

**Council Minutes
State College Borough Council
Regular Meeting
August 20, 2012**

The State College Borough Council met in a regular meeting on Monday, August 20, 2012, in the State College Municipal Building, 243 South Allen Street, State College, PA. Mayor Goreham called the meeting to order at 7:30 p.m.

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

Absent: Peter Morris

Also present: Terry J. Williams, Borough Solicitor; Thomas J. Fountaine, Borough Manager; Sharon K. Ergler, Assistant Borough Secretary; Thomas R. King, Chief of Police; Carl R. Hess, Planning Director; Anne Messner, Acting Zoning Officer; Amy Story, Borough Engineer; Alan Sam, Environmental Coordinator; Mark A. Whitfield, Director of Public Works; Charles DeBow, Parking Manager; Beth Johnston, Human Resources Director; Roger A. Dunlap, Assistant Borough Manager; Courtney Hayden, Communications/Grants Coordinator; Laurel Petrulionis, UPUA Student Representative; and numerous residents and members of the media.

Public Hour

Mike Bergmaier, a South Corl Street resident, raised his concerns about construction noise pollution. He said many residents have become accustomed to temporary inconveniences and decreases in their quality of life because of noise. In 1995, Borough Council addressed one of these issues by passing an ordinance to foster mutual respect among residents and to establish a community position against noise pollution. He commented that the ordinance is inadequate. Contractors are permitted to work within the Borough boundaries between the hours of 7 a.m. and 7 p.m. Mr. Bergmaier said he has heard countless stories of many contractors who permit unreasonable noise in order to complete a project within the Borough. Presently, Maxwell Trucking and Excavating has been performing work on Corl Street and their equipment goes squealing down the road at 7 a.m. He noted that he has recorded video and audio if anyone is interested in hearing or seeing it. Mr. Bergmaier said many of the residents who live nearby have 9 a.m. – 5 p.m. jobs and the 7 a.m. noise is unreasonable and is too much to tolerate that early in the morning and he said, in his opinion, it violates the spirit of the ordinance. He urged Council to revisit the noise ordinance and to consider prohibiting excessive noise before 8 or 9 a.m. and when issuing Public Works contracts to minimize noise during sensitive hours. Mr. Bergmaier asked Council to continue to try to make the quality of life better in the Borough and to come up with an amendment that better suits the needs of the residents.

Mr. Fountaine said Council needs to provide some direction to staff on how they would like to proceed with Mr. Bergmaier's request.

Mr. Filippelli said he would like to revisit the ordinance. Mr. Hahn said he felt it was worth additional discussion with staff's guidance so Council can address the issues raised and know what they should or should not do.

Mr. Filippelli said contractors are not using the last couple of hours of the day they are permitted to work. Perhaps it would be reasonable for them to work 8 a.m. to 6 p.m. or some other variation.

Mr. Fountaine said staff will notify Mr. Bergmaier when this item is going to be discussed.

Introduction of Consultants from Mahan Rykiel Associates - Mr. Sam, the Downtown Master Plan Project Manager, introduced the consultants from Mahan Rykiel Associates. The consultants will be preparing the Downtown Master Plan, which involves a partnership with Penn State and the Downtown State College Improvement District. He added that the Executive Committee had interviewed four different firms before recommending Mahan Rykiel Associates. Mr. Sam introduced Tom McGilloway, the principal in charge, and Trip Muldrow, from the firm of Arnett Muldrow and Associates.

Mr. McGilloway said they are privileged to have been awarded this project. He said his firm has experience in economic development, traffic, engineering, utilities, and branding.

Pennsylvania Voter ID Law – Mr. Fontaine said Council voted at their August 6, 2012 meeting to receive public input on the proposed resolution. At that time, there was some question and confusion on Council's action that evening. Council is scheduled to vote on the resolution at their September 10 meeting.

Mr. Fontaine said as of today, four written comments have been submitted, all of which are in support of the resolution. Those comments were submitted by Evan Myers, Michele Hamilton, Joanne Tosti-Vasey and Mary Vollero.

