

**Meeting Minutes**  
**State College Borough Council**  
**Work Session**  
**December 10, 2012**

The State College Borough Council met in a work session on Monday, December 10, 2012, in the State College Municipal Building, 243 South Allen Street, State College, PA. Mr. Hahn called the meeting to order at 6:31 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; Debra A. Lang, Staff Assistant; 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; Kevin Kassab, Supervisor of Inspections; C. Nathan Elliott, Director of the System Decision Support for Mount Nittany Medical Center, Jim Steff, COG Director; members of the media and interested citizens.

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

**Public Hour – Hearing of Citizens**

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

**Presentation**

Mount Nittany Medical Center's (MNMC) Community Health Needs Assessment

C. Nathan Elliott, Director of the System Decision Support for Mount Nittany Medical Center, was present to explain this program to Council. He noted this assessment is being done partially due to IRS requirements. He stated the MNMC is taking a three-part approach to this program. They wish to reach out and work one-on-one and their focus will be on Centre County. The first part of their approach is to contact 35 to 40 stakeholders for interviews to determine the needs assessment. The second part of the approach will be to send out a web-based (paper back-up) community health needs survey and the third part of the approach is to hold a summit on January 14<sup>th</sup>. This summit will be a semi-annual health needs summit in conjunction with the Centre County Partnership for Community Health. He stated his attendance at tonight's meeting is to ask State College Borough to become a stakeholder and participate in the needs assessment and also to elect a delegate or two to attend the January summit meeting.

**ABC Reports**

2013 ABC Work Plans

Mr. Fountaine advised Council that several work plans for ABCs were included in the agenda packet. Council has received these reports from the various ABCs over the past few months and he noted these work plans will be included in the agenda next week for Council's action.

Mr. Daubert stated comments were made by Council at the last review of the Planning Commission work plan and wondered if those changes have been made. Mr. Fountaine responded the changes Council

requested would be incorporated into all the work plans and submitted back to the ABCs following Council's approval of the work plans.

Mr. Hahn stated it is the intent to have these work plans on the December 17<sup>th</sup> agenda as a consent item.

## **General Policy and Administration**

### 2013 Operating Budget

Mr. Fontaine stated Council has provided 97 comments and/or questions during their review of the 2013 Operating Budget, which have been incorporated into a matrix that is attached to the agenda packet for this meeting. He stated rather than go through all 97 comments and/or questions; he would address any concerns Council had regarding the matrix. He noted, at the last work session, Council discussed the subject of clerical staff for the Mayor and an increase in the line item for professional services for Council. He noted these two items were not included on the matrix. He stated the goal is to obtain Council consensus on the final budget and next week take action on the various items, tax, etc.

Mr. Hahn asked when the cost allocation document was e-mailed out to Council. Mr. Fontaine responded the document was e-mailed to Council last Thursday or Friday. Mr. Hahn suggested the cost allocation matter be discussed first by Council, followed by the comments to the matrix, the Administration Budget and then the Parking Budget, as some questions were raised previously regarding the Parking Budget.

Mr. Dunlap reviewed the 2011 Cost Allocation Plan Key Points. He stated he would again circulate the document electronically to Council. He discussed the different methods and models used to determine these costs. He reviewed the different entities that share these cost allocations.

Mr. Rosenberger stated 6.31% seems amazingly low. Mr. Dunlap stated this number does not include salaries and personnel. Mr. Rosenberger asked what the government building and depreciation lines were. Mr. Dunlap responded this is wages and operating costs. Mr. Rosenberger asked about the \$50,000 from COG and the \$52,000 from Schlow Library and asked if these numbers came from the agreement. Mr. Dunlap stated the consultant separates these two items. Mr. Rosenberger asked for a brief summary of the report and whether the report was available to the stakeholders and if all the stakeholders were in agreement the study was done properly. Mr. Dunlap stated all the stakeholders had input into this.

Mr. Daubert stated this includes funds that are not general funds expenses. Mr. Dunlap responded yes. Mr. Daubert stated the COG or Library expenses don't agree and wondered if that was because of the direct costs. Mr. Dunlap stated this evolved out of need. There is no real agreement. He stated the costs have changed over the years. He discussed the disconnect between consuming and charging these agencies. He stated he has had discussions with Jim Steff about this matter. He discussed the long history the Borough has had with subsidizing COG. Mr. Fontaine discussed the full cost recovery. He stated a number of things have contributed to this. He discussed services provided on an as-needed basis and provided basis.

Council moved on to the discussion of the matrix. Mr. Fontaine asked if any Council members had any specific points they wished to discuss.

Mr. Daubert stated number 7 on the matrix should not state this is a "budgetary goal". He stated this is a Council policy. Mr. Fontaine responded that is in the final policy document. Mr. Daubert stated then it should say that. Mr. Daubert also questioned number 47 on the matrix regarding the approved land use map. He stated Council never approved this map. It should not be in the Comprehensive Plan and it can't be forced on them. Mr. Fontaine stated Council pulled out three areas on this map to discuss but approved the remainder of the map. Mr. Daubert stated he never saw a final map. Mr. Fontaine stated staff will make sure the map that Council approved is gotten to Council. Mr. Daubert also questioned number 58 on the matrix. He stated this should be turned over to someone. He had nothing more to say.

on this matter. Mr. Fontaine stated this would allow the Borough to have economic development without hiring an economic development staff. He stated staff will do whatever it is Council gives them to do.

Mr. Filippelli asked about the formula. Mr. Fontaine responded this is voluntary participation and there is no formula.

Mr. Rosenberger questioned number 9 on the matrix. He stated the current year end projection and next year suggested 2 million which is in excess of 12% which is earmarked for the pension fund. He wondered if that is something we do now. Mr. Fontaine responded of the 2013 final of \$2,064 million, \$2 million is for the pension obligation and \$64,000 is from the Act 13 impact fee. Mr. Rosenberger asked if this is paid so we still have an unfunded liability. Mr. Fontaine responded the funds would still be there. He discussed the actuary assumption.

Mr. Hahn stated he rechecked his e-mail and did not find the cost allocation plan and he would like a full copy of this forwarded to him. Mr. Rosenberger stated this document came in a drop down box. Mr. Fontaine stated staff would clean up this document and get it to Council.

Council moved on to the Administration Budget. Mr. Fontaine stated he had no real presentation on this matter. Staff has discussed the matter regarding professional fees and determined an allocation of \$3,500 per Council member (\$3,000 for the national conference and \$500 for the state conference) would increase this line item an additional \$8,500. Since all Council members do not participate in all these events, staff felt this amount would be sufficient. Mr. Hahn reminded Council that no formal action could be taken at a work session.

Mr. Filippelli stated he felt this was a small amount of money; however, he personally felt there was no need to increase the amount. Mr. Rosenberger stated he felt the same as Mr. Filippelli; however, if the line item was increased, the money would be there if we needed it. He stated since we are hosting the state conference this year, the money would not be spent. If the money was not spent, it would stay in the budget. Mr. Fontaine noted the pension fund would be reduced accordingly to increase this line item. Mr. Hahn suggested the amount be placed in the budget and if Council wished to, they could amend it at the meeting next Monday. Mr. Fontaine stated the amount has not yet been placed in the budget but will be after the meeting tonight.

Mr. Fontaine stated the other matter in this budget is in regard to additional support staff for the Mayor. Staff suggested a position of 20 hours per week at a salary of \$17,000. He noted the budget will also be modified on this matter by next week.

Mr. Daubert stated this matter is item number 70 on the matrix and asked if this was in addition to the full-time staff assistant in the Manager's office. Mr. Fontaine stated that was correct. Mr. Daubert stated this person should not be used by other staff since that would "eat up" the time the Mayor needed assistance. A brief discussion was held regarding filling the vacancy of the full-time staff assistant.

Mr. Filippelli stated it makes imminent sense to him to approve the request of the Mayor for assistance. The Mayor could take advantage of this assistance and be provided with support. He stated he felt that was the Manager's job to make that decision.

Mr. Rosenberger stated, as a point of clarification, he agrees that if the Administrative office was fully staffed, the Mayor would have the support she needs. Mr. Fontaine stated the temporary employees who have been filling in for the vacant position are just not familiar enough with Borough workings to know what is needed.

Mayor Goreham stated she would need assistance with scheduling, etc. and felt 10 hours a week would be sufficient. Mr. Fontaine stated if additional support was hired for the Mayor, she may need more hours one week and less the next. There would be an increase in the level of support on an on-going basis.

Mr. Hahn suggested this issue be tried as proposed and adjust as needed.

There were no further questions or discussions regarding the Parking Budget.

Mr. Daubert asked about number 69 on the matrix and wondered what the two positions were and if they were both needed. Mr. Fontaine stated the positions were the Grants and Communications Coordinator and the Neighborhood Services Coordinator. This position has a lot of work to do since the vacancy occurred. This person works with the neighborhoods programs, etc. He noted the Restorative Justice program is handled by this person and this program has been delayed until this position is filled. Mr. Daubert asked for a job description and qualifications for this position. Mr. Fontaine stated he would get that information to Mr. Daubert.

## **Regional Issues**

### CRCA Rental Housing/Property Maintenance Code Program and the Regional Planning Department

Mr. Fontaine stated Council is asked to take these recommendations under advisement. He discussed the work with staff and COG on these matters. He stated the reason for these recommendations is primarily an economic decision due to the redundancy of services.

Mr. Morris stated he felt it is a wise idea to make a decision but did not feel making that decision in 2013 was that important. He stated it is not reasonable to ask that a decision should be made on this matter in 21 days.

Mr. Hahn stated we are discussing the Regional Planning issue. Mr. Rosenberger asked who the Council representative to this group is. Mr. Daubert stated he is the representative and he had many doubts about this but is willing to look at it.

Mr. Fontaine stated the Code Administration issue is more urgent. He discussed the documents prepared by Tom Kurtz on this matter. He noted this is the third time Council is considering withdrawing from this program. He noted, all three times, Council decided against withdrawing. He stated this time; the matter has been reviewed broader. He stated the staff recommendation is to withdraw completely from the full code program. A third party would be hired with regard to the fire, life safety and new construction aspects of the code.

Mr. Fontaine reviewed a power point presentation on this matter with Council. He noted the Borough issues are related more to permits than to new construction. He discussed the logistics of the COG Articles of Agreement. Notice to withdraw must be given by the end of the calendar year. He discussed the importance of having the processes in place right now. He stated it is not in the best interest of the Borough or COG to incur the additional costs and personnel. He stated he understood Council was being presented with a lot of information to digest on this matter in a short amount of time; however, staff is recommending Council provide notice of intent to withdraw from the Centre Region Code Administration at the end of the year.

Mr. Morris stated the comment on the planning issue applies also to this. He stated the Manager made an eloquent case; however, he is not comfortable to vote aye on this issue. He stated it is too monumental. He was not in favor of making a decision and then in six months, change our mind and back out of the decision, like we did the last time. He stated he would not vote for this issue on the 17<sup>th</sup>. If he does, it would be tantamount to withdrawing.

Mr. Rosenberger stated five years ago, he was not pleased with this action. Four new members came on Council and changed the decision. He stated he is all for efficient government and stamping out redundancy. He stated the code book is different for all municipalities. There is a lot of work to do to make this work efficiently. He stated what pertains to the Borough with regard to safety and rentals does not apply to the east end of Ferguson Township. He stated Council has been given persuasive documents to review and he is willing to consider this matter. He questioned what "Borough only" means in option 1 of the four models of Code Administration. Mr. Fontaine responded this is not the appropriate agency for the Borough to continue with. He stated the Borough would not be competing with the Code agency.

Mr. Daubert stated he is a member of the Code Committee and he is also a Person-in-Charge of a large property in the Borough. He discussed the fragmentation and duplication that currently exists. He stated his big problem with the current situation is the level of service. He stated accountability involves people, and the rules change willy-nilly. He stated a cooperative effort doesn't exist anymore and he is in favor of the Borough doing this ourselves.

Mr. Filippelli stated he hasn't made up his mind yet and will give this matter careful consideration. He stated in the document prepared by Tom Kurtz, they discussed maintenance connection with COG and the put together reforms that settled the water at that time. He wondered what has changed since then. Mr. Fontaine stated nothing has changed. The COG staff is more willing now and Mr. Schneider has always been very responsive. The concerns in 2007 have been dealt with. The current system creates work arounds.

Mr. Filippelli asked how much of this issue is a product of fact or the Code software not working with ours. Mr. Fontaine stated the only real issue is in the timing. It is not current. This was brought to the take in 2013. It is time to move in a different direction and it not based n the software issue. The software issue is not driving this.

Ms. Klinetob stated she is not familiar with this matter and has a lot to read. COG code only. She discussed the level of service and accountability. She wondered what attempts have been made in the past, in a holistic way. Same value of regional cooperation and unique. She suggested a timeframe to test this. Mr. Fontaine responded that that is what we have done in the past 5 or 6 years. The fundamental difference is in priorities not on the existing staff or the COG programs. He stated the other programs, which are stellar programs; do not provide the redundancy that this program does. There are different levels of services needed by State College Borough than the surrounding townships. He stated we could continue this program but it would be at great cost. Our needs are now different and withdrawing from the program would make the Borough responsible.

Ms. Dauler stated she is very interested in this matter. She read part of the information presented but needs time to read it all and digest it. She stated property owners needed to know who to talk to regarding their properties. There is incredible confusion about who to go to and where to go next. She stated, for her, this is an important part of considering this change.

Mr. Morris stated if this item were delayed until the first quarter in 2013, he would be ready to vote on it at that time. The timeline of now to next week is too short. He stated there is no time to hold a public hearing on this and there should be a public hearing.

Mr. Rosenberger stated Mr. Morris makes a good point and there should be public input on this matter. He stated action on this matter could be taken any time in 2013 then the withdrawal date, if Council decided to go that route, would be January 1, 2015. He asked if Council discussed and agreed to withdraw, they could rescind that decision and continue with the Code program. Mr. Fontaine stated that was correct. Council would need to enact an ordinance to adopt withdrawing from the program, but that ordinance could be rescinded at anytime before the January 1, 2014 date. In response to a question from Mr. Rosenberger, Mr. Fontaine stated he did not know whether a public hearing was held in 2009 when this matter was last discussed and that he would check the records to determine this.

Mr. Filippelli stated he agrees that a public hearing is essential. He stated the public hearing could be held next year. He also stated he thought there was a unanimous recommendation from the Neighborhood Associations to go in this direction and that indicates a strong level of support from the neighborhoods.

Mayor Goreham commented that this is a very serious matter to consider.

Peg Hambrick of 305 East Hamilton Avenue stated she, her neighbors and the Neighborhood Coalition wrestled with this issue. They felt the Borough should be the first line of contact. The process should be streamlined. She requested Council wholeheartedly consider this matter.

Mr. Jim Steff, COG Director, stated the Borough is not addressing the merits and questions at hand. He suggested the Borough stay at the table and talk about this. He discussed the matter of withdrawing arising in the middle of December without talking to coworkers. He stated this is a recipe for a very bad precedent. He discussed the software issue and stated COG would be willing to share the cost of this expense. He stated to pull out at the last minute creates a bad atmosphere.

Mr. Hahn asked Mr. Steff if it was true that the first time he heard about this matter was through an e-mail at 8:30 p.m. on Tuesday. Mr. Steff stated that was correct. Mr. Hahn also asked Mr. Steff if he received the three e-mails sent out today regarding this matter. Mr. Steff stated he did not receive these e-mails. Mr. Fontaine stated these e-mails were sent to Council only. He stated the 2008 report, which was the second e-mail, was only sent to Council but Mr. Steff did have that report. The third e-mail was the memo from Mr. Fontaine to Council on this matter. If Council wished, that memo would be provided to COG.

Mr. Daubert asked what Council is doing with this matter now. Mr. Hahn stated recently developing increasing tendency, Council weigh this decision very carefully. He expressed concern that there has been no response to the Neighborhood Coalition letter after two months, and now, Council is being asked to make a monumental decision like this in 7 days.

Mr. Hahn suggested Council hold an additional meeting on this matter. He suggested several different dates for this meeting. Various dates, times and other meeting conflicts were discussed. Mr. Fontaine stated Council could discuss an ordinance on this matter at their meeting on December 17<sup>th</sup> and continue the discussion at that time and schedule a special meeting later on to discuss just this matter. Council discussed the deadline for advertising a meeting.

Mr. Hahn questioned the urgency of taking action this year. Mr. Fontaine explained the new software programs are beginning and the duplication of the software services. He discussed the extensive work to develop these programs; both in staff time and expense. Mr. Hahn asked about the whether the fee would be passed on to the users. Mr. Fontaine stated the Code program fees would be passed on to the users but the Boroughs fees would not. He stated the \$50,000-\$60,000 is for the software and implementation. It does not include staff time. He discussed managing and designing 2 systems.

Mr. Hahn stated Council would see how this matter goes on the 17<sup>th</sup> and proceed from there.

## **Items of Information**

### Car Sharing Proposal

Charley DeBow, Parking Manager, discussed the Zip Share program with Council. This program allows users to rent cars by the hour. The program states every car in the program replaces 20 cars in the downtown. They propose to launch a couple of cars here in State College at no expense to the Borough. In the end, there will be a small revenue for rent in parking of these vehicles. The program will probably start in the first quarter of next year with two cars. He also discussed the program lowering the age limit to rent cars from 21 to 18. He discussed Penn State joining in on this program.

Mr. Filippelli stated this was a neat idea. Mr. Rosenberger stated he was glad to hear we are pushing forward with this idea.

## **Adjournment**

There being no further items to come before Council, the meeting adjourned at 8:32 p.m. to an Executive Session to discuss personnel matters.

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Debra Lang, Staff Assistant