

September 1, 2015, Council Meeting
Minutes

The regular meeting of Clarion Borough Council was held on September 1, 2015, in the Assembly Room of the Clarion Free Library. President Lapinto called the meeting to order at 7:01 p.m. Everyone recited the Pledge of Allegiance. Councilmembers present were Ms. Roberts, Dr. Sanders Dédé, Mr. Aaron, Mr. Noto, Mr. Bartley, and President Lapinto. Mr. Zerfoss was absent. Chief/Secretary/Treasurer Hall, Mayor Walters, Solicitor Marshall, Mr. Colosimo, Mr. Preston, Mr. Sharrar, and Ms. LaVan were also present.

On a motion by Dr. Sanders Dédé with a second by Mr. Noto to approve the August 4, 2015, Council Meeting, minutes. The motion carried with a vote of six yea.

CITIZEN COMMENTS: Agenda Items

There were none.

PRESENTATION OF PROCLAMATIONS

Mayor Walters presented a Proclamation proclaiming the month of September 2015 as FoodStock Drive and encouraged everyone in Clarion Area to join in this effort and support it. Ms. Tammy LaCross, Events Coordinator of the Clarion Area Chamber of Business & Industry, was present to accept the proclamation.

Mayor Walters presented a Proclamation proclaiming September 2, 2015, as Clarion Little League 11-12 Year-Old Team Day and encouraged everyone to join in celebration and support of the Clarion Little League 11-12 year-old team's accomplishments this year with the ball season. The Clarion Little League 11-12 year-old players and coaches were present to accept the proclamation.

Mayor Walters presented a Proclamation proclaiming September 3, 2015, as Clarion Big League Day and encouraged everyone to join in celebration and support of the Big League Team's accomplishments this year with the ball season. The Clarion Big League coaches and players were present to accept the proclamation.

Mayor Walters presented a Proclamation proclaiming September 4, 2015, as Clarion Little League 9-10 Year-Old Team Day and encouraged everyone to join in celebration and support of the Clarion Little League 9-10 year-old team's accomplishments this year with the Little League season. The Clarion Little League coaches and players were present to accept the proclamation.

ADMINISTRATION

On a motion by Mr. Aaron with a second by Mr. Bartley, approving the appropriations for the month of September, carried with a vote of six yea.

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

On a motion by Mr. Bartley with a second by Dr. Sanders Dédé, adopting Ordinance #2015-808, an ordinance amending the General Employees' Pension Plan in reference to survivor benefits, was carried with a vote of six yea.

President Lapinto stated every September Council has to approve the Minimum Municipal Obligations for each of the Borough's pension plans. A motion is necessary for each one.

On a motion by Mr. Noto with a second by Mr. Aaron to approve the 2016 Minimum Municipal Obligation for the Police Pension Plan in the amount of \$79,505.

Mr. Bartley inquired if Mockenhaupt Benefits Group figures this number out each year?

Secretary Hall agreed.

Mr. Noto asked if this is a projected number?

President Lapinto commented yes and added this is the actual amount the Borough will have to pay next year.

The motion carried with a vote of six yea.

On a motion by Mr. Noto with a second by Dr. Sanders Dédé to approve the 2016 Minimum Municipal Obligation for the General Employees' Pension Plan in the amount of \$49,340. The motion carried with a vote of six yea.

On a motion by Mr. Noto with a second by Dr. Sanders Dédé, approving the 2016 Minimum Municipal Obligation for the General Employees' Defined Contribution Pension Plan in the amount of \$7,435, was carried with a vote of six yea.

President Lapinto asked Secretary Hall to discuss the Recreation Plan B funds to an annuity.

Secretary Hall reported this is the 5-year CD that is coming to maturity in the middle of September. The Borough will not see interest rates at 2.72% on CD's any more. The rate for a CD now is less than 1%. After speaking with the local banks, Secretary Hall asked Council for permission to move the funds to an annuity at S & T bank at a rate of 3.22% for the 5 years.

