

December 2, 2008, Council Meeting

A regular meeting of the Clarion Borough Council was held on Tuesday, December 2, 2008, in the Clarion Free Library. President Wilshire called the meeting to order at 7:00 p.m. All Councilmembers were present with the exception of Ms. Vavrek. Also in attendance were Mayor Stroup, Chief Hall, Mr. Ragon, Mss. Freenock and LaVan.

On a motion by Mr. Herman with a second by Ms. Moore, the minutes of the November 4, 2008, Council Meeting, were approved on a vote of four yea. Ms. Leonard and Mr. Hopkins abstained as they were not present at that meeting.

Upon a motion by Ms. Leonard with a second by Mr. Herman, the minutes of the November 17, 2008, Special Council Meeting, were approved on a vote of four yea. Ms. Moore and Mr. Hopkins abstained as they were not present at that meeting.

The November 24, 2008, Special Council Meeting minutes were approved upon a motion by Mr. Herman with a second by Ms. Leonard. The vote was five yea with Mr. Hopkins abstaining as he was not present at that meeting.

On a motion by Mr. Herman with a second by Ms. Leonard, the minutes of the November 24, 2008, Work Session, were approved on a vote of five yea. Mr. Hopkins abstained as he was not present for that meeting.

CITIZEN COMMENTS

President Wilshire then recognized Tom Pavlekovsky who addressed Council regarding a proposed conditional use at his property located at Eighth Avenue and Main Street. Mr. Pavlekovsky hopes to turn the first floor into rental units. President Wilshire explained that there is a specific procedure that must be followed when requesting a conditional use. He was directed to speak with Mr. Ragon to obtain the requisite paperwork.

President Wilshire recognized Loudon Buchanan and Kendal Mason and their mothers who were in attendance at the meeting as the boys are Scouts working on a merit badge.

ADMINISTRATION

On a motion by Mr. Hopkins and a second by Ms. Leonard, the appropriations for the month of December were approved by a vote of five yea. Mr. Zerfoss voted no. The motion included payment of two additional items: \$4,761.50 to EADS Group for the completion of the engineering on the Elss Street storm sewer project-these funds to be released upon all engineering studies, drawings, etc. sealed as necessary, being given to the Borough. Also included in the motion was payment to Gannett Fleming for its work on the proposed Seventh Avenue storm sewer project. Those invoices in the amount of \$5,570.34 are to be paid once the sale proceeds from CAA are received by the Borough.

On a motion by Mr. Herman with a second by Ms. Leonard permission was granted to advertise the proposed 2009 Budget and Tax Ordinance #2008-757. Mr. Zeffoss called for a roll call vote as follows: Mr. Zeffoss, yes; Mr. Herman, yes; Ms. Leonard, yes; Ms. Moore, yes; Mr. Hopkins, yes; and President Wilshire, yes.

A Special Council Meeting has been scheduled for December 17, 2008, at 8:30 a.m. in the Borough Office to adopt the 2009 Budget and Tax Ordinance, salary and fee schedules.

On a motion by Mr. Herman with a second by Mr. Hopkins, Ordinance #2008-756, concerning audit of the accounts of the Borough by an independent auditor was approved by a vote of six yea.

Upon a motion by Mr. Herman with a second by Ms. Moore, Resolution #2008-273, confirming action made by a motion at the November Council Meeting concerning electronic filing with PennDOT was approved by a vote of six yea.

On a motion by Mr. Hopkins with a second by Mr. Herman the proposal of S & T Bank for the Borough's 2009 Tax Anticipation Note including Resolution #2008-274 was adopted by a vote of six yea.

Ms. Freenock requested that no action be taken with respect to the proposed Tobacco Policy. The case upon which the proposed policy is based, Ellwood City, Petitioner, Pennsylvania Labor Relations Board, Respondent, was granted certiorari by the Pennsylvania Supreme Court. Therefore, Ms. Freenock advised Council to wait until the opinion in that case is published prior to taking any action. However, she did note that the Clean Indoor Air Act become effective on September 11, 2008. Council need take no action in that regard as it is a state law. Therefore, all Borough buildings, vehicles, and equipment are to be smoke-free. Signs will be posted.

President Wilshire noted that the first CDBG Public Hearing will be held on December 19, 2008, at 10 a.m. in the Borough Offices to discuss possible 2009 CDBG Projects.

On a motion by Mr. Herman with a second by Ms. Leonard, permission was granted to change the purpose of the second CDBG checking account by a vote of six yea. The original intent was to segregate CDBG project years. DCED would not approve the practice. However, earlier this year, the Borough received a \$12,380 repayment of a mortgage from a housing program in which it participated in the 1980s. Ms. Freenock has been unable to discern to whom the funds should be paid. Susquehanna Group Advisors indicated that housing programs in the 80's were revolving funds. That is, when one loan was repaid, the funds were then loaned to another borrower. The proceeds of that mortgage repayment will be placed in this account and held there until the Borough once again participates in a housing program.

Ms. Freenock stated that there has been great discussion of late concerning 'work sessions'. Since work sessions are not discussed in the Borough Code, the prevailing

opinion is that there is no authority to hold them. In essence, that means that the second meeting that Council has traditionally held each month, should in the future be a regular meeting at which action can be taken. Ms. Freenock presented a list of 2009 meeting dates and stated that the second meeting of each month could be canceled if necessary; the only difference being that action could be taken at such meeting. There was discussion about whether a second meeting is necessary and if so, on which day of the month it should occur. President Wilshire asked Council to consider this issue for action at the December 17th Special Council Meeting.

President Wilshire noted that there are expirations or vacancies on the Zoning Hearing Board, Library Board, and the Civil Service Commission. Councilman Zerfoss stated that the Housing and Zoning Committee will submit names of individuals to serve the vacancy on the Zoning Hearing Board and expiration of the Planning Commission.

On a motion by Mr. Hopkins with a second by Ms. Moore, permission was granted to advertise Ordinance #2008-758, concerning the collection of delinquent real estate transfer tax. Ms. Freenock explained that this Ordinance is necessary due to a change in the State Tax Code. The motion carried unanimously.

President Wilshire stated that RFP's were solicited for a CDBG consultant for the Borough for the period of 2009 through 2011. Pursuant to a request by Mr. Hopkins, Ms. Freenock explained the process that was used. She read the evaluation criteria from the scoring sheet and indicated that three proposals were received and the scoring was as follows: GCCA, 260 points; EADS Group, 150 points; and Gateway Engineers, 135 points. Ms. Leonard made a motion to select GCCA as the CDBG consultant for the next three years. The motion was seconded by Ms. Moore and carried by a vote of six yeas.

On a motion by Mr. Herman with a second by Mr. Hopkins, approval was granted to pay Gannett Fleming \$10,961 for the next step which must be taken by the Borough toward developing a 537 Plan. This action is mandated by the Consent Order and Agreement. The motion carried by a vote of six yeas.

President Wilshire stated that Clarion Borough must approve the filing of a Certificate of Termination for the Clarion Area Authority. In that regard, Mr. Herman made a motion to approve Resolution #2008-275. The motion was seconded by Ms. Leonard. The motion carried with a vote of six yeas. Mr. Herman stated that he was happy to make this motion. The sale has taken six years. He again thanked all individuals involved, especially Paul Weaver, for their dedication and their willingness to serve the Borough in order to bring the sale to the Pennsylvania American Water Company to fruition.

DOWNTOWN COMMITTEE

Ms. Moore reported that Customer Appreciation Day was not as successful as hoped due to the weather. Because of the rain, the band, the caroling, the parade, and the carriage rides were all cancelled. The American Legion party did take place with over 100 guests in attendance. The party was organized by the Girl Scouts. Ms. Moore stated that there will be free parking Downtown from December 5th through December 26th. There is a

brochure that lists all of the activities to take place during this “Storybook Christmas”. She thanked the Rotary for donating lights and the church group for helping to set up the decorations on Main Street.

PUBLIC WORKS

Mr. Zerfoss indicated that the Report is in the packet. He then made a motion to approve Mr. John Knight, Sr., as a full-time Public Works employee effective November 28, 2008, and the requisite increase in hourly rate. Mr. Zerfoss read a letter from Brad Stutzman recommending this hire. The motion was seconded by Mr. Herman and carried with a vote of six yea. Mr. Zerfoss stated that he has spoken with Mr. Knight on several occasions and that he is Clarion Borough friendly.

