

**Meeting Minutes  
State College Borough Council  
January 14, 2008**

The State College Borough Council met in a regular meeting on Monday, January 14, 2008, in the State College Municipal Building Council Chambers, 243 South Allen Street, State College, PA. Mr. Welch called the meeting to order at 7:30 p.m.

Present: Bill Welch, Mayor  
Elizabeth A. Goreham, President of Council  
Ronald Filippelli  
Donald M. Hahn  
Theresa D. Lafer  
Silvi Lawrence  
Peter Morris  
James L. Rosenberger

Also present: Terry J. Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Thomas S. Kurtz, Assistant Borough Manager; Roger A. Dunlap, Assistant Borough Manager; Carl R. Hess, Director of Planning; Amy J. Story, Borough Engineer; Thomas R. King, Chief of Police; Beth A. Johnston, Director of Human Resources; Michael Groff, Finance Director; Cynthia S. Hanscom, Assistant Borough Secretary; members of the media; and other interested observers.

Mr. Welch began with a moment of silence and the Pledge of Allegiance.

**Public Hour.** There was no one from the public wishing to speak.

**Consent Items.** Mr. Hahn moved and Ms. Goreham seconded a motion to approve the following consent items. The motion passed with a 7-0-0 vote.

- Approve Vouchers for the month of December 2007 for the Borough of State College in the amount of \$1,574,417.35.
- Appoint the following individuals to various Authorities, Boards and Commissions:

<b>Name</b>	<b>ABC</b>	<b>Term Ending</b>
Amy J. Story	Spring Creek Watershed Commission	12/31/2008
Peter Morris	Spring Creek Watershed Commission Alternate	12/31/2008
Ron Filippelli	Downtown State College Improvement District Board of Directors	12/31/2009
Colleen Houser	CDBG Citizens Advisory Committee	12/31/2011
Ernest M. Hawk	CDBG Citizens Advisory Committee	12/31/2011
Richard Devon	Design Review Board	12/31/2011
Elizabeth Goreham	Centre County Metropolitan Planning Organization (CCMPO)	12/31/2009
Jim Rosenberger	CCMPO – Alternate	12/31/2009
Charles Gable	Centre Region Planning Commission	12/31/2008
Ann Bolser	Centre Region Planning Commission Alternate	12/31/2008
Silvi Lawrence	State College Area Plan	
Elizabeth Goreham	State College Area Plan	
Elizabeth Goreham	ad hoc Streambuffer Committee	
Jim Rosenberger	ad hoc Park Committee	

- Approve the use of various Borough sidewalks for the Tri-County Habitat for Humanity House Walk scheduled for Sunday, April 27, 2008, from 1:00 p.m. to 5:00 p.m.
- Approve the closing of several streets in the downtown for the Bicycle Criterion Race scheduled for Sunday, March 30, 2008, from 9:00 a.m. to 6:00 p.m.

**GENERAL POLICY AND ADMINISTRATION**

**Extend the Delta-EDSA Contract.** Council considered the extension of the Delta-EDSA Contract to April 30, 2008, so that the consultants can complete the work on the West End study initiated in the summer of 2007.

Mr. Hess reviewed the status of the contract to implement the West End Revitalization Plan. He noted that Phase III of the plan included five tasks, which were:

- zoning and development standards;
- capital improvement plan;
- urban redevelopment law implementation;

- foster partnerships for implementation; and
- West End branding, logo design and wayfinding.

Mr. Hess stated that four of the tasks were on schedule. The first task of creating a form-based zoning was complicated and the entire planning staff was experiencing a learning curve. He said he hoped to complete the zoning and development standards at the Planning Commission and staff level by mid-March so that Council could consider the zoning.

Mr. Filippelli asked about the fourth task, which was to foster partnerships for implementation. Mr. Hess noted that there were three projects under that task that seemed mostly likely to advance within the next two years. The three projects were development of the community quad at the terminus of Spark Street, redevelopment of the west side at O.W. Houts and the redevelopment of the VFW site and Penn State holdings on Atherton Street. Mr. Filippelli questioned whether it would be prudent to move ahead with these efforts without the zoning in place. Mr. Hess said that staff was moving ahead under the assumption that the zoning would be approved.

Ms. Goreham asked that a work session be scheduled to review the West End Plan. Mr. Hahn agreed. He asked when the contract expired. Mr. Fountaine said it expired on December 31. The extension, if approved, would extend the contract to April.

