

Meeting Agenda
State College Borough Tree Commission
January 15, 2019
Service Facility
12:00 p.m.

I. Call to Order

II. Roll Call

William Elmendorf
Lynn Herman
Bruce Rohrbach
Elaine Schuckers
Justin Wheeler

III. Election of Chair and Vice-Chair

IV. Public Hour – Hearing of Citizens

V. Approval of Minutes – September 25, 2018 [Page 3]

VI. Action Items

A. Request to Remove Street Tree at 332 South Gill Street

Due to repeated damage to the public sidewalk, the residents at 332 South Gill Street have requested the removal of a 22” White Oak adjacent to their property. The tree appears to be healthy and structurally sound.

Staff Recommendation: The Tree Commission is asked to review the tree removal request and make a recommendation to the Public Works Director.

VII. Discussion Item

A. Recommended Tree List

The Recommended Tree List, which is included in the 2016 Master Tree Plan, includes species and varieties of trees that are recommended for planting along State College Borough streets. The list should be reviewed periodically to reflect new information obtained from research and experience, the status of current or projected insect and disease infestations, and possible influence from continuing climate change. The 2019 Work Plan listed review of the Recommended Tree list as a high priority.

Staff Recommendation: Staff recommends the Tree Commission identify specific areas of the Tree List that should be evaluated or updated.

B. Wood Utilization

Ellen Roane, from the Department of Conservation and Natural Resources, is in attendance to discuss the municipal wood utilization effort she has undertaken with

the State. The Borough, as part of their approved Sustainability Plan, is interested in finding additional ways to utilize wood waste. Ms. Roane has been invited to discuss the plan she has been working on as well as answer questions on how the Borough can improve their operation.

VIII. Other Matters

A. Draft 2019 Meeting Schedule

The Tree Commission should review and approve the proposed 2019 meeting schedule. All meetings will take place at the State College Borough Service Facility except for the two September public hearings. The public hearings will be held in the Municipal Building, which is located downtown on South Allen Street.

Wednesday, March 20 at 12 p.m.

Wednesday, July 24 at 8:30 a.m. (Drive-around)

Tuesday, August 6 at 8:30 a.m. (Drive-around)

Tuesday, September 10 at 7:00 p.m. (Public Hearing)

Tuesday, September 24 at 7:00 p.m. (Public Hearing)

Wednesday, November 20 at 12 p.m.

Staff Recommendation: Staff recommends the Tree Commission approve the proposed 2019 meeting schedule.

IX. Items of Information

A. 2019 Work Plan

Staff will review the 2019 Work Plan as presented to Council. [Page 6]

B. 2019 Conflict of Interest Statement

The 2019 Conflict of Interest Statement, along with an email from Ed LeClear, explaining the purpose of the statement are attached for review. [Page 8]

X. Reports of Interest

A. Arborist's Report

B. Tree Crew Report

XI. Adjournment

**Meeting Minutes
State College Borough Tree Commission
September 25, 2018**

The Tree Commission (TRC) met on Tuesday, September 25, 2018 in Room 304 of the Municipal Building. Chairman Herman called the meeting to order at 6:58 p.m.

Members Present

Lynn Herman, Chairman; Bill Elmendorf; Bruce Rohrbach; Elaine Schuckers; and Justin Wheeler

Also Present

Alan Sam, Arborist/Environmental Coordinator; Deb Hoag, Public Works Director; and Stephenie Grove, Administrative Assistant

Public Hour

No comments were heard during the public hour.

Approval of Minutes

On a motion by Ms. Schuckers and seconded by Mr. Rohrbach, the September 11, 2018 meeting minutes were approved as submitted. The vote was unanimously in favor.

Public Hearing

Mr. Sam gave a brief overview of the drive-around procedure along with the decision factors that affect the tree removal and planting decisions.

Chris Staley, 1269 Penfield Road, inquired if the current Crabapple tree on his property could be removed and replaced with two smaller trees. Mr. Wheeler stated the current tree looked healthy when examined and appeared to be a little taller than most of the surrounding Crabapples. Mr. Sam asked the resident what types of trees he would prefer? Mr. Staley indicated he was interested in anything small. After brief discussion, the TRC agreed the suggested removals could take place and Mr. Sam stated he would discuss with the homeowners on the replacement trees at a later time.

