

BELLEFONTE BOROUGH COUNCIL
MEETING MINUTES
July 16, 2018 - 7:30 p.m.
236 West Lamb Street, Bellefonte, PA 16823
www.bellefonte.net

7:00 p.m. Executive Session: Real Estate, Contracts

6:30 p.m. Work Session

- **Food Truck Ordinance**
- **Unsigned Letters Policy**

CALL TO ORDER:

The July 16, 2018 meeting of the Bellefonte Borough Council was called to order at 7:30 p.m.

Pledge of Allegiance was followed by a moment of silence (to pay respect to fallen Armed Forces members and Council members who have passed).

ROLL CALL

MEMBERS PRESENT: Mr. Randall Brachbill
Ms. Renee Brown
Mr. Evan Duffey
Mr. Jon Eaton
Ms. Melissa Hombosky
Mr. Douglas Johnson
Mr. Michael Prendergast
Ms. Joanne Tosti-Vasey
Ms. Anne Walker
Mayor Tom Wilson

OFFICIALS PRESENT: Mr. Ralph Stewart, Borough Manager
Mr. Don Holderman, Assistant Borough Manager

EXCUSED: None.

GUESTS: Harry Kroft, PML
John Brenner, PML
Kelsey Thomasson, *Centre Daily Times*
Bryce Taylor

APPROVAL OF MINUTES:

**Hombosky moved to approve the July 2, 2018, meeting minutes;
Eaton seconded the motion;
Motion carried.**

CONSENT AGENDA:

(The following items listed on the Consent Agenda are considered 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).

Communication: Letter Request for Relay for Life 2018
Communication: Letter Request from New Beginnings
Finance: Stover McLaughlin Invoice

**Duffey moved to accept the Consent Agenda;
Prendergast seconded the motion;
Motion carried.**

Tosti-Vasey removed the letter request from New Beginnings for discussion.

**Johnson moved to remove the letter from the Consent Agenda;
Brachbill seconded the motion.
Motion carried.**

Tosti-Vasey stated that in the New Beginnings letter it stated that they are willing to have the Borough keep the \$100 deposit fee. The way the letter is written, it appears that they believe that is the only amount of money that they will be paying. Because they are an out of state non-profit, she would like this item tabled until the Borough can obtain an acknowledgement from the group that the \$100 deposit does not include the registration and the rental fees that need to be paid as well.

**Johnson moved to table the New Beginnings letter for clarification;
Prendergast seconded the motion;
Motion carried.**

REGULAR AGENDA:

COMMUNICATIONS:

WRITTEN:

Email re: CEF Adventure Camp at Governor's Park

Stewart stated that this letter requests approval for a specific type of obstacle course (jelly and mash potatoes) for their camp and they are asking for reconsideration of the park rental fee which is also stated in the letter.

Tosti-Vasey asked for two separate motions. Waivers were discussed.

**Prendergast moved to approve the obstacle course;
Eaton seconded the motion;**

Duffey wanted to make sure that someone checks on the park to make sure that it is cleaned up adequately after the event is over. It was offered that if the Borough has to clean it up, the camp would be charged.

Motion carried.

The fee reduction request was discussed. They are requesting that the fees be reduced – the fees are at \$90 per day for the two pavilions x 5 days. The church is outside town limits and the policy for elimination of the rental fees is limited to non-profits located within the Borough. Tosti-Vasey stated that there is no policy on fee reductions, only elimination of the fees.

Eaton suggested giving them two pavilions for the price of one. Clean up was discussed. Hombosky stated that there is no one using those pavilions from July 30th to August 3rd.

**Prendergast moved to reduce the fees by 50% (\$225.00 for the week) on the condition that the park is cleaned up properly. They will pay the full \$450 price up front and will be reimbursed by the Borough upon confirmation of proper cleanup;
Brachbill seconded the motion;
Motion carried.**

Letter from Centre County Suicide Prevention Task Force

This letter is requesting consideration of a Resolution for naming September Suicide Prevention month. The resolution, which wasn't in the packet, will be on an upcoming Council agenda for approval. This was approved in the past.

Memorandum re: Official Ruling of Application of Colored Pavement

A memorandum was received from the U.S. Department of Transportation regarding colored pavement used in crosswalk areas. If color is used between crosswalks it should be yellow or white

PSB Fall Leadership Conference

Information on the Fall Conference which will be October 12-14, 2018.

Letter Request re: 11th Annual Herbie's Hometown Loop

Request relative to the annual Herbie's Hometown Loop. This is planned for August 11, 2018, from 7:30 a.m. to noon. They will start at High and Spring Street, making their way to Spring and Benner Townships.

**Johnson moved to allow for the closing of West High Street from Spring and High, down West High Street, turning left on South Potter to the Borough line in Spring Township;
Prendergast seconded the motion;**

The rest of High Street will be closed for the Arts and Crafts festival. Johnson had concerns about the restrooms and possibly the race bringing in some port-a-johns. Stewart stated that the arts festival does bring in some port-a-johns.

Motion carried.

Memo re: 2018 CDBG/HOME/ESG/NSP Programs

This memo stated that there is an increase in funding in this program. The Borough gets some funding through the program each year. Fiscal year 2018, \$109,000 grant funds are available to the Borough.

Letter Request from Bellefonte Sunrise Rotary Club

The Rotary is assisting in the fall festival, which is scheduled for October 27, 2018, from noon to 4 p.m. They are requesting the use of both sides of Talleyrand Park, closing High Street from Potter to Water Street from 10 a.m. to 5 p.m., having a petting zoo in the parking lot as part of the festival and special trash pick-up after the event. They would like to create a wine tasting event—details will be discussed. They would also like to hang banners to promote the event.

**Brachbill moved to table discussion on this topic to obtain further information on the wine tasting and the petting zoo;
Duffey seconded the motion;
Motion carried.**

ORAL:

Representatives from PA Municipal League—Introduction, benefits of membership

Representatives from the Pennsylvania Municipal League presented to Council relative to their program, membership, and benefits. John Brenner addressed Council. He gave a brief background of his experience and his association with the league.

He explained that the league was formed in 1900 so that smaller municipalities could be heard by bigger government and advocate on behalf of their cities. In the 1950s bigger cities joined and it became the League of Cities of Pennsylvania. The National League was formed as well. In the 1980s the board of directors fostered greater relationships among all classes of municipalities and they opened membership to cities, towns, municipalities, and boroughs. The name was changed about four to five years ago to reflect the growing membership.

Brenner stated that the fastest growing group right now are Boroughs who are joining the PML. Members are active and are good advocates to see good government extended to all corners of Pennsylvania.

The reasons to consider membership include: They do represent all municipalities and all classes, advocacy, member driven, bipartisanism, cost savings programs and services and training available and many programs that are available to members. For twelve months you can join the organization and not pay the fee. They have a phase in for a new period. Dues are 40% of the population.

Their resolutions committee meets in the fall during the annual conference in Cranberry Township. The resolutions have been brought up throughout the year during the six regional meetings, and there are many tough issues. Municipal Pension Reform is one topic. Local radar use is also a big issue and they have been pushing for this for years. Pennsylvania is one of the only states left that do not have local radar for police officers. Technology needs that are sensitive to the neighborhoods is also at the top of the PML list of resolutions/legislation. These are particularly for the large antenna facilities that are being dumped into communities. There is a bill coming out next week relative to this.

Funding options are also on the listing, and this is a big item that will continue to be worked on. Legal advertising is also an issue and PML advocates the use of the internet to advertise the meetings and functions of governments.

Relationship with the National League of Cities also sets PML apart from other local groups. They do have a national organization and stood with them in fighting for community development block rights.

Harry Kroft, PML's Director of Marketing and Member Services then addressed Council members. He gave a brief background of his experience and history with PML. He handed out the membership folder. All this information can be obtained on their website. He broke down member services to include energy discounts, labor relations assistance, educational benefits, human resource management software, access to a national base for grant money, which is free to members. U.S. Communities (like PA's Co-Stars program) is available, which is nationwide. Kroft also provided a listing of publications and e-newsletters that are sent out with the membership and went through the training programs in great length.

Brenner further explained the business network, which includes business partners in Pennsylvania and throughout the country. They also have a municipal trusts partnership for use by members.

The PML has been complimented on their diversity, and they work in conjunction with the Borough's Association, Manager's Association and PSATS on legislative issues and moving them forward.

Council thanked Brenner and Kroft for coming to the meeting and speaking about the PML.

Council asked if we held off in joining until January 2019, would we get a full year free rather than just the remaining months of 2018 for free if we join now (12 months v 5 months). The answer was yes.

SPECIAL COMMITTEE REPORTS:

Centre Region COG Public Safety Committee Minutes June 12, 2018 Draft
Comparison of Monthly Existing Structure Code Stats May 2018 (Rental)
Comparison of Monthly Code Stats June 2018 (Construction)
Safety Committee Meeting Minutes July 11, 2018 Draft
IDA Minutes July 11, 2018 Draft

MAYOR'S REPORT:

Wilson discussed public comments on the parking rates at \$1.25 per hour at the lots. Other Council members have been approached about the rates as well. Residents are not pleased with this fee.

Wilson reported that there are still some issues in Talleyrand Park, and the police have been showing a pretty strong presence there the past few weeks. It appears that the fishing along the bank has subsided substantially.

Continued use of fireworks in the Borough has been a topic of discussion. Even now, after the 4th of July, people are still shooting fireworks off every night. Wilson stated that although not illegal, he did not know if there was an ordinance that could be considered. The complaints have been relatively substantial. The noise ordinance would not cover this issue. Eaton discussed the 150-foot buffer. Some of the fireworks are being mistaken for gunfire.

OFFICE OF COMMUNITY AFFAIRS – HARB Items

ZONING/PLANNING:

PLANNING COMMISSION:

HARB:

Certificates of Appropriateness: 115 W. Howard Street; 429 North Spring Street

Brachbill moved to approve the certificates of appropriateness for 115 W. Howard Street and 429 North Spring Street; Eaton seconded the motion.

Tosti-Vasey recused herself from the vote.

Motion carried, with one abstention (Tosti-Vasey).

HARB Meeting Minutes July 10, 2018 Draft

BUILDING AND PROPERTY – Point Person, Anne Walker

Pre-con Meeting—Parking Lot H

Preconstruction meeting scheduled for August 7 at 10 a.m. in Council Chambers to discuss work to be done in parking lot H.

ELA performed a punch out of Lot A and all of the items need to be corrected on that.

Bike Racks Memo

Stewart researched some designs and pictures were provided to Council. Walker suggested a design contest for the public or students at CPI (Hombosky). CPI was already approached relative to fabrication, and they have too much of a work load.

Bellefonte High School has a design class. They have wood shop but Holderman was not sure about a metal shop.

Tosti-Vasey stated that Downtown Bellefonte Inc, has a design committee and they will be coming to Council at the August 6 meeting to present an overall view of signage and outdoor items, and perhaps the bike rack issue will be included in their presentation. This presentation has already been scheduled for the August 6 work session.

Use of the meters was discussed again, and Stewart had concerns about pedestrians tripping over them when trying to get around a bike rack that would be designed to be directly attached to the meter.

Tosti-Vasey announced to the public that anyone interested in submitting potential bike rack designs was more than welcome to do so.

Parking Lot/Church

Prendergast asked about the parking lot at the church and people driving over the grassy areas. Holderman followed up and staff spoke with the Church. In the punch out, they went over to look at it with the contractor and when he does Lot H and is ready to pave, he is willing to give them a price just on cost only.

Holderman stated that there are still trees that need to be planted, and the lamp post has not been delivered yet nor the bike rack.

FINANCE AND GOV'T PERFORMANCE - Point Person, Evan Duffey

Nothing to report.

PARKS AND RECREATION – Point Person, Melissa Hombosky

Mud Sill Work

Work began last week at Talleyrand and will continue through the end of July or early August.

Letter from CPI re: Carpentry Program Request

The CPI program is booked for this year, so they are unable to assist with either the pergola project or the bike rack project.

Tosti-Vasey then referenced Holderman's previous memo of July 2, 2018, suggesting taking the John Spearly bid of \$49,000 for the pergola work and approve an additional \$19,000 in bulk water funds to meet the financial need. If this is not done, the CDBG funds will be lost.

Holderman added that the pergola is in bad shape. Some kids were hanging on it and tore some of it down. It needs to be repaired or there will be caution tape hanging from it soon. He stated that the \$19,000 was worth it.

Wilson interjected that he had an acquaintance who is a builder look at the pergola. He said that \$49,000 was a fair price. There is a lot of cutting and measuring that needs to be done and just taking it down will be a job in itself.

The Talleyrand Park Committee wants the wisteria to continue to grow on the pergola. They did put \$23,000 towards the match on this grant, per Holderman. It is an in-kind replacement and will look exactly the same, except not rotting. Hombosky stated that the pergola has been there for thirty years.

**Duffey moved to approve the bid for \$49,000 (John Spearly) which includes \$19,000 out of the bulk water fund;
Hombosky seconded the motion;**

The grant funding expires in December 2020. Johnson inquired about rebidding, Holderman stated that this project has already been bid twice. Prevailing wages are included in the price of the pergola replacement project. Johnson stated that if there is more time to spend the money, it may need to be rebid again.

Hombosky inquired whether this issue should be tabled. She will go back to the Talleyrand Park Committee for insight.

**Hombosky moved to table;
Brown seconded the motion;**

The columns are not being replaced. They are in good shape. Holderman stated that this is more of a safety issue as the pergola is next to the playground. He also stated that at the next Safety Committee inspection, Talleyrand and Governors Park will be inspected.

Brown inquired about the replacement of in-kind and why it could not have another style top. Holderman offered that HARB approved the project to be put back the way it was originally.

Maintenance was discussed. Holderman stated that the wisteria vine caused a lot of the damage to the Pergola structure.

Motion carried.

Bid Opening on the Platform Extension.

Landserv, Inc. \$172,269.75

Lycoming Supply \$163,280.50

This project will complete everything but the bridge, per Holderman.

Holderman respectfully requested that Council allow the low bid to be approved, based on engineering recommendation, and proceed with the project, rather than waiting until the next meeting. The 2014 CDBG money should be spent by August so there is a timeline to contend with. The project will be done with 2014, 2015 and 2016 funds.

**Johnson moved to allow the Township Engineer to evaluate and approve the bids for Platform Extension project;
Brachbill seconded the motion;
Motion carried.**

HUMAN RESOURCES – Point Person, Renee Brown

Doodle Poll—Contract Negotiations

The poll was sent late in the afternoon today. Holderman hopes to get this scheduled before Stewart goes on vacation in August

FMLA Language

Tosti-Vasey offered that this should be discussed. A meeting will be set up.

SAFETY – Point Person, Randy Brachbill

Bellefonte Fire Department Executive Committee meeting was held to discuss Ordinance 35 revisions. Another meeting is scheduled for two weeks from now. One of the recurring things discussed was space here at the Borough Building. The Armory building was a suggestion by Brachbill. Only a desk and a cabinet would be needed.

Holderman stated that this is just something that was brought up time and time again and at some point, will need to be addressed.

Brachbill mentioned the job description and whose job it is to amend or revise it. Tosti-Vasey stated that the Fire Committee can draft something and then bring it to Council for review.

Eaton suggested that the problem with the job description now may be because the Borough Council was not involved in drafting the description. Brachbill offered that it may be the Borough's responsibility to get this together as it seemed to have been in the hands of the Borough prior. Stewart stated that this typically went through Safety.

Duffey volunteered to work with Brachbill and Tosti-Vasey on this. Duffey stated that there may be a conflict in his voting on who would be the chief but not in writing the job description.

WATER/SANITATION – Point Person, Doug Johnson

Daily Water Withdrawal Report June 2018
Authority Minutes July 3, 2018 Draft

Sewer Line Smoke Testing taking place week of July 16th

Stewart explained that residents in the study area have been notified via letter about the smoke testing. He wanted to put the word out that if anyone finds smoke running in their homes, it may be the smoke testing in trying to find broken sewer lines, etc.

911 and the Fire Department has been notified of this testing,

STREETS – Point Person, Jon Eaton

Memo re: Howard and Wilson Intersection

Eaton reported that they received a letter from a resident on E. Howard Street relative to the safety of that intersection. There is a 25-mph posted speed limit. Persons using the road are traveling at a higher rate of speed. Residents are concerned about safety. They have notified Council through the Mayor. Eaton surveyed the situation. Residents are raising a valid concern, and Council will see if they can come up with a solution to the speeding and the unsafe situation.

PennDOT has been advised of the situation and has reviewed it. Wilson stated that he would like to see a crash-data analysis from the police department. The Chief has the data as it was utilized last year. Hombosky recalled that PennDOT found that a stop sign was not feasible. A four-way intersection was requested in that case. Putting up a private stop sign can cause liability issues.

The speed sign in Lemont was discussed. Holderman stated that a few years back, it was brought up to purchase one and Council said no to the idea. It was \$26,000.

The speeding on Howard is not enforceable by the police. They do not have radar, and it would not be feasible to have a police officer to sit there, per Prendergast.

**Prendergast moved to ask PennDOT to do a traffic study at McAllister and Howard for stop signs;
Duffey seconded the motion;**

Stewart also recommended asking the State Police to come in and run radar. That is not a very expensive option, and the Borough may be able to do that for next to nothing at random times. It is a state road.

Duffey stated that it is worth asking for as it is not the exact same request as the rejected request prior.

Motion carried.

Staff will inquire into the State Police radar for that intersection.

Visibility – Corner of High and McAllister

Wilson stated that he has received complaints about site distance issues. There is a back hoe sitting along the street. There are also cars parked. It looks like a construction zone. Wilson wants the back hoe to be moved.

ENERGY AND ENVIRONMENTAL CONSERVATION –Point Person, Mike Prendergast

PSU Sustainability Project Ideas Update

Stewart discussed the sustainability project ideas. Holderman stated that the cover on the Big Spring was discussed as a project. There were other projects mentioned as well. This looks good for the fall, and it may be the cover project.

OLD BUSINESS:

Consider Approval of Ordinance No. 071618-01 Prohibiting the Practice of Conversion Therapy

**Hombosky moved to approve Ordinance No. 071618-01;
Walker seconded the motion;**

Brachbill offered that he thought this was an unenforceable ordinance because of the rules and regulations of healthcare and HIPPA. He opined that the zoning ordinances are more equipped to enforce items.

Tosti-Vasey disagreed with Brachbill in that the ordinance is prohibiting a specific practice. Stewart interjected that this is such an exclusive practice that it could be prohibited under ordinance. Prendergast offered that it may be a problem in the future, but he does not see it coming to the Borough.

Eaton called the question. No objection to calling the question.

Motion carried with one nay (Brachbill).

Feral Cats – Mayor

Wilson received a call from Deb Warner of PAWS who was notified by the animal control person that there is a resident who uses a wheelchair who has fourteen cats. They needed to be removed. They are picking up a couple a week and taking them to get spayed through PAWS and returned.

Taylor Lake took oversight on this issue when she was on Council. Wilson is asking for a few volunteers to take traps out if residents call about trapping a cat to get spayed and released. PAWS has vouchers. Duffey volunteered to take over the duties. Instructions will be provided to Duffey by staff.

Consider Approval of Draft Food Truck Ordinance for Advertising

**Duffey moved to advertise the food truck ordinance;
Prendergast seconded the motion;
Motion carried.**

Meeting with Owners of Jakes Cards and Games re: Arts Fair Downtown

Bryce Taylor spoke about the fees at the parking lot. They are high. The machines do not take dollar bills. Duffey stated that adding the dollar bill to the machine was significantly higher. The machine is expensive. There is also a fee for processing the card payments. State College Borough has the same rates. There is a high demand for parking in Bellefonte.

Taylor thanked Stewart for making the meeting about the arts fest issues happen. There were many people present for the discussion. He thought it was a good meeting. Other business owners got to air their thoughts and ideas.

Taylor was disappointed with the response from the fair committee itself. It was a two-hour meeting and when the leadership of the fair took the floor, a solution was set forth with no discussion. He did not think that this was appropriate. But based on the fact that they are a private body, this type of action was permitted. He opined that the discussion held before the decision was rendered was moot. He felt that this was a failure of public policy.

Taylor agreed to play ball and do the best that he can. He appreciates the time that Council and staff put into trying to find a resolution.

Stewart offered that Sally Houser, President of HBI, was on vacation and will return. He will try to get her in touch with Taylor.

NEW BUSINESS:

Selective Risk Analysis

The information is relative to the Borough's insurance. Stewart included some pages in the packet relative to 2018. He stated it was a good year. The information displayed the various coverages that the Borough had. The local broker is The Hartman Agency. Coverage applies to employers, the municipality, elected officials, liability, worker's compensation, coverage on equipment, and property coverage for liability.

The analysis shows that 2018 has been a good year. The analysis does affect the rates. The factor is used to compare rate increases in comparison with other municipalities.

PUBLIC COMMENT: None.

ADJOURNMENT:

With no further business coming before Council,

**Brachbill moved to adjourn the meeting;
Prendergast seconded the motion.
Motion carried.**

Meeting adjourned at 9:35 p.m.

EXECUTIVE SESSION