

January 4, 2010, Council Meeting
Minutes

A regular meeting of Clarion Borough Council was held on Monday, January 4, 2010, in the Assembly Room of the Clarion Free Library. President Vavrek called the meeting to order at 7:08 p.m. In addition to President Vavrek, Councilmembers present were Messrs. Zerfoss and Walters, Ms. Leonard, Messrs. Noto and Hopkins. Mayor Estadt, Chief Hall, Messrs. Ragon and Stutzman, and Mss. LaVan and Freenock were also present.

On a motion by Mr. Hopkins with a second by Ms. Leonard, the minutes of the December 23, 2009, Council Meeting were approved by a vote of four yea with one correction. Messrs. Walters and Noto abstained as they were not sworn Councilmembers at the time of the meeting.

CITIZEN COMMENTS

Mr. Jerry Hankey from Pennsylvania American Water Company (PAWC) addressed Council. Mr. Hankey explained that as part of the Consent Order and Agreement, Clarion Borough and Clarion and Monroe Townships were required to prepare and submit Task Activity Reports (TAR) to DEP. Those reports were then combined into a TAR, draft project narrative, and proposed plan outline which must be approved by each municipality before submission to DEP by PAWC. These documents were prepared by Gannett Fleming, the firm used by the Borough for preparation of its TAR. Mr. Hankey asked that Council approved the PAWC TAR for signature by the Borough Secretary. Mr. Walters made a motion, seconded by Mr. Hopkins to do so; the motion carried unanimously.

Mr. Hankey also explained that PAWC is responsible for the preparation of a Revised 537 Plan for the former CAA system. The costs associated with the preparation of the Plan will ultimately be borne by PAWC. However, the municipalities may choose to front the costs and apply to DEP for a 50% reimbursement; PAWC will then reimburse the Borough for the remaining 50% of the costs. Since 79% of the system is located in the Borough, the Borough will pay 79% of the associated costs. The Borough's portion of the total fee is expected to be \$98,635. PAWC will pass on any portion of the monies that it expends to the rate payers. Thus, in order to keep rates lower, it would be beneficial to front the expense and apply to DEP for reimbursement. There may be an issue however-due to the state budget crisis, DEP's funding was cut and it is unknown if this grant program will still be available. Council will discuss this further.

ADMINISTRATION

On a motion by Mr. Hopkins with a second by Mr. Walters, the appropriations for the month of January were approved by a vote of five yea, with Mr. Zerfoss voting no due to the invoices from Campbell Durant. Ms. Leonard questioned the item for paint for the dog house. Chief Hall explained that a kennel system was donated to the Borough. It will be insulated. Since the Humane Society closed, a place is needed to house lost animals.

A discussion of the proposed Council Meeting dates ensued. On a motion by Mr. Walters with a second by Ms. Leonard, it was unanimously decided that meetings would be held on the first Wednesday of the month with a second meeting, if needed, to be held on the third Wednesday of the month, with the exception of June where it will be on the fourth Wednesday.

Mr. Zerfoss made a motion, seconded by Mr. Hopkins to approve the following appointments:

Civil Service Commission-Bernie Vavrek (6-year term)
Planning Commission-Hallie Savage and David Anthony (4-year terms)
Zoning Hearing Board-David Sentner (3-year term)
Police and General Employees Pension Plan Committees-Greg Wolf (3-year term on each)

The appointments were approved by a vote of six yea, with the exception of that for Mr. Vavrek, where the vote was five yea with Ms. Vavrek abstaining.

Mr. Hopkins explained to the new Council members that a bill was introduced at the state level to compensate municipalities for tax-exempt property. The bill died in Committee and was not reintroduced in 2009. Mr. Herman and Ms. Freenock were active in promoting the bill, and it is scheduled to be reintroduced this year. In the meantime, H.R. 3007 has been introduced at the federal level to provide assistance to local governments. Ms. Freenock stated that it is akin to the federal revenue sharing of the 1980s. Council is being asked to adopt a resolution in support of this bill. Therefore, Resolution No. 2010-298 was unanimously approved following a motion by Mr. Walters and a second by Ms. Leonard.

Ms. Freenock stated that due to Act 51 of 2009, the Commonwealth will take responsibility for Killed-In-Service benefits if they are not provided by the municipality. The Ordinance to be adopted deletes this provision from the Police Pension Plan. This action was part of the arbitration award issued in connection with the police contract. On a motion by Mr. Walters, with a second by Mr. Hopkins, Ordinance No. 2010-771, was approved by a vote of six yea.

DOWNTOWN COMMITTEE

Ms. Vavrek stated that Ms. Moore will continue in her role on this Committee. Mayor Estadt stated that the Conservancy meets on the first Wednesday of each month at 8 a.m. at Michelle's Café. All are invited. The Mayor thanked the Borough and the Public Safety and Public Works Departments for everything that was done to assist with the holiday activities.

Public Works

Mr. Zerfoss thanked the Public Works employees for being vigilant and working through the snow that has been falling consistently over the last 10 days. Ms. Leonard questioned

the recent power outages. Mr. Stutzman explained that Allegheny Power has had trouble with its transformers.

Mr. Zerfoss then explained that all street lights must be changed from mercury vapor to high pressure sodium by the end of the year. Mr. Stutzman stated that there are lights out in the Borough, but Allegheny Power cannot fix them because they can no longer obtain the ballasts that are needed for mercury vapor lights. Ms. Freenock stated that there are 265 175-watt mercury vapor lights in the Borough. The increase operating cost will be .34 per light per month or \$90.00 overall. There are several higher wattage bulbs in the Borough, but they have not yet been identified by Allegheny Power.

Ms. Freenock stated that she has investigated alternatives involving the purchase of the street lights by the Borough and the purchase of electricity from other sources. Mr. Geoff Bristow, an energy specialist at DEP, advised that the Borough, at this point, should continue with Allegheny Power. Allegheny may ask the Borough to agree to a twenty-year contract. Mr. Bristow thinks that is the best alternative for the Borough at this time. In the future, as technology advances, it may be beneficial for the Borough to change but that will be years in coming. Ms. Freenock asked Council to authorize the change of street lights to high pressure sodium throughout the Borough. A motion was made by Mr. Zerfoss and seconded by Mr. Hopkins to authorize the change. It carried unanimously.

PUBLIC SAFETY

Ms. Vavrek stated that the Police Contract for the years 2009-2012 has been approved by the officers. It contains all of the terms in the arbitration award. Mr. Zerfoss stated that in all of his time on Council, no contract has ever gone to arbitration. The arbitration cost the taxpayers of the Borough \$38,840.76. The police also spent their own money-above what the FOP allotted to them. Mr. Zerfoss feels that more should have been done to negotiate.

Ms. Leonard made a motion to approve the contract. The motion was seconded by Mr. Hopkins and carried with a vote of five yeas with Mr. Zerfoss voting no.

HOUSING AND ZONING

Mr. Zerfoss noted that the Committee did not meet in December; the report is in the packet. Ms. Leonard noted that all complaints have been resolved and thanked Mr. Ragon.

RECREATION

Ms. Leonard noted that the synopsis prepared by Ms. Freenock notes a number of grants that have been awarded to the Borough for recreation. The proposals for the Recreation Plan have been received and are being reviewed. CDBG-R funds in the amount of \$33,000 have been secured for the purchase of bleachers. Mr. Stutzman has recommended that the Borough purchase bleachers with four rows surrounded on three sides by fence. The bleacher company participates in COSTARS so the purchase need not be bid. The salesman is not available until next week, so Ms. Leonard made a motion

to purchase as many units as possible with the available CDBG-R money. She noted that we are coming up against a deadline, and this purchase must be made by January 23rd. Mr. Hopkins seconded the motion, and it was approved by a vote of six yea.

President Vavrek then announced Committee assignments, as follows:

Administration: Ms. Vavrek, Chair; Ms. Leonard; and Mr. Zerfoss
Housing and Zoning: Mr. Hopkins, Chair; Ms. Dédé; and Ms. Vavrek
Public Works: Mr. Zerfoss, Chair; Mr. Noto; and Mr. Walters
Public Safety: Mr. Walters, Chair; Mr. Hopkins; and Ms. Leonard
Recreation: Ms. Leonard, Chair; Ms. Dédé; and Mr. Noto
Downtown: Ms. Moore

Mayor's Report

Mayor Estadt stated that she is looking forward to the next four years. She had a baby on December 2nd and is looking forward to bringing her up in the Borough.

Manager's Report

Ms. Freenock stated that the Borough is in need of a new CDBG consultant. SEDA COG voted not to establish an office in Western PA. Ms. Freenock stated that she has contacted the County about taking over the Borough's program but has not received a response. The Borough is required to have a consultant administer the program due to pre-2005 monitoring problems that are still unresolved. Ms. Freenock requested permission to begin the RFP process. Ms. Leonard made a motion seconded by Mr. Hopkins to authorize Ms. Freenock to commence the search process for a new CDBG consultant. The motion carried with a vote of six yea.

Ms. Freenock informed Council that the Borough would be losing about \$15,000 in franchise fees annually, because the University awarded a contract to Lamont Digital to provide Direct TV. Since no cable is involved, the Borough cannot charge a franchise fee. Mr. Hopkins indicated that he believes that this is a short-term loss because of the benefits to be afforded with fiber optic cable.

Correspondence

Ms. LaVan read a thank-you note from Ms. Moore for the evening at the Loomis.

There being no further business to come before the meeting, on a motion made by Mr. Hopkins with a second by Ms. Leonard, the meeting adjourned at 8:04 p.m.

Respectfully submitted,

Nancy K. Freenock
Borough Secretary