

**Meeting Agenda**  
**State College Borough Tree Commission**  
**Wednesday, January 15, 2020**  
**Service Building / 12:00 pm**

- I. Call to Order**
  - II. Roll Call**
  - III. Welcome and Introductions**
  - IV. Election of Chair and Vice-Chair**
  - V. Public Hour**
  - VI. Approval of Minutes**
  - VII. Action Items**
    - A. Request to Remove Street Trees at the Following Addresses
  - VIII. Other Matters**
    - A. 2020 Meeting Schedule
  - IX. Items of Information**
    - A. 2020 Work Plan
    - B. 2020 Conflict of Interest Statement
  - X. Reports of Interest**
    - A. Arborist's Report
  - XI. Adjournment**
- Documents:***

**[Tree Commission Agenda Packet - 011520.pdf](#)**

***Meeting Agenda***  
**State College Borough Tree Commission**  
**January 15, 2020**  
**Service Facility**  
**12:00 p.m.**

**I. Call to Order**

**II. Roll Call**

Catherine Dauler  
William Elmendorf  
Lynn Herman  
Bruce Rohrbach  
Elaine Schuckers

**III. Welcome and Introductions**

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

**V. Public Hour – Hearing of Citizens**

**VI. Approval of Minutes – November 20, 2019 [Pages 3-6]**

**VII. Action Items**

A. Request to Remove Street Trees at the Following Addresses

1. 132S. Patterson Street – 34” Norway Maple – Request by West Penn Power. Decay 8’ & 12’ up
2. 1001 Metz Avenue – 30” Norway Maple. Request by West Penn Power. Decay on sidewalk side near branch union
3. 667 Franklin Street – 20” Sugar Maple – Request by property owner. Large hanger, deadwood

**Staff Recommendation:** The Tree Commission is asked to review the tree removal requests and make a recommendation to the Public Works Director.

**VIII. Other Matters**

A. 2020 Meeting Schedule

The Tree Commission already approved the 2020 meeting schedule. All meetings will start at the State College Borough Service Facility except for the two September public hearings. The public hearings will be held in the Municipal Building, which is located downtown on South Allen Street.

Wednesday, March 18 at 12 p.m.  
Wednesday, July 22 at 8:30 a.m. (Drive-around)  
Wednesday, August 5 at 8:30 a.m. (Drive-around)

Tuesday, September 8 at 7:00 p.m. (Public Hearing)  
Wednesday, September 23 at 7:00 p.m. (Public Hearing)  
Wednesday, November 18 at 12 p.m.

**IX. Items of Information**

A. 2020 Work Plan

Staff will review the 2020 Work Plan as presented to Council. [Page 7]

B. 2020 Conflict of Interest Statement

The 2020 Conflict of Interest Statement, along with a memo from Ed LeClear to ABC Secretaries, explaining the purpose of the statement are attached for review. [Pages 8-12]

**X. Reports of Interest**

A. Arborist's Report

**XI. Adjournment**

**Meeting Minutes  
State College Borough Tree Commission  
November 20, 2019**

The Borough's Tree Commission (TRC) met on Wednesday, November 20, 2019, in the Administrative Conference Room of the Service Facility, located at 330 South Osmond Street. Mr. Herman, Chairman, called the meeting to order at 12:15 p.m.

**Members Present**

Lynn Herman, Chairman; Elaine Schuckers, Vice-Chair and Bruce Rohrbach

**Members Absent**

William Elmendorf

**Also Present**

Alan Sam, Arborist/Environmental Coordinator; Deb Hoag, Public Works Director; Jasmine Fields, AmeriCorps Member; Stacy Hall, Administrative Assistant; Steve Shirey, Tree Crew Foreman; Tanner Kibe, Tree Crew; Jake Leonard, Tree Crew and Scott Ohs, Tree Crew

**Public Hour**

No comments were heard during the public hour.

**Approval of Minutes**

On a motion by Ms. Schuckers and seconded by Mr. Rohrbach, the September 24, 2019 meeting minutes were approved as submitted. The vote was unanimously in favor.

Mr. Herman thanked Ms. Schuckers for chairing the September 24, 2019 meeting. Ms. Schuckers expressed it was a nice meeting and everyone was prepared with what they wanted to know.

Mr. Herman announced the vacancy in the Tree Commission due to Mr. Wheeler moving from the Borough. He had everyone at the meeting introduce themselves.

**Discussion/Action Items**

Work Plan

Mr. Sam explained the Annual Work Plan was developed to help prioritize the work of the Tree Commission and assure the work was related to Council goals. He said the members were asked to review the attached 2019 Work Plan and add, delete or modify it for 2020.

Mr. Sam commented regarding Item #5 of the 2019 Work Plan that read "Incorporate New Street Tree Inventory Information into Tree Program." He thought that item could be taken off the Work Plan for 2020 or should not be a priority. He said #2 which read "Work Collaboratively with Adjacent Tree Commissions" could come off because Mr. Elmendorf set up a joint Tree Commission meeting every other year.

Mr. Sam asked the members if they agreed and if there were other items they thought should be addressed. Ms. Schuckers said Item # 8 "Evaluate Insect & Disease Threats to Borough's Urban Forest" was the most important item to be left in the Work Plan for 2020. Mr. Herman commented he thought the lantern fly could be a big problem for the area. Mr. Sam agreed, but stated there was no significant damage seen at this time.

Mr. Sam suggested Item #2 be made a low priority, Item #5 eliminated from the plan and Item #8 be moved to Item #1.

Ms. Schuckers made a motion for Item #2 to be made a low priority, Item #5 be eliminated, and Item #8 moved to Item #1 in the 2020 Work Plan for the Tree Commission. Mr. Rohrbach seconded the motion and all were in favor.

## **Items of Information**

### 2020 Tree Budget

Mr. Sam said Council would be voting in December to approve the 2020 Annual Budget and Commission members were asked to review the 2020 proposed Shade Tree Budget.

Mr. Sam pointed out there were very few changes made to the proposed budget and most changes were administrative. He pointed out under the contract line items the property line at Holmes-Foster Park would be reviewed as it comes to a triangle and was difficult to perform maintenance pruning there. He said staff needed to see where the property line was. Ms. Hoag said adding a person to the Tree Crew was on the table. She added there would be a Public Hearing regarding the budget on December 2 and the final vote by Council would be on December 16.

There were no comments from the members.

## **Reports of Interest**

### Arborist Report

Mr. Sam reported on recent activities. Highlights included:

- Walnut Springs – Jasmine and Autumn helped plan and worked on installation of over 160 trees and shrubs at the entrance to Walnut Springs Park. Clearwater Conservancy donated the plants, shelters and stakes for the project. We were able to get a couple dozen volunteers to help. Trails have been mulched and trimmed back recently and Park & Rec will be improving the seating areas at the springs.
- Tree Walk – Led two classes of Delta kids on a Tree Walk
- Urban Forestry Class – Gave Bill's students a tour of the Borough's Urban Forest and pointed out some of our successes and issues.
- Altoona Tree Program – Visited with staff from the City of Altoona to show how our tree program works. Altoona may establish an official, funded program next year.
- CAA TAG- Serving on the Centre Region's Climate Action & Adaptation Technical Advisory Group. COG has completed a Greenhouse Gas Inventory and the TAG will use this information to help develop a plan to help the region mitigate its contribution to GHG emissions and adapt to changing climate conditions. Mr. Herman asked if this was a result of Councilman Barlow's resolution and Mr. Same said it was part of it, but also from the Sustainability Coordinator at COG. He added the Centre Region was trying to be more involved with climate change.
- MS4 Permit Review – A representative from DEP reviewed the Borough's MS4 permit submission and asked to see several of the Borough's claimed mitigation projects. Since the Borough Engineer left, Jasmine took over gather the information and making sure everything was done appropriately. Ms. Schuckers inquired about the garden on Fairmount Avenue. Mr. Sam said he met with the property owners and have come up with a draft landscaping plan to take back to them soon. He said once it is finalized, work would begin in the Spring.
- East Fairmount Park Redevelopment – The Borough secured grant funding from CDBG, Tree Vitalize and DCNR to help pay for the improvements to East Fairmount Park. The next phase will be to develop construction drawings and put the project out to bid. Hope to have it completed by late spring.

