

**Meeting Minutes**  
**State College Borough Council**  
**Work Session**  
**Friday, September 23, 2005**

The State College Borough Council met in a work session on Friday, September 23, 2005, at 12:00 p.m. in the State College Municipal Building Council Room, 243 South Allen Street, State College, PA. Thomas E. Daubert called the meeting to order at 12:02 p.m.

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

Absent: Jeffrey R. Kern

Also present: Thomas J. Fountaine, Borough Manager; Terry J. Williams, Borough Solicitor; Mark A. Whitfield, Director of Public Works; Amy J. Story, Borough Engineer; Michael S. Groff, Finance Director; John P. Marchek, Jr., Risk Manager/Budget Officer; Alan W. Sam, Arborist/Horticulturist; William B. McNeal, Assistant Borough Engineer; Herman L. Slaybaugh, Zoning Officer/Planner; Thomas R. King, Chief of Police; Sheila Lubold, Recording Secretary; members of the media; and other interested observers.

PUBLIC HOUR. There was no comment from the public.

Spring Creek Watershed Request for Additional Funding. Tom Fountaine introduced Rich Wardrop with the Spring Creek Watershed Community (SCWC) who attended the meeting to request an increase in the Borough's financial commitment to the project. Also attending along with Mr. Wardrop was Rebecca Dunlap with ClearWater Conservancy of State College. Ms. Dunlap helped in the preparation of the 2004 State of the Water Resources Report which was presented to Council. Mr. Wardrop reviewed the goals and objectives of the Project, including the development of a description of the quantity and quality of water resources; identification of ways to detect changes in the water and accurate measurements of these changes; and provision of specific data to government entities. The Watershed has added three more monitoring stations for a total of fourteen stations and has seven springs that they sample quarterly. The data is collected continuously and is monitored once a month to find the water level. Local authorities and municipalities have used information provided from the Watershed Community to help with projects the municipalities are pursuing. Mr. Wardrop added that the experience of working with the local authorities and municipalities has been good. The proposed budget for the Spring Creek Watershed Project has a total project value of \$84,110. Mr. Wardrop asked Council for a 10% increase in their contribution, from \$6,166 to \$6,782. Mr. Wardrop then offered to answer questions that Council may have.

Mr. McCarl asked if the area of I-99 is being monitored. Mr. Wardrop stated that area of Buffalo Run is being monitored and tested. He also added that the Project monitors storm water at three points and has monitored eight events. The collection of this data is important in providing past information to the Penn State sponsored Wetland/Erosion Project at Millbrook Marsh.

Mr. Humphrey also noted that this project has been on-going for a few years and questioned if it is federally funded. Mr. Wardrop responded that the project started in 1999 and was a directive from the Spring Creek Watershed and was not federally driven.

Ms. Goreham feels this is a good program and that clean water is a very important aspect of the environment. She questioned if the State College Water Authority contributes to the project and, if so, what is the amount? According to Ms. Dunlap, the Water Authority contributes \$5,000.

Mr. Daubert asked Ms. Story what the Borough would use this information for. Ms. Story stated according to the MS4 permit, the Borough needs to test the storm water and then the Borough can compare the results to that of the Watershed and determine if there is a difference being made.

Mr. McCarl asked Ms. Story for clarification on how the water was tested. Ms. Story stated that the MS4 permit requires that the Borough check the outfall structures 72 hours after rain has stopped. If there is water present at the outfall structures it must be tested to determine the source of the water, runoff water or ground water.

Mr. McCarl questioned if Bellefonte contributes. According to Ms. Dunlap Bellefonte has contributed for three years and has committed to two more years. Ms. Goreham felt this said something about the importance of this project since Bellefonte has been pulling out of other programs. Ms. Dunlap added that municipalities realize the importance of the program and are willing to help.

Mr. Daubert questioned what the deadline was for a decision on the Borough's contribution. Mr. Wardrop stated it was at the Borough's convenience and an answer by December would be fine. Mr. Daubert thanked Mr. Wardrop and Ms. Dunlap for their time. Mr. Wardrop stated questions from Council could be directed to Ms. Dunlap.

Eminent Domain. Due to a recent decision made by the U.S. Supreme Court regarding a case involving eminent domain, a member of Council was concerned with the effects this would have on the Borough. Council asked Terry Williams, Borough Solicitor, to research the case and report on his findings. The case involved the town of New London, Connecticut and a redevelopment project undertaken by the town. In order to complete this project, New London acquired some properties by eminent domain. The ruling of the Supreme Court has prompted legislative proposals in some states that would restrict municipalities' ability to use eminent domain. Mr. Williams has not had the opportunity to read and review the enabling legislation that the Pennsylvania Legislature is considering but the contents do include limitations on local government entities as to the disposition of property. Mr. Williams contends most redevelopment projects would be impossible to complete without the use of eminent domain, but with a few exceptions, the property ultimately ends up in public hands because governments are not set up to manage properties. Almost all eminent domain cases have a private aspect. Mr. Williams stated the question for Borough Council members is whether or not they want to surrender local control to the State Representatives.

Ms. Goreham asked if Mr. Williams felt that eminent domain is being used more frequently. He answered that it is being used for more projects but not in a new way. Ms. Goreham also commented that in the Borough the use of eminent domain seems to be more frequent but there does not seem to be much hostility on the part of the property owners since they are offered compensation. Mr. Williams felt that property owners have been more open to negotiations. Mr. Fountaine also added that eminent domain in the Borough has been used for projects that benefit the public.

Mr. McCarl did not see a problem with taking property by eminent domain but felt when it is taken it should be used for public purposes and not private use. Mr. McCarl also asked when the proposed legislation would be voted on. Mr. Fountaine was not aware of a date but said it does not appear that the legislation is moving quickly.

2006-2010 Capital Improvement Program. Before starting the discussion on the individual projects of the Capital Improvement Program (CIP), Mr. Fountaine commented that there would be a public hearing on October 3 on the CIP, followed by a final review on October 10 and adoption of the CIP scheduled for October 17.

Mr. Fountaine also noted that when preparing the CIP the amounts used for revenue were determined based on the assumption that the EMST revenue would remain at the current level, but the amount could change because of pending legislation. Also for the 2006 budget there was a transfer of a quarter million dollars from the insurance reserve fund to cover pension costs. Mr. Fountaine stated this was financially fine for 2006 but is not a practice that can continue and asked that Council keep this in mind. Ms. Goreham questioned what the balance of the reserve fund was and what other expenses it was used for. Mr. Marchek stated the balance is around \$1.8 million. Mr. Fountaine added the money is used to make worker's compensation co-payments and pay deductibles for other insurances.

Mr. Daubert opened discussion on the Parks section of the CIP and reminded Council that today's meeting was just for discussion and not to make decisions.

Discussion started with Project PK—1, Playground Equipment. Mr. Fountaine stated that the Borough has applied for grants through the Pennsylvania Parks and Recreation Program to help pay for the replacement of playground equipment. If the funding is granted, it would cover half of the costs.

The question was asked why there was not a dollar amount on the CIP report in the column for 2006 and where were the monies coming from. Mr. Whitfield explained that monies not spent are kept in the appropriate fund and with this project there was still \$25,000 left in prior authority that would be used to fund the project. Mr. Daubert suggested the possibility of adding an additional column to the report for better clarification. Mr. Marchek stated the format for the report has not changed from previous years and the decisions made on each project are shown in the operating budget.

Mr. McCarl next commented on Project PK071, Holmes-Foster bocce court roof, by stating he does not think this is a necessity. He felt that the activity should be supported but possibly in a different way. Mr. Meyer agreed with Mr. McCarl and felt this was too much money when compared to the benefits.

Mr. Meyer commented on the future plans in 2008 for Project PK081, the Tussey View Park Trail. Due to the poor condition of the trail and frequent use of the trail by citizens, Mr. Meyer felt this project should be considered for completion prior to 2008. He continued that 2008 had the potential to be a problematic year and completion of this project prior to 2008 could help to alleviate some of the problems.

Mr. Meyer also asked Mr. Sam if this project would be completed by Public Works or if the project would be awarded by bid. Mr. Sam stated the project would be contracted out.

Mr. McCarl asked if Project PK072, Holmes-Foster parking lot, would affect the area that has been re-seeded with new grass. The parking lot would not affect this area. Ms. Dauler also added that when doing this project the large amount of water that pools in this area should be looked at and considered.

The next projects that were discussed were the sewer projects. Ms. Story stated that the Assistant Borough Engineer, William McNeal, prepared the list of projects. The list is generated by looking at the streets that are scheduled to be repaired and the sewer projects are completed before the street repairs are done.

Mr. Daubert questioned the need for capacity increases on Project SS032, Sanitary Sewer Capacity Increase. Ms. Story explained that the main lines are now six inches and the new lines need to be eight inches in an effort to meet DEP regulations.

Mr. McCarl questioned what percentage of the sewage goes to the University Area Joint Authority (UAJA). Mr. Whitfield commented that there is not a contract with Penn State but the Borough normally has more sewage going to the UAJA during the summer months.

Ms. Goreham asked if major redevelopment projects downtown are adding to the capacity problems. Ms. Story explained that developers have to pay a sewer tapping fee before connecting to the sewage system. Prior to that, Mr. McNeal checks the capacity to determine if it can handle the flow.

Mr. Meyer inquired how the surrounding Townships pay for and treat their flow as compared to the Borough. Mr. Whitfield stated the Townships pay an Equivalent Dwelling Unit fee and the Borough is metered.

The last part of the CIP discussed by Council was the Parking Fund. Mr. Daubert started with questioning why there was a need for Project PF063, Parking Study, since a new parking garage on Beaver Avenue was just completed. Mr. Meyer agreed that there was not an urgent need for a study and should be done in a few years, maybe 2009. Ms. Goreham added that there should be a strategy to get better parking. Mr. Whitfield disagreed with Council stating the commuter zone parking needs to be reviewed to determine if the commuter areas can be cut back or if they should be relocated. The study would also suggest incentives to bring business downtown and look at the possibility of having different parking rates throughout the day. Mr. Groff added his support for having the survey done, saying these critical issues need to be addressed and staff does not have the time required to complete this project.

Mr. Whitfield added that he has a proposal from Trans Associates to do the consulting work. Mr. Daubert asked for that information to be provided to Council. Mr. Whitfield said he would do that.

The next project discussed was PF073, Fraser Plaza Generator. Mr. Daubert questioned the projected cost of \$175,000 for this project and if the benefits could justify the cost. Mr. Whitfield commented that the generator would be helpful with the operation of the elevator especially for elderly and disabled people. The generator would also be useful with the emergency lighting.

Mr. Whitfield was questioned about Project PF023, HVAC Equipment Replacement, and he stated this project would improve energy efficiency and reduce maintenance costs.

Mr. Meyer questioned Project PF051, Elevator Rehabilitation, and wondered if replacing the elevator would be more economical. Mr. Whitfield stated the rehabilitation is difficult but the replacement would be very costly.

Mr. Meyer also asked about Project PF064, Roof Replacement, and what the project would include. Mr. Whitfield explained the three roofs over the stairwells at Pugh Street Garage would be replaced. Mr. Meyer felt \$15,000 was too much for this project.

Review Items on the September 26, 2005 COG General Forum Agenda. Mr. Daubert commented on three items of interest on the upcoming COG agenda, the first being the Emergency Staff report. He asked if Chief King could attend this portion of the meeting. Chief King stated he would be out of town at a conference but would try to have Lt. Thomas Hart attend on his behalf.

Mr. Daubert stated the Alpha and Boalsburg Fire Companies Strategic Plan presentation would also be interesting.

Lastly, the COG Executive Committee discussed how to respond to the CBICC Meeting. The Committee decided not to review the meeting as an Executive Committee but have each municipality respond.

Any Other Matter. Mr. Daubert announced that after the work session on Friday, September 30, 2005, Council would be meeting with the officers of the Inter Fraternity Council (IFC). He also added that George Woskob, asked to have a work session with Council and the local developers to discuss items of mutual interest. Mr. Daubert asked if anyone would be interested in attending such a meeting. Ms. Goreham, Ms. Dauler and Mr. McCarl said they would attend. Ms. Dauler urged that topics of discussion be determined prior to the meeting.

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Mr. Daubert made Council aware that he, Mayor Welch, and two other members of Council would be meeting with the editorial board of the Centre Daily Times.

Mr. Daubert also announced that there would be an executive session following the October 10, 2005 work session to discuss the ABC members whose terms expire in 2005, and decide which members should be reappointed and which seats should be advertised.

Ms. Dauler commented that Mr. Fontaine wrote a letter to the local legislators regarding First Responders Funding. Ms. Dauler explained there has been legislation in the works for some time but the legislation has been stuck in committees. Ms. Dauler was glad that Mr. Fontaine wrote the letter and felt it was important for people to respond and share their thoughts.

Ms. Goreham announced that she is trying to organize a way to have art exhibits displayed in the lobby. She spoke with Michele Nicolas who would be willing to help and act as the person who would oversee and review what would be displayed. Mayor Welch suggested to Ms. Goreham that this idea should be presented to Mr. Fontaine. Ms. Goreham stated she would be willing to speak with Council individually about her ideas and thoughts on this project.

There being no further business, the meeting adjourned at 2:08 p.m.

Respectfully submitted,

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Cynthia S. Hanscom  
Assistant Borough Secretary