

Meeting Agenda
State College Borough Tree Commission
January 18, 2018
Service Facility
12:00 p.m

I. Call to Order

II. Roll Call

III. Election of Chair and Vice-Chair

IV. Public Hour

V. Approval of Minutes

VI. Action Items

A. Request to Remove Street Tree at 262 Woodland Drive

VII. Discussion Items

A. Responsibilities of the Tree Commission

VIII. Items of Information

A. 2018 Conflict of Interest Statement

B. Set 2018 Meeting Dates

IX. Reports of Interest

A. Arborist Report

B. Tree Crew Report

X. Other Matters

XI. Adjournment

Documents:

Tree Commission Agenda January 18, 2018.pdf

**Meeting Agenda
State College Borough Tree Commission
January 18, 2018
Service Facility
12:00 p.m.**

I. Call to Order

II. Roll Call – Introduction of Tree Commission Members

Justin Wheeler
William Elmendorf
Lynn Herman
Bruce Rohrbach
Elaine Schuckers

III. Election of Chair and Vice-Chair

IV. Public Hour – Hearing of Citizens

V. Approval of Minutes – *November 16, 2017*

VI. Action Items

A. Request to Remove Street Tree at 262 Woodland Drive

Due to a recent sewer issue, the residents at 262 Woodland Drive have requested the removal of an 8” Swamp White Oak adjacent to their property. In response to the sewer issue, Borough crews have installed a new clean out at the curb and new pvc pipe from the cleanout to the main line. Columbia Gas has agreed to repair the faulty connection between the pvc pipe and the private iron pipe.

Staff Recommendation: Due to recent and planned efforts to repair the faulty sewer line, staff does not recommend removal of the otherwise healthy street tree at this time.

VII. Discussion Items

A. Responsibilities of the Tree Commission

The Borough’s Shade Tree Ordinance specifically identifies responsibilities of the Tree Commission. Since we now have two new members on the Commission, the group should discuss these responsibilities, as well as other issues the Tree Commission may become involved with.

VIII. Items of Information

A. 2018 Conflict of Interest Statement

The 2018 Conflict of Interest Statement and an email from Ed LeClear explaining the purpose of the statement are attached.

B. Set 2018 Meeting Dates

The Commission should review and approve the following 2018 meeting schedule for 2018.

Thursday, March 15 at Noon

Thursday, July 19 at 8:30 a.m. (Drive Around)

Thursday, August 2 at 8:30 a.m. (Drive Around)

Tuesday, September 11 at 7:00 p.m.

Tuesday, September 25 at 7:00 p.m.

Thursday, November 15 at Noon

IX. Reports of Interest

A. Arborist Report

B. Tree Crew Report – Steve Shirey

X. Other Matters

XI. Adjournment

**Meeting Minutes
State College Borough Tree Commission
November 16, 2017**

The State College Borough Tree Commission (TRC) met on Thursday, November 16, 2017, in Room A106 of the State College Borough Service Facility, 330 South Osmond Street, State College, PA. Chairman Kerlin called the meeting to order at 12:15 p.m.

Members Present

Nicholas Kerlin, Chairman; Bruce Rohrbach; and Elaine Schuckers

Others Present

Alan Sam, Arborist/Environmental Coordinator; Deb Hoag, Director of Public Works; Autumn Busbee, Community Engagement Specialist; Christine Stephens, AmeriCorps Member; and Stephenie Grove, Staff Assistant

Public Hour

There were no citizens in attendance to discuss items not already on the agenda.

Approval of Minutes

On a motion by Mr. Kerlin and seconded by Ms. Schuckers, the September 12, 2017 and September 26, 2017 meeting minutes were approved as submitted. The vote was unanimously in favor.

Discussion Items

2018 Work Plan – Mr. Sam stated he revised the 2018 Tree Commission Work Plan and made the following changes:

- #3 – Removed entire section from the 2018 Plan
- #4 – Changed the wording
- #6 – Changed the wording
- #7 – Added time restraints to the 1st and 2nd quarters

Mr. Sam asked for a motion for the acceptance of the 2018 Tree Commission Work Plan as proposed and authorization to forward to Borough Council for approval. Ms. Schuckers made a motion to accept the Work Plan and it was seconded by Mr. Rohrbach. The vote was unanimously in favor.

The approved Work Plan was attached and made part of these minutes.

Tree Variety Recommendation for New Developments – Mr. Sam reviewed several new land development projects being reviewed by the Borough:

- The Residences (high-rise apartment complex) – The Borough suggested to add landscaping and seating on the College Avenue side of complex to help create a barrier for “jaywalkers.” Mr. Sam noted a few issues with the suggested plantings from the complex and asked TRC members to give species recommendations for areas around the complex. The TRC recommended Ginkgo and Hybrid Maple trees.
- Westerly II (student housing) – The complex proposed to add a one-way driveway and the removal of five trees during the construction phase. The complex asked to replace three out of the five trees. Mr. Sam stated he would need to assess the value of the trees not being replaced and the complex would need to pay the difference. Mr. Kerlin stated he would like the complex to replace all five trees if possible. Mr. Sam asked the TRC members to give species recommendations for replacements. The TRC recommended Hardy Rubber and Red Maple trees.
- Pugh Centre (seven-story mixed-use building) – The corner (Pugh and Beaver) area has continued issues with the sidewalk being washed out and no grass being able to grow. The building developers proposed to expand the sidewalk and plant several Honeylocust trees in the area, along with landscaping to help aid the washout issue. Mr. Sam asked the TRC members if they had other recommendations for tree plantings. The TRC recommended London Planetrees as another option.
- Garner Street (mixed-use high-rise) Phase I – Two street trees along Beaver Avenue will need to be replaced. Mr. Sam asked the TRC members to make recommendations for replacements. The TRC recommended Maple trees.
- Bellaire Court Apartments – Mr. Sam stated there was a Dogwood tree that originally needed to be removed to accommodate driveway construction. The driveway location has been moved and the tree will not need to be replaced by the developer.

Mr. Sam asked for a motion for the acceptance of the recommendations proposed for the mentioned development projects. Mr. Rohrbach made a motion to accept the recommendations; the motion was seconded by Ms. Schuckers. The vote was unanimously in favor.

Items of information

Ms. Schuckers suggested the TRC release information regarding how to properly place tree stands during the hunting season to help save trees from being damaged. Mr. Sam and Ms. Hoag agreed it was a good idea and indicated they would work with the Borough’s Communication Specialist on that matter.

Mr. Sam noted a new Dendrician, Tanner Kibe, was recently hired.

Mr. Sam stated a Serviceberry tree was planted at the Municipal Building in honor of Mayor Goreham for her years of service to the Borough. The tree was purchased by friends of the Mayor.

Reports of Interest

Arborist's Report – Mr. Sam reported on recent tree related activities. Highlights included:

- Tree Crew busy with tree and deadwood removals.
- Dincher & Dincher and Aikeys Tree Services worked on pruning contracts for the Borough.
- The town's Christmas tree was cut down and erected on Allen Street by the Tree Crew. The tree lighting ceremony took place on November 16, 2017.
- Chesapeake Bay, Phase III WIP, Forestry Working Group that Mr. Sam and Mr. Elmendorf serve on will meet again in December and discuss the benefits urban trees provide in stormwater management.
- Christine Stephens, AmeriCorps Member, developed planting plans for new on-street raingardens as well as the restoration plantings in Holmes Foster Park. She also collected soil from Holmes Foster Park and sent it off to Penn State for testing.
- Ms. Stephens helped with Volunteer Day in October. They had 11 volunteers and were able to clear a large area in Walnut Springs Park.
- Met with Matt Royer regarding the Easterly Parkway Rain Gardens and getting volunteers to help with the garden maintenance.

Other Matters

Set Next Meeting Date – January 18, 2018 at 12:00 p.m. – Service Building

Ms. Schuckers mentioned she recently walked by the MLK Plaza and stated it did not look like the trees and landscape elements discussed or indicated on the renderings at a previous meeting had been planted or were not as mature as portrayed. Mr. Sam stated he would review the plan and plaza plantings.

Mr. Kerlin stated he would be resigning from the TRC.

Adjournment

With no further business to discuss, Mr. Rohrbach made a motion to adjourn the meeting at 1:17 p.m.

Respectfully submitted,

Stephenie Grove
Staff Assistant

Borough of State College MEMORANDUM

to: ABC Secretaries and Administrative Assistants
from: Ed LeClear
re: Conflict of Interest Policy and Code of Conduct with Regards to HUD Programs
date: December 11, 2017

A Conflict of Interest Policy and Code of Conduct with regards to HUD Programs was adopted by the State College Borough Council in 2005. Elected and appointed officials are to receive a copy of the policy at a regular meeting of their respective council, authority, board or commission annually. Members who are absent should receive a copy by mail.

A copy of the policy is attached. Please include it as an agenda item or as an attachment to the agenda at the first meeting of the ABC in 2018. Also, please be sure to note distribution of the policy in the meeting minutes.

**from the desk of... Ed
LeClear**
Planning Director Borough of
State College 243 South Allen
Street State College, PA 16801
eleclear@statecollegepa.us
(814) 234-7109 Fax: (.814) 234-7197

BOROUGH OF STATE COLLEGE

Conflict of Interest Policy and Code of Conduct With Regards to HUD Programs

SECTION 1 NON-PROCUREMENT CONFLICTS OF INTEREST

A. COVERED INDIVIDUALS:

Any employee, agent, officer, elected official, appointed official or consultant of the Borough of State College (Participating Jurisdiction) or; any member of an employee's, agent's, officer's, elected official's or appointed official's immediate family; an employee's, agent's, officer's, elected official's or appointed official's partner; or an organization that employs or is about to employ any of the above.

CONFLICTS PROHIBITED:

No person(s) described in Paragraph 1 of section 1 who exercises or has exercised any functions or responsibilities with respect to activities assisted with HOME Investment Partnerships Program (HOME) or Community Development Block Grant (CDBG) or other U.S. Department of Housing and Urban Development (HUD) funds, or who is in a position to participate in a decision-making process or gain inside information with regard to these activities, may obtain a real or apparent financial interest or financial benefit from a HOME, CDBG, or other HUD-assisted activity, or has a real or apparent financial interest in any contract, subcontract, or agreement with respect to HOME, CDBG, or other HUD-assisted activity, or the proceeds from such activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. Immediate family ties include (whether by blood, marriage or adoption) the spouse, parent (including a stepparent), child (including stepchild), brother, sister (including a stepbrother or stepsister), grandparent, grandchild and in-laws of a covered person. Occupancy of a HOME-assisted unit by a covered person constitutes a financial interest.

EXCEPTIONS:

Threshold Requirements – Upon the written request of the participating jurisdiction, the U.S. Housing and Urban Development (HUD) or its successor, may grant an exception to the provisions of the CONFLICTS PROHIBITED of section 1 on a case-by-case basis when it determines that the exception will serve to further the purpose of the HOME, CDBG or other HUD program and the effective and efficient administration of the Borough's program or project. An exception may be considered only after the participating jurisdiction has provided the following:

1. A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure* of the conflict and a description of how the public disclosure was made; and
2. An opinion from the Borough's attorney that the interest for which the exception is sought would not violate state or local laws.

*The requirements for public disclosure include publication in a local newspaper or disclosure during an advertised public hearing.

Factors to be considered for Exceptions – In determining whether to grant a requested exception after the participating jurisdiction has satisfactorily met the requirements of paragraphs a. and b. above, HUD, or its successors, will consider the cumulative effect of the following factors, where applicable:

1. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be

- available;
2. Whether the person affected is a member of a group or class of low-income persons intended to be the beneficiary of the assisted activity, and the exception will permit such person(s) to receive generally the same interests or benefits as are being made available or provided to the group or class;
 3. Whether the affected person(s) has withdrawn from his/her functions or responsibilities or the decision-making process with respect to the specific assisted activity in question;
 4. Whether the interest or benefit was present before the affected person was in a position as described in the COVERED PERSONS Paragraph of this section
 5. Whether undue hardship will result either to the participating jurisdiction or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
 6. Any other relevant considerations.

B. OWNERS AND DEVELOPERS:

Any owner, developer or sponsor of a project assisted with HOME, CDBG or other HUD funds (or officer, employee, agent, elected or appointed official or consultant of the owner, developer or sponsor or immediate family member of an officer, employee, agent, elected or appointed official, or consultant of the owner, developer or sponsor) whether private, for-profit or non-profit (including a community development organization (CHDO) when acting as an owner, developer or sponsor)

CONFLICTS PROHIBITED:

No person(s) described in Paragraph 2.A of section 2 may occupy, or appear to occupy, a HOME, CDBG or other HUD-assisted affordable housing unit in a project during the required period of affordability specified in §92.252(e) or §92.254(a)(4). This provision does not apply to an individual who receives HOME, CDBG or other HUD funds to acquire or rehabilitate his or her principal residence or to an employee or agent to the owner or developer of a rental housing project who occupies a housing unit as the project manager or maintenance worker.

EXCEPTIONS:

Upon written request of a housing owner or developer, the Borough may grant an exception to the provisions of the above paragraph of this section on a case by case basis when it determines that the exception will serve to further the purposes of the HOME, CDBG or other HUD program and the effective and efficient administration of the owner's or developer's HOME, CDBG or another HUD-assisted project. In determining whether to grant a requested exception, the Borough shall consider the following factors:

1. Whether the person receiving the benefit is a member of a group or class of low-income persons intended to be the beneficiaries of the assisted housing, and the exception will permit such person to receive generally the same interest or benefits as are being made available or provided to the group or class;
2. Whether the person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted housing in question;
3. Whether the tenant protection requirements of Sec. 92.253 are being observed;
4. Whether the affirmative marketing requirements of Sec. 92.351 are being observed and followed; and
5. Any other factor relevant to the Borough's determination, including the timing of the requested exception.

SECTION 2 PROCUREMENT CONFLICT OF INTEREST

COVERED INDIVIDUALS:

Any employee, officer, or agent of the Borough of State College (Participating Jurisdiction).

CONFLICTS PROHIBITED:

The CDBG, HOME and other HUD Programs follow the procurement policy of the Borough of State College located in the Borough of State College Code of Ordinances, Chapter 1, Part N. If any provisions of 2 CFR 200.318, 24 CFR 570.611, and 24 CFR 92.356 are not included or conflict with the Borough's Procurement Policy, the provisions of 2 CFR 200.318, 24 CFR 570.611, and 24 CFR 92.356 shall supersede the Borough's Procurement Policy.

No Covered Individuals in section 2 may participate in the selection, award or administration of a contract supported by HOME, CDBG or other HUD Program if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of the following parties has a financial or other interest in the firm selected for award:

- employee, agents, or officer of the Borough of State College;
- any member of an employee's, agent's or officer's immediate family;
- an employee's, agent's or officer's partner; or
- an organization that employs or is about to employ any of the above

No employee, officer, or agent of the Borough or subrecipient may solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to sub-agreements.

EXCEPTIONS:

There are no exceptions for real or apparent procurement conflicts of interest.

A request for a regulatory waiver can be submitted pursuant to 24 C.F.R. § 5.110

Upon determination of good cause, the Secretary may, subject to statutory limitations, waive any provision of this title and delegate this authority in accordance with section 106 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3535(q)).

SECTION 3 CODE OF CONDUCT:

Persons covered in section 2, paragraph 1, are expressly forbidden from soliciting or accepting money, gifts, gratuities, services, favors, or anything of monetary value (excepting unsolicited calendars, pens, or other items of nominal value used as an advertising medium) from any person, company, firm, or corporation to which any purchase order or contract is, or might, be awarded or from a party to any potential subcontract.

The Borough shall also take disciplinary action in accordance with the Borough Personnel Rules and Regulations against any covered persons in section 2 paragraph 1 who violate this conflict of interest policy.

Employees will receive a copy of the conflict of interest policy on an annual basis as a mailer included in a paycheck. Elected and appointed officials will receive a copy of the policy at a regular meeting of their respective council, authority, board or commission. Distribution of the policy will be noted in the minutes of the meeting. Members who are absent will receive a copy by mail. Consultants and agents will be provided a copy of the policy as part of their contracts.

SECTION 4 SUB-RECIPIENTS:

Applicable Conflict of Interest and Procurement Policies for the Borough's subrecipients are covered under CFR 200.318, 24 CFR 570.611 and 24 CFR 92.356. Each subrecipient has developed its own Conflict of Interest Policy and Procurement Policy in accordance with the applicable regulations.

Authorized Official: Ed LeClear, Director of Planning and Community Development
243 S. Allen Street
State College, PA 16801
814-234-7109

Summary of Revisions:

Adopted by the State College Borough Council on April 18, 2005.

Revised by staff on April 30, 2015.

Revised policy adopted by the State College Borough Council on November 6, 2017.