

Meeting Minutes
State College Borough Redevelopment Authority
February 28, 2018

The State College Borough Redevelopment Authority (RDA) met on Wednesday, February 28, 2018, in the Municipal Building, 243 South Allen Street. Chairman Lenker called the meeting to order at 12:00 p.m.

Members Present

Sally Lenker, Chairman; Mark Huncik; Rebecca Misangyi; Colleen Ritter, and James Shincovich

Others Present

Ed LeClear, Planning Director; Jenna Wargo, Planner; Rhonda Johannesen, Planner-Redevelopment Specialist; Terry J. Williams, Borough Solicitor; and Denise L. Rhoads, Administrative Assistant

Election of Officers

A motion was made by Mr. Shincovich and seconded by Ms. Misangyi to nominate Ms. Lenker for Chairman. The vote was unanimously in favor.

A motion was made by Ms. Lenker and seconded by Mr. Shincovich to nominate Ms. Ritter for Vice-Chairman. The vote was unanimously in favor.

A motion was made by Ms. Misangyi and seconded by Mr. Huncik to nominate Mr. Shincovich for Secretary-Treasurer. The vote was unanimously in favor.

Mr. Williams noted Mr. Shincovich would be asked to sign documents throughout the term.

Approval of Minutes

A motion to approve the December 20, 2017 minutes as submitted was made by Mr. Shincovich and seconded by Ms. Lenker. The vote was unanimously in favor.

Chair Report

Chairman Lenker stated the training from the National Development Council (NDC) on January 19 and 20, 2018 for Borough Council (BC), Planning Commission (PC) and the RDA was very informative and thanked staff for putting it together.

Mr. LeClear stated staff would be asking the NDC if there could be a follow up training.

Public Hour - Hearing of Citizens

No one was in the audience who wished to discuss items not on the agenda.

Financial Issues

December 2017 & January 2018 Expense Voucher Approvals

Mr. LeClear gave a brief overview of the December 2017 and January 2018 expense vouchers which included the following categories: 1) water and sewer, 2) advertising, 3) natural gas, 4) debt services, 5) repairs and maintenance-buildings, 6) permits and fees, 7) professional services 8) property insurances, and 9) office/miscellaneous supplies.

Mr. LeClear stated the Borough continued to carry invoices for the duplexes they currently own. He stated the Borough received a snow violation because the tenant did not realize they were responsible for snow removal. The tenant arranged to pay the Borough back. Mr. LeClear noted Borough staff put together a packet of information for the new tenants and handed them out at the beginning of our lease with them. Ms. Lenker asked if this packet was provided for all new tenants in the Borough. Ms. Johannesen stated we adapted ours from what the Borough's ordinance department currently handed out.

RDAs' comments included:

- Mr. Huncik asked if the tenants were responsible for all utilities. Ms. Johannesen stated she could provide him with that information later.

A motion was made by Ms. Misangyi and seconded by Ms. Ritter to approve the December 2017 and January 2018 vouchers. The vote was unanimously in favor.

Orientation

RDA Organizational Review & Sunshine Law Matters

Mr. LeClear noted Terry J. Williams, the Solicitor for the Borough of State College, was in attendance to provide Authority members with an orientation to the Pennsylvania Urban Redevelopment Law, the powers and duties of the Redevelopment Authority, and a review of executive session protocol and PA Sunshine Law requirements.

Mr. Williams presentation included:

- Mr. Willams stated RDA's were not unique, but different and separate legislative organizations. Because of that they had certain responsibilities.
- He noted they started with a designation of a blighted area. A blighted area was one in which the properties within were incapable of some type of improvements due to a variety of reasons.
- He noted the roles of Borough Council, the PC and the RDA were separate and distinct. Specifically, the RDA was a separate entity and not an agency of BC even though it received money from the Borough.
- He gave an example of a case in Wilkes-Barre called New Crete Products. That company provided the supplies to build a parking garage and the RDA ended up running out of money. New Crete decided to sue the town of Wilkes-Barre.

Mr. Williams' explanation of how the process started included:

- First a governing body had to decide they wanted an RDA.
- The PC was responsible for determining a redevelopment area. Once an area was decided, the PC would send a directive to the RDA. The RDA could decide whether there would be an appropriate project and if so, they would develop a plan of implementation.
- Once formulated, the plan would go back to the PC for review and approval. The PC would have 45 days to decide if they wanted a public hearing.
- Then, the RDA would forward the plan to BC for review and approval. If BC approved the plan, they would hold a public hearing.
- After the approval of the plan, it would then come back to the RDA. The RDA would retain a private developer to move the plan forward by hiring a contractor. That agreement would go back to BC for review and a public hearing if they chose. If BC rejected the agreement, it would be back to square one. If BC approved the agreement, it would go back to the RDA for implementation.
- Mr. William's noted, if the elected officials were not comfortable with how the implementation moved forward, they could not change it. Only the RDA could make changes and if the contractor was not comfortable with the changes then, and only then, could BC get involved with paying the contractor.

Mr. William's discussion on the Sunshine Law included:

- RDA meetings must be open to the public unless considering an acquisition or sale of land. Note: a group cannot meet outside a meeting quorum and talk about agency business.
- Mr. Williams stated there was a new threat on the horizon, email accounts. He stated when someone used an email for Authority business and communicated to two other members it was considered a violation of the Sunshine Law. He noted charges could be brought against the Authority and it did not matter if someone used a Borough computer or their own computer. He discussed the ethics aspect of being an Authority member as opposed to another Authority Boards and Commission (ABC) member. Mr. Williams noted there was no legal standing for those other ABC's, however, the Authority was held to that legal standing. He talked briefly regarding conflict of interest and recusing yourself in some matters. If one had a direct financial conflict, this would be considered a direct conflict of interest. He noted, in general, the RDA was like other Authorities and the independence of those were vital in the implementation.
- Mr. Williams stated the Sunshine Law had exceptions for executive sessions. He noted for RDA the exception was when the sale or redevelopment of land needed to be discussed. Executive Sessions were confidential and not to be shared. Mr. LeClear stated that rule included staff as well.

Mr. LeClear stated, in preparation for the State College Town Centre, staff would prepare all documents per the requirements. He noted there were some concerns regarding the Neighborhood Sustainability Program and how it might bring up property values. Some residents stated the Borough was benefiting themselves. Mr. LeClear stated the program benefited the entire Borough.

RDAs' comments included:

- Ms. Lenker stated she did not like to think any property in the Borough was considered blighted. Mr. Williams stated, per the law, it was an area the PC considered to be blighted.
- Mr. Shincovich asked who could initiate the process to determine what was blighted or not. Mr. Williams stated the request could come from the PC, elected officials or residents. Mr. Shincovich asked what the size of a blighted area could be. Mr. Williams stated it had to be a reasonable area not the entire Borough. Mr. LeClear noted most of the items in the statute were very specific areas.
- Mr. Huncik asked if an executive session need to be publicized. Mr. Williams stated it did and an announcement should be made at the next RDA meeting, to be added to the minutes, that a session occurred and what the topic was.
- Mr. Huncik asked if training was an exception to the Sunshine Law. Mr. Williams stated yes.
- Mr. Huncik asked if there was a timeline on any certified redevelopment area implementation. Mr. Williams stated it would remain in effect until changed by the PC.
- Mr. Huncik asked if there was a relationship between the RDA and the Real Estate Advisory Committee (REAC). Mr. LeClear stated there was not. The REAC was only for the NSP. They made recommendations to the RDA to forward to Council.
- Mr. Shincovich asked if the PC sent a plan to the RDA and, the RDA chose not to proceed, what would happen. Mr. Williams and Mr. LeClear stated it would go no further. Mr. Shincovich also asked what would occur if the University Planned District was suggested for a redevelopment area. Mr. Williams stated the Borough had to have the property owner's approval and could not use eminent domain. School districts would be included in this rule.
- Mr. Huncik asked if the NSP area was defined. Mr. LeClear stated the program area was up to the RDA not the statute.
- Ms. Ritter asked if the RDA could implement any type of program in any area. Mr. Williams stated it depended on what program they wanted to implement.
- Mr. LeClear stated staff was working to make draft language acceptable. He noted there was a discussion about having some joint meetings.
- Mr. Shincovich asked, when it came to a vote, was it a simple majority to approve. Mr. Williams stated yes.

Mr. LeClear stated if there were any questions for the Solicitor, please send them to Mr. LeClear to pass on to Mr. Williams.

Official Reports and Correspondence

Staff Reports: Mr. LeClear reported staff had issued application requests for the Historical and Architectural Review Board and reached out to real estate brokers, assistant and associate brokers, certified architects, and building inspectors. All appointments would be made by BC. Other members would be chosen from the district. Mr. LeClear noted the application was on the Borough's website and were due at the end of March.

Conflict of Interest Memorandum: Mr. LeClear stated this memorandum was distributed annually and in this agenda as required by our federal programs and was for informational purposes only.

Upcoming Meeting

March 28, 2018 at 12:00 p.m.

Adjournment

With no further business to discuss, a motion to adjourn the meeting at 1:10 p.m. was made by Chairman Lenker. At that time, the Authority convened to an Executive Session.

Respectfully submitted,

Denise L. Rhoads,
Administrative Assistant