

Meeting Minutes
State College Borough Council
Regular Meeting
Monday, July 18, 2005

The State College Borough Council met in a regular meeting on Monday, July 18, 2005, in the State College Municipal Building Council Chambers, 243 South Allen Street, State College, PA. Mayor Welch called the meeting to order at 7:30 p.m.

Present: Bill Welch, Mayor
Thomas E. Daubert, President of Council
Catherine E. Dauler
Elizabeth A. Goreham
Craig R. Humphrey
Jeffrey R. Kern
Richard L. McCarl
James H. Meyer

Also present: Thomas J. Fountaine, II, Borough Manager; Terry Williams, Borough Solicitor; Herman L. Slaybaugh, Zoning Officer/Planner; Amy S. Story, Borough Engineer; Edward C. Holmes, Parking and Facilities Coordinator; Timothy Knisely, Centre Region Code Administration; Cynthia S. Hanscom, Recording Secretary; members of the media; and other interested observers.

Mayor Welch began with a moment of silence and the pledge of allegiance.

Mr. Kern moved to approve the following minutes as written:

May 2, 2005, Regular Meeting
May 9, 2005, TEFRA Hearing
May 9, 2005, Work Session
May 12, 2005, Public Meeting
May 13, 2005, Public Meeting
May 16, 2005, Regular Meeting
May 18, 2005, Public Meeting
May 19, 2005, Public Meeting
May 20, 2005, Work Session

Ms. Dauler seconded the motion, which passed unanimously.

PUBLIC HOUR

YMCA Request. Mr. Fountaine said a request was received from the State College YMCA proposing changes in the Borough's Zoning Ordinance. Representatives from the YMCA are present. Council should decide if these zoning changes should be forwarded to the Planning Commission.

Dennis Ditmer, Chief Executive Officer of the State College YMCA, thanked Council for hearing their request. The YMCA has gone through several changes and expansions over the last few years. They currently have 8,400 members and served 16,000 people last year. In addition, \$125,000 in financial assistance was received to guarantee that any child could participate in many of their programs. The YMCA is always looking for partners in the community to improve the facility and make the community a better place for kids and their families to live. In the past, they have partnered with the Mount Nittany Medical Center, State College Area School District, Youth Services Bureau, Women's Resource Center, Hope for Kids and Easter Seals. Last year, they were approached by the State College youth ice hockey association to upgrade the outdoor hockey pad. Currently, it is basically a parking lot; there is no rink or curbing. There are pads they can put around the area, but without enclosures it is like a tennis court with no net. The hockey pad is not utilized like it should be.

John Siggins from State College Youth Ice Hockey Association explained their group had been in existence for over 25 years. He presented pictures of a facility in Murraysville that is actively used; any evening up to 10 p.m. there are kids of all ages and adults that participate in in-line hockey or sneaker hockey leagues. He indicated there was a brand new facility in Altoona, a rink in Tyrone, and an indoor rink in Williamsport. This is a growing sport and he expected the facility to be heavily used. There are currently two outdoor rinks on the Penn State campus but they are reserved for use by students. He hoped to install a similar facility at the YMCA but needed to address the issues regarding lighting and the height of the fencing. Mr. Humphrey asked if the proposed rink could be converted to an outdoor ice rink. Mr. Ditmer noted that it would be difficult because the weather would need to stay cold enough and the pad is at a slight slope.

Tom Songer explained to upgrade the rink there would need to be protective boards and fencing 12 feet high at either end and 6 to 7 feet high along the sides. Current the zoning

ordinance does not allow for fencing over 10 feet. In addition, setbacks in the R-3B zone require the side yard to be set back an additional 3 inches for each foot of building height over 30 feet. When this requirement is applied, the side setback is 47.5 feet; however, it is not clear in the ordinance if the setback applies to the main building. Typically, accessory uses not meant for human habitation would not be required to meet the setback regulations. Mr. Songer indicated the YMCA was asking that a proposal be sent to the Planning Commission to amend the zoning ordinance to require the additional setback apply to the main structure only. Mr. Slaybaugh noted that he believed the intent of the ordinance was to apply the additional setback for larger buildings.

Mr. Welch asked why the YMCA was not seeking a special exception. Mr. Fontaine noted there was no provision for special exceptions in the R-3B. The applicant would need to apply to the Zoning Hearing Board for a variance, which would require a hardship be shown by the applicant.

Mr. McCarl asked how the ordinance is applied to tennis courts. Mr. Slaybaugh said the current zoning ordinance allows tennis courts to have fences up to 12 feet. In this case, the applicant is asking for 15-foot fence.

Mr. Daubert noted the concern about lighting needs to be addressed. The Planning Commission and Council spent many hours addressing lighting and had agreed that the only exception would be for Memorial Field. Ms. Goreham asked about the neighboring properties. Mr. Songer indicated the property located in College Township was vacant but there was an approved land development plan for attached town homes. Mr. Daubert noted that Brookline apartments were across the street; the lighting could affect those residents. Mr. Kern noted the spillage of light is a concern. Mr. Songer said that technology may allow a light standard to direct the light straight down rather than spread over an entire area. If the standards were to be lower, there would need to be more poles installed.

Mr. Kern moved to send the YMCA request to the Planning Commission with the condition that College Township be contacted for comments. Ms. Goreham seconded the motion. The motion passed with a 6-0-1 vote, with Mr. McCarl abstaining because he was a member of the YMCA.

CONSENT ITEMS

Appoint a Member to the Transportation Commission. Mr. Fontaine said Jon Eich has agreed to serve as a member of the Transportation Commission. Mr. Eich will complete the term of Rick Gilmore, who previously resigned. Mr. Eich's term will end on December 31, 2005.

Ms. Goreham moved and Mr. Humphrey seconded a motion to appoint Jon Eich to the Transportation Commission, term ending December 31, 2005. The vote on the motion was 7-0-0 in favor.

Legislation to Preserve Local Government Cable Television Franchising Rights. Mr. Fontaine informed Council that major telephone companies have been soliciting support from the Federal Communications Commission and representatives of Congress that will adversely affect the rights of local government to franchise cable services. Additionally, reports suggest that there is a possibility that as early as this summer Congress will consider rewriting the Telecommunications Act of 1996 to change local franchising authority. The telephone industry claims that the requirement to obtain a local franchise is outdated and will cause delay, is a burden to entry and must be changed in order for them to build fiber systems and to make available broadband voice, video, and data services. Since the cable television companies, as well as telephone companies, use the public rights-of-way for their facilities, it is important that local governments retain franchising rights over these video services. Without this franchising authority, local governments will lose the ability to regulate their own rights-of-way and the activity that occurs within these rights-of-way, as well as franchise fees paid for the use of public rights-of-way. Mr. Fontaine was asking Council to authorize the President of Council to send letters to Congressman Peterson and Senators Specter and Santorum to urge their support of legislation to permit local franchising and right-of-way control.

Ms. Goreham moved to authorize the President of Council to send the letters. Mr. Humphrey seconded the motion. The vote was 7-0-0 in favor of the motion.

Authorize President to Sign a Letter of Support. Mr. Fontaine explained a request was received from the Township of Ferguson for a letter of support for a Department of Natural Resources (DCNR) acquisition grant to purchase 84 acres for parkland from the Pennsylvania State University. A previous grant request was not selected for funding but the DCNR staff has encouraged the Township to resubmit the application in the next funding round due by September 30, 2005.

Mr. Daubert commented that a letter of support does not mean that Council agrees with what Ferguson Township will do with the proposed site. Mr. Fontaine explained the letter of support was for the grant funding the parkland acquisition. Development of the site will be completed at a later time.

Ms. Goreham moved to authorize a letter of support be sent to Ferguson Township Board of Supervisors. Mr. Humphrey seconded the motion, which passed unanimously.

BIDS/CONTRACTS/AGREEMENTS

13-2005 McAllister Deck Maintenance. Mr. Fontaine said that bids for Project 13-2005 McAllister Deck Maintenance, which consists of repairs to the intermediate level of the McAllister Street Deck, were opened on July 12, 2005. The availability of bid packages was advertised according to the Borough Purchasing Ordinance. Four bids were submitted as follows:

1.	Concrete Preservation Systems Pittsburgh, PA	\$ 84,900.00
2.	Nathan Contracting Allison Park, PA	\$ 90,445.00
3.	Carl Walker Construction Pittsburgh, PA	\$108,067.00
4.	Golon Masonry Restoration, Inc Pittsburgh, PA	\$128,832.00

Walker Parking Consultants has reviewed the bids and the qualifications statement of the low bidder and recommends that the contract be awarded to Concrete Preservation Systems of Pittsburgh, PA. Staff concurs with the recommendation of the consultant.

Mr. Daubert asked where the money for the project was coming from. Mr. Fontaine replied it was included in the 2005 bond issue. The estimate for the project was \$200,000 but the actual costs will be closer to \$110,000.

Mr. Kern noted this parking deck seemed to be repaired on a regular basis. He asked if the repair costs were at a point where it would be more cost efficient to demolish the deck and replace it with another facility. Mr. Holmes noted that, if the repairs were not feasible, the parking consultant would indicate such. The project would correct some problems created by de-icing salts, repair cracks in the pavement, and provide reinforcement to the concrete. Mr. Kern asked about repaving the lot and when it would get to a point where the resurfacing would be too heavy for the structure. Mr. Holmes assured Council there would be a light-weight traffic topping applied.

Mr. Kern moved to award the bid for Project 13-2005 to Concrete Preservation Systems, the low bidder, in the amount of \$84,900.00. Mr. Meyer seconded the motion. The vote passed 7-0-0.

Vent Stack Encroachments for 250 Calder Way. Mr. Fontaine indicated the building located at 250 Calder Way, owned by Calder Joint Venture, is being renovated for use as a restaurant. The Rotelli franchise is expected to be opened at this location. Because the building is constructed on the property line, there is insufficient clearance for the installation of the required flues, chases and pipes necessary to properly vent the restaurant without encroaching on the air space above the Borough's sidewalk adjacent to the Calder II and the McAllister Parking Deck at a minimum height of 7-1/2 feet above the walk. The vent cannot be constructed directly above the restaurant since the space is occupied by another tenant. The Borough must grant a license to Calder Joint Venture to permit these vent pipes to encroach the airspace above the sidewalk. The Solicitor has drafted a license that allows the described installation.

Mr. Kern moved to approve the license agreement to permit the described encroachment in the air space above the Borough's property. Mr. Meyer seconded the motion, which passed unanimously.

OLD BUSINESS

Inter-municipal Transfer of a Liquor License. Mr. Fontaine said a request was received from the applicant that a decision on the transfer be delayed until August 1.

Ms. Dauler moved to table this item until August 1. Mr. Meyer seconded the motion, which passed unanimously.

Unnamed Alley in College Heights. Mr. Fontaine reminded Council that a public hearing was held on a request to vacate an unnamed alley in College Heights at the meeting of July 5, 2005. Property owners were present to express their views on the vacation. Council discussed the vacation at their meeting of July 11. He noted an ordinance has

been prepared approving the vacation following receipt of an easement for a private driveway. Staff informed Council that there are utilities occupying the alley and, if it is vacated, the abutting property owners should be required to execute easements to allow the utilities.

Mr. Daubert asked if the width of the easement would be equal to the width of the alley. Mr. Williams replied affirmatively.

Mr. Humphrey expressed concern that 100 percent of the abutting property owners did not agree with the vacation. Mr. Fontaine explained the easements would need to be signed by all of the property owners. The easement would be required for the vacation to take effect.

Ms. Goreham moved to advertise their intent to enact an ordinance to vacate the unnamed alley, providing all abutting property owners execute the required easements permitting the use of the alley by utilities, including the Borough's storm water facilities. Mr. Kern seconded the motion. The motion passed with a 7-0-0 vote.

Fire Safety Issues. Mr. Fontaine noted that Council discussed the proposed amendments to Property Maintenance Code relating to fire safety at the work session of July 11. Discussion at the meeting included requiring smoke alarms in each sleeping unit, requiring a second floor egress for units more than 20 feet above ground level, increasing the frequency of inspections, and increasing the fines for tampering with smoke alarms.

Mr. Kern reported that the COG Code Committee had met the previous week. The Committee members were supportive of having some kind of bedroom smoke alarms as soon as possible, but did not agree the alarms would need to be interconnected. Committee members felt interconnectivity should be reviewed as a requirement in the near future. He noted that all of the Committee members were in favor of requiring a second floor egress. The issue of requiring sprinkler systems was discussed but members were neither opposed nor in favor and believed more data should be provided. When discussing increasing the frequency of inspections, Committee members agreed a two-year cycle was appropriate. Some Committee members indicated that inspection frequencies could increase to once a year for problem properties. Many of the members were surprised that the inspection schedule was six months behind. Mr. Kern noted that Committee members stressed the importance of consistent and regular inspections. He added that it was important that the landlord and tenant both sign off at the time of occupancy that there is a working smoke alarm in each bedroom.

Mr. Daubert moved to instruct staff to draft language to modify the Property Maintenance Code to require that a smoke alarm be installed in every sleeping room effective September 1, 2005, and that within 24 months the smoke alarms be interconnected. Ms. Dauler seconded the motion.

Mr. Kern moved to amend the motion that accountability be provided by having both the landlord and the tenant sign off that there is a working smoke alarm in each bedroom as part of the administrative lease procedure. Mr. Humphrey seconded the motion for the amendment. The motion on the amendment passed unanimously.

Mr. McCarl asked if this would apply to all rental units. Mr. Knisely explained it would apply to everything except owner-occupied dwellings.

Mr. Fontaine thought that a September 1 deadline might not be practical. He suggested language be written to target an effective date of 60 days following enactment. Mr. Daubert believed 60 days was too long. The smoke alarms could be installed in five minutes.

Ms. Goreham asked about the availability of tamper-proof smoke alarms. Mr. Knisely indicated there were tamper-resistant, not tamper-proof, versions that attach to a mounting bracket requiring removal of the entire unit just to get to the battery. He added that a wireless version of connected smoke alarm may be an option for landlords if the interconnection was required within 2 years. Mr. McCarl asked if 11,000 smoke detectors would be available within 60 days. Mr. Daubert noted that many rental units already have detectors installed.

Ms. Dauler believed that 60 days would be a fair notice to landlords. Council was moving along at a good pace to get these changes enacted and felt that a reasonable time should be allotted for property owners and landlords.

Mr. Kern agreed and moved to amend the motion to create an effective date of 60 days following enactment. Ms. Goreham seconded the motion for the amendment. The motion passed with a 7-0-0 vote.

Council discussed the main motion. Mr. Kern noted that interconnectivity was an issue that needed more research on the cost. If electrical work would be required, the costs could be quite high. Mr. Daubert disagreed, stating that property owners and landlords would insist on 5 years if given the opportunity. He felt pressure needed to be applied to bring the rental units into fire safe standards. Mr. McCarl believed the 2-year time frame was reasonable, and Council could change the time frame if it proved to be a hardship to meet the deadline.

Mr. Fontaine reminded Council that they were only voting on instructing staff to come up with draft language at this time. The actual changes to the Property Maintenance Code would be approved at a future meeting.

Phil Sauerland, 245 Ellen Avenue, indicated that he owned three properties in State College. From talking with Code Administration staff about sprinkler systems and fire alarms, he did not believe they had a real good estimate on the costs involved in the installation. He said an estimate he had obtained from Vigilant indicated an interconnected fire alarm/sprinkler system would be \$12,000 to \$15,000 for installation with an annual fee of \$350. He believed this cost to be high enough to cause concern. Mr. Fontaine explained that Council was not considering the sprinkler system as part of the requirements at this time.

The question was called on the main motion. The vote was 7-0-0 in favor of the motion.

Mr. Daubert moved to direct staff to draft language requiring a second egress for units 20 feet above grade with implementation with 2 years. Ms. Goreham seconded the motion.

Ms. Dauler asked how the egress could be constructed. Mr. Knisely remarked that it could be made of wood and could be an exterior staircase. Stairwells would need to be built to standards, which would include rails, lighting and covered by some kind of roof material.

Mr. Kern asked if zoning could be amended to include zoning setback allowances to construct the stairwells. Mr. Fontaine indicated language being prepared by staff would amend the Property Maintenance Code and could not be included here. Council can amend the Zoning Ordinance to make that possible but it cannot be made a part of this.

Mr. Meyer questioned the need for a covered staircase. Although he agreed the second egress was needed, he believed other language could be adopted that would require property owners to clean off the ice and snow, similar to the sidewalk ordinance. Mr. Knisely noted the Building Code required the covered stairwells and the Borough cannot reduce the minimum standards. However, since the borough is making the code more restrictive, the issue of covered stairwells may not apply. Mr. Kern asked that possibility be reviewed.

The question on the motion was called. The vote was 7-0-0 in favor of the motion.

Mr. Daubert moved to instruct staff to prepare language requiring rental housing inspections occur once every 2 years beginning with a cycle starting in mid-2006, with the ability for additional inspections, at cost to the owner, for properties that have severe deficiencies on their bi-annual inspections. Mr. Kern seconded the motion.

Mr. Welch asked how the increased inspection cycle would affect staffing levels. Mr. Knisely stated to complete bi-annual inspections would require two additional inspectors and \$9 more in rental permit fees. Mr. McCarl asked the current procedure for inspections. Mr. Knisely said the goal is to inspect every 3 years. Because of turnover in staff, they are currently about 6 months behind. Mr. McCarl asked if fraternities were included in this inspection cycle. Mr. Knisely explained fraternities are inspected semi-annually and pay additional fees according to that schedule.

Council discussed the current level of inspection. Mr. Knisely commented that 3 year inspections may be too long. Conducting inspections every 24-30 months would be reasonable. Mr. Daubert commented that he would not want the 2-year inspection requirement extended to 30 months. Mr. Knisely noted that extensions were requested from property owners for certain things, such as during times of move-in or move-out activities. Mr. Daubert did not believe extensions should be granted. Mr. Kern noted that this inspection is similar to a vehicle inspection requirement. Residents have their cars inspected on a yearly basis because it is a safety issue. Properties that consistently miss their inspections need to be held accountable. Mr. Knisely indicated there was a fee charged if the property representative does not show for an inspection. If an extension is requested it is only done for a period of less than 30 days from the initial inspection. Mr. Daubert said that refusal of an inspection should be grounds for pulling the rental housing permit.

Mr. Kern asked how quickly staff levels can be increased. Mr. Knisely indicated that by August 2006 additional inspectors can be hired and trained to be ready for the next billing

cycle. There are space issues in the COG office building. Mr. Fontaine noted these were management issues that could be addressed in the future. It is clear that Council desired to implement a 2-year inspection schedule.

The question was called on the motion to draft language for an increase in the inspection cycle. The vote was unanimously in favor with a 7-0-0 vote.

Mr. Daubert indicated the fine structure for tampering with a smoke detector is an administrative issue. He asked that staff prepare a recommendation for Council for the August 15 meeting.

Mr. Kern noted that property owners attending the COG Code Committee meeting made statements on the lack of Borough and COG safety measures. He believed that there should be more coordination between the Borough and COG on determining code violations versus ordinance violations. There seemed to be some confusion. Mr. Fontaine explained there was a monthly meeting with Borough staff involved with rental housing and Code staff to coordinate their efforts. Mr. Kern asked if there was a document that explained the difference between an ordinance violation and a code violation and which would go against a rental housing permit. Mr. Fontaine indicated that information is available. He added that over the last few months they had made sure that one phone number was listed for rental residents and property owners to call the Code Office. This line was used to field questions. He agreed there was some confusion but believed that would be the case when different agencies are involved.

Commercial Incentive District. Mr. Fontaine said Council discussed staff's review of the Commercial Incentive District Ordinance at their work session of July 11. Council should continue their review and approve the revised schedule. Mr. Hess presented the revised schedule for adoption, which included the following:

July 18 – Council complete review of staff recommendations
August 8 – Council review updated proposal
August 8-September 6 – Council hold a public information session to obtain feedback on the proposed ordinance.
September 12 – review final version of ordinance
September 19 – approve publication of notice of intent to enact
October 3 – enact ordinance

Mr. Kern moved to approve the revised schedule. Mr. Humphrey seconded the motion. The motion was approved unanimously.

Mr. Hess indicated there were six policy areas capsulated by staff. They included:

- The 95 foot height limit was generally acceptable to Council.
- There should be a larger exception for parking requirements for commercial uses, and the incentive bonus should be increased to 30,000 square feet across the commercial district.
- Council did not want to provide incentives for non-owner occupied housing.
- The question was raised on whether or not the bonuses would be enough to stimulate development. It was uncertain until they were in place.
- Council wanted staff to look at other areas where the incentive zoning would be appropriate; however, staff is recommending that the incentives would not be applicable to areas adjacent to R-2 districts.
- Council needed to address how best to interface this with the proposed Cineplex project. One concept was to adopt conditional use criteria for signature buildings and identify areas where that would apply.

Mr. Hess said that if Council is in agreement, staff would proceed in developing the conditional use criteria.

Mr. Fontaine indicated testimony was received that other incentives besides zoning may be appropriate. Those issues still need to be discussed. Mr. Kern asked if Council can allude to the other incentives and bonuses that could be done which may be more important than zoning. He has consistently heard that the tapping fee is expensive and, if it could be delayed, development would be more palatable. For example, if owner-occupied housing is provided, the tapping fees might be delayed. Mr. Fontaine noted the UAJA portion of the tapping fee may not be able to be delayed. Mr. Hess indicated that staff was recommending ways to reduce development costs be investigated.

Mr. Kern noted the Downtown Plan contemplated green space. He wondered if development should be prohibited or discouraged to create a sense of open space among buildings.

Ms. Goreham commented that she was concerned with the 95 foot height limit for owner-occupied buildings that would become student occupied. There did not seem to be a way to prevent this from happening. The objective is for owner-occupied, wage-earning

owners and more commercial/professional space. Taller buildings would mean more difficult police enforcement. Mr. Fontaine noted that covenant restrictions could limit occupancy to 2 unrelated. An example of a covenant restriction was provided in the Downtown Plan. Ms. Goreham stated that it has been shown that covenants cannot keep students out. She believed the commercial incentives should be increased to encourage more commercial and office space and less residential. Mr. Hess noted that it is documented that residential uses were needed to support the commercial. Student housing projects were not all bad; the goal here was to change the mix to provide more owner-occupied housing. Mr. Fontaine encouraged Council to consider the full mix of downtown uses. There are examples all over the country where communities have encouraged all types of development. Without a sufficient core of residential, there is no active street life.

Mr. McCarl expressed concern with the definition of a signature building. Mr. Hess explained signature buildings would be projects of substantial scale with superior design. They are usually large and more expensive to build. Mr. Daubert noted the Cineplex project is an example of what would be considered a signature project.

Mr. Kern commented that from talking with Dave Lee, president of Omega Bank, the reason that their headquarters was moved out of the downtown was because they could not expand because of height limits, setbacks, overhead wires, and sewer. Another issue was providing parking for over 200 employees. Although the business privilege tax was an issue, it was not the primary concern. He noted that he was mentioning this because many of the problems for redevelopment may not be fixed by changing the zoning. Mr. Hess agreed that there were issues with construction in the downtown. Mr. Kern asked how best to address some of these issues that cannot be done through zoning. Mr. Fontaine indicated there was a variety of things that could be done but not in a regulatory setting. The zoning regulations are the foundation for Council to create a vision of what they want to see in the downtown.

Mr. Fontaine explained that staff will prepare a revised ordinance for Council's review on August 8.

Communications on Policy Issues. Mr. Daubert indicated Council needed a format to communicate policy issues to the community. The Borough newsletter, which had been published three times a year, was removed from 2005 budget. Although the newsletter did not always include policy issues because of the time that it took to get published, he believed there should be some kind of forum for residents to look for current issues before Council. People from the community do not have a way to find out what policy matters are being discussed by Council. He asked Council to consider ways to get the message to people. There were important things happening and the newspaper is not always the best way to get the word out. The web site is another way to inform citizens but he believed this eliminated about one-third of the population.

Mr. Welch said Council meetings were broadcast on C-NET. Citizens certainly have the opportunity to review the policy issues when watching the meetings. Ms. Dauler noted that C-NET is available as well as the web site. The newspaper does a fairly good job of covering the controversial issues. She found the Borough's newsletter to be informative about what staff does and she believed it was important for residents to see. She suggested that when reviewing the 2006 budget, Council find the funds to reinstate the newsletter. She always enjoyed the articles, especially those that were written when an employee visited another department for the day.

Ms. Goreham indicated the Borough has unused C-NET time; a Council member could talk with staff about policy issues. Also, the State College Water Authority uses their bill to provide information. She suggested a similar mailing could be done with the refuse bill. Mr. Fontaine noted that the refuse bills do not go to every resident. One advantage of the newsletter was that one copy went to each unit, regardless of whether it was owner-occupied or rented.

Mr. Fontaine indicated the consensus seemed to be that Council wanted to look at alternatives for providing a newsletter for the 2006 budget. In the meantime, residents can look at the web site and view meetings from C-NET.

