

State College Borough Council
February 22, 2005

The State College Borough Council met in a regular meeting on Monday, February 22, 2005, in the Council Chambers of the State College Municipal Building, 243 South Allen Street. Mayor Welch called the meeting to order at 7:30 p.m.

Present: Bill Welch, Mayor
Thomas E. Daubert, President
Catherine G. Dauler
Elizabeth A. Goreham
Craig R. Humphrey
Jeffrey R. Kern
Janet K. Knauer
James H. Meyer

Also present were: Thomas J. Fountaine, II, Borough Manager; Ronald A. Davis, Assistant Manager; Terry J. Williams, Solicitor; Thomas R. King, Chief of Police; Michael S. Groff, Finance Director; Mark A. Whitfield, Director of Public Works; Joanne Lopinsky, Assistant Zoning Officer; Cynthia S. Hanscom, Recording Secretary; members of the media; and other interested observers.

The Pledge of Allegiance followed a moment of silence.

PUBLIC HOUR. Chris Brown, Interfraternity Council Community Relations Chair, 234 E. Beaver Avenue, introduced himself to Council and indicated he would be available to address concerns or issues with the fraternal community.

CONSENT ITEMS

Neon Car Show. Mr. Fountaine said a request was received from the Downtown Improvement District (DID) to use Hiester Street, Locust Lane, and McAllister Street, between College and Beaver Avenues, for a Neon Car Show on May 21, 2005. The applicant had received signatures indicating no objections from affected business owners.

Mr. Humphrey asked the definition of a neon car show. Teresa Sparacino, Executive Director of the DID, explained the show would be held at night with neon lights installed underneath the vehicles.

Ms. Goreham moved to permit the use of downtown streets for the car show. Mr. Kern seconded the motion. The motion passed with a 7-0-0 vote.

Relay for Life Noise Ordinance Waiver. Mr. Fountaine said a request was received from the American Cancer Society – Centre Unit to waive the noise ordinance on April 9 and 10, 2005, for the Relay for Life. The event will be held on Penn State University's Hetzel Union Building (HUB) lawn. This is the first year the event will be held on campus. Because the event runs over a 24-hour period, entertainment is scheduled throughout the overnight hours.

Ms. Knauer asked the type of noise that will occur. Doug Ebersole, Community Income Development Specialist with the American Cancer Society –Centre Unit, explained band and amplified music would occur all through the night. Ms. Knauer noted that music from the HUB lawn tends to travel and can be heard in the Highlands neighborhood. It was the loud thumping that was intrusive. Mr. Ebersole believed the sound system to be used would not be intrusive. He said they could make an effort to turn the music down after 1:00 or 2:00 a.m.

Ms. Dauler commented that outdoor music events, such as that occurring during the Central Pennsylvania Festival of the Arts, could be heard as far away as College Heights. She asked that the level of noise be reduced earlier than 1:00 a.m.

Mr. King explained they were willing to work with the event coordinators to ensure that the level of music was not intrusive to residents. Mr. Ebersole agreed and said he would be willing to coordinate. Mr. Fontaine suggested the noise ordinance be waived with the conditions that the volume be reduced if complaints are filed with the Police Department, and that the volume be reduced at 12:00 midnight. Mr. Ebersole agreed.

Ms. Goreham moved to approve the request for the noise waiver with the condition that the event coordinators work with the Police Department to insure that acceptable levels are maintained; also, the volume should be reduced voluntarily at midnight regardless of whether or not complaints had been received. Mr. Kern seconded the motion. The motion was approved unanimously with a 7-0-0 vote.

BIDS/CONTRACTS/AGREEMENTS

Project 22-2005 Miller Alley Sanitary Sewer Construction. Mr. Fontaine reported bids for Project 22-2005 Miller Alley Sanitary Sewer Construction, which consists of the construction of approximately 315 linear feet of 8" PVC Sanitary Sewer Pipe, were opened on February 8, 2005 at 11:00 a.m. The bids were advertised in the *Centre Daily Times* in accordance with the Purchasing Ordinance and a total of 9 bid packages were purchased. The following bids were received:

1. Mid-State Paving, LLC\$79,911.35
Steve Wagner, Manager
Paxtonville, PA
2. Steven J. Miller Excavating, LLC\$86,242.15
Steven J. Miller, Owner
Shade Gap, PA
3. DAC Enterprise\$94,890.55
Douglas A. Crestani, Owner
Julian, PA
4. Glenn O. Hawbaker, Inc.\$110,985.00
Daniel R. Hawbaker, President
State College, PA
5. Terra Excavating, Inc.
\$178,861.21
Thomas R. Kuhlman, President
Centre Hall, PA

Mr. Fontaine noted that construction time is 45 days and is anticipated to begin with the Notice to Proceed being issued on March 7, 2005. Funding for the project is available in Account #08-429-726.

Mr. Kern noted there was a big difference in the bid amounts. Ms. Story said that was not unusual. Contractors will bid on the projects according to availability; if they have many jobs lined up, their bids will be higher.

Ms. Knauer moved to award the bid to Mid-State Paving, LLC, the low bidder, in the amount of \$79,911.35. Ms. Goreham seconded the motion, which passed unanimously.

Trees to be Planted in 2005. Mr. Fontaine said that bids for trees to be planted in the spring of 2005 were opened on February 9 following an advertisement for proposals in the *Centre Daily Times*. Seventeen vendors expressed an interest in supplying the trees; of those, six submitted bids. The low bidder for each type of tree was determined, resulting in six low bidders:

Behrer's Landscaping.....	
\$ 2730.00	
Pine Grove Mills, Pennsylvania	
Klyn Nurseries, Incorporated.....	\$2559.00
Perry, Ohio	
Pencor Nursery	\$1551.00
Bellefonte, Pennsylvania	
Davey Tree	\$5443.00
Wooster, Ohio	
Scott's Landscaping	\$2039.00
Centre Hall, Pennsylvania	
Schichtel's Nurseries.....	\$4256.00
Springville, New York	

Mr. Fountaine noted that, in addition to the 140 trees ordered for the Borough, 30 trees were included for Ferguson Township, the cost of which will be reimbursed. All of the trees included for planting in the Borough were suggested by the Shade Tree Commission and the Borough Arborist. Funding for the purchase is available in the tree budget (\$16,037.00) and from Ferguson Township (\$2,541.00).

Ms. Knauer moved to award bids for trees to be planted in 2005 to the six vendors as described above, for a total bid award of \$18,578.00. Mr. Meyer seconded the motion. The motion was approved unanimously with a 7-0-0 vote.

Traffic Signs, Posts, and Hardware. Mr. Fountaine said that sealed bids for various street name and traffic regulatory signs, sign posts, and hardware for installation throughout the Borough were opened on February 11, 2005. Availability of bid packages was advertised in the *Centre Daily Times* in accordance with the Borough's Purchasing Ordinance and seven (7) vendors obtained bid packages for review. Six (6) bids were submitted, as follows:

U.S. Municipal Supply	\$22,577.54
Huntingdon, PA	
Chemung Supply	\$24,945.83
Elmira, NY	
Bradco Supply	\$26,118.01
Towanda, PA	
Hall Signs, Inc.	\$36,655.12
Bloomington, IN	
Rocal, Inc.	\$ 7,076.33**
Frankfort, OH	
M.H. Corbin, Inc.	\$19,625.60***
Plains City, OH	

**The bid from Rocal, Inc. does not include prices for the sign posts and angle bolts portion of the bid, only the signs and sign bolts. Rocal's sign and bolt prices are higher than the low bidder, U.S. Municipal Supply.

***The bid from M.H. Corbin, Inc. does not include prices for the sign portion of the bid, only the hardware. M.H. Corbin's hardware prices are higher than the low bidder, U.S. Municipal Supply.

Mr. Fontaine noted the bid from U.S. Municipal Supply complies with all the minimum specifications. Funding for this project is available in the Highway Aid budget (Account Number 35-433-260)

Ms. Goreham moved to award the bid for various street name and traffic regulatory signs, sign posts, and hardware to U.S. Municipal Supply, the low bidder meeting specifications, in amount \$22,577.54. Mr. Humphrey seconded the motion, which passed unanimously with a 7-0-0 vote.

ABC RECOMMENDATIONS

Tree Commission's 2005 Work Program. Mr. Fontaine said the work plan was discussed by the Tree Commission at their February 3 meeting. They recommended it be forwarded to Council for their approval. Tree Commission Chairman, Bill Elmendorf, is in attendance and available for questions.

Mr. Daubert indicated the planting and removal of trees and the master tree plan update were normal work items for the Tree Commission. However, he questioned the re-vegetation plan for Holmes Foster and the plan for the 100 block of West College Avenue. He was particularly concerned with planting trees in the 100 block of West College Avenue because the sidewalk width was too small. Mr. Elmendorf believed it was important to keep trees in the downtown as part of the streetscape. As the elm trees on the University side of College Avenue decline, it is important to provide shade trees. The Tree Commission has met with downtown business owners to keep them informed and hoped to have their full support. He noted that Kelly Ann Foster from the Landscape Architect department at Penn State had looked at the width of the sidewalk and believed, because of the existing street furniture, they would be able to put five to six trees in the right-of-way without impeding pedestrian movement.

