

Meeting Minutes
State College Borough Council
May 4, 2009

The State College Borough Council met on Monday, May 4, 2009, in the State College Municipal Building, 243 South Allen Street, Room 304, State College, PA. Mayor Welch called the meeting to order at 7:30 p.m.

Present: Bill Welch, Mayor
Elizabeth A. Goreham, President of Council
Ronald L. 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; Roger A. Dunlap, Assistant Manager for Budget and Administration; Thomas S. Kurtz, Assistant Manager for Community Services; Beth Johnston, Director of Human Resources; Amy J. Story, Borough Engineer; Thomas R. King, Chief of Police; Mark A. Whitfield, Director of Public Works; Edward C. Holmes, Facilities Coordinator; Carl R. Hess, Director of Planning; 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 – HEARING OF CITIZENS

Mr. Welch issued three proclamations. The first proclaimed May 1-8, 2009 as Bike-Bus-Carpool-Walk-to-Work Week. The second proclaimed May 2009 as Motorcycle Safety and Awareness Month. The third proclaimed Saturday, May 9, 2009, as Letter Carrier's Food Drive Day.

Robert Rightmyer, 785 Walnut Spring Lane, asked about a curb cut for 711 Walnut Spring Lane. He noted that municipal vehicles use that for access to the park and are forced to jump the curb. Mr. Welch noted that staff would look into the matter and get back to him.

PUBLIC HEARINGS

2010-2014 Capital Improvement Program. Council held a public hearing on the 2010-2014 Capital Improvement Program, which was distributed to Council on April 24. Staff noted that several typographical corrections were made and corrected pages distributed. Staff also presented an overview of the program.

Mr. Rightmyer spoke on the Westerly Parkway Storm Water Basin project, cautioning on the soundness of the project with the problems that have occurred in Thompson Woods, in particular with the lack of water.

Mr. Rightmyer also asked that consideration be given to repairing Walnut Springs Lane in 2010 as it had major cracks due to heavy equipment accessing construction projects in College Township.

There being no further comments, Mr. Welch closed the public hearing.

CONSENT ITEMS

Mr. Hahn moved and Ms. Lawrence seconded a motion to approve the following consent items. The motion passed unanimously.

- Use of Locust Lane between College and Wilson Alley for the Farmer's Market on every Friday from May 29 through November 20, excepting July 10, from 10:30 a.m. to 5:30 p.m.
- Use of sidewalks on Foster Avenue and Allen Street for a Mother's Day Walk on Sunday, May 10, 2009, from 12:00 noon to 2:00 p.m.

Council also considered awarding a contract based on a request for proposal for professional services to complete the survey, lot consolidation and land development plan for the Municipal Service Facility to Stahl Sheaffer Engineering, LLC in the base fee amount of \$51,860 plus reimbursable expenses.

Mr. Rightmyer cautioned the approval of this request for proposal. Because the Borough is considering the expansion of waste collection to the Centre Region, the development proposal for the land may be premature if additional space is needed in the future. He also asked that space for the Centre Region Parks & Recreation should be considered in the development plans. Staff noted that the Centre Region Parks & Recreation office had been contacted about the relocation of their facilities but had not yet responded to the Borough.

Mr. Rosenberger moved to award the contract. Ms. Lafer seconded the motion. The motion passed with a 7-0-0 vote.

GENERAL POLICY AND ADMINISTRATION

Modification of the Conditions on the Liquor License for Rotelli Restaurant.

Council considered a request from Mike Hughes, owner, and David Krauth, general manager, of Rotelli Restaurant, 250 East Calder Way, to modify the conditions on the liquor license to remove restrictions on vocal entertainment. This restriction was one of nine placed on the approval of the transfer in August 2005.

Ms. Goreham moved to postpone action until May 18, giving the opportunity for St. Paul's United Methodist Church and the owners of Rotelli's to conduct an on-going discussion. Ms. Lafer seconded the motion.

Mike Hughes, owner of Rotelli's, said that he had met with the church on several occasion and reported it was unclear on whether an agreement could be reached.

Glenn Albert, a member of St. Paul's United Methodist Church, said he did not have the authority to represent the church but he had been involved in the meetings between the church and Rotelli's. He noted that the meetings were somewhat contested, and believed that the restaurant management had never had acoustical entertainment in the past and should try that before asking for the restriction to be removed.

Chloe Kissinger, representing the Kissinger family and owner of property in Borough and also a member of St. Paul's United Methodist Church, asked Council to keep the restrictions in place.