NEW BUSINESS

Sewer Tapping Fees. Mr. Fontaine noted in accordance with Act 57 of 2003, the Borough is required to identify the different parts that make up the tapping fee. Currently, the Borough utilizes the capacity and collection components. Additionally, the tapping fee for residential use must be based upon 90 gallons per day per capita and the current census data for the size of the average household. For non-residential uses, the tapping fee must be based upon the projected gallons per day flow of the proposed use. In January 2004, the Borough revised its tapping fee for the residential portion, but did not address the non-residential flows. Staff drafted an ordinance that accounts for these

changes as well as provides a breakdown between the capacity and collection components of the fee.

Mr. Fontaine informed Council that the Authorities Board on behalf of the State College Borough Sewer Authority approved a Resolution prior to June 30, 2005, in compliance with Act 57.

Ms. Story presented a history of tapping fees and explained the portion that was collected for the Borough. She noted that Act 57 of 2003 requires that the tapping fee mandate clearly state what the fee is being used for in relation to capacity and collection. Mr. Humphrey asked the difference between collection and capacity. Ms. Story explained collection is to bring the line from the business or home to street and capacity is the ability to take it to the treatment plan.

Ms. Story presented a breakdown on the current charges for non-residential use and the change based on estimated daily use. Mr. Fontaine noted that some industries will be charged less while others would pay higher fees; this change will make things fair according to history of usage for each particular use.

Ms. Story noted the new fees would be charged as follows:

Tapping Fee Components					
	Capacity Component	Collection Component		Treatment Expansion	
	Borough		Total Borough Fee	UAJA	Total Tapping Fee
Residential	\$1,368.00 per connection	\$1,207.00 per connection	\$2,575.00 per connection	\$3,415.00 per connection	\$5,990.00 per connection
Non-Residential	\$6.61/GPD	\$5.83/GPD	\$12.44/GPD	\$14.65/GPD	\$27.09/GPD

Council discussed the fees charged in other municipalities versus the Borough and observed that the fees could be much lower in the townships. Mr. Fontaine noted that the Borough has insufficient capacity to meet development needs; therefore there is a capacity component added to the fee. The townships are still building out but will eventually have to replace the old infrastructure.

Mr. Kern moved to approve Ordinance 1814 modifying the Sewer ordinance to change the way non-residential tapping fees are charged. Ms. Goreham seconded the motion. The motion passed with a 7-0-0 vote.

Vouchers. Mr. Meyer moved and Ms. Dauler seconded a motion to approve the vouchers for June in the amount of \$3,982,848.28 for the Borough and as agents for COG in the amount of \$2,354,680. Mr. Meyer noted that \$1.9 million of the Borough's expenditures was for the new parking garage and \$78,000 was spent on 1,407 tons of garbage and 41.5 tons of recycled materials. COG expenditures included \$445,000 for parkland acquisition and \$1 million for the new library. The motion passed with a 7-0-0 vote.

OFFICIAL REPORTS AND CORRESPONDENCE

Mayor's Report. Mr. Welch congratulated all who made this year's arts festival a success.

President's Report. Mr. Daubert announced that Council is still looking for citizens interested in serving on the Historic Resources Commission and the Local Tax Appeals Board. Information and application forms were available on the Borough's web site or citizens could contact the Administration office.

Mr. Daubert also announced that Council would be meeting on August 1 at 6:30 p.m. with the State College Area School Board prior to their regular meeting to discuss the preliminary plans for the senior high school.

Staff Reports. Mr. Fontaine distributed a report on the incident as described by Bob Rightmyer at the meeting of July 5. He advised Council that after reviewing the reports and talking with the Chief of Police, he did not believe there was a basis for Mr. Rightmyer's complaint. He noted that staff responded each time to Mr. Rightmyer's concerns about a rope hanging from a tree in Lederer Park. There were ropes and cowbells installed in connection with a tree climbing competition. The stations used in the competition were left to be reviewed following the event and one rope was left in place. In reviewing the series of events it was clear that there was never a dangerous situation and that staff had responded to the various calls.

ITEMS OF INFORMATION

Ms. Dauler distributed rocks as gifts from a resident working on the problem at the I-99 construction at Sky Top. There were one million cubic yards of pyrite embedded rocks waiting for treatment. She noted the sulfur dioxide, which reacts with moist air, could be detected by smelling the rocks. They were very heavy because of the concentration of iron sulfide and zinc sulfide.

There being no further business the meeting adjourned at 10:05 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary