

**Meeting Minutes
State College Borough Council
Monday, January 16, 2007**

The State College Borough Council met in a regular meeting on Monday, January 16, 2007, in the State College Municipal Building Council Chambers, 243 South Allen Street, State College, Pennsylvania. 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; Thomas S. Kurtz, Assistant Manager; Thomas R. King, Chief of Police; Carl R. Hess, Community Development/Planning Director; Amy J. Story, Borough Engineer; Michael S. Groff, Finance Director; Mark A. Whitfield, Director of Public Works; Sheila Lubold, Recording Secretary; members of the media; and other interested observers.

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

PUBLIC HOUR: Andrew Moser with State Representative Scott Conklin's office introduced himself and stated he would be attending Council meetings from time to time. Mr. Conklin's office is located in the Allenway Building.

CONSENT ITEMS

Upon motion by Ms. Dauler and second by Ms. Goreham, Council unanimously approved the following consent items:

Vouchers for the month of December 2006 for the Borough in the amount of \$2,541,267.43 and, as agents for the Centre Region Council of Governments, in the amount of \$653,385.40.

The motion passed unanimously.

Minutes. Mr. Hahn moved to approve the following sets of minutes with the following corrections:

- o November 29, 2006, work session, no changes.
- o December 1, 2006, work session, no changes.
- o December 4, 2006, regular meeting, no changes.
- o December 11, 2006, special meeting, no changes.
- o December 11, 2006, work session, no changes.
- o December 18, 2006, regular meeting, page 179, 4th paragraph, 1st sentence, changed to read, "There being no further discussion, Council voted on Mr. Daubert's motion, which passed with a 6-1-0 vote, with Mr. Hahn opposed."

Ms. Dauler seconded the motion, which passed with a 7-0-0 vote.

GENERAL POLICY AND ADMINISTRATION

Council May Take Action on a Resolution for the Destruction of Records. Mr. Fountaine explained in accordance with Act 428 of 1968, adopted for use by Council through enactment of Resolution 706 in 1993, each individual act of record disposition must be approved by Resolution of the governing body. Resolution 933 was prepared for enactment by Council to approve the destruction of records in the Administration Department.

Mr. Hahn moved to approve the Resolution and Mr. Kern seconded the motion. The motion passed with a 7-0-0 vote.

Appointments to Various Authorities, Boards and Commissions.

Mr. Fountaine said that Council selected several nominees to serve or continue to serve as members of ABCs. Each of the nominees has been contacted and expressed a willingness to serve on the boards assigned to them by Council.

Authority, Board or Commission	Term Expires	Name
Zoning Hearing Board	12/31/2009	Arthur Anderson
Planning Commission	12/31/2010	Evan Myers
Rental Housing Revocation Appeals Board	12/31/2009	Larry Miles
OTHER ABCs		
State College Borough Water Authority	12/31/2011	Gary Petersen
	12/31/2011	Ronald Davis

Mr. Kern requested that Council vote on the appointments separately.

A motion was made by Ms. Dauler and seconded by Ms. Goreham to approve Resolution 932 appointing Arthur Anderson to the Zoning Hearing Board. The motion passed with a 6-1-0 vote with Mr. Kern opposed.

A motion was made by Ms. Goreham and seconded by Mr. Kern to appoint Evan Myers to the Planning Commission. The motion passed with a 7-0-0 vote.

A motion was made by Ms. Goreham and seconded by Ms. Dauler to appoint Larry Miles to the Rental Housing Revocation Appeals Board. The motion passed with a 7-0-0 vote.

A motion was made by Ms. Dauler and seconded by Ms. Goreham to appoint Gary Petersen to the State College Borough Water Authority. The motion passed with a 7-0-0 vote.

A motion was made by Mr. Kern and seconded by Ms. Goreham to appoint Ronald Davis to the State College Borough Water Authority. The motion passed with a 7-0-0 vote.

REGIONAL ISSUES

CCMPO Long- Range Transportation Plan. Mr. Fontaine stated the Centre County Metropolitan Planning Organization has requested each municipality within which a candidate pedestrian/bike or bridge project is located be consulted to determine the level of municipal support for the project, prior to taking the action on the 2007 Plan Update. The 2007-2011 Capital Improvement Plan project ST941 (Bike Facility Improvements) includes several projects which could be used as matching dollars.

The Transportation Commission reviewed the proposed pedestrian/bicycle projects and recommended a list of projects be forwarded to the CCMPO. Attached to Council's agenda was a summary sheet with a list of the projects in priority order.

Mr. Fontaine recommended Council forward the Transportation Commission's recommendations to the CCMPO.

Ms. Dauler moved and Mr. Kern seconded a motion to forward the recommendations to the CCMPO.

