

**Meeting Agenda
State College Borough Council
Regular Meeting
Monday, May 2, 2022
7:00 p.m.**

Please note: The Borough Council Regular Meeting will be a hybrid meeting – held in person in the State College Municipal Building and via Zoom for participants who are unable to attend in person. The Zoom link is:

https://us02web.zoom.us/webinar/register/WN_ASsztNpaQbudyOTLXDkqnQ

I. Call to Order

II. Moment of Silence and Pledge of Allegiance

III. Roll Call

Ezra Nanes, Mayor
Jesse L. Barlow, Council President
Deanna M. Behring
Janet P. Engeman
Richard Biever
Peter S. Marshall
Gopal Balachandran
Divine Lipscomb

IV. Virtual Meeting Procedure Overview

V. Proclamations, Resolutions & Special Business

A. Proclamations-Mayor Nanes has issued the following:

- a. Centre Gives*-A proclamation naming May 10-11 as Centre Gives. *[Page 9]*
- b. Bike Month*-A proclamation naming May as National Bike Month, May 16 – 22 as Bike to Work Week, and Bike to Work Day May 20, 2022. *[Page 10]*
- c. National Police Week*-A proclamation naming the week of May 15 through May 21, 2022, as National Police Week. *[Page 11]*
- d. Asian Pacific Heritage Month*-A proclamation naming May as Asian Pacific American Heritage Month. *[Page 12]*

- B. Resolution honoring the University Baptist and Brethren Church-
Council Member Marshall has asked Council to adopt Resolution
#1314 honoring and celebrating the 100th Anniversary of the
University Baptist and Brethren Church in State College.
[Pages 13-14]

VI. Public Hour

Anyone in the audience wishing to address Council with an item that is not on the agenda should ask to be recognized at this time. Each speaker will have four minutes to present comments to Council.

VII. Consent Items

Recommendation: Staff recommends that Council approve the following Consent items. (Attached to the agenda beginning on *Page 15* is the background information.)

- A. Authorize the Manager to execute a Memorandum of Understanding with Penn State University, Ferguson Township, Patton Township, for the procurement of a Regional Police Records Management System. *[Pages 15-20]*
- B. Accept Brian Dempsey's Resignation, with regret, to the University Area Joint Authority. *[Pages 21-22]*
- C. Accept Richard Biever's Resignation, with regret, from the Borough of State College Council. *[Pages 23-24]*
- D. Approve the temporary traffic change pattern on Hetzel Street (between East Beaver Avenue and East Calder Way) and on East Calder Way (from Hetzel to Sowers Streets), to allow for The Legacy student move-in, from Saturday, August 13 to Sunday, August 14, 2022, from 8 a.m. to 7 p.m. *[Pages 25-30]*
- E. Approve the use of sidewalks in front of Penn State Downtown Theatre Center (146 South Allen Street) on Monday, May 16, 2022, from 4 p.m. to 10 p.m. for Penn State Centre Stage's One Night on Broadway event. *[Pages 31-38]*
- F. Approve the closure of East Calder Way Alley between Locust Lane and McAllister Street from Monday, June 13 to Thursday, June 16, 2022, from 5 p.m. to 9 p.m. for St Paul's United Methodist Church and Wesley Foundation's Vacation Bible School *[Pages 39-42]*

G. Authorize the engagement letter to the Cohen Law Group to assist in franchise negotiations with Shenandoah Cable Television.
[Pages 43-46]

H. Accept and approve a proposal with Penn State University for Street Tree Inventory. *[Page 47-50]*

I. Approve Minutes from the following meetings:

April 4, 2022	Regular Meeting	<i>Pages 51-56</i>
April 11, 2022	Regular Meeting/Work Session	<i>Pages 57-60</i>
April 22, 2022	Work Session	<i>Pages 61-64</i>

VIII. General Policy and Administration

A. 2022 Central Pennsylvania Arts Festival Request for Road Closure and Request for an Exception to the Open Container Ordinance

Rick Bryant, Executive Director of the CPFA, has submitted his annual request to allow for the 2022 Arts Festival. A letter of application is attached. This year's festival will begin with the Children & Youth Day on Wednesday, July 13, 2022, and end with the sidewalk sales of arts and crafts on Sunday, July 17, 2022. This year the CPFA will be partnering with the Central Pennsylvania Tasting Trail to give the public the opportunity to sample and purchase beer, wine, and spirits in the Martin Luther King Jr. Plaza from July 14 to July 16. *[Pages 65 -82]*

In August 2017, Borough Council adopted a Special Events Ordinance 2098 that provides Borough Council the authority to grant an open container ordinance waiver under certain circumstances. Two requirements for an open container ordinance waiver approval include that the event must be sponsored or co-sponsored by the Downtown State College Improvement District (DSCID), and the location of the event must be within the downtown boundaries established by Ordinance 2098.
[Pages 83-90]

This event is being co-sponsored by the DSCID contingent on the following:

- CPTT satisfactory completion of all the requirements set forth by the Borough of State College.

- DSCID named as an additional insured on General & Liquor Liability policy no less than \$1,000,000 per occurrence limit. This coverage should be on a primary and non-contributory basis.
- CPTT will indemnify DSCID, signing an indemnification agreement.

The road closure and open container waiver requests are within the downtown boundaries established by Ordinance 2098. In addition to these two ordinance requirements, the applicant has agreed to meet the other requirements listed in Ordinance 2098.

Staff recommends the open container waiver application be approved with the following conditions:

- Applicant provides RAMP certificates of the CPTT employees serving alcohol at the event by July 1, 2022.
- DSCID named as an additional insured on General & Liquor Liability policy no less than \$1,000,000 per occurrence limit. This coverage should be on a primary and non-contributory basis.
- Applicant meets and adheres to all other requirements listed in Ordinance 2098.

To enable the festival to take place in a controlled environment, an ordinance is enacted each year to designate the time and place for the festival and to suspend certain other activities designated by the ordinance. *[Pages 91-92]*

Staff Recommendation: Staff recommends that Council adopt the ordinance to designate the time and place for the festival and suspend certain other activities designated by the ordinance and grant the applicant the Open Container Ordinance waiver with the conditions described above. A roll call vote is required.

B. State College Area School District Representative to Council

On February 1, 2021, Council adopted Resolution 1277 approving the appointment of a non-voting SCASD Youth Representative to Council. *[Page 93-94]*

In a letter from the SCASD Student Government President, Clarissa Theis, the State College Student Government nominated Prithvi Narayanan to serve as the SCASD representative to the Borough of

State College Council for a term effective May 2, 2022 and ending May 1, 2023. *[Page 95-96]*

Staff Recommendation: Staff recommends Council approve the attached Resolution #1315 approving SCASD's selection of Prithvi Narayanan to serve as the SCASD representative to the Borough of State College Council for a term effective May 2, 2022 and ending May 1, 2023. *[Page 97-98]*

C. University Park Undergraduate Association's Representative to Council

On October 18, 2010, Council adopted Resolution 1030 approving the appointment of a non-voting Student Representative to Council. That resolution was amended in April 2018 at the request of the UPUA with Resolution 1206. Copies of the resolutions are provided beginning on *Page 99*.

The University Park Undergraduate Association (UPUA) voted to nominate Zion Sykes, a representative from the student government, to serve as the Non-Voting Student Representative to State College Borough Council. UPUA Student Body President, Najee Rodriguez, has submitted an email requesting Council approve their nominee as the UPUA Non-Voting Student Representative to Council. *[Pages 107-108]*

Staff Recommendation: Staff recommends Council approve the attached Resolution #1316 approving UPUA's selection of Zion Sykes to serve as the UPUA representative to the Borough of State College Council for a term effective May 2, 2022 and ending May 1, 2023. *[Pages 109-110]*

D. Graduate Professional Student Association's Representative to Council

On October 19, 2020, Council adopted Resolution 1267, to include a second representative to Borough Council, which was an appointee from the Graduate Professional Student Association with the same criteria and terms adopted for the UPUA Student Representative. *[Pages 111-114]*

In an email from Jada Quinland on April 29, 2022, GPSA's President nominated Kailey Elrod to be the next GPSA's Representative to Council. *[Pages 115-116]*

Staff Recommendation: Staff recommends Council approve the attached Resolution #1317 approving GPSA's selection of Kailey Elrod to serve as GPSA's representative to the State College Borough Council for a term effective May 2, 2022 and ending May 1, 2023. *[Pages 117-118]*

IX. Equity and Inclusion – No Business

X. Parking – No Business

XI. Planning and Zoning

A. 226 South Allen Street (Tax Parcel 36-013-,157-,0000-)
Subdivision; CID Zoning District

This subdivision plan proposes a new lot line behind the Jeramar Building (226 S Allen St) to create a new 6,831 square foot lot. The area is currently utilized for parking. The property is owned by Jeramar Enterprises, LLC and is in the Commercial Incentive District (CID) zoning district. The plan is attached on *Pages 119-120*.

Approval of a subdivision that complies with all applicable provisions of the zoning and subdivision regulations is a ministerial act that requires Council approval upon a finding that the subdivision is in compliance. Staff has reviewed the plan and determined that the subdivision complies with all applicable zoning and subdivision regulations, upon completion of all technical review comments. The Planning Commission reviewed the plan during its April 21, 2022 meeting and found that it is in compliance with the Borough's zoning and subdivision regulations.

Staff Recommendation: Staff recommends Council approve the subdivision.

B. Proposed Amendments to the Planned Commercial 3 (CP3) Zoning District

In 2021, the Planning Department received land development plans for a mixed-use building at 734 S Atherton St. The plan was denied because it did not fully comply with the CP3 zoning district requirements. The denial was appealed to the Centre County Court of Common Pleas, and ultimately the Borough entered into a settlement agreement with the developer to avoid prolonged litigation and the potential of losing in court and forfeiting any control over the terms of the development.

Accordingly, staff has prepared a series of specific and corrective revisions to the CP3 district regulations. These have been reviewed by Kurt Williams of Salzmann Hughes, who served as legal counsel for the Borough in the 734 S Atherton appeal. In addition to the specific corrections, Mr. Williams also advised staff on other changes to improve the defensibility of the CP3 regulations.

At its April 6, 2022 meeting, the PC recommended approval of the amendments. A draft ordinance is attached beginning on *Page 121*. *Council is reminded that zoning amendments cannot be retroactive, therefore this does not impact the 734 S Atherton St project; however, the revised standards would apply to future projects once the ordinance is advertised for a public hearing by Borough Council.*

Staff Recommendation: Staff recommends Council give notice of a public hearing to receive input on June 6, 2022, and Council's intent to enact the ordinance revising the CP3 district regulations at that meeting or another meeting thereafter.

XII. Public Safety – No Business

XIII. Public Works

A. No Mow May Resolution

As part of its Sustainability Program, The Borough of State College proposes to increase pollinator-friendly habitats by encouraging pollinator-friendly lawn care practices during the month of May 2022.

The formative period for the establishment of pollinator species occurs in the late spring into the early summer when they are emerging from dormancy and require flowering plants as crucial foraging habitat. If approved by Council, the month of May will be designated as No Mow May.

This is a community sustainability and conservation initiative that encourages property owners to limit lawn mowing throughout the critical time period for emerging pollinator species. Borough staff is recommending a temporary suspension of enforcement of Chapter IX, Part C, Grass and Weeds, of the Codification of the Borough of State College throughout the month of May to encourage property owners to allow for flowering plants like dandelions and clovers to bloom and provide resources for pollinator species. It is critical that

urban landscapes provide floral resources that increase biodiversity and conserve pollinator species.

Council is asked to consider this Resolution to encourage residents to support efforts to protect pollinators. This program will be voluntary, and the Borough will recommend that residents not let the grass grow too tall for their mower as it will be difficult to mow on June 1.

Staff Recommendation: Staff recommends Council approve the No May Resolution #1318. *[Page 131]*

XIV. Regional Issues – No Business

XV. Official Reports and Correspondence

- A. Mayor's Report
- B. President's Report
- C. Staff/Committee Reports
- D. Student Representative Reports
 - SCASD
 - UPUA
 - GPSA

XVI. Adjournment

Proclamation

CENTRE GIVES May 10-11, 2022



- WHEREAS, Centre Gives was established in 2012 as a 36-hour online giving event designed to bring attention to our local network of non-profits, provide a platform for them to raise money, and to impart fundraising best practices; and
- WHEREAS, since 2012, Centre Gives has invested over \$12,500,000 in local non-profits, providing much needed operational support to missions of all types, including the arts, animals, education, environment, and health and social services; and
- WHEREAS, Centre Gives began with 74 local non-profit organizations, and now in its 11th year there will be 200 organizations participating; and
- WHEREAS, in the past 10 years, our community has made over 84,000 gifts to Centre Gives just during the 360 combined total hours of the online event; and
- WHEREAS, all community members are invited to visit CentreGives.org beginning at 9:00 am on Tuesday, May 10, 2022. Donations of just \$10 or more to one's favorite non-profit organizations help them compete for a larger share of the \$300,000 stretch pool that Centre Foundation provides annually, and helps organizations compete for valuable prizes.

NOW, THEREFORE, I, Mayor Ezra Nanes, do hereby proclaim May 10-11, 2022 as Centre Gives in the Borough of State College. I encourage all members of our community to make online donations, if possible, or to show support through non-monetary means, to the many organizations that work selflessly for the best interests, health, and wellbeing of all of our people, our flora and fauna, and our environment in its broadest sense.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed, the great seal of the Borough of State College, this 2nd day of May, 2022



Mayor Ezra Nanes
May 2, 2022

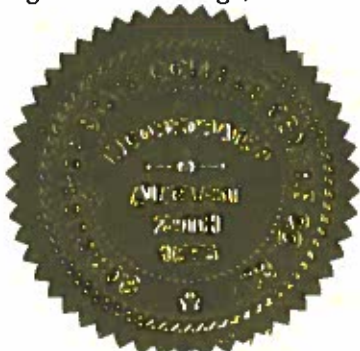
Proclamation

NATIONAL BIKE MONTH – MAY 2022
BIKE TO WORK WEEK – MAY 16 - 22, 2022
BIKE TO WORK DAY – MAY 20, 2022

- WHEREAS, The Borough of State College recognizes that biking plays a pivotal role in our local and regional transportation network and is a means of transportation and an activity in which people of all ages can participate; and
- WHEREAS, increasing the use of bikes for transportation, commuting, and recreation, through investment in infrastructure, advocacy, education, outreach, and encouragement provides numerous benefits to members of our community. These benefits include improved health and fitness, expanded access to valuable community resources, economic growth and opportunity, cleaner air, quieter streets, less traffic, reduced demand for limited parking, reduced fuel costs, reduced carbon emissions, and a sense of joy, fun, and freedom. Many of these benefits are felt by all members of the community, regardless of whether you bike; and
- WHEREAS, The Borough of State College supports the efforts of the organization, CentreBike, to promote bicycle riding of all types in the Centre Region; and
- WHEREAS, The League of American Bicyclists recognizes the Centre Region as a Bicycle Friendly Community and the Borough of State College as a Bicycle Friendly Business for our efforts to engage the community in bicycle riding. This recognition depends on the long-standing collaboration between the Borough, the Centre Region Council of Governments, Neighboring Municipalities, Penn State and CentreBike – and is a testament to the many talented and committed people who lead and participate in these efforts on our behalf; and
- WHEREAS, The Borough of State College maintains and continues to develop facilities to strengthen its bicycle friendliness and to promote bicycling as a means of transportation and recreation.

NOW, THEREFORE, I, Mayor Ezra Nanes, do hereby proclaim May 2022 as National Bike Month in the Borough of State College, May 16 through 22, 2022 as Bike to Work Week, and May 20, 2022 as Bike to Work Day in the Borough of State College. I call on all elected officials and members of government to work with a sense of urgency to build on our successful efforts to date, to support the long-term goals of CentreBike, and to realize our shared vision of a safe, interconnected, efficient, and accessible bike infrastructure. I encourage everyone who is able to bike to enjoy as much time as possible riding in May, to join me on the official Mayor's Ride in the Borough, and to invite your friends, family, and neighbors to join in!

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed, the great seal of the Borough of State College, this 2nd day of May 2022.



Mayor Ezra Nanes
May 2, 2022



Proclamation

NATIONAL POLICE WEEK

May 15 – 21, 2022

- WHEREAS, the first uniformed, full-time police officer was hired by the Borough of State College in the year 1916, and since that time, successive generations of our Borough's elected leaders, pursuing the goals and needs of our community, have developed a highly-trained, professional police force; and
- WHEREAS, the 58 sworn officers and civilian support staff of the State College Police Department provide an essential and valuable public service – enabling the quality of life we have in our communities, safeguarding the rights of individuals, and providing for public safety as part of their duty to protect and serve all of the more than 100,000 residents, students, and visitors in the State College Borough, College Township and Harris Township; and
- WHEREAS, each day, members of police force face complex, stressful, traumatic, and at times dangerous situations, for which they undergo hundreds of hours of training and testing to develop the skills they require to be effective first-responders. Given the intensity of their jobs, we must support the mental health and wellbeing of our officers; and
- WHEREAS, our sworn officers are members of our community like any of us, with lives and families and hopes and dreams, who care deeply about carrying out their work and representing our municipalities with honor and professionalism. The members of our State College Police Department are our close and essential partners in the ongoing work we undertake together, to hold ourselves to the highest standards of justice, fairness, and accountability, in the application of our policing power; and
- WHEREAS, our community wishes to acknowledge the humanity of our officers and express our sincere appreciation for their courage and commitment to face dangers and make sacrifices in our service; and
- WHEREAS, we wish to honor Police Officers who have been injured or killed in the line of duty, or whom we have lost to suicide, and extend our deepest gratitude and sympathy to their families.

NOW, THEREFORE, I, Mayor Ezra Nanes, do hereby proclaim the week of May 15 through May 21, 2022 as National Police Week in the Borough of State College in appreciation and recognition of our police officers, past and present, who have served in the State College Borough, College Township, Harris Township and in our neighboring municipalities. I call on the members of our community to personally engage with and thank the members of our State College Police Department, their families, and their civilian support staff for their service.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed, the great seal of the Borough of State College, this 2nd day of May 2022.



Mayor Ezra Nanes
May 2, 2022



Proclamation

ASIAN PACIFIC AMERICAN HERITAGE MONTH May 2022

- WHEREAS, In 1992, Congress passed a law annually designating the month of May as Asian Pacific American Heritage Month to celebrate the significant contributions of people of Asian and Pacific Islander heritage to the growth, history, culture, and achievements of the United States; and
- WHEREAS, we are blessed to have residents of the Borough of State College who themselves, or their families, hail originally from the many diverse countries on the Asian continent and the Pacific Islands – some being recent immigrants, while others are first, second, third, fourth, or fifth-generation Americans; and
- WHEREAS, people of Asian and Pacific Islander origin constitute approximately 11 percent of our populations in the Borough of State College, and they have enriched the ethnic and social fabric of our community, with their diverse languages, cultures, and religious traditions; and
- WHEREAS, those of Asian and Pacific Islander origin contribute to and enrich our community with their leadership, creativity, talent, enterprise and skill in countless ways including as professors, scientists, technologists, doctors, students, teachers, entrepreneurs, artists, workers, writers, investors, elected officials, philanthropists, volunteers and more. They are an integral part of building and supporting a vibrant and resilient economy in the Borough of State College; and
- WHEREAS, people of Asian and Pacific Islander origin are our beloved friends and family, our cherished neighbors, and valued members of the Borough of State College, where we remain committed to embracing and accepting all our residents from diverse backgrounds; and
- WHEREAS, The Borough of State College stands in solidarity with the Asian Pacific Islander Desi American (APIDA) community in the Borough and around the world against systemic racism, xenophobia, and misogyny directed against them both in the past and in the present time.

NOW, THEREFORE, I, Mayor Ezra Nanes, do hereby proclaim May 2022 to be **Asian Pacific American Heritage Month** in the Borough of State College and encourage all residents to celebrate the history and culture of Asian Pacific Islanders and Asian Pacific Americans and their vital contributions to our community.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed, the great seal of the Borough of State College, this 2nd day of May 2022.

Mayor Ezra Nanes
May 2, 2022



Resolution No. 1314

Borough of State College, Pennsylvania

Resolution urging the Borough of State College to honor and celebrate the 100th Anniversary of the
University Baptist and Brethren Church in State College

WHEREAS, in 2022 the University Baptist and Brethren Church (UBBC), 411 South Burrowes Street, is celebrating 100 years of serving residents of State College and surrounding communities; and

WHEREAS, what began in 1922 as a small group of American Baptists has grown to be an active ecumenical congregation; and

WHEREAS, after meeting in private homes and classrooms, in 1928, the Baptist congregation built a church at the corner of South Burrowes Street and Nittany Avenue and, in 1968, invited local members of the Church of the Brethren to join their church through dual affiliation and eventually change the Church name to the University Baptist and Brethren church; and

WHEREAS, the founders had a special concern for the spiritual needs of college students and this commitment became one of the church's main missions for the next 40 years; and

WHEREAS, helping those in need locally, nationally, and abroad has always been a major part of the congregation's commitment to service, UBBC has a century-long history of outreach and missions including assisting refugee resettlement in State College and the surrounding area for people in need from Vietnam, Myanmar, Cuba, Romania, Russia, and Afghanistan; and

WHEREAS, the congregation's outreach has also included establishing the Community Alternatives in Criminal Justice and the Alternative Christmas Fair which has raised and distributed almost \$900,000 to local, national, and international charities; and

WHEREAS, UBBC has joined with other community groups to establish the in-patient psychiatric unit at the former Centre Community Hospital, Volunteers in Prison, the State College Food Bank, and the first Habitat for Humanity affiliate in Pennsylvania; and

WHEREAS, UBBC provides affordable office space to local social service agencies including most recently, Centre Safe and Centre Help; and

WHEREAS, UBBC welcomes and embraces persons of every age, race, sexual orientation, gender identity and expression, ethnic and religious background, and economic means as vital and integral members of the Congregation:

NOW, THEREFORE, BE IT RESOLVED:

That the Borough of State College, Pennsylvania congratulates and celebrates with the University Baptist and Brethren Church on the occasion of their Centennial Celebration.

RESOLVED AND ADOPTED as a Resolution this 2nd day of May 2022.

ATTEST:

BOROUGH OF STATE COLLEGE

Dianna S. Walter
Assistant Borough Secretary

Jesse L. Barlow
Council President

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Regional Records Management Consortium
Procurement of RMS Consultant
Memo of Understanding (MOU)

THIS AGREEMENT (“Agreement”), made and entered into this _____ day of _____, by and between THE PENNSYLVANIA STATE UNIVERSITY, a state-related institution, and instrumentality of the Commonwealth of Pennsylvania, subject to the Pennsylvania nonprofit corporation laws, hereinafter called “UNIVERSITY”; BOROUGH OF STATE COLLEGE, a political subdivision of the Commonwealth of Pennsylvania, hereinafter called “BOROUGH”; the TOWNSHIP OF FERGUSON, a political subdivision of the Commonwealth of Pennsylvania, hereinafter called “FERGUSON”; the TOWNSHIP OF PATTON, a political subdivision of the Commonwealth of Pennsylvania, hereinafter called “PATTON”. UNIVERSITY, BOROUGH, FERGUSON, and PATTON may be referred to individually as a “Party” and collectively as the “Consortium” or “Parties”.

1. UNIVERSITY, BOROUGH, FERGUSON, and PATTON are desirous of continuing their regional computerized Records Management System (“RMS”) for the capture, storage and retrieval of law enforcement record information.
2. An agreement between UNIVERSITY, BOROUGH, FERGUSON, and PATTON for such purpose is not contrary to law.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and intending to be legally bound hereby, all Parties hereto agree as follows:

- 1) UNIVERSITY, BOROUGH, FERGUSON, and PATTON shall develop a Request for Proposal (“Consultant RFP”) to acquire the services and expertise of a consultant to write and develop an RFP for a Records Management

System (“RFP for RMS”). The selected consultant will provide services to the Consortium including but not limited to the following:

- a. Project management
- b. Needs assessment
- c. System procurement
- d. System implementation
- e. Project closeout

- 2) Following the selection of the consultant, UNIVERSITY, BOROUGH, FERGUSON, and PATTON will continue to coordinate efforts and share responsibilities for working with the selected consultant to draft the RFP for RMS referenced in section 1 above.
- 3) Any assignment by UNIVERSITY, BOROUGH, FERGUSON, or PATTON of this Agreement or any right, responsibility, or interest under this Agreement without the prior written consent of the other Parties hereto shall be null and void and of no force or effect.
- 4) All costs associated with this Agreement, including but not limited to costs for drafting the Consultant RFP, solicitation of a consultant, working with the consultant to draft the RFP for RMS, and any charges associated with additions or changes to the initial scope of this Agreement or the Consultant RFP shall be shared as follows:
 - UNIVERSITY = 50%
 - BOROUGH = 25%
 - FERGUSON = 12.5%
 - PATTON = 12.5%

If a Party terminates its participation in this Agreement as described in Section 7, that Party will remain responsible to the remaining Parties for its percentage of all costs incurred in the ongoing performance of this Agreement thereafter by the remaining Parties.

- 5) UNIVERSITY, BOROUGH, FERGUSON, and PATTON shall each pay their required percentage of the costs associated with this Agreement, including but not limited to costs associated with the drafting of the Consultant RFP, solicitation of a consultant, and working with the consultant to draft the RFP for RMS. Each Party will pay their percentage of any costs due to the selected consultant or to any other third parties under this Agreement directly to the selected consultant or third party.
- 6) This Agreement shall commence on the date of last signature below and remain in effect for a term of three (3) years (“Term”) with the right to extend as necessary via mutual agreement of the Parties in writing, unless a Party terminates in writing as provided for in the following section.
- 7) Written notice of intent to terminate a Party’s participation in this Agreement prior to the expiration of the Term may be given with eighteen (18) months written notice to the other Parties, subject to the ongoing obligation of the terminating Party to pay its percentage of all fees incurred under this Agreement. Upon termination the terminating Party may enter into a separate agreement with selected consultant.
- 8) All notices to be given hereunder shall be sent to all Parties to this Agreement by certified mail, return receipt requested, addressed as follows:

(a) to UNIVERSITY:
Senior Vice President for
Finance and Business/ Treasurer
The Pennsylvania State University
208 Old Main
University Park, PA 16802

(b) to BOROUGH:

Borough Manager
Borough of State College
243 South Allen Street
State College, PA 16801

(c) to FERGUSON:

Township Manager
Township of Ferguson
3147 Research Drive
State College, PA 16801

(d) to PATTON:

Township Manager
Township of Patton
100 Patton Plaza
State College, PA 16803

9) This Agreement does not, and shall not be construed to, create a partnership or joint venture between the Parties, nor shall a Party's employees, agents or representatives be considered the employees, agents or representatives of the other Parties. No Party shall have any express or implied right or authority to assume or create any obligation on behalf of, or in the name of, the other Party or to bind the other Party to any contract, agreement or undertaking with any third Party.

10) This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of which together shall be deemed to be one and the same agreement or document. Signatures and signed copies of this Agreement transmitted by facsimile, email or other means of electronic transmission shall constitute effective execution and be deemed to

have the same legal force and effect as delivery of an original executed copy of this Agreement for all purposes.

In WITNESS WHEREOF, the Parties hereto have executed this Agreement, with the intent to be legally bound, effective once all Parties have executed this Agreement.

ATTEST: THE PENNSYLVANIA STATE UNIVERSITY

By: _____
Senior Vice President for Finance and Business

ATTEST: BOROUGH OF STATE COLLEGE

By: _____
President of Council

ATTEST: TOWNSHIP OF FERGUSON

By: _____
Chair, Board of Supervisors

ATTEST: TOWNSHIP OF PATTON

By: _____
Chair, Board of Supervisors

Approved by the Parties as follows:

	<u>Date</u>	<u>Ordinance #</u>
Borough of State College	_____	_____
Township of Ferguson	_____	_____
Township of Patton	_____	_____

The Pennsylvania State University Certification date: _____

April 15, 2022

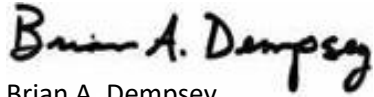
Thomas Fountaine, Manager
Borough of State College
243 S. Allen St.
State College, PA 16801

Dear Mr. Fountaine:

As we've discussed, I will be moving from State College Borough to Ferguson Township in early May. Based on your conversation with the Borough solicitor, I may no longer serve as a representative to the University Area Joint Authority once I have moved from the Borough. Consequently, I wish to resign from my appointment to UAJA effective May 1st.

It has been a pleasure and an honor to serve the Borough as a UAJA board member.

Best regards,

A handwritten signature in black ink that reads "Brian A. Dempsey". The signature is written in a cursive, slightly slanted style.

Brian A. Dempsey
204 Adams Ave.
State College, PA 16803

Cc: Cory Miller, Director, UAJA
David Lapinski, Chair, UAJA Board
Ezra Nanes, Mayor, Borough of State College

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Jesse Barlow, Council President
% Tom Fountaine, Borough Manager

March 25, 2022

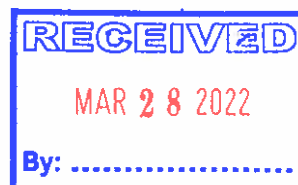
Dear President Barlow,

It is with regret that I tender my resignation as State College Borough Council member, effective following the council meeting on Monday, June 13, 2022. I have accepted a professorship in Wichita, Kansas.

I am honored and grateful to have served, even for a short time, on the council and appreciate the dedication and integrity of the borough manager, the staff, and my fellow council members.

Most sincerely,


Richard Biever



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Date of Submission: 3/23/2022

**Application for Use of Public Property
(Processions, Assemblages and Special Activities Form)**

Name of Responsible Sponsor: The Legacy
Address of Sponsor: 478 E Calder Way Phone: 814-753-4398
State College, PA 16801 Cell: _____
E-mail address: Info@thelegacystatecollege.com Fax: _____
Other Contacts: (Primary) Megan Hurley Phone: 814-321-6770
(Secondary) _____ Phone: _____
Date of Activity: 8/13/22 & 8/14/22 From: 8 Am To: 7 Pm
Rain Date: (If applicable) N/A From: N/A To: _____
Type of Activity: Special Activity ☒ No. Expected to Participate: 350

ACTIVITY DETAIL

Describe your proposed activity in detail: (Add additional sheets, if needed)

Our student move in for fall 2022 8/13 & 8/14. students will be moving into their units which will require cars to be unloaded from the streets.

Does your activity require a street closure for this activity? ☐ No ☒ Yes

If yes, select the type of road to be closed: (For more information see map and list provided)

- ☐ State Road(s) Only* (Additional Permit Required: PennDOT TE-300 Form)
☒ Local Road(s) Only
☐ State Road(s) and Local Road(s)* (Additional Permit Required: PennDOT TE-300 Form)

Listed in order of route, what street(s) would you like closed for this activity? (Add additional sheets, if needed)

We are requesting to have Hetzel St turned into a one way from E Beaver ave to E Calder way with the left lane closed for a line of cars waiting to unload

We are requesting to have E Calder way turned into a one way from Hetzel street to Sowers Street and the left lane closed for unloading zone.

How long will the street closure be in effect? From: 8 Am To: 7 Pm
Will you need barricades and/or signs? ☐ No ☒ Yes
Will you need assistance closing the street? ☐ No ☒ Yes
Are you planning to use sidewalks only? ☒ No ☐ Yes
Will you cross any state roads? ☒ No ☐ Yes (If yes, submit TE-300 Form)

PLEASE NOTE: Sponsor is held responsible for the replacement value and/or repairs of missing cones, barricades, signs or message boards that are needed/required to close a street.

*Event organizers will be required to produce a copy of the PennDOT permit to State College Police Department representatives prior to the event. Failure to do so will prevent the police department from lawfully closing the affected street(s) and the event will not be permitted to take place.

Date of Submission: 3/23/2022

USE OF OTHER PROPERTY

If this event includes the use of a municipal park, please contact Centre Region Parks and Recreation by phone at (814) 231-3071 or by e-mail at crpr@crcog.net prior to submission of this form. Special park permits and conditions may also apply.

If any part of this activity is to take place on other public property, state road, on campus or on private property an official of the other government agency, university or property owner must sign here:

Name: (Print) _____ Title of Official: _____
Address: _____ Phone: _____
Signature _____ Date: _____

CHARITABLE CAUSE: Is the Sponsor a non-profit organization?

☐ Yes ☒ No

If this activity is to benefit a charitable organization, name the recipient:

HEALTH CONSIDERATIONS: Will you be providing food or drink to the public? ☐ Yes ☒ No

If yes, have you made arrangements for approval/inspections with the Department of Ordinance Enforcement and Public Health?

☐ Yes ☒ No

If no, please complete the form that is attached to this application and obtain approval, **prior to submission.**

Applicant recognizes and AGREES that the Borough requires the proposed activity to be conducted in such a manner as to promote harmony in the area, insure domestic tranquility and be within the limits established by existing ordinances. By signature below, applicant AGREES to protect, defend, indemnify and hold the Borough of State College and its officers, employees and agents free and harmless from and against any and all losses penalties, damages, settlements, costs or other expenses or liabilities of every kind and character arising directly or indirectly from this special activity. Applicant further AGREES to investigate, handle, respond to, provide defense for, and defend any such claims, etc., at applicant's sole expense and AGREES to bear all other costs expenses related thereto, even if such claims are groundless, false or fraudulent.

Signature: Megan Hurl Date: 3/23/2022

OFFICE USE ONLY: ROUTING FOR APPROVAL: Facilities 4/15

Police Chief

JB

4/18

Public Works Director

SR

4/22

Risk Manager

EH

4/15

Health Director

BO

4/18

Parking Manager

TB

4/19

Planning Director

EL

4/18

Borough Manager

[Signature]

4/22

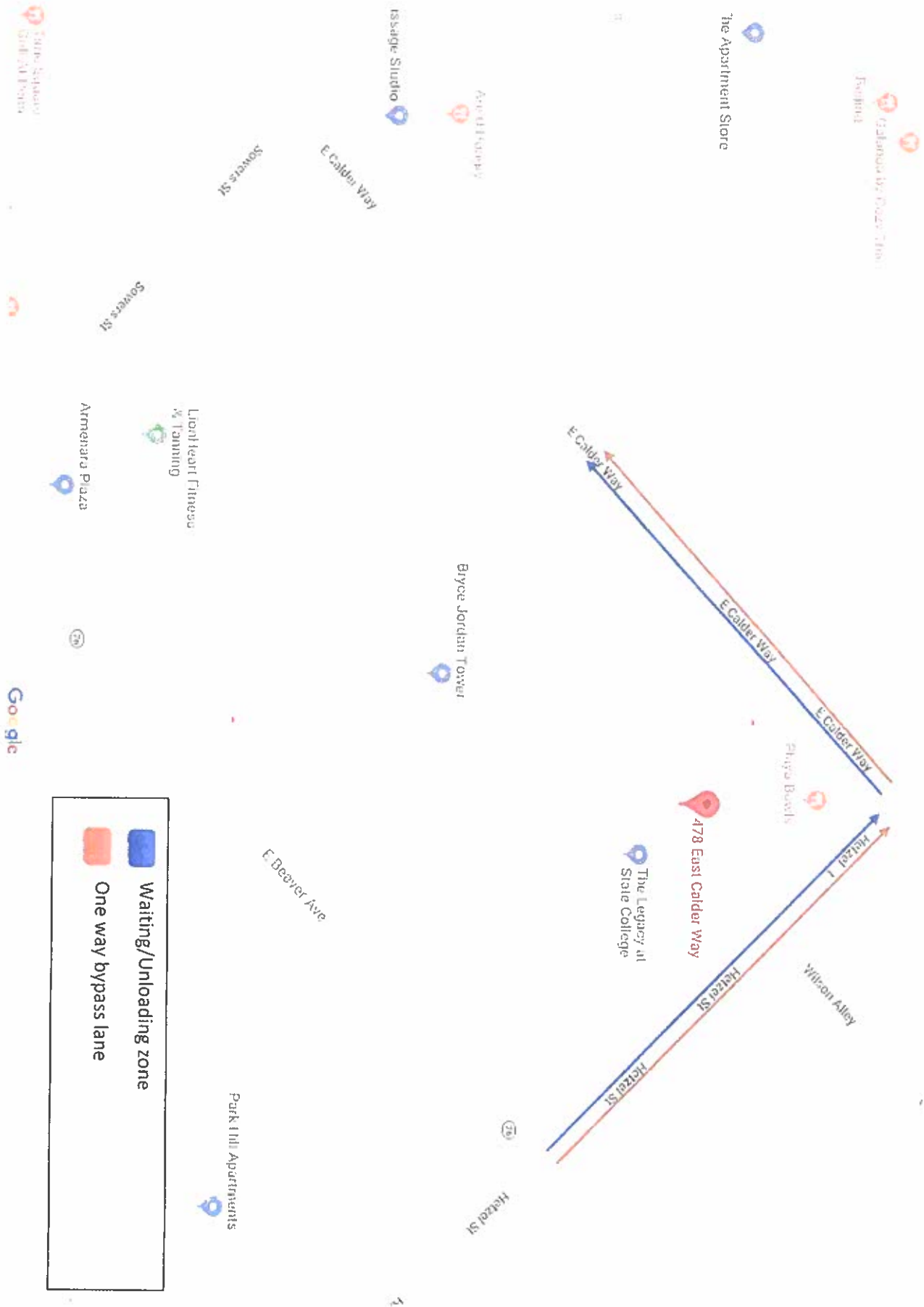
THIS SERVES AS YOUR PERMIT

The State College Borough Council approved your application on: _____

Conditions (if any) are as follows: COI must be provided upon policy renewal

Any change in this application, whether approved at all levels or not, must be resubmitted and routed through the same channels as if it were a new application.

The Legacy State College mass student move in is scheduled for August 13th & 14th 2022 from 8 Am- 7 Pm. We are requesting to turn Hetzel St into a one way street from E Beaver Ave to Calder way. We would like to make the left lane a waiting zone to turn on the E Calder way and use the right lane as a bypass lane for people to get around the line. We are also requesting for E Calder way to be turned into a one way street from Hetzel St to Sowers St with the left lane being closed also for an unloading zone into the Legacy. The right lane would be a bypass lane for traffic to get around the unloading zone.



As noted below, we are planning to hold a special activity/event in the near future. As part of the State College Borough's Use of Public Property Application, we are required to notify affected business/property owners of the planned street use and/or closure(s) for our activity.

Event:	Student Move in
Event Date:	August 13 + 14
Streets:	Calder Way
Hours of planned use/closure:	9-7

Sincerely,

Morgan Hurd
Signature of Event Organizer/Responsible Individual

[illegible]

COVID PROTOCOL

All new residents will have a scheduled move in time. There is a limit of 2 guests per resident on move in day. This will help cut down on the overall foot traffic at the property. We are asking all residents and guests wear masks while walking through the property on move in day and will have masks on hand if anyone needs one. We will have staff wearing gloves and masks while helping with moving residents in.

Legacy building has implemented a daily schedule of disinfecting the property 3 times daily. All residents are required to wear face coverings and maintain a distance of 6 feet we have floor decals on floors in lobby area and in front of each elevator landing. We have hand sanitizer and masks available in the office.



Date of Submission: 4/5/2022

**Application for Use of Public Property
(Processions, Assemblages and Special Activities Form)**

Name of Responsible Sponsor: Penn State Centre Stage

Address of Sponsor: Penn State Downtown Theatre Center Phone: 814-865-7586
146 S. Allen St, State College PA Cell: 814-571-5001

E-mail address: cls28@psu.edu Fax: 814-865-5754

Other Contacts: (Primary) Cheri Sinclair Phone: 814-571-5001
(Secondary) Janet Bergamaschi Phone: 814-865-8076

Date of Activity: May 16, 2022 From: 4pm To: 10pm

Rain Date: (If applicable) _____ From: _____ To: _____

Type of Activity: Procession No. Expected to Participate: _____

ACTIVITY DETAIL

Describe your proposed activity in detail: (Add additional sheets, if needed)

Welcome returning alumni and patrons into Theatre with a red carpet stanchion-lined entrance on the sidewalk outside the theatre.

Would like meters in front of the theatre to be bagged as well for the duration of the event.

Does your activity require a street closure for this activity? ☒ No ☐ Yes

If yes, select the type of road to be closed: (For more information see map and list provided)

- ☐ State Road(s) Only* (Additional Permit Required: PennDOT TE-300 Form)
- ☐ Local Road(s) Only
- ☐ State Road(s) and Local Road(s)* (Additional Permit Required: PennDOT TE-300 Form)

Listed in order of route, what street(s) would you like closed for this activity? (Add additional sheets, if needed)

How long will the street closure be in effect? From: _____ To: _____

Will you need barricades and/or signs? ☒ No ☐ Yes

Will you need assistance closing the street? ☒ No ☐ Yes

Are you planning to use sidewalks only? ☐ No ☒ Yes

Will you cross any state roads? ☒ No ☐ Yes (If yes, submit TE-300 Form)

PLEASE NOTE: Sponsor is held responsible for the replacement value and/or repairs of missing cones, barricades, signs or message boards that are needed/required to close a street.

*Event organizers will be required to produce a copy of the PennDOT permit to State College Police Department representatives prior to the event. Failure to do so will prevent the police department from lawfully closing the affected street(s) and the event will not be permitted to take place.

Date of Submission: 4/5/2022

USE OF OTHER PROPERTY

If this event includes the use of a municipal park, please contact Centre Region Parks and Recreation by phone at (814) 231-3071 or by e-mail at crpr@crcog.net prior to submission of this form. Special park permits and conditions may also apply.

If any part of this activity is to take place on other public property, state road, on campus or on private property an official of the other government agency, university or property owner must sign here:

Name: (Print) Penn State Downtown Theatre Title of Official: _____
Address: 146 S. Allen Street Phone: _____
Signature _____ Date: _____

CHARITABLE CAUSE: Is the Sponsor a non-profit organization? ☒ Yes ☐ No

If this activity is to benefit a charitable organization, name the recipient: _____

HEALTH CONSIDERATIONS: Will you be providing food or drink to the public? ☒ Yes ☐ No

If yes, have you made arrangements for approval/inspections with the Department of Ordinance Enforcement and Public Health? ☒ Yes ☐ No

If no, please complete the form that is attached to this application and obtain approval, **prior to submission.**

Applicant recognizes and AGREES that the Borough requires the proposed activity to be conducted in such a manner as to promote harmony in the area, insure domestic tranquility and be within the limits established by existing ordinances. By signature below, applicant AGREES to protect, defend, indemnify and hold the Borough of State College and its officers, employees and agents free and harmless from and against any and all losses penalties, damages, settlements, costs or other expenses or liabilities of every kind and character arising directly or indirectly from this special activity. Applicant further AGREES to investigate, handle, respond to, provide defense for, and defend any such claims, etc., at applicant's sole expense and AGREES to bear all other costs expenses related thereto, even if such claims are groundless, false or fraudulent.

Signature: Sinclair, Cheri L Digitally signed by Sinclair, Cheri L
Date: 2022.04.05 12:41:34 -04'00' Date: _____

OFFICE USE ONLY: ROUTING FOR APPROVAL:

Facilities: 4/5
DID: 4/5
Police Chief JG 4/5 Public Works Director EB 4/5 Risk Manager EH 4/11
Parking Manager TB 4/5 Planning Director EL 4/6 Health Director BO
Borough Manager W 4/6/22

THIS SERVES AS YOUR PERMIT

The State College Borough Council approved your application on: _____

Conditions (if any) are as follows: _____

Any change in this application, whether approved at all levels or not, must be resubmitted and routed through the same channels as if it were a new application.

Date of Submission: 4/5/2022

USE OF OTHER PROPERTY

If this event includes the use of a municipal park, please contact Centre Region Parks and Recreation by phone at (814) 231-3071 or by e-mail at crpr@crcog.net prior to submission of this form. Special park permits and conditions may also apply.

If any part of this activity is to take place on other public property, state road, on campus or on private property an official of the other government agency, university or property owner must sign here:

Name: (Print) The Pennsylvania State University Title of Official: Assistant Treasurer
Address: 146 S. Allen Street Phone: _____
Signature: Michelle M Spangler Date: 06-Apr-2022
Michelle M Spangler (Apr 6, 2022 12:58 EDT)

CHARITABLE CAUSE: Is the Sponsor a non-profit organization? ☒ Yes ☐ No

If this activity is to benefit a charitable organization, name the recipient:

HEALTH CONSIDERATIONS: Will you be providing food or drink to the public? ☒ Yes ☐ No

If yes, have you made arrangements for approval/inspections with the Department of Ordinance Enforcement and Public Health? ☒ Yes ☐ No

If no, please complete the form that is attached to this application and obtain approval, **prior to submission.**

Applicant recognizes and AGREES that the Borough requires the proposed activity to be conducted in such a manner as to promote harmony in the area, insure domestic tranquility and be within the limits established by existing ordinances. By signature below, applicant AGREES to protect, defend, indemnify and hold the Borough of State College and its officers, employees and agents free and harmless from and against any and all losses penalties, damages, settlements, costs or other expenses or liabilities of every kind and character arising directly or indirectly from this special activity. Applicant further AGREES to investigate, handle, respond to, provide defense for, and defend any such claims, etc., at applicant's sole expense and AGREES to bear all other costs expenses related thereto, even if such claims are groundless, false or fraudulent.

The Pennsylvania State University
Signature: Michelle M Spangler Title: Assistant Treasurer Date: 06-Apr-2022
Michelle M Spangler (Apr 6, 2022 12:58 EDT)

OFFICE USE ONLY: ROUTING FOR APPROVAL:

Police Chief	_____	Public Works Director	_____	Risk Manager	_____
Parking Manager	_____	Planning Director	_____	Health Director	_____
				Borough Manager	_____

THIS SERVES AS YOUR PERMIT

The State College Borough Council approved your application on: _____

Conditions (if any) are as follows: _____

Any change in this application, whether approved at all levels or not, must be resubmitted and routed through the same channels as if it were a new application.

Re: SA REVIEW: 05162022 One Night on Broadway

Brown, Thomas <tbrown@statecollegepa.us>

Tue 4/5/2022 2:56 PM

To: Lee Anne Jeffries <leeanne@downtownstatecollege.com>; Vercillo, Natalie <nvercillo@statecollegepa.us>

Cc: Jones, Ryan <rjones@statecollegepa.us>; Pieper, Matthew <mpieper@statecollegepa.us>

Lee Anne,

Thank you for the information. It looks as though it will be meters 319-320. We will not charge the theater for these for this event.

Tom

Thomas W. Brown
Acting Director of Parking
Borough of State College
Phone : (814)-278-4700

From: Lee Anne Jeffries <LeeAnne@downtownstatecollege.com>

Sent: Tuesday, April 5, 2022 2:31 PM

To: Brown, Thomas <tbrown@statecollegepa.us>; Vercillo, Natalie <nvercillo@statecollegepa.us>

Subject: RE: SA REVIEW: 05162022 One Night on Broadway

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Tom,

I was just talking with Katie about this event this morning and she asked me to follow up about the meter bags. They would like 2 directly behind the loading zone.

Will there be a bagging fee associated with these? Thanks for letting me know, the DID is doing what we can to support this event.

Thanks,
Lee Anne

From: Brown, Thomas <tbrown@statecollegepa.us>

Sent: Tuesday, April 5, 2022 2:14 PM

To: Vercillo, Natalie <nvercillo@statecollegepa.us>; DepartmentHeads <DepartmentHeads@statecollegepa.us>; Hockenberry, Ryan <rhockenberry@statecollegepa.us>; Jones, Ryan <rjones@statecollegepa.us>; Holmes, Edward <eholmes@statecollegepa.us>; O'Donnell, Brian <bodonnell@statecollegepa.us>; King, Lance <lking@statecollegepa.us>; Brooks, Eric <ebrooks@statecollegepa.us>; Keeler, John <jkeeler@statecollegepa.us>; Dobo, Denise <ddobo@statecollegepa.us>; Lee Anne Jeffries <LeeAnne@downtownstatecollege.com>; Kauffman, Erin <ekauffman@statecollegepa.us>

Subject: Re: SA REVIEW: 05162022 One Night on Broadway

Natalie,

Fwd: Centre Stage event

Sinclair, Cheri L <cls28@psu.edu>

Fri 3/4/2022 10:45 AM

To: Kassab, Kevin <kkassab@statecollegepa.us>; Vercillo, Natalie <nvercillo@statecollegepa.us>; Fountaine, Tom <TFountaine@statecollegepa.us>

Cc: Lee Anne Jeffries <leeanne@downtownstatecollege.com>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Please find the attached outline of One Night on Broadway, an event that we plan to hold in the Penn State Downtown Theatre, Monday, May 16, 2022.

We recently met with Lee Anne and the DID marketing group and we would like to seek approval for the items outlined below. I'm not sure how the process works, what you will find acceptable, and/or what forms I will need to submit.

I appreciate any guidance you can offer to make this event a great community gathering.

Thank you,

Cheri Sinclair
Marketing Director
Penn State Centre Stage
School of Theatre
121 Theatre Building
University Park, PA 16802

Phone: 814-863-0493

Email: cls28@psu.edu

Website: www.theatre.psu.edu/centrestage

Email: theatre@psu.edu

Facebook: [pennstatecentrestage](https://www.facebook.com/pennstatecentrestage)

Facebook: [pennstatesot](https://www.facebook.com/pennstatesot)

Twitter: [psutheatre](https://twitter.com/psutheatre)

Instagram: [psutheatre](https://www.instagram.com/psutheatre)



ONE NIGHT ON BROADWAY: MONDAY, MAY 16, 2022

Annual benefit for Penn State Centre Stage

150 seats/maximum capacity in theatre

Penn State Broadway and professional alumni return home to perform for one night only

Details:

Begin evening outside theatre within roped-off area where patrons can mingle as guests arrive.

Sidewalk is lined with red carpet. Facebook takeover/live feed, music, and community welcome home professional alumni.

Patrons enter theatre lobby for pre-show food/drink, and show will be performed inside the theatre.

1. Red carpet (psu) lined with downtown businesses?
2. Key to the city?
3. Block off sidewalk w/ rope and stanchions (with handicap sidewalk access)/approval?
4. No parking in front of theatre/approval?
5. Sky spotlight/approval?
6. Free parking in garage/approval?

Potential collaboration

1. Behind the scenes/rehearsal for DID/store owners 3-3:30p in theatre
2. Stores provide something to display their products: Connections/tuxedos, Woodrings/flowers, Champs/Food,
Animal kingdom/stuffed lion, sponsors all included in program

May 2, 2022



CERTIFICATE OF LIABILITY INSURANCE

 Page 37
 DATE (MM/DD/YYYY)
 03/07/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Marsh USA Inc.
Six PPG Place, Suite 400
Pittsburgh, PA 15222

CN102070675-PSU-Cas-22-23

INSURED
The Pennsylvania State University
c/o Risk Management Office
227 West Beaver Avenue
Rider Building, Suite 103
State College, PA 16801

CONTACT NAME:

PHONE
(A/C, No. Ext):

FAX
(A/C, No):

E-MAIL
ADDRESS:

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A : Lexington Insurance Company

19437

INSURER B : N/A

N/A

INSURER C : N/A

N/A

INSURER D : N/A

N/A

INSURER E :

INSURER F :

COVERAGES

CERTIFICATE NUMBER:

CLE-006857375-00

REVISION NUMBER: 0

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		034-064-059	03/01/2022	03/01/2023	EACH OCCURRENCE \$ 5,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 5,000,000 MED EXP (Any one person) \$ N/A PERSONAL & ADV INJURY \$ 5,000,000 GENERAL AGGREGATE \$ 5,000,000 PRODUCTS - COMP/OP AGG \$ 5,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Evidencing coverage of The Pennsylvania State University and its employees. The certificate holder is an additional insured under the general liability insurance where required by written agreement with the named insured.

CERTIFICATE HOLDER

Borough of State College
243 South Allen Street
State College, PA 16801

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
of Marsh USA Inc.

Marsh USA Inc.

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Date of Submission: 4/12/22

**Application for Use of Public Property
(Processions, Assemblages and Special Activities Form)**

Name of Responsible Sponsor: St. Paul's United Methodist Church and Wesley Foundation

Address of Sponsor: 250 E College Ave Phone: 814-237-2163
State College, PA 16801 Cell: _____

E-mail address: stpaulsc@stpaulsc.org Fax: _____

Other Contacts: (Primary) Rev. Rebecca McGee Phone: 814-237-2163 ext 124
(Secondary) Linda Heverly Phone: 814-237-2163

Date of Activity: 6/13-6/16 From: 5 pm To: 9 pm

Rain Date: (If applicable) _____ From: _____ To: _____

Type of Activity: Special Activity No. Expected to Participate: 30

ACTIVITY DETAIL

Describe your proposed activity in detail: (Add additional sheets, if needed)

Vacation Bible School - the games are usually held in our parking lot which is
why we hope that Calder Way Alley between Locust Ln and McAllister St can be closed.

Does your activity require a street closure for this activity? ☐ No ☒ Yes

If yes, select the type of road to be closed: (For more information see map and list provided)

- ☐ State Road(s) Only* (Additional Permit Required: PennDOT TE-300 Form)
- ☒ Local Road(s) Only
- ☐ State Road(s) and Local Road(s)* (Additional Permit Required: PennDOT TE-300 Form)

Listed in order of route, what street(s) would you like closed for this activity? (Add additional sheets, if needed)

Calder Way Alley - but only between Locust Ln and McAllister St

How long will the street closure be in effect? From: 6/13 - 6/16 from 5 pm To: 6/13-6/16 at 9 pm

Will you need barricades and/or signs? ☐ No ☒ Yes

Will you need assistance closing the street? ☒ No ☐ Yes

Are you planning to use sidewalks only? ☒ No ☐ Yes

Will you cross any state roads? ☒ No ☐ Yes (If yes, submit TE-300 Form)

PLEASE NOTE: Sponsor is held responsible for the replacement value and/or repairs of missing cones, barricades, signs or message boards that are needed/required to close a street.

*Event organizers will be required to produce a copy of the PennDOT permit to State College Police Department representatives prior to the event. Failure to do so will prevent the police department from lawfully closing the affected street(s) and the event will not be permitted to take place.

Date of Submission: 4/12/22

USE OF OTHER PROPERTY

If this event includes the use of a municipal park, please contact Centre Region Parks and Recreation by phone at (814) 231-3071 or by e-mail at crpr@crcog.net prior to submission of this form. Special park permits and conditions may also apply.

If any part of this activity is to take place on other public property, state road, on campus or on private property an official of the other government agency, university or property owner must sign here:

Name: (Print) _____ Title of Official: _____
Address: _____ Phone: _____
Signature _____ Date: _____

CHARITABLE CAUSE: Is the Sponsor a non-profit organization? ☒ Yes ☐ No

If this activity is to benefit a charitable organization, name the recipient:

HEALTH CONSIDERATIONS: Will you be providing food or drink to the public? ☐ Yes ☒ No

If yes, have you made arrangements for approval/inspections with the
Department of Ordinance Enforcement and Public Health? ☐ Yes ☐ No

If no, please complete the form that is attached to this application and obtain approval, **prior to submission.**

Applicant recognizes and AGREES that the Borough requires the proposed activity to be conducted in such a manner as to promote harmony in the area, insure domestic tranquility and be within the limits established by existing ordinances. By signature below, applicant AGREES to protect, defend, indemnify and hold the Borough of State College and its officers, employees and agents free and harmless from and against any and all losses penalties, damages, settlements, costs or other expenses or liabilities of every kind and character arising directly or indirectly from this special activity. Applicant further AGREES to investigate, handle, respond to, provide defense for, and defend any such claims, etc., at applicant's sole expense and AGREES to bear all other costs expenses related thereto, even if such claims are groundless, false or fraudulent.

Signature: Rebecca McGee Date: 4/12/22

OFFICE USE ONLY: ROUTING FOR APPROVAL: FACILITIES LK 4/15

Police Chief	<u>JG</u> <u>4/15</u>	Public Works Director	<u>DID</u> <u>4/15</u>	Risk Manager	<u>EH</u> <u>4/15</u>
Parking Manager	<u>TB</u> <u>4/19</u>	Planning Director	<u>EL</u> <u>4/18</u>	Health Director	<u>BO</u> <u>4/18</u>
				Borough Manager	<u>JP</u> <u>4/22</u>

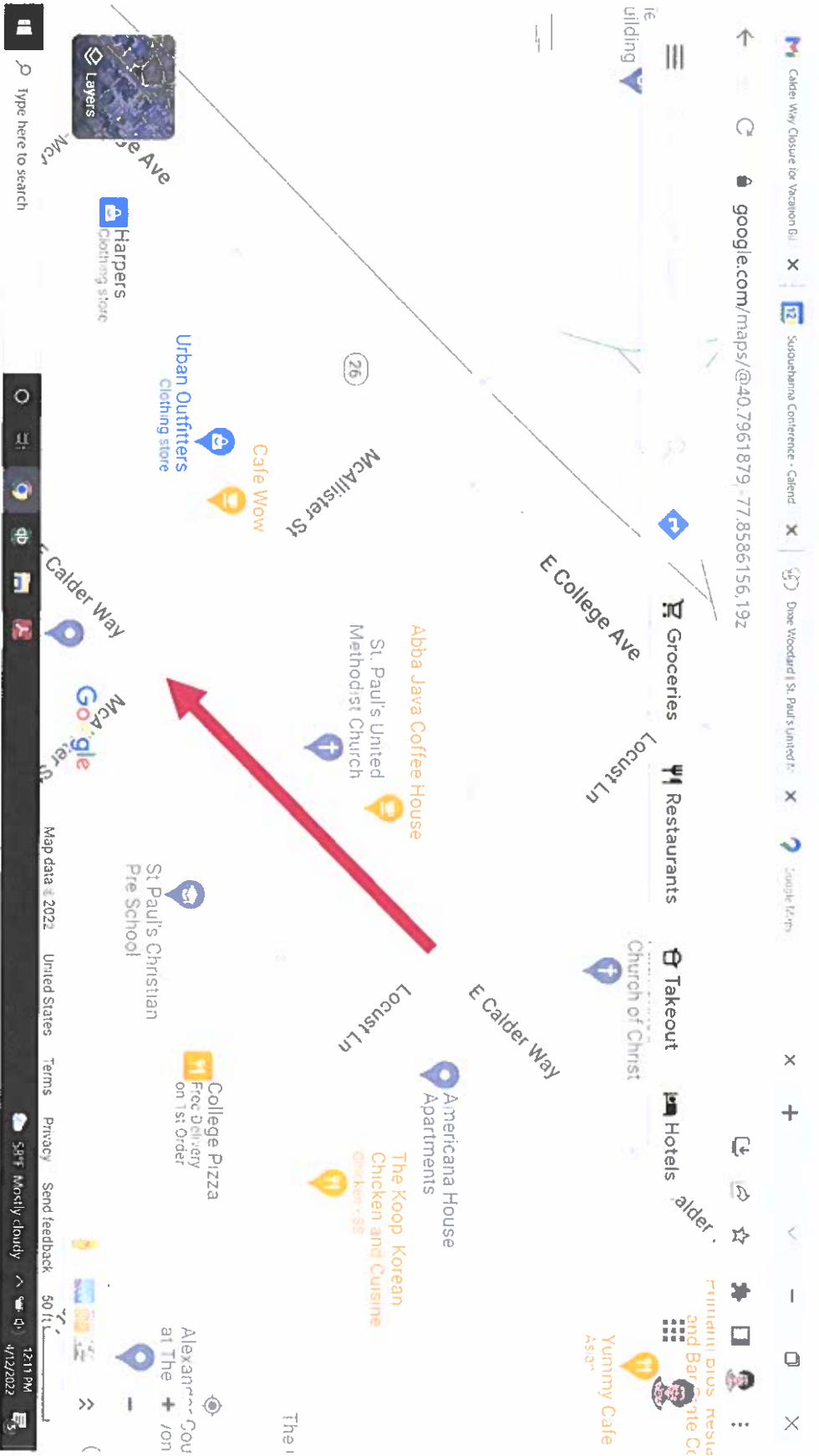
THIS SERVES AS YOUR PERMIT

The State College Borough Council approved your application on: _____

Conditions (if any) are as follows: _____

Any change in this application, whether approved at all levels or not, must be resubmitted and routed through the same channels as if it were a new application.

Map of E. Calder Way Alley



This page was left intentionally blank.

April 26, 2022

Phillip M. Fraga
Cohen Law Group
413 South Main Street - Third Floor
Pittsburgh, PA 15215

RE: Engagement for Shentel Franchise Negotiations

Dear Mr. Fraga:

This is to inform you that State College Borough has decided to engage the services of the Cohen Law Group (“CLG”) to assist in franchise negotiations with Shenandoah Cable Television, LLC (“Shentel”). This engagement is for a flat fee of \$6,250 noting that Shentel is paying 100% of such flat fee amount further noting that such payments will be made directly by Shentel to CLG per invoices received from CLG as the Borough will not receive any invoices from CLG for this matter.

We understand that the unique nature of this engagement has no bearing on CLG’s diligent representation of any municipality and which will not deviate in the slightest to CLG’s representation of any municipality for which the cable operator is not covering or reimbursing CLG’s legal fees.

We further understand that Shentel has simply offered to cover the legal fees for a number of Pennsylvania municipalities being represented by CLG due to Shentel making a business decision that it is cost beneficial for Shentel to do so through the aforementioned ministerial approach entailing what Shentel views as process economies and efficiencies leading to speed to market while being well aware that for purposes of CLG’s representation on the merits of any such municipalities such ministerial machinations are neither here nor there.

Sincerely yours,

Name: _____

Title: _____

Date: _____

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April 26, 2022

Tom Fountaine
Borough Manager
State College Borough
243 South Allen Street
State College, PA 16801

Re: Covering of Cohen Law Group Legal Fees

Dear Mr. Fountaine:

This is to inform you that Shenandoah Cable Television, LLC (“Shentel”) agrees to cover 100% of State College Borough’s legal fees related to engaging the services of the Cohen Law Group to assist in franchise negotiations with Shentel.

Should you have any questions regarding this matter, please don’t hesitate to call me at (540) 335-6828 or email me at Chris.Kyle@emp.shentel.com.

Sincerely yours,



Chris Kyle
Vice President Industry Affairs and Regulatory

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**State College Borough Council
Summary Information for the Award of Tree Inventory Proposal with PSU**

Project Name:	Borough of State College Tree Inventory of 7000 +/- Street Trees
Date Prepared:	4-28-2022
Prepared By:	Sam Robbins, Director of Public Works
Proposed Meeting Date:	05-02-2022
Deadline for Action:	05-02-2022

1. Project Description:

Professional Services: Approve a proposal to complete the Borough Street Tree Inventory comprising of approximately 7000 trees.

2. Other Background Information:

The tree inventory will be completed by the Penn State Forestry students as outlined in the email proposal from Bill Elmendorf, Ph.D at Penn State University. This will be a computer based, walking inventory using software that is standard in the industry. The information to be collected will include GPS/location, species name, diameter, tree condition (a combination of health and structure); size, general condition, location, extreme sidewalk or hardscape damage and notes on immediate hazards or other maintenance needs/concerns regarding overall condition. Penn State University will provide training and supervision to the students. The tree inventory will be downloaded onto the Borough's computer system when completed and a summary report will be provided to the Borough.

The inventory will be completed by a three-person inventory crew. The borough will reimburse Penn State University for the actual hours spent for the three students. The students are being paid \$14/hour while completing the survey. The total cost of the tree inventory is approximately \$35,500.00.

The students will also be completing a similar inventory for Ferguson Township over the summer.

3. Funding Source:

The funding for this project is in the 2022 budget estimated at \$65,000.00 and will be charged to B101-16-74- 67326.

4. ABC Review and Comments:

N/A

5. Solicitor Comments:

N/A

6. Staff Recommendation and Reason:

Staff recommends the Street Tree Inventory be completed by Penn State University Forestry Students and be reimbursed by the Borough for the spent completing the inventory. The total cost is estimated \$35,500 to complete the inventory.

Elmendorf- Updated State College Tree Inventory Proposal



You forwarded this message on Sat 4/16/2022 7:17 AM

You forwarded this message on Sat 4/16/2022 7:17 AM

EF

Elmendorf, William F. <wfe1@psu.edu>

Fri 4/15/2022 11:39 AM



To:

• Robbins, Sam

Cc:

- King, Lance;
- Elmendorf, William F. <wfe1@psu.edu>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Sam and Lance

Please find below in the body of this email an updated proposal for the State College Borough Street Tree Inventory. As few things-

The Borough of State College will reimburse Penn State for the actual wages of the students to complete the inventory and the time of Brian Wolyniak. Bill Elmendorf's time is not covered in this proposal. Bill Elmendorf will send you an invoice at the completion of the inventory to seek payment for the inventory. Elmendorf will also need a short letter from the Borough noting that the payment is to reimburse for the time of students and Brian in the completion of the inventory. The Borough will be asked to reimburse for the cost of the actual hours the students work, even if the cost is less than the one provided on the proposal.

If you need any other information, please let me know.

Thanks again for your time and consideration of this opportunity- much appreciated. Bill

Bill Elmendorf, Ph.D.

Joseph Ibberson Professor of Community Forestry

Penn State Department of Ecosystem Science and Management

814-777-0042

Administrative Assistant

Barb Sellers

Bss213@psu.edu

814-863-0401

Proposal: Borough of State College Street Tree Inventory

INTRODUCTION

Three Penn State Forestry Students will complete a computer-based, walking inventory of 7000 State College Borough street trees. The inventory will use an inventory software compatible with software now being used by the Borough in street tree management. The type and use of the software will be discussed by Brian Wolyniak (Extension Urban Forester for Southwest Pennsylvania) with a Borough representative(s). Brian has been engaged in large tree inventories including Allegheny Regional Parks, Harrisburg, Allentown, and the last street tree inventory completed for the Borough of State College.

Information that will be collected in the inventory currently includes GPS/location; species name, diameter, tree condition (a combination of health and structure); size, general condition, and location of planting sites; notable sidewalk or hardscape damage; and notes on immediate hazards or other maintenance needs, questions from citizens, and more. Brian Wolyniak and Bill Elmendorf (Professor of Community Forestry) will provide training for the students in assessing tree condition (including tree risk), assessing planting site condition, use of inventory software, and other inventory components including safety and engaging with citizens. To be hired by Penn State wage-payroll, students have passed a background check and will be required to wear appropriate safety clothing when working. Lance King, State College Borough Arborist, will be involved in student training too. Brian and Bill will provide day-to-day supervision for the students and Lance King, Borough Arborist, can supervise at a level he thinks necessary. Inventory data will be downloaded on Borough computers and a summary report with management recommendations will be provided to Lance King by Brian and Bill. The proposed work will begin at a date satisfactory to all parties- around July 1, 2022.

PROPOSED BUDGET

Wages for three-person student inventory crew	\$31,000
Time for Brian Wolyniak	\$2,500
Travel for Brian Wolyniak	\$750
Computer Supplies	\$750
<u>Total Inventory Cost</u>	<u>\$35,500.00</u>

Notes:

Bill Elmendorf's time is not charged for/covered in this proposal.

This proposal is for an inventory of an estimated 7000 street trees. If there are more trees than this estimate, there may

be a need to renegotiate the funding amount if State College Borough desires.

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***Borough of State College Council
Regular Meeting Minutes
April 4, 2022***

The State College Borough Council met in a Hybrid Meeting on Monday, April 4, 2022, in the Municipal Building, 243 South Allen Street, State College, PA 16801. Mayor Nanes called the meeting to order at 7:00 p.m.

Present: Ezra Nanes, Mayor
Jesse L. Barlow, Council President
Deanna Behring
Peter Marshall
Gopal Balachandran
B. Divine Lipscomb

Virtual: Janet Engeman

Absent: Richard Bieber

Also Present: Thomas J. Fountaine II, Borough Manager; Douglas Shontz, Assistant to the Manager; Terry J. Williams, Borough Solicitor; John A. Gardner, Chief of Police; Craig Bowser, Chief Technology Officer; Ed LeClear, Planning Director (joining virtually); Dianna Walter, Assistant Borough Secretary/Executive Assistant along with Borough residents and employees who attended virtually via C-NET.

Mr. Shontz gave an overview of the Virtual Meeting procedures.

Proclamations, Special Business, and Reports

Arbor Day – Elaine Schuckers, Vice-Chair of the Tree Commission, accepted a proclamation from Mayor Nanes naming April 29, 2022, as Arbor Day.

Week of the Young Child – Heather Smoyer, Centre Director of Kinder Care, accepted a proclamation from Mayor Nanes naming April 2-8, 2022, as Week of the Young Child.

International Campus & Community Day – Mayor Nanes issued a proclamation naming April 13, 2022, as International Campus & Community Day.

Resolution establishing a National Infrastructure Bank–Council President explained Resolution #1311 which urges Congress to approve H.R. 3339 to create the New National Infrastructure Bank.

On a motion by Jesse Barlow and seconded by Deanna Behring, Council unanimously voted to adopt Resolution #1311.

Public Hour

Patrick Excellent, Vice President of Community Relations for the Penn State Interfraternity Council, which is the Student Board that overlooks Chapter 36, informed everyone that an egg hunt is being held from 10-12 am at the Business Building Lawn.

Consent Items

- A. Approve a Resolution declaring Saturday, April 23, 2022, as ClearWater Conservancy's annual Watershed Clean-Up Day.
- B. Approve the use of the Dr. Martin Luther King, Jr. Plaza, from 5:00 pm to 8:00 pm, on April 1, May 6, June 3, July 1, August 5, September 2, October 7, November 4, and December 2, 2022, for the Downtown State College Improvement District's First Friday activities.
- C. Approve, *with conditions*, the location of the Artisan Pizza food truck at 427 East Fairmount Avenue residence for the Tau Phi Delta Alumni Event on Friday, October 14, 2022, from 4 p.m. to 9 p.m.
- D. Approve the closure of various roads for the 2022 Penn State home football game schedule as follows: April 23, September 10, 24, October 1, 22, 29, and November 12 and 26, 2022.
- E. Approve the use of Locust Lane, from East College Avenue to Wilson Alley, for Tuesday's Farmer's Market, to be held every week beginning August 9 through November 15, 2022, from 9 am to 6 pm.
- F. Approve, *with conditions*, the use of Locust Lane, from East College Avenue to Wilson Alley, for Friday's Farmer's Market, to be held every week beginning April 29 through November 18, 2022, from 9 a.m. to 6 p.m. except for July 15 and August 19.
- G. Approve, *with conditions*, the use of various Borough sidewalks on October 16, 2022, from 2 pm to 4 pm, for the annual CROP Walk to raise funds to alleviate hunger both locally and worldwide.
- H. Approve the use of the Dr. Martin Luther King, Jr. Plaza, from 5 pm to 8 pm, on June 29, July 6, July 20, July 27, August 3, August 10, August 17, August 24, and August 31, 2022, with rain dates being September 7, 2022, and September 14, 2022, for the Downtown Improvement District's Live After 5 activities.
- I. Award the Sanitary Sewer Piping Contract to GM McCrossin in the amount of \$59,883.60.
- J. Award the Wastewater Rate and Tapping Fee Study to Gannett Fleming in the amount of \$35,000.00.
- K. Approve the use of the Dr. Martin Luther King, Jr. Plaza, from 3:30 pm to 10:30 pm, on May 11, 2022, for the Closing Celebration of Centre Gives.
- L. Award the 2022 Sanitary Sewer Slip Lining Contract, *with conditions*, to Granite Inliner, LLC in the amount of \$567,870.
- M. Approve the use of Sidney Friedman Park and a Noise Waiver for the Schlow Library event on June 30, 2022, from 2 pm to 4 pm.

N. Approve the Procurement of the Borough Sanitary Sewer Manholes, Piping, and Appurtenances through COSTARS for the PennDot 153 Project.

O. Approve minutes from the following meetings:

March 7, 2022	Regular Meeting
March 21, 2022	Regular Meeting/Work Session
March 25, 2022	Work Session

On a motion by Peter Marshall and seconded by Divine Lipscomb, Council unanimously approved the Consent Agenda.

Planning and Zoning

State College Area School District's South Track Lighting Agreement

On March 7, 2022, staff provided Council with a report on the State College Area School District (SCASD) and the Borough's operational agreement in accordance with the Zoning Code for lighting and facilitating the use of the field designated as the South Track.

The current agreement was approved by both parties and executed on July 6, 2020. The agreement renews annually on July 6th, unless either party gives ninety days' notice of its intent to terminate the agreement. If the agreement is terminated by giving notice, the termination will be effective at the end of the spring sports season and the lights at this field will not be able to be used pursuant to the provisions of the Zoning Code.

April 4, 2022 was the deadline for the Council to act if it wishes to give notice of its intent to terminate the agreement. Council options to consider were:

1. Vote to give notice to terminate the agreement.
2. Take no action.

If no action is taken from both parties the agreement will automatically renew on July 6, 2022, for another year. The terms and conditions in the current agreement would continue for an additional year. Future amendments to the agreement may be made at any time if both parties agree to the amendment.

Gopal Balachandran felt that the agreement should not be terminated and that no action should be taken; however, it will need to be negotiated in the future.

Mayor Nanes stated we received a lot of emails regarding this issue.

Joshua Late, a Major in the State College band, feels that if the agreement is terminated, it would result in losing members. Betha Christopher, from the School District, supports the program, discussed the various issues, and felt that moving the band would not be the best idea. Evan Baxter, a member of the marching band, stressed how important the marching band program is. Elli Rose, a marching band member, seconds what everyone has stated. Changing the location will be a problem with being able to see the music. Derek Connova, 709 Edgewood Circle, stated there are alternatives where the band could practice, and the school could find a different location. It is a fact that this

is detrimental to the residents. Amy Bader, Vice President of the School Board, discussed equity and felt that practicing on the asphalt makes it inequitable for the students. Chris English, 705 Edgewood Circle, feels it is not acceptable for the band to continue and the residents need to have the same protections as everyone else. Ingrid Olson, a member of the marching band, was thankful that the marching band practice was held later in the evening. Eric Boeldt, Holmes Foster, recommends voting to terminate the agreement which would allow for 5 months to negotiate. Debra Anderson, a parent of students in the band, stated that the band only practices 2 nights a week. Amber Concepcion, President of the Board, briefly addresses the other opportunities the band could utilize. Bussing the students is costly, and shortage of bus drivers, and the band must practice on the turf field. Paul Leskowicz, SCASD Band Director, felt that we wouldn't be having the conversation if we would have moved the School District.

Mayor Nanes feels we need to come together and continue with the negotiations.

Divine Lipscomb is conflicted on both sides and is concerned about who is this equitable for. People purchased their homes prior to this happening and felt that no action is not taking action.

Deanna Behring is concerned that if there is no agreement in place the lighting is not allowed to be used.

Peter Marshall felt in the current agreement we have opportunities within the next year to negotiate. Janet Engeman agrees with Peter as long as we have an agreement in place we can make modifications.

No action was taken on this matter.

Full Demolition of 20 East Foster Avenue – Certificate of Appropriateness

Burkentine Real Estate Group LLC submitted a Certificate of Appropriateness application to fully demolish 420 East Foster Avenue located in the Holmes-Foster/Highlands Historic District. This project was reviewed by the HARB twice. This application is the first application for full demolition Council has received since the enactment of the HARB Ordinance. The applicant's attorney provided HARB with two background cases provided in the packet for reference.

The HARB voted unanimously to recommend the **DENIAL** of this COA application as it found the demolition of a contributing property would damage the streetscape and integrity of the district. The HARB also found there was no unreasonable economic hardship to the owner in preserving the property.

Ed LeClear, Planning & Development, gave an overview of the project details, the design guidelines for the full demolition, and the HARB recommendation.

Eric Boeldt, Chair of the HARB, addressed the HARB recommendation and referenced an email that was sent to the Borough of State College. Tom Fountaine, Borough Manager, explained that the referenced email was not disbursed to the Council as it provides additional information.

Mickey Thompson went to the HARB and requested that he should have the right to provide additional information to Borough Council. The Solicitor gave rules and regulations and stated it is unfair for Council to listen to other additional information. Discussion ensued.

David Stone, Nittany Environmental Coalition, endorses the HARBs decision.

President Barlow felt that if we don't go along with HARB, it would abandon the meaning of the HARB altogether.

Deanna Behring felt that the key point was that the purchase of the house was on 10/15/20 which was 2 years after the HARB was endorsed. The property was purchased with full awareness of the HARB and its restrictions and guidelines.

Peter Marshall feels it has shown that fixing the house is going to cost more than tearing it down and that we should not go along with the HARB.

On a motion by President Barlow and seconded by Deanna Behring, on a 5-1 vote (Peter Marshall), Council accepted the recommendation of the HARB to deny the COA for the demolition of the property at 420 East Foster Avenue.

Official Reports and Correspondence

Mayor's Report

Mayor Nanes expressed his condolences on Mark Lafer's passing. Today is the 55th anniversary of Martin Luther King. Mayor Nanes also recognized the various holidays in April.

President's Report

Council met in an executive session to discuss personnel matters, and President Barlow acknowledged the passing of Mark Lafer also as well as Martin Luther King's Birthday.

Staff/Committee Reports

The Borough Manager and Solicitor provided a report to Council on the process for the appointment of a Council member to fill the vacancy due to Richard Biever resignation. A timeline had been presented which gives the Council 45 days to appoint the new member. On April 11 council will agree on a process of the selection of council.

Student Representative Reports

UPUA – Carter Gangl traveled to Harrisburg to advocate for funding for Penn State.

On a motion by Peter Marshall and seconded by Jesse Barlow, Council adjourned at 8:46 pm.

Respectfully submitted,

Dianna S. Walter, Assistant Borough Secretary

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***Borough of State College Council
Regular Meeting Minutes
April 11, 2022***

The State College Borough Council met in a Hybrid Meeting on Monday, April 11, 2022, in the Municipal Building, at 243 South Allen Street, State College, PA 16801. Mayor Nanes called the meeting to order at 7:00 p.m.

Present: Ezra Nanes, Mayor
Jesse L. Barlow, Council President
Deanna Behring
Gopal Balachandran
B. Divine Lipscomb

Virtually: Peter Marshall
Janet Engeman

Absent: Richard Biever

Also Present: Thomas J. Fountaine II, Borough Manager; Douglas Shontz, Assistant to the Manager; Terry J. Williams, Borough Solicitor; John A. Gardner, Chief of Police; Craig Bowser, Chief Technology Officer; Dianna Walter, Executive Assistant/Assistant Borough Secretary and interested residents who attended in person and virtually via C-NET.

Public Hour

No Public Comments were received.

Consent Items

- A. Approve Payroll and Accounts Payable Vouchers for the month ending March 31, 2022, totaling \$4,218,766.85.
- B. Approve, *with conditions*, the use of the Dr. Martin Luther King, Jr. Plaza, along with the closure of the 100 block of South Allen Street and the partial closure of Calder Way (between Kelly Alley and South Allen Street) on Saturday, May 14, 2022, from 9 a.m. to 6 p.m. for the Jana Marie Foundation's JAM Fest.
- C. Approve the closure of South Pugh Street, from Beaver Avenue to the entrance of the Pugh Street Parking Deck on Tuesday, April 26, 2022, from 4 p.m. to 8 p.m., for 3 Dots Downtown Community Block Party.
- D. Approve, *with conditions*, the use of various Borough streets, from 10:00 a.m. to 1:00 p.m., for Bicycle Ambassadors' Mayor's Ride, on Saturday, May 21, 2022.
- E. Approve Resolution #1312 authorizing the officers of the Borough to execute the grant application to DCNR for \$250,000.00 for the Action Sports Park.
- F. Approve the Suspension of Specific Parking Regulations for Special Events as set forth in the attached memo for the remainder of 2022.

- G. Refer to the Planning Commission a request to make revisions to the Zoning Ordinance to correct technical issues in several areas including LEED requirements, inclusionary housing, home occupations, fences, and subdivision requirements.

On a motion by Jesse Barlow and seconded by Deanna Behring, Council unanimously approved the Consent Agenda.

General Policy and Administration

Resolution to Approve a 2022 Budget Supplemental Appropriation to Fund the Contract with Delta Development Group, Inc.

A contract was reviewed to award to Delta Development Group, Inc. of Camp Hill, PA to provide community and economic development services including public grant funding for planning, management, and compliance. Delta will work with the Borough to identify projects for state and federal funding such as the Infrastructure Investment and Job Act and the Build Back Better Act, develop a targeted funding strategy, and provide project funding support as assigned.

Deanna Behring was concerned about Delta Group's experience and Peter Marshall stated that with a lot of information this is a great way to access these grants.

Gopal Balachandran verified that they would assist the Borough in identifying and securing grants.

On a motion by Peter Marshall and seconded by Janet Engeman, Council unanimously approved the Resolution to add an appropriation of \$150,000 to the 2022 Budget to fund the contract and awarded the contract to Delta Development Group, Inc.

Council Vacancy Discussion

At the Council's April 4, 2022 meeting, an outline of the proposed process for filling an Interim Council Member Vacancy was distributed. After Richard Biever's resignation, Council has 45 days to appoint a candidate.

On May 2, 2022, Council will accept Richard Biever's resignation. A discussion was held on when they would vote on the process, and it was decided to vote on the process at this meeting, instead of holding off until May 2. The timeline was discussed as follows:

- 5/12 Deadline for interested parties to submit letters of interest and for the public to submit questions.
- 5/16 Regular Meeting – Council could begin a discussion about those who have expressed interest and finalize questions for candidates to address along with finalizing the schedule for presentations.
- 5/31, 6/1, 6/2 Presentations as needed.
- 6/6 Review and discuss candidates.
- 6/13 Council will vote on an appointed qualified candidate. If Council cannot vote on that date, they will have until 6/15 to appoint the candidate. If for some reason Council cannot decide, then it will go to the Court.

There will be 10 days for anyone who wished to be nominated to submit their application, then Council will discuss the applicants.

The criteria of the candidate is that they must be a qualified voter in the Borough and at the time of the appointment and while they serve, and any council member that left in December of 2021 as a result of their term ending cannot run; however, they can run in the next municipal election. Council will appoint until the end of 2023, and then whoever was elected in 2023 will serve the final two years of that term. The process of choosing a candidate **must** be done in the public.

Questions ensued from the Council on the process. Mr. Fountaine explained the prior process was completed so that the Council did not vote No to anyone. They placed numbers in a hat and then a number was drawn out of the hat and then that Council Member expressed the nomination as the numbers were drawn until the person nominated had the majority of votes.

On a motion by Jesse Barlow and seconded by Deanna Behring, Council unanimously voted to accept the timeline and the procedure discussed to fill the Interim Council Vacancy.

Equity and Inclusion

Tom Fountaine, Borough Manager, provided a report on Equity and Inclusion. Interviews will be held the week of April 25. The Borough is also actively recruiting for the social worker position, and staff is engaging with CACJ to determine the next steps in hosting community conversations.

Official Reports and Correspondence

Mayor's Report

Mayor Nanes encourages interested community members to apply for the open Council position and commended Divine Lipscomb on participating in Out of the Cold to help with homelessness.

Mayor Nanes also attended the session on Breaking the Stigma on Mental Health and recognized Bill Jaffe as a distinguished alumnus of Penn State who has passed away. In other news, Eric Scott has sold his bicycle shop, and thanks him for his years of service to the community.

President's Report

President Barlow also encourages anyone who wishes to apply to the open council position.

Regional Liaisons Reports

Tom Fountaine, Borough Manager stated that the reports were included in the agenda packet. The CATA report asked for concurrence from Council on two issues: 1) Does the Borough concur to a 5% increase in local shares for CATA for the Fiscal Year 2022/2023? 2) Does Council concur for the formation of a committee consisting of Municipal Managers to develop a new process for determining local match shares?

Gopal Balachandran had concerns about the increase. Tom Fountaine explained that this is a fixed amount of what the local shares from each municipality are. At this time, the local shares are based upon a formula, and this is the reason CATA would like to form a committee to develop a new process. The increase would be \$6,653 to the Borough of State College.

Josh Portney questioned CATAs receipt of the ARPA funding and if this was applied to the amount owed. Tom Fountaine reiterated that the amounts are fixed on what the municipality is required to contribute.

On a motion made by Peter Marshall and seconded by Divine Lipscomb, Council unanimously approved the 5% increase to the local match and a formation of the committee to develop a new process.

Student Representative Reports

Clarissa Theiss, SCASD, Claire Chi was appointed as the Junior PA State Board of Education Student Representative. Student government elections are starting, and SCASD will be appointing the next Student Representative to Council.

Carter Gangl, UPUA, stated that sexual violence and awareness week is going on and thanked everyone for the opportunity to serve on Council as the Student Representative.

On a motion made by Jesse Barlow and seconded by Divine Lipscomb, Council adjourned at 7:53 pm.

Respectfully submitted,

Dianna S. Walter
Assistant Borough Secretary

JOINT WORK SESSION MINUTES
of the
**Borough of State College Council,
Centre County Board of Commissioners,
and the State College Board of Health**
Friday, April 22, 2022

A joint work session of the Borough of State College Council, Centre County Board of Commissioners, and the State College Board of Health was held virtually via Zoom on Friday, April 22, 2022, at 12 noon. Council President Barlow called the meeting to order at 12:03 p.m.

Borough Council Members Present: Council President Jesse Barlow, Mayor Ezra Nanes, Janet Engeman, Peter Marshall, Divine Lipscomb, Gopal Balachandran, and Deanna Behring

County Commissioners Present: Michael Pipe, Chair and Mark Higgins, Vice-Chair

Board of Health Members Present: Thomas Daubert, Linda Greenly-Finch, Jacqueline Gardner, and George Vogler

Others Present: Thomas J. Fountaine, Borough Manager; Roger Dunlap, Assistant Borough Manager/CFO; Hannah Babiss, Local Government Management Fellow; Ashley George, ICMA Fellow/Planning & Community Development; Dianna S. Walter, Assistant Borough Secretary/Executive Assistant; Stacy E. Hall, Administrative Assistant; Brian O'Donnell, Health Ordinance Enforcement Officer; Dave Jordan, Supervisor of Inspections; and Grace Gorenflo, MPH/RN of the Public Health Management Certificate Faculty

Presentation of The Act 315 Health Department Study Report

In 2021 Centre County and State College retained Ms. Grace Gorenflo to complete a feasibility study on the establishment of a state-certified Section 315 Borough or County Health Department. Now that the study has been completed, Ms. Gorenflo will present the report at this time. The purpose of this meeting was for the Commissioners, Council, and State College Board of Health to receive the report, and no action was scheduled at this meeting.

Ms. Gorenflo gave a detailed report on the Act 315 Feasibility Study. She noted the Pennsylvania Department of Health (PA DOH), like most health departments, has experienced eroded funding over the years. Consequently, the result has been, despite knowledgeable staff, that they are not structured in a way that allows them to focus locally. She outlined the benefits of having an Act 315 Health Department compared to what is available through the current structure with the PA DOH. She noted it was important to be aware of cultural differences to make sure eligible services are

culturally competent to help residents achieve their full health potential, and a local health department would facilitate those needs. She reviewed staff and facility considerations. She explained that with Act 315 funds the county would gain detailed knowledge of our specific health issues, exercise local authority to protect and promote health, respond to new/emerging threats in a local-centric way, and synergize health and human resources to optimize everyone's ability to achieve their full health potential. She concluded by stating the next steps would be to get budget guidance from PA DOH.

Mr. Marshall agreed that Ms. Gorenflo made a good case for local control. He remarked that when we speak of community, we are talking about the entire county, not just a local municipality, and the cost would be significant. Therefore, those costs should be shared by everybody. He said he would be interested in comparing the costs for a county operation and the revenue that comes from the state.

Mayor Nanes commented that he had hesitancy because of the costs involved and expressed concerns about who will be responsible for managing and defining threats for the Act 315 Health Department.

Ms. Gorenflo said in terms of who owns it and runs it, a feasibility study was done for either a Borough Health Department or County Health Department. Regardless of who runs it, the lines of authority were the same. She said elected officials appoint a Board of Health and then they recommend policies, and they are also the ones that hire and fire the Health Director. She noted the other line of authority would be the PA DOH and that has to do with performance. She explained the job of the Health Director was to ensure that Act 315 requirements were being met as well as ensuring requirements were being met for any other grants that were received. The Health Director would be required to submit a report on an annual basis. With respect to mental health, she did not have data because that was managed by Human Services. She noted everything else would be worked out between the two agencies. With respect to physical activities, the report showed the county has an abundance of natural recreation areas. However, it is not highly walkable or cyclable outside of the Centre Region. She noted it was important to come up with ways to make things more walkable and bikeable for residents living outside the Centre Region of the county. She added that was an example of something an Act 315 Health Department would need to be a part of, and the data would drive them there.

Commissioner Pipe appreciates all the hard work put into the report; however, was concerned about the funding and long-term sustainability. Ms. Gorenflo answered that developing the budget was not in her scope and there was not enough information to produce a sound estimate. She said the next step was to review with the state. A final report will be forthcoming. Commissioner Pipe commented that in the proposal agreed to last year, one task was to see budgeted line items and inquired if this would be

included in the report. Ms. Gorenflo said she would include that, but it was not just line items, it would be in the form of an excel spreadsheet.

Mr. Balachandran remarked that it would not make sense to have a health department geared for the Centre Region or State College and not include the rest of the County. Ms. Gorenflo said she observed that regardless of the size of the jurisdiction served by a health department, there would be the same requirements. The department would need to hire the same amount of staff. She was unsure if Act 315 recognized a multi-municipal health department. She asked PA DOH about that, and they said they would have an answer for her next week.

Ms. Engeman asked if the Act 315 Health Department covered the entire county, who would pick the Health Department Director? Ms. Gorenflo answered in terms of governance, the BOH would be responsible for hiring a Health Director. The BOH would include two physicians and three other people who live in the county. She suggested considering a national search or state-wide search because the public health workforce was breaking and there are not enough workers to be able to recruit everyone needed.

Commissioner Pipe pointed out that the Airport Authority, Refuse and Solid Waste Authority, and the Happy Valley Adventure Bureau served the entire county. If the Act 315 Health Department was a County Authority, it would need to take a regional approach.

Mr. Barlow stated additional meetings will be held where public comments would be received.

Adjournment

Being no further business, Mr. Barlow adjourned the meeting at 1:30 p.m.

Respectfully submitted,

Dianna S. Walter, Assistant Borough Secretary

Prepared by: Stacy E. Hall, Administrative Assistant

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Date of Submission: 3-4-2022

**Application for Use of Public Property
(Processions, Assemblages and Special Activities Form)**

Name of Responsible Sponsor: Central Pennsylvania Festival of the Arts
Address of Sponsor: P.O. Box 1023 Phone: 814-237-3682
State College, PA 16804 Cell: 814-571-6469
E-mail address: office@arts-festival.com Fax: 814-237-0708
Other Contacts: (Primary) Rick Bryant, Executive Director Phone: 814-571-6469
(Secondary) Carol Baney, Director of Operations Phone: 814-404-9694
Date of Activity: July 13-17, 2022 From: 8:00 am To: 11:00 pm
Rain Date: (If applicable) _____ From: _____ To: _____
Type of Activity: Special Activity No. Expected to Participate: _____

ACTIVITY DETAIL

Describe your proposed activity in detail: (Add additional sheets, if needed)

56th Central Pennsylvania Festival of the Arts. Children and Youth Day, July 13.

Sidewalk Sale and Exhibition, July 14-17.

Does your activity require a street closure for this activity? ☐ No ☒ Yes

If yes, select the type of road to be closed: (For more information see map and list provided)

- ☐ State Road(s) Only* (Additional Permit Required: PennDOT TE-300 Form)
☒ Local Road(s) Only
☐ State Road(s) and Local Road(s)* (Additional Permit Required: PennDOT TE-300 Form)

Listed in order of route, what street(s) would you like closed for this activity? (Add additional sheets, if needed)

Allen St. from College Ave. to Fairmount Ave.; Fairmount Ave. from Allen St. to Fraser St.

Fraser St. from Fairmount Ave. to Foster Ave. in addition to certain roads on the Penn State campus.

How long will the street closure be in effect? From: various times starting July 10 To: July 18

Will you need barricades and/or signs? ☐ No ☒ Yes

Will you need assistance closing the street? ☐ No ☒ Yes

Are you planning to use sidewalks only? ☒ No ☐ Yes

Will you cross any state roads? ☐ No ☒ Yes (If yes, submit TE-300 Form)

PLEASE NOTE: Sponsor is held responsible for the replacement value and/or repairs of missing cones, barricades, signs or message boards that are needed/required to close a street.

*Event organizers will be required to produce a copy of the PennDOT permit to State College Police Department representatives prior to the event. Failure to do so will prevent the police department from lawfully closing the affected street(s) and the event will not be permitted to take place.

Date of Submission: 3-4-2022

USE OF OTHER PROPERTY

If this event includes the use of a municipal park, please contact Centre Region Parks and Recreation by phone at (814) 231-3071 or by e-mail at crpr@crcog.net prior to submission of this form. Special park permits and conditions may also apply.

If any part of this activity is to take place on other public property, state road, on campus or on private property an official of the other government agency, university or property owner must sign here:

Name: (Print) Richard W. Bryant Title of Official: Executive Director
Address: P.O. Box 1023, State College, PA 16801 Phone: 814-237-3682
Signature: *Richard W. Bryant* Date: _____

CHARITABLE CAUSE: Is the Sponsor a non-profit organization? ☒ Yes ☐ No

If this activity is to benefit a charitable organization, name the recipient: _____

HEALTH CONSIDERATIONS: Will you be providing food or drink to the public? ☒ Yes ☐ No

If yes, have you made arrangements for approval/inspections with the Department of Ordinance Enforcement and Public Health? ☒ Yes ☐ No

If no, please complete the form that is attached to this application and obtain approval, prior to submission.

Applicant recognizes and AGREES that the Borough requires the proposed activity to be conducted in such a manner as to promote harmony in the area, insure domestic tranquility and be within the limits established by existing ordinances. By signature below, applicant AGREES to protect, defend, indemnify and hold the Borough of State College and its officers, employees and agents free and harmless from and against any and all losses penalties, damages, settlements, costs or other expenses or liabilities of every kind and character arising directly or indirectly from this special activity. Applicant further AGREES to investigate, handle, respond to, provide defense for, and defend any such claims, etc., at applicant's sole expense and AGREES to bear all other costs expenses related thereto, even if such claims are groundless, false or fraudulent.

Signature: *Richard W. Bryant* Date: 4 March 2022

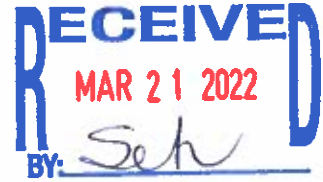
OFFICE USE ONLY: ROUTING FOR APPROVAL: DID LJ 3/30 Facilities LK 3/31
Schlaw DL 3/31 Risk Manager EH 3/31
Police Chief JG 3/30 Public Works Director _____ Health Director BO 3/30
Parking Manager TB 3/31 Planning Director EL 3/30 Borough Manager QV 4/1

THIS SERVES AS YOUR PERMIT

The State College Borough Council approved your application on: _____

Conditions (if any) are as follows: -updated COI two weeks prior to event
-COI for alcohol + COI for event -RAMP certificates

Any change in this application, whether approved at all levels or not, must be resubmitted and routed through the same channels as if it were a new application.



**The Central Pennsylvania Festival of the Arts, P.O. Box 1023, State College, PA 16804
(814) 237 3682**

21 March 2022

Thomas Fountaine, II, Manager
Borough of State College
243 South Allen Street
State College, PA 16801

Dear Tom:

The 56th Central Pennsylvania Festival of the Arts will take place from Wednesday, July 13 through Sunday, July 17, 2022.

On behalf of the Board of Directors of the Festival, I am writing to request State College Borough Council's authorization "designating the public streets and public areas as the Central Pennsylvania Festival of the Arts area and establishing the time period of the Arts Festival" and "amending the vehicle and traffic ordinance to provide for temporary on-street restrictions during the 2022 Central Pennsylvania Festival of the Arts."

The general format of the Festival will follow its now traditional pattern with Children and Youth Day on Wednesday, July 13, and the Sidewalk Sale and Exhibition opening on Thursday, July 14 and continuing through Sunday, July 17 at 4:00 p.m.

We will present concerts on three outdoor stages in addition to concerts in State College Presbyterian Church, The State Theatre, and St. Andrew's Episcopal Church.

In a new event this year, we will be partnering with the Pennsylvania Tasting Trail to present an opportunity for the public to sample and purchase beer, wine, and spirits, in the Martin Luther King Jr Plaza on July 14 through July 16. The Pennsylvania Tasting Trail has produced similar events and will operate in compliance with the Commonwealth's and the Borough's liquor laws and ordinances. More details and a letter in support from the Downtown State College Improvement District are attached.

As we have in the past, we will present light music to dine and shop with on the Mayor Welch Plaza in the early evening hours of Thursday, July 14, Friday, July 15, and Saturday July 16. We will take care to assure easy public access to the building via the primary entrances on the southern end of the plaza.

Once again, the Festival joins with Schlow Centre Region Library in presenting BookFest, a celebration of literacy, the book and authors. BookFest programs will take place at Schlow Centre Region Library and in its parking lot on Saturday, July 16.

We would like to use the Community Room on Friday, July 15 for a performance by the State College Area High School Thespians. It will be a preview of the production they are taking to the American High School Theatre Festival at the Edinburgh Festival Fringe in Scotland later in the summer.

We will have food vendors at spots on South Allen Street and at Sidney Friedman Park as we have in the past. We will also have a food court area in the Memorial Field parking lot. We will continue to work with Borough Staff to ensure that our food vendors operate in a clean and healthful way.

The CPFA will contract Master Shine to clean and re-stock the Borough building's ground floor public restrooms, as we have done in the past.

The CPFA recognizes that access to the Municipal Building is critical to the Borough's operations and will make all necessary efforts to provide full access to the site twenty-four hours a day.

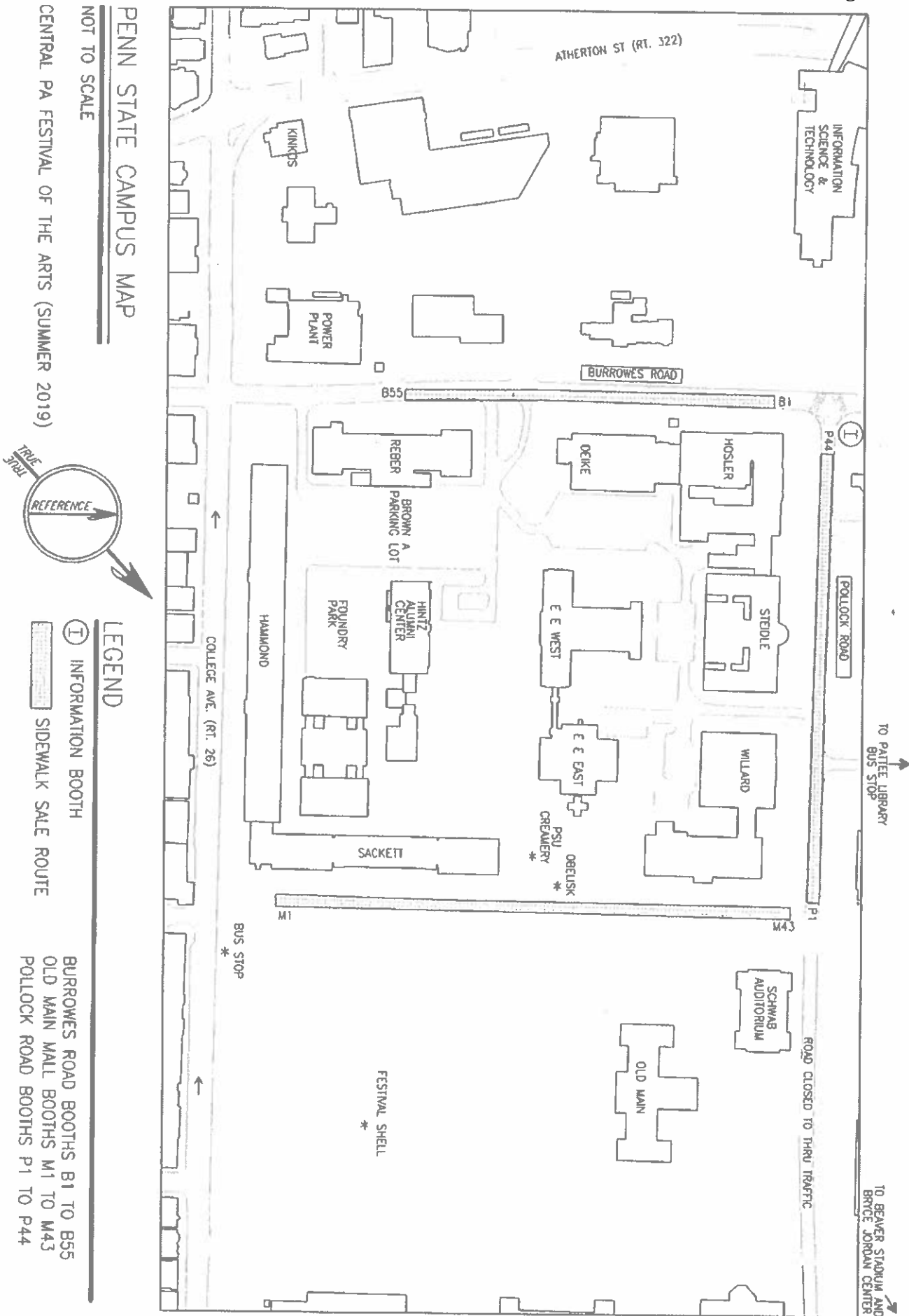
We are working with Borough Finance staff to collect the appropriate license and permit fees from Sidewalk Sale exhibitors and food vendors. We anticipate no problems with this.

Street closing and parking schedules, guidelines, formats, and procedures will be followed as they have in the recent past. As the CPFA program is developed and contracted, access and scheduling will be affirmed with your office.

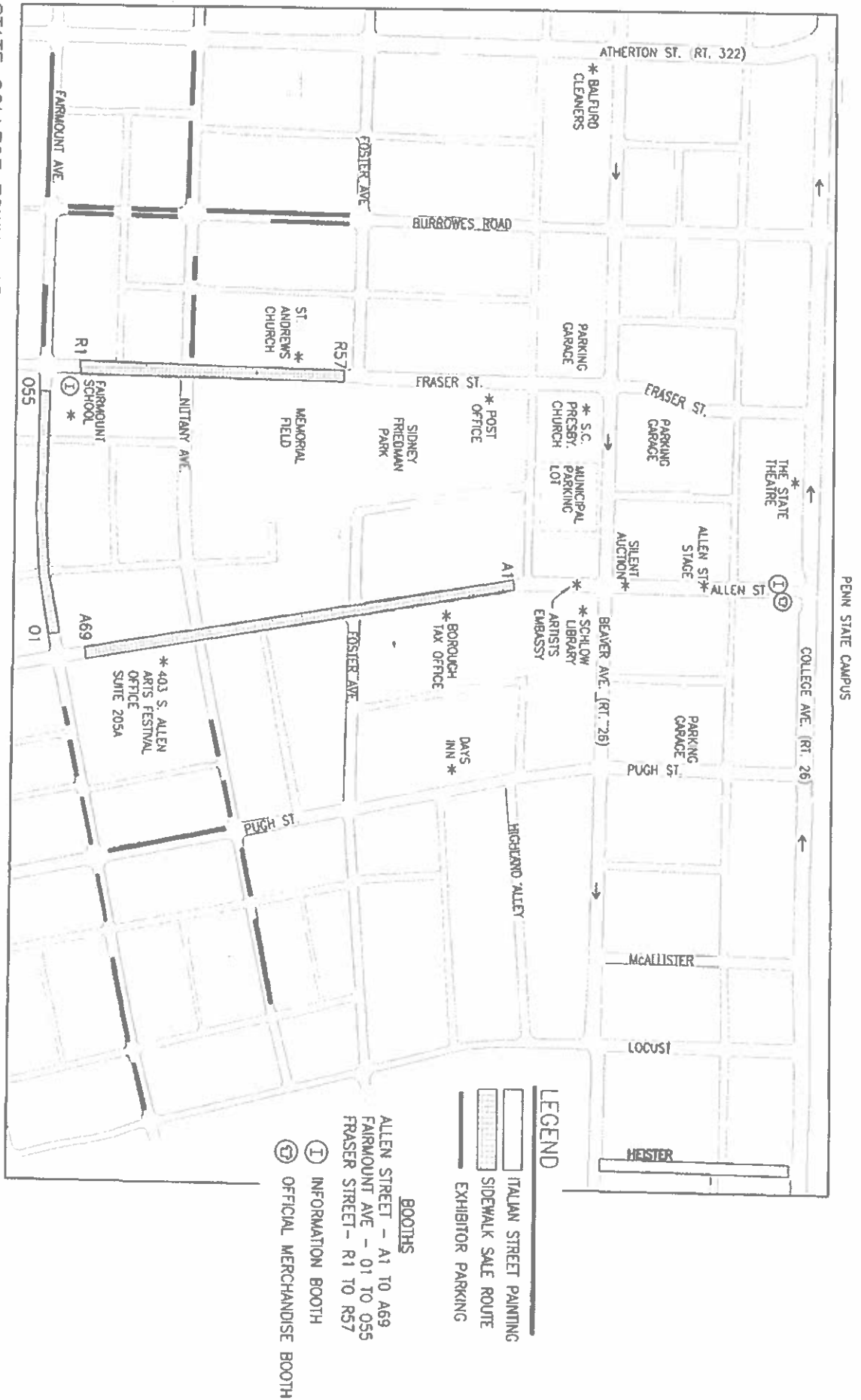
Very Truly Yours,



Richard W. Bryant
Executive Director



STATE COLLEGE TOWN MAP
 NOT TO SCALE
 CENTRAL PA FESTIVAL OF THE ARTS (SUMMER 2019)



Sidney Friedman Park Performances

Thursday, July 14

6:30 pm Mark DeRose and the Dreadnoughts

9:00 pm Kristi Jean and Her Ne'er Do Wells

Friday, July 15

4:30 pm Joe Baione Trio

7:00 pm tba

9:30 pm The Gill Street Band

Saturday, July 16

5:00 pm Callanish

7:00 pm tba

9:30 pm tba

Sunday, July 17

11:30 am Altoona Brass Collective

2:00 pm Bellefonte Community Band



CENTPAF-01

FLIR11

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
7/13/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Frost & Conn, Inc. 1301 North Atherton St Suite 3 State College, PA 16803	CONTACT NAME: PHONE (A/C, No, Ext): (814) 237-1492		FAX (A/C, No): (814) 234-0389
	E-MAIL ADDRESS:		
INSURED Central PA Festival of the Arts, Inc PO Box 1023 State College, PA 16804	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A : CSU Producer Resources Inc		13037
	INSURER B : Cincinnati Insurance Co		10677
	INSURER C :		
	INSURER D :		
	INSURER E :		
INSURER F :			

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:	X		CSU 0171800	7/7/2021	7/7/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
B	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			EBA 0186148	5/15/2021	5/15/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ EACH OCCURRENCE \$ AGGREGATE \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 THE CERTIFICATE HOLDER IS ADDED AS AN ADDITIONAL INSURED, BUT ONLY FOR LIABILITY CAUSED, IN WHOLE OR IN PART, BY THE ACTS OR OMISSIONS OF THE NAMED INSURED.

CERTIFICATE HOLDER BOROUGH OF STATE COLLEGE 243 S. ALLEN ST. STATE COLLEGE, PA 16801	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Rita Stick</i>
--	---

Re: SA REVIEW: 03302022 Central PA Festival of the Arts

Brown, Thomas <tbrown@statecollegepa.us>

Thu 3/31/2022 8:52 AM

To: Vercillo, Natalie <nvercillo@statecollegepa.us>; DepartmentHeads <DepartmentHeads@statecollegepa.us>; O'Donnell, Brian <bodonnell@statecollegepa.us>; King, Lance <lking@statecollegepa.us>; Holmes, Edward <eholmes@statecollegepa.us>; Hockenberry, Ryan <rhockenberry@statecollegepa.us>; Brooks, Eric <ebrooks@statecollegepa.us>; Lee Anne Jeffries <leeanne@downtownstatecollege.com>; Lilly, DJ <djlilly@schlowlibrary.org>
Cc: Hall, Stacy <shall@statecollegepa.us>; Jones, Ryan <rjones@statecollegepa.us>; Keeler, John <jkeeler@statecollegepa.us>; Dobo, Denise <ddobo@statecollegepa.us>

Parking is ok with this event. \$8,820 in lost meter and lot revenue.

Tom

Thomas W. Brown
Acting Director of Parking
Borough of State College
Phone : (814)-278-4700

From: Vercillo, Natalie <nvercillo@statecollegepa.us>

Sent: Wednesday, March 30, 2022 3:44 PM

To: DepartmentHeads <DepartmentHeads@statecollegepa.us>; O'Donnell, Brian <bodonnell@statecollegepa.us>; King, Lance <lking@statecollegepa.us>; Holmes, Edward <eholmes@statecollegepa.us>; Hockenberry, Ryan <rhockenberry@statecollegepa.us>; Brooks, Eric <ebrooks@statecollegepa.us>; Lee Anne Jeffries <leeanne@downtownstatecollege.com>; Lilly, DJ <djlilly@schlowlibrary.org>

Cc: Hall, Stacy <shall@statecollegepa.us>; Jones, Ryan <rjones@statecollegepa.us>; Keeler, John <jkeeler@statecollegepa.us>; Dobo, Denise <ddobo@statecollegepa.us>

Subject: SA REVIEW: 03302022 Central PA Festival of the Arts

Good Afternoon,

Please review the attached copy of the special activities application for the **Central PA Festival of the Arts** which is **planned for Wednesday, July 13 through Sunday July 17, 2022**. The applicant is requesting various road closures for the festival

Your **comments and approvals are due back NLT COB on Monday, April 4, 2022.**

REMINDER - As part of your review process, your feedback should include any information related to anticipated overtime costs, loss of revenue, etc., along with an estimate of those costs, for review and approval purposes.

Thank you,
Natalie

Natalie Vercillo
Community Engagement Specialist
Borough of State College

Re: SA REVIEW: 03302022 Central PA Festival of the Arts

Hockenberry, Ryan <rhockenberry@statecollegepa.us>

Thu 3/31/2022 1:18 PM

To: Brooks, Eric <ebrooks@statecollegepa.us>; Vercillo, Natalie <nvercillo@statecollegepa.us>; DepartmentHeads <DepartmentHeads@statecollegepa.us>; O'Donnell, Brian <bodonnell@statecollegepa.us>; King, Lance <lking@statecollegepa.us>; Holmes, Edward <eholmes@statecollegepa.us>; Lee Anne Jeffries <leeanne@downtownstatecollege.com>; Lilly, DJ <djlilly@schlowlibrary.org>

Cc: Hall, Stacy <shall@statecollegepa.us>; Jones, Ryan <rjones@statecollegepa.us>; Keeler, John <jkeeler@statecollegepa.us>; Dobo, Denise <ddobo@statecollegepa.us>

PW refuse costs for clusters, dumpsters, setup, etc. \$20,908.44

Thanks,

Ryan Hockenberry

State College Borough
Public Works Department
Refuse and Organics Manager
814-278-4713

rhockenberry@statecollegepa.us

From: Brooks, Eric <ebrooks@statecollegepa.us>

Sent: Thursday, March 31, 2022 12:45 PM

To: Vercillo, Natalie <nvercillo@statecollegepa.us>; DepartmentHeads <DepartmentHeads@statecollegepa.us>; O'Donnell, Brian <bodonnell@statecollegepa.us>; King, Lance <lking@statecollegepa.us>; Holmes, Edward <eholmes@statecollegepa.us>; Hockenberry, Ryan <rhockenberry@statecollegepa.us>; Lee Anne Jeffries <leeanne@downtownstatecollege.com>; Lilly, DJ <djlilly@schlowlibrary.org>

Cc: Hall, Stacy <shall@statecollegepa.us>; Jones, Ryan <rjones@statecollegepa.us>; Keeler, John <jkeeler@statecollegepa.us>; Dobo, Denise <ddobo@statecollegepa.us>

Subject: Re: SA REVIEW: 03302022 Central PA Festival of the Arts

PW Streets costs for street closures etc. for this event are \$22,840.00

Thanks,
Eric

Eric L. Brooks,
Assistant Public Works Director / Operations
Borough of State College
Office 814-234-7138
Fax 814-231-3089

Make it a GREAT DAY!

From: Vercillo, Natalie <nvercillo@statecollegepa.us>

Sent: Wednesday, March 30, 2022 3:44 PM

Re: SA REVIEW: 03302022 Central PA Festival of the Arts

DJ Lilly <djlilly@schlowlibrary.org>

Thu 3/31/2022 8:33 AM

To: Holmes, Edward <eholmes@statecollegepa.us>

Cc: Vercillo, Natalie <nvercillo@statecollegepa.us>; DepartmentHeads <DepartmentHeads@statecollegepa.us>; O'Donnell, Brian <bodonnell@statecollegepa.us>; King, Lance <lking@statecollegepa.us>; Hockenberry, Ryan <rhockenberry@statecollegepa.us>; Brooks, Eric <ebrooks@statecollegepa.us>; Lee Anne Jeffries <leeanne@downtownstatecollege.com>; Hall, Stacy <shall@statecollegepa.us>; Jones, Ryan <rjones@statecollegepa.us>; Keeler, John <jkeeler@statecollegepa.us>; Dobo, Denise <ddobo@statecollegepa.us>; Kauffman, Erin <ekauffman@statecollegepa.us>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Schlow definitely approves, although I'll have to get back to you as far as whether and when we need Library Detour signs because we'll be arranging BookFest in our parking lot a bit differently.

On Thu, Mar 31, 2022 at 8:25 AM Holmes, Edward <eholmes@statecollegepa.us> wrote:

The Certificate of Insurance indicates their general liability policy expires prior to the event. An updated COI is required with matching additional insured provisions once they renew their general liability coverage.

Ed

Edward C. Holmes
Purchasing/Risk Management Director
State College Borough
243 S. Allen St.
State College, PA 16801

Phone: 814.234.7114

Fax: 814.234.7148

Notice: All Borough employee e-mail may be subject to public disclosure under the Commonwealth of Pennsylvania Right to Know Act.

From: Vercillo, Natalie <nvercillo@statecollegepa.us>

Sent: Wednesday, March 30, 2022 3:44 PM

To: DepartmentHeads <DepartmentHeads@statecollegepa.us>; O'Donnell, Brian <bodonnell@statecollegepa.us>; King, Lance <lking@statecollegepa.us>; Holmes, Edward <eholmes@statecollegepa.us>; Hockenberry, Ryan <rhockenberry@statecollegepa.us>; Brooks, Eric <ebrooks@statecollegepa.us>; Lee Anne Jeffries <leeanne@downtownstatecollege.com>; Lilly, DJ <djlilly@schlowlibrary.org>

Cc: Hall, Stacy <shall@statecollegepa.us>; Jones, Ryan <rjones@statecollegepa.us>; Keeler, John <jkeeler@statecollegepa.us>; Dobo, Denise <ddobo@statecollegepa.us>

Subject: SA REVIEW: 03302022 Central PA Festival of the Arts

Good Afternoon,

ALCOHOL CONSUMPTION AND SALES FORM

NAME OF APPLICANT **CENTRAL PENNSYLVANIA FESTIVAL of the ARTS
and CENTRAL PA TASTING TRAIL**

ADDRESS OF APPLICANT
P.O. BOX 1023, STATE COLLEGE, PA 16804

PHONE
814 237 3682

EMAIL
rbryant@arts-festival.com

FROM DATE
JULY 14, 2022

END DATE
JULY 16, 2022

LOCATION OF EVENT
MARTIN LUTHER KING JR. PLAZA

GENERAL INFORMATION

DEFINITION: Alcohol refers to beer, cider and/or wine ONLY. Under no circumstances shall any other type of alcohol be approved

The service and consumption of alcoholic beverages must comply with all Pennsylvania Liquor Control Board (PLCB) regulations. Documentation should be provided as part of this application showing all alcohol sales comply with PLCB regulations.

The Borough reserves the right to revoke the permit or require the applicant to discontinue alcohol sales and consumption.

Click the link below to download the Ordinance.

[LEARN MORE](#)

SPECIAL EVENT ALCOHOL BOUNDARY MAP



EVENT SIGNAGE

THE EVENT WILL BE IN AN ENCLOSED AREA DEFINED BY BARRIERS SUCH AS ROPE LINES TO KEEP ATTENDEES AND THE PUBLIC APART. ~~QUEST~~ SIGNS WILL BE POSTED

MECHANISM DESIGNATING LEGAL AGE

CENTRAL PA TASTING TRAIL STAFF WILL ~~PR~~ REQUIRE ID FROM ATTENDEES TO VERIFY AGE + WILL AFFIX A TYVEK WRISTBAND TO ATTENDEES ELIGIBLE TO CONSUME ALCOHOLIC BEVERAGES

PROOF OF RAMP

NOTING THE PROHIBITION OF TAKING DRINKS OFF SITE. STAFF WILL BE PRESENT AT ENTRANCES/EXITS TO INSURE COMPLIANCE.

VENDORS AT THE TASTING TRAIL ARE RAMP CERTIFIED

ALCOHOL CONSUMPTION AND SALES FORM


ENDING SALES

Initial here: RWB

NON-ALCOHOLIC OPTIONS

WATER
SOFT DRINKS
JUICE

DOWNTOWN IMPROVEMENT DISTRICT SPONSORSHIP


LEE ANNE JEFFRIES, EXEC. DIRECTOR
By signing this form, I acknowledge that I have read, understand and agree to abide by the provisions set forth in the Borough of State College's Ordinance 2098.

ACKNOWLEDGMENT

Initial here: RWB

Initial here: RWB

Initial here: RWB

PLEASE NOTE:

Initial here: RWB

APPLICANT SIGNATURE



DATE 4/21/2022

By signing this form, I acknowledge that I have read, understand and agree to abide by the provisions set forth in the Borough of State College's Ordinance 2098.

STATE COLLEGE

Please return the completed form and attachments to:

243 S Allen Street
State College, PA 16801

PRINT

SUBMIT

Central PA Tasting Trail Event Proposal for Central Pennsylvania Festival of the Arts

- Date and days: Thursday July 14, Friday July 15, Saturday July 16, 2022
- Time: noon - 8pm
- Location: Martin Luther King, Jr. Plaza
 - We will operate in a closed area with carding and wristbands to designate attendees in the closed area. We will sell tickets, benefiting the Arts Festival and the CPTT.
 - The CPTT will set up the event with up to ten 10x10 tent placements in the area with small tables to invite seating.
 - 13 CPTT members will be sampling & selling beverages from the 10'x10' tents. We will have up to 6 members in attendance each day.
 - There are two possible options:
 - samples, purchases by the bottle
 - samples, purchases by the bottle, purchases by the glass
 - Food or additional vendors will be upon the discretion of the Arts Festival and the CPTT.
 - Additional vendors could be invited, such as Town&Gown, Happy Valley Adventure Bureau, Downtown State College Improvement District, CBICC. Including travel and tourism resources from the community will allow us to collaboratively promote the event as a regional sample of Pennsylvania's craft product industry and tourism.
 - Entertainment could be incorporated at the Plaza's stage
 - Recorded music
 - Live music - DJ or live band
- **EVENT TIMELINE** (Thursday, Friday, Saturday)
 - 10-11am - arrival of CPTT members to set up. We will have half the CPTT members appear each day.
 - 12pm - begin tasting trail event
 - 1pm-4pm - music
 - 4pm-7pm
 - 4:30-6:30pm - live music
 - 6:30pm - last call for sales by the bottle (or by the glass)
 - 7pm-8:30pm - clean up
- **SECURITY ISSUES**
 - A perimeter will be established with existing fencing on 2 sides & caution tape with volunteers/support at any entrances.
 - Attendees will be given a wrist band at the entrance after verifying and presenting proof of age.
 - Attendees will be assessed per RAMP training prior to serving tastings, etc.
 - Before being served, attendees will be required to present valid wristbands.
 - There will be a mandatory bottle check area for purchases, to prevent opening at the event.
 - We would request that the State College Borough Police make appearances

throughout the event.

- Attendees will not be permitted to leave with open containers of any sort.

- PERMITS & INSURANCE

- To ensure compliance with the State College Borough, the CPTT will work closely to comply with all state and local permits, ordinances, expectations.
- ALL CPTT participants must have insurance (\$1 million dollar insurance liability) and name State College Borough, CPTT, and the Central Pennsylvania Festival of the Arts as additional insured parties.
- In addition, all CPTT parties will comply with PALCB code and have current Exposition Permits prepared and visible at the event.

- PARKING

- as accessible by patrons throughout the Borough.



Borough of State College

Attn: Tom Fontaine

243 S. Allen Street

State College, PA 16801

February 25, 2022

Dear Tom,

The Downtown State College Improvement District (DSCID) has been approached by the Central PA Festival of Arts and the Central PA Tasting Trail (CPTT) with a request for beer and wine service during the 2022 Festival of the Arts. They are requesting use of the MLK Plaza for the event that runs from 12-8pm, July 14th-16th, 2022.

At this point in the Special Events Ordinance process, DSCID is comfortable co-sponsoring the event when the following items are met:

- CPTT satisfactory completion of all requirements set forth by the Borough of State College.
- DSCID named as additional insured on General & Liquor Liability policy of no less than \$1,000,000 per Occurrence limit. This coverage should be on a primary and non-contributory basis.
- CPTT will indemnify DSCID, signing an indemnification agreement.

The DSCID's co-sponsorship is contingent upon all of the above items being met in a timely matter; if any are broken, then the co-sponsorship will be rescinded.

The DSCID will monitor this event closely and thoroughly examine every aspect as it relates to our support of the Special Ordinance Events DSCID co-sponsorship.

Please contact our office if you have any questions.

Sincerely,

Lee Anne Jeffries
Executive Director



Special Events Ordinance: Indemnification Agreement

Indemnity by: Arts Festival & CPA Tasting Trail Event

Date: July 14-16, 2022

Event Location: MLK Plaza

1. Central Pa Festival of the Arts (CPFA) and Central PA Tasting Trail (CPTT) shall indemnify and hold Downtown State College Improvement District harmless from and against any and all claims of liability for any injury or damage to any person or property arising from CPFA & CPTT's use of the Premises, the Property or the Common Areas (as defined in the State College Borough Special Event Ordinance Application and/or Road Closure Application), or from the conduct of CPFA & CPTT's business, or from any activity, work or thing done, permitted or suffered by CPFA & CPTT in or about the Premises or elsewhere

2. CPFA & CPTT shall further indemnify and hold Downtown State College Improvement District harmless from and against any and all claims arising from any breach or default in the performance of any obligation on CPFA & CPTT's part to be performed under this agreement, or arising from any negligence of CPFA & CPTT or CPFA & CPTT's agents, contractors or employees, and from and against all costs, attorney's fees, expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon.

3. In the event any action or proceeding is brought against Downtown State College Improvement District by reason of any such claim described in Paragraphs 1 or 2, CPFA & CPTT, upon notice from Downtown State College Improvement District, shall defend same at CPFA & CPTT's expense by counsel satisfactory to Downtown State College Improvement District. If both CPFA & CPTT and Downtown State College Improvement District are parties to an action or proceeding, and Downtown State College Improvement District believes a conflict of interest exists, Downtown State College Improvement District may insist on separate satisfactory counsel at CPFA & CPTT's expense.

4. CPFA & CPTT, as a material part of the consideration to Downtown State College Improvement District, hereby assumes all risk of damage to property or injury to persons, in, upon or about the Premises arising from any cause and CPFA & CPTT hereby waives all claims in respect thereof against Downtown State College Improvement District.

Signatories, intending to be legally bound:

Richard W. Bryant

Lee Anne Jeffries, Executive Director 4/21/2022

NAME, TITLE on behalf of: CENTRAL PENNSYLVANIA FESTIVAL

NAME, TITLE on behalf of:

EVENT/ORGANIZATION | DATE of THE ARTS

Downtown State College Improvement District | DATE

Richard W. Bryant
EXECUTIVE DIRECTOR 4/24/2022

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Ordinance 2098

SPECIAL EVENTS ORDINANCE

Section 101 Purpose and Intent.

Special events are activities that impact the ordinary allocation of Borough personnel or the ordinary use of Borough streets, alleys, sidewalks, rights-of-way, parks, parking lots, facilities, plazas, or other Borough property. The purpose of this Ordinance is to establish criteria and procedures for applying for and approval of a special event permit granted by the Borough. Protecting all person's civil liberties and constitutional rights is paramount. Nothing in this ordinance is intended to nor shall interfere in any way with constitutionally protected activity.

The obligation of complying with the requirements of this ordinance are upon the applicant or sponsor, and nothing contained in this ordinance is intended to be construed to create or form the basis for liability on the part of the Borough, or its officers, employees or agents for any injury or damage resulting from the failure of the applicant or sponsor to comply with the provisions stated herein.

Section 102 Definitions.

Applicant means the person or entity who submits the special event permit, is issued the special event permit if approved, and is responsible for complying with all requirements of this ordinance.

Beer is defined as a commercially produced alcoholic beverage of consumption obtained by the fermentation of a mash of various malted grains.

Chief of Police means the Chief of Police of the Borough or his /her designee.

Cider is defined as a commercially produced alcoholic beverage made from the fermentation of the juice of apples.

Borough of State College (Borough) means a representative of the Borough of State College represented by the Borough Manager or their designee to administer special event permits.

Public Property is defined as any Borough street, alley, sidewalk, right-of-way, park, parking lot, plaza, or any other property of the Borough.

Special Event is defined as any festival, concert, parade, assemblage, demonstration, bike or foot races, walks, or other planned or announced public gathering upon any public street, right-of-way or property of the Borough.

Wine is defined as a commercially produced alcoholic beverage of consumption made by the fermentation of the juice of grapes, berries or other plants.

Section 103 Permit required.

No person(s) or organization(s) is to engage in, form, start, or operate a special event in or on or requiring exclusive use of or closure of public property unless a permit is obtained from the Borough. This section shall not apply to the following:

- (1) Any use of public property that is permitted by law or constitution.
- (2) Funeral processions supervised by a licensed mortuary.
- (3) Any local, state or federal governmental agency acting in the scope of its authorized functions.

Section 104 Application for permit.

- (a) A person or organization seeking the issuance of a special event permit shall file an application with the Borough. The application will be provided by the Borough. The Borough Manager will assign a Borough staff the responsibility for administering and enforcing this ordinance. Upon receipt of a special event application, the application will be forwarded to appropriate Borough staff members who will make a recommendation on the permit application as expeditiously as possible.

In addition to the Borough of State College special event permit application, the applicant may also be required to secure permits from the Pennsylvania Department of Transportation if the event requires the closure of a state roadway(s), Centre Region Parks and Recreation if the event will use a municipal/regional park, The Pennsylvania State University or owner of other property if any part of the special event will be held on such property. The applicant has the burden of proof of obtaining any such permission of other entities, or property owners.

- (b) An application shall be completed, signed, and submitted at least 45 days before the date the special event is to commence. The Borough, where good cause is shown, shall have the authority to consider any application which is filed less than 45 days before the date of the event. Any required application and/or processing fee for any special event permit shall be set by resolution. If an application and/or processing fee is required it is non-refundable and payment shall be made to the Borough Finance Department at the time the application is submitted.
- (c) A person or organization shall complete all information listed on the Borough's special event permit application and any other additional information which a Borough official shall find reasonably necessary to make a fair determination as to whether a permit should be issued. If food and/or beverages are to be sold or distributed on public property, the applicant shall also complete and submit with the special events application the Borough's Registration of a Food Event on Public Property form.
- (d) The Borough shall issue a permit for a proposed special event unless it finds any of the following:
 - (1) The event would likely endanger public safety or health.
 - (2) The proposed event would seriously and unreasonably inconvenience or impact the general public's use of public property, services or facilities.

- (3) The event would unreasonably infringe upon the rights of abutting properties.
 - (4) The event would conflict with another proximate event or interfere with construction or maintenance work in the immediate vicinity.
 - (5) There is not sufficient qualified safety personnel or other necessary Borough staff to accommodate the event.
 - (6) The applicant failed to complete the application form or provide other required information in a timely manner after being notified of the additional information or documents required.
 - (7) Information contained in the application or supplemental information requested from the applicant is found to be false in any material detail.
 - (8) The applicant cannot meet, or is unwilling to meet, all the requirements of this ordinance or any special conditions imposed by the Borough.
 - (9) Other issues in the public interest were identified by the Borough Manager, Council, or designee.
 - (10) The applicant failed to prepay required expenses, fees, charges, deposits, insurance or bonds.
 - (11) The proposed event is scheduled to occur at a route or location adjacent to a school or class during a time when such school or class is in session, and the noise created by the activities of the event would substantially disrupt the educational activities of the school or class.
 - (12) The purpose of the proposed event is to incite crime or the overthrow of the government by force or the event would engage in or encourage participants to engage in illegal acts.
- (e) Generally, the Borough requires proof of liability insurance from the applicant by requiring the applicant to submit a copy of a Certificate of Insurance in an amount equal to the Borough's liability under the Government Tort Claims Act of the state, and requires the execution of a hold harmless agreement to indemnify the Borough in the event the Borough is held liable for any injuries or damage as a result of the event. In certain instances, the Borough does have the authority to waive the requirement for proof of insurance based on the nature of the special event.
 - (f) The persons or organization shall comply with all other applicable federal, state, local statutes, ordinances, codes, licenses, permits, rules or regulations.
 - (g) The persons or organizations shall also comply with all directives and instructions from the Borough administration, police, fire, public works and parks and recreation personnel.

Section 105 Action on application.

Unless extenuating circumstances exist, the Borough Council shall act on all special event permit applications at a regular Council meeting. If there is not a regular Council meeting scheduled between the time the application is submitted and the date of the special event, the Borough Manager has the authority to review and make a decision on the special event permit request.

However, special event permit applications requesting alcohol sales and consumption may only be approved by Borough Council.

Prior to Borough Council or the Borough Manager acting on the special event permit application, the following shall occur:

- (a) The Borough employees shall act upon the application for a permit required by this ordinance as expeditiously as possible.
- (b) The Borough employees reviewing the application shall document their review of the application and any provisions that need to be addressed by the applicant and included in the permit.

The applicant shall be notified in writing of Borough Council's or Borough Manager's decision on the special event permit application. If the application is disapproved, the reasons therefore shall be set forth in writing.

Section 106 Duties of applicant.

- (a) *General.* The applicant under this ordinance shall comply with all permit directions, instructions, guidelines, and conditions.
- (b) *Cleanup.* Arrangements must be made with the public works department by the applicant for trash containers and procedures to clean the public property used for the special event. Cleanup must begin immediately after the special event and continue until completed with all refuse and recycling properly contained for collection and disposal.

Section 107 Payment of costs of services and equipment provided by the Borough or damage to public property.

- (a) The Borough may impose reasonable fees and requirements upon the applicant as necessary to cover the costs of public services and equipment provided by the Borough for the special event. If a fee is imposed, an estimate of the anticipated fee may be required to be paid at the time the permit is approved.
- (b) Canceled event - If a fee is imposed and the special event is canceled without at least 48 hours' notice, the fee will still be assessed to cover the cost of labor and equipment. The assessed fee will not apply if inclement weather, disaster or other unforeseen circumstances occur that are not in the applicant's control result in the cancellation of the special event.
- (c) If damage to public property occurs as a result of the special event, the applicant shall be responsible for reimbursing the Borough for the material and labor cost to repair the damage.

Section 108 Security.

The applicant must provide adequate security for the special event as determined by the Chief of Police. In addition, the applicant may be required to reimburse the Borough for the cost of additional police services the Chief of Police determines is required to insure public safety for the special event.

Section 109 Street closures to Vehicle Traffic.

Closing public streets to vehicular traffic can create an inconvenience for neighboring businesses, residents, and the driving public. If the applicant intends to close any street to vehicular or pedestrian traffic, that request shall be included in the application. The applicant shall submit with the application documentation from all properties located on the segment of the street to be closed indicating whether the property owner/manager supports the street closure request.

In addition to the street closure requirements below, all street closures must be done in accordance with PennDOT and any local regulations. The applicant is responsible for any costs associated with meeting any PennDOT or local street closing regulations.

All street closure requests, especially requests to close state roadway, will be carefully evaluated to determine if the community benefit from closing the street for the proposed special event outweighs the inconvenience or impact to the neighboring businesses, residents, and general public's use of public property, services or facilities. This evaluation can be cause for denying the street closure request.

If a street closure is requested, the applicant may be required to meet with Borough police and/or public works staff to discuss in detail the street closure request and to develop a traffic detour and traffic control plan.

Section 110 Alcohol Sales and Consumption at Special Events.

For purposes of this ordinance, alcohol refers to beer, cider and/or wine ONLY. Under no circumstances shall any other type of alcohol be approved.

- (a) Special events that include the sale of alcohol may only be considered for approval if requested for special events sponsored or co-sponsored by the Downtown Improvement District (DID) and only within the following locations:
 - Area bounded by south side of College Avenue, east side of Atherton Street, north side of Beaver Avenue, and east side of Sowers Street; OR
 - Area bounded by south side of Beaver Avenue, east side of D Alley, north side of Foster Avenue, and all of Allen Street.
- (b) For Council to consider a request for the sale and consumption of alcohol, the DID and/or their co-sponsor shall provide the following with the special event application:
 - (1) Location, hours of sales, site diagram, security procedures (volunteer and uniform staffing, ID checking, and dispensing operations), physical enclosure measures, parking locations for beer trucks, etc.
 - (2) The service of and consumption of alcoholic beverages must comply with all applicable federal, state, and local laws or regulations including but not limited to the Pennsylvania Liquor Control Board (PLCB) licensing and other PLCB regulations. Before a permit is approved, documentation shall be provided to the Borough showing the proposed alcohol sales complies with all PLCB licensing and other PLCB regulations.

- (3) The service of alcohol to consumers in glass or can containers is prohibited on Borough property or streets. Alcoholic beverages must be served to consumers in paper or plastic containers and in containers no larger than 16 fluid ounces.
- (c) The Borough reserves the right to revoke the permit or require the applicant to discontinue alcohol sales and consumption whenever Borough police determine the consumption of alcohol by participants becomes excessive, or whenever Borough police determines participants are demonstrating unruly, loud, abusive, or other inappropriate behavior during the special event.
- (d) If Council approves the sale and consumption of alcohol for a special event, the following shall apply:
- (1) Applicant must post signs stating that alcoholic beverages are prohibited beyond the approved permitted area and that underage drinking is prohibited. Signs must be posted adequately designating the approved permitted area.
 - (2) At least one person at each alcohol serving station shall be trained and certified through the Responsible Alcohol Management Program (RAMP) server/seller training.
 - (3) All participants consuming alcohol must be provided and wear a designating item to identify that they are of legal drinking age. The specific type of item the applicant proposes to issue is subject to approval by the Borough. At a minimum, the item issued shall be designed that would prevent a person to transfer the identifier to another person.
 - (4) All alcohol sales must end at least 45 minutes before the scheduled ending time of the special event.
 - (5) Applicant must also provide a non-alcoholic beverage option.
 - (6) Any other requirements determined by Council shall be followed.

Section 111 Prohibited conduct.

- (a) No person shall unreasonably hamper, obstruct, impede or interfere with any special event, or with any person, vehicle or animal participating or used in any special event.
- (b) The Borough shall have the authority to prohibit or restrict the parking of vehicles along a street or area properly designated or posted for an approved special event, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.
- (c) Beverages shall not be sold or distributed in glass containers on public property during an approved special event.

Section 112 Termination and Revocation.

- (a) A special event permit issued under this ordinance for a special event in progress may be terminated by the Chief of Police or his/her designee, if termination is a reasonable and necessary response to imminent danger or threat to public safety.

b) A special event permit may be revoked by the Borough for failing to comply with the conditions for the issuance of the permit, violating any provision of this ordinance or other applicable ordinances and state law.

Section 113 Violation – Penalty.

(a) Failure to obey or violation of any provision(s) of this ordinance, or any order, requirement, or condition imposed as part of the permit approval shall be a violation of this ordinance by the applicant and may result in the termination of the special event, revocation of the special event permit, and/or subject to a fine as listed in b) below. A future special event permit request may be denied based on a past violation of this ordinance.

(b) Any person failing to obey or who violates any provision of this ordinance, or any order, requirement, or condition imposed as part of the permit approval can be subject to a fine of not less than \$300 nor more than \$1,000 plus cost of prosecution.

Section 114 Severability.

If any part, provision or section of this ordinance is held to be void or unconstitutional, all other parts not expressly so held shall continue in full force and effect.

ENACTED AND ORDAINED this 7th day of August, 2017.

ATTEST:

BOROUGH OF STATE COLLEGE

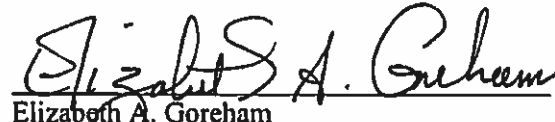


Sharon K. Ergler
Assistant Borough Secretary

By: 

Thomas E. Daubert
Council President

EXAMINED AND APPROVED as an Ordinance this 11th day of August, 2017.


Elizabeth A. Goreham
Mayor

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ORDINANCE 2182

DESIGNATING THE PUBLIC STREETS AND PUBLIC AREAS AS THE ARTS FESTIVAL AREA AND ESTABLISHING THE TIME PERIOD OF THE ARTS FESTIVAL

The background of this Ordinance is as follows:

The Central Pennsylvania Festival of the Arts is a major public celebration, which enhances the cultural heritage of the Borough and which confers significant economic benefit to the business community of the Borough. Because of the number of visitors, townspeople and participants visiting and utilizing the downtown area of the Borough of State College during the Central Pennsylvania Festival of the Arts, significant demands are made on the Borough's resources to provide adequate protection for the health, welfare and safety of Festival goers as well as other persons residing in or visiting the community during the same time period. Thus, it has been necessary for the Borough to enact special legislation and regulations to assist in the maintenance of public order as well as to safeguard the health, welfare and safety of residents, visitors and vendors during the period of the Central Pennsylvania Festival of the Arts.

To facilitate the enforcement of these necessary ordinances, Council hereby designates those public streets and public areas as the Arts Festival Area and, furthermore, establishes a period of time during which the Central Pennsylvania Festival of the Arts may be conducted. Wherever the term Central Pennsylvania Festival of the Arts and/or Arts Festival is utilized in Borough ordinances, such term(s) shall mean the area and time period designated herein.

SECTION 1. In consideration of the foregoing, it is hereby Enacted and Ordained by the Council of the Borough of State College, as follows:

- A. The Arts Festival area is hereby designated to consist of the area (including public areas contained within the aforesaid boundaries) bounded by Allen Street from College Avenue to Fairmount Avenue; Fairmount Avenue from Allen Street to Fraser Street; Fraser Street from Fairmount Avenue to Foster Avenue in addition to certain roads on the Penn State University campus. This year, street painting exhibition will be held on Foster Avenue between D Alley and A Alley.

- B. The time period for the conduct of the Central Pennsylvania Festival of the Arts shall be from 1:00 o'clock a.m., prevailing time, Wednesday, July 13, 2022, through 12:00 midnight, prevailing time, Sunday, July 17, 2022.
- C. All corresponding ordinances utilizing the term "Central Pennsylvania Festival of the Arts" and/or "Arts Festival" shall have the meaning of and apply to the area designated herein under Subsection A and shall refer to the time period established by Subsection B herein, unless otherwise defined or implied by the specific ordinance.
- D. The Use of Public Property Application and all street closures, use of public property and other activities described and contained in said application attached hereto and made a part of this ordinance are hereby approved.

SECTION 2. This Ordinance shall take effect immediately.

ENACTED AND ORDAINED this 2nd day of May, 2022.

ATTEST:

BOROUGH OF STATE COLLEGE

Dianna S. Walter
Assistant Borough Secretary

By: _____
Jesse L. Barlow
Council President

EXAMINED AND APPROVED as an Ordinance this 2nd day of May 2022.

Ezra J. Nanes
Mayor

Published in the Centre Daily Times on May __, 2022.

RESOLUTION 1277

RESOLUTION INSTATING THE POSITION OF A YOUTH REPRESENTATIVE TO THE STATE COLLEGE BOROUGH COUNCIL

To revitalize local community involvement from the youth of State College Borough, a youth representative from State College Area High School will be appointed to the Borough Council. This Representative will amplify youth's concerns and opinions, while facilitating a strong relationship between local government and the youth population in the State College Borough.

Section One- Creation

Section Two Duties The duties of the Youth Representative are to provide insight to the Borough Council as to the concerns of the Borough's youth population regarding matters pending before Borough Council. The Youth Representative not only advocates for the interests of youth but serves as a Liaison to their peers for local elections and events to promote and encourage community involvement.

Section Three Accommodations The Youth Representative shall be provided with a designated seat at the staff table for Borough Council and will be given the full Borough Council agenda prior to each meeting at the same time agenda material is made available to members of Borough Council and Borough staff.

Section Four Meeting Participation The Youth Representative shall be recognized by the Presiding Officer during Borough Council discussions and deliberations of all agenda items to provide comment or ask questions for Borough Council when appropriate at such time as Borough Council and staff generally participate in meeting discussions. The Youth Representative may participate in Executive Sessions only when invited to do so by the Council.

Section Five Reports The Youth Representative, upon Borough Council's request, will provide a report on youth-Borough relations and other matters of "town and gown" interests and may, if requested by Borough Council, provide reports at the end of regular meeting agenda on such matter.

Section Six Appointment Borough Council shall annually appoint a person enrolled as a student at the State College Area High School to the position of Youth Representative to State College Borough Council. Borough Council shall receive a recommendation for appointment from the President of State High Student Government.

Section Seven Candidate Following agreement of State High Student Government Officers, the Student Government President shall provide the name of one candidate for confirmation by the State College Borough Council.

Section Eight Criteria In making recommendations to the Borough Council the following criteria for selection will be followed:

- (a) The individual must be an enrolled student, in good academic standing, at State College Area High School or the High School Delta Program;
- (b) The individual must be concluding their sophomore or junior year of education at the time of the appointment;
- (c) The individual shall be a member of a recognized student organization of the State College Area School District;
- (d) The individual selected will demonstrate leadership, involvement in their school and community, strong communication skills, a desire to serve, and applicable experience;

- (e) The individual must have a schedule which will permit the appointed to attend every regular meeting and work session meetings of Borough Council, including those during the summer months of June through August;
- (f) The individual must demonstrate a desire to serve the best interest of the relationship between the Borough of State College and its youth population; and
- (g) The individual has not previously been removed from the position of Youth Representative by Borough Council

Section Nine Removal Upon the Recommendation of State College Area High School Student Government or an initiative by the Borough Council, the Youth Representative may be removed for any of the following reasons

- (a) Three consecutive unexcused absences from Borough Council meetings;
- (b) Failure to act competently as a Representative between the Borough and youth;
- (c) Inappropriate behavior at Borough Council meetings;
- (d) Inappropriate behavior outside of Borough Council meetings that reflect poorly upon the interest of "town and gown relations".

Section Ten Attendance The Youth Representative will be expected to attend all regular, special, and work session meetings unless excused by notification to the Borough Secretary that the Youth Representative is unable to attend a particular Borough Council meeting prior to that meeting and absence is approved by the President of Borough Council.

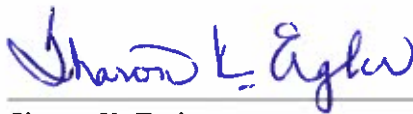
Section Eleven Appointment Timing The President of State College Area High School Student Government will provide the Borough Council with their recommendation no later than April 10 annually to enable the Borough Council to make the student appointment by the Third Monday in April. The appointment will be for a one-year term, from May 1 to May1.

Section Twelve Coordination The Manager and Borough Council Secretary shall make arrangements with the President of State College Area High School Student Government for the prompt and orderly completion of these actions.

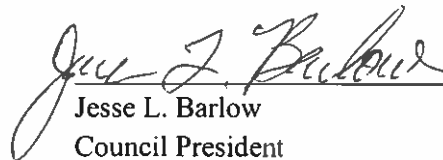
RESOLVED, this 1st day of February, 2021, by the Council of the Borough of State College.

ATTEST

BOROUGH OF STATE COLLEGE



Sharon K. Ergler
Assistant Borough Secretary


Jesse L. Barlow
Council President



STATE COLLEGE AREA
SCHOOL DISTRICT

STATE COLLEGE AREA HIGH SCHOOL — COUNSELING OFFICES
650 WESTERLY PARKWAY, STATE COLLEGE, PENNSYLVANIA 16801-4293
TELEPHONE 814-231-1130 FAX NUMBER: 814-231-1044

April 15th, 2022

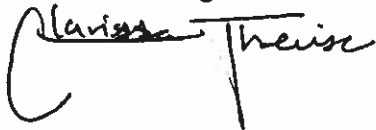
Dear Mr. Fountaine,

Thank you for your continued support of the State College Area School Student Representative. It has been a pleasure working with you.

In accordance with Resolution #1277, the Student Government has selected the new appointee. He is Prithvi Narayanan, a current sophomore student enrolled at the State College Area High School. We hope you accept our proposed candidate.

Thank you for your attentiveness towards this matter. We are grateful for the Council's consideration.

Sincerely,

Clarissa Theiss

Clarissa Theiss

SCASD Student Government President

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RESOLUTION 1315

**APPOINTMENT OF A YOUTH
REPRESENTATIVE TO COUNCIL**

WHEREAS, Section XI of Resolution #1277 states that a SCASD Youth Representative to Council shall be appointed for a term of one year and that Borough Council shall make the appointment after receiving a recommendation for the appointment from the President of the State College Area High School Student Government.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of State College, in accordance with the Resolution cited above, hereby confirms the appointment of the following person as the SCASD Youth Representative to Council:

Prithvi Narayanan

Appointment to a one-year term as the SCASD Youth Representative to Council to expire on May 1, 2023.

ADOPTED as a Resolution this 2nd day of May 2022.

ATTEST:

BOROUGH OF STATE COLLEGE

Dianna S. Walter
Assistant Borough Secretary

Jesse L. Barlow
President of Council

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RESOLUTION 1030

RESOLUTION CREATING THE POSITION OF A STUDENT REPRESENTATIVE TO THE STATE COLLEGE BOROUGH COUNCIL

The Borough of State College serves as a temporary residence for a substantial number of students enrolled at The Pennsylvania State University, as well as other schools. This population of students is transient in nature, residing within the Borough typically for a period of no more than five (5) years. The impact on the community is substantial.

Borough Council is desirous of obtaining input from the student population to better identify issues of common concern to students and the Borough and to receive, where appropriate, student comment on matters being considered by Borough Council.

In order to facilitate this communication and relations, Borough Council has determined that the appointment of a person to serve as a designated Student Representative to Borough Council will assist in the process of improving communication between the body of students residing within the Borough and Borough Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of State College, as follows:

Section One. Creation. The State College Borough Council, under the provisions of Section 301(c), State College Borough Code, Section 501 Home Rule Charter, hereby establishes the position of Student Representative.

Section Two. Duties. The duties of the Student Representative is to provide insight to Borough Council as to the concerns of the Borough's student population regarding matters pending before Borough Council. The Student Representative will provide information to students on Borough issues that would affect or be of interest to the students.

Section Three. Accommodations. The Student Representative shall be provided with a designated seat at staff table for Borough Council meetings and will be given the full Borough Council agenda prior to each meeting at the same time agenda material is made available to members of Borough Council and Borough staff.

Section Four. Meeting Participation. The Student Representative shall be recognized by the Presiding Officer during Borough Council discussions and deliberations of all agenda items to provide comment or ask questions of Borough Council when appropriate at such time as Borough Council and staff generally participate in meeting discussions. The Student Representative may participate in Executive Sessions only when invited by Council.

Section Five. Reports. The Student Representative, upon Borough Council's request, will provide a report on student-Borough relations and other matters of "town and gown interest" and may, if requested by Borough Council, provide reports at the end of regular meeting agenda on such matter.

Section Six. Appointment. Borough Council shall each year appoint a person registered as full or half-time students at The Pennsylvania State University to the position of Student Representative to State College Borough Council. Borough Council shall receive recommendations for appointment from the President UPUA who may serve in that capacity or suggest other individuals to serve in the position.

Section Seven. Candidate. The preparation of a list of proposed candidates will be the responsibility of the UPUA after advertising for the position of Student Representative. The President of UPUA shall be eligible.

Section Eight. Criteria. In making recommendations to Borough Council the following criteria for selection will be followed:

- (a) the individual must be a registered student, either full or half-time, in good standing, enrolled at The Pennsylvania State University whose residence address must be located within the municipal boundaries of the Borough of State College;
- (b) the student selected will demonstrate leadership, communication skills, a desire to serve, and applicable experience will be considered;
- (c) the student must have a schedule which will permit the appointee to attend every regular meeting and work session meetings of Borough Council, including the summer months of June through August;
- (d) the student must demonstrate a desire to serve the best interest of the relationship between the Borough of State College and its student population; and
- (e) the student has not previously been removed from the position of Student Representative by Borough Council.

Section Nine. Removal. Upon recommendation of the UPUA, or an initiative of Borough Council, the Student Representative may be removed for any of the following reasons:

- (a) two unexcused absences from Borough Council meetings;
- (b) failure to competently act as a Representative between the Borough and the students;
- (c) inappropriate behavior at Borough Council meetings;
- (d) inappropriate behavior outside of Borough Council meetings that is detrimental to the interest of "town & Gown relations."

Section Ten. Attendance. The Student Representative will be expected to attend all regular, special and work session meetings unless excused by notification to the Borough Secretary that the Student Representative is unable to attend a particular Borough Council meeting prior to that meeting and absence approved by President of Borough Council.

Section Eleven. Appointment Timing. The President of the UPUA will provide Borough Council with a recommendation for appointment of the Student Representative annually by April 10th in order to enable Borough Council to make the appointment no later than the Third Monday in April of each year. The appointment will be for a term of one year, from May 1 to May 1 of each year.

Section Twelve. Interim Appointment. UPUA will provide Borough Council with a recommendation for appointment by December 1, 2010, to serve a term commencing January 1, 2011 through April 30, 2011.

Section Thirteen. Coordination. The Manager and Borough Secretary shall make arrangements with the President of UPUA for the prompt and orderly completion of these actions.

RESOLVED, this 18th day of October, 2010, by the Council of the Borough of State College.

ATTEST:

BOROUGH OF STATE COLLEGE



Sharon K. Ergler
Assistant Borough Secretary



Ronald L. Filippelli
President of Council

EXAMINED AND APPROVED as a Resolution this 28th day of October, 2010.



Elizabeth A. Goreham, Mayor

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RESOLUTION 1206

RESOLUTION AMENDING AND RESTATING THE POSITION OF A STUDENT REPRESENTATIVE TO THE STATE COLLEGE BOROUGH COUNCIL

On October 18, 2010, Council adopted Resolution 1030 in order to facilitate this communication and relations, Borough Council has determined that the appointment of a person to serve as a designated Student Representative to Borough Council will assist in the process of improving communication between the body of students residing within the Borough and Borough Council.

The Assembly of the University Park Undergraduate Association has requested that the Resolution be amended and restated to address the appointment process for the Student Representative and to provide consistency in the removal process.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of State College, as follows:

Section One. Creation. The State College Borough Council, under the provisions of Section 301(c), State College Borough Code, Section 501 Home Rule Charter, hereby establishes the position of Student Representative.

Section Two. Duties. The duties of the Student Representative is to provide insight to Borough Council as to the concerns of the Borough's student population regarding matters pending before Borough Council. The Student Representative will provide information to students on Borough issues that would affect or be of interest to the students.

Section Three. Accommodations. The Student Representative shall be provided with a designated seat at staff table for Borough Council meetings and will be given the full Borough Council agenda prior to each meeting at the same time agenda material is made available to members of Borough Council and Borough staff.

Section Four. Meeting Participation. The Student Representative shall be recognized by the Presiding Officer during Borough Council discussions and deliberations of all agenda items to provide comment or ask questions of Borough Council when appropriate at such time as Borough Council and staff generally participate in meeting discussions. The Student Representative may participate in Executive Sessions only when invited by Council.

Section Five. Reports. The Student Representative, upon Borough Council's request, will provide a report on student-Borough relations and other matters of "town and gown interest" and may, if requested by Borough Council, provide reports at the end of regular meeting agenda on such matter.

Section Six. Appointment. Borough Council shall, each year, appoint a person registered as a full or half-time student at The Pennsylvania State University to the position of Student Representative

to State College Borough Council. Borough Council shall receive a recommendation for appointment from the President of the University Park Undergraduate Association.

Section Seven. Candidate. *Following confirmation by the UPUA Assembly, in accordance with UPUA's governing procedures regarding liaisons, the UPUA President shall provide the name of one candidate for confirmation by the State College Borough Council.*

Section Eight. Criteria. In making recommendations to Borough Council the following criteria for selection will be followed:

- (a) the individual must be a registered student, either full or half-time, in good standing, enrolled at The Pennsylvania State University whose residence address must be located within the municipal boundaries of the Borough of State College;
- (b) the student selected will demonstrate leadership, communication skills, a desire to serve, and applicable experience will be considered;
- (c) the student must have a schedule which will permit the appointee to attend every regular meeting and work session meetings of Borough Council, including the summer months of June through August;
- (d) the student must demonstrate a desire to serve the best interest of the relationship between the Borough of State College and its student population; and
- (e) the student has not previously been removed from the position of Student Representative by Borough Council.

Section Nine. Removal. Upon recommendation of the UPUA, or an initiative of Borough Council, the Student Representative may be removed for any of the following reasons:

- (a) *three consecutive unexcused absences from Borough Council meetings;*
- (b) *failure to competently act as a Representative between the Borough and the students;*
- (c) *inappropriate behavior at Borough Council meetings;*
- (d) *inappropriate behavior outside of Borough Council meetings that is detrimental to the interest of "town & Gown relations."*

Section Ten. Attendance. The Student Representative will be expected to attend all regular, special and work session meetings unless excused by notification to the Borough Secretary that the Student Representative is unable to attend a particular Borough Council meeting prior to that meeting and absence approved by President of Borough Council.

Section Eleven. Appointment Timing. The President of the UPUA will provide Borough Council with a recommendation for appointment of the Student Representative annually by April 10th in order to enable Borough Council to make the appointment no later than the Third Monday in April of each year. The appointment will be for a term of one year, from May 1 to May 1 of each year.

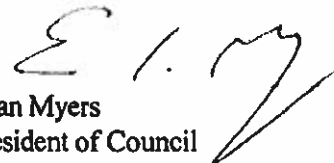
Section Twelve. Coordination. The Manager and Borough Secretary shall make arrangements with the President of UPUA for the prompt and orderly completion of these actions.

RESOLVED, this 19th day of March 2018, by the Council of the Borough of State College.

ATTEST:


Sharon K. Ergler
Assistant Borough Secretary

BOROUGH OF STATE COLLEGE


Evan Myers
President of Council

New Borough Liaison Selection

Rodriguez, Najee <najee@psu.edu>

Thu 4/28/2022 7:38 PM

To: Walter, Dianna <dwalter@statecollegepa.us>

Cc: Concepcion, Giselle A <gac5494@psu.edu>; Sykes, Zion Nicholas <zns5049@psu.edu>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Ms. Walter,

I hope you're doing well! I am pleased to let you know that the UPUA has selected Zion Sykes to act as the UPUA's State College Borough Liaison. He was elected last night, and we so excited to see all that he does!

Thanks for connecting with me, and I hope you have a great rest of your week!

For the Glory,

Najee Rodriguez (he/him/his)

Student Body President

University Park Undergraduate Association

The Pennsylvania State University | College of the Liberal Arts
B.A. International Politics | B.A. History

Schedule to meet with me [here!](#)

<https://www.upua.org/>



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RESOLUTION 1316

APPOINTMENT OF A STUDENT REPRESENTATIVE TO COUNCIL

WHEREAS, Section VI of Resolution #1206 states that a Student Representative to Council shall be appointed for a term of one year and that Borough Council shall make the appointment after receiving a recommendation for the appointment from the President of the University Park Undergraduate Association.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of State College, in accordance with the Resolution cited above, hereby confirms the appointment of the following person as the UPUA's Student Representative to Council:

Zion Sykes

Appointment to a one-year term as the UPUA Student Representative to Council to expire on May 1, 2023

ADOPTED as a Resolution this 2nd day of May 2022.

ATTEST:

BOROUGH OF STATE COLLEGE

Dianna S. Walter
Assistant Borough Secretary

Jesse L. Barlow
President of Council

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RESOLUTION 1267

RESOLUTION AMENDING AND RESTATING THE POSITION OF A STUDENT REPRESENTATIVE TO THE STATE COLLEGE BOROUGH COUNCIL

On October 18, 2010, Council adopted Resolution 1030 in order to facilitate this communication and relations, Borough Council has determined that the appointment of a person to serve as a designated Student Representative to Borough Council will assist in the process of improving communication between the body of students residing within the Borough and Borough Council.

The Assemblies of the University Park Undergraduate Association and the Graduate and Professional Student Association have requested that the Resolution be amended and restated to include an additional representative for graduate and professional students to the Borough Council. Therefore, the Borough Council would have two Student Representatives: one appointed by the University Park Undergraduate Association (UPUA) and one appointed by the Graduate and Professional Student Association (GPSA).

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of State College, as follows:

Section One. Creation. The State College Borough Council, under the provisions of Section 301(c), State College Borough Code, Section 501 Home Rule Charter, hereby establishes the positions of Student Representatives: the Undergraduate Student Representative and the Graduate/Professional Student Representative.

Section Two. Duties. The duties of the Student Representatives are to provide insight to Borough Council as to the concerns of the Borough's student population regarding matters pending before Borough Council. The Student Representatives will provide information to students on Borough issues that would affect or be of interest to the students.

Section Three. Accommodations. The Student Representatives shall be provided with a designated seat at staff table for Borough Council meetings and will be given the full Borough Council agenda prior to each meeting at the same time agenda material is made available to members of Borough Council and Borough staff.

Section Four. Meeting Participation. The Student Representatives shall be recognized by the Presiding Officer during Borough Council discussions and deliberations of all agenda items to provide comment or ask questions of Borough Council when appropriate at such time as Borough Council and staff generally participate in meeting discussions. The Student Representatives may participate in Executive Sessions only when invited by Council.

Section Five. Reports. The Student Representatives, upon Borough Council's request, will provide reports on student-Borough relations and other matters of "town and gown interest" and may, if requested by Borough Council, provide reports at the end of regular meeting agenda

on such matter. These reports, when appropriate, will be separate for the Undergraduate Student and Graduate/Professional Student Representative.

Section Six. Appointment. Borough Council shall, each year, appoint two people registered as full or half-time students at The Pennsylvania State University to the positions of Student Representatives to State College Borough Council. Borough Council shall receive recommendations for appointments from the Presidents of the University Park Undergraduate Association and the Graduate and Professional Student Association.

Section Seven. Candidate. Following confirmation by the UPUA and GPSA Assemblies, in accordance with UPUA's and GPSA's governing procedures regarding liaisons, the UPUA and GPSA Presidents shall provide the name of one candidate each for confirmation by the State College Borough Council.

Section Eight. Criteria. In making recommendations of each individual to Borough Council the following criteria for selection will be followed:

- (a) the individual must be a registered student, either full or half-time, in good standing, enrolled at The Pennsylvania State University whose residence address must be located within the municipal boundaries of the Borough of State College;
- (b) the student selected will demonstrate leadership, communication skills, a desire to serve, and applicable experience will be considered;
- (c) the student must have a schedule which will permit the appointee to attend every regular meeting and work session meetings of Borough Council, including the summer months of June through August;
- (d) the student must demonstrate a desire to serve the best interest of the relationship between the Borough of State College and its student population; and
- (e) the student has not previously been removed from the position of Student Representative by Borough Council.

Section Nine. Removal. Upon recommendation of the UPUA or GPSA, or an initiative of Borough Council, the Student Representatives may be removed for any of the following reasons:

- (a) three consecutive unexcused absences from Borough Council meetings;
- (b) failure to competently act as a Representative between the Borough and the students;
- (c) inappropriate behavior at Borough Council meetings;
- (d) inappropriate behavior outside of Borough Council meetings that is detrimental to the interest of "town & Gown relations."

Section Ten. Attendance. The Student Representatives will be expected to attend all regular, special and work session meetings unless excused by notification to the Borough Secretary that the Student Representatives are unable to attend a particular Borough Council meeting prior to that meeting and absence approved by President of Borough Council.

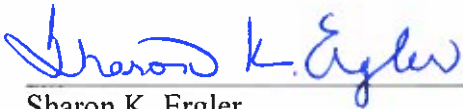
Section Eleven. Appointment Timing. The Presidents of the UPUA and GPSA will provide Borough Council with a recommendation for appointment of the Student Representatives annually by April 10th in order to enable Borough Council to make the appointment no later than the Third Monday in April of each year. The appointment will be for a term of one year, from May 1 to May 1 of each year. with the Presidents of UPUA and GPSA for the prompt and orderly completion of these actions.

Section Twelve. Coordination. The Manager and Borough Secretary shall make arrangements with the Presidents of UPUA and GPSA for the prompt and orderly completion of these actions.

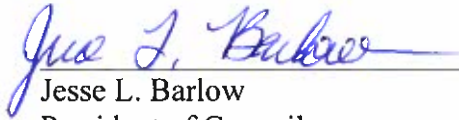
RESOLVED, this 19th day of October 2020, by the Council of the Borough of State College.

ATTEST

BOROUGH OF STATE COLLEGE



Sharon K. Ergler
Assistant Borough Secretary



Jesse L. Barlow
President of Council

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Phone: +1 (717) 269-6234 |Email: kee21@psu.edu

Dear Council of the Borough of State College,

It is a privilege to be able to help carry on the strong relationship between the Graduate and Professional Student Association (GPSA) and the Borough towards a bigger picture, and for the sake of our mutually student-centric goals.

That is why I am honored to officially appoint GPSA's 72nd Assembly Vice President, Kailey Elrod, as our student representative. Kailey is a passionately engaged graduate and professional student from Penn State Law and has already been my right hand in this hectic transition period. As much as she is committed/willing to serve, I have no doubt that Kailey will do her due diligence in representing and speaking on behalf of all graduate and professional student bodies as a participant in this council.

Warmly,

Jada Quinland

GPSA President || <https://gpsa.psu.edu/about-us/executive-branch/>

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RESOLUTION 1317

**APPOINTMENT OF A
STUDENT REPRESENTATIVE TO COUNCIL**

WHEREAS, Section XI of Resolution #1267 states that a Student Representative to Council shall be appointed for a term of one year and that Borough Council shall make the appointment after receiving a recommendation for the appointment from the President of the University Park Undergraduate Association.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of State College, in accordance with the Resolution cited above, hereby confirms the appointment of the following person as the UPUA's Student Representative to Council:

Kailey Elrod

Appointment to a one-year term as the GPSA Student Representative to Council to expire on May 1, 2023

ADOPTED as a Resolution this 2nd day of May 2022.

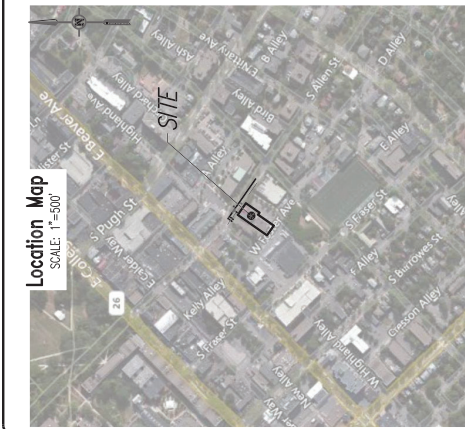
ATTEST:

BOROUGH OF STATE COLLEGE

Dianna S. Walter
Assistant Borough Secretary

Jesse L. Barlow
President of Council

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Commonwealth of Pennsylvania
County of Centre
Owner's Certification
Tax Parcel 36-013-157

On this the _____ day of _____, 20____
the undersigned owners personally appeared before me and
certified that they were the owners of the properties shown on
this plan and acknowledge the same to be their act and plan
and designs, the same to be recorded as such, according to
the law.

witness my hand and seal, this date _____

Owner

Notary Public

Commission Expires

Professional Land Surveyor Certification
I, Nevin L. Grove, a Professional Land Surveyor in the Commonwealth
of Pennsylvania, do hereby certify that this plan correctly represents
the tracts of lands as shown.

Signature

Date

Municipal Approval
Approved on this the _____ day of _____, 20____

For the State College Borough Planning Department

State College Borough Planning Commission
State College Borough Planning Commission Approved

Chairman

Date

Secretary

Date

State College Borough Council
State College Borough Council Approved

President

Date

Secretary


Date

Recorder's Stamp Here

PROJECT NOTES:

- General Site Information:
Owner of Record:
Jeramar Enterprises LLC,
585 South Sparks Street
Lancaster, PA 17602
Deed Book 1944, Page 882
a. Deed Information:
36-013-157
b. Tax Parcel No.:
226 S. Allen Street
c. Site Location:
State College PA, 16801
d. Zoning District:
CD-Commercial Incentive District
e. Easements:
f. Existing Lot Size:
0.341 Ac. (14,837 S.F.)
g. Floor Area Ratio:
= total residential area/lot area
= 14,780 SF/14,837 SF = 0.995 (2.0 allowable)
h. Proposed Lot Size:
Lot 1: 0.184 Ac. (8,006 S.F.)
Lot 2: 0.157 Ac. (6,831 S.F.)
Total Acreage: 0.341 Ac. (14,837 S.F.)
i. Building Setback Lines:
Front: Buildings or Portions thereof used for residential use or parking = minimum of 25' measured from the curb.
Buildings or portions thereof to a height of 40' used for nonresidential uses except off-street parking = minimum of 15' measured from the curb.
Buildings or portions thereof above a height of 40' (all uses) = minimum of 25' measured from the curb.
Side and Rear (Not Auditing on Alley):
Except for telecommunication towers, no side or rear yard is required other than sufficient to comply with applicable building codes.
Side and Rear (Auditing on Alley):
Except for telecommunication towers, 10' clear and unobstructed to a height of 14' above grade.
j. Impervious Coverage:
Lot 1:
Building Coverage = 5,263 S.F.
Total Impervious Coverage = 7,417 S.F. (0.170 Ac.)
Lot 2:
Total Impervious Coverage = 5,510 S.F. (0.126 Ac.)
k. The purpose of this plan is to subdivide existing Tax Parcel 36-013-157 into two lots.
l. Set 287 Utility Information:
Serial # 202005280 Date/Time 01/25/22 2:46
All utility locations should be verified prior to any construction, utility information and locations should be considered approximate. Contractor shall notify PA One Call Prior to any excavation.
m. Electric:
West Penn Power, 2800 E. College Ave., State College, PA 16801 - Phone: 814-237-5820
n. Telephone:
Verizon Facility Management Center, 224 S. Allen Street, State College, PA 16801 - Phone: 814-231-4511
o. TV Cable:
Comcast, 1155 Benner Plaza, State College, PA 16801 - Phone: 814-238-3306
p. Gas:
Columbia Gas, 2550 Carleton Drive, State College, PA 16801 - Phone: 814-278-5840
q. Sanitary Sewer:
State College Borough, 243 S. Allen Street, State College, PA 16801 - Phone: 814-234-7135
r. Water:
State College Borough Water Authority, 1201 West Branch Road, State College, PA 16801 - Phone: 814-238-5766
s. Horizontal Datum is Pennsylvania North Zone State Plane Coordinates, North America Datum of 1983 (PA NAD83) U.S. Feet.
t. There are no portions of this property located within a Zone "X" 100-year flood plain according to the Federal Emergency Management Agency (FEMA) Map Number 42020536F for Borough of State College, effective date May 4, 2008.
u. For additional information, refer to:
a. "Jeramar Plaza Residential & Retail Complex", prepared by PennTerra Engineering, Inc., dated February 15, 2007, last revised May 17, 2007, and recorded at Centre County Recorder of Deeds in Book 78, Page 119 on July 13, 2007.
v. A parking agreement is recorded at the Centre County Courthouse PB _____ Page _____ which will provide parking for Lot 1 on Lot 2.

GEODETTIC GPS POINTS		
POINT	LATITUDE	LONGITUDE
A	40°47'32.157"	77°51'35.327"
B	40°47'32.533"	77°51'36.035"
C	40°47'34.177"	77°51'34.519"
D	40°47'33.721"	77°51'33.659"



PennTerra
ENGINEERING INC.
CENTRAL PENNSYLVANIA
REGION OFFICE:
3075 ENTERPRISE DRIVE
SUITE 100
STATE COLLEGE, PA 16801
PH: 814-231-6285
Fax: 814-237-2308
LANCASTER
REGION OFFICE:
304 S. ADEL DRIVE
LANCASTER, PA 17602
PH: 717-522-5031
Fax: 717-522-5046
WWW.PENNTERRA.COM

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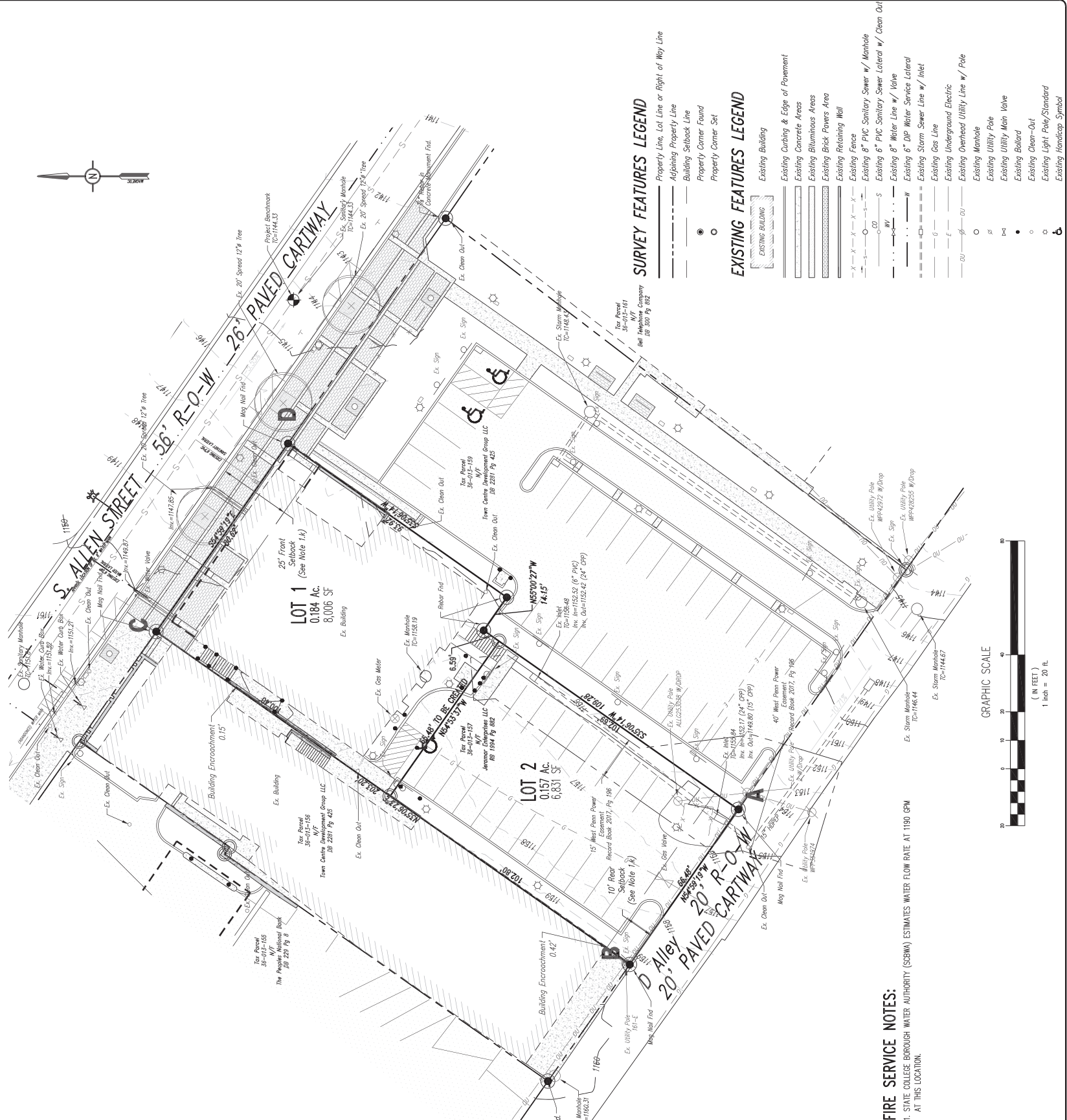
Designer	CJW
Draftsman	CJW
Proj. Manager	JCS
Surveyor	XXX
Perimeter Ck.	XXX
Book	XXX Pg. XXX
Drawn	P. Layout EXISTING CON
Acad	21152.01-MJD.dwg

REVISIONS	
No.	Description
1/24/22	ISSUED FOR CONSTRUCTION
Date	

JERAMAR
BUILDING
TAX PARCEL
36-013-157
STATE COLLEGE BOROUGH
CENTRE COUNTY
PENNSYLVANIA

FINAL
SUBDIVISION
PLAN

PROJECT NO.	21152.01
DATE	JANUARY 28, 2022
SHEET NO.	1
SCALE	1" = 20'



- SURVEY FEATURES LEGEND**
- Property Line, Lot Line or Right of Way Line
 - Adjoining Property Line
 - Building Setback Line
 - Property Corner Found
 - Property Corner Set
- EXISTING FEATURES LEGEND**
- Existing Building
 - Existing Curbing & Edge of Pavement
 - Existing Concrete Areas
 - Existing Bituminous Areas
 - Existing Brick Pavers Area
 - Existing Retaining Wall
 - Existing Fence
 - Existing 6" PVC Sanitary Sewer w/ Manhole
 - Existing 6" PVC Sanitary Sewer Lateral w/ Clean Out
 - Existing 8" Water Line w/ Valve
 - Existing 6" DIP Water Service Lateral
 - Existing Storm Sewer Line w/ Inlet
 - Existing Gas Line
 - Existing Underground Electric
 - Existing Overhead Utility Line w/ Pole
 - Existing Manhole
 - Existing Utility Pole
 - Existing Utility Main Valve
 - Existing Bollard
 - Existing Clean-Out
 - Existing Light Pole/Standard
 - Existing Handicap Symbol

FIRE SERVICE NOTES:
1. STATE COLLEGE BOROUGH WATER AUTHORITY (SCBWA) ESTIMATES WATER FLOW RATE AT 1150 GPM AT THIS LOCATION.

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ORDINANCE _____

AMENDING THE STATE COLLEGE BOROUGH ZONING ORDINANCE
CHAPTER XIX (ZONING AND LAND DEVELOPMENT)
TO REVISE PART B (DEFINITIONS)
AND AMEND ARTICLE XVIII (CP-3: PLANNED COMMERCIAL DISTRICT-3)

Be it ENACTED AND ORDAINED by the Borough Council of the Borough of State College, and it is hereby Enacted and Ordained by authority of same, as follows:

~~Deletion~~
Addition

Section 1. Amend the Codification of Ordinances, Chapter XIX, Part B: Definitions, Section § 201 as follows:

BUILDING AREA (GROSS)
See “Floor Area (Gross)”.

FLOOR AREA (GROSS)
(Also known as “GFA”)

The total area of a structure obtained by multiplying the area of each *occupiable* floor as measured from the face of the exterior walls by the total number of floors contained in the structure. Parking areas may not be counted as part of the gross floor area for any purpose.

The following common areas shall be excluded when calculating the gross floor area of any building:

- (a) Mechanical areas***
- (b) Lobbies***
- (c) Foyers***
- (d) Common elevators, halls, and stairwells***

Section 2. Amend the Codification of Ordinances, Chapter XIX, Article XVIII: CP-3 Planned Commercial District-3 as follows:

§ 19-1510. Purpose. [Ord. 2013, 3/18/2013]

The CP-3 district, to be known as a "Planned Commercial District," is intended to preserve neighborhood-scaled commercial uses and to promote new commercial developments in mixed-use neighborhood centers. Commercial activity in this district should be oriented along arterial and collector streets and encouraged in designed shopping centers rather than stand-alone structures, for the purpose of accommodating the commercial needs of nearby consumer concentrations. Orientation of commercial uses in this district should accommodate all forms of

transportation, with a focus on providing a pedestrian-oriented mix of uses. Adequate access roads or driveways must be provided, and they shall be designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys. Standards for site and building performance promote an accessible mix of uses that provide an active focal point for nearby users.

§ 19-1511. Use. [Ord. 2013, 3/18/2013]

Buildings and lots in the CP-3 district may be used for the following purposes:

- a. Any use permitted in the C-Commercial District, Section 1801 of this *Chapter*, except for the following:
 - (1) Junkyards, which includes storage of vehicles and vehicle parts for more than 35 days.
 - (2) Adult Businesses and Theaters.
 - (3) Telecommunications facilities.
- b. Accessory land uses and buildings customarily incident to any of the permitted uses.
- c. Mixed Use, *subject to the following requirements*:
 - (1) Any new *mixed-use* development or redevelopment *that does not contain residential* uses *is* not subject to the mixed-use requirements but must adhere to the provisions in Sections 1511.c.2.(b) - 1511.c.2.(c), 1511.c.3, 1512-1518, and 1520.
 - (2) Any new *mixed-use* development or *redevelopment* of an existing site containing residential uses, on which *1) a new building or buildings are constructed (regardless of size of gross floor area); or 2) the footprint(s) of existing structure(s) is(are) altered, or additional stories are added to existing structure(s) in a manner which expands the gross floor area by at least 20,000 square feet, must adhere to the following provisions:*
 - (a) *Residential* uses are *prohibited* on the ground floor of any structure.
 - (b) Individual retail commercial uses may not exceed 70,000 square feet.
 - (c) Individual non-retail commercial uses may not exceed 35,000 square feet.
 - (d) No more than 70% of the gross *floor* area may be dedicated to residential uses.
 - (i) *Private amenity areas that are restricted to residents and their guests must be counted as part of the residential floor area when determining compliance with this subsection. Amenity areas that are open to the general public shall not be deemed a residential use and shall be counted as nonresidential GFA.*
 - (e) *For purposes of Mixed-Use developments, “residential uses” shall include only the total area of residential dwelling units and common areas and amenities only available to residents and their guests within the Mixed-Use building. Parking areas serving the Mixed-Use development shall not be considered part*

of the residential use area.

- (3) Any new development or renovation of an existing site within this district must adhere to the following regulations:
- (a) ***Nonconforming lots.*** Mixed-use requirements are not applicable for lots smaller than 14,000 square feet ***that were platted prior to the current minimum lot size.*** ***These*** lots may be developed according to Section 502.f.
 - (b) Parking ***is*** not permitted within ***a building within*** the first ***50*** feet of ***a building's exterior wall as measured perpendicularly to*** any ***adjacent*** public street.
 - (c) Hotels and Motels are permitted in this district if the ground floor of any structure containing guest rooms is ***used*** for ***guest check-in***, retail ***and other*** commercial uses. ***No guest rooms shall be located on the ground floor.***
 - (d) ***Additional permitted uses.*** ***The following additional uses are permitted in this district:***
 - (i) ***Automobile Sales, provided they have frontage on a State Highway.***

§ 19-1512. Lot Area, Width and Yards. [Ord. 2013, 3/18/2013]

Each lot in this district must comply with the following requirements except as otherwise noted.

a. Lot area.

Minimum lot area for all uses (including multiple-family dwellings): 14,000 square feet.

Minimum lot area for multiple-family dwelling units (per dwelling unit):

Two bedrooms or less: 1,750 square feet

Three or more bedrooms: 3,500 square feet.

Lots held under common ownership, and which are adjacent to one another, may be developed as one lot.

Minimum yard area will only apply to portions of lots that are not abutting a lot being collectively developed ***under common ownership.*** ***Such adjacent lots shall be consolidated into a single lot prior to recording of the plan or issuance of a zoning permit.*** Requirements for mixed use, parking and open space do not apply to each lot individually, but rather in aggregate for all lots that are developed collectively.

Lots that exist at the effective date of this ordinance that do not meet the minimum lot area requirement are not subject to the mixed-use requirements of Section 1511.c. and can be developed according to Section 502.f.

b. Yards.

(1) **Front yard depth.**

20 feet min. to 40 feet max.

(2) **Side yard depth.**

Any use abutting Residential **Districts**: 40 feet

Any use abutting **All Other Districts**: 10 feet

(3) **Rear yard depth.**

Any use abutting Residential Districts: 40 feet

Any use abutting All Other Districts: 20 feet

- (4) **Front Yard Screening.** All required front yards must be improved with living plant material and hardscape components in accordance with the provisions of Section 2404.i of this **Chapter** applying to perimeter parking. Special screening regulations along lot perimeter lines in the CP-3 district are found in Paragraph (5) of this subsection.

- (5) **Side and Rear Yard Screening.** For any **nonresidential or** mixed-use site, the following additional screening requirements are required along the lot's side and rear yards wherever it abuts an R-1 or R-2 district, **or any alley**.

The entire length of the perimeter lot line so described must contain a continuous, view-restrictive screen at least six feet in height designed to obscure the view of commercial buildings and parking areas from residentially-zoned districts. The **entire length of the screen** must be comprised of trees, shrubs, or a combination thereof. A minimum of 50% of the screen's length shall be evergreen material. All living screening must be at least six feet in height at the time of planting and be spaced closely enough to provide for view restriction. Walls, earth mounds, fences, or any combination thereof, may be included with the living plant material to complement and provide a variety to the screen but may not be exclusively used for screening. Special consideration should be given to form, color, texture, density, growth habits and maintenance requirements. Grass or other living ground cover shall be planted, mulched, and maintained on all portions of the landscape strip not occupied by other landscape materials.

- (6) Whenever the lot's perimeter abuts R-3, R-3B or R-4, or abuts a street or alley adjacent to R-3, R-3B or R-4 zoning district, the foregoing regulations may be reduced to provide a view-restrictive screen equivalent to 50% of the length of the perimeter. The 50% requirement may not be met with a single continuous hedgerow; rather, the creation of a special design effect by grouping or staggering of trees, shrubs and other landscape features is encouraged.
- (7) Design Standards. On all roofs which contain air-conditioning and other similar types of mechanical/electrical equipment, a view-restrictive screen, that is the same height above the roof as the equipment, must be located around the perimeter of the roof. Such screen may consist of a solid decorative type fencing or panels or may be an extension of the

parapet. The screen's purpose is to hide the equipment from the view of a person standing at street level.

§ 19-1513. Height. [Ord. 2013, 3/18/2013]

The maximum height permitted in this District shall be:

Buildings: 35 feet (not to exceed three stories), *except as permitted through the use of incentives specified in § 19-1518. Incentives.*

All other structures: 35 feet.

§ 19-1514. Open Space. [Ord. 2013, 3/18/2013]

The purpose of providing open space within this district is to 1) assist in stormwater management on developed sites; 2) assist in providing a buffer between onsite uses and adjacent properties; and 3) provide active social and recreational spaces for the *site's* users. Open space requirements for stormwater management can be met through such treatments as yards, landscaped areas, rain gardens, bio-retention areas, green roofs, and other vegetated areas. Open space requirements for social activity can be met through paved or unpaved areas that include plazas, seating areas, recreational areas or other vegetative or hardscape treatments that have a clearly developed program that encourages gathering and communal activity. In order to achieve these purposes, the following requirements for open space in this district apply:

- a. Open space required: 30% *of the lot.*
- b. Required *open space improvements:*
 - (1) At least 10% of the required open space must be improved for use as a public space. Improvements can be made through the use of vegetation or hardscape materials and should include features that encourage socialization and communal activity for both the residents of the site and visiting users. This space should be located on the site in such a way that it is accessible to the site's visitors from the on-site pathways and should be in addition to hardscape materials that are used for sidewalks.
 - (2) Improved areas that are treated with hardscapes, including areas such as sidewalks and plazas, can be used to meet the required open space as long as the gross land area of hardscape does not exceed 25% of the required open space. Features can include fixtures such as picnic shelters, tables and/or benches, gazebos, fountains, playground equipment, etc. Improved areas should also include ornamental lighting and refuse containers, if necessary.
 - (3) Improved areas must be indicated on the land development plan, reviewed by

the Design Review Board and Planning Commission, and approved by Planning Staff.

§ 19-1515. Parking. [Ord. 2013, 3/18/2013]

- a. On-Site Vehicular Parking. As prescribed by Part H of this chapter except for the following provisions:
 - (1) For mixed-use buildings exceeding 100,000 square feet, the first 30,000 square feet of commercial space is exempt from any parking requirements. Parking for the remainder is calculated at one space per 300 square feet of gross floor area that is devoted to commercial uses.
 - (2) For mixed-use buildings, parking requirements for residential units should be 1.5 spaces for 1-2 bedroom units, and two (2) spaces for three (3) or more bedroom units.
 - (3) Vehicular parking not to exceed minimum required by Part H of this chapter by more than 10%.
 - (4) Incentives for parking reduction per Section 1518.
- b. On-Site Bicycle Parking. For developed sites within CP-3 districts, the following provisions for minimum bicycle spaces shall apply:
 - (1) **Multiple-family dwellings**: one space per every three **dwelling** units.
 - (2) Mixed-Use sites.
 - (a) GFA <7,500 square feet: not required.
 - (b) GFA 7,501-20,000 square feet: two spaces.
 - (c) GFA >20,001 square feet: one space per 10,000 square feet.
 - (3) All bicycle parking should be installed on sites in conformance with the front yard requirements. All bicycle parking should be located such that it is easily accessible from building entrances, visible from bicycle access routes and well-lit for users' safety.

§ 19-1516. Pedestrian-Oriented Design. [Ord. 2013, 3/18/2013]

Pedestrian-oriented design shall be applied to all portions of a building's ground-floor **street** frontage(s). This includes treatments such as architectural details, awnings, signs, large front windows and other features that will create an attractive and comfortable neighborhood retail environment for all users. At least 50% of the ground floor exterior wall facing a street shall be devoted to windows affording pedestrian view into the interior commercial space.

§ 19-1517. Signs. [Ord. 2013, 3/18/2013]

Signs and name places are permitted, when affixed flush with the front of the building and not extending above it. The addition, relocation or modification of any sign in a Planned District shall be reviewed by the Design Review Board. Specific regulations regarding signs in planned districts are found in Section 118.b of Chapter XV of this Codification. One freestanding sign is permitted per lot, or lots held in common ownership, to identify the mixed-use development and to be used as the directory sign for multiple businesses in mixed-use developments.

§ 19-1518. Incentives. [Ord. 2013, 3/18/2013]

- a.* Purpose. The purpose and intent of these incentives is to promote owner-occupied housing, increased public amenities, energy efficient building design and construction, and superior building design in the CP-3 Zoning District.
- b.* Description of Incentives. All of the incentives listed in Table 1 are described in detail in this subsection. In order for the incentive to qualify for a bonus, the incentive shall meet or exceed the criteria described in the following Table 1.

Table 1: Incentives/Bonus Schedule (Each Incentive shall be eligible to Earn One or More Bonuses)			
Incentives (Building)	Bonus - Increase in Building Height	Bonus - Increase in Density for Residential Uses	Bonus - Reduction in Required Parking
Green Roof	<i>None</i>	5%	10% reduction in required parking
Structured Parking behind Primary Buildings or Underground	1 story (not to exceed 10 additional feet)	10%	Each underground or structured parking space = 1.25 spaces in a surface lot
Owner Occupied*	1 story (not to exceed 10 additional feet)	20%	30%

**See Section 1519*

- (1)* Green Roof. Green roofs are a structural veneer of vegetation and soil or other media, usually 3.5 inches to four inches in depth, that help mitigate the effects of urbanization on water quality by filtering, absorbing or detaining rainfall. The soil and specialized mix of plants that comprise a green roof are tolerant of the harsh temperature and other conditions of a rooftop, can tolerate short periods of inundation from storm events and typically require minimal maintenance. These systems help remove pollutants from entering the storm sewer system and can help reduce the stormwater runoff volume and peak discharge rates.

Engineering plans for the green roof must demonstrate the design's ability to appropriately accommodate a stormwater capacity equal to the first one inch of summer rainfall. Engineering plans must also demonstrate a building design that can accommodate the additional roof load. The roof shall be properly maintained over time in order to retain its efficiency.

In order to qualify for the bonuses in Table 1, at least 50% of the roof area must be a green roof. A 10% reduction in the required surface parking and a 5% density bonus for residential uses can result from the installation of a green roof. Additionally, up to 50% of the surface area of the green roof can be utilized to achieve the required open space for the site.

- (2) **Structured** Parking. Parking at street level reduces opportunities to utilize this valuable space for activities that increase street life. Locating parking in ***parking structures*** expands the total ***land*** available for development. To qualify for the Increase in Building Height and Reduction in Parking bonuses, ***a minimum of 75%*** of the parking ***spaces*** must be provided in ***an onsite parking structure***.
 - (3) Owner-Occupied Residential. Owner-Occupied residential refers to dwelling units that are the primary ***and exclusive*** residence of the legal or beneficial owner ***at least 240 days per year***. To qualify for this bonus, 100% of the residential units proposed must be designated as owner-occupied. Any project pursuing designation as an owner-occupied residential project must establish a ***homeowners*** or condominium association and incorporate appropriate provisions in its association and by-laws to ensure that the use of the property is for owner-occupied dwellings, including limitations on leasing units. The by-laws of the ***homeowners*** or condominium association shall grant the authority for enforcing the owner-occupied covenant to the Borough of State College. Changes to the by-laws that will affect the occupancy covenant must be approved by the Borough of State College. Legal costs accrued as a result of a conflict in an occupancy covenant must be borne by the ***homeowners*** or condominium association.
- c. Maximum Bonus. The following height, residential FAR and reduction in required parking shall not be exceeded regardless of the number of incentives provided:

Maximum building height: 45 feet. *

- * No more than one (1) additional ***story is*** permitted, regardless of the combination of incentives achieved.

Maximum ***total*** residential density bonus: 30%

Maximum ***total*** reduction in required parking: 30%

§ 19-1519. Covenants with the Borough for Bonuses. [Ord. 2013, 3/18/2013]

- a. Purpose. To assure continuation of amenities, housing or uses provided in a project to qualify for bonuses, the property owner must execute a covenant with the Borough of State College. The covenant is required prior to issuance of the building's occupancy permit and is made in consideration of allowing addition building stories or increased floor area above the base zoning or a reduction in parking based on the incentive/bonus scheme under Section 1518.
- b. Requirements. The covenant must run with the land and be attached to the land. In the event the property owner fails to abide by the covenant, the Borough shall be empowered to terminate occupancy of the building and to obtain injunctive relief in a court of competent jurisdiction enjoining further occupancy of the building while the violation of the covenant occurs. All covenants must be approved by the Borough Solicitor and be recorded with Centre County Recorder of Deeds and referenced on the *recorded land* development plan. Covenants shall be recorded prior to building occupancy and shall specify that the landowner will comply with all approval conditions applicable to the incentive and bonus provisions under which the land development plan was approved.

ENACTED AND ORDAINED this _____ day of _____, 2022.

ATTEST: BOROUGH of STATE COLLEGE

Dianna S. Walter
Assistant Borough Secretary

Jesse L. Barlow
President of Council

EXAMINED AND APPROVED as an Ordinance this _____ day of _____, 2022.

Ezra Nanes
Mayor

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Resolution # **1318**

Designating the month of May 2022 as No Mow May and Suspending enforcement of Chapter IX, Part C, Grass & Weeds, of the Codification of the Borough of State College

WHEREAS, the Borough of State College recognizes that bees and other pollinators serve a critical role in the pollination of plants that produce a wide variety of essential foods like fruit, vegetables, and nuts.

WHEREAS the Borough of State College is in a unique position, to significantly increase pollinator-friendly habitat by encouraging pollinator-friendly lawn care practices and by incentivizing its citizens to take direct and meaningful action on their own properties.

WHEREAS, ideal pollinator-friendly habitat is comprised of mostly native wildflowers, grasses, vines, shrubs, and trees blooming while in succession throughout the growing season, is free or nearly free of pesticides, is comprised of undisturbed spaces including leaf and brush piles, unknown fields or field margins, fallen trees and other dead wood for nesting and overwintering, and provides connectivity between habitat areas to support pollinator movement and resilience; and

WHEREAS, the formative period for the establishment of pollinators and other insect species, and the many songbirds and other urban wildlife species depend upon them, occurs in the late spring and early summer when they emerge from dormancy and require flowering plants as crucial foraging habitat; and these opportunities are dramatically reduced with early spring leaf-litter removal and grass-mowing, now, therefore,

BE IT FURTHER RESOLVED, that the Borough of State College recognizes **No Mow May** to actively promote and educate the community about the critical period of pollinator emergence, generation of crucial pollinator-supporting habitat and early spring foraging opportunities, and;

BE IT FURTHER RESOLVED, that for the duration of the month of May, the Borough of State College shall suspend the enforcement of Chapter IX, Part C, Grass and Weeds, of the Codification of the Borough of State College regulating the length of any grass, weed or herbaceous vegetation, or any other section that regulates the length of grass until June 1, 2022, allowing pollinator species to emerge and early flowering grasses to establish, which may result in ground-cover exceeding established ordinance height restrictions and weed growth. Enforcement of the Ordinance regulating the length of grass will commence on June 1, 2022.

RESOLVED AND ADOPTED as a Resolution this 2nd day of May 2022.

ATTEST:

BOROUGH OF STATE COLLEGE

Dianna S. Walter
Assistant Borough Secretary

Jesse L. Barlow
President of Council