

**COLLEGE TOWNSHIP REGULAR
COUNCIL MEETING MINUTES
Thursday, November 4, 2010**

ATTENDED BY -

COUNCIL:

David W. Koll, Chair
Mary C. Shoemaker, Vice Chair
Forrest J. Remick, Ph.D.
David P. Fryer
Daniel D. Klees

STAFF:

Adam T. Brumbaugh, Township Manager/Secretary
Kent N. Baker, Township Engineer
Robert T. Long, Jr., Finance Director
John J. Franek, Jr., Zoning Officer
Mark Holdren, CRPA Sr. Planner
Mary E. Wilson, Asst. Township Secretary

CALL TO ORDER

Chair Koll called to order the November 4, 2010, Regular Meeting of the College Township Council at 7:02 PM followed by the Pledge of Allegiance.

ANNOUNCEMENT:

Chair Koll announced that Council would recess into Executive Session near the end of this meeting in order to discuss matters of personnel and of litigation.

OPEN DISCUSSION:

None.

SPECIAL PRESENTATIONS:

SP-1 College Township Industrial Development Authority (CTIDA) Update

Messrs. Jack Jenkins and Herbert Graves, CTIDA members, advised that the CTIDA has updated its financial strategies, revised its mission statement to reflect current and future business trends, and partnered with local banks in pursuit of small businesses that hold promise of bringing or keeping tax-paying jobs in College Township and Centre County.

Mr. Graves gave a brief history of how the CTIDA developed from state and federal funding, allowing for the 1993 purchase of its prior building, the purpose of which was to house incubator businesses. Incubator opportunities became available at locations such as Innovation Park; therefore, the CTIDA felt it reasonable to get out of the real estate management business and expand its economic development objectives. With the well-timed 2007 sale of the CTIDA building for \$2.5M, the Industrial Development Authority now holds zero debt and \$2.7M in cash and equivalents.

Changing economic development projections forced the CTIDA to analyze and subsequently revise its methodologies in managing those funds. After much research and lengthy dialogue with numerous lending institutions across the Commonwealth, Mr. Graves reported that the CTIDA struck agreement with a local bank that is committed to the community and is now using some of CTIDA's funds as interest-bearing collateral, in conjunction with that local bank, to back promising business loan applicants who have insufficient collateral for the business loan being sought. It is anticipated that this unique and creative method of retaining its funds in an interest-bearing account while simultaneously using those funds to assist locally operated businesses in their endeavors will keep or expand tax-paying jobs in the region and allow for the ongoing operation of the College Township Industrial Development Authority for years to come. Mr. Graves indicated that CTIDA provides collateral guarantees, but not grants or loans to promising businesses.

Council expressed its appreciation for the creative devices developed for the well being of local businesses, for the clearer picture of how the CTIDA operated, and for how it flexed with the changing times and economic conditions to meet the needs of a struggling business base in College Township and Centre County.

MANAGER'S UPDATE:

Mr. Brumbaugh, Township Manager, presented the November 4, 2010, Manager's Update, highlighting the status of negotiations relative to the design work of the Squirrel Drive intersection.

Council offered its support for the sending of the draft letter to PennDOT seeking leniency on its requirement that the signal be operational prior to opening of the hotel. This signal project goes to bid on December 8, 2010.

Regarding new 'no parking until snow is cleared' signs being installed around the Township, Council directed staff to advise residents of this new parking restriction in those neighborhoods receiving those signs. Mr. Brumbaugh stressed that staff much prefers compliance with the regulation rather than enforcement actions, noting that the signs are in place to aid road crews in satisfactorily clearing snow from the roadways. Although the signs were scheduled to be removed each spring and reinstalled each winter, Mr. Brumbaugh stated that a final decision would be made following this first winter season on whether to do that or leave them up permanently.

Ms. Shoemaker expressed a preference for having that notification to residents be in the written form, either a letter or a door posting.

CONSENT AGENDA:

- CA-1 Minutes:** Withdrawn.
- CA-2 Incoming Correspondence:** /1: Letter from Mr. J. Meyer, dtd Oct. 5, 2010, requesting permission to place a wishing well at dairy for Interfaith Mission donations.
/2: Letter from Spring Creek Watershed Assoc., dtd Oct. 19, 2010, requesting 2011 pledge for WRMP.
- CA-3 Report:** Finance Director's.
- CA-4 Resolution:** R-10-21, 2011 Earned Income Tax Rules and Regulations.

Council pulled for discussion and possible action Consent Agenda Item CA-4.

**Mr. Klees moved to approve the November 4, 2010 Consent Agenda, minus item CA-4.
Ms. Shoemaker seconded the motion.
Motion carried unanimously.**

CA-4: Dr. Remick suggested that a specific motion for the resolution would be optimal and offered that motion.

**Dr. Remick moved to approve Resolution R-10-21, 2011 Earned Income Tax Rules and Regulations.
Ms. Shoemaker seconded the motion.
Motion carried unanimously.**

**Mr. Fryer moved to receive Consent Agenda Item CA-4.
Mr. Klees seconded the motion.
Motion carried unanimously.**

OLD BUSINESS:

OB-1 Zoning Reorganization - Discussion

In previous discussions, Council directed staff to review and make recommendations on the Township zoning ordinance that would reflect current and future development trends. Mr. Mark Holdren, CRPA Sr. Planner, gave a PowerPoint presentation on the proposed changes to the College Township Zoning Ordinance, which suggested consolidating the nearly 150

different land uses down to approximately 30 land use types. Staff proposed moving away from the land-use-based approach of zoning to that of a form-based approach in the non-residential zones. Commercial districts would include virtually all land uses; and each commercial district would then dictate the scale and placement of the buildings. Mr. Holdren asked for Council's comments on whether or not this initial review was heading in the direction Council was hoping.

Council offered several comments and thanked Mr. Holdren for an excellent presentation. requested hard copies of the PowerPoint slides for their ongoing review; agreed that the staff is moving in the right direction in this review process; recommended the consideration of a workshop on this matter; and suggested that a newsletter article be written encapsulating what the Township is considering in its review of its current Zoning Ordinance.

This matter will return to a future Council meeting.

NEW BUSINESS:

NB-1 Canterbury Crossing Sidewalks – Discussion

Mr. John Franek, Zoning Officer, reported that plan notes on the recorded Phase I Canterbury Crossing Subdivision plans, an S&A Homes development, indicate that a five-foot-wide concrete sidewalk along the street frontage of all lots is to be constructed at property owners' expense at a time deemed necessary by College Township. Mr. Franek advised that letters went out to all affected property owners to allow for a dialogue with Council on this sidewalk requirement and, if Council deems the time appropriate, to consider what would be a reasonable time period for expected completion of the work.

Mr. Dave Palmer, S&A Homes, was present to answer Council questions.

Mr. Albert Drobka, 220 Brandywine Drive, objected to the requirement for sidewalks, supporting instead the adequacy of the sidewalks existing on the opposite side of the street even though there are no houses there. Mr. Drobka recommended that this matter be revisited when Brandywine Drive is completed to the Mount Nittany Middle School. He indicated that installing all required sidewalks at that time would gain cost savings due to economy of scale.

Dr. James Serene, 150 Brandywine Drive, offered a petition supporting the concept of a pedestrian-friendly community and bike lanes on their street, but objecting to a second sidewalk on Brandywine Drive as unnecessary. Working with the Centre Region Bicycle Coalition, Mr. Serene stated that the Coalition was considering a bike access from Asbury Lane to the end of Brandywine Drive with neighbors willing to give up parking on one side of the street in exchange for a bike lane.

Mr. Dean Snow, 204 Brandywine Drive, presented a written statement objecting to the requirement to meet the plan notes for a second sidewalk on Brandywine Drive due to arbitrary nature of the note to place costs on homeowners that should have been the developers'; unfairly applying only to Lots 8 through 17; the need to remove several trees and to relocate an improperly placed utility box; and the sidewalk deadending on Scenery Drive.

Council and staff interpreted the language on the plan stating that sidewalks are required on both sides of the streets at the time of development and that the Second Class Township Code allows sidewalks to be installed and paid for by property owners without being tied to a specific plan. In previous years, sitting Council members were reluctant to require sidewalks, but regulations have changed over time. Many previously established neighborhoods would have benefited from sidewalks, saving many today from still walking in the streets.

Staff offered support for the completion of these sidewalks to be done as one project under one contract.

Mrs. Bruci Serene, 150 Brandywine Drive, objected to the requirement for the sidewalks, as a pedestrian-friendly system is already in place.

Upon Council inquiry, Mr. Palmer, S&A Homes, confirmed that S&A Homes had indeed not turned over the management of Canterbury Crossing to the homeowners because the seventy percent (70%) threshold of properties sold had still not been met.

Council then suggested that S&A Homes, as the developer, should help plan and manage this construction project.

Mr. Fryer moved that five-foot wide concrete sidewalks be installed in the area of Canterbury Crossing as discussed and that they be installed by November 1, 2013.

Mr. Klees seconded the motion.

Motion carried unanimously.

Council recommended that staff send letters to this effect to impacted property owners.

NB-2 COG Matters

a. Proposed 2011 COG Budget

Following discussion with COG Executive Director Mr. Jim Steff, Council identified the following comments on the Proposed 2011 COG Budget.

- The Library funding issue must be resolved. Universally accepted funding formulas have been a fundamental key to the success of the Centre Region COG and should remain in effect.

- All paying parties should adopt the COG formula for Library funding, revert to the original method of calculating cost or adopt the funding formula that utilizes PSU students.
 - COG should consider adoption of formula which includes PSU students provided that Ferguson Township participates in the Library Articles of Agreement.
 - Phase new formula impacts to participants over three years.
- Parks and Recreation budget should be funded, in full, as per COG Finance Committee recommendation.
 - As forwarded to the General Forum, the Finance Committee recommendation of an \$80,000 fund balance for a \$2,000,000+ program fails to meet accepted, and prudent, financial reserve requirements. A further reduction in the program fund balance is reckless and could have long-range development impacts on basic parks capital needs.
 - The addition of first-year programming and maintenance costs for the recently acquired Hess Field in Harris Township was anticipated and should have been discussed in full at the time of the agreement to purchase Hess Field. That these functions have added to the budgeted operational costs of CRPR is a logical consequence of this acquisition.
- All future COG vehicle acquisitions should be considered by the appropriate COG Committee prior to the development of departmental budgets.
 - Consideration of future vehicle acquisitions should always include fuel efficiency.
- Parks Capital should be funded at \$425,000 as per the COG Finance Committee recommendation.
 - When Parks Capital contributions began in 2006, the Hess Field acquisition was not identified as future COG regional park as were Oak Hall and Whitehall Road.
 - Basing regional park development costs, in part, on the availability of prior regional park contributions in light of the Hess Field acquisition expenditures is disingenuous and raises questions as to the commitment and sincerity of municipal participants to the regional park program.
 - An effort should be made by participating municipalities to replace funds in Parks Capital that were used for the Hess Field acquisition.
 - A pre-financing contribution of \$425,000 is a commitment and show of good faith on the part of municipal partners to the Regional Parks program.
- Council agrees with the observation and recommendation made by Halfmoon Township that COG should seek to reduce dependence on outside financial service providers and seek to bring currently contracted financial tasks “in-house” over time.

- COG must embrace and continue to develop organizational capacity to accomplish this goal.
- Modification of MPO funding formulas will be problematic and could lead to unanticipated program changes.

b. Pre-Hospitalization Issues

In written communication to the General Forum dated September 15, 2010, regarding Pre-Hospitalization Care in the Centre Region, elected officials were reminded that recent legislation in the form of House Bills 1131, 1133, and 1134, and Senate Bill 987 revise the municipal codes to make it clear that 1) local governments are ultimately responsible for ensuring that fire and emergency medical services are provided within the Township, including the appropriate financial and administrative assistance for these services; 2) the Township shall consult with fire and emergency service providers to discuss the emergency services need of the Township; and 3) that the Township shall require any emergency services organizations receiving Township funds to provide to the Township an annual itemized listing of all expenditures of these funds before the Township may consider budgeting additional funding to the organization.

Following a brief discussion, Mr. Jim Steff recommended that Council postpone any deliberation pending the Public Safety and Environmental Committee's review of this matter at their upcoming meeting.

NB-3 Set 2011 Township Budget Review Schedule

Mr. Robert Long, Finance Director, presented the Proposed 2011 College Township Budget and recommended Council set its budget review schedule.

Council asked staff to send a Doodle meeting scheduler email for the setting of its 2011 Budget review workshop.

NB-4 Spring Creek Watershed Commission Representation

In written communication to Township staff dated October 27, 2010, Ms. Shoemaker asked staff if a Council appointment to the Spring Creek Watershed Commission of a Township resident was possible, and received an affirmative reply at the meeting if the resident was appointed as the Alternate representative to the Commission. The delegate position must be filled by an elected official of the municipality.

Council directed staff to ask the Township resident already attending these meetings to complete an Authorities, Boards, and Commissions application and arrange for an interview with Council in consideration of an appointment as Alternate to this Commission.

STAFF AND ABC INFORMATIVES:

Ms. Shoemaker noted with interest the state Supreme Court's hearing of case Schuylkill Township v. Pennsylvania Builders Association, 935 A.2d 575, relative to that Township's right to impose more stringent requirements on builders than those in the state's Uniform Construction Code.

OTHER MATTERS:

1. Ms. Shoemaker advised Council that a correction in the *Centre Daily Times* last week reported that Rütgers Organics was not going to be held to mitigating the soil contamination on their site by using soil vapor extraction but would instead be allowed to place a layer of top soil on the affected area. Ms. Shoemaker expressed disappointment with DEP and EPA's acceptance of this method of remediation.
2. Mr. Brumbaugh advised that College Township staff recently procured a small john boat for total expenditure of approximately \$50.00. The boat was used to assist in the repointing of stone masonry joints at the Brush Valley Road Bridge.

COMMITTEE REPORTS:

Transportation and Land Use (TLU) Committee, November 1, 2010: Mr. Klees reported that the TLU received an planning assessment presentation from Mr. J. Mayes, Centre Regional Planning Agency Director, and held a discussion on the Development of Regional Impact (DRI) process and costs involved.

RECESS:

Chair Koll recessed into Executive Session at 10:05 PM for the purpose of discussing a personnel matter and a matter of litigation.

The meeting was reconvened at 11:08 PM.

OTHER MATTERS (Cont'd)

3. Council considered the Easement and Entrance Relocation Agreement, dated November 2, 2010, between Canadian Pacific Realty Company the College Township. This temporary easement allows for changes to the entrance and exit lanes of the main entrance of the Hills Plaza Shopping Center, which is required as part of the relocation of W. Branch Road.

**Mr. Klees moved to authorize the Council Chair to execute the Easement and Entrance Relocation Agreement received November 2, 2010, between Canadian Pacific Realty and College Township.
Dr. Remick seconded the motion.
Motion carried unanimously.**

ADJOURNMENT:

**Mr. Fryer moved to adjourn the November 4, 2010 Regular College Township Council Meeting.
Mr. Klees seconded the motion.
Motion carried unanimously.**

Chair Koll adjourned the November 4, 2010, Regular Council Meeting at 11:10 PM.

Respectfully submitted,

Adam T. Brumbaugh

Adam T. Brumbaugh
Township Manager/Secretary