

January 2, 2024, Council Meeting  
Minutes

The regular meeting of Clarion Borough Council was held on January 2, 2024, in the Clarion Free Library. President Lapinto called the meeting to order at 7:00 p.m. Councilmembers present were Mr. Garbarino, Mr. Averill, Ms. Logue, Mr. Aaron, Ms. Roberts, Ms. Schmader, and President Lapinto. Mayor Fulmer Vinson, Chief Peck, Solicitor Marshall, Mr. Colosimo, Mr. Sharrar, Mr. Himes, and Chief Administrative Officer/Borough Secretary LaVan-Preston were also present. As a note, Mr. Garbarino provided his Election Certificate, Affidavit of Residency, and was sworn in by Mayor Fulmer Vinson prior to the meeting.

President Lapinto welcomed all the re-elected and newly elected Councilmembers.

On a motion by Mr. Aaron with a second by Mr. Averill, approving the December 5, 2023, Council Meeting, minutes, was carried unanimously.

On a motion Mr. Aaron with a second by Ms. Schmader to approve the December 19, 2023, Council Meeting, minutes. The motion carried with a vote of six yea with Ms. Roberts abstaining as she absent from that meeting.

CITIZEN COMMENTS: Agenda Items

Mr. John Pacsai, on behalf of Infusion and the Loomis, 522 and 540 Main Street, addressed Council again on the Noise Ordinance. The Pacsais only request that Council change it to contain a distance along with using a decibel reader. Since the last meeting, some really weird things have happened. First off, instead of the police issuing a citation under the ordinance, Mr. Pacsai was personally cited for disorderly conduct, which indicates the officers do not even have confidence in it. Any judge can see that the law is too vague to be upheld in court. If anyone else violated the ordinance, Mr. Pacsai was informed by the Chief to call and that individual would be cited as well. As many people may know, Mr. Pacsai has called the Police Department on the Courthouse for the bells ringing at 4 o'clock in the morning and all through the night. However, in discussions with the officers, no citations have been issued and he was referred to contact the Chief, who commented he was waiting on the officers. Mr. Pacsai stated this is very interesting as the County, a non-taxpaying entity, is breaking the same rule but are not being cited. Again, Mr. Pacsai isn't expecting, or asking for special treatment, just that Clarion Borough approve an ordinance that contains a decibel reader like so many other towns versus the police just responding to a noise complaint due to someone being annoyed. Planning to be in New York all summer, Mr. Pacsai doesn't want to see DJ's that will be at these establishments cited individually as the ordinance is too vague and questioned why have an ordinance then? Infusion donates a lot to Clarion, not out of necessity or promotion but to be part of this town. Last year alone, \$10,000 was donated in money and/or services; such as, sponsoring the foam party and petting zoo during ALF. Mr. Pacsai feels that Infusion is segregated based on how the police department enforces the noise complaints. Mr. Pacsai heard that the Chief approached two employees of Crooks Clothing to inquire if the witness was intimidated in any way by the Pacsais, as he did not show up for one of the hearings, resulting in the judge finding the Pacsais not guilty.

Chief Peck commented that did not happen and directly questioned the witness to see why he did not show up.

Again, Mr. Pacsai did not hear this personally but through a Crooks' employee.

President Lapinto personally called other areas, particularly Slippery Rock as Mr. Pacsai mentioned at the last meeting their Borough had an ordinance like this, to get a copy of it. After reaching out to the chief of Slippery Rock, Chief Peck was informed their Department doesn't have a decibel reader.

Mr. Ron Pacsai asked if Infusion could buy a decibel reader for the Borough?

Ms. Roberts, Chair of Public Safety, pointed out it isn't just the price of the equipment but the overall cost, which includes maintenance, calibration, and training of the police officers.

President Lapinto guarantees the Committee will discuss this issue again.

Having ABATE meetings every other month, Mr. J. Pacsai stated they will be back in 2 months. Something needs to be done. Mr. J. Pacsai worries about his employees and DJs personally being fined.

Ms. Roberts agreed to take it back to Committee and discuss further.

Mr. R. Pacsai informed Council they will be buying a decibel reader as well to see what the level is at their establishments.

President Lapinto stated that Cindy Staley and Aaron Husted, Clarion Business and Revitalization Group, asked to be listed on the agenda but are not present at this time.

#### ADMINISTRATION

On a motion by Mr. Aaron with a second by Ms. Schmader, approving the appropriations for the month of January, carried with a vote of seven yea.

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

On a motion by Ms. Roberts with a second by Mr. Garbarino, approving the Council Meeting and Second Council Meeting Dates for 2023 as the first and third Tuesday of each month, at the Clarion Free Library at 7 p.m., was carried with a vote of seven yea.

On a motion by Mr. Averill with a second by Ms. Schmader to approve Resolution #2023-484, approving the proposal from S & T Bank for the 2024 Tax Anticipation Note in the amount of \$300,000 at the rate of 5.22%.

President Lapinto reported this is done every year in case there is a shortfall between now and when the taxes come in. The Borough hasn't had to use it in the past.

The motion carried with a vote of seven yea.

On a motion by Mr. Aaron with a second by Ms. Roberts, reappointing Kristin Clark to a 3-year term on the Zoning Hearing Board to expire at the end of 2026, was carried with a vote of seven yea.

On a motion by Mr. Averill with a second by Ms. Roberts to reappoint Jennifer Fulmer Vinson to a 3-year term on the Library Board to expire at the end of 2026. The motion carried with a vote of seven yea.

On a motion by Mr. Garbarino with a second by Ms. Logue, appointing Andrew Montana to fill the vacancy on the Zoning Hearing Board with the term to expire at the end of 2024, was carried with a vote of seven yea.

On a motion by Mr. Aaron with a second by Ms. Roberts to approve The EADS Group, Inc., as the Borough Engineer for 2024, as indicated on the rate chart that was included in the packet. The motion carried with a vote of seven yea.

On a motion by Mr. Aaron with a second by Mr. Garbarino to appoint Susquehanna Accounting Consulting as the Borough's Financial Consultant for 2024 at a rate of \$190 per hour.

President Lapinto asked if it is \$5 cheaper than last year.

Chief Administrative Officer/Secretary LaVan-Preston stated yes. In 2023, the rate was supposed to be \$195, but it remained at \$190. Mr. Lynch stated the rate will be the same this year.

President Lapinto reminded everyone Zelenkofske Axelrod, LLC will complete the 2023 audit for the price of \$11,200, which was approved at the October 5, 2021, Council Meeting, and asked if Council will have to advertise for auditing services after this year.

Chief Administrative Officer/Borough Secretary LaVan-Preston thinks Council usually asks Zelenkofske Axelrod for their prices. Since this is a professional service, it does not need to be advertised but would be up to Council once the prices are provided.

The motion carried with a vote of seven yea.

On a motion by Mr. Aaron with a second by Ms. Roberts to give permission for the Solicitor to advertise Resolution #2024-485, establishing a Joint Tax Collection District with Licking Township, Clarion County, Pennsylvania.

President Lapinto asked Chief Administrative Officer/Borough Secretary LaVan-Preston for more.

Chief Administrative Officer/Borough Secretary LaVan-Preston received a call from Karen Best, the secretary of Licking Township, that their tax collector resigned, creating a vacancy. After contacting the Elections Board and advertising the position, the only interest was from Carla Magrini. In order for Ms. Magrini to collect taxes for Licking Township, Chief Administrative Officer/Borough Secretary LaVan-Preston commented both municipalities have to approve a resolution as well as a Joint Tax Collection District Agreement. After working with Secretary Best and then forwarding it to Solicitor Marshall for review, the resolution and agreement was included in the packet for everyone's review. In discussions with Ms. Magrini, the agreement is effective until the end of 2024. If things go well and if Licking Township does not have a tax collector again, Council would have to approve a resolution and agreement again in 2025. Chief Administrative Officer/Borough Secretary LaVan-Preston believes Ms. Logue reviewed it for the township.

President Lapinto added the township agreed to reimburse Clarion Borough for all expenses incurred.

Chief Administrative Officer/Borough Secretary LaVan-Preston agreed. Clarion Borough has to advertise the resolution prior to approval, which is anticipated at the second Council Meeting scheduled for January 16, 2024, at 7 p.m. Once everything is completely done, both have to provide the information to the County. The tax notices are set to go to the printers by January 19, 2024, which is the reason for the rush. Chief Administrative Officer/Borough Secretary LaVan-Preston informed Council Ms. Magrini is fine either way; whatever Council wishes to do.

President Lapinto questioned if the township couldn't find anyone interested in doing it?

Chief Administrative Officer/Borough Secretary LaVan-Preston understands Secretary Best tried that but no one wanted to do it.

Ms. Roberts inquired if both municipalities had to complete this process.

Solicitor Marshall agreed and stated it is similar to the intergovernmental cooperation agreement that the Borough did with the school, but this is under the tax law. Both entities are forming a joint taxing district. If nobody wishes to do it in the next election, then it will need to be done again. Council can terminate the agreement at any time. Solicitor Marshall noted the Borough's tax collector is just going to perform the same services to the township residents.

The motion carried with a vote of six yea with Ms. Logue abstaining as she is the Solicitor of Licking Township.

President Lapinto repeated the second meeting will be held on January 16, 2024, at 7 p.m. in the Assembly Room of the Clarion Free Library.

On a motion by Mr. Aaron with a second by Ms. Schmader to approve Clarion County to submit a CDBG Revision Request to Pennsylvania Department of Community and Economic Development (DCED) for the Clarion Borough FFY 2021 CDBG Program transferring up to \$7,500 in project funding to administrative funding.

President Lapinto asked Mr. Colosimo to explain.

Mr. Colosimo reported there was a little over \$7,500 remaining in the 2021 CDBG money for the South Sixth Avenue Project. In order to help the County close the project, Ms. Kristi Amato asked if the Borough would approve a revision to bring the money over to administration. The Borough has plenty of room and never took the cap amount of administration. Mr. Colosimo stated the extra funding up to \$7,500 ties into the next motion, which did not start out related but are now. There are three invoices that the Borough cannot get reimbursed for out of the funding, amounting to \$6,568, which now stays in project money. Since it's there, Council can move that over into administration, which will have to be spent by 2025.

The motion carried with a vote of seven yea.

On a motion by Ms. Aaron with a second by Ms. Robert to approve revising the December 6, 2023, CDBG drawdown request to Clarion County from \$26,080.48 to \$19,521.60 and authorizing Clarion County to submit the revised drawdown request to Pennsylvania Department of Community and Economic Development.

Mr. Averill inquired why the amount is smaller?

Mr. Colosimo announced the December 6<sup>th</sup> request that the County turned in got kicked back due to three of the invoices not being allowed to be paid with 2021 CDBG funding. The invoices total \$6,568. By approving this motion, Council would be sending a revised drawdown request to the County with the lower amount to resubmit to DCED. For everybody's information, the County has been administering the Borough's CDBG Program since 2015.

President Lapinto inquired if there will be any money left?

Mr. Colosimo reported roughly \$7,500 will remain in administration after this drawdown.

The motion carried with a vote of seven yea.

On a motion by Mr. Aaron with a second by Mr. Garbarino to approve Clarion Borough replacing the Clarion Borough Stormwater Authority Board as the applicant for the 2023 DCED Multimodal Transportation Fund Grant Application (Single Application ID: 202307218015) and authorizing Borough officials to execute and submit all applicable application documents.

President Lapinto called on Mr. Aaron for more information.

Mr. Aaron explained EADS presented this MTF Grant Application to the Clarion Borough Stormwater Authority Board last year to apply for instead of applying for a PennVEST loan. At that time, the Board felt there was other projects where this grant would be more beneficial. However, Mr. Aaron stated one slight problem is that the Board was misinformed that the Authority could get a waiver for the 30% match, or \$248,000, but received word in late December it would not. The question was then presented to DCED if the Borough could get a waiver for the match, and, if so, if the applicants could be swapped out in an effort to continue the application process, which is due on the 12<sup>th</sup>, without delay.

President Lapinto asked if it was approved or not?

Mr. Colosimo noted DCED did not make a final decision. DCED did not think there would be enough time to redo the paperwork. However, Mr. Colosimo notified DCED this motion would be placed on the agenda tonight in an effort to continue to move forward with this idea. This approval would be necessary before the application deadline.

In a conversation with Mr. Aaron prior to the meeting, President Lapinto understands the Borough would not have to pay for this and then seek reimbursement and asked if that is correct?

Mr. Colosimo believes the Borough would have to pay first but doesn't know that for sure.

If this is allowed and the Borough would be awarded in 2024, Chief Administrative Officer/Borough Secretary LaVan-Preston inquired if it would be completed this year or in 2025? If it would be in 2025, it could be included in the budget.

Mr. Colosimo verified it would be late in 2024.

Mr. Averill confirmed the Borough has to pre-fund the project?

For new members of Council, President Lapinto relayed the Borough may receive a grant but has to pay for the project first and then seek reimbursement, which could take 4-5 months to receive the money. Only 25% of the entire Borough is taxable, which makes it very hard to do.

If it is awarded at the end of 2024, Ms. Roberts verified it could be included in the 2025 budget?

Chief Administrative Officer/Borough Secretary LaVan-Preston questioned how long the entity would have to complete the project?

Mr. Colosimo reported the project is not completely designed, which will take a few months, meaning it could be completed in February 2025. As far as the CFA/DCED timeline, the application will be reviewed in January, but there has been no mention of when it will be awarded.

Mr. Aaron informed everyone the grant application is for a project in University Manor that was going to be done as part of the PA Small Water and Sewer Grant. However, that particular project was nixed due to an easement issue and timing. The grant would handle the storm water issue as well as a roadway issue on Gemmell Drive.

President Lapinto pointed out the Borough is in a unique situation as it is waiting to hear about possible funding for a 2<sup>nd</sup> Avenue grant. The Borough will not be able to afford both projects, because, quite frankly, the Borough doesn't have the money. President Lapinto certainly supports this project.

Mr. Colosimo stated this project is different from 2<sup>nd</sup> Avenue as it can be split into two parts, which would help spread out the payment. Mr. Colosimo will confirm with CFA/DCED if the Borough would have to pay it forward.

Ms. Roberts asked if there is any way the CBSA Board would be able to help pay for the project until the reimbursement would be received? Then the Borough could repay the Authority.

Not speaking for all members, Mr. Aaron supports that and will discuss it at next Thursday's meeting. The 30% match will also have to be discussed.

President Lapinto thinks this takes first place in projects, as numerous complaints have been received from University Manor on the conditions on the water runoff and road.

Chief Administrative Officer/Borough Secretary LaVan-Preston agreed that 100% reimbursement will be received from this MTF Grant. CBSA agreed to apply as there was only a \$500 application fee, which is very minimal. The Tippin/Gemmell Project would be a definite improvement; and if it could be funded 100%, that would be great for the Borough taxpayers and storm water ratepayers. Chief Administrative Officer/Borough Secretary LaVan-Preston reported Mr. Colosimo prepared a resolution that the President and Vice President of Council can sign the application and paperwork if DCED allows the switch in applicants. This is being handled now as the deadline for the application is the 12<sup>th</sup>, and the next Council Meeting will not be held until January 16<sup>th</sup>.

The motion carried with a vote of six yea.

#### BLUEPRINT COMMITTEE

President Lapinto had nothing to report.

#### DESTINATION CLARION DOWNTOWN

President Lapinto commented there was a snafu with the removal of the bags from the parking meters and thanked Aaron Husted for removing all the bags himself. Also, President Lapinto apologized to the Mayor that no bags were placed on the meters in front of her business.

#### PUBLIC WORKS/STORM WATER AUTHORITY

On a motion by Mr. Aaron with a second by Mr. Averill, appointing Aaron Husted to a 5-year term on the Storm Water Authority Board to expire January 2029, was carried unanimously.

#### PUBLIC SAFETY

Ms. Roberts announced everyone received a copy of the minutes from the Civil Service Commission Reorganization Meeting for review.

On a motion by Ms. Roberts with a second by Mr. Aaron, approving an agreement with Clarion County for parking passes for the Liberty Street Municipal Parking Lot for a 3-year period, was carried with a vote of seven yea.

On a motion by Ms. Roberts with a second by Mr. Aaron, approving the retirement of Richard Foust as a police officer, effective January 2, 2024, with regrets, carried unanimously.

Mr. Aaron thanked Officer Foust for his years of service and wished him well on his endeavors.

Chief Peck commented Officer Foust worked for the Borough 31 to 32 years.

#### LIBRARY REPORT

At the December meeting, Mayor Fulmer Vinson stated the Library Board appointed a new member, Laurie Snyder. The first meeting of the year will be held Thursday.

#### HOUSING AND ZONING

Mr. Garbarino reminded everyone to shovel their sidewalks within 24 hours of the last snowfall.

#### RECREATION

Ms. Roberts had nothing to report.

#### SECRETARY'S REPORT

Chief Administrative Officer/Borough Secretary LaVan-Preston commented all the year-end reports are being prepared.

#### MAYOR'S REPORT

Mayor Fulmer Vinson wished everyone a Happy New Year.

#### OLD BUSINESS

There was none.

#### NEW BUSINESS

President Lapinto announced the Committees for 2024, as follows: Public Safety: Rachel Roberts, Chair, Zach Garbarino, and Jennifer Fulmer Vinson; Public Works: Ben Aaron, Chair, and Jim Averill; Housing and Zoning: Patty Schmader, Chair, and Christy Logue; Recreation: Rachel Roberts, Chair, and Ben Aaron; Emergency Services Committee: Jim Averill; Blueprint Committee, Christy Logue; and Administration: President, Vice President, President Pro Tem, and the Mayor.

CITIZEN COMMENTS: Non-Agenda Items

As a frequent visitor to the meetings, Ms. Elisabeth Fulmer, 21 South 7<sup>th</sup> Avenue, welcomed all new members and wish each one all the best. Also, Ms. Fulmer congratulated the reelected members for their hard work and expressed disappointment to those members who aren't able to understand the requirement for the position. It shows disrespect to the voters and citizens of the Borough. Ms. Fulmer hopes that they would make a resolution to be better in the future.

President Lapinto understands Mr. Husted and Ms. Staley were going to request to be allowed to remove all the lights and decorations from the Christmas trees in the planters and put white lights on all of them until a later time in the year. President Lapinto feels this would look nice.

Mayor Fulmer Vinson agrees but questioned how long the trees would last.

Mr. Aaron feels Council should evaluate it in a month-to-month basis and go from there.

President Lapinto stressed Downtown looked very beautiful this year.

Mr. Averill agreed and reported his mother commented on how bright and Christmassy the town looked. Living in a number of different communities and particularly in Florida, it is very easy to string lights when you don't have to freeze to death. Even in Florida, you don't see lighting like Clarion. Mr. Averill stated this really speaks to community spirit and is very proud to live here.

President Lapinto thanked the Public Works Department for putting up the snowflakes and wreaths.

Relating to the Downtown, Ms. Fulmer commented there are a lot of bare walls on a number of buildings and wondered if someone could do an art project to improve the appearance?

President Lapinto understands the owners of Ace Hardware (formerly Faller's Furniture) would like to put murals up on the side of their wall.

Mr. Sharrar stated the owners actually want to put up murals similar to what was just painted in the entrances of Wal\*Mart with the Clarion River and trees.

CORRESPONDENCE

There was none.

On a motion by Mr. Aaron with a second by Ms. Roberts, the meeting was adjourned at 7:40 p.m.