

**BELLEFONTE BOROUGH COUNCIL**  
**MEETING MINUTES**  
**August 5, 2019 - 7:30 p.m.**  
**236 West Lamb Street, Bellefonte, PA 16823**  
[www.bellefonte.net](http://www.bellefonte.net)

**6:15 p.m. Building and Property Committee Meeting**

**6:30 p.m. CATA Pilot Program**

**Discussion re: 50<sup>th</sup> Anniversary of September 4, 1969 Plane Crash**

**CALL TO ORDER:**

**PLEDGE OF ALLEGIANCE:**

The August 5, 2019 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 for the victims of the gun violence in El Paso, Texas and Dayton, Ohio this past weekend as well as the Garlic Festival in Gilroy, California on July 28.

**ROLL CALL**

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

**EXCUSED:** Ms. Gina Thompson  
Ms. Renee Brown

**OFFICIALS PRESENT:** Mr. Ralph Stewart, Borough Manager  
Mr. Donald Holderman, Ass't Borough Manager

**GUESTS:** Lowana Oliva  
Derek Sherman  
Kathleen Wunderly  
Donald Townsend  
David Kurtz  
Debbie Cleeton  
Nancy Perkins

**APPROVAL OF MINUTES:**

**Prendergast moved to approve the July 15, 2019 meeting minutes.  
Walker 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:** *Governors Park Request*  
**Communications:** *Letter Request re: Fall Festival 2019*  
**Communications:** *Letter Request re: Give Em 5 Veterans Run*  
**Communications:** *Letter Request re: Block Party on E. Linn Street*  
**Finance:** *Stover McLaughlin Invoice*

**Eaton moved to accept the consent agenda.  
Prendergast seconded the motion.**

Tosti-Vasey removed the Fall Festival Request from the agenda for questions.

**Motion carried.**

Tosti-Vasey had questions regarding the Fall Festival. She wanted to make sure the bridge was available for the banner to be installed on both sides of the bridge from September 30 thru October 28, 2019. Stewart will double check the availability and suggested making the approval conditioned upon availability.

Secondly, Tosti-Vasey discussed the trash pickup. She was not sure if the festival was asking the Borough to take care of the garbage in the park, or if they were cleaning up and asking the Borough to do an extra truck pick up. Stewart stated that the Borough usually does a special pick up with the truck. There is a little overtime involved and the Borough uses their own personnel for it. It has been done in the past. The most recent was the Children's Fair and maybe even the Arts and Crafts Fair.

Holderman interjected that the Rotary donates thousands of dollars to the Borough for playground equipment and they do with the Fall Festival as well. He offered that the Borough is getting something in return. The Children's Fair turnaround from the Rotary was \$6,000 in playground equipment, per Stewart.

**Prendergast moved to approve the request of the Fall Festival  
pending confirmation that the bridge is available for the banner  
to be hung during the time requested.  
Brachbill seconded the motion.  
Motion carried.**

**REGULAR AGENDA:**

**COMMUNICATIONS:**

**WRITTEN**

**Land Use Webinar – Finding Pennsylvania’s Solar Future**

This webinar will take place on August 21, 2019.

**Children’s Fair**

Thank you was received regarding the Children’s Fair. The Rotary helped raise over \$6,000 for that special community event. They are thanking the Borough for their assistance with the event.

**Letter from K. Wunderly re: Fire Pits**

This was a letter from a resident relative to fire pits and items being burned in the fire pits. Some of them are putting off noxious fumes. The resident is asking the Borough to look into this and perhaps tighten up the policies regarding what can be burned in fire pits.

The resident, Kathleen Wunderly, was in the audience and made the following comments. She wanted to bring it to the Borough’s attention that the regulations do not state what can be burned in a fire pit. She stated that there are environmental hazards with the burning of items in fire pits. She stated that her expectations are low regarding being able to do something about this. The police are the ones who would enforce the ordinance relative to contaminants in the air and when the wind shifts, the police come, and nothing is resolved.

Prendergast empathized with Wunderly and he stated that he thought there was something in the ordinance that stated what could be burned but he needs to check on that. Proximity to other homes was also discussed briefly. Johnson opined that this was in the recreational fires section, possibly. The air pollution ordinance was also outstanding per Tosti-Vasey and perhaps this was something that could be considered when that is revised.

Tosti-Vasey suggested putting an article in the newsletter and on the website about what is appropriate to burn in the fire pit – an educational piece for the public. Wunderly suggested a postcard mailing.

**ORAL:**

David Kurtz reported to Council on the National Team on Slalom Canoeing at the Jr. and Youth World Championships. They were held in Krakow, Poland this year. The team made a stop in Slovakia which was the site of the European championship games. There were 37 nations represented in that event. In Krakow there were 47 nations represented. He discussed how this sport has not been publicized in the U.S, at all in the past thirty years and that it has drizzled

down to a small level. He does not wish to see this sport disappear as it is a very challenging sport. There is such value in participation on a regular basis.

There were two local championships this past weekend. Tussey Mountain Outfitters participated. There is also a race next weekend – on Sunday. He is going to publicize it over the next few days to get the word out.

He mentioned that two Bellefonte residents participated in the championships in Europe. He wanted to bring localized support to the sport.

Kurtz also updated Council on the kayak museum. The floor has been redone and is in good shape. A video/AV cabinet is being constructed by Ted Conklin and will be used to show various paddling scenes. He is organizing the kayaks and other boats.

The formal opening may be Spring 2020.

## **SPECIAL COMMITTEE REPORTS:**

### **Comparison of Monthly Code Stats June 2018**

#### **Meeting with the USDA**

Holderman attended the meeting with the USDA set up by the Department of Ag to discuss funding assistance to the waterfront developers. Holderman stated that the meeting was held last Tuesday and was informative. The developer went through a presentation for the USDA personnel that were present to see how they could possibly assist. Additionally, the developer received the RACP grant from the state for the parking garage; they are looking at additional funding sources with the USDA.

Should Waterfront Associates wish to obtain USDA funding they would not be the ones to put the application in for funding. It would either have to come from a municipality or authority, like the IDA. It was a positive meeting and they are very interested in a 35-year low interest loan and this would just be for the parking garage portion of the project only.

Holderman stated that they will wait and get some direction from the developer before anything else is determined.

#### **EMS Special Meeting (Brachbill)**

Brachbill reported on the annual meeting that the EMS chief arranged. They discussed funding, challenges, etc. The commissioners were invited but due to the lateness of invitations, they were not able to attend. One of the reasons the commissioners were approached was that in previous meetings, there were suggestions that the funding should be spread over the county level to cover the whole tax base. Suggestions were made during the Nittany Valley Joint Planning meeting and also discussed during a public safety session of the Comp Plan. This is information that they would like to get in front of the commissioners.

There was a presentation on the progress made, and industry changes since the 2018 meeting and also plan for the 2020 budget.

The relocation of Centre Care was discussed. The location of the road would determine which EMS service would be the primary call out service provider. The access road being used is off Benner Pike (Persia Road). This is the only right of way being used for Centre Care at this time. The loss of income with the move will be substantial up to \$70,000 if EMS loses Centre Care. The projected opening of the new facility will not be until 2020 but the question arose whether the budgeting needed to be considered to remedy the projected shortfall.

Regionalization was discussed and this will be discussed at the next Nittany Valley Joint Planning Committee meeting. Sharing of the EMS calls from Centre Care was discussed briefly. Brachbill stated that there was no discussion in that manner but there was discussion on the entrance and where it is located. Route 26 is closer to Pleasant Gap and if it is on Benner Pike, it is closer for Centre Link or Bellefonte EMS.

There were five or six municipalities that attended the annual EMS meeting.

### **EV Coalition Meeting**

Tosti-Vasey discussed the EV Coalition meeting held in Philadelphia on July 21; the major topic of concern for Bellefonte was that the EV charging station funding is expected to last only 6-12 more weeks and it will then be reevaluated for the 2020 calendar year. The new grant program will be less generous to communities. This was discussed further under Streets.

### **MAYOR'S REPORT:**

The cameras in the park were discussed. The police department was asked about the functionality of the cameras. Chief Weaver will be doing a presentation in-house with regard to the cameras.

Wilson thanked the Snook family, and the HBI committee that oversees the Arts and Crafts Festival. It went well and the weather was semi-cooperative with a few musical cancellations due to the rain. All in all, it was a great effort to showcase Bellefonte in a positive light.

There was a huge increase in artists booths. The dates chosen seemed to be available to more artists.

### **Water Fire Art**

On July 27, Tom Songer, Mike Desmond, Melissa Hombosky and Wilson took a trip to Sharon, PA to see an event – Water Fire. This is something that was developed by an artist in Providence, Rhode Island. On August 16, 17 and 18, Wilson will go to Providence to see the event. He will be meeting with the artistic director and developer of this event.

Basically, pots are put into the river and they are lit from a boat and there are adaptations that can be made to this. It is a worldwide artistic endeavor, and this could possibly be held in Bellefonte. It would be a separate 501(3)(c) organization with private funding.

### **Mayor's Pa State Association Executive Board**

Wilson was voted into the board as representative for the North Central Region. There will be meetings once a month to review issues for the state that the Mayor's Association would be involved with.

### **Spike's Night**

Johnson remarked that July 26 was Bellefonte night at the Spikes game. Wilson, and other members of the community showed up for the first pitch. It was the largest crowd for a Spikes home game. He thanked Wilson and the police chief for being there and representing the Borough and the community.

### **OFFICE OF COMMUNITY AFFAIRS –**

#### **ZONING/PLANNING:**

#### **HARB:**

**Certificates of Appropriateness for 390 E. Linn Street, 349 E. Curtin Street, and 113 W. Bishop Street**

**Brachbill moved to approve the certificates of appropriateness.  
Prendergast seconded the motion.  
Motion carried.**

### **DBI Coordinator's Report**

#### **Other**

Tosti-Vasey reported that this evening, she received an email from Brian Van Sweden. He will be attending the September 3 joint Council/HARB work session to discuss needed changes to the HARB ordinance.

### **BUILDING AND PROPERTY – Chair, Anne Walker**

#### **Update on Parking Lots**

The final punch list will be prepared. Everything will be done before the lots are signed off. The retainage can also be held, and the work can be done by Bellefonte.

Completion of the work was discussed, and Stewart stated that the retainage will be held until resolution is reached. Holderman offered that the slope of the parking lot itself made it difficult

to meet the ADA requirements. Looking back at the minutes, there may be something to that regard but agreed that it was best to wait to get the engineer in one more time for discussion. The light finally came in and the signage.

Walker stated that she noticed boxes in the ground marked electric. The one in the drive-thru of the bank has a crack in the center cover of that. If it is the bank, it would belong to the bank. Holderman stated that the same contractor paved the bank lot and reimbursed the Borough for that part of the job. The bollards were discussed – the red belong to the bank and the rest were covered with the black covers and with the green-striped bollards designating the EV spaces.

### **Ball Park Land Donation**

Walker discussed the Herlocher property donation at the ballpark lot. There was a map in the packet for Summit Drive. They donated .45 acres. They are donating that to the Borough. A motion was needed to accept the donation with the Borough paying transfer fees.

**Walker moved to accept the donation with the Borough paying transfer fees.**

**Johnson seconded the motion.**

Johnson thanked the Herlocher's for donating the property. Stewart gave the history of the Teener field purchase. The original field was purchased by the Herlocher family. They have been good to the Borough. Lloyd Herlocher served on Council for a number of years and the Authority as well.

Tosti-Vasey explained to the public that the property is free, but the Borough will pay for any closing costs with the County. This is standard procedure for donations, per Johnson.

**Motion carried.**

### **Parking Lot Charging Stations**

Tosti-Vasey stated that the funding is running low at the state level and the Borough had originally planned on doing the charging stations next year for the Lot next to the Waffle Shop. She would like to move it up to this year so that money will be saved with a 100% grant. Next year there will be a partial payment needed. She entertained a motion to order the two charging stations.

**Prendergast move to approve ordering the two charging stations.**

**Walker seconded the motion.**

Holderman clarified that it would be a 90/10 match grant which is a better funding source than next year's grants.

Use of the stations was discussed. In order for the public to know that the stations are available, they must be entered on the charging station system with the US Dept. of Energy. That will be done through Pittsburgh Region Green Cities. An inquiry was made by Tosti-Vasey as to how to

get the EV chargers on the record. Through the Department of Energy, the Borough will be able to tell how often they are being used.

The wattage usage on the chargers is light and at the most the usage is .05 an hour. Johnson inquired if the EV spaces were being utilized enough to warrant purchase of other chargers.

Holderman stated that the signage should be in by Friday and installed. Use of the parking lot for regular patrons with fuel vehicles was discussed and Johnson thought that the policy that regular vehicles could use the spots when the parking lot was full was against the grant, as well as ADA parking.

Tosti-Vasey will get clarification from Rick Price when he comes to do the EV workshop over the weekend. The workshop is Friday August 9 and Saturday August 10. Opens at 9:30 and begins at 10 till 12 noon and there will be a ride and drive from 12-1 p.m. each day. The workshop is being held at the Courthouse annex and the ride and drive is at the West Howard Street parking lot. Five vehicles will be there to demonstrate.

**Motion carried.**

### **Extend Metering into Evening**

A doodle poll will be sent to set something up to discuss this topic.

### **FINANCE AND GOV'T PERFORMANCE, Chair, Gina Thompson**

The audit was discussed. Holderman stated that the finding had to do with timesheets in all departments. One of the things that Lori Walker mentioned to Holderman was that she is looking to get a response to get it back to the auditors. They will not print the report and get it out until they know what the corrective action will be.

Holderman recommended that the current policy handbook be followed regarding non-union personnel in completing the timesheet that everyone else is currently filling out.

**Hombosky moved that for non-union employees, a policy is set up to use and follow Borough policy paperwork regarding documentation of accrued compensated absences to substantiate the record for the year.  
Johnson seconded the motion.**

There was some question as to why the policy was not followed. The issue was relative to time off and how it was reported. Everyone follows the same policy and the police department has their own set of guidelines, per Holderman. The auditor found an issue with the way it was being done and they need it to be consistent.

The motion will allow the auditors to see that Council wishes this to happen, per Tosti-Vasey.

**Motion carried.**



## **Memo re: Travel Expenses**

Thompson prepared a memo regarding travel expenses. Employees have a policy in place but there was some question how it applied to elected and appointed officials. The recommendation is to look at the current policy and make sure that it extends to all Borough officials, elected, or appointed or staff.

Tosti-Vasey wished to set up a committee meeting when Thompson would return to discuss this policy.

## **PARKS AND RECREATION – Chair, Melissa Hombosky**

### **Talleyrand Park Committee**

Talleyrand Park Committee report was in the packet. Tosti-Vasey inquired about the informational marker or rock for the four victims of the 1969 plane crash that was introduced. She was under the understanding that the committee said that there would be no additional signage when this was discussed in May. There was a follow-up meeting with Mr. Dave Smead a few weeks ago, per Holderman and they are in agreement with some type of recognition. It would be similar to the one that is at the Fornicola fountain.

### **Liberty Swing Update**

The liberty swing has been repaired. The crews fixed the swing to the best of their ability. The swing got bent up somehow, per Holderman. It was not deemed vandalism.

### **Governors Park Pavilion 12**

Discussion was held a few weeks ago about monitoring the baseball field. Holderman stated that this may be something to discuss. There has been some recent tournaments held and the Borough was not aware that they were going on. Persons already paid for the pavilion but were unable to access the pavilion they had rented due to being occupied by the visitors to the tournaments. He would like to have a meeting to discuss better controlling the park with regard to events like this happening.

### **Ribbon Cutting Ceremony for Masullo Park Fishing Pier**

Holderman would like to see a ceremony held to get some recognition so that people know that the fishing pier is available and ready to use. Something will be scheduled prior to the middle of September.

### **Community Service**

A local church is interested in painting the suspension bridge and the bridge that leads into the park. The floors need to be painted. The suspension bridge has some issue too of some of the welding breaking. The Borough had a welder come in a fix the plates that were loose. Next year,

some money will need to be budgeted to get the bridge repainted. The powder coating is looking pretty worn.

### **50<sup>th</sup> Anniversary of Plane Crash Ceremony**

**Hombosky moved to hold the 50<sup>th</sup> anniversary ceremony of the plane crash on September 4.  
Johnson seconded the motion.**

Time is to be determined.

**Motion carried.**

### **Other**

Johnson inquired about who is signing up for the baseball tournament at the baseball field and why the Borough was unaware of this. This will be discussed at the committee meeting, per Holderman.

Fish food dispensers are empty.

### **HUMAN RESOURCES – Chair, Renee Brown**

#### **Resignation – Shade Tree Commission**

Karen Harvey has resigned from the Shade Tree Commission as she moved outside of the Borough. The requirements stated that you need to be a resident of the Borough to partake in this commission.

A vacancy has been created. There is also a vacancy for the Housing Review Board. Tosti-Vasey made a public announcement for interested volunteers to put in an application.

#### **Police Contract**

A fully executed copy of the contract was received today, per Holderman. They will be put into booklets for all.

#### **Vacancy - WWTP**

Wastewater treatment plant operator vacancy announcement closes next Monday, August 12.

### **SAFETY - Chair, Randy Brachbill**

## **Chapter 35**

**Brachbill moved to pull from tabling for discussion.  
Eaton seconded the motion.  
Motion carried.**

**Brachbill moved to advertise the revised Chapter 35.  
Johnson seconded the motion.**

Brachbill stated that the committee worked on the Chapter over about an 8-month period. The chapter went to legal after changes were suggested. Everything that came back was acceptable but there were a few areas that caused some issues.

Under 35.3 – item b, a change was made prior that was not listed in the most recent draft. Basically, what the section was supposed to say was “Company chiefs from both companies shall submit to the Bellefonte Fire Department Executive Committee a list of fire officers, deputy chiefs, assistant chiefs and captains, and from there it would come back to the Borough for approval.” That was pulled. That was the clarification that one of the committee members caught.

The other change was complaints against the chief. What was put back in was the original language which took Bellefonte Council out of the process. The issue that this caused, was in another part of the ordinance, Section 35.4 or somewhere around there, Borough Council was said to approve the recommendation of the Fire Executive Committee for the Chief. Originally, it there was language that it would go to HR and the legal team took that part out as well as anything identifying any association with it which created the discussion to begin with. That was revised with what is on the clean copy at the table. “Whatever complaint is made against the department chief, the complaint shall be made in writing with required signature. The complaint shall be addressed to the Bellefonte Fire Executive Committee and the Bellefonte Fire Executive Committee will take the necessary measures to investigate the complaint affording municipality members to investigate. Recusal or mandatory conflict of interest by virtue of investigative committee members’ professional, financial or personal relationship sheet exists. Borough Council, upon receiving the signed complaint and recommendation by the Bellefonte Fire Department, may place the department chief on administrative suspension, pending investigation. If investigation is sustained, the Bellefonte Fire Executive Committee shall recommend dismissal of the chief from office to Bellefonte Borough Council for a decision. If dismissal occurs, pursuant to this section, Bellefonte Fire Executive Committee will recommend an interim chief to Bellefonte Borough Council for approval and recommendation until the expired term.”

Brachbill stated that this meets the criteria that legal was going for. Stewart stated that he appreciated all of the volunteer efforts in reviewing the Chapter. He thanked everyone for their diligence in going through the Chapter letter by letter. A lot of case law decisions have come into play and that forces the Boroughs and Municipalities to go back and look at the policies to see how they are worded due to possible financial liability from volunteers being considered employees, per Stewart. That is why Council supported sending it to the labor attorney to review. Stewart stated that the Chapter reads well.

Stewart found the Chapter to be acceptable. Council pondered sending it back to legal again. Brachbill stated that he had a 45-minute conversation with legal regarding the revisions.

There was no issue with the Borough approving the fire chief in the first part of the ordinance and it was unknown why there would be one in another paragraph, stating the same thing. The HR committee being involved muddied the waters and Stewart opined that he thought the chapter was good.

**Johnson called the question.**

**No objection to calling the question was raised.**

**Motion carried.**

The public will have the opportunity to review the ordinance and comments can be sent to Stewart or Holderman. This will be on the August 19 Council meeting agenda for approval.

**WATER/SANITATION – Chair, Doug Johnson**

Meeting is scheduled for August 6, 2019. Last meeting was canceled due to lack of quorum.

**Daily Water Withdrawal Report June 2019**

**STREETS – Chair, Jon Eaton**

**Letter re: New Street Parking Meters/Update re: Colors of Parking Meters**

This topic was tabled until the next streets committee meeting. The meeting will be held on August 19 at 5:30 p.m.

**Sidewalk/Tree Root for Council Consideration**

Finalization of the sidewalk ordinance will be discussed at the August 19 committee meeting as well. There will be some information for the historic district to add to the discussion.

**Gas Line Installation**

The gas lines are currently being installed at Beaver Street and will be installed/replaced in other parts of the Borough. A resident wrote in regarding plans to protect the trees that may be impacted by the installation of the new gas lines. Eaton will contact Columbia Gas regarding a tree friendly resolution.

**Briefing - Marion Township – I-99**

Eaton attended the presentation at Marion Township. New work will start with Jacksonville Road work. Other work on the high-speed interchange will progress after that. Funding will be a 20% local and state and 80% federal funding.

## **Thomas Street Paving**

Holderman spoke with the public works director and Thomas Street will be paved within the next 10-14 days. This is a PennDOT project. The ADA curbs will be done in the next two weeks as well. Water Street has not been scheduled yet.

Lamb Street was lowered intentionally to try to capture the water runoff. Mr. Auman is going to meet with HRI, a subcontractor for PennDOT to see if they can make the adjustment when they pave Water Street. If not, the streets crew will correct it and raise it up.

## **Other**

The bike racks will be finalized and ordered soon.

The bridge closing was discussed briefly. Stewart stated that no one contacted the Fire Chief to his knowledge. He advised Brachbill to talk it over with the Fire Executive Committee or Council and if Council wants to direct something different be done that can also be arranged. 911 is notified and that is how it has been done all along, per Stewart.

Johnson discussed the gas line installation. He stated that there are small patches around the Borough that need to be finished off. Stewart stated that Columbia Gas gets their permit and the permit has a 6-month time frame. Typically, the contractor putting in the gas line may not be the contractor that does the restoration work. They do try to come back in the 6-month period. Every cut in the street right of way is permitted. Holderman interjected that if anyone sees something that has been left a long time, call the Borough and they can check on it.

## **ENERGY AND ENVIRONMENTAL CONSERVATION –Chair, Mike Prendergast**

Holderman offered that there will be a meeting with the Penn State Sustainability program personnel on Wednesday, at 11:30 a.m. The project list will be discussed.

## **OLD BUSINESS:**

### **Memo re: Early Intervention Study and Consider Approval of Draft RFP**

A draft RFP was provided for review. Stewart went through and adapted it for the Borough. The only item removed was a consolidation study. He stated that there are five or six early intervention borough plans – Lewisburg was one Stewart mentioned. Typically, the recommendation was consolidation of policing, etc.

The Borough Association does do these types of studies but only for very small Boroughs. Some Boroughs in Pennsylvania are only about 500 people.

The study for Bellefonte would be anywhere from \$25,000 to \$50,000 range with a 50 percent match by Bellefonte. Once the proposals come in, the Borough would apply for funding and the actual study would be done in 2020 timeframe.

The RFP process would start in September. This topic was deferred to the finance committee.

### **DCED CDBG Audit completed for years 2010 to 2014 on July 29, 2019**

Holderman addressed the audit information. There were two projects – streetscape at W. Bishop and Allegheny and the other was the first year of the platform extension at Talleyrand. 2010, 11, 12 and 13 will be closed out and 2014 the project needs to be completed. The audit went well.

### **NEW BUSINESS:**

#### **Bid Openings – Wayfinding Signage Project**

Tosti-Vasey opened the bids. The bids were received from the following firms:

Simone Collins Landscape Architecture, Norristown, Pennsylvania

Defined Strategies Design Solutions, Erica Bow, Creative Director, Phase 1, \$29,000, Phase 5 is \$15,000.

Herbert, Rowland and Grubick, State College, Pennsylvania, Phase 1 to 4, \$26,185.00. Phase 5 \$14,960.00.

(the figures on the first two bids were difficult to locate on the paperwork)

The bids will go to the DBI design committee for review, with recommendation coming back to the next Council meeting.

#### **Consider for Approval of Petition and Resolution in Support of the PA LCB exemption related to Noise Ordinance**

**Prendergast moved to approve the petition and resolution (08052019-01) in support of the Pennsylvania Liquor Control Board exemption related to noise.**

**Walker seconded the motion.**

Tosti-Vasey stated to the public that once every three years or so, a resolution needs to be passed to allow the Borough to enforce the local noise ordinance for any facility that has a liquor license. Otherwise, the state would intervene with an automatic violation.

**Motion carried.**

#### **Hometown Heroes Banner Program**

There was a request to install a banner on a West Penn Power pole. The person of interest worked at West Penn Power building and they would like to locate the banner outside of the municipal building. The Borough is involved because West Penn Power would like an agreement signed off on, if approved, to install the banner on one of their poles. The Borough would need to enter into the agreement. A copy of the agreement was provided in the packet. This is the first interest the Borough has had to place a banner on a West Penn pole.

Tosti-Vasey suggested having the solicitor review the agreement in light of the First Amendment issues with banners and signage. The question would be if the Borough can limit this type of installation to non-profits, would it violate the 1<sup>st</sup> amendment Freedom of Speech rights of the general public if the Borough entered into such a contract.

**Consider Approval of Resolution (08052019-02) for the Gamble Mill Grant**

**Prendergast moved to approve Resolution 08052019-02.  
Hombosky seconded the motion.**

The owners of the mill are applying for a grant that will come through the Borough from the state. Holderman stated that this would be the first time that the Borough could obtain \$500,000 through a loan process that the Borough would loan the money to the Gamble Mill and they would in turn pay the Borough back. Their funding could be loaned out to other buildings in the Borough. This would be an ongoing type of program. The loans would be low interest to generate some type for interest of in economic development in town.

Tosti-Vasey stated that the loan program goes through DCED, which would provide some oversight to make sure the guidelines are followed for five years. After that, any money that comes back, the Borough would be able to process and loan out however they want to set up, without having to file paperwork with DCED.

The program originally was a grant, and then the program changed into a revolving loan type of funding, per Stewart. The funding is very competitive. The application is due at the end of August. Rodney Beard, solicitor for the IDA prepared a loan agreement. There are some legal costs that will be involved.

The program allows the Borough to set the interest rate to be appealing to developers. It was unknown if \$500,000 was the standard amount of the funding. Hombosky inquired if being awarded this funding would affect other DCED grant opportunities. Tosti-Vasey indicated that they were independent of each other. Holderman stated that since the Borough is not applying for any other DCED grants this year, it would be a good time to get the application in. The wayfinding grant should not be affected.

**Motion carried.**

**Fair Housing Resolution**

**Hombosky moved to pass the Fair Housing Resolution.  
Prendergast seconded the motion.  
Motion carried.**

**PUBLIC COMMENT:**

**ADJOURNMENT:**

With no further business coming before Council,

**Brachbill moved to adjourn the August 5, 2019 Council Meeting.  
Prendergast seconded the motion.  
Motion carried.**

Meeting adjourned at 9:25 p.m.