

COUNCIL MEETING OF NOVEMBER 21, 2011
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CALL TO ORDER

The regular meeting of the Bellefonte Borough Council was called to order at 8:00 p.m. by Council President Frank Halderman in the Bellefonte Borough Municipal Building.

Pledge of Allegiance:

Following the Pledge of Allegiance, Council remained standing for a moment of silence. Members were asked to turn off their cell phones or put them on vibrate.

ROLL CALL

Members Present: Wilson, Dainty, Taylor, Schneider, Provan, Beigle, DeCusati, Dunne, Halderman,

Members Excused: McCullough, Confer

Officials Present: Ralph Stewart, Borough Manager
Don Holderman, Assistant Borough Manager
Mayor Stanley Goldman

Staff Present:

Guests: Rod Beard; Kandice Giurintano; Susan & Kenny Kempton; Marti & Dick Supena;

APPROVAL OF MINUTES

Ms. Dainty made a motion to approve the minutes of the Bellefonte Borough Council meeting of November 7, 2011. Mrs. Dunne seconded the motion. A voice vote was unanimous to approve the minutes as presented.

Mr. Taylor reported there should be a spelling change on the name Elnitski. Mr. DeCusati reported that the motion made by Mr. Taylor was denied rather than approved with a vote of six no's to three yea's. A voice vote was unanimous to approve the minutes as corrected. Mr. DeCusati made a motion to approve the minutes as amended. Mrs. Dunne seconded the motion. A voice vote was unanimous.

COMMUNICATIONS

WRITTEN

- A letter from Ralph M. Houck, resigning his position as Sewage Enforcement Officer for Bellefonte Borough in June 2012. Replacements will be sought.

- A letter from William MacMath, Township Manager, Spring Township, regarding Kepler Pool Funding. Spring Township approves the 2012 budget but will not participate after that unless there is a long-range plan in place before the end of 2012.

- A letter from Denise Herr McCann, Division Director, Community-Based Services, Centre County Youth Service Bureau, requesting \$1,000.00 in funding from Bellefonte Borough. This will be reviewed for the 2012 budget.

Council members would like a presentation from this organization to better understand what they do.

ORAL

- Kandace Giurintano, an attorney with McNeese, Wallace & Nurick from Harrisburg, PA. She is representing Mr. and Mrs. Supena with comments regarding the proposed eminent domain ordinance. The ordinance relates to a project to construct a river walk in Bellefonte and it is a modification of a project previously put forward by the Bellefonte Industrial Development Authority (IDA) that included development of the land adjacent to the river walk with possibly a shopping complex and a hotel and other private businesses to encourage the growth of business in Bellefonte. Ms. Giurintano understands that portion of the project did not move forward because the IDA did not have the power to take those properties by eminent domain and that there were concerns regarding acquiring private property and turning it over to other private property owners for potential gain. The Supinas were recently approached by the Borough with the indication that a revised version of the project was moving forward, and their property would be acquired and there was going to be construction of the river wall/river walk, but not the adjacent development portion of it.

Concerns related to that project are: 1) they have not seen a plan for that revised version of the project and for the funding related to that project. It is understood the Borough has a grant that requires matching funds. Previously there was not a mechanism to obtain the matching funds or if they were borrowed or acquired in some other way for the Borough to pay them back would be to sell the property for development. As property owners in Bellefonte, the Supinas want to know what the expected source of repayment for those loan funds would be if not to ultimately sell the remainder of the property for development. If the current plan is to build the river walk, which would only require taking an approximately 18' strip of the property from the property owners along the waterway, then why is it necessary to acquire the entirety of the property in order to construct the river walk. There was a representation that the construction of the river walk might result in flooding of the remainder of the property. If that is currently the case, is it possible to engineer the project so that would not occur and allow the Supinas to maintain a portion of their property not necessary for the construction of the walk? How did the engineering plan change since previously there was supposed to be the development of shops and businesses on that remaining property and presumably if that section were going to flood, you would not be able to build those businesses in a flood plain? The question is what changed between the prior version of the engineering plan and the current one that makes the remainder of the property now unusable?

Comments are: What exactly is the engineering behind this new plan? What is the funding for this acquisition and construction if there is not a sale to a developer? Has the

Borough looked at whether or not this is appropriate use of the eminent domain power? Is there a plan to compensate appropriately not only the property owners but the tenants who are residing or have businesses on this property? Has the impact of this in terms of the flooding of the waterways been looked at sufficiently?

Mr. Beard, solicitor for the Bellefonte Area Industrial Development Authority, addressed Council and guests, providing a brief summary of the project. He has worked on this project for some time and the hope was to be able to purchase the properties from the landowners involved in this project. He stated one of the landowners suggested they obtain just enough ground to be able to build the flooding improvements. From an engineering standpoint, when a wall is built to do the channel improvements of Spring Creek, it leaves the property as a detention basin. The current thinking of the IDA is the properties will need to be filled to avoid the detention basin affect. There is no way to fill the property and not displace the current uses that currently exist on the property. The flood mitigation improvements cannot be constructed without taking the entire property.

Mr. Beard reported the matching funds for the grant are in place. There are number of elements being examined as far as pay backs. Compensation for the owners is available including any displaced tenants.

Mr. Halderman stated the IDA and Bellefonte Borough Council deliberated for some time over the project and felt the only way to move forward and enhance the waterfront development for Bellefonte Borough was to move in this direction.

Ms. Giurintano feels Mr. Beard does not entirely address their concerns. She feels in the future if the Borough would sell the properties to a developer, it would violate the provisions of the eminent domain code. She doesn't feel there is a current plan to pay back the matching funds. Mr. Halderman stated that is not her concern, but that of the elected officials sitting at the Council table and the IDA. He also noted that Council is unanimous in its position that moving forward with this project is in the best interest of Bellefonte Borough and its residents.

- Mr. Provan reported the Bellefonte Knight's of Columbus Council 1314 will hold a free Thanksgiving dinner at the Council home on Stoney Batter Street on Thanksgiving from 11:00 to 2:00 PM. Anyone may attend.

SPECIAL COMMITTEE REPORTS

- Mrs. Dunne reported on the Spring Creek Watershed Commission Meeting of November 16, 2011. The state of water is still good in the watershed, and it is the third wettest year to date. The stream flow at Milesburg is very good and exceeds the stream flow of the previous two years. She reported the Commission is interested in studying recharge capacity over the watershed. It would be a long-term project done with GIS maps with various overlays of factors that contribute to recharge capacity so one could see how the recharge would be ranked. This could provide information that would be applicable to land development. There will be more information regarding this in the future.

There is interest in a Source Water Protection Coalition at the County level. More information will be provided on this in the future. It would serve the purpose of getting together for public education and to address larger threats to water quality that may exist in the County.

- Mr. Beigle reported the Centre County Airport Authority met last Thursday and things are going well. He suggested Council members go to the terminal and observe the changes. The carpet in the terminal has been changed and brightened things up. There is hope that another air service will use the airport in the future.

- Ms. Dainty met with the Borough Resolution and Policy Committee. There is an update on House Bill #1950, which is the impact fee for Marcellus Shell. It is suggesting that the bill would be opposed because it would take away any rights for zoning with the gas companies. The bill has passed however the total preemption of local zoning ordinance to an agreeable narrowly focused preemption of local regulatory powers are now in it. That has been removed with very limited powers of preemption on the zoning laws. They are asking you contact the Senators and request they push the bill forward as it is worded.

MAYOR’S REPORT

- Mayor Goldman encouraged everyone to view the Christmas decorations since the lights are on and they are beautiful.

OFFICE OF COMMUNITY AFFAIRS

ZONING/PLANNING

- None

CERTIFICATES OF APPROPRIATENESS

- None.

COMMITTEES

Building & Property—There was a meeting held on November 9 with Little League representatives, Bellefonte Borough representatives, a Spring Township representative and Mr. Daughenbaugh at the Little League headquarters. All the parties involved reached an agreement on certain remedies that will be tried during the coming season for parking, safety and land use concerns so, therefore, it is felt at this time there is no need to take any action on disposition of Borough land at that site.

Finance & Government Performance—Mr. Wilson made a motion to file for audit the October 2011 vouchers in the amount of \$1,108,703.96. Mr. Provan seconded the motion. A voice vote was unanimous.

October 2011 Vouchers

General	18092 - 18996	\$ 633,249.58
Streetlighting	747 - 754	\$ 6,159.10
Bellefonte Fire Dept.	1214 - 1219	\$ 9,877.98

Fire Equipment	144 - 147	\$ 4,695.88
Parks & Recreation	1549 – 1568, 98	\$ 13,289.41
Water	7948 - 8025	\$ 203,136.33
Sanitation	9263 - 9311	\$ 148,613.49
Refuse	2309 - 2333	\$ 79,532.46
Swimming Pool	491 - 492	\$ 431.22
CDBG	-	\$ 0.00
Special Projects	124 - 125	\$ 4,246.36
Highway Aid	-	\$ 0.00
Capital Projects	-	\$ 0.00
Bulk Water Sales	148 - 151	\$ 5,472.15

Total: \$ 1,108,703.96

- Ms. Dainty made a motion to pay an invoice to McQuaide Blasko in the amount of \$1,018.14. Mr. Beigle seconded the motion. A voice vote was unanimous.

Park & Recreation—Mr. Taylor reported the minutes of the last meeting of the Parkview Heights Teener League Field are in the packet for review. Everything is moving along smoothly. There will be a final meeting with Mr. Nastase to be sure things are completed to the satisfaction of Bellefonte Borough and the Teener League. CPI has begun work on the dugouts.

Human Resources—Mr. Provan reported the first negotiations session between Bellefonte Borough and the Union Representative for the Streets employees will begin on December 15.

Safety—Mr. Wilson needs to revisit the request from the Centre County Courthouse in regard to the parking space for Judge Lunsford outside of the Courthouse Annex. It needs to be determined whether the space should be provided or whether the County should be charged for use of that space. The space would be used Monday through Friday for a limited time and a sign could be placed there to state the space is reserved for that time period only. It was suggested the County be charged since the school district is charged. Mr. Wilson feels Council should vote on the matter.

Ms. Dainty made a motion to charge the County as appropriate to the Bellefonte School District. Mr. Beigle seconded the motion. The motion passed with Mr. Provan voting no.

Water/Sanitation—There was no report.

Streets—Mr. DeCusati reported the CCMPO changed the bylaws to allow for Bellefonte Borough, Marion Township and Walker Township to have a joint vote on their Council deliberations. It will need to be determined between the municipalities how this will be done. In the beginning of 2012 a meeting will be set up and Council will discuss their preferences in a work session before the meeting.

The “Look Left, Look Right” sign at the intersection of Wilson Street and Howard Street got hit by an out of town truck driver. He took the turn too tight and ran over the sign. The state will repair the sign because it is a state sign.

Energy & Environmental Conservation—There was no report.

OLD BUSINESS

- Mr. Holderman informed Council members that the Borough is co-sponsoring an Historic Tax Incentive workshop for December 7. It has been moved from the Courthouse Annex to the American Philatelic Society.

- Mr. Holderman reported the Bellefonte Area School District requested Bellefonte Borough help with the expense of the school zone signs for the elementary school along Allegheny Street. A grant application was submitted to the County for liquid fuels funding. The school district would provide a match and the Borough would provide in-kind matching. This would be in addition to the current liquid fuels funding.

- Mr. Stewart reported the library appointment is traditionally a Council member. That needs to be done soon.

NEW BUSINESS

- Ms. Dainty made a motion to approve Ordinance No. 112111-001, an ordinance of the Borough of Bellefonte providing for the exercise of eminent domain in order to acquire real estate known and designated as tax parcel numbers 32-302-084 and 32-302-87, to authorize activities in accordance therewith, and to pay just compensation. Mr. Schneider seconded the motion. A voice vote was unanimous.

- Mr. Beigle made a motion to approve Ordinance No. 112111-002, Earned Income Tax Ordinance, an ordinance levying a tax on earned income and net profits; requiring tax returns; requiring employers to withhold and remit tax; and related provisions. Ms. Dainty seconded the motion. This is not a new tax but rather amending what is on the books to address the new Centre County countywide tax collector. A voice vote was unanimous.

- Mr. Wilson made a motion to accept and post the 2012 meeting schedules for Bellefonte Borough Council, Bellefonte Borough Authority, Bellefonte Borough Planning Commission, Bellefonte Borough Historical and Architectural Review Board and the Bellefonte Borough Industrial Development Authority as presented. Mr. Provan seconded the motion. A voice vote was unanimous.

- Mr. Provan made a motion to approve the 2012 Bellefonte Borough Holiday Schedule. Mrs. Dunne seconded the motion. A voice vote was unanimous.

ADJOURNMENT

- With no other business to come before Council Mr. Wilson made a motion to adjourn the meeting of November 21, 2011 at 8:50 PM. Ms. Dainty seconded the motion. A voice vote was unanimous.