

Meeting Minutes
State College Borough Council
Work Session
January 8, 2007

The State College Borough Council met in a work session on Monday, January 8, 2007, in the State College Municipal Building's Council Chambers, 243 South Allen Street, State College, PA. Ms. Dauler called the meeting to order at 7:32 p.m.

Present: 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 Williams, Borough Solicitor; Thomas S. Kurtz, Assistant Borough Manager; Carl R. Hess, Planning Director; Amy J. Story, Borough Engineer; Michael Groff, Finance Director; Michele Nicolas, Personnel Director; Mark Henry, Health Director; Amy R. Miller, Recording Secretary; members of the media; and other interested observers.

Public hour. There were no comments from the public.

Open Agenda. Council discussed upcoming agenda items.

Mr. Daubert requested the report on the State College Area Plan be moved to January 16. Mr. Fountaine replied Regional Planning staff was not available January 16. Mr. Hess said because there was no meeting in December and there are two scheduled in January, a February reporting date would be more beneficial. Council agreed to hear the report on February 5, subject to Centre Regional Planning Agency staff availability.

Mr. Daubert noted the Parking Business Plan was listed as an item to be scheduled and said the plan was mentioned during the budget discussions as being presented in early 2007. Mr. Fountaine said that a specific date has not yet been set, but should not be delayed too long because the plan is a high priority.

Mr. Daubert also said he did not understand the proposed agenda item to add sexual orientation to the employment ordinance. Mr. Fountaine said the Borough has been asked to enact an ordinance extending the provisions of current employment regulations to include sexual orientation and gender status. Mr. Daubert said it was his understanding that the state anti-discrimination law included an employment clause and only housing needed to be included. Mr. Hahn said the state law does not include sexual orientation, but the state does have a well-developed mechanism for employment whereas the local municipalities do not.

Mr. Filippelli asked how enforcement would be handled in regard to housing if the ordinance was passed. Mr. Fountaine said housing access regulations are enforced by the Borough housing staff. He added the housing office currently has an enforcement policy in place. Mr. Daubert said there has never been a formal appeal process. Mr. Hess said normally issues are solved prior to adjudication and there is a mediation process which most oftentimes eliminates the need for court. Mr. Williams said a number of complaints come through his office after being received by the Planning staff; however, most of these issues are not employment issues.

Ms. Goreham said the January 19 work session includes a review of the arts festival; she asked if at that time license fees for vendors could be discussed given the loss of business privilege tax. Mr. Fountaine answered yes; vendor fees could be discussed at that time.

Ms. Goreham suggested reviewing the student code of conduct. Ms. Dauler suggested someone from Penn State's Judicial Affairs speak to Council on the code of conduct regarding the consequences of behavioral problems.

Ms. Goreham lastly questioned the status of the greenhouse gas inventory. Mr. Fountaine said the project is partially complete; at this time data is being verified and a complete report will be forthcoming from the university staff and students working on the report.

Mr. Kern said he shares Ms. Goreham's concerns; however any discussions of finance and student behavior should be conducted separately.

Report from the Schlow Centre Region Library Board of Trustees. David Miller presented the most recent activities of the Schlow Centre Region Library Board of Trustees. Mr. Miller said in all respects the library is operating well. Circulation is up from over a year ago. Book stock has also increased about 3,000 from last year. The facility is running smoothly and the maintenance of the facility is operating well. Mr. Miller thanked the Borough's custodial staff for their hard work. In 2006,

the library also received the Best Practices and Early Learning Award and Director, Betsy Allen, received a rarely given certificate of merit award from the Pennsylvania Library Association.

Mr. Miller said 2007 celebrates the library's 50th anniversary and special activities are being planned. In addition, Schlow Library will host the annual Pennsylvania Libraries Association conference this year at the Penn Stater Conference Center that begins on October 14.

Mr. Miller noted the Library Board along with Library staff is currently working on a long-range strategic plan.

A personal concern expressed by Mr. Miller was long term Library financing. He noted that the State's financial support may be reduced. In addition, the County is supporting the library at a lower rate than most counties. Unfortunately the State aid is based on County support. Mr. Miller asked Council to speak to the County on behalf of the Library and urge additional funding.

Mr. Daubert requested Mr. Miller's assistance in asking the Library Board to let the COG Executive Committee know how well the arrangement with the Borough's custodial staff is working.

Mr. Daubert said the new space in the library should allow for collections from donors. Mr. Filippelli said the Library Board does not interfere with collection decisions. Mr. Miller said he would pass the matter on to the Director.

Ms. Dauler asked if any books were kept off-site. Mr. Miller replied that all books are kept on-site and there is room for expansion.

Mr. Humphrey asked if there is coordination with Penn State's library system. Mr. Miller said Schlow is not involved with Penn State's library.

Ms. Dauler said she would take Mr. Miller's comments regarding library support to the county commissioners in the hope of obtaining additional support.

Report from the Board of Health. Marsha Patterson, Chair of the Board of Health, reported that the Board met 4 times in 2006. Issues reviewed pertained to food establishments, community health, smoke-free workplaces, and pandemic disease planning as well as health department activities.

Ms. Patterson said one particular achievement is the continued participation in the Centre County Partnership for Community Health. Through this collaboration a Behavioral Risk Factor Surveillance survey will be completed by the PA Department of Health. The survey is intended to assist in identifying local health risks which will allow the local Board to focus efforts on public health protection. This survey will be completed in 2007 and data will be available in 2008.

A second issue discussed was consideration of smoke free dining and workplaces. Ms. Patterson said the Board is in favor of smoke-free workplaces, but is concerned that a preemption clause in state law is preventing local communities from adopting local ordinances. Another city has developed an ordinance and it is being reviewed in court at this time. If the ordinance is ruled to be legal, then the Board will discuss a possible recommendation for Council's consideration.

Ms. Patterson reported the Board also recommended amending the period of time that a food sanitation certificate is valid to match the state's regulation, a change which Council adopted. The Board also asked staff to explore food license suspension options that may be adopted whenever there is a food establishment that repeatedly violates food regulations that endanger the public's health.

Ms. Patterson said the final and current focus of the Board is planning for pandemic disease. A local draft plan is being considered for posting on the Borough's website.

Ms. Patterson concluded the Board will continue working on all of the issues in 2007 and thanked Council for the opportunity to speak.

Mr. Kern asked the Board's status on pandemic flu planning. Mr. Henry said a pandemic flu meeting will be held later this month at which time a draft plan will be reviewed for distribution.

Ms. Goreham asked if the survey was county-wide. Mr. Henry replied the survey would be statewide. He noted that the Centre County Community Partnership's role has been extensive and without their help the survey would not be possible.

Mr. Kern asked the purpose of the survey. Mr. Henry said the purpose is to determine the health issues affecting the public in order to prevent further issues.

Mr. Filippelli asked the status of the proposed smoking legislation in Harrisburg. Mr. Henry said the Pennsylvania Restaurant Association is in favor of the bill. Mr. Fountaine said both bills would have to be reintroduced because this is a new legislative session.

Report on the Fraser Centre. Teresa Sparacino, Director of the Downtown State College Improvement District (DID), updated Council on the Fraser Centre. She said Susquehanna Real

Estate is ready and waiting for the word on demolition to move ahead with the project. Demolition should occur by the end of January or beginning of February and will go through March. The final design could start in April. Ms. Sparacino said it is important for the public to know that when the buildings come down, it may take a while to see construction begin. Construction is expected to begin late in the fall; however, the longer demolition takes, the more the remaining schedule will be delayed.

Ms. Sparacino said DID wrote to the Governor asking for release of the \$2.5 million from the capital budget and is waiting for a reply. The residential part of project is self sufficient, but funding is needed for the cinema.

Mr. Humphrey questioned the role of the Redevelopment Authority (RDA). Ms. Sparacino said the RDA does not have an effect on on the project. The RDA would come in to play if tax increment financing (TIF) is necessary.

Mr. Daubert said Council owes Ms. Sparacino many thanks for her work in this project. Council agreed.

Report from the Spring Creek Watershed Commission. Amy Story, Borough Engineer, and Council's representative on the Spring Creek Watershed Commission, reported on the Commission's work over the past year. Ms. Story said the Commission finalized the Agreement, which Council passed last month to establish the Commission formally. The Agreement for joining the Commission was sent to 14 municipalities; 5 have agreed to join; 2 have declined; and 7 have not yet responded. Ms. Story said the municipalities that have agreed to join the Commission are Benner, Harris, College, and Halfmoon Townships as well as the State College Borough. Ferguson and Boggs Townships have declined to join the Commission. Two additional municipalities are needed to formalize the Commission.

Mr. Daubert asked what the Commission would work on in the coming year. Ms. Story said the Commission would look at its original set of goals set over eight years ago. The Commission will also review DEP's new Best Management Practices manual and consider if there is a need to revise the model stormwater ordinance that was adopted as part of the Act 167 Spring Creek Watershed Plan.

Discussion of Legislative Agenda for 2007. Mr. Fountaine outlined the issues Council previously discussed with state and federal officials:

1. CDBG Appropriation and Formula
2. Transportation Funding
3. Fraser Street Realignment Funding
4. Local option for alcohol tax
5. EMST
6. Local Tax Reform
7. Cable Television Franchising

Mr. Fountaine noted Council could add additional issues to the agenda. He added that state-wide tax reform would be included in local tax reform.

Mr. Filippelli asked if PLCM is supporting the local option for alcohol tax. Mr. Fountaine said PLCM's Board supports the tax. He added, at present, the bill is at ground level and is expected to take a couple of years to complete.

Mr. Filippelli said affordable housing should be a topic included in the lobbying efforts.

Mr. Hahn said mass transit as well as workforce housing should be considered in the lobbying efforts.

Mr. Daubert said Council should be brought up to date on all current issues of the NLC and PLCM in preparation for the legislative meetings in March.

Mr. Kern noted state officials are supportive of workforce housing, but more work needs to be done between the County and the Borough. He added the Borough could be a vehicle for funding available to the County that may not be available to the Borough. Mr. Fountaine said Borough staff has worked closely with the County's Affordable Housing Coalition and will continue to pursue those opportunities.

Mr. Humphrey questioned whether students would continue to be counted as part of the population criterion for a CDBG entitlement community. When lobbying he would like to be prepared in knowing arguments supporting the use of students in making college communities eligible for CDBG funds. Mr. Fountaine said more information will be gathered before the March meetings.

Ms. Dauler thanked the Planning Director, Carl Hess, and Senior Planner, Lu Hoover, for their continued work and excellent service in preparing Council for the CDBG lobbying.

Ms. Goreham asked if rewording the new bill for the Emergency and Municipal Services Tax (EMST) would lower administrative costs. Mr. Fontaine replied that the previous bill was passed and vetoed, but expects the bill to be resubmitted; whether the new bill has any changes that help with administrative issues is not yet settled. He added that because the bill was passed so late in 2006, the Governor vetoed it because the revenue reductions could not be accounted for in the 2007 municipal budgets.

Ms. Goreham said she was in favor of lobbying for workforce housing as well as banning workplace smoking.

Ms. Dauler said local control of cable television franchising is an important item that should be lobbied. Mr. Hahn agreed and said cable build out is extremely important to outlying communities. Mr. Daubert said he serves on the cable committee of the NLC and NLC has voted against the FCC being able to take away municipal control of cable franchises through an FCC administrative order. Mr. Fontaine said the NLC is currently evaluating legal options in opposing state and federal legislative attempts to regulate the use of rights of way to install cable television.

There being no further business, the meeting adjourned to an executive session at 8:36 pm.

Respectfully submitted by:

Cynthia S. Hanscom
Assistant Borough Secretary