

**Meeting Minutes**  
**State College Borough Council**  
**September 21, 2009**

The State College Borough Council met on Monday, September 21, 2009, in the State College Municipal Building, 243 South Allen Street, Room 304, State College, PA. President Goreham called the meeting to order at 7:30 p.m.

Present: 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; Carl R. Hess, Planning Director; Sharon K. Ergler, Recording Secretary; Tony Marusiak, Assistant Borough Engineer; Thomas S. Kurtz, Assistant Manager for Community Services; Amy Story, Borough Engineer; Herm Slaybaugh, Zoning Officer; Thomas R. King, Chief of Police; Beth Johnston, Director of Human Resources; Anne Messner, Planning Technician, Walter Schneider, Centre Region Code Administration Director; Michael S. Groff, Finance Director; Mark Flaherty, Attorney for ARC Restaurants, LLC; Roger Gates, Pizza Hut Owner; members of the media; and other interested observers.

Ms. Goreham began with a moment of silence in memory of Mayor Welch and the Pledge of Allegiance.

PUBLIC HOUR: There was no one from the public wishing to speak.

**CONSENT ITEMS**

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

- Approve vouchers for the month of August in the amount of \$2,166,799.77.
- Approve and authorize the Council President to execute an easement agreement between the Borough and University Area Joint Authority for the installation of a gravity sanitary sewer line along the northwest corner of the former Borough landfill.
- Approve the use of West Fairmount Avenue from South Barnard to South Gill Street for a block party on Saturday, October 3, 2009, from 1 p.m. to 6 p.m.
- Approve the use of various downtown and College Heights sidewalks for a walk to promote animal welfare on Sunday, October 25, 2009, from 1 p.m. to 4 p.m., which benefits the Farm Sanctuary.

- Approved minutes for the following meetings held in August

August 3, 2009	Regular Meeting
August 10, 2009	Regular Meeting
August 17, 2009	Regular Meeting

## **PUBLIC WORKS**

### **Waupelani/Allen Bikeway**

Transportation Commission Chair, Rick Hirsch, provide Council with an updated on the Commission's activities related to the proposed Waupelani/Allen bikeway.

Council requested accident statistics involving bicycles along the proposed bikeway.

Staff reported on the open house was conducted on September 2, which 20 people attended. Staff also reported that of the written comments received, five were in favor of the changes, eight were against it, and two opinions were neutral.

Council asked staff to have the traffic counts to review prior to the public hearing on this subject.

Mr. Filippelli made a motion that Council schedule a public hearing on the proposed Waupelani/Allen Bikeway on October 5. Mr. Rosenberger seconded the motion, which passed unanimously.

## **PLANNING AND ZONING**

### **State College Land Area Plan Future Land Use Map**

Mr. Rosenberger made a motion to receive the State College Land Area Plan Future Land Use Map and schedule it for discussion at a future work session. Ms. Lawrence seconded the motion, which passed unanimously.

## **GENERAL POLICY AND ADMINISTRATION**

### **Request for an Inter-Municipal Transfer of a Liquor License**

Ms. Lawrence made a motion to have Council schedule a public hearing on the request from Pizza Hut, 760 South Atherton, to transfer a liquor license into the Borough of State College.

Mr. Hahn seconded the motion, which passed unanimously.

The Solicitor reviewed with Council the process for a liquor license hearing. Once all testimony has been received, Council will have the opportunity to discuss the request

and make a determination of whether or not to support the transfer. He also noted that Council may attach conditions.

Council members requested additional information prior to the public hearing:

- What type of Police calls were there at the Pizza Hut in College Township, the former location of this license?
- The same information for Rotelli's and Fuji & Jade Garden, to assess the impact of prior transfers.

Council members asked if Council had the final decision or is it up to the Liquor Control Board (LCB).

Mr. Williams said the LCB makes the final decision but, in the past, the LCB has honored the conditions set forth by the Borough and they recognize Council's action in their approval. He added that the applicant has the right to appeal the LCB's decision.

Council members asked if they could just say "No" to this request. Mr. Fontaine said Council could make that finding if it deemed this liquor license transfer was detrimental to the public's health, safety and welfare.

Mr. Williams said the trade off is if you outright reject the request, Council would lose the opportunity to set conditions. The LCB could approve the transfer without any conditions.

