

November 6, 2024, Council Meeting
Minutes

The regular meeting of Clarion Borough Council was held on November 6, 2024, in the Clarion Free Library. President Lapinto called the meeting to order at 7:00 p.m. Everyone recited the Pledge of Allegiance. Councilmembers present were Ms. Whitling, Mr. Garbarino, Ms. Roberts, Mr. Montana, and President Lapinto. Mr. Aaron and Ms. Logue were absent. Chief Peck, Mr. Colosimo, Solicitor Marshall, Mr. Preston, Mayor Fulmer Vinson, and Chief Administrative Officer/Borough Secretary LaVan-Preston were also present.

On a motion by Ms. Roberts with a second by Mr. Garbarino to amend the agenda for an Executive Session. The motion carried with a vote of five yea.

President Lapinto stated this will be held after Citizen Comments: Agenda Items Only and asked Solicitor Marshall to provide the reason.

Solicitor Marshall commented it will be for an emergency litigation matter.

On a motion by Mr. Garbarino with a second by Ms. Whitling, approving the October 1, 2024, Council Meeting, minutes, was carried with a vote of five yea.

On a motion by Mr. Garbarino with a second by Ms. Whitling to approve the October 15, 2024, Council Meeting, minutes. The motion carried with a vote of four yea with Ms. Roberts abstaining as she was absent.

CITIZEN COMMENTS: Agenda Items Only

There were none.

President Lapinto called for an Executive Session for an emergency litigation matter, including all Councilmembers, the Mayor, the Solicitor, Mr. Colosimo, Chief Administrative Officer/Borough Secretary LaVan-Preston, beginning at 7:02 p.m.

President Lapinto called the meeting back to order at 7:35 p.m.

Solicitor Marshall reported official action taken after the Executive Session that was held.

ADMINISTRATION

On a motion by Mr. Garbarino with a second by Ms. Roberts, approving the appropriations for the month of November, was carried with a vote of five yea.

For Council's review, President Lapinto stated the Treasurer's Report of Fund Totals and Budget Analysis are included in the packet.

President Lapinto announced the second meeting will be held on November 19, 2024, at 7 p.m. in the Assembly Room of the Clarion Free Library.

Chief Administrative Officer/Borough Secretary LaVan-Preston believes the fire department was going to apply for the Local Share Grant but discovered that the Borough has to submit it on their behalf. The deadline for applications is November 30th. The Department is willing to pay the \$100 filing fee. Also, Chief Administrative Officer/Borough Secretary LaVan-Preston reported the Borough may be ready with another resolution for another piece of equipment.

On a motion by Ms. Roberts with a second by Ms. Whitling, adopting Ordinance #2024-847, Local Government Unit Debt Act Ordinance of Council determining to incur lease rental debt by the guaranteed note in the maximum principal amount of \$510,450 to be authorized and issued by Clarion Borough Stormwater Authority in connection with the Grand Avenue Extension Storm Sewer Replacement in the Borough, was carried with a vote of five yea.

On a motion by Ms. Roberts with a second by Ms. Whitling, giving permission to issue a check to the Commonwealth of Pennsylvania in the amount of \$69.95 for the filing fee for the LGUDA proceedings, was carried with a vote of five yea.

On a motion by Ms. Roberts with a second by Mr. Garbarino to approve Change Order Number One in the amount of an additional \$4,750 for Clarion Borough Contract 2024-2 Clarion Free Library Sanitary Sewage Lateral Repair Project, adding an additional sewage lateral cleanout and providing for the removal and disposal of a set of poured in-place concrete steps, making the final contract price a total of \$8,650.

President Lapinto stated this is regarding finding the hidden steps into the building.

Mr. Colosimo agreed and added literally the second the bucket went into the ground the top step was hit. It was a complete set of steps.

The motion carried with a vote of five yea.

On a motion by Mr. Garbarino with a second by Ms. Roberts, approving the proposal from Zelenkofske Axelrod LLC for audit services for the years 2024, 2025, and 2026 in the amounts of \$11,500, \$11,800, and \$12,000 (less than 3% increase), was carried with a vote of five yea.

