

**Meeting Minutes**  
**State College Borough Council**  
**Work Session**  
**July 9, 2012**

The State College Borough Council met in a work session on Monday, July 9, 2012, in the State College Municipal Building, 243 South Allen Street, State College, PA. Council President Hahn called the meeting to order at 6:32 p.m.

**Present:** Donald M. Hahn, President of Council  
Thomas E. Daubert  
Catherine G. Dauler  
Ronald L. Filippelli  
Sarah Klinetob  
James L. Rosenberger  
Peter Morris  
Elizabeth A. Goreham, Mayor

Also present: Thomas J. Fountaine, Borough Manager; Debra A. Lang, Staff Assistant; Mark A. Whitfield, Public Works Director; Roger Dunlap, Assistant Borough Manager; Courtney Hayden, Communications and Grants Coordinator; Carl R. Hess, Planning Director; Edward Holmes, Public Services Manager; Joanne Shafer, Deputy Executive Director/Recycling Coordinator for the Centre County Recycling & Refuse Authority; Beth Johnston, Director of Human Resources; Alan Sam, Environmental Coordinator/Arborist; Charles DeBow, Parking Manager and interested citizens.

**Public Hour – Hearing of Citizens**

There was no one in the audience who wished to speak on items not on Council's agenda.

**Reports**

Recycling & Refuse Report – Ms. Joanne Shafer provided a report from the Centre County Recycling & Refuse Authority. She distributed the 2011 Annual Activity Report and several handouts on their programs. She briefly discussed a RFP process and a contract with Veolia. She noted there may be a drop in disposal fees in 2013. She noted revenues were up in 2011 and some recycling rebates were given out. She advised their newsletter is now only being mailed out twice a year due to their ability to send this document out electronically. She discussed the new Miscellaneous Plastics Drop-Off Recycling Program and the new Plastic Bag & Product Wrap Recycling Program. She noted the Plastic Bag & Product Wrap Recycling Program is a public/private partnership. She briefly discussed the food waste partnership program in the Borough and noted Mr. Holmes will discuss this program further. She discussed the EPA Food Recovery Challenge and the compost material made by the Borough. In response to a question from Mr. Rosenberger, she noted the Authority currently recycles some batteries; however, at this time, alkaline batteries are not recycled. Mr. Rosenberger also questioned whether or not the Harrisburg incinerator was an option they considered. Ms. Shafer stated their RFP was crafted for the incinerator to respond and they did not respond. Mr. Rosenberger also questioned the goal of the Authority with regard to a percentage that will go into the landfill. Ms. Shafer stated the Strategic Plan of the Authority is to have zero waste County-wide in the next 40 years. Ms. Shafer noted most of the calls to their office are from residents outside of the Borough asking when they will be getting a food recovery program.

Mr. Holmes advised Council that in June, a mailing was sent to residents and some commercial properties, regarding the new carts and organics program. He noted 600-700 people came to the parks to see these new carts and learn more about the program. He stated, by and large, we have been receiving an overwhelmingly positive response to the program. He discussed the options that will be provided to residents. He stated this is not a “one size fits all” program. Once the program gets underway, some of the residents may change their minds regarding the size of the cart selected, etc. He

noted that as of this morning, 1074 surveys have been received by the department on this program. Of that number, 761 residents selected an organic cart. This amounts to approximately 30% of the residents. He noted staff is also visiting on-site to help get the word out on the program and staff will also be available in the lobby of the municipal building over the noon hour until July 20<sup>th</sup> to talk to residents.

He noted staff hopes to have the cart order completed by August and delivery of the new trucks is expected in early October. Residents will be notified again once everything is in place and it is hoped the program will be up and running by the end of 2012.

Mr. Daubert asked what will happen with collection of refuse at the door versus the street. Mr. Holmes stated there would be no change in at door service. Mr. Daubert also questioned volume of refuse and noted there are occasions where a resident may have more than normal refuse wondered what would happen in these cases. Mr. Holmes stated when residents have any extra trash; they can place it at the curb next to their residential refuse. He stated the driver will get out of the truck. He also discussed swapping their cart out once the program starts if they believe they will need a smaller or larger cart. He also noted residents who have a container now, should consider keeping one of the containers they are using now for over abundances.

In response to a question from the Mayor, Mr. Holmes stated there are no hard and fast deadlines on this program and if a resident decides they don't want to or can't participate in the program now, but find they want to later, they can contact the department and they will be set up in the program.

Quarterly Enforcement Report – Mr. Hess distributed the 2<sup>nd</sup> Quarter – 2012 report for the Department of Ordinance Enforcement & Public Health (DOEPH) and reviewed the report with Council. He noted some new pages that have been added to the report and he briefly discussed the “points” letters that are mailed to residents. He discussed restaurant and school inspections and educational programs the department provides. He discussed enforcement issues and the summary chart that shows when a complaint is received and when that complaint is resolved. He noted the department recently started a new tracking process that will be a more thorough system.

Mr. Daubert suggested the Nuisance Property Report should specify where the violations are occurring, i.e. apartment, single family dwelling, fraternity, etc. He felt this information would be useful. Mr. Fountaine noted this information is in the annual report but can also be added to this report.

Ms. Venegoni asked where she could get a copy of this report or if it would be on-line. Mr. Hess stated the report would be posted on the Borough's website tomorrow.

## **General Policy and Administration**

### Proposed 2013 Budget Calendar

Mr. Fountaine noted the calendar on page 7 of the agenda packet was incorrect. He stated Option 1 on page 2 is the current revised budget calendar which was approved by Borough Council. Option 2 on page 2 is the proposed revised calendar. There was mixed responses on this option, and no consensus; therefore he and President Hahn agreed to place this item back on the agenda for Council to decide which calendar they would like to proceed with.

Mr. Daubert wondered why a meeting is needed on December 11<sup>th</sup>. He stated he is totally against the November 20<sup>th</sup> work session. He stated this gives Council only 1 week to review the budget and ask questions. He also did not feel any of the members would be able to go 6 or 7 hours without any real breaks.

Mr. Morris stated he agrees with Mr. Daubert on the November 20 meeting and he would prefer Option 2.

Ms. Klinetob stated she would prefer the evening meetings.

Mr. Rosenberger stated he did not want to meet on November 20<sup>th</sup>.

Mr. Hahn noted he is hearing 4 opposition votes on the full day meeting on November 20<sup>th</sup> and he would agree.

In response to Mr. Daubert's comment on the December 11<sup>th</sup> meeting, Mr. Fontaine noted that meeting would only be held, if needed.

Following these discussions, President Hahn noted this item will be brought back to Council at their meeting next week.

#### ABC Selection Process/Historic Resources Commission Membership

Mr. Fontaine noted there has been some dissatisfaction with Council on ABC recruitment. Staff has talked to the Neighborhood Association Leadership Group and staff has prepared a draft policy proposal for Council to review. Some of the items to be addresses are 1) qualifications to serve on an ABC should be posted on the website. Mr. Fontaine noted this would be a challenging task for the 2012 appointments which would take place later this year. He suggested the various ABCs be asked to suggest possible qualifications for members and these could then be put in place for appointments in 2013. Another issues was 2) current and future vacancies and more transparency in this process. It was noted a report should be provided showing how many applications have been submitted and what applicants haven't been selected. A third issue was 3) term limits. Mr. Fontaine noted currently, there are no hard and fast limits on this. The last concern was 4) improve communication with the member(s) of an ABC of changes in their term or reappointment prior to advising media of changes.

Mr. Fontaine noted some of these items have already been addressed. Some of the comments are general and some are specific. He noted these concerns are outlined on page 10 of the agenda packet.

Mr. Fontaine also noted, due to problems with quorums, the Historic Resources Commission has had to cancel several of their meetings. The Planning Department staff has recommended reducing the number of members of the HRC, and appointing overlapping members to the DRB and HRC to avoid quorum issues in the future. If this change is approved by Council, it would take effect with the 2013 appointments.

Mr. Filippelli stated he felt if we make qualifications to serve on the ABC too specific, it may eliminate citizens who want to serve on the ABCs. He would caution against specific requirements. He felt this is a big mistake. He also felt qualifications would be too strict if we allow ABCs to make the requirements. He felt Borough Council has done a good job in the past sorting out applications.

Mr. Daubert noted number 3 on page 9 of the agenda packet is not weak and indecisive and two is just an average. This number would depend on each case individually and this process is not done "willy/nilly".

Mr. Morris stated he agrees with Mr. Filippelli on qualifications. He stated, with respect to term limits, he is against term limits on Borough Council. He felt the voters should decide this. He stated members are appointed to ABCs and it is hard to get people to volunteer. Adding term limits would make it almost impossible to fill positions. He felt if this was done, there should be big loop holes included.

Mr. Rosenberger stated he felt term limits was not a bad idea. He felt once a term was up, the member should take a year off and then could be reappointed if they wished to be on the ABC again. He also thanked the Neighborhood Association Leadership group for providing this information and thought it was a great recommendation.

Ms. Klinetob stated she felt there should not be any strict limits on qualifications. It might be a good idea to provide a general description for one or two of the members on a specific ABC.

Mr. Fountaine staff could draft preferred qualifications. He noted some of the ABCs do have specific qualifications noted, but most do not.

Ms. Dauler stated ABCs are independent of Borough Council. She stated it is not up to Council to decide if a member on an ABC is doing a good job or not. She felt members on ABCs should reflect a variety of views.

Mr. Filippelli stated he did not know why we would get into this. He did not know what qualifications would be for specific ABCs. He is not comfortable with this and did not feel we should place constraints on it. Mr. Fountaine stated an example of a qualification could be that an architect be on the Design Review Board.

Ms. Goreham felt a qualification regarding being able to attend meetings would be a qualifications that could be specified. She noted we would like a broad pool of volunteers to choose from. She noted most volunteers select ABCs that relate to their own interests. She felt putting all the applicants into a pool would be a bureaucratic nightmare for staff to track. Mr. Fountaine stated this would be manageable for staff and staff has not done a good job in the past staying in touch with applicants.

The group discussed attendance at meetings and it was noted the Borough may already have a policy on this matter.

Mr. Hahn recapped the discussions thus far. He noted one ABC (Planning Commission) does have a term limit of two consecutive terms. He noted this is a "coveted" ABC and may require some rotation of members.

Ms. Dauler stated she thought we already had responsibilities, etc. of ABCs in place. Mr. Fountaine stated we do have this on line and we send out a hard copy to people who request this information.

Mr. Filippelli stated he felt if we specify that we are looking for engineering experience on a specific board, no one else will apply. Ms. Klinetob stated she felt a qualification like this would be more for Council to look at.

Mr. Fountaine stated he is hearing that Council has no major interest in establishing goals for ABCs. Mr. Rosenberger stated 2 or 3 qualifications (general) may be helpful for several of the ABCs. He thought we should put together a listing of ideas.

Mr. Filippelli stated he felt we should just say what the Commission deals with and let the volunteer decide.

Mr. Daubert stated if we read the legislation that establishes the ABCs there are some that specify set requirements.

Mr. Hahn stated he does recall that some of the ABCs do have qualifications and requirements. He asked that staff provide Council with what ABCs have for qualifications and distribute this information to Council, ABCs and see what suggestions anyone has on this matter.

There was consensus among Council to cut the membership of the HRC to 5 members and have this Commission overlap with the DRB.

## **Planning and Community Development**

### Neighborhood Sustainability and State College Community Survey

Mr. Fountaine noted Mr. Hess will provide a brief report on the preliminary report from the 2012 State College Community Survey. He note the final report will be provided some time near the end of September. Staff is asking for feedback from Council on several issues raised over the past few months

with regard to neighborhood issues. He noted four specific issues were discussed. He noted the issue of zoning falls under the Pennsylvania Municipalities Planning Code and the Borough has no real local authority to enforce these matters. He stated the Borough would need stand alone ordinances and he and the solicitor have had discussions on this subject and are working on it. He also noted there are some real challenges with stand alone ordinances.

Mr. Hess provided Council with the preliminary report from the survey. He noted a lot of the information in the survey was from questions from the neighborhood association groups. Benchmarks from the survey were discussed. He noted staff is considering some "brown bag" informational sessions to provide and receive information from these groups. He briefly discussed fines and fees and student-oriented rentals in the neighborhood. With regard to added ordinance enforcement personnel, staff is currently working with the Code Department on this matter. Staff is also working on strategies to increase collaboration and core functions as they relate to neighborhood issues. He noted there is some overlapping of the issues.

Mr. Rosenberger asked staff to provide this type of information to Council electronically.

Mr. Hahn stated he has been having some problems with his Borough e-mail but he concurs with Mr. Rosenberger about receiving the documents electronically. He also noted the 2010 Citizens Survey is on the web but he did not see the 2011 survey. Mr. Hess stated that survey should also be there and staff will make sure it gets put on the website. He stated the 2012 survey should be finalized and on the web by the end of the month.

Mr. Hahn asked about previous numbers for services provided and how do we rate this year. Mr. Hess responded that that was not one of the items he looked at and he would have to check on this.

Mr. Morris thanked staff for the report and noted it was a good job. He noted on page 10, the overall image fell drastically and we all knew why that was. Mr. Fontaine noted the comparison for State College is still much above the university and national benchmarks.

In response to a question from Mr. Filippelli, Mr. Fontaine stated staff would like to get some feedback from Council on the four major points noted in the agenda.

Mr. Rosenberger asked when the issue of penalties would come back to Council. Mr. Fontaine stated staff would prepare that in conjunction with the recommendations of the Neighborhood Sustainability Report and the annual review we do with the existing structure code, most likely in September.

Mr. Daubert stated he is all for getting this going but wondered if it was legal for us to establish penalties for those who misrepresent the uses legally of a property, namely realtors who do not live in the Borough. Mr. Fontaine stated it is the solicitor's believe that Council can adopt an ordinance to establish penalties for them.

Mr. Filippelli stated one of the frustrations we have is lack of clarity on what the powers of Council are and what they can do on these complicated issues. He suggested the attorney be asked what strategy Council can legally take and do this more proactively.

Mr. Fontaine stated this is generally the way this is done now.

Ms. Hambrick stated everyone was appreciative of the air time and rental housing issues are a lot of the concern in their neighborhood. The coalition looks forward to working with Council on these issues and concerns.

Mr. Hahn stated with regard to addressing the permit suspension ordinance and regarding violations and increasing the penalty for over occupancy of student homes and penalties. He stated there is quite a bit of emphasis on waiver and such and he felt a possible mechanism whereby we ask they come forward and state they have a student home permit or similar and treating the failure to come forward as a waiver of that and he would like to pursue this.

### Downtown Master Plan Advisory Committee Charge

Mr. Fontaine noted on page 11 of the agenda packet, staff has provided the charge and categories for membership on this Committee. If the charge is acceptable to Council, staff will begin to solicit nominations of the various ABC members and general public and the various other agencies identified in the agenda. These nominations will be brought back to Council for appointments in August.

Mr. Daubert noted he has talked against large committees of this type in the past. He stated two-thirds of these people have no relation to the Borough as such. He wondered why put people on who don't give a darn about the Borough of State College. He stated this list is no better than what was provided to Council a week ago. Mr. Fontaine noted that these various entities were included because of the need for a stronger partnership. Those suggested were a make-up of the community as described in the Request for Quotations. It was suggested staff solicit recommendations from the various organizations and moving on with appointments. Mr. Hess also noted a possible representative to this group would be a student representative from the University.

Mr. Rosenberger noted this committee sounds like it would be a sounding board and having a broad representation makes good sense. He noted the only question he had was to the number of representatives from each ABC. Mr. Fontaine responded we would ask for one representative from each.

Mr. Hahn stated the group should include a representative from the downtown merchants and property owners. He stated he is not sure every one of the ABCs listed needed to have a representative on the Committee.

Mr. Filippelli stated he seconds Mr. Hahn's point. Mr. Fontaine stated the Executive Director of the DID would be on the Board as well as other representatives of the downtown. He noted the area encompasses more than just the downtown.

### **Public Works**

#### Service Building Citizens' Advisory Committee Charge

Mr. Fontaine noted the charge of this Committee is on page 5 of the agenda and would consist of five members. He noted the land development plan for this project has been approved by Ferguson Township and this project needs to continue to be on a schedule.

Mr. Filippelli stated he had no problem with this Committee and thought it was a good idea, but asked if the Committee would have a role in the selection of an architect. He stated it would be foolish to have a Committee and not allow that Committee to play a part in the selection process. Mr. Fontaine noted the consultant would be hired under the Borough's procurement policy. Mr. Whitfield stated we do have an approved land development plan that approved the buildings in place and any changes must go back to the Ferguson Township zoning office. He also noted that since the zoning has changed for this site since the plan was approved, we may encounter problems with any changes. In response to a question from Mr. Filippelli, Mr. Whitfield stated the buildings have not yet been designed. Mr. Filippelli felt the Committee should also have input on this matter.

Mr. Daubert asked if certain elements of the plan can be changed. Mr. Whitfield stated elements can be changed but locations of buildings, etc. cannot be changed.

Ms. Klinetob asked if there would be requirements for green building standards on the buildings. Mr. Fontaine stated the land development plan anticipated green building standards as part of the Request for Quotations. He noted; however, there are not many architectural details in these buildings.

Ms. Dauler questioned how many years ago this project was started and felt we must move expeditiously. Mr. Hahn asked how the Municipal Building Design Committee was selected. Mr. Daubert stated

Borough Council selected this Committee and there were approximately 12 members on the Committee. Mr. Fountaine stated staff does have a list of suggested people to serve on this Committee and staff will share this list with Borough Council.

Ms. Dauler questioned the wisdom of this Advisory Committee and did not believe there was a comparison between the Municipal Building and the Service Building.

Mr. Hahn questioned the precedent for the procedures of this Design Committee. He noted the timeline starts in October and this Committee must be cognizant that their work must be done promptly.

Ms. Goreham noted there have been no designs completed for these building, no architect has been chosen and green standards need to be considered for these buildings. She felt these were all items worthy of discussion for this Committee.

Mr. Rosenberger stated the 2013-2014 Budget shows a line item of \$6 million and in the interest of transparency, he felt a five person Committee is a good idea.

Mr. Daubert stated he served on the Municipal Building Design Committee and he felt a Committee of this type can be a real value.

Mr. Fountaine stated he was hearing that Council would like a change to the charge adding this Committee would be involved in the selection of the architect/engineer. Mr. Hahn also felt the Committee should be increased from 5 members to 9 members.

Council adjourned to an Executive Session to discuss personnel matters at 8:48 p.m.

Respectfully submitted,

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Sharon K. Ergler  
Assistant Borough Secretary

Prepared by Debra A. Lang, Staff Assistant