

**Meeting Agenda  
State College Borough  
Board of Health  
January 24, 2017  
Room 242 / 4:00 p.m.**

**I. Call To Order**

**II. Roll Call**

**III. Election Of 2017 Chair**

- A. Elect A Chair For The Year

**IV. Approval Of Minutes**

**V. Public Hour**

**VI. Business Meeting**

- A. Report On Department Activity
- B. Board Of Health Report To Council
- C. Newsletter
- D. Distribution Of Conflict Of Interest Policy And Code Of Conduct With Regard To HUD Programs

**VII. Other Matters Of Interest**

**VIII. Adjournment**

Documents:

*Board of Health - January 24, 2017.pdf*

***Meeting Agenda***  
**State College Board of Health**  
**Regular Meeting**  
**Tuesday, January 24, 2017**  
**4:00 p.m., Room 242**

- I. **Call to Order** – William Taylor, 2016 Chair
- II. **Roll Call & Introductions**  
  
James Edwards  
John Golbeck  
Linda Greenly-Finch  
William Taylor  
John Ott
- III. **Election of 2017 Chair**
  - A. Elect a Chair for the year
- IV. **Approval of Minutes**  
  
Approval of minutes from the Board's October 25, 2016 meeting (copy attached)
- V. **Public Hour - Hearing of Citizens**
- VI. **Business Meeting**
  - A. Report on Department Activity (copy attached)
  - B. Board of Health Report to Council – Date to be determined
  - C. Newsletter (copy attached)
  - D. Distribution of Conflict of Interest Policy and Code of Conduct with regard to HUD Programs (copy attached)-no action required beyond receipt for the record
- VII. **Other Matters of Interest**
- VIII. **Adjournment**



**Meeting Minutes**  
**State College Board of Health**  
**Public Meeting**  
**October 25, 2016**

The State College Board of Health met on Tuesday, October 25, 2016, in Room 242 of the State College Municipal Building, 243 South Allen Street, State College, PA. Chairman Taylor called the meeting to order at 4:02 p.m.

**Members Present:** Dr. William Taylor, Mr. John Ott, Dr. Linda Greenly-Finch, and Dr. John Golbeck.

**Also present:** Kevin Kassab, Health Officer/Supervisor of Inspections; Eric Dottle, Health Technician; and Sarah Smith, Staff Assistant.

**Approval of Minutes** – Dr. Golbeck made a motion to approve the minutes as submitted and Dr. Greenly-Finch seconded the motion. The vote was unanimously in favor of the motion.

**Public Hour** – There was no one present in the audience who wished to discuss items not on the agenda.

**Business Meeting** – Mr. Kassab briefly discussed the Report on Department Activity for the 3rd Quarter. Dr. Taylor noted that the data simply showed the normal fluctuation and that grass/weeds only indicated that the growth was slow due to the lack of rain. Mr. Kassab confirmed that and noted that, while the growing season continued until October 31, enforcement officers were only enforcing on a complaint basis. Mr. Kassab explained the Additional Ordinance Enforcement Actions and noted that there was one property contracted for mowing who was then billed for the contracting costs with an additional 20% administration fee included.

Dr. Taylor stated that he had seen an article in the Centre Daily Times regarding sofas on porches. He noted that since fraternities had sprinklers then sofas would be permitted, but sofas on porches could harbor insects and roaches. Mr. Kassab stated that the Borough had been reviewing the existing Property Maintenance Code and that, in the past, interior use furniture had been permitted if the front porch was sprinklered for fire safety. Potentially, the new ordinance would be enforced by the Public Health officer and the ordinance would not allow any overstuffed furniture on the porch even if they had sprinklers as overstuffed furniture harbors mold, mildew, insects, and rodents. He stated that this was a public health concern rather than only a fire safety concern.

Next, Mr. Kassab briefly discussed Health Inspections. He noted that inspections for Tattoo establishments, Massage establishments, and schools were not conducted until the fourth quarter so they would be on the next quarter report. In addition, he noted that most of the ServSafe classes have been full.

Dr. Taylor inquired about the closure of Fuji and Jade Garden and whether the establishment was reopened soon after the closure. Mr. Kassab stated that it was reopened three days later and that he would be discussing Fuji and Jade Garden later in the meeting.

Next, Mr. Kassab discussed the Training Activities. Mr. Golbeck inquired if there had been low attendance for Cooking for Crowds and Mr. Kassab noted that attendance had been about

average. He stated that Cooking for Crowds was for nonprofits groups and was not required. He also noted that the nonprofits groups would send a head representative to a ServSafe class.

Dr. Greenly-Finch inquired about the signs in the Right of Way and if political signs were permitted in the Right of Way. Mr. Kassab noted that signs were permitted to be on private property, but that no types of signs were permitted to be in the Right of Way. He noted that signs would be collected and held for a time, but not destroyed immediately. Dr. Greenly-Finch inquired about signs on the highways and Mr. Kassab noted that those would be under the jurisdiction of PennDOT, not Borough staff.

Dr. Golbeck inquired what party was responsible for conducting inspections at the State College Meals on Wheels. Mr. Dottle noted that he had actually conducted it the day before. Mr. Kassab noted that he was working with the Senior Center to license the new kitchen at the Nittany Mall.

Next Mr. Kassab addressed the situation that had occurred with Fuji and Jade Garden. He stated that the Board of Health had the ability to permanently revoke an establishments license if there was clear documentation that public health was at stake. He stated that there had been ongoing repeated violations of food safety concerns. Mr. Dottle reviewed the history of the complaints, inspections and citations at the establishment.

- Issued 8 citations in 2014 which they pled guilty on all counts
- Issued 1 citation in 2015
- Conducted 1 complaint inspection in 2016 which found 5 critical violations
  - Establishment was placed on probation with monthly inspections for 3 months
  - Establishment was closed for 3 days
  - Staff was scheduled to return on October 27 for the first re-inspection after re-opening
  - Issued 1 citation from 2016 inspection. As the owners are cited on a recurring basis, the District Justice is likely going to impose a fine more towards the maximum.

Dr. Taylor inquired if the problem was an organizational problem and who was responsible for the violations. Mr. Kassab stated that the owner was the responsible party and that the owner was at the establishment most of the time. He stated that the owner has four establishments and that there are not problems at the other locations. He explained that Fuji and Jade is bigger, older and harder to maintain than the other locations. He stated that the owners usually fixed the problems as soon as they were brought to his attention. Mr. Kassab noted that the owner's daughter held the sanitation supervisor certificate for Fuji and Jade. He explained that Borough staff had conducted multiple food safety training programs at the establishment.

Mr. Kassab explained that the Borough had covered every avenue necessary in order to put the matter of revoking Fuji and Jade's license before the Board of Health. He stated that staff had cited when it needed to be cited and closed the establishment when it was necessary. He stated that the owners always make the effort to meet the standards when they are caught. He noted that after the last incident he had explained to the owner that it was going to be discussed with the Board regarding permanently revoking the license. He wanted to inform the Board of the process since it may be something that would be coming to the Board. Mr. Kassab noted that there had been multiple citations before the District Magistrate, but that the owners never requested a hearing and that they always paid the citations. He stated that payment is technically an admission of guilt, but it would have been beneficial if the case had been heard by the District Justice.

Mr. Kassab noted that permanently revoking a license had only been done by the Board of Health once in 30 years. Dr. Golbeck inquired about the previous case. Mr. Kassab stated that the final problem at the establishment where the license was revoked came when the establishment was found to be infested with roaches. He noted that there were no food safety practices in place and there were citations on record so the case was brought to the Board of Health. He noted that the owner has a right to attend the Board of Health meeting and they have the right to an attorney. He stated that revoking a license was not something to be taken lightly as it is taking away a person's livelihood, but the Board needed to review the situation for the good of the public health and safety as well. Mr. Kassab stated that he would send the members the portion of the regulations that gave the Board the right to revoke a license.

Mr. Kassab noted that all of the probationary inspections were billable so the owner was paying for staff time and it was not being paid for by Borough taxpayers.

Dr. Taylor inquired how much of the problem stemmed from the age of the facility. He inquired if the building was just so old that the insects could not be controlled. Mr. Dottle explained that there were problems with safe handling of food as well. Dr. Taylor inquired if the establishment could just be required to renovate and fix the problems with the building. Mr. Kassab noted that structural and maintenance issues were not usually considered high food safety concerns. He stated that the primary concern at Fuji and Jade was not safely handling the food. Dr. Taylor noted that by the next meeting the establishment would have been re-inspected. Mr. Kassab stated that it would be, but from experience he knew the establishment would remain in compliance for a few months prior to having safe food handling practices deteriorate again.

Dr. Greenly-Finch noted that the facility had been a restaurant for a long time and inquired if it had always been Fuji and Jade. Mr. Kassab stated that it had been Fuji and Jade for about ten years. Dr. Greenly-Finch inquired if the staff had experienced similar problems with the previous establishment. Mr. Kassab stated that there had been some problems as there are at most establishments, but it had never been to the same degree as it was at Fuji and Jade. Dr. Golbeck inquired if the kitchen workers were fluent in English and Mr. Kassab explained that most of them spoke Mandarin, but that interpreters had been brought in to interpret any documents into Mandarin. He also noted that the establishment had paid for all the classes and for the interpreters.

Dr. Golbeck inquired if revoking the license only applied to the one site or if it would affect the other establishments and Mr. Kassab confirmed that it would only be for the Fuji and Jade location.

Dr. Greenly-Finch inquired if the employees were illegal immigrants. Mr. Kassab explained that when there had been an immigration investigation in town a few years ago, the owners had been one of the biggest targets of the investigation.

Dr. Golbeck inquired as to what the core reason for why the establishment had not improved. Mr. Kassab stated that he did not believe that the owners were totally irresponsible. He stated that there were many cultural differences, but the owners needed to adapt to the public health and safety regulations of Pennsylvania.

Dr. Golbeck inquired if there had been any complaints of sickness from the food at Fuji and Jade. Mr. Kassab explained that there had not been, but that many cases of foodborne illness are not reported as most immune systems would be able to fight off the illness.

Mr. Kassab reported that he and his partner had opened a small business in State College. He stated that it was licensed as a Retail Outlet as they were not doing any food preparation at the store. He noted that a third party would do the inspections and had licensed the establishment. He stated that he had not had any oversight in the licensing and inspection process. Dr. Greenly-Finch inquired where the establishment was located and Mr. Kassab stated that it was at 246 Calder Way. He noted that it had been open for a week and seemed to be doing well.

Mr. Kassab noted that the dates currently scheduled for Board of Health for 2017 were January 24, April 25, July 25 and October 24 at 4:00 p.m. Dr. Greenly-Finch inquired how many members needed to be in attendance for a quorum and Ms. Smith responded that there needed to be at least three members. Mr. Kassab stated that the Borough usually advertised the meetings for the whole year in January because then the advertising costs were lower. Dr. Golbeck stated that as of May 1, 2017 he would be out of the country for a year and suggested that the Borough start looking for his replacement. Mr. Kassab stated that he would have to see whether or not Dr. Golbeck would need to step down. Dr. Greenly-Finch stated that she would likely not be able to attend for July 25, 2017.

**Other Matters –**

There being no further business to come before the Board, on a motion by Dr. Greenly-Finch, and seconded by Mr. Ott, the meeting adjourned at 4:50 p.m.

Respectfully submitted,

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Sarah Smith, Staff Assistant

**4th Quarter 2016 – Enforcement Actions**  
**Division of Health and Neighborhood Services (DHNS)**  
**Ordinance Warnings and Violations**

Ordinance warnings are reminders and/or information given to inform residents, owners and PICs that they need to comply with an ordinance. There is no fine and, if a rental property is involved, no points are assigned toward permit suspension.

Ordinance violations are issued in the field by an Ordinance Enforcement Officer similar to a parking ticket. There is a fine and persons receiving the violation have seven days to pay the fine or appeal it. All appeals are answered in writing and, if denied, the person has an additional seven days to pay. Failure to pay a fine results in a citation against the property owner or tenant(s). If a rental property is involved, one point may be assigned for each Ordinance Enforcement Violation.

The table below provides an illustration of key categories and a comparison of the fourth quarter 2015 and the fourth quarter 2016.

| Type of Ordinance Warning/Violation   | Warnings         |                  |                 | Violations       |                  |                 |
|---------------------------------------|------------------|------------------|-----------------|------------------|------------------|-----------------|
|                                       | 2015<br>4th Qtr. | 2016<br>4th Qtr. | Year<br>to date | 2015<br>4th Qtr. | 2016<br>4th Qtr. | Year<br>to date |
| Snow                                  | 0                | 179              | 421             | 0                | 34               | 70              |
| Grass/Weeds                           | 5                | 0                | 364             | 0                | 0                | 111             |
| Brush                                 | 2                | 7                | 149             | 0                | 0                | 0               |
| Refuse – General/Trash/Dumpster       | 44               | 36               | 167             | 27               | 11               | 29              |
| Refuse – Cans at Curb                 | 85               | 59               | 189             | 17               | 16               | 40              |
| Refuse – Party Materials              | 10               | 6                | 54              | 34               | 20               | 132             |
| Recycling – General                   | 16               | 23               | 77              | 2                | 6                | 9               |
| Recycling – Cans at the Curb          | 16               | 11               | 19              | 6                | 3                | 16              |
| Dog Complaints                        | 8                | 5                | 31              | 0                | 1                | 3               |
| Animal Bites                          | 1                | 0                | 2               | 1                | 0                | 0               |
| Missing House Numbers                 | 0                | 1                | 5               | 0                | 0                | 0               |
| Missing Sewer Caps                    | 6                | 2                | 33              | 1                | 0                | 0               |
| Removal of Mud from Sidewalks/Streets | 0                | 0                | 0               | 0                | 0                | 0               |
| Open Burning                          | 0                | 0                | 0               | 0                | 0                | 2               |
| Graffiti                              | 2                | 5                | 11              | 0                | 0                | 0               |
| Handbills                             | 0                | 0                | 2               | 0                | 0                | 0               |
| Housing                               | 4                | 6                | 19              | 1                | 0                | 0               |
| Storm Sewer Discharge                 | 0                | 1                | 4               | 0                | 0                | 0               |
| Sidewalk/Street Obstruction           | 2                | 3                | 4               | 0                | 0                | 0               |

**Additional Ordinance Enforcement Actions in the 4th Quarter**

- Staff issued 3 citations for egregious violations of the refuse ordinance
- Four properties were contracted for shoveling of snow/ice
- Assisted the Zoning Office with removing 53 signs from the right of way and issuing 2 banner warnings
- Referred to Centre Region Code Administration – 5 sofas on porches

**College Township Dog Incidents**

- Investigated 8 complaints of a dog at large
- Investigated 2 complaints of a dog bite
- Investigated 1 complaint of animal cruelty
- Investigated 1 dog barking incident

*4th Quarter 2016 – Health Inspections*

*Restaurant Inspections*

| Municipality          | Routine Inspections | Follow-up Inspections | Complaints | Plan Review and Opening Inspections | Establishments Closed due to Critical Violations | Billable Hours |
|-----------------------|---------------------|-----------------------|------------|-------------------------------------|--|----------------|
| College Township      | 23                  | 1                     | 4          | 4                                   | 0  | 29.0           |
| Ferguson Township     | 13                  | 0                     | 1          | 2                                   | 0  | 16.0           |
| Patton Township       | 18                  | 0                     | 3          | 2                                   | 0  | 23.0           |
| State College Borough | 40                  | 4                     | 4          | 12                                  | 1*   | 61.0           |
| <b>Totals</b>         | 94                  | 5                     | 12         | 20                                  | 1  | 129.0          |