Mr. Daubert questioned what a bike facility was. Ms. Goreham stated it was simply a bike path.

Mr. Daubert stated some of the projects seem dangerous and questioned the proposed bike path on Shortlidge Road. Mr. Daubert questioned whether safety issues are considered and felt showing support for these projects would send the wrong message. Mr. Whitfield stated that the request for both Shortlidge and Burrowes is for a climbing lane in the uphill direction only. The bike lane would only be on the right-hand side of the road. Mr. Whitfield added the lanes that are currently on Burrowes do not meet the standards under the Federal Highway Administration for width but there is enough room to allow for an uphill bike lane. Mr. Daubert still expressed his concerns about the narrow three lanes at the bottom of Shortlidge and the proposal of adding a bike lane to this area. He did not support this proposal. Ms. Goreham stated she understood Mr. Daubert's concerns but added this would help with continuing the bike path on Garner Street and, hopefully, cause less hazards because the Garner bike path ends so abruptly.

Mr. Kern said he shared Mr. Daubert's concerns and also asked for more clarification on the proposed bike lanes on Whitehall Road/University Drive Extension. Mr. Whitfield explained PennDOT is planning a project to widen the lanes of the Whitehall Road/University Drive Extension. As part of this project, College Township, Ferguson Township and the Borough have requested bike lanes be added as part of the widening project.

Mr. Daubert said he would like to see this plan sent back for more information. He does not think that it has been studied and that safety issues were not considered.

Ms. Goreham commented this is coming from the CCMPO staff and it will have to meet all the federal standards. She added safety is a strong consideration.

Mr. Fontaine also reminded Council that the only projects that are listed have been previously considered by the municipalities and the MPO and have been included in the long range transportation plan. These projects have been sent back for priority ranking.

Mr. Daubert questioned who in the Borough approved the projects. Mr. Fontaine stated the long range transportation plan was reviewed by Council and comments were submitted in regards to the plan.

The motion passed on a 6-1-0 vote with Mr. Daubert opposed.

PUBLIC WORKS

Award Professional Service Contract. Mr. Fontaine stated the 2007-2011 Capital Improvement Program project ST022 (Traffic Signal Improvements) includes funds for a consultant to design the South Allen Street/South Atherton Traffic Signal Project. Council is being asked to award a contract to Trans Associates, the Borough's traffic consulting engineer, for the design on the project. The design will include geometric changes to the intersection. Further details are provided in the scope of services and the summary sheet included with Council's agenda, he noted.

Mr. Fontaine recommended that Council award the professional service contract to Trans Associates in an amount not to exceed \$54,900.

Ms. Dauler made a motion to award the contract and it was seconded by Mr. Filippelli.

Mr. Kern questioned the \$54,000 dollar amount for the design. Mr. Fontaine stated the overall project will cost over \$375,000 and it is not just a traffic signal but will include the geometrics of the intersection as well. Mr. Whitfield explained there is an alignment issue as you come through the intersection. The project will realign the intersection as well as address the issue of traffic stacking at 1300 South Atherton Street. The project will also consider the long range plan of adding bike lanes on Waupelani Drive and South Allen Street.

Mr. Filippelli questioned if Trans Associates was the only bidder for this project. Mr. Whitfield stated this was not a bid project and the Borough did not seek any other proposal from other engineers as Trans Associates has done all of the Borough's transportation work in the past. Mr. Filippelli questioned if Council has looked at other companies since first selecting Trans Associates. Mr. Whitfield stated there have been no recommendations to consider other engineers but this could be done.

Mr. Daubert stated he would vote against this because of the dollar amount. He stated anything that is this expensive should go through the formal bidding process even if it is not required by law. He stated Council should set a dollar amount for professional services and any services over that amount should require bids from more than one firm.

Mr. Fontaine stated the Public Works staff reviews the proposals and evaluates the proposed costs to verify it is a reasonable price.

Ms. Goreham questioned what modifications were possible at the intersection of South Allen and Waupelani Drive. In years past it was determined modifications were not possible. In considering the expense of the project, Ms. Goreham also asked if the project could be designed in phases and if CDBG funding could be used. Mr. Whitfield did not think the project would qualify for CDBG funds but it may qualify under the MPO.

Mr. Kern questioned if the estimate included an hourly breakdown for each task. Mr. Whitfield stated they were not given that level of detail.

Following discussion, Council voted on the original motion to award the contract. The motion passed with a 4-3-0 vote, with Mr. Daubert, Mr. Kern and Mr. Hahn opposed.

On- Street Parking on Robin Road. Mr. Fontaine said Council has been asked to expand the legal parking area on Robin Road. Currently, on-street parking is restricted to two hours and from 2 to 6 a.m. on the north side of the street up to a mid-point of the cul-de-sac. Parking is prohibited on the south side at all times. A resident has requested that the legal parking area be expanded from the mid-point of the cul-de-sac to the end of the cul-de-sac. The change would affect parking along two properties and both property owners have agreed to the change.

Mr. Hahn made a motion to extend the parking as requested and it was seconded by Mr. Kern. The motion passed with a vote of 7-0-0.

PLANNING AND COMMUNITY DEVELOPMENT

Petition to Vacate a Portion of West Irvin Avenue. Mr. Fontaine said State College Area School District has submitted a petition requesting Council vacate that section of the unopened West Irvin Avenue right-of-way that separates the high school north building from Community Fields. Council was provided with a summary sheet, petition and map.

Mr. Fontaine stated that, as required by the Pennsylvania Municipalities Planning Code (MPC) and the Centre Regional Planning Commission (CRPC) Articles of Agreement, the petition has been forwarded to the State College, Centre Regional and Centre County Planning Commissions for review and comment. The MPC and CRPC Articles afford these agencies 45 days to complete their reviews. Council may conduct the required public hearing during this 45-day period.

Mr. Fontaine recommended Council receive the petition and schedule a public hearing for February 5.

Ms. Dauler motioned to receive the petition and schedule the hearing. Ms. Goreham seconded the motion. The motion passed with a 7-0-0 vote.

OFFICIAL REPORTS AND CORRESPONDENCE

Mayor's Report. The Mayor wished to recognize the life and death of Mary Ann Haas who was a former member and president of Council. She was an active citizen serving as a member of the State College League of Women Voters, Police Civil Service Commission and State College Borough Water Authority. Ms. Haas was also the 2005 recipient of the Borough's Legacy Award.

The Mayor reported that he, Ms. Dauler, and family and friends of the late Jim Shade attended a small ceremony renaming a block of Harley Alley to Shade Way. The ceremony acknowledged Mr. Shade's many years of contribution to the community and for being the Borough's "unofficial greeter".

President's Report. Ms. Dauler announced the following appointments to the COG Standing Committees:

Executive Committee	Catherine Dauler
Code Administration Committee	Jeffrey Kern
Finance Committee	Thomas Daubert
Public Services Committee	Craig Humphrey
Personnel Committee	Ronald Filippelli
Transportation Committee	Elizabeth Goreham

Ms. Dauler also announced the January 19, 2007 work session would be cancelled. She also reported an executive session was held following the meeting of January 8, 2007, to discuss personnel matters as well as an executive session held before tonight's meeting, January 16, 2007, to discuss personnel matters.

Regional Liaison Reports. Mr. Daubert reported that he had both a regional and state liaison report. First, the Finance Committee of COG will ask the General Forum to approve a motion to have all COG's vouchers approved on behalf of the General Forum by the Finance Committee of COG starting with January 2007 vouchers.

Mr. Daubert also reported he attended a meeting of the Board of Directors of the Pennsylvania League of Cities and Municipalities and, as requested by Council, Mr. Daubert stated they discussed legislative priorities of the League compared to the ones discussed at Council's work session. Much time was spent ranking the order of these legislative priorities. Mr. Daubert provided the members of Council with a list of the priorities and asked that this be included on a future work session agenda.

The handout also included a report from the Cohen Law Group, which advises the League of Cities, in regards to proposed cable television franchising legislation.

Mr. Daubert reported the League also discussed other priorities and resolutions of the League of Cities including the local alcohol tax. Mr. Daubert reminded Council of a resolution passed last year by the League to start a local alcohol tax.

Mr. Kern reported a meeting of the State College Area Plan committee would be held January 17, 2007, which he and his alternate, Mr. Filippelli, would be unable to attend. He noted Ms. Goreham will formerly represent the Borough but other members of Council were encouraged to attend.

Items of Information. Ms. Goreham reported she spoke with Cindy Hahn of C-NET in regards to having a fourth camera added to the Council room or moving the third camera and repositioning the podium so people speaking at the podium can be seen. Mr. Fountaine reported they are currently looking at proposals and the wiring requirements to add a fourth camera but will consider both options to see which is most economical.

Council discussed issues concerning alcohol at Borough establishments. Concerns were raised on having separate areas within the same establishment with one area serving alcohol while another area was designated for underage groups. Specifically, Council discussed the proposed opening of an over 18 after hours club on Calder Way called Frost Night Club and Lounge.

Council suggested having members of the PLCB and or the Pennsylvania State Police attend a future work session for a question/answer session.

There being no further items, the meeting adjourned at 8:19 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary