

June 2, 2015, Council Meeting  
Minutes

The regular meeting of Clarion Borough Council was held on June 2, 2015, in the Assembly Room of the Clarion Free Library. President Lapinto called the meeting to order at 4:00 p.m. Everyone recited the Pledge of Allegiance. Councilmembers present were Mr. Zerfoss, Ms. Roberts, Mr. Aaron, Mr. Noto, and President Lapinto. Dr. Sanders Dédé and Mr. Bartley were absent. Chief/Secretary/Treasurer Hall, Mayor Walters, Solicitor Marshall, Mr. Colosimo, Mr. Preston, Mr. Sharrar, and Ms. LaVan were also present.

President Lapinto asked for a motion to amend the agenda so the new police officer can be introduced now versus under Public Safety.

On a motion by Mr. Noto with a second by Mr. Aaron to amend the agenda to move the introduction of the new police officer, Robert Seyler, Jr. to the beginning of the meeting. The motion carried with a vote of five yea.

Chief Hall introduced Robert Seyler, Jr., to all Councilmembers. Officer Seyler was hired on May 5<sup>th</sup> and began the following week.

On a motion by Mr. Aaron with a second by Mr. Zerfoss to approve the May 5, 2015, Council Meeting, minutes. The motion carried with a vote of four yea with Mr. Noto abstaining as he was absent.

CITIZEN COMMENTS: Agenda Items

There were none.

ADMINISTRATION

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

On a motion by Mr. Zerfoss with a second by Mr. Noto to give permission for Todd Colosimo to drawdown CDBG funds for the following invoices: 1) The EADS Group for invoice 213875 for services at Weaver Park Improvements for the month ending March 31, 2015, in the amount of \$605.65; 2) reimburse General Fund in the amount of \$5.37; and 3) Fair Housing advertisement invoice in the amount of \$252.60, was carried with a vote of five yea.

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

On a motion by Mr. Zerfoss with a second by Ms. Roberts to give permission for the Solicitor to advertise Ordinance #2015-806, an ordinance amending ordinances relating to Clarion Area Authority funds to be given to fire hall and library. The motion carried with a vote of five yea.

President Lapinto asked Secretary Hall to explain the next item on the Police Pension Plan Ordinance amendment.

Secretary Hall reported Council received a copy of the proposed ordinance amending the Police Pension Ordinance but also has one for the General Employees' Pension Ordinance relating to survivor benefits. Since these are separate ordinances, Council will have to give permission for the Solicitor to advertise each one for adoption at the next Council Meeting. Due to a recent retirement, Mockenhaupt Benefits Group notified the Borough of a potential issue with survivor benefits. If a recipient retires but does not receive a check before he/she would pass away, his/her spouse would not receive survivor benefits.

If Mockenhaupt Benefits Group would have been doing their job, Mr. Zerfoss stated this would have been done years ago and not been a problem for the Borough employees. Mr. Zerfoss commented he will vote for it because it's an employees' benefit not because Mockenhaupt pointed it out.

Mr. Noto understands Ordinance 2015-807 is regarding the Police Pension Plan and asked where the other one is at?

Secretary Hall reported it's not in the packet but is identical except the name of the plan would be General Employees' Pension Plan. Because the Borough has two separate ordinances, the amendments need instituted for each plan.

On a motion by Mr. Noto with a second by Mr. Aaron, giving permission for the Solicitor to advertise Ordinance #2015-807, an ordinance amending the Police Pension Plan in reference to survivor benefits, was carried with a vote of five yea.

On a motion by Mr. Noto with a second by Mr. Aaron to give permission for the Solicitor to advertise Ordinance #2015-808, an ordinance amending the General Employees' Pension Plan in reference to survivor benefits. The motion carried with a vote of five yea.

On a motion by Mr. Zerfoss with a second by Mr. Noto to give permission for Linda LaVan to attend the Pennsylvania Association of Municipal Administrators Conference in Bethlehem, Pennsylvania August 12-14, 2015.

Mr. Noto asked for an idea of the cost involved?

Secretary Hall stated approximately \$500.

The motion carried with a vote of five yea.

President Lapinto asked Mr. Colosimo if Resolution #2015-380, the CDBG Fair Housing Resolution, is the one the Borough is required to adopt each year?

Mr. Colosimo agreed.

Mr. Noto inquired if there were any changes in language or context?

Mr. Colosimo stated the text is a little bit different from last year. DCED asked the Borough to add two more classes to the protected list of classes; age and ancestry. The federal government doesn't require that, but DCED wanted them added to the discriminatory list.

On a motion by Mr. Noto with a second by Mr. Aaron, to approve Resolution #2015-380, 2015 Fair Housing Resolution. The motion carried with a vote of five yea.

President Lapinto asked Secretary Hall to discuss permission to advertise for financing for storm sewer projects.

Secretary Hall asked that item be moved to under Public Works so it will make more sense to everyone?

President Lapinto asked for a motion to amend the agenda to move permission to advertise for financing for storm sewer projects to be given under Public Works.

On a motion by Mr. Noto with a second by Mr. Aaron, giving permission to amend the agenda to move permission to advertise for financing for storm sewer projects to under the Public Works Report, was carried with a vote of five yea.

#### DOWNTOWN COMMITTEE

In the absence of Dr. Sanders Dédé, President Lapinto pointed out the side of the old Haskell Building where Probation is housed has murals that were completed by the students of Art History Club. The only comment she heard was it's too low to see from the street. President Lapinto thought the sidewalk art was going to be a lot bigger than just one square.

Ms. Roberts believes it depended on where the store owners wanted it in front of their stores. Some squares are just painted, others have sayings, and some have footprints or inspirational words.

President Lapinto reported the students visited every business and asked the color, word, or poem he/she wanted in front of their store.

#### PUBLIC WORKS

Mr. Zerfoss deferred to Secretary Hall for the Clean-Up Day report.

Secretary Hall stated the Borough didn't receive the bills yet but should by next month. The day seemed to go without problems.

Mr. Preston agreed it went fine.

As a deliverer of garbage, Mr. Noto feels it went very smooth on that end as well. Mr. Noto inquired how many dumpsters the Borough used this year.

Mr. Preston commented six dumpsters were there in total, but only five of them were filled.

Mr. Zerfoss asked Mr. Sharrar if there was any problem with garbage out at the curb?

Mr. Sharrar reported only two houses had materials outside. Both were owned by out-of-town landlords. After being notified, it was removed. Next year, Mr. Sharrar stated a letter will be included with the rental unit invoices so landlords have the Clean-Up Day information.

Mr. Noto asked if there is any idea how many businesses participated?

Mr. Preston commented there's no way to tell.

Mr. Zerfoss asked Secretary Hall to explain the storm sewer projects.

Secretary Hall stated the Committee finally received a report on the South Street and Center Place project. After some review, only a 28'-30' piece of pipe needs replaced, which is considerably less than what was originally thought. Bison Construction completed the job at Sixth Avenue and South Street with 36" pipe. Pipe extending down to Boundary Street is concrete and in very good shape. The Borough would like to repair the area from South Street 28' towards Elss Street with a 36" pipe involving 4 connections and 1 outlet, which EADS is currently designing. It should be ready within 2 weeks. Rather than wait until July, Secretary Hall asked for Council to give permission to advertise the project now.

On a motion by Mr. Zerfoss with a second by Mr. Noto to give permission to advertise South Street and Center Place Storm Sewer Projects, once it's designed.

Mr. Noto questioned if 36" pipe will be enough capacity.

Secretary Hall stated EADS provided a hydraulic study indicating it will sustain 5-year, 10-year, 25-year storm. The information is positive.

The motion carried with a vote of five yea.

President Lapinto added the next item, Construction Updates, as Mr. Colosimo is always involved in many projects and asked for a report.

Mr. Colosimo stated there are four major construction projects underway or about ready to get underway. Paul A. Weaver Park has been contracted, and Terra Works is hauling the fill from the CUP site right now for the Borough's road base to reconstruct the park access road. As the fill is being dumped, it is being put in place and compacted all at one time. It should take about

8 days for this work to be completed. No problem with this job to date. Terra Works hasn't had flaggers for traffic control nor have they damaged any of the new paving of the road to the dirt pile. Mr. Colosimo commented the next one is the Fire Department Façade Project. Bureau Veritas is in the process of reviewing the building permit. Demolition-only activities began today to remove some of the stone work from the false wall. The Borough is the permittee in this case. The contractor anticipates being done by the end of June; however, the contract allows until the end of July to finish it. Mr. Colosimo reported Secretary Hall addressed the storm sewer project at South Street to Center Place. The Borough has multi-site projects. The Public Works Department is going to take care of the issues on South Street and Sixth Avenue; there are two separate spots but they are caddy corner from each other. Public Works is also doing the project on Domenica Circle. The final design should be ready for that by the end of the week. The Borough will start procuring the materials. Mr. Colosimo stated the storm sewer project at Ninth Avenue and Main Street will be let out. It's a small enough project, and the estimate for the project is \$7,500. The Borough will not have to advertise it. The intention is for the Borough to get good prices.

Mr. Noto asked if that's the one by the University and how much construction traffic goes through there?

Mr. Colosimo agreed it is the one at the southwest corner of Ninth Avenue and Main Street. The inlet there is collapsing. The construction company is using the other side of Ninth Avenue.

Secretary Hall added the time table for the bids to come in and the work to be done is well before August 14<sup>th</sup> so it will be done before the students come back.

If the construction vehicles do drive over it, Mr. Noto inquired if that will damage it?

Mr. Colosimo recommends keeping it plated in case of heavy equipment.

With the heavy rain on Sunday, President Lapinto asked if the fire hall incurred more damage?

Mayor Walters commented that's a good question and will have to check into it.

Mr. Zerfoss pointed out the Public Works Report is in the packet for everyone's review. The new mill head that the Borough purchased is in. The Department will be busy most of this summer repairing potholes the right way, which will take a little longer but will last longer also.

On a motion by Mr. Zerfoss with a second by Mr. Noto to give permission to advertise for financing for the storm sewer projects.

President Lapinto asked for any questions?

Ms. LaVan asked if an amount has to be mentioned?

Secretary Hall stated this is requesting permission to advertise for financing of these five storm sewer projects. The anticipated figure for all of them is \$100,000.

Mr. Noto verified this is so the Borough can pay for the work as the projects are moving along. Instead of saying \$10,000 for this or \$25,000 for that, it will be a total of \$35,000 to be used for them both.

Secretary Hall agreed.

Ms. Roberts asked if the Borough is going procure the loan before the projects are being done?

Secretary Hall commented yes. The projects are going to begin at different times and be at different stages as well as the materials being purchased. This way the Borough will have the money to pay as it's being done. Secretary Hall reported all the projects should be completed by October.

Solicitor Marshall recommends Council amend the motion to ask for finance rates, or interest rates, proposals from the banks to complete five construction projects.

Mr. Zerfoss and Mr. Noto agreed to amend the motion to seek financing of interest rates for proposals from the banks to complete five construction projects. The motion carried with a vote of five yea.

#### PUBLIC SAFETY

On a motion by Mr. Aaron with a second by Mr. Noto to give permission for Mark Hall to attend the Pennsylvania Chief's of Police Association Conference in Lancaster, Pennsylvania July 12-15, 2015.

Mr. Noto asked if the Chief has an idea of the cost?

Chief Hall commented approximately \$500.

The motion carried with a vote of five yea.

#### LIBRARY REPORT

Mr. Noto stated the Library Board did not meet this month and had nothing to report.

#### HOUSING AND ZONING

Mr. Zerfoss made a motion to approve amendment to Ground Lease Agreements between Clarion Borough and Corcetti's Captain Loomis Restaurant Bar, Inc., in reference to Sidewalk Café.

Secretary Hall informed Council this is an amendment to continue the ground lease with the Loomis, or now Corcetti, for the sidewalk café. It was a 25-year lease and expired yesterday.

This contract renews automatically for another 25 years. Solicitor Marshall has reviewed this contract.

Mr. Noto verified the Borough couldn't get out of the lease if that was the wish.

Secretary Hall agreed. The only change is the rent increased from \$600 to \$700, which Mr. Corcetti agreed with. After this term, the lease will go year-to-year.

Solicitor Marshall recalls the individual has the opportunity to renew it for an additional 25 years. After that, he is unsure.

Mr. Sharrar agreed with Secretary Hall that Mr. Corcetti will have the right to do it annually.

Mr. Noto commented the Borough will be in the same position where they can't say no.

Secretary Hall believes so. However, Council will have the right to change the price every year after that.

Mr. Sharrar stated that Mr. Corcetti applied for a building permit and intends to build a roof over the seating area and put metal on it.

Ms. Roberts inquired if alcohol will be permitted in that area?

If he has the proper LCE permits, Secretary Hall stated yes. Unless something bad happens with the establishment, he will have his LCE license.

Ms. Lapinto announced that was part of the Downtown Revitalization Project in 1991 and 1992 and was very nice at that time. Hopefully, Mr. Corcetti will proceed with these plans.

Mr. Noto seconded the motion. The motion carried with a vote of five yea.

#### RECREATION

Mr. Noto asked Mr. Colosimo for any further comments on Paul A. Weaver Park?

Mr. Colosimo stated no. The company is on schedule. Traffic will be able to access the back; it will not be impeded.

Mr. Noto asked if there were any issues or complaints on the Borough doing the construction.

In daily discussions with Brian Smail, Little League Association, Secretary Hall stated there are no issues.

Mr. Noto announced the pool will open June 6, 2015, and close August 22, 2015.

President Lapinto noticed in the paper where Oil City is using CDBG funds for their pool and asked if they can use funds because they own the pool.