\*Tommy's Asian Grill

*Tattoo Inspections*

| Routine Inspections | Follow-up Inspections | Complaints | Plan Review and Opening Inspections |
|---------------------|-----------------------|------------|-------------------------------------|
| 3                   | 0                     | 0          | 0                                   |

*Massage Inspections*

| Routine Inspections | Follow-up Inspections | Complaints | Plan Review and Opening Inspections |
|---------------------|-----------------------|------------|-------------------------------------|
| 8                   | 0                     | 0          | 0                                   |

*Supervisor Compliance*

| In Compliance | Percent In Compliance | Out of Compliance | Percent Out of Compliance |
|---------------|-----------------------|-------------------|---------------------------|
| 307/312       | 98.40%                | 5/312             | 1.60%                     |

*School Inspections*

| Municipality                 | School  | Date       |
|------------------------------|---|------------|
| <b>State College Borough</b> | Our Lady of Victory                             | 10/31/2016 |
|                              | State College Area High School - North Building | 10/31/2016 |
|                              | State College Area High School - South Building | 10/31/2016 |
|                              | Radio Park Elementary School                    | 11/1/2016  |
|                              | Corl Street Elementary School                   | 11/2/2016  |
|                              | Easterly Parkway Elementary School              | 11/2/2016  |
|                              | Fairmount Avenue Elementary School              | 11/2/2016  |
| <b>College Township</b>      | Mount Nittany Elementary School                 | 10/31/2016 |
|                              | Mount Nittany Middle School                     | 10/31/2016 |
|                              | Houserville Elementary School                   | 11/1/2016  |
|                              | Lemont Elementary School                        | 11/1/2016  |
| <b>Ferguson Township</b>     | Centre Learning Charter School                  | 11/2/2016  |
|                              | Ferguson Township Elementary School             | 11/2/2016  |
|                              | Young Scholar's of Central PA                   | 10/31/2016 |
| <b>Patton Township</b>       | Gray's Woods Elementary School                  | 11/1/2016  |
|                              | Park Forest Elementary School                   | 11/1/2016  |
|                              | Park Forest Middle School                       | 11/1/2016  |

## 4th Quarter 2016 – Training Activities

### **ServSafe Classes**

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As required by the PA Department of Agriculture, at least one employee from each licensed Eating and Drinking Establishment must hold a sanitation supervisor certification.

#### **2017 Dates**

All ServSafe Classes in 2017 will be held at  
Borough of State College  
243 S. Allen St.

#### ***Classes held:***

October 6 & 13, 2016  
December 8 & 15, 2016

#### ***Upcoming Classes:***

February 16 & 23, 2017  
April 6 & 13, 2017  
June 8 & 15, 2017  
August 3 & 10, 2017  
October 12 & 19, 2017  
December 7 & 14, 2017

### **Cooking for Crowds**

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The Cooking for Crowds program was designed for non-profits, churches, and fire companies. The cost is \$20.00 for participants and includes the Cooking for Crowds Booklet that covers food safety procedures, thermometers, and a certificate for those who participated in the program.

#### **2017 Dates**

All Cooking for Crowds Classes in 2017 will be held at  
Borough of State College  
243 S. Allen St.

#### ***Upcoming Classes:***

April 25, 2017  
September 12, 2017



# STATE COLLEGE BOROUGH DIVISION OF HEALTH AND NEIGHBORHOOD SERVICES

SERVING THE BOROUGH OF STATE COLLEGE AND THE TOWNSHIPS OF COLLEGE, FERGUSON AND PATTON

## FOOD SAFETY & REGULATIONS

### TAKE PRIDE IN 2017

Once again, you have proven why the State College community is the place to shop and dine. Thank you for your dedication to food safety and taking such pride in what you do to keep our community members and visitors happy and healthy.



Food safety is the key to a successful food establishment. This newsletter is prepared to help food establishments meet local and state requirements for safe food handling practices. Please refer to the Pennsylvania Department of Agriculture's website at [www.eatsafepa.com](http://www.eatsafepa.com) for more information concerning any food safety regulations.

In addition to monitoring and answering your questions, the Division of Health and Neighborhood Services offers food safety classes that can be presented to your staff. Classes are customized on the areas of food safety that would be the most beneficial to you and your staff. There is a charge that covers staff time and the cost of the educational materials used to conduct the program.

For more information regarding online courses, educational classes and materials, visit our website at [www.statecollegepa.us/foodsafety](http://www.statecollegepa.us/foodsafety) or contact the Division of Health and Neighborhood Services by phone at 814-234-7191 or by e-mail at [healthdept@statecollegepa.us](mailto:healthdept@statecollegepa.us).

All establishments are inspected annually. The license fee covers the annual inspection. Costs



associated with any additional inspections will be billed to the establishment. Establishments with repeat violations may be placed on a billable probationary inspection schedule.

### KEEPING CUSTOMERS & EMPLOYEES "IN THE KNOW"

The regulatory requirements listed below are important steps towards keeping your customers and employees informed:

- ◆ Your current Eating and Drinking or Retail Outlet License and Certified Food Employee certification (if applicable) **must** be posted in a visible location so that it can be easily viewed by the public when visiting your establishment.
- ◆ A Health Awareness Food Employee Disease Reporting Agreement must be in place. This policy should be reviewed with all employees, new and existing.
- ◆ A Consumer Advisory alerting consumers of the dangers of consuming undercooked potentially hazardous foods must be displayed as part of your menu, on a table tent or in a conspicuous area that can be seen by the public prior to ordering. Visit [www.eatsafepa.com](http://www.eatsafepa.com) for more information related to the Consumer Advisory.



### SERVSAFE & COOKING FOR CROWDS 2017

**ServSafe Class Schedule**  
*Two-day Food Safety Certification Course for Food Service & Restaurant Employees*

**February 16 & 23, 2017**  
**April 6 & 13, 2017**  
**June 8 & 15, 2017**  
**August 3 & 10, 2017**  
**October 12 & 19, 2017**  
**December 7 & 14, 2017**

9 a.m. to 4 p.m.  
State College Municipal Building  
243 South Allen Street  
State College, PA 16801

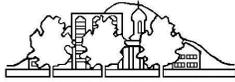
**For registration, please contact Penn State Extension at 814-355-4897**

**Cooking for Crowds Class Schedule**  
*A Volunteer's Guide to Food Safety Workshop*

**April 25, 2017**  
**September 12, 2017**

6 p.m. to 9 p.m.  
State College Municipal Building  
243 South Allen Street  
State College, PA 16801

**For registration, please contact Penn State Extension at 814-355-4897**



**State College Borough  
Division of Health and Neighborhood Services**

Municipal Building, Second Floor  
243 South Allen Street  
Monday - Friday, 8 a.m. to 5 p.m.  
Fax: 814-234-7197

E-mail: [healthdept@statecollegepa.us](mailto:healthdept@statecollegepa.us)

**Tom King**  
Assistant Borough Manager  
Phone: 814-234-7160  
[tking@statecollegepa.us](mailto:tking@statecollegepa.us)

**Kevin Kassab**  
Health Officer &  
Supervisor of Inspections  
Phone: 814-278-4715  
[kkassab@statecollegepa.us](mailto:kkassab@statecollegepa.us)

**Eric Dottle**  
Health Technician  
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[edottle@statecollegepa.us](mailto:edottle@statecollegepa.us)

**Brian O'Donnell**  
Ordinance Enforcement Officer  
Phone: 814-278-4718  
[bodonnell@statecollegepa.us](mailto:bodonnell@statecollegepa.us)

**Denny Baldwin**  
Ordinance Enforcement Officer  
Phone: 814-278-4718  
[dbaldwin@statecollegepa.us](mailto:dbaldwin@statecollegepa.us)

**Sarah Smith**  
Administrative Assistant  
Phone: 814-234-7191  
[ssmith@statecollegepa.us](mailto:ssmith@statecollegepa.us)

**WE'RE ON THE WEB!**

[WWW.STATECOLLEGEPA.US/HEALTH](http://WWW.STATECOLLEGEPA.US/HEALTH)

**GUIDELINES FOR VIOLATIONS TYPICALLY FOUND DURING INSPECTIONS**

1. When cooling foods, place in shallow pans to cool foods rapidly.
2. Always reheat foods to an internal temperature of 165° F.
3. All Time/Temperature controlled foods must be properly dated and labeled if held for more than 24 hours.
4. An approved sanitizer must be properly used on all food contact surfaces. Test strips must be available to test the solution which is being used.
5. Proper personal hygiene-such as head coverings, beard guards, hand washing, and clean outer garments-must be observed.
6. Jewelry should be limited to a plain wedding band when doing food preparation.
7. Fingernail polish is prohibited when doing food preparation. It is permitted for servers, but it must be intact.
8. When handling Ready-To-Eat food, employees shall use suitable utensils such as deli tissue, spatulas, tongs, handwashing and single-use gloves, or other dispensing equipment.

**SAFETY IN THE KITCHEN**

**Clutter** - Keep the kitchen and storage areas organized and free of clutter. Remove all items that are not functional or necessary for preparing foods.

**Healthy Workers** - Food handlers must be healthy. Colds and other infectious diseases may be passed to others.

**REGULATORY REMINDERS**

**Licensing**

- ◆ Any alterations to the physical establishment or the replacement of equipment **must** be approved by the Division of Health and Neighborhood Services and the Centre Region Code Administration before construction begins or the purchase is made. If the ownership of your establishment changes, the new owner is required to contact the Division of Health and Neighborhood Services and the Centre Region Code Administration to determine if a Facility Plan Review is necessary. The new owner must also obtain a new license, pay applicable fees and be inspected prior to re-opening.

**Employee Certification**

- ◆ Each Eating and Drinking establishment must have one certified food employee who is accredited by a nationally recognized program.
- ◆ The certified food employee must be the "person in charge" for the establishment and must be accessible at all times (in person or by phone) during the establishment's hours of operation.
- ◆ Individuals are limited to being the certified employee at only one establishment location.

**Labeling in Refrigeration and Freezer Units**

- ◆ Establishments must label all products with the date and time the product was prepared. The product must be kept in food grade safe containers.

**Grease Handling**

- ◆ Each licensed establishment that uses deep fat fryers or has other grease to dispose of on a regular basis is required to dispose of the used grease through an approved grease renderer.
- ◆ Owners are responsible for maintaining the grease barrels and the general location of the grease barrels in a clean and sanitary condition.
- ◆ Grease traps and hood systems must be clean and free from accumulated grease. Please make sure you are taking the necessary steps to ensure your grease traps and hood systems are clean and safe for operation.

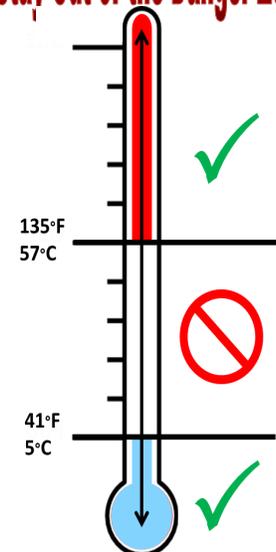
**Cleaning & Maintenance**

- ◆ A daily, weekly and monthly cleaning and maintenance schedule should be in place to ensure a safe and sanitary workplace.

**Proper Waste Disposal**

- ◆ Do not leave bags on the ground around the dumpsters or recycling containers.

**Stay Out of the Danger Zone**



## 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 16801  
[eleclear@statecollegepa.us](mailto: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.

#### 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 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.