

State College Borough Council
Work Session
May 10, 2004

The State College Borough Council met in a work session on May 10, 2004, in the Council Chambers of the State College Municipal Building, 243 South Allen Street. President Daubert called the meeting to order at 7:30 p.m.

Present: Bill Welch, Mayor
 Thomas E. Daubert, President
 Elizabeth A. Goreham
 Craig R. Humphrey
 Janet K. Knauer
 James H. Meyer

Absent: Catherine G. Dauler
 Jeffrey R. Kern

Also present were: Thomas J. Fountaine, II, Borough Manager; Barbara J. Natalie, Assistant Secretary; Michael S. Groff, Director of Finance; Mark A. Whitfield, Director of Public Works; Carl R. Hess, Planning Director; Alan W. Sam, Arborist; members of the media; and other interested observers.

Public Hour. No one spoke about issues not included on the prepared agenda.

Walnut Springs' Wetlands Project. Alan Sam provided Council with a report on the wetlands project, information he collected from all of the meetings held with various groups about this project.

As background, Mr. Sam said staff applied for \$160,000.00 in 80/20 grant funds from the Department of Environmental Protection (DEP) to restore the Westerly Parkway detention basin. The amount approved was \$60,000.00 shy of that request, too little to do the intended project. DEP offered three alternatives: (1) do nothing and reject the money; (2) do a corrective project in the same drainage swale; or (3) do a similar project on the Parkway. Staff decided to do the wetlands project, and DEP agreed it was an eligible project. Walnut Springs park was part of the Centre Furnace farm and a natural drain for water coming from above the Parkway. Mr. Sam mentioned that the wetlands project was included in the 1991 master plan for developing the park and was to be built at the eastern end in Phase III of the plan. Other Phases of the plan have been accomplished or are awaiting completion when funds become available. The objectives of this project, he said, will be to provide wetlands that include open water (diverted into the wetland from the swale under the control of a weir), a spongy area, and an upland where one could walk during dry weather. Mr. Sam noted that this project has been reviewed by several environmental groups, bird habitat groups, the University, and residents of the area. All of their concerns have or will be addressed in this project. Stagnant water will not exist, a mosquito abatement/monitoring program will be implemented, a detention basin and weir will be put in place, board walks can be added with other funding, native plants will be used throughout the project, money will be earmarked for maintenance, and use of heavy equipment in the park will be kept to a minimum. Mr. Sam said DEP officials are not interested in channeling water under this grant, nor do they want staff to disrupt the existing wetland because it is working as it should.

Matching funds for the work are included in the Capital Improvements Program, Mr. Sam added. He asked for Council's approval to proceed with the project.

Ann Bolser, Chair of the Walnut Springs Park Liaison Committee, pointed out that the first hundred-plus yards of the park are unsightly and remain unaddressed in this proposal. That unattractiveness is worsened by the incredible amount of water coming into the park, carrying—and leaving—all of the debris it accumulates. As for the wetlands project, she felt the residents could not comment on it without seeing a design. Mr. Sam emphasized that the wetlands is just one part of the approved master plan. DEP could not guarantee there would be additional money available to continue the plan and, he thought, refusal to accept this

money may jeopardize future grant applications. Ms. Knauer felt it was important to assure DEP that the Borough is not frivolous in requesting grant money.

Ms. Goreham was of the opinion that there was not a lot of support for the project among the residents who abut the park; she was inclined to reject the money. Charles Smith, 941 Redgate Road, and Ms. Bolser agreed. Ms. Bolser did not understand how this project would address storm water problems upstream, and she did not want to see more unkempt dams in the park. Mr. Whitfield explained how staff was addressing storm water problems upstream: through the passage of a new Storm Water Management Ordinance, by working with the School Board to construct a detention pond on the soccer fields, designing a bypass upstream to deflect water, etc.

President Daubert suggested that staff review this project and, in two months, return to Council with their recommendation as to whether or not the project should be continued.

Memorial Field: Lighting Standards and Lumens. Mr. Fontaine reminded Council that, on April 5, they received a proposal to amend the zoning ordinance to change lighting regulations for outdoor recreational facilities as they apply to Memorial Field. Memorial Field is located in an R-OA zoning district. The maximum height currently permitted for light standards at Memorial Field is 15 feet and the maximum maintained luminance at the property line is .2 footcandles. School officials are requesting Council reinstate the 70-foot height limit that had been in effect when Memorial Field was zoned Public Activities (PA) and increase the maximum luminance level to 2.5 footcandles measured at the opposite side of an adjacent right-of-way. To limit the potential effect of this type of lighting in the R-OA district, staff is recommending that the measurement of maximum maintained luminance take place 50 feet from the property line of the parcel where the lights are located. The School District would like to have the new lights installed prior to the start of this fall's sports season. Council has been asked to hold a public hearing on the amendment and adopt it on May 17. At the May 3rd Council meeting, staff was asked to add a provision to the amendment that will require the stadium lights to be turned off at 11:00 p.m. unless there is a game in progress on the field. In a subsequent conversation with the Arts Festival staff, it was determined that the Festival needs to light the field later than 11:00 p.m. during the festival. Also, the Arts Festival is considering adding Memorial Field as a venue for First Night activities, and those events would run later than 11:00 p.m. To accommodate these uses and other potential special activities at Memorial Field, staff is preparing language to add a second special condition to allow the lights to be used past 11:00 p.m. upon approval by Council or the Manager. In a conversation with the Solicitor following the May 3rd Council meeting it was determined that Council will not be able to adopt these time limitations through an amendment from the floor on May 17th. Staff will prepare the necessary ordinance language for consider by Council and referral to the Planning Commission on May 17.

Ed Poprik, Director of Physical Plant for the State College Area School District, reported that the lights currently on the Field exceed the footcandles recommended by staff and the Planning Commission. On both Fraser Street and Nittany Avenue, readings have been calculated as reaching an average of 3.98 or more. Mr. Hess concurred; he has had light readings as high as 9.0 to 13.8 from Memorial Field. Mr. Poprik conceded that a lot of light spillage occurs; right now, it can be disturbing as far away as Prospect Avenue. However, with new standards, the light will be ten feet higher and focused on the Field. Shrouds will deflect glare from the street. He believed the area will be much better with new lighting. Mr. Daubert was not concerned; staff can work with the School District to angle the shrouds, if needed.

Council members discussed *maximum maintained luminance* as opposed to *average luminance*. Mr. Fontaine clarified that *average* is less stringent than a *maintained maximum*. Because members appeared to be leaning toward an amendment to the proposed ordinance that would require the more stringent standard, Mr. Fontaine cautioned that changing the language may necessitate the proposed ordinance be readvertised, in which case the School District's plan to replace the lighting this construction season would fall through. President Daubert requested that these terms be clarified in the text of the May 17 agenda.

Peter Weiss, a resident of 333 South Allen Street, indicated that he was in attendance to learn about the lighting; he has not yet polled the residents of his complex regarding their opinion on the School District's proposal.

Property Maintenance Code: Habitable Spaces for Tenants. Mr. Fontaine said that Councilman Daubert, in his concern for the safety and well-being of student tenants, introduced a proposal to require an additional 100 square feet of habitable space for each single bedroom and 150 square feet for each double bedroom; called for all landlords to include contact information in the material distributed to tenants; and asked that Council ban exits from any bedroom above the first floor through the kitchen area. Mr. Fontaine distributed copies of an ordinance proposed for the adoption of the 2003 Property Maintenance and International Fire Codes. To address Mr. Daubert's fear about square footages of bedrooms and safety, he also shared the pertinent parts of the to-be-adopted 2003 International Construction Code, noting that the 2003 Codes will address his concerns about space and egress. Craig Mussi, Code Enforcement Director, explained that the new codes will calculate habitable space by using occupant loads for gross area. As an example, he said six people will need 1,200 square feet of habitable space (doesn't include closets or storage areas).

Tim Knisely, Fire Inspector for the COG Code Office, pointed out that the Table in the 2003 International Existing Structures Code addresses the means of exit whenever there are five or more tenants. This will not address housing that has been grandfathered nor will it take into account those units rented in single-family homes. Mr. Knisely also noted that, under the 2003 codes multiple-family rentals will be required to have a sprinkler system. He emphasized that buildings being constructed under the 2003 codes will be safe. Mr. Knisely also called attention to the fact that, any change proposed to the codes that are more stringent than or impact on the state-wide building code must be approved by the Department of Labor & Industry (L&I), and less stringent changes are not permitted.

Mr. Meyer thought Council's job is not to determine what size rooms are best to be rented, the market should dictate that; to do otherwise is to create economic discrimination. Ms. Knauer felt students are being taken advantage of by developers who are providing minimal and sometimes unsafe living conditions. Mr. Meyer countered with, "Let the buyer beware."

Mr. Daubert wanted Section 902.3, *Tenant Notification*, to include a requirement that landlords provide information on where tenants should call in case of emergency or needed repairs. Neither Council nor the Code Officials in attendance were troubled by this amendment.

The consensus of Council was to amend Section 902.3 only. Mr. Daubert asked that the Property Maintenance Code include a reference to habitable space requirements required by the Building Code. Ms. Goreham asked for the number of new rental permits that have been issued in the last three to four years for neighborhood homes.

2004-2005 CATA Budget Review. Next, Council reviewed CATA's proposed 2004-2005 budget.

Mr. Fontaine said this budget

- increases municipal contributions by 5 percent in the next fiscal year, from \$339,230.00 to \$356,192.00;
[The increase is consistent with the direction taken three years ago when rider fares were raised by 25 percent. This is the third year for municipal increases of 5 percent.]
- uses the Miller Formula to allocate costs so that the increases are not equally distributed among the municipalities but varies from -6.51 percent to 20.97 percent;
[The Borough's share of the operating budget increased 17.63 percent over last year.]
- remains unchanged in its charges to passengers;
- limits personnel changes to one part-time position made a full-time position and adds one new supervisory position, which was recommended by the state-mandated performance review;
- shows revenue from fare paying passengers down 10 percent from last year;
- indicates the federal formula funds are flat [the Governor's budget provides a 3 percent increase while two other state grant programs decreased slightly]; and

- uses all but \$150,000.00 of its fund reserves during this fiscal year.

Mr. Fontaine reported that the COG Finance Committee is concerned about the drawdown of reserves. If the reserves are exhausted in two years, CATA may be forced to significantly reduce services, increase fees, or a combination of the two.

CATA's capital budget:

- requests municipal contributions of \$60,000.00.
[This amount was developed to implement a capital reserve account that would even out the large year-to-year fluctuations in local shares for capital expenditures.]

According to the Miller formula, he said, the Borough will owe \$68,824.00 to support the operating budget and \$11,593.00 to provide sufficient reserves for capital expenditures.

Hugh Mose, CATA Manager, was in attendance. Because the increase in the Borough's share is due, in large measure, to costs associated with the R Route, Mr. Daubert asked if the number of trips via Waupelani Drive had been cut. Mr. Mose replied that the timing of the buses running that route was reduced and the mid-day RE service to that area was eliminated. Mr. Mose attributed the reduction in fares in that area to the reduction in occupancy along Waupelani Drive. Proof of that, he said, exists in the increase in riders from outlying areas where new student housing has emerged.

Council members were in agreement that the CATA budget for the upcoming fiscal year was suitable.

Mr. Meyer informed Council that the COG Finance Committee is revisiting the Miller Formula, which is designed to assign municipal costs based on mileage. He considered it unfair that a municipality pays for bus trips simply because they are routed through its jurisdiction. For instance, he said, College Township is paying for buses that never stop in the Township, and the Borough is paying 40 percent of the costs of the N Route, which stops in the Borough but is routed through Ferguson and terminates at the shopping center in Patton Township. Mr. Mose thought there were a lot of elements of the Miller Formula that are open for discussion, but officials must first consider the value of the service to their municipality (i.e. do residents of the Borough board the bus to travel to the shopping center? is the bus reducing traffic, congestion and the need for parking in the municipality?). Mr. Meyer said Council would receive information on the Committee's findings as soon as it is available.

Coffee Cart in the Lobby of the Municipal Building. Mr. Fontaine noted that at least one member of Council expressed an interest in soliciting proposals (an RFP) for establishing a coffee cart service in the Municipal Building to serve visitors, staff, and users of the facility. An RFP has been prepared. He asked for Council's direction as to whether or not to proceed. It was the opinion of those members in attendance that staff should solicit proposals for this service.

Park Avenue West: Public or Private Street? Mr. Fontaine distributed information in relation to a request that the Borough pave and maintain West Park Avenue. A table of addresses with frontage measurements was included. Mr. Fontaine acknowledged a communiqué from area residents requesting responses to several legal questions, which will be reviewed with the Solicitor and returned to Council in June.

In accordance with the state's Municipalities Planning Code, Mr. Fontaine said, this subject will be reviewed by the Planning Commission. Should Council decide to reopen the street, it cannot be reopened until the Commission has commented on it. When asked, Mr. Whitfield said his personnel do not have time to design the street this year; if reopened, the earliest it could be done would be 2005.

Leonard Matos, 517 West Park Avenue, did not believe abutting residents should be assessed for this construction because he was under the impression that abutting owners had been assessed for the work in 1932. Mr. Whitfield believed those 1932 assessments were for grading the street—not paving it. Robert Palmer Weaver, 601 West Park Avenue, said he

had records showing that his parents paid an assessment fee to have the street paved. Mr. Fountaine asked him to provide a copy of what he had so the Borough Solicitor can review it.

C-Net Programming. In response to Ms. Goreham, Mr. Fountaine said he will have a summer intern work on ways to make use of unused air time on C-NET most effectively. Meanwhile, he has authorized C-NET to cover the Brookings Institute's lecture on revitalizing Pennsylvania's demographic mix and curbing the patterns of sprawl and abandonment, which is being presented at the PLCM conference this June.

Mr. Daubert, Ms. Knauer, and Ms. Goreham agreed that the Transportation Committee meetings should be covered immediately and on a continuing basis.

Adelphia Cable Franchise. Answering Ms. Goreham, Mr. Fountaine said Adelphia is having difficulty with its shareholders approving a recovery plan being proposed by them, and they are currently looking at a 2-tier plan. In the interim, Adelphia has not faulted on any provision of its contract; service is being provided and the franchise fees are being paid.

There being no other business to come before Council, the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Barbara J. Natalie
Assistant Borough Secretary