

**Meeting Minutes**  
**State College Borough Council**  
**March 19, 2007**

The State College Borough Council met in a regular meeting on Monday, March 19, 2007, 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  
Ronald L. Filippelli  
Elizabeth A. Goreham  
Donald M. Hahn  
Craig R. Humphrey  
Jeffrey R. Kern  
Absent: Thomas E. Daubert

Also present: Terry Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Thomas S. Kurtz, Assistant Manager; Carl R. Hess, Planning Director; Herman L. Slaybaugh, Zoning Officer/Planner; Michael S. Groff, Finance Director; Amy J. Story, Borough Engineer; Mark A. Whitfield, Director of Public Works; Thomas R. King, Chief of Police; Mark S. Henry, Health Officer; Ernest C. Dabiero, Director of Purchasing; Cynthia S. Hanscom, Recording Secretary; 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

Harry Pionke, 606 West Hamilton Avenue, spoke on the adverse impact the high school renovation project would have to himself and the surrounding community. First, he noted the increased bus traffic would impact his residential street. Preliminary traffic impacts indicated that there could be 60 bus trips a day. He noted this is equivalent to a major bus terminal in a large city. Second, he mentioned that the design of the building is based on the existing student population. Student enrollment shows an increase of 39 percent from 1993 to the present, which is an increase of 2.7 per year, not a flat line as the school district is predicting. Any increase in student enrollment will require an expansion that will impact the neighborhood with the additional traffic that is created. Mr. Pionke also spoke on the proposed state guidelines on school security needs and perimeter restrictions. If a security area of 75 yards is proposed, it would close the bike path, close the West Hamilton and Gill Street intersection, require the taking of five residential and three commercial properties. Fundamentally, the Community Field property is too small to handle the expansion. He believed the school district had painted themselves into a corner and taken the area property owners into the corner with them.

Paul Mazza, 1906 Park Forest Avenue in Patton Township, asked Council to consider four items for discussion on a future work session, all of which were related to the proposed school district project. First, he noted that the traffic study and site plan as submitted by the architects had elicited comments from the Transportation Commission, which included a statement that the expansion represents a chance to reconsider the layout to improve the safety of the students and improve the traffic conditions. He said he believed that had not been done. The architects were prepared to present an amendment to the plan within one week when it should have taken them six months to react to all the comments in the Transportation Commission's memo. He indicated that any problems associated with the traffic would result in corrective measures that should be solved with signalized crossroads and changes in the layout of intersections. Secondly, Mr. Mazza asked that Council consider the wetlands and the protections that are needed. Third, Mr. Mazza noted that the Community Field would be closed for three of the six years of construction. He questioned what would happen to the events that are typically held in the field. Lastly, Mr. Mazza noted the School Board continues to be evasive about the outcome of the South Building. He believed that as a public building it should be up to the people to decide and suggested it be converted to a culture center.

There being no further public comments, the Mayor closed the public hour.

CONSENT ITEMS

Mr. Kern moved and Mr. Humphrey seconded a motion to approve the following consent items. The motion was approved unanimously.

- Vouchers for the month of February 2007 in the amount of \$1,727,728.90.
- Special activity to close South Allen Street from College to Beaver Avenue and Heister Street from College Avenue to Wilson Alley for the Summer Music Festival from Friday, June 29 through Sunday, July 1, 2007, from 6:00 a.m. to 10:00 p.m.
- Special activity on various sidewalks in the Borough for a walk-a-thon to benefit the Cystic Fibrosis Foundation on Saturday, April 28, 2007, from 9:00 a.m. to 2:00 p.m.

