

**Meeting Minutes**  
**State College Borough Council**  
**Regular Meeting**  
**May 16, 2005**  
**7:30 p.m.**

The State College Borough Council met in a regular meeting on Monday, May 16, 2005, in the State College Municipal Building Council Room, 243 South Allen Street, State College, PA. Mr. Daubert called the meeting to order at 7:32 p.m.

Present: Thomas E. Daubert  
Catherine G. Dauler  
Elizabeth A. Goreham  
Jeffrey R. Kern  
Janet K. Knauer  
James H. Meyer

Absent: Bill Welch  
Craig R. Humphrey

Also present: Thomas J. Fontaine, Borough Manager; Terry Williams, Borough Solicitor; Carl R. Hess, Community Development/Planning Director; Herman L. Slaybaugh, Zoning Officer/Planner; Michael S. Groff, Finance Director; Amy J. Story, Borough Engineer; Mark S. Henry, Health Officer; Michele Nicolas, Director of Human Resources; Debra Felice, Recording Secretary; members of the media; and other interested observers.

Mr. Daubert began with a moment of silence and the pledge of allegiance.

Public Hour. Council recognized the bravery of citizens in saving the lives of several Borough residents from a fire that occurred on April 24, 2005. The individuals recognized were Gary Page, Dennis Ilgen, Richard Smith and Wesley Lipschultz.

Senator Jake Corman paid tribute to the individuals and read proclamation from the Senate of the Commonwealth of Pennsylvania. He added that those involved were role models for others to emulate.

Representatives Lynn Herman and Kerry Benninghoff both sponsored a citation in the Pennsylvania House of Representatives. Representative Herman stated that the highest attribute is for those who put their life on the line for others. Representative Benninghoff stated that we often take volunteers for granted. Here are citizens stepping up and volunteering with no fear for their own life.

Ms. Triponey, Vice-President of Student Affairs at Penn State, thanked the entire community, especially the response by police and fire rescue workers. She stated true character is tested in one of those most difficult times.

Mr. Daubert presented special awards to each of the four individuals. Ms. Goreham presented each with a State College pin.

#### PUBLIC HEARINGS

Opening of Thorn Alley. Mr. Fontaine noted that on March 21, 2005, Council received a recommendation from the Planning Commission to open a portion of Thorn Alley. Prior to opening the alley, the Borough must notify abutting property owners and conduct a public hearing.

Mr. Daubert opened the public hearing for comment. There being none, Mr. Daubert closed the public hearing. Council directed the Manager to prepare an ordinance for review at the June 6, 2005, meeting.

#### CONSENT ITEMS

National Kids' Day. Mr. Fontaine said a request was received from the Downtown State College Improvement District (DID) to hold an event for National Kids' Day on Saturday, August 6, 2005 from 6:00 a.m. to 6:00 p.m. DID is requesting to close Allen Street (College Avenue to Foster Avenue) and Foster Avenue (Allen Street to Central Parklet). There will be games and rides provided by the Lion's Club, performances and other youth activities. The DID is holding the event in conjunction with Communities That Care. A form has been completed showing agreement by the business owners on South Allen Street.

Mr. Kern moved to approve the request. Ms. Dauler seconded the motion, which passed unanimously.

Annual Street Bazaar. Mr. Fontaine explained a request was received from the Downtown State College Improvement District (DID) for permission to use the 100 and 200 blocks of South Allen Street to conduct the annual street bazaar on Saturday, June 25, 2005, from 6:00 a.m. until 5:00 p.m.

Mr. Kern moved to allow the use of Allen Street for the Annual Street Bazaar. Ms. Dauler seconded the motion. The motion passed with a 6-0-0 vote.

Accept a Resignation of a Member of the Transportation Commission. Mr. Fontaine said that Rick Gilmore, a member of the Transportation Commission, is requesting that his resignation from the commission become effective May 31, 2005.

Mr. Kern moved to accept, with regret, the resignation of Rick Gilmore. Ms. Dauler seconded the motion, which passed with a 6-0-0 vote.

Accept a Resignation of a Member of the Historic Resources Commission. Mr. Fontaine noted that Kenneth Gray, a member of the Historic Resources Commission, requested his resignation from the commission become effective May 16, 2005.

Mr. Kern moved to accept, with regret, the resignation of Kenneth Gray. Ms. Dauler seconded the motion, which passed with a 6-0-0 vote.

Youth Triathlon. Mr. Fontaine noted the Centre Region Parks and Recreation is requesting to use the bicycle path from Welch Pool through Orchard Park for a Youth Triathlon. The event is scheduled for Saturday, August 13, 2005 (rain date of August 20) from 9:00 a.m. to 12:00 noon. The event will benefit the Centre Region Parks and Recreation Aquatics Program.

Mr. Kern moved and Ms. Dauler seconded a motion to approve the Youth Triathlon. The vote was 6-0-0 in favor of the motion; the motion passed.

#### NEW BUSINESS

Action on the Sale of a Bond Issue to Finance Various Projects. Staff is recommending that approximately \$9,995,000 be received from the sale of a bond issue to finance various projects which will include:

Beaver Avenue Parking Facility	estimated cost \$6,261,289
Revenue Control Equipment for Pugh and Fraser Street Garages	estimated cost \$730,911
McAllister Parking Deck Rehab	estimated cost \$182,000
Parking Wayfinding System	estimated cost \$100,000
Fraser Street Intersection realignment	estimated cost \$750,000
Service Building Land Acquisition	estimated cost \$350,000
Westerly Parkway Storm Water Project	estimated cost \$340,000
Balloon Payment for Library Land	estimated cost \$1,050,000
Estimated Issuance Costs	estimated cost \$230,800

Richard Wood, the Borough's bond counsel, explained the bond was bid on the Internet. The Borough's AA3 rating is important in getting a competitive interest rate. There were 61 bids within a 15-minute time period. Commerce Capital Markets came in at 4.14 percent; their interest in the bonds was based on the credit rating for the Borough. Mr. Wood recommended the bond issue be approved. Mr. Meyer asked what the dollar savings because of the Borough's high financial rating. Mr. Wood stated that a conservative rough calculation would be \$100,000.

John Simbeck, 601 W. College Avenue, asked what the amount of debt the Borough would have with this bond issue. Mr. Groff estimated it would be about \$37,000,000. Mr. Kern noted the most of the debt is self-funded. Mr. Groff estimated the self-liquidating debt is about \$15,000,000 of the \$37,000,000.

Mr. Kern made a motion to approve the sale of bond in the amount of \$9,995,000 and execute the appropriate documents. Mr. Humphrey seconded the motion. The vote on the motion 5-1-0 with Ms. Goreham opposed. The motion passed.

Mr. Wood further explained a resolution where a portion of the project and related facility may be leased or used by nonprofit corporations needs to be approved. This relates to the Tax and Equity Fiscal Responsibility Act of 1982(TEFRA). Because the bond issue will pay for the Beaver Avenue parking garage, a portion of which may be leased to Downtown State College Improvement District and Penn State University, both nonprofit organizations, approval needs to be made by the Council. A public hearing was held on May 9, 2005; there was no one in attendance.

Ms. Dauler moved to approve the resolution. Mr. Meyer seconded the motion. The motion was unanimously approved.

BIDS/CONTRACTS/AGREEMENTS

Project 1-2005 Sidewalk Replacement. Mr. Fontaine explained that bids were received for the Project 1-2005 Sidewalk Replacement, which consists of the removal and replacement of a minimum of approximately 1,950 square feet and up to a maximum of approximately 16,375 square feet of deteriorated concrete sidewalk throughout the Borough. The bids were opened on May 10, 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 5 bid packages were purchased.

The following bids were received.

Contractor	Unit Price for 4" Sidewalk per s.f.	Unit Price for 6" Sidewalk per s.f.	Total Amount Bid
Haranin Construction, Inc. Bellefonte, PA	\$6.50	\$9.25	\$115,831.25
Glenn O. Hawbaker, Inc. State College, PA	\$6.50	\$9.65	\$116,261.25
LandServ, Inc. Boalsburg, PA	\$6.50	\$12.00	\$125,225.00

Mr. Fontaine recommends that Project #1-2005 Sidewalk Replacement be awarded to Haranin construction, the low bidder, in the amount of \$115,831,25.

Mr. Kern moved to accept the bid from Haranin Construction, the low bidder, in the amount of \$115,831.25. Ms. Goreham seconded the motion. The motion was approved with a 6-0-0 vote.

Project 8-2005 Allen Street Parking Lot and Walkway. Mr. Fontaine explained that bids for Project 8-2005 Allen Street Parking Lot and Walkway which consists of the construction of a .46 acre parking lot and installation of a brick plaza and sidewalk area, including all excavation, grading and line painting; installation of a case-in-place storm sewer and sand filter system with 329 linear feet 12-inch HDPE storm sewer, 167 linear feet 6 inch HDPE storm sewer, and all appurtenances; 1 Type "E" inlet; 5 PENNDOT RC-39 manholes; 950 linear feet 6-inch straight curb; 1880 square feet 4-inch concrete sidewalk; 1660 square feet brick paving; 5 benches; 17 new parking posts; 30 linear feet hoop tree fencing; 7 streetlights and junction boxes; one new electrical meter and pedestal; 4 outlet boxes, and associated conduit and wiring, were opened on April 26, 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 4 bid packages were purchased. The following bids were received:

1	Glenn O. Hawbaker, Inc. Daniel R. Hawbaker, President State College, PA	\$327,189.65
2	HRI, Inc. Jeffrey E. Reeder, Vice-President State College, PA	\$340,610.00
3	Gordon L. DeLozier, Inc. Douglas E. DeLozier, President Hollidaysburg, PA	\$364,890.00

Mr. Fontaine noted that there is a \$123,739 shortfall. It appears that the overall driving force behind the high cost for the project is the storm sewer construction. Alternative, less costly methods will be investigated for use during the redesign. Additionally, the project was designed under the premise that a land swap would occur with the adjacent property owner. That may not be possible. Another way to cut cost is to reduce the pavement area. This can be completed by designing the parking lot all within the property to the Borough, without a land swap. By doing so, the total number of parking spaces will be decreased by 2, for a new total of 30.

Mr. Kern encouraged staff to work with the neighboring property owner to complete the land swap. Combining the parking areas would be beneficial to both the Borough and the abutting property owner. Mr. Daubert commented that the Borough did not want to wait to complete this project. Mr. Kern stated that he would rather wait and live with a gravel parking lot for another year to insure a quality building on the adjacent site.

Mr. Kern moved to reject the bids and directed staff to redesign and rebid the project. Ms. Goreham seconded the motion. Council discussed their options and agreed to amend the motion to reject the bids and move this item to a work session for further discussion. The vote on the amended motion was 6-0-0.

## OLD BUSINESS

Proposed Commercial Incentive District. Council continued their review of the proposed Commercial Incentive District. Mr. Kern noted that he had attended both public meetings scheduled to date and they were poorly attended. He noted that the development community has continually complained of how this Council does nothing to help them, and, yet, they will not comment on a proposal that tries to address their concerns as well as the Borough's concerns to get high-quality redevelopment in the Atherton Street/College Avenue corridor.

Ms. Goreham stated the incentives are not high enough. They need to show what the Borough will receive, not just the developers. The redevelopment will generate tax dollars in the downtown. She added that office development needed to occur; it may be necessary to waive parking requirements to encourage this type of development.

Ms. Dauler noted that she had attended one of the public meetings and believed the discussion evolved into a conversation between staff and Council. She encouraged the future public meeting to become more of a dialog with the public.

There was no action taken. Council will continue the discussion at the work session scheduled for May 20.

## NEW BUSINESS

Urban Village Area Market Feasibility Study. Chris Brewer, from Economics Research Associates (ERA) presented a report on the progress to date on the Urban Village (UV) Area Market Feasibility Study. His presentation focused on the approach ERA is using to complete the study, the findings and conclusions reached as a result of the research to date, and a preliminary assessment of the implications of the findings. Mr. Brewer noted that he was soliciting suggestions from Council.

Eric Boeldt, 400 South Gill Street, asked Council to consider expanding the bus loops that now go to West Campus. Mr. Brewer stated that he didn't get a clear sense that people in the Urban Village use the bus.

Kelleann Foster, 210 Hartswick Avenue, reminded Council to review the Penn State master plan.

Vacancy on Council. Mr. Daubert reminded Council that they had discussed possible nominations for the replacement of Janet Knauer at their previous meeting. He asked for formal nominations.

Mr. Humphrey nominated Jackie Melander and Ms. Dauler seconded the nomination.

Mr. Meyer nominated Dick McCarl; Mr. Kern seconded the nomination

Cindy Hahn, 225 Bradley Avenue, noted that polar opposites, such as Ms. Knauer and Mr. Meyer, both get elected. Both are qualified and their differences provide a sincere commitment from the voters to maintain a balance on Council, particularly in regards to political party. She encouraged Council to recognize that fact and appoint an individual with the same party affiliation as the individual that resigned. Although Mr. McCarl was qualified, he was not of the same party affiliation or of the same ideology of Ms. Knauer. In contrast Ms. Melander served with Ms. Knauer on the Planning Commission and they were in agreement on many issues. She urged Council to keep the will of the voters in mind and chose Ms. Melander.

Ed Buss, 420 South Garner Street, stated the importance of continuity should be honored as much as possible. Robert Neuman, 251 West Park Avenue, also supported Jackie Melander as a good candidate. Ms. Foster agreed that a female democrat would be the appropriate replacement for Ms. Knauer.

Mr. Meyer stated that Mr. McCarl has been tested by the voters and elected and reelected. He chose not to run for a third term because of the term limits. Ms. Melander ran previously and was not elected to Council.

Mr. Meyer called the question on the nomination for Ms. Melander. The vote was three in favor with Mr. Meyer, Mr. Kern and Ms. Dauler opposed. The nomination failed.

A vote was taken on the nomination to appoint Mr. McCarl to Borough Council. The vote was three in favor with Ms. Goreham, Mr. Humphrey and Mr. Daubert opposed. The nomination failed to pass.

Mr. Meyer stated that he's not going to change his mind. Because this was only a 7-month seat on Council, he was willing to let the courts decide because of the inability of Council to agree.

Ms. Goreham stated that Mr. McCarl and Ms. Melander are not the only two people qualified to serve. It is important to consider Ms. Knauer's perspective and she argued that Council should

not appoint an opposing viewpoint. Council does not need to make a decision tonight. There are many people in town who are qualified and she hoped more individuals would be considered. Ms. Dauler did not believe that Ms. Knauer and Mr. McCarl had opposing viewpoints. In considering party affiliation, many of the 4 to 3 votes on issues before Council were not along party lines. Mr. Kern agreed with Ms. Dauler and believed the vacant seat was not based on party affiliation. He preferred filling the vacancy with a qualified individual.

Donald Hahn, 225 Bradley Avenue, said that vacancies on Council have been filled with individuals of the same party in the past in all but one case. By replacing an individual of the same political party, the status quo can be maintained until the voters have an opportunity to elect an individual. There could be many important issues over the next seven months. He noted that Ms. Melander is highly qualified and has a sincere commitment to the community. He asked that the Council reconsider and vote for Ms. Melander.

Ms. Dauler moved to forward a request to the Centre County courts to appoint a replacement for the Council vacancy. Mr. Meyer seconded the motion. The vote was 2 in favor with Ms. Goreham, Mr. Humphrey, Mr. Kern and Mr. Daubert opposed. The motion failed.

Seeing that no decision could be made tonight, Mr. Kern moved to move this item to Council's June 3 agenda. Mr. Humphrey seconded the motion. The vote was 4-2-0 with Ms. Dauler and Mr. Meyer opposed; the motion passed.

Vouchers. Mr. Kern moved and Ms. Dauler seconded a motion to approve vouchers for the month of April in the amount \$3,275, and as an agent of COG for \$598,371.36. The vote was 6-0-0 in favor of the motion.

#### OFFICIAL REPORTS AND CORRESPONDENCE

President's Report. Mr. Daubert reminded Council that there would be a Borough/University Liaison meeting on My 31. He distributed a list of possible agenda items and asked that suggestions for additional items be forwarded to staff.

Mr. Daubert also announced there would be an executive session following this meeting to discuss personnel matters.

There being no further business the meeting adjourned at 10:17 p.m.

Respectfully submitted

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Cynthia S. Hanscom  
Assistant Borough Secretary