

August 2, 2023, Council Meeting
Minutes

The regular meeting of the Clarion Borough Council was held on August 2, 2023, 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, Dr. Sanders Dédé, Mr. Aaron, Mr. Montana, Ms. Schmader, and President Lapinto. Mr. Colosimo, Mr. Preston, Mr. Sharrar, Mayor Fulmer Vinson, Chief Peck, and Chief Administrative Officer/Borough Secretary LaVan-Preston were also present. Solicitor Marshall was absent.

On a motion by Mr. Aaron with a second Mr. Garbarino, approving the minutes of the July 5, 2023, Council Meeting, was carried with a vote of seven yeas.

CITIZEN COMMENTS: Agenda Items Only

President Lapinto called on Mr. Bean, who asked to be put on the agenda to speak, and asked that he state his name and address for the record. Mr. Bean will have 5 minutes to address Council.

Being at the last meeting where the Blueprint Committee proposed a possible grant for 2nd Avenue, Mr. Terrance Bean, 204 North 2nd Avenue, prepared a handout with some notes of the impact of what is being proposed, which everyone was provided prior to the meeting, which is attached to the Official File Copy of these minutes. Looking at the diagram, that picture is the house right next to the park. With their proposal, the owner will lose a tree and some parking area. Turning around to look across South Street, if a 5- or 6-foot sidewalk is put in, that fence will have to come out. Moving down to Wood Street, those houses will also lose some property due to the sidewalk. Once you cross Wood Street, Peace Orthodontics is going to lose all their shrubbery and possibly part of their entrance. Mr. Bean is not certain, because there were two different proposals on what those sidewalks could be. If the sidewalk is 5', it will be right up to it; and if they are 6', part of the entrance will be lost. Mr. Bean stated these are not accurate measurements either. The two houses below the dentist office currently have a 3' walkway in front of them and parking, which will be lost. Once you cross Merle Road, the parking lot there will also lose some ground, but Mr. Bean is not sure how much. Obviously, sidewalks are necessary on the property of the empty gas station. As you continue across Main Street, that housing unit will lose grass in the front. Crossing Madison Road, Mr. Bean commented 206 2nd Avenue will lose some grass area and the sidewalk will be to the edge of the porch. The remaining properties along 2nd towards Liberty will be okay as the sidewalk would be wider, but there is space on the plan for that to happen. If Council looks at the west side of Second Avenue towards Main Street from the park down, the cemetery currently has some sections of sidewalk but will lose grass area and a couple of trees. Mr. Bean added the sidewalk will be close to the sign for the cemetery, as indicated on the picture, and noted that is 12' from the road. As you move towards Main Street, all those houses will lose some of his/her front yard, possible parking areas, and a bunch of trees will need to be removed. Crossing Main Street, the lot owned by Hager where Ice-O sets up will lose parking. Even if a sidewalk is painted on the pavement, Mr. Bean stated parking area would be lost. Relating to his property at 204 North 2nd Avenue, the sidewalk will go through half of his front porch and a tree would be eliminated. Mr. Bean continued by pointing out the presenters stated 'let's get the grant' and then figure out the details after. But what happens

when the residents don't agree with the plan, and the Borough cannot refuse the grant or can but risk the chance of being able to apply in the future. Doesn't it make more sense to figure it all out, and then go after the grant? An engineer is not going to magically be able to make this all work out. Mr. Bean feels there would be guidelines that have to be followed. For instance, there are two different rights-of-way; the State's and then the Borough's. The individual also presented this grant as a way to get sidewalks for these students to get to-and-from the school and park. Mr. Bean, and those residents he has spoken to, have never heard of any issue with the current sidewalks. The bigger risk is to the people in his/her cars that are leaving the school and almost hitting pedestrians.

Mr. Aaron stated time was up.

Ms. Roberts asked if it would be all right to allow Mr. Bean to continue on?

President Lapinto agreed.

Mr. Bean inquired if there is a demonstrative need or is someone just trying to come up with a way to get the sidewalks in. Because if it is a risk along 2nd Avenue from Liberty Street to the township line, then Madison Road should be considered as well, because a lot of students use that road to walk to the daycare. A bus stop is proposed for Clarion Limestone students, and Mr. Bean wonders why the Borough is going to install that? Also, there seemed to be a previous agreement in place about a fence around the cemetery, but Mr. Bean heard it couldn't be done with this grant and another way would have to be found to put that in. If this park is utilized as much as Mr. Miles' projected, Mr. Bean asked where everyone will park and pointed out more and likely people will park anywhere that he/she can find, which means probably on the cemetery property and all the surrounding streets. If anyone has been to a baseball game at Paul A. Weaver Community Park, parking is horrendous. During the meeting, Mr. Miles mentioned a bicycle lane was going to be added as well. Mr. Bean questioned why there is a rush to do this now, especially when it will reopen in two years. The park could be finished, and everyone can figure out what is needed and then submit the grant. Mr. Bean finished by saying the current plan with 6' sidewalks will decrease the property value not only for him but many other individuals. Mr. Bean thanked everyone for listening to his concerns.

President Lapinto reported the pre-application has been submitted by the Borough. If it is looked upon favorably, the Borough, or Delta, will be asked to submit a more complete application. In discussion with Mr. Colosimo, the current estimate submitted in this pre-application came to \$2,288,810, which is with all the bells and whistles. The Borough would not receive that much funding. President Lapinto commented it would then be up to Council to decide what will stay and what will be removed.

Mr. Colosimo added no part of this proposal has been formally approved other than getting it in on time. All the design elements have to be reviewed by Council. If the Borough intends to move forward with the project and to stay at the \$1.5 million construction cost, then Council will have to trim it down quite a bit to get to that level. Mr. Colosimo thinks another big question is about using the Borough's right-of-way, which has not been discussed much at this point. How much

does Council want to use of the right-of-way and will the project still be feasible? The engineer has quite a few ideas on that. Mr. Colosimo doesn't feel Council's intent was to use every inch of Borough right-a-way for this project.

President Lapinto understands that Mr. Montana toured this area and was also approached by the Cemetery representatives as well as she has.

After the tour with the representative from the Somerset EADS Group and Mr. Colosimo, Mr. Montana read an email with details. The first stop was at Terry Bean's house at 204 North 2nd Avenue. After measuring, the engineer explained the 60' right-of-way, 30' from the center line either way. Mr. Montana stated that is PennDOT's right-of-way. If it is required to use the full 60', then it will take off Mr. Bean's porch. The engineer stated the Borough has a right-of-way of 17', and that could be adjusted as required. Mr. Montana asked if the sidewalks had to be 6' wide to comply for ADA? The reply was the sidewalk only needs to be 36". Mr. Montana inquired if the paved area beside Ice-O/Donny Hager's parcel would need to be removed and a sidewalk put in. The engineer stated no; lines could be painted to indicate a sidewalk exists. Mr. Montana pointed out the Borough is already saving money. The sidewalks beside Clarion Commons are in good condition; and if the slope is okay for ADA requirements, those sidewalks would not need replaced either. Mr. Montana met with Tom Wencil, Clarion Cemetery Association, yesterday to walk the cemetery property. If the time comes to vote on this project, Mr. Montana supports only removing the old slate sidewalk and then not putting anything on that property. Sidewalk on the cemetery property will be nothing but a headache to everybody as far as maintenance-wise and not knowing about the burial situation. Mr. Montana feels strongly that Borough Council should set up a date or two to walk up and down 2nd Avenue along with any Borough resident in that area to get his/her opinion. Everyone's eyes will be opened.

Mr. Aaron had nothing to add at this time.

President Lapinto informed everyone that the engineer prepared the pre-application as it was presented originally, which was by Theron Miles not Clarion Borough. After walking and looking at the plans for the area, the engineer sees no reason for sidewalks to be installed at the cemetery.

Chief Administrative Officer/Borough Secretary LaVan-Preston agreed and added the engineer didn't see the need to have sidewalks on both sides. In this area, the engineer stated the beneficiary for sidewalks on the cemetery property would be the cemetery associations and was worried the representatives would be upset. However, Chief Administrative Officer/Borough Secretary LaVan-Preston pointed out he/she do not want those sidewalks at all. Eliminating the sidewalks there, also eliminates the need for removal of trees and planting of new ones and a fence. The engineer pointed out a crosswalk could be placed diagonally from the cemetery property to the park. Cutting that section out, Chief Administrative Officer/Borough Secretary LaVan-Preston reported would save \$200-250,000. Just because the application was turned in the way it was presented to Council, doesn't mean that it will end up that way.