Christopher Lee, 300 Old Boalsburg Road, said as the former Chairman of the COG and as the operator of the Boal Mansion, which is full of American History, the issue for him is democracy. He urged Council to pass the proposed resolution because without it, it creates one-party districts and rigs elections which can corrupt the electoral process. He said lobbyists write the laws and the current requirement to provide photo identification will merely cause mass voter confusion. Mr. Lee said he is running for State Representative in the 171st district of Centre County. He said he is proposing to replace negative votes in the house with positive votes.

Joanne Tosti-Vasey, President of Pennsylvania NOW, said the organization she represents condemns the new voter identification law signed by Governor Corbett and Justices of the Supreme Court. She noted several instances in Centre County where it is difficult for people to obtain picture identification cards. Ms. Tosti-Vasey said this new law affects close to a half a million people of color, disabilities, students and the elderly.

James Louchern, 820 West Whitehall Road, said although he missed the August 6 Council meeting, he has read the proposed resolution and noted that the proposed resolution was not read into the record of the meeting and asked the Mayor and Council if someone wanted to read it now. He said he was protesting paragraphs 5, 6, 7 and 8. He said most of these paragraphs are without merit. He noted that paragraph 7 referred to a poll tax and he said he is not familiar with any poll tax in Pennsylvania. In terms of paragraph 8, Mr. Louchern said he had no problem with the wording but he encouraged everyone to vote regardless of their party. Also, he noted in paragraph 12, that no one is in the position to tell Penn State College to do anything with their student identification cards. He suggested Council go back to 2006 and read the words of the late Mayor Welch in the *Centre Daily Times*. Mayor Welch had suggested giving a resolution a test because the State College community is defined by the actions of a few and how we all come together.

Jodi Hicks, a resident of Foxdale, said she was here to speak on behalf of residents of Foxdale Village and in response to today's newspaper article written by Evan Myers. She said in the past month, Foxdale has issued over 70 voter identification pictures with expiration dates. Most of the residents have been registered voters for all of their lives and whenever they go vote, everyone knows who they are. In Mr. Myers letter to the editor, he indicated he was not worried about the residents of Foxdale because they were protected; however, he was concerned for all of those who were not protected. Ms. Hicks said the Commonwealth has 12 categories of voters, including people with disabilities, senior citizens, students, etc. There are 758,000 people who will be affected by this new law. She urged Council to support this resolution.

Pat Vernon, a College Township resident, said he felt this resolution was a good idea. He said although he does not always agree with Christopher Lee, this evening he does. He said the new voter identification law was written by an individual who sent it on to ALEC (American Legislative Exchange Council), which is a secretive group of over 2,000 people, which is funded strongly by the Koch brothers. The ALEC gives elected officials copies of model legislation and then the legislators take it back and get the laws passed. Identical voter identification laws were passed in the states of Iowa, Nebraska and Indiana. He said he resents the fact that people are taking language giving to them by large conglomerates, such as Wal-Mart, etc. and passing these on to the politicians. Mr. Vernon said we owe Evan Myers a round of support. His mother was a great lady and a great landlord. Thank goodness he wrote that article because it makes a lot of people think about this new law.

Jon Eich, 930 Hart Circle, thanked Council for holding this hearing and said this new voter identification law requires additional work on behalf of the voters. He said he understands that a first-time voter should have to provide a certificate of voter registration. He said he could not find one documented case of voter fraud in Pennsylvania. Mr. Eich said he felt this legislation was based on faulty information. He said this new law is going to cost an estimated \$4 to \$30 million to provide free identification cards to voters. This money could have been better spent on road improvement projects, which have been on waiting lists. He said the legislators have the discretion to choose when the new laws go into effect. There should be a smooth transition between the new and existing law. It does not make sense that this law was passed when there is a general election without providing minimal time for education. It would have been more helpful to have this law go into effect in 2013 when voter turnout was lower. Mr. Eich said he finds it ironic that it is not necessary to provide identification when going to the bank to withdraw money but it is required to vote. He said the State House and Senate passed this legislation based on faulty information on a problem that does not exist.

Michele Hamilton, representing Ni-Ta-Nee NOW and a resident of State College Borough, said that voting is not just a personal act. Voting binds a community together. People feel they are part of the process and the decision is influenced by them casting their ballots. Voting creates a non-partisan environment to express their political views. Residents have trust in the community and in the voter process. She said you do not need a voter identification card to get on an airplane or visit a government building. She said being able to cast a vote is an equalizer for a lot of voters. Ms. Hamilton said the government's role is to cultivate. This new law will decrease participation. She said while Penn State will issue stickers for students identification cards, other universities will not. She urged Council to vote in favor of this resolution.

Carmen Valespie, 937 West Whitehall Road, said he had little doubt that this new voter identification law is part of a plan concerted by the Republican party's think tank, which will affect three quarters of a million voters. The minority most affected will be the Democratic voters. He said people's constitutional rights are being interfered with in a manipulative manner. He said he really wants Council to pass this resolution to express their sense of outrage to our country.

James Leous, 425 West Fairmount Avenue, said he supports the resolution repealing the new voter identification law. He said voters should show identification the first time they vote in person. He said the new law could create in-person voter fraud, which is the only type the new law was designed to present. In Pennsylvania, there have been only four convictions of voter fraud. There have been over 10 million votes cast in PA. Mr. Leous said there are more Americans diagnosed with leprosy than are convicted of voter fraud. He suggested that our local representatives and senators reconsider the new voter identification law.

Carol Gold, 134 East Doris Avenue, said this evening's speakers have done an excellent job by providing very moving words in favor of the resolution. She said silence is the voice of complicity. The new law will disenfranchise the poor, elderly and disabled. She said she feels it is unethical to require voter identification with expiration dates. She said she could not help but think about her father-in-law, who at the age of 96 ½ lost his driver's license because he could no longer parallel park. He said he would need to go out and obtain identification just so he could vote. She urged Council to support the resolution.

Greg Stewart, Apple Green Circle in Ferguson Township, urged Council to adopt the resolution to repeal the voter identification law. He said he felt PA already had a very effective verification of voter registration in place. In March 2012, Republicans worked to systematically get the existing laws eliminated and now require expiration dates because they knew no college or university had expiration dates on their student identification cards. He said he has an 85 year old mother who has a driver's license that expired two years ago; however, she cannot use it because it is expired. Mr. Stewart said there are quite a few 18 year olds who do not already have a driver's license and will need to obtain a voter identification card if they want to vote. This new law comes with a hefty cost to preserve the right to vote and, in his mind, that is a poll tax. He said many people will need to take off work in order to obtain an identification card. He said we should honor those who fought to vote in the 1970s and urged council to adopt the resolution.

Edward Klevans, 103 West Marylyn Avenue, urged Council to support the resolution. The best way to do that is to express the outrage that exists for so many of us for the voter suppression law. He said this is an outrageous act our legislators have committed against residents. He said one of the only ways for the legislators to see the outrage and frustration is to go around the state town-to-town and issue resolutions such as the one Borough Council is proposing.

Robert Bailey, 168 East North Hills Place, said he supports the resolution. He said silence is complicity. He said this new voter identification law is an example of the illegitimate use of power by politicians. He commented that politicians in this country do not have this right. He said any fraud that has been created has been done by the election workers. He said he hoped that Council will support the resolution.

Laurel Petrulionis said the UPUA strongly opposes the new voter identification law. Out-of-state students are banned from voting in PA, which violates their constitutional right. All Penn State students with student identification cards with expiration stickers will be able to vote. She said UPUA opposes this law because it affects their peers statewide. The UPUA voices their support of this resolution.

Peter Shaw, 221 Ellen Avenue, said he strongly supports the resolution. He said people have a strong tendency to confuse democracy with voting. Other forces that weaken one's vote in terms of scale, is county, state and federal miles and then the vote gets diluted. He said there is more to this voter identification law than just voting. He said he agrees with all points made here this evening. He suggested next time the legislators get the apparatus in place before changing the law.

Tony Brink, Coburn, said she called Bellefonte voter registration about getting a voter identification card because on their present photo identification cards their names appear differently and asked if it will be okay. She was informed they were not going to be too fussy this time. She said after hearing everyone speak tonight, she is starting to wonder if their existing cards will be accepted or should they make a trip to Pleasant Gap, which is 30 miles from home, just to get new one so they do not run of risk of not being able to vote.

Spencer Malloy, 919 Walnut Street, said he supports the UPUA's endorsement because this is exactly how Penn State student feel about this new law. He said students appreciate Council's dedication to this issue and their willingness to take a stand on this issue. He said he appreciates the ability of our constituency and said he is honored to join State College in this effort.

The public comment on the proposed PA Voter Identification Law resolution closed at meeting at 8:30 p.m.

Mayor Goreham said Council will take action on this resolution at their September 10 meeting.

Consent Items

Council members asked that items A, J and K be removed from the list of consent items so they could be discussed.

Mr. Hahn made a motion to approve the following consent items. Mr. Rosenberger seconded the motion. The motion passed unanimously.

- Approve the closing of the 500 block of Westview Avenue on Friday, September 7, 2012, from 5 p.m. to 11 p.m. for the College Heights Neighborhood Block Party.
- Approve the closing of Holly Alley and a portion of High Street on Sunday, September 9, 2012, from 4 p.m. to 7 p.m. for the Highlands Neighborhood Annual Block Party.
- Accept the resignation of Colleen Houser, with regret, from the CDBG Citizen's Advisory Committee, effective immediately. Ms. Houser is relocating out of state.
- Approve the closing of various downtown streets on Sunday, October 28, 2012, from 6:30 p.m. to 8 p.m. for CRPR's 67th Annual Halloween Costume Parade.
- Approve the closing of South Gill Street, from West Beaver Avenue to West Foster Avenue, on Friday, September 7, 2012, from 6 p.m. to 8 p.m. for the Holmes-Foster Neighborhood Block Party.
- Designate Wednesday, October 31, 2012, between the hours of 6 p.m. and 8 p.m. as Trick-or-Treat Night in the Borough.
- Approve a Resolution to commit municipal resources in the amount of \$15,000 as a 50% match to a Pennsylvania Department of Community and Economic Development Municipal Assistance Program grant to be secured by SEDA-COG Energy Resource Center in order to finance a utility bill analysis and associated energy saving capital improvements to municipal facilities.
- Approve the following people to serve on the Downtown Master Plan Steering Committee with a term ending on December 31, 2013.

Borough Council	Ronald Filippelli
Planning Commission	Richard Kalin
Transportation Commission	Gerald (Duke) Gastiger
Tree Commission	Cassandra Burke
Design Review Board	Zoe Boniface
Redevelopment Authority	Vicki Fong
Historic Resources Commission	Susan Bardo
Downtown State College Improvement District	Ronald Friedman
Downtown Business Owner within DID	Dave Richards
Downtown Business Owner within DID	Ronald Agostinelli
Penn State University Office of Physical Plant	Steve Watson
Penn State University Office of Physical Plant	Gordon Turow
Centre Region Planning Agency	Jim May
Chamber of Business & Industry of Centre County	Vern Squier
Alliance for Innovation & Business Development	Perry Babb
Neighborhood Coalition	Ronald Deck
Neighborhood Coalition	Ronald Madrid
Neighborhood Coalition	Donna Queeney
Borough Resident	Nina Fellin
Borough Resident	Kathryn Yahner
Borough Resident	Sherry Dershimer

- Approve the appointments of the following individuals to serve on the Municipal Service Facility Steering Committee. The appointments will conclude once the construction bids for this project have been awarded by Council.

Thomas E. Daubert
Sarah Klinetob
Jodi LaCoe
Richard Kalin
Rob Cooper
Scott Mato
Paul Meister
Ryan Morgan
Dave Swanson

Mr. Rosenberger asked a question about Consent Item A, which was to approve a three-year engagement extension with MaherDuessel to provide professional audit services for 2012, 2013, and 2014. He wanted to know how often this item was put out to bid. Mr. Fountaine said it is out of the ordinance to extend the contract for three additional years; however, the reason for that is twofold. One is because of the implementation of the county-wide tax collection operation. MaherDuessel has provided guidance and has advised us throughout this process. The second reason is because of MUNIS and similar concerns have been raised since we started a new software program in the middle of the year. Staff felt since MaherDuessel's fees were favorable, it was appropriate to extend the contract for one three-year renewal period.

Mr. Rosenberger made a motion to approve the three-year engagement extension with MaherDuessel to provide professional audit services for 2012, 2013, and 2014. Mr. Hahn seconded the motion, which passed unanimously.

Mr. Hahn made a motion to approve the Downtown Traffic Signal Retiming Study to Stahl Scheaffer. Mr. Rosenberger seconded the motion but raised a question about staff's internal review or evaluation of the proposals, since this proposal was 240% above the low bidder. Mr. Whitfield said staff had three people go through and rank the proposals based on criteria, which was reviewed and approved by him, the Manager, and the Purchasing Director.

Ms. Kerner said staff ranks the firms in terms of professional service, qualifications and other criteria besides price, such as the scope and responsiveness of businesses, the common level of understanding or approach, and the quality of their work. She said this is one of the projects where we were concerned about having someone familiar with the Borough's system and knows the Borough's needs. The person and/or firm who do/does the study needs to know or understand the Borough's needs and goals while balancing efficiency. Another example is that we weighted the criteria if the firm has had any interaction with PENNDOT because, at times, that interaction has been difficult and we wanted someone who was familiar with PENNDOT District 2-0's working process.

Mr. Rosenberger said he would be interested to see the ranking. Mr. Whitfield said firms #1 and #2 were exactly the same and the 3rd ranking was a little different.

Mr. Fountaine said the last time we did the Downtown Traffic Signal Retiming was in 2003 and the cost at that time was \$70,000. The contract recommendation is \$20,000 below our estimate on this project. The motion passed unanimously to approve this award.

Mr. Daubert said he had a question regarding Consent Item K, which was the request to close West Prospect Avenue for tennis matches because there are nine instances where the residents of this street are inconvenienced by the closing of this street. He also asked if the residents who live along this street have been informed. Mr. Fountaine said this is the School District's standard annual request, which Council has been approving for years, similar to the request for State High football games. Mr. DeBow

said there are no driveways on West Prospect which are affected by the street closure. Driveway access to these properties is along Hill Alley, Gill or Barnard Streets.

Mr. Hahn said he is personally impressed with the State High Tennis Team's competition. He said the topography of West Prospect Avenue is a big hill that sweeps up so Mr. DeBow's description is correct. He added there is an alley that runs behind Prospect Avenue that provides good access for the residents during the closures. He noted that this is something Council has approved year after year with no complaints and at any other place, this type of repetitive street closure would be a problem. He said he appreciates Mr. Daubert's concern for the residents.

The motion passed unanimously.

Official Reports and Correspondence

Mayor's Report – Mayor Goreham said she had nothing to report.

President's Report - Mr. Hahn said Council will be adjourning to an Executive Session following this meeting to discuss personnel and legal matters. He also gave credit to Councilman Morris because the comments provided this evening, related to the PA Voter Identification Law, were very informative and said he is better prepared to vote on September 10. He also thanked Ms. Klinetob for the motion to ask for public input.

Regional Liaison Committee Reports

Executive – Mr. Filippelli said the Executive Committee meets tomorrow.

Finance - Mr. Rosenberger said the Finance Committee met last week and reviewed the audit without any material concerns. They also discussed the pools refinancing and was hopeful because four banks have expressed interest in bidding on the refinancing. Other items of discussion included municipal comments on the Program Plan and the discussion on the recommended salary increase for COG employees, which bears some further discussion.

Human Resources – Mr. Filippelli said he had nothing to report.

Parks Capital – Mr. Daubert said the Parks Capital Committee met on August 9 and discussed the development of the Oak Hall Regional Park. Bids were advertised and are scheduled to be opened on September 6 and the bid award is scheduled for September 13. Also discussed were the park maintenance facility and its proposed location. He said he anticipates a report to the General Forum at the next meeting.

Public Safety – Mr. Hahn said the Public Safety Committee met and there was one dissenting vote recommended to pursue Tyler Technologies proposal with Tyler storing the program and contents offsite. This recommendation was referred to the Finance and Executive Committees. The Chair emphasized it would be more comfortable going through route instead of storing the program with the Borough's server.

Public Services and Environmental – Ms. Klinetob said the Public Services and Environmental met and discussed the Harvest Field DRI.

Transportation and Land Use/MPO – Mr. Daubert said the Transportation and Land Use Committee did not meet in August but will meet the second week of September. The MPO Committee met this afternoon and this was the most cantankerous meeting he ever attended. The local funding share formula was discussed. Ferguson Township suggested a change to the COG formula in March 2012, which was to base the formula 50% on population (12,800 students on campus and the other criteria on the state road miles. Centre County was asked to increase their contribution by one third or 33%. The Borough was asked to increase their share by 25 percent. The percentages for both Ferguson and College Townships

would go way down. Benner Township and a few other townships would increase their shares as well. Ferguson Township representatives kept insisting they were right and the rest were wrong. Benner and Spring Townships were very much against it, as was Halfmoon Township. Mr. Daubert said he made a motion that the existing COG budget formula be used for 2013. A roll call vote was taken and the vote was 8 who were in favor and one who voted against it.

Mr. Daubert said the discussion was over for this year; however, it was a very interesting meeting.

Staff/Committee Reports

Mr. Fountaine reported that the Borough is considering the refinancing of the 2009 General Obligation Bond if the Borough can achieve the 3% savings. This item may come before Council in September or October if the savings threshold can be achieved.

Mr. Fountaine said the Borough is a partner in the "Together We Are One Task Force", which also includes Evan Myers, Betsey Howell, and David Nevins. Others who have also participated include Mayor Goreham and Council President Hahn. In addition, there are several hundred community residents who are also participating. The important message we are conveying is that as a community we are moving forward. After meeting a couple of times, the consensus was to form a single steering committee, which is chaired by the CBICC, and others who serve on the committee include representatives from the DSCID, the Borough, Penn State Alumni Association, Penn State, and other private organizations and citizens. A welcome back message has been prepared, which you will begin to see posted around State College shortly to welcome Penn State students and their families to State College. These banners will be placed at several locations throughout State College, including Beaver Avenue, South Atherton Street, and University Drive. Mark Whitfield and Dolores Taricani have been working to secure permits for these banners prior to student return.

Mr. Fountaine reported that the Borough's new webpage will go live tomorrow evening. This project has been led by Hillary Pasch in our IT Department and Courtney Hayden. They have engaged a number of residents in the community to get their feedback on the website and, how to make the website more useful. In addition, we have talked internally with our own employees and Borough staff has managed to create a website that far exceeds the old website. Please note, as we turn it on, there will be small glitches that may crop up and we will fix those as quickly as possible.

Student Representative Report – Ms. Petrulionis thanked Council for taking public input this evening on the PA Voter Identification Law and hoped Council will consider what comments were provided.

The meeting adjourned at 9:05 p.m.

Respectfully submitted,

Sharon K. Ergler
Assistant Borough Secretary