

**Meeting Minutes**  
**State College Borough Council**  
**Regular Meeting**  
**Monday, April 20, 2020**

The State College Borough Council met in a Virtual Meeting on Monday, April 20, 2020, in the Municipal Building, 243 South Allen Street, State College, PA 16801. Mayor Ron Filippelli called the meeting to order at 7:00 p.m.

Present:           Ronald L. Filippelli, Mayor  
                      Jesse L. Barlow, Council President  
                      Deanna M. Behring  
                      Janet P. Engeman  
                      Theresa D. Lafer  
                      Peter S. Marshall  
                      Evan Myers  
                      Dan Murphy

Mr. Fontaine did a Roll Call and noted there was a quorum of Council attending the virtual meeting.

Also Present: Sharon K. Ergler, Assistant Borough Secretary; Thomas J. Fontaine II, Borough Manager; Thomas R. King, Assistant Borough Manager for Public Safety; Dwight Miller, Finance Director; Douglas Shontz, Communications Specialist; Terry J. Williams, Borough Solicitor; Ed LeClear, Director of Planning; John A. Gardner, Chief of Police; Roger A. Dunlap, Assistant Borough Manager/Chief Financial Officer; Genevieve Miller, Student Representative; Leann Shaw, Human Resources Director; P. Rick Ward, Director of Parking; Eric Brooks, Acting Director of Public Works; Craig Bowser, IT Manager; Maureen Safko, Senior Planner; and Borough residents virtually via C-NET and those who registered through GoToWebinar.

Mr. Fontaine wanted to let everyone know that they would be doing something a little different tonight. Council Members joined remotely.

Mayor Filippelli said he was wearing one of the masks provided by The Makery and its team of volunteers who kindly donated 100 masks to the Borough for its employees to wear during this pandemic. He noted that the Borough made a monetary donation and he was grateful for their efforts.

### **Virtual Meeting Procedure Overview**

Mr. Shontz provided a procedural overview for the virtual meeting.

### **Special Business**

Resolution in Support of Governor Tom Wolf - At the request of Council President Barlow, Council was asked to consider adopting the attached resolution in support of Governor Tom Wolf. Mr. Myers read the resolution aloud for the viewing audience.

Mr. Barlow said it may seem as though the Borough was overreacting; however, without social distancing and restrictions on business openings and travel, the number of COVID-19 cases would be much higher. The Governor's restrictions have been very hard on all of us, especially those who have business losses and/or closing and for those who have experienced job loss. Moreover, no Governor would want to impose such an order twice. He said if the state reopened too soon, it may have to shut down again and everyone needed to do what they could to prevent the spread of COVID-19. He added that he strongly supported the resolution and planned to vote in favor.

Mr. Barlow made a motion to adopt Resolution 1250 in support of Governor Tom Wolf. Ms. Lafer seconded the motion, which passed unanimously.

Resolution Calling for a Moratorium on Evictions during the COVID-19 Pandemic – Ms. Behring asked Council to consider adopting a resolution calling for a moratorium on evictions during the COVID-19 pandemic. Ms. Behring read the resolution aloud for the viewing audience.

Mr. Barlow thanked Ms. Behring and Mr. Myers for their work in preparing the resolution and for working with local activists on the Coronavirus pandemic. He said it was Council's duty to encourage those in the Commonwealth who have the authority to react to evictions. He said the Attorney General's stay on evictions is through April 30, 2020. He added that he would strongly encourage the Attorney General to extend that deadline.

Mr. Myers the proposed resolution was something that Council discussed at its March 16 meeting. As the resolution stated, it included folks who were renting and those in the lower or middle income. He added that the moratorium impacts local businesses as well. He commented that many businesses pay rent and others pay mortgage payments. He added that it was important to realize that folks receiving rent have mortgage payments due themselves. He stated that affects go full circle and government officials need to be understanding and accommodating and he would encourage others to support the resolution. Mr. Myers said although Borough Council had no legal authority, it could strongly encourage the Governor, the General Assembly and the Supreme Court of the PA Commonwealth to establish a moratorium on residential and business evictions for non-payment of rent through the end of May, 2020.

Mr. Marshall made a motion to adopt Resolution 1251 calling for a moratorium on evictions during the COVID-19 pandemic. Mr. Barlow seconded the motion, which passed unanimously.

### **Consent Items**

Ms. Lafer made a motion to approve the following Consent Items. Mr. Myers seconded the motion and it passed unanimously.

- Approve Payroll and Accounts Payable vouchers for the month ended March 31, 2020 totaling \$2,363,911.02.
- Reject the contract to provide six- and eight-cubic yard refuse containers.

### **Rescind and/or Cancel all Special Activities and Special Events**

Mr. Fontaine explained that Council acted at its March 16, 2020 meeting to approve several measures that were directly related to the Borough and Centre Region COVID-19 response. Those measures were intended to enhance physical distancing and cancel events that if held would result in large gatherings of people in the community. At that same meeting, Council rescinded previously approved special activities and special events through May 10, 2020. He added that Council was being asked at this meeting to rescind its previous approval and cancel all previously approved Special Activities and Special Events between May 11 and June 20, 2020.

Mr. Marshall made a motion to cancel all Special Activities and Events through June 30, 2020. Ms. Lafer seconded the motion.

Mr. Myers said with a heavy heart he supported the cancellations because with the COVID-19 pandemic there was not much choice. He added that a lot of the festivals and activities the community had planned had to be cancelled or put on hold. He said the decision to cancel the special events and activities was not an easy one.

The motion passed unanimously.

## **Extension of the Deadline to Pay Real Estate Property Taxes**

Mr. Fontaine said due to the COVID-19 pandemic, he was asking Council to consider extending the deadline to pay Real Estate Taxes at face value. The current deadline to pay was June 30, 2020 and due to the economic hardships created by the pandemic, Centre County Administrators and local municipalities were being asked to extend the deadline to pay property taxes at face value for a longer period. If Council voted to adopt the ordinance, it would extend the deadline to September 30, 2020.

Ms. Lafer made a motion to adopt Ordinance 2140 amending the deadline to September 30, 2020 to pay real estate taxes at face value. Mr. Barlow seconded the motion.

Mr. Todd Price, 860 Bayberry Drive, urged Council to not extend the deadline because if the Borough approved the amendment, it might exempt the municipality from funding from the Federal Care Act in the future. He added that while it made good sense in the short term, it may make the Borough ineligible for future federal payments and be detrimental in the long term.

The motion passed unanimously in a roll call vote.

## **First Modification of State College South Track Lighting Agreement and Extension of State College South Track Lighting Agreement**

Mr. Fontaine said in August 2019, the State College Area School District (SCASD) and the Borough entered into an operational agreement in accordance with the Zoning Code for lighting and facilitating the use of the field designated as the South Track. He noted that the agreement would renew on August 5, 2020 unless either party gave a 90-day notice to modify or cancel the agreement. He said due to the COVID-19 pandemic, the Borough and the SCASD have agreed to extend the deadline for review of the agreement until July 6, 2020. He added that all other aspects of the original agreement remain in full force and effect.

Mr. Marshall made a motion to approve the First Modification and Extension of the State College South Track Lighting Agreement. Ms. Lafer seconded the motion, which passed unanimously.

## **Substantial Amendments to the State College Borough 2015-2019 and 2020-2024 Consolidated Plans (CP0 and the 2015, 2017, 2018, 2019 and 2020 Annual Action Plans (AP)**

Mr. Fontaine said Council was being asked to consider approval of the proposed amendments to the 2015-2019 and 2020-2024 Consolidated Plans, and to the Fiscal Year 2015, 2017, 2018, 2019 and 2020 Annual Action Plans. He explained that Council had previously approved the 2020-2024 Consolidated Plan, which included the Fiscal Year 2020 Annual Action Plan, in October 2019, based on estimated CDBG and HOME Budgets; however, due to significant differences between the estimated and actual budgets a substantial amendment process was required. He noted that the CDBG Budget increased by 2% from 2019; while the HOME Budget decreased by 20%. Mr. Fontaine said the proposed budget changes accomplished the following additional program benefits:

1. Adjusted the Fiscal Year 2020 Annual Action Plan Budget from estimated to actual allocations.
2. Reprogrammed CDBG funds remaining from the completed 2019 CDBG Infrastructure Project: Streetlights/Curb Ramps-Sowers/Hetzel/Foster to the 2020-2021 CDBG Infrastructure Project Streetlights/Curb Ramps-East Beaver Avenue.
3. Responded to a 20.8% reduction in Fiscal Year 2020 HOME funds by reallocating prior year, and Fiscal Year 2020, CDBG balances from the Borough's First-Time Homebuyer Program (Low Income) 2020-2021 to the Temporary Housing Foundation First-Time Homebuyer Program 2020-2021.
4. Adjusted goals of the 2020-2024 Consolidated Plan and the 2020 Annual Action Plan.
5. Corrected minor typographical errors.

Mr. Fontaine said, in accordance with the State College Borough's Citizens' Participation Plan, the Substantial Amendment process was being followed, which included advertisement of the proposed changes, a 30-day comment period, a public hearing and action by Borough Council. He noted that the public hearing was held remotely on April 9, 2020. No comments, written or oral, were received during the 30-day comment period or during the public hearing.

Mr. Fontaine said Council was asked to consider approval of the proposed amendments that were unanimously recommended by the CDBG Citizens' Advisory Committee on March 3, 2020.

Ms. Engeman made a motion to approve the recommended amendments to the Fiscal Year 2015-2019 and 2020-2024 Consolidated Plans and to the Fiscal Year 2015, 2017, 2018, 2019 and 2020 Annual Action Plans. Mr. Barlow seconded the motion.

Mr. Myers asked, because of the uncertainty with COVID-19 revenue shortfalls, was there a concern that approving the CDBG amendments would cause additional issues with realizing the funding that was previously described. Mr. Fontaine said the amendments were for previously approved funding. These amendments simply allocated those funds.

Ms. Lafer said she had served on the CDBG Citizens' Advisory Committee (CAC) for 8 years and as a recipient of Housing and Urban Development (HUD) Funding, the Borough was required to send certain reports and/or plans to HUD within a certain period of time or the Borough would lose the funding. She added that the Planning staff was working on adjustments, both before and during COVID. She noted that the CAC had already done its due diligence when it held a hearing earlier in the month. She urged Council to approve what staff was requesting so the Borough did not lose these funds.

The motion passed unanimously to approve the adjustments to the Consolidated Plan and Annual Action Plans, as requested.

### **Year-to-Date Financial Report**

Mr. Fontaine said in December 2019, Council enacted Ordinance 2136 which increased the sewage rates from \$9.35 to \$10.17 per thousand gallons per quarter and changed the minimum charge per quarter from \$28.05 to \$32.25. He explained that implementation was scheduled to occur in April; however, at that time, Borough staff requested postponing the increase for a month. He stated that at this time staff needed to notify the State College Borough Water Authority of its next step. Mr. Fontaine told Council that staff was recommending the increase be deferred to October 1, 2020 and implement the increase in the 4<sup>th</sup> quarter. He asked Council to ratify the deferral to the 4<sup>th</sup> quarter.

Ms. Lafer made a motion to ratify the deferral of new sewage rates until the 4<sup>th</sup> quarter of 2020. Mr. Barlow seconded the motion which passed unanimously in favor.

Finance Director Dwight Miller provided the 1<sup>st</sup> Quarter's Financial Report. In addition, he reviewed the potential impacts of COVID-19 through May, 2020. He noted that the Borough spent approximately \$15,000 to get employees set up so they could work from home. He noted increases in overtime costs in Police, Public Works and in the Health Department at approximately \$63,000. Mr. Miller estimated that the lost parking revenue was estimated at \$729,000 in the Parking Fund and another \$200,000 in the General Fund from on-street parking meters. He also noted that there was no parking enforcement being done and anticipated a loss of \$122,000 from violation revenue. Mr. Miller said based on changes to the service for commercial refuse accounts, staff had anticipated credits in the 2<sup>nd</sup> half of the year to commercial customers at approximately \$250,000, if the Borough goes back to regular business in June. Other anticipated losses will likely occur in the Sanitary Sewer Fund due to so many apartments unoccupied.

Mr. Marshall said he was anticipating soon that staff would be providing revisions to the 2020 Budget such as anticipated changes in what the Borough was doing going forward, new estimates and Capital

Improvements that were being delayed. Mr. Miller said he and Mr. Dunlap were working on projections on all the above and he hoped to provide more information at Council's May 18 meeting.

Ms. Lafer said she had been contacted by at least one person via email who raised a concern that there was going to be an increase in taxes or fees due to COVID-19. She said Council decreased fees earlier this evening and there were no new taxes proposed. She noted in terms of spending, the Borough was going to continue with the Budget as originally proposed and staff and Council would see what had to be cut and where the budget could be scaled back. She agreed that the community was going to need support from the Borough and/or the Centre Region in terms of food and/or shelter, which she said would be considered as the Borough moved forward. She said Council was aware of the changes and was adapting to them as they came up.

Mayor Filippelli complimented the community as they were staying in place and social distancing. He said everyone was doing a remarkable job and it was much appreciated.

Mr. Barlow agreed. He said Centre County had the same number of cases for the last 4 days. He said the curve was bending and hoped that continued in terms of the number of confirmed cases and added that was because everyone in the community was practicing social distancing and it had a great effect on the total number of positive COVID-19 cases.

Mr. Myers said earlier in meeting, Council voted unanimously to approve the amendment to extend the deadline to pay real estate taxes at face value to September 30, 2020. He said a concern was raised by a resident about where that amendment might leave the Borough in the future. He commented that the extension had been thoroughly checked prior to Council's vote. He added that the Manager could attest to that as well.

### **Adjournment**

Mr. Barlow made a motion to adjourn the meeting. Mr. Myers seconded the motion and the meeting adjourned at 7:57 p.m.

Respectfully submitted,

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Sharon K. Ergler  
Assistant Borough Secretary