

Meeting Minutes
State College Borough Council
March 20, 2006

The State College Borough Council met in a regular meeting on Monday, March 20, 2006, in the State College Municipal Building Council Room, 243 South Allen Street, State College, PA. Mr. Welch called the meeting to order at 7:30 p.m.

Present: Bill Welch, Mayor
Catherine G. Dauler, President of Council
Thomas E. Daubert
Ronald L. Filippelli
Elizabeth A. Goreham
Donald M. Hahn
Craig R. Humphrey
Jeffrey R. Kern

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

Also present: Thomas J. Fountaine, II, Borough Manager; Terry J. Williams, Borough Solicitor; Thomas Kurtz, Assistant Borough Manager; Michele Nicolas, Director of Human Resources; Mark A. Whitfield, Director of Public Works; Thomas R. King, Chief of Police; Michael S. Groff, Finance Director; Carl R. Hess, Director of Planning; Herman L. Slaybaugh, Zoning Officer/Planner; Alan W. Sam, Borough Arborist; Cynthia S. Hanscom, Assistant Borough Secretary; members of the media; and other interested members of the public.

Mr. Fountaine introduced and welcomed Thomas Kurtz, Assistant Borough Manager, who had started that day at the Borough.

APPROVAL OF MINUTES

Mr. Filippelli moved and Mr. Daubert seconded a motion to approve the following minutes as written.

February 6, 2006, Regular Meeting
February 13, 2006, Special Meeting
February 21, 2006, Regular Meeting
February 24, 2006, Work Session

The motion passed unanimously.

PUBLIC HOUR – Hearing of Citizens

Greek Week 2006. Nikki Williams and Mike Funk, 2006 Greek Week 2006 Community Relations Chair and Overall Chair, were in attendance to highlight the main objectives of Greek Week and emphasize their desire for community involvement. Ms. Williams presented a schedule of the week-long activities and encouraged community members to attend a Community Relations meeting on Wednesday, March 29, at 8:00 p.m. Mr. Filippelli asked if the events would be alcohol free and Ms. Williams replied that all Greek Week events were non-alcohol related.

Walnut Springs Park. Bob Rightmyer, 785 Walnut Spring Lane, told Council that a large tree had fallen across one of the paths in the park. He said the path had been open for 31 years and he questioned the liability issue associated with the tree. He suggested it be removed if possible. Mr. Rightmyer also addressed possible errors in the construction and design of the wetlands. He noted that a dam had formed by the accumulation of leaves. The stagnant water had formed a swamp area. He noted this could also create a liability issue for the Borough. He asked a Council member volunteer to take the lead in assisting staff to address his concerns. Mr. Hahn noted that given the liability concerns he believed it should be given proper attention. Mr. Fountaine noted that staff has been communicating with Mr. Rightmyer and they would continue to look into the matter.

Special Activity. Tyler Connifey, Sigma Phi Fraternity, asked that Council approve an event for philanthropy on April 7. The fraternity was requesting that Fraternity Row be closed for the event. Mr. Welch explained that there was a process by which Council receives requests for use of public rights-of-way. He asked staff to see that Mr. Connifey get the appropriate forms.

PUBLIC HEARING

Zoning Amendment to Lower Building Height, Establish a Building Width Lot Ratio and Establish Open Space Requirements. Mr. Fountaine noted that Council received this proposed zoning amendment at its February 21, 2006 meeting and scheduled a public hearing for this meeting with possible enactment on April 3, 2006.

Mr. Slaybaugh explained the proposed amendment was intended to control scale for compatibility in the R1 and R2 zones. The first part of the ordinance would not affect residential buildings. He noted that problems can occur when properties are joined to build a non-residential structure, such as a church. Under the existing ordinance, the size of the building can jump exponentially as lots are consolidated. With the proposed change, the size of the building would be limited because it would be based on a percentage no matter how big the lot becomes. The rule would establish a ratio for different size lots so that the ratio becomes smaller as the lot size gets bigger. A second part of the ordinance would limit the street frontage setback. As the building is set back further from the street, the size of the building could increase. This would create a view from the street that is compatible with the residential scale of the neighborhoods. The next part of the ordinance would lower height from 40 to 30 feet and eliminates the exception for non-residential structures. The last part of the ordinance would add an open space requirement for impervious coverage.

Mr. Welch opened the floor for public comments

Dan Abruzzo, Chamber of Business and Industry of Centre County (CBICC), indicated the ordinance was well thought out and he had no objections. He asked that the concept of Georgetown housing be incorporated into the language of ordinance amendments, particularly for those residential areas adjacent to the downtown. He encouraged Council to consider provisions that would provide relief for the construction of work force housing. Currently, there are exceptions provided for elderly housing; this could be applied to professional/work force housing as well.

There being no further public comment, Mr. Welch closed the public hearing.

Ms. Goreham asked about existing open space regulations. Mr. Slaybaugh noted no open space requirements are in place for the zones included in the amendment. He noted that staff discovered that the Zoning Ordinance does not define open space. Staff will be creating a definition to be presented as amendment in June.

Mr. Kern asked if townhouse development, as suggested by Mr. Abruzzo, would be affected by the proposed changes. Mr. Slaybaugh replied the regulations would not be applicable to townhouses, which are permitted in R-3 and R-O zones. Mr. Kern noted that this would make buildings more compatible in terms of size, and he understood the need to do so, but he believed that providing architectural diversity in the neighborhoods was important as well. Mr. Slaybaugh agreed that there needs to be a balance.

Mr. Daubert asked how open space regulations will be enforced without a definition. Mr. Slaybaugh indicated there are open space definitions peppered throughout the regulations for each individual zoning district. Most of the definitions stipulate that open space must be pervious coverage. The University Planned District is different because the open space requirements allows for fountains and plazas. He said that staff will combine the various definitions into one uniform definition, including the requirement for pervious coverage.

Mr. Filippelli asked if there were plans that have been submitted that would not be included in this regulation. Mr. Slaybaugh said the plans for the Catholic Student Center on West Park Avenue would be protected. That project is a 9,600 square foot structure and the maximum that would be permitted under the proposed ordinance would be 7,000 square feet. Another project proposed by the Latter Day Saints on East Beaver Avenue was not large enough to be impeded by this ordinance.

Mr. Hahn asked if staff consulted with the school district and churches when developing this ordinance. Mr. Slaybaugh indicated they had not.

Ms. Dauler moved to instruct staff to publish Council's intent to enact on April 3. Council would discuss the amendment at their work session of March 31. Mr. Humphrey seconded the motion. The motion passed with at 7-0-0 vote.

CONSENT ITEMS

Request to Use Borough Streets for Greek Week 2006 Chariot Races. Mr. Fontaine indicated a request was received to use Fairmount Avenue, Garner to Locust, on Friday, April 21, from 2:30 p.m. until 5:00 p.m. (rain date Saturday, April 22), for the Greek Week Chariot Races. Centre PA Eye Associates, 507 Locust Lane, has been contacted and did not object to the activity, providing access to their establishment from East Fairmount Avenue is maintained until 3:00 p.m.

Ms. Dauler moved to approve the use of the street for this activity, contingent upon East Fairmount Avenue remaining open until 3:00 p.m.

Municipal Building Plaza. Mr. Fontaine explained that Centre Region Schlow Memorial Library requested use of the Municipal Building lobby and plaza on Saturday, June 10, 2006, for the Family Fun Fair. The event would be held in the lobby and plaza of the Municipal Building from

10:00 a.m. to 3:00 p.m. According to the Facility Use Policy, Council must approve any request for use of the plaza.

Ms. Dauler moved and Ms. Goreham seconded a motion to approve the use of the plaza. The motion passed unanimously.

Appoint a Member to the Centre Region Insurance Cooperative. Mr. Fontaine said Michele Nicolas, Director of Human Resources, agreed to serve an indefinite term as a board member of the Centre Region Insurance Cooperative.

Ms. Dauler moved to appoint Ms. Nicolas to the Centre Region Insurance Cooperative. Ms. Goreham seconded the motion. The motion passed with a 7-0-0 vote.

Use of the Bicycle Path. Mr. Fontaine indicated Centre Region Park & Recreation is requesting use of the bike path that connects Welch Pool to Blue Course Drive for the Youth Triathlon on Saturday, July 29, from 8:00 to 11:00 a.m. The event will be conducted only on the bikeway; no streets will be closed for the event.

Ms. Dauler moved and Ms. Goreham seconded a motion to approve the use of the bike path. The vote on the motion was unanimously in favor.

Charity Walk. Mr. Fontaine noted an application was received from the Tri-County Habitat for Humanity to conduct a charity walk on Sunday, May 21, 2006, from 1:00 p.m. to 5:00 p.m. The event will begin and end at Grace Lutheran Church and will be conducted along various Borough streets.

Ms. Dauler moved to approve the use of Borough sidewalks for the event. Ms. Goreham seconded the motion, which passed unanimously.

Crop Walk. Mr. Fontaine said a request was received to conduct the 2006 Crop Walk on Borough sidewalks on Sunday, October 15, 2006. The event will begin and end at St. Andrews Episcopal Church on Fraser Street. The walk will travel along several Borough streets and through campus.

Ms. Dauler moved, and Ms. Goreham seconded a motion to approve the use of the sidewalks. The vote was 7-0-0 in favor of the motion.

BIDS/CONTRACTS/AGREEMENTS

Tree Pruning Bid. Mr. Fontaine noted that bids for contracted pruning services were opened on March 1, 2006. The specifications divided the pruning work into three different sections of the Borough. Competitive bids were solicited for each section, and the Borough reserved the right to award each section to the lowest bidder for each section. Most of the trees scheduled to be pruned are located in Holmes Foster Park, and along Westerly Parkway and Waupelani Drive. The availability of bid packages was advertised in the Centre Daily Times in accordance with the Borough's Purchasing Ordinance. Seven Pennsylvania tree trimming service providers expressed an interest in doing the work; three bid on at least one block:

Block	# of Trees	Dincher & Dincher of Williamsport	Meeks of State College	Bartlett of Chambersburg
A – W. Parkway	72	7,050	-	-
B – Waupelani	61	4,860	5,455	-
C – Holmes Foster	268	34,850	-	29,625
Bid Award Total				29,625

The Arborist and Purchasing Director reviewed the bids. Dincher & Dincher was low bidder for Blocks A and B, for a total of \$11,910. Bartlett was low bidder for Block C for \$29,625. Bids submitted comply with all required specifications. An amount of \$30,000 has been budgeted for this work. Since the total of all three blocks exceeds the budgeted amount, staff prioritized the blocks, and determined that Block C, including trees in Holmes-Foster Park, is the highest priority, and can be done within the budget allocation.

Mr. Kern moved to award contract tree pruning bid for only section C Bartlett, in the amount of \$29,625.00, and that the bids for Blocks A & B be rejected. Mr. Humphrey seconded the motion. The vote on the motion passed with at 7-0-0 vote.

Project 7-2006 West Park Avenue Sanitary Sewer Replacement. Mr. Fontaine indicated that bids for Project 7-2006 West Park Avenue Sanitary Sewer Replacement were opened on Tuesday, March 7, 2006 at 11:00 am. The project consists of sanitary sewer main replacement and water main installation on West Park Avenue. The bids were advertised in the Centre Daily Times in accordance with the Purchasing Ordinance and a total of 10 bid packages were purchased. The following bids were received:

Bidder	Bid Amount
Terra Excavating, Inc. Thomas R. Kuhlman, President Centre Hall, PA	General Work - \$13,200.00 Sanitary Sewer - \$163,320.00 Water Main - \$213,802.00 Total Amount - \$390,322.00*
HRI, Inc. John R. Kulka, President State College, PA	General Work - \$81,000.00 Sanitary Sewer - \$161,675.00 Water Main - \$205,655.00 Total Amount - \$448,330.00
Stone Valley Construction, Inc. Marie Porter, President Pine Grove Mills, PA	General Work - \$30,500.00 Sanitary Sewer - \$178,000.00 Water Main - \$258,695.00 Total Amount - \$467,195.00
Kukurin Contracting, Inc. Harold R. McDade, Jr., Vice President Export, PA	General Work - \$18,050.00 Sanitary Sewer - \$242,975.00 Water Main - \$228,959.00 Total Amount - \$489,984.00
Duriez Excavating William H. Duriez, Jr., Owner Northern Cambria, PA	General Work - \$95,000.00 Sanitary Sewer - \$162,915.00 Water Main - \$237,885.00 Total Amount - \$495,800.00
D.C. Ventre and Sons, Inc. Ted L. Ventre, President Duncansville, PA	General Work - \$52,000.00** Sanitary Sewer - \$224,458.00** Water Main - \$294,007.00 Total Amount - \$570,465.00
Ameron Construction Co., Inc. Steven C. Balkey, Vice President State College, PA	General Work - \$26,000.00 Sanitary Sewer - \$293,529.50 Water Main - \$276,170.50 Total Amount - \$595,700.00

Upon consultation with the Borough's Solicitor, the low bid from Terra Excavating can be rejected as non-responsive because proper signatures and a complete bid bond were not included in the bid package. The next lowest bid from HRI, Inc., is still within the engineer's estimate and they have previously worked on Borough projects.

The engineer's estimate for the total project was as follows:

General Work	\$16,500
Sanitary Sewer	\$170,830
Water Main	\$337,733
Total Amount	\$525,000

Construction time is 60 days and is anticipated to begin with the Notice to Proceed being issued on April 3, 2006.

Funding for the sanitary sewer portion and 44% of the general work is available in the Sewer Authority account. The remaining 56% of the general work and the water main work will be the responsibility of the State College Borough Water Authority.

Mr. Hahn asked if state law would prohibit rehabilitating a bid. Mr. Williams noted that once the bids were opened, other than arithmetic error, the bids must be precise.

Ms. Dauler moved to reject the bid of Terra Excavating as a non-responsive bid; and to award Project 7-2006 West Park Avenue Sanitary Sewer Replacement and Waterline Installation Project to HRI, Inc., the low bidder, in the amount of \$448,330.00. Mr. Daubert seconded the motion. The motion passed with a 7-0-0 vote.

OLD BUSINESS

Allow Leashed Dogs in Additional Parks. Mr. Fountaine said, as part of a suggestion made by Centre Region Parks & Recreation, Council is being asked to include Walnut Springs Park and Thompson Woods Nature Preserve in the list of parks where dogs are permitted. Currently, the only park in the Borough permitting dogs is Lederer Park. At the Council meeting of February 21, Council tabled this request to determine if the natural habitat of the birds in the Thompson Woods Nature Preserve would be disturbed by the dogs. A letter was received from the State College Bird Club indicating the dogs would not disrupt the bird life in the park.

Mr. Hahn moved to enact Ordinance 1837 to allow leashed dogs in parks. Mr. Kern seconded the motion.

Mr. Daubert indicated his opposition to the change because other walkers in the parks should not be disturbed by animals in the parks. The pathways are not wide enough to get away from the dogs. He also questioned the liability if an animal hurts someone in the park. Mr. Williams noted

that insurance would cover liability concerns; however, if there was no evidence of negligence, the Borough would not be responsible for the dog.

Mr. Humphrey commented that there is a park adjacent to these parks; therefore, he did not feel that he would be limiting dog owners if he voted against this.

Council discussed opening of Lederer Park to dogs last year and the reasoning for doing so. Mr. Whitfield noted that Parks and Recreation Authority considered Lederer, Thompson Woods and Walnut Spring Park as passive areas that would be suitable for leashed dogs. Dogs are still prohibited in parks with active recreation areas such as playgrounds and ballfields.

Ms. Goreham asked about enforcement. Mr. Sam noted the dog enforcement officer would enforce the requirement that dogs be on a leash. He did not know if this would increase the amount of enforcement because currently enforcement is already being done to prohibit dogs in parks.

The question was called on the motion to approve Ordinance 1837. The vote was four in favor with Mr. Humphrey, Ms. Dauler, and Mr. Daubert opposed. The motion passed.

NEW BUSINESS

Grant Application for Elm Street Reinvestment Funds. Mr. Fontaine explained staff had requested authorization at the February 21 meeting to prepare an application to the Pennsylvania Department of Community and Economic Development's (DCED) Residential Reinvestment Program for funding to assist with the completion of the Foster Avenue bike route. Staff has prepared this application and is requesting authorization from Council to submit it to DCED.

Mr. Humphrey moved to approve Resolution 905 for the reinvestment grant funding. Ms. Dauler seconded the motion, which passed unanimously.

Extend the Compliance Time for the Smoke Alarms in Rentals. Mr. Fontaine reminded Council they had passed Ordinance 1817 in October 2005 to modify the Property Maintenance Code by requiring smoke detectors in all bedrooms. This requirement was to be effective April 4, 2006. Because there has been a recent recall of smoke alarms by one of the suppliers, the COG Code Committee is recommending municipalities extend the compliance deadline to July 1, 2006.

Mr. Kern moved to approve Ordinance 1838 to modify the effective date for the amendment to the Property Maintenance Code. Ms. Dauler seconded the motion. The vote on the motion was 7-0-0 in favor.

Vouchers for the Month of February, 2006. Upon motion of Mr. Daubert, seconded by Ms. Goreham, Council voted 7-0-0 to receive vouchers for the month of February, 2006, for the Borough of State College, in amount \$2,086,549.99, and, acting as agent for the Centre Region Council of Governments, vouchers totaling \$592,849.44.

OFFICIAL REPORTS AND CORRESPONDENCE

President's Report. Ms. Dauler announced the cancellation of the March 24, 2006 work session, and she announced Council would meet in executive session to discuss personnel matters following this meeting.

Ms. Dauler also indicated Council members had attended the National League of Cities conference the previous week in Washington D.C., where they had the opportunity to review the President's proposed budget and make recommendations to the congressional delegations. One item brought to the attention of the congressional representatives was the continuation of the Community Development Block Grant (CDBG) program. She was pleased to report that there was support among those with whom Council members met to restore funding back to 2005 levels. CDBG is a popular program nation-wide and allows municipalities to have some control over how funds are spent on infrastructure improvements and social services.

There being no further business, the meeting adjourned at 8:43 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary