

**Meeting Minutes**  
**State College Borough Council**  
**Regular Meeting**  
**April 4, 2005**

The State College Borough Council met on Monday, April 4, 2005, in the State College Municipal Building Council Room, 243 South Allen Street, State College, PA 16801. Mayor Welch called the meeting to order at 7:30 p.m.

Present: Bill Welch, Mayor  
Thomas E. Daubert, President of Council  
Catherine G. Dauler  
Elizabeth A. Goreham  
Craig R. Humphrey  
Jeffrey R. Kern  
Janet K. Knauer  
James H. Meyer

Also present were: Thomas J. Fountaine, II, Borough Manager; Ronald A. Davis, Assistant Manager; Terry J. Williams, Solicitor; Carl R. Hess, Community Development/Planning Director; Thomas R. King, Chief of Police; Michael S. Groff, Finance Director; Mark A. Whitfield, Director of Public Works; Amy J. Story, Borough Engineer; Cynthia S. Hanscom, Assistant Borough Secretary; members of the media; and other interested observers.

The Pledge of Allegiance followed a moment of silence.

#### PUBLIC HOUR

Chris Brown, 234 East Beaver Avenue and member of the Interfraternity Council (IFC), spoke on behalf of Drew Connelly, inviting Council members to attend a TIPS program on April 10, 2005. He said he would be happy to answer any question on the program and asked interested members of Council to contact the IFC.

#### CONSENT ITEMS

Smart Start Centre County United Way: Parade of Young Children. Mr. Fountaine said a request had been received from Smart Start of the Centre County United Way to conduct a parade of young children starting at the northern side of College Avenue, traveling on the sidewalks of Allen Street, and ending at the State College Municipal Building. The event will be held on Friday, April 22, 2005 from 9:45 to 10:30 a.m. Following the parade the organizers have planned a children's bird demonstration by Shaver's Creek in the Municipal Building plaza. Both events require Council's approval.

Ms. Knauer asked the applicant be reminded that the east side of Allen Street is closed because of library construction. The participants should walk on the west side and then cross over at Foster Avenue.

Mr. Kern moved to approve the application for the parade. Ms. Goreham seconded the motion, which passed unanimously.

Annual Cruise. Mr. Fountaine noted that a request had been received to conduct the annual Cruise on College and Beaver Avenues. The applicant is requesting permission to hold this event on Saturday, July 30, from 6:00 to 8:00 p.m. Proceeds from the activity will benefit the Centre County Youth Service Bureau.

Mr. Kern moved and Ms. Goreham seconded a motion to approve the use of Borough streets for the cruise. The vote on the motion passed unanimously with a 7-0-0 vote.

Family Fun Fair. Mr. Fountaine informed Council, On Saturday, June 4 (rain date June 11), the Schlow Memorial Library would like to use Fraser Plaza for a family fun fair. The activity will be held from 11:00 a.m. until 2:00 p.m. This event has been held in previous years.

Mr. Kern moved to approve the use of the plaza for the fair. Ms. Goreham seconded the motion. The motion passed with a 7-0-0 vote.

#### BIDS/CONTRACTS/AGREEMENTS

Project 12-2005 Central Parklet Tot Lot. Mr. Fountaine said bids for the Central Parklet Tot Lot, which consists of the removal and replacement of an existing water fountain and existing trash receptacle, the construction of concrete stairs, installation of a new water service, 410 square feet of concrete pavers, 580 square feet of brick pavers, and 2 new child sized benches, were opened

on March 22, 2005 at 11:00 a.m. The bids were advertised in the *Centre Daily Times* in accordance with the Purchasing Ordinance and a total of 7 bid packages were purchased. The following bids were received:

1	Stewart Construction Kenneth W. Stewart, Owner Lewistown, PA	\$29,473.87*
2	Land Serv, Inc. John B. Oleksa, Jr., Secretary Boalsburg, PA	\$33,196.50
3	Haranin Construction Henry I. Haranin, President Bellefonte, PA	\$37,978.81

\* Denotes mathematical correction made by staff

Construction time is 60 days and is anticipated to begin with the Notice to Proceed being issued on April 14. Funding for the project is available in Account #30-454-660. This project represents the Borough's share of the total project. The Rotarians have pledged \$25,000 to be applied to the project.

Mr. Daubert asked if the \$25,000 would be applied to the total cost. Ms. Story indicated the bid amounts are to complete the part of the project not covered by the Rotarians.

Mr. Daubert asked if the project could be completed before the Arts Festival, given that there may be inclement weather. Ms. Story explained the 60-day construction time had additional days built in for inclement weather. She believed it would not take the entire 60 days to complete the project.

Mr. Daubert asked about the low bidder, Stewart Construction. Ms. Story said she requested references and noted that they had completed a number of parks, including a project for Greenwood Furnace.

Mr. Kern asked and Mr. Fontaine replied that the bids were within the budgeted amount.

Ms. Dauler moved to award a contract for Project 12-2005 Central Parklet Tot Lot to Stewart Construction, the low bidder, in the amount of \$29,473.87. Ms. Goreham seconded the motion. The motion passed with a 7-0-0 vote.

11-2005-CDBG Burrowes Street Reconstruction. Mr. Fontaine said bids for the Burrowes Street Reconstruction project, which consists of approximately 445 linear feet of Type I street reconstruction (complete pavement, curb and sidewalk replacement) on South Burrowes Street (Highland Alley to Foster Ave.) and 425 linear feet of Type I/II street reconstruction [partial curb replacement & full depth pavement replacement on South Burrowes Street (Foster Avenue to Nittany Avenue)]; replacement of approximately 880 linear feet of 6" VC sanitary sewer main with 8" PVC; replacement of approximately 350 linear feet of sanitary sewer laterals; replacement of curb gutter, concrete sidewalk/driveway aprons and adjustment of storm and sanitary sewer manholes and/or inlet structures, as required, were opened on March 22, 2005 at 11:00 a.m. The bids were advertised in the *Centre Daily Times* in accordance with the Purchasing Ordinance and a total of 10 bid packages were purchased. The Base Bid was previously described and Alternate A includes the mill and overlay of Burrowes Street from Beaver Avenue to Highland Alley. The following bids were received:

	Contractor	Base Bid	Alternate A
1	HRI, Inc. Jeffrey E. Reeder, V-President State College, PA	\$366,304.00	\$5,920.00
2	Mid State Paving, LLC Steve Wagner, Manager Paxtonville, PA	\$379,893.08*	\$10,114.00
3	DAC Enterprises Douglas A. Crestani, Owner Julian, PA	\$391,559.00*	\$8,120.00
4	Glenn O. Hawbaker, Inc. Daniel R. Hawbaker, Pres. State College, PA	\$397,632.75	\$9,400.00

The contract was written to allow the contractor to commence work on the sanitary sewer on and not before May 30, 2005 and be substantially complete by July 1, 2005; additionally, the contractor is not permitted to complete any work during the time period of July 2, 2005 to July 17, 2005; and to complete the street reconstruction and miscellaneous work between July 18, 2005 and August 25, 2005.

The project is funded by several accounts as follows:

CDBG	18-465-726	234,193.00
Sanitary Sewer	08-429-726	119,448.00
Storm Water Improvements	30-436-605	5,115.00
Street Resurfacing (for Alternate A)	30-439-610	5,920
State College Water Authority		7,548.00

The \$7,548.00 to be funded by the Water Authority is for pavement repair attributable to their waterline replacement project. Mr. Fontaine noted that the bid cannot be awarded without the HUD contract in place.

Ms. Knauer asked why the project would not begin until May 30. Mr. Fontaine explained it was to coordinate the work with the Beaver Avenue parking garage so that both Burrowes and Fraser are not closed at the same time.

Mr. Kern asked if the Water Authority was aware of their part in this project. Mr. Fontaine replied, "Yes"; staff had been working with the Water Authority to coordinate the work on this project.

Mr. Daubert asked if Nittany and Foster Avenues would remain open. Ms. Story noted that some work will extend into Nittany Avenue from the Burrowes Street intersection, which will require the street to be closed.

Mr. Daubert asked why road reconstruction would not be done on Burrowes Street between Beaver Avenue and Highland Alley. Ms. Story replied that the road condition did not warrant reconstruction while other sections were in need of repair.

Ms. Dauler asked if staff had found out about the HUD contract. Mr. Hess indicated HUD is ready with the contracts but Congress had not released the funds. When asked about the lateness of the date, Mr. Hess indicated it was not much later than the release of funds last year.

Ms. Knauer moved to award both the Base Bid and Alternate A of Project #11-2005-CDBG Burrowes Street Reconstruction and Sanitary Sewer Project HRI, Inc., the low bidder, in the total amount of \$372,224.00, contingent upon the receipt of our HUD contract. Ms. Dauler seconded the motion. The motion passed with a 7-0-0 vote.

## ABC RECOMMENDATIONS

Commercial Incentive District. Mr. Fontaine said the State College Planning Commission has completed the preparation of the Commercial Incentive zoning district (CID). Council requested the Planning Commission develop this proposed ordinance following Council's hearing and discussions of an earlier proposed zoning district called the Atherton Corridor Overlay zone. The areas included in the earlier proposal as well as the proposed CID are planning areas 7 and 8 as identified in the Downtown Vision and Strategic Plan. Council directed the Planning Commission to devise a set of regulations that more closely followed existing development standards with incentives added to encourage property owners to redevelop sites in this area of downtown.

The CID district contains a set of development standards (such as setbacks, height, and uses) called the base or underlying zoning, and a set of incentives that allow a property owner to increase building height and floor area ratio (FAR) of residential uses above that permitted under the base zoning and to decrease the amount of parking provided below that required under the base zoning.

Mr. Hess presented an overview of the Commercial Incentive District, which included a map of the proposed area to be included. He indicated the underlying zoning differed from the current standards in four areas: parking for residential uses ties the number of spaces to the number of bedrooms rather than the square footage; the FAR is decreased from 2.5 to 2.0; front setbacks are increased from 15 feet to 25 feet for residential uses and parking; and "off-set" or other forms of modulation are required in building facades.

Mr. Hess explained the incentives include two categories for building and use and three bonus categories to allow for height increase, FAR increase, and parking reduction. Incentives included setting the building back, being green certified, providing underground parking, offering owner-occupied housing, providing street level commercial and providing for mixed use (retail/office). Mr. Hess presented a table showing the different bonuses that could be applied for each incentive provided by the developer. The maximum bonus would allow for 95 feet in height, and FAR of 3.0, and 30 percent reduction in parking. Mr. Hess reviewed how a developer would qualify for the bonuses.

Ms. Goreham noted that owner-occupied housing gets a significant bonus. She asked what would insure the property remains owner-occupied. Mr. Hess explained the ordinance requires a covenant be placed on the property.

Mr. Daubert asked about the incentive for “green certified.” Mr. Hess explained the U.S. Green Building Council provides certification; the Council is made up of representatives from several agencies, one of which is the Environmental Protection Agency.

Mr. Kern moved to receive the proposed Commercial Incentive zoning district ordinance and schedule it for discussion at the April 11 work session. Ms. Goreham seconded the motion. The motion passed with a 7-0-0 vote.

## OLD BUSINESS ITEMS

Fraser Street Development Agreement. Mr. Fontaine noted the agreement between the State College Downtown Improvement District (DID) and the Borough will designate the DID as the agency to complete the economic development project on the site of the former municipal building on Fraser Street. The development is expected to include a Cineplex with a minimum of 10 theatres, commercial, retail and market rate housing. The DID will oversee the project under its economic development mission.

Mr. Humphrey asked how much housing would be involved in this project. Mr. Fontaine replied that was not yet known. The DID would be preparing a request for proposals to develop a scope for the project.

Mr. Daubert asked if a reference had been added stating that family members of DID Board members could not benefit from this project. Mr. Fontaine said the agreement included a statement that “no members of the Board of Directors, principal officer or employee of the DID, or member of a committee of the DID with board delegated powers who has a direct or indirect financial interest may participate in any bid, proposal, or submission or any contract or subcontract related to the project during their tenure or for one year thereafter.” Mr. Fontaine indicated definition of “financial interest” included a person who has direct or indirect interest, through business, investment or family. Mr. Daubert asked if this language would include spouses. Mr. Williams noted that a spouse’s interest cannot be separated out; therefore, spouses cannot profit from the project.

Ms. Goreham moved to approve the economic development agreement designating the State College Downtown Improvement District to oversee the development at the site of the former municipal building and setting forth the project responsibility for the DID and the Borough. Mr. Kern seconded the motion, which passed unanimously with a 7-0-0 vote.

Fire Study Discussion. Mr. Fontaine noted that at the February 28<sup>th</sup> meeting of the COG General Forum, the consultant’s evaluation of the fire companies was received, discussed and referred to participating municipalities. Comments on the “February 2005 Evaluation of Alpha Fire Company and Boalsburg Fire Company report prepared by the consultants, Emergency Services Consulting, Inc., were to be forwarded to the COG Executive Director by April 8.

Mr. Fontaine noted the following questions and comments had been raised:

1. The consultant assumed that the majority of housing was single-family detached, while about half of the Centre Region population lies in multi-family housing units or dormitory buildings. These buildings are generally built to a higher fire code standard, thus they do not require as much in terms of fire services. By using cost per person as a benchmark for the Alpha Fire Company, the consultants have not taken the nature of the housing stock into consideration. Thus, the accuracy of the per capita cost benchmark is questioned.
2. The study indicated that a “good old boy” network existed in the fire service, and permeated the “hiring” practices, or member selection process. The personnel practices need to be improved to eliminate appearances of bias and to ensure the selection of members based solely on merit principles.
3. The report reflected that the Alpha Fire Company did not make its constitution available for the consultants to review. Why was this document not made available for the consultants?
4. The need to improve the practices and procedures used by the Alpha Fire Company is evident from the study. Several recommendations included in the study will be controversial within the community and within the fire company. It will take time and skillful negotiation with the fire company to implement the more controversial changes, especially those recommendations that go to the heart of the volunteer fire culture. Can a formal process be established that will allow dialogue between the fire company and the community’s elected leadership on ongoing and regular basis?

Mr. Humphrey asked why this study was completed. Mr. Fontaine noted it was a follow-up to a study done over 10 years ago. Carmine Prestia, 1255 Smithfield Street, and member of the Alpha Fire Company, explained the Tri-Data study done in the early 1990s included many recommendations. One was to hire a fire administrator, which was done. Almost all of the

suggestions from that report were implemented. One of the COG committees suggested that another updated study was needed.

Mr. Kern asked why the constitution was not provided to the consultant. Mr. Prestia stated he did not believe that statement was correct. There was a significant exchange of information with the consultant. The consultant provided comments on the constitution; if the consultant was not able to get a copy of the constitution, how could they comment on it?

Ms. Goreham said a formal communication process between the fire company and municipal officials was needed to work on sensitive issues. Ms. Knauer agreed and suggested the COG Public Services Committee would be a good vehicle for this discussion. Mr. Prestia noted that Brian Bittner, Stanley Clouse, and Barrett Smith meet regularly with James Steff, Executive Director of COG. He agreed that getting the elected officials involved through the COG Public Services Committee would work well.

Mr. Daubert noted there is a perception of dislocation between the corporate structure and line structure for the fire company. Mr. Prestia stated he did not believe that to be the case. He stated he has been at every meeting and believed the fire company was ready to look at any recommendation that is made. Mr. Daubert noted that his impression is that the corporate structure of the fire company was ready to look at the recommendations but the line structure was not.

Ms. Dauler asked about the strategic planning process. Mr. Prestia said the consultant will be the facilitator of the strategic planning process. Ms. Dauler asked if there was a time line established to complete this process. Mr. Prestia noted that Mr. Steff was working to set up a public meeting very soon to include the members of the fire study committee.

Mr. Daubert noted the fire study committee has its own priorities. The COG priorities may be very different. This is where there could be a disconnect. Mr. Prestia noted that the strategic planning process will involve all parties and create more of a connection and collaboration of priorities and goals. Mr. Daubert noted that elected officials were responsible for the protection of the Centre Region and should be the group to set the priorities and goals.

To make it clear, Ms. Knauer moved that all public officials and fire administrators be involved in the planning process. Ms. Goreham seconded the motion, which passed unanimously. Mr. Fountaine noted this point was addressed in the fourth recommendation. Council asked the recommendation be expressed as a statement rather than a question.

Mr. Kern suggested that each group develop a list of expectations for fire service in the Centre Region. Those lists could then be reviewed for differences and commonalities. Council members agreed.

Mr. Daubert suggested a realistic timetable be developed to complete the strategic planning process. Mr. Prestia believed the strategic planning process would be done quickly. He added the implementation may take several years. Mr. Daubert said the strategic planning process should be completed this year. Ms. Dauler noted that it was the intention of the General Forum to move this along.

Ms. Dauler moved to forward the comments onto the COG Executive Director as stated by Mr. Fountaine with the additional comments as agreed upon by Council. Mr. Humphrey seconded the motion. The motion passed with a 7-0-0 vote.

## NEW BUSINESS

2005 Central Pennsylvania Festival of the Arts. Mr. Fountaine noted that Phil Walz had submitted a request to permit the 2005 Arts Festival. As requested, the Festival will occupy the same area as in 2004. This year's Festival will begin with Children and Youth Day on July 13 and end with the sidewalk sales of arts and crafts on July 17. To enable the Festival to take place in a controlled environment, an ordinance is enacted each year to designate the time and place for the Festival and to suspend certain other activities designated by the ordinance.

Rick Bryant, Acting Director for the Central Pennsylvania Festival of Arts, expressed his appreciation for Council's cooperation over the years to allow them to conduct the Festival in a high-quality and professional way.

Mr. Welch asked if there were any changes for this year. Mr. Bryant indicated there would not but that Phil Walz would be missed.

Ms. Dauler moved and Mr. Meyer seconded a motion to enact Ordinance 1810 to designate the public streets and public areas as the arts festival zone and establish the time period for the arts festival. The vote was 7-0-0 in favor of the motion.

Articles of Agreement for the Oak Hall Property. Mr. Fountaine said the COG General Forum met on March 28 to consider Articles of Agreement for the ownership of the Oak Hall Property and

referred the Agreement to the municipalities for approval. The Oak Hall property included Tax Parcels 19-4-104, tract 1; 19-4-104, tract 2; and 19-4-014G, for a total of 68.28 acres to be purchased from Penn State University. The land would be owned by the Centre Region Council of Governments.

Mr. Daubert asked that it be made clear that the Borough was agreeing to the purchase of the land but would not incur any costs. Mr. Williams explained the Agreement indicated the land would be paid for by College and Harris Townships and through a Pennsylvania Department of Conservation and Natural Resources (DCNR) grant.

Mr. Kern moved to enact Ordinance 1811 approving the joint articles of agreement for the purchase of the Oak Hall parkland. Ms. Knauer seconded the motion. The vote was 7-0-0 in favor of the motion.

Report on the 2004 Courtesy Parking Program. Mr. Fountaine noted that staff has completed its review of the 2004 holiday courtesy parking program and prepared a report. The report includes the data collected during the 2004 holiday season and comparison data for other periods. He noted that staff is recommending the program be continued only for the holiday season.

Ms. Knauer moved to receive the report and schedule it for discussion at the April 11 work session. Ms. Dauler seconded the motion, which passed unanimously with a 7-0-0 vote.

## OFFICIAL REPORTS AND CORRESPONDENCE

President's Report. Mr. Daubert announced there would be a state planning conference in May on land use planning. Members interested should see him. Also, there was an amendment at the state level to change the Emergency and Municipal Services Tax (EMST) to change the income exemption. Third, he was concerned with Council's relationship with the Chamber of Business and Industry of Centre County (CBICC) and would like to review their relationship before renewing.

There being no further business, the meeting adjourned at 8:45 p.m.

Respectfully Submitted by:

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Cynthia S. Hanscom  
Assistant Borough Secretary