

**Meeting Minutes**  
**State College Borough Council**  
**Regular Meeting**  
**Monday, October 15, 2012**

The State College Borough Council met in a regular meeting on Monday, October 15, 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  
Peter Morris  
James L. Rosenberger

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; 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.

Mayor Goreham asked that the Moment of Silence be dedicated to the memory of Senator Arlan Specter. She said Senator Specter was always someone who was there for his constituents no matter what his political affiliation was.

**Public Hour - Hearing of Citizens** – There was no one in the audience who wished to speak about anything not on the agenda.

**Proclamation**

**Alternative Fuels Month** – Mayor Goreham presented Ms. Taylor Kidd, the Outreach Coordinator for Penn State EcoCAR2 Club with a Proclamation designating October as Alternative Fuels Month.

Ms. Kidd stated that National Odyssey Day is October 18<sup>th</sup> and she urged people to visit their website at [www.hev.psu.edu](http://www.hev.psu.edu) for additional information.

**Consent Items** –

Mr. Morris made a motion to approve the following consent items. Mr. Daubert seconded the motion.

- Approve the use of various sidewalks in the Borough on Monday, October 29, 2012, from 5:30 p.m. to 6 p.m. for a Zombie Walk sponsored by the Schlow Centre Region Library.
- Approve a resolution allocating the Municipal Pension State Aid as authorized by the 2012 Minimum Municipal Obligation and Budget, \$457,742.05 distributed to the Police Pension Plan and \$518,535.92 is distributed to the General Government Pension Plan.
- Approve the closing of Fraternity Row and part of East Fairmount Avenue, from South Garner Street to Locust Lane, for the 3rd Annual Greek-or-Treat event, which will be held on Sunday, October 28, 2012, from 2 p.m. to 4 p.m.
- Accept the resignation of Ron Deck, with regret, from the Centre County Airport Authority and from the Downtown Steering Committee, effective November 1, 2012.

The motion passed unanimously.

### **General Policy and Administration**

Holiday & Courtesy Parking Program for 2012 – Mr. Fontaine said he received a request from DSCID Executive Director George Arnold for the 2012 Holiday & Courtesy Parking Program.

Ms. Dauler made a motion to approve the request. Mr. Rosenberger seconded the motion.

Mr. Rosenberger asked how this program is paid for or does the Borough provide it by not charging for parking. Mr. Fontaine said this year's request has been modified as compared to previous years. Parking validations in the garages would be paid for by the normal validation program whereas customer would receive validation coupons from the establishments where they shop.

Mr. DeBow said in the past, the Borough has offered free parking in the garages Monday thru Friday from 6 to 10 p.m. and all day on Saturdays. However, a lot of the retail shops are not open after 7 p.m. and the parking designed for holiday shopping was not being used because the stores were not open. This year merchants will hand parking validations to their customers when they are in their store(s) shopping. He said the trade-off is to not provide free parking in the parking lots. Mr. DeBow said another change is that the Parking Enforcement Officers will issue one courtesy card this year. Previously, staff has issued three courtesy cards. He noted that the Borough's cost to DSCID will be significantly less than in years past.

The motion passed unanimously to approve the Holiday and Courtesy Parking Program.

### **Department of Ordinance Enforcement and Public Health**

Handbill Ordinance Amendment – Mr. Filippelli made a motion to approve Ordinance #2002, for the Handbill amendments. Ms. Dauler seconded the motion.

Mr. Daubert said in reviewing the amendments, staff would be issuing violations if residents posted signs or distributed handbills for lost animals, etc. He said he did not feel staff should be issuing tickets for things like that.

