

January 6, 2020, Council Meeting  
Minutes

The regular meeting of Clarion Borough Council was held on January 6, 2020, in the Clarion Free Library. President Lapinto called the meeting to order at 7:00 p.m. Councilmembers present were Mr. Garbarino, Ms. Roberts, Mr. Aaron, Mr. Noto, Ms. Logue, and President Lapinto. As a note, Dr. Sanders Dédé was absent and not sworn in at this point. Chief Peck, Mayor Whitling, Solicitor Marshall, Mr. Colosimo, Mr. Sharrar, Mr. Preston, Ms. Schwabenbauer, and Secretary LaVan-Preston were also present.

On a motion by Mr. Aaron with a second by Ms. Logue, approving the December 3, 2019, Council Meeting, minutes, was carried with a vote of five yea with Mr. Noto abstaining as he was absent.

CITIZEN COMMENTS: Agenda Items

There were none.

President Lapinto called for an Executive Session for possible litigation, including all Councilmembers, Mayor Whitling, Solicitor Marshall, Treasurer Colosimo, and Secretary LaVan-Preston, beginning at 7:01 p.m.

President Lapinto called the meeting back to order at 7:14 p.m. and turned it over to the Solicitor.

Solicitor Marshall understands that there is likely to be official action taken after the Executive Session. The potential litigation that Council was meeting about had to do with a potential lawsuit regarding the former Police Chief Mark Hall's pension. Council has reached a Settlement Agreement with Mr. Hall and the Borough regarding that pension. Solicitor Marshall commented copies of the Agreement will be available if anyone would want to review them. Essentially this Agreement resolved around his monthly benefit that he would be entitled to and that issue is now resolved and should be completed upon approval of the Settlement Agreement and it's execution.

President Lapinto knows this was not on the agenda and asked if anybody had any questions.

Ms. Elisabeth Fulmer wondered why if he was doing bad things he gets a pension?

Solicitor Marshall reported the law isn't necessarily clear in this area. The expense of the litigation was the main thing. The difference in the pension that was being discussed was about \$148/month. Solicitor Marshall added that was taken into consideration along with the idea of how long it would take to litigate it, the possibility of an adverse outcome, dragging the situation out for that amount of money and/or savings in pension; the total amount. Council evaluated all of their factors, and Solicitor Marshall believes, at this point, they are going to vote on it but decided to pursue a settlement along those lines.

Ms. Fulmer doesn't remember if restitution was made?

Solicitor Marshall stated it wasn't restitution but was covered under an insurance policy.

Ms. Fulmer verified the insurance company paid it?

Solicitor Marshall commented that's correct and understands there is a concern around certain issues but asked the public to trust him when he says Council took every opportunity to evaluate and pursue anything that he/she possibly could. Ultimately, Council ended up where it is now and put the matter behind it. Solicitor Marshall believes, as does Council, that this is in the best interest of the Borough financially and timewise with discovery issues that were made, personnel time, and this made more sense to possibly resolve it on the conditions and under the terms of the Agreement as pursue litigation.

On a motion by Mr. Noto with a second by Ms. Roberts to approve the Settlement Agreement as received. The motion carried after the following roll call vote: Mr. Garbarino, yes; Ms. Roberts, yes; Mr. Aaron, no; Mr. Noto, yes; Ms. Logue, yes; and President Lapinto, yes.

Solicitor Marshall thinks one more motion is necessary to authorize the President to sign the Agreement and also any other Borough employee to sign additional documents to fulfill the terms of the Settlement Agreement.

On a motion by Mr. Noto with a second by Ms. Roberts, authorizing the President to sign the agreement and also any other Borough employee to sign additional documents to fulfill the terms of the Settlement Agreement, was carried with a vote of five yea with Mr. Aaron voting no.

#### ADMINISTRATION

On a motion by Mr. Noto with a second by Mr. Aaron, approving the appropriations for the month of January, 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 informational purposes.

On a motion by Mr. Aaron with a second by Ms. Logue, approving the Council Meeting and Second Council Meeting Dates for 2020 as the first and third Tuesday of each month, with the exception of November's regular meeting being held Monday, November 4<sup>th</sup> due to Elections Day, at the Clarion Free Library unless otherwise noted, was carried with a vote of six yea.

President Lapinto asked the news media to announce there is a vacancy on the Library Board. It is a 3-year term to expire at the end of 2022. Anyone interested in this position should contact the Borough Office. He/she must be a Borough resident.

On a motion by Ms. Logue with a second by Mr. Aaron, approving Resolution #2020-440, approving the proposal from S & T Bank for the 2020 Tax Anticipation Note in the amount of \$300,000 at the rate of 1.74%, was carried with a vote of six yea.

On a motion by Ms. Roberts with a second by Mr. Garbarino to give permission for Todd Colosimo to drawdown CDBG funds to reimburse the General Fund in the total amount of \$2,363.04 (Todd Colosimo's CDBG wages from July 28, 2019, through December 28, 2019, in the amount of \$1,840.02 and advertising fees in the amount of \$532.02). The motion carried with a vote of six yea.

President Lapinto reported next is to approve completing the CDBG modification/revision process for adding the FFY 2018 Main Street Activity to the FFY 2016 Application and adding the FFY 2016 Community Park Recreation Improvements Activity to the FFY 2018 Application. Since that sounds confusing, President Lapinto provided a brief synopsis that all but 20 of the street lights were going to be replaced along Main Street. By moving the funding around, the Borough will be able to replace them all. One thing to the Borough's advantage is that CDBG is not happy with one-source procurement, which is all the Borough had for this item. President Lapinto stated Council will be reviewing the types of lighting and verified with Mr. Colosimo this needs to be done by August?

Mr. Colosimo agreed by this construction season.

With that explanation, President Lapinto asked for a motion to approve it.

On a motion by Ms. Logue with a second by Ms. Roberts to approve completing the CDBG modification/revision process for adding the FFY 2018 Main Street Activity to the FFY 2016 application and adding the FFY 2016 Community Park Recreation Improvements Activity to the FFY 2018 application. The motion was carried with a vote of six yea.

On a motion by Ms. Logue with a second by Ms. Roberts to approve The EADS Group, Inc., as the Borough Engineer for 2020 at the rate chart included in the packet.

Mr. Aaron asked if this was shopped out at all?

President Lapinto commented no.

Mr. Noto agreed not really. However, some changes and adjustments were made on how things were functioning, which made Mr. Noto feel more comfortable where the Borough is now than where it was previously.

President Lapinto stated yes.

The motion carried with a vote of five yea with Mr. Aaron voting no.

President Lapinto reported next is a motion to appoint The EADS Group, Inc., as the Borough's CDBG Program Consulting Engineer for years 2020 through 2022. This was bid out. Ms. Roberts, Mr. Noto, Mr. Colosimo, Secretary LaVan-Preston, Ms. Schwabenbauer, and she all met to evaluate the proposals received.

On a motion by Mr. Garbarino with a second by Mr. Noto, appointing The EADS Group, Inc., as the Borough's CDBG Program Consulting Engineer for years 2020 through 2022, was carried with a vote of six yea.

President Lapinto informed Council next is to appoint Susquehanna Accounting Consulting Solutions, Inc., as the Borough's financial consultant at a rate of \$190 per hour and asked Secretary LaVan-Preston if that is the same rate as last year.

Secretary LaVan-Preston agreed and believes it was for 2018 as well.

On a motion by Mr. Aaron with a second by Ms. Roberts, appointing Susquehanna Accounting Consulting as the Borough's financial consultant for 2020 at a rate of \$190 per hour, was carried with a vote of six yea.

President Lapinto reminded everyone Zelenkofske Axelrod, LLC will complete the 2019 audit for the price of \$10,346, which was approved at the July 10, 2018, Council Meeting.

#### BLUEPRINT COMMITTEE

Mr. Colosimo reminded everyone the Blueprint Committee Meeting will be held January 15, 2020, at 5 p.m. in the Seifert-Mooney Center.

#### PUBLIC WORKS

Mr. Noto reminded everyone to be careful parking on streets to avoid receiving a snow removal ticket.

Mr. Preston stated the Department is putting cold patch in the potholes right now. As long as the weather stays nice, the Department will continue to do so.

#### STORM WATER AUTHORITY

On a motion by Mr. Noto with a second by Ms. Roberts, appointing Ben Aaron to a 5-year term on the Storm Water Authority Board to expire January 2025, was carried with a vote of five yea with Mr. Aaron abstaining.

#### PUBLIC SAFETY

Mr. Aaron stated everyone received a copy of the Civil Service Commission's Annual Report, which includes a copy of their expenditures for 2018 and 2019. To report where the Commission is at, Council approved the hiring of a police officer back in August. That was put on hold, because the Rules and Regulations need to be updated.

Mr. Aaron asked Chief Peck for anything?

Chief Peck had nothing to report.

#### LIBRARY REPORT

Mr. Noto reported nothing new for the library, but the Borough continues to move ahead with the plans for renovations on the boiler and some other projects there. Hopefully, good improvements for the library will be coming soon.

#### HOUSING AND ZONING

Ms. Roberts had nothing to report.

Mr. Sharrar reminded everyone to keep their sidewalks clear from snow. This must be done within 24 hours of the last snowfall.

#### RECREATION

Ms. Roberts had nothing to report.

#### SECRETARY'S REPORT

Secretary LaVan-Preston commented work will begin with preparing all the annual reports during the month.

#### MAYOR'S REPORT

Mayor Whitling stated he is very honored to be sitting here among Council and to be able to work with everyone to represent the community. Like Council, Mayor Whitling appreciates the town that he/she lives in. The goal of taking this position is to work alongside Council and make Clarion a more viable future for opportunities for those that live here and for the local businesses, to serve and be an advocate to the community, and really kind of show others why Clarion means so much to every one of them.

#### OLD BUSINESS

There was none.

#### NEW BUSINESS

President Lapinto announced the following Committees for 2020-21, as follows: Public Works will be Mr. Noto as Chair and Ms. Logue as member; Public Safety will remain the same with Mr. Aaron as Chair and Dr. Sanders Dédé as member; Housing and Zoning will be Ms. Roberts as Chair and Mr. Garbarino as member; Recreation will remain the same with Ms. Roberts as Chair and Mr. Aaron as member; and Administration will remain President, Vice President, and President Pro Tem. President Lapinto will be invited to every meeting.

#### CITIZEN COMMENTS: Non-Agenda Items

Ms. Elisabeth Fulmer, 21 South Seventh Avenue, voiced continue concern with trees and hopes the new members like trees. Bill Miller did a lot of research on this issue.

President Lapinto announced Mr. Miller plans to continue that and is a member of the Blueprint Committee.

Ms. Fulmer hopes for Council's support as well and stated trees are necessary for oxygen.

CORRESPONDENCE

There was none.

On a motion by Ms. Logue with a second by Ms. Roberts, the meeting was adjourned at 7:31 p.m.

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Linda LaVan-Preston, Borough Secretary