

**BELLEFONTE BOROUGH COUNCIL MEETING**  
**June 20, 2016**  
**www.bellefonte.net**

**CALL TO ORDER**

The regular meeting of the Bellefonte Borough Council was called to order by Council Vice-President Randy Brachbill in the Bellefonte Borough Municipal Building.

Pledge of Allegiance:

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

**ROLL CALL**

Members Present: Brown, Clark, DeCusati, Hombosky, Johnson, Tosti-Vasey  
Beigle, Brachbill,

Members Excused: Dunne, Mayor Wilson

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

Staff Present: Vana Dainty

Guests: Al Jones; Ben Etherton; Betsy Boyer; Marian Bradley; Patricia Bellasalma; Ryan Renoud; Michelle Reese; Richard J. Wisniewski; Denny Meleshenko; Al Drobka; Candy Dannaker; J. T. Newlin; Ben Ried; Rod Beard; Greg Wendt; Emma Gosalvez, Lock Haven Express;

**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 June 9, 2016 Meeting Minutes
- Mayor – Police Report

- Finance – May 2016 Voucher Summary: \$810,038.85

Mr. Beigle made a motion to approve the Consent Agenda with the minutes removed. Ms. Tosti-Vasey seconded the motion. A voice vote was unanimous.

On page 11 of the minutes where it says “Authority was extremely by not being” should be “extremely disappointed”. Mr. Stewart will verify the correct word. On page 12, the last line should be Bee Friendly Pollinator Ordinance.

Mr. DeCusati made a motion to approve the corrected minutes. Ms. Tosti-Vasey seconded the motion.

## **REGULAR AGENDA**

### **COMMUNICATIONS**

#### **WRITTEN**

- A letter to the BASD regarding the School Resource Officer Agreement.
- A letter from FEMA giving notice that the Hazard Mitigation Plan has been approved.
- An email from J. Tate regarding the Flashing Warning Device Information for SR3006 (Thomas Street). The Borough would be responsible for the cost associated with the construction, engineering and permitting to install the flashing light. This was turned over to the Streets Committee for review and recommendation.
- A letter from John Curtis asking if Council would consider adapting the tennis court to include a pickleball court. The letter included an explanation of what that is. This was turned over to the Park and Recreation Committee for review and recommendation.
- There is a Certification letter in regard to the Safety Committee Certifications.

#### **ORAL**

- C-NET Presentation by Cindy Hahn –Candace Dannaker, the Borough representative to the C-NET Board of Directors, gave a presentation. The C-NET staff and interns produced 522 programs in 2015. 2015 is the second year of the three-year transition to HD recording with streaming. Council meetings can be viewed by people everywhere because of the web streaming. In 2016 there was an addition of a storage server so there will be five years of stored program files. In 2016 they developed a new three-year strategic plan. They did community interviews in February that went very, very well. The contributions from the Council members and Mr. Stewart were very, very important. They held a strategic planning retreat in April. That was a very exciting retreat because the people at the table, which are some township managers, council people, it’s a variety of people, and understanding what costs can be eventually, they

were looking for solutions to cost for the Boroughs. The fact that they are transitioning into a lot of other electronic uses and how they can continue to present government information and programs currently. They are developing new generations with new uses. They are anticipating presenting this to all the directors in October and then the Borough will be updated again as to what the final analysis is.

Cindy Hahn, C-NET Director walked Council through the Borough's use of C-NET services in 2015 and the five-year period between 2011 and 2015. Last year there were 24 sponsored programs. Twenty-three of them were Council meetings and the Borough sponsored a Bellefonte Veteran's Day Program. In 2015 the Borough sponsored approximately 4.7% of all the programs by all the member organizations. That is down slightly from the 2014 percentage because the Borough had voted to stop having the agenda on the Bulletin Board. The Borough sponsored 5.23% of all the programming by all the members in that five-year period from 2011-2015, which is up a little from the period of 2010-2014. This is important because that is how the contributions are determined from year to year, by looking at that five year rolling average. She showed a chart showing all the years from 2011 to 2015. There is an arch showing 2013 being a high. The Borough's sponsorship is quite consistent from year to year and that is important in maintaining a consistency to the member dues. A chart was shown that shows all the member organizations over that same five-year period of time. The programs are available on demand, online, at cnet1.org. All the meetings are bookmarked by agenda item. They also have the programming on Roku and toward the end of the year C-NET programming will also be available on Apple TV and on Chromcast. One of the advantages of the HD platform for the online programs is that they can be very easily shared on Facebook and Twitter. She does not have any access to television numbers, but in terms of online hits March 7, 2016, was a very popular meeting and the May 16, 2016, meeting was a very popular meeting. C-NET has seven municipalities that are members of the organization and Bellefonte Borough is in second place in terms of the number of online views per capita. She mentioned that she was not happy with a picture she found of Mrs. Brown when she went through the pictures that she had, so she added an additional slide that is a much better picture of her at Bellefonte Victorian Christmas.

There is no way to know on the television side how many hits there are. She feels the technology exists to provide those numbers, but the cable companies will not release that information. She feels most of the viewers are on television.

Cindy thanked Council for their support and offered to come anytime Council would like more information.

- Mr. Stewart mentioned that before the meeting, in Executive Session, Council met with Marian Bradley and a few partners. They are nearly ready to close on the Gamble Mill. Mr. Stewart welcomed them to Bellefonte and to the community. He wished them great success at the Gamble Mill. Council is very excited about the project and is there to help in any way possible to make them successful.

## **SPECIAL COMMITTEE REPORTS**

- Draft Safety Committee meeting minutes from June 8, 2016, are in the packet for review.

- Draft IDA meeting minutes from June 8, 2016, are in the packet for review.

- Mr. Brachbill attended the COG Public Safety Meeting on June 12, 2016. Mr. Stewart will check his email for those minutes.

- Mr. Beigle reported at the last meeting of the Airport Authority that everything is going well. Delta Development Firm was secured for doing grant writing. They are taking on a project and doing the parking lot at the airport at a cost of between \$2 million and \$3 million. He passed the information on to Mr. Stewart and Mr. Holderman in reference to money that is available through the state and the county.

## **MAYOR'S REPORT**

- Chief Weaver was at the meeting to answer any questions.

- Mr. Brachbill read a proclamation recognizing local independent businesses and "Independents Week 2016."

## **OFFICE OF COMMUNITY AFFAIRS**

### **ZONING/PLANNING**

### **HARB**

### **CERTIFICATES OF APPROPRIATENESS**

- 1) 118 East Curtin Street
- 2) 145 South Thomas Street
- 3) 106 North Allegheny Street

Mr. Beigle made a motion to approve all three Certificates of Appropriateness. Mr. DeCusati seconded the motion. A voice vote was unanimous. Mr. Brachbill abstained from voting on the project at 106 North Allegheny Street.

- Draft meeting minutes from the June 14, 2016, HARB meeting are in the packet for review.

**BUILDING AND PROPERTY** – No report.

**FINANCE AND GOVERNMENT PERFORMANCE** – Mrs. Brown reported the voucher summary was in the consent agenda. The summary of the Treasurer’s report for May 2016 was at the table for review.

**PARK AND RECREATION** – Ms. Hombosky reported there is a PDF in the packet of proposed changes to the Park and Recreation Ordinances. Mr. Stewart reported that was not sent to the Committee to begin with. The changes were to be highlighted in yellow. Mrs. Brown reported there is a change to Ordinance #405, L & S, and there is added wording to both of them. The wording in “L” was “no person shall engage in hunting or fishing within a park” and added is “or along the waterfront sidewalks located between High Street and Lamb Street”. Amendments are proposed to the Park Ordinance to include the Waterfront Walkway. This will help in managing the new walkway. The wording in “S” will be “no person shall ride or use a bicycle, pedalcycle, skateboard, or rollerblades in Talleyrand Park or along the two sidewalks and/or the wall along the waterfront located from High Street to Lamb Street.” If Council approves it then it will be advertised and minor changes can still be made.

Mrs. Brown made a motion to advertise the draft. Mr. Beigle seconded the motion. Ms. Tosti-Vasey questioned the “L” regarding hunting and fishing. She wanted to know if that would prohibit people from fishing in the stream where there is a walkway down into the stream. It will not. She said when the Bush House was there people would fish from the balcony into the stream but this change would prohibit that. They must be in the stream to fish. Mr. Brachbill asked if this would have any type of impression on new development down there or is the waterfront walkway different. Mr. Stewart said the walkway will always be under the ownership of the Borough and under the Borough’s control and regulation. The property behind the wall is what will eventually be sold. Mr. Holderman said the ribbon cutting ceremony is proposed for Friday, July 8, at 8:30 p.m. He suggested when the walkway is open the signage could be installed so the police department could enforce any potential issues once it is open. The Interpretive Signs will probably not be installed before the opening. They have up to two years from the completion of the project to get the signage completed. He will get an update. They will be placed in three different locations. Mr. DeCusati would like to see a dedication plaque there noting the Borough Council as well as the IDA involved in the project that made that happen, staff included. A voice vote was unanimous.

- Mrs. Brown would like to have a meeting or work session to discuss dedicating the Waterfront to someone.

- Mr. DeCusati asked where the Borough property ends going from the Train Station towards the Good Intent Cider facility. Mr. Stewart said it goes back to the railroad bridge. He said there is a swimming hole there off of Masullo Park, but there are no lifeguards or no safety concern whatsoever. Mrs. Brown said a sign could be installed stating “swim at your own risk”. Mr. DeCusati suggested the Parks and Recreation Committee determine if and where a sign should be installed. Mr. Holderman stated they need to be reminded that there is no dam building there. Mr. Johnson feels you should not restrict kids too much. When he was young he did the same thing.

**HUMAN RESOURCES** – Ms. Tosti-Vasey reported there were four people interviewed on Thursday, June 16, for the Code Compliance Position for the Nuisance Ordinances. Sheila Stever was hired as the new Code Compliance Officer for the Nuisance Ordinances and she began working Monday morning, June 20.

**SAFETY** – Mr. Brachbill reported there was a letter from the Department of Labor and Industry giving congratulations. They approved the application for Certification Renewal for Workplace Safety Committee effective July 31, 2016.

**WATER/SANITATION** – Mr. Beigle made a motion to approve the Ordinance Approving Financing/Refinancing on the Debt at the Wastewater Treatment Plant. Mr. Johnson seconded the motion. Mr. Ried was present to answer any questions. He is with Rhoads & Sinon, the law firm that handles financing through the Authority. Mr. Ried was at the April meeting and presented an ordinance for Council to guarantee debt of the Authority in the amount of \$6.6 million in maximum principal amount. That ordinance was enacted. Tonight he presented an ordinance that in part asks them to do the same thing. Shortly after enacting the other ordinance, the Authority identified a refinancing opportunity of a 2011 bond issued to Fulton Bank for savings. A new ordinance was enacted that reapproves \$6.6 million guarantee of the Authority debt, which is now broken up into two obligations; one of the Authority that would be for its portion of the project cost of approximately 58% of the not to exceed amount, that is a \$3.8 million note that Authority issued to Northwest Savings Bank. The second one is the SBWJA portion, which previously was almost \$6.6 million. It made more sense to break that up into two separate ones because the SBWJA obligation is a short-term one that is paid from their contributions and it was obtained at a lower interest rate. The real change in this ordinance is a simple revision that repeals ordinance 04182016, which is the ordinance that was enacted. The closing on the loan is tentatively scheduled for July 21, 2016. You only draw on the loan as project costs are incurred. Northwest added another year of interest only for the Authority's portion. There is a three-year construction period to complete the project. The ordinance authorizes a guarantee of 7.9 million, the maximum of the full amount. This will require a roll call vote: Clark-yes; DeCusati-yes; Hombosky-yes; Brown-yes; Brachbill-yes; Beigle-yes; Johnson-yes; Tosti-Vasey-yes. The vote was unanimous.

- Mr. Beigle made a motion for approval of the resolution adopting the Act 537 Special Study. Mr. Johnson seconded the motion. Bob Decker, project engineer was at the meeting to answer any questions. The Borough needs to approve this resolution and everything that is submitted with the study to DEP for their review. This is done because the facility is in the Borough and ownership is the Borough's. Spring Township has a resolution they have to adopt for the same reason. Once the resolutions are adopted they go to DEP for a review period. This has been advertised for thirty days and there have been no comments. There were several comments from SBWJA that were addressed and are included in the 537 that DEP will be reviewing. A voice vote was unanimous.

- Mr. Beigle said the fountain beside the Big Spring will be done when the new cover is installed so the fountain can be turned on and add ambiance to that area. Coca-Cola will be providing money towards the cover. Senator Corman is also trying to get money towards the cover. Mr. DeCusati said some Council members were disappointed that there wouldn't be a fountain in the cover to help hide it. There was also a suggestion for a dome cover. Mr. Stewart stated because of the span of the spring the dome would cover the pump house. Early on that was dismissed because everyone wants to see the pump house. All avenues were pursued for getting a fountain on top. There was a company in California that could build a structure that would hold everything for \$500,000.00. The structure couldn't be lowered to the ground. Mr. DeCusati had a discussion with State Representative Kerry Benninghoff and he said if something was submitted to his office in writing he would be willing to help. He is in agreement that it is an ugly cover. Mr. Stewart stated they were close to Senator Corman's office the whole way through. Mr. Stewart stated they are considering coming back at a later date. Mr. DeCusati would like more information and would like to have the public's opinion. Mr. Beigle stated the cover must be replaced because the Authority is very close to the cover failing and if it fails, Bellefonte is in violation. Mr. DeCusati doesn't like things coming to him at the last minute. A bid was put out for the cover. The Authority is spending the money. Mr. Stewart said the Authority took nearly a year to get the cover permitted and they made no progress. Ms. Tosti-Vasey said most of the Council members agree with Mr. DeCusati. Mr. Johnson agreed that the public wasn't asked for their opinion. Mr. Clark said the way the permitting process works, and the way the regulations are written, there is not a public portion to that where there is permitting for protection of the water source. He said there is not a discussion with DEP about what it will look like. They aren't concerned about that. They are more concerned about it meeting the regulations. Ms. Tosti-Vasey said you have to follow the state regulations and they don't have anything in them saying public comment is required, but why can't the Authority, this recommendation is made to the Authority, that in the future whenever there is something like this that might be controversial that they hold a public hearing so they can at least hear from the community and know what is going. It gives the community what they want and need to feel like they are participating in the community. Mrs. Brown believes that DEP wanted to put meters on the wells of the people's houses. Mr. Stewart doesn't know what she is talking about. She said some years ago they wanted to come in and do something and the residents got up in arms and stopped it so the public does have an impact. Mr. Beigle said the meters had to be installed because the Borough was using more water than DEP permitted. There were hearings at the Middle School. The people had input and almost 99% of the input was they didn't want them put in but they had to be put in. The cover had to be put on the spring because of legislation. Mrs. Brown said the residents are asking if it has to be an ugly cover. Mr. Beigle doesn't disagree with what she is saying, but Council doesn't understand that the Authority is up against doing something because of the cover and its point of deterioration so a violation isn't given. The cover will cost \$90,000.00 - \$100,000.00. He was the first one to say put fountains on it and lighting but they kept taking one step forward and going five steps back. They found a company in California that could do it for over \$400,000.00. Because of the structure of the Big Spring and the way it is laid out you have to have support to put a

glass dome on top of it. His responsibility on the Authority is do they spend \$400,000.00 or \$100,000.00. If something else comes along and regulations change from DEP he will be knocking on their door saying they want to do it. The blue cover has always been there. The extras were the fountains, etc.

**STREETS** – Mr. Johnson reported there was a memo in the packet regarding vacating Dunlap Street. Mr. Stewart said the Borough Code requires a process to go through. There are only a couple property owners affected by this – the Borough, the Gamble Mill people and two other buildings. Mr. Stewart would like to schedule a hearing and go through the process to vacate Dunlap Street. Mr. Holderman said the purpose that they went through doing this was to be able to get back additional funds under the ARCAP. This part of the project wasn't considered street repairs, which the grant would not pay for. This next step will provide documentation that the street was actually vacated. Mr. Stewart said notification involves certified letters to current property owners and they would let the new prospective buyers know about the process. A hearing would be scheduled at a regular Council meeting. Mr. Clark said a caution is to not abandon the occupancy. The abandonment should only include the street. Mr. Holderman said there is a map in the conference room from 1875 and the street is called Dunlap Street.

- Mr. Beigle made a motion to vacate a portion of Dunlap Street. Ms. Tosti-Vasey seconded the motion. A voice vote was unanimous. A condition of that should be that the Borough does not lose its occupancy permits.

- A Street Paving bid was open from Glenn O. Hawbaker. The total bid for the work in Bellefonte Borough on Blanchard Street between Bishop Street and Logan Street is \$199,730.00. This was turned over to the Streets Committee for review and recommendation.

- The Streets Committee met Friday, June 17<sup>th</sup>, to discuss the School Street Storm Drain bid. Mr. Johnson made a motion to accept the bid from John Nastase Construction in the amount of \$120,875.00 with an addendum #1 added to the contract in the amount of \$19,700.00 for a total contract price of \$140,575.00. The additional \$19,700.00 under addendum #1 will cover the cost of three 4 x 4 trench boxes and compacting and testing of the stone and the "as built" drawings, which were not included in the original bid. Mr. Beigle seconded the motion. A voice vote was unanimous.

- Mr. Stewart reminded that the sink hole project along West Howard Street has begun.

- Mrs. Brown asked if anyone knows if the gas company will be paving Logan Street up to Burnside Street. Mr. Stewart said they would be back. Mr. Johnson will check it out.

- Mr. DeCusati would like the Streets Committee to look at Ardell Lane between North Spring Street and West Linn Street. It has a lot of potholes.

