authority, Mr. Colosimo and he will arrange a meeting with them over Easter to discuss it.

PUBLIC SAFETY

Mr. Aaron reported applications are trickling in for part-time police officers, and this will be discussed at the next Committee meeting.

On a motion by Mr. Aaron with a second by Mr. MacBeth, accepting the resignation from Zayne M. Rhed as a regular part-time police officer, was carried with a vote of six yea.

LIBRARY REPORT

Mr. Noto reported the pump update was given earlier and the payment has been approved for payment. It seems to be working, but it will continue to be monitored. The library is getting a new drinking fountain in the lobby, which was donated by Gordon Rice.

Mayor Parker commented the Library is waiting on the plumber for installation.

Mr. Noto announced a \$2,400 donation was received; Vivian Aaron, in memory of her friend LaVerne Grant, is donating some artworks of his this spring.; the Friends of the Library's soup sale was a huge success, sold out and raised \$400. The Library continues to offer historic playing cards, and it brought in over \$7,000 so far. If anyone is interested, there are a nice set of historic playing cards out there with your name on them. Mr. Noto stated the Library Director received the CUP Student Senate Social Equity Award for outstanding community partner for social equality.

HOUSING AND ZONING

Ms. Roberts stated the report is in the packet for everyone's review.

President Lapinto stated the Borough's happy Mr. Sharrar is back to work.

PARKS AND RECREATION

On a motion by Ms. Roberts with a second by Mr. Aaron to approve a payment to Clarion Little League in the amount of \$4,500 for safety improvements.

President Lapinto asked for discussion.

Ms. Roberts believes there is a protocol in the way things are brought to Council and feels that there was a jump in how the protocol was this time. Little League should have come to Council first to get approval of the safety improvements before they just hand a letter asking for the Borough's help in the matter. Ms. Roberts asked for \$4,500 for the pool before and was informed by Mayor Walters 'no it was not in the budget. This request for \$4,500 wasn't included in the budget to her knowledge.

First off, President Lapinto pointed out this will be paid using the money that was left for Paul A. Weaver Community Park.

Ms. Roberts understands that but also asked for the feasibility study for the pool to come out of that money. Again, she was told no. If anyone wants to see the minutes, Ms. Roberts has a copy with her. Ms. Roberts feels Council gives to certain things that he/she want to and then don't give to other things. This is the reason everyone needs to vote. However, now Clarion Borough is stuck with the decision to pay them or not after they already spent the money. Ms. Roberts stressed they should have asked first.

President Lapinto reported in 2015, Little League was given \$2,500 for netting. That was not done, and Little League returned the money to the Borough.

Ms. Roberts realizes that.

Mr. Aaron stated the Little League is a non-profit organization that maintain that Park. They go well above and beyond \$4,500 in doing so.

President Lapinto reminded everyone the \$10,000 a year was to be given to the library, fire department, and the park. Then Council amended the ordinance from the park to include the pool.

Ms. Roberts voiced confusion with the way the request was received and fully supports the ball fields and Little League and doesn't deny them. However, if Council is going to keep with a way of proper procedure, Council needs to stick with them. You don't send a letter to a councilmember asking for money for reimbursement, and it gets put on the agenda without having asked for the money being approved from the beginning.

Mr. Aaron commented Little League is just throwing this out to Council. Anyone can say no. The letter indicates Little League spent \$100,000.

President Lapinto added the letter indicated they were taking a shot in the dark but wanted to ask.

Ms. Roberts understands that but it was listed on the agenda and now it's up for discussion. It needs to be noted that it was not handled the way that everything else when asking for money is was handled.

Mr. Zerfoss agrees with Ms. Roberts that it should have come to Council first. But at the same time, Little League provides a lot of free recreation for Clarion Borough. Clarion Borough provided lights and a lot of things there. But thanks to the volunteers, Clarion Borough has to pay for this type of recreation or Council couldn't afford it. Mr. Zerfoss stated it would be like the fire department. If Council had to have a paid fire department, the Borough couldn't afford it. Rather than penalize Little League this time, Mr. Zerfoss feels the payment should be approved but they need informed this is what you have to do the next time.

Mr. Aaron reported the letter indicates they installed two new scoreboards, new minor league dugouts, and painting every building in the park except for the concession stand. Then it was noticed the outdoor carpeting in the batting cages needed replaced, which was not initially in the plan; however, it was done. That's why Little League is asking for the \$4,500.

Ms. Roberts stressed she's not saying they don't deserve it but wants it noted that it should have been handled in a different way than it was presented here.

Mr. Noto asked if Council could approve to give them the \$2,500 back since it was approved previously and returned because the improvements were not done. The \$4,500 could be offset by it, which would meet some of Ms. Robert's concerns. It may not necessarily be what they wanted, but it's better than none.