- Campus & Community Sustainability Expo – This year's Expo is scheduled for December 11 from 4:30 to 7:30 and will be held at the Days Inn. Among the various student projects highlighted, three are directly related to trees. The first is a GHG inventory for the Borough. This would be the third inventory and should give us a pretty good idea of how successful our various strategies have been. The second is the development of a Tree App that highlights our tree walk. The third is a wood utilization project.
- Allen Street Ped Mall – Information only but Council approved the closure of the 100 block of Allen Street right after spring graduation until the Arts Fest.
- Tree Pruning Contract – Dincher & Dincher Tree Surgeons were just awarded the 2019 Tree Pruning contract addressing all the trees in West College Heights. Only had two bidders for a project to prune 470 street trees. Contract will be for \$100,580. Work will begin immediately and run through the end of February.
- 2020 Shade Tree Budget – This year's budget is proposed at \$1,102,302, only \$60,000 over last year's proposals. Most line items remain flat or have gone down, but Public Works Services and Vehicle Maintenance have gone up 19.5% and 17.9% respectively.
- 50th Anniversary of Earth Day – The Borough is working with the State College School District to develop a celebration in Friedman Park.

### Tree Crew Report

Mr. Shirey reported on recent Tree Crew activities. Highlights included:

- One-hundred forty (140) new trees were planted with several in the downtown area.
- The Tree Crew maintained 8 to 10 flower beds and more volunteers were getting involved.
- Maintenance pruning was concentrated on the southeast area of the Borough.
- The crew has received positive feedback regarding the Walnut Springs project.
- Tree guards have been installed downtown.
- There was vandalism done to a Dr. Martin Luther King Plaza tree. The crew doctored it up and got it back together and the tree will be evaluated in the Spring.
- The Tree Crew performed landscaping on 16 properties including the Municipal Building.
- Mr. Ohs had ben mowing grass and taking up leaves at 12 to 16 properties within the Borough.
- The Tree Crew is currently working on tree removals and will stay the course until March when it was time for stump grinding and the planting of replacement trees would occur.

Ms. Schuckers asked if it was difficult to get summer help? Mr. Shirey answered it used to be easy but went through a phase when it was difficult. He said the pay was bumped up and now more people are being attracted who have an interest in tree work.

Mr. Herman asked what the usual number of trees planted downtown was? Mr. Shirey answered they usually planted 6 to 8, but 12 was a large number for this year.

### **Other Matters**

#### Draft 2020 Meeting Schedule

The Commission reviewed the following meeting schedule for 2020:

Wednesday, January 15 at 12:00 p.m.  
Wednesday, March 18 at 12 p.m.  
Wednesday, July 22 at 8:30 a.m. (Drive-around)  
Wednesday, August 5 at 8:30 a.m. (Drive-around)  
Tuesday, September 8 at 7:00 p.m. (Public Hearing)  
Wednesday, September 23 at 7:00 p.m. (Public Hearing)  
Wednesday, November 18 at 12:00 p.m.

A motion was made by Mr. Rohrbach and seconded by Ms. Schuckers to approve the meeting schedule for 2020. All were unanimously in favor.

Tree Commission Vacancy

Mr. Herman inquired if anyone has shown interest in Mr. Wheeler's vacancy on the Commission. Ms. Hoag answered there was one person interested thus far.

Tree Appeals

Mr. Sam noted he and Ms. Hoag were still reviewing tree appeals and they would be addressing the property owners. Mr. Sam showed a picture of a tree on Ridge Avenue that was pruned incorrectly by a resident or tenant leasing the home. He said that would be addressed with the party responsible.

**Adjournment**

With no further business to discuss, Mr. Herman adjourned the meeting at 1:06 p.m.

Respectfully submitted,

Stacy Hall  
Administrative Assistant

2020 STATE COLLEGE TREE COMMISSION WORK PROGRAM

Recommended by Tree Commission 11/20/2019  
 Approved by Borough Council \_\_\_\_\_

Key: H=High, M=Medium, L=Low  
 I=Initiate Discussion, IP= In Progress, C=Complete, R/C=Review and  
 Comment, BC = Refer to Council

		Priority	Council Goals	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Comments
1.	<b>Evaluate Insect &amp; Disease Threats to Borough's Urban Forest.</b> Following regular updates concerning insect and disease threats to the Borough's Urban Forest, the Tree Commission should offer management strategies to mitigate problems or reduce the Borough's liability.	H	1, 2, 5	IP	→	→	→	Develop information for homeowners on Emerald Ash Borer, Spotted Lantern Fly and other major insect and disease pest for homeowners
2.	<b>Planting and Removal Recommendations.</b> Review, comment and make recommendations to the Public Works Director on proposed tree removals and plantings recommended by the Arborist.	H	1, 5			I	C & BC	
3.	<b>Work Collaboratively with Adjacent Tree Commissions.</b> Participate in meetings with Borough, Harris Township, Ferguson Township, and Penn State Tree Commissions to discuss common threats to urban forest as well as coordinate projects.	L	2,3	→	→	→	→	
4.	<b>Identify Planting Opportunities in the Downtown Business District.</b> Continue to identify tree planting locations in the downtown including private property.	L	1, 5, 6	IP	→	→	→	Increase Downtown planting in conjunction with new development.
5	<b>Review Web Page.</b> Continue to review web page content, organization and accessibility. Schedule meeting with Borough's Communication Specialist.	M	2	I	→	R/C		
6..	<b>Complete new Tree Bike Ride Brochure.</b> Complete brochure that highlights various tree species and their management. Stormwater management will also be highlighted in the brochure and available as phone app.	H	5	IP	C			Draft completed in 2014. Awaiting illustrations.
7	<b>Review Recommended Planting List.</b> Add, delete or modify species and cultivars of trees recommended for planting along Borough streets and rights-of-way.	M	1, 5, 6	IP	R/C	C		Consider reformatting the list to make it more user friendly and help with tree planting decisions. Trees should also be rated for their importance to birds, bees and other pollinators.
8.	<b>Review Policy for Right-of-way Plantings in the Downtown District</b>	M	1,5,6	I	C			Discuss impacts on Borough staff and budgets that installation of plant material in the tree lawn other than trees by new developments may cause.

## Borough of State College MEMORANDUM

---

**To:** ABC Secretaries and Staff Assistants  
**From:** Ed LeClear  
**Re:** Conflict of Interest Policy and Code of Conduct with Regard to HUD Programs  
**Date:** December 3, 2019

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 2020. Also, please be sure to note distribution of the policy in the meeting minutes.

## **BOROUGH OF STATE COLLEGE**

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

#### **SECTION 1 NON-PROCUREMENT CONFLICTS OF INTEREST**

##### **A. 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 real or apparent financial interest or financial benefit from a HOME, CDBG, or other HUD-assisted activity, or has a real or apparent financial interest in any contract, subcontract, or agreement with respect to 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:

1. 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
2. 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:

1. 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;
2. 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;
3. 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;
4. 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
5. 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
6. Any other relevant considerations.

#### B. OWNERS AND DEVELOPERS:

Any 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)

#### CONFLICTS PROHIBITED:

No person(s) described in Paragraph 2.A of section 2 may occupy, or appear to 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:

1. 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:
2. 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;
  3. Whether the tenant protection requirements of Sec. 92.253 are being observed;
  4. Whether the affirmative marketing requirements of Sec. 92.351 are being observed and followed; and
  5. Any other factor relevant to the Borough's determination, including the timing of the requested exception.

## SECTION 2 PROCUREMENT CONFLICT OF INTEREST

### COVERED INDIVIDUALS:

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

### CONFLICTS PROHIBITED:

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 2 CFR 200.318, 24 CFR 570.611, and 24 CFR 92.356 are not included or conflict with the Borough's Procurement Policy, the provisions of 2 CFR 200.318, 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 sub-agreements.

### EXCEPTIONS:

There are no exceptions for real or apparent procurement conflicts of interest.

A request for a regulatory waiver can be submitted pursuant to 24 C.F.R. § 5.110

Upon determination of good cause, the Secretary may, subject to statutory limitations, waive any provision of this title and delegate this authority in accordance with section 106 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3535(q)).

SECTION 3 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.

SECTION 4 SUB-RECIPIENTS:

Applicable Conflict of Interest and Procurement Policies for the Borough's subrecipients are covered under CFR 200.318, 24 CFR 570.611 and 24 CFR 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  
243 S. Allen Street  
State College, PA 16801  
814-234-7109

Summary of Revisions:

Adopted by the State College Borough Council on April 18, 2005.

Revised by staff on April 30, 2015.

Revised policy adopted by the State College Borough Council on November 26, 2019.