

CLARK BOROUGH
July 7, 2020 - 6:00 P.M.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
READING OF MINUTES
TREASURER'S REPORT
VISITORS

UNFINISHED BUSINESS

Bid Package for road project needs approved for advertisement

NEW BUSINESS

Discuss Yard Sale
Patty LaRocca resignation

QUESTIONS FOR ATTORNEY MADDEN

CORRESPONDENCE AND OTHER COMMUNICATIONS

OFFICIALS AND COMMITTEES

Sewer Committee
Boroughs Association & Council of Governments
Building, Park & Recreation
Code Enforcement/ Zoning Officer
Collector of Taxes
Finance, Insurance, Pension, Personnel
Fire
Highways
Mercer County Joint Sewer Agency
Police
Planning (Local and Regional)
Storm Water
Zoning (Local and Regional)
Mayor
President of Council

PAYMENT OF BILLS

EXECUTIVE SESSION

ADJOURNMENT

June 2, 2020

The meeting of Clark Borough Council was called to order by Council President Jim Carucci, who led in the pledge to the flag on Tuesday June 2, 2020 at 6:00 p.m. Others in attendance were Mayor Maryjo Harakal, Clark Eberhart, Cameron McConahy, Henry Frei, Doug Robbins, Michael Yeatts, Jim Miller, Al Harakal and Monica Simko.

Visitors in attendance: Jason and Kelly Slemmer of Lakeside Acres Event Center, Sandee Winslow, Doug Smith of Bright Star Marina, Cheri and Sandra Moyer.

Michael Yeatts made a motion to accept the May minutes as written. The motion was seconded by Cameron McConahy and passed with all voting yes.

Jim Carucci read the Treasurer's Report for the Month of May. Doug Robbins made a motion to accept the Treasurer's Report. This motion was seconded by Clark Eberhart and passed with all present voting yes.

Visitors Cheri and Sandra Moyer are present to discuss the Glenwood Cemetery. Cheri Moyer asks who takes care of this cemetery, is it volunteer type maintenance and stated that it is a disgrace. It is never weed whacked and some weeds are up to her knees. Maryjo Harakal stated that Mr. Mattocks takes care of the cemetery and is not paid very much to do it. Cheri also stated that the trash is never emptied and has actually thrown it away herself. There are tire tracks on the lawn, dirt dumped on the grave beside her parents grave, could possibly be them just filling in a low spot. However it has not been graded or seeded. Some of the graves cannot even be seen due to weeds. Cheri Moyer was just curious to know if someone from the Township/Borough took care of it or what. Cheri asked who owns the cemetery and who pays him to which Maryjo Harakal stated we don't know the answer to that. Cheri Moyer then asked if this is a Clark property to which Maryjo Harakal and Clark Eberhart stated no, it is not a Clark property. She then asked how to get a hold of who takes care of it. Sandee Winslow advised Cheri Moyer to look up the tax parcel viewer on the Mercer County Website, and that will give her an address and name of who owns the property to which Monica Simko advised to call her if she has any trouble. Cheri Moyer also asked about Dr. Joseph's property on the corner of 258 & Milton that has all that equipment and such on the property and why it is there. Clark Eberhart stated that this has been an ongoing issue but it is zoned commercial and is completely within the owners' rights to store that stuff there. She then asked why the owner is choosing to put it right there where it is the first thing seen when coming into Clark to which Jim Carucci stated it is a personal issue and we can't do anything about it at this time.

Visitor Doug Smith of Bright Star Marina is present to discuss the easement leading to the pump station. Doug Smith presents a more revised simplified version of his intentions. Doug Smith stated that he is looking at two options to move forward, one of which is substantially more expensive than the other. Since there is an easement on the road leading to the pump station, the USACOE suggested to Mr. Smith that the lease be extended to him for that piece of road and that Mr. Smith would then lease it back, under

easement, to Clark Borough. So, the end result is that Clark Borough would still retain the same privileges of use and that if anything were to ever happen to Bright Star, the easement would then revert back to Clark Borough as well. From USACOE point of view and Doug Smith's, they don't see a drawback on either side, all they are asking for right now is an agreement to consider. The attorney's would still need to draw up the easement. Mr. Smith stated that he has already spoken with our Solicitor, Attorney Madden, and USACOE's council as well as his own, all seem to be on the same page, but USACOE won't proceed unless the Borough Council agrees to consider. Doug Robbins stated that we are in agreement, the Borough wants Bright Star to build the road down there, however our Attorney needs to review the easement and we will follow his recommendation. First of all, according to Attorney Madden, we cannot just sign over our easement for the right of way to you, under our current easement contract. Doug Robbins stated that Attorney Madden wants to see Bright Star's easement to see what is in that and also to see what possibilities are. Mr. Smith advised that Nakita has all of the easements; she is in charge of real estate with the USACOE for the division. The easement for the Borough is that small piece of property around the pump station and the road to get to it to which the Borough is currently responsible for the upkeep of that property. Doug Smith stated that he is open to the Borough leasing him the road and keeping the maintenance and upkeep responsibility. Mr. Smith felt that it made more sense that he take on that responsibility since he would be the one putting the heavier vehicles on the road. Mr. Smith also stated that the bridge needs to be redone and he felt that this should be an expense that he took on. Doug Robbins stated that Attorney Madden was waiting to see Bright Star's easement to which Doug Smith stated that he spoke with Attorney Madden and provided the easement to him and also to Winslow Engineering. Mr. Smith stated that the easement is basically the entire property except for that sliver of road, he can proceed now with a second road right next to it, but that doesn't make sense when there is a current road already there. Doug Robbins understands and stated that council needs to protect the Borough. Doug Smith stated that our Attorney can duplicate the current easement, language, etc. Basically all that needs done is a transfer of contract from USACOE to Bright Star with a rider that if anything were to happen to Bright Star, the easement would then fall back to the USACOE/Borough. Mr. Smith is only asking that if all the legal issues are covered and agreed to, that the Borough is okay with him proceeding, with that said he can convey that to the USACOE to start writing up the documents, provide them to our attorney, red line all we want and make any adjustments we want. Jim Carucci asked if the Sewer lines are also covered under that easement if they ever needed updated to which Clark Eberhart and Doug Robbins both stated that they are covered under the current easement. Henry Frei made a motion to accept the proposal pursuant to review from our attorney and engineer. The motion was seconded by Michael Yeatts and passed with a roll call vote of Jim Carucci – Yes; Clark Eberhart – Yes; Doug Robbins – Yes; Cameron McConahy – Yes; Henry Frei – Yes; Michael Yeatts – Yes.

Visitors Jason and Kelly Slemmer of Lakeside Acres Event Center are present to receive an update on the status of their business. Kelly Slemmer stated that the USACOE has their paperwork for the easement to run the sewer line. They were told that it would take longer to review. Kelly Slemmer also stated that they are prepared to run the line as soon

as they agree to or if they agree to it. Kelly advised Sandee Winslow that the revised Stormwater management was sent over to her office that morning. Sandee stated that she looked at it and there a lot of calculations that are missing, so they can't review for compliance just yet. Sandee stated that she has a review letter ready to go out stating what is missing and what is needed to review further. Maryjo Harakal stated one concern of what happens when the event lets out, has anyone spoken to Penn Dot since Route 258 is a state road. Penn Dot should be aware that there will be events there and traffic will increase during those times. Kelly Slemmer responded that the Highway Occupancy Permit is on the agenda from her Attorney to be submitted the next week. Sandee Winslow stated that the planning module was submitted May 22, 2020. Winslow Engineering will need DEP to approve the module to proceed even if they have the easement for the sewer line. Sandee Winslow stated that Stormwater Management will need resubmitted, as there are many items that need addressed on that; the highway occupancy permit and lastly the Land Development Plan should go through Mercer County Regional. Lisa at Mercer County Regional said that she had spoken with someone but had not seen any plans. Kelly Slemmer stated that she needs an address and name to send it. Sandee advised that the current plan the Slemmer's have is not close to addressing what they are looking for. Sandee advised that there is a link to the County Subdivision Land Ordinance online that can direct the Slemmers' on what is needed to be on the Land Development plan. They usually take 90 days to review so they need to submit as soon as possible. Kelly Slemmer stated that the original letter they received said that as long as they are moving forward that they are able to operate under the temporary occupancy permit. Sandee Winslow responded that she could not really advise on that since Winslow Engineering doesn't handle that part and that her understanding was that sewer and water needed addressed as a priority and will kill the project if you don't have sewer and water. The Borough could probably approve Lakeside Acres to operate contingent on some of the other things that need done. Jason Slemmer advised that they have a letter from Richardson's Inspection dated in November 2019, stating that they could operate under the temporary occupancy permit to use while they are going through this process. Sandee Winslow stated that the Borough is responsible for the site work approval and building approval, he (Richardson's) would approve for the building, so theoretically how it works is the building is not approved until the site work is approved. It is typically a two-step process, but since it has been done backwards, this is something that should be discussed with legal counsel to answer Maryjo Harakal's question on if this will fall back on the borough. Clark Eberhart stated that based on prior discussions with Attorney Madden and Winslow, Lakeside Acres could get a 60-90 day temporary use permit which the borough doesn't see an issue with as long as we see improvement. Jason Slemmer stated that DEP told their attorney, Kaylyn, that it was up to the borough to enforce whether or not they can operate. Kelly Slemmer asked council what they need to do in order for them to operate, whether it is ok to go forward or an extension of some sort. Henry Frei stated that as long as we have an OK from our Attorney, then he is all for them operating under the temporary permit. Doug Robbins recommends they write a letter to the Borough stating what their progress is as far as your meeting the requirements, status with the easement, land management, etc. Also requesting a temporary occupancy permit/extension, the borough would then forward it to the attorney for review. We are not opposed to them operating; we just want it done the

right way. Sandee Winslow stated that the acreage issue was ok and there is not an issue on that.

Henry Frei requested an Executive Meeting to discuss things that should not be in public, to which Jim Carucci asked if they are personnel issues. Henry Frei answered yes.

Maryjo Harakal read a letter of transfer submitted by the Borough Secretary requesting an authorization to transfer funds from the General Fund to the Fire Account. The transfer is from a social hall rental that was cancelled due to Covid-19; the renter requested that the \$40.00 deposit be donated to the CVFD. Clark Eberhart made a motion to transfer the funds to the Fire account. The motion was seconded by Henry Frei and passed with all voting yes.

Michael Yeatts reported that COG met on May 20th most of discussions were on mass transit and how they were running in minimum transportation during Covid-19. They were taking appointments for people in need of emergency medical care, etc. They were following the states recommendations going forward on starting all the buses back up. COG provided an update on Cares Act monies they received and are putting it towards employee's salaries. They were giving the working employees a bonus for working since they had to lay off half of their staff. The laid off employees were getting an extra \$600.00 and the employees that were working did not. COG was giving an equal benefit contribution to those employees pay that were not collecting unemployment. Michael Yeatts also advised that he has not received any information yet as to when meetings will resume.

Doug Robbins had nothing to report for Building, Park and Recreation. However, Maryjo Harakal stated that there were a lot of cancellations due to Covid-19 resulting in a large amount of money lost that had to be refunded. Maryjo Harakal also stated that the Borough Secretary attempted to salvage some of the rentals that are after the going green date of June 5, 2020 to which five rentals were postponed and three were cancelled altogether. One rental kept their date and one date was rebooked with another rental. Maryjo stated that we are allowed up to 250 people in the hall at one time. Clark Eberhart stated that you still have to self-distance to which Al Harakal stated that whatever max capacity is has to be cut in half. Clark advised that if the renters are not self-distancing we can get written up. Maryjo Harakal stated that we will be telling the renters that they have to self-distance as well as post disclaimers that they are responsible to follow the guidelines.

Henry Frei made a motion to re-open Henderson Park effective June 5, 2020. The motion was seconded by Cameron McConahy and passed with a roll call vote of Jim Carucci – Yes; Clark Eberhart – Yes; Doug Robbins – Yes; Cameron McConahy – Yes; Henry Frei – Yes; Michael Yeatts – Yes.

Al Harakal stated that he received one building permit for the Burrell's on Nora Street. There are building a little patio with a metal roof.

Clark Eberhart read the sewer bills for the month of June. Clark Borough is to pay \$1,810.96 with \$404.71 paid from South Pymatuning Township. Clark Eberhart made a motion to pay the sewer bills as read; this motion was seconded by Doug Robbins and passed with all present voting yes.

Cameron McConahy read the Fire Report for the month of May. The Clark Volunteer Fire Department responded to one call in May for a structure fire with assistance in South Py. Cameron McConahy made a motion to accept the Fire report as read. The motion was seconded by Clark Eberhart and passed with all present voting yes.

Jim Miller stated that everyone should've received the printout from Jon Wilson regarding the paving project. Jim Miller stated that the reason Jon Wilson was here is that Larry Habarka and Larry McKnight were in the borough looking at the roads to be paved, Larry Habarka called Jon Wilson that he needed papers from Penn Dot to fill out a bid. Jon Wilson contacted the Borough Secretary and advised that he could do some of these bids free of charge if it's within their comfort zone. The printout presented are Jon Wilson's findings/questions and council needs to decide what they want to do and then Monica Simko and Jim Miller can contact Jon Wilson the next day and advise him of council's decision. Jon Wilson would then do the bid and send it back to Monica to present. Jim Miller went through the printout with the first decision of Half Width versus Full Width, some paving companies can pave up to 24 feet at a time and since this is a residential area, the borough would be better off doing one side at a time, plus doing half width will give the smaller guy a chance to bid, which all bids need to be Penn Dot approved. The second decision is hot mix versus cold mix; they are both about the same and we would need new manhole covers. Jim Miller has a voicemail out to E&J out of Ohio. Third decision is completion date; when would the Borough like to have the job completed and when they want it started. Jon Wilson advised that since we were doing 3-3 ½ inches, there would need to be a foot of topsoil on each side of the road. What they do is bring in a mini paving machine, load it with topsoil then drops it as the machine goes up the roadway. The final decision is concrete adjustments; this pertains to residences with concrete driveways. Jon Wilson suggested going back 3 to 4 feet, they'll cut a key in the driveway, they'll pave back to that key and that key will support the blacktop from pushing back on the driveway. If the residents don't want that, then they will just get a little thing at the end. Jon Wilson and Jim Miller counted around 5 concrete driveways on Milton Street. If the borough decided to do that, Jim Miller would have to get a hold of the residents and see if they'll let the pavers cut the driveway and put 3 or 4 feet of paving in their driveway to give them a nice apron. Doug Robbins asked if Jon Wilson recommended cold mix or hot mix to which Jim Miller replied that Jon Wilson said to bid them both. Clark Eberhart believes that hot mix is the better option. Jim Miller stated that cold mix is self-healing and more flexible and a good product on roads without a lot of truck traffic, the hot mix can withstand heavier truck traffic and is a good product for roads with higher traffic volume. Jim stated that the borough doesn't get a lot of traffic outside of a school bus and garbage truck. Cameron McConahy asked if there were a difference on life expectancy to which Jim answered that the average life expectancy is 10 years roughly on a high traffic area. Larry McKnight told Jim Miller that the last time Milton Street was blacktopped was in 1978.

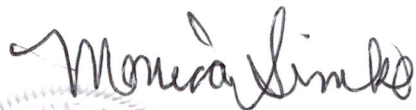
Doug Robbins advised that council make a decision on full width or half width. Henry Frei asked if Jon Wilson provided an estimate on time as to how long it would take to which Jim Miller stated that Jon Wilson said it would take about a day and half. Jim Miller stated that they would probably come in and pave one day and come back and do the berms. Henry Frei asked what the berm does to the ditching, to which Jim Miller replied that there aren't any ditches on Milton but since we are going up three inches, it is Penn Dot rule that we have to put that one foot on the berm and the borough does not need to do anything to accommodate ditching. Doug Robbins made a motion to bid half width, both hot and cold mix, go with adjustable manhole covers with a completion date of yesterday. The motion was seconded by Henry Frei and passed with all voting yes.

Henry Frei asked who is responsible for the entrance and exit at the Post Office and can we get in contact with him to fix the bump off of Charles.

Maryjo Harakal read the Police Report for the month of April. The Hermitage Police Department conducted 41.5 hours of patrol and answered 10 calls for service in the Borough of Clark. Doug Robbins made a motion to accept the report as read. The motion was seconded by Clark Eberhart and passed with all present voting yes.

Jim Carucci read the Payroll Distribution - General Fund Distribution and the State Liquid Fuels Distribution for the month of June. Henry Frei made a motion to pay the bills as read. The motion was seconded by Cameron McConahy and passed with all voting yes.

Doug Robbins made a motion to adjourn the meeting. The motion was seconded by Clark Eberhart with all present voting yes.



Monica M. Simko - Secretary/Treasurer