

Meeting Minutes
State College Borough Council
May 15, 2006

The State College Borough Council met in a regular meeting on Monday, May 15, 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

Also present: Thomas J. Fountaine, II, Borough Manager; Terry J. Williams, Borough Solicitor; Thomas Kurtz, Assistant Borough Manager; Mark A. Whitfield, Director of Public Works; Thomas R. King, Chief of Police; Michael S. Groff, Finance Director; Carl R. Hess, Director of Planning; Amy R. Miller, Recording Secretary; Amy Story, Borough Engineer; Herman Slaybaugh, Zoning Officer; members of the media; and other interested members of the public.

Mr. Welch began with a moment of silence and the Pledge of Allegiance.

PUBLIC HOUR – Hearing of Citizens.

Proclamation for Bike to Work Day. Mayor Welch presented a proclamation to Rick Gilmore, accepting on behalf of the Centre Region Bike Coalition, proclaiming May 19, 2006, as Bike to Work Day. Mr. Gilmore said 2006 is the first year for Bike to Work Day activities. He also announced the Coalition will hold a workshop later this summer pertaining to bicycle safety.

PUBLIC HEARING

Zoning Amendment to Revise Regulations Pertaining to the Location of Curb Cuts and Driveways. Mr. Fountaine stated as part of the discussion of the proposed changes to zoning regulations related to the State College Area School District's high school renovation and reconstruction project, Council and the Planning Commission determined that regulations controlling the location of driveways and curb cuts should be revised. The Planning Commission recommended that the zoning regulations be amended to prohibit curb cuts and driveways onto local streets and arterials, unless there is no other access to the site. At Council's direction, staff prepared a zoning amendment to produce this change.

Mr. Welch asked for public comment on the zoning amendment.

Mr. Harry Pionke, 606 W. Hamilton Avenue, asked for clarification on the wording of the zoning amendment. Mr. Humphrey and Mr. Filippelli agreed the wording was not clear. Mr. Hess read from the ordinance for explanation that the amendment would prohibit curb cuts and driveways on local streets and arterials, unless there is no other access to the site. Mr. Hess also confirmed that the school is considered as one parcel, and their curb cuts are from Westerly Parkway. He went on to explain that this amendment would prohibit the school from making curb cuts or driveways onto the surrounding local streets. Mr. Pionke asked what would allow an exception. Mayor Welch replied that Special Exception procedures apply; the Zoning Hearing Board would hold a public hearing and could grant a Special Exception. Mr. Hahn questioned the school's access to Logan Avenue. Mr. Hess responded that this access was grandfathered and the school would be permitted to maintain that access.

Mr. Fountaine stated that written comments had been received from Mary C. Marino, and those comments should be entered into the record.

There being no additional public comments, Mayor Welch closed the public hearing.

Mr. Kern moved to revise regulations pertaining to the location of curb cuts and driveways. Mr. Hahn seconded the motion, which passed unanimously.

CONSENT ITEMS

Council reviewed the following items:

- A. Use of Central Parklet for a Concert on Saturday, June 3 (with a rain date of Saturday, June 10) from 4 to 9:30 p.m.
- B. Use of Central Parklet for a Concert by the State College Area School District Student Outreach for Friday, June 2, from 1:30 to 9:30 p.m.
- C. Use of Locust Lane for the Central Pennsylvania Farmer's Market to be held every Friday (except July 14) from June 2 to November 17, 2006 between the hours of 10:30 a.m. to 6:00 p.m.

- D. Approval of Vouchers for the month of April, 2006 for the Borough in the amount of \$1,973,690.84 and, as agents for the Centre Region Council of Governments, in the amount of \$508,050.53
- E. Approval of Council minutes for regular meetings of April 3, 2006 and April 17, 2006, and the work sessions of April 10, 2006 and April 21, 2006.

Mr. Kern moved to approve the consent items. Ms. Dauler seconded the motion. Mr. Daubert requested that items A and B be removed from the Consent Agenda to be considered separately. Mr. Kern and Mrs. Dauler agreed and the motion approving Items C, D and E was approved unanimously.

Council then reviewed the following items:

- A. Use of Central Parklet for a Concert on Saturday, June 3 (with a rain date of Saturday, June 10) from 4 to 9:30 p.m.
- B. Use of Central Parklet for a Concert by the State College Area School District Student Outreach for Friday, June 2, from 1:30 to 9:30 p.m.

Mr. Daubert expressed concern that these events were on consecutive evenings and the noise from the events may be disruptive for the neighborhood. Mr. Filipelli stated that since there was no policy concerning this, the events should be approved, but this is an issue that Council may want to address in the future.

Mr. Kern moved to approve the Use of the Park for the two events in items A and B. Mr. Humphrey seconded.

Mike Stewart, 2564 Applewood Circle, was present and addressed Council to explain the June 2nd event, which he is involved with. He stated the extended times requested on June 2 include setup and teardown time. He also stated that the community service agencies sponsoring the event would be present to distribute information to attendees.