Mr. Fontaine said this is one of the issues we discussed at Council's October 8<sup>th</sup> work session. While the amendment technically prohibits these kinds of notices, staff has considerable judgment in the field and can determine when and if it is appropriate to cite someone for violating this ordinance. He noted it would be too difficult to itemize those kinds of circumstances in the ordinance. Mr. Fontaine pointed out that staff would likely address these kinds of occurrences and whether or not these types of handbills become a litter nuisance. He said historically, those kinds of violations have not been written. His expectation is that would continue to be the practice. He added that if a resident has several political signs located between the curb and sidewalk, that would be a violation and generally staff collects the political signs and brings them back to the office and then calls the person running for office to let them know they are not permitted to place their signs in the public right-of-way. He said this is a common occurrence that happens during election season.

Mr. Daubert said he noticed some political signs in the right-of-way along Atherton Street. Mr. Fontaine said staff generally stops and removes them as they come upon them. Mr. Daubert asked about yard sale signs and the signs placed by student painters in the summer. Mr. Fontaine said if these signs are located within the public right-of-way, they are collected by staff.

A roll call vote was taken and Ordinance #2002 amending the Handbill Ordinance passed unanimously.

### **Official Reports and Correspondence**

Mayor's Report – Ms. Goreham thanked everyone who participated in this past weekend's Fall Festival, Community Resource Fair, and Our Community Day event. She said it was a huge success, which started out with two terrific speakers.

President's Report - Mr. Hahn reported that Borough Council will adjourn to an Executive Session to discuss personnel matters following this meeting.

Mr. Hahn said Council's November 12<sup>th</sup> work session falls on Veteran's Day and staff is proposing that this meeting be moved to Tuesday, November 13<sup>th</sup>. Otherwise, Borough staff would have to be called in to work on one of their holidays. Mr. Hahn asked Council members if there were any objections to moving the meeting.

The Manager said he would not want to cancel the meeting because there are some items scheduled for that meeting, such as ABC Work Plans from the Transportation and Planning Commissions, distribution of the 2013 proposed budget, etc. He suggested holding the meeting at Noon or at 6:30 p.m. Several Council members said they were not available at noon and others said they were not available for an evening meeting because of something already scheduled. Council agreed to reschedule the November 12<sup>th</sup> meeting to Tuesday, November 13, at 4 p.m.

Mr. Hahn also mentioned that he received a letter from the Coalition of Neighborhood Associations dated October 9, 2012. In that letter, the Coalition had requested a meeting with Council sometime in November. He noted with several upcoming meeting and work sessions dedicated to the proposed 2013 operating budget, the only time Council could discuss the Coalition's request would be at Council's November 13<sup>th</sup> meeting. He commented that the Borough's Neighborhood Sustainability Report was posted on the Borough's website before he received the Coalition's letter. He suggested the Coalition look at the Report and recommendations offered by staff.

Mr. Fontaine said it would be difficult to add any additional meetings between now and January 1 because of the budget review schedule. He said staff will be recommending amendments to the Existing Structures Code, as well as Zoning amendments at Council's November 13<sup>th</sup> work session. He said the Coalition leaders could be invited to attend that meeting to participate in that discussion.

Mr. Hahn said he was inclined to agree. He said he would be responding to the Coalition's letter in a prompt manner. He added that the Coalition's letter referenced the Centre Region Code Administration. He asked staff if a letter was sent to Code Director Walt Schneider.

Mr. Fontaine said he would send a copy of the Coalition's letter to Mr. Schneider for his review. He added that most of the requests made by the Coalition are addressed in the staff recommendations that will be presented to Council at their November 13<sup>th</sup> meeting.

#### Regional Liaison Committee Reports

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

Finance – Mr. Rosenberger said the Finance Committee has met four times in the past two weeks. He said they recently recommended forwarding the COG Budget to the local municipalities. He said the Finance Committee made a couple changes. The first was the recommendation to delay an increase in rental permit fees for one year. Another recommendation was to increase funding for Schlow Centre Region Library's Children's Department.

Human Resources – Mr. Filippelli said the Human Resources Committee did not meet this month.

Parks Capital – Mr. Daubert said the Parks Capital Committee met last Thursday and discussed the Oak Hall Regional Park bids. He said all the bids came in at \$3 million and is one-half a million over the budgeted amount. He said the Parks Capital Committee discussed items that could be removed from the project to reduce or eliminate \$540,000. He said they discussed whether or not they should make these changes with change orders but thought that was a bad idea. The Parks Capital Committee voted to rebid all four contracts and hoped that by eliminating certain items that the bids will come in within the budgeted numbers. He said if the bids come in low, the Parks Capital Committee could look at adding some items back in.

Mr. Daubert said another item discussed was a centralized park maintenance facility and where it should be located. Should the maintenance facility be part of the Whitehall Road Park or should they be a part of the Borough's Service Building? He said both the Parks Committee and the CRPR staff wanted the maintenance facility to be located at the Whitehall Road Park; however, the municipalities were concerned about spending \$2 million on a new facility. He said Council needs to make a recommendation to COG within the next ten days on what the Borough's thoughts are on a new maintenance facility.

Mr. Filippelli asked if the Parks Committee has considered looking for an existing building or one that could be leased or purchased for less than \$2 million dollars.

Mr. Rosenberger said the Whitehall Road Park does not even have an access road to it at this point. He said he would recommend the Parks Committee give careful consideration to other possibilities before Council consents to it.

Mr. Daubert said the CRPR staff said they have to get out of the building on Corl Street, which is why they are anxious to get going on a new parks maintenance facility.

Mr. Hahn said Council voted to establish a Service Building Facility Committee to review the plans for the new Public Works maintenance building. We could ask this committee or staff to provide their input on the parks maintenance building. He said he would feel more comfortable of the merits of the park maintenance facility and the costs of the new facility if our Public Work's staff had an opportunity to review and make comments regarding cost improvements, etc. for the proposed building.

Mr. Fountaine said what has been presented thus far on the parks maintenance facility is not information for staff to review and make a recommendation. Until CRPR can present a better idea of what is being proposed, staff cannot comment. He added that the Borough is scheduled to begin construction next year on the new Service Building. He said staff met with Jim Steff and Ron Woodhead some time ago and let them know that they would need to relocate in 2013 or early in 2014 since they were not interested in joining the Public Works Department in the new building.

Mr. Daubert said he was told it would cost \$20,000 to rent a temporary space until a new parks maintenance facility can be built. He said that seems like a lot of money to spend. He noted he would prefer to see a plot plan of what is proposed instead of just seeing an engineer's estimate.

Mr. Whitfield said staff would be unable to incorporate another stand alone building for CRPR into the proposed site plan for the Service Building; however, if CRPR was interested in sharing resources we could make that work.

Mr. Filippelli asked Mr. Whitfield if, in his mind, it would be more cost efficient to go in with the Borough on the new Service Building facility or to build a separate facility.

Mr. Whitfield said it would definitely be more cost effective if CRPR shared a facility and resources. There are a number of things that could be shared, such as office space, lunchroom, locker rooms, support staff, copier, etc. He said it was not clear to him if the CRPR staff wanted to do that or have a new stand alone facility.

Mr. Morris asked if we know how many square foot they want for a new facility. He said if we knew how many square foot they wanted, we could divide that into the \$2 million cost projection and see if that number is reasonable for the construction.

Mr. Fountaine said \$500,000 is the estimate just for the site work, a new roadway into the site, etc.

Mr. Rosenberger said he appreciates Mr. Whitfield's comments. He said he would be in favor of keeping the park maintenance facility at the present location for two more years. He added that there are fuel pumps at the present location. He said he would like to see the discussion continue about a shared facility with shared resources and space.

Ms. Klinetob said it would be a good idea for CRPR to take a step back and consider the Borough's offer or to lease another property. It may not get any cheaper than sharing space.

Mr. Fontaine said the Borough does not want to delay our plans for the Service Building. The Borough has a site plan that has already been approved by Ferguson Township and in order to building a new facility; we need to remove the existing Parks & Recreation facility from the existing site, which cannot be delayed. He pointed out there are no site acquisition costs with the Whitehall Road Park site because COG already owns it. He said the only real difference is the site development costs in the short term.

Public Safety – Mr. Hahn said the major topic of discussion at the Public Safety Committee meeting was the Code software. He said a special attorney, Rodney Beard, was hired to review the contract with Tyler Technology and he has come up with four pages of changes to the software program that Tyler Technology will need to make. He said if Tyler Technology can satisfy these requirements, the COG General Forum would be asked to authorize COG to enter into and execute an agreement with Tyler Technology.

Mr. Rosenberger asked if the changes affect the price of the software. He said he was skeptical about the contract and he asked to see a copy of it. Mr. Hahn said the changes may affect the price. He added that the municipal make-up of COG with 5 or 6 municipalities is something rather unusual in PA and nationwide and may create some problems for Tyler Technology, as well as some innovative pricing.

Public Services - Mr. Morris said the Public Services Committee discussed the need to replace badly worn storm sewer lines running along Atherton Street for a six mile stretch. He said two miles of the roadway is within the Borough boundary. Mr. Morris said although townships do not have to pay to reconstruct storm sewers, Boroughs are required to pay their share for reconstruction.

Mr. Whitfield said staff attended a meeting with perspective engineering companies. Borough Engineer, Amy Kerner has been working with folks from PENNDOT. He said the Borough may not have to pay the full share and there is some discussion that the Borough should be on a level playing field with the other municipalities. He said staff has identified locations where the Borough is known to have issues with storm sewers, such as the Ramada Inn area. Another location is the bus terminal on North Atherton Street which occasionally has flooding because there is a capacity issue at that location. Mr. Whitfield said although the Borough's facilities are old, they are in very good shape. We have terra cotta pipe on North Atherton Street.

Transportation and Land Use/MPO – Ms. Dauler said the Transportation Committee met and discussed one item, which was a report on the retiming of Atherton Street corridor traffic signals. She said PENNDOT was involved and money was allocated through the MPO for the retiming. She said there were a lot of issues along Atherton Street, depending on the time of day and the timing of the traffic signals. She said a driver could shave off a small amount of travel time if he/she maintained approximately the same speed when traveling through these intersections.

MPO – Mr. Daubert said the MPO Committee met on September 25 and received project updates from PENNDOT on the TIP Program. He noted that Ferguson Township has said they would pay what the formula says in 2013; however, in 2014, they will not. As a result, we are going to be back to the mess we had in previous years when Ferguson has argued about the formula. Mr. Daubert said the MPO Committee had no problems with the proposed budget because it is down \$4,400 or 13%.

Staff/Committee Reports – Mr. Fontaine said during the first week of October, he testified at a Senate Urban Affairs Committee hearing on the student housing regulations and municipal ordinances. He said the hearing went on for several hours. Some of the topics discussed included the student home definition and occupancy limits. He said there were a number of landlords and private property owners who also spoke. Mr. Fontaine said there is a link available to the hearing, which he will provide to Council. He said he would apprise Council if there are any new developments about this topic. He said his testimony was well received by the Committee.

DOEPH's 3<sup>rd</sup> Quarter Report - Mr. Hess briefly reviewed the Department of Ordinance Enforcement & Public Health's 3<sup>rd</sup> Quarter Report. Mr. Fontaine said he or Mr. Hess would be happy to answer any questions Council may have about the quarterly report.

Mr. Filippelli said he was surprised by the number of signs in the public rights-of-way. He said he did not realize how many of those signs were placed in violation of the ordinance.

Mr. Hess said if there are political signs in the public right-of-way, staff asks the property owner to remove the sign(s); however, if they do not move them into their yard, staff will remove them.

Student Representative Report – Ms. Petrulionis was not present.

The meeting adjourned at 8:31 p.m.

Respectfully submitted,

---

Sharon K. Ergler  
Assistant Borough Secretary