

September 5, 2017, Council Meeting
Minutes

The regular meeting of Clarion Borough Council was held on September 5, 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 Ms. Roberts, Dr. Sanders Dédé, Mr. Aaron, Mr. Noto, Mr. MacBeth, and President Lapinto. Mr. Zerfoss was absent. Mr. Colosimo, Chief Peck IV, Mr. Preston, Solicitor Marshall, Mayor Parker, and Ms. LaVan were also present. Mr. Sharrar was absent.

On a motion by Mr. Noto with a second by Mr. Aaron, approving the August 1, 2017, Public Hearing, minutes, was carried with a vote of three yea with Mr. MacBeth, Ms. Roberts, and President Lapinto abstaining as they were absent.

On a motion by Mr. Noto with a second by Mr. Aaron to approve the August 1, 2017, Council Meeting, minutes. Dr. Sanders Dédé made a correction on page two at the top, four year should be four yea. Mr. Noto and Mr. Aaron both agreed to the correction. The motion carried with a vote of five yea with President Lapinto abstaining as she was absent.

CITIZEN COMMENTS: Agenda Items Only

President Lapinto asked that Citizen Comments: Non-Agenda Items be given now as a student is in attendance to make a presentation to Councilmembers.

Ms. Maddie McNamara, a Clarion Area School District student, informed Council over the summer she traveled to Jackson Hole, Wyoming, which has a lot of traffic and people. One of the things they did was they had flags on either sides of the road that were brightly colored that as a person would cross the street, he/she would grab a flag and wave it. This was so people who were driving could see him/her. Ms. McNamara thought this was a really great idea. It seemed like a lot of people there were using it. Ms. McNamara passed around pictures of the flags, the holders, and a pedestrian using one to cross the street. Ms. McNamara understands Clarion has a little bit of a problem at the intersection of 5th Avenue and thought this idea could be tried to make pedestrians more visible and motorist more aware.

Mr. Noto asked what a pedestrian would do with the flag?

Ms. McNamara commented a pedestrian removes the flag, walks across the street with it, and then puts it on a holder on the other side. The flags are brightly colored, and it really seemed to be working there.

Dr. Sanders Dédé verified it would be placed on the other side?

Ms. McNamara agreed.

President Lapinto referred that to the Public Safety Committee for consideration.

Ms. McNamara provided the pictures for Council, which are attached to the Official File Copy of these minutes.

Mr. Noto thanked Ms. McNamara for coming and sharing that idea.

Mayor Parker proclaimed September 2017 to September 2018 to be Clarion University Year as they are celebrating 150 years of excellence in education, scholarship, and service and asked everyone in Clarion Borough to join in the celebration of this institution's sesquicentennial. Mayor Parker presented the proclamation to Dr. Todd Pfannestiel, Interim President of the University.

On behalf of the University and President Whitney, faculty, staff, most importantly the students, Dr. Pfannestiel thanked Mayor Parker and noted this Proclamation is greatly appreciated. Clarion University may be celebrating its 150th anniversary, but more importantly, it's 150 years of partnership with the Borough. The Borough's history is the University's history. Dr. Pfannestiel commented the University is very proud of this moment and looks forward to celebrating together not only this year but moving forward.

Mayor Parker proclaimed the month of September as Clarion County Community Bank FoodStock and encouraged everyone in Clarion County to participate with this worthwhile cause.

ADMINISTRATION

On a motion by Mr. Noto with a second by Mr. MacBeth to approve the appropriations for the month of September, was carried with a vote of six yea.

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

On a motion by Mr. Noto with a second by Ms. Roberts to approve the Cub Scout Pack 51/Troop 51 special event request to close South Jefferson Place between S & T Bank and Clarion County Memorial Park on September 10, 2017, from 2-5 p.m.

President Lapinto asked Chief Peck if he reviewed it.

Chief Peck stated there are no problems with it.

President Lapinto asked Secretary LaVan what they are doing?

Secretary LaVan commented the Cub Scouts are holding a jamboree on September 10, 2017, in the Memorial Park to try to recruit new members and have been working with Mr. Sharrar. They wish to close Jefferson Place between the Park and S & T Bank for fire trucks and police vehicles. The Public Works Department can drop off barricades for their use for the event, and it will not create any overtime for either department.

Mr. Noto commented it's a Sunday so there shouldn't be too much traffic in that area.

The motion was carried with a vote of six yea.

President Lapinto asked Secretary LaVan to explain the Memorandum of Understanding between Apogee Telecom, Inc., and the Borough.

Secretary LaVan reported this is the agreement to change the name to Apogee Telecom, Inc., and spell out the exact way the payment is to be made to the Borough to eliminate any future problems. The settlement amount of \$5,000 was received in August, as agreed. Cohen Law Group recommends Clarion Borough approve this Memorandum of Understanding.

On a motion by Dr. Sanders Dédé with a second by Mr. Noto, approving the Memorandum of Understanding between Apogee Telecom, Inc., and the Borough of Clarion, was carried with a vote of six yea.

President Lapinto stated it's that time of the year when the Borough needs to approve the Minimum Municipal Obligations for 2018 for each pension plan.

On a motion by Mr. Aaron with a second by Mr. Noto to approve 2018 Minimum Municipal Obligation for Clarion General Employees' Pension Plan (Defined Benefit) in the amount of \$32,179. The motion was carried with a vote of six yea.

On a motion by Mr. Aaron with a second by Mr. Noto to approve 2018 Minimum Municipal Obligation for General Employees' Pension Plan (Defined Contribution) in the amount of \$8,779. The motion carried with a vote of six yea.

On a motion by Mr. Aaron with a second by Mr. MacBeth, approving 2018 Minimum Municipal Obligation for Police Pension Plan in the amount of \$39,829, was carried with a vote of six yea.

President Lapinto stated next is a cooperation agreement regarding the Glass Works Industrial Development Project Tax Increment Financing District

On a motion by Mr. MacBeth with a second by Mr. Aaron to approve the Cooperation Agreement regarding the Glass Works Industrial Development Project Tax Increment Financing District.

President Lapinto asked Solicitor Marshall to explain.

Solicitor Marshall informed everyone the agreement in essence just allows Clarion County Industrial Development Authority to act as a conduit to funnel the payments through. In other words, the cooperation agreement set the base rate of taxes the Borough will receive every year at a set fair market value. Any taxes attributable to the amount over the fair market value will be used to pay the financing to the tax increment financing as long as that plan is in place.

Mr. Noto verified the Borough will receive a set amount each year?

Solicitor Marshall stated yes.

Whatever is over that amount, Mr. Noto asked if the developer will get?

Solicitor Marshall stated yes. The Borough's tax is based on the fair market value of \$445,756. Anything over and above that amount will go towards that portion of the debt financing or to finance the improvements that are made.

Mr. Noto commented the more the property is improved, the more the value will go up and they will benefit from it.

Solicitor Marshall agreed and stated the Borough will get the same amount.

Ms. Roberts asked how long this is for?

President Lapinto stated 20 years and asked that it won't prohibit the Borough from increasing taxes if necessary?

Solicitor Marshall pointed out that is addressed in the agreement as well. The tax rate will be based on the fair market value amount. If taxes are increased, then the amount will also.

President Lapinto inquired if all three entities have to approve this cooperative agreement?

Solicitor Marshall reported yes.

President Lapinto questioned if the tax collector will have to be involved in this as well and would this need to be listed on the tax notice?

Solicitor Marshall commented yes. There are provisions that are required to be placed on the tax notice each year. It is spelled out and that definitely needs to be followed. Also, Solicitor Marshall reported the authority will have a special account that they open up with the Borough that when the tax collector sends out the notice, the payment will be made to the authority and then the authority will dole out the appropriate amount of taxes to each entity.

Mr. Noto commented it's a pass-through essentially?

Solicitor Marshall stated that's correct. The authority will distribute it.

Mr. Noto inquired if this agreement will lock the Borough into something down the road that it will get the Borough in trouble and cost anything additional.

Solicitor Marshall can't imagine it would. It's locking the Borough into the idea that if the market value of that property increases, the Borough's taxes won't increase.

Mr. Noto feels that's what the Borough is giving them to develop it.

Solicitor Marshall agreed for the 20 year period. The only other thing that was in the agreement was whatever administrative fees the authority has is taken out of the taxes from what the development company is entitled to as far as their taxes, not out of the Borough.

Mr. Noto verified the Borough won't have to pay money in any way?

Solicitor Marshall stated no, only to collect your taxes as normal.

President Lapinto asked if this will create extra work for Ms. LaVan?

Solicitor Marshall doesn't believe there would be a whole lot. There will be some initially setting up the account. Ms. LaVan will have to provide the tax information to the tax collector each year, which she already does.