President Lapinto repeated Little League was taking a shot in the dark and it's up to Council.

Mr. Noto voiced concern the third paragraph indicates they went over their \$100,000 budget, and agrees with Ms. Roberts, it's great they are doing these things. However, speaking on an individual basis, if you go over budget, you don't have the ability to go ask someone to make up the difference. You have to stay in the parameters of what individually you have. Mr. Noto is glad Little League is doing the work but is torn on what to do.

Mr. Aaron corrected Mr. Noto that the letter did not state that they went over their \$100,000 budget. Nowhere in the letter was there a comment about being over budget.

Mr. Zerfoss reported these improvements were needed and saves the Borough in the long run from getting sued for accidents. To only pay part of this bill, Mr. Zerfoss does not support.

President Lapinto stated Ms. Roberts can come back and ask Council for money for the pool. Council can use the \$10,000 a year at his/her discretion. Some of that money has been used at the pool.

Ms. Roberts isn't disputing that.

Mr. MacBeth asked if Council could table this discussion until the next meeting?

President Lapinto doesn't know what else will be discovered?

Mr. MacBeth feels it would have been nice if someone from the Little League Board would have been here tonight to present this and questions could have been answered.

President Lapinto commented he was here.

Mr. MacBeth doesn't recall that and reported Little League spent \$100,000 on the park and couldn't get the carpet to fit in that budget.

President Lapinto reported they were just asking for \$4500 to help defray the costs.

Mr. Aaron stated Little League was requesting this for the park from the proceed money they are entitled to.

President Lapinto commented there is a motion

Mr. Zerfoss asked Ms. LaVan to read that motion back?

Ms. LaVan stated to approve the payment to Clarion Little League in the amount of \$4,500 for safety improvements.

President Lapinto asked for a roll call vote

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

SECRETARY'S REPORT

Acting Secretary LaVan had nothing to report.

MAYOR'S REPORT

Mayor Parker had nothing to report.

OLD BUSINESS

There was none.

NEW BUSINESS

Ms. Roberts inquired what Council's plans are for a permanent fixture Borough Manager?

President Lapinto stated that has not been discussed yet and thinks Council's trying to get through this right now.

Ms. Roberts thinks the extra work may be putting distress on other employees and feels it may be better to do something sooner than later.

President Lapinto informed everyone Terry Pope stopped by the office and then contacted her by telephone from the office offering to do something for the community. Mr. Pope owns property up at Second Avenue along with someone else. Mr. Pope is willing to buy that person out and donate that property to the YMCA. President Lapinto stated to Mr. Pope she thinks it's a little late but agreed to mention this to Council. After some discussion with the Recreation Committee, it may be possible to come up with some type of project.

Mayor Park feels it would be a lovely park for children to run around and play on and maybe swing sets.

President Lapinto commented you're not allowed to have a swing set on a playground but agrees it would be a great idea to have an in-town park.

Brett Whitling, Clarion News reporter, inquired where this property is in Clarion?

President Lapinto stated across from the cemetery where the old Public Works building was. There are 2 acres there.

Ms. Roberts thinks it would be nice if Mr. Pope would be willing to donate it to the Borough and feels sure that the Borough could receive some grants to put some playsets on it.

President Lapinto stated it would be nice to have an area where kids can walk rather having to drive.

Mayor Parker heard Ms. Roberts and her friends many times saying the park behind Bi-Lo are lovely, but it's too far out of the area and people don't feel safe there.

Out by the Eagles, Ms. Roberts pointed there is a beautiful blue park that the Eagles used so much of their money to install. It is great. The playset is gorgeous and made by the Plastic Playset Company, who worked with the Eagles to get the price down.

If Council wishes, President Lapinto offered the Committee will contact Mr. Pope to see what he would say. It would be great to have splash pads there.

Mr. Noto added, if possible, it would be great to use CDBG money there and mentioned it may be a low to moderate income area and qualify.

President Lapinto inquired if the RIRA grants are still available?

Mr. Colosimo commented DCNR has grants available now.

CITIZEN COMMENTS: Non-Agenda Items

Ms. Elisabeth Fulmer asked if the Borough's web page will be updated soon.

Mr. Colosimo stated yes. The Borough's Association is assisting him right now. So far, two sets of changes have been sent to them to put on the website.

Ms. Fulmer suggested the schedule of meetings be posted, as she had to contact Ms. Roberts to find out about tonight's meeting.

CORRESPONDENCE

There was none.

On a motion by Mr. MacBeth with a second by Mr. Aaron, the meeting was adjourned at 8:06 p.m.

Linda M. LaVan, Acting Borough Secretary