- Mrs. Brown said Gary Hoover at the Chamber met with Mr. Stewart and Mr. Holderman and the outcome of the meeting regarding the buses coming into town is that the buses will be parked in front of the Courthouse to drop off the people and then they will park in parking lot D or one of the other places where it is feasible for them to park. There are three buses coming in to town on Tuesday at 2:30 p.m. Mr. Wisner needs to be recognized for the many years he has been attracting the buses in to town. Mr. Johnson suggested sending a thank you letter. The people are permitted to use the restrooms on the buses.

- Mr. Johnson thanked the Borough crew and all the staff for the way they prepared the town for the Bellefonte Cruise and the cleanup afterwards. The police did a fine job also.

**ENERGY & ENVIRONMENTAL CONSERVATION** – Mr. Clark and Mr. Holderman met with representatives from Penn State regarding the composting facility. They are going to have students, as part of their curriculum, look at the composting process facility and the existing facility. This will go over two semesters, fall and winter. At the end of the winter semester there will be a fairly decent set of design plans for upgrading the facility. This is the Sustainable Pennsylvania Communities Department.

- Mr. Clark reported on the Bee Friendly Community and said some ordinances need to be revised before moving forward.

- Ms. Tosti-Vasey said they need to continue looking at the Solar Power Ordinance.

- Ms. Tosti-Vasey attended the Sustainable Pennsylvania Strategies for Vibrant Communities on behalf of the Borough last week and they put together a booklet of all the Powerpoint presentations. There is one copy that she will give to Mr. Stewart to see what needs to be done next.

## **OLD BUSINESS**

- There is information in the packet that was brought up related to the Fair Housing Resolution and answers to the questions that were raised at the last meeting. It was a memo from the County. They provided the minutes for when they made the determination to turn over Fair Housing. Ms. Tosti-Vasey wanted to make sure the County was not both the investigator and the adjudicator with someone with a fair housing complaint. The answer said it is they have contracted with the Pennsylvania Human Relations Commission to do that work for them. The investigation is done by Linda Marshall. The adjudication is done by the commission.

Ms. Tosti-Vasey made a motion to approve the Fair Housing Resolution. Mr. Beigle seconded the motion. A voice vote was unanimous.

- Mr. Holderman said regarding the special meeting that Council is requesting on code issues they have sent out two doodle calendars trying to get dates. There were ten different dates and they weren't able to get enough at any one time. They came out with a second one and currently they are working with Walt Schneider's calendar. Right now the best opportunity is Tuesday, July 19<sup>th</sup>. Mrs. Dunne won't be able to make it and he is waiting to hear from two other Council members. The meeting would be at 7:00 p.m. Walt Schneider will be brought in July 5<sup>th</sup> for a work session.

- Mr. Stewart said there are things that have been bumped to work sessions, but he has been unable to schedule them.

- Ms. Tosti-Vasey said at the end of the last meeting there was discussion about giving a summary of what happened at the PSAB Conference. She feels it was a good conference. There were two particular sessions that she thought were important for the town to know and for the Council, but they both will require some work. One was a session on the MS4, which is a storm water management program. The Federal government has mandated some changes to be sure there isn't storm water run-off. They started in the large cities and as of January 1, 2018 Bellefonte Borough will have to follow the MS4 regulations. One thing they pointed out is that if you wash your car on the street you can only do it with water. If you do it in your yard and the soapy water goes into the ground that is fine. They will also need to look at rain gardens and private storm water management as well as the public system all fit together. There may need to be some changes. There are deadlines coming up next year in terms of Letter of Intent. She doesn't know who that goes to, but feels work should begin soon.

The second one is the Supreme Court last year looked at sign ordinances around the country because they were looking at a particular case out of Georgia and they found that particular town had an ordinance that treated signs for different uses differently. They said any ordinance on signage must be speech neutral so ordinances may need to be reviewed. She has details in her notes.

## **NEW BUSINESS**

- Mr. Beigle made a motion to approve the letter and resolution to the Greenways, Trails and Recreation Program Grant. Mrs. Brown seconded the motion. The cost was already approved by Council. This grant is a 90/10 grant. A voice vote was unanimous.

- A picture sample of the flashing light for on Thomas Street was in the packet. The price was approximately \$12,000.00.

- Mr. Stewart said the light for the intersection of Potter and High Street is bid out or will be bid out soon. They are waiting to see if a vendor can meet their specifications.

- Mrs. Brown said there is an abandoned bike in Talleyrand Park and she would like someone to pick it up.

## **PUBLIC COMMENTS**

- None.

## **ADJOURNMENT**

- With no other business to come before Council Mr. Beigle made a motion to adjourn the Council Meeting of June 20, 2016 at 9:00 p.m. Mr. Johnson seconded the motion. A voice vote was unanimous.

## **EXECUTIVE SESSION**

- Following adjournment Council went in to Executive Session.