Mr. Welch asked what kind of trees would be planted. Mr. Elmendorf indicated the type had not been decided but the trees proposed would not be small. It is feasible to have Sycamore or rubber trees because they would be hardy and do well.

Ms. Knauer explained the Tree Commission has been discussing this project for some time. To improve pedestrian safety, it had been suggested to remove the parking on portions of College Avenue to make room for better pedestrian movements. Mr. Daubert said this was suggested five or six years ago but was abandoned because the street is at a higher elevation than the sidewalk. Ms. Knauer believed there were ways to configure the sidewalks to alleviate the problem. Mr. Welch indicated this project would come back to Council in the future.

Mr. Kern moved to approve the 2005 Tree Commission work plan. Ms. Goreham seconded the motion, which passed unanimously with a 7-0-0 vote.

Historic Resources Commission 2005 Work Plan. Mr. Fontaine said the work plan was discussed by the Historic Resources Commission (HRC) at their February 15 meeting and they recommended it be forwarded to Council. Mr. Fontaine noted Council was to receive the work plan and schedule it for discussion at a work session.

Mr. Daubert noted the work plan included an item on the preservation of the former train station. He pointed out that the building had never been used as a passenger station and believed it would not be considered historic. Ms. Rosalie Bloom-Brooks, HRC member and resident of 812 West Beaver Avenue, indicated the station is the last physical link to the railway system. This was how many of the mail order homes were delivered. It is a visible connection to the Urban Village and the only vestige of what is left of the industrial zone.

Mr. Daubert asked if were possible to move the structure. Ms. Bloom-Brooks indicated she did not know, but believed it was possible to move anything with the right amount of funds. Mr. Daubert did not believe the University was interested in keeping it at its present location.

Mr. Kern moved to receive the work plan and schedule it for discussion at their meeting of March 4. Ms. Knauer seconded the motion. The vote was 7-0-0; the vote passed unanimously.

OLD BUSINESS ITEMS

Pedestrian Node for Beaver/Fraser and Chicanes. Mr. Fontaine noted the Transportation Commission had forwarded a recommendation to construct a pedestrian node at the southwest corner of Beaver Avenue and Fraser Street, and to continue the chicanes with a minor modification. As directed by Council and PENNDOT, the effectiveness of the chicanes was to be evaluated after a one-year trial period. According to a report by the Borough Engineer, the evaluation showed that the chicanes were effective in promoting better movement of vehicular traffic by eliminating loading/unloading from travel lanes. The Commission's recommendation had been discussed at Council's February 14 work session.

Based on the study results, staff recommends the chicanes be made permanent; however, with the construction of the new Beaver Avenue Parking Garage and the desire to create a loading zone on Beaver Avenue in front of the garage, staff recommends shifting the beginning of the chicanes further to the east, just beyond the Fraser Street intersection. In anticipation of the realignment of the Fraser Street/Beaver Avenue intersection, staff also recommends the installation of a pedestrian node at the southwest corner of the intersection. The reconfiguration of the chicanes requires PENNDOT approval and the construction of the pedestrian node requires a Highway Occupancy Permit from PENNDOT.

Ms. Knauer asked for confirmation that the chicanes would not have the concrete dividers. Ms. Story explained they would have break-away bollards, similar to what is in place at the diverters in College Heights.

Mr. Daubert indicated he was opposed because the chicanes benefit only one or two businesses on Allen Street. He saw no problem with the pedestrian node. Mr. Meyer noted the chicanes were not only to benefit the businesses on Beaver Avenue, but also to get traffic through town without being hindered by delivery trucks.

Mr. Meyer asked about accident statistics for this corridor. Ms. Story noted that the number of crashes has actually been reduced from that of the previous year. Mr. Daubert noted the reduction could be a result of the placement of the pedestrian node at College and Allen, which was the location of many accidents where two vehicles were trying to make right hand turns, one in the travel lane and the other turning illegally from the parking lane.

Ms. Knauer noted a citizen had commented at one of the Transportation Commission meetings that the chicanes were beneficial because the delivery vehicles no longer blocked the travel lanes. Ms. Dauler mentioned that another benefit is that traffic is traveling at a slower rate of speed. This helps to enhance the downtown pedestrian atmosphere.

Mr. Kern moved to request approval from PENNDOT to make the modified chicane pattern permanent with the pedestrian node at Beaver/Fraser. Ms. Dauler seconded the motion. The motion passed with a 6-1-0 vote, with Mr. Daubert opposed.

NEW BUSINESS ITEMS

Beneficial Reuse. Mr. Fontaine noted that during the last five months the Centre Region Council of Governments (COG) Public Services Committee had considered a request from the Executive Committee to prepare recommendations on the following issues:

1. How should the water generated through the University Area Joint Authority's (UAJA) Beneficial Reuse Project be distributed?
2. What entity should identify customers for the reuse water?

Included in these sessions were representatives of the Chamber of Business and Industry of Centre County (CBICC), the College Township Industrial Development Authority, Centre County Planning Office, University Area Joint Authority (UAJA), College Township Water Authority and several municipal managers. The draft report from the Public Services Committee was presented to the General Forum on January 24, 2005. Action was taken to refer the report to municipalities for comments.

Mr. Fountaine noted comments made by Borough staff were included in a February 22, 2005 memo from Mr. Whitfield.

Mr. Daubert reported that College Township has reviewed the report and approved the possibility of three routes. The most favorable route starts down Route 26 at the Nittany Mall to the US 322 expressway along the bicycle path. The line would travel next to the Centre Hills Country Club, a possible user of the water, and come out near South Atherton Street. This would circumvent the historic problems that would occur in Lemont. He noted that PENNDOT seems to be amenable but the costs may be higher.

Mr. Daubert indicated there was some concern that the UAJA and CBICC planned to market the water only to existing businesses and will not be looking at bringing it to new businesses in the area. Ms. Knauer noted the CBICC has interacted with COG and with the Public Services Committee. Although their participation is less than hoped, they are willing to do all they can. The UAJA did not feel they would be able to market the water because of current staffing levels. She noted that COG decided the primary goal was to recharge the ground water, not just to make the water available for industry. Ms. Goreham suggested a certain percentage, such as 50 percent, be set that should be used for recharging the well fields.

Ms. Dauler asked that staff recommendations be included in their comments to COG with the additional comment on including a minimum percentage to be used for recharge. Mr. Daubert agreed but felt a definition should be added for what would be considered as recharge. Ms. Dauler suggested the recharge should be for stream augmentation.

Council discussed the quality of the water and to what extent it could be used.

Ms. Knauer moved that staff comments be forward to COG with the additional comment that a minimum of 50 percent be dedicated to stream augmentation. Ms. Goreham seconded the motion, which passed unanimously with a 7-0-0 vote.

Memorandum of Understanding and Interim Lease Agreement. Mr. Fountaine said the Borough has concluded negotiating the condemnation and exchange of property between the Medical Arts Partnership and the Borough of State College to allow for the demolition of the Medical Arts Building at 201-213 Beaver Avenue and the realignment of Fraser Street. A Memorandum of Understanding has been drafted to lease approximately 17,800 square feet in the new Beaver Avenue Parking Garage to the Towne Centre Partnership, the successor to the Medical Arts Partnership, in exchange for Medical Arts building. The lease term is 29 years with two ten-year options at terms to be negotiated at the time the options are exercised. The lease will be capitalized and the Towne Centre Partnership shall pay the Borough \$1.2 million at closing. The Medical Arts Partnership also agrees to accept the appraised value of \$2 million as full compensation for the taking of the Medical Arts property for general municipal purposes. A second agreement will provide for the continued occupancy by the Medical Arts Partnership at 201-213 Beaver Avenue, until commercial space is ready for occupancy in the Beaver Avenue garage.

Mr. Daubert moved to approve the Memorandum of Understanding and the Interim Lease as described. Mr. Meyer seconded the motion, which passed with a 7-0-0 vote.

VOUCHERS. Upon motion of Ms. Knauer, second by Ms. Dauler, Council voted 7-0-0 to receive vouchers for the month of January, 2005, for the Borough of State College, in amount \$2,917,581.18 and, acting as agent for the Centre Region Council of Governments, vouchers totaling \$1,273,902.63.

MINUTES. Upon motion of Ms. Knauer, second by Ms. Dauler, Council voted 7-0-0 to approve minutes of previous meetings, as submitted and as follows:

- A. Work Session – January 10;
- B. Regular Meeting – January 18; and a
- C. Work Session – January 21.

OFFICIAL REPORTS AND CORRESPONDENCE

Mayor's Report. Mr. Welch announced that it was the 150th birthday of Penn State University and promptly soloed in a wonderful rendition of "Happy Birthday," which received a round of applause.

President's Report. President Daubert announced an *executive session* of Council held on February 14 to discuss the personnel matters and real estate litigation as well as an *executive session* following this meeting to discuss legal matters.

Staff/Committee Reports. Mr. Fountaine noted that a report on zoning enforcement activities for 2004 and the annual parking enforcement activity report for 2004 were both distributed to Council.

There being no other business to come before Council, the meeting was adjourned at 8:33 p.m.

Respectfully submitted,

Thomas J. Fountaine, II
Borough Secretary