

**Meeting Minutes**  
**State College Borough Council**  
**Regular Meeting/Work Session**  
**December 3, 2012**

The State College Borough Council met in a regular meeting/work session on Monday, December 3, 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:** Donald M. Hahn, President of Council  
Thomas E. Daubert  
Catherine G. Dauler  
Ronald L. Filippelli  
Sarah Klinetob  
Peter Morris  
James Rosenberger  
Elizabeth A. Goreham, Mayor

Also present: Thomas J. Fountaine, Borough Manager; Terry Williams, Borough Solicitor; Debra A. Lang, Staff Assistant; Mark A. Whitfield, Public Works Director; Roger Dunlap, Assistant Borough Manager; Carl R. Hess, Planning Director; Norma Crater, Manager of Financial Services; Charles DeBow, Parking Manager; Courtney Hayden; Grants & Communications Coordinator; Beth Johnston, Director of Human Resources; Laurel Petrulionis, UPUA Student Representative; members of the media and interested citizens.

There was a moment of silence and the Pledge of Allegiance.

**Public Hour – Hearing of Citizens**

**2013 Operating Budget**

Mr. Fountaine read the agenda text into the record regard the 2013 Operating Budget. There was no one present to discuss the 2013 Operating Budget.

**Public Hour/Presentation**

There was no one present to discuss items that were not on the agenda.

**Consent Items**

Mr. Fountaine noted item A under consent items has been removed to be discussed under the regular agenda items.

On a motion by Mr. Hahn, second by Mr. Filippelli, Council voted unanimously to approve the following consent items:

- Approve the use of Mayor Welch Plaza on Sunday, December 9, 2012, from 4 p.m. to 8 p.m. for the public Menorah lighting.
- Approve a resolution for the destruction of records in the Parking Department.
- Approve the Memorial Field Drainage System Agreement between the Borough and the State College Area School District.

## **General Policy and Administration**

### Take action to Approve the Refunding of the 2009 General Obligation Bond

Christopher Gibbons of Concord Public Financial Advisors reviewed the refinancing with Council. He noted this refinancing is similar to refinancing a home mortgage. He stated the Borough has a double A rating and if Council wishes to proceed with the refinancing of this bond, action must be taken within 7 days. He advised Council that they went out for bids today and received 25 bids from 6 underwriters. He reviewed the summary of the bid with Council and noted this is an excellent opportunity to refinance.

In response to a question from Mr. Filippelli, Mr. Gibbons stated the bond matures in 2025. Mayor Goreham stated this was good instinct and an excellent call. Mr. Rosenberger questioned perhaps waiting 3 more months might give us more savings than today. Mr. Gibbons responded that it might; however, no body knows that for sure.

Jens Damgaard of Rhoads & Sinon summarized the ordinance needed to be signed by Council to proceed with the refinancing. He noted this ordinance is similar to what the Borough has in place with the 2009 General Obligation Bond. Mr. Rosenberger asked if there was a penalty for prepayment and stated the rate might be better if there was a penalty. Mr. Damgaard stated the call date for this would be 2014.

Mr. Rosenberger moved to recommend refunding of the 2009 General Obligation bond as discussed and based on the results of the bond sale. Mr. Daubert seconded the motion. A roll call vote was taken and the motion passed unanimously.

### 2013 Borough Council Meeting Schedule

Mr. Fontaine explained the attached schedule of meetings to Council. He noted the various meeting dates that may have a potential conflict during the year. He noted staff recommends Council approve the meeting schedule for 2013 as presented. Staff also recommends giving notice of the Tuesday following Monday holiday scheduled meetings, but only hold those meetings if needed. Mr. Hahn moved to accept the schedule as submitted. Mr. Daubert seconded the motion.

Mr. Rosenberger asked why work sessions are scheduled to begin at 6:30 and why all meetings don't start at 7:30. Mr. Fontaine stated the time of the work sessions was changed when Council voted to cancel the Friday work sessions. The earlier time was to compensate for the cancellation of the work sessions. Mr. Rosenberger stated Council has not run late with their work session meetings and he did not feel we needed to start early. Mr. Hahn stated this was the ultimate issue and this past year was experimental.

Mr. Filippelli stated he felt Council could go later, if they needed to. Mr. Filippelli moved to start all the work sessions at 7:30. Ms. Dauler seconded the motion. Mr. Daubert stated he liked the 6:30 start but stated we can start at 7:30 if Council wished to. He stated he felt we were sharper when we started earlier and that we got more comments from the floor when we started at 6:30.

Ms. Klinetob stated there were a couple of meetings this year that were two meeting in one and wondered if this year was a light year for meetings or if it was a typical year. Mr. Fontaine stated it was a typical year for meetings.

Mayor Goreham asked for clarification that Council was asking that all meetings be held at 7:30, that is, all evening meetings.

Mr. Hahn stated he likes to 6:30 calendar change. With regard to the Tuesday meetings following holidays, he stated there were a couple of months this year that Council could have used the extra meeting. He stated it was easier to advertise the meetings and cancel them later than to advertise them later. He discussed the religious observances noted on the suggested calendar and he moved to eliminate the April 1 date. Ms. Dauler stated she did not feel this date should be removed and that it

would be reasonable to just not place anything on the agenda for that meeting that might require public action.

Mr. Daubert stated he did not care about the April 1 meeting but felt if that meeting was removed from the calendar, to wait from March 18 to April 15 to have a meeting was ridiculous. Mr. Fontaine noted the April 8 meeting could be a voting meeting and a work session if the April 1 meeting was removed from the calendar. Mr. Daubert stated if the April 1 meeting was removed, there should be a meeting on April 2. Ms. Dauler clarified that she felt there should be a meeting on April 1. The motion to remove the April 1 meeting died for lack of a second.

Mr. Rosenberger asked if the schedule was correct that there would be a meeting on Tuesday, January 22 or should that state Monday, January 21. Mr. Fontaine stated the schedule is correct, that that meeting should be on Tuesday, January 22, due to the Martin Luther King Day holiday on Monday, January 21. Mr. Daubert asked why Council needed to follow the schedule of Borough staff for holidays. Mr. Fontaine stated since the building is closed for those days, it would be an expensive proposition to open the building just for an evening meeting.

Ms. Dauler questioned the March 15 work session meeting and asked if Council held a meeting this year on or around that time. Mr. Fontaine stated he was not sure about this year and that was just a suggestion for 2013. He stated the suggestion was just for a short work session that day; however, due to the National League of Cities Conference, they may not even be a quorum for that meeting. Ms. Dauler stated she felt we could cancel that meeting and moved to remove the March 15 work session from the calendar. Mr. Rosenberger seconded the motion. Mr. Hahn stated he would vote against the motion stating, once again, it would be easier to cancel the meeting at that time than to add it and have to advertise again. In response to a question from Mr. Morris, Mr. Fontaine stated the NLC meeting runs Sunday, March 10 through Wednesday, March 13.

A roll call vote was taken on the motion and the motion failed 4-3 with Ms. Klinetob, Mr. Daubert, Mr. Filippelli and Mr. Hahn voting against the motion.

Mr. Rosenberger seconded the motion to approve the 2013 meeting calendar as amended with all evening meetings beginning at 7:30. The motion passed 7-0-0.

Mr. Morris asked for clarification of the final vote. He was advised all dates will remain on the calendar and the only change is that all evening meetings will begin at 7:30.

## **Official Reports and Correspondence**

Mayor's Report – The Mayor had nothing to report.

President's Report – Mr. Hahn reported Council will adjourn to an Executive Session to discuss litigation and personnel matters.

Staff/Committee Reports – Mr. Fontaine introduced John Wilson as the Borough's new Acting Zoning Officer. He also stated the Borough has received a grant from DCNR in cooperation with the Community Conservation Partnership Program in the amount of \$10,000 for the Holmes-Foster Park Master Plan. He also stated we have received a second grant from the same groups in the amount of \$50,000 for the Orchard Park Playground. This grant will be matched by fund raising and Kaboom. He also stated staff is holding meetings with 3 different neighborhood groups to discuss some of the issues raised by the Neighborhood Coalition Group. He stated staff felt it was important to give all the parties an opportunity to speak on these issues. He stated the results from these meetings will be on a future Council agenda, probably in January. Staff intends to have work shops or public hearings after these meetings.

Mr. Hahn stated he agrees all voices should be heard before making a decision. He noted he was advised that staff was formulating a response to the Coalition letter and that some of the things in that letter tended to overlap things that the staff is proposing and he wondered how things were progressing

on the staff's response. Mr. Daubert stated this should be done fairly soon and on-going discussions should continue. Mr. Hahn asked what timetable staff is looking at for this. Mr. Hess stated initially, the date was December 10, but the earliest would probably be December 17. Mr. Filippelli asked Mr. Fountaine to forward the dates and times of these meetings to him. Mr. Fountaine stated he would get the dates to him, but reminded Council, a quorum of Council could not attend these meetings as they have not been advertised as public meetings. He stated the next meeting is next week in the evening with various student leadership groups, PSU, and Off Campus Living. A second meeting will also be held with property owners and realtors.

Mr. Daubert stated he has been getting flack from various people from the neighborhoods who are unhappy about these issues and we need to get back to them as soon as possible. He stated Council has no idea what staff is doing and they need to know this, not in 2013, but now.

Mr. Hahn discussed the letter from the Neighborhood Coalition and stated there were many proposals in this letter, both administrative and legislative. He discussed what is being done in Lancaster, Indiana and West Chester and stated staff should analyze this sooner rather than later. Mr. Fountaine stated staff is working on this and reviewing it and should have something for Council and the Coalition soon. He noted many of the ordinances these cities are using were modeled after State College ordinances. Mr. Hahn stated the Land Trust program benefits should also be included in the response to the Coalition.

Student Representative Report – Ms. Petrulionis stated the UPUA held a brainstorming session on last week and no formal business was passed. She stated they have also discussed sustainable energy projects, have been getting ready for finals and are enjoying the holiday decoration in downtown.

### **Items of Information**

Council will recess to a work session to discuss various departments 2013 Operating Budgets. Mr. Hahn stated prior to the work session, Council would adjourn to an Executive Session. He asked if Council wished to discuss the litigation issues now and the personnel matters later. Mr. Daubert stated because of the amount of personnel matters to discuss, Council should limit this discussion to 10 minutes or defer it to the December 4 or December 10 meetings. Mr. Rosenberger agreed it should be as short as possible or delayed until tomorrow. Mr. Fountaine noted Ms. Johnston has a conflict tomorrow and if Council wished to, these matters could be handled later.

There were no other items to come before Council and the meeting adjourned at 8:23 p.m.

### **Work Session**

Council reconvened at 8:52 p.m. for a work session on the 2013 Operating Budget. Mr. Hahn called the work session to order.

#### General Fund Reserves and Appendix A and Budgetary Policies & Long Range Planning

Mr. Fountaine stated these two items are repeats of earlier budget review. He had no additional information for Council but would answer any questions Council had on these budgets.

Mr. Daubert stated on Page 25, did the area get fixed up regarding the part that the Borough will maintain reserves not to exceed 12%. Mr. Fountaine stated staff will correct that in the final document. Mr. Daubert also questioned item F5 on Page 30. Mr. Fountaine stated this is a separate policy for professional services and the Borough has a procurement policy in effect for any services in excess of \$25,000.

#### Department of Ordinance Enforcement of Public Health

Mr. Hess noted there is not a lot of change in this budget. There is the addition of a part-time officer who works 4-10 hours days between this department and parking. This position allows the department to

provide weekend coverage. He stated the increase in the charge per unit from \$15.00 to \$17.00 will assist with the cost of the additional personnel.

Mr. Filippelli stated on page 143, line item 421-380 does not have an amount. Mr. Hess stated that line item previously was for the person who worked on the LION Walk and that has now been moved to the Administration budget. Mr. Fontaine stated the licensing and permitting will be discussed in the future, perhaps at the work session tomorrow night, as we move forward with Codes. Mr. Hahn suggested this discussion take place under Regional Programs.

### Planning

Mr. Hess noted the biggest change in this budget is the addition of the full-time zoning officer. He noted a new line item has been added for the Anti-Discrimination in Public Accommodations Ordinance.

Mr. Daubert stated line item 414-130 in the amount of \$367,468 seemed rather high and asked how many people this included. Mr. Hess stated that includes seven staff people. Mr. Fontaine stated \$238,825 and \$35,856 for professional internship have been consolidated into one line item. Mr. Daubert stated that is not very clear in the budget.

Mayor Goreham questioned the zoning ordinance rewrite and asked that it has to do with conforming to the comprehensive plan was approved and if this will reflect the view of State College. Mr. Hess responded that it will reflect but not mimic it. He stated Borough Council will decide that and can make the change. Mayor Goreham asked if this will be form based zoning versus the same zoning. Mr. Hess stated that has not been determined yet and we will put together a scope of work.

Mayor Goreham also questioned the goal of completing implementation of the West End Revitalization Plan. Mr. Hess stated Council believes there are some things we should be improving. Mayor Goreham asked then, if he was stating this plan will not be completed. Mr. Hess stated that was correct.

Mr. Rosenberger questioned the accounting system. Mr. Fontaine stated there was a corrected budget page on this item that was sent out with the agenda.

Mr. Dauler asked about the zoning ordinance rewrite. Mr. Hess stated sometime the middle of next year is the anticipated timeline for the zoning ordinance rewrite. He stated it would probably be about an 18-month process.

Mr. Hahn stated the Neighborhood Coalition asked for more enforcement, and in some instances, stated they were willing to pay higher taxes to get more enforcement and we are able to accomplish this without raising taxes. He also stated with regard to revising the zoning ordinance, it seems we had a slower pace of rezonings this past year than we have had in previous years. He stated this requires legislative restraint on all parts and he is not too confident.

### Bellaire Court

Mr. Hess noted two major changes in this budget. The largest single change is in the indirect costs and the second change is in the facility rehab. This change will take place through the CDBG program and will not be a minor project and will include more substantial improvements. He noted there may be revisions to this and the CDBG budget since the budget were completed prior to the Code inspection of this facility.

Mr. Rosenberger stated he previously questioned whether this should be a Borough run rental or whether we should be contracting it out. He stated he is in strong support that it should not be Borough run and he believes with the jump in indirect costs it is even more relevant now. Mr. Hess stated an analysis of this has not been done.

Ms. Klinetob asked if the goal of energy conservation was part of CDBG and Mr. Hess stated it was. Mayor Goreham noted the electricity line item has gone down and wondered if that was because of

efficiency appliances, etc. Mr. Hess stated that is some of it. He stated the Borough received an energy block grant about 2 years ago and many of the appliances in the units were replaced with energy efficient appliances.

Mr. Rosenberger asked where the rehabbing figure was in the budget. Mr. Hess stated this budget and the CDBG budget would need to be amended for this project.

#### Redevelopment Authority

Mr. Hess noted the Elm Street designation no longer exists and the budget needs to be updated for the new name of the program.

Mr. Filippelli asked, with regard to the first goal, if there was anything new going on there. Mr. Hess stated not at this point.

Mr. Daubert noted monies taken from the General Fund for economic development partnership show \$35,00 taken out but only \$25,000 spent and that it doesn't balance. Mr. Fontaine explained the fund distribution. Mr. Daubert stated the budget does not say that and Mr. Fontaine stated staff will correct this. Mr. Daubert asked what this economic development partnership is and why should we spend money on what he felt private individuals should do. Mr. Hess explained. Mr. Fontaine stated this helps support an economic development program without hiring an economic development director. It is aimed to create economic development programs. It is for business retention as well as business recruitment.

Mr. Rosenberger stated he echoes the request to see what other municipalities are putting in. He felt this would be informative. Mr. Fontaine stated a similar amount, \$25,000, is being given by each municipality. Mr. Rosenberger asked about other groups and wondered if we are working with New Leaf and InnoBlue. Mr. Hess stated there is a meeting next week.

Mr. Fontaine stated this is an opportunity to create jobs in the Centre Region. Where the people who work in these facilities live is the key. These people tend to live in the downtown core which is an immense benefit to all.

Mr. Rosenberger asked if we are still in discussions with the Fraser Centre property and the long-term development of this site. Mr. Hess stated we have not had any discussions on this since late summer. Mr. Rosenberger asked if this project is still on. Mr. Fontaine stated they made their final payment to the Borough last December. He stated this is still a viable project and the owners are putting the final finance pieces together. He stated the DID office has been in contact with the owner and developer.

Mayor Goreham questioned business recruitment and retention and asked if the RDA is involved in this and are they trying to pinpoint it. Mr. Hess stated they are. He stated one of the DID initiatives is to get this process back underway.

#### Police

Chief King stated last week staff presented the Staffing Study to Council for their review. He noted he would discuss this study in more detail with Council next week.

Mr. Filippelli stated this was a very good report. The department did a great job on this and it is a first class report.

Chief King stated this budget is much the same as last year's budget with the exception of the decrease of one staff position for a civilian records technician. He noted of the \$425,000 increase, \$395,000 of that amount is for salaries and benefits. He noted the programs are the same as in 2012.

Mayor Goreham questioned central booking. Chief King explained there have been no municipal

contributions to this for 3 years in a row. He stated it is recommended to keep this item for another year or two in case something changes.

Mr. Rosenberger asked what percent of the budget is for contract services to other municipalities. Chief King stated he thought between 18 and 20%. Mr. Dunlap stated that figure is on page 18 of the budget and is 35%. Chief King noted \$300,000 is received for football reimbursement. He stated these items are also broken down in the Staff Study.

Mr. Daubert stated the Staff Study is the best report in the last 20 years out of the Borough.

Mr. Hahn stated with regard to indirect costs on page 89, he would like greater detail. Mr. Fontaine stated staff would provide Council with a summary on indirect costs and a link to the report.

Mr. Fontaine asked Council to review the matrix on budget questions prior to the meeting tomorrow night and Monday to ensure all questions and comments have been captured correctly. He stated Chief King would review the Staff Study with Council either at the meeting on December 10 or December 17.

### **Adjournment**

There being no further items to come before Council, the meeting adjourned at 9:50 p.m.

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Debra Lang, Staff Assistant