President Lapinto asked for any other comments? Hearing none, the bottom line is nothing has been carved in stone. President Lapinto hopes that satisfies Mr. Bean's concerns a little bit.

Mr. Bean appreciated all the comments and just wanted to lay out what the pieces were as presented at the last meeting.

ADMINISTRATION

On a motion by Mr. Aaron with a second by Mr. Garbarino, approving the appropriations for the month of August, carried with a vote of seven yeas.

President Lapinto stated the Treasurer's Report of Fund Totals and Budget Analysis are included in the packet for informational purposes.

President Lapinto announced the second Council Meeting will be held August 15, 2023, at 7 p.m. at the Clarion Free Library.

On a motion by Ms. Roberts with a second by Dr. Sanders Dédé, approving the special event request from United Way of Clarion County for their 5K & 10K Race to be held September 30, 2023, from 8-11 a.m., was carried with a vote of seven yeas.

Included in the packet, President Lapinto reported everyone received a copy of a letter from Whiskey Row LLC requesting tax forgiveness for the purchase of the dry cleaner building on Liberty Street. All Committees have had a chance to review and discuss it briefly.

On a motion by Mr. Aaron with a second by Ms. Roberts to approve the request for tax forgiveness for Whiskey Row LLC's purchase of the dry cleaner building on Liberty Street.

President Lapinto asked for discussion?

Dr. Sanders Dédé asked how much money this would be?

Chief Administrative Officer/Borough Secretary LaVan-Preston thinks with the back and current year taxes, it would be about \$2,500-2,600.

Ms. Roberts stated that it would be a slippery slope that Council would be setting a precedent that someone could ask for tax forgiveness for making improvements on his/her own property. Ms. Roberts asked what would stop her from asking for tax forgiveness if she decided to redo a bathroom in her house? The individuals understand what needs to be put into this property before purchasing it; and, therefore, it should be considered.

Mr. Aaron inquired if the same request has been made to the County and the School District?

Chief Administrative Officer/Borough Secretary LaVan-Preston knows the request was sent to the County. The County contacted the Borough to see what Council was thinking. Chief Administrative Officer/Borough Secretary LaVan-Preston explained it would be up to Council; but with the Borough being 25% taxable and once you open that door to one person, how do you stop someone else from asking the same thing that may have a lot higher taxes. That was what the

County was thinking, and Megan Kerr did relay the County denied Whiskey Row LLC's request. Chief Administrative Officer/Borough Secretary LaVan-Preston hasn't heard from the school district nor has Ms. Kerr.

Dr. Sanders Dédé questioned if it is just for that building or the other properties behind it.

President Lapinto thinks it's just the dry cleaners property. Another thing to point out is the building is to be tore down and then will be used as a parking lot, resulting with the Borough losing more money.

Dr. Sanders Dédé asked what the parking lot is needed for?

Ms. Roberts commented the other houses along there are being converted into air b-n-b's and that would be the lot for him/her to park at when staying in those houses.

Chief Administrative Officer/Borough Secretary LaVan-Preston believes President Lapinto started to point out storm water authority fees are also owed on that property. The amount exceeds \$400, which was before the third quarter bill.

Mr. Aaron stated the Storm Water Authority Board has not received a letter requesting forgiveness from those fees.

The motion was denied unanimously.

On a motion by Mr. Garbarino with a second by Mr. Aaron, approving Terra Works, Inc., Pay Application Number Six in the amount of \$3,990.66 for Contract 2021-3 Multi-Site Storm Sewer Project – Sunset Drive component with payment contingent upon review and approval of the pay application by the project engineer and submission of required project documentation by Terra Works, Inc., to Clarion Borough, was carried with a vote of seven yea.

EMERGENCY MEDICAL SERVICES AUTHORITY COMMITTEE

Mr. Montana announced the EMS meeting previously scheduled for July 24, 2023, was canceled as the guest speaker could not attend. It has been rescheduled for August 10, 2023, at 6 p.m. at the Clarion County Complex Learning Center in Shippenville. No progress has been made at this time.

BLUEPRINT COMMITTEE REPORT

Dr. Sanders Dédé informed everyone work will be commencing on the park property and the installation of the equipment. Everything has been approved and decided on.

DESTINATION CLARION DOWNTOWN REPORT

In the absence of Mr. Crooks, Mayor Fulmer Vinson pointed out the Alley Cats have been doing a great job in keeping the planters looking gorgeous this summer.

PUBLIC WORKS

Mr. Aaron stated the Public Works Report is in the packet for everyone's review.

Mr. Aaron appreciated the fantastic job of the Department setting up for the National Night Out last night.

STORM WATER AUTHORITY

Mr. Aaron reported the Storm Water Authority Board approved the rental of a vac truck and asked Mr. Preston what the plan is for that?

Mr. Preston stated that the Department will pick it up Friday and then use it the week of August 7th.

Mr. Aaron asked the inlet on 2nd Avenue to be a high priority of cleaning out.

PUBLIC SAFETY

On a motion by Dr. Sanders Dédé with a second by Ms. Roberts, giving permission for the Solicitor to advertise Ordinance #2023-842, in re to entering into an Intergovernmental Cooperation Agreement with Clarion Area School District to provide a school police officer, was carried with a vote of seven yea.

On a motion by Dr. Sanders Dédé with a second by Ms. Roberts to give permission for hire Derek Holt as a part-time police officer at the rate of \$16 per hour, contingent upon successful completion of a background check, psychological, and physical exams. The motion carried with a vote of seven yea.

LIBRARY REPORT

Mayor Fulmer Vinson reported the Board has an estimate to get the front steps repaired. The next Board Meeting is scheduled for tomorrow.

HOUSING AND ZONING REPORT

Mr. Garbarino stressed a replacement is needed to complete the vacant term on the Clarion Borough Planning Commission with the term to expire December 31, 2026. Anyone interested can contact the Borough Office.

Mr. Gabarino commented the Borough received a request from Clarion Township to enter into a Cooperative Agreement with Clarion Borough to utilize the Clarion Borough's UCC Board of Appeals.

Chief Administrative Officer/Borough Secretary LaVan-Preston received a call from Clarion Township stating that when the township opted into having a 3rd-party agency handle the building permits and created the ordinance, as required by the State, the UCC Board of Appeals was not set up. This was brought to light when the township denied a permit and realized there was not a board in place. Clarion Township is asking to use the Borough's Board. Chief Administrative Officer/Borough Secretary LaVan-Preston stated the first step would be for Council to ask Mr. Sharrar to set up a meeting with the Borough's UCC Board of Appeals to see if he/she are willing to take this on. If so, then the Council will have to move forward by adopting an ordinance to enter

into an intergovernmental cooperation agreement with Clarion Township. Clarion Township has agreed to reimburse the Borough for all the fees involved with any hearings. Chief Administrative Officer/Borough Secretary LaVan-Preston hasn't discuss the reimbursement for the advertising of the ordinance with the Clarion Township Secretary yet but will.

Mr. Sharrar reported the township denied a permit that the Clarion Limestone School District applied for that did not comply with a sprinkler system requirement over a certain occupancy load. If the school would apply for an appeal, the Appeals Board could consider granting an appeal as there is enough accesses already out of the building.

Chief Administrative Officer/Borough Secretary LaVan-Preston doesn't know if an actual motion is necessary since Council is just asking Mr. Sharrar to set up a meeting, but it probably wouldn't hurt.

On a motion by Mr. Garbarino with a second by Mr. Aaron, giving permission for Scott Sharrar to schedule a meeting with the Clarion Borough UCC Board of Appeals to address the request of Clarion Township to enter into a cooperative agreement with the Borough to utilize their Board, was carried with a vote of seven yea.

RECREATION REPORT

Ms. Roberts had nothing to report.

SECRETARY'S REPORT

According to Sam Lynch, the Borough's Financial Consultant, Chief Administrative Officer/Borough Secretary LaVan-Preston reported the audit testing will begin late August/early September.

Chief Administrative Officer/Borough Secretary LaVan-Preston tacked a letter on the front of everyone's packet from the Clarion County Economic Development Corporation. This was received after the packets were prepared. The EDC is asking for the Borough to submit a letter to the Department of Economic Development, expressing the Borough's support and advocating on the EDC's behalf. Chief Administrative Officer/Borough Secretary LaVan-Preston stated this will be placed on the August 15th Council Meeting Agenda. Jarred Heuer, Executive Director of EDC, offered to attend a meeting to discuss further if desired.

President Lapinto added this is in reference to form a regional Main Street Program.

Mayor Fulmer Vinson thinks the request is to include more communities.

President Lapinto followed the article in the news media.

MAYOR'S REPORT

Mayor Fulmer Vinson thanked Chief Peck, all the other organizers, first responders, all the volunteers, and everyone that helped make National Night Out possible. It went wonderfully, and the turnout was great. Mayor Fulmer Vinson voiced pleasure in being part of this event.

President Lapinto announced about 450 children registered and were present at the event.

Mayor Fulmer Vinson commented that was more than last year. The weather couldn't have been better. Mayor Fulmer Vinson thanked Chief Peck for doing this again.

OLD BUSINESS

There was none.

NEW BUSINESS

President Lapinto also thanked everybody and noted almost every Borough employee was involved. Personally, President Lapinto feels this is the best event. Clarion has Autumn Leaf but not everybody can participate in that event. National Night Out is absolutely free for all children. Prizes are given out, and a lot of activities are scheduled for the children to enjoy.

Chief Peck stated there were 29 prizes this year.

President Lapinto commented Rotary gave out a prize as well and repeated a big thank you for all that worked very, very hard. Council and the community appreciated it.

Chief Administrative Officer/Borough Secretary LaVan-Preston thanked the fire department for doing the fundraiser this year.

Chief Peck noted Mr. Sharrar was a very big help, and this wouldn't have been possible without it.

President Lapinto also thanked the fire department. This made it so the officers did not have to go around to ask all the businesses again this year for donations. It was a wonderful effort from the fire department to donate money back from the raffle. It's just a great event.

CITIZEN COMMENTS: NON-AGENDA ITEMS

Mr. Jacob Deemer, exploreClarion reporter, asked what Whiskey Row's reason was for tax forgiveness and for more explanation.

President Lapinto asked him to meet with Chief Administrative Officer/Borough Secretary LaVan-Preston after the meeting.

Mr. Josh Dunlap, 95 Dietz Place, informed Council he was a volunteer at Clarion Paws. Another individual and he decided to propose to Council a Trap, Neuter, and Release Program, where they would volunteer his/her labor to catch the cats in Clarion Borough with the hope that Council could sponsor each cat to be spayed or neutered at North Fork in Brookville or Frankie's Friends in New Kensington. It would be up to 25 cats per month.

Mayor Fulmer Vinson thinks it's more like a partnership to provide money. Basically, Mr. Dunlap and his friend from PAWS would donate his/her labor to trap the cats, take them to the clinic to get fixed, and are asking if the Borough could help cover the costs of the spay and neuter to help the situation existing in the Borough.

Mr. Dunlap agreed and stated the \$75 fee would also include ear-tipping and rabies as well.

President Lapinto feels this will need to be discussed by the committees this month.

Ms. Roberts thinks it's an excellent idea and knows there are a lot of stray cats.

Mayor Fulmer Vinson thinks it's a budgeting question that the Borough would have to look at. Funny story, when Mayor Fulmer Vinson first rented Mr. Dunlap the apartment, she stated he could have pets. Mr. Dunlap commented he didn't need any pets. About a month later, Mr. Dunlap asked if he could get a cat. Mayor Fulmer Vinson asked Mr. Dunlap how many he has now?

Mr. Dunlap stated five.

President Lapinto commented PAWS is a wonderful organization and stated it will be discussed and brought back at a future meeting.

CORRESPONDENCE

Chief Administrative Officer/Borough Secretary read a thank you note from Limestone Township Volunteer Fire Company for the donation of end caps to help with their water tank project.

Mr. Preston stated the Department provided an old piece of guardrail that the fire department used in front of their vehicles.

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

Linda LaVan-Preston, Chief Administrative Officer/Borough Secretary