



**Meeting Minutes**  
**State College Borough Council**  
**August 7, 2006**

The State College Borough Council met in a regular meeting on Monday, August 7, 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; Thomas R. King, Chief of Police; Carl R. Hess, Director of Planning; Alan W. Sam, Borough Arborist; Amy J. Story, Borough Engineer; Sheila Lubold, Recording Secretary; members of the media; and other interested members of the public.

PUBLIC HOUR – Hearing of Citizens – No comments received from the public.

#### CONSENT ITEMS

Upon motion by Mr. Humphrey and second by Mr. Kern, Council unanimously approved the following consent items:

- The use of the 100 block of South Allen Street for the Tree Lighting Ceremony on Thursday, November 16, 2006, from 3:00 to 9:00 p.m., with the condition that Calder Alley remain open to through traffic until 5:00 p.m. and reopen at 8:00 p.m.
- The use of the 100 and 200 blocks of South Allen Street for the Fall Festival on Saturday, October 7, 2006, from 6:00 a.m. to 5:00 p.m., with the condition that Calder Alley remain open to delivery traffic and Highland Alley close at the Beaver Avenue parking lot.
- The use of the 100 and 200 blocks of South Allen Street and the 100 block of West Foster Avenue for the America's Day of Kids on Saturday, September 9, 2006, from 6:00 a.m. to 5:00 p.m., with the condition that Calder Alley remain open to delivery traffic and Highland Alley close at the Beaver Avenue parking lot.
- The use of Westerly Parkway, South Allen Street and Nittany Avenue for the 2006 State College Area High School Homecoming Parade on Thursday, October 5, 2006, from 5:30 to 9:00 p.m.
- Council minutes for the regular meetings of June 5 and 9, and July 14, 2006, special meetings of June 16 and July 14, 2006, and the work sessions of June 12 and July 10, 2006.

Council then considered a noise waiver for Glenn O. Hawbaker, Inc., to conduct night operations on the Hastings Road subbase preparation, paving, and utility work in the Graduate Circle work site from August 7 through August 25, 2006.

Mr. Daubert questioned if the residents were given the opportunity to share their thoughts on the waiver and reflect on any inconveniences that it may cause them. He also questioned why the University did not allow for more time to complete the project eliminating the need for the waiver.

Larry Bair, Penn State Office of Physical Plant, explained to Council that the project experienced many unexpected delays putting the project behind schedule.

Joseph Friday, Glenn O. Hawbaker, Inc. Project Administrator, added the company has not received any noise complaints from citizens in the area.

Mr. Humphrey moved to approve the request and Mr. Kern seconded the motion. The motion passed with a vote of 6-1-0 with Mr. Daubert opposing.

#### ABC REPORTS/RECOMMENDATION

Receive a Report from the Tree Commission on Street Trees for College Avenue. Bill Elmendorf, Chairman of the Tree Commission, attended the meeting to report on the Commission's work to

date on their 2006 Work Plan and to also make recommendations for a tree planting project in the 100 block of East and West College Avenue.

Mr. Elmendorf expressed his thanks for Council's support of the Tree Commission. He works throughout the state and is convinced that the State College Borough has one of the best programs.

Mr. Elmendorf highlighted the projects that were done over the past year and suggested some projects for the coming year. The Commission would like to replace some trees in keeping with a fifty year rotation and a diversity of trees that is used to keep the trees more lively. Mr. Elmendorf also noted that vandalism is a problem in some downtown areas near the fraternities and the replacement of these trees can be costly. He suggested trying to work with the fraternities to stop the vandalism. Another concern is the Dutch elm disease that could affect the trees on the University side of College Avenue. The trees are fine at the present time but there could be a need in the next five years to have them replaced.

Mr. Elmendorf also reviewed a plan the Commission has been working on for College Avenue and would like to get Council's thoughts and guidance for this area. The Commission is proposing the planting of five to seven trees along the 100 Block of West College Avenue assuming the sidewalk expansion project is delayed two or more years. The Commission would also ask the consideration of further tree planting along the 100 block of East College Avenue. If the sidewalk expansion occurs, the trees that are planted could be conserved and replanted into later development projects.

Mr. Daubert questioned the response the Commission has received regarding the addition of more trees along College Avenue. Mr. Elmendorf explained the business owners expressed some concerns initially but an information meeting was hosted by the Hotel State College at which time the concerns of the business owners were addressed. Overall, Mr. Elmendorf said the response has been positive.

There was also some discussion about the sidewalk expansion project along College Avenue and the feasibility of the project happening. Mr. Fontaine stated the project was proposed in 2006 and would be revisited again in 2007.

Ms. Goreham questioned what could be attributed to the longevity of the trees in the Borough. Mr. Elmendorf explained the variety and species of trees that are planted downtown are selected to complement each other and help in extending the life of the trees.

Ms. Goreham also questioned the amount of vandalism and the cost of damage being done to the trees. Mr. Elmendorf explained the vandalism isn't unmanageable but feels it is an issue that should be addressed before it progresses. Alan Sam added the cost of replacing trees downtown can be costly. The trees planted downtown are more mature when first planted and tree guards are also installed around each tree in the downtown area. While it is more expensive, the benefits of the added expense are that much greater.

## BIDS/CONTRACTS/AGREEMENTS

Award a Contract for the Urban Village Revitalization Plan. In December 2005, Borough Council accepted the Urban Village Market Feasibility Study completed by Economics Research Associates (ERA) and instructed staff to begin implementing the recommendations. With input from Council, staff prepared a Request for Proposals to hire a consultant for a three-phase project. Seven proposals were received in response to the RFP. A review committee examined the proposals and narrowed the list to four. Those four consultant teams were interviewed by a selection committee. After considering each proposal, the committee is recommending Delta Development Group and EDSA to prepare the Urban Village Area Revitalization Plan (Phase 1) and Action Plan (Phase 2) and assist with implementation of the action plan (Phase 3). Phase 1 is projected to be completed by November 30, 2006 and Phase 2 by March 31, 2007. The anticipated fee is \$85,430 plus expenses of \$6,000 for Phases 1 and 2. The cost of Phase 3 will be determined at the conclusion of Phase 2. The Borough will be applying for a grant through the Department of Community and Economic Development which would be a 50/50 match. The Borough would contribute \$27,500 and Penn State University would provide \$20,000 with the remaining \$47,500 being grant monies. Council received a matrix summarizing the selection committee's evaluations of the four consultant teams that were interviewed.

Mr. Daubert started the discussion by saying he does not feel Council is ready to award this contract. There are too many questions to be answered and he does not agree with the matrix that was prepared. He feels the matrix is slanted towards one firm and Council needs to discuss this in more detail before voting. Mr. Hess explained the matrix reflects the written materials received and the presentations made by each firm. The presentations were very influential and it was evident which firms did their homework.

Mr. Kern stated there has been enough discussion regarding this contract and Council should trust the excellent job done by staff and staff's recommendation.

Ms. Goreham felt this is an important decision because Council will not be as involved after this decision. She compiled a matrix herself using criteria such as experience dealing with historic districts and college towns, previous clients of the firm and the linkage to the University. She was really impressed with the finalists but does not feel that she has been informed well enough to make a decision and was expecting a more objective matrix.

Mr. Kurtz reiterated Mr. Hess's comment that the matrix is more of a result of the interviews than the written proposals and if the choice was obvious on paper there would not have been a need for the interviews. Bases on the proposals, some consultants had stronger skills in the first phase while others had stronger skills in the second phase. However, during the interviews the leading candidate showed the most skills for completing both phases. In understanding the importance of this selection process, prior to the meeting, Mr. Kurtz walked the area of the Urban Village. After walking through the neighborhood and talking with the residents Mr. Kurtz felt reaffirmed about the selection committee's recommendation.

Mr. Hahn expressed his concern with the fiscal element of the contract and validity of the contract if the funding is not secured. Mr. Kurtz explained the information provided by Mr. Fontaine is a contingent recommendation upon receiving grant monies. Ms. Dauler questioned where the money for the Borough's share will be coming from. Mr. Fontaine stated there has been \$15,000 appropriated for this project and there is also some money that is expendable from vacant positions in the Planning Department.

Ron Madrid, who served on the selection committee as a representative of the Planning Commission, again stated the proposals were very convincing and based on the presentations the recommended firm was by far the strongest firm. This consultant team did their homework and brought out architectural points of buildings in the Urban Village. Mr. Madrid also spoke as a resident of the area and as a member of his neighborhood association and stated the residents want some action. The neighborhood wants to see proposals that provide vision of what will be done.

John Simbeck, 601 College Avenue, stated he has been dealing with the Urban Village project for a little over a quarter century and feels that unless tracts of land can somehow be combined. There is nothing that will be accomplished with the Urban Village vision. He feels there are a lot of legalese dealing with the issue of eminent domain and this could consume the money before anything can be done with the project.

Mr. Filippelli commented he was not on Council when instructions were given to staff regarding the RFP but he finds it odd that Council is expected to make a decision on this recommendation when not given the opportunity to hear the presentations. He was not questioning the staff or committee but finds it hard to trust completely the recommendation on just the information given. He would feel better if Council were given several finalists with the flexibility of having more information provided. Mr. Filippelli recognizes that a lot of time has been put into the consideration of a consultant but information such as references, the criteria being used, and the consultants' familiarity with Penn State University should have been provided.

Mayor Welch expressed his thoughts and feels this matter boils down to trust. Council has given certain tasks to committees and to the ABC's to complete but when Council is presented with the findings they decide to go in a different direction. Council has selected citizens to serve on the ABC's to help with the leg work of projects such as the Urban Village so Council needs to trust in the committee's thoughts and findings.

Mr. Kern added to the Mayor's thoughts and stated he is mystified by Council's reaction to this recommendation. He feels if Council wants to act as a committee of the whole then the ABC's should be terminated.

Mr. Hahn stated because Council may disagree with the conclusions of the ABC's does not mean that Council is disinterested. He feels the history of Council shows support of the Borough staff; however he is still conflicted as to this proposal and feels more time for discussion may be necessary.

Mr. Filippelli agreed with Mr. Kern's thoughts but added it is not a matter of trusting or not trusting staff. It is not Council's process to rubber stamp what staff recommends. This is not a bid being decided on the lowest bidder but on the standards of the RFP and a decision should be made when Council feels comfortable that they have received all the needed information. Ms. Dauler agreed that Council needed more information and time and Council has the right to say they are not ready to vote. Mr. Humphrey disagreed adding it may soon be time to make a decision and spending more time on this would be wasteful.

Mr. Hahn was reassured by the interview process. After reading the proposals, he was not impressed with the recommended firm and did not feel the firm properly reviewed the ERA study. The recommendations made by ERA are on point and Mr. Hahn does not think that report should be ignored.

Mr. Daubert questioned if this motion was voted down, could this item be scheduled for the next Council work session. Mr. Fontaine said the item could be postponed and a special meeting

could also be arranged for presentations. Mr. Filippelli felt this would allow for a more detailed discussion of the information provided.

Mr. Kern moved with Mr. Humphrey seconding to appoint the Delta/EDSA Team as the consultant for Phases 1 and 2 of the Urban Village Project, contingent upon approval of this funding by the state. The vote on the motion was 3-4-0 with Mr. Filippelli, Ms. Goreham, Mr. Daubert and Ms. Dauler opposing. The motion failed.

Then, Mr. Daubert moved to schedule the item for the August 14 work session, Ms. Dauler seconded the motion. The vote was 6-1-0 with Mr. Kern opposing. The motion passed.

License Agreement for a Utility Chase and Electrical Switch Gear at 128 West College Avenue (State Theatre) in Calder Way. Mr. Fontaine explained that due to the high voltage service for State Theatre, Allegheny Power imposed limits on the length of service lines from their main to the State Theatre building. This limitation necessitated a need for switch gear that protrudes into the Calder Way right-of-way to be installed near the top of the building. The switch gear is over 16' above the alley surface and poses no restrictions on the public use of the right-of-way. Additionally, in lieu of installing multiple conduits on the exterior of the building, State Theatre installed a single electric utility chase on the exterior of the building, which protrudes approximately 4" into the Calder Way right-of-way. To insure the public safety, and to protect the chase, a concrete/steel bollard will be installed in the right-of-way. The license agreement will permit the encroachment of the switch gear, utility chase, and protective bollard into the Calder Way right-of-way. Mr. Fontaine recommended Council to approve the license agreement

Mr. Kern moved to approve the license agreement and Mr. Hahn seconded the motion. The vote was 7-0-0 and the motion passed.

#### NEW BUSINESS

Emergency Management Articles of Agreement. Mr. Fontaine stated during the July 24, 2006 meeting, the COG General Forum asked for comments from the municipalities on the revised Articles of Agreement for Emergency Management. The Centre Region Emergency Management Council has been updating the 1992 Articles of Agreement for the Regional Emergency Management Program. The intent of the changes is to improve the Centre Region's capacity to respond to an emergency in a coordinated and focused manner. Council has been asked to forward comments on the changes to the COG Executive Director by September 18, 2006. Mr. Fontaine recommended Council forward their concurrence that the proposed agreement is acceptable.

Mr. Daubert moved to forward Council's concurrence to the proposed agreement and Mr. Kern seconded the motion. The vote was 7-0-0 and the motion passed.

2007 COG Program Plan. Mr. Fontaine stated at the July 24 meeting, the COG General Forum referred the 2007 COG Program Plan to the municipalities for comment. During the meeting several questions were raised as part of the PowerPoint presentation made by the COG Executive Director. With the agenda, Council was provided with a summary of those comments. Council is asked to forward comments to the COG Executive Director by August 28, 2006. Mr. Fontaine recommended Council review the plan and provide guidance to staff to prepare comments to the COG Executive Director.

Mr. Hahn questioned if there is a possibility of having a branch library and if funds for a branch library would be appropriated. Mayor Welch felt this was a matter better suited for discussion by the Library Board than for COG at this early stage.

Ms. Goreham inquired if the Alpha Fire Company office should be expanded and if so, would the Borough bear all of the cost. Mr. Fontaine stated the budget asks for the improvements to be in the COG budget and the Borough would continue with its normal share. When the new fire administrator starts there will not be room at the current location for the existing staff. Mr. Daubert added there will be a meeting of the COG Finance Committee at the Alpha Fire Station to discuss the possibility of buying the property next door to the station. He felt if this is going to be done it needs to be done carefully and Council should be careful if closing the alley becomes a concern.

Ms. Dauler suggested reviewing the COG Program Plan in more detail at the next Council work session and the remaining members agreed.

Council May Approve a Resolution for a Grant. Mr. Fontaine explained the planning staff would like to submit an application to the Pennsylvania Department of Community and Economic Development (DCED) for funding from the Land Use Planning and Technical Assistance Program for a grant to fund the Urban Village Revitalization Plan. If approved, the grant will provide a 50/50 match. Mr. Fontaine recommended Council should continue with the application process for the grant and approve the Resolution.

Mr. Hahn made a motion to approve the Resolution and Mr. Humphrey seconded the Motion. The vote was 7-0-0 and the motion passed.

## OFFICIAL REPORTS AND CORRESPONDENCE

Mayor's Report. The Mayor reported attending a chartering ceremony at the Centre Furnace Mansion where he proclaimed this week to be Venture week. The Venture Club is a club that strives to better the lives of women and girls while meeting the needs of the community and developing programs to meet those needs.

Staff/Committee Reports. Mr. Fontaine stated he had distributed an item to Council discussing two human resources matters. The first was concerning employee parking. Many questions were raised by Council on this matter so Mr. Fontaine will be deferring this issue for one month until staff has the opportunity to properly respond to all of Council's questions.

The second matter concerned the ordinance enforcement officer position. Mr. Fontaine feels it is important to move on this matter as soon as possible and would like to post the position as soon as tomorrow assuming there are no major issues. Council did not identify any major issues. Ms. Goreham asked if the position would be posted in house first. Mr. Fontaine stated it would be posted in house and the normal procedure for posting job opportunities would be used.

There being no further business, the meeting adjourned at 8:56 p.m.

Respectfully submitted,

---

Cynthia S. Hanscom  
Assistant Borough Secretary