

September 3, 2019, Council Meeting
Minutes

The regular meeting of Clarion Borough Council was held on September 3, 2019, 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, Dr. Sanders Dédé, Mr. Aaron, Ms. Logue, and President Lapinto. Mr. Noto was absent. Chief Peck, Mr. Preston, Ms. Schwabenbauer, Mr. Colosimo, Mayor Miller, Mr. Sharrar, Solicitor Marshall, and Ms. LaVan-Preston were also present.

Before moving on, President Lapinto introduced the Borough's new employee, Jessica Schwabenbauer, who was hired for Stormwater Administrative Assistant but also to learn Secretary LaVan-Preston's job to be a backup, and welcomed her to the meeting.

On a motion by Ms. Roberts with a second by Mr. Aaron, amending the agenda to move Recreation to be given before Administration, was carried with a vote of six yea.

On a motion by Mr. Zerfoss with a second by Dr. Sanders Dédé, approving the minutes of the August 6, 2019, Council Meeting, was carried with a vote of six yea.

CITIZEN COMMENTS: Agenda Items Only

There was none.

PROCLAMATIONS

Mayor Miller presented a Proclamation to Jenna Beichner, a representative of the Clarion Area Chamber of Business and Industry, proclaiming the month of September as the Clarion County Community Bank FoodStock and encouraging everybody in Clarion Area to join in support of this extremely worthwhile cause.

As a former swimming coach at Clarion University for a long time, and if his wife was here she would call each and every player, the beautiful children, because he/she certainly are, Mayor Miller started by stating that first as he is very proud of everyone here. Mayor Miller presented a Proclamation, proclaiming September 6, 2019, Clarion Little League All Star Day and asked everyone in Clarion Borough to join in celebration of the achievements by these three teams. Present to accept the proclamation were Rob Rinker, 8-10 Year Old League All Star Baseball coach; Lee Weber, 12u Baseball coach; and Craig Dunn, 12u Softball coach. Numerous players and parents were also present.

RECREATION

On a motion by Ms. Roberts with a second by Dr. Sanders Dédé, approving the request from Clarion Little League, Inc., for \$10,000 for various field projects, was carried with a vote of six yea.

Mr. Rob Rinker thanked Council for honoring this request and added it is much appreciated.

ADMINISTRATION

On a motion by Mr. Aaron with a second by Ms. Logue to approve the appropriations for the month of September. 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 announced the second Council Meeting scheduled for September 17, 2019, at 7 p.m. will be held, if needed, at the Clarion Free Library.

President Lapinto stated in September Council has to approve the Minimum Municipal Obligation for the pension plans. These will be approved tonight; however, there may be some changes as the actuary based these calculations on the actuarial study of 2017. Currently, the 2019 actuarial study for each plan is being completed.

Secretary LaVan-Preston agreed and added the MMO's have to be approved by September 30th of each year. That's why the Borough couldn't wait until the 2019 reports are completed to approve. If there are changes, the Borough will receive revised MMO's that will be adopted prior to the end of the year. At that time, Secretary LaVan-Preston commented that's when the resolution for each plan setting the employee contribution rate, if lower than the 5%, would be acted upon.

On a motion by Ms. Logue with a second by Mr. Zerfoss, approving the 2020 Minimum Municipal Obligation for the Clarion Police Pension Plan to zero, was carried with a vote of six yea.

On a motion by Mr. Zerfoss with a second by Ms. Roberts to approve the 2020 Minimum Municipal Obligation for the Clarion General Employees' Pension Plan in the amount of \$52,008. The motion carried with a vote of six yea.

President Lapinto reported there are two new special event requests included in the packet. The first one is from Aglow International for a waiver of the noise ordinance on Friday, October 18, 2019, at 10 a.m. through Saturday, October 19, 2019, at 5 p.m. President Lapinto asked Chief Peck to fill everybody in on what this is exactly.

Chief Peck contacted the requestor for the event, Ms. Faith Gourley, from New Bethlehem, who relayed they are going to have music throughout the event, specifically a band from 7 p.m. to 9 p.m. on the first day. The other times it will be individual people playing different instruments. Chief Peck stated this will be held in the park across from the Courthouse on Main Street.

President Lapinto asked if he had any concerns?

Chief Peck doesn't have any concerns at this point, because the level of noise is yet to be determined. However, if Council waives the noise ordinance and someone does complain, the Police Department's hands are pretty much tied. The police can go discuss it with them, but

the ordinance could not be enforced. Normally in this situation, Chief Peck pointed out the Department would approach the organization and try to communicate a solution instead of issuing a citation.

On a motion by Dr. Sanders Dédé with a second by Mr. Aaron to approve the special event request from Aglow International for a waiver of noise ordinance on Friday, October 18, 2019, 10 a.m. through Saturday, October 19, 2019, 5 p.m.

President Lapinto asked for any discussion?

Ms. Roberts asked if Council normally waives the noise ordinance for the event that the University holds at their stadium.

Chief Peck doesn't think so.

Secretary LaVan-Preston believes the University submits the request for the concert but not to waive the noise ordinance.

Ms. Roberts stated that's ridiculously loud and doesn't think if this is religious music and in the County Park, it would be as much of a nuisance as the University concert. If Council doesn't waive the ordinance for that one, then Ms. Roberts doesn't see the need for it for this one.

Mr. Aaron doesn't feel that the Borough Police will shut this organization down without a reason or complaint. If no one complains, then there shouldn't be a problem. There could be a little leniency without waiving the ordinance.

Chief Peck agrees with that statement.

Dr. Sanders Dédé added if the band is playing inside the gazebo the noise wouldn't be as loud.

President Lapinto verified the event would be all night?

In discussion with Ms. Gourley, Chief Peck understands the event will shut down, for a lack of better terms, from 10 p.m. on October 18th through 8 a.m. on October 19th. The band will be the first night. Then the next day, the music will begin at 8 a.m.

Mr. Aaron believes the County Park has to be vacant at 10 p.m.

Secretary LaVan-Preston pointed out the organization did receive permission from the County to use the park for this event but doesn't know the specifics.

President Lapinto commented a motion is on the floor and asked if anyone wants to amend it or just let it go.

Dr. Sanders Dédé and Mr. Aaron stated to vote on this one.

Hearing numerous different votes, President Lapinto called for a roll call vote. The motion failed after the following roll call vote: Mr. Zerfoss, no; Ms. Roberts, no; Dr. Sanders Dédé, yes; Mr. Aaron, no; Ms. Logue, no; and President Lapinto, no.

Before moving on, Dr. Sanders Dédé inquired if it is Chief Peck's duty to call them and let them know it didn't pass?

President Lapinto agreed and stated the event could be held.

Mr. Aaron asked if Council still has to approve the special event?

Solicitor Marshall understood the motion was not to approve the event and/or the waiver of the noise ordinance. If Council wants to approve the event and not the waiver, Solicitor Marshall stated Council will have to take additional action.

On a motion by Mr. Aaron with a second by Ms. Roberts, approving the special event request from Aglow International without the waiver of the noise ordinance Friday, October 18, 2019, through October 19, 2019, was carried with a vote of six yeas.

President Lapinto stated next is a special event request from Clarion River Brewing Company in regards to an open fire, small bonfire in the rear parking lot September 28 or 29 and called on Chief Peck for comments.

Chief Peck informed Council this request is for a small fire in the back parking lot for the purpose to make a special beer brew where the owner needs to heat rocks to a certain level and then put them in whatever to make this special type of beer. Having concerns, Chief Peck and Mr. Sharrar called him to see if some changes to limit potential problems with the outdoor fire could be made. Clarion River Brewing did provide additional information, which is on the back of the request that was included in the packet. Chief Peck still voiced concerns that it is too close to the buildings. Any hot embers that may get on the roofs, which are probably mostly flat and rubber, is a big risk. Chief Peck relayed to the owner that he is all about trying to work with local business so that they prosper and stay in Clarion Borough but that he has a real concern with liability issues by some slim chance something bad would happen.

President Lapinto asked Mr. Preston, as fire chief, for his opinion.

Mr. Preston stated no plain and simple.

Secretary LaVan-Preston reported this was a last minute request, and this is how the school district requests permission for a bon fire; however, this is different being right in the middle of town. Unfortunately due to the timing of the request, this is the only meeting prior to when the business wants to hold the event.

If Council wants to approve this bon fire, Dr. Sanders Dédé stressed the fire chief and/or somebody with the department would have to be there at all times to monitor what is going on.

President Lapinto asked what the time was again?

Ms. Roberts commented it's from 8 a.m. until late in the day.

Secretary LaVan-Preston added it would last until 8 p.m. and would be only one of the days mentioned. The date was not determined yet.

Mr. Aaron voiced his biggest concern is the close proximity to older buildings in town. It would be one thing if it was following to the letter the Borough ordinance for fires and camp fires that are allowed in the Borough. However, the owners' additional comments to Council still indicate the ordinance would not be followed as far as safety goes.

On a motion by Mr. Zerfoss with a second by Ms. Roberts, denying the special event request from Clarion River Brewing Company in re open fire, small bonfire in rear parking lot September 28 or 29, 2019, was carried with a vote of five yea with Dr. Sanders Dédé abstaining.

BLUEPRINT COMMITTEE

Dr. Sanders Dédé reported the Committee continues to move forward and will push in the next month to look for new volunteers to be involved so that more activities and/or projects can be done.

PUBLIC WORKS

Mr. Zerfoss commented the Public Works Report is in the packet. Any questions can be directed to Mr. Preston.

On a motion by Mr. Zerfoss with a second by Mr. Aaron to approve to pay Terra Works \$37,370 for 2nd Avenue Project, contingent upon receipt of project close out documents. The motion carried with a vote of six yea.

STORM WATER AUTHORITY

On a motion by Mr. Aaron with a second by Dr. Sanders Dédé, approving the change order to the Center Place Storm Sewer Project for \$24,700 to construct ditch line improvements between Boundary Street and Merryman Road, was carried with a vote of six yea.

On a motion by Mr. Aaron with a second by Dr. Sanders Dédé to approve The EADS Group Invoice #226133 in the amount of \$2,102.56 for Center Place Storm Sewer Project through July 31, 2019. The motion carried with a vote of six yea.

Mr. Aaron asked if Mr. Colosimo wished to discuss the progress on a couple of projects?

Mr. Colosimo commented the payment for Second Avenue was just approved. That job was completed with no punch lists, which is a rare occurrence. The Library storm sewer project is finished. Mr. Colosimo stated Emerson Way is under construction and hopefully a cost estimate will be available in October. The Borough has a lot of projects with the engineer right now. Mr. Colosimo announced the Sixth Avenue reconstruction project involves a component involving storm water. This project has been approved by the Department of Community and Economic Development, DCED, and will be the Borough's 2019 CDBG Project. DCED is allowing the Borough to qualify the project on the block groups low moderate income rate. Mr. Colosimo reported that project is located in Block Group 5 of the Borough, which has an LMI rate of 66.67%. By allowing that, it saved a ton of work that is normally required. Mr. Colosimo added this project will likely take at least 2 years fully funded by CDBG funds. EADS is currently preparing a preliminary cost estimate to include in the application.

PUBLIC SAFETY

Mr. Aaron had nothing to report.

LIBRARY REPORT

There was none.

HOUSING AND ZONING

Ms. Roberts stated the Housing and Zoning Report is in the packet for everyone's review.

SECRETARY'S REPORT

Secretary LaVan-Preston informed everyone the Highway Aid Audit is being completed for years 2017 and 2018. The Administration Committee will attend an exit audit meeting tomorrow with the auditor at 1:30 p.m.

MAYOR'S REPORT

Mayor Miller had nothing to report.

OLD BUSINESS

President Lapinto stated every month there is discussion on trees. More and more trees are being cut down and not being replaced. President Lapinto asked the Mayor to take trees on as a special project, and he will be forming his own committee. President Lapinto also commended Ms. Fulmer because of her the trees along 5th Avenue have been replaced. Because it was reported at a Council Meeting that a utility company asked all the property owners if he/she wanted a tree, one individual disagreed but then found out her husband stated he did not want one. Those owners now have a tree replaced. President Lapinto feels Ms. Fulmer should be commended for achieving that.

Mayor Miller contacted Ms. Fulmer, and there are some good ideas. More specifics will be discussed next month.

President Lapinto thanked the Mayor for agreeing to do this project.

NEW BUSINESS

There was none.

CITIZEN COMMENTS: Non-Agenda Items

Ms. Elisabeth Fulmer, 21 South Seventh Avenue, complimented and congratulated whoever was responsible for getting all the crosswalks painted on the street over by the University before it started this year. So many years that was not done, and it was very scary trying to cross the street.

Ms. Fulmer also mentioned several months ago Mr. Wise was present to discuss motorists driving the wrong way on Wood Street. For 3 hours one Saturday, Ms. Fulmer's worker at their store location at 7th and Wood Street counted six people going the wrong way. Ms. Fulmer strongly believes something needs done and inquired if it could be written on Wood Street?

Chief Peck inquired where at?

Ms. Fulmer stated at 7th and Wood Street on the west side in front of the beauty parlor. People don't seem to see those little signs that are up that say one-way. By painting it on the pavement, it may bring it to everyone's attention.

President Lapinto asked Mr. Preston if that is possible.

Mr. Preston doesn't know if that would be available to paint on the roadway or not. Signs are up and are the legal size for one-way. People need to pay attention.

Ms. Fulmer stated they don't see the signs and maybe bigger letters would work better.

Mr. Preston doesn't think that will be different as people don't even see the crosswalks.

CORRESPONDENCE

There was none.

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

Linda LaVan-Preston, Borough Secretary