

**BELLEFONTE BOROUGH COUNCIL**  
**MEETING MINUTES**  
**November 5, 2018 - 7:30 p.m.**  
**236 West Lamb Street, Bellefonte, PA 16823**  
[www.bellefonte.net](http://www.bellefonte.net)

**6:00 p.m. Executive Session:** Real Estate Matters

**6:30 p.m. Work Session:** 2019 Budget Discussions; Scott Rhoat, Bellefonte EMS Funding

**CALL TO ORDER:**

The November 5, 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 respects to and honor the victims and survivors of the mass shooting at the Tree of Life Synagogue in Pittsburgh on October 27, 2018).

Tosti Vasey read the following from a speech delivered on Friday evening in the State College Borough by Council member, Evan Meyers:

*“Whenever men and women are prosecuted because of their race religion or political views that place must at the moment become a center of their universe. So tonight our community must be the center of our universe. Tonight, we stand against hate and violence. We stand with people no matter who they are, their color, where they worship, who they love or how they got here.”*

**ROLL CALL**

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

**EXCUSED:** None.

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

**GUESTS:** Scott Rhoat  
Rev. Kathleen Danley

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**APPROVAL OF MINUTES:**

**Brachbill moved to approve the October 15, 2018 meeting minutes;  
Hombosky 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).

*Communications: Letter Request re: Relay for Life 2019*  
*Communications: Letter Request re: Arts and Crafts Fair 2019*  
*Communications: Letter Request from St. John Catholic School re: Carols*  
*Communications: Letter Request re: Victorian Christmas*  
*Communication: Letter Request re: Small Business Saturday Banner*  
*Finance – Treasurer’s Report September 2018*  
*Finance – Voucher Summary September 2018 - \$793,305.72*

**Prendergast moved to approve the Consent Agenda;  
Walker seconded the motion;**

Tosti-Vasey removed the request from Victorian Christmas and the letter request for Small Business Saturday Banner. Johnson removed the Arts and Crafts Fair 2019 request as well.

**Motion carried.**

Johnson questioned why the Arts and Crafts Fair 2019 would be moved to downtown. Stewart responded that they survey and speak with committee members. The park venue versus in town was discussed briefly by Council members.

**Hombosky moved to approve the request for the Arts and Crafts Fair 2019;  
Brown seconded the motion;  
Motion carried with one nay, Johnson.**

Tosti-Vasey discussed the request for Victorian Christmas. They wish to bag the meters at West High and North Allegheny, but no number was indicated or which side of the street. Stewart stated it is usually the side near the brownstones which are the four spaces on the North side of the diamond.

**Hombosky moved to approve the request of Victorian Christmas;  
Brachbill second the motion;  
Motion carried.**

Small Business Saturday Banner was discussed. They wish to place the banner on the gazebo. Tosti-Vasey offered that this has never been done in the past. She also thought that the decorations go up in Talleyrand that weekend. She suggested placing the banner on the High Street bridge due to the decorating. Hombosky stated that the banner is long and thin and not horizontal and will

not work on the bridge. It is the same ratio as the space between the pillars of the gazebo. It is just to attract traffic to the downtown area for shopping. Setting precedence for future requests was discussed as well as the First Amendment rights and signs. Brachbill offered that people need to design the banners for where they are permitted in the Borough. The banner is currently hanging on the train station. Johnson did not like the idea of the banner on the gazebo.

**Hombosky moved to approve the request for the Small Businesses Saturday banner to be hung at the gazebo at Talleyrand Park;  
Walker seconded the motion;  
Motion carried with four nays (Tosti-Vasey, Johnson, Eaton, Brachbill)  
(Wilson broke tie vote, voting yes).**

## **REGULAR AGENDA:**

### **COMMUNICATIONS: WRITTEN:**

#### **Letter from C-Net re: 2019 Membership Dues**

2019 Membership dues will be \$16,232.00. This is based on the number of programs, etc. Brachbill would like to see data on how many watch the recordings and hit them online. Stewart stated that it is a complicated formula using a 5-year average. There was no additional fee for the work sessions.

#### **PSAB 2019 Training Discount Program**

This training program is geared toward townships, cities, and authorities. The Borough already gets a discount on training.

#### **Save the Date – Campus and Community Sustainability Expo**

PSU Sustainability Expo – 4:30 to 6:30 p.m. Thursday, November 29 at State College Municipal Building on Allen Street.

#### **CGI Community Video Program**

Proposal for a community video program. The company was in to present to Council a number of years ago. They basically do the video for free and sell advertising. This is just an FYI.

#### **Transportation Community and Local Government Assistance Brochure – PennDOT**

This is also available online. It contains grants and funding programs that are available.

#### **Centre County Government Comments on the proposed rezoning of Centre Crest parcel a surrounding property**

**ORAL:** None.

## **SPECIAL COMMITTEE REPORTS:**

### **Drive Electric Coalition Meeting**

Tosti-Vasey attended the meeting via phone on October 17. The Driving PA Forward grant program was discussed. \$60,000 of the \$3 million has been used in the program. The Borough is in the process of doing a similar grant.

AFIG Rebates are funds that municipalities give back to consumers to purchase electric vehicles. The State is currently working on a rebate program for the purchase of electric and hybrid vehicles for non-profits, businesses, and governments. This is a separate grant program much like the electric plug rebate. Communities could purchase as few as one vehicle and that would be considered a fleet.

### **Centre Cable Consortium**

Stewart reported that they are working on the franchise renewal. There are regulatory aspects to the process. This is ongoing. The FCC is looking to adopt an order that would restrict placing the small devices that would go into the rights-of-way (i.e. 5g roll out that is coming). There were some court decisions in Pennsylvania that state that local governments have control of the rights-of-way. If the FCC approves the order, that control would be lost. It would hurt the CNET operations as they are reliant on revenues from the franchise agreements. The Borough could stand to lose revenue from the franchise agreement. The control to refuse devices in the right-of-way would be lost as well. Comments will be circulated and ultimately filed with the FCC.

Tosti-Vasey added that there are three government channels in the area. The ruling would reduce the size of the franchise fee that would go for this programming and this could cause an entire loss of CNET. Relative to the small infrastructures in the rights-of-way, the Borough may want to look into doing a proactive ordinance in the event that this rule go into effect. The Borough could allow them in the alleyways and lanes rather than on the main streets. If the Borough waits until after the ruling goes in, there is nothing the Borough can do about where they are installed.

The next meeting is December 10. The plan is to have the new contract done by year end.

### **Waterfront Grant Application**

Stewart reported on the grant application for the waterfront. This was a condition of the sale of the property. There was a meeting at Senator Corman's office with the developers and Representative Kerry Benninghoff and Delta Development. Delta is currently putting the grant application together. They had previously talked with DCED staff about the application process, criteria, etc. Holderman and Stewart attended the meeting to express support for the grant. At this point, staff is waiting to hear relative to any award. Stewart opined that the meeting went very well.

## **MAYOR'S REPORT**

Wilson set forth a proclamation regarding Small Business Saturday.

**WHEREAS, the small locally owned businesses of Bellefonte are vital to our Borough's economic health, and**

**WHEREAS, the locally owned businesses contribute to our unique and vibrant community character, and**

**WHEREAS, the U.S. Small Business Administration states that small businesses create 65% of the net new local jobs, and**

**WHEREAS, with every \$100 spent at small local retailer, \$68 will return to the community through taxes, payroll, donations to local schools and charities, and**

**WHEREAS, public awareness of the contributions made by Bellefonte local businesses is the key to sustaining healthy business climate, and**

**WHEREAS, we encourage citizens to consider shopping at small merchants at Small Business Saturday as a way to boost the local economy and strengthen our small business community.**

**NOW THEREFORE, I, Tom Wilson, Mayor of the Borough of Bellefonte, Pennsylvania, do hereby proclaim Saturday, November 24, 2018, as Small Business Saturday in the Borough of Bellefonte, Pennsylvania and urge all residents of Bellefonte to join the rest of America and do a portion of their holiday shopping at small locally owned businesses.**

**IN WITNESS WHEREOF, I here unto set my hand and seal of the Borough of Bellefonte to be affixed this 5<sup>th</sup> day of November 2018.**

Wilson thanked those who are already shopping downtown and encouraged others to do so.

Wilson attended the American Philatelic Research Center's 50<sup>th</sup> anniversary meet and greet this past weekend and met people from different states who came into Bellefonte for the event. It was well attended. He expressed that the Borough is lucky to have the center in their town. They bring in a lot of people and saved a building. They are a key role in the development of the waterfront.

Wilson encouraged residents to vote tomorrow.

Wilson advised that the Milesburg/Bellefonte trail feasibility study will have its last public meeting on December 6 from 5-7 p.m. in Bellefonte Council chambers.

Wilson spoke about the cat ordinance. Some misinformation got out. About a year and a half ago, a few residents approached Wilson asking the Borough to look into a situation where there were a lot of cats in their neighborhoods. There was a volunteer that picked up that issue. When that member left, Duffey volunteered because he and his wife both are cat lovers. They adopted a blind cat that no one wanted. Duffey received a lot of hate mail and calls about the proposed ordinance. Wilson himself climbed into a drainage hole and pulled out kittens and found them homes. He wanted to clarify that Duffey and himself do like cats and the opinion of the public seemed swayed. The intention of the program was to look into initiating a capture, spay and return program. The intention of the ordinance and what he hopes will happen, is that the people that are feeding the cats will notify the Borough and the cats will be trapped and neutered and brought back. No one is going to kill or starve the cats. He hoped that this clarified things a bit about the proposed

ordinance. Wilson offered for anyone with questions to call his cell phone number. He will be glad to speak with anyone about their concerns for the “kitties of Bellefonte.”

Johnson thanked Wilson for clarifying the ordinance. He offered that Duffey was unfairly accused.

## **OFFICE OF COMMUNITY AFFAIRS – HARB Items**

### **ZONING/PLANNING:**

#### **Planning Commission Minutes October 22, 2018 DRAFT**

Stewart reported that the Planning Commission did approve the Waterfront Properties Subdivision Plan. The plan was at the table in the event anyone wanted to see it. Tosti-Vasey stated that the plan will not be recorded until the sale goes through.

**Brachbill moved to approve the Waterfront Properties Consolidation and Subdivision plan recommended for approval by Planning Commission;  
Johnson seconded the motion;**

The 15-foot easement for utility or maintenance work behind the wall as discussed briefly. The Dunlap sidewalk is to be retained as part of the sales agreement. There are utilities there and there is an easement. Holderman stated that if they are awarded the grant money, they will put Dunlap Street back in.

**Motion carried.**

#### **Public Hearing – Rezoning (Centre Crest and surrounding parcels)**

Stewart reported that the public hearing has been postponed. Staff met with the solicitor relative to an error in the time of the meeting that was advertised. Solicitor clearly stated that due to the Pa. Municipalities Planning Code (MPC), requirements for advertising, and for the sake of eliminating any confusion regarding the time of the meeting, he highly recommended that the hearing be postponed and rescheduled. The proposed new date and time will be 6 p.m. Wednesday, December 12 at Lambert Hall.

**Johnson moved to approve December 12, 2018 at 6 p.m. at Lambert Hall for the rezoning public hearing;  
Prendergast seconded the motion.**

Stewart stated that rezoning is a process and the rules of the MPC need to be followed. Additionally, Tosti-Vasey stated that there will not be a vote on the zoning change the evening of the public hearing. Part of the MPC has a 45-day hold time for voting on the rezoning after the first notice to property owners. Council will be able to vote at their December 17, 2018 meeting.

**Motion carried.**

**HARB:**

Comments from Shannon Wright relative to the painting of the brick of the building that was discussed at a prior Council meeting was provided to Council. Brachbill stated that he sees the bottom line, but it was allowed to be painted. He opined that if the building is in need of repair, painting should be done. If the building is painted, it needs to be maintained as such. Johnson opined that Wright's explanation of why the painting happened was good. You cannot force a property owner to keep the building painted through ordinance, but the property owner can convey that in a covenant.

**BUILDING AND PROPERTY – Point Person, Anne Walker**

Walker spoke about the Work Session held before this meeting in which the new lease terms on the lease agreement between the Masonic Lodge and the Borough were discussed.

Application for payment was in the packet, as well as the change orders from Nastase Construction for the parking lots.

**Johnson moved to approve payment for the pay applications to Nastase Construction for the two parking lots totaling \$67,000 for change order 3 Lot H, \$6,046.36 for change order for Lot H for final payout on the original contract, totaling \$292,915.82.  
Prendergast seconded the motion;  
Motion carried.**

Holderman stated that the Borough did not accept the paving at the lower end of the lot; next spring they will come back out and re-do that. That invoice amount for that work is \$41,909.50. The new contract total, incorporating the change order is \$627,954.96 for both lots. This will be paid with the exception of the \$41,909.50 which is being held off until the new work in the Spring is redone and accepted by the Borough.

The meter kiosk is on site and staff is waiting for the installer to come in and connect it. Tosti-Vasey announced that parking at the CVS lot is currently free until the kiosk is in. From Thanksgiving until New Years, there will be two hours free parking for the holidays.

**FINANCE AND GOV'T PERFORMANCE - Point Person, Vacant**

Stewart stated that there is a proposal to add a millage amount dedicated to help EMS operations. This will be discussed in the General Fund Budget meeting coming up later this month.

Current to Prior and Budget to Actual September were in the packet.

**PARKS AND RECREATION – Point Person, Melissa Hombosky**

Invoice from John Spearly for two projects in the park.

**Hombosky moved to pay the two invoices for John Spearly Construction in the amount of \$8,891.52;  
Brachbill seconded the motion;**

Tosti-Vasey stated that the new ADA walkway to the raceway is very nice. The pergola looks nice as well. The work is done with the exception of painting the pergola.

**Motion carried.**

There was a second invoice for \$29,941.23.

**Hombosky moved to approve the invoice for \$19,941.23 for the pergola work;  
Johnson seconded the motion;  
Motion carried.**

Last Tuesday, Hombosky, Tosti-Vasey and Holderman had a walk through with the Talleyrand Park Committee to look for any issues. There were some ruts in the grass caused by tires from the vendors at Fall Fest in the annex and near the suspension bridge.

The brick paver project is ready for launch. The bricks will be installed at the exit of the suspension bridge to go around near the falls. It is now a mud path. The bricks are \$150.00 each.

Brachbill stated that the fest was not cancelled in a timely fashion. With the storms that came through he did not think it should have taken that long. Tosti-Vasey also offered that vendors should not be driving on the grass and should be on the asphalt. Brown reminded Council members that each committee has liability coverage if there was damage to the park. There were also places of standing water.

Parking for the Santa Express was discussed. Johnson suggested the waterfront property if the ground is solid enough. Stewart interjected that all entities need to provide liability insurance, so the train event would be required to have liability insurance in place before saying yes to parking on the waterfront grassy area.

**BAHS Lease Agreement**

The revised lease map was discussed and accepted for the baseball field.

**Prendergast moved to accept the revised lease map;  
Eaton seconded the motion;  
Motion carried.**

**HUMAN RESOURCES** – Point Person, Renee Brown

**Public Works Contract** – negotiations are ongoing.

**SAFETY** – Point Person, Randy Brachbill

**Revised Fire Chief Job Description**

The revised job description for the Bellefonte Fire Chief was in the packet. This was sent out to Fire Exec but not discussed at that meeting. This is a Borough Council job description.



**Brachbill moved to approve the revised job description for the Bellefonte Fire Department Chief;  
Johnson seconded the motion;**

Johnson stated that it seems pretty thorough to him. Brachbill stated that it clarifies things and will be incorporated with the Chapter 35. Johnson appreciated all the work and time put into doing this. Tosti-Vasey stated the old description had a lot of “fuzziness” in it. The new description got rid of that. Some of the language was cleaned up and the revised version makes sure that the Borough has clear jurisdiction. There was also some input from Bill MacMath.

### **Grant Application – \$509,637.00**

This grant will help purchase the air packs. Chief Schneider worked on this grant and got everything in and done.

**Motion carried.**

**WATER/SANITATION** – Point Person, Doug Johnson

Water Authority meets tomorrow evening at 6 p.m.

Daily Water Withdrawal report October 2018

### **Big Spring Cover Contractor Issues being resolved**

Stewart explained that the Authority bid out the Big Spring project. There was a lot of the issues with quality of work, design, and movement of some design items such as the drain and the Borough was unable to resolve the issues. Through counsel, the Borough Authority agreed to mediation. That took forever. Consequently, there was a settlement agreement reached in June 2018. In that agreement it stated that the contractor would come back and repair some things. The contractor just returned the week of October 15, 2018. They completed the work. The engineers sent in the certification that the work was one according to the permit to DEP and DEP is coming in to inspect the work in a few weeks. Stewart wanted to let Council know that a resolution is nearing.

### **Brush Container Pick Up**

This pick-up service comes to an end right before Thanksgiving. Those customers are picked up on Wednesdays. November 14 is Veterans’ Day on Monday for the Borough. Monday customers will be picked up on Wednesday. Brush and container pick up will not be able to be done that Wednesday, the 14<sup>th</sup>. The following Wednesday is the 21<sup>st</sup> which is prior to Thanksgiving on Thursday. Thanksgiving gets bumped to Wednesdays for pick up. The container pick up will not be done on the 14<sup>th</sup> or 21<sup>st</sup>. Normally that would have been the last pick up for the season. Because the two weeks are a conflict, the Borough is willing to pick up on November 28 (the following Wednesday) which would be the final pick up for the brush/grass containers. Staff will advertise it and do a public service announcement.

Stewart confirmed that the landfill would be open the Saturday before Thanksgiving then closed for the season. Residents can still obtain a key from the Borough to enter after that. The key can only be picked up during the work week.

**STREETS – Point Person, Jon Eaton**

**Speed Limit Signs in Lanes/Alleys**

Eaton brought this topic of speed limit signs in the lanes and alleys again, after being discussed at the last meeting. Chief Weaver has been out on sick leave. Staff is waiting for feedback from the Chief on what the options are for the alleys and lanes. When staff gets the opinion, it will be forwarded to Eaton to be discussed at a meeting.

**Trees to be placed downtown**

Holderman reported that the crew planted the trees this past week. It was only five trees. The tree at the Centre County Library could not be replaced. It is too close to utilities. It will probably be cut down and ground down. The five that needed to be replaced were put in. The bare root tree campaign will be utilized for the residential trees. Anyone interested in this can call Holderman and get on the list.

**Streets – paving**

There was a cone about mid-way up on a storm drain, per Johnson. He inquired if it would be repaired. The anthracite is about 2 inches above the storm drain. Holderman stated that it will be raised. Johnson also commended staff on fixing Reynolds Avenue turnaround at the bottom. Water does not gather there anymore. Hombosky inquired about Lamb Street and not going to the curb with the paving. Stewart is checking with the contractor. Staff is going to meet with the contractor to see how they can work it out.

**ENERGY AND ENVIRONMENTAL CONSERVATION –Point Person, Mike Prendergast**

**EV Charging Station Grant Update**

Holderman stated that the Borough got the vouchers. They will get the plugs ordered. According to the grant the Borough is not allowed to charge for charging of EVs. The parking stall will be charged, and they will be set up a little differently for those particular spaces. The spots are typically reserved for electric vehicles.

**OLD BUSINESS:**

**Council Seat Vacancy- South Ward – no letters of interest received; consider extending letter interest deadline and establishing a vacancy board meeting for December 3, 2018**

Stewart reported that there has been no interest to date. The deadline was last week. A new timeline was discussed. A new deadline of December 3 was proposed which is over the 30 days that Council has to fill a vacancy under Code. Stewart suggested using the Vacancy Board on December 3. Once the 30 days is passed, Vacancy Board needs to be used and then they have a

time frame and if they do not act it goes to Centre County Court and one of the judges picks a person to fill the seat.

Qualifications include one year of residency before taking the seat in that Ward. South Ward includes East Bishop Street, Burnside, Cowdrick, with Allegheny as the south boundary, with High being the north boundary. Everything below High south to the Borough Line is the South Ward. Anything from Allegheny East is the South Ward.

**Johnson moved to extend the application date for letters of interest for the vacant Council seat in the South Ward by November 28 with the decision via Vacancy Board being made December 3, 2018;  
Prendergast seconded the motion;  
Motion carried.**

Brachbill offered his assistance to answer any questions residents may have about the vacancy. The terms goes through December 2019.

### **Liquid Fuels Grant Submitted**

Holderman stated that there is funding left over in the 2015 and 2017 applications. An application was submitted for \$15,000 for 2018 County Liquid Fuels for upgrades on storm drains and repairs. He spoke with Mike Bloom and he stated to put a note on the application that if Borough does not receive the funds if the Borough can use the residue funds from the prior years.

### **Discrimination Ordinance Work Session planned after New Year**

Tosti-Vasey discussed getting someone into a work session to discuss this ordinance with Council. She spoke with Carl Somerson with the PHRC and he said that he would be willing to come in during the winter. Date to be determined.

### **Report from Attending Employee Benefits Conference, New Orleans**

Stewart included notes from the employee benefits conference he attended. His purpose was focused on pensions.

### **NEW BUSINESS:**

#### **CATA Bus from Bellefonte to State College**

Stewart stated that there has been some communication in trying to get CATA bus service on weekends with more trips into Bellefonte. Being budget season, he wanted Council to be aware. More people, more foot traffic is always good but there is a threshold for balancing that as the Borough pays a portion of the fees to CATA.

Brachbill inquired about who was driving this. No decision can be made without Council's approval. Stewart explained that somewhere along the way, it will come to Council. There is a push for more routes on the weekends. There is a theory that the service is needed.

Wilson offered that through some of his meetings with different people, he noticed a fairly significant influx of young people into Bellefonte. Bellefonte is growing in a lot of ways and in order to continue that he thinks that additional bus service on the weekends will be needed as a part of the growth of the Borough.

Tosti-Vasey also offered that it appeared that the Chamber was looking into doing some planning meetings. She inquired if it would be helpful to have one or two volunteers from Council to attend. Dates are not determined yet. Tosti-Vasey would be willing to participate. Wilson is also interested as well as Johnson.

### **Cat Clubs**

Information provided by Stewart. The people that started the club state that they cannot have food and they have expanded into cafes. People pay money to have tea with the cats in Europe. This is membership and visitor driven. This would be an entrepreneur way of fixing the cat problem. Stewart will put the information on the website.

### **Resolution – Multimodal Transportation Fund Grant Application for the pedestrian walkway along the Railroad Bridge**

**Brachbill moved to accept Resolution 11052018-001;  
Prendergast seconded the motion;  
Motion carried.**

### **PUBLIC COMMENT:**

#### **Rev. Kathleen Danley – Curtin United Methodist Church**

Danley stated that several weeks ago she emailed the Borough and inquired about planning a Christmas Eve service in Talleyrand Park which would include multiple churches and faiths. A week ago, she was in the office and she was told this topic was on the agenda for tonight. It was not. She was told by office staff that she would need a permit. She was confused as to what the process is. Stewart will work on getting this resolved. Tosti-Vasey discussed the waiver of fees.

### **ADJOURNMENT:**

With no further business coming before Council,

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

Meeting adjourned at 9:12 p.m.