### **Neighborhood Sustainability Report Follow up Actions**

#### ***2009 Property Maintenance Code Amendments***

Mr. Hahn made a motion that Council receive the proposed Code Amendments, schedule further discussion at a future work session, and schedule a public hearing for November 2. Ms. Lawrence seconded the motion.

Staff explained the new proposal is a single integrated and reorganized document, which incorporates all of the Property Maintenance Code and all local amendments from the Centre Region municipalities.

Mr. Schneider said the amendments are still a working document. He stated there may be sections exempted in the Borough but may be put in by other municipalities.

The motion passed unanimously, 7-0-0.

#### ***Nuisance Gathering Ordinance***

Mr. Filippelli made a motion to receive the proposed Nuisance Gathering Ordinance, schedule discussion for a work session this fall and schedule a public hearing on November 2. Mr. Rosenberger seconded the motion.

A Council member questioned whether or not this ordinance would apply to licensed establishments.

Mr. Williams said premises licensed by the Liquor Control Board are not covered under this ordinance.

The motion passed unanimously.

### ***Zoning Ordinance Amendment on Student Home Definition***

Mr. Hahn made a motion that Council receive the ordinance, schedule further discussion at a future work session, and schedule a public hearing for November 2. Mr. Rosenberger seconded the motion.

The motion passed unanimously.

### ***Zoning Ordinance Amendment on Fraternity House Definition***

Mr. Rosenberger made a motion that Council receive the proposed zoning ordinance amendment on fraternity house definition, discuss it further at an upcoming work session, and schedule a public hearing on November 2, 2009. Ms. Lawrence seconded the motion, which passed unanimously.

### ***Zoning Ordinance Amendment on University Regulations***

Mr. Rosenberger made a motion that Council receive the proposed zoning ordinance amendment on University regulations, discuss it further at an upcoming work session, and schedule it for a public hearing on November 2, 2009. Ms. Lawrence seconded the motion, which passed unanimously.

### **Minimum Municipal Obligation**

As required by Act 205 of 1984 (as amended by Act 189 of 1990), Council received a budget for the Borough's minimum pension obligations for the upcoming year.

### **Approve the Intermunicipal Mutual Aid Police Cooperation Agreement**

Chief King indicated the proposed Police Mutual Aid Agreement has been developed by all involved agencies, the municipal Managers and Police Chiefs, and reviewed by legal counsels. It addresses the multitude of joint and cooperative police working relationships that exists between the six (6) Centre County local law enforcement agencies.

Mr. Hahn made a motion that Council approve this agreement. Mr. Rosenberger seconded the motion.

Council voted unanimously to approve the agreement.

### **President's Report**

Council President Goreham announced that an executive session will be held following the meeting to discuss personnel matters and labor relations.

Ms. Goreham said she anticipated the dedication of the sculpture at the corner of Allen Street and East Beaver Avenue, in front of Schlow Centre Region Library.

Ms. Goreham also attended the Sidney Friedman Park dedication, which was formerly entitled the Central Parklet.

### **Regional Liaison Reports**

**Public Safety Committee** – Ms. Lawrence reported that the Public Safety Committee has not met.

**Executive Committee** – Ms. Goreham stated that the Executive Committee meets tomorrow.

**Finance Committee** - Mr. Hahn reported that the Finance Committee met and discussed the 2010 COG program plan, the Hess field proposal, and prioritizing requests where the state is not picking up their share such as the Library's funding.

**Human Resources Committee** – Mr. Filippelli reported that the Human Resources Committee has not met recently.

**Public Services & Environmental Committee** - Mr. Morris reported that a special meeting will be held on Wednesday morning to hear a proposal from a company who wants to buy a large amount of recycled water to use in gas well drilling.

**Transportation and Land Use Committee** - Mr. Rosenberger said part of the last week was spent discussing the upcoming joint meeting of the Transportation Committee and the Centre Regional Planning Commission. He indicated joint meetings are held twice a year.

**Parks Capital Committee** – Mr. Rosenberger reported that a joint meeting was held recently with the Centre Region Parks and Recreation Board/Authority. Topics discussed were regional parks development plans and Hess Field.

### **Staff/Committee Reports**

**Project Reports** – Council received the projects status report.

The meeting adjourned at 8:55 p.m.