

April 27, 2009, Council Meeting

A meeting of Clarion Borough Council was held on Monday, April 27, 2009 in the Clarion Borough Offices. President Wilshire called the meeting to order at 5:00 p.m. All Councilmembers, with the exceptions of Messrs. Herman and Hopkins and Ms. Leonard, were present. Also present were Mayor Stroup, Chief Hall, Messrs. Ragon and Stutzman and Mss. LaVan and Freenock.

PUBLIC WORKS

Ms. Vavrek made a motion which was seconded by Mr. Zerfoss to solicit proposals for a Borough engineer. Ms. Freenock stated that she would like to be able to consult an engineer for questions that arise that are not necessarily associated with an on-going project. Some engineers do not charge a retainer and only bill if research is needed before a particular question can be answered. If the engineer's services are procured through a competitive bidding process, then they can also provide engineering services for grant projects. However, the Borough would not be obligated to use their services for any given project. The motion carried unanimously.

Ms. Vavrek next stated that all of the bids received for Boundary Street were significantly higher than the projections prepared by Gannett Fleming. It would take two years' of CDBG funds to complete the project and there are other projects in the Borough that are a priority. Mr. Stutzman will meet with the railing company and with M & B Services to see if there is a material that can be used to repair the steps. As long as the project is a repair, it need not be made ADA compliant. Ms. Freenock stated that if Council elects not to proceed with this project, the engineering fees will have to be repaid but would then be available for another project.

Ms. Freenock stated that a Public Meeting will be held on May 5, 2009, at 6:30 p.m., immediately preceding the Council Meeting. The purpose of the meeting is to discuss modifications to the 2006, 07 and 08 CDBG projects. Thereafter, Council will vote at its meeting if the project funds from those years should be redirected. Ms. Vavrek will ask at that meeting that all bids for the Boundary Street project be rejected.

Ms. Vavrek made a motion for Council to approve the Service Proposal received from Kopko Engineering for services at the fire hall; Mr. Kopko acknowledged that payment for services will not be made until fundraising is underway. Ms. Moore seconded the motion and it carried unanimously.

The Public Works Department would like to undertake storm sewer repairs and improvements. Mr. Stutzman reviewed the improvements that were mandated by DEP under the Consent Order & Agreement that must be completed this year. He estimated that it will take his employees four weeks at a materials cost of roughly \$26,000 to complete this work.

In addition, Mr. Stutzman would like to complete the storm sewer project on Elss and Sixth Streets. He reviewed the EADS engineering; there are a few minor changes to be

made to the plans. EADS estimated that the project, if bid, would cost approximately \$142,000 plus additional engineering fees for bidding and inspections. Mr. Stutzman feels that the project can be done in-house in about four weeks at a cost of \$25,000.

The above projects will be paid with CAA sale proceeds as they relate to sewer work. Ms. Vavrek made a motion that the Public Works Department proceed as outlined above; the motion was seconded by Ms. Moore and carried unanimously.

Ms. Vavrek stated that the Public Works Department will be busy all summer and will be short staffed because Mr. Thompson will be on reserve duty. Therefore, she made a motion to hire a seasonal, part-time employee for the Public Works Department. President Wilshire confirmed that the employee would be paid with the CAA sale proceeds as the position is necessitated by the fact that the full time employees will be engaged in sewer projects. Ms. Vavrek also asked that she, in concert with Mr. Stutzman and Ms. Freenock, be given the authority to hire so that the process can proceed quickly. The motion was seconded by Ms. Moore and passed unanimously.

Finally, Ms. Vavrek noted that a proposal has been proffered to revise the 2006 CDBG project to the South Street rehabilitation. Funds remain in the 2007 project and the 2008 funding can be redirected to South Street; 2009 funding can also be used for this project. Thus, the total funding currently available approximates \$350,000. No cost estimates for the project will be available until preliminary engineering is completed.

Mr. Zerfoss stated that he favors removing the parking on South Street or making it one-way. He feels that there are roads in the Borough that need to be paved, and thus the money should be directed to those projects.

Ms. Freenock stated that widening South Street qualifies for CDBG funding because it is a rehabilitation project. Milling and paving are considered routine maintenance and hence do not qualify for CDBG funding. The 2006 money should be spent this year as the guidelines state the funds should be spent within three years and that the project must be closed out within five years.

President Wilshire stated that the engineer can be directed to consider various alternatives considering cost and potential benefit. Mr. Zerfoss asked how any costs that exceed \$350,000 could be paid. Ms. Freenock stated that the Borough could obtain a loan to be repaid with CDBG funds from future years. This discussion will be taken up again at the next Council Meeting.

PUBLIC SAFETY

Ms. Freenock stated that the permits have been issued to retime the traffic lights on Main Street. The engineer estimates that it will cost about \$750 for a contractor to retime the lights. If the project must be bid, the engineer will charge \$4,000. It was decided that if the project must be bid to qualify for Liquid Fuels funding, then the Borough should cover the expense as that would be a more judicious use of funds.

HOUSING AND ZONING

Mr. Zerfoss stated that the Zoning Hearing Board was wrong in its decision in the Legion case. Mr. Zerfoss made a motion to amend the Zoning Ordinance to allow commercial parking lots as a conditional use in the C-1 Central Business District. Ms. Moore seconded the motion.

Ms. Moore stated that the matter could have been handled differently. Ms. Freenock stated that a meeting was held with the Legion and that several options on how to proceed were offered. In addition, time for the Legion to take action was extended to allow the membership to decide on a course of action. The letter that was sent by Mr. Ragon was done with the knowledge of the Legion and only confirmed what had previously been discussed.

Ms. Vavrek stated that Council took no action to close the lot. The lot was closed by the Legion. She understands that there have been some issues concerning the Board at the Legion and feels that the Committee has tried to work with them. The Zoning Hearing Board made the only decision that it could make faced with an appeal of Mr. Ragon's decision. Ms. Freenock stated that the Legion was told that it could file for a variance; action on a variance may have yielded a different result.

Ms. Vavrek also noted that the Zoning Ordinance prohibits Council from taking action when a decision of the Zoning Hearing Board is under review. The Legion has filed an appeal with the Court of Common Pleas and thus Council cannot take any action until that case is decided. President Wilshire called the question and requested a roll call vote.

Mr. Zerfoss: yes; Ms. Vavrek: no; Ms. Moore: yes; President Wilshire: yes.

RECREATION

Ms. Vavrek moved that Resolution No. 2009-284 for a DCNR Project at Paul A. Weaver Community Park be adopted. The motion was seconded by Ms. Moore and passed with a vote of four yea.

There being no further business to come before the meeting, upon a motion by Mr. Zerfoss with a second by Ms. Vavrek, the meeting adjourned at 5:53 pm.

Respectfully submitted,

Nancy K. Freenock
Borough Secretary