

**Meeting Agenda**  
**State College Borough Redevelopment Authority**  
**January 22, 2020**  
**Room 241 / Noon**

**I. Call to Order**

**II. Roll Call**

**III. Election of Officers**

- A. Election of Chairman, Vice-Chairman and Secretary/Treasurer

**IV. Approval of Minutes**

**V. Chair Report**

**VI. Public Hour - Hearing of Citizens**

**VII. Financial Matters**

- A. December 2019 Expense Voucher Approval
- B. Neighborhood Sustainability Program Line-of-Credit (LoC) Payoff

**VIII. Official Reports and Correspondence**

- A. Borough Council
- B. Planning Commission
- C. Staff Reports
- D. Conflict of Interest Memorandum

**IX. Upcoming Meetings**

**X. Adjournment**

**Documents:**

[Complete Redevelopment Authority Agenda - January 22, 2020.pdf](#)

**Meeting Agenda  
State College Borough  
Redevelopment Authority  
January 22, 2020  
Room 241 / Noon**

**I. Call to Order**

**II. Roll Call**

Sally Lenker  
Elizabeth Goreham  
James Shincovich  
Rebecca Misangyi  
Mark Huncik

**III. Election of Officers**

A. Election of Chairman, Vice-Chairman and Secretary/Treasurer

**IV. Approval of Minutes – December 18, 2019**

**V. Chair Report**

**VI. Public Hour - Hearing of Citizens**

**VII. Financial Matters**

A. December 2019 Expense Voucher Approval

Redevelopment Authority Action (RDA): The RDA should review and approve the December 2019 expenditures.

B. Neighborhood Sustainability Program Line-of-Credit (LoC) Payoff

Staff will review options for paying off the balance of the Neighborhood Sustainability Program line-of-credit (\$430,000). After consultation with the Borough's financial advisors, a loan from Borough Council to the RDA would be legally permissible.

Redevelopment Authority Action (RDA): RDA members should provide direction as to preferred mechanisms for LoC payoff either 1) requesting a loan from Borough Council or 2) authorizing the Borough's financial advisors to solicit a market-rate term loan to pay off the line-of-credit.

**VIII. Official Reports and Correspondence**

A. Borough Council

B. Planning Commission

C. Staff Reports

D. Conflict of Interest Memorandum

**IX. Upcoming Meetings**

February 26, 2020 at Noon

**X. Adjournment**

*The Redevelopment Authority will adjourn to an Executive Session to discuss Real Estate matters.*

**Meeting Minutes  
State College Borough  
Redevelopment Authority  
December 18, 2019**

The State College Borough Redevelopment Authority (RDA) met on Wednesday, December 18, 2019 in the Municipal Building, 243 South Allen Street. Sally Lenker, Chair, called the meeting to order at 12:01 p.m.

**RDA Members Present**

Sally Lenker, Chair; Colleen Ritter, Vice-Chair; Rebecca Misangyi and James Shincovich, Secretary/Treasurer

**RDA Members Absent**

Mark Huncik

**Others Present**

Ed LeClear, Planning Director; Isabel Storey, Planner; Dwight Miller, Finance Director; and Denise L. Rhoads, Administrative Assistant

**Approval of Minutes**

A motion was made by Ms. Ritter and seconded by Mr. Shincovich to approve the November 18, 2019 minutes as submitted. The vote was unanimously in favor.

**Chair Report**

Ms. Lenker, Chair, stated this would be Ms. Ritter's last meeting due to another person requesting to be on this Authority. Ms. Lenker and Mr. LeClear thanked Ms. Ritter for all her hard work and wished her the best.

**Public Hour**

There was no public in attendance.

**Financial Matters**

November 2019 Expense Voucher Approval

Mr. LeClear gave a brief overview of the November 2019 expense voucher which included the categories: 1) dues, memberships and subscriptions; 2) office/miscellaneous supplies; 3) debt service-principal; and 4) debt service-interest.

Ms. Misangyi asked Mr. LeClear what the Urban Land Institute membership was, and he gave a brief explanation.

A motion to approve the November 2019 expense voucher was made by Mr. Shincovich and seconded by Ms. Misangyi. The vote was unanimously in favor.

### 2020 RDA Budget Presentation and Neighborhood Sustainability Program (NSP) Line-of-Credit (LoC) Payoff Discussion

Mr. Miller stated staff discovered the loan was legally structured as a draw down LoC instead of a revolving LoC.

Mr. LeClear's overview included:

#### Discussed Revenue Sources

- Council approved a one-half millage tax increase to fund payback of the LoC and other RDA activities (\$287,000).
- Kemmerer Road loan repayment (\$36,000)
- Projected 2020 Transfer Tax revenue (\$200,800)
- 2020 General Fund Transfer (\$287,000)

#### Discussed Balance Sheet and Projected End-of-Year (EoY) Expenditures

- Projected EoY fund balance (\$1,068,000)
- LoC liability (\$1,166,650)
- Yorkshire loan liability (\$125,000)

#### Discussed 2020 Economic Development Program Cost

- Kemmerer Road loan payment ( \$36,000 – covered by payments from Housing Transitions, Inc.)
- Personnel (\$90,470)
- Operating/Program/Advertisements (\$15,000)
- Professional Services (\$150,000)
- Total 2020 cost (minus Kemmerer Road \$255,470)

#### Discussed 2020 Community Development Program costs

- Mr. LeClear stated this was predicated on paying back the LoC in May 2020.
- Suggested paying back \$736,650 of the LoC resulting in a balance of \$430,000.

#### RDA comments:

- Ms. Lenker stated she was in favor of paying it down by \$736,650. Mr. LeClear stated staff was comfortable with paying that amount down.
- Mr. Shincovich asked if part could be paid now and the rest in a few months. Mr. Miller stated that was possible. Mr. Shincovich stated he agreed it should be paid down this year.

A motion was made by Ms. Ritter and seconded by Mr. Shincovich to approve the proposed partial payback of \$736,650 for the NSP LoC. The vote was unanimously in favor.

### **Official Reports and Correspondence**

Borough Council (BC): Mr. LeClear reported BC passed the budget Monday night and appointed Ron Filippelli as Mayor.

Planning Commission (PC): Mr. LeClear reported the PC would start the certified redevelopment discussions.

There was some brief discussion regarding the proposed State College Town Centre.

Staff Reports: Mr. LeClear reported there were only three applicants for the Senior Planner-Redevelopment Specialist position, and none were qualified.

### **Upcoming Meetings**

The next scheduled meeting would be January 22, 2020 at Noon.

### **Adjournment**

With no further business to discuss, the meeting was adjourned at 12:45 p.m. by Ms. Lenker, Chair.

Respectfully submitted,

Denise L. Rhoads  
Administrative Assistant

# SCB RDA Voucher Report

Check Date Range: 12/1/2019 to 12/31/2019

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VENDOR NAME	ACCOUNT DESCRIPTION	DESCRIPTION	ACCOUNT	CHECK NO	AMOUNT
FIRST NATIONAL BANK	DEBT SERVICE - INTEREST	LOAN #46199915	B114-14-42-00-0000-000-95901 -	43047	18,875.80
<b>Check Number 43047 Total:</b>					<b>18,875.80</b>
TRAVELERS CL REMITTANCE CENTER	PROPERTY INSURANCE	2020 PRIVACY POLICY	B114-14-42-00-0000-000-80351 -	43268	596.29
<b>Check Number 43268 Total:</b>					<b>596.29</b>
					19,472.09
<b>Fund B114 Total:</b>					<b>19,472.09</b>
<b>Grand Total</b>					<b>19,472.09</b>

## Borough of State College MEMORANDUM

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**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.