Darryl Hill, 1139 South Garner Street, questioned when the tree removal process for trees marked with blue ribbons would start? Mr. Sam noted the removals would take place during the winter months. Mr. Hill also inquired what could be done with a large Willow tree located on another private property located on South Garner Street whose branches hung over the sidewalk and street. Mr. Sam stated to his knowledge the homeowners at the noted location worked on pruning the branches in the past. Mr. Hill mentioned the branches currently looked to still be hazardous especially when using the sidewalk. Mr. Sam stated he would take another look at the tree in question.

Sandra Wingard, 300 East Hamilton Avenue, stated the current Zelkovas, located between the sidewalk and the curb, had grown into the powerlines. She asked for smaller scale trees to be planted as replacements to help with future pruning and maintenance. Ms. Wingard then noted

she would like two Serviceberry, or two Dogwood trees rather than one Redbud and one Dogwood as recommended by the TRC. Mr. Sam noted he would reach out to the homeowners for their final decision at a later time.

Brian Buss, 433 East Mitchell Avenue, noted he looked at the Japanese Lilac tree on Holmes Street as directed from the last meeting. He mentioned he was not in favor of the recommendation after seeing it and would prefer a Constellation Dogwood. Mr. Sam stated he was fine with the recommendation.

After hearing from those residents in attendance, Mr. Sam discussed the phone calls and emails from residents that could not make it to the meeting.

The property owner at 136 Logan Avenue indicated they were fine with the recommended Birch tree removal and London Plain tree replacement.

The property owner at 1343 Penfield Road requested both the Crabapple and Serviceberry be removed and replaced with Redbuds.

The resident at 212 East McCormick Avenue indicated they were fine with the removal, but they did not want a replacement tree. Mr. Sam recommended replacing with a smaller tree or holding off with replacement per the resident's request. Mr. Elmendorf suggested proceeding with the scheduled removal and revisit the replacement next year.

Mr. Elmendorf stated he did not want to remove the recommended tree at 707 West Fairmount Avenue. He noted the tree had caused sidewalk damage and he would like to put it on the list for next year. Mr. Sam stated Engineering had agreed to allow the resident to place blacktop in the area to help save the tree and not replace the sidewalk.

After all public comments were heard, Mr. Elmendorf motioned to approve the 2018-2019 Tree Removals & Plantings (Part II) list as amended. The motion was seconded by Mr. Wheeler. The vote was unanimously in favor. The approved lists will be made part of the meeting minutes.

Items of information

Develop 2019 Tree Commission Work Plan

Mr. Sam asked TRC members if they had questions or suggestions on the current Work Plan presented. Mr. Wheeler asked about the new Tree Bike Ride brochure and how it would be used. Mr. Elmendorf then noted he would help with the printing costs of the brochures as he had done in the past. Ms. Hoag suggested adding a description of "who" would maintain the street trees and gardens in the right-of-way that have been requested by developers. Mr. Sam agreed with Ms. Hoag's suggestion. Mr. Elmendorf inquired on the status of the "Discussion and Focused Inquiries on Local Effects of Climate Change on Urban Forest." Mr. Sam stated it had not been addressed yet. Mr. Elmendorf then noted the topic might be able to be deleted.

Mr. Sam mentioned he would have Douglas Shontz, the Borough's Communication Specialist, come to a future meeting to discuss the web page.

Mr. Wheeler stated he would like to review the Recommended Tree List that was used and make modifications and formatting changes where needed. Mr. Sam stated Mr. Wheelers request could be added to the Work Plan as number ten.

A motion was made by Ms. Schuckers to approve the 2019 Work Plan with the changes discussed, which was then seconded by Mr. Wheeler. The vote was unanimously in favor.

Future Meeting Dates

Thursday, November 15, 2018 at 12:00 p.m. – Service Building

Reports of Interest

Arborist's Report

Mr. Sam reported on activities the Tree Crew had undertaken since their last meeting in March, which included:

- 139 stumps were ground out, filled in with soil, seeded, and mulch
- Over 30 dead and hazardous trees were removed
Planted 141 trees last Spring and removed hangers from over 100 trees
- Dead wooded 40 trees
- Continued to prune trees in the southwest section of the Borough. Approximately 90 trees left on the list
- Already spent over 600 hours mowing lawns around public buildings and properties
- Lost two trees to vandalism
- Drilled several trees using the resistograph to determine structural integrity
- Installed a large rain garden near the Municipal Building
- Helped install play equipment at Tussey View Park
- Attended electrical hazard training

Other Matters

Mr. Herman asked Mr. Sam to include a copy of the Arborist's Report with the next agenda packet.

Adjournment

With no further business to discuss, Chairman Herman adjourned the meeting at 7:51 p.m.

Respectfully submitted,

Stephenie Grove
Administrative Assistant

2019 STATE COLLEGE TREE COMMISSION WORK PROGRAM

Recommended by Tree Commission 9/25/2018
 Approved by Borough Council _____

Key: H=High, M=Medium, L=Low
 I=Initiate Discussion, IP= In Progress, C=Complete, R/C=Review and
 Comment, BC = Refer to Council

		Priority	Council Goals	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Comments
1.	Planting and Removal Recommendations. Review, comment and make recommendations to the Public Works Director on proposed tree removals and plantings recommended by the Arborist.	H	1, 5			I	C & BC	
2.	Work Collaboratively with Adjacent Tree Commissions. Participate in meetings with Borough, Harris Township, Ferguson Township, and Penn State Tree Commissions to discuss common threats to urban forest as well as coordinate projects.	M	2,3	C				
4.	Identify Planting Opportunities in the Downtown Business District. Continue to identify tree planting locations in the downtown including private property.	L	1, 5, 6	IP	→	→	→	Increase Downtown planting in conjunction with new development.
5.	Incorporate New Street Tree Inventory Information into Tree Program. Develop articles for the CDT, Collegian and other outlets based on information obtained from the new street tree inventory.	H	2	C & BC				Updated Tree Plan completed in 2016.
6.	Review Web Page. Continue to review web page content, organization and accessibility. Schedule meeting with Borough's Communication Specialist.	M	2	I	→	R/C		
7.	Complete new Tree Bike Ride Brochure. Complete brochure that highlights various tree species and their management. Stormwater management will also be highlighted in the brochure.	H	5	IP	C			Draft completed in 2014. Awaiting illustrations.
8.	Evaluate Insect & Disease Threats to Borough's Urban Forest. Following regular updates concerning insect and disease threats to the Borough's Urban Forest, the Tree Commission should offer management strategies to mitigate problems or reduce the Borough's liability.	H	1, 2, 5	IP	→	→	→	Develop information for homeowners on Emerald Ash Borer, Spotted Lantern Fly and other major insect and disease pest for homeowners.
9.	Review Recommended Planting List. Add, delete or modify species and cultivars of trees recommended for planting along Borough streets and rights-of-way.	M	1, 5, 6	IP	R/C	C		Consider reformatting the list to make it more user friendly and help with tree planting decisions. Trees should also be rated for their importance to birds, bees and other pollinators.

10.	Review Policy for Right-of-way Plantings in the Downtown District	M	1,5,6	I	C			Discuss impacts on Borough staff and budgets that installation of plant material in the tree lawn other than trees by new developments may cause.
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Borough of State College MEMORANDUM

to: All Borough Employees
from: Ed LeClear, Director of Planning and Community Development
re: Conflict of Interest Policy and Code of Conduct with Regard to HUD Programs
date: November 15, 2018

A Conflict of Interest Policy and Code of Conduct with Regard to HUD Programs was adopted by the State College Borough Council in 2005 and updated by Borough Council as recently as 2017. This attached policy will be distributed to Borough employees annually.

Please review the policy.

If you have questions or comments, please contact me at 234-7109.

BOROUGH OF STATE COLLEGE

Conflict of Interest Policy and Code of Conduct With Regard 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 affect 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 other 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 subagreements.

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.