On a motion by Ms. Roberts with a second by Ms. Whitling to approve The Local Clarion County's special event request for Clarion Summer Fest to be held June 7th, July 5th, and August 2nd, 2025, from 7 a.m. until 4 p.m. The motion carried with a vote of five yea.

Since Council approved this request, at next month's Council Meeting, Chief Administrative Officer/Borough Secretary LaVan-Preston stated Council will need to approve a resolution reducing the special event fee for food vendors and/or pop-ups for those specific dates from \$50 to \$10. This will allow their organization to start planning for vendors so it's not last minute.

President Lapinto informed everyone these events are different than Autumn Leaf Festival and are more local vendors, which is what Council wants to encourage.

On a motion by Mr. Garbarino with a second by Ms. Whitling to approve the special event request from the Clarion Area Chamber of Business & Industry for free parking on Main Street from 3rd Avenue to 8th Avenue from Friday, November 29th “Black Friday; and Monday, December 2nd until Friday, December 27, 2024.

President Lapinto asked for discussion?

Under Public Safety, Ms. Roberts stated the Committee is prepared to make a motion to approve free parking from Black Friday until the 27th of December throughout the entire Borough.

President Lapinto added the parking meters will not be bagged, and this is what the Public Safety Committee is recommending.

When free parking for the holiday season was discussed in the Committee meetings, Chief Administrative Officer/Borough Secretary LaVan-Preston reported no one had submitted a request. Afterwards, one was received from the Chamber. That’s why it is listed under here and under Public Safety.

President Lapinto stated last year it was disorganized and meters were bagged in places that were not requested, with Aaron Husted removing the bags all on his own.

Ms. Roberts feels this will eliminate any confusion as to where it is free.

The motion was unanimously denied.

On a motion by Ms. Roberts with a second by Ms. Whitling to approve the request of the Clarion Area Chamber of Business & Industry for the 4th annual Ugly Sweater Christmas Parade to be held on December 7, 2024, with line-up at 6 p.m. and parade step-off at 6:30 p.m.

Mr. Garbarino inquired if the Police Department will have any wages for this event?

If any costs are incurred, Chief Administrative Officer/Borough Secretary LaVan-Preston commented they have been paid by someone else.

The motion carried with a vote of five yea.

President Lapinto received an email from the Librarian for a support letter for a Bridge Builders Community Foundation but feels all Council should approve it.

On a motion by Ms. Roberts with a second by Ms. Whitling to approve to send a support letter for a Bridge Builders Community Foundation at the request of the Clarion Free Librarian.

Mayor Fulmer Vinson stated the Library appreciates the Borough's support and consideration of submitting a support letter for this grant. The purpose is to make much-needed repairs on the front stairway.

The motion carried with a vote of five yea.

On a motion by Ms. Roberts with a second by Ms. Whitling to adopt Resolution #2024-496, setting forth and indicating the Clarion Borough Policy of not allowing the use of tobacco products within Clarion Borough Parks and Recreation areas.

Chief Administrative Officer/Borough Secretary LaVan-Preston received a call from an organization that deals with smoking and vaping. Complaints were received at their office that there is an issue at Paul A. Weaver Community Park. Currently, signs are posted and a policy is in place to prohibit tobacco use. The individual offered free signs if the Borough would update the policy to include vaping. If Council approves this, the policy will be provided to Clarion Little League so they will know well in advance and to encourage everyone not to smoke or vape.

President Lapinto inquired if the new park on Second Avenue would also need to do this?

Chief Administrative Officer/Borough Secretary LaVan-Preston believes they are already dealing with them.

Mr. Garbarino commented this motion indicates use of tobacco but vaping is nicotine.

Chief Administrative Officer/Borough Secretary LaVan-Preston apologized and should have listed that in the motion, but it is included in the actual resolution, which everyone received in their packet.

The motion carried with a vote of five yea.

On a motion by Mr. Garbarino with a second by Ms. Roberts to approve Resolution #2024-497, a resolution authorizing Borough Officials to execute all documents and agreements between the Borough and the Commonwealth Financing Authority to facilitate and assist in obtaining a request for a Statewide Local Share Assessment Grant in the amount of \$134,478 to be used for the purchase of a plow truck and spreader.

President Lapinto commented the application last year was not approved for funding.

Chief Administrative Officer/Borough Secretary LaVan-Preston agreed and but added CBSA's application to complete a project on 4th and Franklin was. The Borough's application for an excavator and roller unfortunately was not approved. Since that was more instrumental for

storm water projects and it being just as easy to rent the equipment locally, the Public Works Department feels it would be more beneficial to apply for a plow truck and spreader. Chief Administrative Officer/Borough Secretary LaVan-Preston reminded everyone the second Council Meeting will actually be to approve an application on behalf of the fire department for a UTV and maybe another one for the Borough for another piece of equipment. The \$100 application fee for each application is minimal if approval is received for even one of them.

The motion carried with a vote of five yea.

On a motion by Ms. Roberts with a second by Ms. Whitling to approve Resolution #2024-498, authorizing Council President to sign TA Set-Aside Grant.

President Lapinto pointed out the position rather than a person's name is listed in the resolution to be authorized to handle this grant in case that person is no longer on Council.

Chief Administrative Officer/Borough Secretary LaVan-Preston received verification verbally from the PennDOT officials that this resolution will not commit the Borough to doing the project if something changes and is not feasible.

The motion carried with a vote of five yea.

EMERGENCY MEDICAL SERVICES AUTHORITY COMMITTEE

Mr. Montana received an email that a meeting was scheduled for November 18, 2024, but may have to be rescheduled as the meeting room is unavailable that day. However, Mr. Montana thought all meetings were suspended until the survey is completed in the spring and sent an email to verify that. No response was received by tonight's meeting.

BLUEPRINT COMMITTEE

President Lapinto reported a meeting was held on the 2nd Avenue project on October 29, 2024, with representatives from PennDOT, Mr. Colosimo, Mr. Montana, and Chief Administrative Officer/Borough Secretary LaVan-Preston.

Mr. Montana stated there were 11 representatives from PennDOT, 2 archeologists and 9 from Indiana.

Chief Administrative Officer/Borough Secretary LaVan-Preston added representatives were there from the school district as well. Everyone walked the entire project area on 2nd Avenue from the park to Liberty Street. The PennDOT representative in charge was to prepare draft minutes for everyone to review, which have not been received at this time. Corrections and comments can be made by anyone prior to them being official. Chief Administrative Officer/Borough Secretary LaVan-Preston stated a lot of questions were brought up, such as only putting a sidewalk on the one side versus both, adjusting the number of trees and perhaps asking residents if they would like one in the first place, just to name a few. Chief Administrative Officer/Borough Secretary LaVan-Preston voiced concern on the resolution to the PennDOT representatives that day that

by approving it the Borough is committed to doing the project, which everyone present stated that is not the case. The Borough will be able to back out.

Mr. Colosimo pointed out the curb height needs addressed as you cross Liberty Street to get on the sidewalk in front of the school. PennDOT was pretty adamant about that.

DESTINATION CLARION DOWNTOWN

There was none.

PUBLIC WORKS/STORM WATER AUTHORITY

Mr. Montana reminded everyone leaf pick up continues every Monday and Tuesday up to and including November 26, 2024. As a reminder, this is for leaves only. No grass, limbs, and/or branches will be picked up. Also, leaves are to be placed curbside not on roadway, around road signs/telephone poles, and/or in parking stalls.

Chief Administrative Officer/Borough Secretary LaVan-Preston asked the press to stress that residents should not put their leaves in parking stalls. The Department is having a lot of trouble, especially on Liberty Street, because people park over top of the leaves and then there is no way to pick the leaves up.

Mr. Mark Hartle inquired if people are being asked not to park there.

Chief Administrative Officer/Borough Secretary LaVan-Preston reiterated everyone needs to place their leaves between the sidewalk and the curb not on the roadway or in parking stalls.

On a motion by Mr. Montana with a second by Ms. Garbarino, approving the Management and Lease Agreements between Clarion Borough and Clarion Borough Stormwater Authority, was carried unanimously.

PUBLIC SAFETY

Ms. Roberts reminded everyone that the Snow Removal Ordinance will go into effect December 1, 2024, through April 1, 2025, and to pay attention to avoid a ticket.

On a motion by Ms. Roberts with a second by Mr. Garbarino, approving the resignation from Kelly Lawrence from the position of Meter Enforcement Officer, effective October 23, 2024, was carried unanimously.

On a motion by Ms. Roberts with a second by Ms. Whitling to approve free parking throughout the Borough on Monday, November 25th—Customer Appreciation Day and November 29th—Black Friday through and including December 27th. The motion carried with a vote of five yeas.

LIBRARY REPORT

Mayor Fulmer Vinson thanked the Borough for working with the Library to fix the sewage issue at the building.

HOUSING AND ZONING

On a motion by Ms. Whitling with a second by Ms. Roberts, accepting the letter of resignation from Andrew Montana from the Zoning Hearing Board, effective October 2, 2024, was carried with a vote of five yea.

On a motion by Ms. Whitling with a second by Ms. Roberts to appoint Jamie Phillips to fill the vacancy on the Zoning Hearing Board with the term expiring at the end of 2024.

Chief Administrative Officer/Borough Secretary LaVan-Preston noted Mr. Phillips was an alternate member on the Board and agreed to move up as a regular member.

The motion carried with a vote of five yea.

Ms. Whitling asked anyone interested in being an alternate on the Zoning Hearing Board to contact the Borough Office.

On a motion by Ms. Whitling with a second by Mr. Garbarino, accepting the letter of resignation from Scott Sharrar as Zoning Officer, effective November 1st, was carried with a vote of five yea.

On a motion by Ms. Whitling with a second by Mr. Garbarino to appoint Bureau Veritas as the Borough's BCO, Building Code Official, until the position is replaced. The motion carried with a vote of five yea.

On a motion by Ms. Whitling with a second by Ms. Roberts, giving permission to advertise for Zoning Officer/Code Enforcement Officer with a rate to be determined, was carried with a vote of five yea.

RECREATION

On a motion by Ms. Roberts with a second by Mr. Garbarino, approving Change Order Number One for Clarion Borough Contract 2024-1 Pavilion Replacement – Paul A. Weaver Park, adding \$948.75 for the installation of 2x4 untreated lumber for metal roof attachment, making the final contract price a total of \$40,917.75, and extending the construction completion time to December 13, 2024, was carried with a vote of five yea.

SECRETARY'S REPORT

Chief Administrative Officer/Borough Secretary LaVan-Preston commented she has provided information to Sam Lynch, Jr., the Borough's financial consultant, in order to prepare the proposed 2025 budget. Committee meetings will be held later this month, and there will be some hard decisions to make. Advertisement of the budget is expected at the regular Council Meeting in December with adoption at the second meeting.

MAYOR'S REPORT

There was none.

OLD BUSINESS

There was none.

NEW BUSINESS

There was none.

CITIZEN COMMENTS: Non-Agenda Items

Given that there are a limited number of public parking spaces within the Central Business District, Mr. Mark Hartle, 8th Avenue, inquired under what authority is the Haskell House able to reserve parking spaces for their private use? And, if they are allowed, why aren't other people or are they?

Chief Peck reported this was discussed at a Public Safety Committee Meeting.

Chief Administrative Officer/Borough Secretary LaVan-Preston recalls the bags were only to be used on weekends when meters are not enforced.

Not being a member of the Public Safety Committee at the time, Ms. Roberts remembers discussion at an Administration Meeting but also is confused on the usage.

Mr. Hartle asked the meter enforcement officer but was not given a good answer and also emailed the Haskell House with no response. Mr. Hartle doesn't understand how public property can be converted for private use by putting a reserved bag on the meter.

Ms. Roberts thought the bags were to be used in certain areas and only when the meters were not enforced.

Regardless of whether the meters are enforced or not, Mr. Hartle stressed they are still public.

President Lapinto announced it was to be for weddings.

Mr. Hartle inquired why couldn't every business adjacent to a public parking spot be allowed to put a bag on the meter and reserve it for their business? That's how Haskell House is doing it.

Mr. Colosimo compared it to when a funeral home uses bags on the day of the funeral.

Mr. Hartle questioned why that business and no other business?

Mr. Colosimo isn't aware that any other business ever applied or asking to do this.

President Lapinto stated someone can submit a request for the same thing for Council would to consider. Since the Haskell House was just starting their business, President Lapinto pointed out they wanted to provide it as a courtesy for the brides and grooms.

Mr. Hartle understands but stated the owners were obviously aware of the current situation and the possibility that this existed

President Lapinto commented the person that may have the answers hasn't been to a meeting in over a year.

Mr. Hartle inquired if he will get a parking ticket if he would park in one of the bagged public spots?

Ms. Roberts stated no. Anyone can park there.

Mr. Hartle verified he could park in one of these spots on Main Street and go patronize the Legion or any other business.

President Lapinto agreed.

Not trying to deflect, Mr. Garbarino just doesn't think anyone on Council remembers.

Mr. Hartle thinks it would have to be a valid reason to bag the meters or everyone else would be able to do the same thing. Those parking spots are owned by the taxpayers, by the public.

Ms. Roberts agreed this definitely will be discussed at the next Public Safety Meeting and reported on at a future Council Meeting.

Chief Administrative Officer/Borough Secretary LaVan-Preston pointed out that when businesses or residents move into the Borough, they can put down a deposit for the use of a no parking bag so it is easier to get moved in or do repair work.

Mr. Hartle further thinks that it cannot be specifically for one business to try to get them off of the ground. That just doesn't seem like a valid reason.

Solicitor Marshall stated Council has not denied any business the opportunity to request doing this same thing. That business requested permission to do it, and it was granted.

Mr. Hartle questioned what the criteria of obtaining that permission?

Solicitor Marshall commented it's at Council's discretion.

Mr. Hartle asked whether the business is liked or not?

Solicitor Marshall disagreed that it wouldn't be able to be used in that fashion. Councilmembers cannot allow members of the public to use Borough property unless a request is submitted similar to when the Chamber requests street closures for the Autumn Leaf Festival.

Mr. Hartle just wonders what the criteria would be for a business to request a parking bag for their business other than to ask Council.

At the present time, Solicitor Marshall stated that's the way it is. Mr. Hartle is bringing up a good point, and there should be a formal ordinance passed.

Mr. Hartle inquired what would stop the UI from putting bags on 4th Avenue for their customers?

Ms. Roberts repeated the owner would have to ask for permission.

Chief Administrative Officer/Borough Secretary LaVan-Preston feels like the business asked the Committee to use the bags, and it was supposed to only be on weekends since the parking meters are not enforced.

Mr. Hartle pointed out he's not the only one that feels this way but is the only with enough guts to come in and bring the issue up. The website for Haskell House states a person has the ability to reserve up to 80 spots. Mr. Hartle asked if the Borough receives payment for the use of the meters?

President Lapinto stated no and repeated the Committee will discuss it.

Not trying to be rude, Mr. Garbarino thinks everyone is beating this to death, and the Committee needs to figure it out and come back at a later meeting.

Solicitor Marshall feels this will need to be addressed as a more formalized system.

President Lapinto stated one final point is it also for the caterers to pull up and make deliveries.

Mr. Hartle understands, but the owner knew the location when it was bought.

CORRESPONDENCE

There was none.

On a motion by Ms. Roberts with a second by Mr. Garbarino, the meeting was adjourned at 8:16 p.m.

Linda LaVan-Preston, Chief Administrative Officer/Borough Secretary