Mr. Welch asked if the proposed closing of the O.W. Houts at 901 West College Avenue would impact the implementation phase of the project. Mr. Hess said it would depend on the new owner and whether or not O.W. Houts becomes the redevelopment partner. The concept is not negated by the closing but the partners may change.

Mr. Hahn moved to approve the extension of the contract. Ms. Goreham seconded the motion, which passed unanimously.

#### PUBLIC WORKS

**Update on Greenhouse Gas Inventory.** Mr. Fountaine introduced Brent Yarnal, with the Penn State University Department of Geography, Center for Integrated Regional Assessment, to present Council with an update on the greenhouse gas inventory.

Mr. Yarnal presented an overview of the greenhouse gas emission inventory. He explained this project was a four-semester sequence which is now in its last semester. From the inventory update, which was based on 2004 data, the three significant sectors of greenhouse gas emissions were in electricity, on-site fuels and transportation. He noted that the transportation sector was the most uncertain because of the estimation methods used.

Mr. Yarnal reported that a mitigation options report was done in the Spring of 2007 with focus groups that met with stakeholders from the Borough. The report provides 82 options seen as possible mitigation efforts to reduce greenhouse gas emissions. Within each sector, specific actions were suggested with a number of options.

Mr. Yarnal said this semester there would be nine students that will be meeting with focus groups to set priorities for the Borough on those 82 options. By the end of the semester there would be a report of results from those focus groups.

Ms. Goreham said she was excited to see the final report and appreciated the assistance of Mr. Yarnal's students to help to reduce greenhouse gases. These efforts would not only benefit the Borough but the entire community as well. She encouraged a connection with campus officials to include this in their policy decisions. Mr. Yarnal noted that Penn State University has been monitoring their greenhouse gas emissions for several years and have seen the numbers go down based on energy efficiency.

Ms. Lawrence asked if the study included air quality readings for the Borough. Mr. Yarnal said they did not study the gases with a meter. The student used the Department of Transportation or regional authority reports on locations where heavy idling is occurring. Emissions are measured using socio-economic data. For example, if "X" number of tons of coal produces a certain amount of carbon dioxide, the report measures the coal usage in the Borough to estimate the carbon dioxide levels produced. He reiterated that transportation was the most difficult to measure and the numbers were purely estimates.

Mr. Rosenberger asked if the recommendations would include cost benefits for homeowners or commuters. Mr. Yarnal said that the report would give direction to show if savings could be achieved, but it would not give specific data.

Ms. Lafer asked the percentage of error for the estimates. She noted that it would be very hard to make a decision when the data may have a high margin of error. Mr. Yarnal said that some data is more accurate than others. For example, the electricity data is very accurate because the numbers came directly from Allegheny Power. The same is true for the on-site fuel numbers as

those are based on use of natural gas from the Columbia Gas Company. The transportation numbers were less accurate and he would estimate the margin of error could be between 10 to 15 percent.

There being no further questions, Mr. Welch thanked Mr. Yarnal for his report.

**Report from the Spring Creek Watershed Commission.** Ms. Story reminded Council that the Spring Creek Watershed Commission was formed in the late 90s by the Centre County Planning Office to study the watershed. A report was completed with the cooperation of 14 municipalities, after which an ordinance was adopted by each municipality. The County Commissioners felt the work of the group was done but the municipalities did not agree. Because environmental issues regarding storm water were important, the group felt that there was more work to be done. Ms. Story reported that, in the last two years, 10 of the 14 municipalities have approved an intermunicipal agreement to reestablish the watershed commission to continue the work to protect Spring Creek. The Commission is made up of elected officials and/or their designees. Over the last year, the Commission has been working on bylaws, which they hope to adopt in this month.

Ms. Goreham asked if the Commission identified goals for this year. She noted that the Commission's work was not just confined to storm water quantity but also addressed water quality. Ms. Story listed projects specific to water quality, such as road dust retention for gravel roads, the McCoy dam restoration, and farm land preservation. She noted that the main goal was to provide consistency between municipalities.

Ms. Goreham asked if there were other watershed associations in the state. Ms. Story indicated that there were others, but none as large as the Spring Creek Watershed Commission.

**Resolution for Flashing Signal at Atherton/Foster Intersection.** Mr. Fontaine said that Council is asked to approve a resolution to apply to the Pennsylvania Department of Transportation (PADOT) for approval of the installation of a flashing warning device at the intersection of Atherton Street and Foster Avenue. Flashing warning devices are regulated by PADOT and require a permit. As part of the permit, the Borough is required to pass a resolution supporting the installation of the device.

Mr. Rosenberger asked if the signal would be for a pedestrian walkway. Mr. Fontaine explained the project included a pedestrian refuge island. These improvements were being done to improve safe crossings for both pedestrians and bicyclists. Council had requested the intersection be signalized but it was denied by PADOT because it did not meet the required warrants.

Ms. Lawrence asked if the flashing signal would be funded by grant. Mr. Fontaine replied that it would be funded by the Elm Street grant program.

Mr. Morris asked if the refuge island would be raised. Mr. Fontaine replied that it would be a physical structure to provide safety to individuals crossing Atherton Street.

Ms. Lafer asked if vehicle turning would be restricted at this intersection. Ms. Story noted the refuge island would restrict Foster Avenue to a right turn out only onto Atherton Street. Left turns and straight across to continue on Foster Avenue would be restricted.

Mr. Hahn moved to approve Resolution 958 to apply to PADOT for approval of a flashing warning device at the intersection of Atherton Street and Foster Avenue. Mr. Filippelli seconded the motion. The motion passed with a 7-0-0 vote.

**Ordinance Amending Vehicle & Traffic Regulations.** Mr. Fontaine said that Council is asked to approve an ordinance to change the Vehicle and Traffic Ordinance to incorporate recent changes. This is principally a housekeeping amendment, he noted. Occasional updates to the Vehicle and Traffic Ordinance are made to recognize actions of Council which change conditions on Borough streets.

Mr. Fontaine noted that the changes in the ordinance include the following:

- Because of the construction of the IST Building, there is an outdated reference to Pollock Road in the location description of the signal at the pedestrian crossing of Atherton Street near the Bus Terminal.
- Allow a portion of 100 block of South Fraser Street to revert to public parking which was designated for "official use."
- A stop sign was installed to remove a potential hazard where two alleys intersect.
- Because of a turning radius problem for municipal refuse collection equipment on Nittany Avenue, the area designed for on-street parking was modified.

Mr. Hahn moved to approve Ordinance 1893 amending the Vehicle & Traffic regulations. Mr. Rosenberger seconded the motion. The vote on the motion was 7-0-0; the motion passed.

## REGIONAL ISSUES

**Method for Determining Permit Fees for Commercial Renovation Projects.** Mr. Fountaine explained that currently permit fees for commercial interior alterations and renovations are based on the declared cost of the project. However, this method has not proven to be an accurate way of calculating fees and may not be fair to all permit holders. In addition, the fee may not cover all of the Code Administration expenses. In order for the Centre Region Code Agency to continue performing site visits and code consulting for commercial renovation projects, the fee ought to be based on the services provided rather than the declared value of the project. He noted that the COG Code Committee approved a revised method for determining permit fees modeled after the method used by the Pennsylvania Department of Labor and Industry.

Greg Mussi, Director for the Centre Region Code Administration, said there are currently two methods for collecting fees. New construction is based on the building evaluation data and type of construction materials. The permit fee multiplier covers the cost of site review and plan review. The fee for renovations is based strictly on the declared costs with the fee multiplier, which is not covering the cost of reviewing plans and site inspections. The most accurate methods would be to record the actual time devoted to a project and then invoice the contractor; however, that would mean that fees are not collected until after the project is completed.

Mr. Mussi said the Code Committee had met with members of the Chamber of Business & Industry of Centre County (CBICC) and they found merit in a fee that is based on square footage cost.

Mr. Morris noted that the process is not revenue neutral. Mr. Mussi agreed and believed that contractors could have to pay increased fees.

Mr. Filippelli asked the response from the CBICC. Mr. Mussi noted that one member believed that the unit cost would work and that the information needed is readily accessible. Also, Mr. Mussi noted, CBICC members felt that invoicing contractors after the fact may be a possibility. Mr. Mussi agreed because it would recover the actual costs.

Ms. Lafer suggested a hybrid system could be used where an upfront payment is made. If the actual cost of completing the permit is a certain percentage above or below the actual costs, the contractor would either be billed for the difference or receive a refund. She noted that it would be an incentive for contractors to come prepared with complete plans and make the process more efficient.

Ms. Goreham suggested that a record be maintained so that this could be reviewed in a couple of years.

**Funding Plan for Regional Pool Projects.** Mr. Fountaine noted that the COG Finance Committee met on December 11, 2007, and asked that the Committee discuss the following issues with their municipalities.

- Should the term of the bank loan be 20, 25, or 30 years?
- Should the municipal shares of the project be fixed according to the modified COG formula during the term of the loan?