Carole Gold, 134 East Doris Ave, said she enjoyed vocal music and did not understand why this would be an issue.

Mr. Rightmyer asked Council to reconsider approving this request.

Jody Alessdrine, Executive Director of the Downtown Sate College Partnership, said he had agreed to act as a mediator in meetings between the church and Rotelli's restaurant. He believed the request from Rotelli's was a sound and reasonable. He pledged to work with both parties so that an understanding could be reached.

Nanci Rommel, 2293 Roylen Circle, Ferguson Township, asked Council to support the request.

Guy McDonald, 430 Sawmill Road, Port Matilda, said businesses should be allowed to change and grow.

Reverend G. Edwin Zeiders, Senior Pastor at St. Paul's United Methodist Church, said he hoped that they could have a productive relationship with the restaurant that provided for the mutual dignity and well-being of the citizens.

Council discussed delaying a decision on the request and how much time would be needed for the church and the restaurant to reach an agreement.

Dave Krauth, 3160 Shellers Bend, and manager of Rotelli Restaurant, encouraged Council to vote on the issue at tonight's meeting rather than delaying a decision.

Joanne Rommel, 2293 Roylen Circle, Ferguson Township, said she believed vocal entertainment would improve the atmosphere of the restaurant.

Mr. Rightmyer noted the question was not whether or not Rotelli's was a good restaurant, but whether or not this type of use was appropriate adjacent to a church and school.

Council passed the motion to delay action until May 18. The vote was 6-1-0, with Mr. Morris opposed.

Severance Policy. Council considered a policy to provide severance benefits equal to one week of pay for each year of service with a minimum of four weeks severance pay and a maximum of eight weeks severance pay for non-bargaining unit employees of the Borough. Staff noted that they were not recommending that the policy be adopted.

Ms. Lafer moved to accept staff's recommendation and not adopt a severance policy. Mr. Rosenberger seconded the motion. The vote on the motion was 3-4-0, with Mr. Filippelli, Ms. Goreham, Mr. Hahn, and Mr. Morris opposed. The motion failed.

Ms. Goreham then moved to approve the severance policy. Mr. Morris seconded the motion.

Mr. Morris moved to amend the motion to modify the policy to increase the maximum amount from 8 weeks to 12 weeks of pay. Mr. Hahn seconded the motion. The vote on the motion was 3-4-0, with Ms. Lafer, Mr. Rosenberger, Mr. Filippelli, and Ms. Lawrence opposed. The motion failed.

Mr. Morris moved to increase the minimum of 4 weeks to 6 weeks. The motion failed for lack of second.

Mr. Hahn moved to amend the motion to modify the policy to reduce the amount of severance pay by the amount received in accumulated vacation pay. Ms. Goreham seconded the motion. The vote on the amendment to the motion was 4-3-0, with Mr. Rosenberger, Ms. Lawrence and Mr. Morris opposed. The motion passed.

Council then voted on the main motion to approve the severance policy, as amended. The vote was 4-3-0 with Ms. Lafer, Mr. Rosenberger, and Ms. Lawrence opposed. The motion passed.

OFFICIAL REPORTS AND CORRESPONDENCE

Mayor's Report. Mr. Welch reported he had attended the annual State College Choral Society Concert and an event at the Scanticon in Valley Forge.

President's Report. Ms. Goreham reported she had signed an earmark request for an intermodal transportation center. The request was not site specific and the monies requested would come to the Borough.

Council recessed and then called a work session to order at 9:30 p.m.

GENERAL POLICY AND ADMINISTRATION

2010-2014 Capital Improvement Program. Council discussed the Streets and Storm Water projects included in the Program, including the following changes and issues:

- Fraser Street realignment project and the possibility of reducing the project cost.
- Delaying the Barnard Street reconstruction project until more is known about the status of the Westgate development, which would occur at the northern terminus of Barnard Street.
- Streetlight improvements and the use of LED fixtures over induction fluorescent bulbs.
- The inability to use the Pennsylvania Infrastructure Bank (PIB) loan funds for projects other than those approved for liquid fuels.
- Continuing to use the proceeds from the sale of the Fraser Street property for capital projects rather than a one-time revenue for the general fund.
- Projects that would require borrowing in relation to the debt policy.
- Continuing to defer realignment of the Allen/Atherton intersection.

There being no further business, the meeting adjourned at 10:13 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary