

December 7, 2021, Council Meeting
Minutes

The regular meeting of Clarion Borough Council was held on December 7, 2021, as advertised, 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. Garbarino, Ms. Roberts, Mr. Aaron, Mr. MacBeth, Ms. Logue, and President Lapinto. Dr. Sanders Dédé participated by telephone. Solicitor Marshall, Mr. Colosimo, Chief Peck, Mr. Sharrar, Mr. Preston, Mayor Whitling, and Secretary LaVan-Preston were also present. Ms. Schwabenbauer was absent.

On a motion by Mr. Aaron with a second by Mr. Garbarino, approving the November 1, 2021, Council Meeting, minutes, was carried with a vote of seven yea.

CITIZEN COMMENTS: Agenda Items Only

President Lapinto turned it over to Chief Peck at this time.

Over the last couple of years, Chief Peck stated the officers have approached him and wanted to do a No Shave November—not shaving for a month, however, he voiced reluctance. This year when the officers approached him, Chief Peck was still on the fence but then came up with the idea that he/she could make a donation to some type of charity or organization. Officers O’Neil, Maxwell, Foust, and Chief Peck presented a check to Destination Clarion Downtown in the amount of \$400.

Mr. Crooks thanked the Department and stated that was the shortfall of the Committee.

ADMINISTRATION

On a motion by Mr. Aaron with a second by Mr. MacBeth, approving the appropriations for the month of December, was carried with a vote of seven yea.

President Lapinto stated the Treasurer’s Report and Budget Analysis are included for Council’s review.

President Lapinto announced the second meeting for the month scheduled for December 21, 2021, at 7 p.m. in the Assembly Room of the Clarion Free Library will be held.

On a motion by Mr. Aaron with a second by Mr. MacBeth to adopt and give permission to advertise the 2022 Proposed Budget.

First of all, President Lapinto thanked all members of Council and the Mayor on this almost 2-month process for his/her input, and Secretary LaVan-Preston for her hard work. There will be no tax increase. President Lapinto provided a brief overview of the proposed budget, as follows: in the General Fund, no major purchases in Administration and Housing and Zoning; a new police car, minor equipment, protective gear; and \$5,000 for Chief Peck’s wish list for an

interview room for the Police Department; a new street sweeper to replace the one that was actually her last purchase and is 25 years old, which will be financed; Highway Aid Fund, a new Public Works truck; Recreation Fund, money is included for a recreation study and also to pay a consultant for applying for a grant for the pool and \$40,000 for paving at Paul A. Weaver Community Park. President Lapinto knows the big question is what will the Borough do with the rescue money? Currently, \$298,674 is in an interest-bearing account, which will not be touched until the final regulations are approved. A definite use will be the Borough's match of \$71,000 for the PA Small Water and Sewer Grant. More and likely, \$207,765 will be used for lost revenue. President Lapinto asked if any Department Chair wishes to add any comments?

Mr. Aaron thinks President Lapinto did a pretty good synopsis and noted appreciation of all the work from Secretary LaVan-Preston and Sam Lynch, the Borough's financial consultant.

Secretary LaVan-Preston thanked all members of Council and the Mayor for working on it as well.

Ms. Roberts commented Mr. Zerfoss would be happy that the Borough is getting a new street sweeper.

Back to Recreation, Mr. Aaron added it is disappoint that the pool will not be open again next year; however, the pool will be fixed the right way this time and not just Band-Aided.

President Lapinto agreed and quite a large grant is being looked at.

The motion carried with a vote of seven yea.

On a motion by Mr. Garbarino with a second by Mr. Aaron, giving permission to seek request for proposals for 2022 Tax Anticipation Note in the amount of \$300,000, was carried with a vote of seven yea.

On a motion by Mr. MacBeth with a second by Mr. Garbarino to approve Resolution #2021-461, a resolution disposing of Borough records. The motion carried with a vote of seven yea.

President Lapinto announced there is a list of boards, commissions, and committees that will expire at the end of 2021. Terms to expire are as follows: Zoning Hearing Board, Dave Sentner; Planning Commission, Jennifer Vinson and Lee Krull, who both wish to be reappointed; Civil Service Commission, Bernie Vavrek, who does not wish to be reappointed; and Police and General Employees' Pension Committees, Mike Kalinowski. President Lapinto stated Ms. Vinson researched that she is able to be appointed as a member of the Planning Commission. Secretary LaVan-Preston will contact the other ones to see if he/she wishes to be re-appointed, and this will be handled at a future meeting.

On a motion by Mr. Aaron with a second by Mr. Garbarino to give permission to advertise biannual reorganization meeting to be held January 3, 2022, at 6:45 p.m. at the Clarion Free

Library, followed by the regular Council Meeting at 7 p.m. The motion carried with a vote of seven yea.

On a motion by Mr. MacBeth with a second by Mr. Aaron to approve Delta Zeta Sorority's special event request for 5K Race-Turtle Trot to be held April 24, 2022, contingent upon following COVID-19 guidelines in place at the time.

Chief Peck stated this is an annual request, and Delta Zeta asked for it to be approved now to allow more time for advertising.

The motion carried with a vote of seven yea.

On a motion by Mr. Aaron with a second by Mr. MacBeth, accepting the resignation from Shawn Zerfoss from cleaning services, effective November 8, 2021, was carried with a vote of seven yea.

On a motion by Mr. Garbarino with a second by Ms. Logue to give permission to advertise for cleaning services for the Borough buildings. The motion carried with a vote of seven yea.

President Lapinto reported the next few requests are grant-related.

On a motion by Mr. MacBeth with a second by Dr. Sanders Dédé to give permission for Clarion County to drawdown CDBG Funds for M and B Services' Invoice #4404 in the total amount of \$28,168.77 minus retainage for Contract 2020-3, Main Street Improvements Project.

With Council's permission, Mr. Colosimo asked for an amendment to the amount that M and B has recalculated and is now \$28,570.96.

President Lapinto asked if the motion needs redone?

Solicitor Marshall agreed and stated the motion will need withdrawn and a new motion will be necessary to approve that amount.

The motion was withdrawn.

On a motion by Mr. MacBeth with a second by Dr. Sanders Dédé, giving permission for Clarion County to drawdown CDBG Funds for M and B Services' Invoice #4404 in the total amount of \$28,570.96 for Contract 2020-3, Main Street Improvements Project, was carried with a vote of seven yea.

On a motion by Dr. Sanders Dédé with a second by Mr. Aaron, reapproving Change Order #1 for Contract 2021-2 Clarion Free Library Building Improvements to add wall replacement and plumbing add-ons in the total amount of \$7,170.24, was carried with a vote of seven yea.

On a motion by Ms. Roberts with a second by Mr. MacBeth to approve Change Order #3 for Contract 2021-2 Clarion Free Library Building Improvements to add dry wall repair in the amount of \$744 and to extend the time of completion to January 31, 2022. The motion carried with a vote of seven yea.

On a motion by Mr. Garbarino with a second by Mr. MacBeth to approve Change Order #2 for Contract 2020-3 Main Street Project to add provision of 48 electrical receptacles and complete installation and wiring for same at a total cost of \$8,437 and to extend time of completion to December 31, 2021.

President Lapinto stated this is the dreaded street lighting project. At the last meeting, the company guaranteed Mr. Colosimo if the Borough drove to Ohio everything necessary would be there. President Lapinto reported that was not the case.

Mr. Colosimo agreed not everything was there.

President Lapinto confirmed the company is saying that they cannot get these receptacles?

Mr. Colosimo agreed and commented there will be an adjustment to the material provision contract.

President Lapinto stated M and B feels that they will be able to get the receptacles and then the Borough will not pay Main Street Lighting the \$8,000?

Mr. Colosimo stated M and B does, but that will not be the amount deducted from the final payment. The receptacles themselves are only \$194.

Mr. Garbarino questioned what will happen with the two lights that were knocked down in the accident last week?

Secretary LaVan-Preston reported that has been turned in as an insurance claim. Quotes are being obtained now.

Mr. Colosimo commented those two did not have receptacles and wiring when the accident occurred. The prices obtained will be for the poles themselves as well as installation costs.

President Lapinto asked that by December 31st the street lights, receptacles, banners arms, and the entire project will be completed to hang snowflakes or whatever.

Mr. Colosimo relayed he's been told the electrical will be installed before December 31st.

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

On a motion by Mr. Aaron with a second by Mr. MacBeth to approve the submission of CDBG time extensions to Clarion County for Program Year 2016 to April 29, 2022, Program Year 2017 to November 30, 2022, and Program Year 2018 to December 30, 2022.

President Lapinto asked if the State will approve these requests?

Mr. Colosimo believes so. DCED is considering a big extension for everybody in the State for 2017 but feels it's best to ask for years 2016 and 2018 as well. In discussion with DCED, all of these will likely be accepted.

The motion carried with a vote of seven yea.

On a motion by Mr. MacBeth with a second by Dr. Sanders Dédé to approve Clarion University of Pennsylvania's Storm Water Agreement to connect to Clarion Borough's storm water system at two locations on North First Avenue.

President Lapinto turned it over to Mr. Aaron, Chairman of the Storm water Authority Board, for discussion.

Mr. Aaron started discussion on a new Borough policy that if you are in arrears of paying storm water fees that he/she cannot make a connection into the system. If he/she does not believe he/she are responsible to pay these fees, then he/she should not expect the people that are paying to take storm water away; in this case from a very large parking lot. Mr. Aaron feels that is a huge ask, is completely opposed to it, and asked Council to visit that policy.

Dr. Sanders Dédé asked if that is a policy of the Storm Water Authority Board now?

Ms. Logue, as well as President Lapinto, stated no.

Mr. Aaron reported the Borough would have to set that for people asking to connect to the storm system.

President Lapinto assigned this to the Public Works Committee to work on and voiced concern that PennDOT pays for storm water issues in the townships but not in boroughs. The Borough asked an engineer to look area, and there are some real major issues in this area.

Mr. Aaron agreed and stated it will be an awful lot of water to add to a system that is also having problems.

Ms. Roberts added the engineer pointed out it would be too much strain on the Borough's system. Also, Clarion Borough does not have the resources at this time to fix the two outlets to allow the University tap into.

Dr. Sanders Dédé inquired if 1st Avenue has to do with the football field?

President Lapinto stated yes and the parking lot.

Ms. Roberts questioned if someone is working on those outlets now?

Mr. Preston reported Wilson is putting in a new gas line in that area for National Fuel Gas.

When the Committee discussed this, Mr. MacBeth recalls someone was going to reach out to the University to see if they would be willing to fix the inlets in order to tap in and wondered if that occurred?

Mr. Colosimo did not reach out to them yet and wanted to see if Council would approve this connection.

Mr. MacBeth stressed it is not feasible to hook up as it is. If the University was willing to repair the outlets since the Borough does not have the resources to do so at this time, then the idea was maybe it could occur. How can this be approved if that hasn't been relayed?

Secretary LaVan-Preston commented the normal procedure is to bring requests to Council for action. Council can vote this down.

Solicitor Marshall stated yes.

In reference to the arrears piece, Dr. Sanders Dédé questioned if anybody checked with the University to see where the lawsuit is at this point?

Mr. Aaron reported no. West Chester Borough's lawsuit is non-precedent setting as that Borough is a home rule Borough. Their set up is different. Being a home rule borough, West Chester is administering the fee themselves not through a storm water authority. It is a different situation than Clarion Borough.

Dr. Sanders Dédé inquired where the University stands on paying the storm water fee?

Mr. Aaron stated the University doesn't feel they are not responsible for it.

Dr. Sanders Dédé asked if it's in a lawsuit?

On advice of the Storm Water Authority Board's Solicitor, Mr. Aaron cannot discuss it.

Dr. Sanders Dédé feels there is some reason why the University is not paying the fee and feels someone should check to see if it's a legal reason or what?

Solicitor Marshall suggested if anyone wants to discuss legal issues, he/she should get in touch with the solicitor for the Storm Water Authority and do this confidentially, especially if there is an active lawsuit or potential litigation. This needs to be addressed confidentially.

Dr. Sanders Dédé stated all these phases need looked into.

Solicitor Marshall pointed out basically Council has three choices: it can be voted down, it could be tabled until an additional time period in order to get his/her questions answered by the Storm Water Authority Board Solicitor, or it can be approved.

President Lapinto asked if the Board has discussed it?

Mr. Aaron agreed.

Solicitor Marshall recommended that Council stop discussion now. If individuals feel the need to discuss this with the solicitor, it needs to be done confidentially and this conversation needs to end. Members do not want to bring anything out and potentially waive his/her confidentiality with the Storm Water Authority's Solicitor. A vote should be called for on the motion.

The motion was defeated after the following roll call vote: Mr. Garbarino, no; Ms. Roberts, no; Dr. Sanders Dédé, no; Mr. Aaron, no; Mr. MacBeth, no; Ms. Logue, no; and President Lapinto, no.

Dr. Sanders Dédé asked if it would be appropriate to ask another question now?

Solicitor Marshall understands Council may ask a question but strongly suggested that if it has anything to do with what the Board's discussion with their solicitor that it not be asked. Solicitor Marshall informed everyone in no uncertain terms if he/she wishes to consult with the Storm Water Authority Board's Solicitor and ask these questions, he/she needs to do so under the veil of attorney-client privilege. Then after being advised and informed, he/she can take any official action he/she wishes to at that time.

BLUEPRINT COMMITTEE

Dr. Sanders Dédé had nothing to report.

DESTINATION CLARION DOWNTOWN:

Mr. Jim Crooks thanked the Public Works Department. It has been a challenge, but, overall, town looks like it's ready for Christmas, which is the main thing. A lot of people are asking where the snowflakes are. Mr. Crooks informed him/her that the snowflakes are safe in his basement until next year when there will be electricity in the poles. Mr. Crooks thanked Mr. Colosimo too for his hard work and sleepless nights. The wreaths turned out beautiful and will be used for many years to come. Mr. Crooks pointed out the Courthouse on Main Street also utilized the wreaths, and it looks very attractive. The Committee decided to wait until Sunday

to put the bags on the meters due to bad weather that is supposed to come this week. Mr. Crooks announced Santa will be in his store window again this year on Saturday from 1-4 p.m. Since COVID is rearing its ugly head again, people will be able to see and get a picture with Santa Clause. Mr. Crooks really appreciates everyone's efforts. When the bows were delivered, only 2 of the 30 were received. Upon calling, the company stated 'oh, they are on their way'. Thankfully, the bows were delivered and it took 30 people and about 10 hours of work to get the wreaths all together. Mr. Crooks thinks town looks very pretty and thanked everybody for working together.

PUBLIC WORKS

Ms. Roberts stated the report is in the packet for everyone's review.

STORM WATER AUTHORITY

On a motion by Mr. Aaron with a second by Mr. MacBeth to approve the 2022 Storm Water Authority Board Budget. The motion carried with a vote of seven yea.

Mr. Aaron reminded everyone that Council will need to reappoint or replace one position on the Board at January 2022 Meeting. Chuck Bartley's term is the one that will be expiring.

PUBLIC SAFETY

On a motion by Mr. Aaron with a second by Mr. MacBeth, approving the resignation and retirement for Shawn Zerfoss, effective November 10, 2021, was carried with a vote of seven yea.

Mr. Aaron reminded everyone the Snow Removal Ordinance began December 1, 2021, and will continue until April 1, 2022. Everyone needs to be careful where he/she parks and remember it turns into the next day at midnight. The officers were very diligent in placing the notices on vehicles to alert everyone.

LIBRARY REPORT

Mayor Whitling had nothing to report.

HOUSING AND ZONING

Ms. Logue commented the Housing and Zoning Report is in the packet for everyone's review.

RECREATION

On a motion by Ms. Roberts with a second by Mr. Aaron, approving the service authorization from The EADS Group for updating the pool feasibility study in the amount of \$12,500, was carried with a vote of seven yea.

SECRETARY'S REPORT

Secretary LaVan-Preston thanked everyone for his/her assistance with the 2022 Budget as well as putting up with her and all the meetings.

MAYOR'S REPORT

Mayor Whitling thanked the community, Council, and Secretary LaVan-Preston for his/her support over the last 2 years. Serving as Mayor has been truly a huge blessing and an amazing opportunity. Mayor Whitling enjoyed this a lot, looks forward to Jennifer Fulmer Vinson taking over as Mayor in the coming year, and believes she will serve the community very well. Unfortunately, Ms. Vinson couldn't be here tonight due to a family engagement, which Mayor Whitling definitely honors and respects. Mayor Whitling again thanked everybody very much.

President Lapinto stated Mayor Whitling is not done yet; he has one more meeting, which will be Ms. Logue's last meeting as well.

President Lapinto also introduced Patty Schmader, the newly elected member of Council, who is in attendance this evening.

OLD BUSINESS

There was none.

NEW BUSINESS

There was none.

CITIZEN COMMENTS: Non-Agenda Items

Ms. Elisabeth Fulmer stated trees.

CORRESPONDENCE

Secretary LaVan-Preston read a thank you note from Clarion Little League for his/her sponsorship. His/her contribution ensures the opportunity for area youth to learn and enjoy both softball and baseball.

On a motion by Mr. Garbarino with a second by Mr. Aaron, the meeting was adjourned at 7:37 p.m.

Linda LaVan-Preston, Borough Secretary