

**BELLEFONTE BOROUGH COUNCIL MEETING**  
**April 4, 2016**  
**www.bellefonte.net**

**CALL TO ORDER**

The regular meeting of the Bellefonte Borough Council was called to order by Council President Gay Dunne in the Bellefonte Borough Municipal Building.

Pledge of Allegiance:

Following the Pledge of Allegiance, Council remained standing for a moment of silence. It was requested that cell phones either be placed on vibrate or turned off.

**ROLL CALL**

Members Present: Beigle, Brachbill, Brown, Dunne, Johnson, Tosti-Vasey

Members Excused: DeCusati, Harvey, Spicer,

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

Staff Present: Vana Dainty

Guests:

**PUBLIC COMMENTS**

Frank Swancer, a representative from Benner Township, is concerned about the biosolids that will be spread in Benner Township. He presented letters to Council that have been generated by the Benner Township representatives concerning the application. He is asking for help because they are at a crossroads right now. The letters were submitted to DEP regarding the application of the class B biosolids in Benner Township. He asked that Council review the letters if they have not seen them previously. The Benner Township community is concerned about the application of the class B biosolids. Will it contaminate the aquifer? The aquifer does still come down to the Big Spring in Bellefonte. The wastewater treatment plant is receiving material from other treatment plants, which we were told. We have no idea what that is. The Benner Water Authority is reviewing the draft source water protection plan. It will be adding an aquifer recharge to the plan. Bellefonte Borough completed their source water protection plan 2014, which was very commendable to protecting your water source.

He asks that the Borough please hear them and give the same respect to Benner Township to leave them complete their water plan before biosolids are applied. If you look at the multiple ones, the single ones have it on there but the multiple ones is on page three. They show that the Shaffer farm now is receiving biosolids and then when the Spicer farm receives biosolids they are surrounding the Grove Park community well with biosolids. They do not have the zone 3 recharge system. They are very concerned about it. All the residents are concerned about contamination into the aquifer. There is one there from Benner Township Water Authority requesting for time and we feel that maybe the Council could help us out and have them either withdraw the plan or just give us time to review it to see what may happen to the water, what will happen to the water. It's very precious and we are just very concerned about the water safety, especially when you see how they are surrounding the water resources with biosolids. It is a deep concern of all the constituents in Benner Township. We feel that maybe the Council could help us out; maybe have them hold off, get everything addressed before the Authority does that. I think you have a little bit of responsibility for anybody that is looking for clean water and want to be sure they have clean water. We are just asking for time. That is the basic thing. I want to thank you for listening to me and taking the time to review it. It is a very high concern of our community. They sent me here just to express our concern and voice our opinion. Mayor Wilson thanked him. He said there is quite a bit of information that they will look into and read and find out what they are talking about. This gives the Council something to chew on.

Mr. Swancer said it gives a lot of information and for the representatives it is very helpful. They had a chance during the comment period but when they tried to comment the plan was not submitted yet so they were not allowed to make comments, but then when it was submitted and done they did not know about it. Then DEP had given them two weeks and they rescinded their two weeks and they had to go to the appeal process. Benner Township Water Authority is appealing. They would just like to have some help to have that slowed down a little bit.

Mr. Brachbill suggested talking to the Water Authority as well, the Bellefonte Borough Water Authority. Mr. Stewart said that is who is setting the policies for the wastewater treatment plant and the biosolids applications. Mr. Stewart asked him to find alternatives to where the biosolids are to be taken. The other alternatives have a cost associated with them. Mr. Stewart asked him to do his homework and bring to that authority meeting a list of alternatives along with the costs. Mr. Stewart is sure the Authority will look at them if Mr. Swancer does the homework and brings the list to the meeting. Mr. Swancer will do what he can.

Mr. Brachbill asked if anyone talked to the Spicer farm since they are the entity that has gone after it to purchase this as well as the other people that already have it applied. Mr. Brachbill asked what their feeling is. Mr. Swancer said they are at a meeting tonight with the township. He doesn't know what is going on at that meeting.

Mr. Stewart stated Mr. Shaffer has been in the program for at least two years. The whole permitting process was done exactly the way it was with the Spicer farm and nobody said a word – not the County, not Benner Township, not the residents. Biosolids have been spread at the plant for over 25 years and there has never been a problem, an incident, or a violation to his knowledge. The program is reviewed and permitted and regulated by DEP. There are no issues with the program. The Borough

meets or exceeds the regulations that are out there. The alternatives that he is speaking of and thinking of cost money. The biosolids could be taken to Wayne Township in Clinton County and pay to have them landfilled at probably \$50 a ton times 3,000, and that does not include the trucking or the labor. That is just the dumping fees. In order to make up for that someone has to pay. If Benner Township asks the Borough to pay or make up for that Mr. Stewart feels it would only be courteous or right that someone makes that cost up to the Borough.

Mr. Swancer said when Mr. Stewart says no one said anything from Benner Township that his wife contacted the treatment plant and they said they couldn't be getting comments until the application was...Mr. Stewart said he was talking about two years ago when the Shaffer farm was permitted nobody said anything. Mr. Stewart was not speaking about the Spicer farm. Mr. Swancer questions whether nobody said anything about it because when they tried to find out they were told that they would be notified when the permit was actually applied for. No one contacted them. When they saw the signs up for the Spicer farm they contacted DEP and they said they would be glad to accept two weeks of comments. As soon as they had comments come from the Water Authority and the Township Supervisors, there is a comment letter there from the Supervisors, for some reason, it seems funny to him, that when they came up with letters to send they decided to say well no, we're not going to give you those two weeks. They retroacted it back two weeks before comments and told them now they have to go through an appeal process. He doesn't know if that happened with the other farm and people just didn't want to get involved because they hit a stone wall. Mr. Swancer feels they hit a stone wall because DEP said they would listen and then they said they didn't listen and they had to go through an appeal. He doesn't know what happened with the other farm. All he knows is what is happening with this one. They border the property and they are concerned. They were not contacted and they should have been contacted. They should have been contacted the day when they sent in that application because they said they would and they did not. Mr. Swancer has no explanation for that. By the time they found out about it they thought they did have two weeks and then they took it away from them.

Mr. Stewart cannot speak for DEP. He doesn't know what their decisions were or why they made the decision. Mr. Swancer has proof that they gave them the two weeks and took it back. He feels it was an unfair process. He feels if it is not that detrimental to the community that they should actually prove it and say okay, quell the fears. With Grove Park...Grove Park doesn't even have a second well yet and they are supposed to have a second, which will change the aquifer range and then the recharge. They are within 1,000 feet of zone 2. The other farm, if you look at the map they are surrounding Grove Park's water. Mr. Stewart said when the permit was submitted DEP reviewed maps and where things were in relation to where the biosolids are being spread on that farm. They looked at maps of the area and they issued a permit. Mr. Stewart feels the concerns of Mr. Swancer were addressed by DEP.

Mrs. Dunne said it may be that some of his concerns were identified by Bob Jacobs, the Planning Director at the County level. Mrs. Dunne is sure that the Authority probably may have this or not. It did look at the distribution of the existing farms and the addition of the Spicer Farm.

Mr. Beigle said everyone has to remember that DEP controls what goes on. They issue the permit. The Authority does not. The farmer came and asked if they could put biosolids. When that happens and you apply for the application you go to DEP and they tell you whether you can or cannot. They are the ones that control it. It is a process. The Authority did everything by the book. They give you permission to put it on or not. It is out of the hands of the Authority. It is in the hands of DEP. Mr. Beigle reiterated that DEP controls what happens. They are the ones that you have to work with. If Mr. Swancer comes to the Authority meeting he will tell him the same thing. Mr. Beigle said he won't get help from the Authority because they have to get rid of the biosolids. DEP goes to the nth degree to make sure everything is 100%. Mr. Swancer needs to go to them.

## **CONSENT AGENDA**

(The following items listed on the Consent Agenda are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of Council request specific items to be removed for separate action.)

- Minutes - Approval of March 21, 2016 Meeting Minutes
- Communications – Email request regarding the Sounds of Summer at the Gazebo

Mr. Johnson made a motion to approve the Consent Agenda. Mr. Beigle seconded the motion. A voice vote was unanimous.

## **REGULAR AGENDA**

### **COMMUNICATIONS**

#### **WRITTEN**

- There is information on training opportunities and funding fire and EMS services in the packets for review.

- A letter from Albert Lavan, Centre County WNV Program Coordinator, Centre County Planning & Community Development Office, regarding the West Nile Virus Program that is available for 2016. They look for places of standing water and treat those. You can contact the County if you know of any sites like that.

- A resignation letter from Holly Keen, who types the meeting minutes. Mr. Stewart asked her to reconsider and provided her with a few options. Mr. Brachbill suggested replacing the recorder. Mr. Stewart said a new one was ordered that is on his desk. It came in today and there are a few things, plus it needs to be learned how to use it. It should be in use by the next meeting. Mrs. Dunne stated there was some off camera discussion regarding this. Mr. Stewart agrees that the recording system is 90% of the problem.

- PSAB Voting Delegate needs to be designated for the June conference.

Mr. Beigle nominated Gay Dunne as the voting delegate to the PSAB conference in June. Mr. Brachbill seconded the motion. The voting is the very last thing that they do at the conference. A voice vote was unanimous.

Mrs. Brown nominated Joanne Tosti-Vasey as the alternate voting delegate to the PSAB conference in June. Mr. Johnson seconded the motion. A voice vote was unanimous.

- A letter from David Gray, Senior Vice President for Finance & Business, The Pennsylvania State University and Tom Fountaine, Borough Manager, Borough of State College in relation to some very important training that the Bellefonte Police Officers went to. Mrs. Dunne commends the Police Department for going through that training. Diversity and inclusion training seems to be important in the current climate of police in the media and everybody can learn from this.

Mr. Brachbill would like to go to the EMS training. He is willing to pay the \$50 fee if the Borough can sign him up. Mr. Stewart said the Borough will take care of it. The training is May 11<sup>th</sup>, from 8:30 a.m. to noon at the Ramada Inn, State College.

- A letter from Mary C. McMurtrie and Bill Walk, Bellefonte Easter Egg Hunt Committee, thanking Borough Council for the work and all the activity that took place for the Easter Egg Hunt. They also would like to reserve the park for April 15, 2017.

Mr. Johnson made a motion to allow them to use the park April 15, 2017 for their annual Easter Egg Hunt. Mr. Brachbill seconded the motion. A voice vote was unanimous.

## **ORAL**

- None.

## **SPECIAL COMMITTEE REPORTS**

- The CCMPO Meeting Summary report from the February 23, 2016 meeting was in the packet for review. Benner Township has withdrawn as a voting member and funding partner. There will be a meeting of the Coordinating Committee on Wednesday, April 20<sup>th</sup>, at 6:00 p.m. at College Township.

- The draft Fire Department Executive Committee meeting minutes from March 24, 2016 are in the packet for review.

- The draft Safety Committee meeting minutes from March 9, 2016 are in the packet for review.

- The draft Fire Protection Task Force meeting minutes from March 24, 2016 are in the packet for review. Mr. Brachbill felt it was a good meeting. A lot of time was spent on one subject at the beginning, but they did get through the agenda. He feels they are concentrating more on the funding part. They talked about working with the other fire

departments around the area similar to the Centre Region COG. All the departments face the same issues with volunteers and putting enough people out there when there is an emergency. He is still trying to decide how to address the idea. He got some good feedback from the Nittany Valley Planning Commission.

## **MAYOR'S REPORT**

- Mayor Wilson reported that they continue to make efforts with the committee of two, but with a lot of help throughout the Borough and the County and Region on the effort to connect Milesburg to Bellefonte with the Greenway Trail and hopefully eventually connect with the State College Trail. He has a meeting with Centre Bike on April 11<sup>th</sup>. He is meeting with a County bike group in May. They have met with the Commissioners and with the County a number of times. He appreciates the support of Borough Council on this effort. He feels if everyone lives long enough they will see the bike trail come to completion.

## **OFFICE OF COMMUNITY AFFAIRS**

### **ZONING/PLANNING**

- Ms. Dainty said for the first time the Planning Commission is permitted to have alternates. That was revised in November 2015. The Planning Commission feels this is a good idea and would like the approval of Council to have two alternates. If approved they would advertise it on the web page. When responses are received they will bring the names to Council for approval. The alternate will be asked to attend as many meetings as possible.

Ms. Tosti-Vasey made a motion to allow the Planning Commission to have two alternates. Mr. Beigle seconded the motion. A voice vote was unanimous.

Mr. Brachbill noticed in the meeting minutes there was discussion about the County map and the highlighting colors. Ms. Dainty said that was the land use map that came to the Nittany Valley Planning. There was some disaccord between planning and Liz. After Liz left they had a workshop and talked. They understand it a little better now. Zoning is part of zoning, but planning is part of the future and it is looking to the future. They understand that better now. There is a zoning map that tells you exactly what it is used for. There is a land use map that tells what might be there and what is currently there. It doesn't say what the zoning is. It will be discussed further at the next Planning Commission meeting.

Ms. Dainty has a webinar on her computer on the Zoning Hearing Board. She will let Council know when she will be watching it. There is another one by Stan Lindbeck for PSAB. Ms. Dainty is signed up for both of them. She will show the webinar at one of the Planning Commission meetings.

- The draft Planning Commission meeting minutes from March 28, 2016 are in the packet for review.

## **HARB**

### **CERTIFICATES OF APPROPRIATENESS**

- 1) 435 North Spring Street – approve the metal roof, but not the removal of the shingles on the end of the garage.
- 2) 384 East Linn Street – approve the addition of a dormer; it will be put on the back of the house inside the L-shape.

Mr. Johnson made a motion to approve the Certificate of Appropriateness for 384 East Linn Street. Mr. Brachbill seconded the motion. A voice vote was unanimous.

Ms. Tosti-Vasey made a motion to approve the Certificate of Appropriateness for 435 North Spring Street. Mr. Beigle seconded the motion. Ms. Tosti-Vasey stated the roof hasn't been started. It was stopped when they delivered the materials to the property. The roof being put on is a shed roof, which historically would be appropriate for out buildings. It would be totally inappropriate on a historic building. There are several homes in Bellefonte that have shed style metal roofs on that went through without HARB approval in the historic district. The house on 425 North Spring Street is one that was applied without approval. 429 has a standing seam roof on both the roof and the garage, which is historically accurate. They want to change from asbestos to a shed roof. She also wanted to put the same metal roofing material on the side of the house, which is what was disapproved. HARB recommended she use hardiboard. Her main concern with the hardiboard is that it is too expensive for her. There is an alternative, which would be a metal shingle. The garage is a stone garage. She feels HARB made the right decision. A voice vote was unanimous.

- Ms. Tosti-Vasey made a motion to approve Nancy Perkins as a new HARB member and Mack Mahan as an alternate. Mr. Johnson seconded the motion. The motion passed with Mr. Beigle voting no.

- The draft HARB meeting minutes from March 22, 2016 are in the packet for review.

**BUILDING AND PROPERTY** – The proper way to fix the sinkhole would be to put a drain out to West Howard Street and the Borough drain would need to be brought up from Allegheny Street to the bank driveway. A cautionary program needs to be worked out. There will be a meeting with the bank.

The construction site on Allegheny Street for the Cadillac Building was moved in about two feet.

**FINANCE AND GOVERNMENT PERFORMANCE** – No report.

**PARK AND RECREATION** – Ms. Tosti-Vasey reported the Freight House move to Talleyrand Park will occur the week of April 18<sup>th</sup>, weather permitting. Once an exact date is known BHCA and Council will be notified. It was put on the BHCA Facebook page.

- There were two resolutions at the table regarding DCNR grants. One is for a project where the mud sill will be extended at Talleyrand Park; and also repair/replace the pergola. This is for a grant agreement. Once the resolution is approved it will be submitted with the grant application.

Mr. Beigle made a motion to approve the resolution. Mrs. Brown seconded the motion. A voice vote was unanimous.

- There is another grant application requiring a resolution to apply for funding that will do a Spring Creek Canyon Trail extension study.

Mr. Johnson made a motion to approve the resolution. Ms. Tosti-Vasey seconded the motion. It would be a matching grant and Council has already approved \$35,000.00. This would be for \$2,017.00. A voice vote was unanimous.

**HUMAN RESOURCES** – Mr. Stewart reported there is some ongoing activity for a couple openings to be filled.

- Mr. Holderman reported the Labor Management Contract was given to Council members for review.

**SAFETY** – Mr. Brachbill reported the Bellefonte Safety Committee meeting will be Wednesday, April 13<sup>th</sup>, at 1:00 p.m. in Council chambers.

- Mrs. Dunne reported that she, Ms. Tosti-Vasey and Mr. Johnson went to the NIMS Training Session for elected officials on March 31<sup>st</sup>. It is now called G-402. It is two hours of training in what the Council member role would be in the case of disaster and emergency. One of the fringe benefits of attending is that it assists the municipality in applying for state funding PEMA or FEMA should a disaster happen. They received a very nice Certificate of Training that will be turned over for filing.

Ms. Tosti-Vasey felt it was very good. They offer training programs that give more detail that would be useful in the future. Mr. Johnson reported they provided a nice workbook that is a good tool for reference.

**WATER/SANITATION** – Mr. Beigle reported there will be an Authority meeting on Tuesday, April 5<sup>th</sup>.

- Everybody on Council received a packet from SBWJA Chairman, Mr. Miller. After reading the packet and looking at that he asked if there could be a presentation that could be given by an engineer from Nittany Engineering on Act 537. He would like to invite the president of SBWJA as well as the Spring Township Manager to attend the next meeting so the issue can be addressed that seems to be there. Mr. Beigle would like to have the constituents to see what the Authority is up against.

- Wednesday, April 6<sup>th</sup>, begins grass and brush pickup. They will both be picked up at the same time in the same truck. This will continue until November. The containers are interchangeable now. The container is rented for a one-time charge. The landfill is now open.



**STREETS** – Mr. Johnson reported the Street Committee met and addressed looking at Burrows Lane and Locust Lane. There was a request from a citizen to change one or two of those streets to one-way. The Committee is considering possibly at Burrows Lane reducing the size of the parking space that comes out onto Spring Street to help with visibility. The Committee would like to check with the Police Department to clarify the correct verbiage to put on a sign that limits the size of the vehicle parked there.

- There were some requests for additional street lighting. One at the corner of High Street and Potter Street and the other one being considered is on the corner of Bishop Street and Beaver Farm Lane. After these are reviewed further a request will be submitted with West Penn Power to get those two taken care of.

- The Streets Committee is looking at a way to create a policy for sidewalk closing and street closing. Mr. Stewart will check with other Boroughs to see if there is a policy that can be used as a guideline to create one for Bellefonte Borough.

- Mr. Holderman reported the final check was received for the Lamb Street project from FEMA on March 31<sup>st</sup>.

- There is a meeting to discuss North Thomas Street on Thursday, April 7<sup>th</sup>, at 3:00 p.m. in the Borough Building.

**ENERGY & ENVIRONMENTAL CONSERVATION** – There was a meeting that was attended by Ms. Tosti-Vasey, Mrs. Dunne and Mr. Beigle. Mr. Holderman had an ordinance that was being used as a model in incorporating some issues regarding solar panels. They discussed things like south facing facades where solar shingles could be used rather than solar panels. They also discussed about what they could put in for the Historic District and then a more general ordinance for the entire town. Mr. Holderman should have it completed this week.

The other thing was looking at a Bee Friendly Ordinance to be designated as a “Bee Friendly” town.

## **OLD BUSINESS**

- Ms. Tosti-Vasey commented on an email from Dave Steil regarding HB1688. He is the former republican representative who spoke at the work session. As part of that email there was something that Ms. Tosti-Vasey put together. Council received the part that talked about the detailed issues. She gave a summary of the points of that they talked about. Mr. Steil said as a representative at the state level and when he served on Borough Council in Bucks County where he lived expectations were that advocacy for the community by individuals and elected officials was expected. He then went on to talk about some specific questions that were raised and that is what is in the email that Council members received. He went on to say as a small business owner he regularly speaks to businesses, Chambers of Commerce, and governmental entities

regarding this bill. He said if there are any further questions to let him know and he would try to answer them.

Ms. Tosti-Vasey made a motion to pass the Resolution. There was not a second so the motion failed.

- There was a memo in the packet from Mr. Stewart regarding the Nepotism Policy. He contacted Ferguson Township, who is the source of the provision that Council was considering adopting. It had been reviewed by a solicitor. There is also other information in the packet.

Ms. Tosti-Vasey serves as the Centre County Chair to the Advisory Council for the Pennsylvania Human Relations Commission, which is the agency that oversees the Human Relation Act. She said you need to be sure this policy would not conflict with the Anti-Discrimination laws in the state. She talked with Geoffrey Biringner, who is the executive director of education and outreach for the Pennsylvania Human Relations Commission. He suggested before the policy is passed that the Borough looks at the State College Nepotism Ordinance, which was put on the table. She feels it needs to be moved to the Human Resources Committee for review and consideration.

Ms. Tosti-Vasey made a motion to take the issue of the Nepotism Policy to the Human Resources Committee for review and recommendation. Mr. Johnson seconded the motion. Mr. Brachbill felt it was referred to the Human Resources committee at the last meeting for review. A voice vote was unanimous.

- SBWJA Resolution for Plan Revision – Mr. Beigle made a recommendation to turn this over to the Authority so the Authority engineer can review this to be sure there are no conflicts because it is under Act 537.

- The County Commissioners are offering Borough Council a tour of the renovated Temple Court Building on Wednesday, April 27<sup>th</sup>, at 6:00 p.m. The tour will precede the County/Borough Town Hall Meeting at 7:00 p.m.

- HB340 has to do with restricting certain aspects of holding Executive Sessions. Mr. Beigle made a motion to send a letter voicing objections to the House of Representatives. Mr. Brachbill seconded the motion. A voice vote was unanimous.

## **NEW BUSINESS**

- The Cable Franchise Agreement will be turned over to the Finance Committee for review and recommendation.

- Mr. Beigle made a motion to adopt the resolution for the Traffic Signal. Mr. Brachbill seconded the motion. PennDOT is upgrading the traffic lights at several intersections as part of a congested corridor improvement project. The three intersections would be the traffic light at Lamb Street and Water Street; the traffic light at Water Street and High Street; and the traffic light at High Street and Spring Street. They will be getting larger lights, as in the size of the red, green, and yellow lights, and a new controller system to help the lights work more effectively, especially the ones on

High Street that need to be synchronized and stay in tune with each other. Part of that project is the new traffic light structures will be the ornamental style, which Council agreed on. A voice vote was unanimous.

- Ms. Tosti-Vasey reported April is Sexual Assault Awareness Month and Child Abuse Protection Month. On Friday, April 3<sup>rd</sup>, the Centre County Domestic Violence Sexual Assault Task Force, County Commissioners, and multiple other agencies and organizations did a presentation on the Courthouse Lawn. Among the highlighted agencies was the Bellefonte Police for their participation in the Darkness to Light Program. Bellefonte Area School District was the second school district in the County to participate in a Child Sexual Assault program in which every single employee for the school, including janitors, teachers and service personnel, participated in the program. Anyone interested in participating in the program can contact the local YMCA. Ms. Tosti-Vasey picked up a box of materials that is in the Bellefonte Borough Office. It was information on these two issues and two separate proclamations on Sexual Assault and Child Abuse done by the County.

- Mr. Brachbill feels there needs to be follow-up on an ordinance on Drones. Mr. Stewart has been following emails on drones. The Centre Region Municipal Managers had discussion on it several weeks ago. It is unclear what the local municipality is permitted to do. It is something that may be controlled by the FAA. Mr. Stewart will check with the Boroughs Association to see what Authority Council would have.

## **ADJOURNMENT**

- With no other business to come before Council Mr. Brachbill made a motion to adjourn the Council Meeting of April 4, 2016 at 8:50 p.m. Ms. Tosti-Vasey seconded the motion. A voice vote was unanimous.