Todd Roth, Aquatics Supervisor with the Centre Region Parks & Recreation Department, reviewed the schedule for the Park Forest and Welch Pool renewals. He said that there was \$8.6 million needed for pool renovations. Currently COG has a grant of \$350,000 for the Park Forest pool and hoped to receive a similar grant for Welch Pool, he added. This would mean that a loan of \$7.9 million would be needed to complete the pool renovations. Mr. Roth reviewed the numbers and noted that \$155,844 a year would be expected from the Borough for a 20-year loan or \$137,028 a year for a 25-year loan.

Mr. Hahn asked the precedent regarding financial borrowing for COG. James Steff, COG executive Director, explained the funding for both the COG building and library was done by asking each municipality to contribute a lump sum amount. For the COG building, the municipalities purchased a share of the building. Other projects that included pool renovation were funded based on usage. For example, the annual payments on the 1982 pool renovations were based on the usage from the year before.

Mr. Rosenberger asked the basis for the current funding formula. Mr. Steff explained it was a three-factor formula based on population, income tax base and assessed valuation.

Ms. Lafer moved to forward a comment to COG that the pool funding should be a 20-year loan with municipal shares adjusted periodically to mirror changes in the COG formula. Mr. Rosenberger seconded the motion. The motion passed with a 7-0-0 vote.

## PLANNING AND ZONING

**Rezoning 1300 South Allen Street (formerly Easter Seals) from R-2 to Planned Commercial (CP-2).** Mr. Fountaine said that Council received a request from Fedon-Marcon-Fedon Partnership to rezone their property 1300 S. Allen Street (located at the southwest corner of the intersection of Waupelani Drive and South Allen Street) to Planned Commercial (CP-2). The partnership recently purchased the property from Easter Seals. Council referred the request to the Planning Commission for review and recommendation. The property is zoned R2 Residential, but was never used in a residential manner. It is the intent of the owners to continue to use the property in a commercial manner. Their intent is to retain ownership and rent the building as a professional office, he concluded.

Mr. Fountaine reported the State College Planning Commission reviewed the proposals at its December 20, 2007 and January 9, 2008 meetings. The Centre Region Planning Commission reviewed the proposed rezoning at its January 3, 2008 meeting and recommended rezoning the property to Planned Commercial (CP-1), a designation which is more restrictive than the requested CP-2. The proposal has been sent to the Centre County Planning Commission for comment. Mr. Fountaine noted that Planning Commission recommended rezoning the property to Planned Office (PO).

Mr. Hahn asked if a new hearing would need to be scheduled if a different zoning classification than the one recommended by the Planning Commission is proposed. Mr. Fountaine replied that a new rezoning classification would require referring the request back to the Planning Commission for comment.

Mr. Hahn asked why this was being proposed for CP-2 as noted in the agenda heading. He noted that staff and the Planning Commission appear to be recommending Planned-Office (PO). Mr. Fountaine noted that the agenda heading reflected the original request and the recommendation is to rezone the property to PO, which is based on the recommendation from the Planning Commission.

Ms. Goreham asked how large of a building could be built if the property were redeveloped under the Planned Office designation. Also, she asked how much parking would be required. Mr. Hess noted that the property was .87 acres. The realignment of Allen Street would reduce the lot size to .8 acres. The maximum development would create a 22,000 square foot building and require 91 parking spaces.

Mr. Filippelli moved to receive the proposal and schedule a public hearing and enactment on March 3, 2008. Ms. Lafer seconded the motion. The motion passed unanimously.

**OFFICIAL REPORTS AND CORRESPONDENCE**

**Mayor's Report.** Mr. Welch noted that he was pleased to have had an opportunity to welcome the new international students this year at Penn State and was pleased that this year the weather had cooperated.

**President's Report.** Ms. Goreham announced an executive session held prior to the meeting to discuss personnel matters. Another executive session will be held following this meeting to discuss real estate matters, she added.

Ms. Goreham also announced the following COG Standing Committee appointments:

Elizabeth Goreham	Executive Committee
Silvi Lawrence	Code Committee
Don Hahn	Finance Committee
Ron Filippelli	Personnel Committee
Peter Morris	Public Services Committee
Jim Rosenberger	Transportation Committee

Ms. Goreham also announced the following liaison appointments to various agencies.

Peter Morris	State College Borough Water Authority
Theresa Lafer	CATA
Elizabeth Goreham	Centre County Solid Waste Authority
Silvi Lawrence	Parks and Recreation Authority

There being no further business, the meeting adjourned at 8:55 p.m.

Respectfully submitted,

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Cynthia S. Hanscom  
Assistant Borough Secretary