

Meeting Agenda
State College Borough Design Review Board
January 19, 2016
Room 241 / 10 a.m.

- I. Call to Order**
- II. Roll Call**

Richard Bryant, Chair
Justin Wheeler, Vice-Chair
Richard Devon
W. Bond Reinhardt, new member
Alexandra Staub, new member
- III. Approval of Minutes – *December 15, 2015***
- IV. Chair Report**
- V. Public Hour - Hearing of Citizens**
- VI. Election of Officers**
- VII. Signs**
 - A. Replacement Sign, St. Vincent DePaul Store, 526 Westerly Parkway, CP3 Zoning District

Attached to the agenda is a copy of the proposed sign. The sign is proposed to replace the original sign. The sign area meets the ordinance requirements.

The proposed sign is attached on **pages 8-9**.

Design Review Board Action (DRB): Provide feedback on the sign's design, placement and effectiveness. Because the property is located in a planned commercial district, DRB review is required before the permit can be issued. Authority for issuing the permit is vested with staff. A formal motion is required.
 - B. Replacement Ground Pole Sign, Office Building, South Allen Street, CP2 Zoning District

Attached to the agenda is a copy of the proposed sign. The sign is proposed to replace the original sign. The sign area meets the ordinance requirements.

The proposed sign is attached on **page 10**.

Design Review Board Action (DRB): Provide feedback on the sign's design, placement and effectiveness. Because the property is located in a planned commercial district, DRB review is required before the permit can be issued. Authority for issuing the permit is vested with staff. A formal motion is required.

VIII. Work Program

A. Review of Borough-owned Streetlight Poles for Wireless Installations by Crown Castle

On November 2, 2015, Council received the proposal for the installations in the public right-of-way. The purpose of the installation to enhance the wireless network and serve the immediate area of each installation. The applicant has reviewed the aesthetic of the community and has selected an installation that is not intended to detract from the existing light installations. The installations are proposed to be installed on existing infrastructure in the right-of-way.

Attached to the agenda on **pages 11-17** are select sheets from the Crown Castle submission. The information provided shows a map showing the proposed installation locations as well as a photo simulation and a construction drawing for Fraser Street and West College Avenue, High Street and East Beaver Avenue and West Nittany Avenue and South Atherton Street intersections.

Design Review Board Action: Receive and review the proposed installation. This review is advisory and comments can be made on the proposal but are not required.

B. Draft 2016 Work Program

Borough Council will review the 2016 ABC Work Programs during their February 8, 2016 meeting. In order to prepare the DRB's program to meet this deadline, the DRB and staff will begin to discuss the 2016 Work Program during this meeting. The Board can approve the program to forward to Borough Council during this meeting or the February 2, 2016 meeting.

Page 18 include a draft of staff's recommendation for the 2016 Work Program.

Design Review Board Action: Review the drafted 2016 Work Program and discuss. If needed, provide feedback to staff in order to update the draft program for approval at the February, 2016 meeting. If no revisions are necessary, the DRB may vote to forward the program to Council.

IX. Official Reports and Correspondence

- A. Tree Plan Update – Alan Sam, Borough Arborist will present an updated Municipal Tree Plan.
- B. Borough Council
- C. Planning Commission
- D. Conflict of Interest Policy

X. Adjournment

**Meeting Minutes
State College Borough Design Review Board
December 15, 2015**

The State College Borough Design Review Board (DRB) met on Tuesday, December 15, 2015 in the State College Borough Municipal Building, 243 South Allen Street in Room 241. Chairman Bryant called the meeting to order at 10:00 a.m.

Members present

Chairman Rick Bryant, Richard Devon, Ute Poerschke and Justin Wheeler

Others Present:

Anne Messner, Planner/Zoning; Alan Sam, Environmental Coordinator/Arborist; Richard O'Donald, Penn State University, OPP (PSU); Mark Saville and David Pike, Sweetland Engineering; John Nolan, DLA Architects; Paul King, EYP Architecture & Engineering; Mara Baird, MLB & Co. and Denise Rhoads, Staff Assistant

Approval of Minutes

Mr. Devon made a motion to approve the November 17, 2015 minutes as submitted and Ms. Poerschke seconded the motion. The vote was unanimously in favor.

Chair Report

Chairman Bryant had nothing to report.

Public Hour

No one in the audience wished to discuss items not on the agenda.

Land Development Plan

Final Land Development Plan for New Residence Hall Building and Renovations with Additions to Existing Residence Halls for the East Halls Complex, The Pennsylvania State University, owner, UPD Zoning District, Sub district 5, Sweetland Engineering, Engineer and DLA Architecture and Mackley Mitchell Architects, Architects

Mr. O'Donald's presentation included:

- The proposed project is located on the north side of campus within the East Halls Housing complex. This is part of a multi-phased project to renovate the existing residence halls and provide swing space for student residents until all of the residence halls are renovated. This land development is phase one and includes the construction of one residence hall and the renovation of five residence halls. Four of the residence halls will also have modest expansions as part of the renovation work. The new building is a 6-story dormitory for approximately 360 students on the existing open space north of Findlay Hall.

- The residence halls that will be renovated and expanded as part of this phase are Brumbaugh, Pinchot, Sproul and Tener. Stuart Hall is proposed to be renovated with no expansion to the building footprint.
- Some parking will be removed and relocated in the East Hall complex.

Mr. Saville discussed the site plan and his comments included:

- Infrastructures are developed through a tunnel system developed years ago. It has been a plus for them to be able to save the current trees and landscape by using these tunnels.
- They will be routing new utilities through the tunnels.
- There will be a net reduction of impervious area for this site and a small portion will drain into Thompson Run.
- Some storm water infrastructure will be on site.
- They will increase elements of bike storage.
- They will be reducing the basketball court areas.
- There will be a large plaza space in the middle of all these buildings. This will be used as a significant gathering space especially for freshman.

Mr. Nolan's presentation included:

- Their desire is to enhance the character of the building.
- They would like to develop vertical glass areas that will enclose lounge spaces on each floor.
- There will be two different wings with approximately 30 beds on each wing.
- Some of the materials they will be using are cast stone water table at the base, buff brick to match the lighter color brick with field brick mixed in and cast stone on the top of the parapet,
- Mr. Nolan noted the amenities are comparable in each building.

Commissioners' comments included:

- Mr. Devon really likes the glass and asked if they will be using a low reflective glass. Mr. Nolan stated yes.
- Ms. Poerschke asked why the new building is six stories. Mr. O'Donald stated the mechanicals on the building contributed to part of it.
- Chairman Bryant stated he did not like the pathways leading to the new residence hall.
- Chairman Bryant asked if the same lines will be kept when working on the other buildings. Mr. O'Donald stated yes.
- Ms. Poerschke stated the developers did the right thing with this proposal. She did ask how many parking spots would be removed and Mr. Saville stated it would be about 60.
- Mr. Wheeler stated there are very thoughtful upgrades. He stated he is happy about the preservation of trees and the softscape of the bench areas and overall he likes the proposal.
- Mr. Devon asked to what extent is LEED being pursued. Mr. O'Donald stated it will be certified LEED.

Final Land Development Plan for New Residence Hall Building, North Halls, The Pennsylvania State University, owner, UPD Zoning District, Sub district 5, Sweetland Engineering, Engineer and EYP Architecture and Engineering

Mr. O'Donald's presentation included:

- There will be a Passkey into Warnock Commons.
- They are changing from double rooms to suites.
- A lot of work will be done to the footprint in the Mackey Building.

Mr. King's presentation included:

- The idea that Stuckeman Hall does not have an entrance started this proposal.
- There will be double bed rooms with a total of 310 beds with the ground floor being entirely of beds on the southern wing.
- There will be common spaces on each floor with smaller lounges and study nooks.
- Mr. King noted there is one staff apartment on the ground floor.
- It will be predominately brick.

Commissioners' comments included:

- Mr. Devon wanted to know if they thought about pathways through the heart of the building. Mr. King stated that would be tricky.

Ms. Baird's presentation included:

- She discussed the desire to create good landscaping and open spaces.
- She noted they want to preserve the existing trees as much as possible.
- There will not be a lot of hardscape. She discussed plantings and wanting to create tree lined corridors.

Mr. Pike's presentation included:

- There will be a reduction of 705 square feet of impervious area.
- He stated they are proposing a super extended retention facility for storm water management.
- They will be reducing peak flow rates.
- Other existing utilities are a water main which they will be extending to an eight inch water line and sanitary sewer that runs through the existing parking lot.
- He noted the remainder of storm water will flow into the underground retention system.
- They will be adding a new utility tunnel to add new utilities.
- Permits required will be for sewer, erosion control and zoning.

Mr. Sam asked if they looked at rain water harvesting. Mr. Pike stated they are in the process of drafting a land water harvesting master plan with a consulting firm.

Commissioners' comments included:

- Mr. Devon asked if they would consider plantings to attract butterflies. Ms. Baird stated the focus is on making this attractive to humans.
- Mr. Wheeler stating planting a lawn is just a baby step towards actual pavement.
- Mr. Devon stated they are doing a wonderful job with the landscaping.
- Ms. Poerschke stated, in general, she agrees with the proposal.

2016 Meeting Calendar

A motion was made to approve the 2016 Meeting Calendar by Ms. Poerschke and seconded by Mr. Wheeler. The vote was unanimously in favor.

Official Reports and Correspondence

Borough Council: Ms. Messner reported that Council has been working on their budget. At last night's work session, there was good citizens' input. They canceled today's meeting on the budget. There is anticipation that the budget will be decided on at Monday night's meeting.

Mr. Sam stated the Holmes-Foster Master Plan could be approved with the changes next week by Council.

Planning Commission: Ms. Messner reported the PC will be reviewing these same plans that were reviewed by the DRB today. She did discuss the presentation that Sarah Klinetob, Council member, presented to the PC. Ms. Messner noted that cost could be an issue. She stated staff is in a conversation with PSU to see if they are willing to give out that kind of information.

Adjournment

With no further business to discuss, this meeting was adjourned at 11:22 a.m. by Mr. Devon.

Respectfully submitted by,
Denise L. Rhoads, Staff Assistant

St. Vincent de Paul Society
THRIFT STORE



St. Vincent de Paul
Thrift Store

16'

13'

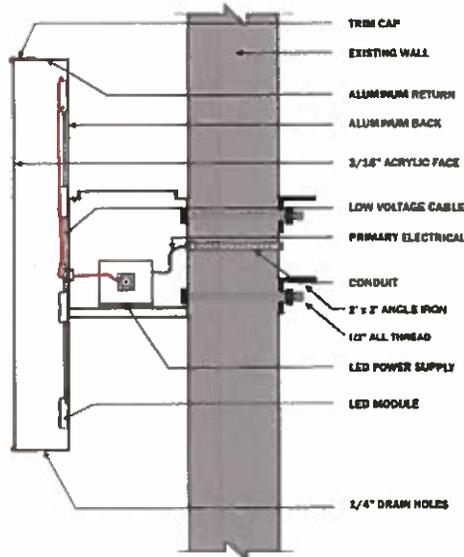


ALTOONA NEON & SIGN SERVICE

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65% + sales tax is due with the signature of this art approval and/or proposal. Remaining balance + permit costs (if applicable) is due at time of installation/receipt of product.

169"



Standard Face Lit -
LED Illuminated w/ Raceway

- 5" deep .040 aluminum returns color black
- 1" plastic trim cap color dark blue
- 3/16" plexiglass faces acrylic 7328 white & 2050 blue
- .063" aluminum backs
- wallbuster LED passthrough
- Generation 2 Aurora white LEDs
- (2) Keystone 12V 60W LED driver power supply transformers mounted in raceway with disconnect switch
- 2" flat aluminum mounting brackets top and bottom
- 8" x 8" & 5" x 5" continuous extruded aluminum raceway painted to match fascia color SW Harbor Gray



8"
6"

5'-0"
4'-0"

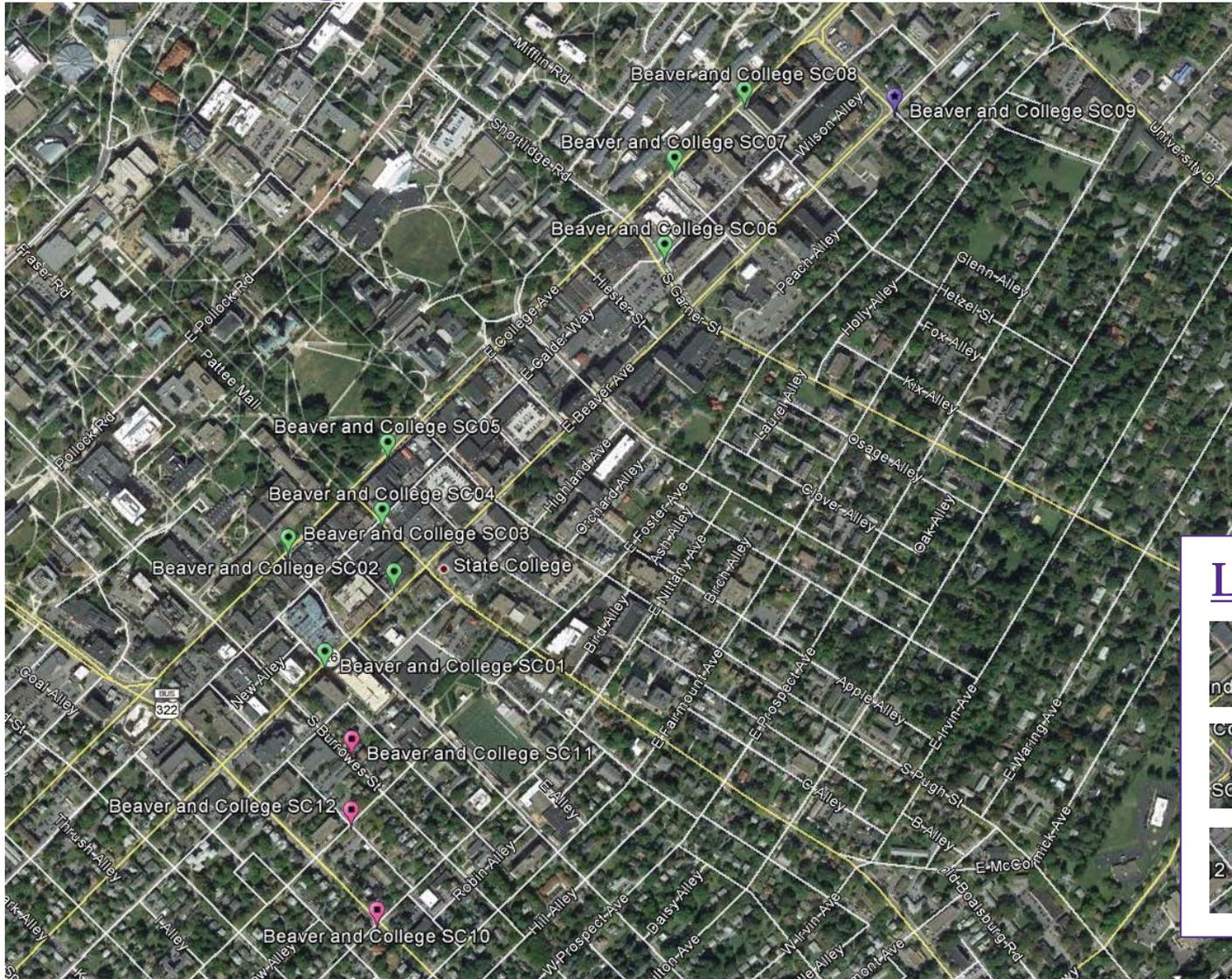


4'-4" H X 5'-0" W SINGLE FACE NON-ILLUMINATED ALUMINUM SIGN
 8" H X 3'-2" W ALUMINUM TOPPER
 4" H & 5" H ARCHITECTURAL GEMINI MINNESOTA LETTERS
 1'-6" H X 4'-0" W REALTOR PANEL WITH 1 1/2" STAND-OFFS
 PAINTED BLACK BACKGROUND SEMI-GLOSS
 INSTALL ON 3" ~~ROUND~~ TUBES

SQUARE FEET:
 5 X 5 = 25 SQUARE FEET

KEYSTONE REAL ESTATE SOUTH HILLS OFFICE CENTER (STATE COLLEGE, PA)	SCALE: 1/2" = 1'-0"	CUSTOMER APPROVAL	SIGNED:	DATE:
	DRAWN BY: C.K.	LISTED Location: #884808-001 File: #E155468 <small>THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 800 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.</small>	SEKULA SIGN corporation 811 South Brady Street P.O. Box 395 DuBois, PA 15801 Phone: (814) 371-4650 Fax: (814) 371-8261 www.sekulasigns.com	© Sekula Sign Corporation <small>This is an original unpublished drawing, created by Sekula Sign Corporation. It is submitted for your exclusive use, in connection with a project being planned by Sekula Sign Corporation. It is not to be shown to anyone outside your organization, nor is it to be used, reproduced, copied or exhibited in any fashion. This drawing is property of Sekula Sign Corporation.</small>
	REVISION: 12-21-15			
NO. B-3423-15C	DATE: 11-6-15			

State College, PA



LEGEND



Acorn Pole Design



Shepard's Hook Pole Design



Wooden Utility Pole Design

EXISTING CONDITIONS



For visual reference only. Actual visibility is dependent upon weather conditions, season, sunlight, and viewer location.



NB+C ENGINEERING SERVICES, LLC.
6095 MARSHALLE DRIVE, SUITE 300
ELK RIDGE, MD 21075
(410) 712-7026



CROWN CASTLE NG EAST, LLC
2000 CORPORATE DRIVE
CANONSBURG, PA 15317
(713) 570-3000

NORTHLAND BOWLING
BEAVER AND COLLEGE SC 3
CROWN CASTLE NODE BU #920413
132 W COLLEGE AVENUE
STATE COLLEGE, PA 16801
BOROUGH OF STATE COLLEGE

REVISIONS

REV	DATE	DESCRIPTION	BY
D	01/8/16	REVISED	NGK
C	10/19/15	REVISED	RNC
B	03/23/15	95% SUBMISSION	JTD
A	02/27/15	PRELIMINARY	JTD

ENGINEER
APPLICANT
SITE INFORMATION
DESIGN RECORD
PROFESSIONAL STAMP
ENGINEER
SHEET TITLE
SHEET NUMBER

PHILIP BURTNER, P.E.
PA PROFESSIONAL ENGINEER LIC. #043981-R

SITE PLAN & ELEVATIONS

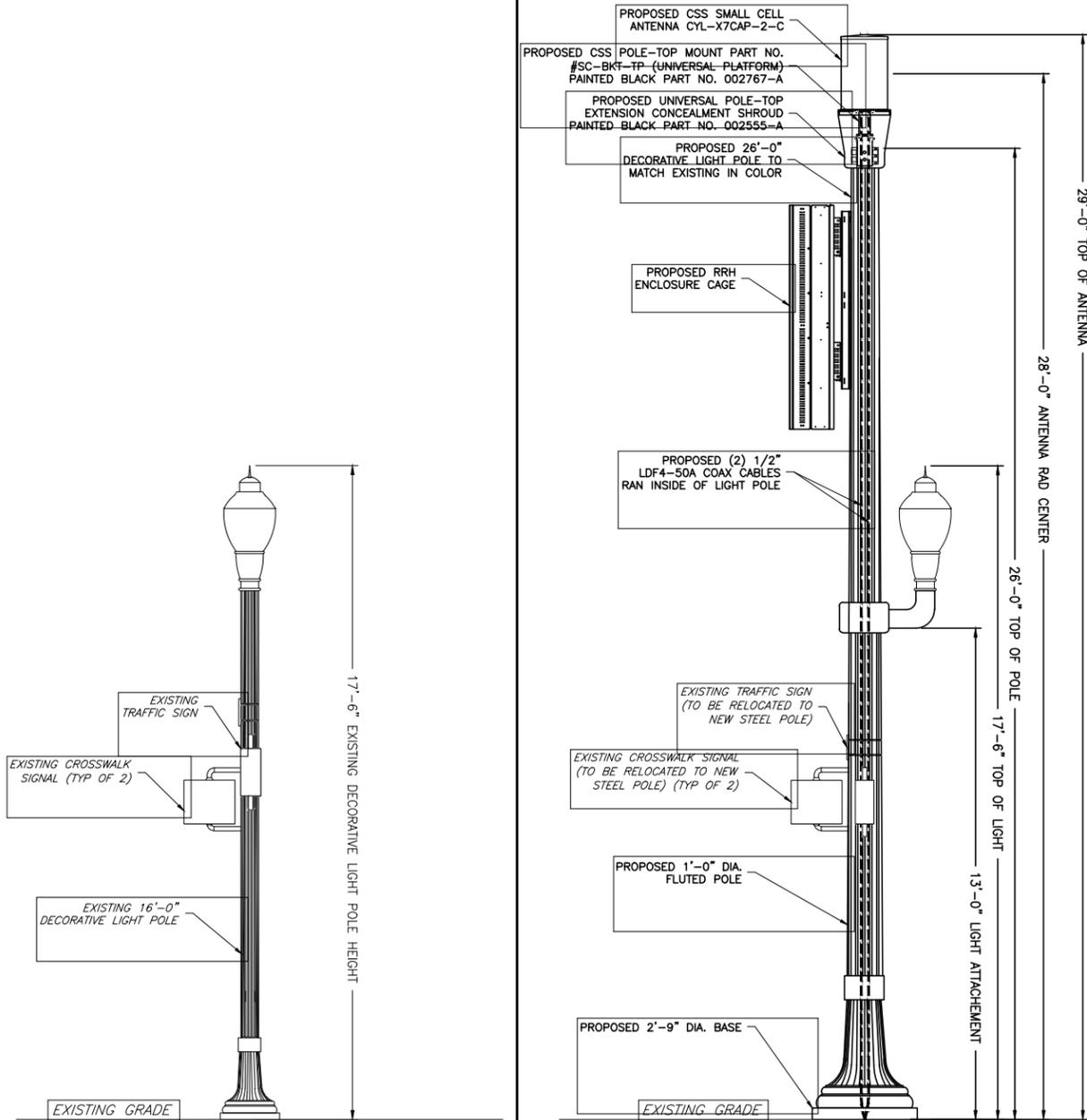
C-1

BILL OF MATERIALS

1. CSS SMALL CELL ANTENNA X-POL 24" x 15.1" (HxDIA.) - 22 lbs
2. CSS ANTENNA MODEL
CYL-X7CAP-2-C-698-896/1710-2170MHz
3. PROPOSED CSS POLE-TOP MOUNT PART #SC-BKT-TP (UNIVERSAL PLATFORM) PAINTED BLACK PART NO. 002767-A
4. PROPOSED DECORATIVE LIGHT POLE (26'-0" STEEL)
5. PROPOSED (2) 1/2" LDF4-50A COAX CABLES
6. PROPOSED (2) TRIPLEXERS COMMSCOPE PART NO. CBC71921-DF
7. DC DISCONNECT PANEL BOX - 6 lbs SWITCH PACIFIC TECHNICAL SOLUTIONS PART NO. PTS3010-4X-T

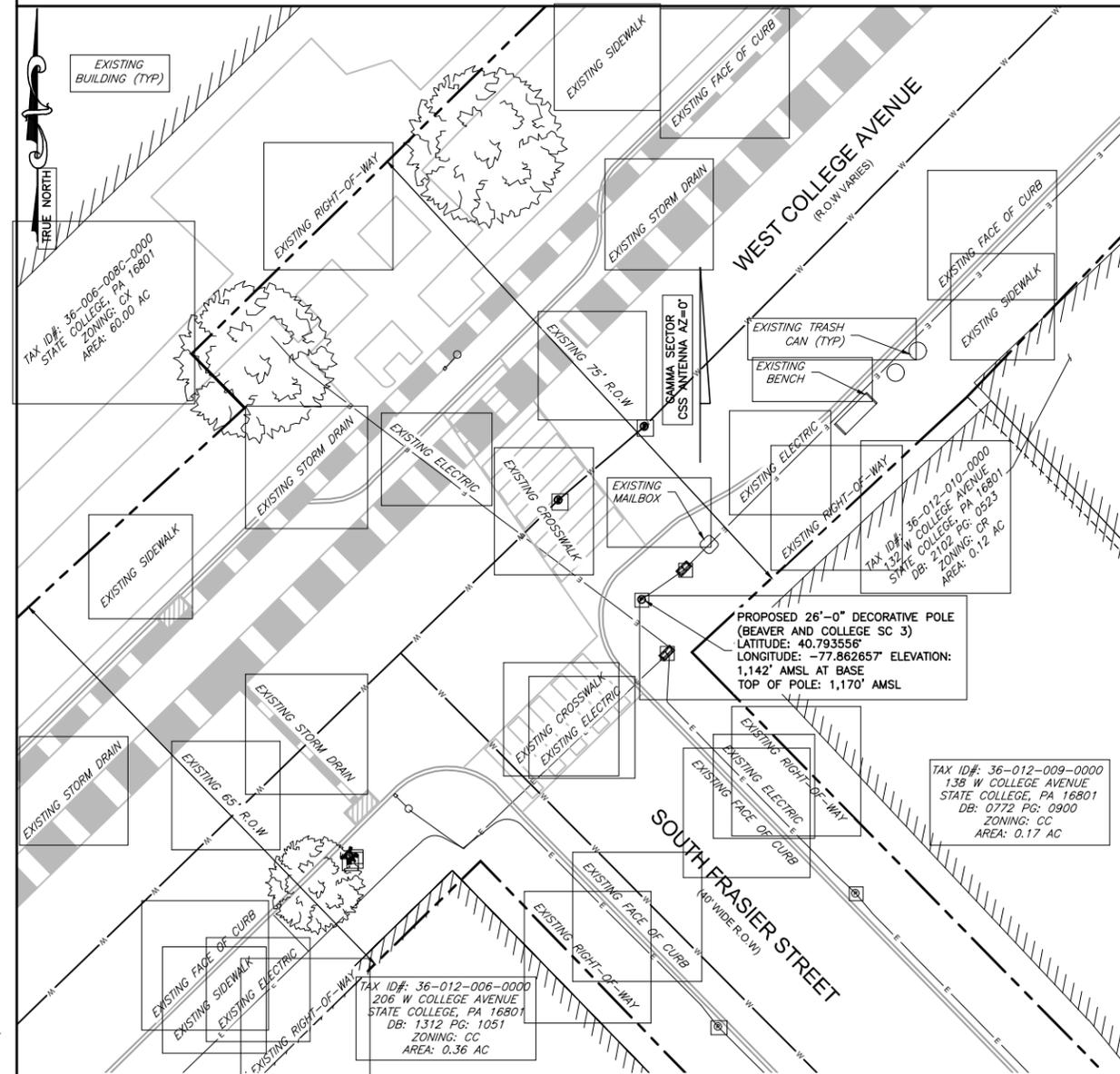
LEGEND

---	PROPERTY LINE - ABUTTERS	+	EXISTING LIGHT POLE
---	EXISTING RIGHT OF WAY	-	EXISTING SIGN
---	EXISTING FENCE LINE	⊗	EXISTING UTILITY POLE
---	EXISTING ROAD	⊙	EXISTING DECORATIVE LIGHT POLE
G	EXISTING U/G GAS LINE	⊖	EXISTING TRAFFIC POLE
S	EXISTING U/G SEWER LINE	⊕	EXISTING FLAG POLE
T	EXISTING U/G TELEPHONE LINE	⊠	EXISTING FIRE HYDRANT
E	EXISTING U/G ELECTRIC LINE	+	PROPOSED LIGHT POLE
OHW	EXISTING OHW UTILITY WIRE	•	PROPOSED FLAG POLE
W	EXISTING U/G WATER LINE	⊗	EXISTING TREE
▭	EXISTING BUILDING	▭	EXISTING STORM DRAIN INLET
---	EXISTING FIBER RUN		
---	PROPOSED FIBER RUN		

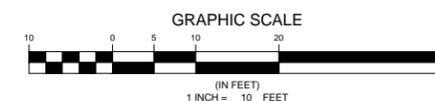


2 EXISTING POLE ELEVATION
SCALE: 1/2" = 1'-0"

3 PROPOSED POLE ELEVATION
SCALE: 1/2" = 1'-0"



1 SITE PLAN
SCALE: 1" = 10'



EXISTING CONDITIONS

PROPOSED CONDITIONS

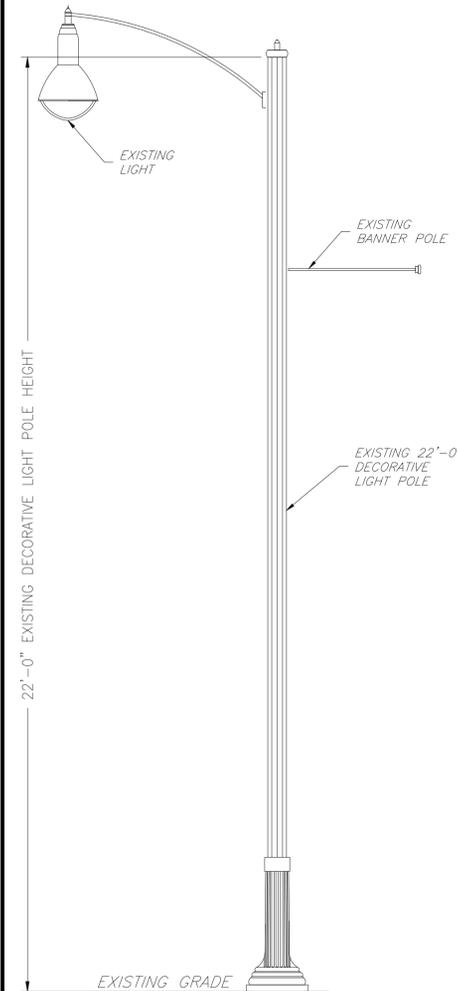
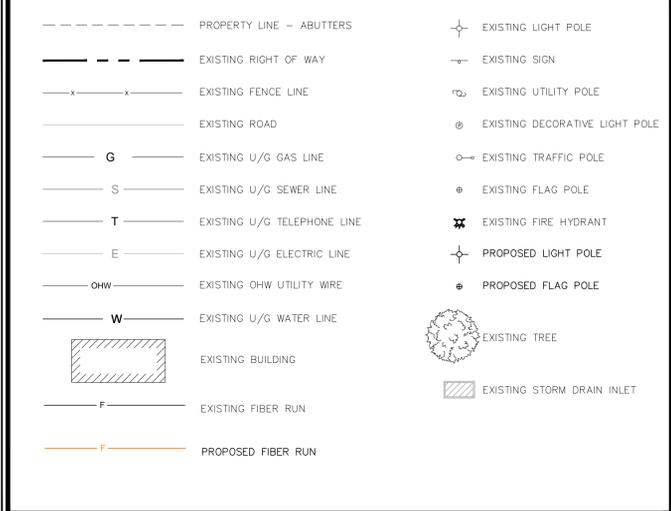


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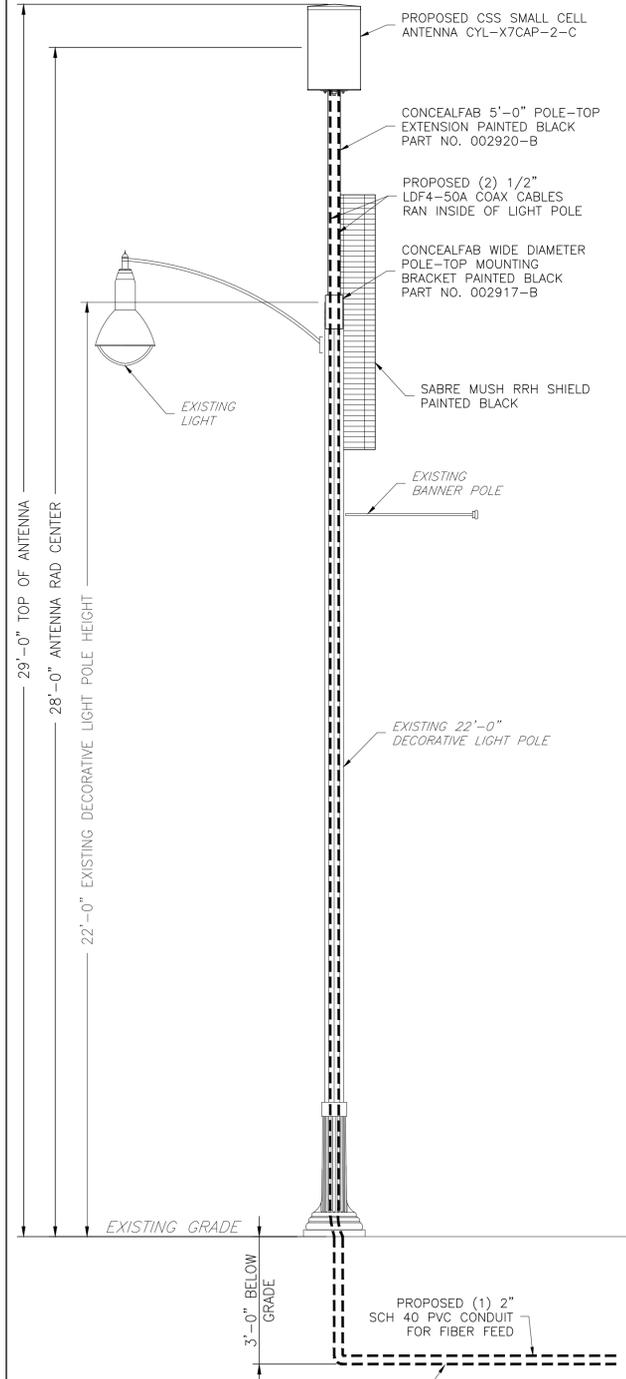
BILL OF MATERIALS

1. CSS SMALL CELL ANTENNA X-POL 24" x 15.1" (HxDIA.) - 22 lbs
2. CSS ANTENNA MODEL
 CYL-X7CAP-2-C-698-896/1710-2170MHZ
3. CONCEALFAB WIDE DIAMETER POLE-TOP MOUNTING BRACKET PAINTED BLACK PART NO. 002917-B
4. EXISTING DECORATIVE STEEL LIGHT POLE (22'-0" STEEL)
5. PROPOSED (2) 1/2" LDF4-50A COAX CABLES IN (1) NEW 2" PVC CONDUIT
6. PROPOSED (2) TRIPLEXERS COMMSCOPE PART NO. CBC71921-DF
7. DC DISCONNECT PANEL BOX - 6 LBS SWITCH PACIFIC TECHNICAL SOLUTIONS PART NO. PTS3010-4X-T
8. PROPOSED (1) 3'-0"x5'-0" CONCRETE CABINET PAD
9. PROPOSED (1) 3" SCH. 40 PVC CONDUIT FOR ELECTRICAL FEED
10. PROPOSED (1) 2" SCH. 40 PVC CONDUIT FOR FIBER FEED

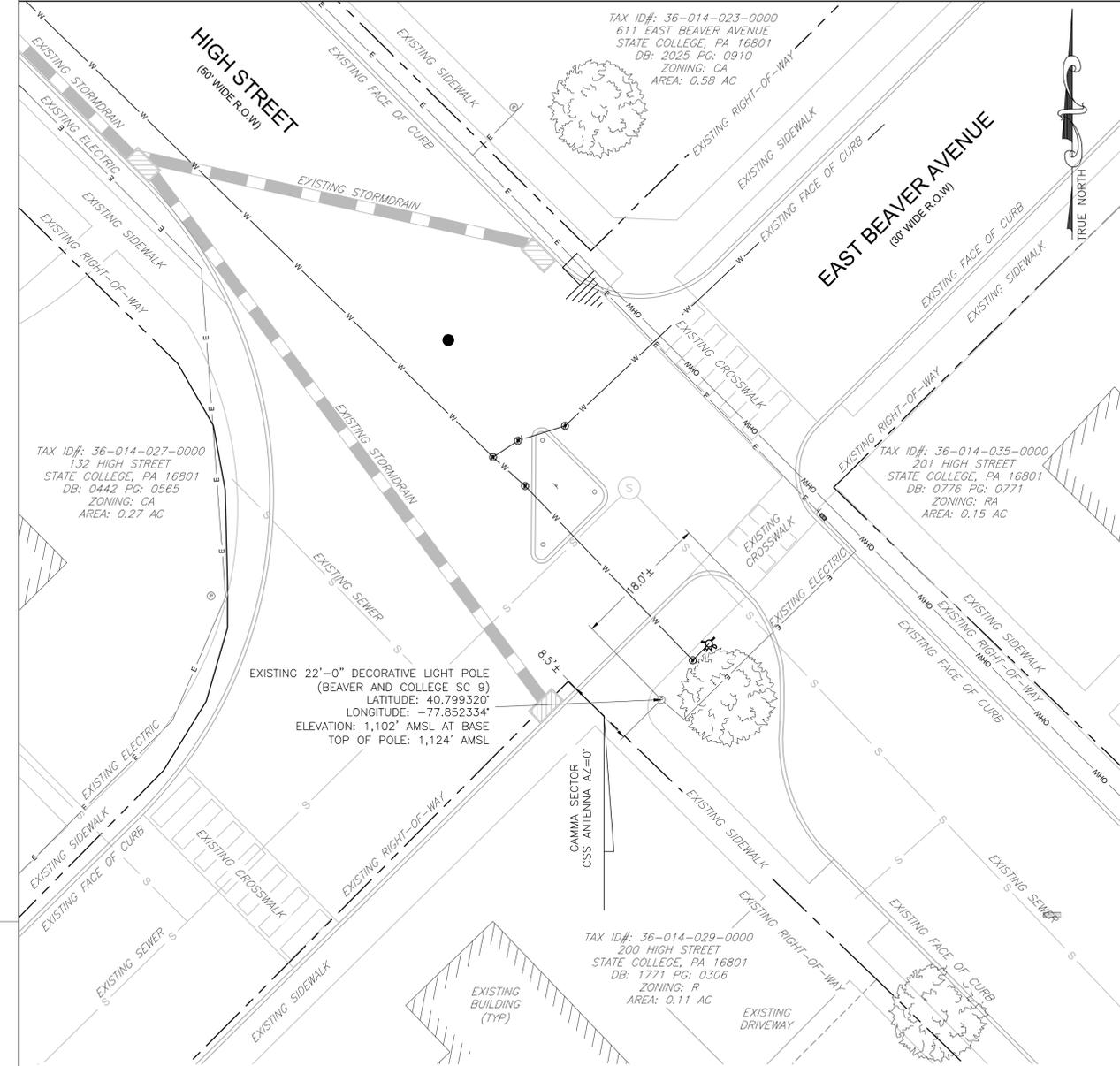
LEGEND



2 EXISTING POLE ELEVATION
 SCALE: 1/2" = 1'-0"



3 PROPOSED POLE ELEVATION
 SCALE: 1/2" = 1'-0"



1 SITE PLAN
 SCALE: 1" = 10'

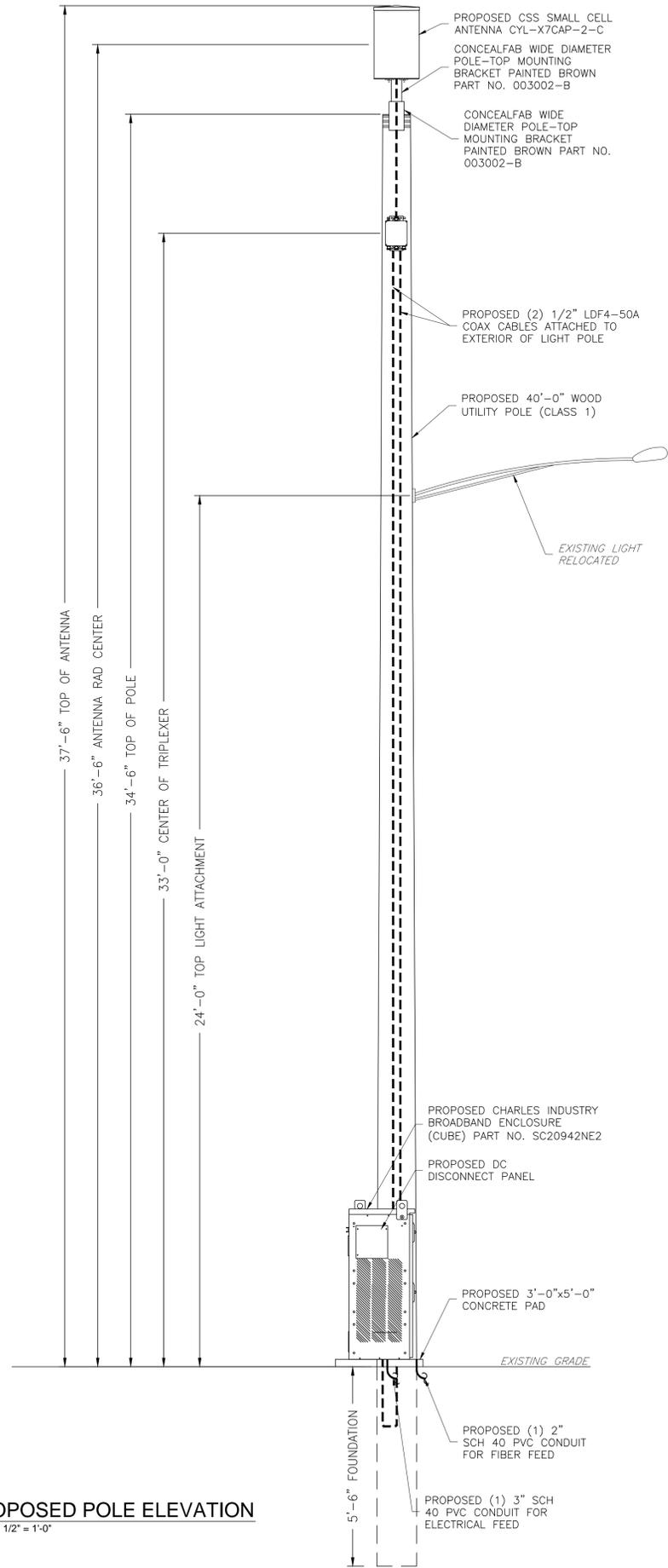
ENGINEER	 TOTALLY COMMITTED. NB+C ENGINEERING SERVICES, LLC. <small>6095 MARSHALEE DRIVE, SUITE 300 ELK RIDGE, MD 21075 (410) 712-7026</small>																
APPLICANT	 CROWN CASTLE CROWN CASTLE NG EAST, LLC 2000 CORPORATE DRIVE CANONSBURG, PA 15317 (713) 570-3000																
SITE INFORMATION	NORTHLAND BOWLING BEAVER AND COLLEGE SC 9 CROWN CASTLE NODE BU #920419 208 HIGH STREET STATE COLLEGE, PA 16801 BOROUGH OF STATE COLLEGE																
DESIGN RECORD	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="4">REVISIONS</th> </tr> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>10/19/15</td> <td>REVISED</td> <td>RNC</td> </tr> <tr> <td>0</td> <td>05/21/15</td> <td>ISSUED FOR PERMITTING</td> <td>JTD</td> </tr> </tbody> </table>	REVISIONS				REV	DATE	DESCRIPTION	BY	1	10/19/15	REVISED	RNC	0	05/21/15	ISSUED FOR PERMITTING	JTD
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SHEET NUMBER	<h1 style="font-size: 48px;">C-1</h1>																

EXISTING CONDITIONS

PROPOSED CONDITIONS



For visual reference only. Actual visibility is dependent upon weather conditions, season, sunlight, and viewer location.

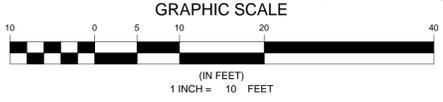
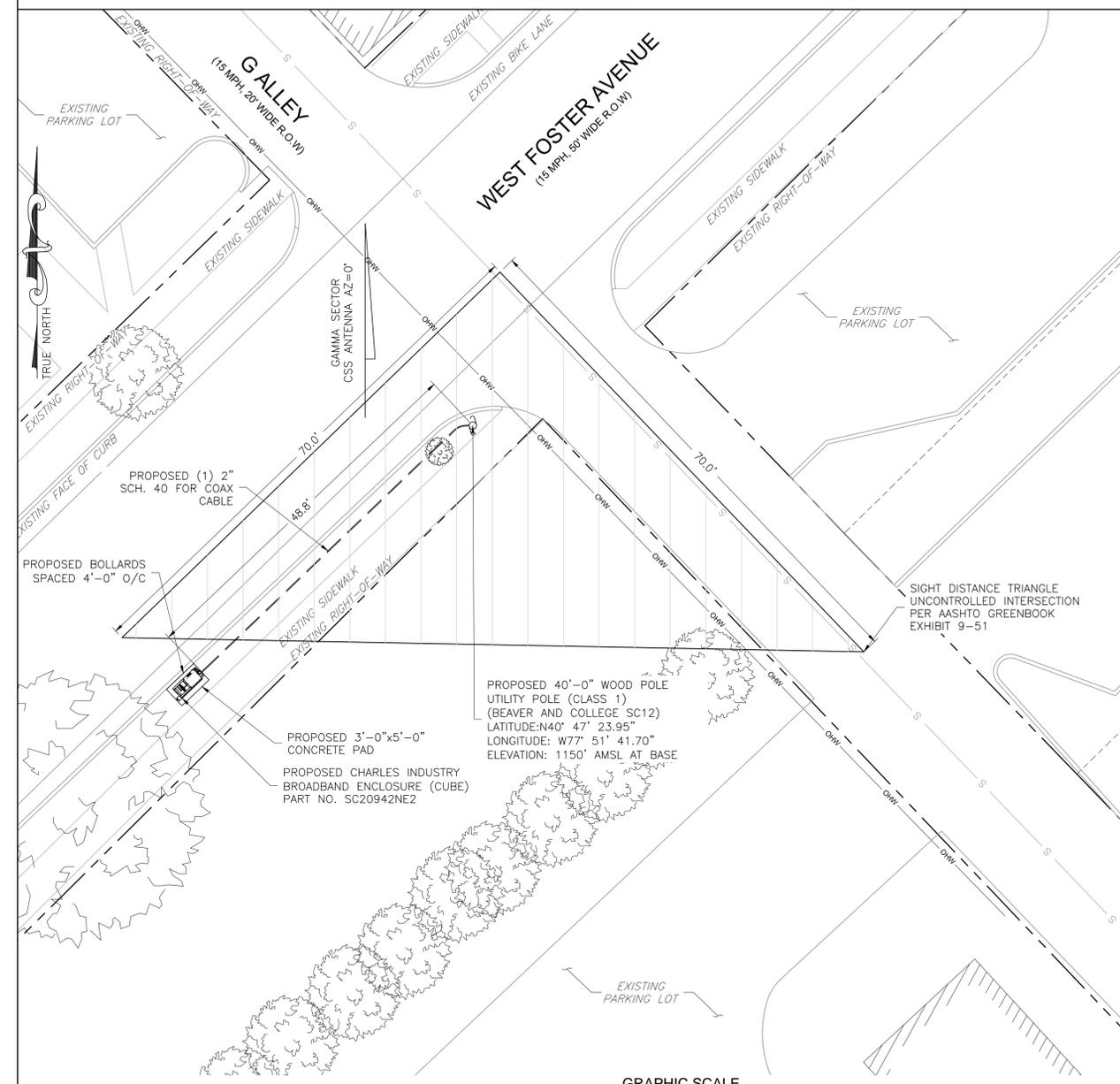


BILL OF MATERIALS

1. CSS SMALL CELL ANTENNA X-POL 24" x 15.1" (HxDIA.) - 22 lbs
2. CSS ANTENNA MODEL CYL-X7CAP-2-C-698-896/1710-2170MHz
3. CONCEALFAB WIDE DIAMETER POLE-TOP MOUNTING BRACKET PAINTED BROWN PART NO. 003002-B
4. PROPOSED UTILITY POLE (40'-0" WOOD) TYPE LINE - CLASS 1
5. PROPOSED (2) 1/2" LDF4-50A COAX CABLES
6. PROPOSED (2) TRIPLEXERS COMMSCOPE PART NO. CBC71921-DF
7. 1 - CHARLES INDUSTRY BROADBAND ENCLOSURE (CUBE) PART NO. SC20942NE2 48" x 48" x 21" (HxWxD) - 326lbs
8. RB-100 METER AND DISCONNECT COMBO
9. DC DISCONNECT PANEL BOX - 6 lbs SWITCH PACIFIC TECHNICAL SOLUTIONS PART NO. PTS3010-4X-T
10. PROPOSED (1) 3" SCH. 40 PVC CONDUIT FOR ELECTRICAL FEED
11. PROPOSED (1) 2" SCH. 40 PVC CONDUIT FOR FIBER FEED
12. PROPOSED (1) 2" SCH. 40 PVC CONDUIT FOR COAX CABLE

LEGEND

---	PROPERTY LINE - ABUTTERS	⊕	EXISTING LIGHT POLE
---	EXISTING RIGHT OF WAY	⊕	EXISTING SIGN
-x-x-	EXISTING FENCE LINE	⊕	EXISTING UTILITY POLE
---	EXISTING ROAD	⊕	EXISTING DECORATIVE LIGHT POLE
G	EXISTING U/G GAS LINE	⊕	EXISTING TRAFFIC POLE
S	EXISTING U/G SEWER LINE	⊕	EXISTING FLAG POLE
T	EXISTING U/G TELEPHONE LINE	⊕	EXISTING FIRE HYDRANT
E	EXISTING U/G ELECTRIC LINE	⊕	PROPOSED LIGHT POLE
OHW	EXISTING OHW UTILITY WIRE	⊕	PROPOSED FLAG POLE
W	EXISTING U/G WATER LINE	⊕	EXISTING TREE
[Hatched Box]	EXISTING BUILDING	[Hatched Box]	EXISTING STORM DRAIN INLET
F	EXISTING FIBER RUN		
f	PROPOSED FIBER RUN		



2 PROPOSED POLE ELEVATION
 SCALE: 1/2" = 1'-0"

1 SITE PLAN
 SCALE: 1" = 10'

ENGINEER

APPLICANT

SITE INFORMATION

DESIGN RECORD

PROFESSIONAL STAMP

ENGINEER

SHEET TITLE

SHEET NUMBER



NB+C ENGINEERING SERVICES, LLC.
 6095 MARSHALEE DRIVE, SUITE 300
 ELK RIDGE, MD 21075
 (410) 712-7092



CROWN CASTLE NG EAST, LLC
 2000 CORPORATE DRIVE
 CANONSBURG, PA 15317
 (713) 570-3000

NORTHLAND BOWLING
 BEAVER AND COLLEGE SC 12
 CROWN CASTLE NODE BU #920411
 301 S ATHERTON STREET
 STATE COLLEGE, PA 16801
 BOROUGH OF STATE COLLEGE
 LATITUDE: N40° 47' 23.95"
 LONGITUDE: W77° 51' 41.70"

REVISIONS

REV	DATE	DESCRIPTION	BY
D	10/13/15	REVISED ADDRESS	RNC
C	10/02/15	GROUND MOUNTED CABINET	KR
B	05/19/15	REVISED	JTD
A	03/04/15	PRELIMINARY	RNC

PHILIP BURTNER, P.E.
 PA PROFESSIONAL ENGINEER LIC. #043981-R

SITE PLAN & ELEVATIONS

C-1

2016 STATE COLLEGE DESIGN REVIEW BOARD WORK PROGRAM

Approved by the Design Review Board on ?

Approved by Borough Council _____

Key: I= Initiative Discussion, IP= In Progress, C=Complete

R/C=Review and Comment, BC=Refer to Council

		Priority	Relationship to Strategic Goals	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
<u>ROUTINE ACTIVITIES</u>							
1	Plan and Reviews *	High	These activities vary greatly in their scope and support the 2009 Strategically Plan Goals.				End of Year Report to Council on DRB Activities & 2016 Work Program
	Holtzman Award (spring)						
	Items Referred By Council and Planning Commission*						
	Focus on Appearance Award (fall/winter)						
	Update DRB webpage*				I	C	
Review DRB Mission*							
<u>OTHER ACTIVITES</u>							
3	Design Review Board FAQ for webpage	Future	Goal 1: Maintain safe, stable attractive neighborhoods	I	I	IP	C
4	Participate when appropriate in ways to improve public space*	Future	Goal 1: Maintain safe, stable attractive neighborhoods				
6	Downtown Master Plan Activites*	Future	Goal 1: Maintain safe, stable attractive neighborhoods				

* as needed

Borough of State College MEMORANDUM

to: ABC Secretaries and Staff Assistants

from: Lu Hoover

re: Conflict of Interest Policy and Code of Conduct With Regard to HUD Programs

date: December 3, 2015

A Conflict of Interest Policy and Code of Conduct with Regard to HUD Programs was adopted by the State College Borough Council in 2005. Elected and appointed officials are to receive a copy of the policy at a regular meeting of their respective council, authority, board or commission annually. Members who are absent should receive a copy by mail.

A copy of the policy is attached. Please include it as an agenda item or as an attachment to the agenda at the first meeting of the ABC in 2016. Also, please be sure to note distribution of the policy in the meeting minutes.

from the desk of...
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BOROUGH OF STATE COLLEGE

Conflict of Interest Policy and Code of Conduct With Regard to HUD Programs

SECTION 1

CONFLICTS OF INTEREST

COVERED INDIVIDUALS:

Any employee, agent, officer, elected official, appointed official or consultant of the Borough of State College (Participating Jurisdiction) or; any member of an employee's, agent's, officer's, elected official's or appointed official's immediate family; an employee's, agent's, officer's, elected official's or appointed official's partner; or an organization that employs or is about to employ any of the above.

CONFLICTS PROHIBITED:

No person(s) described in Paragraph 1 of section 1 who exercises or has exercised any functions or responsibilities with respect to activities assisted with HOME Investment Partnerships Program (HOME) or Community Development Block Grant (CDBG) or other U.S. Department of Housing and Urban Development (HUD) funds or who is in a position to participate in a decision-making process or gain inside information with regard to these activities may obtain a financial interest or financial benefit from a HOME,- CDBG, or other HUD-assisted activity, or has a financial interest in any contract, subcontract, or agreement with respect HOME,- CDBG, or other HUD-assisted activity, or the proceeds from such activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. Immediate family ties include (whether by blood, marriage or adoption) the spouse, parent (including a stepparent), child (including stepchild), brother, sister (including a stepbrother or stepsister), grandparent, grandchild and in-laws of a covered person. Occupancy of a HOME-assisted unit by a covered person constitutes a financial interest.

EXCEPTIONS:

Threshold Requirements – Upon the written request of the participating jurisdiction, the U.S. Housing and Urban Development (HUD) or its successor, may grant an exception to the provisions of the CONFLICTS PROHIBITED of section 1 on a case-by-case basis when it determines that the exception will serve to further the purpose of the HOME, CDBG or other HUD program and the effective and efficient administration of the Borough's program or project. An exception may be considered only after the participating jurisdiction has provided the following:

- a. A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure* of the conflict and a description of how the public disclosure was made; and
- b. An opinion from the Borough's attorney that the interest for which the exception is sought would not violate state or local laws.

*The requirements for public disclosure include publication in a local newspaper or disclosure during an advertised public hearing.

Factors to be considered for Exceptions – In determining whether to grant a requested exception after the participating jurisdiction has satisfactorily met the requirements of paragraphs a. and b. above, HUD, or its successors, will consider the cumulative affect of the following factors, where applicable:

- a. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available;
- b. Whether the person affected is a member of a group or class of low-income persons intended to be the beneficiary of the assisted activity, and the exception will permit such person(s) to receive generally the same interests or benefits as are being made available or provided to the group or class;
- c. Whether the affected person(s) has withdrawn from his/her functions or responsibilities or the decision-making process with respect to the specific assisted activity in question;
- d. Whether the interest or benefit was present before the affected person was in a position as described in the COVERED PERSONS Paragraph of this section
- e. Whether undue hardship will result either to the participating jurisdiction or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
- f. Any other relevant considerations.

OWNERS AND DEVELOPERS:

No owner, developer or sponsor of a project assisted with HOME, CDBG or other HUD funds (or officer, employee, agent, elected or appointed official or consultant of the owner, developer or sponsor or immediate family member of an officer, employee, agent, elected or appointed official, or consultant of the owner, developer or sponsor) whether private, for-profit or non-profit (including a community development organization (CHDO) when acting as an owner, developer or sponsor) may occupy a HOME, CDBG or other HUD-assisted affordable housing unit in a project during the required period of affordability specified in §92.252(e) or §92.254(a)(4). This provision does not apply to an individual who receives HOME, CDBG or other HUD funds to acquire or rehabilitate his or her principal residence or to an employee or agent to the owner or developer of a rental housing project who occupies a housing unit as the project manager or maintenance worker.

EXCEPTIONS:

Upon written request of a housing owner or developer, the Borough may grant an exception to the provisions of the above paragraph of this section on a case by case basis when it determines that the exception will serve to further the purposes of the HOME, CDBG or other HUD program and the effective and efficient administration of the owner's or developer's HOME, CDBG or other HUD-assisted project. In determining whether to grant a requested exception, the Borough shall consider the following factors:

- a. Whether the person receiving the benefit is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted housing, and the exception will permit such person to receive generally the same interest or benefits as are being made available or provided to the group or class:
- b. Whether the person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted housing in question:
- c. Whether the tenant protection requirements of Sec. 92.253 are being observed;
- d. Whether the affirmative marketing requirements of Sec. 92.351 are being observed and followed; and
- e. Any other factor relevant to the Borough's determination, including the timing of the requested exception.

SECTION 2

COVERED INDIVIDUALS:

Any employee, officer, or agent of the Borough of State College (Participating Jurisdiction).

PROCUREMENT

The CDBG, HOME and other HUD Programs follow the procurement policy of the Borough of State College located in the Borough of State College Code of Ordinances, Chapter 1, Part N. If any provisions of CFR 24 85.36, 24 CFR 570.611, 24 CFR 92.356 are not included or conflict with the Borough's Procurement Policy, the provisions of CFR 24 85.36, 24 CFR 570.611, and 24 CFR 92.356 shall supersede the Borough's Procurement Policy.

No Covered Individuals in section 2 may participate in the selection, award or administration of a contract supported by HOME, CDBG or other HUD Program if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of the following parties has a financial or other interest in the firm selected for award:

- employee, agents, or officer of the Borough of State College;
- any member of an employee's, agent's or officer's immediate family;
- an employee's, agent's or officer's partner; or
- an organization that employs or is about to employ any of the above

No employee, officer, or agent of the Borough or subrecipient may solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to subagreements.

CODE OF CONDUCT:

Persons covered in section 2, paragraph 1, are expressly forbidden from soliciting or accepting money, gifts, gratuities, services, favors, or anything of monetary value (excepting unsolicited calendars, pens, or other items of nominal value used as an advertising medium) from any person, company, firm, or corporation to which any purchase order or contract is or might be awarded or from a party to any potential subcontract.

The Borough shall also take disciplinary action in accordance with the Borough Personnel Rules and Regulations against any covered persons in section 2 paragraph 1 who violate this conflict of interest policy.

Employees will receive a copy of the conflict of interest policy on an annual basis as a mailer included in a paycheck. Elected and appointed officials will receive a copy of the policy at a regular meeting of their respective council, authority, board or commission. Distribution of the policy will be noted in the minutes of the meeting. Members who are absent will receive a copy by mail. Consultants and agents will be provided a copy of the policy as part of their contracts.

SUB-RECIPIENTS:

Applicable Conflict of Interest and Procurement Policies for the Borough's subrecipients are covered under CFR 24 84.42, 24 CFR 570.611 and CFR 24 92.356. Each subrecipient has developed its own Conflict of Interest Policy and Procurement Policy in accordance with the applicable regulations.

Authorized Official: Ed LeClear, Director of Planning and Community Development
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Adopted by the State College Borough Council on April 18, 2005. Revised by staff on April 30, 2015.