

BELLEFONTE BOROUGH COUNCIL MEETING
February 20, 2017
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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 electronic devices be turned off.

ROLL CALL

Members Present: Tosti-Vasey, Brachbill, Brown, Dickman, Dunne, Hombosky, Johnson (by phone)

Members Excused: Beigle,

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

Staff Present:

Guests: Alan Uhler

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 February 6, 2017 Meeting Minutes
- Mayor – Police Report
- Mayor – Police Exonerations
- Finance – Voucher Summary – January 2017 - \$616,749.29

Mr. Brachbill made a motion to approve the consent agenda. Ms. Tosti-Vasey requested the minutes be removed from the Consent Agenda. Mr. Johnson seconded the motion. The motion passed to approve the Consent Agenda with the minutes removed.

Ms. Tosti-Vasey would like the last paragraph on page six to be changed from “houses the stream” to “crosses the stream”. Ms. Tosti-Vasey made a motion to approve the amended minutes. Mr. Brachbill seconded the motion. A voice vote was unanimous.

REGULAR AGENDA

COMMUNICATIONS

ORAL

- Alan Uhler addressed Council regarding the Soap Box Derby. The Local Chapter of the Pennsylvania Soap Box Derby pulled out in 1991. When Mr. Uhler got his children involved a few years ago, the closest chapter was in Dubois. Shortly after getting his children involved, he became the Race Director. This year they project that approximately two-thirds of the 30-40 children running in the race will be from Centre County. They are trying to grow their organization, expand their roots, and have two racing homes. For a short period of time there were races on Bishop Street and for a long period of time on Allegheny Street.

The organization has the most ambitious schedule ever this year. They plan to hold five races and other activities for the children. Of the five races, the big race will be held in June in Dubois. One race a year doesn't keep the kids attention or bring in the parents. Another thing they are doing is fun races. Last year they had three races. The additional two they would like to have in Bellefonte. They want to have one in conjunction with the Cruise. It will be the Sunday after the Bellefonte Cruise. This is an opportunity to have the race visible to the public. Another thing they are doing is working in the schools through STEM Education (Science, Technology, Engineering, Math). They are hoping to start a STEM program with the Bald Eagle School District. Part of the program would be putting car kits in the schools so the kids could work together to build the cars and then race them. The other race they would like to hold in Bellefonte would be on April 22 and 23. This would be a rally race. The rally circuit is similar to the Nascar circuit where kids can travel around and race their cars to earn points. The top point earners in each district have the opportunity to go further. The rallies are geared toward more serious racers. The rally would be hosting kids from up and down the East Coast. They already have commitments from individuals from Rochester, NY, and Baltimore, MD. There are some former race directors that are excited to see racing come back to the hill in Bellefonte.

Mr. Uhler attended this meeting to request permission from Council to begin the permitting process for road closure on April 22 and 23. They want to start at 8:00 a.m. and go to approximately 4:00 p.m. They plan to work very closely with the Episcopal Church. They are aware of the construction project planned for Linn Street, which leaves everything up in the air. They need to work with all the residents to make sure all the cars are cleared off the streets for those two days. They would like to request assistance with barricades and traffic control used to close the streets off.

Council discussed the June Soap Box Derby when Mr. McCool was in to discuss the Bellefonte Cruise.

Mr. Brachbill made a motion to conditionally approve this pending any issues from PennDOT. Ms. Dickman seconded the motion. This would be for the April 22nd and 23rd dates. Mr. Stewart said Karen from the Police Department coordinates the street closures with PennDOT. Mr. Brachbill said they would need to notify the fire departments also. Mr. Uhler said typically for this type of event they notify the 911 Call Center. A voice vote was unanimous.

WRITTEN

- There will be a PennDOT meeting regarding the reconstruction of the Linn Street Wall at the Borough office tomorrow, February 21, at 11:00 a.m. It also involves the Water Street railing and sidewalk. The meeting is to discuss the construction. The meeting is not focused on the detours, but rather to answer questions of contractors and sub-contractors. Mr. Brachbill hopes the detour issue does not push the project back.

- A letter from A. Scott recognizing Officer Todd Walter for his assistance with an incident. Mrs. Brown suggested a letter be sent to Officer Walter from Council. Mayor Wilson thanked A. Scott for taking the time to initiate contact with the person that was in distress and for being a great citizen and also for having foresight to call the police officer who then assisted further. Mayor Wilson said it was a combination effort of both the department and the citizen who reached out to someone in distress.

- A Certified letter from Wetzler Funeral Home. They are re-permitting their crematorium, and the letter is a notice requirement through DEP's process. There is a comment period.

Ms. Tosti-Vasey said last Saturday she attended a workshop in Harrisburg on ordinances related to air quality issues. It was led by Mike Ewall, a Pennsylvania lawyer specializing in air quality issues. The workshop dealt with reducing and stopping pollution in local communities through the use of local ordinances that can withstand court challenges. There were several issues raised at the workshop including the concern about the air quality issues and the lack of regulations at the state level requiring continuous monitoring emissions, dioxins and mercury from these incinerators in the state. Ms. Tosti-Vasey feels Wetzler's is a wonderful business in town, but she is concerned about possible leaching of mercury and dioxins into the air near homes, schools, churches, library because there aren't those continuous monitoring sessions. She would like to see some type of inclusive air quality ordinance in place in Bellefonte that allows Wetzler's to keep the crematorium while at the same time ensuring that no matter where people live, work or play in town they can breathe clean air. This includes not only in the West Ward but other areas of town where industrial and commercial development is permitted. The local quality ordinances can be done because the Pennsylvania Air Pollution Control Act includes a section that was incorporated into state law that specifically allows local governments in the state to have stricter air pollution laws than the state or federal clean air laws have. As a result of the Pennsylvania Air Pollution Control Act, there have been three Pennsylvania municipalities who have passed local ordinances that are stricter than the state law. Ms. Tosti-Vasey believes the standards in Bellefonte need to be increased. After

seeing the letter from Wetzler's she contacted Mike Ewall. He said he is interested in working with the Borough on such an ordinance if there is interest. His firm specializes in crafting this type of ordinance. He crafted all three ordinances she referenced. He has ties to Centre County. He is a PSU graduate and his significant other grew up in Bellefonte. Of those three ordinances only one was challenged, and the Court upheld the ordinance on all counts.

Ms. Tosti-Vasey made a recommendation to look for a possible ordinance in this area. Mr. Stewart suggested getting a proposal and then sharing it with everybody. We do have an air quality ordinance that is not up-to-date. Mr. Stewart said Bellefonte relies on the state. The state has been the enforcement agency for air quality issues. Bellefonte does not have the resources to enforce that type of ordinance. The ordinance is probably 40 years old, back when Graymont/Bellefonte Lime had lime dust all over town.

Ms. Tosti-Vasey has Mike Ewall's email, resume and what he is offering to do. Mr. Stewart will forward this information to all the Council members.

- An article regarding the Governor's proposal about charging for State Police Services and a State Police Fee Plan.

Council would like the Highway Fund to be the Highway Fund and to not mix the funding streams. One thing that can be done is to have PSAB lobby on behalf of the bill, but at least one Borough needs to pass a resolution and get it to PSAB before March 7th supporting this proposal. Mr. Stewart said you can do that or you can send a letter to the legislators anytime.

Mr. Brachbill made a motion to support the proposed law of the State Police Fee Plan presented by Governor Wolf and that Council work to form a resolution to that point for signage by the Council President. Ms. Dickman seconded the motion. A voice vote was unanimous.

- A letter from the Bellefonte Area School District stating they changed the fees they are paying towards real estate collection expenses and those changes will begin at the start of the 2018 term.

SPECIAL COMMITTEE REPORTS

- Draft IDA meeting minutes from February 8, 2017. There were some people that came to the meeting regarding the RFP that went out. The proposals are due Monday, February 27.

- Draft Safety Committee Meeting Minutes from February 8, 2017.

MAYOR'S REPORT

- Mayor Wilson had Sergeant Holliday at the meeting to answer questions. Chief Weaver included twenty random reports for Council to show some of the incidents that they deal with. It shows the variety of what goes on with the department on a daily basis. Chief Weaver will not be including those in every report.

- Mayor Wilson mentioned that Bellefonte Borough is now a member of the Pennsylvania Parks & Recreation Association. Mayor Wilson will be attending the Greenways and Trails Conference this year.

- The RFP went out for the feasibility study for the Milesburg to Bellefonte Trail. There have been approximately twenty engineering firms respond to the RFP. They will be submitting bids for that job.

On Wednesday, February 22, Mayor Wilson will attend a meeting at the Willowbank Building. It will be an informational meeting for those that have responded.

- Mayor Wilson said the Nittany Valley Symphony had a concert at the Bellefonte School. On Sunday, February 26, at 4:00 p.m. there will be another performance at the Bellefonte High School. This is a family concert, and it will be a more contemporary style of symphonic music.

- Mrs. Dunne said when Mayor Wilson attends the PARP she would like to know if there is anybody there involved with returning quarries to public lands. Mayor Wilson said a group has been formed within the last month comprised of people from out of the area and people from the area trying to initiate contact to have the quarry lands bordering the Borough converted back to public lands, which alleviates legalities of suits for people that would go there and get injured. The group is called Quarry Quest. They would like to take that land and turn it into an area that would support bike parks, mountain biking courses and legal rock climbing. That is quite a bit down the road.

OFFICE OF COMMUNITY AFFAIRS

ZONING/PLANNING

HARB

- Draft HARB meeting minutes from February 14, 2017.

CERTIFICATES OF APPROPRIATENESS

- None.

BUILDING AND PROPERTY – Ms. Dickman shared an email from Don Franson, the Borough Storm Water Engineer, listing the options for moving forward. Ms. Tosti-Vasey feels with the increasing storm water problems over the past couple years possibly doing the more expansive result repairs for the North Spring Street issue would be the better option. Mr. Holderman said there was a discussion with Public Works regarding this, and the prices Mr. Franson quoted in his proposal would be going out for bid with a contract price, but if it were done in-house it would be less costly. Mr. Holderman recommended the Committee meet after Mr. Johnson returns to review both options and provide a recommendation.

There were six residents out from Simpson Street the night it was visited. Mr. Brachbill would like them to be notified that progress is being made, and Council is exploring it like they said. Mr. Johnson feels the Committee needs to explore it before talking with the stakeholders.

- There was a stakeholders meeting regarding Parking Lots A and H before the Council meeting. There was a good turnout of property owners as well as those interested in utilizing the lots. There was good discussion on the storm water and the drainage issues, which are being looked into for both lots once the surveying is completed. Sink holes were discussed and reworking the parking as well as bringing in a central meter location and removing the current meters. There were some comments regarding the lighting. The parking lot study group will be meeting again after the ELA Group has a proposed design to review.

- Three LED lights were installed on the three lampposts in front of the Post Office between Howard Street and Pike Alley. Council members were asked to look at them. The Borough is going to obtain a price estimate on what the savings would be if all 150 lights were converted to LED. There is indication that there could be a significant cost savings with the LED lights.

FINANCE AND GOVERNMENT PERFORMANCE – Mrs. Brown reported there will be a Finance Committee meeting Wednesday, February 22.

PARK AND RECREATION – Ms. Hombosky met with Liz from the Rotary along with Mr. Stewart and Mr. Holderman. They went to Governors Park to identify the location for the Liberty Swing. It was decided to expand the park area at Governors Park across the little street and put the Liberty Swing across from the park as well as another piece of equipment so it appears as if it is part of the whole eco-system and possibly add speed bumps to the road and have a walkway lined so children know where to cross.

- The signs for the Waterfront will be completed in April.

- Mrs. Dunne visited Masullo Park, and there were no dogs. Ms. Hombosky said there are a lot of dogs on the Waterfront. It is very well used. There is not a bag container on the Waterfront. There are three in Talleyrand Park. One could be moved to the Waterfront. It was suggested one could be put on each end of the Walkway.

HUMAN RESOURCES – Ms. Tosti-Vasey said the application is still open for the mechanic position in Public Works until March 6. The announcement is on the Borough website.

- There will be a police contract meeting on Thursday, February 23, at 5:30 p.m. If an agreement is not made at this meeting, it will go into arbitration.

- In the packet and on the table are three policies that need to be reviewed. The Nepotism and Workplace Relationship Policy is to help make sure there is an open and

transparent employee relationship. This includes consensual romantic or sexual relationships involving a commitment that is clearly more than friendship. This policy was recommended from the Pennsylvania Human Relations Commission. It was revised to make it fit Bellefonte Borough.

Ms. Tosti-Vasey made a motion to accept the Nepotism and Workplace Relationship Policy, and place it in the employment manual. Ms. Hombosky seconded the motion. The Borough currently does not have a nepotism policy. Mr. Brachbill feels parts of the policy are very harsh. Ms. Dickman feels the policy is good, but there needs to be some room for two people working for the Borough that are not impacted by the Borough, are not in supervisory positions, or are not in the same department. Mrs. Dunne said there is a situation where two relatives are already working for the Borough and there is some reference to there not being any supervisory or subordinate relationships. The last paragraph says the Borough does not want to get rid of current employees, but basically wants to be sure there is no supervisory relationship between the two. Ms. Hombosky said the policy tries to clarify the fact that you don't get a job in the Borough because you have a relative working there. Mr. Brachbill has never heard any issues regarding this type of problem. Mr. Stewart said over the years there have been relatives working.

Mr. Johnson made a motion to table this until the March 6, 2017, Council meeting. Mr. Brachbill seconded the motion. A roll call vote was taken: Tosti-Vasey-no; Brachbill-yes; Brown-yes; Dickman-yes; Dunne-yes; Hombosky-no; Johnson-yes. The motion passed. Any questions about the policy should be directed to the Committee Chair.

- FMLA (Family Medical Leave Act) Policy Changes – this is in the employee manual. There was some outdated language on the policy. The Committee reviewed the policy and made recommendations for the policy. There was a question about the language regarding maternity and paternity leave. Ms. Tosti-Vasey asked Council to refer this to the Employee Rights Labor Lawyer to be sure it was done correctly.

Ms. Tosti-Vasey made a motion to send the proposed changes to the Labor Lawyer for review. Mr. Brachbill seconded the motion. A voice vote was unanimous.

- Volunteer Opportunities Overview and Application for the Authority's Boards and Commissions will provide a way for community members to offer their volunteer services to the Borough. If passed, this will be displayed at the Volunteer Fair on March 11, put on the Borough website and posted at the Weis Store, the library, the post office, etc. The Committee tried to be sure there was correct information for every position. The nepotism policy, if passed, would prevent two family members from serving on the same committee. Mr. Brachbill has concern regarding the fire departments.

Ms. Tosti-Vasey made a motion to adopt the Volunteer Opportunities Overview and Application. Ms. Hombosky seconded the motion. Mrs. Dunne feels this would not affect volunteer firefighters. A voice vote was unanimous. This will be displayed at the Borough table at the Volunteer Fair. Council members are encouraged to help at the table. It is March 11 from 10 a.m. – 2 p.m.

SAFETY – Mr. Brachbill said the Safety Committee reviewed the Public Works Standard of Practice prior to the last Council meeting. They did not change any of the intent of the manual, but had a few word changes.

Mr. Brachbill made a motion to approve the Public Works SOP Revised. Ms. Tosti-Vasey seconded the motion. A voice vote was unanimous. This will take approximately one month to implement.

- Mr. Brachbill reviewed the meeting minutes from the February 14, 2017 Centre Region Public Safety meeting.

WATER/SANITATION – The Daily Water Withdrawal Report for January 2017 is in the packet for review.

STREETS – Mr. Johnson made a motion to approve payment of Final Invoice #1706 in the amount of \$5,000.00 for the completion of the School Street Drainage Improvement Project. Mr. Brachbill seconded the motion. A voice vote was unanimous.

- Mr. Johnson has not met with the Streets Committee in regard to the 15-minute parking at the Mews Building. Mr. Holderman will set up a meeting in the beginning of March when Mr. Johnson returns.

- Mr. Brachbill received a complaint regarding Ridge Street where it intersects behind the former jail on High Street that traffic coming up on either side of that comes up quickly. When you are coming off High Street it's difficult to see traffic coming in either direction. He suggested putting some type of yield sign. Mrs. Dunne feels a site visit needs to be done when Mr. Johnson gets home.

ENERGY & ENVIRONMENTAL CONSERVATION – Mr. Holderman reported there was a meeting with the sustainability groups from Penn State. One group is looking at a design study of the composting site at Musser Lane. The other group is working on a site design study. He feels Council will be impressed with the work they are doing. They will give an overview of their project at the March 20 Council meeting.

- Ferguson Township was going to donate a chipper to Bellefonte Borough, but DEP said it has to be advertised twice. It will take approximately thirty days before it is completed. Once the information is sent to DEP, they will write a letter to Ferguson Township allowing them to release the chipper to the Borough. This is because the chipper was purchased with a grant.

OLD BUSINESS

- The County is asking the Borough to consider whether they want to recommend the \$5 tax per registered vehicle. The money would be collected by the state and turned back to the County, which would be similar to the liquid fuels program currently in place. The County would grant out the funds. There is a questionnaire for Borough Council to fill out and return to the County. Mr. Holderman was watching C-NET and a

particular municipality voted no. Council members do not feel this is the time to add another tax to the residents. If approved, this money could only be used for street-related projects. It was suggested it be put on the ballot as a referendum for the voters.

Ms. Tosti-Vasey made a motion not to have the \$5 tax and to include a cover letter with the survey stating Council feels it is more appropriate to ask the citizens on a referendum since it is a concern for businesses and individuals. Mrs. Brown seconded the motion. A voice vote was unanimous.

- The RFP for Code Services has been advertised.
- The informational meeting for Real Estate Brokers will be February 27th.
- Ms. Tosti-Vasey asked what is happening with the temporary sign issue in the downtown. There are several businesses that have temporary signs that have been out longer than thirty days. Mr. Holderman will have the Zoning Officer contact those businesses and inform them that the signs must come down.

NEW BUSINESS

- Mr. Brachbill made a motion to adopt Resolution 02202017-1 to have the CBICC as the Point of Contact for the Centre County Economic Development Partnership. Ms. Tosti-Vasey seconded the motion. This would be a change in the title from Spring Township to Bellefonte Borough. A voice vote was unanimous.

- The Treasurer's Report is at the table for Council to review.

PUBLIC COMMENTS

- None.

ADJOURNMENT

- With no other business to come before Council Mr. Brachbill made a motion to adjourn the Council meeting of February 20, 2017, at 9:20 p.m. Ms. Dickman seconded the motion. A voice vote was unanimous.