

May 5, 2010, Council Meeting  
Minutes

A regular meeting of Clarion Borough Council was held on Wednesday, May 5, 2010, at the Clarion Free Library. President Vavrek called the meeting to order at 7:00 p.m. All Councilmembers, with the exception of Mr. Walters were present. Also present were Mayor Estadt, Chief Hall, Messrs. Ragon and Colosimo, and Mss. LaVan and Freenock.

The minutes of the April 7, 2010, Council Meeting were unanimously approved with one correction following a motion by Dr. Sanders Dédé and a second by Mr. Hopkins.

The minutes of the April 14, 2010, Special Council Meeting were approved by a vote of five yea, with Mr. Zerfoss abstaining as he was absent from that meeting. The motion was made by Dr. Sanders Dédé and seconded by Ms. Leonard.

Citizen Comments

Mr. Jason McBride from Gannett Fleming informed Council that L.E.B. Contracting, Inc. from East Palestine, Ohio, was the lowest responsible bidder and asked Council to award the contract for South Seventh Avenue to that company. He explained that L.E.B. owns its own equipment and that Gannett Fleming was satisfied with the Company's financials and the bond posted. He reminded Council that this work is being partially funded with an EPA grant. In response to Mr. Zerfoss' query, Mr. McBride informed Council that the second lowest bidder was Mortimer Excavating. There was approximately \$3,000 difference in the proposals. Delta, which is a local firm, also bid. Dr. Sanders Dédé also asked about the MWOB commitment.

Mr. McBride stated that MWOB firms were specifically identified and notified of the bidding. They targeted firms within a specific radius of Clarion (he will check the radius), and he believes that 6-12 MWOB firms were solicited (he will also check that number). Mr. McBride noted that since this is a federal grant, all federal guidelines concerning MWOB firms were followed.

Mr. McBride confirmed that the entire project will be completed at a cost of \$432,675.14. Ms. Leonard made a motion, seconded by Mr. Hopkins to award the project to L.E.B. Contracting. The motion carried unanimously.

Mr. David Anthony presented a plan to Council concerning Community Development. The plan was referred to the Housing and Zoning Committee. Mayor Estadt noted that many of the items discussed have been addressed by the Clarion Conservancy but cannot be implemented due to lack of funds.

Ms. Linda Skelley of 727 Liberty Street presented a petition to Council asking that Weaver Place not be made one-way. She indicated that such a change would negatively impact her and her neighbors as making Weaver Place one-way running north will cut off access to Main Street. Residents in the area will have to travel to Sixth Avenue in order

to access Main Street. Making Weaver one-way will result in two streets in a row one-way north.

Ms. Skelley stated that this change will affect her on a daily basis, and she believes it will reduce the value of her property.

#### ADMINISTRATION

The appropriations for the month of May were approved by a vote of five yea, with Mr. Zerfoss voting no, following a motion by Mr. Hopkins with a second by Mr. Noto.

Ms. Freenock stated that the CAA sale proceeds were invested in a CD, which matured on April 30, 2010. The Administration Committee met on the morning of April 30<sup>th</sup> and discussed the reinvestment proposals received. \$1,000,000 was invested in an 18-month CD at First United National, at a rate of 1.25% APY. The remaining \$907,000 was placed in a money market checking account at First United National, with a guaranteed return of 1% for six months. The deposits will be collateralized as before. The liquid funds will be used to pay the match for the South Seventh Avenue Project, \$250,000 will be used for a paving project, and the leaf truck must be paid for up front as that grant from DEP is on a reimbursement basis. Ms. Freenock asked that Council ratify the action described above. Mr. Zerfoss made a motion to ratify the reinvestment of the sale proceeds as stated; the motion was seconded by Ms. Leonard and was unanimously approved.

On a motion by Mr. Hopkins with a second by Mr. Zerfoss, the Special Event Request of the First Baptist Church for a street closing during Vacation Bible School from July 26-30, 2010, was approved by a vote of five yea with Dr. Sanders Dédé abstaining.

The Special Event Request from the Borough Police Department for a Memorial Day Parade/Ceremony to be held May 30, 2010, from 6 to 7 p.m. was unanimously approved upon a motion by Mr. Zerfoss with a second by Mr. Hopkins.

President Vavrek stated that at last month's Council Meeting, she asked the members to consider a \$15,000 donation to the fire hall rehabilitation project, to be paid over 3 years commencing in 2011. Monroe and Clarion Townships have each pledged the same amount. Mr. Zerfoss stated that this would be a good investment and moved that Council approve a \$15,000 donation, with \$5,000 to be paid in each of 2011, 2012 and 2013. The motion was seconded by Mr. Hopkins and was unanimously approved.

Ms. Freenock then explained that it was necessary to move CDBG funds to recreation, which is an open project in another year. The funds are needed to complete payment for the new bleachers and gravel at the Park. The details are more fully explained in Resolution No. 2010-300. Mr. Hopkins made a motion, seconded by Ms. Leonard, to approve Resolution No. 2010-300, approving proposed revision to the Borough's FYY 2007 CDBG Program. The motion carried by a vote of six yea.

Ms. Freenock then stated that it was necessary for Council, by motion, to approve the 2010 CDBG project. The Borough's allocation will be \$133,014. 17.9% will be charged to Administration. Of the remaining funds, Ms. Freenock stated that she would like Council to allocate \$81,910 to South Street. The low bid was approximately \$282,000, and there is currently \$285,000 available from other years. Ms. Freenock stated that there may be overruns and, if possible, she would like to have additional curb work done as part of the project, that was a specific request made by interested citizens.

The remaining \$27,304 could be allocated to Emerson Way. Ms. Freenock stated that the Penn Traffic Company had agreed to donate a 10 foot strip of land to the Borough so that Emerson Way could be widened to accommodate two-way traffic. Before that agreement could be finalized, Penn Traffic filed for bankruptcy protection. Ms. Freenock is attempting to contact the mortgagor to determine if a portion of the Bi-Lo property can be donated to the Borough. Mr. Hopkins asked why Tops was not contacted. Ms. Freenock stated that Tops never took title to the property. It was her understanding from talking with representatives from Tops that the bankruptcy court gave Tops a certain amount of time to determine which stores they wished to purchase. After reviewing the Clarion operation, Tops declined to purchase the Clarion Bi-Lo and it remained in the bankruptcy estate.

Ms. Freenock stated that a Public Hearing will be held on Thursday, May 20, 2010, at 5:30 p.m. in the Borough Office to discuss the projects. The application will be on review from May 21, 2010, through June 2, 2010.

Mr. Hopkins made a motion to approve South Street and Emerson Way as 2010 CDBG Projects with the allocation to be split 75%/25%, respectively. Ms. Leonard seconded the motion, and it was unanimously approved.

Mr. Zerfoss commented that Comcast has removed channels from regular cable to digital. The Johnstown and Altoona stations have been moved. There was no notice to customers, and there has not been a corresponding reduction in the monthly cable bill. A subscriber can still get the channels if he pays an additional amount per month per television set. He asked that the Borough Manager contact Comcast to discuss this matter. It is not fair to the subscribers. Ms. Freenock commented that former Councilmember Herman has been in contact with her, and she has reviewed that Comcast Franchise Agreement. She has contacted Dan Cohen, the Borough's telecommunications attorney. Ms. Freenock will also contact Comcast.

Mr. Zerfoss then stated that PAWC is filing for a rate increase for sanitary sewer. He is opposed to such an increase. Ms. Freenock stated that representatives from PAWC stopped in the Borough Office the day before the public announcement was made. She was told that PAWC looked at what was spent system (state) wide for sanitary sewer improvements and projects that will be needed over the next two years. They then do the math to determine the overall percentage of increase needed to meet their expenses. All of the funds generated from an increase in Clarion may not be used in Clarion. It is a blanket increase. Ms. Freenock was asked to testify at a PUC hearing that will likely be

held in Clarion in the summer. Ms. Freenock indicated to PAWC that former Council President Wilshire, who was intimately involved in the sale of CAA to PAWC, would be better informed regarding the sale and that he should be asked to testify. Mr. Wilshire stated to Ms. Freenock that he would oppose a rate hike. Mr. Zerfoss confirmed that Mr. Wilshire will testify. Former Councilman Joel German also told Ms. Freenock that he plans to testify against the proposal.

Ms. Freenock noted that PAWC can only ask for an increase every two years. CAA was not required to have PUC approval of a rate hike. She believes that there were two in two years, which the sale was pending.

#### DOWNTOWN COMMITTEE

Mayor Estadt stated that the VFW, C-93, the local girl scouts, and the Conservancy are involved in the Memorial Day celebrations. She also stated that Chief Hall has done a wonderful job organizing the Memorial Day Parade. Dan George will be the speaker and a local jazz band has agreed to play from 7 to 9 p.m. This is a family-oriented event.

The Mayor also announced that Pat McFarland will be the President of the Conservancy beginning in June.

#### PUBLIC SAFETY

Mr. Hopkins then made a motion to permit Chief Hall to attend the Annual Pennsylvania Chiefs of Police Conference July 11-15, 2010, in Lancaster. The motion was seconded by Mr. Zerfoss and was unanimously approved.

Mr. Hopkins indicated that the Committee is investigating the construction of a holding cell. The cost would approximate \$1,700. The officers mentioned the need for a cell at the meeting that was held with Mr. Walters and the Mayor. The officers stated that it is difficult to complete reports etc. with the accused spitting and screaming at them. The only means of restraint is to handcuff the individual to the bench in the patrol room. Updates will follow.

Although there are two holding cells at the County jail, Chief Hall stated that the County will not take Borough prisoners until they have been charged and arraigned. Commissioner Cyphert stated that he does not want Borough prisoners at the jail as the County does not want to be responsible for them until the arraignment has been held.

Mr. Hopkins suggested that, in light of the complaints earlier in the meeting, proposed Ordinance No. 2010-773, amending Chapter 205 of Clarion Borough's Code of Ordinances titled "Vehicles and Traffic" making Weaver Place one-way going north from Main Street to Liberty Street, be tabled and sent back to the Committee for further review. Dr. Sanders Dédé mentioned that she raised concerns at last month's meeting about having two streets in a row going one way north.

#### HOUSING AND ZONING

Mr. Hopkins made a motion, seconded by Ms. Leonard, to advertise for a part-time, temporary position, to assist with rental unit inspections. The position would pay \$12.50 per hour at 20 hours per week; the Committee will approve a final job description before presenting a candidate to Council. The motion was approved unanimously.

Mr. Hopkins also stated that President Vavrek, Councilwoman Sanders Dédé, Mayor Estadt, Mr. Ragon, Ms. Freenock, and he visited Indiana Borough yesterday. He stated that Indiana has 6,500 residents and 8,500 students. Despite the difference in size, there are lessons to be learned from how Indiana operates. The Committee will further discuss and follow up with Indiana Borough.

### RECREATION

Ms. Leonard noted that baseball season has commenced. She and the Mayor attended opening day festivities. The Mayor threw the first pitch. Unfortunately, none of the photos taken showcase the new bleachers which have been installed. They look wonderful.

Ms. Leonard also stated that opening day at the pool is scheduled for the first Saturday in June.

Mr. Zerfoss stated that PIAA charges admission for games played at Weaver Park. He wants the Borough to collect the rental fee. Ms. Freenock stated that Dr. Cathcart stated that the School District does not charge a rental fee for use of the fields. Mr. Zerfoss stated that Dr. Cathcart is wrong and asked Ms. Freenock to go back again to the School District.

### MAYOR'S REPORT

The Mayor indicated that Trick-or-Treat will be held on Halloween, from 6 to 8 p.m. with the parade at 5:30 p.m. Ms. Leonard made a motion, seconded by Mr. Hopkins, to approve the hours for Trick-or-Treat. The motion carried by a vote of six yeas.

The Mayor then stated that she and the Chief are working on a Neighborhood Watch Program. The program is in its infancy and different ideas are being explored. She would like to partner with the University's Good Neighbor Program. That program enlists the aid of non-problem students in dealing with problem causing students.

Mr. Zerfoss made a motion for the Mayor to continue with this process. It was seconded by Mr. Noto and was unanimously approved.

Mr. Hopkins stated that there may be pitfalls; he expressed concern about vigilantes. The Mayor stated that the first meeting will determine the types of individuals interested in participating. She is in the process of organizing the first meeting; there will be no cost to the Borough.

Ms. Linda Cox stated that she lives in "party central" and wonders why the students are permitted to keep others up at night with their loud parties. Mr. David Anthony stated

that the University Student Senate will be working on such issues next year. Ms. Rose Balough suggested that the landlords be contacted. Mr. Hopkins stated that some landlords will cooperate and some will not.

Ms. Freenock stated that there is a similar program at Kutztown, and it has been very successful.

Mayor Estadt noted that the visit to Indiana was very informative. They have both an Elm Street and a Main Street Program; both have been very successful. She also stated that she shared a Clarion guide with the group. They were impressed and are planning to adopt a similar project. The groups were impressed that the guide, produced by the Clarion Conservancy, was done locally. One guide made it to Germany to be used by the family of a visiting student.

#### MANAGER'S REPORT

Ms. Freenock also thanked the Planning Department at Indiana County and the Borough Council for hosting the meeting yesterday.

Ms. Freenock informed Council that she called the Governor's Action Team once she learned of the planned O-I closing. At that time, she was instructed to work with EDC, who was in contact with members of the team. Since nothing seemed to be moving, Ms. Freenock sent a letter dated March 31, 2010, to Al Stroucken, Chairman of O-I. A response from the plant manager, Chris Amatrone, was received on April 23<sup>rd</sup>. Essentially, the letter indicated that O-I has a duty to its shareholders and that the Borough could not expect that O-I would offer any benefits to the Borough upon its vacating the plant.

Mayor Estadt stated that O-I indicated that it has corresponded with the Borough police. It has not done so; the Mayor has contacted Chris Amatrone, the plant manager, to discuss security at the site. Additionally, the requests made by the Borough were not out of line and are within O-I's power to grant.

Ms. Freenock also informed Council that should it desire to make South Street one way, PennDOT approval would be needed. Mr. Miller asked when that approval would be received. Ms. Freenock noted that such approval has not been requested as Council has directed that the project proceed as is.

#### EXECUTIVE SESSION

President Vavrek called an Executive Session, beginning at 8:15 p.m., including all Councilmembers, the Borough Manager, and Solicitor, to discuss personnel and the Public Works Contract.

President Vavrek called the meeting back to order at 8:45 p.m. and stated that no action was taken at the Executive Session.

#### PUBLIC WORKS

Mr. Zerfoss noted that Clean-Up Day is scheduled for May 15, 2010. Items should be at the curb the night before as collection commences at 6 a.m. He read a list of the items that will not be accepted.

Mr. Zerfoss stated that the Borough's brush pile has reopened as the County has not closed its compost site at County Park.

Mr. Zerfoss then made a motion, seconded by Mr. Noto, to purchase a Freightliner Chassis from Murray's Freightliner at a cost of \$90,977 and the up-fit of the chassis from IM Supplies at a cost of \$196,300. DEP's share per the Grant Agreement will be \$258,549.30, and the Borough will pay \$28,727.70. Both are priced off of a COSTARS contract. The equipment will be used for curbside pick up of leaves and to transport brush, etc., to the County Park for composting. The motion carried unanimously.

Mr. Zerfoss next informed Council that \$10,450 was paid to M & B Services and \$1,462.50 was paid to Hager Paving for a total cost of \$11,912.50, for snow removal during this past winter.

He also stated that the blinker at Bi-Lo must be moved or removed and asked that Public Safety look into this matter. The entrance to Bi-Lo closest to Sheetz on 322 must also be closed.

Mr. Zerfoss stated that Public Safety and Public Works will look at all of the Borough's streets to determine where it is difficult to plow and that there may be changes to the Snow Ordinance before next winter.

Money from the CAA sale proceeds will be used this summer to do paving throughout the Borough. Between the paving done last year and what is anticipated this year, Mr. Zerfoss expects that the roads will be in good condition, and Liquid Fuels Funds from 2011 should be sufficient to cover ordinary maintenance of the roads.

Mr. Zerfoss made a motion to accept, with regrets, the resignation of Public Works Foreman Brad Stutzman, effective May 14<sup>th</sup>. Mr. Stutzman will use accrued vacation and personal days until June 10, 2010. Mr. Hopkins seconded the motion, and it was approved by a vote of five yea with Ms. Leonard voting no. Mr. Zerfoss thanked Mr. Stutzman for his years of service and dedication to the Borough.

Mr. Zerfoss made a motion seconded by Ms. Leonard to hire a seasonal, part-time employee to help with summer mowing, at a rate of \$8.50 per hour. The Public Works Committee will interview applicants and will make a recommendation to Council at the June meeting.

Mr. Zerfoss noted that the streets in the Borough are torn up, as are some of the sidewalks. We have to tear up to fix up. Things will be better once all of the work is finished.

NEW BUSINESS

Dr. Sanders Dédé asked Council to recognize Cinco de Mayo.

CORRESPONDENCE

Ms. LaVan read a letter from Ms. Renee Vowinckel concerning storm water. She also read letters from Jim and Shirley Hager and Ms. Linda Rose concerning South Street. Ms. Freenock stated that she spoke with Ms. Rose presumably after her letter was mailed. She explained the entire project to her, and Ms. Rose related that the information that was presented by Ms. Freenock is not “what is out there”. Ms. Rose stated that she is now supportive of the project.

There being no further business to come before the meeting, on as motion by Mr. Hopkins with a second by Ms. Leonard, the meeting adjourned at 9:08 pm.

Respectfully submitted,

Nancy K. Freenock  
Borough Secretary