

State College Borough Council  
May 3, 2004

The State College Borough Council met on May 3, 2004, in the Council Chambers of the State College Municipal Building, 243 South Allen Street. Mayor Welch called the meeting to order at 7:30 p.m.

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

Absent: Catherine G. Dauler

Also present were: Thomas J. Fountaine, II, Borough Manager; Terry J. Williams, Solicitor; Ronald A. Davis, Assistant Manager; Barbara J. Natalie, Assistant Secretary; Thomas R. King, Chief of Police; Mark A. Whitfield, Director of Public Works; Carl R. Hess, Planning Director; Herman L. Slaybaugh, Zoning Officer; Amy J. Story, Borough Engineer; members of the media; and other interested observers.

The Pledge of Allegiance followed a moment of silence.

#### **PUBLIC HOUR.**

Letter Carriers' Food Drive Day. In recognition of the efforts of the National Association of Letter Carriers (Branch 1495), Mayor Welch proclaimed May 8 to be *Letter Carriers' Food Drive Day*. Last year postal workers collected 32,161 pounds of food and gave it to food banks in the greater State College area. Dennis McHugh, a postal employee, thanked those who donated food last year and for the past 10 years. He also thanked Patricia Coble and Ernest Boyd, who work at the Food Bank, for providing food every day to people in need.

No one addressed Council on matters not included on the prepared agenda.

#### **CONSENT ITEMS**

**Special Activities: National Day of Prayer.** The only item of Consent was to take action on a request to use sidewalks to commemorate the National Day of Prayer.

Mr. Fountaine reported that a group of people has asked to use sidewalks along College Avenue, High Street, Beaver Avenue, and Allen Street on May 6 to march in observance of the National Day of Prayer. The march will include musical instruments. The group plans to stop at five locations, each of which represents a different facet of society (media, government, education, family, and church), to pray for that facet for two to three minutes. The march will begin at 111 Sowers Street at noon and end at that same location at 1:00 p.m. Stops will be made at Grace Lutheran Church, the Municipal Building, Old Main lawn, Health & Human Development, and Cinema 5. Mr. Fountaine noted that the organizers have been advised that, if complaints about noise are raised, they will be expected to reduce the sound level of their instruments.

Upon motion of Mr. Meyer, second by Mr. Daubert, Council voted 6-0-0 to approve the use of sidewalks for this purpose.

#### **BIDS/CONTRACTS/AGREEMENTS**

**Project 1A-2004.** The first item of this grouping was to take action on bids received for Project 1A-2004, curbs on Bradley Avenue.

Mr. Fountaine advised that bids for Project 1A were opened on April 22. Project 1A consists of the replacement of approximately 1,550 lineal feet of concrete curb on Bradley Avenue

between Garner and William Streets. The availability of bid specifications was advertised in the Centre Daily Times in accordance with the Purchasing Ordinance. Three contractors expressed an interest in doing the work; two bid on the Project:

Glenn O. Hawbaker, Incorporated .....	\$64,335.00
State College, Pennsylvania	
MIT Corporation, Incorporated * & ** .....	\$75,486.00
Reynoldsville, Pennsylvania	

\* denotes incomplete bid  
\*\* denotes mathematical error corrected by staff

Completion of the work is expected to be within 40 days of May 13. Funding for the Project is available in Account 30-439-455. Mr. Fountaine recommended the low bid be accepted.

Mr. Meyer moved to award the contract for Project 1A-2004 to the low bidder, Glenn O. Hawbaker, in amount \$64,335.00. His motion was seconded by Mr. Humphrey and carried by the unanimous vote of members in attendance.

**Street Lights and Accessory Equipment.** Next, Council was asked to take action on a bid received for street lights and accessory equipment.

Mr. Fountaine mentioned that bids for 2 street light poles, 2 light heads, 25 banner arms, 25 eye-bolt brackets, and 6 sign brackets for downtown street lights were opened on April 22. The poles and light heads will be placed in stock but the banner arms, eye-bolt brackets, and sign brackets will be installed on existing street lights. Council's need to purchase this equipment was advertised in accordance with the Purchasing Ordinance. Four suppliers indicated an interest in providing these items; one bid was submitted:

Hite Company .....	\$ 12,015.15
State College, Pennsylvania	

Funding for this award is available in the Street Department budget (Account 01-430-245). Hite's price includes all of the items listed above and is a delivered price. The specific price for each item is:

Street light pole .....	\$ 1,408.00
Light head .....	1,097.90
Banner arm.....	148.40
Eye-bolt bracket.....	44.65
Sign bracket .....	362.85

Ms. Knauer moved to award the bid to the Hite Company, in amount \$12,015.15. Ms. Goreham seconded her motion.

Ms. Knauer wanted to know how staff knew Hite's prices were competitive if only one bid was received. Mr. Whitfield explained that staff looked at what was paid for these items last year and from two years ago and found that the prices were in order.

Council voted 6-0-0 to approve Ms. Knauer's motion.

**Project 23-2004.** The only other item of this category was to take action on bids for Project 23-2004, repairs to the Fraser and Pugh Street parking garages.

Bids for Project 23 were opened on April 27, Mr. Fountaine said. Project 23 consists of maintenance and restoration work in the Fraser Plaza and Pugh Street parking garages. Specifically, the Project involves concrete repairs, post-tensioning tendon repairs, replacing failed caulking, and waterproofing. Seven contractors provided bids:

Nathan Contracting .....	\$ 170,910.50
Allison Park, PA	
Concrete Preservation Systems .....	\$ 183,300.00
Pittsburgh, PA	
Eastern Waterproofing .....	\$ 209,515.00
Jersey City, NJ	

FAHS Restoration .....	\$ 225,744.00
Stroudsburg, PA	
Bill Anskis Company .....	\$ 257,605.50
Elysburg, PA	
Infrastructure Repair Service.....	\$ 309,278.32
Lincoln Park, NJ	
National Restoration Systems .....	\$ 379,535.00
Rolling Meadows, IL	

Following the advertisement for bid, staff noticed the worn concrete stairs in the Fraser garage and requested that Walker Parking Consultants include an alternate bid for coating the stairs with a traffic-topping membrane that includes aggregate (sand) to improve traction. Bids received for Alternate 1 are:

Nathan Contracting.....	\$ 8,000.00
Concrete Preservation Systems .....	\$ 9,500.00
Eastern Waterproofing .....	\$ 9,000.00
FAHS Restoration .....	\$ 10,000.00
Bill Anskis Company .....	no bid
Infrastructure Repair Service.....	no bid
National Restoration Systems .....	no bid

The combined bid amount of \$178,910.50 (including Alternate 1) is within the amount budgeted for this Project, Mr. Fountaine added.

Ms. Knauer moved to award the contract for Project 23 to Nathan Contracting, Incorporated, the low bidder meeting specifications, in amount \$178,910.50. Ms. Goreham seconded the motion.

In response to Ms. Goreham, Mr. Whitfield agreed that the original estimate was much higher; it was \$307,000.00. He was confident, however, that Nathan could do the work; they are a qualified bidder that has done work for the Borough in the past.

When the question was called, Council voted 6-0-0 to approve Ms. Knauer's motion.

**ABC RECOMMENDATIONS**

**Zoning Ordinance: Amendment to Modify Regulations Governing Lighting at Memorial Field.** The only item referred by an advisory group was a recommendation to modify lighting restrictions at Memorial Field.

On April 19, Mr. Fountaine stated, the Planning Commission reviewed an amendment to the zoning ordinance to modify lighting restrictions at Memorial Field. While the Commission voted in favor of recommending Council enact this amendment, the vote was not unanimous. One of the Commissioners objected to an ordinance that would accommodate the needs of a specific property owner and felt the appropriate action in this case would be for the School Board to seek a variance. Because of installation concerns, he recommended Council process the request from the School District as quickly as possible.

Ms. Knauer moved to receive the Planning Commission's findings and schedule a public hearing on May 17. Mr. Daubert seconded her motion.

Ed Poprick, Director of Physical Plant for the State College Area School District, spoke to the need for new lights. He said the existing lights were installed in the 1930s. It was understandable, given existing conditions, that there would be concern about the scatter of light from the field, but he noted newer technology will allow more light with less intrusion off the field. Mr. Humphrey asked how many nights the Field would be in use. Mr. Poprick could not answer his question since there has not been a year's experience with the upgraded facility and the ability of the Field to accommodate multiple uses.

Mr. Daubert wondered if there was any sentiment among Council members for limiting the use of these lights, suggesting 11:00 p.m. as a cutoff time. Mr. Poprick said the School's

policy is not to allow any extra curricular activity to go beyond 11:00 p.m. The only exception he could think of would be a game in overtime.

Ms. Knauer moved to amend the amendment to add a restriction that the lights cannot be used past 11:00 p.m. Ms. Goreham seconded the motion. Mr. Meyer argued against the restriction saying a game cannot be called because of a lighting restriction; if it is in progress and overtime is needed to determine the winner, it should be continued. He suggested the restriction include a clause such as “except when a game is in progress.” Ms. Knauer had no objection to adding that to her motion, and Ms. Goreham agreed to maintain her second.

Voting on Ms. Knauer’s amendment, Council voted 6-0-0 to approve it. Mr. Williams counseled that the amendment may not need to be reviewed by the Planning Commission but, at the least, it would have to be re-advertised.

When the question was called on the main motion, Council voted unanimously to approve it, as amended.

## **OLD BUSINESS ITEMS**

**Zoning Ordinance: Amendment to Make Exceptions Curbside Pickup.** The only item of Old Business was to take action on an amendment to the zoning ordinance to allow curbside pickup of food at certain restaurants.

On April 19, Mr. Fontaine recalled, a public hearing was held on an amendment to the zoning ordinance’s motor-vehicle-oriented business regulations that would allow a motorist to pick up food at restaurants when restaurants (a) have no more than five parking spaces for such service, (b) where the parking for those spaces is located within the restaurant’s parking lot and (c) where the restaurant does not provide a drive-up to pickup window. The amendment was in response to a challenge to the Borough’s regulations governing these establishments. No one spoke to the issue, and Council authorized publication of its intent to enact the amendment at this meeting. Mr. Fontaine noted that neither the County nor the Centre Regional Planning Commissions commented on the amendment within the 45-day review period. The State College Planning Commission reviewed it and recommended Council approve it but suggested the word “telephone” be removed from the section defining curbside pickup and replace it with the word “pre-order,” so that the definition reads: “...curbside pickup is defined as the delivery of food directly to a customer waiting in a vehicle in response to a customer’s pre-order.”

Upon motion of Ms. Knauer, second by Mr. Kern, Council voted 6-0-0 to enact Ordinance 1780, amending the zoning ordinance to allow the pickup of food at curbside under those conditions listed by the Manager.

## **NEW BUSINESS ITEMS**

**Library Project: Sublease Agreements.** The first item of New Business was to take action on sublease agreements related to the Allen Realty Property at 221 – 227 South Allen Street.

As a condition of receiving the \$2.5 million Redevelopment Assistance Capital Project grant from the Commonwealth for the Library’s building project, Mr. Fountain said the Borough, as grantee, must document that the Library has “*site control*” for all properties involved in the project. The Borough has a 6-year lease/purchase agreement with Allen Realty to acquire the property at 221 – 227 South Allen Street for the Library project, and has a separate agreement with the Library providing for the conveyance of the title for this property to them after it is acquired by the Borough. Because the Borough will not obtain title to the Allen Realty property until the conclusion of the lease/purchase agreement on March 1, 2008, it is necessary to document the Library’s control through a Memorandum of Sublease between Allen Realty, the Borough, and the Library, and a Sublease Agreement between the Borough and the Library. He noted that the Solicitor prepared the necessary documents, which also reaffirm the Library’s ability to demolish the existing commercial structures on the property and construct the new Library on the site, and he distributed them to Council.

Ms. Goreham moved to approve the sublease documents and authorize the President of Council to execute them on Council's behalf. Ms. Knauer seconded the motion, and it carried by a vote of 6-0-0.

**Easement Agreement – Verizon.** The only other item of business was to consider granting an underground easement to Verizon.

Mr. Fontaine explained that an easement agreement was prepared and approved by the Library, Borough, and Verizon headquarters; however, local Verizon officials were not satisfied with the language and asked that this subject be tabled pending further review.

Ms. Knauer moved to table the easement agreement. Mr. Kern seconded her motion and it was approved unanimously.

#### **OFFICIAL REPORTS AND CORRESPONDENCE**

**President's Report.** President Daubert announced an *Executive Session* following the close of this meeting to discuss pending litigation and the potential lease of real estate with the Solicitor.

There being no other business to come before Council, the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

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Barbara J. Natalie  
Assistant Borough Secretary