

SPECIAL MEETING
OF
COLLEGE TOWNSHIP COUNCIL

A SPECIAL MEETING WILL BE HELD ON MAY 25, 1976, AT 7:30 P.M.

IN THE TOWNSHIP MUNICIPAL BUILDING TO DISCUSS THE FOLLOWING:

1. Proposed New Ordinances
2. Nittany Orchards Subdivision
3. Tax Collector's Agreement with School District
4. Any other business that may properly come before Council.

Clewd L. Williams Sr.
Manager

SPECIAL MEETING OF
COLLEGE TOWNSHIP COUNCIL
MAY 25, 1976

CALL TO ORDER

The Chairman called the meeting to order at 7:30 p.m.

MEMBERS PRESENT

John Ziegler, Clarence Trotter, Dolores Taricani, Donald E. Bailey,
and Carroll Dean.

Manager Elwood Williams and Treasurer Robert Frederick.

BUSINESS

Proposed New Ordinances.

Numbering of Buildings. Discussion of advantages of each individual residence and business establishment being numbered was held. It was felt this helped the fire and police departments respond to routine and emergency calls. Council preferred numbers to words, and each digit shall be 3" and made of durable material. Every 20 feet a number is assigned. It was felt by the Township Solicitor that after the word "shall" on Page 2, Section Five, Line 8 of that Section, add "fail or refuse to number". These changes will be included in the proposed Ordinance and shall be typed for adoption.

Conduct Ordinance. The comment was made by the Solicitor that under Section Two, omit "loitering without visible means". A discussion was held on some of the terms used in this Ordinance.

Noise Ordinance. The Chairman suggested this Ordinance be tabled until a future date. Mrs. Taricani moved that Council pass over the Noise Ordinance at this time because it was felt this wasn't especially important

to College Township. Mr. Dean seconded this motion and it was unanimously carried.

The Solicitor gave Council a brief summary of the research made into different noises. This noise ordinance shall be put into a COME-UP file for review one year from this date.

Fire Lane Ordinance. Mrs. Taricani reported this ordinance has not been reviewed by the Safety Committee because no meeting had been held since the Council met last.

In Section One, first sentence, after "Fire Marshall" add "or Council"

In the last sentence of the page which reads "and maintain in the Municipal Offices of College Township and State College Municipality" delete the words "..and State College Municipality".

A discussion was held on the requirements of the signs, such as wording and placement. The present signs do not meet the State requirements and until they do, the ordinance cannot be enforced by the Police Department. The main purpose of fire lanes is to obtain access to the buildings at all times in case of fire or other emergencies. Also discussed was parking at Riverside end of the Mall and at the auto repair shop at Sears which is considered as a fire lane. If this is marked as fire lane it will cut down on the number of parking places. The responsibility of placing these signs will be that of the property owners and in accordance with the State Laws. The time limit to comply with these requirements would be 30 days from date of notification.

Traffic and Parking Ordinance. A few changes which were suggested be made to this ordinance were:

Definitions - Masculine shall also mean feminine

Eliminate Fines or Penalties Schedule from the Ordinance. These should be established by resolution by Council.

Section Four - Discussion was held on whether or not to use the word "temporary" in place of "experimental". It was decided the word "experimental" should remain.

Section Five - The question was asked if any conflict occurred where an intersection involves State Highways? No, the Township still has control.

Section Twelve - Speed Limits except where State Laws apply.

Sections Thirteen and Fourteen - Have Speed Limits or signs established by resolution. This will be checked into further.

"Parking is hereby prohibited on all public highways, streets, and alleys in the Township at any or all times as posted".

Should the wording be changed to read "Parking on paved portion of highway or right of way"? It was suggested vehicles should be parked five feet off cartway.

Section Thirty-Three - use "roads, highways, streets and alleys", same as previously listed.

Section Thirty-Four - change Article to Ordinance.

- change Traffic Officer to Treasurer in Township Office.

Snow Emergency.

Section Sixty-One - indicate "on the paved portion or within 5 feet of paved portion".

- no signs required for enforcement.

- Salvage Pounds. A discussion was held on this Section as to naming of Pounds and Fee Schedule.

Section Eighty-Six - change "Article" to "Ordinance".

Council asked that these Ordinances be advertised with the exception of Traffic and Parking. Additional information is needed for these before advertising.

Nittany Orchards Subdivision. An excerpt from the Minutes of the April 13 meeting of Council was read for review purposes. A correction was made on this excerpt. The statements credited to Mr. Shenk and Dr. Gingrich were reversed. Also, the name "Mr. Bittinger" should have been "Mr. Bitting".

Mr. McCormick reported he had met with 3 or 4 of the Councilmen, had talked with Mr. Roush and Mr. Williams plus several other people, including the owner of Lot No. 68 in the Nittany Orchards Development - Mr. & Mrs. Richard Casatelli. He had done research in connection with this development. His suggestion was that they work in phases. He had also contacted Mr. Richards of Con Rail in Altoona and had been informed as of that day he had never been contacted about a right-of-way access over the railroad tracks. Without this right-of-way access, the only other way to reach this 90-lot development would be by way of Perry Alley which is not suitable to serve this development. It was stated on the previously issued zoning permit there would be no further permits issued until the improvements were installed. He said he had heard some dispute about this as to whether this was the fact or not. He checked at the Regional Office in State College and verified that the same permit pertains.

Mr. Richard Casatelli, who had received and recorded the deed, is an innocent third party; he could not determine by looking at the recorded Nittany Orchards Plan that it was not an approved Subdivision ready for development. There were no conditions set forth on the plan. Mr. Casatelli expressed a strong desire to go ahead with building his house despite the fact there was a faint possibility this development may not be completed.

All requirements of the Subdivision Ordinance should have been met before the plan was approved and Mr. Dean verified the Planning Commission had never listed conditions on plans that were in the Subdivision Ordinance except one - that there would be no lots sold until it was sewerred. It was stated Whitehill is not an established street as indicated on the plan but mostly weeds.

Attorney Lillian Raycroft discussed Whitehill Street and the right-of-way access across the railroad tracks. She indicated she had copies of correspondence covering action taken the last four years, starting in 1972, in trying to obtain the railroad right-of-way access.

She understands there are two problems existing: one, Whitehill Street and the railroad access right-of-way. The access is the holdup; two, placing into escrow sufficient funds to guarantee the placement of storm sewer and pavement. They have obtained an estimate of costs for this work for Phase I from Herbert R. Imbt.

Attorney Raycroft informed Council she had just been brought into the picture and they may need some more extensive follow-through on this but meanwhile they would like a guarantee that if they do follow through on all this, their efforts will not all be in vain. Also, meanwhile that Mr. Casatelli is going to have some grace granted to him to permit him to build.

Mr. Ziegler commented on several other railroad crossing accesses which had been obtained through Attorney Blasko. Attorney Raycroft said she had talked to him about this and has requested a letter from him stating what he had done and whether there was a probability of their obtaining the access right-of-way.

She made reference to the Minutes of Council Meeting held April 26, that on the Building Permit issued there would be no more permits issued until the road was in was not written on the copy of the Building Permit

which they had in their possession. It was very strongly explained to her that this statement was on the Zoning Permit which is issued from the Zoning Officer of the Township and also on the copy of the Zoning Permit which the Regional Office has in their possession. The Building Permit is not to be issued from the Regional Office in State College until the Zoning Permit is issued.

Attorney Raycroft discussed the right-of-way access for Whitehill Street which the developers had just purchased. Mr. Williams corrected the statement credited to him in the prior Minutes - that Whitehill Street had been set aside as a public right-of-way by Mr. Forrest Evey but never deeded to the Township. He also asked Attorney Raycroft if they had talked to Engineer Stan Hoy who had met with ConRail people the week of May 17. Mr. Shenk said Mr. Hoy had mentioned this to him. ConRail, in their meeting, at first denied the right-of-way but later said there was a possibility it could be given to the developers as a private right-of-way. They had also looked at the location where the railroad is abandoned which is a steep grade but decided that was not a good location for an alternate access. The main concern of the developers was getting another access to this development.

Attorney Raycroft requested approval conditioned upon; first of all, obtaining the access from the railroad, or if impossible, somewhere else; and secondly, putting up whatever sum is required into escrow; that they do have Council's approval if they do meet these two conditions and (1) they would ask approval subject to the two above conditions for Phase I and (2) that meanwhile, before they meet the contingencies for Phase I, that Council give Mr. Casatelli the right to build. If the developers never get proper access to his lot or never put up the proper security that would be the end of the subdivision.

Solicitor McCormick suggested a written agreement be recorded to prevent any further sale of lots until Whitehill Street is opened or proper access is obtained, and the escrow account for road construction is established. Also, to prevent Mr. Casatelli from coming back at a future time with a legal suit against the Township if he decides Perry Alley does not prove to be suitable as an access; that he recognizes what is happening and is willing to take all the bumps, etc. This also applies to Lot No. 2 which has not yet been sold.

An agreement is to be drawn up by Attorneys McCormick and Raycroft to be presented to Council for approval or disapproval. No action was taken until the next meeting of Council or a special meeting if necessary.

Mr. McCormick commented and complimented Council's actions that are being taken to dissolve this matter.

Mr. Frederick asked if he should do anything further about the escrow account which had been discussed. Council suggested that nothing be considered for the present time. The estimate submitted to the developers from H. R. Imbt Inc. was discussed. It was felt an amount to cover the road construction costs (approximately \$50,000) would be too high to put into an escrow account but that some financial performance guarantee should be submitted in compliance with the Subdivision Ordinance.

Tax Collector's Agreement with the School Board. As directed by Council at a previous meeting, the Chairman wrote a letter to Mr. Duane Doty, President of the State College Area School Board, requesting action on their part to appoint a tax collector. In response, Mr. Moyer, Business Administrator of the School District, called and a meeting was held between Mr. Williams and Mr. Frederick of College Township and Mr. Moyer and Dr. Babcock of the School District at which time an agreement was presented to Mr. Williams and Mr. Frederick to bring back to Council for approval. Mr. Williams gave a report

of the brief meeting.

Mr. Ziegler, Mr. Frederick, and Mr. Bailey attended the School Board meeting held on May 24 and gave a report on what had taken place.

Mr. Ziegler voted NO on the agreement submitted by the School Board. He stated he would go along with the agreement ^{similar to} that ~~was~~ made with the County. He felt the Board's agreement included too much "garbage". He felt it should be as clear and simple as possible.

Mr. Dean moved we retype the County Agreement with whatever adjustments need to be ~~made~~ on the School Board Rates, appointing Robert Frederick as Collector of the Earned Income Tax and the Occupational Assessment and to retain Paul D. Bender as Collector of the Occupational Privilege Tax under such terms and conditions as are deemed appropriate by the parties and the said Paul D. Bender. Mr. Trotter seconded this motion and it was unanimously carried. It was mentioned that more space is needed for signatures of Council Members on the agreement.

Mr. Trotter moved the meeting adjourn. Mr. Dean seconded this motion and was unanimously carried.

The meeting adjourned at 11:30 p.m.

Respectfully submitted,
Elwood G. Williams, Sr.
Secretary