

BELLEFONTE BOROUGH COUNCIL
MEETING MINUTES
August 19, 2019 - 7:30 p.m.
236 West Lamb Street, Bellefonte, PA 16823
www.bellefonte.net

5:30 p.m. Streets Committee

6:30 p.m. Work Session:

- **Pennsylvania Association of Bed and Breakfast Inn' presentation "Leveling the Playing Field."**
- **Walter Schneider, Code Director, Introduction of John Franek, Code Services Manager**

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

The August 19, 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.

ROLL CALL

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

EXCUSED: Mr. Douglas Johnson
Ms. Gina Thompson
Ms. Renee Brown

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

GUESTS: Donald Townsend
Nancy Noll
Tricia Andriaccio
Kathy Breidenbaugh
Connie McCulley
Phil Lucas

Debbie Cleeton
Adrienne Fee

APPROVAL OF MINUTES:

**Eaton moved to approve the August 5, 2019 meeting minutes, as amended.
Brachbill 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: Homecoming Parade*
Mayor: *Police Exonerations*
Mayor: *Police Report*
Finance: *Voucher Summary July 2019: \$884,266.65*
Finance: *Treasurer's Report July 2019*

**Prendergast moved to accept the consent agenda.
Walker seconded the motion.
Motion carried.**

REGULAR AGENDA:

**COMMUNICATIONS:
WRITTEN**

Memo re: Flu Vaccinations

Memo in the packet requested that the Borough set up a flu shot clinic. The shots would primarily be for employees, as a preventative measure.

**Hombosky moved to approve to hold flu vaccine clinic at the Borough building on October 20, 2019, with employees receiving the vaccine free of charge and others paying for their vaccine getting reimbursement on their own.
Prendergast seconded the motion.**

Flu shots being available at the pharmacy was discussed.

Motion carried.

Letter Request from A. Fee re: Awaken the Dawn Event at Talleyrand Park

This is a request for a 50-hour prayer service, special event that would begin 6 p.m. on October 17 and to thru to October 19 at 8 p.m. The schedule was checked for conflicts. Due to the length of the event, Stewart wanted to make sure that Council was in approval of this event.

**Prendergast moved to approve the 50-hour prayer service as requested.
Brachbill seconded the motion.**

Prendergast inquired about the handwritten notation “on the waterfront” in the request. Ann Fee was in the audience and spoke on behalf of the event. The location was discussed, and Stewart stated that the special events are set up for the expanded area of Talleyrand or the traditional area of Talleyrand. She understood that the waterfront area was under contract for sale and she is happy with Talleyrand at the extension. There are no restrooms on the extension side. The restrooms in the park are closed at dusk unless special arrangements are made. Fee requested that they be opened. There is access to electric on the extension side of the park.

Tosti-Vasey asked about the home location of the Awaken the Dawn non-profit organization and stated that they are not Bellefonte-based. Because the policy states that any non-profit needs to be Bellefonte-based in order for fees to be waived, the registration fee will need to be paid. Stewart confirmed that they are not asking that the fee be waived.

The movement was explained to be a grassroots movement and the first event was held in Washington DC two years ago at the mall. The events are being held everywhere in the U.S. this year. Fee resides in Bellefonte, but Tosti-Vasey explained that the event must be held by a registered non-profit registered in Bellefonte, as stated in the policy. Centre County Globe is the actual sponsor of the event, per Fee. All of the churches in Centre County will be invited to participate in the event.

Holderman further explained that the status of the non-profit would depend on whether the \$250 fee would be paid for renting the park for the event. Fee will look into this further.

Brachbill moved to table approving this event until more information is provided to Council.

Stewart suggested a conditional approval since the time is limited.

**Brachbill moved to conditionally approve the event on the condition if the group pays the fee or not, which decision would be made at a subsequent meeting.
Prendergast seconded the motion.
Motion carried.**

Fee will return to the next meeting with more information on the origination of the non-profit status, if any.

Letter Request from RSVP

Information for the RSVP Annual Luncheon was presented. This organization does service work and helps cover the Bellefonte Borough during team meetings. They are looking to see if anyone was interested in being a sponsor at their annual luncheon on October 24. The Centre County Commissioners and the RSVP are organizing it actually works out of the County offices.

Spring Creek Watershed Atlas Project

The fact sheet was included in the packet for Council information. They are trying to circulate this to everyone to see if there is any feedback or questions.

Letter from Historic Bellefonte, Inc. re: Arts and Crafts Fair

They are asking to reserve for the 37th annual fair in downtown Bellefonte July 31, 2020 through August 1, 2020. This would involve the closing of Allegheny and High Streets.

Hombosky moved to approve the request.

Prendergast seconded the motion.

Motion carried.

Block Party – 229 W. Curtin Street

Residents are planning a block party on September 8 from 2-4 p.m. They are requesting permission to close West Curtin Street for the party from North Spring to Shugert Lane.

Brachbill moved to approve the request to close

West Curtin Street between North Spring Street

and Shugert Lane for the block party on September 8 from 2-4 pm.

Eaton seconded the motion.

Motion carried.

ORAL:

Mr. Phil Lucas addressed Council relative to Cowdrick alley near High Street. Council told him a few months back that the engineer would be consulted regarding the problem. He inquired about the problem. He tried to get the state in, and they could not do anything. He spoke with the Councilman and said it would be taken care of. It has been 2-3 months since that conversation and nothing has been done, but other projects have taken place.

Stewart recapped the situation with Council. Across from him is a natural sump that the Borough has worked on for many years. It takes water from Howard Street (a state road) and it has affected Cowdrick Lane. Stewart apologized to Lucas. He explained that this year PennDOT would be paving Bishop Street, Water Street and N. Thomas Street and the Borough is responsible for raising and preparing all of the storm drain boxes prior to the paving. The Street Crew has been working on these storm drains. The bridge work must be done before the paving starts. It is all prep work and they intend to get there before the end of the season.

Stewart will go the site in a few days with the public works supervisor to discuss the situation.

SPECIAL COMMITTEE REPORTS:

Centre Region COG Public Safety Meeting Minutes June 2019

Comparison of Monthly Code Stats Construction Value July 2019

Comparison of Monthly Code Stats Rental Housing June 2019

Workplace Safety Committee Meeting Minutes August 14, 2019 Draft

IDA Committee Meeting August 14, 2019 – Cancelled

Feedback on EV workshop held on August 9 and 10

Tosti-Vasey reported that there were 44 persons that attended the two-day seminar. Majority of them were elected officials and municipal employees. First Energy came as well. They will look at use and cost for charging.

Spring Township and State College Borough managers were approached regarding chargers. Neither have plans for charging for using the EV chargers that they have installed.

College Township just installed a charging station at the Township building. They keep it locked up but will consider unlocking it during the day and then locking it again at night to control misuse.

Centre Area Cable Consortium Meeting Update

The current franchise agreement has expired, and they are working under the old contract which is allowable since negotiations are ongoing. The new deadline for completion is October 2019.

FCC Ruling regarding ROWs

A copy of an email received from C-Net was in the packet relative to the ruling. The FCC regulations will go through a court procedure. Two concerns are loss of cable franchise revenue and loss of control over the street ROWs. Stewart will keep this on the radar.

MAYOR'S REPORT:

50th Anniversary of plane crash – loss of four Bellefonte citizens September 4 at 6 p.m.

As discussed at the last meeting, the memorial for the plane crash will take place on Wednesday, September 4, 2019 in the sculpture garden at Talleyrand Park at 6 p.m. He asked that if any community members would like to attend, they are welcome.

Water Fire Event

Wilson reported that he, Michael Desmond, Fritz Smith (Executive Director of the Visitor's Bureau) went to Providence, RI, to look at the Fire on the Water event. It is an event that takes place a few times a year. They are looking at doing a similar type of event for the waterfront. If anyone is interested, an email was sent out today to Council and their website is on the email. The Facebook page has some information as well.

50th Anniversary of Woodstock

Wilson attended this event. He met persons from all over.

Status of Parks – cameras presentation to Council

Wilson reported on the cameras in the park. Chief Weaver will schedule a presentation with Council (Executive Session). That will be scheduled for the next meeting, if possible.

OFFICE OF COMMUNITY AFFAIRS –

ZONING/PLANNING:

Planning Commission meeting minutes August 12, 2019 draft – at the table

PC recommended approval of the lot addition plan for The Gamble Mill. It was conditionally approved based on clarification of some info from the County planning office i.e. acreage.

Eaton moved to conditionally approve the Lot Addition Plan for The Gamble Mill based on Planning Commission's comments to have the plan reviewed and clarified (acreage) by the County Planning Office.

Brachbill seconded the motion.

Motion carried.

HARB:

Certificates of Appropriateness for 425 N. Spring Street, 438 E. Curtin Street

Prendergast moved to approve the certificates of appropriateness.

Walker seconded the motion.

Motion carried.

HARB Meeting Minutes August 13, 2019 Draft

BUILDING AND PROPERTY – Chair, Anne Walker

Update – property donation near Teener League Field

Walker reported that the solicitor drafted an Article of Agreement and an appraisal service was hired. The report should be received by the end of next month.

FINANCE AND GOV'T PERFORMANCE, Chair, Gina Thompson

Update – auditors notified regarding Council action on time sheets; audit reports will be at the Council table

Last meeting there was a discussion about everyone using the same type of time sheets and those comments were relayed back to the auditors and were incorporated into the plan.

Current v. Prior July 2019

Budget v. Actual July 2019

Memo re: Auditors

Memo from Ms. Lori Walker stating that the term with the current CPA firm has expired and she is recommending to Council that the existing firm be renewed for 5-years or do an RFP process if Council wishes to do that.

The last time an RFP was done was about three years ago. A three-year time frame was set to not go through an RFP for a CPA. It was year to year prior to that per Holderman. It was pretty cumbersome to go out with an RFP each year.

Brachbill would prefer to do an RFP.

**Brachbill moved to move forward with an RFP for auditing services.
Prendergast seconded the motion.**

The current firm has been the Borough auditor for a number of years, even through the RFP process.

Motion carried.

PARKS AND RECREATION – Chair, Melissa Hombosky

Date for Masullo Park ADA Ramp Ribbon Cutting

The ribbon-cutting will be pushed to spring before trout season begins.

Update fish food dispensers

The dispensers are stocked. There are two feeders on the bridge.

Band Shell

Wilson would like to see this moved forward by looking at some specs and putting this out for bid to see what it will cost so that he can begin looking for some private funding to build it.

He would like to see some action on this instead of letting it sit for a while. Wilson will obtain construction plans. A parks meeting will be held to discuss this and other items as well. The baseball field will also be discussed at that meeting.

Geese at the park were discussed briefly.

HUMAN RESOURCES – Chair, Renee Brown

Consider approval of R. Torsell for Shade Tree Commission

**Brachbill moved to appoint Richard Torsell to the Shade Tree Commission. Term is to expire on December 31, 2019.
Eaton seconded the motion.
Motion carried.**

Torsell's background is forestry and will make a great addition to the committee, per Tosti-Vasey.

Status Wastewater Treatment plant position

Opening was advertised and five applications were received. The application period has closed. There is a simple math test that will be taken this week. Interviews will begin next week.

SAFETY - Chair, Randy Brachbill

Comments received regarding Chapter 35

There were comments on the strategic plan and confusion regarding titles within the company. The question about the unchanged paragraph was resolved. A motion was entertained to accept the Chapter 35 draft based on the comments that were clarified, except for the one noting §35-2.4. which remained as is.

**Brachbill moved to approve Chapter 35 making the changes per comments and also with the correction of §35-2.D.6.
Prendergast seconded the motion.
Motion carried.**

WATER/SANITATION – Chair, Doug Johnson

Daily Water Withdrawal Report July 2019

Borough Authority Meeting August 6, 2019 Draft

Update on RFP regarding Big Spring Cover

Stewart stated that there was an on-site meeting for interested engineers and there was an excellent turnout with 6 or so engineering firms present. They asked questions about the spring and the RFP. The proposals are due August 28.

The Water Authority will handle the bidding process. Stewart made sure that all engineers understood that there are three groups to deal with - the Authority, Council and HARB. The Authority proposed getting the RFPs and the design will have to go through HARB and then obtained final approval by Council. If the concept can get permitted, it will move forward. Getting something permitted through the DEP is the biggest hurdle.

STREETS – Chair, Jon Eaton

August 19 Committee meeting report

Meeting was held on the ongoing sidewalk ordinance.

Update, Thomas Street Paving, ADA ramps

Stewart updated Council on the paving. The Borough does not have an exact date. A few weeks ago, they indicated it would be about ten days out. The public works staff has not heard anything, so it is likely a few more weeks out for sure. They have to do the concrete work on Bishop where the ADA ramps were installed to meet current standards. The concrete work for Bishop is starting soon. At times, work has been performed on Saturday due to school being in session. At times, they also work at night.

Update, Lamb Street Bridge Drainage improvement project

Stewart updated Council on the new drainage that was installed to improve the water that was sitting on the bridge. All the work is done, and it has greatly improved the water problem.

Accidents still occurring at Howard and Wilson

Two recent accidents occurred at the intersection of Howard and Wilson Streets.

Eaton moved to send PennDOT another letter to update their review of that intersection.

Hombosky seconded the motion.

Motion carried.

Request: Review signage at Governor's Park and Airport Road intersection

There has been a request to review the signage at this intersection. Better signage may be deemed appropriate.

Bike Racks

Holderman reported that the Borough received two racks last week and they were installed – one near the YMCA and the card shop and the other one in the small parklet between Bonfatto's and Wine in the Café on the Park.

Parking Meters

The meters will be discussed at a future meeting date. Stewart and Holderman are meeting with vendors to obtain additional information. There was a question of fail rates with one of the vendors, so they wanted to speak to a few more vendors. Additionally, there are a few names that were given to the Borough from other communities and they will be contacted as well.

Prendergast inquired about how many ADA parking spaces were in the Bellefonte. Stewart stated that the Borough is in compliance with the regulations. The streets committee can certainly look into where they are located and decide if there needs to be any additions made. The meters are adjusted for ADA vehicles and they are given an extra hour at 2-hour meter expirations. The meters are identical to regular meters, but the color is different.

ENERGY AND ENVIRONMENTAL CONSERVATION –Chair, Mike Prendergast

Bellefonte in the running for Climate Action Plan – GHG Inventory Pilot Project

Prendergast reported on the Climate Action Plan. Tosti-Vasey explained further that the DEP is hosting a pilot program in which 20 municipalities throughout the Commonwealth are going to be selected for this program to create a climate action plan. Bellefonte was submitted as a possibility and if selected, during the fall semester, participating communities will have college students do an inventory to do a greenhouse gas inventory and a climate scenario analysis. In the spring, they will create templates and technical assistance in development of the products. This may help with the air pollution ordinance, per Tosti-Vasey.

Update – PSU/Bellefonte Sustainability Projects

Prendergast reported on an update on the projects. Tosti-Vasey explained that in the Fall 2019, the Borough will receive one or two independent study students to do a Shade Tree Inventory for the entire Borough and will do a needs assessment study for additional shade tree locations as well. The second project for the fall is pending if the class will take place – the project will look at the long-term vitality, economics and risks for a historic building and it will be with the Historic Buildings Techniques Class. This is a 5th year class instructed by Jim Freighout. If the class commences, the project will proceed.

Spring 2020, design studies by 4th year engineering students will look at doing a police officer department architectural space renovation. And an open channel hydrology class will look at a kayak passage on the millrace dam to create a kayaking and tubing water feature between the Talleyrand bridges.

Summer 2020, work study students will be investigated, and they will most likely work with Shannon Wright for needs in the Zoning and HARB offices, to be determined.

Other classes may include the stone wall on Water Street next to Talleyrand Park to report on dangers of collapse that can be sent to PennDOT in hopes that the project will be promoted. The final project is looking at possible Human Development and Family Studies (HDFS) students to look at ADA playground equipment in Governors Park.

Recreational Fires

They are permitted in the Borough, but they do have restriction under ordinance. Regulations can be viewed on the website at the E-Codes section. They are in Chapter 180-13 (recreational fires). The next section speaks about nuisance burns.

A permit program may be started if community education is not effective. Ordinance 180 is the pollution control ordinance and Tosti-Vasey noted that in order to do any enforcement, the Pollution Control Board will need to be reinstated as that has not been active for over two decades. Stewart stated that it says, “or the Pollution Control Board” and that constitutes the ordinance being enforceable. This will be looked into further. Some definitions may need to be adjusted as well, per Tosti-Vasey. She stated that a professional may need to be called in regarding the emissions issues. Stewart concurred.

Planning Commission will also tweak the zoning ordinance to assure that future incinerators will be located into the heavy industrial areas of the Borough.

EV Usage Report

Prendergast reported on the EV stations. Billing the EV and usage was discussed prior. The usage breaks down to a point that it is not cost effective to actually charge persons for using the charger because the administrative costs outweigh any additional monies brought in from billing people to charge their vehicles.

The fixed charge rate for EV stations was discussed, as imposed by First Energy. Tosti-Vasey explained that it is a fixed rate to be permitted to be hooked up to the grid.

OLD BUSINESS:

Wayfinding signage project – decisions presented at the September 3 Council meeting

Stewart stated that decisions may come back to Council in September. Once everything is received, Council will be able to make a decision.

CATA micro transit pilot program – start delayed to January 1

The pilot program has been postponed until January.

Solicitor Response: Signage Banner on West Penn Power Poles

The solicitor responded to the request to put signage and banners on West Penn Power (WPP) poles. WPP stated that there is a fee. The Borough had a question about setting precedence. The legal opinion was provided to Council.

Per Tosti-Vasey, it would not be discrimination if another group asked for a similar item to be hung on one of the WPP poles. The contract that WPP wanted the Borough to sign states non-profits specifically. If any particular group is allowed to hang banners, then everyone everywhere would be permitted to do the same. Tosti-Vasey was not in approval of commercial advertising.

Stewart stated that if the house practice was always allowing non-profits to hang banners, then that is the policy and only non-profits would be accepted. Tosti-Vasey did not think that the whole question was answered by the solicitor with regard to 1st amendment rights' violations.

Brachbill interjected that ultimately West Penn Power is making the decision on who is actually hanging the banner. Hombosky inquired about how hanging on WPP poles jumped to hanging elsewhere in the Borough, i.e., waterfront fence.

Tosti-Vasey expressed her concerns as she attended a webinar on the first amendment issues and signage. They spoke about allowing things in some places that could be moved over to being allowed at other places. That was her concern. Hombosky did not see any issues as the Borough already hangs banners on the bridge. She did not wish to continue spending money on legal fees and not hang anything on WPP poles.

Limiting it to non-profits was not foreseen as a problem with Prendergast. Conditions can be made for anything. Holderman asked the solicitor if Council approved the one WPP pole and another person came in and wanted another pole, would that be discrimination. That was the question posed. The legal opinion stated that as long as the organizations are being treated the same there would not be an issue. HBI or DBI may need to be called out as well, per Holderman.

Walker talked about fee waivers at Talleyrand for non-profits in Bellefonte only. It is the same type of situation. The Hometown Banner approval process was discussed briefly.

Hombosky discussed the liability issues. Hometown Heroes had to go through DBI, per Walker. She opined that the banner installer should have to go through the same process. Stewart stated that this is the first request for a WPP because the person used to work at WPP building which was previously in the location of the Borough Building.

Brachbill removed the banner motion from the table.
Prendergast seconded the motion.
Motion carried.

Brachbill moved to allow the banner on the requested pole with the same restrictions as the Hometown Heroes program with the requestor paying the fee for the pole. Prendergast seconded the motion.

There is no written policy in the Borough for these types of issues. HBI has a program that was approved through Council, per Stewart. Hombosky suggested a policy for what can be hung on poles and who can hang on the poles, as well. Stewart stated that the sign ordinance speaks to some of this, but it may not be encompassing. He will provide a copy to Council.

Motion carried with one nay.

PA LCB Noise Exemption Hearing September 5 at 10:30 a.m.

Public hearing to be held in the Borough offices. The exemption has been requested for three-year period.

Tosti-Vasey would like to defer sign ordinance review to the ad hoc committee that was set up. The ordinance will be distributed to all Council members who will submit their comments to the ad hoc committee.

116 E. Linn St – Hearts for the Homeless

Stewart discussed the Hearts for the Homeless property. The property is scheduled for closing on August 27. The new owners will be using it as a single-family home and not a group home.

Resolutions – PA Municipal League

Tosti-Vasey heard back from the Pa Municipal League regarding the resolutions that were submitted. They are having their annual meeting October 3-6, 2019 in Gettysburg. They reviewed all five resolutions that the Borough sent. Four of them already have identical language on their policies, but the resolution supporting the Pennsylvania Health Care plan they are interested in. They will be meeting on Friday to review the information that they were presented. They asked Tosti-Vasey to attend the meeting on October 3-6 to discuss the resolution.

Stewart was consulted regarding the Fall Conference and due to budgetary constraints, the funding is requested to be switched from the PSAB fall meeting to the October 3-6 PML meeting so that there is a representative to deal with the resolution.

Hombosky moved to approve the moving of the funding. Prendergast seconded the motion. Motion carried.

NEW BUSINESS:

Resignation of Nathan Day, Planning Commission

Day resigned from the Planning Commission. His seat expired in 2021. The PC replacement must be a resident of the Borough.

Brachbill moved to accept Nathan Day's resignation from the Planning Commission.

Prendergast seconded the motion.

Motion carried.

A letter of thanks will be sent to Day. A vacancy notice will be placed on the website.

PUBLIC COMMENT: None.

ADJOURNMENT:

With no further business coming before Council,

Brachbill moved to adjourn the August 19, 2019 Council Meeting.

Prendergast seconded the motion.

Motion carried.

Meeting adjourned at 9:08 p.m.