On a motion by Mr. Noto with a second by Ms. Roberts to give permission to move Recreation Plan B Funds to an annuity at S & T Bank at a rate of 3.22% for 5 years. The motion was carried with a vote of six yea.

President Lapinto commented next is adoption of Resolution #2015-382 to destroy Borough records. All the records to be destroyed are listed and is included in the packet.

Secretary Hall stated this is a practice occurring for the last 5 years if not longer. Since the Borough doesn't have a large storage facility to maintain all records, the Borough disposes the records accordingly with the Pennsylvania Historical Museum Record Retention Act.

On a motion by Mr. Bartley with a second by Ms. Roberts to approve Resolution #2015-382, a Resolution to destroy Borough records.

Dr. Sanders Dédé asked if the State dictates how long records need to be kept?

Secretary Hall agreed. Some records have to be kept for 7 years or 2 years.

Ms. LaVan added the document contains chapters on each department; for instance, accounting, fire, parks, and even ones that are possible but not necessarily in your municipality.

The motion carried with a vote of six yea.

President Lapinto asked Secretary Hall to discuss Resolution #2015-383, a resolution to transfer a liquor license from Clarion Township to Clarion Borough, which everyone received tonight.

Secretary Hall stated this is necessary for Andrea Estadt, the owner of Clarion River Brewing Company. PLCB is requesting Council adopt a resolution for an inter-town transfer of the liquor license from Clarion Township to Clarion Borough. Secretary Hall doesn't have any objection to it. This is a formality that Ms. Estadt needs to get her liquor license.

Ms. Estadt introduced Bryan Smith, her business partner, to Council. Mr. Smith works at the PNC Bank in the mortgage department. The business is pretty much on track. The goal is to be open for Autumn Leaf in one way, shape, or form. Clarion River Brewing Company will not have their own beer to distribute, but part of the reason for asking to have the license transferred from Clarion Township is they are allowed to have other beer and wine brewers come in in order to compensate for their own in the meantime. In the craft brew community, Ms. Estadt discovered all the breweries help each other out in a very unique relationship. So, it would be beneficial to them if it would be possible to establish that and would enable more activities and various things throughout the year with Borough Council approval. Ms. Estadt informed everyone they already have their brewer license, which Council does not have to approve. However, the liquor license is the one from the Main Event Restaurant and Bar that used to be located in Strattanville. Clarion River Brewing Company acquired it. In order for it to be up and operational, this is one of the things necessary.

On a motion by Dr. Sanders Dédé with a second by Mr. Noto to adopt Resolution #2015-383, a Resolution to transfer a liquor license from Clarion Township to Clarion Borough.

Mr. Noto asked what this has to do with the Borough?

Solicitor Marshall stated it's necessary for the liquor license to come into the Borough. This does not happen if someone acquires one from the Borough.

Mr. Noto inquired if they will need a liquor license to brew the beer?

Ms. Estadt commented that is a separate license called a brewer's license, which they already have. This is just being transferred in, because there are no licenses within Clarion Borough at the time.

Mr. Noto voiced curiosity to understand the difference between a brewer's license and a liquor license.

Ms. Estadt reported this process has been extremely difficult, because there are so many different organizations to deal with; and the one tells you one thing and the other tells you something else. This resolution would really help them out. The hours of operation will be 11 a.m. to 11 p.m. Wednesday and Thursday, 11 a.m. until 12 a.m. Friday and Saturday, and 11 a.m. until 7 p.m. on Sunday. The establishment will not be open until 2 a.m. Ms. Estadt stated they have applied for a Sunday's license so they could provide entertainment.

Not thinking negatively but if Clarion River Brewing Company would close, Ms. Roberts asked if the license would go back to that municipality or what happens to it?

Ms. Estadt commented it would belong to them.

Ms. Roberts questioned if it would have to stay in the Borough?

Ms. Estadt stated no, it could go to a different area.

Secretary Hall added liquor licenses are owned by the County. Since this is an inter-transfer from municipalities, Clarion Borough has to provide a resolution to accept it. Each County get a certain number of licenses.

The motion carried with a vote of six yea.

President Lapinto wishes them good luck.

Ms. Estadt thanked Council and appreciates their assistance. One girl with PLCB has been trying to help them as much as possible. Again, they are striving for Autumn Leaf; but if not open in full capacity, Ms. Estadt encouraged everyone to stop in and see the plans and renovations so far.

DOWNTOWN COMMITTEE

President Lapinto asked Dr. Sanders Dédé to give a report.

Dr. Sanders Dédé stated that Ms. Estadt's financing is through a loan that was achieved through the Blueprint Committee. She received \$185,000 from the Federal Home Loan Bank. Mr. Eric Funk, a Blueprint member, was instrumental in getting the money she needed.

Just an interesting fact, Ms. Estadt informed everyone Clarion's Blueprint Committee is the first one to use the funding. Mr. Funk's bank is giving interviews and hopefully this will be a trend to other businesses and Blueprint Communities.

Dr. Sanders Dédé reported this was the first project that the Committee took on and were successful with the first application. On September 29th after the Kiddie Parade, the Blueprint Committee is having a business-after-hours at the Clarion River Brewing Company just to introduce everyone to that business.

President Lapinto stated Ms. Estadt's application went right to the top, because Clarion was a Blueprint Community.

Ms. Estadt stated Mr. Funk was phenomenal.

PUBLIC WORKS

In the absence of Mr. Zarfoss, Mr. Noto asked Mr. Preston for any comments.

Mr. Preston commented the Department started the Domenica Circle storm sewer project and it's going pretty good so far.

Secretary Hall stated that project is $\frac{3}{4}$ the way done.

Secretary Hall thinks Council has to take formal action to reject the one bid received for the Center Place project.

Mr. Colosimo reported the Center Place Project was re-designed by the engineers as discussed last month to avoid a lot of underground utilities and a telephone pole. Even though the price increased due to the change, the Borough still asked for quotes. The bids were due yesterday and only one was received, which was higher than the cap for receiving quotes. Therefore, Mr. Colosimo asked for Council to bid the project out for Center Place, which is Contract 2015-4. Everything else is in place for this project.

Mr. Noto inquired what the bid was?

Secretary Hall doesn't think the Borough should say since public bids are being sought. Out of 10 companies, only 1 was submitted. The hope is to get this done by the end of the year.

On a motion by Mr. Noto with a second by Mr. Aaron, giving permission to advertise for bids for the Center Place and South Street Storm Sewer Project, Contract #2015-4, was carried with a vote of six yea.

CONSTRUCTION REPORT

Mr. Colosimo commented the Park Project #2015-1 is now complete. The close-out documentation has been received and retainage has been paid to the contractor. All punch list items have been completed. There is a 1-year maintenance bond in effect for that project.

Mr. Colosimo reported the Fire Hall Façade Project is substantially complete. The contractor is finishing up some punch list items, mainly caulking in a few spots. The Borough is going to ask the company to go a little bit further to finish the end walls with the same paneling that's on the front to tie the project together. This would be a change order.

Ms. Roberts asked how much that will add up to?

Mr. Colosimo commented the contractor will have to provide a cost if they are agreeable with performing the work. There may be enough material left to do it; the areas are small.

Mayor Walters stated the great thing was when the Borough asked certain people to come up with money, it was received, and the money is there.

President Lapinto asked the firemen in the room if they are satisfied with this project?

Mr. Bartley verified it's not leaking, and there have been some hard rains.

Mr. Colosimo commented the purpose was to weatherproof the building and eliminate a lot of the problems that were occurring on the second-story.

Mr. Colosimo reported the Ninth Avenue and Main Street storm sewer replacement is done. PennDOT has to examine the project and approve the highway occupancy permit. The Borough and Borough's engineer are happy with the job. Eagle Contracting of Clarion has submitted their pay request in the full amount of the project; \$6,400. Since PennDOT has to complete the inspection yet, Mr. Colosimo asked Council for permission to pay the bill except for 5% until the inspection is conducted.

President Lapinto feels that would be fine.

Ms. LaVan stated this bill was not included in the Appropriations Report at all, and Council needs to make a motion approving payment.

Mr. Colosimo asked Council to approve payment of \$6,080 for Eagle Contracting and the remaining \$320 (5%) whenever the inspection is completed.

On a motion by Mr. Bartley with a second by Mr. Noto to give Todd Colosimo permission to pay Eagle Contracting \$6,080 for Contract #2015-3 for the Ninth Avenue and Main Street Storm

Sewer Project and to disburse the final payment of \$320, or 5% of the total bill, upon PennDOT's approval of the highway occupancy permit.

Mr. Bartley asked how long it will take PennDOT to approve.

Mr. Colosimo stated the letter was mailed August 21st. If they don't respond in the next couple of days, Mr. Colosimo will call them to see if they can provide a timeframe.

Mr. Bartley commented within 30 days though.

Mr. Colosimo agreed.

The motion carried with a vote of six yea.

Mr. Colosimo reported South Street and South Sixth Avenue storm sewer projects are substantially completed. The final restoration is the only thing the Borough's waiting on.

Secretary Hall noted that project was completed by the Borough's Public Works employees.

Mr. Colosimo informed Council the Public Works Department is completing the work on the Domenica Circle Storm Sewer Project, which was approximately 300' of line, 4 inlet boxes involving numerous direction changes. The project is going really good. Everything is running on schedule. The Borough engineer is providing insight; but for the most part, the employees are doing the job themselves.

President Lapinto asked if it's known how much money is being saved by doing it in-house?

Secretary Hall believes right now the costs for materials and rental of the excavator is about \$10,000. The project was bid last year and was a much smaller job with the bids coming in at \$23,000-29,000. So, this job probably would have come in at \$40,000. Secretary Hall thinks it will be a considerable savings.

Mr. Colosimo reported Clark Electric visited the pool with John Dunlap and him to review all the electrical issues. This was to obtain information and be able to submit a grant to Bridge Builders Foundation. The Borough's request is for \$5,800. Originally, this project was to relocate the electrical panels in the pump house to a better location to avoid corrosion and dampness. However, the electrician advised them the Borough could accomplish that without constructing a new building by simply installing stainless steel boxes within the existing enclosure and replacing some components. Since the Borough had enough lee way, the entire pool was reviewed and a number of other small improvements, involving electrical in nature, were added. Mr. Colosimo submitted the grant yesterday and expects to hear any day.

Ms. Roberts reminded everyone the idea was to submit a second grant for chairs at the pool in case Bridge Builders rejected the larger grant; however, there wasn't enough time to do it.

President Lapinto stressed the Borough had to prioritize. If the electric goes down, the pool will be closed. President Lapinto hopes the Borough will be successful.

Mr. Colosimo believes there will be a spring round of funding also. The Borough should be in a good position to go for more.

PUBLIC SAFETY

Mr. Bartley had nothing to report.

Chief Hall announced Saturday, September 12th from 10 a.m. until 2 p.m. will be a National Drug Take Back Day. About a year ago, DEA stopped that program. The Borough continued it without DEA's help and were responsible for disposing all of the collected items. DEA has reinstated it nationally. All other police departments and agencies will bring their items to Clarion Borough, which will be the regional location for DEA to collect them.

Mr. Noto asked if the drop-off boxes are used a lot?

Chief Hall commented the Borough collects about 20 pounds.

President Lapinto asked Chief Hall to explain the program.

Chief Hall reported the Borough started the program with an old mail box, which was received from the post office that was repainted and is a secured collection box. It is outside the Department 24/7/365. In the meantime, Chief Hall had applied for a grant with CVS, which was awarded so another box is located inside the foyer area at the Borough Office. People can bring all his/her unwanted, unused, or expired prescriptions and drop them in the boxes. The purpose is to avoid people breaking into houses and stealing drugs and to eliminate an environmental issue from being flushed down the toilet. DEA picks the drugs up and takes them to Youngstown, Ohio and burns them in a giant incinerator.

LIBRARY REPORT

Mr. Noto reminded everyone the Library will be doing the Friend of the Library Book Sale on Farmer Crafters' Day October 2nd and walking tacos will be sold.

Mr. Noto stated Cindy Neely donated a LaVerne Grant painting called Lock Clock Beal Farm in memory of her father James Sherman. The Library is working on becoming a collector of art.

Mr. Noto commented nearly 150 children, 6 teenagers, and 18 adults participated in the summer reading program this year. One-on-one computer help will be held again this fall as well as general literacy classes for people to learn computers.

HOUSING AND ZONING

Dr. Sanders Dédé asked if there was anything besides the Street Opening Ordinance.

Secretary Hall stated Solicitor Marshall prepared an ordinance, which was hand-delivered for all Councilmembers to review for his/her Committee Meetings on the 21st of this month. If permission is given tonight for the Solicitor to advertise the Street Opening Ordinance, Chief Hall will instruct him to do so after discussions mid-month. Then it can be adopted at the October 6th meeting. The purpose of the Ordinance is to ensure when somebody cuts into a Borough road, whether it is a utility company or someone else, that he/she has certain specifications and standards to restore the roadway. If not, then the Ordinance carries a penalty section. Secretary Hall asked all members to review it prior to his/her meeting. This is for the Borough's protection so somebody doesn't walk away from a hole that is dug in a Borough street.

Mr. Noto added or dig a hole and not fill it properly creating a huge pothole problem, which has occurred repeatedly.

On a motion by Dr. Sanders Dédé with a second by Mr. Noto, giving permission for the Solicitor to advertise the Street Opening Ordinance #2015-809 after the monthly Committee meetings, was carried with a vote of six yea.

RECREATION

Mr. Noto asked Mr. Colosimo for any comments.

Backing up to the Park Project, Mr. Colosimo thinks everyone knows that was a highly successful project. Out of four major projects, that one is completely closed out.

Mr. Preston added they are coming next week to re-sod the senior league field.

Mr. Noto stated that's great and also asked that an eye be kept on the hillside to ensure it stays put in place.

SECRETARY'S REPORT

Secretary Hall stated the Borough received the financial audit report yesterday. Ms. LaVan provided a copy to the Administration Committee and is in the process of scheduling an Exit Audit Meeting with Zelenkofske Alexrod for September 21st. If any other Councilmember would like to receive a copy, he/she should contact the office.

Secretary Hall reported Solicitor Marshall and he have been working the last couple weeks with Attorney Shawn Gallagher of Buchanan, Ingersoll, & Rooney from Pittsburgh in reference to a lot consolidation plan. Attorney Gallagher is requesting Clarion Borough provide a letter for his files for his client, CVS Retail Pharmacy, in the effect to approve a lot consolidation plan that was submitted by the EADS Group for the properties located in the vicinity along Main Street and Seventh Avenue for lot numbers 373, 372, 371, and 370.

Solicitor Marshall stated Attorney Gallagher indicated the title insurance company wants the approval of the municipality saying CVS can have the building all on one lot and cannot sell off the pieces underneath it. It doesn't really do anything to affect the Borough. The Borough will still collect the taxes; but instead of four parcels, it will be one. If the desire to sub-divide comes up in the future, Solicitor Marshall commented they would have to go through the Sub-Division Ordinance.

Secretary Hall reported the County does more with consolidation than the Borough does.

Solicitor Marshall pointed out the Borough doesn't have an ordinance that says Council can approve or anybody can apply for a consolidation of lots. This letter that the attorney is requesting for the file is simply a document so CVS can actually close, fund, and build the building they are looking to build.

On a motion by Mr. Noto with a second by Mr. Bartley to give permission for Mark Hall to send a letter to Attorney Shawn Gallagher of Buchanan, Ingersoll & Rooney in reference to a lot consolidation plan for lot numbers 373, 372, 371, and 370 for the CVS Retail Pharmacy.

Mr. Noto asked if other municipalities normally give this letter?

Solicitor Marshall informed Council most municipalities have something in their ordinance that requires an application to consolidate lots. Clarion Borough does not have anything like that. Solicitor Marshall stated it's his understanding that it's not anything out of ordinary. As long as CVS meets all the zoning and building requirements, there is no reason not to send a letter.

Mr. Noto verified the Borough will not be placed in a bad position?

Solicitor Marshall stated no. Farmer's National Bank wanted to consolidate lots and also requested this a year ago when they built their building. Solicitor Marshall relayed the Borough had no requirements, which Farmer's Bank accepted. However, when this was relayed to Attorney Gallagher he wanted something for his title insurance company that the board approved it. There's no harm in doing this. The Borough is authorized to do it.

Since this isn't something the Borough is required to do but is doing because the attorney is requesting it, Ms. Roberts asked if the costs involved can be passed on to the attorney to reimburse the Borough?

Solicitor Marshall stated Attorney Gallagher actually prepared the letter and just called the Borough to get opinions about what he needed to do to get this in writing. Once he prepared the letter, it was forwarded to the Secretary to sign and return.

Ms. Roberts stated there wouldn't have been any time utilized.

Secretary Hall stated no. CVS' attorney prepared the letter on his request, and then it was reviewed by Solicitor Marshall to ensure it was legally sound.

Hearing no other questions, the motion carried with a vote of six yea.

Backing up to Housing and Zoning, Dr. Sanders Dédé asked the status on the amendment to the Zoning Ordinance?

Mr. Sharrar stated the traditional neighborhood development that was discussed at the Committee meeting last month will not benefit either developer.

Secretary Hall added another angle is being looked into and will be discussed at September's meeting.

MAYOR'S REPORT

Mayor Walters announced September 10th is the open house for the new dorms at the college. The opening ceremony is at 2 p.m.

During ALF, Mayor Walters commented he will participate in a college pep rally that Thursday and the parade on Saturday.

OLD BUSINESS

Mr. Bartley pointed out the crosswalk down on Heidrick Street is still missing.

Chief Hall contacted Hawbaker on Friday after Mr. Bartley was in the office and will call them again.

Dr. Sanders Dédé asked if they put the blinking light down there?

Mr. Bartley stated the light is there, but there are no white lines. The paving is still not finished, but a temporary stripe is necessary.

NEW BUSINESS

Mr. Colosimo reminded everyone the Pay Request #2 for the Fire Hall Project was included in the bill. Retainage is still being held from the contractor.

CITIZEN COMMENTS: Non-Agenda Items

Ms. Estadt thanked the Police Department and understands it was Officer Bill Peck that handled an arrest at 5th Avenue and South Street. The residents on South Street greatly appreciate that arrest. Ms. Estadt commended Mr. Scott Sharrar for following the letter of the law and stopping the flea market on South Street.

Mr. Sharrar stated the residents have 3 days to remove everything from the premises. If it's not removed, a citation would be issued.

Mr. Ed Heasley introduced himself to everyone and stated he is running for Clarion County Commissioner and thanked all those present for serving his/her community.

CORRESPONDENCE

There was none.

On a motion by Mr. Bartley with a second by Mr. Aaron, the meeting was adjourned at 7:55 p.m.

Mark E. Hall, Borough Secretary