## BIDS/CONTRACTS/AGREEMENTS

### **Project 8-2007 West Fairmount Avenue Sanitary Sewer Upsizing and Street**

**Reconstruction.** Mr. Fontaine said that bids for Project 8-2007, West Fairmount Avenue Sewer Upsizing and Street Reconstruction, were opened on Tuesday, February 27, 2007. The project consists of approximately 925 linear feet of Type I Street Reconstruction on West Fairmount Avenue from S. Atherton Street to S. Gill Street and the replacement of approximately 391 linear feet of sanitary sewer main and related appurtenances. The bids were advertised in the Centre Daily Times in accordance with the Purchasing Ordinance and a total of six bid packages were purchased. Five bids were received with the low bid in the amount of \$317,064.83 submitted by Terra Excavating, Inc., Central, PA.

Mr. Kern asked when construction would begin and end. Ms. Story noted that construction time is 90 days and is anticipated to begin with the Notice to Proceed being issued on April 2 and ending on July 2. She noted the street would be closed in May and June. All property owners will have access to their properties from the alley.

Ms. Dauler moved to award the bid for Project 8-2007, West Fairmount Avenue Sanitary Sewer Upsize and Street Reconstruction, to Terry Excavating, Inc., the low bidder, for a total of \$317,064.83, to be distributed as follows: \$268,324.38 from Capital Improvements and \$48,740.45 from the Sanitary Sewer Fund. Mr. Kern seconded the motion, which passed with a 6-0-0 vote.

**Project 16-2007 University Drive Extension Sidewalk Connector.** Mr. Fontaine said that bids for Project 16-2007 University Drive Extension Sidewalk Connector were opened on Tuesday, February 27, 2007. The project consists of the construction of a new 5 foot wide asphalt walking path approximately 1400 feet long. Work also includes the installation of approximately 65 feet of 15-inch storm sewer pipe and appurtenances. The bids were advertised in the *Centre Daily Times* in accordance with the Purchasing Ordinance and a total of nine bid packages were purchased. Five bids were received; the low bid in the amount \$45,452.00 was submitted by Eby Paving & Construction, Inc., Bellefonte, PA.

Construction time is 30 calendar days and is anticipated to begin with the Notice to Proceed being issued on April 1, 2007. The project is a combined effort between College Township and the Borough to provide a link between the sidewalk at the Friends' School and Oak Pointe development. Funding for the project is being split jointly with College Township. The Borough's portion of funding is budgeted in Account #30-439-620 (\$25,000).

Ms. Goreham asked about the cost in relation to other bids that have been submitted to bike paths in the Centre Region. Ms. Story said the sidewalk will not be built to bike path standards but would be minimal construction for a sidewalk. She noted that bike paths have different specifications.

Mr. Kern moved to award Project 16-2007 University Drive Extension Sidewalk Connector to Eby Paving & Construction, Inc., the low bidder, for a total amount of \$45,452.00 with the breakdown as follows: \$22,726.00 from the Capital Improvement Plan Account #30-439-620 and \$22,726.00 to be funded by College Township. Mr. Humphrey seconded the motion. The motion passed with a 6-0-0 vote.

**Purchase of Two 2007 Model Residential Front Loading Refuse Trucks.** Mr. Fontaine said that bids for two 2007 Model Residential Front Loading Refuse Trucks were opened on Wednesday, February 7, 2007. The trucks would replace a 1999 and a 2000 model residential front loading refuse truck. The bid was advertised in the *Centre Daily Times* in accordance with the Purchasing Ordinance and a total of 11 bid packages were released. Only one bid was received, from W.W. Engine Supply in the amount \$467,588.44, less the trade-in of \$17,336.00, for a net bid of \$450,252.44. Since only one bid was submitted, staff compared the lone bid to existing cooperative purchasing contracts. The PA Capital City (PACC) Automotive and Equipment bid price is almost \$4,700 less per truck than the bid price submitted directly to the Borough. The Borough can participate in the PACC contract for equipment purchases if Council passes a resolution. Therefore, staff recommends that the bid be rejected and the vehicles be purchased through the PACC contract.

Mr. Kern moved to reject the bid from W. W. Engine Supply for the two 2007 model residential front loading refuse trucks. Mr. Hahn seconded the motion, which passed unanimously.

**Resolution Authorizing the Cooperative Purchasing of Vehicles and Equipment.** Mr. Fontaine noted that Council is being asked to approve a resolution authorizing the purchase of vehicles and equipment from the City of Harrisburg's PA Capital City Automotive and Equipment Contract (PACC). This particular cooperative purchasing contract would produce considerable savings in the purchase of two front loading residential refuse trucks, as noted in the previous agenda item.

Mr. Humphrey moved to approve Resolution 936 and to authorize the purchase of two 2007 model residential front loading refuse trucks from the City of Harrisburg's PACC. Ms. Dauler seconded the motion. The motion passed with a 6-0-0 vote.

**Award a Bid for Police Vehicles.** Mr. Fontaine said that bids for four (4) 2007 model police vehicles were received by electronic reverse auction on Monday, March 5, 2007. The vehicles

will replace four Crown Victoria police vehicles, three of which are 2003 models and one which is a 2004 model. The auction was advertised in the *Centre Daily Times* in accordance with the Purchasing Ordinance and a total of 9 bid packages were released. The electronic auction included four bidders with the lowest bid in the amount \$84,572.00 submitted by Hoffman Ford Sales, Inc., Harrisburg, PA. Funding of \$95,600 is available in the Asset Replacement Fund. The low bid from Hoffman Ford Sales complies with all minimum specifications and is within the budget allocation for these vehicles.

Mr. Kern asked if Hoffman had provided a trade-in value for the vehicles being replaced. Mr. Dabiero said the vehicles would be sold by the Borough rather than include them in the bid.

Mr. Humphrey asked if the vehicles would include all the necessary electronic equipment. Mr. Dabiero said it would be equipped except for the light bars which are transferred from the existing vehicles.

Mr. Kern moved to award the bid for four 2007 model Ford Crown Victoria police vehicles to Hoffman Ford Sales, in the amount of \$84,572.00. Ms. Goreham seconded the motion, which passed with a 6-0-0 vote.

**Contract for Police Records & Mobile System.** Mr. Fontaine said that in April of 2006, the Borough, in conjunction with Penn State University, Patton Township, Ferguson Township, and Centre County Government issued a Request for Proposals for a new Police Records Management and Mobile Reporting (RMS/MR) Computer System. This proposed system is designed to replace the current Records Management system originally installed in 1996 and the current Mobile Reporting system originally installed in 1999. Based on Best Value Procurement procedures staff recommends award of the contract to IPC Command Systems. The contract has been reviewed and approved by the Borough's Solicitor and the legal counsel from IPC. If Council approves the contract award to IPC, the Notice to Proceed will be issued on March 20, with a tentative "go live" date for the critical system components in August.

The proposed contract with IPC Command Systems is for the software portion of the project. There is also a hardware component to the system, including routers and a server. The budget for the hardware is \$80,000 and this hardware will be purchased using existing Pennsylvania state contracts. Additionally, the fee for Barry Strock Consulting is for services during the RFP preparation and contract negotiations. These costs are broken down as follows:

Proposed IPC Software and Services	\$ 498,217.00
Hardware (server, routers, message switch)	80,000.00
Barry Strock Consulting fees	35,023.00
Total Project Cost	\$ 613,240.00

The Borough's share of this total project is \$202,369. An amount of \$230,000 is provided in the 2007 budget.

Mr. Kern asked if the system would merge with the Centre County's Geographical Information System (GIS). Mr. Fontaine said once the GIS is fully operating, it will be integrated. This will occur at a later date.

Mr. Kern moved that the contract for a Police Records Management and Mobile Reporting System be awarded to IPC Command Systems of Mt. Laurel, New Jersey, in amount \$498,217.00, and that staff be authorized to purchase the necessary hardware components for the proposed system using existing Pennsylvania state contracts. Ms. Goreham seconded the motion. The motion passed with at 6-0-0 vote.

#### PLANNING AND ZONING

**SCASD Petition for Vacation of West Irvin Avenue.** Mr. Fontaine reminded Council that State College Area School District 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 received the petition on January 16, and held a public hearing on February 5, 2007. No one spoke to Council on the issue of the hearing. Council is asked to approve an ordinance vacating the street.

Mr. Hahn said his law firm has been engaged to represent State High Vision with respect to the high school renovation project. Citing financial interest in the law firm, he stated he would be excuse himself for any discussion and abstain from voting on matters with respect to this project. He noted that as a citizen of the Borough, he would note that a work session was needed to discuss the issues as previous addressed by Mr. Mazza during the public hour.

Mr. Humphrey stated he shared many of the concerns of citizens in regards to the unknowns that will occur, particularly in relation to the possible elimination of the ball fields at Community Fields. These fields were to have been relocated to the South Building location but it is not known what will happen to the South Building property.

Mr. Kern said he believed that Council should schedule discussion at a work session on the traffic plan.

Ms. Dauler moved to enact Ordinance 1868 to vacate a portion of West Irvin Avenue. Ms. Goreham seconded the motion, which passed unanimously.

## HEALTH

**Resolution to Support State Legislation to Control Smoking in Public Places.** Mr. Fountaine said that Council is asked to approve a Resolution that calls on the Pennsylvania State Legislature to enact a comprehensive statewide ban of smoking in all public places and worksites within the Commonwealth of Pennsylvania. Staff is recommending that the proposed resolution be passed and copies sent to Senator Corman, and Representatives Conklin and Benninghoff. This Resolution will send a strong message to our state elected representatives and to the community that Borough Council recognizes the dangers of second hand smoke and supports its elimination from workplaces and public places.

Mr. Hahn noted that Senator Jake Corman is sponsoring this legislation. He believed the bill had passed through the Public Health Committee and was heading to the Appropriations Committee.

Mr. Kern asked for a definition of a public place. Mr. Henry noted that Senate Bill 246 defines a public places as “an enclosed area to which the public is invited or in which the public is permitted.” He noted this would include restaurants and bars.

Ms. Dauler commented that the resolution was well-written and led Council to see the rationale for individual communities to move forward while waiting for state legislation. Mr. Henry reported that four municipalities have passed local ordinances regulating second-hand smoke in public places. Ms. Dauler asked which other states have passed similar legislation. Mr. Henry noted there were quite a few states that had taken this initiative; those states abutting Pennsylvania include Ohio, New York, Delaware, New Jersey and Maryland.

Mr. Filippelli said the Pennsylvania Restaurant Association was in support of the state legislation. He asked what groups were opposed. Mr. Henry said the tobacco companies as well as tavern owners were opposed to this legislation.

Mr. Filippelli asked if there was any value in passing a local ordinance. Mr. Welch asked the Solicitor if there would be any validity in doing so. Mr. Williams noted the judge in the in Pittsburgh (Allegheny County) courts has indicated that he would sustain the ordinance and pass it along to the appellate court. There has been no appellate court that has indicated this is something local municipalities could not do. Ms. Dauler suggested this be placed on a future work session to determine if it is something Council was interested in exploring. She questioned whether the state legislature would be able to deal with this issue quickly given the amount of work they currently had their plates.

Mr. Humphrey moved and Ms. Dauler seconded a motion to approve Resolution 935. The motion passed with a 6-0-0 vote

## OFFICIAL REPORTS AND CORRESPONDENCE

**President's Report.** Ms. Dauler reported the National League of Cities Legislative meetings were held in Washington D.C. the previous week. She noted that several Council members had the opportunity to talk with elected officials. The main concern expressed was on the proposed budget and the reduction in CDBG funding.

Ms. Dauler also announced an executive session to be held following the meeting to discuss personnel matters.

There being no further items of business, Council adjourned to an executive session at 8:15 p.m.

Respectfully submitted,

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Cynthia S. Hanscom  
Assistant Borough Secretary