

September 1, 2009, Council Meeting  
Minutes

A regular meeting of the Clarion Borough Council was held on Tuesday, September 1, 2009, in the Assembly Room at the Clarion Free Library. President Wilshire called the meeting to order at 7:00 p.m. In addition to President Wilshire, Councilmembers present were Mr. Zerfoss, Mr. Herman, Ms. Vavrek, Ms. Moore, and Mr. Hopkins. Councilmember Leonard was absent. Also present were Mayor Stroup, Chief Hall, Mr. Ragon and Mss. LaVan and Freenock.

President Wilshire noted an addition to the agenda and asked Chief Hall to conduct the next portion of the meeting. Chief Hall introduced Cpl. Douthit and Lt. Doverspike from the Pennsylvania State Police. Lt. Doverspike read into the record a commendation letter issued to Officer Scheckler concerning his participation in the Drug Recognition Program, citing three DWI citations issued by Officer Scheckler, one of which involved the use of inhalants.

President Wilshire then noted another change to the agenda and asked Mr. Zerfoss to report on Housing and Zoning.

HOUSING AND ZONING

Mr. Zerfoss stated that a Public Hearing was held at 6:15 p.m. to discuss a request by John Booth for a conditional use. There were no comments from the public. On a motion by Mr. Zerfoss, with a second by Mr. Hopkins, Mr. Booth's conditional use request to use his property at 130 Liberty Street as a two-family dwelling was unanimously approved.

Mr. Zerfoss stated that a Public Hearing was held at 6:30 p.m. to discuss a request by the American Legion Post #66 for a conditional use. There were no comments from the public. On a motion by Mr. Zerfoss, with a second by Mr. Hopkins, the Legion's conditional use request to use its property at 506-508 Main Street as a commercial parking lot, for as long as the Legion owns the property, was unanimously approved.

Mr. Zerfoss stated that a Public Hearing was held at 6:45 p.m. to discuss a request by Fox and Fox Inc., on behalf of Eagle Park Apartments and Owens Brockway Glass Containers #17 for a simple subdivision. There were no comments from the public. On a motion by Mr. Zerfoss, with a second by Mr. Hopkins, Owens' simple subdivision request to subdivide its property so that 2.06 acres can be sold to the owners of Eagle Park Apartments to be used for parking, was unanimously approved.

ADMINISTRATION

On a motion by Ms. Vavrek with a second by Mr. Hopkins, the minutes of the August 4, 2009, Council Meeting, were approved by a vote of five yea, with Ms. Moore abstaining as she was not present at that meeting.

President Wilshire presented the appropriations for the month of September. On a motion by Mr. Herman with a second by Mr. Hopkins, they were approved by a vote of six yeas, with Mr. Zerfoss voting no on the invoices presented by Pope & Bogush and Campbell Durrant.

Ms. Freenock noted that the appropriations contain payment for identification cards for all Borough employees. Chief Hall was instrumental in having the ID cards made.

Ms. Vavrek made a motion, which was seconded by Ms. Moore, for Ms. Freenock to attend a meeting of the University-Community Network on October 13, 2009, in State College. The motion was unanimously approved.

Three requests from the Clarion Area Chamber of Business & Industry regarding carriage rides, Customer Appreciation Day, and free parking during the holiday season were unanimously approved following a motion by Mr. Herman and a second by Mr. Hopkins. Mr. Herman noted that both Chief Hall and Mr. Stutzman had signed off on the requests.

Mr. Hopkins made a motion to approve the Borough's Minimum Municipal Obligation (MMO) for the General Employees' Pension Plan in the amount of \$57,203. The motion was seconded by Mr. Herman and carried unanimously.

Ms. Vavrek made a motion to approve the Borough's Minimum Municipal Obligation (MMO) for the Police Pension Plan in the amount of \$8,131. The motion was seconded by Mr. Hopkins and carried unanimously.

Mr. Herman made a motion, seconded by Ms. Vavrek, to approve Resolution No. 2009-293. President Wilshire explained that this resolution carries out the directives of the Ordinance passed earlier this year concerning allocation of part of the CAA sale proceeds. The motion carried unanimously.

President Wilshire read a letter received from Teamsters Local Union regarding negotiations for the Public Works Contract and gave it to Ms. Vavrek.

#### DOWNTOWN COMMITTEE

Ms. Moore noted that the merchants are working on Autumn Leaf Festival and holiday celebrations. She also stated that the merchants' publication is almost complete.

#### PUBLIC WORKS

Ms. Vavrek stated that there was a great deal of water that accumulated in the area of Center Place and South Street during the heavy rain last weekend. Mr. Stutzman has asked that Council authorize him to obtain three phone quotes and have the lowest qualified bidder, with a price not to exceed \$5,000, replace the storm water drain pipe in that area.

Mr. Herman stated that he believes that the recent paving in that area may have caused the problem although Ms. Freenock stated that Mr. Stutzman indicated that the problem

resulted because an 8-inch pipe was installed during a repair in the area last year and the pipe is too small. Mr. Herman believes that South Street may have to be dug up as the main runs down the center of South Street and perhaps the repair should be made a part of the South Street widening project.

Mr. Hopkins stated that about 6-8 inches of water backed up during the rain last week.

Ms. Vavrek made a motion seconded by Mr. Zerfoss for bids to repair the line to be obtained. The matter will come back to Council for further action after bids are obtained and the solution more defined. Motion carried unanimously.

#### PUBLIC SAFETY

Mr. Herman asked Chief Hall to discuss the Safe Shooter training which he attended. Chief Hall stated that it was conducted by FBI agents and Robert Morris University. It was very worthwhile, and there are several things which he hopes to implement here. Mr. Herman stated that the Public Safety Committee will meet next week and one of the issues to be discussed is sharing what the Chief learned with other local agencies.

#### RECREATION

Messrs. Herman and Hopkins noted that the pool is closed.

#### MAYOR'S REPORT

Mayor Stroup welcomed all of the University students back. He reminded everyone that school is in session so please drive carefully. The Mayor also read a Proclamation making September FoodStock Month and noted that the food pantries are running low.

#### OLD BUSINESS

There was discussion about the 1% sales tax that was raised at last month's meeting. Mr. Herman stated that upon further research it appears as though the funding formula in the sales tax bill is similar to one proposed by Rep. Bob Freeman last year. Council supported Rep. Freeman's proposed legislation as it was a way for municipalities with large amounts of tax-exempt property to be compensated. The 1% tax may be something that Council would like to support.

President Wilshire called for an Executive Session at 7:35 p.m. to discuss the sale of property including Councilmembers, Mayor, and the Borough Manager. The meeting reconvened at 7:50 p.m., and President Wilshire stated that no action was taken.

#### NEW BUSINESS

Ms. Freenock stated that Mr. and Mrs. Edward Gano received a letter to repair sidewalks at three of the properties that they own. The Ganoes have no problem fixing two of the sidewalks. The third, which is located in front of The Arc, they feel should be replaced by the Borough. Per Mr. Gano, the Borough replaced two double slabs in the 1990s and Mr. Gano contends that they were not installed correctly.

Mr. Ganoë stated that he complained to Ray Austin, Carol Lapinto and to John Lawrence. The sidewalk was installed in the fall and by the following spring it had begun to lift. Both President Wilshire and Mr. Zerfoss recalled that there was a downtown project that included the installation of street lights and trees and the replacement of sidewalks and that it was done with grant money. Mr. Zerfoss stated that there was extra grant money left so they “hop-scotched” around the downtown and fixed parts of other sidewalks. Mr. Ganoë stated that he had nothing in writing nor had he received a sidewalk letter in 2000 when the sidewalks were first reviewed. Council determined that more information was needed. Ms. Freenock was instructed to contact Mr. Austin and to review meeting minutes to see if any other information was available.

There being no further business to come before the meeting, on a motion by Mr. Hopkins with a second by Ms. Vavrek, the meeting adjourned at 8:11 p.m.

Respectfully submitted,

Nancy K. Freenock  
Borough Secretary