

State College Borough Council
February 2, 2004

The State College Borough Council met on February 2, 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
Catherine G. Dauler
Elizabeth A. Goreham
Craig R. Humphrey
Jeffrey R. Kern
Janet K. Knauer
James H. Meyer

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; Michael S. Groff, Director of Finance; Mark A. Whitfield, Director of Public Works; Mark S. Henry, Health Officer; Carl R. Hess, Planning Director; Tim Grattan, Information Systems Director; Herman L. Slaybaugh, Zoning Officer; Amy J. Story, Borough Engineer; Edward C. Holmes, Parking Facilities Coordinator; members of the media; and other interested observers.

The Pledge of Allegiance followed a moment of silence.

PUBLIC HOUR.

Focus On Appearance Awards. Three "Focus On Appearance" awards were presented by Mr. Slaybaugh, staff assistant to the Design Review Board: one to Brad Karch for his innovative reuse of an existing building at 616 West College Avenue; one to Fred Gay for his positive expansion of a historic building at 427-433 West Beaver Avenue to include a residential infill building; and one to Charles MacIntyre for a well-designed, attractive new addition to the Ramada Inn, 1450 South Atherton Street.

There were no others to address Council during this Public Hour.

PUBLIC HEARINGS

CDBG Consolidated Plan: Amendment to Reprogram Money to House of Care. The first item specifically set apart for public input was a proposal to amend the Community Development Block Grant (CDBG) Consolidated and Action Plans to reprogram funds.

On January 20, Mr. Fountaine said, Council received a recommendation from the CDBG Citizens' Advisory Committee (CAC) to reprogram funds allocated in the 2002-2004 Consolidated Plan and 2003 Action Plan and scheduled this public hearing. The 2003 Consolidated Action Plan includes allocations, he said, to Family Health Council of Central Pennsylvania, Incorporated, Private Industry Council of Centre County, and House of Care. Staff has been advised that Family Health Council and Private Industry Council will not use all of their 2003 allocation. The CDBG CAC and staff are recommending Council reprogram \$1,972.55 that had been allocated to Family Health Council and \$500.00 that had been allocated to the Private Industry Council to House of Care to assist with operating costs.

Mayor Welch called for audience participation. There being none, he closed the hearing and mentioned that action on this proposal cannot be taken until February 17, which follows a public review period that runs from January 17 to February 17, 2004.

Zoning Ordinance & Fire Regulations: Amendment to Include Fire Officials in the Land Development Review Process. The only other item scheduled for public input was a proposal to amend the zoning and fire ordinances to include fire officials in the land review process.

Mr. Fountaine noted that two draft ordinances were presented to Council on January 5. One amends the zoning ordinance, and the other is a companion ordinance amending the Borough's fire regulations; both are needed to include fire officials in the land review process. He explained that the zoning amendment establishes review procedures and fire protection regulations for land development and subdivisions by adopting applicable provisions from the Centre Region's model fire protection ordinance. The companion ordinance establishes the Fire Chief as the officer responsible for designating fire lanes.

Mayor Welch called for speakers; there being none, he returned the subject to the floor, noting that action on both ordinances is expected to take place on February 17.

CONSENT ITEMS

ABCs: Membership on the UAJA. The first item of Consent was to take action to appoint Mary W. Barnes to the University Area Joint Authority (UAJA).

Mr. Fountaine told Council that Mary Barnes has agreed to serve as a member of the UAJA. Her initial term will be for five years, ending on December 31, 2008.

Upon motion of Ms. Dauler, second by Mr. Daubert, Council voted unanimously to appoint Ms. Barnes to the UAJA for a 5-year term.

Special Activity: Bicycle Races. The only other item of Consent was to take action on a request to conduct bicycle races on March 14.

Mr. Fountaine distributed a request from the Penn State Cycling Club to conduct bicycle races on March 14, to benefit *Trips for Kids*. Races are to begin at 8:00 a.m. and end at 5:00 p.m. A men's race will begin at 8:00 a.m. and consist of 10 laps along Foster Avenue, Fraser Street, Hamilton Avenue, Prospect Avenue, and Keller Street. Subsequent heats will be held throughout the day, ending with a 25-lap race beginning at 3:00 p.m.

Mr. Devlin of the Penn State Cycling Club said a rolling barricade will allow streets to remain open most of the time.

Ms. Knauer moved to approve the use of the streets, as requested, for this purpose. Mr. Meyer seconded her motion, and it carried by a vote of 7-0-0.

BIDS/CONTRACTS/AGREEMENTS

Project 19-2003. The first item was to take action on bids received for Project 19, expansion of the Senior Center.

Mr. Fountaine reported that bids for Project 19 were opened on November 18. Project 19 consists of renovations to the Senior Center in the Fraser Street parking garage and includes separate general construction, electrical, and HVAC contracts as well as an option for a single contractor to submit a combined bid for all this work. The cost for renovating and expanding this space is being shared from the Borough's parking fund and COG's capital reserves for the Senior Center.

General construction bids received were:

eciConstruction, LLC.....	\$64,742.00
Dillsburg, PA	
Lawruk Builders, Incorporated	\$71,700.00
Altoona, PA	
Witmer Construction.....	\$78,096.00
State College, PA	
LandServ, Incorporated.....	\$83,088.00
Boalsburg, PA	
Veronesi Building & Remodeling	\$99,634.00
State College, PA	

HVAC bids were:

MARC-Services, Incorporated	\$34,900.00
Windber, PA	
Robert Johnson Plumbing & Heating	\$52,850.00
Lewistown, PA	
Berrena’s Mechanical Services, LLC	\$55,650.00
State College, PA	

Electrical bids were:

Stelco, Incorporated	\$14,130.00*
Altoona, PA	
Strouse Electric	\$27,377.00
Howard, PA	
Allied Electrical & Mechanical	\$28,800.00
State College, PA	
Mountainside Electric	\$29,000.00
Rebersburg, PA	

Mr. Fontaine noted that Stelco’s bid was withdrawn because of an omission, and one combined construction bid was submitted by eciConstruction totaling \$130,742.00. Continuing, Mr. Fontaine said the sum of individual low bids is \$127,019.00. Based on the work assigned, the Borough’s portion of the project is \$90,001.00 and COG’s portion is \$37,018.00.

Because the Centre Region Council of Governments agreed to share in the funding of this Project, Ms. Knauer moved to award construction contracts to eciConstruction of Dillsburg (in amount \$64,742.00), MARC-Services of Windber (in amount \$34,900.00), and Strouse Electric (in amount \$27,377.00), all low bidders meeting specifications. Ms. Goreham seconded her motion, and it was approved unanimously.

Project 16-2003. Next, Council was asked to take action on bids received for Project 16, renovations to the service building.

Bids for Project 16-2003 were opened on December 23, Mr. Fontaine said. Project 16 consists of replacing the metal roofs on the truck storage buildings at the service facility.

Mr. Fontaine read the bids received (listed below). Because all exceeded the \$75,000.00 budgeted for this Project, he recommended they be rejected.

Arkadia Contracting Company	\$153,850.00
State College, PA	
R. H. Marcon, Incorporated	\$155,410.00
State College, PA	
David M. Maines Associates, Incorporated	\$219,467.00
Lewistown, PA	

Ms. Goreham moved to reject all of the bids received. Mr. Meyer seconded her motion and it carried by a vote of 7-0-0.

Storm Water Detention Pond – Memorial Field. Council was asked to table action on proposals for engineering services to evaluate a design for the detention of storm water at Memorial Field.

In October, Mr. Fontaine said, a request for proposals was distributed to eight area firms for professional engineering services regarding the Memorial Field drainage project. The proposal is to evaluate the drainage rate of the sinkhole, establish the peak volume and design detention facilities for certain storms, and estimate a probable cost for the detention of storm water. The time frame for the project is approximately one year, which provides sufficient time to collect rainfall data and model the sinkhole. Because a formal agreement for funding by the State College Area School District has yet to occur, he recommended the award for this project be tabled.

Mr. Kern moved to table action on these proposals. Ms. Dauler seconded his motion, and it was approved unanimously.

Parking Structure: Beaver Avenue at Fraser Street – Architect/Design. The next item was to take action to employ a professional for architectural and engineering design services for the Beaver Avenue parking structure.

In December, Mr. Fontaine reported, a request for proposals was issued inviting the submission of qualifications to provide architectural and engineering design services for the Beaver Avenue parking structure. Twelve design teams submitted responses by the January 16 deadline. Following receipt of the proposals, a 7-member committee reviewed the qualifications submitted and selected a short-list for further consideration. The list is (listed alphabetically by the lead firm):

Frederick J. Fernsler, AIA, State College, PA
Timothy Haahs & Associates, Inc., Blue Bell, PA
WTW Architects, Pittsburgh, PA
W2A Design Group, Allentown, PA

On January 28, he said, the selection committee interviewed and ranked the teams. As a result of the interviews and subsequent reference checks, Mr. Fontaine recommended the contract be awarded to Timothy Haahs & Associates, Incorporated, subject to an amicable compensation agreement being executed.

Ms. Knauer moved to award a contract for engineering and architectural services to Timothy Haahs & Associates, Incorporated, of Blue Bell, Pennsylvania, subject to the execution of an acceptable compensation agreement. Mr. Kern seconded Ms. Knauer's motion.

Since other concepts were more interesting to her, Ms. Knauer wondered how much appearance of the structure factored into the rating. Mr. Fontaine explained that design was a very important factor. Mr. Haahs' work impressed staff because his structures did not detract from adjacent buildings in other communities. Mr. Fontaine also believed Mr. Haahs would spend a considerable amount of time designing a garage that will meet parking needs while developing a main street structure. Mr. Kern agreed that Mr. Haahs' work was sensitive to surroundings.

Ms. Goreham suggested that public input be solicited in the form of an informational hearing on February 17. Mr. Fontaine was reluctant to authorize the firm to begin their design if Council feels sufficient input is in question. Approval of the motion on the table, he added, will authorize the architect to move forward, regardless of any input provided at this point. Other Council members were of the opinion that public input was not out of the question but they did not want to delay the project.

When the question was called, Council voted 7-0-0 to approve Ms. Knauer's motion.

Computer System – Health Department. The only other item of this category was to take action on a proposal for a field computer system to be used in the Health Department.

Mr. Fontaine reminded Council that proposals for a field computer system were opened on October 31. The advertisement requesting proposals was published in accordance with the Borough's Purchasing Ordinance, and one vendor offered the following price:

Decade Software Company.....\$14,600.00
Fresno, California

At Council's January 20 meeting, a motion to approve the purchase was stopped when it failed to achieve a second, but specific action on the offer was not taken. To follow correct protocol for acting on bids received, he recommend that Council reject the offer received and authorize the bid bond to be returned to the bidder.

Ms. Knauer moved to reject the offer made by Decade Software Company. Mr. Kern seconded her motion.

Ms. Dauler opposed the motion because the purchase was approved by Council in two separate budgets, because it is \$14,000.00 of a \$20-plus million budget, because staff spent a considerable amount of time on this project believing that Council was sincere about the purchase, and because it is, in her opinion, a poor way to save money. Ms. Dauler attempted to amend the motion to reverse the rejection, but her motion was ruled out of order by the Mayor.

Mr. Meyer agreed with Ms. Dauler but noted that, since the purchase was first included in the budget, members became aware of a \$400,000.00 shortfall in the 2005 budget, which is being made up through the use of reserves. That, he said, is why he is opposed to the purchase.

Mr. Humphrey considered it a valid purchase because it is a health issue.

Mr. Daubert thought the purchase should be delayed until a system can be acquired to include all of the Health Department's operations. Because of his experience with the computer industry, he suspected that when the time came to add functions to the system, it would be outdated. Ms. Dauler countered that the system is compatible with equipment currently being used and was recommended by both the past and present managers.

Answering Mr. Kern, Mr. Fontaine said the Borough was unable to attract a bidder for an integrated suite of software because of the way the Borough's operations are structured.

The question was called and Council rejected the bid by a vote of 5-2-0. Ms. Dauler and Mr. Humphrey voted against the motion.

NEW BUSINESS ITEMS

Cherry Alley: Petition to Vacate. The first item of New Business was to receive a petition to vacate Cherry Alley.

Mr. Fontaine distributed a petition from Saint Paul's United Methodist Church requesting Council vacate Cherry Alley. Cherry Alley borders 127 McAllister Street (Saint Paul's education building) to the south and east and connects McAllister Street and Calder Way. As required by the state's Municipalities Planning Code, if Council decides to consider the request, it must receive the proposal and refer it to the Centre County, Centre Regional, and Borough planning commissions for review and comment (the planning agencies have 45 days to comment).

Ms. Knauer moved to receive the petition and refer it to the planning commissions for review. Ms. Goreham seconded her motion, and it carried by a vote of 7-0-0.

Highland Alley: Vacation of a Portion. Next, Council was asked to receive an ordinance, prepared to vacate Highland Alley to facilitate the construction of a parking facility on Beaver Avenue at Fraser Street.

In anticipation of constructing a new parking facility on Beaver Avenue at its intersection with Fraser Street, Mr. Fontaine said, staff prepared an ordinance to vacate Highland Alley immediately to the rear of the construction site. As proposed, Highland Alley would be closed from South Fraser Street to the rear western boundary of 220 South Fraser Street, now or formerly owned by Robert A. and Hilda S. Kaufman. As required by the state's Municipalities Planning Code, Council must refer the proposal to the Centre County, Centre Regional, and Borough planning commissions for review and comment (the planning agencies have 45 days to comment). Once reviewed by the planning agencies, affected property owners will be notified and Council will be asked to enact the ordinance.

Upon motion of Mr. Daubert, second by Ms. Knauer, Council voted unanimously to receive the ordinance and refer it to the planning agencies for review.

Home Rule Charter: Amendment Proposed to... The only other item of New Business was to enact an ordinance to initiate a change in the Borough's home rule charter.

To reduce the cost of advertising and to make ordinance amendments more understandable, Mr. Fountaine said, staff is recommending a change in the Borough's home rule charter. Currently, ordinances (or amendments to ordinances) that contain fines or penalties must be advertised in full in the legal ads section of the *Centre Daily Times*. This is not only expensive, but, in the case of amendments, the advertisement is ambiguous to the layman because the whole text of the ordinance is not included. Sections 2942 through 2944 of the Borough Code allow advertisement of these ordinances and their amendments to take place in summary, an option that was not available when the Borough's home rule charter was written. To initiate the change, Council must enact an ordinance to put the question on an upcoming ballot. If the question is approved by the County, it will be included on the primary ballot for approval by the electors on April 27. He distributed an ordinance, prepared to initiate the referendum process and recommended Council enact it.

Mr. Kern moved to enact Ordinance 1770 to begin the referendum process. Ms. Dauler seconded the motion, and it was approved unanimously.

OFFICIAL REPORTS AND CORRESPONDENCE

Mayor's Report. Mayor Welch thanked Pat Boland for his six or seven years of broadcasting *Happy Valley Viewpoint*, a program that has been discontinued by the new owners of WRSC.

Mayor Welch announced he kicked off Black History Month by reading the poetry of Paul Lawrence Dunbar at the Houserville School. He mentioned that Dunbar was an African-American poet from Dayton Ohio where he was a high school classmate of Orville Wright.

ITEMS OF INFORMATION

Act 61 of 2003. Ms. Knauer asked if Act 61, which allows municipalities to keep a portion of the fines imposed for harassment, nuisances, and disorderly conduct applies to boroughs. Mr. Fountaine thought that it did.

Ferguson Township Proposal to Rezone Land at Whitehall/Blue Course Drive. Ms. Knauer noted that Ferguson Township has asked for comments on the University's request to rezone a 26.3-acre parcel at the terminus of Whitehall Road and Blue Course Drive and asked when it would come before Council. Mr. Hess said comments are due by March 5; the Planning Commission will review it on February 11. It was the consensus of Council that this would be discussed on February 20.

Kudos to the Public Works Crews. Mr. Kern thanked those employees who have been removing snow from the streets; he thought they were doing a fine job. Mr. Whitfield said they have used about 800 tons of salt, typically used during an entire season; another 500 tons are on order. Because there is a state cap on the amount of salt permitted for each municipality, the Borough would be able to obtain another 300 tons, if it is needed.

There being no other business to come before Council, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Barbara J. Natalie
Assistant Borough Secretary