

## COLLEGE TOWNSHIP COUNCIL

## REGULAR MEETING

THURSDAY, MARCH 10, 1983

A regular meeting of the College Township Council was called to order on Thursday, March 10, 1983 at 7:30 pm by Chairman Dargitz in the College Township Municipal Building.

Members present: Donald E. Bailey, Gale L. Dargitz - Chairman,  
J. Carroll Dean, Herbert W. Stewart, Dolores A. Taricani

Others present: C. Thomas Lechner - Manager  
Robert Hayden - Treasurer

Minutes of Previous Meeting

The minutes of the February 10, 1983 regular meeting were approved with the following corrections: page 3, paragraph 4, Spring Creek Estates, Phase VII, the words "curb cuts" were substituted for "driveways" in all cases; page 5, paragraph 1, PennDOT Turnback Program, the last sentence was amended to read "He also mentioned that in every discussion with PennDOT over the turnback of the roads program, only the acceptance of the roads was mentioned, and the acceptance of the bridges never arose." Taricani moved; Bailey seconded.

Open Discussion — PennDOT Representatives Turn Their Back on Township's Refusal to Accept the Bridges

At the invitation of Manager Lechner, PennDOT District Engineer Thomas C. Ickes and Assistant District Engineer for Design David E. Zazworsky met with Council in an attempt to overcome their differences in interpretation arising over the acceptance of the three bridges involved in the Department's turnback to the Township of Branch Road and Pike Street.

The Township maintains that all discussions with PennDOT over the turnback program have been in regard to acceptance of the roads only; the issue of acceptance of the three bridges has never been raised (see minutes of February 10, 1983). PennDOT insists, however, that acceptance of the bridges along with the road has not only been an agreed upon condition, but indeed a necessary condition for the turnback program to proceed.

District Engineer Ickes summarized PennDOT's position. In 1979, at the Township's request, the Department agreed to work toward the eventual turnback of Branch Road and Pike Street to the Township's road system. Approximately \$108,000 have already been spent improving these roads; another \$344,000 of improvements is scheduled for this summer. It has always been the Department's contention that the bridges are a part of any road.

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It would be to the Township's advantage to take over Branch Road and Pike Street, Ickes stated. Truck and local traffic control could be better managed if those roads were under the aegis of the Township; also, should the Township accept the roads, it would be eligible for additional liquid fuels funds for those extra 1.89 miles.

According to Ickes, the bridges are currently in good condition; he does not foresee any problems in the near future as the decks will be overlaid as part of the turnback project. Should repair problems arise in the far future, the bridges would be eligible for Federal funding.

POSSIBLY BE

PennDOT's position hasn't changed, Ickes concluded. The Department has either completed or scheduled for completion all the work hitherto agreed upon, with the understanding that the roads and all three bridges would be turned over to the Township upon the project's completion.

Dave Zazworsky concurred. At a meeting he had attended with Council member Dean in 1980, no mention had been made to PennDOT of the Township's intention to exclude the three bridges from the turnback program. He added that it has always been PennDOT's assumption that you can't drive on the road without the bridges -- hence, their automatic inclusion in the turnback program.

Dargitz replied that every Council discussion of the turnback program has been in terms of the acceptance of the roads only. Federal Aid cannot be counted on in the future, he said, and repair of a bridge would be disastrous to the Township's finances, probably exceeding a total year's budget. Furthermore, the Township is not setting a precedent in asking that the bridges be excluded from the turnback program -- such an agreement was recently worked out between PennDOT and Chapman Township.

The Township is interested to a degree, he continued, in taking over Branch Road and Pike Street; it is also somewhat disappointed that the resurfacing scheduled for last summer was postponed to this summer. Although he is favorably inclined to taking over the roads, Dargitz feels it would be a disservice to the residents of the Township to take over the three bridges.

Dean said that the difference between the Township's and PennDOT's interpretation is the result of an unfortunate, but "honest misunderstanding." He explained that the Council has been conditioned to separate the issue of acceptance of bridges from acceptance of roads through its members' attendance at various annual Township conventions where this aspect has always been discussed separately. He agreed with Dargitz that the Township's finances could not bear the risk of bridge repair.

Ickes responded that in the Federal Rating System, wherein a perfect bridge equals 100, the three bridges in question rate a score of 78.1, 94.9, and 80.3. Although it is possible for PennDOT to turn back a road without its bridges, this has not been the Department's intention in this case. The only reason Branch Road is scheduled for an overlay is because of the turnback program of both the roads and the bridges. Branch Road would otherwise not be considered a priority project and would not be scheduled for immediate resurfacing.

Paricani stated that she is most supportive of taking over Branch Road, as it is her belief that the Township would do a much better job. She takes issue with PennDOT,

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however, over its interpretation of her letter of February 1981. That letter did not state that the Township would accept the three bridges as part of the turnback program; the letter was silent on the issue of the bridges. Reiterating that she is willing that Branch Road and Pike Street be returned to the Township, she concluded that she, also, is "frightened of the bridges."

Lechner raised the issue of the stricter bridge replacement standards now in effect. Ickes responded that the newer standards should not cause a great problem since the bridges are not presently weight restricted.

Dargitz then noted that Council would discuss this matter at its next regular meeting on March 24. Ickes replied that the Department will await Council's final decision and react to that; however, it should be kept in mind that the Township's acceptance of the three bridges is a condition of the turnback program, and that no further improvements would be made to Branch Road should the program fail to go through.

#### Public Hearing for Consideration of Revised Sign Ordinance

Chairman Dargitz then adjourned the regular meeting at 8:05 pm to call to order the Public Hearing for consideration of the Amendments to the Sign Ordinance. He invited those wishing to give testimony to sign in; none wished to do so. Dargitz then turned the meeting over to Taricani who has long been involved with the revision of the Sign Ordinance.

Many revisions have been made to the Sign Ordinance, Taricani stated. Those changes recommended by the Zoning Officer have been adopted; comments have been considered from the owner of the local sign company, Signlights; and those comments and suggestions provided by attorney Virginia Eisenstein on behalf of her client, Barash Advertising, have been addressed and incorporated.

In view of all the above, Taricani recommended to Council that it adopt the Sign Ordinance as last revised.

In response to Dargitz' call for comments, Dean said that while he has no problem with the concepts of the draft, he does see several deficiencies that should be addressed. After brief discussion, it was decided to adopt the following Dean recommended changes:

- 1) Page 14, Paragraph 6.1.a.1: "Ground pole signs illuminated internally or with lights mounted on the same structure, must obtain a building permit" was changed to read "Ground pole signs with artificial illumination internally or externally must obtain a Building Permit before placing the sign".
- 2) Page 10, Paragraph 3.9.b: "Signs illuminated from the back of the sign or internally are prohibited" was changed to read "Signs illuminated by other than direct-incident lighting are prohibited".

There was no further discussion and Taricani moved that Council adopt the latest version of the Sign Ordinance, dated March 10, 1983, incorporating Dean's changes to the draft. Dean seconded and the motion was carried unanimously. The Public Hearing

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on the Sign Ordinance was adjourned at 8:20 pm and the regular meeting was reconvened.

#### Manager's Update

The Manager's written update was received as distributed with no additional notes or discussion.

#### Financial Report

Following a motion by Taricani and a second by Bailey, the Financial Report for February 1983 was unanimously approved as submitted.

#### Correspondence — Centre Video Accepts

Council is in receipt of a letter to Solicitor Reed McCormick from James Shaw, Office Manager of Centre Video. Mr. Shaw has advised the Township of Centre Video Corporation's approval of the Township's newly adopted Franchise Fee on Cable TV Ordinance.

Dean questioned the advisability of asking anyone's approval of a Township Ordinance. Lechner said that Centre Video's approval was necessary as it was written into the Ordinance; Dargitz termed it a "semantic problem." Dean emphasized that with or without Centre Video's approval, the Ordinance would stand.

#### Planning Commission Recommendations — Phased Subdivisions; Flood Plain Ordinance Amendments, Pages 4-6; Zoning Ordinance Amendments regarding Signs, Motor Vehicle Access and Parking Lots

Dargitz announced that a work shop meeting between Council and the College Township Planning Commission has been set for March 24 to discuss the above ordinances and to set a date for the Public Hearings.

Marlowe Froke, a member of the Township's Planning Commission, was present and informed Council that it is the Planning Commission's strong recommendation that a date for the Public Hearings be set that night as many decisions hinge on the hearings' outcome.

Taricani agreed and moved that Council accept the recommendations of the Centre Regional Planning Commission and advertise them accordingly for a Public Hearing, the date to be set immediately. Dean seconded; the motion was carried unanimously; and the date of the Public Hearings was set for April 14.

Froke then informed Council that an exhibit depicting the importance of the Garver property is now on display through the spring at the University's Pattee Library. He strongly urged those able to attend to do so.

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Plans for Approval — Garver Subdivision, Preliminary-Final Plan, Lots 4 and 5

Eni-Tec Engineer Pat Ward presented to Council the Preliminary-Final Plan for Lots 4 and 5 of the Garver Subdivision. His client, W. F. Fisher, is seeking approval to change the lot line between lots 5R (upon which his building is situated) and the now vacant lot 4R to provide the latter with additional frontage. In reply to Dean's question, Ward stated that he is aware of the proposed zoning amendments affecting site plans, and added that he and the engineer for the recently approved Rallis site plan hope to work together to formulate a plan for a joint access road.

Lechner noted that the Centre Regional Planning Commission had made several comments. He ascertained that three of them had been satisfied (lot lines to the nearest foot, sewer lateral diameters, and street lights) and that the Solicitor's opinion had been sought, per the Township Planning Commission's request, for the remaining two: the need for sidewalks and fire hydrants. In the case of sidewalks, the Solicitor has advised that the Ordinance does not pertain to this subdivision as the Ordinance addresses proposed streets, not existing streets, as are in the Garver Subdivision. The Solicitor is also of the opinion that the fire hydrant requirement be waived for this subdivision as there is no extension of the water main involved. Lechner himself has no problem with the proposed changes.

Bailey then moved and Dean seconded that Council approve the replot and resub-division of lots 4 and 5 of the Garver Subdivision as revised February 23, 1983 and March 4, 1983. The motion was carried unanimously and Dargitz and Bailey affixed their signatures to the plans.

Plans for Approval — Penn Hills PRD, Revised Master Plan

Ward next advised Council that his client, Calvin Zimmerman, is seeking approval to change a section of the Penn Hills PRD from multi-family housing to duplex units. He requested that a date be set for the ordinance-mandated public hearing for consideration of these proposed revisions to the master plan.

Ward emphasized that the density of the area would not exceed the previously approved density of 120 units; in fact, the revision now calls for only 80 units. Likewise, the same amount of open space would be maintained. In answer to Taricani's question, he stated that the reason for this change is to accommodate the current market demand for more individual-type housing units.

Dargitz suggested that the Planning Commission's recommendation of this proposed revision be sought; he also suggested that the date for this public hearing be set for April 14.

Business 1 -- Decision on No Turn on Red Signs at University Drive and Curtin Road

Lechner provided the background. Upon PennDOT's request, Council decided to remove the No Turn on Red signs at University Drive and Curtin Road for a 60-day trial period beginning January 1, 1983 and ending March 1, 1983. During these past two months, Lechner has not heard of any problems caused by the lack of these signs, and agrees with PennDOT that these signs should be permanently removed. He added that a resolution would have to be drawn to effect the signs' permanent removal.

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Taricani then moved that Council draft a resolution to permanently remove the No Turn on Red signs at University Drive and Curtin Road. Bailey seconded and the motion was carried unanimously.

Business 2 — Asphalt Kettle Bids

The one and only response received by the Township in its solicitation for bids for an asphalt kettle was from Bradco Supply. They submitted a bid of \$6845 and included a 10% bid bond.

After ascertaining that this item was included in the Township's 1983 budget, Dean moved that Council purchase an asphalt kettle from Bradco, being the only bidder out of the solicitation of five, in the amount of \$6845, contingent upon it meeting all specifications. Taricani seconded and then asked Lechner for the justification for this purchase. Lechner said that the Township is not now in possession of an asphalt kettle, and, as a result, has had to contract for its paving material. He estimated that the expenditure for the kettle would be recovered by those savings it would effect in approximately two years.

Bailey then called the question and the motion was carried unanimously.

Early Announcement — Grant and Liberty Streets Public Hearing set for April 14

Dargitz announced that a public hearing for the adoption of an Ordinance permitting the Township to take over Grant and Liberty Streets as a public thoroughfare has been scheduled for April 14. He explained that although a public meeting for the consideration of this Ordinance had been held on December 29, 1982, it was not considered to be an official meeting, and that a separate public hearing must be held.

Business 3 — Signature on Ordinance #59-A, Darlington Rezoning

The Darlington property, located in the vicinity of the David Weis store, was approved for rezoning to C-1 on April 22, 1982. The Ordinance was never signed, however, and it was presented to Council for the members' signatures that night.

Dean expressed his concern that some rezoning changes have not been recorded on the Zoning Map. He said that legal procedure requires that the map be signed at the time the Ordinance is passed, and proposed that the Zoning Officer research the minutes to ascertain that all rezoning has been recorded on the map and that all necessary signatures are affixed to the pertinent documents.

Business 3A — Signatures on Cable TV Franchise Ordinance #81

Previously approved, but never signed, Ordinance #81, enacting a Cable TV Franchise, was presented to the Council members for their signatures.

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Business 4 — Signatures on Ordinance #59-B, Rezoning of East College Avenue from University District to C-1

Also presented to the Council members for their signatures was Ordinance #59-B, effecting the rezoning of East College Avenue from University District to C-1. This Ordinance was passed on December 29, 1982.

Business 5 — Truck Bid Award

At the February 24, 1983 regular Council meeting, Manager Lechner opened all responses from the Township's solicitation of bids for a truck. After having carefully considered all bids to determine their compliance with the Township's specifications, Lechner recommended to Council that it accept the \$19,155.44 bid from Allegheny Trucks, Inc. for a standard transmission truck to be delivered within the specified time period.

The two lower bidders, Hanna and Landmark Dodge, were rejected, Lechner explained, due to their failure to meet the time restraints. The remaining two bids, from Valley GMC and Bradco, specified higher amounts and also had difficulty meeting the delivery period.

Stewart made a motion to readvertise the bids; Dean seconded the motion for discussion purposes. To the latter's question regarding the acceptability of the lowest bidder, which underbid Allegheny Trucks, Inc. by \$1000, Lechner replied that along with Hanna's failure to comply with the specified time restraints, that company also failed to include radial tires as a part of its bid.

Dargitz said that if all bids were to be rejected and the bid solicitation to be readvertised, problems would develop in that the competitors would have knowledge of each other's previous bid. In order to avoid legal difficulties, Dargitz explained, the Council must have good, solid reasons for rejecting the submitted bids and readvertising the solicitation.

In reply to Stewart's question, Lechner noted that the requirement of a bid bond submission was inadvertently omitted from the Township's specifications. He added that the omission of such from any of the company's bids was therefore not considered detrimental. He also said that to readvertise the bid solicitation would result in the delay of some vital scheduled projects.

Township resident Chris Exarchos then asked Council for its justification of a truck purchase at a time when the Township is in a weak financial position. Dargitz replied that this item, a provision of the '83 Township budget, was carefully considered for several months prior to its insertion. The purchase of the truck is a legitimate and necessary expenditure, he said, and will, as both Dean and Taricani had noted, result in a more efficient use of the Township's road crew personnel.

Dean called the question to Stewart's motion and it was rejected four to one: Stewart, in favor; Bailey, Dargitz, Dean and Taricani, opposed.

Dean then moved that Council award the contract for the purchase of a truck to Allegheny Trucks, Inc., as the lowest acceptable bidder, at the cost of \$19,155.44.

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Dean called the question and the motion was approved by a four to one vote: Bailey, Dargitz, Dean and Taricani, in favor; Stewart, opposed.

#### Business 6 -- Discussion of Business Privilege Tax

Dargitz summarized those factors leading to Council's consideration of the Business Privilege Tax. Over the last 18 months, he said, Council has been considering various options to increase Township revenue through the initiation of alternative taxation. Some action has already been taken, he explained, as in the adoption of the 3% franchise fee on cable TV and the recent Real Estate Tax increase of three mills.

The possibility of a Mercantile Tax was also examined Dargitz noted; as proposed it would have been levied at the rate of .75 mills on all retail sales and .5 mills on wholesale sales. At the public hearing held for consideration of that tax, the objection voiced most frequently was that it is discriminatory in that it does not tax service concerns. Following that meeting, it was the consensus of Council to examine a tax that would include services, as well as to lower the retail sales levy to .5 mills.

As currently drafted, the Business Privilege Tax Ordinance calls for a uniform .5 mill levy on all retail and wholesale goods and services. What must be decided that evening, Dargitz explained, is whether to advertise the Ordinance for further action or to take no action at all. He then asked for comments and suggestions from the floor.

Bill Peacock, of the Motorcycle Place, asked whether the 1983 Township budget is balanced. Dargitz replied that it is, as is required by law, but only after \$50,000 of improvements were totally eliminated from the budget, and another \$50,000 were temporarily, it is hoped, deleted in anticipation of increased Township revenues.

Peacock also wanted to know Council's intentions for the surplus monies in future years. Dean replied that most of those projects facing the Township -- i.e., storm water management and drainage projects--not only require immediate attention, they require continual attention and maintenance. To Peacock's remark that the Township seems to be in a catch-up situation, Dargitz agreed, explaining that the Township's Real Estate Millage had remained constant for the past 12-15 years, and now the Township is faced with certain projects that absolutely need to be done.

Peacock concluded by saying that the current poor economic conditions facing the Township's merchants are not conducive to playing catch-up; he suggested that since the budget is balanced, Council re-consider the need for additional revenues at this time. Should more monies become imperative, Peacock would favor an increase in the "more realistic" property tax.

Taricani then restated her position that she is opposed to a tax on businesses. She believes that the Real Estate Tax should have been increased in 1982 to an even higher level; indeed, it should have been increased a long time ago. She admitted that the responsibility for not doing so lies with Council, having submitted to some poor advice. The Township can get through the year without doing the additional projects scheduled, she added; they are options of a sort, serious, but not essential.

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Joshua Tobey, Manager of Sears Department Store in the Nittany Mall, termed the Business Privilege Tax "a terrible tax, a nuisance tax." He said that the proposed tax would tend to drive businesses out of and away from the Township; "This is the wrong place to develop that tax." To his statement that Sears would be unable to recoup the tax from its local customers, Dargitz replied that Sears stores in Logan and Richmond Townships, among others, all impose a Business Privilege Tax, at a rate three times higher than that proposed for College Township.

Chris Exarchos, owner of Lemont's Victorian Manor restaurant, also objected to the Business Privilege Tax. It is inequitable, he said, in that it taxes gross revenues as opposed to profit. It is likewise discriminatory in that it excludes manufacturing the State licensed concerns. He proposed that Council look into increasing the Real Estate Tax for the succeeding years.

To Peacock's suggestion that Council impose a one-time flat fee on all businesses, Taricani replied that that tax is also inequitable in that it does not distinguish between large and small businesses; moreover, it taxes the same base as the Business Privilege Tax, including the exclusion of all manufacturing. Dargitz emphasized that the imposition of a Business Privilege Tax is not a "one-time deal." College Township will have a continuing need for additional revenues, he stated.

Taricani said that she foresees a big problem for local governments in the coming year. It is nearing that time when local governments will not be able to afford even the most basic services.

Dargitz then called for additional comment.

Stewart said he remains opposed to the Business Privilege Tax. The word privilege, he said, is a misnomer; it should be termed a penalty. Although he understands the Township's need for additional revenues, he feels that it would be wrong, in these rough economic times, "to take it out on the businesses."

Dean then moved that Council advertise the Ordinance for consideration at the May 12, 1983 regular Council meeting. Bailey seconded.

Taricani emphasized to Council that this Ordinance calls for a tax based on gross receipts as opposed to net profits -- "the most inequitable method of taxation that one could possibly think of." While bankruptcies are becoming a daily occurrence in State College, Council is still geared to the government mentality of "there's always more." Taricani believes the members should examine the possibilities of "cutting back."

There was no further discussion and Dean called the question. The motion calling for the advertising of the Mercantile License and Business Privilege Tax for consideration at the May 12, 1983 regular Council meeting was approved by a vote of four to one: Bailey, Dargitz, Dean and Stewart, in favor; Taricani, opposed.

#### Announcements

A joint workshop with the Township Planning Commission has been scheduled for March 24, 1983. The public is invited to attend.

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Adjournment

Dean's motion and Bailey's second that the meeting be adjourned met with unanimous Council approval at 9:56 pm.

Respectfully submitted,

C. Thomas Lechner  
Secretary

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COLLEGE TOWNSHIP FINANCIAL REPORT

BUDGET AND ACTUAL APPROPRIATIONS - ALL FUNDS for the 2 months ended 2/28 1983

CLASSIFICATION	1982		1983					
	BUDGET 1982	ACTUAL Y-T-D	BUDGET 1983	ACTUAL MONTH	ACTUAL Y-T-D	BUDGET REMAIN. for '83	PROJECT. REMAIN. for '83	ACTUAL ± to '83 BUDGET
<b>ASSETS</b>								
100 Beginning Cash	\$ 52,394	\$ 52,394	\$ 31,485	\$ 21,213	\$ 31,485	\$ 16,075	\$	\$
<b>REVENUES</b>								
300 Taxes:								
Property Tax	102,108	803	152,304	556	892	151,412		
Local Enabling	283,000	71,031	312,000	46,328	79,476	232,524		
520 Licenses & Permits	150	150	190	-0-	-0-	190		
530 Fines & Forfeits	41,000	7,270	41,000	2,537	6,528	34,472		
340 Interest & Rents:								
Interest	13,724	872	7,500	698	1,045	6,455		
Rents	16,500	1,800	18,400	1,375	2,750	15,650		
350 Intergovern. Revenues	149,397	15,006	137,659	-0-	14,389	123,270		
360 Charges for Services	25,850	1,986	28,788	1,912	5,960	22,828		
380 Miscellaneous	12,720	1,013	7,022	198	228	6,794		
Total Revenues	\$644,449	\$ 99,931	\$ 704,863	\$ 53,604	\$ 111,268	\$ 593,595	\$	\$
TOTAL AVAILABLE for APPROPRIATION	\$696,843	\$ 152,325	\$ 736,348	\$ 74,817	\$ 142,753	\$ 609,670	\$	\$
<b>EXPENDITURES</b>								
400 General Government:	\$	\$	\$	\$	\$	\$	\$	\$
Administration	112,442	17,682	109,880	9,657	22,781	87,099		
Tax Collection	33,094	6,847	41,355	3,137	8,945	32,410		
410 Public Safety:								
Police	177,014	1,938	178,003	14,652	28,822	149,181		
Fire	27,744	6,797	26,865	63	6,609	20,256		
Planning & Zoning	20,000	4,803	27,225	602	6,137	21,088		
420 Health & Welfare:								
Sanitation	1,500	2	1,000	60	62	938		
430 Highways:								
General Maintenance	10,000	2,234	45,000	6,739	11,255	33,745		
Snow Removal	23,000	16,397	24,770	3,849	5,257	19,513		
Traffic Signals	3,500	679	5,800	164	394	5,406		
Street Lights	7,800	1,283	8,760	714	1,437	7,323		
Highway Maintenance	109,672	10,656	50,300	497	509	49,791		
Construction Projects	27,000	-0-	40,790	4,518	5,118	35,672		
440 Transportation:								
Transit System	11,000	-0-	18,168	-0-	7,613	10,555		
450 Culture Recreation:								
Parks & Recreation	44,790	1,775	41,625	-0-	10,156	31,469		
Libraries	22,172	5,418	24,889	-0-	6,097	18,792		
Senior Citizens	5,000	301	6,171	766	766	5,405		
470 Debt Service:								
Principal & Interest	17,077	1,545	17,252	1,011	2,022	15,240		
48 Miscellaneous:								
Employee Benefits	32,843	2,961	37,000	919	2,698	34,302		
Total Expenditures	\$ 685,648	\$ 81,318	\$ 704,863	\$ 47,348	\$ 126,678	\$ 578,185	\$	\$
REMAINDER for APPROPRIATION	\$ 11,195	\$ 71,007	\$ 31,485	\$ 27,469	\$ 16,075	\$ 31,485	\$	\$