Ms. Goreham thought two consecutive events were not a good idea. Mr. Kern disagreed and felt the concerts are wonderful for the community. Mr. Daubert felt the time frame of the concerts was too long. Mr. Kern stated the concerts would finish at a reasonable hour so not to disturb residents.

Chief King said unless Council specifically grants a waiver of the noise ordinance, the noise ordinance would still be in effect. Chief King added the police will let neighboring residents know what time the events end if they should call. If residents complain, the police will work with the organizers to reduce the volume.

The question was called on the motion. The vote was 7-0-0 to approve the events.

BIDS/CONTRACTS/AGREEMENTS

Project 1-2006 Sidewalk Replacement Project Mr. Fontaine said sealed bids for Project 1-2006 Sidewalk Replacement were opened on Tuesday, May 2, 2006. The project consists of the removal and replacement of a minimum of 1,175 to a maximum of 11,800 square feet of deteriorated concrete sidewalk throughout the Borough. The bids were advertised in the *Centre Daily Times* in accordance with the Purchasing Ordinance and a total of 11 bid packages were purchased. The following bids were received:

	Bidder	4" Concrete Sidewalk Unit Price	5" Concrete Sidewalk Unit Price	6" Concrete Sidewalk Unit Price	Total Amount Bid
1.	Haranin Construction, Inc. Bellefonte, PA	\$6.75	\$8.50	\$9.75	\$95,706.25
2.	HRI, Inc. State College, PA	\$7.00	\$8.00	\$10.00	\$108,850.00
3.	M&E Construction Lewistown, PA	\$8.50	\$10.25	\$11.25	\$119,818.75
4.	Oppy Construction, Inc. Johnstown, PA	\$9.00	\$11.20	\$17.40	\$151,257.50
5.	Glenn O. Hawbaker, Inc. State College, PA	\$10.00	\$14.50	\$18.00	\$161,900.00

Construction time is 180 days and is anticipated to begin with the Notice to Proceed being issued on June 1, 2006. The project area is east of Atherton Street and south of Beaver Avenue as well as the Central Business District. Funding for the project is available in Account 30-439-455.

Mr. Kern moved to award Project 1-2006 to the low bidder, Haranin Construction, Inc, in the amount of \$95,706.25. Ms. Goreham seconded the motion and the motion passed unanimously.

Project 8-2006-CDBG Gill/Fraser Sanitary Sewer Upsizing and Street Reconstruction. Mr. Fontaine noted bids for Project 8-2006-CDBG Gill/Fraser Sanitary Sewer Upsizing and Street Reconstruction were

opened on Tuesday, May 2, 2006. The project consists of approximately 1035 linear feet of Type I street reconstruction (complete curb and pavement replacement) on South Gill Street (College Ave. to Foster Ave.); replacement of approximately 870 linear feet of sanitary sewer main and associated laterals; approximately 24 linear feet of storm sewer and appurtenances; and 340 linear feet of Type II street reconstruction (partial curb replacement, profile milling & resurfacing) on South Fraser Street (Nittany Ave. through Fairmount Ave.). 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	Bid Amount
1.	Glenn O. Hawbaker, Inc. State College, PA	\$415,235.00
2.	HRI, Inc. State College	\$417,700.00
3.	Haranin Construction, Inc. Bellefonte, PA	\$535,982.00

The Notice to Proceed is anticipated for June 1 and construction time totals 100 days with the following stipulations:

1. Work on Gill Street may begin with the Notice to Proceed and must be completed within the 100 contract days.
2. Work on Fraser Street may not begin until after State College Area School District recesses for the summer, which is June 12, 2006.
3. Work on Fraser Street must be complete before the Central Pennsylvania Festival of the Arts, which is July 9, 2006.

The budget amount for the project was \$496,600 (\$385,000 CDBG for street reconstruction and \$111,600 for sanitary sewer improvements). The staff estimate for the project was \$471,000. Based on the bids received, funding for the project is available in the following accounts:

CDBG - #18-465-726	\$290,285.00
Sanitary - #08-429-726	\$124,950.00
Total	\$415,235.00

Ms. Dauler moved to award Project 08-2006-CDBG to Glenn O. Hawbaker, Inc. who submitted the low bid of \$415,235.00. Ms. Goreham seconded the motion and the motion passed with a 7-0-0 vote.

Council was concerned that some streets would be closed during the reconstruction. Ms. Story stated that Calder Alley would remain open; single blocks would be closed when needed but streets would remain open.

Mrs. Goreham noted that the project bid was \$80,000 under budget and questioned what happens to the excess funds. Mr. Fountaine noted the \$80,000 appropriated from CDBG for street reconstruction that was not used in 2006 would be reprogrammed and could be available for next year's Capitol Improvement Program (CIP) for CDBG projects.

Project 12-2006 Fraser/Foster Stormceptor. Mr. Fountaine said bids for the Fraser/ Foster Stormceptor project were opened on May 9, 2006. The project will consist of installing a modified pre-cast concrete manhole used in filtering storm water. Work will also include installing a pre-cast concrete drainage inlet. The bids were advertised in the *Centre Daily Times* in accordance with the Purchasing Ordinance and a total of 6 bid packages were purchased. The following bids were received:

	Bidder	Bid Amount
1.	Terra Excavating, Inc. Centre Hall, PA	\$32,283.00
2.	Paradise Contracting, LLP Bellefonte, PA	\$38,620.00
3.	Glenn O. Hawbaker, Inc. State College, PA	\$44,750.00
4.	HRI, Inc. State College, PA	\$58,985.00
5.	Haranin Construction, Inc. Bellefonte, PA	\$59,500.00

Construction time is 50 days and is anticipated to begin with the Notice to Proceed on June 1. The engineering estimate for this project was \$56,000. Funding for the project is available in Account #30-436-605.

Ms. Dauler moved to award Project 12-2006 to the low bidder, Terra Excavating, Inc. in the amount of \$32,283.00. Mr. Humphrey seconded the motion and the motion passed unanimously.

NEW BUSINESS

Resolution to Extend the Cable Franchise Agreement Between the Borough and Adelphia. Mr. Fountaine noted that Resolution 910 was prepared to extend the franchise agreement with Adelphia Central Pennsylvania, LLC, for six months while negotiations to renew the agreement continue. The resolution would extend the franchise until December 31, 2006.

Ms. Dauler moved to enact Resolution 910 to extend the cable franchise agreement. Ms. Goreham seconded the motion and the motion passed unanimously.

Mr. Filippelli asked why there was delay in settling the cable agreement. Mr. Fountaine said negotiations have been delayed because of Adelphia declaring bankruptcy and the sale of Adelphia to Comcast. Mr. Fountaine said the Master Regulatory Ordinance is expected to be approved by the Centre Area Cable Consortium on June 5; the process should proceed and be approved by the end of 2006.

Resolution for a Grant for Elm Street New Communities Funds. Mr. Fountaine explained that on March 20, 2006 Council approved a resolution authorizing the submittal of an application to the Pennsylvania Department of Community and Economic Development's (DCED) Elm Street Small Communities program for funding for the Foster Avenue Pedestrian and Bicycle Improvement project. This resolution stated that the Borough was requesting \$167,000.00 for this project. The amount specified in the resolution was based on preliminary estimates by engineering staff. A more refined estimate was subsequently prepared and included in the application that was submitted to DCED.

On May 3, 2006 planning staff was contacted by staff from DCED asking for a clarification of the difference between the amount requested in the resolution and in the project budget included in the application. DCED staff indicated they were prepared to award the grant based on the higher dollar figure contained in the budget but needed Council to approve and submit a revised resolution reflecting the revised project cost estimate.

Mr. Fountaine stated that the Transportation Commission discussed the Foster Avenue Pedestrian and Bicycle Improvement project on May 9, 2006. Following a report from staff on the process used to determine the suitability of Foster Avenue as the best alignment and a description of the project, the Commission voted 5-0 in favor of the project. In framing the motion, the Commission did express concern that there was a potential for an increase in motor vehicle traffic on W. Foster Avenue as a result of the installation of a traffic signal at W. Foster and S. Atherton.

Mr. Kern moved for Council to enact Resolution 911 revising the budget estimate. Mr. Humphrey seconded the motion and the motion passed unanimously.

OFFICIAL REPORTS AND CORRESPONDENCE

President's Report. Ms. Dauler announced the cancellation of the June 2 work session and the July 3 regular meeting. She also stated that Council would hold an executive session following adjournment to discuss personnel matters.

Staff/Committee Reports. Mr. Fountaine said the Manager's Information Memo (MIM) noted the installation of public bike racks in a number of locations. He said if Council had any questions or concerns regarding these bike racks, those items could be addressed at a future work session.

Secondly, Mr. Fountaine stated he distributed a revised set of notes from the May 8 Council meeting where the 537 Plan was discussed. Mr. Fountaine said some members of Council may have other opinions that were not included in the notes because the purpose was to provide consensus and guidance to Ms. Dauler who serves on the ad hoc Committee and represents Borough Council. He added if Council feels strongly that specific items were left out, discussions could again be brought to the table. Ms. Dauler said she would use her best judgment in representing the Borough.

ITEMS OF INFORMATION

Mr. Kern noted his concern about student behavior in State College as a result of an experience he and his wife had on Mother's Day while dining downtown. The Mayor noted that issues of this nature were scheduled on a future Council agenda for discussion.

There being no further business Council adjourned to an executive session at 8:28 pm.

Respectfully submitted:

Cynthia S. Hanscom
Assistant Borough Secretary