

BELLEFONTE BOROUGH COUNCIL MEETING
July 18, 2016
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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 cell phones either be placed on vibrate or turned off.

ROLL CALL

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

Members Excused: Beigle,

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

Staff Present: Vana Dainty

Guests:

PUBLIC COMMENTS

- Doug McCall lives across from the Uni-Mart and would like to find out the status of it. Mr. McCall pulled up some ordinance information to see what should and should not be permitted in that area. The Borough has not heard anything officially regarding the property. There is some indication that the property owners plan to do something. Mr. McCall said that business is within the Waterfront District and is a non-conforming structure. He feels Ordinance 575-9, Section C, is the only way it could continue as a gas station. It states if the total market valuation of the destroyed amount was at least 75% or more of the current market value on the day it was destroyed. He referred to Section D also where it says when a non-conforming use or structure is discontinued or abandoned for a period of one year or more continuously or replaced by a conforming use structure the premise shall thereafter not be used except with conformity. The one year period has lapsed because it burnt down May 31, 2015. He feels it should not be permitted to be used as a gas station. Mr. Stewart stated that is a legal question and at the appropriate time it will be asked of and answered by our solicitor. Mr. McCall said there is a fair amount of illegal activity on the premise, and he was encouraged to notify

the police when he sees something. Ms. Tosti-Vasey encouraged him to ask the police for more drive by's. Mr. McCall will be notified of a future meeting regarding this. Mr. DeCusati will ask COG if there has been a permit application on this. There has been no notice of a transfer with the Borough Billing Department. Pat Kennedy, a resident who also lives on N Thomas St, met a lady in the old Uni-Mart parking lot that said she purchased the building and was excited about moving forward with her business.

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 July 5, 2016 Meeting Minutes
- Communications – Email request regarding the use of Governor's Park Ball Field
- Mayor – Police Report
- Mayor – Police Exonerations
- Finance – Voucher Summary June 2016: \$1,447,519.25

Mrs. Dunne would like the Police Report removed for a question and Ms. Tosti-Vasey would like the minutes removed for corrections. There are no conflicts with the request for the use of Governor's Park Ball Field.

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

- Ms. Tosti-Vasey had the following changes for the minutes: on page 2 at the top of the page Ms. Tosti-Vasey did not vote "no" on the motion. On page 7 the next to the last paragraph it should read Mrs. Dunne and Ms. Tosti-Vasey abstained from voting because they did not have a copy of the resolution.

Ms. Tosti-Vasey made a motion to approve the minutes as amended. Mr. DeCusati seconded the motion. A voice vote was unanimous.

- Mrs. Dunne asked Sergeant Holliday about the incident report. She noticed that the drug incidents were reported at a high level compared to normal months. She realizes they are all under investigation, and she does not want those details, she questioned which investigative units are involved. Officer Holliday said some come from patrol and some come from the officer whose primary duties are to investigate drug activity. Everybody on the Police Department, except the Chief, is a member of the Drug Task Force and some come from that.

If the case listed in the report is a Task Force case, it is something that is Borough generated. The Task Force works under the auspice of the Pennsylvania Attorney General so they have Commonwealth jurisdiction.

Ms. Tosti-Vasey made a motion to accept the Police Report. Mr. DeCusati seconded the motion. A voice vote was unanimous.

REGULAR AGENDA

COMMUNICATIONS

WRITTEN

- A letter from the Dental Task Force of Centre County. Centre Volunteers in Medicine has a Dental Task Force as part of their group. The Authority decided to pull together the people on the Borough Task Force and see what direction they would like to go. Supplements started being offered in April 2016.

- Email from A. Gemberling regarding Education Field Day at Millbrook Marsh. There is a link for Council members to go to where they can indicate which day would be suitable for them to attend the field day.

- A thank you letter from Patton Township Police for an incident that Bellefonte Borough Police helped with.

- A letter from the Centre County Library and Historical Museum requesting a donation. A contribution was made in April 2016.

- An updated list from the Borough's Association regarding upcoming webinars.

- An invitation to Council members to attend the Bellefonte Arts & Crafts Fair reception on Friday, August 12, at 8:15 p.m. at the large tent in the Talleyrand Park Extension area.

- A diagram of the serving area that was presented by Vana Dainty on behalf of the new owners of the Café on the Park. The new owners introduced themselves. They are Elwin Stewart and Barbara Christ. They own Happy Valley Vineyard and Winery. They plan to open the former Café with a wine bar. They are in the process of licensing. They would like to offer outside seating and serving in front of their building. There is an area that would accommodate ten people at five tables. They would put this 6' back from the curb and would have 101-106" left for the tables. They would keep the tables that are on the side of the building. There are no issues with the Bellefonte zoning, but the Liquor Control Board (LCB) needs a letter of permission from the Borough.

Mr. DeCusati made a motion to approve the request for a letter to the LCB. Mr. Brachbill seconded the motion. They will be serving food also. They have hired a professional chef. They are still working on the menu. The owners do not know how wide the seating area is on the side of the building. The ordinance states you only need 6' for the sidewalk out front. There will be a solid barrier between the seating and the sidewalk. The barrier would be movable. The owners are aware of HARB and what they need to do. A voice vote was unanimous.

ORAL

- Dr. Peter O'Donnell from the Bee Friendly PA Program spoke to Council. He is a psychologist, but is also a beekeeper within the Borough. He brought other beekeepers with him. The PA Beekeeping Association has a new initiative to facilitate encouraging good beekeeping processes within the state called the Bee Friendly Program. It has to be an application done by the Borough for that to be processed. He has the application. He did previously initiate that with a member of Council that has since resigned. He wanted to present the information and get approval from Council. He also provided Council members with some honey, a taste of Bellefonte, to sweeten the deal. He feels this is the only time sticky fingers will be acceptable in politics. He also provided wipes for the hands. The honey is from bees in Bellefonte. He lives downtown and has beehives in his back yard. They are members of the Centre County Beekeeping Association, who is encouraging them to present this to Council. The Centre County Beekeeping Association provides educational programs throughout the region and they are willing to provide more. There is a lot of pollinator research being done at Penn State so there is a lot of information available. He said Bellefonte has the opportunity to be the first Bee Friendly Borough in the state. There is a significant loss in bees – 40-60% loss. Bees are important with pollinating fruits, vegetables and flowers.

The application is pretty straight forward. His children gave him the label on the jar for Father's Day. It is a picture of a stained glass window at St. John's the Evangelist Church that goes back to the 1800's. He would like to keep beekeeping alive. They are willing to sell honey at the Arts & Crafts Festival so Mrs. Brown will get in contact with him.

Another beekeeper said beekeeping is very, very important to agriculture. The colony collapse disorder is how he got into beekeeping. His wife read the article and said they should get into this, which they did. He feels it is a wonderful hobby. It is a friendly activity with sweet rewards.

There is a fee with the application that Dr. O'Donnell is willing to pay. There is no other demand except for completing the form. A sign will be given to announce that Bellefonte is a Bee Friendly Community. Ms. Tosti-Vasey said Council will need to make a slight change to an ordinance to make this happen. Mrs. Dunne said a pollinator garden is being planned for Talleyrand Park as well as a Butterfly Garden. The question was raised if there are any precautions for bears. The one gentleman has an electric fence around his house. The bears like the honey. Dr. O'Donnell has fencing around most of his hives. Mayor Wilson thanked them for making Bellefonte the first Bee Friendly Borough in the state.

Dr. O'Donnell said pesticides interfere many times with bees but he feels many places are not purchasing flowers from the larger distributors that use chemicals on their flowers. Dr. O'Donnell will share a list of pesticides that are problematic.

Mrs. Dunne suggested this be turned over to the Energy & Environmental Conservation Committee.

SPECIAL COMMITTEE REPORTS

- Draft Safety Committee meeting minutes from July 13, 2016, are in the packet for review. Mr. Brachbill said it was a good meeting.

- Draft IDA meeting minutes from July 13, 2016, are in the packet for review. Mr. Holderman reported that the Waterfront Ribbon Cutting Ceremony will tentatively be August 5th at 8:00 p.m.

- Draft Centre Region Public Safety Committee meeting minutes from June 14, 2016, are in the packet for review.

MAYOR'S REPORT

- Mayor Wilson mentioned Sergeant Holliday was in the audience for questions. Officer Holliday said as time permits they are continuing with their community outreach. Sergeant Holliday has some Council members in his district. He feels these visits help get the community proactive. They would like to have their visits completed by the end of summer, but it is difficult because some people have a lot to say. Mayor Wilson has had some residents approach him and say what a good idea it was. Once the visits are completed they plan to maintain the program and continue to make contact with the residents.

- Mayor Wilson reminded residents of the Arts & Crafts Festival at Talleyrand Park August 12 and 13.

- Mayor Wilson reminded residents to shop businesses in the Borough of Bellefonte.

OFFICE OF COMMUNITY AFFAIRS

ZONING/PLANNING

HARB

CERTIFICATES OF APPROPRIATENESS

- 1) 116 North Thomas Street
- 2) 122 South Allegheny Street
- 3) 128 South Allegheny Street

Ms. Tosti-Vasey made a motion to approve all three Certificates of Appropriateness. Mr. DeCusati seconded the motion. Ms. Tosti-Vasey had a question on the Mish Mosh application. HARB requested them to reduce the size of the wording "Antique Company". A voice vote was unanimous.

1) 245 North Spring Street – denied demolition to obtain more structural information. Ms. Dainty talked with Beatrice Jabco, who represented the building. They suggested keeping the area the same and possibly using some of the wood for the car port. They will be coming back to HARB after following suggestions of HARB.

Ms. Tosti-Vasey made a motion to accept the recommendation of HARB and deny the request to demolish the building. Mr. DeCusati seconded the motion. A voice vote was unanimous.

- Draft meeting minutes from the July 12, 2016, HARB meeting are in the packet for review.

- Mrs. Brown asked who provides the application for the sign allowance for new businesses that helps them with their sign. Ms. Dainty said that is HBI, and she makes sure new businesses know.

BUILDING AND PROPERTY – Mr. DeCusati asked if the Nuisance Code Enforcement Officer had started, which she has. He has received some complaints for high grass on East Linn Street.

- On Ridge Street between Lamb and Linn there is a downhill grade with a lot of loose gravel, and he requested that the street sweeper clean it up.

- Mr. Brachbill said there are some tall hedges on the corner of Badger and Bishop. The Borough is aware of that.

- Mayor Wilson had a call from a resident regarding West Linn Street and the walkway down there. There are hedges hanging over the walkway. The Nuisance Code Enforcement Officer is aware of the situation. Mr. Holderman suggested if Council members are aware of anything, they send an email, and they will make the Nuisance Code Enforcement Officer aware of it.

FINANCE AND GOVERNMENT PERFORMANCE – Mrs. Brown reported the Budget vs. Actual for June 2016 is in the packet for review.

Mrs. Brown made a motion to accept the insurance proposal for the Borough's Insurance policy period August 1, 2016, through July 31, 2017, in the amount of \$334,235.00.

Ms. Tosti-Vasey seconded the motion. A voice vote was unanimous.

PARK AND RECREATION – Ms. Hombosky reported on the changes on the revised ordinance for Parks & Rec. The changes are: L – no person shall engage in hunting or fishing within the park, along the waterfront sidewalks located between High and Lamb; R will be removed, which is the Duck Ordinance making it illegal to feed ducks, wild or domestic; S will be no person shall ride or use a bicycle, pedi-cycle, skateboard or roller blades in Talleyrand and along the two sidewalks and/or wall along the Waterfront located from High Street and Lamb Street; U states all official Borough Parks and along the two sidewalks and/or wall along the Waterfront between High Street and Lamb

Street shall be designated as tobacco- and nicotine-free areas. This includes the use of lighted cigars, cigarettes, pipes and any tobacco containing substance or the use of electronic cigarettes. The last one is to change “No Smoking Permitted” to “Tobacco and Nicotine Free Area, Young Lungs at Play.”

Mr. Stewart stated the fishing restriction is only on the banks of the walkway. You may still fish in the stream, but you must be in the stream. This is to prevent potential conflicts or someone getting hooked.

R is removed on the recommendation of the committee because of the difficulty of enforcing it. Mr. Brachbill feels there are many things that are not enforced in the parks. Mayor Wilson asked which ordinances should be enforced and which do we ignore. Mr. Brachbill feels there needs to be signs regarding what to feed the ducks. Feeding them bread is harmful. Mr. Brachbill said the dog ordinance and the smoking ordinances are not enforced. Mayor Wilson mentions it if he sees someone smoking or dogs in the park. Mayor Wilson saw Sergeant Holliday address a young person riding his bike without a helmet. He talked with the parents about it. Mr. Johnson feels the duck ordinance should remain. Mr. Holderman said USDA removed ducks last year. They are the only ones that can remove the ducks.

Ms. Tosti-Vasey made a motion to accept the proposed changes to the ordinance. Ms. Hombosky seconded the motion.

Mr. Brachbill amended the motion to approve the highlighted parts of the ordinance, but keep R, the portion about not feeding the ducks, in the Ordinance. Mr. DeCusati seconded the motion. A hand raising vote was taken. There were four in favor of the motion and four against. Mayor Wilson cast the tie-breaking vote, which was no. The amendment was defeated.

Voting for the main motion, which included all sections suggested by the Parks & Recreation Committee, was done next. There were six “yes” votes and two “no” votes, with Mr. Johnson and Mr. Brachbill voting no.

- Ms. Hombosky made a motion to allow the YMCA to add non-permanent tape to a section of one tennis court at Governors Park. The YMCA will pay for all equipment. Mrs. Brown seconded the motion. It would not impede anyone from playing tennis. A voice vote was unanimous.

- Mr. Brachbill made a motion to change “Q” in Chapter 405 Parks and Recreation to allow dogs.. Mr. Johnson seconded the motion. The Ordinance would apply to all designated parks. Mrs. Brown suggested asking the Park & Recreation employees how they feel about this since they will be cleaning up the mess. Mr. Holderman said the animal ordinance is on the desk and language from that could be added to the Park Ordinance. The motion passed with two people voting no.

HUMAN RESOURCES – Ms. Tosti-Vasey reported Mr. Stewart will be on vacation July 27 through August 12. She recommended if anyone needs the Borough Manager they should contact the Assistant Borough Manager.

SAFETY – Mr. Brachbill reported that because Bellefonte has a Certified Safety Committee, they realized an insurance savings of \$10,000.00.

WATER/SANITATION – Mr. Stewart put the draft Evaluation of Wastewater Treatment Solids in the packet. There was no action taken on this at the Authority meeting at this time.

Mr. DeCusati feels most people do not realize how this will increase their fees. He would like Council to give the Authority any help they need to make this clear to the residents. Mr. Clark said there would be a heavy investment to go from Class B to Class A solids. The other issue is, even if the money is spent to move to Class A, the Authority does not have a guarantee that the market would be there for it.

- Draft Authority meeting minutes from July 6, 2016, are in the packet for review.

- The draft Chesapeake Bay Improvement Cost Comparison and Rate Evaluation is in the packet. The Engineers put together a spreadsheet comparing the costs the Borough has incurred over the last two big projects compared to others in the Central Pennsylvania area. They are still trying to manage the costs, and he thinks they do very well.

- The Daily Water Withdrawal report for June 2016 is in the packet.

- There is a memo from R. Stewart regarding the MS4 Stormwater Regulations. He was talking with DEP and clarified that the Borough is not under those mandates at the present time. Mr. Stewart feels it would be helpful to look at best management practices and to look at opportunities when they arise. Ms. Tosti-Vasey said when she went to the Environmental Sustainability Committee meeting they said every community, even small ones, will be required by 2018 to follow this. Apparently, Bellefonte is small enough that until the 2020 census comes through, they do not have to abide by the regulation. If the population goes up a certain level, then “X” number of years will be added to come into compliance.

STREETS – Mr. Johnson reported the North School Street Stormwater Replacement Project between East High Street and East Bishop Street will hopefully begin this week, which will cause some traffic adjustments.

- It is anticipated that the other paving projects will be completed soon.

- Mr. Brachbill reported at the corner of High Street and Badger there is a green mail collection box that had weeds up to almost the door of it. The new owner of the property cleaned them out this weekend. There are two drains there that are nearly filled. The mail person told him the homeowner is responsible for taking care of that area. He said the post office will be taking those green boxes out. Mr. Stewart will contact the postmaster. The owner also asked about street sweeping. Mr. Stewart said some is being done right now and will mention this area.

- Mrs. Brown reported the drain by the railroad tracks has a lot of debris in it that needs cleaned out.

ENERGY & ENVIRONMENTAL CONSERVATION – Mr. Clark made a motion to advertise the amendment to the Ordinance Chapter 193: Animals. Ms. Tosti-Vasey seconded the motion. The change is adding a sentence to the ordinance that says “beekeeping is a permitted activity in the Borough for the production of honey and/or beeswax.” A voice vote was unanimous.

- Mr. Clark will be working on the Bee Friendly Application. He was waiting until the Ordinance was in place.

OLD BUSINESS

- There will be a Special Council Meeting at 6:00 p.m. Tuesday, July 19, to discuss revisions to the Property Maintenance Code at the Borough Building. Mr. Schneider will be at the meeting. Mrs. Brown will be unable to attend. Mayor Wilson will be representing Bellefonte at the Economic Development Summit at that time.

NEW BUSINESS

- Mr. Brachbill made a motion to approve Resolution 07182016-01, which recognizes the Suicide Awareness and Prevention Month. Ms. Brown seconded the motion. Ms. Tosti-Vasey recommended the “therefore it be resolved” because it says Centre County Suicide Awareness and Prevention Month and she feels it should say Centre County and Bellefonte Suicide Awareness and Prevention Month because it is Bellefonte Borough. It would say now therefore the Borough of Bellefonte, Centre County, Pennsylvania, will designate September 2016 as Centre County Suicide Awareness and Prevention Month in Bellefonte and September 10, 2016 as Centre County Suicide Awareness and Prevention Day in Bellefonte. Mr. DeCusati said it says it recognizes that Centre County’s Suicide Initiative. Mr. Holderman recommended taking out the word “as” and put “supporting”. That suits Ms. Tosti-Vasey. Mr. DeCusati suggested putting “supports designating”. Ms. Tosti-Vasey said “hereby supports designating the month of September”.

Mr. DeCusati amended the motion to recommend the changes. Mr. Clark seconded the motion. The motion passed and the resolution was adopted. Mrs. Dunne suggested at the September 6, 2016, Mayor Wilson should read it.

- Mr. Brachbill made a motion to approve a \$1,000.00 contribution for Economic Development Initiatives in Centre County. Mr. DeCusati seconded the motion. This would go to CBICC for the new company coming into Centre County. If it is not used, it is refunded. The motion passed with Mrs. Brown voting no.

- There will be a Council meeting August 1st and August 15th.

- Howard Long would like Council to consider writing a letter of support for new YMCA Grant Funding. The grant application is due July 31st. There are plans to build a new YMCA in the Benner Commerce Park along with some other entities. They plan to attract tournaments. They are still making design changes to the plans. When the plans are completed Mr. Long will come to Council with the layout of the new facility and answer questions. It will be at one of the August meetings. Most likely the current YMCA will not continue due to the age of the building. They will move all their services to the new location. Mayor Wilson is not in favor of the YMCA moving out. He does not feel that all the kids that go there would have transportation to the new out-of-town location. The YMCA has been in Bellefonte for a long time. Mr. Brachbill said we are trying to bring economic development in to town and then turn around and approve and support the YMCA moving. Mr. Long said their plan is to bring national tournaments into this area. Half the facility, which is not the YMCA facility, is geared towards tournament events and it will be owned and operated by the Visitors Bureau. It is specifically designed for tournaments coming into this area, so Bellefonte stands to increase economic activity with the tournaments. A marketing study was done, and he will make it available to Council. Mayor Wilson would like to see them develop the new location for tournaments and maintain the YMCA facility in Bellefonte. Mr. Stewart said the new facility will have an Olympic-sized swimming pool. Mr. Brachbill said if the kids cannot get there where would they go. Mrs. Dunne said this is part of a visioning discussion. It is even beyond the YMCA. We are trying to encourage millennials, and they may be a new segment of the population, and they might appreciate a convenient facility to live close to.

Mr. Stewart cannot answer all the questions. Ms. Tosti-Vasey will vote no because we need the facility in town. Mr. Johnson feels it can be advantageous to Bellefonte. To stay competitive in the fitness world, you have to offer the latest and the greatest. We do not want to see the YMCA leave, but if you want a facility that will attract others to the community, a fitness center is something the community really needs. Ms. Tosti-Vasey would like to see an alternative to what is going to happen before she makes a commitment of support. Mayor Wilson agrees with Mr. Johnson, but his concern is for the kids in Bellefonte that do not have transportation. He suggested setting up a transportation system to get kids to this facility. Mr. DeCusati asked what type of impact this would have on Kepler Pool. Mr. Johnson said we cannot depend on the YMCA to manage the Bellefonte Community Pool. It has been a blessing while they have managed it. It is located in Benner Township, but it is a project of YMCA. They have to raise funds before they can break ground. The new facility will have six basketball courts available through the week and will be used for tournaments on the weekends. Mr. Clark said if people come in to town for tournaments that would boost things. Mr. Johnson said someone may purchase the facility.

Mr. Johnson made a motion to consider a letter of support for the new YMCA Grant Funding per their request. Mr. Brachbill seconded the motion. Mr. Brachbill would like to see language in the letter stating while the Borough supports the new YMCA, we would like to see some presence at the current YMCA. Mrs. Dunne reported the letter will go to DCED, the source of the funding. She suggested a separate letter could be sent to the YMCA. There were six "yes" votes and two "no" votes. A hand

vote was then taken. There were six “yes” votes and two “no” votes. The motion passed. Mr. DeCusati and Ms. Tosti-Vasey voted no.

- The June Treasurer’s report is at the table for Council to review.

- Mr. Johnson asked about a previous discussion about combining committees. Mr. Stewart said that discussion needs to be rescheduled.

ADJOURNMENT

- With no other business to come before Council, Mr. DeCusati made a motion to adjourn the Council Meeting of July 18, 2016, at 9:45 p.m. Mr. Johnson seconded the motion. A voice vote was unanimous.