

**Meeting Minutes  
State College Borough Council  
Regular Meeting  
Monday, July 5, 2005**

The State College Borough Council met in a regular meeting on Monday, July 5, 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  
Elizabeth A. Goreham  
Craig R. Humphrey  
Jeffrey R. Kern  
Richard L. McCarl  
James H. Meyer

Absent: Catherine E. Dauler

Also present: Thomas J. Fountaine, II, Borough Manager; Terry Williams, Borough Solicitor; Thomas R. King, Chief of Police; Mark A. Whitfield, Director of Public Works; Michael S. Groff, Finance Director; Amy S. Story, Borough Engineer; Herman L. Slaybaugh, Zoning Officer/Planner; Alan Sam, Borough Arborist; 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.

Ms. Goreham moved to approve the following minutes as written:

April 1, 2005, Work Session  
April 4, 2005, Regular Meeting  
April 11, 2005, Special Meeting  
April 11, 2005, Work Session  
April 18, 2005, Regular Meeting  
April 19, 2005, Work Session  
April 22, 2005, Special Meeting  
April 22, 2005, Work Session  
April 29, 2005, Work Session

Mr. Kern seconded the motion. The motion was approved with a 5-0-1 vote with Mr. McCarl abstaining because he was not a member of Council in April.

Public Hour:

Bob Rightmyer, 785 Walnut Spring Lane, asked that an investigation be conducted by Council on Borough staff operations. He indicated he had called on June 27 to the Public Works staff about a serious situation in Lederer Park. Nothing was done so he called back on June 28. Again, nothing was done, so he called the State College Police Department the morning of June 29. The officer responding took positive action that eliminated a potential lawsuit against the Borough. He noted that it should not have taken a response from the police to alleviate a serious situation in a Borough park. When asked what the "serious situation" was, Mr. Rightmyer indicated it was a rope hanging down from a tree that could have caused an individual to accidentally hang themselves. He noted there was a police report filed on the incident. Mr. Fountaine said he was not aware of the incident; he will check with the Chief of Police and report back to Council on the incident.

Mr. Rightmyer also indicated there is now another path (the 18<sup>th</sup> path) being cut through Walnut Spring Park. He had no knowledge that there would be an additional path. Mr. Sam explained the pathway was part of an Eagle Scout project that would provide access from the gravel parking lot from Thompson Woods into Walnut Spring Park. It will connect the access path from East College Avenue to another path from University Drive. Mr. Rightmyer asked if Council was aware of this project. Mr. Welch noted that, although he did not know of this specific project, the Eagle Scout projects were done according to Public Works needs and they provided a valuable community benefit.

**PUBLIC HEARING**

Inter-municipal Transfer of a Liquor License. Mr. Fountaine noted that Council was holding a public hearing on a proposal to transfer a restaurant liquor license from the Borough of Philipsburg to the State College Borough. The party requesting the transfer is Rotelli Restaurant, a new restaurant opening at 250 Calder Way. Mr. Fountaine introduced the application as Exhibit A. The applicant waived the 45-day time limit in a letter dated June 3, 2005, which will place in the record as Exhibit B. The public hearing notice was published twice on June 20 and June 27 in the *Centre Daily Times* and is listed as Exhibit C. He noted that the proof of publication had

not yet been received. Mr. Fontaine also indicated the property had been posted on June 20 in accordance with the ordinance.

Mr. Stan Wolowski introduced himself as the legal counselor for the applicant, Boltera, Inc. Boltera, Inc., was purchasing the liquor license and transferring it to Rotelli Restaurant in downtown State College. He did not believe the restaurant liquor license would affect the health and welfare of the residents of State College. He introduced Michael T. Hughes, President of Boltera, Inc., and 50 percent share holder. Through a series of questions and answers between Mr. Wolowski and Mr. Hughes, the following information was presented. Mr. Hughes indicated both he and his wife were 50 percent share holders in the Boltera, Inc. David Krouth would be the general manager. Mr. Krouth currently manages Rolands in Pittsburgh. Rolands is a upscale, moderately priced seafood restaurant that also serves martinis and wine. Mr. Hughes indicated besides himself and Mr. Krouth, a third manager would be hired locally.

Personally, Mr. Hughes indicated he was 38 years old, born in Latrobe, and earned a 4-year degree from Slippery Rock University. Previously, he worked with an internet technology company in Pittsburgh which he sold back to the partners. He was married for the past 10 years and had three daughters, ages 7, 4, and 2. Mr. Hughes said he had never been in trouble with the law. His wife, a partner in the Boltera, Inc., was 31 years of age with a 4-year degree from the University of Pittsburgh. She has worked in communications at radio stations around Pittsburgh prior to becoming a stay at home mother. Mr. Hughes indicated he currently lived in Upper St. Clair but would be moving to State College on July 27.

Mr. Hughes explained the Rotelli restaurant is a chain with main offices in Boca Raton, Florida. There were several of the restaurants along the east coast. This would be the most northern location. There are nine Rotelli restaurants in Pennsylvania and 40 in the United States. When asked if all of the restaurants served alcohol, Mr. Hughes replied all but one in Pennsylvania have a liquor license.

Mr. Hughes explained Rotelli was similar to an Olive Garden restaurant. The target clientele would be adults. This location was being sought because the downtown needs competitive adult restaurants. The Centre Region was growing and proposals such as the Cineplex would be bringing more people into the downtown. He believed there was a need for a different restaurant than those that serve pizza and beer. With the pricing structure, he did not believe the restaurant would be affordable to the typical student. The target audience would be graduate students and younger families.

Mr. Wolowski distributed articles from business magazines about the Rotelli restaurant. Mr. Hughes indicated he had bought the franchise rights for State College and would be required to operate in conformity with the Rotelli franchise.

Mr. Hughes explained the location would be at the corner of McAllister and Calder Way. The building was owned by Ed Friedman who was present and was agreeable to the transfer of the liquor license. He would be leasing four of the commercial store bays, each 1,200 square feet. The main restaurant would be located on the second floor with a small bar area and additional seating on the first floor. The bar area would consist of 12 bar seats and the additional seating would probably seat 30-40 people. The first floor main restaurant would have about 40 seats with outside seating. The diagonal windows would be pushed back and the overhang from the third floor would provide an area protected from the rain for the outdoor area.

When asked why there was a need for the bar, Mr. Hughes explained the bar would complement the food service. It would allow customers to purchase a glass of wine or martini with their meal. There would be no draft beer.

Mr. Hughes explained the décor, according to the franchise, would be painted an interior gold with maroon table tops. The tables would seat four and the booths would seat six. Mr. Hughes distributed pictures of a restaurant in the Mount Lebanon location near Pittsburgh. He also distributed a copy of the menu with actual photographs of menu items. He added there would be a separate children's menu with a room provided for children's parties.

Mr. Williams asked the operating times that alcohol would be sold. Mr. Hughes said alcohol sales would occur seven days a week from 11:30 a.m. to 10:00 p.m. on Sunday through Thursday. Food service would close at midnight on Friday and Saturday with drinks and desserts being served from midnight to 2:00 a.m. This was being done to accommodate people leaving from a show or play and wanting to stop in for a relaxing drink before going home.

Mr. McCarl asked if the restaurant would open regardless of being able to obtain a liquor license. Mr. Hughes explained he would operate with or without the license. Although he believed the restaurant would make a profit without the license, he strongly believed that downtown State College needed this type of establishment where adults could go to have a quiet drink or parents could have a drink with their meal.

Mr. McCarl asked about parking. Mr. Hughes noted that there was availability at the McAllister Street parking deck.

Mr. Kern asked if it would be reasonable to restrict alcohol service to those hours when the food was being served. He noted that he would prefer this not be another bar, even if the liquor was "high-priced." Mr. Hughes noted that this would not be the type of bar associated with many of the drinking establishments in the downtown.

Ms. Goreham said other liquor license transfers have been denied because Council could not mandate restrictions. With the change in the law, she asked if a mandate for percentage of food sales would be restrictive. Mr. Hughes indicated he would be willing to discuss this.

Mr. Kern asked if the restrictions placed on the license carried with the license. Mr. Williams replied the restriction would go with the license. He also suggested that, if approved, Council should attach a condition that transfer of ownership would require Council approve. Mr. Hughes noted that he would agree with that condition.

Mr. Welch asked if this would be the only Rotelli Restaurant in State College. Mr. Hughes replied it was but would consider another establishment in the future, possibly in the North Atherton Street area.

Mr. Fountaine explained Pennsylvania law changed in 2001 to allow for the transfer of liquor license; however, conditions could not be placed on the transfer. In 2003, amendments were made that allowed the local municipality to place reasonable conditions on the approval. As part of the review process, the local municipality is given the opportunity to state their case.

Chief King explained the police department has completed their review of the request. He noted there were no negative reports from the background check completed on the applicant. Staff also checked with six other restaurants and they all had good reputations with the local law enforcement agencies. Those six restaurants range from 92 to 100 percent food sales.

Chief King indicated there were 44 retail establishments in the Borough of State College that serve alcoholic beverages. Of those, 32 operate within 5 blocks of the proposed location. Mr. King reviewed demographic information for the Borough including population and the age of residents. He noted that alcohol-related incidents have increased by 16 percent between 2001 and 2004. Although the number of arrest for alcohol offenses has remained the same, there was a record number of driving under the influence (DUI) cases in 2004. Chief King also presented cases of near-death incidents that received media attention. He noted that there were three riots, one in 1998, another in 2000, and one in 2001, all fueled by alcohol.

Chief King referenced a report from the National Institute on Alcohol Abuse and Addiction (NIAAA) titled "A Call to Action: Changing the Culture of Drinking at U.S. Colleges." The report recommended restricting the number of alcohol retail establishments in communities where there was a direct relationship between the number of establishments and alcohol crime.

Chief King presented statistics on those restaurants with a high percentage of food sales in relation to the low or non-existent number of alcohol-related incidents. It was noted that the Rotelli Restaurants researched appeared to be similar to Golden Wok, Zola's or other restaurants with a high percentage of food sales.

Mr. Fountaine concluded that the transfer with out conditions would adversely affect the health and welfare of the Borough. He recommended that the liquor license be denied unless the following conditions be set:

- 80% food sales evaluated every two years;
- No live bands or disc jockeys;
- No dancing, floor shows or other entertainment;
- No alcohol served after midnight;
- No expansion or transfer without Council approval;
- No selling of the license without Council approval; and
- Transfer is approved only if PLCB agrees to the conditions.

Mr. McCarl noted that alcohol could be very expensive. For example, a meal could be \$35 while a bottle of wine would cost \$15. This would be a 40 percent food sale. He wondered how places like the Golden Wok were able to maintain a rate of 95 percent food sales. Chief King noted that it was open for lunch when customers do not usually purchase alcohol.

Mr. McCarl asked about the percentage of food sales at the Tavern which included the Adams Apple bar. Chief King indicated it was 75 percent food sales.

Mr. Daubert asked if a piano player or guitarist would constitute a live show or floor show. Chief King noted the liquor license application did not include entertainment. Mr. Fountaine noted that a live pianist would be prohibited under the restrictions listed above. Mr. Wolowski did not believe a live pianist would require the entertainment permit.

Mr. Meyer asked if the outside seating would remain open after the kitchen closed. Mr. Hughes explained he was proposing to close the second floor restaurant and outdoor seating area at midnight. The first floor, which included the bar area, would remain open until 2:00 a.m.

Mr. Kern asked if there were other restaurants with bars that remained open after the restaurant or food sales closed. Chief King believed the Adams Apple at the Tavern remained open after the restaurant closed.

Mr. McCarl asked if patrons could call ahead for take out food service. Mr. Hughes did not believe the menu items would be appropriate for take out.

When asked about the prices, Mr. Hughes indicated the franchise owner and corporate set the prices according to the area.

Mr. Welch asked if they would be offering happy hour services. Mr. Hughes did not believe it would be anything more than one martini.

Ms. Goreham asked that, if this is a family restaurant, why the bar could not be closed with the rest of the restaurant at midnight. Mr. Hughes explained he did not know the economic situation and whether or not it would even be viable to keep the bar open but he would like to discuss the issue. Ms. Goreham noted the police force was very busy from midnight to 2:00 a.m. She would not want to see another establishment operating during this time and contributing to a serious problem.

Mr. Fontaine noted a letter dated July 1, 2005, was received from the Downtown State College Improvement District supporting the transfer of the liquor license and asking that the following be taken into consideration:

- The license is approved for restaurants only (60 percent of revenue derived from food sales);
- The license cannot be transferred within the Borough without the approval of Council.
- Hours of operation should be restricted to what is typical of a fine dining restaurant and that no alcohol be served after the kitchen is closed; and
- Should the restaurant expand in size, the Borough should have the right to review the current operations and set additional restrictions if deemed appropriate.

Mr. Fontaine noted the letter would be included as part of the record.

Mr. Rightmyer indicated he was a member of St. Paul United Methodist Church at 109 McAllister Street. He noted the church's youth building was across McAllister Street from this establishment. He asked if zoning requirements limit the distance an alcoholic establishment could be from a youth facility. Mr. Williams noted that any zoning requirements would be pre-empted with the liquor code. If the transfer is approved by the Borough Council, an application is made to the Liquor Control Board (LCB). The property will be properly posted and churches, schools and libraries within a specified radius will be notified. Any objection to the issuance of the license could be made to the LCB at that time. Mr. Rightmyer asked that Council consider that religious activities occur in the evenings as well as meetings for youth groups such as the boy scouts.

Jennifer Bocker, 840 Bayberry Drive, stated she looked forward to having a nice, quiet restaurant in the downtown where her children can enjoy a good meal and she and her husband could have a glass of wine. There were not many options in the downtown to take children along to have nice meal.

Mr. Welch closed the public hearing for the liquor license. He noted that Council would discuss the transfer at their meeting of July 11 and make a decision on July 18.

Vacation of unnamed Alley. Mr. Welch noted that Council is asked to conduct a public hearing on a request to vacate an unnamed alley in College Heights. The unopened alley runs perpendicular northward from Hillcrest Avenue between North Allen Street and Woodland Drive and is approximately 163 feet in length. A petition has been signed by three of the five abutting property owners. Recommendations from the Planning Commission, Transportation Commission and the Centre Regional Planning Agency were forwarded and recommended approval of the vacation.

Jill Findeis, 215 Woodland Drive, indicated she resided at the end of the vacated alley with her husband, Peter, and her daughter, Sarah. She had not signed the petition but not because she wanted to block Mr. Taylor's addition. She said she moved here 20 years ago and the unnamed alley has been a nice shady lane. The lower end nearest to Hillcrest is paved and the upper portion, closest to her property, was a grassy strip properly maintained. It is used as a pedestrian walkway. She personally uses the alley to bring compost for the garden. The neighbors have kept the alley free from vehicles. She wanted to maintain the access to the rear of her property. One concern was that houses adjacent to the alley would become rental and with the expanded rear yards, abutting property owners would put in parking lots, thereby blocking the access.

Madge Byrne, 714 North Allen Street, asked for clarification on the ownership of the land. Mr. Williams explained it was neither owned by the property owners nor by the public. Both the

Borough and the abutting property owners could exercise their rights of passage. By law, if vacated, the property owners take the land to the center line of the alley. Private rights asserted over time by anyone in the neighborhood could be maintained but would be lost if not exercised. In this case, there is a utility easement running up the alley that would keep property owners from putting up fencing or building right to the center line of the alley. Ms. Byrne stated she was under the impression that the alley would remain open. If a property owner could block that right of passage, she would oppose the vacation.

William Taylor, 125 Hillcrest Avenue, noted there is a storm sewer on the south side of the alley and a power line on the other side. The utility easements would have to be granted which would keep the alley free from parking and structures.

Mr. Daubert asked about Mr. Taylor's proposed addition. Mr. Taylor explained the addition would extend out four feet beyond the existing setback. If there were ten feet added to his setback, a variance would not be needed for the additional four feet.

Mr. Fontaine said he would recommend the utility easements be signed as part of the vacation. This would, in a sense, protect the property owners and address the concerns that have been expressed.

Mr. Welch closed the public hearing. Council will discuss the vacation at their work session of July 11 and make a decision on July 18.

#### CONSENT ITEMS

Block Party. Mr. Fontaine said a request was received from Forever Broadcasting to hold a block party in Heister Street (between Beaver and College Avenues) from 8:00 a.m. to 10:00 p.m. on Saturday, September 24, 2005. Forever Broadcasting is planning to have bands performing and other activities between the hours of 12:00 noon and 9:00 p.m. Some of the activities will benefit THON.

Mr. Kern moved and Ms. Goreham seconded a motion to approve the request with the conditions that all vendors obtain the appropriate business and eating & drinking licenses and that Calder Way remain open. The vote was 6-0-0 in favor of the motion.

State College Mile. Mr. Fontaine said that Downtown State College Improvement District is planning on conducting the State College Mile to benefit the State Theatre on Saturday, September 24, 2005. They are requesting that Allen Street (between College and Beaver Avenues) be closed from 7:00 a.m. to 4:00 p.m. The walk/run will be conducted on the north side of College Avenue, from the Centre Furnace Mansion to the State Theatre.

Mr. Kern moved that the request be approved for the closing of Allen Street and that, contingent on PennDOT approval, the walk be conducted on the north side of College Avenue. Ms. Goreham seconded the motion. The vote was 6-0-0 in favor of the motion.

#### ABC RECOMMENDATIONS

Commercial Incentive Zoning. Mr. Welch asked this item be postponed until a work session. Staff would make a report on July 11. Mr. Daubert opposed tabling discussion because work sessions were not broadcast on C-NET and the public would not be able to listen to the presentation. Mr. Welch suggested C-NET be asked to tape the July 11 work session for airing at a later time.

Mr. Kern moved to table their discussion until July 11. Ms. Goreham seconded the motion. The motion was approved with a 5-1-0 vote, with Mr. Daubert opposed.

#### BIDS/CONTRACTS/AGREEMENTS

3-2005 Street and Alley Sealcoat. Mr. Fontaine said Project 3-2005 Street and Alley Sealcoat consisted of the placement of approximately 24,990 square yards GSB-88 Emulsified Seal/Binder on streets in State College Borough and approximately 26,278 square yards on streets in Harris Township. Bids were opened on June 21, 2005 at 11:00 a.m. The bids were advertised in the *Centre Daily Times* in accordance with the Purchasing Ordinance and a total of 1 bid package was purchased. The following bid was received:

1.	Russell Standard Corporation Timothy Mohney, Vice-President Mars, PA	\$47,487.40
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Although there was a single bidder for this project, staff has analyzed the bid and believes that it is acceptable. The bid is less than the engineer's estimate of \$28,543 for this work, and the unit prices bid by Russell Standard are lower than the 2004 unit prices. Staff is familiar with the bidder and is satisfied that Russell Standard will meet all the contract requirements. Thus, staff recommends accepting the bid.

Construction time is 45 days and is anticipated to begin with the Notice to Proceed being issued on July 15, 2005, with the following streets being involved:

- Crabapple Drive - Grace Street to Hedgerow Drive
- Crabapple Court - Hedgerow Drive to cul-de-sac
- Stratford Court - Blue Course Drive to Blue Course Drive
- Smithfield Circle - Smithfield Street to Smithfield Street
- Buckhout Street - Fairmount Avenue to Beaver Avenue
- South Sparks Street - Saxton Drive to Westerly Parkway

The Borough's portion of the project is \$23,151.03 and is available in Account 30-439-616. Harris Township will be invoiced for their portion of the project, which is \$24,336.37.

Mr. Daubert noted that the Borough would be approving the full amount. If Harris Township does not agree, the Borough will be liable for the additional amount. Mr. Fontaine explained the Borough would pay according to the work being done in the Borough. If Harris Township declines, only the work in the Borough would be authorized.

Mr. Humphrey moved to award a contract to Russell Standard Corporation, the low bidder, in the amount of \$47,487.40. Mr. Kern seconded the motion. The motion passed with a 6-0-0 vote.

20-2005 Compost Bin Roof. Mr. Fontaine said project 20-2005 Compost Bin Roof consists of placing a roof structure (approximately 2900 square feet) over an existing precast concrete containment bin unit. Bids for this project were opened on June 21, 2005 at 11:00 a.m. The bids were advertised in the *Centre Daily Times* in accordance with the Purchasing Ordinance and a total of 7 bid packages were purchased. The following bid was received:

		Base Bid	Alternate #1	Alternate #2
	Bidder	Metal Roof & Metal Siding	Replace Metal Roof with Asphalt Shingles	Replace Metal Siding with Vinyl Siding
1.	Triangle Construction Daniel L. Mattern, V.P. Bellefonte, PA	\$41,475.00	<b>Add \$10,380.00</b>	<b>Add \$4,910.00</b>

Although there was a single bidder for this project, staff has analyzed the bid and believes that it is acceptable. The bid is within the estimate of \$50,000 for this work. Staff is familiar with the bidder and is satisfied that Triangle Construction will meet all the contract requirements. Thus, staff recommends awarding this bid.

Construction time is 45 days and is anticipated to begin with the Notice to Proceed being issued on July 15, 2005. Funding for the project is available in Account 09-354-000, the Refuse fund.

Mr. Humphrey moved to award the contract to Triangle Construction, the low bidder, in the amount of \$41,475.00. Ms. Goreham seconded the motion, which passed with a 6-0-0 vote.

Project 19-2005 Compost Site Paving. Mr. Fontaine noted that Project 19-2005 Compost Site Paving consists of the bituminous paving of the road to the compost facility, including approximately 900 linear feet of 18 foot roadway with 2 feet stone shoulders with approximately 200 tons Bituminous Wearing Course ID-3, 600 tons BCBC, and 230 cubic yards of subbase. Bids for were opened on June 28, 2005 at 11:00 a.m. The bids were advertised in the *Centre Daily Times* in accordance with the Purchasing Ordinance and a total of 2 bid packages were purchased. The following bid was received:

	Bidder	Base Bid	Alternate A Storm Water Alternatives
1	HRI, Inc. Jeffrey E. Reeder, Vice-President State College, PA	\$76,125.00	<b>ADD \$11,675.00</b>

Although there was a single bidder for this project, staff has analyzed the bid and believes that it is acceptable. Staff is familiar with the bidder and is satisfied that HRI will meet all the contract requirements. Thus, staff recommends reducing the scope of the project and awarding this bid.

A total of \$63,612.00 is available for the project from a 902 recycling grant and is appropriated in Account 09-354-000. Since the full amount of the bid is not available, staff recommends that the bid award include only the amount of paving that would fall within the available funding authorization, thus reducing the total length of the project and therefore the total quantity of asphalt. Construction time is 30 days and is anticipated to begin with the Notice to Proceed being issued on July 15, 2005.

Mr. Kern noted that the roadway will not be paved in its entirety. He asked if this would mean additional costs would be incurred at a later time. Ms. Story replied that no additional costs would be required. This project is being done because the grant funds were available and it will be a nice amenity to pave the area closest to the composting facility, where the public would go to pick up the compost. Mr. Welch asked how much of the roadway would need to be cut from the project. Ms. Story explained it was about 150 feet of roadway.

Mr. McCarl noted there was a project a year or so ago to pave the compost site. Ms. Story indicated the project was to pave the pads; this project would pave the access road.

Mr. Kern moved to award the bid to HRI, Inc., the low bidder, in the amount of \$63,612.00. Mr. McCarl seconded the motion, which was approved unanimously.

9B-2005 Walnut Springs Wetlands. Mr. Fontaine said that Project 9B-2005, Walnut Springs Wetlands Project, consists of the construction of an earthen embankment, inlet and outlet piping, concrete weir with adjustable boards, mulch walking path and plantings to create a wetland within the Walnut Springs Park. Bids for this project were opened on June 28, 2005 at 11:00 a.m. The bids were advertised in the *Centre Daily Times* in accordance with the Purchasing Ordinance and a total of 5 bid packages were purchased. The following bids were received:

	Bidder	Total Amount Bid
1.	HRI, Inc. Jeffrey E. Reeder, Vice-Pres State College, PA	\$78,923.00
2.	LandServ, Inc. Andrew G. Freeman, President Boalsburg, PA	\$84,894.00
3.	Meadville Land Service, Inc. Robin L. Ernst, President Meadville, PA	\$94,409.78

Construction time is 90 days and is anticipated to begin with the Notice to Proceed being issued on July 15, 2005.

The unencumbered fund balance available for this project in Account 30-454-640 is \$62,000. Additional funds are available for this contract in the unappropriated fund balance in the Park Land Improvement fund.

Mr. Kern asked if HRI had done this kind of project before. He thought HRI worked primarily with road construction. Mr. Sam noted HRI had completed similar wetland projects with PennDOT. Ms. Goreham shared the concern about HRI. Mr. Sam assured Council that Skelly & Loy, the consultants, had completed a number of wetland projects with HRI.

Mr. Rightmyer suggested delaying the award of the project until the issue of access to the parks by motor vehicles can be addressed. He explained there had been problems in the past with all terrain vehicles using the Thompson Woods access. This would open the area up again for access by these types of motor vehicles. He reminded Council of the damage that had been done to the Centre Hills Country Club golf course. He believed the Chief of Police, Clearwater Conservancy and College Township should be involved in correcting any design flaws that would encourage this type of dangerous situation. Mr. Daubert commented that a mulched path would not encourage the use of all terrain vehicles. Mr. Whitfield explained there would need to be a pathway established from the main parking lot to the staging area for the contractor. A pathway from the parking area to the access road would be used. Once the project is complete, the access road will be converted back into a walking path. Boulders and steel pipes would be used to discourage all terrain vehicles.

Mr. Meyer asked if motor driven vehicle prohibition signs could be installed. Mr. Whitfield explained a sign will be placed indicating that only authorized vehicles would be permitted.

Mr. McCarl asked if there were problems with all terrain vehicles in the Borough. Chief King indicated very few incidents occurred in the Borough; however, there were concerns within the three jurisdictions policed by the Department. They occasionally get calls about vehicles in mountain areas and nature parks.

Mr. Rightmyer reminded Council that there was an all terrain vehicle dealer on College Avenue adjacent to the park. This would allow for a direct access for customers to test the vehicles. He suggested shifting the access road to alleviate this issue. Mr. Kern did not believe that all terrain vehicles would create a problem. Mr. Welch agreed. He noted the wetland project would create a swamp-like terrain that was not conducive for all terrain vehicles.

Mr. Kern moved that Project 9B-2005 be awarded to HRI, Inc., the low bidder, in the amount of \$78,923.00, and the additional appropriation of \$17,000 in the Park Land Improvement Fund from that fund's unappropriated fund balance be used to complete the project. Ms. Goreham seconded the motion. The motion passed with a 6-0-0 vote.

## OFFICIAL REPORTS AND CORRESPONDENCE

Mayor's Report. Mr. Welch reported Fourthfest was very successful this year and thanked Council for support. Mr. Welch also publicly thanked the volunteers who made it possible. Mr. McCarl noted the coordination between the music and fireworks was spectacular.

Mr. Welch also noted the passing of Elizabeth Smedley, an important figure in local Pennsylvania government. Ms. Smedley worked with Penns Valley Publishers and codified many of the ordinances for local municipalities.

President's Report. Mr. Daubert mentioned that four Council members had attended the Pennsylvania League of Cities and Municipalities Conference last week in York. He noted that it was an excellent meeting with session on downtown renaissance, telecommunications, and university networks. In addition, members participated in a group tour from Susquehanna Real Estate. This was of special interest because they are one of the groups interested in working with the Downtown State College Improvement District on the Fraser Street development.

Mr. Daubert noted that he would be including an item in an upcoming agenda on ways Council could communicate with citizens on policy issues. The newsletter was one form of communicating policy issues but it was removed from the budget.

Mr. Daubert indicated a report on the COG Code Committee meeting was included with the agenda. Council would be discussing fire safety issues at their meeting of July 11. Council should concentrate their discussion on items that should be handled quickly, such as the second floor egress, increased fines for removing smoke detectors, more frequent inspection, and mandating a smoke detector in each bedroom. The discussion on requiring sprinkler systems should be deferred.

Staff Report. Mr. Fountaine reported he had received a request from the Federal Communications Commission to approve the sale of Adelphia to Comcast Cable. The Borough has 120 days to complete its review or it is deemed approved. This will be on a future agenda for discussion.

## ITEMS OF INFORMATION

HUB Stage. Ms. Goreham asked if the noise waiver for the HUB Stage could be discussed at the July 11 work session. An analysis of decibel levels showed that the sound level could be much louder if the stage is directed to the downtown. She believed Council should discuss this. Mr. Fountaine noted that this item was scheduled for the August 8 work session. Mr. Kern asked if the lawn stage for the Arts Festival could be turned toward the downtown so that a determination could be made in the noise level difference. Mr. Fountaine said it could be suggested but believed it was too late to coordinate.

There being no further business, the meeting adjourned at 9:55 p.m.

Respectfully submitted,

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Cynthia S. Hanscom  
Assistant Borough Secretary