Ms. LaVan stated the different tax rates are provided to the County each year. The first year will be a learning curve; but after that, it shouldn't be too difficult.

Solicitor Marshall pointed out the only other thing that will impact the Borough going forward would be any amount that is due to the authority from the taxes, the authority actually would have a lien on that amount. This will need addressed if the Borough ever goes into any PennVest funding and/or if somebody needs a lien on the Borough's general tax revenue, it would have to be excluded from that.

Mr. Noto asked if Solicitor Marshall is comfortable with this cooperative agreement?

Solicitor Marshall commented yes and believes it complies with what the Borough agreed to when the TIF was established in the first place. There isn't anything in the agreement that causes any concern that may have a real heavy liability or anything other than just complying or giving information to people to establish an account.

The motion carried with a vote of six yea.

BLUEPRINT COMMITTEE

Dr. Sanders Dédé stated the Blueprint Committee received a grant from the Downtown Center to hold a concert on November 3, 2017, for the Downtown Community. The Young Americans will be coming at a yet-to-be determined location at Clarion University.

PUBLIC WORKS

Mr. Noto, in the absence of Mr. Zerfoss, reported the Paving Project was completed August 16 and 17, 2017, and thanked the press, the residents, business owners, and motorists for his/her cooperation during this project. Roads paved were Merle Road from Seventh to Sixth Avenues and Sixth to Fifth Avenues, Fourth Avenue from Wood to South Streets, South Street from Jefferson Place to Fifth Avenue, and Gemmell Drive from Bond to Leatherwood Drives and from a point to a point.

Mr. Noto informed everyone the Borough switched out 281 street lights from halogen to LED's recently. The Borough received a credit of \$13,384.49. The Borough has contacted West Penn to see if any other lights can be changed to save more money. West Penn has not responded yet.

In reference to Elisabeth Fulmer's concern last month on one-way traffic on Wood Street going the wrong direction, Mr. Noto reported the Public Works Department did verify all the signs are in place. It will continue to be monitored; however, signs cannot be placed at every location leading onto Wood Street.

Mr. Noto stated the Committee would like permission to bid out the Clean-Up Day Services. The Borough will ask for a 5-year and a 3-year rate to see if it's a better benefit by going longer.

On a motion by Mr. Noto with a second by Mr. Aaron, approving to bid Clean-Up Day Services, was approved with a vote of six yea.

Mr. Noto reported the EADS Group is working with the Borough to complete engineering, field, design, cost estimate, and construction document tasks for the Center Place Storm Water Project and asked Mr. Colosimo for additional comments?

Mr. Colosimo stated the EADS Group submitted a revised proposal for services, which is \$3,000 less than their original proposal. Councilmembers were given a copy of that proposal tonight.

President Lapinto noted Mr. Colosimo is able to do some of the work that was included originally.

Mr. Noto pointed out that's the reason the Borough is able to save \$3,000.

On a motion by Mr. Noto with a second by Mr. Aaron to authorize the engineering service agreement with the EADS Group, Inc., for work on Center Place in the amount of \$38,500.

Once the Storm Water Authority is in operation, Mr. Noto stated these costs on Center Place can be reimbursed.

The motion carried with a vote of six yea.

STORM WATER AUTHORITY

Mr. Noto reported the Borough has been looking at different ways to determine the impervious surface area. The Committee would like to proceed with Option 2 that HRG explained and asked Mr. Colosimo for more.

In HRG's original proposal, Mr. Colosimo stated this was an option that the Borough will be responsible for distributing the survey to resident and non-resident parcels. The ultimate goal is to determine a preliminary impervious surface calculation to start with a rate structure for billing. Mr. Colosimo commented this will serve until such a time as the Borough can get a more accurate hold on it. This would be the next step.

President Lapinto asked how it will be done?

Mr. Noto reported the Borough will send out surveys asking residents how big his/her roof and driveway is. The plan is to take that information and figure out an average flat rate to charge residents. Non-resident buildings, such as churches, schools, and so on would be different.

Mr. Colosimo agreed the Borough will sample residential units, it won't be every residence in the Borough. A questionnaire/survey will be distributed and will be a self-reporting method.

Mr. Noto is not sure how to word a motion because Option 2 may be too general and asked if Mr. Colosimo has the proposal?

Mr. Colosimo stated no but suggested a motion to proceed with calculating of impervious surfaces for residential and non-residential properties.

Mr. Noto reported that's better and asked how much that will be roughly to complete?

Mr. Colosimo isn't sure of the figure, but the Borough will be doing most of this work. HRG will develop the questionnaire.

President Lapinto asked if more information is necessary for the motion?

Solicitor Marshall understands that the Borough is going to select Option 2 but not authorization for funds to be spent at this point.

President Lapinto inquired if this is premature?

Mr. Noto doesn't think this is premature, because this was already part of the contract with HRG to help the Borough come up with an impervious rate per property. This is necessary to move forward on how to obtain the information needed, which is why the Committee wants Council to make the motion so work and proceed.

Solicitor Marshall thinks this was explained enough in the record that Council can approve the permission to go with Option 2 under the development proposal. That would be fine.

On a motion by Mr. Noto with a second by Mr. Aaron to give permission to proceed with Option 2 to develop impervious area information. The motion carried with a vote of six yea.

PUBLIC SAFETY

On a motion by Mr. Aaron with a second by Mr. Noto, giving permission for William H. Peck IV to attend the Police Civil Service Procedures Training to be held in Butler County on September 14, 2017, at the cost of \$150, was carried with a vote of six yea.

Mr. Aaron indicated Chief Peck will be driving a police vehicle so no mileage will be involved.

In the last couple of weeks, Chief Peck informed everyone the Department has really been busy due to school coming back into session along with other issues. A lot of officers, even himself, have been called to come in and help out.

LIBRARY REPORT

Mr. Noto commented the Autumn Leaf Festival reception will be held on September 29th. Octavia Wong, a mystery author, will be the guest speaker. Tickets are available for \$25 for a single and \$45 for a couple. Mr. Noto stated all proceeds will benefit the library.

Mr. Noto asked Mr. Colosimo to discuss the storm water issue at the Library.

Mr. Colosimo reported the EADS Group provided cost estimates for repair of the flooding issue in the basement at the library. Two options are available; the cheap option \$32,000 and the more expensive option \$84,000. The cheaper option will include a bigger inlet on the side door, enlarge the pipe running out to the pump station, tying in 2 or 3 rear downspouts, and tying the inlets from the patio area. The patio area will also include larger inlets. It's not just a matter of the water coming into the building from the side but also the rear of the building. All this water will be conveyed to the pump station, which eventually ends up onto Merle Road. Mr. Colosimo believes this is a more comprehensive approach than what was originally thought.

Mr. Noto feels this will solve two major problems that have been experienced there in times of heavy downpours with water entering both sets of doors. This is just an update.

HOUSING AND ZONING

On a motion by Dr. Sanders Dédé with a second by Mr. MacBeth to give permission for Todd Colosimo to attend Floodplain Regulations UCC Training October 5, 2017, in Butler for the cost of \$25 and mileage. The motion carried with a vote of six yea.

On a motion by Dr. Sanders Dédé with a second by Mr. Noto, giving permission for Todd Colosimo and Scott Sharrar to attend UCC Refresher Course December 12, 2017, in Meadville for the cost of \$125 each and mileage for each, was carried with a vote of six yea.

Dr. Sanders Dédé stated the Housing and Zoning Report is in the packet for everyone's review.

PARKS AND RECREATION

On a motion by Ms. Roberts with a second by Mr. Aaron to adopt Resolution #2017-405, adopting a Tobacco-Free Policy at Recreational Facilities (Paul A. Weaver Community Park and Clarion Borough Pool), with an addition to Section 4, Subsection d, to read as follows: "If an individual is using tobacco, they will be asked to stop. If said individual refuses, they will be asked politely to leave the premises."

Mr. Noto plans to vote in favor of the resolution but commented there is not much you can do with some people. The pool is located on school property and, therefore, is already a tobacco-free, drug-free zone.

Mr. Aaron stated the use of tobacco seemed more prevalent this year and hopefully with “Young Lung at Play” signs posted and this policy, it will deter people from doing so at these locations.

President Lapinto added this may bring more attention to everyone.

The motion carried with a vote of six yea.

SECRETARY’S REPORT

Secretary LaVan didn’t have anything to report.

MAYOR’S REPORT

There was none.

OLD BUSINESS

There was none.

NEW BUSINESS

There was none.

CITIZEN COMMENTS: Non-Agenda Items

CORRESPONDENCE

There was none.

On a motion by Mr. Aaron with a second by Mr. MacBeth, the meeting was adjourned at 7:35 p.m.

Linda M. LaVan, Borough Secretary