

CLARK BOROUGH
October 6, 2020 - 6:00 P.M.

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

UNFINISHED BUSINESS

Reminder of Budget meeting – October 16th @ 10am

NEW BUSINESS

Adopt Trick or Treat hours
Custodian back up needed
Utility Rates

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

ADJOURNMENT

September 1, 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 September 1, 2020 at 6:00 p.m. Others in attendance were Mayor Maryjo Harakal, Doug Robbins, Clark Eberhart, Larry McKnight, Cameron McConahy, Henry Frei, Monica Simko, Jim Miller, Ron Sanford and Attorney William Madden.

Visitors in attendance: Kelly Slemmer of Lakeside Acres Event Center, Sandee Winslow of Winslow Engineering, and Eric Jewell of Hermitage Police Dept.

Doug Robbins made a motion to accept the August 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 August. Clark Eberhart made a motion to accept the Treasurer's Report. This motion was seconded by Cameron McConahy and passed with all present voting yes.

Kelly Slemmer and Sandee Winslow were present to provide an update to the Lakeside Acres Event Center project. Kelly Slemmer stated that they are still waiting on the easement paperwork from the ACOE; they are doing an environmental study. Also, the only other item that she is aware of that she's waiting on is the tap-in paperwork and whether or not the paperwork for the Land Development Plan needs to go to the county. Sandee Winslow had provided a draft tap-in form for the Borough to review. She asked Clark Eberhart if there were any changes that need to be made on the form. Clark Eberhart advised that the following things need changed; the form needs to have an ordinance added that any house in the Borough that is attached to the septic, cannot have a garbage disposal. Attorney Madden asked if it were inclusive of the whole gray water system or just the septic. Per Clark Eberhart, it is the whole gray water system. Larry McKnight advised that it was for the septic tanks that were located in the Bobby Run Project and the homes built after the project completion were not included in that ordinance, but they were to be responsible of paying for the septic tank pumping. Sandee Winslow asked if we can proceed with the current form for Lakeside Acres since that ordinance won't apply to their business.

Sandee Winslow mentioned that she did have a request to waive the tap-in fee. Clark Eberhart stated that he would love to do it, however, if we do it for one, we will have to do it for everyone. On top of all the prior individuals that have already paid, he doesn't agree that we should waive the fee. Henry Frei asked if we could make an exception for commercial. Sandee Winslow advised against that, as well as Clark Eberhart. Doug Robbins stated that if the borough was responsible for any issues then he can see waiving a portion of the fee. Clark Eberhart made a motion that the Borough does not waive the tap-in fee. The motion was seconded by Doug Robbins and passed with a roll call vote of Jim Carucci – Yes, Doug Robbins – Yes, Clark Eberhart – Yes, Cameron McConahy – Yes, Larry McKnight – Yes, Henry Frei – Yes.

Sandee Winslow addressed the Land Development Plan. She had submitted excerpts from the MCRPC and the Clark Ordinances to Attorney Madden and asked if he had any thoughts on how that is going to be handled with the county. Mr. Madden stated that he spoke to Dan Gracin who believes that the County Ordinance applies to this situation and that the plan should be submitted. Sandee asked Mr. Madden how he read the ordinance, to which Mr. Madden stated that he relies on Dan to say 'this is how the county interprets the ordinance'. Sandee Winslow stated that if the Borough is going to require that the land Development plan be submitted, they need submitted to MCRPC, they will review them and with their recommendations and require a Mylar to be recorded at the courthouse. She is not clear on whether there will be a review fee. They do not have approval authority, which lies with the Borough. Attorney Madden stated that the Land Development Plan will reflect everything about the project, except the building, what has been approved for the project pertaining to site and use of land which then becomes recorded at the courthouse and is there as a matter or record for protection of the Municipality and owner of the property if any dispute arises down the road.

Sandee Winslow stated that the Borough Ordinance does not define a land development plan. Under the requirements, states subdivision, not land development plan. Nothing is in the ordinance that states a land development plan is required. Attorney Madden stated that the county ordinance will review and make recommendations but the final say is up to the Borough.

Kelly Slemmer stated that they came to the Borough in March of 2019 to notify of the project and did not receive any information of these requirements until December, so there is a big stretch of time where they thought they were on the right path and doing the right thing. They are doing their best to work through this and also stated that if the Borough does not have an ordinance that specifically states, like Hermitage does, that if your plan is 'this large' you do this, and if it's 'this large' you do that, is there anything that the Borough can be let go of. Kelly stated that now is not the time to be 'catching things'. These decision and ordinances were created for a reason at some sort of specific timeline and asked if they had ever been reviewed or updated afterwards. To which Maryjo Harakal stated that the problem is that the ordinances are outdated and need to be updated. Maryjo stated that since she came onto council, the Borough has not had a business come in so this is the first time for us to go through this as well. Clark Eberhart stated that this is the reason the Borough relies on businesses like Winslow's and Richardson's or the Solicitor to answer things that we do not know.

Henry Frei addressed Kelly Slemmer's comment regarding Hermitage vs Clark, stating that Hermitage is a municipality of 17,000 residents and has essential businesses making them aware of situations like this. Clark is a municipality of around 600 residents to which Lakeside Acres is basically the Borough's guinea pig. Everything that the Slemmer's have come up against is the first time the Borough has also. Henry Frei stated that we as council appreciates her frustration but also thinks that whatever is decided at this meeting, we will have to deal with the consequences if another business comes in in the future. Henry Frei thinks it is appropriate to make a motion for The Slemmer's to prepare a document to go to the county and have it reviewed then revisit this at that time

to find out if council wants to make revisions or grandfathering them in and going forward with a different ordinance.

Maryjo Harakal asked for Larry McKnight's thought on this, since he has been around the longest, whether council has missed something like updating an ordinance. Larry McKnight stated that the closest situation similar to this was when the Winner's expanded the Tara's physical building size, at that time, we didn't have the building regulations that we have today. That also included the parking lot across from the main building that had to be modified with some earth work that needed the State approval.

Doug Robbins would like to open them up and give them the occupancy permit while this is ongoing. Clark Eberhart asked Attorney Madden if we can do that and give them the ok. To which Mr. Madden stated that council can issue a temporary occupancy permit with contingencies, that is Contingent on Lakeside Acres submit the plan to the county and the council's review to the plans recommendation for any amount of time.

Maryjo Harakal asked Sandee Winslow that if council approves a contingent temporary occupancy permit, while the loose ends are being tied up, is there anything else that she sees could come up. Sandee Winslow stated that these issues are the only things that she has ever seen come up and doesn't see anything down the line.

Henry Frei made a motion to authorize a temporary occupancy permit contingent on diligently pursuing the submission of the land development plan to the county for finalization to Lakeside Acres to be effective immediately and expire on 01/01/2022. The motion was seconded by Jim Carucci and passed with a roll call vote of Jim Carucci – Yes, Doug Robbins – Yes, Clark Eberhart – Yes, Cameron McConahy – Yes, Larry McKnight – Yes, Henry Frei – Yes.

Maryjo Harakal stated that the original date set for the budget meeting, October 23rd, needs to be changed to October 16, 2020 due to prior personal commitments. Only three councilmen can attend and to let her know at the October meeting.

Mayor Maryjo Harakal asked if there were any more questions for Attorney Madden. No further questions were presented. Attorney Madden was dismissed.

Clark Eberhart read the Sewer bills for the Month of September. Clark Sewer committee is to pay \$1,626.89 with South Pymatuning to reimburse \$313.39. Clark Eberhart made a motion to accept the sewer bills as read. This motion was seconded by Cameron McConahy and passed with all present voting yes.

The Borough's Association has cancelled all meetings through the end of 2020 and will advise in December if the January 2021 meeting will be held.

Doug Robbins recommends not sending a refund for the August 22nd rental for a wedding reception due to the police having been called for fighting in which Chief Jewell advised three people were charged. Henry Frei made a motion to not send a hall refund to Mr.

and Mrs. Gill. The motion was seconded by Cameron McConahy and passed with all voting yes.

Cameron McConahy read the Fire Report for the month of August. The Clark Volunteer Fire Department responded to three calls in August; one auto accident in Transfer, one auto accident in Clark and one down wire in Clark. Ron Sanford advised that the 911 center advised that it would be fixed within 24 hours to which 48 hours later and it is still not fixed. Clark Eberhart made a motion to accept the Fire report as read. The motion was seconded by Henry Frei and passed with all present voting yes.

Ron Sanford advised that he replaced the gate lock and gave a key to Al Ruth and Monica Simko, who gave the key to Jim Miller.

Ron Sanford stated that the CVFD would like to extend the parking lot by the turkey shoot building up to the railroad ties. There is an area of grass where the walkway goes, about 10' by 24'; they would like to lay gravel for more parking. Jim Carucci made a motion to authorize the CVFD to extend the parking lot to the railroad ties. The motion was seconded by Clark Eberhart and passed with all present voting, yes.

Cameron McConahy read a letter submitted by Monica Simko requesting approval to transfer funds online from the Fire account to the General Fund account for reimbursement of custodial cleaning expense from the Steak Fry fundraiser. Cameron McConahy made a motion to authorize the online transfer of funds. The motion was seconded by Doug Robbins and passed with all present voting, yes.

Jim Miller reported that the Borough red truck needs new tires. He received a quote from Archibald Tires in the amount of \$630.89. Doug Robbins made a motion to purchase new tires for the Borough red truck. The motion was seconded by Jim Carucci and passed with all present voting, yes.

Larry McKnight presented training opportunities that don't really apply but are available.

Larry McKnight advised that the final billing for the seal coat program has been received in the amount of \$11,294.94. Larry McKnight made a motion to pay the invoice after speaking to Jon Wilson to ensure no comments needs addressed, also for approval to transfer funds online from the Liquid Fuels Savings account to the Liquid Fuels Checking account for funds, in the amount of \$13,294.94 to cover monthly bills. The motion was seconded by Doug Robbins and passed with a roll call vote of Jim Carucci – Yes, Doug Robbins – Yes, Clark Eberhart – Yes, Cameron McConahy – Yes, Larry McKnight – Yes, Henry Frei – Yes.

Larry McKnight stated the Liquid Fuels allocation to be considered at the budget meeting is \$26,946.36 which is a lower amount from previous years.

Risers for the manholes have arrived and to be paid from the sewer committee. Monica Simko asked if a check can be written from the sewer or does it need paid by the Borough

and refunded by the sewer. Clark Eberhart made a motion to pay the invoice for the manhole risers from the sewer committee. The motion was seconded by Jim Carucci and passed with all present voting yes.

Doug Robbins requested that a letter be given to the residents affected by the paving project giving them notifying them of the project. Monica Simko volunteered to hand deliver the notice to the residents of Milton and Nora Streets the last week of September, also to put it out on the Facebook page.

Maryjo Harakal read the Police Report for the month of July. The Hermitage Police Department conducted 43.5 hours of patrol and answered 12 calls for service in the Borough of Clark. Jim Carucci made a motion to accept the report as read. The motion was seconded by Doug Robbins and passed with all present voting yes.

Jim Carucci asked Chief Jewell there is an issue at the lake since there have been so many overdoses on Clay Furnace and Neshannock Roads within a half mile of each other. To which, Chief Jewell advised that there is nothing on his radar and sometimes things like this just happen and tragically this happens more often than not.

Maryjo Harakal read the following correspondence received: The PSAB stated that there is no change in the UC rate and will stay at .0285 through 2021. The Schultz/Mattocks family sent a thank you card for the use of the building for the funeral dinner of their daughter/wife. The House Bill 1069 may be amended, if approved, to require a public agency, including boroughs, to post public meeting agendas no later than 24 hours prior to the start of the meeting.

Larry McKnight advised that there is a PRWA Flagger Training course coming up on October 15, 2020 and his opinion is that Jim Miller and someone else should attend to receive a flagger certification.

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

Jim Carucci made a motion to adjourn the meeting. The motion was seconded by Henry Frei with all present voting yes.

Monica M. Simko - Secretary/Treasurer



TREASURER'S REPORT

As of September 30, 2020

GENERAL ACCOUNT

Checking -	\$153,267.95
Savings -	\$125,061.48

BUILDING FUND

Savings	\$11,981.99
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CAPITAL RESERVE ACCOUNT

Savings	\$35,827.36
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EQUIPMENT RESERVE

Checking	\$3,176.25
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FIRE PROTECTION ACCOUNT

Savings	\$4,870.52
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STATE LIQUID FUELS

Checking	1199.88
Savings	\$101,660.48