Mr. Colosimo commented Oil City's service area would have had to match the LMI data they're using and they're service area at minimum would probably be a city proper. Oil City probably convinced DCED of that.

President Lapinto feels the only place the Borough can use CDBG money is at the park.

As far as recreation goes, Mr. Colosimo reported the Toby Boat Launch area and the Paul A. Weaver Park are the only major possible benefactors.

For the last 20 years, Mr. Zerfoss commented it's been stated the main reason the pool doesn't qualify is because the Borough doesn't own it.

Mr. Colosimo stated the Borough actually owns the pool facility, but the land it sits on is leased from the School District. Per the agreement with the School District, it does not allow the Borough to restrict usage of the pool to just the Borough residents. It's very plain in print that the service area is more than the Borough. If the pool were located at the park, it would be in a much better position to say this is a true Borough benefit and the residents are the primary beneficiary. The Borough's LMI figures would allow CDBG money to be used there. From data collected in the past, Mr. Colosimo pointed out the Borough is not the primary user. A lot of pool users are coming from the surrounding townships and areas just outside the Borough. Mr. Colosimo stated the Borough runs into the same issue at the library. The library's designated service area is much more than just the Borough. According to the cardholder data, not even 30% is made up of Borough residents.

Secretary Hall thinks the previous pool data indicated 33% of Borough residents use the pool.

President Lapinto stated the Borough was hoping to do a library project, but it's been eliminated.

If the pool would be moved to the park, Mr. Zerfoss commented the School District could use the land the current pool is on to construct a new building and save money. However, neither the School District nor Borough have money to build anything.

Mr. Aaron asked what funding is available for recreation in the Borough?

Mr. Colosimo informed Council DCNR, Department of Conservation and Natural Resources, is going to be the Borough's primary public funding source for all recreational improvements. CDBG can be woven in as discussed previously. DCNR doesn't have the same limitations for their funding; however, usually you're looking at a 50-50 match. This means if DCNR gives \$100,000, then the Borough will have to come up with \$100,000.

Mr. Aaron commented he has an area in mind and just wondered if funding was out there for the Borough to look into. Mr. Aaron is not saying the Borough should fund it 100%. The only playgrounds in the Borough are the small one at the park and the one at the elementary school.

President Lapinto noted she has an area in mind as well.

Mr. Colosimo stated DCNR would be the best bet for recreational funding. This is how Toby was developed and a lot of the Paul A. Weaver Park as well.

#### SECRETARY'S REPORT

Last week, Secretary Hall received the Highway Aid Audit from the Auditor General's Office. There were no findings. The audit was completed in December, which is when the Borough received the preliminary report but this is the official audit after review by Eugene DePasquale.

If anyone wants to receive a copy, Ms. LaVan asked that he/she contact her and she can either e-mail it or provide a hard copy.

Secretary Hall filed the paperwork for the Borough's Safety Committee to be recertified, and a letter was received stating the Committee is recertified for 2015-2015. The Borough will receive a 5% savings on the workers compensation policy.

Secretary Hall informed Council Mr. Colosimo and he met with Clarion Township officials to discuss the South Street and Center Place storm sewer. When the Borough had the camera work done, it was discovered that there are some severe problems below Boundary Street, which is in Clarion Township. Mr. Berg Dilley and Mr. Bob Deemer visited the area with them so they could see the potential issues. On advice from Solicitor Marshall, Secretary Hall prepared a letter to Clarion Township notifying them of a potential problem. The supervisors understand what the problem is and were surprised with the information.

Mr. Noto wondered if the Borough installing a 36" pipe will exasperate the problem.

Secretary Hall commented water is already traveling down that way. Some people have put inappropriate taps into the pipe, both in the Borough and the township, and a house located in Clarion Township actually was built on top of the pipe and is being crushed.

Mr. Colosimo stated this was discovered because the Borough was trying to find out where the 42" pipe from the outfall actually ended. This pipe that is metal is approximately 400-500' long. It's not in very good shape. The Borough's engineer and company doing the camera work found holes in the floor of the pipe and there is compression from above horizontally.

Secretary Hall reported there is 130' of 36" concrete pipe that actually runs into Clarion Township.

Mr. Colosimo pointed out it was well constructed.

MAYOR'S REPORT

Mayor Walters had nothing to report.

OLD BUSINESS

There was none.

NEW BUSINESS

There was none.

CITIZEN COMMENTS: Non-Agenda Items

There was none.

CORRESPONDENCE

There was none.

On a motion by Mr. Noto with a second by Mr. Aaron, the meeting was adjourned at 4:50 p.m.

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Mark E. Hall, Borough Secretary