

**Meeting Minutes  
State College Borough Council  
Regular Meeting  
Monday, December 16, 2019**

The State College Borough Council met in a regular meeting on Monday, December 16, 2019, in the Municipal Building, 243 South Allen Street, State College, PA 16801. Council President Myers called the meeting to order at 7:06 p.m.

Present: Evan Myers, Council President  
Jesse L. Barlow  
David J. Brown  
Catherine G. Dauler  
Janet P. Engeman  
Theresa D. Lafer  
Dan Murphy

Also present: Terry J. Williams, Borough Solicitor; Thomas J. Fountaine, II, Borough Manager; Sharon K. Ergler, Assistant Borough Secretary; Dwight Miller, Finance Director; Douglas Shontz, Communications Specialist; Ed LeClear, Planning Director; John A. Gardner, Chief of Police; P. Rick Ward, Parking Manager; Deborah A.S. Hoag, Director of Public Works; Craig Bowser, Information Technology Officer; Thomas R. King, Assistant Borough Manager for Public Safety; Dwight Miller, Finance Director; Roger A. Dunlap, Assistant Borough Manager/Chief Financial Officer; Isabel Story, Planner; Borough residents and members of the media.

**Public Hour – Hearing of Citizens**

There was no one in the audience who wished to speak during the Public Hour about a matter not on the agenda.

**Consent Items**

Mr. Barlow made a motion to approve the following Consent Items. Ms. Dauler seconded the motion, which passed unanimously:

- Appoint or reappoint the following individuals to various Authorities, Boards Commissions and Committees:

Appointment/ Reappointment	Name of ABC	Person's Name	Date of Expiration
Reappointment	Authorities Board	Lynn Herman	December 31, 2024
Reappointment	Board of Health	Linda Greenly-Finch	December 31, 2024
Reappointment	Community Development Block Grant Citizen's Advisory Committee (CDBG CAC)	Jason Olcese	December 31, 2023
Reappointment	Community Development Block Grant Citizen's Advisory Committee (CDBG CAC)	Bruce L. Quigley	December 31, 2023
Reappointment	Human Relations Commission	Susan Bardo	December 31, 2022
Reappointment	Human Relations Commission	Michele Hamilton	December 31, 2022
Reappointment	Human Relations Commission	Joseph C. Korsak	December 31, 2022
Reappointment	LGBTQ Advisory Committee	Greg Brauser	December 31, 2022
Reappointment	LGBTQ Advisory Committee	Barbara Welshofer	December 31, 2022
Reappointment	State College Planning Commission	Scott Dutt	December 31, 2023

Appointment/ Reappointment	Name of ABC	Person's Name	Date of Expiration
Reappointment	State College Planning Commission	Jon Eich	December 31, 2023
Reappointment	State College Planning Commission	Mary Madden	December 31, 2023
Reappointment	Rental Housing Revocation Appeal Board	David McClelland	December 31, 2022
Reappointment	Transportation Commission	Paul Jovanis	December 31, 2023
Reappointment	Tree Commission	Bruce Rohrbach	December 31, 2022
Reappointment	Tree Commission	Elaine Schuckers	December 31, 2022
Reappointment	Water Authority	E. Emory Enscoe, Jr.	December 31, 2024
Appointment	Community Development Block Grant Citizen's Advisory Committee (CDBG CAC)	Ian Boswell	December 31, 2023
Appointment	Tree Commission	Catherine Dauler	December 31, 2020
Appointment	Community Land Trust	Peter Kemper	December 31, 2022
Appointment	LGBTQ Advisory Committee	Frederick Purnell	December 31, 2022
Appointment	LGBTQ Advisory Committee	Celeste Good	December 31, 2022
Appointment	LGBTQ Advisory Committee	Alina Wong	December 31, 2022
Appointment	State College Planning Commission	Mallory Meehan	December 31, 2023
Appointment	Schlow Centre Region Library Board of Trustees	David Brown	December 31, 2022
Appointment	Transportation Commission	William Roll	December 31, 2023
Appointment	Transportation Commission	Susan Venegoni	December 31, 2023

- Approve Payroll, Accounts Payable, and Debt Service Payment vouchers for the month ended November 30, 2019, totaling \$6,780,450.61.
- Approve a resolution reappointing Lee Lowry as a member of the Zoning Hearing Board, with a term ending on December 31, 2022, and appointing Rich Kalin as a member of the Zoning Hearing Board, with a term ending on December 31, 2022.
- Approve the 2020 Meeting Schedule.
- Approve a resolution and authorize the officers of the Borough to execute the documents necessary for cost-sharing utility work with PennDOT for costs associated with the sanitary sewer adjustments in the project area.
- Approve a resolution and authorize the officers of the Borough to execute the Set-Aside Contribution Agreement with PennDOT for the Atherton Street Pedestrian Safety Project.
- Approve a Memorandum of Understanding (MOU) with the American Federation of State, County and Municipal Employees (AFSCME) for a one-time wage increase effective January 1, 2020.

## **General Policy and Administration**

### 2020 Operating Budget

Mr. Fontaine said as part of adoption process for the 2020 Budget, each of the actions to adopt the budget would require a separate motion and vote.

Ms. Lafer made a motion to approve the resolution presented, to formally approve and to adopt the 2020 Budget. Mr. Brown seconded the motion.

Mr. Myers said, as a point of order, the 2020 Budget adoption was broken down into many resolutions and the ordinances required a separate action, specifically items A, E and F must be acted on separately and required a roll call vote for each.

The motion to approve the resolution passed unanimously.

#### Ordinance Establishing the Real Estate Tax Rate for 2019 and Establishing Penalty and Discount rates:

Ms. Dauler made a motion to adopt Ordinance 2135 which established the Real Estate Tax Rate and established the penalty and discount rates for 2020. Mr. Murphy seconded the motion, which passed unanimously in a roll call vote.

#### An Ordinance Approving the Sanitary Sewer Tapping Fee Increase

Mr. Barlow made a motion to enact Ordinance 2136 approving the Sanitary Sewer Tapping Fees for 2020. Mr. Brown seconded the motion. The motion to enact the ordinance passed unanimously in a roll call vote.

#### An Ordinance Authorizing Property Assessments for the Downtown State College Improvement District (DSCID)

Ms. Dauler made a motion to enact Ordinance 2137 to authorize the assessment of properties located within the Downtown Neighborhood Improvement District for 2020. Ms. Engeman seconded the motion.

Mr. Fontaine pointed out that the millage rate authorized in the ordinance was the same as those assessed for the past several years.

The adoption of the ordinance passed unanimously in a roll call vote.

#### Strategic Plan Adoption

Mr. Fontaine briefly outlined the process involved in updating the Borough's Strategic Plan.

Mr. Murphy made a motion to adopt the Strategic Plan. Ms. Lafer seconded the motion which passed unanimously.

#### Summers on Allen Street Closure

Mr. Fontaine said at Council's October 14, 2019 meeting, Event Organizer Brad Groznik presented the Summers on Allen proposal. He noted that he had received comments from merchants on the 100 block of South Allen Street, as well as input from a merchant on the 100 block of South Fraser Street. He also noted that the owner of Rapid Transit Sports expressed in an email their willingness to pay the loss parking revenue to keep the street open.

Mr. Myers said since Council had held a public hearing on this matter at their December 2, 2019 meeting, there would be no additional commentary from the public.

Ms. Lafer said she had reviewed the commentary made during the public hearing, read the emails both for and against the event, listened to people from Pine Grove Mills, Foxdale and around town and both on and off campus. She said most people she spoke with did not see South Allen Street as a place they would come to. She added that this proposal needed more discussion and some of the details worked out before moving forward. She said if businesses like Rapid Transit and Woodring's Floral were

concerned, Council should be too. She said a business could go broke over the summer if people cannot get to their shops. She added that she saw the closure as very problematic.

Ms. Lafer made a motion to not approve the Summers on Allen proposal because she believed there was a greater discussion needed. Ms. Engeman seconded the motion.

Ms. Dauler said the purpose of having Council vote on the application and this meeting was to give the applicants ample time for the programming to be put in place for the opening as anticipated. She said she had some big concerns about how that would affect the actual implementation should it be approved at a later date.

Mr. Brown said in terms of procedures, he was not in favor of delaying the vote on the application; however, he did not intend to vote for it. He thought 2020 was a bad year to implement it. He said if PennDOT was working on Atherton Street, from Park Avenue to College/Beaver and beyond, and started blocking off lanes and with the building construction at the Atherton/College corner and the Beaver/Pugh corner, there was going to be a colossal traffic jam downtown. The extra traffic on College and Beaver Avenue, in the loading zones, to allow for the closure was going to exacerbate the problem. He said the complaints from business owners was of real concern. He added that one beneficiary will be the drinkers and the eaters but not the merchants and other visitors. He questioned why the organizers could not amend the idea and move the closure to the 200 block of South Allen Street, especially since that was the proposed location of the Town Centre and that location would have less hassles.

Mr. Fontaine said from the Borough's understanding, PennDOT's next phase on Atherton Street had been delayed until 2021, except for White Course Drive work occurring over Spring Break in March.

Mr. Brown said PennDOT's surveying and other preliminary planning ran the risk of disruption along the Atherton Street corridor.

Ms. Dauler said she would like to hear from Ms. Kunkel, one of the organizers. She said she thought this application was in a better place than we were originally. She explained she had some questions that unfortunately could not ask during the public hearing. Ms. Dauler asked where the funding for Summers on Allen would come from. Ms. Kunkel said the support came from a grant from the Knight Foundation. She added that the grant that has been recommended and approved was for \$135,000. Ms. Kunkel added that the Knight Foundation did a lot of work in various cities. She commented that Centre Foundation maintained the ability to approve the grants. She stated the Knight Foundation was interested in making cities more walkable. Ms. Kunkel said it was not always clear that the funding for this event was coming from a donor-advised grant.

Ms. Dauler asked who was managing the project. Ms. Kunkel said Brad Groznik would be managing the project. Ms. Dauler asked what he would be paid. Ms. Kunkel said those details had not be finalized yet. She said they may need to hire someone to manage the website. Ms. Dauler then asked how much money was being spent on programming? Ms. Kunkel said \$5,000 was budgeted. She added that a lot of programming would not be paid for. She mentioned that they had reached out to Schlow Centre Region Library about children's reading programs on the street. She said another option was Makery classes on the street in the pedestrian plaza. Ms. Kunkel said she envisioned other groups, such as the DSCID or the State Theatre holding performances on the state. Ms. Dauler said there needed to be a significant amount of programming and added it was important to keep the space feeling lively and engaging.

Ms. Dauler said if the event was a success, would funding for subsequent years come from? Ms. Kunkel said the challenge was getting through one year and they had not discussed future years. She added that The Knight Foundation would need to recommend it for additional funding if it was successful.

Ms. Dauler asked how the organizers had planned to measure the success of the event. Ms. Kunkel said they would be talking to the merchants and asking were there more customers in the stores, since it was normally a slow period with the students gone. She said they would be checking with merchants outside the closure to see if their business had changed in any way. She added that they would be taking counts of those people who were attending and whether the events were well attended. Ms. Kunkel said they would also be conducting a public survey at the end of it.

Ms. Dauler said she was concerned that businesses, like Champs and Bill Pickles were sports bar and were not places for families to dine. Ms. Kunkel said the organizers still believed the 100 block of South Allen Street was a much better location. She added that the traffic was much more impacted on the 200 block, especially since South Allen Street was a major thoroughfare.

Mr. Murphy said he walked away from the October presentation with several questions. He said the proposed closure was scheduled to end by midnight on July 3. He said that was the First Friday, which had to be the largest one of the summer. He was concerned about that ending so late and the need to have it opened the next day for the 4<sup>th</sup>Fest parade. He commented that with the outdoor dining piece, he had some concerns about alcohol consumption. He said he knew that the open container ordinance was not being waived; however, there was still the potential for problems. He stated there needed to be checks and balances in place, so the area did not turn into a public drinking festival. He also mentioned the concerns raised by first responders related to access for fire and/or other emergencies. He commented that the idea of an exit strategy was brought up, he said he was intrigued by that idea. He wanted to confirm that the Borough had the right to revoke or rescind the closure at any time if it was not working out. Mr. Fountaine said there would be no formal agreement, which was much different from a right-of-way agreement. He said Council's approval could be rescinded at any time.

Ms. Lafer said in reading the emails and letters of concern from Fire Chiefs and Fire Captains, she was very concerned. She commented that State College was defined by The Corner Room and the buildings across the street. She said when alumni return to town, they all want to come back to that corner. She added there were a lot of older buildings with outdated sprinkler systems and an extra 10-15 minutes getting to a fire could mean the end to that entire block. Allen Street was such an iconic street and the loss of that street would be catastrophic. She said after reading the emails and listening to people, she was not convinced that this was fully safe.

Mr. Myers said part of the Strategic Plan, Council had talked about for a couple decades, included more situations/ideas like Council was being asked to consider tonight. The Plan suggested State College come up with places where people could gather. She said the proposal before Council was an experiment, much like the Highlands experiment with the parking. He said just about everyone on Council was in favor of that experiment. Mr. Myers said when he shopped at Woodring's and/or Rapid Transit, he did not park on the 100 block of South Allen Street. He added that in order to make State College a destination there needed to be some creative, exciting and different things to see and do. He added that if Allen Street was such a concern for fires, cars parked along the street were not going to help the situation to get in closer to a building to fight a fire. He said what was proposed for Allen Street was no different than the Arts Festival or First Night.

Mr. Barlow said the Summers on Allen event was a well thought out proposal. He said he was not in favor of delaying the vote. He commented that this was an experiment Council needed to find out about. He added that only two merchants had objections and he stated it was worth trying.

The motion to postpone the vote failed 6-1 with Ms. Lafer voting against the motion.

Mr. Murphy made a motion to approve the Summers on Allen Street event. Mr. Barlow seconded. The motion failed 3-4 with Mr. Murphy, Mr. Barlow and Mr. Myers voting in favor of the motion.

## **Planning and Zoning**

### Certificate of Appropriateness: 517 Hetzel Street

Ms. Lafer made a motion to approve the Certificate of Appropriateness (COA) application. Ms. Engeman seconded the motion.

Mr. Myers said the Historical Architectural Review Board (HARB) had been in effect for just one year and four months and to date, this was only the second application received which required HARB review and a COA. He noted that the one being discussed at this meeting was for the removal of a carport and the previous was for someone who wanted to replace roof materials. He asked staff what the HARB has cost the Borough since its inception.

Mr. LeClear said the retainer fee for Winter & Co. was \$1,900 and to date the Borough had paid out \$3,800 in review fees. He said he was unable to equate staff's time; however, it was not very expensive. He said staff had anticipated that they would receive 10 applications in 2020.

Mr. Myers asked who paid for those reviews? He questioned if the money came out of the Borough's General Fund. Mr. LeClear said there was a cost of approximately \$2,000 each time someone applied. Mr. Myers said the HARB Ordinance was something Council should revisit in the future.

The motion passed unanimously.

## **Official Reports and Correspondence**

President's Report – Mr. Myers said Council met in an Executive Session prior to tonight's meeting to discuss Personnel and Litigation Matters. Remind fellow Council members this is not the last ever meeting of this Council. Will meet prior to the new Council meeting on 1/6.

### Regional Liaisons Reports

*Executive* – Mr. Myers said the Executive Committee met last week and discussed personnel matters. He commented there would be no General Forum meeting in December.

*Finance* – Mr. Myers said the Finance Committee was not meeting in December. Their last item of work was on the COG Budget.

*Human Resources* – Mr. Brown said the Human Resources Committee's meeting had been cancelled.

*Parks Capital* – Ms. Engeman said the Parks Capital Committee had not met.

*Public Safety* – Ms. Dauler said the Public Safety Committee had not met.

*Public Services* – Mr. Barlow said the Public Services Committee met and discussed the COG Budget.

*Transportation and Land Use/MPO* – Ms. Lafer said the Transportation and Land Use Committee met and discussed two reports, Affordable Housing and the need to continue working the area's Comprehensive Water Plan. Ms. Lafer said the MPO met and discussed development along Atherton Street, Potters Mills and the continuation of all the various changes in the region, including the new entrance and exits at I-80 and I-99.

*Ad-Hoc Facilities Committee* – Mr. Murphy said the Ad-Hoc Facilities Committee had not met.

*Centre Area Cable Consortium* – Ms. Dauler said the Consortium had not met.

PA Municipal League's Annual Summit – Ms. Dauler and Ms. Lafer had attended the Fall Summit in Gettysburg and provided updates.

National League of Cities (NLC) Fall Conference – Ms. Dauler and Ms. Lafer also attended the NLC's conference and provided Council with updates on their activities.

Mr. Barlow said he had not reported on the trip he took to Washington in March where they discussed 5G networks, emissions and the neutrality issue.

*Borough/University Luncheon* – Mr. Myers reported that the Borough met with the University for two luncheons a year and noted there were a combination of folks from the Borough and the University who attended. He said one topic of discussion was the University's Planning, especially the West Campus development including the parking garage. He commented that Mr. Fontaine provided an update on what was going on downtown. Penn State's Nick Jones gave an update on Penn State's recent appointments, their Strategic Plan and their enrollment figures. Mr. Myers said Mr. Fontaine and Damon Sims also gave a Greek Life update.

Staff/Committee Reports – Mr. Fontaine said staff had not received any bids for the Sale of Surplus Property at the corner of Woodland Drive and North Atherton Street. He said if Council had no objections, staff would re-advertise the sale in January to see if there was any interest in the property.

Ms. Engeman said when traveling down South Pugh Street the slope on the handicapped ramp was very steep. She asked if there would be any work done on that to improve it. Mr. Fontaine said that was not part of the project scope.

### **Special Business**

#### Appoint an Interim Mayor

Mr. Barlow moved to accept Mayor Hahn's resignation effective at 5 p.m. on December 16, 2019. Ms. Lafer seconded the motion. The motion passed unanimously.

Mr. Myers said the State College Borough was very fortunate in the fact that 11 people had presented themselves to be the Interim Mayor. He commented that much like democracy, it was messy. He noted that although only one of the 11 would be picked, he hoped the other 10 people would remain engaged and committed to making State College a better place.

Mr. Myers explained that each Council Member would have the opportunity to nominate someone before the vote was taken. He said a Council Member did not have to nominate anyone and no seconds to the nominations were necessary. He said there would be no extensions, no recusals and abstaining were recorded as a no vote. He added that each vote was considered a new vote so Council Members could and should vote again.

Ms. Engeman asked if all nominations would be made before any votes were taken. Mr. Myers answered yes.

The Assistant Borough Secretary drew the names in the following order for nominations: Theresa Lafer, Janet Engeman, Cathy Dauler, Jesse Barlow, David Brown, Dan Murphy and Evan Myers.

Ms. Lafer nominated Ron Filippelli. Ms. Engeman nominated Mr. Daubert. Ms. Dauler passed and did not nominate anyone. Mr. Barlow nominated Jim Leous. Mr. Brown passed and did not nominate anyone. Mr. Murphy nominated Jason Browne. Mr. Myers nominated Ezra Nanes.

Mr. Myers called for the vote on Mr. Filippelli. Council voted 6-1 to approve Mr. Filippelli as the interim Mayor. Mr. Murphy voted against the nomination.

Mr. Myers said the new interim Mayor was Ron Filippelli. Mr. Filippelli's swearing-in ceremony will be held on Tuesday, December 17, at Noon and the community was invited to attend the short ceremony and reception. He thanked everyone who participated in the process.

### **Adjournment**

There being no new business to discuss, the meeting adjourned at 8:14 p.m.

Respectfully submitted,

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Sharon K. Ergler  
Assistant Borough Secretary