Ms. Freenock indicated that everyone was given a copy of the proposed ramping on Boundary Street. The removal of the stairs is the removal of an architectural barrier and the replacement must be ADA compliant. Several Councilmembers had expressed concerns that this will turn into a skate park. Hopefully, that will not happen. This is the only acceptable replacement for the stairs as far as the ADA is concerned. President Wilshire asked that copies of the drawing be given to the press.

PUBLIC SAFETY

Mr. Herman made a motion for permission to advertise Ordinance #2008-759 concerning the parking meters to be installed on Ninth Avenue and the erection of two stop signs. The motion was seconded by Mr. Hopkins and carried by a vote of six yea.

Mr. Herman also noted that the Snow Ordinance became effective on December 1st. Warnings have been given out for the past week. Mr. Zerfoss also reiterated that it is important for motorists to observe this Ordinance so that roads can be plowed as necessary.

HOUSING AND ZONING

Mr. Zerfoss stated that the Report is in the packet.

RECREATION

Ms. Leonard noted that a Public Meeting will be held on December 11, 2008, at Noon in the Borough Office to discuss the Draft Pool Feasibility Study. At 1:30 that day, a presentation will be made to the County Commissioners concerning the Borough’s application for CDBG funding to make pool improvements.

Ms. Leonard then made a motion which was seconded by Mr. Hopkins to advertise the Public Meeting noted above. The motion passed unanimously.

President Wilshire noted that written and phone comments would also be accepted should individuals not be able to attend the meeting.

Ms. Leonard stated that \$450,000 of the CAA sale proceeds was previously allocated among the Park, the Library, and the Fire Company. She asked that Council consider allocating \$150,000 from the sale proceeds for pool improvements. She suggested that

\$10,000 be allocated to the pool over the next 15 years. She stated that the School District has no plans for the property on which the pool now sits and that it is willing to sign another long-term contract. The issue raised by Mr. Zerfoss concerning user fees will be addressed in the next contract.

Ms. Leonard also reported that she spoke with Mike Ebert of the YMCA. At this point, there are no plans to build a pool in the immediate future and it is unknown if the YMCA will ever be in a position to build a pool.

Therefore, Ms. Leonard moved that Council allocate \$150,000 to the pool at \$10,000 a year for 15 years or as long as the Clarion Borough Pool is in existence should that term be less than 15 years. Mr. Hopkins seconded the motion.

Ms. Leonard reiterated that the Park is in good shape the money is needed at the pool. Mr. Herman stated that he felt that the motion was premature and that Council cannot continue to spend money that it does not have. Mr. Hopkins stated that it was his hope that the funds to be allocated would be held and used as a match for potential grants. The Pool Feasibility Study indicates that the pool is sound. There are no other pools in the area. Knowing that there is money in the bank will give the Borough bargaining ability.

Mr. Zerfoss stated that Council has not decided how to spend any of the Clarion Area Authority proceeds. The School District and the Townships should contribute to any efforts at the pool.

Mayor Stroup indicated that he loves the idea of fixing the pool; however, he feels that any action at this point is premature. He did state that he does not feel it is the School District's responsibility to contribute to pool upgrades.

President Wilshire stated that it is his understanding that some critical things are needed at the pool, such as redoing the lining. He stated that all of Council should look at the feasibility study. He also feels that Council should leave its options open.

President Wilshire asked Ms. Leonard to table the motion until the Special Council Meeting in order to allow all Councilmembers to review the draft feasibility study. Ms. Leonard agreed and that motion was seconded by Mr. Hopkins. Mr. Zerfoss called for a roll call vote as follows: Mr. Zerfoss, no; Mr. Herman, no; Ms. Leonard, yes; Ms. Moore, yes; Mr. Hopkins, yes; President Wilshire, no; and Mayor Stroup; yes. The motion was tabled until the December 17th Special Council Meeting.

MAYOR'S REPORT

Mayor Stroup reminded Council that there is a conference on Transportation issues including the tolling of I-80 on Friday, December 5th, at Zion Baptist Church. He indicated that Harrisburg is still attempting to toll I-80 and that the public should be aware that the funds from the tolling will not be spent in Western Pennsylvania.

There being no further business to come before the meeting, on a motion by Mr. Herman with a second by Mr. Hopkins the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Nancy K. Freenock
Borough Secretary