

Meeting Minutes
State College Borough Council
November 2, 2009

The State College Borough Council met on Monday, November 2, 2009, in the State College Municipal Building, 243 South Allen Street, Room 304, State College, PA. Mayor Lewis called the meeting to order at 7:31 p.m.

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

Also present: Terry J. Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Michael S. Groff, Finance Director; Roger A. Dunlap, Assistant Borough Manager for Budget and Administration; Thomas S. Kurtz, Assistant Borough Manager for Community Services; Sharon K. Ergler; Assistant Borough Secretary; Thomas King, Chief of Police; Carl Hess, Planning Director; Herman Slaybaugh, Zoning Officer/Planner; Mark A. Whitfield, Director of Public Works, Beth Johnston, Director of Human Resources; Anne Messner, Planner/ Walter Schneider, Centre Region Code Administration Director; Tim Knisely, Senior Housing Inspector; Rick Bryant, Chairman of the Historic Resources Commission; Betsy Allen, Schlow Centre Region Library Director; Rich Kalin, Library Treasurer; Tom Hettmansberger, Library Board Member, members of the media, and other concerned residents.

Ms. Lewis began with a moment of silence and the Pledge of Allegiance.

Public Hour. There were no public comments.

Consent Items. Ms. Lawrence made a motion to recommend Council approve the following consent items. Ms. Lafer seconded the motion, which passed 7-0-0.

- Downtown Improvement District's request to extend the Farmers' Market for two more Tuesdays (November 10 and 17, 2009).
- Downtown Improvement District's request to close the 100 block of South Allen Street for DID's annual holiday tree lighting ceremony on Wednesday, November 23, 2009.
- Resolution authorizing the filing of a Grant Application to the Department of Community and Economic Development to fund the Borough's Strategic Planning Project and partial funding for the Enterprise Resources Project (Capital Improvement Project #IT-111).

ABC Reports

Report from the Schlow Centre Region Library. Messrs. Kalin and Hettmansberger stated that they were there to discuss the Library's 2010 proposed budget. Betsy Allen, the Library's Director, will be retiring in 2010. Mr. Kalin said nationally public libraries are seeing an increase in use due to the economy, which we are also experiencing locally. In addition, the State is substantially reducing their allocation. He said they were anticipating a 12% reduction and it is actually 20.8%. Because of the reduction, Ms. Allen has taken drastic measures. She has laid off two employees, made a reduction in materials, and patrons will see a reduction in services too. As a result, the Library is requesting a modest increase from each of the contributing municipalities, specifically an additional \$3,000 for the Borough's share.

Council members asked if the library will keep the same operating hours. They also asked if there would be additional jobs cut.

Mr. Kalin said yes because that would only generate a very small savings and a great loss of service, especially when the demand is more than ever before. In terms of staff, he said they are not anticipating any additional staff cuts.

Ms. Allen said she just came from Ferguson Township's Board of Supervisor's meeting and they too are looking to contribute additional monies.

Staff indicated that Borough Council will be discussing the COG budget at next Monday night's meeting.

Mr. Morris asked if the Library has seen an increase in private donations to the library. Ms. Allen said they have received \$38,000 from a direct mailing appeal. She noted that people are giving more than they have before.

Report from the Historic Resources Commission. Mr. Bryant was in attendance to provide Council with specifics about the HRC's 2010 work plan. He stated the HRC is looking to submit an historic district application to the PA Museum Commission next year. This time the HRC is looking to include mid-century modern home. Currently they are waiting for clear guidance from the PA Museum Commission because they are in the process of changing their submission process.
GENERAL POLICY AND ADMINISTRATION

Ordinance for the Conduct of 2009 First Night®. Mr. Bryant explained that this year's festivities include ice sculptures and performances, horse drawn carriage rides, a grand procession, and a 5-kilometer run. There will be no fireworks this year, due to budget constraints.

Mr. Morris made a motion to enact Ordinance #1937 and designate the areas and time during which these activities may take place. Mr. Rosenberger seconded the motion which passed 7-0-0.

2010-2014 Consolidated Plan and 2010 Annual Action Plan. Ms. Lafer made a motion to approve the 2010-2014 Consolidated Plan and 2010 Action Plan. Mr. Rosenberger seconded the motion, which passed 6-1-0 (Mr. Hahn voted against the motion).

2009 Fair Housing Analysis Update. Ms. Lafer made a motion to approve the 2009 Fair Housing Analysis Update. Ms. Lawrence seconded the motion.

Mr. Rosenberger said the Borough is comprised of 74.8% students and an additional 20% are owner occupied. There are many activities that provide the means for people to be homeowners in the Borough; however, more needs to be done.

The motion passed 7-0-0.

PUBLIC HEARINGS

Mayor Lewis opened the public hearings and the first one was for the Nuisance Gathering Ordinance.

Nuisance Gathering Ordinance.

Alexander Deveney said he is a member of Board of Directors for 240 North Burrowes Road Alumni Association, previously known as Phi Delta Theta Fraternity on campus. He said this ordinance is of major concern to him because it may put him in tor others in trouble if there were events at the house that resulted in Police presence because many of the fraternities are owned by alumni corporations. The Board of Directors and/or Alumni Associations would be held response for the actions of their residents and the alumni are the people who pay the bills. Mr. Deveney said an exception should be made for the individuals who are volunteers because volunteers may think twice about volunteering because of potential culpability as a result of this ordinance. Mr. Deveney provided articles that were published in the Collegian, and the CDT on this issue. He asked that these articles be entered into the record.

Gavin Keirans, 223 East Prospect Avenue, explained that he is the University Park Undergraduate Association President. His constituents have raised many concerns about this ordinance. Many of the student body live in the Borough of State College. The Borough has always encouraged openness for dialogue. He said there are people on the other side of College Avenue willing to participate in this dialog, such as representatives in Old Main, professors in the classrooms, and the student leadership. He didn't feel it was appropriate to create such an ordinance without actively engaging students in the process. He said the purpose of this ordinance is to preserve the peace, health, safety and welfare of the residents and neighborhoods in this municipality. Students too are interested in seeing this become to fruition. The way to reach the goal is to not punish students but to curb the excessive drinking problems in State College. Ms. Goreham was quoted as saying "the Borough is looking for ways to reduce the results of the 300+ person parties." Parties of 10 or more people are not reaching those 300 person parties. There are other ways to fix the problem. He said he would strongly

encourage the Borough to work with students. In closing, Mr. Keirans said it is his responsibility to look out for the interests of 40,000 students and he asked Borough Council to not move forward with this ordinance.

Luke Pierce, 200 East Beaver Avenue, said he is President of the Interfraternity Council, the governing organization for the 49 social fraternities at Penn State. Mr. Pierce said many student organizations, especially fraternities and off-campus housing, would all be subject to this ordinance and a \$300 fine. If people were outside practicing for Greek Sing, a musical performance, would the fraternity and/or their advisors be responsible if their singing got too loud? Many fraternities host these practices months in advance. Mr. Pierce said the ordinance chills the student's constitutional rights and he didn't think this was the intent of the ordinance. He said this ordinance would infringe on the constitutional rights of students and fraternity alumni for the irresponsible actions of others. He encouraged the Borough to actively work on drafting a new ordinance by actively involving members of the UPUA, OSCU, and the 40,000 plus concerned students, to whom you answer to as constituents.

Mr. Matthew Lachman, the Director of Legal Affairs for the UPUA and a resident of 817 Saxton Drive, said he understands the serious problem; however, the Nuisance Gathering Ordinance is not the correct response. It would hold responsible those who had no intention to break the law or any knowledge of the law being broken. The correct method is to enforce existing laws, such as underage drinking, furnishing alcohol to minors, public urination, drug violations, and other activities that are already illegal. If parties are out of control, confront those individuals. Imposing stiffer punishment for repeat offenses would be a better way to address this. The problem is serious but this ordinance is overkill. There is a broad range of behavioral problems in State College and this would not solve the problems it is trying to resolve; however, as a student, student leader, and resident of State College, he asked Council to vote against it.

Jim Edwards, 801 South Garner Street, said he is the Alumni Association President of Sigma Phi Epsilon, which is located at 524 Locust Lane. He said he personally has had his home broken into by an intoxicated student. Mr. Edwards said he is a member of the Highlands Neighborhood Association's listserv. From reading the postings on the listserv, he feels a solution is almost ready. He said it is an Individual's responsibility to handle himself in an acceptable behavior. He said he feels the existing laws should be enforced. Today on the list serve people posted that Penn State has existing rules for off-campus behavior. The question was raised if the Borough passes the information on to Penn State when a student violates ordinances downtown. The answer is yes. Damon Sims is the person they should be taking this too. The residents would like to see Damon Sims and Penn State set standards for student behavior as presently constituted. Undergraduate chapters need to hear the feedback on the listserv and hear how they are really perceived. Mr. Edwards expressed his gratitude to those who have been working on this ordinance and he personally understands the anger many residents experience and he can relate to it. He said this ordinance is not the solution but better education and action by Penn State.

Christian Blandford, 425 Locust Lane, said he is a PSU student and he personally has some concerns. He said it is dangerous to vilify the innocent for the incidents caused by the others such as drinking and intoxication. He has seen the effects of what happens on Friday and Saturday nights. He personally agrees there is a problem for the residents and students themselves. As a student he feels worried sometimes while walking down the street because what if a drunken person starts a fight with him. He said he felt it would be unreasonable to charge the host, since the host of the party wasn't the one fighting him. Also, he was looking for clarification on Section 1003, because originally it was a gathering of 3 people and later he read a gathering was 10 or more people. Which is correct? As a lease holder if I had a roommate who threw a party and I was at the library, I wouldn't want to be held responsible for his party and handcuffed and sent to jail for 30 days. It would be very unfair.

Laird Jones, a resident of 357 East Prospect Avenue, he personally is in favor of the ordinance. He said for eight years he has lived between two rental properties that frequently have parties and he has had to call the police many times. Many of the violators have been fined; however, he has had to put up with property damage, public urination, and attempts to invade his house largely as a result of those parties. The host should act in a responsible fashion, turn down the music, provide reasonable access to a toilet, cut people off when they are drunk, and act with due diligence at their party. If you want to host a party, be responsible; and time and time again they are not. The existing fine structure and laws in place do not act as a deterrent. It continues to happen over and over again. He encouraged Council members to proceed with the ordinance.

David Lapinski, 408 E. Fairmount Avenue, said he is speaking as a property owner who rents to students. He said he finds the proposed ordinance to be overly broad and can lead to confusion, misapplication, and misunderstanding, especially if two, three, or eight people can look at this ordinance and come with 8 or 80 different opinions. First, he would like to address this ordinance as a property owner. The control that might be necessary by this ordinance over someone he might lease to is very excessive. Some restrictions may be illegal to impose on his tenants such as they can't have more than 10 guests. A second concern is linkage between an owner who has a house that has been well maintained and someone who was at the property acts out off the property. Why would I be responsible? Lastly, what if multiple properties are involved in one incident; specifically if an individual visits two or three properties and an incident occurs. Who "owns" that incident? Each property may have had a part to do with that incident. By this proposed ordinance we are all liable for it.

Brent Fisher, 463 East Beaver Avenue, said this ordinance is unconstitutional because you cannot charge one adult for a crime committed by another person. Literally, by charging someone for the charge of another extends the reach of punishment for inappropriate behavior. It sounds like the Council President may know this is unconstitutional. The drinking problem in the Borough is something we need to do something about. A good policy is one that won't violate our civil liberties and be unconstitutional. He said other municipalities, such as Bloomsburg, Boulder, and East

Lansing, have ordinances which target the parties specifically and address those who have multiple kegs, loud music, etc. If the purpose is to be able to recoup costs of police services and reduce the damage to properties and alternative would be to recover those costs from a property that is cited more than 5 times in a month. They should have to pay the police service costs. Mr. Fisher said the best way is through the civil system. Neighbors need to talk to their neighbors first. If property owners are negligent the residents should take civil action.

Mr. Dave Hunter, 504 East McCormick Avenue, said he is against the ordinance because it is too broad and it sometimes punishes the wrong people. Some argue it is simply a matter of changing the language; he is not convinced that is the case. He said he personally has only had to restrain one person who was drunk who was trying to get into his house and it has been nearly three weeks since he has had to call the police for a loud party. One neighbor was recently quoted as saying "At 1:30 a.m. we went into our driveway and asked them to please keep it down when they are outside; one apologized with "I'm sorry" and the other said "get used to it or don't live in State College." He said he hoped the "I'm sorry" was the more typical; however, the second comment was offensive. Mr. Hunter said he is confident the problem will be addressed. He hopes students will be part of the solution to resolve this problem.

Tony D'Augelli, 403 South Allen Street, #407, said he has been a State College resident since 1972. He said he has lived at his current address since 2002. Life in his apartment building means continuing disturbances on Thursdays, Fridays, and Saturdays. After 11 p.m., and sometimes before, there are countless numbers of public drunken people in the neighborhood. There is consistent violation of the noise ordinance, with excessively loud and illegal music. There is the creation of fear in the neighborhood. Residents are afraid to leave their apartments and/or their homes. This is a problem in a community that wants to have a sense of community and openness. He said it is very difficult to read or watch television without closing his windows. The cumulative impact is to disturb activities such as general living. Often times he has to turn on a fan, place a pillow over his head or perhaps resort to medication to get to sleep. There is destruction of public and private property. Several years back there was a dumpster fire at the apartment building. Mr. D'Augelli said there is a real lack of police presence at peak risk hours. The drinking problem downtown and on campus is at epidemic proportions. Twice, he said, he asked his neighbors who were having rock concerts to stop with band playing and speakers blasting and they told him in both situations that they had permits to do this. He asked to see the permits and none were produced. Twenty minutes later police came and stopped the parties. Mr. D'Augelli said the problem is quite serious and he finds it very distressing and he is not comfortable in his own home on the weekends and to have to worry about how to get to sleep.

Stacy Bird of 3493 Shingletown Road said she was here to represent the local Central PA Chapter of the American Civil Liberties Union. On October 30, Borough Council received a letter from the ACLU's Staff Attorney Valerie Birch and Legal Director Victor Wolchak. The ordinance, as drafted, violates several constitution principles,

encompassed by both the 1st and 5th amendment of the U.S. constitution, as well as a person's right to freely associate. Also the government cannot shift police costs to organizations of political or other religious groups. The government cannot hold an organizer responsible for his party goers. The Fifth Amendment requires that individuals cannot be held criminally liable for the conduct act of another person. Ms. Bird said the ACLU feels this ordinance falls short of providing due process. The Borough can and should enforce laws already in place. The ACLU will entertain requests to challenge it in court.

Steve Harp, 512 West Foster Avenue, said he supports the spirit of the ordinance and is happy these issues are being dealt with although he doesn't understand why the current ordinances can't address these problems. He said the Zoning Officer and/or Ordinance Enforcement Officers can enforce these ordinances, not just Police. It is a waste of a Police officer's time when there are other more important issues for them to deal with. He said he commends some of the students for showing up; however, he would encourage the students to deal with their shipmates. Barnard Street is often noisy and littered with trash. He has been yelled at and accosted when he has tried to talk to people. After spending the last year helping someone deal with cancer, and to have to go out in the middle of the night and ask them to turn down their music, it is horrible. A lot of people are concerned. No one is standing up for the homeowner's rights. If your organization attracts those kinds of people and you can't control them, you should be held responsible. Mr. Harp said he applauds Council's efforts and he very much likes living in the Borough. He said he has grown tired of putting up with this. Why are the property owner's rights the last to be considered?

Colleen Smith, 309 East Beaver Avenue, said she is the Governmental Affairs Chair for the UPUA. On behalf of the Penn State student body, this ordinance is not the solution. Various concerns have focused on students and a specific culture. This ordinance is not just for students but rather for all residents and all residents will be held culpable. The Penn State student body is against this ordinance and there are existing laws that deal with these issues. These need to be enforced. She said she would encourage the Borough to work with the UPUA, as well as other student organizations, to search for and develop a more appropriate solution.

Erica Anderson, 623 South Burrowes Street, said she considers herself a relatively young person in State College. She said she has lived in the Borough six years and owns her home. Ms. Anderson said she is very tired of the conflict with new students coming in. She has experienced people urinating in her yard and the gangster rap music. She said when she considers having children in the Borough; it makes her even angrier. Ms Anderson said before she was a homeowner, when she signed a lease taking on the responsibility for the rental unit she also became responsible for the behavior of her guests and any damage they caused. Legally there are probably a lot of different angles on that but it comes to mind when thinking of this ordinance.

Meghan Fuery, 221 South Barnard Street, and also the President of the Off-Campus Student Union, said she said she has worked with the Borough on other occasions and

lines of communication are always open and readily available. This communication could have been used more in the development of this ordinance. Ms. Fuery said as a student body and student leader, she is aware we have a serious drinking problem here at Penn State. She said she felt the nuisance ordinance would involve more legal battles with homeowners and this is not the way to decrease the problems, which is why she encouraged Borough Council to turn down the nuisance gathering ordinance.

Amendments to the State College Zoning Ordinance.

Alexander Deveney said he is the member of the 240 North Burrowes Street Alumni Association. His former fraternity has been embattled with the Borough Zoning Hearing Board and Penn State University. He said he understood it was the Sigma Alpha Epsilon case, which was brought before the courts, which brought forth these changes. His fraternity is presently a rooming house occupied by a fraternity. Mr. Deveney said this innovative change is directed so that the other four houses on campus could not seek similar refuge or lose their affiliation with Penn State. He questioned who is the biggest loser with this amendment. The five fraternities, which are located on the Penn State campus, are all tax-paying parcels. He said Penn State University is on a land hunt, which goes back to 2004. He said there are kiosks with maps all over campus, which his fraternity is already written off of. Presently there are over 150 male students who would be seeking residency off campus if something happened to their fraternities. When people are complaining about over occupancies in rental properties downtown, why not keep these campus fraternities open and keep the students on campus. The University Club along West College is a fine example of that. When Delta Upsilon closed down, Penn State wanted to use it as a rooming house. The Planning Commission had reviewed this ordinance and passed it on to Borough Council for your review. The Borough has asked for input on how Penn State determines a fraternity's affiliation. Mr. Deveney said he has surveyed 14 other universities, and not a one had institutionalized specified wording for fraternities. In fact, Indiana and Gettysburg's representatives both said it was unconstitutional for institutional specific zoning. What if a group of young ladies from South Hills Business School wanted to rent a property and turn it into a sorority, wouldn't that be considered illegal and unconstitutional? Mr. Deveney said he was hopeful people will take heed of this and join our fight to protect the remaining campus fraternities. Presently the only organization benefiting from this change is Penn State. If we allow Penn State to control those five parcels of land, they will continue to increase the student population in town and don't build more dorms. How much of the State College Police Department's budget is going towards policing these properties? In closing, Mr. Deveney said Town/Gown relationships need to be established.

Mr. Jim Edwards, 801 South Garner Street, said he is one of six alumni volunteers who back in April 2009 re-activated the Fraternity Alumni Associations. Presently there are 50 fraternities at Penn State and 40 of those have active alumni associations. He said at the last couple of meetings, there have actively been 14 to 15 entities represented. The Alumni Corporations are cognizant of the alcohol issues and they are working to reform the IFC's social policy. In the Highlands's list serve, residents are encouraging the chapters to be better neighbors. Many of these alumni associations are interested

in retaining and restoring their houses. If the Borough wants to see the houses restored in a social and physical sense, we all need to share the best practices. The alumni are interested in developing leadership programs. One social change that has happened here is the trend for seniors to live outside of their fraternity houses. It is important to establish and retain the involvement of the senior members and pass on those ideals to other members of the fraternities. The zoning ordinance previously allowed for students to move out and now want them to move back to their houses and maintain their houses. He said his fraternity underwent a membership review in 2005 and the alumni were convinced it was time to weed out the troublemakers and start over. Mr. Edwards said we allowed them to interview back and of the 85 gentlemen interviewed, only eight freshmen were permitted to come back to the house. He said they were fortunate because they had enough money to do that. He said he personally questions the wisdom of blocking a rooming house in the zoning district. He said he would hate to see another chapter not be afforded the same opportunity to weed out the bad and start over.

Next, Ed Sidwell, who is the Vice President of Sigma Nu Property Association, said his organization owns the fraternity at 340 North Burrowes Road. He said he is concerned about the new fraternity definition. The amendment prohibits rooming house as a permitted use. He said he doesn't see the purpose of eliminating properties from the Borough's tax base. The ordinance permits fraternities to be converted to clubs, community centers, daycares, offices, private schools and other uses, all of which could require a substantial financial infrastructure. Fraternities guarantee continuous income while re-stabilizing. Mr. Sidewall said it can cost up to \$50,000 to maintain an empty house. He said he feels strongly that the rooming house use should be permitted. He asked Council to consider a compromise, such as allowing a rooming house use on a temporary basis for a maximum of two years. This would allow fraternities enough time to generate enough income to restore their properties. By allowing the use temporarily, it would allow fraternities to have a continued presence and it would best serve the public interest, the character of the neighborhood, and the architecture theme. He added that his fraternity, Sigma Nu, is on the national historic register and he would hate to lose that structure.

Laird Jones, 357 East Prospect Avenue, raised concerns about the student/owner exception. He said parents buy homes for their students to live in while attending college. These same parents have an interest in the house and many renovate the homes nicely. He said he recently had the opportunity to walk through one of these homes and this property didn't come close to meeting code. Only bathroom in the house wasn't functional and the wiring in the house wasn't up to current standards. He said he wouldn't let his family stay in this house for even one night. When a parent puts his/her child on the deed and lets them move in with several friends, it creates substandard housing. He said there is a loophole in the ordinance that everyone has overlooked.

Next, Ms. Amy Cromarty of 120 Crestview Avenue, Boalsburg spoke. Ms. Cromarty said she had been a 25 year resident of the Borough before moving to Boalsburg. She

said she was a former member of the Design Review Board and she still owns property in the Borough. She said she would propose a compromise. She said the current policy, which provides for renting two rooms if you are a parent or student owner, also requires a code inspection. The property the previous speaker toured should never have happened because you need a rental housing permit, even if only renting a room. She said she would like to see Council permit property owners to be allowed to rent one room, while still preserving property rights. Yes, it would become less lucrative to rent one room instead of two. She said there are some situations where property owners cannot afford their mortgage without renting a room or two and she provided a few examples. Since a property owner is not permitted to offer free student housing, this would allow them to rent to one individual. Presently there are a lot of war veterans who are returning who want to buy a property, but they need to work, and would like to be able to rent a room to someone else. Another example is a graduate student who is on a five-year program with a spouse who is a professional and they would like to buy a home. She asked Council to think about this compromise and allowing one room to be rented. This ordinance greatly affects affordable housing in the Borough. As a realtor, she said she hasn't seen parents paying \$10,000 more above the market value of a house.

Jerry Wettstone of 512 Ridge Avenue said he is both a local realtor and a Borough resident. He said the Realtor's Association has mixed thoughts about this issue. He said he sat down and did a pros and cons on the amendment and knowing the background that this is an attempt to limit rentals in single-family residential neighborhoods. He said presently there are 293 single and two-family rentals permitted in the Borough's residential neighborhoods. The latest student rental ordinance limits the distance between students rental to 225'. With the proposed revisions, the Borough is attempting to limit students on the deed and thereby not allowing other students to live there with them. Mr. Wettstone said this would not be a roll back because the existing properties would be grandfathered. Currently there are 42 properties with a student on the deed, which are permitted as student homes and this is a 9% annual increase. Realtors favor private property rights and trying to protect those rights is important. He said he is very much in favor of the proposal.

Brett Fisher, 463 East Beaver Avenue, spoke next. He said he felt the proposed ordinance was discriminatory against students. He said it wasn't fair for the Borough to regulate that he couldn't live with other students. Mr. Fisher said this would take away the property owner's rights. He urged Council to consider not passing this amendment and the three-unrelated ordinance.

Tim Pawloski of 316 West Beaver Avenue spoke. Mr. Pawloski said he was the former house manager of the fraternity, which was located at 240 North Burrowes Street. He said presently he is a student and a Borough resident who became involved with this issued because of his fraternity being turned into a rooming house. He said this ordinance unfairly targets students. His first experience with a rooming house came when his former fraternity was ruled as a rooming house by the Zoning Hearing Board. Subsequently, the house sustained a fire and the occupants had to be displaced for 7-8

weeks. Many people poured hours and a lot of time into maintaining the rooming house. A rooming house is still a place people call home. Many of these structures are architectural landmarks. Mr. Pawloski said if this ordinance was in effect at the time his house would have been lost.

Chris Conley of 3139 Jacksonville Road said he was here representing the 360 North Burrowes Road Corporation. He said this ordinance doesn't permit a grace period or an opportunity for a fraternity that wants to reinstate itself. Fraternities could lose its status while searching for new members. These fraternities deserve the opportunity to be an asset to Penn State and to the Borough. The scope of a fraternity can be greatly turned around in three years. He questioned whether one private organization should have the control over how a building can be used. Mr. Conley said contacts should be made to local chapters and National chapters before drastic measures are made.

Steve Harp, 512 West Foster Avenue, said he encourages any measures that decrease the density of students and this type of housing. By meeting the needs of the fraternity organizations doesn't necessarily meet the needs of the overall community, especially not when the different cultures degrade our quality of life. He said he feels these ordinances are a step in the right direction. Density controls our quality of life.

Lastly, Blake Bonwell of 340 North Burrowes Road spoke. Mr. Bonwell said he is the Off-Campus Representative for UPUA and his fraternity's President. He said several years ago his house sat vacant and the members in the house now are still working to pay off the debt for that. By paying all of this back money for past mistakes, it takes away from the dues. He said it does not seem fair to punish future members. The members in the house now are of the highest quality. As an off-campus representative, if these fraternities went empty and Penn State acquired the land, he said he doesn't see the University expanding this area into West Halls. He said you don't hear a lot of complaints about the students who live in the West Halls. Property owners should hold their tenants responsible for their action, not the Borough holding the property owners responsible. Deed owners should hold their tenants responsible.

2009 Centre Region Building Safety Code.

Rodney Hendricks of 345 Mary Elizabeth Drive in Boalsburg said he was against the wording, which addresses over occupancy. If a property becomes over occupied twice in a four-year period, he would lose the right to rent to tenants for 1 to 2 years. This could financially bankrupt a property owner. A system is already in place, like the existing point system. The Borough should be looking to take action against the tenants not the landlord. This ordinance punishes the landlord for something the tenants did.

Mayor Lewis closed the hearings at 9:12 p.m.

OFFICIAL REPORTS AND CORRESPONDENCE

Mayor's Report. Ms. Lewis encouraged everyone to get out and vote in tomorrow's election.

President's Report. Ms. Goreham said she had nothing to report.

Regional Liaison Reports.

Public Safety Committee - Ms. Lawrence reported that this committee last met on October 14 and another meeting is scheduled for tomorrow. The committee will be interviewing three of the candidates for the Code Office Study Consultant.

Finance Committee – Mr. Hahn said the Finance Committee has met several times; however, he didn't want to review it all tonight.

Staff/Committee Reports. None

ITEMS OF INFORMATION - None

The meeting adjourned at 9:27 p.m.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary