Meeting Agenda
State College Borough Tree Commission
January 19, 2017
Service Facility / 12:00 pm

I. **Call to Order**

II. **Roll Call**

III. **Election of Chair and Vice-Chair**

IV. **Public Hour**

V. **Approval of Minutes**

VI. **Discussion Items**

A. Review/Comment on Plans for The Residences at College & Atherton

B. Update Shade Tree Ordinance

C. Request to Leave Holiday Lights in Trees All Year Long

VII. **Items of Information**

A. Sustainability Plan

B. 2017 Conflict of Interest Statement

C. Set 2017 Meeting Dates

VIII. **Reports of Interest**

A. Arborist Report

IX. **Other Matters**

X. **Adjournment**

Documents:

Tree Commission Agenda January 19, 2017.pdf

Meeting Agenda
State College Borough Tree Commission
January 19, 2017
Service Facility / 12:00 p.m.

I. Call to Order

II. Roll Call – Introduction of Tree Commission

Nicholas Kerlin, 2016 Chairman
William Elmendorf
Henry Gerhold
Bruce Rohrbach
Elaine Schuckers

III. Election of Chair and Vice-Chair

IV. Public Hour – Hearing of Citizens

V. Approval of Minutes – *November 16, 2016*

VI. Discussion Items

A. Review/Comment on Plans for The Residences at College & Atherton

Preliminary plans have been submitted for construction of a new building at the intersection of West College Avenue and South Atherton Street. The plans call for the removal and replacement of all trees within the public right-of-way adjacent to the new building.

Staff Recommendation

Staff recommends that the Commission review the recommended plans and provide input on the proposal to remove the trees as well as suggested new trees or replacements.

B. Update Shade Tree Ordinance

The Borough's Shade Tree Ordinance was last updated/revised in 2000. Several issues have arisen since that time and a number of things have changed. The Shade Tree ordinance should be kept up-to-date.

Staff Recommendation

Staff recommends that Commission members review and discuss the existing ordinance and provide any suggestions for improvement. Adoption of a revised ordinance is Borough Council's responsibility.

C. Request to Leave Holiday Lights in Trees All Year Long

The Downtown Improvement District has made a request that the Borough give permission to leave the holiday lights in the street trees on Allen Street, West Beaver Avenue, and East College Avenue for an entire year. Each year the DID pays to have lights installed in the trees prior to the holiday season but is required to have them removed prior to March 1st. The DID has said that they would save significant money if allowed to keep the lights in the trees until March of 2018.

Staff Recommendation

Staff recommends the Commission consider the request and provide advice on whether this practice should be allowed or not.

VII. Items of Information

A. Sustainability Plan

Staff is currently involved in developing a Borough Sustainability Plan as a follow-up to Resolution 944. A new Greenhouse gas inventory has been completed, focus groups held for residents and experts, and information supplied by associated community groups working on sustainability. The draft plan should be completed by spring of 2017.

B. 2017 Conflict of Interest Statement

The statement and an email from Ed LeClear explaining the purpose of the statement are attached.

C. Set 2017 Meeting Dates

I recommend the Tree Commission meet on the following dates:

Thursday, March 16 at 12:00 p.m.
Thursday, July 20 at 8:30 a.m. – Drive Around
Thursday, August 3 at 8:30 a.m. Drive Around
Tuesday, September 12 at 7 p.m.
Tuesday, September 26 at 7 p.m.
Thursday, November 16 at 12:00 p.m.

VIII. Reports of Interest

A. Arborist Report

IX. Other Matters

X. Adjournment

Meeting Minutes
State College Borough Tree Commission
November 16, 2016

The State College Borough Tree Commission (TRC) met on Wednesday, November 16, 2016, in Room 304 of the State College Municipal Building, 243 South Allen Street, State College, PA. Chairman Kerlin called the meeting to order at 12:32 p.m.

Members Present

Nicholas Kerlin, Chairman; Elaine Schuckers, Vice Chairman; William Elmendorf; Henry Gerhold; and Bruce Rohrbach**.**

Also Present

Alan Sam, Arborist/Environmental Coordinator; Ed Holmes, Public Services Manager, Steve Shirey, Tree Foreman, Jenna Wargo, Planner, Terree Michel, Office Manager, and Stephenie Grove, Staff Assistant.

Public Hour

There were no citizens in attendance to discuss items not already on the agenda.

Approval of Minutes

The September 27, 2016 minutes were approved as submitted. The vote was unanimously in favor**.**

Discussion Items

2017 Tree Commission Work Plan – Mr. Sam stated he revised the 2016 Tree Commission Work Plan to develop the 2017 Work Plan. Mr. Sam made two comments about the Work Plan. The first comment was in regards to continuing to work on ways to combat tree vandalism. Mr. Sam stated he will keep this on the Work Plan as a reminder unless members would like to make changes. The second comment Mr. Sam reflected on was stating that the new tree plan has been completed and approved by Council. Mr. Sam then asked if any TRC members wanted to make any additional suggestions or changes to the Work Plan.

Mr. Sam asked for a motion for the acceptance of the 2017 Tree Commission Work Plan as proposed and authorize him to forward to Council for approval. Mr. Elmendorf made a motion to accept the Work Plan and it was seconded by Ms. Schuckers. The vote was unanimously in favor.

State College Borough's Sustainability Plan – Mr. Sam stated that AmeriCorps members Autumn Busbee and Josh Turner were unable to attend meeting due to conflict of attending another sustainability meeting. Mr. Sam said the

Borough has met and exceeded many goals that were outlined in Resolution 944 and is now in the process of creating a new Sustainability Plan and goals. He has been working closely with the Sustainability Committee which is made up of representatives from different departments of the Borough. The Committee has already created an outline, reviewed other Sustainability Plans and have reached out to partners for additional information and updates. Mr. Sam also noted a focus group was held for Borough residents on November 10, 2016 and another focus group was held on November 16, 2016 at the HUB for students.

Mr. Kerlin questioned if the older plan was on the Borough's website. Mr. Sam stated it should be located on the Sustainability page under Resolution 944.

Mr. Sam stated they would like the Tree Commission members involved in the Sustainability Plan process and intended on inviting the members to future focus groups. Mr. Sam noted their goal is to have the Sustainability Plan look similar to the Tree Commission Work Plan due to how well it has been received by the public and council.

Mr. Gerhold questioned the need to have a Sustainability Plan. Mr. Sam stated that in 2007 Council approved Resolution 944, which was intended to help set goals Borough wide that are sustainable.

Mr. Gerhold then questioned if such a plan is necessary if the University is still healthy and thriving around us. Mr. Gerhold then questioned the title of the plan with using the word sustainability.

Mr. Elmendorf stated that the University is currently in the process of hiring a Sustainability Officer in which they will house at Old Main.

Mr. Sam also commented that the Sustainability Plan can also be used for an emergency recovery action plan if ever needed.

Mr. Elmendorf stated it was worthwhile to have this type of plan for the future and possibly change the term sustainability to help with confusion that it may create.

Mr. Kerlin also agreed with Mr. Elmendorf about the confusion of the word sustainability.

Mrs. Schuckers suggested the public be invited to a strategic meeting with the Tree Commission and discuss a more appropriate name for the Plan.

Items of information

Park Tree Evaluation Results – Mr. Sam reported that he is recommending tree removals from 4 local parks.

The following will be added to the approved tree removal list:

Holmes Foster Park- (5) Tree Removals

1- 16 inch White Oak- conchs around the base
1- 20 inch White Oak- hollow in the center due to lightening
1- 26 inch White Oak- conchs around the base
1- 26 inch White Oak- leaning and split (partially removed)
1- 33 inch Black Oak- most of the crown is dead

Sidney Friedman Park- (1) Tree Removal

1- White Pine- dead

Orchard Park- (12) Tree Removals

12- 14 inch Ash Trees- infected with Emerald Ash Borer

Lederer Park- (4) Tree Removals

1- Aspen
1- Elm
1- Ash
1- Black Locust

Mr. Kerlin questioned if the park trees are replaced like the street trees. Mr. Sam stated that they are not replaced on a 1 to 1 ratio and that each tree and park are treated differently based on their location.

Ferguson Township Oak Wilt Policy – Mr. Sam passed out a copy of the policy to each TRC member for review. Mr. Sam mentioned that the Ferguson Township Arborist suggested this might be something enacted regionally rather than just within the township. Mr. Sam stated that Oak Wilt was suspected in State College this year but all tests have come back negative. Mr. Sam noted that the Oak Wilt Policy is to help prevent the disease from developing in urban areas due to its fast-paced spreading. Many TRC members had questions and concerns with the Oak Wilt Policy. Mr. Kerlin asked if Mr. Sam could pass on all noted comments to Council that were made during the discussion process. Mr. Sam agreed.

Revision to Property Maintenance Code – Mr. Sam stated this code is currently under discussion and it would affect the whole Centre Region. Mr. Sam mentioned there is one addition to the code that the borough's tree ordinance does not address. When a hazardous tree on private property endangers public property through failure of the tree or spread of disease the borough, according to the Tree Ordinance, can take action. However, if a hazardous tree on private property may damage another private tree or buildings on an adjacent property, the borough has no control and the situation becomes a civil matter. Mr. Sam stated that these types of situations are becoming

more of an issue, especially with the losses to emerald ash borer. Revising the tree removal section in the Property Maintenance Code may provide some relief to residents. It would allow a certified arborist to enter private property and recommend remedial action. All charges would be made to the owner of the hazardous tree. Mr. Sam stated he was unsure if this revision would make it into the final addition.

Mr. Elmendorf asked who votes on something like this. Mr. Sam said all of the Centre Region municipalities.

Many TRC members had questions and concerns in regards to the Property Maintenance Code and Mr. Sam agreed to pass everything onto Council regarding this matter.

Reports of Interest

Tree Crew Report – Mr. Shirey reported on recent tree related activities. Highlights were:

- Planted around 100 trees total which is down from previous years.
- Approximately160 trees are planned to be planted in 2017. (6 in the downtown area)
- 18 bare root trees planted.
- More than 300 trees were elevated/removed sprouts. (50+ requests from residents)
- More than 100 hangers removed. (50+ requests from residents)
- Jacob Leonard was hired on 8/27/2016 as the new Maintenance Specialist for the Tree Department.

Arborist's Report – Mr. Sam reported on recent tree related activities. Highlights were:

- In the process of updating the tree inventory.
- Working with Tusseyview residents for ideas to improve play areas and other facilities in their park.
- Forming Ad Hoc Committee to help identify locations for an Action Sports Park. Construction is planned for 2018.
- The approved street trees have been planted around Fraser Center.
- Removed trees will be planted at The Rise when completed.
- Six replacement trees are planned for the Metropolitan when completed.
- 254 E. Beaver Avenue- seven trees scheduled to be planted when completed.
- Emerald ash borer treatments were completed by a contractor this fall. Nearly 90 trees were either injected with an insecticide or spread at the base of the tree.
- A nationwide search is being conducted for a new Public Works Director. The new position is expected to be filled by February, 2017.

Other Matters

Mr. Elmendorf reported he was in the process of planning a Regional Tree Commission meeting on February 8, 2017. Mr. Elmendorf also stated they are expanding the invite to other boroughs within driving distance and mentioned 36 people attended last year's meeting.

Mr. Holmes reviewed the 2017 budget with the TRC members. Highlights were:

- Requested $5000 for tree removals.
- Requested $105,000 for contract tree pruning. (Council considering $40,000). The Tree Plan states that trees should be pruned every 5 to 7 years and currently on a 15-year cycle.

Mr. Gerhold suggested Mr. Sam have the authority to substitute bare root trees for balled and burlaped trees when available. This would save on the cost of the trees and the time it takes the crew to plant. Ms. Schuckers motioned to leave the choice to Mr. Sam to purchase bare root trees when available. It was second by Mr. Gerhold. The vote was unanimously in favor.

<u>Future Scheduled Meetings</u>

Thursday, January 19 at 12:00 p.m.

- Re-organization Meeting
- Set yearly meeting dates
- Vote on Chairman and Vice Chairman

Adjournment

With no further business to discuss, Mr. Elmendorf made a motion to adjourn this meeting at 2:05 p.m. and it was seconded by Mr. Gerhold. The vote was unanimously in favor.

Respectfully submitted by:
Stephenie K Grove, Staff Assistant

Borough of State College
MEMORANDUM

to: ABC Secretaries and Staff Assistants

from: Ed LeClear

re: Conflict of Interest Policy and Code of Conduct with Regards to HUD Programs

date: November 17, 2016

A Conflict of Interest Policy and Code of Conduct with regards 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 2017. Also, please be sure to note distribution of the policy in the meeting minutes.

from the desk of... Ed LeClear
Planning Director Borough of
State College ■243 South Allen
Street State College, PA 16SO1
eleclear@statecollegepa.us (814)
234-7109 Fax: (.814) 234-7197

BOROUGH OF STATE COLLEGE

Conflict of Interest Policy and Code of Conduct
With Regards 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 effect 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 another 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.

<u>SECTION 2</u>

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 sub recipient may solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to sub agreements.

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 sub recipients are covered under CFR 24 84.42, 24 CFR 570.611 and CFR 24 92.356. Each sub recipient 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 243 S. Allen Street State College, PA 16801 814-234-7109

Adopted by the State College Borough Council on April 18, 2005. Revised by staff on April 30, 2015.